CONGRESSIONAL RECORD:

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OF THE

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CONGRESSIONAL RECORD,

FIFTY-EIGHTH CONGRESS, SECOND SESSION.

according to the arithmetic of Mr. HILL, just 9,000 votes more popular than Mr. HILL is. [Laughter.] Of course, difference in population accounts for the difference in vote.

Now, let us see what the average vote is in the State of Connecticut. The average vote in 1902 for five Congressmen was 31,837 to the district, provided it is divided into five districts instead of four. In my district, out of a population of 197,370, there were cast in 1902, an off year, on one of the worst days for election that I ever saw in my life—almost raining frogs—33,361 votes, 1,524 more votes than the average vote cast in the State of Connecticut for a Representative in Congress.

Let us carry this analysis a little further.

In 1900 Missouri had a population of 3,106,665; Connecticut, 908,420. That year Missouri cast for President 683,656 votes; Connecticut, 180,140.

Under the census of 1900 and the apportionment thereunder Missouri has sixteen Representatives in Congress; Connecticut, five.

Under the present apportionment in the whole country the ratio for a Representative is 194,182. In the entire State of Missouri the ratio is 194,166. In the Ninth Missouri district, which I have the honor to represent, the population is 197,370.

In Connecticut the ratio is 181,684. In 1900 in Connecticut there was one vote cast for President for each 4.98 persons; in Missouri one vote for each 4.31 persons.

So that it required sixty-seven hundredths more of a person to cast one vote in Connecticut than in Missouri, the difference being due to the fact, no doubt, that in Connecticut the proportion of females to males is larger than in Missouri, due to the well-known fact that males migrate in greater numbers than females.

The vote of 1900 was the last full vote in either State. Stating the case as though Connecticut elected five Representatives to Congress that year instead of four, and that Missouri elected sixteen instead of fifteen, the average number of votes cast for a Representative in Connecticut would be 36,028, whereas the average number in Missouri would be 42,728.

This difference grows partially out of the fact that the ratio for a Representative in Missouri is very slightly below the ratio in the entire country, while in Connecticut it is considerably below the ratio for the whole country, Connecticut gaining somewhat in the matter of fractions. The question may be asked, and not unreasonably (as Mr. HILL declares they have self-government up there), why does not the legislature of Connecticut, which is Republican in both branches, redistrict the State? I will tell you why. Because they are afraid that the Democrats will carry two of those districts, perhaps three. That is exactly the reason for it.

They have self-government up there, have they? I will tell you what kind of self-government they have. The way the Republicans control the legislature in the State of Connecticut is that they have the same apportionment for legislative purposes substantially that they had when the Indians were driven out of the woods. The whole thing is based on the town or township system.

I was informed by quite a respectable constituent of Mr. HILL—and I am under great obligation to my brother HILL for giving me a fine recommendation when I went there to lecture—that there was a town up there near Bridgeport—a township or town, whatever they call it—that elects a State senator and two representatives to the Connecticut legislature, though it has only 28 votes in the whole township. [Laughter.] I think the number was 28—at any rate, it was very small. The representation is based on the town. Originally the towns were somewhat equal in population, but in the lapse of time some have gained in population and some have lost, which accounts for the disproportion.

That is the kind of self-government that they have in the State of Connecticut in order to keep it Republican.

Let us take another case. In nearly every State in the Union the man who receives a plurality of votes for a State office is elected; but up in Connecticut a man must get an absolute majority to be elected to a State office.

A few years ago the Democrats elected their candidate for governor by a clear plurality of all the votes. Their candidate, however, did not receive a majority. Then the matter went to the legislature, and that Republican legislature, although there was never any dispute that the Democrat had received a large plurality of all the votes, the legislature kept him out of office for all time to come.

Mr. HILL. The gentleman is fifty years behind the time. That has all been changed up there. A plurality elects in our State now.

Mr. CLARK. I am glad to hear it; but you have not changed that "rotten-borough" system of choosing the legislature.

Mr. HAY. I yield five minutes to the gentleman from Minnesota [Mr. LIND].

Mr. LIND. Mr. Chairman, I was very much disappointed that the gentleman from Connecticut, who just took his seat, did not tell us that when he reached England in addition to riding in parlor sleeping cars of American make he also dined on bread made from American flour; that he went to bed by an American candle; that he ate American bacon; that he spread American butter on his American bread, and likewise had an American beefsteak for his breakfast—all of which is true, is it not?

Mr. HILL of Connecticut. Oh, no; not at all. [Laughter.] I think the gentleman is working on a wrong basis, and has been all the afternoon.

Mr. LIND. Were you joking when you made your statement?

Mr. HILL of Connecticut. No; not at all. I came through what will be inside of fifty years the greatest agricultural country in the world.

Mr. LIND. What country do you mean?

Mr. HILL of Connecticut. Siberia.

Mr. LIND. I am speaking about England. [Laughter.] What I have stated was true when you reached England, was it not?

Mr. HILL of Connecticut. I was unable to distinguish exactly what sort of food I did eat in England. I took what came along.

Mr. LIND. But you believed it was American. Even the drinks, I presume, were in part American, because I think Kentucky has made some conquests over there. [Laughter.]

Now, I want to read what our Republican Secretary of Agriculture said in his last report. After giving all due credit to American industrial exports, because they are entitled to some credit, and we all rejoice to find that they are making progress, the Secretary continues:

> During the last fourteen years there was a balance of trade in favor of farm products, without excepting any year, that amounted to $4,806,000,000. Against this was an adverse balance of trade in products other than those of the farm, of $865,000,000, and the farmers not only canceled this immense obligation, but had enough left to place $3,940,000,000 to the credit of the nation when the books of international exchange were balanced.

[Loud applause.]

That is what makes me solicitous over the results if Mr. Chamberlain's policy should prevail, so that under their new fiscal system they would be in position to discriminate against our agricultural products. We can not deny them the right to do so if they choose. It is the American farm products that have contributed and maintained the balance of trade in our favor and made us strong financially; and I say that any scheme that threatens to close the doors to the continued demand abroad for American farm products is a menace, not only to our prosperity, but to our very comfort.

Mr. HILL of Connecticut. Will the gentleman pardon me a question? I ask him to say frankly whether he thinks it would be good policy for the American Congress now to revise the tariff on Democratic principles before it is determined what Mr. Chamberlain's policy is going to be?

Mr. LIND. I think it would be good policy for the American people to forestall Chamberlain's policy.

Mr. HILL of Connecticut. Do you think that anything we might do would affect his policy at all?

Mr. LIND. We can forestall that policy in either of two ways: First, by extending fair treatment to Canada (because Canada is of necessity the corner stone of Chamberlain's imperial policy) and keep her out of it. Secondly, we can say to England: "For half a century you have given us absolute freedom in your markets to the millions, yes, the billions, of agricultural products that we have produced. We appreciate that fact, and it is only fair that we should discriminate in favor of your industrial goods."

I would say that, rather than let Chamberlain exclude from their markets our farm products, we should give English industrial goods preferential rates in our market so long as England continues to admit our farm products free. Carry out the policy suggested in one of the sections of the Dingley law, which I have been told was designed to serve such a purpose. [Loud applause on the Democratic side.]

Mr. HAY. I yield the balance of my time to the gentleman from Indiana.

The CHAIRMAN. The gentleman has five minutes, and yields it to the gentleman from Indiana.

Mr. ROBINSON of Indiana. Mr. Chairman, I sought to interpolate a question when the gentleman from Connecticut [Mr. HILL] was speaking, but his time was not sufficient for him to address himself to the House on the subject that he was discussing, and I was unable to do so. I will present it now, and I am sorry the time can not permit an answer to it in the time that I now have, but the gentleman can do so in his own time. It is this:

Does the gentleman from Connecticut not know that the Dingley tariff schedules, which he glorifies so much, by reason of their

operation in sheltering trusts in this country, compel manufacturers of agricultural implements of Akron, Ohio, in the district of the distinguished gentleman from that State [Mr. DICK], and compels the shipyards and the shipbuilders in Maine, represented by the gentleman from that State [Mr. LITTLEFIELD]—does he not know that the tariff schedules, affording a shelter to trusts as they do, compel those people to go to London and across the sea to secure American steel, which they do, at a cheaper rate after paying cost of shipment than they can purchase that same American steel in the United States?

And if the gentleman does not know that, and as it is about the time of adjournment, and it will take a little time to inquire of those informed, I will refer him to the statements made by those two gentlemen upon this floor in the caucus of the Republican party within two years as reported by the reliable press of Washington, in which they warned their party to reduce the sacred tariff schedules covering these commodities. And does he not know that that applies not only to steel, but to general commodities manufactured and sheltered along these lines? [Applause on the Democratic side.]

Mr. HULL. Read.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1905:

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10760, the army appropriation bill, and had come to no resolution thereon.

BOARD OF REGENTS OF SMITHSONIAN INSTITUTION.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent that the Committee on the Library be discharged from the further consideration of Senate joint resolution 32, and that it now be considered by the House.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the following joint resolution, which will be read by its title, be now considered by the House, and the Committee on the Library discharged.

Mr. HAY. Reserving the right to object, I would like to know what it is.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (S. R. 32) to fill the vacancies in the Board of Regents of the Smithsonian Institution.

Resolved, etc., That the vacancies in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the reappointment of John B. Henderson and Alexander Graham Bell, residents of the city of Washington, whose terms of office expire on January 24, 1904.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

COMMITTEE ON FOREIGN AFFAIRS.

Mr. HITT. Mr. Speaker, I ask unanimous consent to have the resolution that I send to the Clerk's desk considered now.

The Clerk read as follows:

Resolved, That the Committee on Foreign Affairs be authorized to have printed and bound whatever papers and documents in connection with subjects under consideration by the committee may be necessary to the transaction of its business; also, that the committee be authorized to sit during the sessions of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 465. An act to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896;

S. 652. An act making Chester, Pa., a subport of entry;

S. R. 31. Joint resolution authorizing the erection and maintenance of a monument in memory of the late President Benjamin Harrison, upon land owned by the United States in the city of Indianapolis, State of Indiana; and

S. 1496. An act supplemental to the act of February 9, 1821, incorporating the Columbian College, in the District of Columbia, and the acts amendatory thereof.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution No. 37:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of New Meadows River, Maine, with a view to its improvement from the head of navigation to deep water in Casco Bay.

to the Committee on Rivers and Harbors.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (S. 2418) granting a pension to Marit Johnson was changed from the Committee on Invalid Pensions to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CROWLEY, indefinitely, on account of sickness in his family.

Mr. HULL. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *William*, Thomas Farnham, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James F. Rust, administrator of the estate of Isaac Rust, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for twine and tying devices for the postal service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Ordnance recommending an appropriation for blank cartridges for militia—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting detailed expenses of the Revenue-Cutter Service for the fiscal year ended June 30, 1903—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BURKE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10418) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect, reported the same with amendment, accompanied by a report (No. 443); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8878) to extend the provisions of the act of January 21, 1903, to the Osage Reservation, in Oklahoma Territory, reported the same with amendment, accompanied by a report (No. 444); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4866) prohibiting the selection of timber lands in lieu of lands in forest reserves, reported the same with amendment, accompanied by a report (No. 445); which said bill and report were referred to the House Calendar.

Mr. TAWNEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 9658) to provide for the withdrawal, free of duty under bond, for incorporated institutions established for religious, philosophical, educational, scientific, or literary purposes, of articles and materials exhibited at the Louisiana Purchase Exposition, reported the same with amendment, accompanied by a report (No. 446); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Foreign Affairs was discharged from the consideration of the resolution (H. Res. 150) requesting the Secretary of State to furnish the House a statement showing number of horses, carriages, and automobiles maintained at Government expense for officials of his Department; and the same was referred to the Committee on Expenditures in the State Department.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SPALDING: A bill (H. R. 10757) to erect a monument to Alexander Hamilton—to the Committee on the Library.

Also, a bill (H. R. 10758) to erect a monument to William McKinley—to the Committee on the Library.

By Mr. SHACKLEFORD: A bill (H. R. 10759) for the purchase of a national forest reserve along the Niangua River, to be known as the National Niangua Forest Reserve—to the Committee on Agriculture.

By Mr. ALLEN: A bill (H. R. 10760) to require the use of closed and heated street cars in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DIXON: A bill (H. R. 10761) to authorize the Secretary of War to accept from the citizens of Missoula, Mont., deeds donating to the United States certain lands for the enlargement of the military reservation of Fort Missoula, Mont.—to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 10762) to define and punish bribery in elections and political conventions—to the Committee on the Judiciary.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 10763) to increase the pensions of those who by reason of their services in the Army or Navy of the United States have lost the use of their limbs and require an attendant—to the Committee on Invalid Pensions.

By Mr. COCHRAN: A bill (H. R. 10764) to authorize the St. Joseph and Grand Island Railway Company, in the reconstruction of the bridge near St. Joseph, Mo., to lower said bridge and to shorten the draw spans thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. CURRIER: A bill (H. R. 10765) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. SLAYDEN: A bill (H. R. 10766) to consolidate the duties of certain staff departments of the Army, and for other purposes—to the Committee on Military Affairs.

By Mr. BOWERS: A bill (H. R. 10767) making an appropriation for dredging a channel from Ship Island Harbor to Gulfport, Miss.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10768) making an appropriation for dredging a channel across the bar at mouth of Jordan River where the stream empties into the Bay of St. Louis, in the State of Mississippi—to the Committee on Rivers and Harbors.

By Mr. CURRIER: A bill (H. R. 10769) to establish a court of patent appeals, and for other purposes—to the Committee on Patents.

By Mr. MARSH: A bill (H. R. 10770) for the erection of a public building at Macomb, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10771) for the erection of a public building at Moline, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. GROSVENOR: A bill (H. R. 10772) to increase the efficiency and safety of the mercantile marine of the United States by creating a commission to revise the laws relating to construction, installation, and inspection of marine boilers, to provide uniformity of inspection of marine boilers in the United States and insular possessions, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. KNAPP: A bill (H. R. 10773) providing for the erection of a keeper's dwelling at the Tibbetts Point light station, New York—to the Committee on Interstate and Foreign Commerce.

By Mr. DINSMORE: A bill (H. R. 10774) for the appointment of an additional judge in the Indian Territory—to the Committee on the Judiciary.

By Mr. STEENERSON: A bill (H. R. 10775) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota—to the Committee on Indian Affairs.

By Mr. AIKEN: A bill (H. R. 10776) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10855) to amend an act entitled "An act to increase the pensions of those who have lost limbs in the military or naval service of the United States," approved March 2, 1903—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10856) to amend the act of June 27, 1890, as amended by the act of May 9, 1900—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 10857) for the relief of farmers, merchants, and other dealers in leaf tobacco—to the Committee on Ways and Means.

By Mr. THAYER: A joint resolution (H. J. Res. 83) proposing an amendment to the Constitution of the United States of America to keep its land always nearly equally divided among all its people—to the Committee on the Judiciary.

By Mr. McCLEARY of Minnesota: A joint resolution (H. J. Res. 84) for the acceptance of a statue of Gen. Thaddeus Kosciuszko to be presented to the United States by the Polish-American citizens—to the Committee on the Library.

By Mr. HITCHCOCK: A resolution (H. Res. 160) requesting the Secretary of War to furnish information showing expenditures on flying machines—to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 10777) correcting the muster record of W. F. Barr—to the Committee on Military Affairs.

By Mr. BELL of California: A bill (H. R. 10778) granting an increase of pension to John Brady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10779) granting a pension to John Henry Obery—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 10780) granting an increase of pension to James M. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10781) granting an increase of pension to E. J. Robinson—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 10782) to pay Julias A. Kaiser $3,758.45—to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 10783) for the relief of William T. Grady—to the Committee on Military Affairs.

Also, a bill (H. R. 10784) for the relief of Charles Bergstrom—to the Committee on Military Affairs.

Also, a bill (H. R. 10785) for the relief of Hiram Lane—to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 10786) for the relief of the heirs of T. L. Scott, deceased—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 10787) granting an increase of pension to Henry S. Walls—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 10788) granting an increase of pension to Sarah A. Van Horn—to the Committee on Invalid Pensions.

By Mr. DAVIS of Florida: A bill (H. R. 10789) for the relief of George Weathersbee, of Florida—to the Committee on Claims.

By Mr. DEEMER: A bill (H. R. 10790) granting an increase of pension to John F. Rockey—to the Committee on Invalid Pensions.

By Mr. DENNY: A bill (H. R. 10791) for the relief of the legal representatives of John N. Gatewood, deceased—to the Committee on War Claims.

By Mr. DIXON: A bill (H. R. 10792) granting an increase of pension to Frederic Lockley—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 10793) granting a pension to George S. Loomis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10794) granting an increase of pension to Moses Hurlbut—to the Committee on Invalid Pensions.

By Mr. EMERICH (by request): A bill (H. R. 10795) authorizing and requesting the Secretary of State to demand of the Government of Spain an indemnity of $100,000 for and on behalf of August E. Gans, of Chicago, Cook County, Ill.—to the Committee on Foreign Affairs.

By Mr. ESCH: A bill (H. R. 10796) granting an increase of pension to Henry D. Stiehl—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 10797) referring the claim of the legal representatives of William T. Duvall, deceased, against the United States to the Court of Claims—to the Committee on Claims.

By Mr. JONES of Washington: A bill (H. R. 10798) granting a pension to James H. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10799) for the relief of Robert Frost, of Thurston County, State of Washington—to the Committee on War Claims.

By Mr. KETCHAM: A bill (H. R. 10800) granting an increase

of pension to George Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10801) granting an increase of pension to Albert S. Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10802) granting a pension to Rosalee Bushnell—to the Committee on Invalid Pensions.

By Mr. MAHONEY: A bill (H. R. 10803) granting a pension to Eleanor Gregory—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 10804) granting an increase of pension to Sarah Kearney—to the Committee on Pensions.

By Mr. MARSH: A bill (H. R. 10805) for the relief of Judd O. Hartzell, of Laharpe, Ill.—to the Committee on Claims.

By Mr. MOON of Pennsylvania: A bill (H. R. 10806) for the relief of the heirs of Dr. Samuel E. Hall, deceased—to the Committee on War Claims.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 10807) granting an increase of pension to George D. Fitch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10808) granting an increase of pension to Elizabeth F. Givin—to the Committee on Pensions.

Also, a bill (H. R. 10809) granting an increase of pension to Emma L. Jewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10810) granting a pension to Harriet Shroeter—to the Committee on Pensions.

Also, a bill (H. R. 10811) granting a pension to Charles Moyer—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 10812) granting an increase of pension to James S. Spaulding—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 10813) for the relief of John Scott—to the Committee on Claims.

By Mr. PIERCE: A bill (H. R. 10814) for the relief of H. H. Belew, of Gibson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10815) for the relief of the trustees of the Walnut Grove Church, of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 10816) for the relief of Mattie P. Barnard, Katharine Caldwell, and Harry M. Rhett, heirs of Harriett M. Barnard, deceased—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 10817) granting a pension to Alford Rogers—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 10818) for the relief of the trustees of the Baptist Church of Pine Bluff, Ark.—to the Committee on War Claims.

By Mr. SCUDDER: A bill (H. R. 10819) for the relief of the estate of William Wheeler Hubbell—to the Committee on Claims.

Also, a bill (H. R. 10820) granting an increase of pension to James G. Hendrickson—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 10821) granting a pension to Edward D. Lockwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10822) granting an increase of pension to Andrew Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10823) for the relief of Samuel P. Dresser, of Miller County, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 10824) granting an increase of pension to Capt. John B. Calhoun—to the Committee on Pensions.

By Mr. SHIRAS: A bill (H. R. 10825) granting an increase of pension to James M. Ayers—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 10826) to quitclaim all interest of the United States to certain tract of land lying in the District of Columbia and the State of Maryland to the heirs of John C. Rives, deceased—to the Committee on the District of Columbia.

By Mr. SMALL: A bill (H. R. 10827) for the relief of Sylvester Dibble—to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 10828) granting an increase of pension to John S. Honeywell—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: A bill (H. R. 10829) for the relief of W. B. Sutter—to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 10830) granting an increase of pension to Edward Starr—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 10831) authorizing the Secretary of War to issue an honorable discharge to John Mangan, Company F, First Regiment Maryland Volunteer Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 10832) for the relief of W. A. Bird, late of Harford County, State of Maryland—to the Committee on War Claims.

Also, a bill (H. R. 10833) granting an increase of pension to Robert N. Weller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10834) granting an increase of pension to Joshua Gill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10835) granting an increase of pension to Hugh E. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10836) granting a pension to Worthington Fringer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10837) granting an increase of pension to Elizabeth A. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10838) granting an increase of pension to John Parrish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10839) granting an increase of pension to John Conrad Dirschner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10840) granting an increase of pension to Peter B. Hoffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10841) granting an increase of pension to Elizabeth De Baugh—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 10842) granting an increase of pension to Cyrus R. Jaynes—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 10843) for the relief of S. S. Waters—to the Committee on War Claims.

By Mr. VOLSTEAD: A bill (H. R. 10844) granting an increase of pension to Patrick Handran—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 10845) granting an increase of pension to John C. Webb—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 10846) granting an increase of pension to Heinrich Erbstoeser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10847) granting an increase of pension to James O. Knowles—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 10848) granting a pension to Spencer Woods—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE: A bill (H. R. 10849) to remove the charge of desertion against Thomas Mahoney—to the Committee on Naval Affairs.

By Mr. HOPKINS: A bill (H. R. 10850) granting an increase of pension to Adaline L. Powers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10851) granting an increase of pension to Nancy Smallwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10852) granting an increase of pension to Peter Riffe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10853) granting an increase of pension to Tandy M. Layne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10854) granting an increase of pension to Edward W. Cassity—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of faculty of Michigan Agricultural College, relating to the preservation of the big trees of California—to the Committee on the Public Lands.

Also, papers to accompany bill to increase pension of Edward Sauer—to the Committee on Invalid Pensions.

Also, memorial of the Danville (Ill.) Retail Grocers' Association, protesting against legislation for the establishment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, resolution of W. A. Babcock Post, No. 416, Grand Army of the Republic, of Onarga, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of the Lowell (Mass.) Board of Trade, relating to increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: Papers to accompany bill H. R. 4874, granting a pension to Charles V. Billig—to the Committee on Invalid Pensions.

Also, resolution of Viola (Wis.) Post, No. 85, Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Resolution of Hartman Post, No. 149, Grand Army of the Republic, of Goldfield, Iowa, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Resolution of W. S. Heath Post, No. 14, Waterville, Me., and Stephen Davis Post, No. 11, Grand Army of the Republic, of Maine, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: Resolution of the Congressional Medal of Honor Association, of New York City, in favor of the passage of bills S. 972 and H. R. 6477, placing the names of those having received a medal of honor from Congress on the pension roll—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Paper to accompany bill for the relief of Hiram Lane—to the Committee on Military Affairs.

Also, papers to accompany bill for the relief of Charles Bengstrom—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petition of citizens of Genoa Junction, Walworth County, Wis., in favor of passage of McCumber and Hepburn-Dolliver bills—to the Committee on Alcoholic Liquor Traffic.

By Mr. DAVIDSON: Resolutions of Wisconsin National Guard, for an appropriation to equip the National Guard, for the free use of the mails for official purposes, for permanent camp at Camp Douglas, Wis., and for development of the artillery arm of the National Guard—to the Committee on Military Affairs.

By Mr. DRAPER: Resolution of the Manufacturers' Association of New York, against repeal of the national bankruptcy act—to the Committee on the Judiciary.

By Mr. ESCH: Petition of Janesville Council, No. 108, favoring the passage of bill H. R. 4489, to amend the bankruptcy act—to the Committee on the Judiciary.

Also, resolutions of Wisconsin National Guard Association, for permanent camp at Camp Douglas, Wis.; for free use of mails for official purposes; for development of artillery arm of the National Guard, and for an appropriation to equip the National Guard—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 5548, granting an increase of pension to Henry Carbino; resolutions of Eagle Post, No. 52, Grand Army of the Republic, of Eau Claire, Wis., in favor of a service-pension law; paper to accompany bill granting an increase of pension to Henry K. Stiehl—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolution of the Manufacturers' Association of New York, against repeal, but favoring amending the national bankruptcy act—to the Committee on the Judiciary.

By Mr. FULLER: Memorial of Medal of Honor Legion of New York, in favor of passage of bills (S. 972 and H. R. 6477) relating to service pension—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: Resolutions of Parker Grubb Post, No. 16, and J. C. Shinn Post, No. 6, Grand Army of the Republic, Department of New Jersey, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the Outdoor Art League, relating to the preservation of the big trees of California—to the Committee on Public Lands.

Also, petition of members of congregations of churches of Vineland, N. J., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GRAFF: Resolution of Illinois State Grange, urging legislation to regulate trusts—to the Committee on the Judiciary.

Also, resolution of Illinois State Grange, asking for legislation to open up foreign markets for agricultural products—to the Committee on Ways and Means.

Also, resolution of Illinois State Grange, favoring enlargement of the powers of the Interstate Commerce Commission and favoring stringent pure-food laws—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Illinois State Grange, favoring a deep waterway connecting the Mississippi River with the Great Lakes—to the Committee on Rivers and Harbors.

Also, resolutions of Illinois State Grange, favoring increase of salary for rural mail carriers and favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Illinois State Grange, favoring legislation regulating the use of shoddy—to the Committee on Ways and Means.

Also, resolutions of the Illinois State Grange, relative to improvement of public highways—to the Committee on Agriculture.

Also, resolutions of the Illinois State Grange, in opposition to ship-subsidy legislation—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Illinois State Grange, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Illinois State Grange, favoring the initiative and referendum—to the Committee on the Judiciary.

Also, resolutions of the Illinois State Grange, that railroad rates for carrying mails be revised to correspond with rates charged express companies—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Illinois State Grange, in favor of revising of fees and salaries of all Federal officeholders—to the Committee on the Judiciary.

By Mr. HAMILTON: Resolutions of Zach Chandler Post, No. 35, of South Haven; Thomas Manning Post, No. 57, of Marcellus, and Garfield Post, No. 30, of Coloma, Mich., Grand Army of the Republic, in favor of a service pension bill—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of the Society of Loyal Workers of the Advent Christian Church of Bristol, Conn., against the Army canteen—to the Committee on Alcoholic Liquor Traffic.

By Mr. HULL: Resolution of Frank Bently Post, No. 89, Grand Army of the Republic, Department of Iowa, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Papers to accompany bill granting a pension to Rosalee Bushnell—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to Albert S. Graham—to the Committee on Invalid Pensions.

By Mr. LANNING: Petition of the Village Improvement Association of Cranford, N. J., favoring the Hepburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Major C. A. Angel Post, No. 20, Grand Army of the Republic, Department of New Jersey, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Resolutions of George S. Cobb Post, Grand Army of the Republic, of Camden, Me., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. McMORRAN: Resolutions of Marine City Post, No. 432; Robert I. Wade Post, No. 417, and Arch Madison Post, No. 195, Grand Army of the Republic, Department of Michigan, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MARSH: Resolutions of Isaac McMannes Post, No. 446, of Ruthsburg; Post No. 492, of Andalusia; W. J. Wylie Post, No. 377, of Illinois City; R. H. Graham Post, No. 312, of Moline; Eugene Lyford Post, No. 600, of Port Byron; Nauvoo Post, No. 207, of Nauvoo, and Royal Douglas Post, No. 179, of Prairie City, Ill., Grand Army of the Republic, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of residents of Hampton, Ill., relative to the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, resolutions of A. C. Harding Post, No. 127, of Roseville; Viola Post, No. 440, of Viola; Alvah Paul Post, No. 133, of Terre Haute; Tobias Butler Post, No. 428; Alexander Simpson Post, No. 455, and Post No. 142, of La Harpe, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: Petition of William A. Holland and others, against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Merchants and Manufacturers' Association of Vincennes, Ind., relative to the improvement of the Wabash River—to the Committee on Rivers and Harbors.

Also, petition of G. M. Whitaker and others, of Evansville, Ind., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of citizens of Salinas, Cal., in favor of the Sunday closing of the Lewis and Clark Exposition—to the Committee on Industrial Arts and Expositions.

Also, resolution of the Chamber of Commerce of San Francisco, in favor of bill S. 2262, providing for the removal or destruction of derelicts at sea—to the Committee on Rivers and Harbors.

Also, resolution of the Chamber of Commerce of San Francisco, relating to the protection of the harbor of Hilo, Hawaii—to the Committee on Rivers and Harbors.

By Mr. OVERSTREET: Papers to accompany bill granting an increase of pension to James S. Spaulding—to the Committee on Invalid Pensions.

By Mr. PRINCE: Resolution of Galesburg Lodge, No. 24, Brotherhood of Railroad Trainmen, in favor of passage of bills H. R. 89 and 7041—to the Committee on the Judiciary.

By Mr. RAINEY: Resolution of Hesse Post, No. 203, Grand Army of the Republic, Winchester, Ill., in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: Petition of W. C. Honeywell and others, of Dewitt, Ark., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RYAN: Resolution of the Manufacturers' Association of New York, against repeal of the national bankruptcy act—to the Committee on the Judiciary.

By Mr. SPERRY: Resolution of the Cigar Makers' Union No. 39, of New Haven, Conn., favoring anticoupon bill—to the Committee on Ways and Means.

By Mr. SNOOK: Petition of Gordon Bros. & Co. and others, business men of Antwerp, Ohio, against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of North Carolina: Papers to accompany claim of S. S. Waters—to the Committee on War Claims.

By Mr. WACHTER: Resolution of Baltimore Chamber of Commerce, relative to treaties between United States and foreign countries—to the Committee on Foreign Affairs.

Also, petition of George Heinecke and others, of Govanstown, Md., and J. H. Roseman and others, of Baltimore, Md., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Board of Trade of Baltimore, relative to Senate bill 1261—to the Committee on the Judiciary.

Also, resolution of Wilson Post, No. 1, Grand Army of the Republic, Department of Maryland, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of R. E. Fuller and others, of Waterport, N. Y.; L. M. Haines and others, of Barre, N. Y.; E. A. Capen and others, of North Tonawanda, N. Y., and James Walcott and others, of Medina, N. Y., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WANGER: Petition of Thomas Callaghan and others, of Cheltenham, Pa., in favor of bill H. R. 62, providing for the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. WILLIAMS of Illinois: Resolutions of George W. Cain Post, No. 771, of Carriers Mills; Martin Baker Post, No. 245, of Jeffersonville, and W. W. Burnett Post, No. 527, of Eldorado, Ill., Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, petition to accompany bill for relief of Michael Fitzgerald—to the Committee on Military Affairs.

Also, resolutions of the city board of Grayville, Ill., for improvement of Wabash River—to the Committee on Rivers and Harbors.

SENATE.

FRIDAY, *January 22, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

SITES FOR PUBLIC BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of certain cases in which he has been unable to purchase suitable sites for public buildings within the amount appropriated; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOSEPH TAGG.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Joseph Tagg *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 32) to fill the vacancies in the Board of Regents of the Smithsonian Institution.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 465) to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896;

A bill (S. 652) making Chester, Pa., a subport of entry;

A bill (S. 1496) supplemental to the act of February 9, 1821, incorporating the Columbian College, in the District of Columbia, and the acts amendatory thereof; and

A joint resolution (S. R. 31) authorizing the erection and maintenance of a monument in memory of the late President Benjamin Harrison upon land owned by the United States in the city of Indianapolis, State of Indiana.

CREDENTIALS.

Mr. FORAKER presented the credentials of MARCUS A. HANNA, chosen by the legislature of the State of Ohio a Senator from that State for the term of six years beginning March 4, 1905; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. BURROWS presented petitions of A. Stewart Post, No. 259; of Saginaw Post, No. 38, and of Phil McKernan Post, No. 53, all of the Department of Michigan, Grand Army of the Republic, in the State of Michigan, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. PLATT of New York presented petitions of the congregation of the First Presbyterian Church of Pittsford, of the Woman's Christian Temperance Union of Wawarsing, and of the Woman's Educational and Industrial Union of Rochester, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Harry Lee Post, No. 21, of Brooklyn; of Henry Van Aernam Post, No. 232, of Ellicottsville; of Armstrong Post, No. 104, of Rhinebeck; of John M. Hutchinson Post, No. 243, of Pavilion; of Wilson Dean Post, No. 416, of Millport; of G. D. Bailey Post, No. 200, of Lowville; of Edward Hunting Post, No. 353, of Greenport: of Captain William A. Jackson Post, No. 301, of Middletown, and of H. H. Beecher Post, No. 582, of New York, all of the Department of New York, Grand Army of the Republic, in the State of New York, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. HOPKINS presented a petition of the National Association of Retail Druggists of Chicago, Ill., praying for the adoption of an amendment to the so-called pure-food bill as reported by the Committee on Manufactures of the Senate; which was referred to the Committee on Manufactures.

Mr. GORMAN presented a petition of the Woman's Home Missionary Society of the Methodist Episcopal Church of East Baltimore, Md., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. CULLOM presented a petition of Tri City Lodge, No. 617, Brotherhood of Railroad Trainmen, of Rock Island, Ill., and a petition of E. T. Jeffery Lodge, No. 412, Brotherhood of Railroad Trainmen, of Centralia, Ill., praying for the passage of the so-called anti-injunction bill; which were referred to the Committee on the Judiciary.

He also presented petitions of Tom White Post, No. 529, of Mount Zion; of Stephenson Post, No. 30, of Springfield; of Alexander Sympson Post, No. 455, of Carthage; of Lee W. Myers Post, No. 182, of Lincoln; of Post No. 734, of Rockwood; of Alexander Post, No. 89, of Flora; of Eph Scott Post, No. 464, of Mahomet, all of the Department of Illinois, Grand Army of the Republic; of William McKinley Regiment, No. 39, Union Veterans' Union, of Marion, all in the State of Illinois, and of Post No. 25, Department of Florida, Grand Army of the Republic, of Gainesville, Fla., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the congregation of the Presbyterian Church of Trenton; of the congregation of the Missionary Baptist Church of Hamilton County; of the congregation of the Methodist Episcopal Church of Champaign; of the congregation of the Galum Presbyterian Church, of Pinckneyville, of the congregation of the Presbyterian Church of Macomb; of the Woman's Foreign Missionary Society of Jacksonville; of the Woman's Club of Rochelle; of the Woman's Missionary Society of Ottawa; of the congregation of the First Presbyterian Church of Peoria; of the Woman's Christian Temperance Union of Swanwick; of the congregation of the First Presbyterian Church of Carthage, and of the congregation of the Presbyterian Church of Carrollton, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. COCKRELL presented a petition of George R. Smith Post, No. 53, Department of Missouri, Grand Army of the Republic, of Sedalia, Mo., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of F. A. Jones Post, No. 23, Department of Missouri, Grand Army of the Republic, of Macon, Mo., to accompany the bill (S. 1716) granting pensions to soldiers and sailors confined in so-called Confederate prisons; which was referred to the Committee on Pensions.

Mr. PATTERSON presented a petition of the Woman's Christian Temperance Union of Monument, Colo., and a petition of the Woman's Home Mission of Monument, Colo., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DUBOIS presented a petition of sundry citizens of Ada County, Idaho, praying for the enactment of legislation to protect prohibition States and districts against "original-package" tricks; which was referred to the Committee on the Judiciary.

Mr. BEVERIDGE presented a petition of the Anti-Saloon League of Crawfordsville, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Westville and Stilwell, Ind. T., praying that the laws governing railroad work in that Territory be so amended that railroad employees be allowed a day of rest and Sabbath observance; which was referred to the Committee on Territories.

He also presented a petition of the Ladies' Missionary Society

of Madison, Ind., and a petition of the congregation of the United Presbyterian Church of Leroy, Ind., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a memorial of the Retail Merchants' Association of Kendallville, Ind., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Ladies' Aid Society of Woodford and of sundry citizens of Webbers Falls and Afton, all in the Indian Territory, praying for the enactment of legislation providing for continued protection against the sale of intoxicating liquors, and also for separate statehood for that Territory; which were referred to the Committee on Territories.

Mr. GAMBLE presented the petitions of Bishop W. H. Hare, Hon. O. S. Gifford, Rev. Robert Doherty, Rev. H. K. Warren, Rev. B. G. Matson, and Maj. J. T. Coxhead, all in the State of South Dakota, praying for the enactment of legislation to recognize and promote the efficiency of army chaplains; which were ordered to lie on the table.

Mr. NELSON presented a memorial of District Council of Duluth and Superior, United Brotherhood of Carpenters and Joiners, of Duluth, Minn., remonstrating against the employment of soldiers in the place of civilian mechanics upon buildings at the Presidio, San Francisco, Cal.; which was referred to the Committee on Military Affairs.

Mr. DOLLIVER presented a petition of the congregations of the Methodist Church, the Congregational Church, and the Christian Church, all of Glenwood, in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of Hartman Post, No. 149, of Goldfield; of G. W. Guthrie Post, No. 252, of Woodward; of Robert Mitchell Post, No. 206, of Marion; of Marshall Post, No. 43, of Redfield; of F. S. Shuler Post, No. 166, of Brandon; of Stephen A. Hurlbut Post, No. 82, of Alta; of E. L. Sheldahl Post, No. 439, of Story City; of Sulley Post, No. 180, of Lake Mills; of Opedyke Post, No. 322, of Rockwell City, all of the Department of Iowa, Grand Army of the Republic, in the State of Iowa, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. ELKINS presented a memorial of the Fishermen's Protective Union of the Pacific Coast and Alaska, remonstrating against the reenactment of the law authorizing payment of allotment in the coastwise trade; which was referred to the Committee on Commerce.

Mr. FAIRBANKS presented a petition of the Commercial Club of Terre Haute, Ind., praying that an appropriation be made for the improvement of the Wabash River above Vincennes, Ind.; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Baltimore, Md., praying for the enactment of legislation to provide for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Association of the Blues and Grays of Fitzgerald, Ga., praying that an appropriation be made for the completion of a park at that place and for the erection therein of a monument to the memory of the late President William McKinley; which was referred to the Committee on Military Affairs.

TORPEDO BOATS AND TORPEDO-BOAT DESTROYERS.

Mr. HALE. I present a statement relative to the cost of torpedo boats and torpedo-boat destroyers, authorized by the act of May 4, 1888, in connection with the relief of the contractors therefor. I move that the statement be printed as a document and referred to the Committee on Naval Affairs to accompany the bill (S. 3537) for the relief of the Bath Iron Works and others.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2177) for the relief of Daniel H. Snyder; and

A bill (S. 2433) to amend the military record of John H. Skinner.

Mr. DUBOIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 3170) to quiet the titles of certain lands in the State of Mississippi, and for the relief of the estate of Eli Ayers, deceased, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7023) to amend an act to regulate the height of buildings in the District of Columbia;

A bill (H. R. 3584) to authorize the resubdivision of lots or blocks in the District of Columbia;

A bill (S. 3600) to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes; and

A bill (S. 3644) to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom was referred the bill (S. 2885) to transfer jurisdiction and control over reservation No. 32 in the city of Washington, D. C., reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (S. 580) to extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 582) to ratify an agreement with the Lower Brule band of the Sioux tribe of Indians in South Dakota, and making appropriation to carry the same into effect, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 228) for the relief of William H. Hugo, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 2302) to amend section 3 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1902, and for other purposes," reported it without amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (S. 2357) to correct the military record of Samuel F. Hall, reported it without amendment, and submitted a report thereon.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (S. 3658) ratifying an act of the legislative assembly of the Territory of Oklahoma, legalizing the waterworks-bond election held by the city of Geary, in said Territory, reported it with an amendment, and submitted a report thereon.

HEARINGS BEFORE COMMITTEE ON APPROPRIATIONS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ALLISON on the 20th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Appropriations be, and it is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee or its subcommittees in connection with appropriation bills, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

CLERK IN SENATE POST-OFFICE.

Mr. KEAN. I also reported day before yesterday a resolution from the Committee to Audit and Control the Contingent Expenses of the Senate, to which the Senator from Maine [Mr. HALE] objected at the time. I have since given him the data and he has withdrawn his objection. The resolution has already been read. I should like to call it up.

There being no objection, the resolution reported by Mr. KEAN on the 20th instant was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be authorized to employ one clerk in the Senate post-office at a compensation of $1,200 per annum, to be paid out of the contingent fund of the Senate until otherwise provided by law.

EMPLOYEES IN THE GOVERNMENT PRINTING OFFICE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the bill (S. 2665) to provide for the allowance and payment to the employees of the Government Printing Office of the same leave of absence as is allowed to the clerks and employees of the Executive Departments of the Government, to report it unanimously, with an amendment in the nature of a substitute, and to submit a written report thereon. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The proposed substitute will be read for information.

The SECRETARY. The amendment of the Committee on Printing is to strike out all after the enacting clause and to insert:

That from and after the date of the passage of this act the thirty days' annual leave of absence with pay in any one year to employees of the Government Printing Office authorized by the existing law shall be exclusive of Sundays and legal holidays: *Provided*, That the existing laws relating to the granting of annual leave with pay to clerks and employees in the Executive Departments shall apply to clerks and employees of the Government Printing Office who are paid annual or monthly salaries or compensation.

Mr. GALLINGER. Mr. President——

Mr. PLATT of New York. I ask that the accompanying letter from the Public Printer be read.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Pending that, I should like to hear the letter from the Public Printer, which the Senator from New York asks shall be read. I do not quite understand the bill.

The PRESIDENT pro tempore. The letter will be read.

The Secretary read as follows:

GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., January 19, 1904.

Hon. T. C. PLATT,
Chairman Committee on Printing,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, calling my attention to the bill (S. 2665, Fifty-eighth Congress, second session) providing for the allowance and payment to the employees of the Government Printing Office of the same leave of absence as is allowed the clerks and employees of the Executive Departments of the Government.

Replying to your request that I furnish the Committee on Printing with an expression of my views in respect to the feasibility of the enactment of this bill into law, stating about what cost would be entailed, I have to advise you that as the law is at present administered, under decisions of the Comptroller of the Treasury, the employees of this Office are allowed pay for not exceeding twenty-six days accrued in any one fiscal year. It is estimated that it will require $328,000 to pay the leaves accrued to June 30, 1903. Four additional days would add four twenty-sixths to this sum, or about $50,500.

In the event that the Committee on Printing shall agree that such legislation is desirable, I would suggest that the language of the proviso in section 4 of the legislative act of February 24, 1899 (30 Stat., 890), be followed. The additional law will then read, "That from and after the date of the passage of this act the thirty days' annual leave of absence with pay in any one year to employees of the Government Printing Office authorized by existing law shall be exclusive of Sundays and legal holidays."

It would facilitate the keeping of individual accounts in the office if a proviso should be added as follows:

"*Provided*, That the existing laws relating to the granting of annual leave with pay to clerks and employees in the Executive Departments shall apply to clerks and employees of the Government Printing Office who are paid annual or monthly salaries or compensation."

Respectfully, F. W. PALMER, *Public Printer.*

Mr. GALLINGER. I wish to ask the chairman of the Committee on Printing, Mr. President—possibly it is an unnecessary question—whether this bill carries any arrears of pay.

Mr. PLATT of New York. It does not.

Mr. GALLINGER. And it simply puts these employees on the same basis with the clerks and other employees in the several Departments?

Mr. PLATT of New York. Exactly.

Mr. GALLINGER. I see no objection to it.

Mr. CULLOM. I only want to say that I believe I myself introduced a bill for the exact purpose, as stated by the Senator from New Hampshire, to treat all the clerks and employees alike.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. MALLORY. I should like to ask——

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Is there objection to its consideration?

Mr. MALLORY. I should like to ask the Senator from New York a question for information. I notice that there is a distinction drawn between clerks and employees who draw an annual or monthly salary and those who do not. I should like to inquire if the Senator can inform us what proportion of the employees are paid by the day or week.

Mr. PLATT of New York. I do not know what the proportion is, but I know that this bill will increase the appropriation $50,000.

Mr. HALE. Let me ask the Senator one other question. Is there any provision, any positive provision, in the bill that it shall not be construed as authorizing or admitting any claim for arrears of pay?

Mr. PLATT of New York. I do not think there is any such provision in the bill, but I will accept that amendment.

Mr. HALE. After the bill has been read, I will prepare an amendment which will cover that point.

The PRESIDENT pro tempore. The bill has been read. The question before the Senate now is whether it shall be considered.

Mr. HALE. Let it be read again.

Mr. TILLMAN. As I did not hear it read, before I give my consent for its consideration I should like to know what it is.

The PRESIDENT pro tempore. The amendment proposed by the Committee on Printing, striking out all after the enacting clause, will be again read.

The Secretary again read the proposed substitute.

Mr. ALLISON. Is that all there is of the bill?

The PRESIDENT pro tempore. That is all there is to it.

Mr. ALLISON. It is proposed to strike out the text of the bill and insert the provision which has been read?

Mr. PLATT of New York. That is right.

The PRESIDENT pro tempore. What has been read is a substitute for the bill as originally introduced.

Mr. ALLISON. These matters of leaves of absence and pay are usually disposed of in appropriation bills. I think it will turn out that if this provision is made applicable to the Government Printing Office it will also later on be applied to a great many people who are not included now.

Mr. TELLER. Mr. President, it is quite impossible for anyone to understand what the effect of the bill will be. I understand that it has just come from the committee. If there is an opportunity to object to it, I want to object.

The PRESIDENT pro tempore. There is. Objection is made.

Mr. TELLER. I wish to say that I do not know that I am opposed to the bill, but I do not know what the bill is, and I can not satisfy myself by the hasty reading at the desk.

The PRESIDENT pro tempore. The bill goes to the Calendar.

Mr. HALE. Before it goes to the Calendar, I will offer the amendment, that it may be printed and go with the bill.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to add at the end of the proposed substitute the following proviso:

Provided, That nothing in this act shall be construed as authorizing or admitting any claim for arrears of pay or compensation.

The PRESIDENT pro tempore. The amendment will be printed, and it will be regarded as pending.

Mr. HALE. As pending.

MISBRANDED SALMON FISH.

Mr. FULTON. I am directed by the Committee on Fisheries, to whom was referred the bill (S. 220) prohibiting the introduction into any State or Territory or the District of Columbia, from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, any misbranded salmon fish prepared or intended for use as an article of food, to report it with amendments and to submit a written report. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill.

Mr. PLATT of Connecticut. I should like to make an inquiry of the Senator from Oregon. It is hard to catch the full effect of the bill in its reading. Does this proposed penalty for shipping misbranded fish apply to people who have bought the fish in market, who have no means of knowing whether they are misbranded?

Mr. FULTON. Mr. President, it does not apply to them. It only applies to persons who buy fish for the purpose of misbranding or knowing them to be misbranded.

I will state briefly the effect of the bill. It does not require the article or package to be labeled, but if it is labeled it requires that it should be labeled truthfully. It applies to only one article, and that is salmon fish, and prohibits mislabeling or misbranding as to the locality where the fish are taken, the season of the year when taken, or the species of the fish.

The practice has grown up on the Pacific coast of labeling all salmon as being the very best fish in the Columbia River. For instance, the Columbia River chinook salmon are supposed to be the very best salmon, and probably the Puget Sound sock-eye are the next. Very inferior fish are taken in other waters, but they are seldom ever labeled other than Columbia River chinook salmon or Puget Sound sock-eye salmon. The object of the bill is to require them to label the fish exactly what they are and the season of the year in which they are taken, because a fish taken in the springtime is far superior to one taken in the fall. So it should be labeled spring or fall. that is, if labeled at all.

Mr. TELLER. Mr. President——

Mr. PLATT of Connecticut. Will the Senator yield to me?

Mr. TELLER. I want to object to the consideration of the bill.

Mr. PLATT of Connecticut. Before the Senator objects——

The PRESIDENT pro tempore. Objection being made——

Mr. TELLER. I will waive the objection, in order to give the Senator from Connecticut an opportunity to make a remark.

Mr. PLATT of Connecticut. The bill appears to apply to everybody who may in the usual course of business buy canned salmon which may have been misbranded. I think the bill ought to go over, that we may have an opportunity to look at it.

The PRESIDENT pro tempore. The consideration of the bill is objected to.

Mr. TELLER. I object to it.

The PRESIDENT pro tempore. The bill goes to the Calendar.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 3712) for the extension of Wyoming avenue to Twenty-third street west, and for the extension of Kalorama avenue westward to Prescott place; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3713) for the relief of Richard Parrish; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3714) for the relief of the heirs of A. J. Hickman; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 3715) for the relief of Merril Denham; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3716) to carry out the findings of the Court of Claims in the case of Sidney R. Smith & Co.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3717) granting a pension to Rupert S. Rives; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 3718) to quitclaim all the interest of the United States of America in and to all lands lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3719) for the relief of Richard R. Conner; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 3720) to authorize the St. Joseph and Grand Island Railway Company, in the reconstruction of the bridge across the Missouri River at or near St. Joseph, Mo., to lower said bridge and to shorten the draw spans thereof; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3721) for the purchase of a bronze portrait statue of George Washington; which was read twice by its title, and referred to the Committee on the Library.

Mr. ALLEE introduced a bill (S. 3722) granting a pension to John W. Victor; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3723) for the relief of William Donnelly and Patrick Egan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3724) to place John S. Appleton on the retired list of the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FOSTER of Washington introduced a bill (S. 3725) to establish a light-house and fog-signal station at the entrance to Bellingham Bay, State of Washington; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McCUMBER (by request) introduced a bill (S. 3726) to carry into effect the findings of the Court of Claims in the (Congressional Case No. 23193) case of the Washington Loan and Trust Company, legal representative of the estate of Aaron Van Camp, deceased, and Mary M. U. Chapin and Rua P. Chapin, legal representatives of the estate of Virginius P. Chapin, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 3727) granting an increase of pension to Eli Headley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3728) to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane and destitute persons in the district of Alaska, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. ELKINS introduced a bill (S. 3729) to relieve Eli Shuman from the charge of desertion; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3730) for the relief of T. J. Coagar; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3731) granting an increase of pension to Arthur F. McNally; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 3732) to restore to the active list of the Navy the name of Homer Lycurgus Law; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3733) granting a pension to Ellen S. Pickering (with an accompanying paper);

A bill (S. 3734) granting an increase of pension to Martha W. Cushing; and

A bill (S. 3735) granting an increase of pension to Susie G. Seabury.

Mr. PLATT of New York introduced a bill (S. 3736) for the relief of certain enlisted men in the Twentieth Regiment of New York Volunteer Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut introduced a bill (S. 3737) to authorize the President to appoint Capt. Edward O. C. Ord to the grade of major in the United States Army and place him on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (for Mr. HAWLEY) introduced a bill (S. 3738) granting an increase of pension to Linus S. Ludington; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY (by request) introduced a bill (S. 3739) for the relief of the heirs of Charles M. Strader, James Thompson, and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 3740) granting a pension to Mary A. Newberry; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3741) granting a pension to Mattie J. Phillips; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 3742) granting an increase of pension to Juliet C. Bainbridge-Hoff; which was read twice by its title.

Mr. HALE. I present a memorandum of the service in this case, which I move be printed, and referred with the bill to the Committee on Pensions.

The motion was agreed to.

Mr. CLAY introduced a bill (S. 3743) granting a pension to Julia F. Stewart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 3744) granting a pension to Maria Elizabeth Horner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3745) for the relief of the Presbyterian Church of Lovettsville, Va. (with an accompanying paper);

A bill (S. 3746) for the relief of Salem Baptist Church, of Clarke County, Va.;

A bill (S. 3747) for the relief of the legal representatives of the estate of John Heater, deceased; and

A bill (S. 3748) for the relief of the Mount Zion Church of United Brethren, of Frederick County, Va. (with an accompanying paper).

Mr. FRYE introduced a bill (S. 3749) granting an increase of pension to Milton W. Burnham; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3750) granting a pension to Daniel G. Webber; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 3751) for the relief of James C. Bacon; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3752) for the relief of the heirs of James W. Wilkins; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALDRICH submitted an amendment proposing to appropriate $152.13 to pay the salary due Franklin Moses, as register of the land office at St. Michael, Alaska, from May 31 to July 7, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,500 for consul at Colonia, Uruguay, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to increase the salary of the Assistant Secretary of the Department of the Interior from $4,000 to $5,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

RECESS APPOINTMENTS.

Mr. TILLMAN. Mr. President, in pursuance of the notice I gave yesterday, I ask leave to call up Senate resolution No. 51, in order that I may——

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent that the resolution indicated by him may be brought before the Senate for consideration. It is one that has been lying on the table.

Mr. TILLMAN. I wish to make some remarks on it before

asking whether the Senate will pass it or not or seeing what they will do with it.

The PRESIDENT pro tempore. Does not the Senator desire to have the resolution read?

Mr. TILLMAN. Yes, sir; I want to have it read.

The PRESIDENT pro tempore. Is there objection to the resolution being taken from the table now for consideration?

Mr. ALDRICH. There is no objection to its being taken up for discussion.

Mr. TILLMAN. That is all I want.

The PRESIDENT pro tempore. The resolution is before the Senate. The Secretary will read the resolution.

The Secretary read the resolution submitted by Mr. TILLMAN December 11, 1903, as follows:

Whereas Article II, section 2, of the Constitution of the United States provides:

"The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint * * * all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law."

And further:

"The President shall have power to fill up all vacancies which may happen during the recess of the Senate by granting commissions, which shall expire at the end of the session;" and

Whereas it is known that certain officers appointed during the recess of Congress from March 4 last to November 9, and whose appointments were not confirmed by the Senate, are now in possession of and exercising the powers and functions of said offices: Be it

Resolved, That the Judiciary Committee of the Senate be, and it is hereby, authorized and instructed to report to the Senate:

First. What constitutes a "recess of the Senate," and what are the powers and limitations of the Executive in making appointments in such cases.

Second. What legislation is necessary to prevent the holding of an office by any person or persons whose commissions issue or are held by Executive exercise of unlawful authority, if any there be.

Mr. TILLMAN. Mr. President, there has been considerable confusion. Most Senators are familiar with these two quotations from the Constitution anyway, but I notice that in the print there are two mistakes. I should like to have those corrected and to have a reprint of the resolution ordered, even if the Senate puts it in the wastebasket.

The PRESIDENT pro tempore. If the Senator will call the attention of the clerks to the mistakes they will make the corrections he desires.

Mr. TILLMAN. The resolution is not lined, but in the second paragraph the word "which," in the second line, should be "that;" and at the end of the third line the phrase "at the end of the session" should read "at the end of their next session." The Constitution is quoted wrongly.

The PRESIDENT pro tempore. Those corrections will be made.

Mr. TILLMAN. Mr. President, I trust Senators will not consider that this is an academic proposition or a moot question which I have submitted here; and I would beg, if possible, that no one shall inject into it any partisan feeling or any suspicion that I am actuated by partisan feeling. To quote the language of the Senator from Connecticut [Mr. PLATT] yesterday evening, he did me the honor to say that I am an adroit debater and sometimes change the point of attack. I want to say that this is not a new attack on the Executive, who has been under fire for some time. In other words, I wish to impress Senators with the fact that in bringing this subject to the attention of this body I am actuated solely by a desire that we shall not, by negligence or seeming acquiescence, establish a precedent in the construction of the Constitution and the interpretation of it by the President, which will be of immense danger and harm in the future.

Now, why did I introduce this resolution? I simply want to find out what the Senate itself thinks of the new doctrine of a constructive recess. We have been passing along the road of our national life for one hundred and twenty-odd years, and never before has any President, or Vice-President who succeeded to the office, undertaken to claim that this clause of the Constitution is not perfectly plain and, to an honest mind, unmistakable in its meaning. Let me read it:

The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Language can not be made plainer. Nobody in the past has had any doubt about the meaning of these words, but it has remained for our present Executive, under that excess of knowledge which has been given to him alone, apparently, or that insight into constitutional law which enables him to see farther than other people, to claim or assert a right and exercise the power of making appointments between 12 o'clock and 12 o'clock of the same day.

In other words, there is at least one officer holding an important position, and I think a good many others, though I have not taken the trouble to verify my information, who hold commissions to-day which are said to have been given in the recess of the Senate, who, under those commissions, are exercising the powers and functions of their offices, and who are receiving or will receive compensation for their work.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. I do.

Mr. HALE. I did not know, Mr. President, that the President of the United States had in any way by any act of his committed himself to the proposition that when the extra session called by him closed at 12 o'clock on December 7, 1903, and immediately the regular session began there was a constructive recess between them. I have not learned, and have yet to learn, that the President has committed himself to that proposition. Appointments afterwards were made where the commissions had expired. But I had supposed the whole question whether or not if anybody—not the President, but if any officer appointed afterwards—whose nomination was sent to the Senate and confirmed claims that he has the same right, the same salary that he would have if there had been an actual recess, that the Comptroller would settle that.

I have never doubted, Mr. President, that the Comptroller would make short work of this question. The Constitution does not deal in tricks and surprises. The recess contemplated in it is an actual recess, a recess that may be used properly in the administration of the Government when there is time, and should be, in order that a new appointment be made.

I never took any stock in the theory that there was a constructive recess between 12 o'clock and 12 o'clock, and I do not know, but I doubt, whether many or any Senators have taken that ground. Therefore I say that I am rather surprised that the Senator from South Carolina states that the President of the United States has committed himself to that proposition. I did not so understand, and I hope that he has not.

Mr. TILLMAN. I am making a statement of facts.

Mr. BEVERIDGE. Will the Senator state just what the President has done?

Mr. TILLMAN. Well, my dear sir, will you not let me proceed in my own way?

Mr. BEVERIDGE. If the Senator does not want to answer the question, very well.

Mr. TILLMAN. I expect to answer any proper question presented in the proper way, and in my own way.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. TILLMAN. With pleasure.

Mr. BEVERIDGE. I certainly owe the Senator from South Carolina an apology for asking him a question from my seat. I should have risen and asked him the question. I merely asked him to give us information as to just what the President had done of which he complained. But, further, I will say to the Senator that I have merely asked the question for the purpose of getting information. I do not know what information the Senator possesses to vindicate his comments in this case.

Mr. TILLMAN. The Senator has now complied with the requirements which are sometimes observed here when the Senator from Alabama [Mr. PETTUS] is in the chair; and I was not protected, as he usually does protect the Senator who has the floor, by the present occupant of the chair [Mr. FRYE], who is always lenient and kindly in dealing with all Senators, including me, who am—well, a chronic breaker of the rules, not intentionally, but through ignorance or from lack of aptitude to learn them, or something of that sort.

I want to answer the Senator's question; I want to answer frankly, and I want to answer without any tinge of resentment or any indication whatever that I have any feeling in the matter, for I have none.

I was interrupted in my answer to the Senator from Maine [Mr. HALE]. I am sorry that I have mislaid for the moment a letter which I received in reply to an inquiry I addressed to the Secretary of the Treasury, in which the matter is put in official form. I will either get the original, which I am having looked up, or I will send to the honorable Secretary of the Treasury and ask for a copy. But, as I recall the facts, they are these: I directed an inquiry to Mr. Shaw as to when or on what date a commission was issued to William H. Crum as collector at Charleston. He had been appointed, I believe, four or five times, but he had never been confirmed.

I asked Mr. Shaw to tell me whether Mr. Crum was now holding office, and, if so, under what authority. In answer to that, he replied, giving the date when Mr. Crum received his recess commission, and then went on to state that he was now in office and the authority for it was that precisely at 12 o'clock on the 7th of December a new appointment was made and a new commission issued under it. So we have one of the Cabinet officers—and undoubtedly under the instruction or by the authority of the President—taking the position that such a thing as a constructive

recess between the adjournment of a session of Congress and the convening of a session, even though there be no time intervening, is one of the things which we have come to have in our governmental affairs.

Now, so far as Mr. Crum is concerned, it may be considered by Senators that I am interested in the matter because of his connection with it. That is not the case. I am interested in it because of the fact that the Constitution of the United States does not recognize, according to my interpretation of it, any such thing; and the presence in the office of collector of customs at the port of Charleston of this man, under a commission issued by the President of the United States, exercising its functions and performing its duties, and who in time is to claim its emoluments, is a direct violation of the Constitution itself and of the law also.

That is my contention and that is my idea. I would contend for the rights of Congress and of the Senate just as quickly and as promptly and as zealously if my State was not interested as I do now. I simply want this body to take cognizance of a new interpretation of the organic law of the land and to decide what it will do to protect its ancient rights. That is all.

In examining into the status of this question to see what had been the habit and custom heretofore, and whether such a thing as this had ever been attempted, I came on some very, very interesting history. I found that before the expiration of the Thirty-ninth Congress, by an act of Congress approved January 22, 1867, Congress itself enacted a law which changed the time of the meeting of the following Congress from the first Monday in December to March 4; in other words, the expiring Congress called its successor by law to meet the moment that it itself died.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. TILLMAN. I do with pleasure, always.

Mr. SPOONER. The Senator contends that there was no recess, then, as I understand him?

Mr. TILLMAN. When the President pro tempore arose in his seat and announced that the time for the assembling, as I recall his words, of the first regular session of the Fifty-eighth Congress had arrived, he said: "I declare the extra session adjourned sine die. The Senate will come to order." If any man who claims to have any common sense can stand up and undertake to say that there can be any recess under those conditions I do not understand the meaning of the word "recess."

Mr. SPOONER rose.

Mr. TILLMAN. I do not know what the Senator is going to contend, of course, but if he should now, contrary to all of my anticipations and expectations and my most valuable admiration for him, destroy it all, why, of course, I shall have to take whatever comes. [Laughter.]

Mr. SPOONER. Of course, Mr. President, it is not for the Senator to say how valuable his admiration for me is. It is for me to say that. [Laughter.]

Mr. TILLMAN. No, it is for me to give my estimation of it, my friend. I do not give my admiration without it is deserved first; therefore it is valuable.

Mr. SPOONER. And that is why I value it. [Laughter.]

Mr. TILLMAN. Thank you.

Mr. SPOONER. I do not intend to disappoint the Senator from South Carolina in anything I may say. I do not intend to give approval to the notion that there can be a constructive recess.

Mr. TILLMAN. I know that you can not. But I will sit down until the Senator gets through.

Mr. SPOONER. The Senator once in a while is an accurate prophet. The law takes no account of the fraction of a day and the Constitution takes no account of the fraction of a minute; but the point to which I desire to attract the attention of the Senator for only a moment, and not by way of argument, is this: He contends that the President had appointed this officer in an actual recess.

Mr. TILLMAN. I did not contend it. I only stated that the Secretary of the Treasury had informed me of the facts.

Mr. SPOONER. But when we adjourned at the last regular session—I mean the session ending in March—there of course was a vacancy.

Mr. TILLMAN. Yes.

Mr. SPOONER. The officer not having been confirmed he was recommissioned; and that was lawful.

Mr. TILLMAN. He was reappointed and commissioned.

Mr. SPOONER. He was reappointed and commissioned.

Mr. TILLMAN. And that was lawful.

Mr. SPOONER. That was lawful. Now, here is what troubles me: His name was sent in again for confirmation, was it not, when Congress met in extra session in November?

Mr. TILLMAN. Yes; for confirmation as a recess appointment.

Mr. SPOONER. For confirmation?

Mr. TILLMAN. Yes.

Mr. SPOONER. Now, if there has been no recess since that time, there has been a continuous session, and would he not hold until the adjournment of this session? If that be not true, then is this difficulty not presented, that where one session runs into another, with no moment of time intervening, the office would be vacant on the Senator's theory? Does not the way the Senate is constituted prevent that?

Mr. TILLMAN. Does the Senator make that point?

Mr. SPOONER. Yes.

Mr. TILLMAN. It is the finest one I have ever heard my friend make, but it will not go. [Laughter.]

Mr. HALE. Let me ask a question.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. With pleasure.

Mr. HALE. I want to put before you the whole scope of the suggestion.

Mr. SPOONER. I am not justifying a new commission.

Mr. HALE. That is the point I was coming to. The actual result of that would be that if there were no recess, no interposition of a recess, and the Congress continues straight along, the old appointment would hold good.

Mr. SPOONER. That is what I say.

Mr. HALE. But the old commission, received in an undoubted recess, which was lawful, would run over and still live. That would be the Senator's idea?

Mr. SPOONER. And that office would be vacant after the adjournment of this session.

Mr. HALE. That would not justify a new appointment.

Mr. SPOONER. No; and that is the only question.

Mr. TILLMAN. That is the sharpest legal point or quibble I have ever known the Senator to raise here, but he himself, if he will just dismiss the idea that I am attacking his party or his President and will discuss this question and analyze it as a lawyer——

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. TILLMAN. I do not impugn the Senator's loyalty to his convictions, but I hope he will not get up and defend himself until I attack him. I relied on him a moment ago and he did not disappoint me, and I am going to rely on him again, but I want to elucidate my position a little before he proceeds. [Laughter.]

Let us look at the language of the Constitution itself. It declares that—

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Not during the recess. Now, the fact that we never did adjourn the extraordinary session, the fact that the two sessions merged, can not by any legal quibble be distorted into the contention or the acknowledgment that the two sessions created a recess, or that because the two sessions did not separate, except for a moment of time while the Chair announced the death of one and the beginning of the other, therefore there was no end of the other session.

Mr. SPOONER. I agree——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. TILLMAN. Yes, sir.

Mr. SPOONER. Mr. President, I agree with the Senator from South Carolina upon the question of a constructive recess. I only presented to him what presented itself to me as a matter of the practical consequence—I do not undertake to solve it—of the situation. I do not pretend to say what the law is about it, although I do say it would seem to be clear that where the nomination of a person who had been appointed in actual recess, and whose nomination had been sent to the Senate at an extra session, and he was in possession of the office under the recess appointment, he would continue in possession of the office until the adjournment of the Senate without his confirmation. If where the sessions run into each other he is not to continue to hold, then the office is without an occupant. There is nothing technical about it. I am not controverting the position of the Senator.

Mr. TILLMAN. If the Senator is endeavoring to help me throw light on this question, I will give him the credit of that until I discover that he has got a cat in the meal tub somewhere.

Mr. SPOONER. I do not keep cats. [Laughter.]

Mr. TILLMAN. The Senator will excuse my homely comparison, but the Senator is so sudden and so resourceful, he is so keen and shrewd and alert and adroit, and all that kind of thing, that I sometimes fear him even when he brings me gifts. [Laughter.]

Mr. SPOONER. The Senator does me injustice.

Mr. TILLMAN. Then I apologize and take it all back. I be-

lieve that we are all honest and that the Senator agrees with me. Now go on.

Mr. SPOONER. I want to call the attention of the Senator from South Carolina—and the Senator from Virginia [Mr. DANIEL] sees the point that troubles me about this——

Mr. TILLMAN. Will the Senator let me cut the Gordian knot? I can do it in a second.

Mr. SPOONER. One moment. I want to call the attention of the Senator to the fact that there is a distinction between the Senate and the House of Representatives.

Mr. TILLMAN. That the Senate never dies. I know that.

Mr. SPOONER. That is right. The Senate is a continuing body.

Mr. TILLMAN. But a commission does die.

Mr. SPOONER. But I am not talking about a commission. My question is whether a man, having been commissioned in an actual recess, having taken possession of an office and being in the discharge of its duties—this being a continuing body—whether, where two sessions of the Senate run into each other, there being no interregnum, he does not of necessity and to safeguard the public interest, as intended by the constitutional provision, continue to discharge the duties of the office until the end of the session?

Mr. HALE. Under his old commission?

Mr. SPOONER. Certainly.

Mr. DANIEL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Virginia?

Mr. TILLMAN. In a moment, Mr. President, I shall be glad to have all the light I can get from any quarter, because I have a great deal of it here that I am going to give you gentlemen before I get through. I have got some startling stuff here for you. [Laughter.] Now I yield to the Senator from Virginia.

Mr. DANIEL. I thank the Senator from South Carolina.

In the case referred to would not the trouble have been obviated if the next morning the President had sent a new appointment to this body and let the former appointment drop at the end of the extraordinary session?

Mr. TILLMAN. Mr. President——

Mr. DANIEL. Just let me state my point. If the last commission had expired with the last moment of the extra session, could not the President have sent in a new nomination to the new Senate just as easily as to have interpreted a recess and made the appointment in that so-called recess?

Mr. TILLMAN. Let me show you how far wrong all you lawyers are. [Laughter.] Who held the office and who performed its duties prior to the issuing of this commission? I found this vacancy had existed more than a year. This Crum matter has become one of the causes célèbres of this country. It has involved in it that miserable race question, which is to plague us for a million years, it appears. Crum was appointed and reappointed, but never in a recess, until we adjourned last March; yet the Government went on and the duties at Charleston were collected. There was a man there, the deputy collector, who performed the duties of the office, and who was ready to step back and take the place of his chief as soon as the Senate refused to confirm him. That contention about a vacancy will not do.

Mr. SPOONER. Mr. President——

Mr. TILLMAN. But the office was vacant.

Mr. SPOONER. I was not making the suggestion with reference to Crum.

Mr. TILLMAN. That will answer.

Mr. SPOONER. It does not answer.

Mr. TILLMAN. It answers as an illustration of the point the Senator is contending for.

Mr. SPOONER. No; it does not. I do not say what I am contending for; but suppose during a time of war the question involved the man who should be at the head of the Army, directing the affairs and operations of the Army in defense of the country, what then?

Mr. TILLMAN. Let me answer that. There are always certain officers to hold over until their successors are "appointed and qualify." No general in command of an army will ever give up his position and go off and leave it without a head until his successor has been appointed, has presented himself to take command, and is able to state, "By order of the President, I am to succeed you." So that case will not do; it is absolutely too far-fetched, and the Senator will have to try again.

I want Senators who may be in doubt, as perhaps some of them are honestly in doubt, not to forget the words of the Constitution itself:

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

The Constitution says the appointment can only be made in the recess, but if the Senate has had the opportunity to pass upon it and has failed to do so the man goes out. You can not successfully dispute the lawfulness and justice of my contention.

This is a session of the Senate. Why, look at your own acts here. Look at your CONGRESSIONAL RECORD, which shows that the first session of the Fifty-eighth Congress adjourned, disappeared, went into history, on the 7th of December, and a new session, the second session, began. You are contending against all the precedents from the foundation of the Government until this time.

But let me go back to my record. I read a moment ago the act of Congress approved January 22, 1867, at the time when the meeting of Congress was changed from the first Monday in December to March 4. Why? An examination into the history of those times will show you that the then sitting Congress felt unwilling to adjourn on the 4th day of March, and leave this Government in the hands of Andrew Johnson between March and December, with no lawful authority in itself to convene. The debates all prove it.

The next Congress met on March 4, the day on which it was called together by law, and on March 30 adjourned until July 3. They would not adjourn until the December date, but they went to July, feeling that they had sufficiently handcuffed the President or had terrorized him or hedged him about so that he could accomplish nothing detrimental between March and July.

They met on July 3 and remained in session until July 20, when they adjourned, or, rather, took a recess to November 21, 1867, when they adjourned on December 2, without day.

They met again in regular session on the same day, December 2, 1867, and remained in session until July 27, 1868. In other words, the regular session began just as our session this year began, the minute the extra session or the adjourned session ended. They met again on the 21st of September, 1868, and adjourned on the same day to October 16. They met again on October 16, 1868, and adjourned on the same day to November 10. They met again on November 10 and adjourned on the same day, without day. In other words, they had accomplished their purpose. They had passed all the laws they thought needful. They had tried to impeach the President and failed, but had sufficiently hamstrung him or terrorized him or done whatever you choose to call it, so that they did not feel that he could do any more harm.

But all this did not happen without discussion, and I want to read from that debate. I was very much interested, when I came across these speeches in the RECORD, to see how differently men can look at things when they allow supposed party advantage to bias them or to cause their minds all to go in one direction.

On the 21st of March, 1867, a resolution providing for adjournment sine die being before the Senate, Mr. Sumner took the floor in opposition, and used the words I will quote.

I hope the Senator from Wisconsin will remain in the Chamber. While he may not have very much respect for Mr. Sumner as a lawyer, he must have great respect for him as a statesman, and I want him to catch Mr. Sumner's idea of constitutional limitations.

Mr. SPOONER. Does the Senator care particularly precisely what part of the Chamber I am in?

Mr. TILLMAN. I beg the Senator's pardon. I took it for granted he was going out.

Mr. SPOONER. No.

Mr. TILLMAN. My friend is always so fascinating and is such an exhilarating adjunct to my talks that I like to have him around.

These are the words of Mr. Sumner, in discussing this proposed adjournment:

> You must not forget that our President is a bad man. This is the first fact. He is a bad man, who is the author of incalculable woe to his country, and especially to that part which has been most tried by war and most needed kindly care. Search history, and I am sure that you will find no ruler who, during the same short space of time, has done so much mischief to his country. He stands alone in bad eminence. Nobody in ancient or modern times can be his parallel. Alone in the evil he has done, he is also alone in the maudlin and frantic manner—

I want you to watch those adjectives—

> the maudlin and frantic manner which he has adopted. Look at his acts and read his speeches. This is enough.
>
> Such is the fact. And now I ask, Can Congress quietly vote to go home and leave this bad man without hindrance of any kind? These scenes are historic. His conduct is historic. Permit me to remind you that your course with regard to him will be historic. It can never be forgotten if you keep your seats and meet the usurper face to face; it can never be forgotten if, leaving your seats, you let him remain master to do as he pleases. Most of all, he covets your absence. Do not indulge him.

Looking along in the discussion in regard to these various recesses and adjournments from day to day, I came on another interesting and meaty sentence or two. Speaking of this same President, the then Senator from Michigan, Mr. Howard, uses these words, and he is putting words in the mouth of the President himself as illustrating the feeling, the purpose, the idea, the ambition, the self-reliance, and all that which actuated President Johnson; and he makes Mr. Johnson say:

> I am he who holds your destinies in his hand; I must be obeyed; I am the infallible judge of the Constitution. I have unrolled it; I understand it; I am conscientious; Congress and the so-called loyal people are not conscientious; I am patriotic; they are not; they are traitors; I am great; they are

small; they must be put down; I must be put up; and you must remain in your present condition until I have had my way.

There are suspicions abroad and intimations from very respectable sources that history is repeating itself. But I do not want to be partisan and I am not making any attack on our Executive. I am trying to get the Senate to discuss and dispose of this new issue which has arisen without considering the present occupant of the White House, and solely as great lawyers and great statesmen, as leaders of a great party who have made history and who are to-day being watched to see how far they are going to allow these usurpations to go before they cry, "Halt!"

There was another discussion in regard to the adjournment and the dangers that might come from a constructive recess, the very milk of the cocoanut, so to speak, of these old speeches. I quote:

Mr. GRIMES. I offer the following resolution for adoption:

"*Resolved by the Senate (the House of Representatives concurring)*, That the President of the Senate and the Speaker of the House do adjourn their respective Houses without day on Monday, the 2d of December next, at half past 11 o'clock a. m."

I will state here that Monday, the 2d day of December, was the first Monday in December, when Congress, under the Constitution, was to convene in regular session.

Mr. SUMNER. I would suggest "at 12 o'clock."

The PRESIDENT pro tempore. Is there any objection to the present consideration of the resolution? The Chair hears no objection.

Mr. SUMNER. I do not wish to object to its consideration, but I have a serious question whether we should leave even the break of half an hour between the two sessions. The point in my mind is just this: Will you leave the President of the United States one half hour within which he may take advantage of the absence of Congress and issue commissions which would then run perhaps—I do not undertake to decide the point now, but which I say might run then to the last day of the next session of the Senate.

Just what is being contended for here now.

That may be midsummer or autumn. We may not leave here before autumn. I take it that an appointment made during that interim of half an hour might possibly be valid to the last day of the next session of Congress.

Mr. Sumner did not think the vacancy in the office would create any legal question at all.

Mr. MITCHELL. What became of the resolution?

Mr. TILLMAN. Wait; I am going to give you the history of it. I am going to read the debate. This ancient history is valuable, because as we pass along and new headlights come up, new ideas take possession of us as a people, and as we go crazy, seemingly, with this new, dazzling dream of empire and all that sort of thing, we must, as Mr. Webster says, be guided by the lamps of experience if we are to go right; and if we lose our heads and permit some men to go ahead boldly and rashly their way there is no telling where we will land.

Mr. Edmunds, in answer to Mr. Sumner, said:

But the law takes no notice of parts of a day.

Other lawyers knew that as well as the Senator from Wisconsin.

Mr. SUMNER. Why open the question? That is a technicality.

Mr. GRIMES. I do not think the question is worth having a debate about, and I am content that any amendment should be made to the resolution which the Senator from Massachusetts chooses to suggest.

Mr. SUMNER. Why not say "12 o'clock?"

Mr. GRIMES. Very well.

The PRESIDENT pro tempore. Does the Senator from Iowa so modify the resolution?

Mr. GRIMES. Yes, sir.

Then Mr. Sherman, another great statesman of this country, one of the greatest that it has ever known, a leader whose work for good or bad is here to stay as an enduring monument to his intellectuality and his hold upon the public confidence, said what I shall read.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. TILLMAN. With pleasure. I hope the Senator does not object to my paying a compliment to Republicans.

Mr. SPOONER. But I object to your always waiting until after they are dead.

Mr. TILLMAN. I just paid the Senator from Wisconsin one compliment, and as nice a one as I could frame. If it does not suit him, I will write him one, and I will just lard it down with sweetmeats. Have I not just now said that you are great lawyers and great statesmen? And I am waiting to see whether you are bound hand and foot to the President's chariot wheel and are going to be dragged in the mire of loss of self-respect, and all that sort of thing, by yielding to this constructive recess proposition. I do not believe it. I am going to wait and see. I have faith that there are yet statesmanship and patriotism among the great men on that side.

Mr. Sherman said:

I can not see any object in passing this concurrent resolution. The Constitution provides that the regular session of Congress shall be on the first Monday of December, and according to law, I believe—or, at any rate, such is the usage—the hour for meeting on that day is 12 o'clock. We shall meet at that time in a new session. The recent law has not changed that regular time of meeting, and the result is that the next session of Congress will commence necessarily at noon on Monday. Why not allow the two sessions to merge? Why not have this session go on and expire by the necessary limitation fixed by law and the Constitution? I think that would be better. I do not see any object to be gained by passing a resolution for adjournment sine die. I would vote with pleasure for a recess until Monday at half-past 11 o'clock, and let one session blend with the other. I see no objection to that course, while the passage of a resolution for adjournment sine die may raise questions which we will have to meet hereafter. I have not examined the question, nor thought about it, but I have supposed that by a recess or some process of that kind this session would be continued till Monday and terminate at the beginning of the other without a formal vote.

Mr. FESSENDEN. It strikes me that there should be, in accordance with universal usage—though, to be sure, this is rather an exceptional case—a joint resolution fixing the time when this session shall terminate. I am perfectly agreed that it is not advisable perhaps to have any very appreciable interval of time, or any very considerable time, at any rate, between the termination of this session and the commencement of the next regular session. Still, I think that there should be an appreciable distinction, and that we should fix the time of adjournment and adjourn accordingly. I have no very fixed opinion in relation to the matter that I am not willing to give up to the opinion of others if they choose to take the responsibility. I see no objection to fixing the time at five minutes before 12 o'clock, if you please, so as to have some little interregnum or interval between the expiration of one session of Congress and the commencement of another. This is the idea I have entertained and expressed to several gentlemen in conversation on the subject, and my own opinion is that it would be better, because in accordance with usage. I do not think that five minutes would be a time within which any very great harm could be done. It is with reference rather to the record, and to keeping things in order on the record, that I suggest that it would be well to have the usual joint resolution of adjournment.

Mr. TRUMBULL. I merely desire to say that I am indifferent as to what particular time we adjourn sine die. This session, I suppose, will close at some time, and individually it is immaterial to me whether it is to-day or next Monday; but I wish to put in my protest against any such reason as is advanced here in the Senate. I think the Congress of the United States should pursue the even tenor of its way, and while we have a President, I am for treating him as President, and I will not anticipate that he is going to do some terrible thing during five minutes between 11 o'clock and 55 minutes next Monday and 12 o'clock. Let him take the consequences of his acts. Let us legislate, do our business, and adjourn without any reference to any rumors about the town that a certain thing is to be done and not to be done. I care nothing about it. I do not believe this country is to be ruined or destroyed in any five minutes, and therefore I hope that whatever time we fix, and I am indifferent about it, will be fixed in reference to our own convenience and the convenience of Congress, and not in reference to what somebody may suppose that some other department of the Government is going to do.

Mr. SUMNER. I hope that what we may do may be done with reference to the welfare of the country and with no particular reference to any rumors or reports. There I agree with my friend; but then I do not agree with him when he says, "Give the President another chance." We have already been giving him chances, and we can not act now in any way without taking into consideration his character and position. Those are now matters of history. I wish to speak with proper delicacy, with proper reserve, when I allude to him, but I must speak under the responsibility of a Senator. A large portion of our country believe the President to be a wicked man, of evil thought and unpatriotic purposes, and in spirit and conduct the successor of Jefferson Davis, through whom, at this moment, the rebellion is revived. Those are the sentiments of a large portion of our people.

Mr. DIXON. I desire to ask the Senator if that is the opinion of a majority of the American people, in his judgment?

Mr. SUMNER. Well, that does not belong to the question. I say it is unquestionably the opinion of a large portion of the people of the United States, whether a majority or not, the future may disclose. I do not wish to go in advance or anticipate any such judgment. I speak now simply with reference to what is before us. The question is whether we shall give him another opportunity. I say "No." In arriving at that conclusion I do not act on any rumor that is afloat to which the Senator from Illinois refers. I act with reference to the character of the Chief Magistrate as displayed in his public acts, and it seems to me that it will be something like rashness in the Senate if they concede to him another occasion to practice on the country in the carrying out of his policy as we know that he has practiced in times past. I feel that we ought to stop the way. We should not give him a day; we should not give him five minutes—I am ready to say that—not five minutes for the chance of an exercise of illegitimate power. I will not allow him to exercise it and then take my chance hereafter of applying the corrective. "An ounce of prevention is better than a pound of cure." Such is an old saying, and now is an occasion for its application.

And that brings me to the exact point as to whether the present session should expire precisely at the time when the coming session begins. I see no reason why it should not. I see no reason why we would interpose the buffer even of five minutes. Let one session come right up close upon the other, and then we shall exclude every possibility of evil consequences from the character of the Chief Magistrate. It is well known that in other governments, when, for instance, the king dies, the moment the breath is out of his body power is in his successor, so that there is a common saying, "The king is dead; long live the king." Now, I know not why, when this session expires, we may not at the same time announce its expiration and announce the beginning of the new session.

Now, Mr. President, all of that discussion of constitutional law and interpretation of the Constitution has but one meaning, that this doctrine of a recess or of a vacancy that might arise by reason of the expiration of a commission and all that kind of thing, which has just been announced by the Senator from Wisconsin, was thought of by those men. They would not give Andrew Johnson one minute, for they felt if they did he might appoint some one in the interim who would, under his construction and contention, hold the office until the expiration of the succeeding session, as the Constitution provided.

Mr. HALE. Was not this the substance of it? It is in the line of what the Senator said, and his reading has been very interesting, bearing upon the exact subject before us. It seems that at that time the question arose whether any interval should be allowed between the extra session and the regular session, and to avoid any possible question and utterly to put down and extirpate any idea that there could be recess, the farthest process was taken, to merge the two sessions.

At that most interesting point in our history the very question which is raised by the Senator from South Carolina came up, and

it was deemed conclusive that all questions as to there being a recess were set at rest by the two sessions being merged, the one immediately succeeding the other. What was good law then is good law now.

I am glad the Senator has introduced this matter. I do not agree with him, perhaps, in what he intends to invoke in the way of similarities between persons at that time and this; but the occasion was a great occasion, an important occasion, and it seems to have been settled that if the two sessions were merged, nobody, not even a refractory President, as I believe there was at that time, who took great responsibilities, would for a moment intimate that there was a recess, an instantaneous recess. That seems to have been settled by the precedent which the Senator from South Carolina has invoked, and I am very glad he invoked it.

Mr. MITCHELL. The Senator from South Carolina has not told us what became of the resolution.

Mr. TILLMAN. They passed it. The resolution was passed unanimously merging the two sessions and adjourning the first session at 12 o'clock, when its successor met immediately, just as we did here at the expiration of the special session called to meet on the 9th day of November.

Mr. HALE. Yes.

Mr. PLATT of Connecticut. But in our case there was no resolution of adjournment.

Mr. TILLMAN. The two sessions went together, as they contended, and the law was settled, as the Senator from Maine has said; at least, it appears to have been settled, because the President took no chance, and nobody contended that there was a possibility for him to make an appointment between the second of time of the adjournment of the one session and the convention of the other. I can not see how there can be any difference of opinion here as to the final result.

Mr. HALE. If the Senator from South Carolina will allow me, they were making and were engaged in a hand-to-hand fight with the then President.

Mr. TILLMAN. Undoubtedly.

Mr. HALE. They wanted to take the measure that would be most absolutely conclusive as to giving him an instant when he could exercise his appointing power; and the method they took was to merge the two sessions.

Mr. PLATT of Connecticut. Will the Senator from South Carolina permit me?

Mr. TILLMAN. Certainly.

Mr. PLATT of Connecticut. I think the Senator misunderstood the remark I made in my seat. I called attention to the fact that I supposed that Congress was adjourned by resolution of the two Houses, and that we had no such resolution. I do not claim that it makes any difference. But there was that difference in fact.

Mr. TILLMAN. We adjourned at the expiration of the extra session on the 7th day of December just passed. They passed a resolution adjourning at 12 o'clock. There was a proposition to adjourn at 11, then at half past 11, but Mr. Sumner and Mr. Sherman both contended that they did not want to give the President the opportunity of five minutes or one minute in which to do anything which might pester them afterwards, and they preferred to prevent an improper appointment rather than to undertake to undo it afterwards or to apply the corrective or the remedy.

Mr. PLATT of Connecticut. I think perhaps the case now is stronger than that was, because that Congress passed a resolution of adjournment. It was passed by the two Houses of Congress. In this case no resolution was passed. The Senate simply was declared to be adjourned just a moment before 12 o'clock.

Mr. TILLMAN. I was not here during the interesting contention, which I saw mentioned in the papers, when an effort was made by somebody somewhere else to make us do business according to other methods than our own, and the unhappy controversy as to whether or not the Senate should remain in session because other men wanted the House to remain. But I notice that we did not adjourn and that we did not vote and that we proceeded on the even tenor of our way and that the Cuban reciprocity bill became a law in due time. But it was not born before the Senate got ready that it should be born.

The only difference I can see in the situation then and now is this: At that day and time there was an overwhelming majority, two-thirds and more, considerably more than there is now, of the same party as the President, and who had elected him Vice-President, and of course had to acquiesce in his accession to authority upon the death of Mr. Lincoln. They took these steps to hedge him about, to halt him, to stop him.

Now, the President has this large majority behind him, willing, apparently acquiescing in all his acts, indorsing them, approving them, applauding them, urging some of them perhaps. There is the difference.

So far as this little case of Crum is concerned, Crum might be the most important officer in the United States Government. My friend from Wisconsin is very prolific in suggestions that great harm might come in the case of the head of the Army. Suppose justices of the Supreme Court were appointed under these circumstances of a constructive recess; that there was a case involving most vital interests before that court, and that the court was evenly divided, with these new men going in and holding the balance of power and being able to turn around the law in its interpretation, what harm could come?

I am only giving that as one of the possibilities, and my purpose, as I said in the beginning, is not to call attention to the necessary parallel in the minds of some, or to the possible dangers; but I am endeavoring to keep a precedent from being established. I am endeavoring to keep the Senate, in a trivial cause, one that has not and can not work any harm, from allowing its authority and the accepted interpretation of the Constitution to lapse; from giving the temptation to some usurper hereafter, or the excuse to some usurper hereafter, to say, "Why, in the Administration of Mr. Roosevelt this was permitted. It was passed over by the Senate, and thereby acquiesced in; and it is all right!"

We all know what a precedent in law is. Precedents are very, very troublesome things, and I, in my feeble way, have tried to call attention to what I consider a very grave constitutional question. While in its present shape it works no harm and can work none, yet if we do not now stop and have the Senate declare what it knows and means to be a recess, what it considers the power of the Executive in making appointments during a recess and issuing commissions thereafter, we will in the future, or our children will, come to that day when it can be said sadly:

> It is the little rift within the lute
> That by and by will make the music mute,
> And, ever widening, slowly silence all.

We Senators here have grave responsibilities. We are intrusted with the liberties of this Government and of its orderly constitutional administration. Let us not, in the mad haste to give approval to this man or that, for supposed party necessity, ignore this little thing now. Let us stop it.

Mr. HALE. Now, let me interrupt the Senator for a moment. The Senator has not succeeded—I will not put it in that way, for I know he did not want to bring out from this side any expression of a recognition of this new proposition that there was a constructive recess when the two sessions merged. On the other hand, everything that has been said upon this side of the Chamber is in dissent from it. No Senator on this side has, whatever may be his partisan feeling, indicated it. I think, with the Senator from Connecticut, that the present case is even stronger than the case in 1867, to which the Senator has referred.

I say again, I do not know of any Senator who adopts or proposes to adopt or act upon the suggestion that here was a constructive recess upon which the President might act as if it had been a longer recess.

The Constitution does not deal with surprises and evasions and subtleties. It has been found on an examination of the records that the nominations—Mr. Crum's, General Wood's, and others—that were sent to the actual session, the present session, the regular session, were not sent in as recess appointments. If the Senator will go back he will find that these same appointments that were made after our adjournment in March were afterwards sent in at the extra session: that they were sent in in November as recess appointments. That the Senator does not object to?

Mr. TILLMAN. Oh, not at all. That is the law.

Mr. HALE. That is the practice.

Mr. TILLMAN. It is customary.

Mr. HALE. That is the practice. It is the law. Now, the appointments that were sent in at this session, after the two sessions had been merged, the appointment of Mr. Crum, of General Wood, and others, were not, as I understand from an examination which has been made of the records, sent in as recess appointments, but they were sent in in the manner suggested by the Senator from Virginia, as regular appointments.

I started, when I first interrupted the Senator, by saying that I did not know that the President had committed himself to this doctrine of a constructive recess. His appointments, his nominations—that is the technical word—sent to the Senate at this session do not assume to have been sent in as recess appointments. They are sent in as new appointments.

Now, the question as to who takes possession of the office and gets the salary——

Mr. TILLMAN. If the Senator will allow me, do I understand him to assert or to only express the hope that these appointments are of this character?

Mr. HALE. The papers show——

Mr. TILLMAN. The papers show the contrary, at least the letter of the Secretary of the Treasury to me, and the papers in the possession of the executive clerks will demonstrate whether I am right or not.

Mr. HALE. I have not made the examination, but it has been

stated to me during the debate that those papers have been looked up and it is found that the appointments sent in at this session were not sent in as recess appointments but as new regular appointments; and I was going on to say that if that be so——

Mr. TILLMAN. I deny it, upon the authority of Mr. Shaw, as far as Crum is concerned.

Mr. HALE. I do not make the statement——

Mr. TILLMAN. I further deny it from the fact that Mr. Crum is now in office, and he could not hold it a moment after the expiration of his commission unless he had been given a new one, and he could not be given a commission while the Senate was in session. So it was a recess appointment.

Mr. HALE. I have not said that I have examined the papers, but I have been told that the appointments which were made at this session when sent in to the Senate (and an inspection will easily settle that) were not sent in as recess appointments but as original appointments. Now, I am not prepared to say that that is true. It has been so stated here, and it can easily be settled by looking at the original papers.

If that be true, the only question to come up will be as to who is entitled to perform the duties of collector during the time that is now going on—whether the new appointee or the deputy collector. If the new appointment was not sent in as a recess appointment, if the new appointee claims that he has the right under the proposition that there was a constructive recess, the whole question will be fought out before the Comptroller, who will decide upon the whole law, and, as I have said, I have no doubt that that officer, who is a very able and a very worthy man, of the highest integrity, will make short shrift of the proposition that there was a constructive recess. But it will be settled by him and by nobody else.

Between this time and whenever the resolution will come up again—for it will go over at 2 o'clock for the present—an examination can be made as to what the appointments were that were sent in.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Colorado?

Mr. TILLMAN. I had hoped to get the resolution acted on, but that will not be the case if the debate continues.

It is a very interesting and a very important matter, and I want all the light I can get on the question. I know the Senator from Colorado will shed some, and I yield to him.

Mr. PATTERSON. I think the question that is presented by both the Senator from Maine and the Senator from Wisconsin has been in effect decided by the Supreme Court of the United States—not in a case that is almost parallel to this, but in a case that rested upon a statute whose language as to the termination of an office is identical, I think, with the language of the section of the Constitution that is under consideration. The decision went as to the responsibility of sureties on the bond of a collector, and without taking the time now to read the entire case, I will simply suggest the name of the case, so that other Senators may examine it.

Without undertaking to read it, I will state, briefly, what the facts were. The question arose in an action of debt on a collector's bond. It is the case of United States *v.* Kirkpatrick, 9 Wheaton, 720–738. Mr. Reed had been appointed to the office of collector, and the name of the surety was Kirkpatrick. The collector was appointed to the office by the President on the 11th of November, 1813, and by the terms of his commission he was to hold his office during the pleasure of the President and until the end of the next session of the Senate of the United States, and no longer. Early in the year following his appointment, in January, 1814, the President sent in his name, making a second appointment of the same person. He continued in the performance of the duties of his office, proved to be a defaulter, and an action was brought by the Government against the principal and the sureties on the bond.

One of the defenses that was made was that he could not be responsible on his bond for acts that were done after the termination of the session of Congress to which his nomination had been sent in. The judge of the trial court held that he could be, as his possession of the office continued. He gave no new bond when his second appointment was made and confirmed. The Supreme Court reviewed that proposition, and the language of the Supreme Court it seems to me will place it more clearly before the Senate than I could in the use of my language. The decision was rendered by Mr. Justice Story. I will read about a page:

> The act under which this appointment was made authorizes the President, in the recess of the Senate, to make appointments by granting commissions, which shall expire at the end of their next session.

That is practically the language of the Constitution.

> The first commission is, as has been already stated, in conformity to this provision of the act, and is, by express terms, limited to continue to the end of the next session of the Senate, and no longer.

The commission used the words "and no longer."

> It follows, therefore, both by the enactment of law and the form of the grant—

Replying, of course, to the commission—

> that the first commission must have expired of itself at that period; and, as the next session of the Senate ended in April, 1814, that is the utmost extent to which it could reach. The bond in question was given with express reference to this commission; and its obligatory force was, consequently, confined to acts done while that commission had a legal continuance, and could not go beyond it; and here would have been the natural termination of the liability. But in the meantime a new appointment was made by the President, with the advice and consent of the Senate, and as soon as that was accepted by the collector it was a virtual superseding and surrender of the former commission. The two commissions can not be considered as one continuing appointment without manifest repugnancy. The commissions are not only different in date, and given under different authorities and sureties, but they are of different natures. The first is limited in its duration to a specified period; the second is unlimited in duration, and during the pleasure of the President. If the latter operated merely as a confirmation of the former, then it confirmed its existence only during the original period fixed by the law. But such an effect is not pretended, and would be irreconcilable with the terms and intent of the commission. It has been suggested that the practice of the Government has been to consider such commissions as one continuing commission. But whatever weight the practice of the Government may be entitled to in cases of doubtful construction, it can have no influence to change the clear language of the law. In short, if the nomination to and approval by the Senate was a mere confirmation, and not equivalent to a new appointment, there was no necessity for the second commission; and yet the argument supposes that it could not be dispensed with, for if no commission had been issued the first, by its own limitation, would have expired.

It seems to me that this case establishes this proposition at least, beyond any question, that where an appointment is made under language such as was used in this law and such as is used in the section of the Constitution that has been read, the appointment or the possession of the office must absolutely end with the arrival of the period at which the commission expired under the law, and that time is at the expiration of the session of the Senate, if the appointee has not been confirmed.

Mr. PLATT of Connecticut. There is no question about that.

Mr. PATTERSON. Now, if his bond would not continue after the expiration of the session of the Senate, if his bondsmen would not be liable for malfeasance in office after the expiration of the session of the Senate, then surely we may properly deduce that he is not permitted to perform the duties of the office, but that that office is vacant, its duties to be performed by some deputy or some other person until, an appointment being sent in during the session of the Senate, the Senate has confirmed that appointment.

Mr. HALE. If the Senator will allow me—it is almost 2 o'clock—I think that is law and unquestioned law, and I am glad the Senator has brought that decision here. I want to look at it still further. It will be found, I think, on a complete examination that that is a clear assertion of unquestioned law that has been recognized ever since, but I doubt whether it reaches the precise conditions under which we find ourselves. However, there will be an opportunity when the resolution comes up again to go more fully into that question.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. The Chair lays before the Senate the Calendar of General Orders.

Mr. TILLMAN. I ask unanimous consent that the resolution may go back on the table, subject to the same call for future discussion. In other words, I do not want it to go to the Calendar.

The PRESIDENT pro tempore. It would go to the Calendar unless the Senate otherwise ordered.

Mr. TILLMAN. I ask unanimous consent that it shall remain on the table, subject to the same rights it has had heretofore.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent that the resolution shall lie on the table without prejudice. Is there objection? The Chair hears none.

RELATIONS WITH NEW GRANADA OR COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution which will be stated. The Chair is assuming unanimous consent whenever he lays this resolution before the Senate.

The SECRETARY. Senate resolution 73, by Mr. GORMAN, calling upon the President for certain information touching former negotiations of the United States with the Governments of New Granada or Colombia, etc.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. DOLLIVER] is entitled to the floor.

Mr. DOLLIVER. Mr. President, I have intended for some days, if I could get an opportunity to do so, to submit to the Senate some observations on the questions which have been debated in connection with the resolution of the Senator from Maryland [Mr. GORMAN]. I have listened with patience and with great instruction and profit to everything that has been said. A good many speeches have been made, none of them irrelevant to the question and many of them full of research and of learning. I have found pleasure in listening to them all, although I am bound to confess that some of them were a little long for the ordinary uses of a world like this.

The subject-matter of the debate is not new to anyone. Among

my first recollections of public questions was the project of the Nicaragua Canal, and speeches upon that subject made by the honored President of the Senate [Mr. FRYE], then a Member of the House of Representatives, at the beginning of his great and useful public career. When I first came to this Capitol, whenever I wanted to secure a sense of repose and calm, I used to wander over to this Chamber and seldom failed to hear my honored friend from Alabama [Mr. MORGAN] impressing upon the Senate and upon the world his ideas of the Nicaragua Canal.

I never heard a word spoken or said that did not appear to me to be wise and reasonable; and yet I never saw in all my contact with the outside world that anybody in the United States not in Congress appeared to take the slightest interest in the canal question, ably and fully as it was presented during a whole generation. I confess that it made very little impression upon me.

None of us probably ever saw a moment when we did not think that some time and somewhere and in some way a canal would be dug across the Isthmus. I never took any acute interest in the subject, and never met anybody else who did, until the occasion of our intervention in behalf of the colonies of Spain, when Captain Clark, of the *Oregon*, under orders, left Mare Island and steamed down one side of South America and up the other just for the luxury of getting in two or three shots at the *Cristobal Colon*.

From that day the isthmian canal was already in sight. From that day it has been a live question. The argument for the canal has interested everybody. It may even be described as having become a burning question, as many gentlemen certainly on the other side of the Chamber can testify in their present contact with their constituency.

It never seemed to make much difference to me whether the isthmian canal was dug at Nicaragua or at Panama until the last session of Congress. I confess that I was in favor of digging it at Nicaragua, because I had never heard anybody else mention any other place to dig it, and I supposed, as everybody else did, that the ground at Panama had already been occupied by other people.

My convictions on the subject of the Panama Canal date from the morning when somebody, I suspected at the time the distinguished Senator from Ohio [Mr. HANNA], whose credentials of reelection to the Senate, read in the Chamber this morning, have brought gratification to our hearts, hung upon the wall there a map of the Isthmus of Panama, and I confess, without any intentional disrepect to speeches long or short, that that map did more to convince the Senate and to convince the world that we had been seeking to make a canal at the wrong place on the Isthmus than all that has been spoken in debate in these thirty years.

Nearly everybody bases his practical views of things primarily on his theology, and the moment I saw that map, indicating the coast line and the lay of the land at Panama, it appeared to me to be absolutely conclusive that the good Providence which is above us, if He ever intended the canal to be built there at all, intended it to be built where the Isthmus is 49 miles wide and not to be constructed where it is 183 miles wide.

I do not believe that any argument, any report of engineers, any inherited enthusiasm on the subject could disturb the opinion of anybody who made a study of that map hanging on the walls of this Chamber. From that day to this the practical question is whether the canal shall be built at Panama or not built at all. I confess that, in common with the people of the United States everywhere, I have acquired not only an interest but an earnest zeal for having the isthmian canal dug, and dug promptly, without further delay.

A good many people think that the Government of the United States has been engaged in very unbecoming and unseemly performances of an underground character at Panama. I have never even taken an interest in those suspicions which have been scattered broadcast over the world. The very nature of the subject makes it morally incredible that the people of the United States should desire to do anything either by indirection or by subterranean methods of any kind.

We are not doing there a thing altogether for ourselves. When I come to meditate upon what we have in hand there, it appears to me that we have placed the Republic of the United States upon a moral level the like of which has never been occupied by any nation in the whole history of the world. We are proposing to take our own money, to employ our own labor, taking our own risk, and constructing at Panama a public work, not at the cost of millions, but of tens of millions, and it may be of hundreds of millions, and having done that, we propose to donate it to the human race and dedicate it for all time to come to the uses of the world's commerce and business upon exactly the same terms for its use that we claim for ourselves.

In view of a situation like that it appears to me to disparage and to impeach the very national character to suppose that anybody, from our highest public official down to our lowest, would care to smirch that transaction with any questionable methods of procedure. Therefore, I for one have been sorry that this great discussion which has gone peacefully and solemnly on now for nearly seventy years in the United States should, in the last stages of it, become the subject of a mean and petty personal and partisan contention.

I have never seen a minute when I attributed to a President of the United States, whether he belonged to my own political faith or the faith of our adversaries, a dishonorable or low motive in the transaction of the business of the people of the United States. It is one of the guaranties of our form of government, one of the monuments of our national character, that from the first President to the last, though some have been great and some not entirely great, we never have had a President whose motives could be successfully impeached at the bar of American history.

It is to be regretted that in the midst of learned discussions, such as have been made here by the two Senators from Colorado, discussions in no sense wanting in dignity and in the respect which belongs to this place and to the coordinate branches of the Government, there should have been noises heard here and voices raised here altogether out of character either with the subject or with its surroundings.

I listened with a good deal of humiliation to speeches charging that the President of the United States had made the revolution at Panama unanimous by conducting it himself. I heard a Senator say in this Chamber that in what has been done every act of the President has been in violation of the Constitution, of the law, and of international law, and of the treaties of the United States; and, more shameful and humiliating than anything else, men have stood here and excused the mobs which pursue men without the process of law, and the anarchists arrayed against all government and against all law, by the example of contempt for law set by the God-fearing, patriotic President of the United States.

I do not propose to stop to answer such a thing as that. I merely allude to it to indicate how far mere partisan contention may belittle a great controversy even in the Senate of the United States. I suppose it is true that wherever speech is free and wherever printing is free our form of government is exposed to that infirmity and to that scandal. Certainly everywhere in the world where there has been free government the arena of partisan politics has been filled all the time, or nearly all the time, by the dust of partisan contention and personal abuse.

The parliamentary annals of Great Britain indicate that that was always so there, especially in the last century, and if a man will read the present discussions going on upon the hustings of England he will perceive that it is still so there. It certainly has been so here from the very beginning of our affairs. Not a single President of the United States has been able to escape, not even Washington, that serene and august figure which stands at the very beginning of our national life, nor Lincoln, nor Grant. Some of our Presidents have been compelled to bear the double misfortune—as in the case of Mr. Cleveland—the misfortune of being defamed first by one political party and then by the other.

I would not intimate that the safety of our institutions or even the dignity of the Senate require any abridgment of the right of speech or of the right to print which belongs to our inheritance and is a part of the body of our liberties. I reckon that however grievous the afflictions have been, arising out of the abuse of these rights, infinitely worse grievances would arise out of their abridgment, certainly in the Senate of the United States.

I have alluded to the matter only for the purpose of bringing into view a higher ideal of political life, an ideal which I hope will one day enable us to hold the little differences of our partisan opinions in an atmosphere of gentlemanly kindness and good will.

The President of the United States is accused of violating every obligation which it is his duty to enforce and to observe. One Senator accuses him of violating the Constitution of the United States.

I do not intend to discuss that for two reasons. I have made up my mind that while I expect to keep up my study of the Constitution, reading as many law books as I can, and listening to as many arguments as my strength will bear on the subject, I never intend, unless under provocation that I can not now foresee, to buffet the Constitution of the United States about in a Senatorial debate. Others, abler men, will take care of that; others, with a more natural taste for it, can take care of that on both sides.

In this particular case I feel that everybody here is more or less relieved because one of the great constitutional lawyers on the opposite side of the Chamber, who I am sorry not to see present to-day, has already notified his constituents that, rather than change his convictions, he will retire from public life, and has distinctly omitted to charge that any violation of the Constitution has occurred in this connection. That being so, the Constitution certainly needs no guardian on this side of the Chamber to protect it against these imaginary infractions.

But we are told that the President of the United States has violated the law; and one Senator stands here by the hour pointing out that the Spooner Act has been violated. I was here when the Spooner Act was passed. I have read it again and again; but I confess a certain humility and timidity about offering myself as its interpreter; but I have come gradually to the opinion that if anybody is likely to understand what the Spooner Act means, the author of that act is the man to whom we should go with our anxious inquiries.

He is, as the Senator from South Carolina [Mr. TILLMAN] has just said, a great lawyer, and the author of that act probably approaches as near the area of competent interpretation of it as any man in this Chamber. When I heard him the other day take up that act, line by line, and prove, with such satisfaction to the Senate that everybody acquiesced in it, and with such conclusiveness to the other side that my honored friend the Senator from South Carolina, in a more or less panic-stricken manner, departed from the Chamber rather than be disturbed by any further demonstration of his error, I made up my mind that that act needs no defense here from anybody else.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. DOLLIVER. With great pleasure.

Mr. TILLMAN. I have always regarded my friend from Iowa as being a fair man, and he must recall the fact that under the constant appeals of the ticking of the clock and that shaking of the hand by the Senator from Wisconsin [Mr. SPOONER], which is so effective in a personal interruption, I had pledged myself not to speak and bother him any more, and that, when I went out, I announced that my departure was because I could not sit still and listen any longer to his wild vagaries without breaking my pledge.

Mr. DOLLIVER. And the Senator from Wisconsin rejoined, as you were passing through the door, that it was a very serious reflection for him that he had lived long enough to have his vagaries reprimanded by the Senator from South Carolina. [Laughter.]

Mr. TILLMAN. Which I did not hear.

Mr. DOLLIVER. Unfortunately you did not.

Now, Mr. President, the Spooner Act looks to me plain. It may not be. We had here one day a canon of interpretation of the Constitution of the United States that struck me as very interesting and very novel.

A Senator stood up here and said that where the Constitution was difficult to understand, where it was complex and appeared ambiguous, he was willing to take the opinions of our fathers and the precedents of the national history upon it; but where it was so plain that almost anybody could understand it he proposed to take his own opinion, notwithstanding it might not follow the judgment of our ancestors or the practice of the Government. It looks as if the Spooner law is plain enough for nearly anybody to understand; but if there is dispute about it, if it is ambiguous, if there is an element of uncertainty in it at all, when I want to get at the real meaning of it I propose to sit down with the distinguished Senator from Wisconsin and ask everybody to keep quiet until he can give his views of what he meant by the language of that law.

That law required the President to negotiate with Colombia for an isthmian canal. Men have discussed that subject as if the main object of that law was to get up a negotiation with the United States of Colombia, and hold us to that Government even if the subject-matter of the treaty passed within another jurisdiction altogether. If I understand it, the object of that law was a canal, and not a tête-à-tête with the foreign minister of Colombia, so that the moment the canal zone passed into the hands of Panama the negotiation followed the subject-matter and not the name of the countries.

No man can take this record of the proceedings of the Colombian Government in dealing with this treaty and say that at any time in that negotiation, from the time the treaty was sent to the Colombian Senate until the extraordinary session of the present Congress convened, the President of the United States could have turned aside to deal with Nicaragua without a violation of the law and a flagrant disregard for the recognized and well-settled policy of the Government of the United States in locating the isthmian canal.

So that when a man bases his criticism of the President on the ground that he treated the Spooner law with contempt, it seems to me that he needs to more thoroughly investigate the circumstances which surrounded this treaty with the United States of Colombia.

Again, it has been said that the President has trampled upon international law. If that charge were true, it is a grievous charge to make against the Government of the United States, because the peace of the world, the orderly progress of the world, the great interests of civilization, require a careful observance of the recognized principles of international law; but if I have got hold of the right text-books, international law is not as exact a science as there is in this world.

International law, if my researches have given a correct light on the subject, is rather a statement of what the nations of the world from time to time have done rather than a codification of precepts applicable to all cases and under all circumstances.

If the President violated international law, how did he violate it? It is said that he recognized an immature and what has been described here as a comic-opera republic in Panama.

It is true that the President of the United States recognized the independent existence of the new State of Panama, but, in my humble opinion, it is not true that in doing that he violated any international law. Again and again it has been pointed out in this debate that the United States has in times past recognized—without formality or delay—new states, the result of revolutions and other political convulsions. The fact is that the motive that governs a nation in recognizing a new state is essentially a motive lying in the heart and conscience of that nation itself, and has little if anything to do with any precepts of international law.

We recognized the French Republic after the Franco-Prussian war, notwithstanding the fact that the French Emperor had 100,000 veteran soldiers in the field ready to defend what remained of the Government of France, and yet Mr. Washburne said distinctly that he felt the necessity of immediately recognizing the French Republic, though it had not taken on any international relations at all and was menaced by the remnants of the imperial army of Napoleon and also in the streets of Paris by the mob proposing to reestablish the Commune.

He recognized that government almost instantly under direction from our State Department, first, because of our sympathy with republicanism in France, and, second, because the President's recognition was necessary in order to prevent the people and Government of France from being plunged into an interminable civil conflict, beginning with a reign of terror in the streets of Paris.

We recognized almost instantly the new Government of Brazil. I remember very distinctly meeting one night the minister from Brazil, representing the benevolent and amiable Emperor Dom Pedro, and the very next night the minister appeared at the banquet of the Loyal Legion in this city, bearing the commission of the new Republic of Brazil. Nobody said that was incorrect or a violation of international law. Why? Because our sympathies were with republicanism in South America, and we seized the first opportunity, upon the deportation of Dom Pedro, to do what we could to make permanent the new republican régime at Rio de Janeiro. There has arisen on this side of the water an American international law applicable to our own hemisphere.

We were not in much of a hurry to recognize the new states of South America. I have taken the pains to examine the old debates and find out what motives were at work to prevent the Congress of the United States from plunging into a recognition of the South American republics. Not even the eloquence of Henry Clay could get a minister accredited to one of those states created by the most favored and successful of these revolutions. Year after year passed, and nothing was done.

Señor Romero, who for so many years honored his country as the minister here from Mexico, in an article in the North American Review many years ago, pointed out that the United States had contributed little or nothing to the independence of the Latin-American states either on our continent or in South America. The reason of it was that no interest was involved, no motive was involved, and no service could be rendered to mankind by a premature recognition. They were feeble; they were without organization, without political experience, and it was thought better by the level-headed men who managed our Government in those days that those people should be left to fight it out.

One man said, I remember, in one of those debates: "You can not give a nation liberty. They have got to fight for it and bleed for it and endure all the vicissitudes of the struggle for national life." Therefore the wisest men we had said: "Let them struggle; let them organize; and at the end of their struggle, having won their independence for themselves, they will have a stability, an anchorage, and a permanence in the world that they never could have if we started out by intervening in their behalf and presenting them their liberty at the point of the guns of our own Navy;" and I believe they were absolutely right about it.

So there has grown up on this hemisphere an American diplomacy in respect of the right of recognition of revolutionary states. We have had more experience in that matter here than they have had anywhere else in the world. We have had for the last seventy years an almost daily atmosphere of revolution in our relations

with the struggling little republics of South and Central America, and we have found out more than any other nation about the law of recognition as applied to those states.

I undertake to say, having carefully studied the history of our diplomatic relations with South America, that no violence was done to any tradition or precept of our international history in the act of President Roosevelt of last November.

I am not speaking entirely on my own authority in saying that we have an international law which may be described as strictly American, applicable to this hemisphere and especially to the revolutionary crises which have claimed the attention of our State Department now for nearly seventy-five years.

I find that away back in 1856 Franklin Pierce, who, while he may not have been a very great man himself, had one of the greatest men of our national history for Secretary of State, pointed out distinctly that our diplomatic relations with South America were unique in our diplomatic record and history.

Here is his message sent to Congress May 15, 1856, curiously enough upon this very subject, in which he discussed the question that had bothered him about recognizing a couple of ministers from Nicaragua who had appeared in this town about the same day.

One of them was an American adventurer who had gone down there with Walker's expedition. They had hurriedly organized rival governments, and he had started out for Washington. About the same time the first got here another man appeared, claiming to be the representative of the actual de facto Government of Nicaragua; and the President of the United States did not waste a minute to inquire which was the actual representative of the de facto Government of Nicaragua. He looked the two men over, and, as we had exigent business to transact with Nicaragua, he picked out the native of Nicaragua, and, without inquiring at all into the character of his Government or his revolution, recognized him as the Nicaraguan minister to this capital. In reporting the proceedings to Congress, he said:

> It is the established policy of the United States to recognize all governments without question of their source or their organization, or of the means by which the governing persons attain their power, provided there be a government de facto accepted by the people of the country, and with reserve only of the time as to the recognition of revolutionary governments arising out of the subdivision of parent states with which we are in relations of amity.
>
> We do not go behind the fact of a foreign government exercising actual power to investigate questions of legitimacy; we do not inquire into the causes which may have led to a change of government. To us it is indifferent whether a successful revolution has been aided by foreign intervention or not; whether insurrection has overthrown existing government and another has been established in its place according to preexisting forms, or in a manner adopted for the occasion by those whom we may find in the actual possession of power.
>
> All these matters we leave to the people and public authorities of the particular country to determine; and their determination, whether it be by positive action or by ascertained acquiescence, is to us a sufficient warranty of the legitimacy of the new government.

And then he goes on:

> During the sixty-seven years which have elapsed since the establishment of the existing Government of the United States, in all which time this Union has maintained undisturbed domestic tranquillity, we have had occasion to recognize governments de facto, founded either by domestic revolution or by military invasion from abroad, in many of the governments of Europe.
>
> It is the more imperatively necessary to apply this rule to the Spanish-American republics, in consideration of the frequent and not seldom anomalous changes of organization or administration which they undergo and the revolutionary nature of most of these changes, of which the recent series of revolutions in the Mexican Republic is an example.

Then he cites a circumstance which seems almost incredible, that in his Administration, in the course of a few months, he recognized successively five revolutionary governments in the Republic of Mexico—at the rate of more than one a month. If the rule which my friend the senior Senator from Colorado [Mr. TELLER] laid down, that a nation must stand off in a calm, philosophic way until it is determined by competent evidence that a proper organization of a state has been made, and that it has grown to that stability which enables it to discharge international obligations and to take care of internal affairs, the Administration of Mr. Pierce would have expired before that brilliant series of Mexican revolutions had passed into history.

And yet Franklin Pierce, acting under the advice of Secretary Marcy, recognized in the course of about four months five separate revolutionary governments of Mexico, one after another. Do you tell me that you have got to go back to Grotius and the old writers on international law to find precepts to justify a situation like that? I say it is nonsense.

The duty of this Government in respect to the revolutionary surroundings which we have had in Central and South America has been determined not by law written in Europe one hundred or one hundred and fifty years ago, but it has been determined year by year and step by step by what has occurred along our own coasts on this hemisphere.

So much for that. Again, it is said that the President of the United States entered into a sort of conspiracy with certain persons, most of them disreputable, for the purpose of establishing the new Government of Panama. I intend to speak about that, because I believe it is the most important question that there is in this discussion. Everything else is done, accomplished beyond revision or recall. Only debate remains—acrimonious disputation about the right or wrong, the credit or disgrace of the proceedings.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. DOLLIVER. Certainly.

Mr. PATTERSON. I want to call the Senator's attention to the fact that all the cases he has cited to the Senate in his speech up to this time have been cases in which the United States has recognized de facto governments where there has been a revolution of the government itself, and no case that he has cited is a case of secession or rebellion of the inhabitants of what is simply a part of the country.

Mr. DOLLIVER. That is very true, Mr. President.

Mr. PATTERSON. Just one moment. That is the distinction that has been made here by every Senator who has spoken in opposition to the treaty. It is the distinction that was made by President Roosevelt in his message to the Senate admitting, as he did, that he did not proceed in this case according to the rules of international law.

Mr. DOLLIVER. Mr. President, what the Senator says is true. I have not been undertaking to dispose of this case of Panama upon these precedents. I have cited them for the purpose of escaping the burden laid upon the present Government of the United States by these precedents in respect to recognitions which have been cited by the senior Senator from Colorado [Mr. TELLER].

Mr. PATTERSON. Just one moment——

Mr. DOLLIVER. And I undertake to say that our situation here has created variations of the ancient rules of recognition which must be vindicated, not by the books, but by the uninterrupted practice of the Government of the United States.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. DOLLIVER. With great pleasure.

Mr. PATTERSON. I want to say to the Senator from Iowa that there is really no contention between himself and the opponents of this measure as to the rules of international law which he lays down. Nobody disputes where there is a revolution in a government by which some other party, or by which some other ruler, will take possession of that government, that both in Europe and in this country that new government may be recognized, and it may be recognized as often as revolutions of that kind occur.

So when we recognized the different governments in Mexico—five within a few months—they were all recognized under well-established principles of international law, observed both in Europe and in this country, and it is not American international law or an American law which the Senator has been citing. It is the international law that is observed by all civilized nations.

Mr. DOLLIVER. Now, Mr. President, how does my friend from Colorado account for the fact that all the important nations of Europe, within an incredibly short space of time and before the organization of this State of Panama, have joined us in its recognition?

Mr. PATTERSON. Simply because, Mr. President, the United States set the pattern. The United States has grown so strong and powerful, so many nations of Europe are anxious to acquire the favor of the United States, that they are apparently willing to follow in the footsteps of the United States when it is willing to set the pace.

Mr. DOLLIVER. Mr. President, has it come, then, to this, that international law in Europe consists in following the blunders and crimes that are committed by the United States?

Mr. PATTERSON. I would suggest also to the Senator, if he will permit me, that European nations recognize the fact that it was the United States that made that new Government; that it depended upon the United States; that without the bayonets and guns of the United States it could not exist; that with them it was absolutely impregnable, and they could not do otherwise.

Mr. DOLLIVER. Therefore they shut up their international law books and went in?

Mr. PATTERSON. That is precisely what they did.

Mr. DOLLIVER. I doubt that very much. I would rather believe that they studied the situation—that they studied the history of this case, and coming to the conclusion that the United States had acted with wisdom, with prudence, and in strict accord with the law of nations, they gladly and cheerfully gave their consent to what had been done.

But I will go further. I claim that nobody can wisely and discreetly discuss this question who treats it altogether as a question of law. I hold that it is a question of fact, and if what I

say to-day has any value to anybody it will be from the effort I will make to point out some facts that went before the recognition of the little Republic of Panama.

My friend from Colorado asked a question here yesterday which nobody had the time to answer, because nobody desired to add to his labors and his troubles. He said: "Does anybody pretend that the Republic of Panama could have come into existence without the assistance of the United States or that it would last a minute if the naval forces of the United States were withdrawn?" Now, that is a very practical question, and in my judgment is strategic and decisive of this whole situation.

I hold that this revolution in Panama is several years old. I hold that the sympathies of the whole world should have years ago been drawn to this unfortunate little Republic of Panama, and that the United States, instead of being subject to blame for taking that little community by the hand and helping it out of its troubles, is entitled to the applause not only of our own people, but of the people of the whole world.

I go further. I say that if the United States had kept out of Panama the Republic of Colombia would have lost that most precious of its possessions a good many years ago, and I do not hesitate to say here, without intending to speak a harsh word about the unfortunate people of the United States of Colombia, that the American people ought to be thankful that, after fifty years, the era of our partnership with the anarchy and misgovernment of the Colombian Republic has come to an end forever more in the Province of Panama. So that I hold this to be a question of fact rather than a question of law.

My friend asks, "Would that Republic have existed if we had not helped it?" There is every reason to believe that it would.

I hold in my hand a religious review which was presented to me early in this discussion by the venerable Senator from Alabama [Mr. MORGAN], whom I am sorry not to see in his seat just now. But his absence enables me to say of him a thing which I might be deterred somewhat from saying if he were present, and that is this:

He stands here in his old age one of the historic figures connected with this canal controversy. He may not be the man who began the discussion, but for nearly a generation he has kept it up. No man has ever exhibited, within our knowledge, any such marvelous industry, energy, and sagacity as he has put into the argument for the Nicaraguan canal. Day and night he has labored, not with the assistance of others, but personally, often with his own pen writing these speeches which have become the chief part of the agitation which has resulted in unifying public sentiment in the United States in favor of the canal.

I regret more than I can say that he was disappointed in his own personal ambition in respect to the route that was finally chosen. But that does not prevent me from adding that long after the little controversies of this hour are forgotten his name will be connected in immortal reputation with the isthmian canal, wherever it is built, by the people of the United States.

And so I pick up this quarterly review, printed at Nashville, July, 1903, in which he discusses the Colombian Government in its relation to the Republic of Panama. It is a long article, filled with the evidences which have become so familiar to us of his indefatigable industry and research. He shows that for more than a generation the State of Panama has been plucked, robbed, oppressed, and wronged by the so-called Government at Bogota. He shows that that institution for years has been a despotism, a dictatorship, and an organized anarchy.

My friend, the Senator from Wisconsin [Mr. QUARLES], day before yesterday, pointed out from the reliable comments of an American minister and traveler in the United States of Colombia just what kind of an institution the Colombian Republic is and has been, and he was answered by the Senator from Colorado by saying that Mr. Scruggs had written about the Colombian Republic very much as a man would write if he confined the history of the United States to the race riots in the South and the railroad mobs in Chicago a few years ago.

I do not believe that anybody can take up that book and rise from the perusal of it with any enthusiastic sympathy left on account of the misfortunes that have fallen upon the Colombian Government. Fortunately we know exactly what it is. We know first that it is a dictatorship. We know the number of constitutions it has had. We know that a constitution is brushed away at every turn in the political tide in Colombia. We know that its people have no participation whatever in the Government. We know that less than 2,000 men constitute the Government of Colombia, and that, there intrenched in the capital at Bogota, they have been cheerfully consulting together as to the possibility of laying still further tribute upon the Treasury of the United States.

In 1900 a revolution broke out in Panama which lasted until practically the beginning of the present revolution. We have the history of that revolution. The Senator from Alabama [Mr. MORGAN] has preserved it in this magazine article. It lies in the records of the Navy Department and in the records of the State Department. We know exactly what it is. We know that for three long years the Colombia dictatorship tried to quell the revolution in Panama, and at the end of that time, by the friendly offices of the United States, were enabled, by bare good fortune, to compromise with it.

And when my friend asks me whether a revolution in Panama could have succeeded to-day, I say to him yes, and the only reason it has not succeeded for twenty years is because the Marine Corps and the Navy of the United States have been there, standing between the men fighting for their liberty and for their rights and the Colombian dictatorship at Bogota.

So, it does not require a man even to hate the President of the United States; it does not require a man to have his system so poisoned that he unconsciously has more sympathy with a foreign country than he has with his own; it does not require any morbid state of anybody's mind to understand the present revolution in Panama. It was not needful that the President should stimulate it. It was not needful that the Navy of the United States should participate in it. It was not needful that American residents there should help it along.

It is and for nearly a generation has been the continual and almost helpless expression of the effort of that unfortunate community to be free from the oppression which has its headquarters at the capital of the Colombian Republic.

How was this war against Panama, which began in 1900, conducted? The Senator from Alabama preserves here a military decree levying taxes to carry it on, a decree which he declares is the most cruel act ever performed in the name of a Christian government.

Their system of taxation appears to be simple. My friend the Senator from Wisconsin explained it, reading from a book written by an old minister of ours at Bogota, Mr. Scruggs. He was waived aside because it was not official. Here is the official decree levying taxes upon the Colombian people to conduct their war against the old revolution of 1900 on the Isthmus of Panama.

It consists of sending out gentlemen with a list of people in all the cities and towns and villages in the country, with an estimate of their wealth, and a proposition that one shall pay $500, another $1,000, another $5,000, and another $10,000, 15 per cent of which shall accrue to the gentleman who collects it, and if there is any hesitation about it he is directed to confiscate and destroy the property of the people on the Isthmus of Panama.

Our naval officers report that in obedience to that decree such of the well-to-do citizens of Panama who were able to get away fled to ships of foreign countries, and in that way were willing to sacrifice their entire property rather than submit to a despotism and a tyranny like that. And yet, men stand up here by the day reading international law, and inviting people to sympathize with the misfortunes that have come upon the Republic of Colombia.

I say again that such little sympathies as I have to spare are with that struggling community along the line of our right of way on the Isthmus of Panama, who for more than a generation have suffered the evils of bad government, and ever since its accession to the territory of the Republic of Colombia have been entitled to the sympathy and the good will of every civilized government in the world.

Was the Republic of Colombia able to overcome that insurrection? This record indicates that it was not. Let me read from the reports made from time to time by our naval officers, and especially the pathetic plea directed to the commander of our little fleet there, made by General Herrera, who was the commander of the insurrectionary army of Panama:

In a dispatch of March 22, 1902, Captain Reisinger writes:

"There is another element in this matter that may need consideration before anything else, and that is the turbulent tendency of the troops which have been brought here recently. These men have been operating in the south and in open country mainly, and the massing of them in the city causes considerable apprehension.

"I am informed upon good authority that the Government is getting very short of money, and unless the troops are paid there will be trouble, because the Government maintains no commissary, but pays the troops well, and they must furnish their own food."

September 15 he writes:

"SIR: 1. I have the honor to confirm the following telegrams:

"'September 10. Two thousand men surrendered to revolutionists at Agua Dulce on August 30. Revolutionists reported advancing near Panama.

"'September 11. Government has occupied portion of land belonging to canal company's hospital, anticipating attack immediately, at Panama. This ship can not land force sufficient for the protection of American interests.'"

Thus the civil war raged, destroying life and property on the Isthmus and subjecting the Government of the United States to a continuous and increasing burden in keeping the transit across the Isthmus free from obstruction. In the very nature of the case civil war in Panama means the occupation of the line of transit, since practically all the people of the Isthmus live along the highway between the oceans.

And notwithstanding the fact that the United States by keeping the insurgents off the transit gave to the Colombian Govern-

ment what little military strength it had in Panama and Colon, yet the autumn of 1902 found the Government at Bogota imploring the United States to use its good offices to bring the insurrection to an end, holding out as an inducement to our Government the consideration that until peace was secured no progress could be made with the canal negotiations. This was shown by the following dispatch of our minister at Bogota:

BOGOTA, *September 11, 1902.*

SECRETARY OF STATE, *Washington:*

Minister for foreign affairs desires me to inform you that his Government would appreciate your good offices to bring about peace in the country, especially on the Isthmus, where the revolution is strong. This Government has no new terms to offer, but thinks your good offices may avail to induce revolutionists to accept terms heretofore offered, and thus prevent otherwise inevitable heavy loss of life. Minister for foreign affairs added: Not only is the question of humanity involved, but so long as the war lasts Congress will not be convened, and therefore the continuance of war will delay submission of the canal matter to Congress.

Minister for foreign affairs emphasized this last point as being well to present to your consideration.

HART.

It is no idle opinion of mine that but for the presence of the United States ships that revolution would have been successful. It is confirmed by the following report, made on the 13th of October, 1902, to the Secretary of the Navy by Admiral Casey:

I inclose a clipping from the Panama Star and Herald of October 12, 1902. In this connection I take occasion to inform the Department that I have refrained, as far as possible, from in any way embarrassing the officials of the Colombian Government, except so far as is absolutely necessary in my judgment to maintain uninterrupted and unembarrassed transit and to prevent the line of transit from being converted into a theater of hostilities. I shall decide such questions as the conditions may change from day to day, and when in doubt will consult the Department.

Further, in this connection, I have to inform the Department that I have been unable to learn of any effort on the part of the Colombian Government to crush the revolution in this district just prior to or since my arrival at Panama. On the other hand, it is my opinion that if it were not for the restraining influence of our naval force here Panama would fall an easy victim to the combined land forces and gunboats of the insurgents.

To which he added, on October 20, the following:

Judging from conditions now existing and from information I am able to obtain, there seems little prospect of a speedy termination of this strife. Panama and Colon are practically besieged; troops at neither place dare to go beyond their intrenchments. I firmly believe if our men were removed from shore the insurgents would be in Panama in forty-eight hours. I think the Government, therefore, is very willing that they should remain, making occasional mild objections, which really it does not mean shall be taken seriously.

Great things were expected on Perdomo's arrival; but as he came attended only by numerous generals, of whom there were apparently already a surfeit in the city, I fail to see how he can accomplish much.

It will thus be seen that upon the plea of the Colombian Government, itself entirely helpless to deal with the revolution, this civil strife was brought to an end by the friendly intervention of the United States for a peaceful settlement.

It will be interesting in this connection to read the pathetic plea of the insurgent commander, General Herrera, justifying the motives of his countrymen and uniting in the wish for peace.

The war with us—

He wrote to Admiral Casey—

is only an act of instinctive and vehement despair. It is a claim for life such as can not be considered to exist in Colombia under a government arbitrary in politics, economically, and in civil matters. Hence the constant desire of the revolutionists to lay down their arms as soon as they can secure something republican, something that they may secure for the country, something that they may draw the country for the state of oppression in all respects, which rendered existence intolerable and dark the future of the country.

For these reasons the revolutionists are ready to die, since what is suggested as peace is simply the replacing of the white for the red terror. Gladly and with enthusiasm did I receive and answer your esteemed communication of the 7th instant. In the mediation of yourself and of the United States I saw a prospect of true peace which might give forth the harmony of interests and the security of rights. But such a peace is not pleasing to our contenders; their ideal exists in the imprisonment of which the Cæsars gave the example.

On the other hand, the mediation of the United States was for me the symptom and the proof of its respectful disposition respecting the sovereignty of the Colombian nation in the Isthmus of Panama, since in that manner it did away with any excuse or any justification for maintaining American troops on the line.

The so-called Government of Colombia through its obstinacy has rendered itself responsible before the nation for the officious guardianship which—why should I hide it?—hurts the feelings of those who know our rights, our duties, and our responsibilities as a sovereign and independent nation.

If, notwithstanding the incident I have mentioned, you should think the conference useful, I am ready to come to an honorable and just arrangement. I accept the mediation of yourself and the United States with full confidence and gratefully.

From other points of view and purposes the conference could fix the basis which might insure the construction of the canal by the United States, which is the universal desire of Colombians, a wish that is condensed into a national interest. If the private parties who have contributed toward your very generous mediation conclude that it is necessary to come to an understanding with me, I inform them that Aguadulce is my general quarters and the seat of the director of the war.

I am, etc.,

B. HERRERA.

It thus appears that in contemplating a cessation of that insurrection by a treaty of peace the thing about which the whole transaction revolved was the isthmian canal, which he says has not only been the long-time aspiration of the isthmian people, "but had been condensed into their chief national interest." And so under the direction of our Navy the insurrection of 1900, which had raged in that Isthmus for a period of more than two years, was brought to an end, not by its defeat, but by a treaty of peace entered into for the sake of the canal, at the very moment of victory.

I have here the treaty, preserved in this article by the Senator from Alabama [Mr. MORGAN], and among the terms by which they agreed to stop hostilities and let the insurrection die was a proposal that the Colombian Government should immediately take up and dispose of the question of the isthmian canal. So they did. Not only without the help of the United States, but with our Government unfortunately in practical alliance with their enemies, and doing infinitely more to keep their victory away from them than the Colombian army had been able to do.

They did successfully maintain at the Isthmus of Panama an effective rebellion, lasting more than two years, which was finally compromised under the auspices of the United States by an agreement to immediately facilitate negotiations for the canal.

The Government of Colombia is in vastly worse shape now than it was at the end of that rebellion; poorer in money and other military resources.

So that when Senators offer the opinion that without the countenance of the United States the new Panama Government could not stand up and defend itself in its own territory, I put in evidence the report made by Lieutenant-Commander Culver to the Secretary of the Navy on December 13, 1902.

U. S. S. BANCROFT, COLON, COLOMBIA, *December 13, 1902.*

SIR: I have the honor to report as follows regarding an interview I had yesterday at Panama with Consul-General Gudger:

The consul-general states that political disturbances on the Isthmus can now be regarded as positively over for many months to come. All arms have been surrendered by the insurgents, also their gunboats; and it would take a long time for them to reorganize and reequip, even were they disposed to start another revolution. About 1,000 insurgents are in Panama fraternizing with their late foes—the Government forces.

For the first time in two years the military bands are now permitted to play in the public squares at night, and the people are allowed to be in the streets at all hours.

The Government forces are being slowly disbanded. Forty per cent of them are boys from nine to fifteen years of age. They are stationed at various posts along the route of the railroad, are filthy in person and dress and poorly clad, and appear like a rabble of children.

The consul-general states that, in his opinion, there is not the slightest need of a Government vessel either at Panama or Colon at this time, nor will there be for a long time to come. United States Consul Malmros, at Colon, is of the same opinion.

Very respectfully,

A. E. CULVER,
Lieutenant-Commander, United States Navy, Commanding.

The SECRETARY OF THE NAVY.

Mr. President, there is a picture of military glory truly admirable. Yet this rabble of children was a band of military heroes compared to the garrisons which represented the sovereignty of the Colombian Government last November, when the citizens of Panama, without a dissenting voice, declared their independence, and wound up the military affairs of Colombia on the Isthmus of Panama with a few thousand dollars of Mexican silver.

Now, I say that it does not require any very large knowledge of what has been going on down there for the last twenty years to enable anybody to see that they had their own motives and their own reasons for their insurrection. So they all rejoiced when the President of the United States finally succeeded in getting the Hay-Herran negotiations through. They watched with solicitude every step of the procedure at Bogota.

The testimony which has been preserved here in the correspondence of the Secretary of State indicates that their wisest men there knew exactly what would be the result if the negotiations failed. Men talk to me about the President of the United States stirring up this insurrection! The United States, with all its splendid power, could not have done a thing to stop that insurrection. The United States had intervened to prevent their success only one year before. They agreed to stop fighting when they were almost within reach of the city of Panama, on condition that the canal negotiation should be taken up. They laid down their arms.

They were not confronted by a very formidable adversary. I do not want to speak unkindly of the Colombian people and of the Colombian Government, not because I feel exactly right about them, but because it can do no good to continue irritations that have no material significance from this time forward in this discussion. I do not intend to go into the history of that negotiation at Bogota, but I will go into it far enough to say a word about our young minister at that capital.

I know him well; an Illinois boy, without particular experience in diplomacy, tossed by the accidents of our politics into a position which seemed to be insignificant, but which almost immediately became one of the points of interest under the spot light of the world's attention, and who in the midst of new duties and difficult surroundings has added a bright chapter to the history of American diplomacy and American statesmanship. I will say that in consideration for him.

But every step of that negotiation indicates what was going on at Bogota. At first nobody there cared anything about it. Nothing was said on the streets or about the halls of Congress or anywhere else. Nobody took any interest in it until these gentlemen in charge of that Government, these amiable people who are soliciting the sympathy of the United States against the people of Panama and that stricken Isthmus which connects two continents, until these cheerful politicians at Bogota looked over the Hay-Herran treaty.

They said, "Here seems to be $10,000,000 coming to us." Every one of them knew that it was a gratuity. If they are enlightened, and everybody gives them the credit for that, they must have known that there is not a civilized community in the world which, having been approached by people able to put up the money for building a public work like that, would not cheerfully have granted them the right of way practically without condition. They said, "Here are a people who evidently have plenty of money. They offer us ten millions. A people who will offer us $10,000,000 in so short a time, if we delay this matter, will grow desperate and offer us more."

They knew more about the canal situation than our friends on the other side of the Chamber appear to know. They had a dim kind of opinion that so long as it was only 49 miles across there and 183 miles across up at Nicaragua the "reasonable time" suggested by law would probably be not a week or a month, but may be years before the United States would turn away from that opportunity to build this public work.

So they said, "Having offered us ten millions, we will wait; maybe they will offer us $15,000,000. Having offered us $250,000 as an annuity for the use of this territory, maybe they will offer us $600,000."

They saw a big item—$40,000,000—to go to the New Panama Canal Company. The first article of the treaty arranged for their giving their consent to the canal company selling its own property and concession to us.

There is not a civilized country in the world which would not have gladly paid a bonus to have the concession transferred from that worthless and bankrupt concern to a responsible party, except these politicians at Bogota. But they saw the size of those figures—$40,000,000—and they said, "There are only 2,000 of us, and that is a large sum of money. We are perfectly willing that they should sell this concession to the United States, but we want a little time before it is done to enter into some quiet negotiations with the owners of the Panama Canal franchise."

So they deliberately proceeded to hold up this treaty in order that they might get a chance to steal a portion of the $40,000,000 which the Government of the United States had already appropriated to pay for the property and franchises of the New Panama Canal Company.

I will not go into that further, except to say that no intelligent American can read this correspondence without seeing that if that canal treaty failed at Bogota the Colombian Government was on the eve of an insurrection, the like of which had never occurred in the whole stormy history of that Republic. That word was spoken on the floor of the Congress, and just before the treaty was rejected the helpless and superannuated old dictator of the Colombian Republic, with feeble hand, appointed Senator Obaldia as governor of Panama, and sent him down there in that capacity.

That brave friend of the Istimian canal and that patriotic and home-loving citizen of Panama said publicly in the Colombian Congress that if he went down there as governor of Panama and that Congress defeated the treaty he would himself head an insurrection for the independence of the Republic of Panama.

So I can not understand what is the motive which prompts men to stand here and ask if the President of the United States is not at the bottom of this insurrection. I have heard Senators—and I confess I heard it with pain—disparage the official report of Commander Hubbard and what he had done on the Isthmus of Panama.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. DOLLIVER. With great pleasure.

Mr. TELLER. I suppose the Senator refers to what I said yesterday afternoon?

Mr. DOLLIVER. I have an indirect reference to it.

Mr. TELLER. I merely called attention to the fact that the statement was not made by Commander Hubbard, who stated distinctly that the mayor had told him. Commander Hubbard never even gave it his sanction. He said: "The prefect of the town told me this was the fact."

Mr. DOLLIVER. He gave it this much sanction, that he advised the American women and children in that town to congregate at the railroad station, where they could have military defense; and he says also that foreign residents took advantage of that rumor to retire to convenient warships of Great Britain and other countries which had congregated in that harbor.

Mr. TELLER. The Senator from Iowa is a lawyer. He knows that is no proof. It was a wise thing probably for the people at that time to do.

Mr. DOLLIVER. Quite.

Mr. TELLER. But it is no proof that the Colombian general made any such threat, and his subsequent conduct in calling upon Hubbard the same afternoon, a few hours afterwards, shows there was probably nothing in it.

Mr. DOLLIVER. I think his subsequent conduct was probably affected by Hubbard's conduct.

Mr. TELLER. All I want to say is that if Commander Hubbard had made report that that was the fact, I should not have questioned it.

Mr. DOLLIVER. I am very glad to hear the Senator say that, for if there is one thing in which we should all take a national pride it is the fidelity and modesty and accuracy with which these naval officers of ours make reports to the Department of what they have done and what they contemplate doing.

I am glad if I misunderstood the honorable Senator from Colorado in throwing suspicion upon an official report of a man who, if this business which he did at Panama illustrates his ability, will rank among the efficient public servants in the Navy of the United States.

We have had within the last few years two of our naval officers who may never become famous, but who, in my judgment, rendered incalculable service to the country. One of them was Admiral Kempff, the man who stood off the coast of China when every nation in the world was deriding him, some of them even calling him a coward, because he would not go into action with other nations and bombard the city of Tientsin, in China, and solemnly, in the fear of God and in the service of his country, said he would not and could not because the traditions of the United States forbade any foreign alliance, and because he would not bombard the coast of a country with which we were at peace.

The other case is that of this young commander of the *Nashville*, under trying circumstances there, with men, women, and children flying from what they supposed to be danger, gathering together the American residents in the old stone depot, at the outskirts of the city, putting it in a state of military defense, and disembarking forty-two men, not marines, because the Secretary of the Navy tells me he had only a few marine guards on his ship, but disembarking forty-two blue-jackets of the Navy to go from their ship, their home on the water, and to stand between our people and the injuries and losses that might have befallen that community. That I say, whether it is long remembered or not, will some day be discovered by the historian to be one of the bright pages in the glorious record of the little Navy of the United States.

It is not a very big achievement. It is not big enough to justify my friend the Senator from Nevada [Mr. NEWLANDS] in describing it as a state of war, in describing us as going to war with the friendly State and the people of Colombia. I confess I was a good deal perplexed the other day to find that distinguished Senator saying here that we were at war or had been at war with the Republic of Colombia. He seemed to be one of the few well-advised people who understood what was going on there.

I have great respect and admiration for his sagacity, but I am not able, even now, to understand how he discovered that we were at war with Colombia, when the Colombian Government itself never seemed to have heard of it, but on the contrary has constantly maintained its peaceful legation at our capital. Yet that is the only act looking like war which occurred there.

Men say the President of the United States issued orders which, if they had ever been received and had ever been acted upon, would have constituted a violation of the treaty and an act of war. I do not believe it.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. DOLLIVER. With very great pleasure.

Mr. NEWLANDS. Does the Senator insist that the instructions given to our naval commanders in those waters were not acted upon?

Mr. DOLLIVER. The only action I find recorded is this action of the commander of the *Nashville* in protecting the lives and property of American citizens in Panama. The other action seems to have been entirely commercial or financial.

Mr. NEWLANDS. Does the Senator deny that Admiral Coghlan informed the commander of the Colombian forces that he had been instructed by the United States Government not to permit the landing of Colombian forces upon her own soil?

Mr. DOLLIVER. My impression is that that occurred after the recognition of the Republic of Panama. But I am here to defend it wherever and whenever it occurred.

I am not one of those who apologize for any item in this transaction. I claim that the present Secretary of State knows as

much about international law as any man in this Chamber, on either side.

I claim that his heart is filled with as high a form of patriotism as belongs to any man in this Chamber on either side, and if I was called upon to take the opinion of John Hay and put it against the opinion even of the most learned masters of the law here, I would on such a question, without fear or doubt, take the opinion of the Secretary of State.

So I do not stand here to apologize for one minute either for any order that was issued or for any act that was done in Panama. I hold that our treaty relations with the Colombian Government made it absolutely essential for us to do what we have been doing.

And that brings me to discuss a question which I intend to deal with with very great brevity, unless I find myself a good deal less master of my views on it than I had expected—the treaty of 1846.

I took a very great interest in the discussion of that question by the learned Senator from Colorado yesterday. I could not help but admire the industry and legal wisdom and learning which he had brought to that discussion, and yet I am satisfied from all I can find out that his speech and his discussion of the treaty of 1846 were absolutely wide of the mark. He discussed it as if it were a sort of treaty of commercial reciprocity, and as if this canal business were an obscure incident in it, which had unfortunately become prominent afterwards.

I do not so read the history of that transaction. I maintain that the treaty of 1846 was a canal treaty, and nothing else of importance. It had other items in it. It did provide for mutual reciprocal concessions in the mater of customs duties, etc. But the thing about that treaty which gave it significance and importance in the eye of our Government, and in the eye of the Government of Colombia, was the canal.

It was only a dream then. It has been a mere vision for generations. In 1835 the Senate had taken action looking toward it, and in 1839 the House had acted, on the request of New York merchants upon the subject, but it was a mere dream of the future, and the far-sighted men whose business, as statesmen, it was to deal not with the passing hour, but with all the centuries that are to come, looked forward to the absolute necessity of that canal.

It was at a time when our coasts had been enlarged by the settlement of California and its acquisition from Mexico, and the statesmen of that period saw that it was a part of the national life of the American people to find a better transit through the Isthmus of Panama. If anyone will take up the history of the negotiation of 1846 as a mere reciprocal commercial agreement, he misses altogether the substance and the motive of that transaction.

It was the hope and promise of the canal inspiring both the statesmen of New Granada and the statesmen of the United States which brought that negotiation into existence.

I do not intend to quote the diplomatic correspondence, though I have it upon my desk. The treaty had thirty-five articles in it. The relative importance of those articles is well exhibited by President Polk's message, February 15, 1847, transmitting the treaty to the Senate.

It is as follows, and nobody can read it without perceiving the motive and influence leading up to it:

To the Senate of the United States:

I transmit to the Senate, for their advice with regard to its ratification, "a general treaty of peace, amity, navigation, and commerce between the United States of America and the Republic of New Granada," concluded at Bogota on the 12th December last, by Benjamin A. Bidlack, chargé d'affaires of the United States, on their part, and by Manuel María Mallarino, secretary of state and foreign relations, on the part of that Republic.

It will be perceived by the thirty-fifth article of this treaty that New Granada proposes to guarantee to the Government and citizens of the United States the right of passage across the Isthmus of Panama, over the natural roads, and over any canal or railroad which may be constructed to unite the two seas, on condition that the United States shall make a similar guaranty to New Granada of the neutrality of this portion of her territory and her sovereignty over the same.

The reasons which caused the insertion of this important stipulation in the treaty will be fully made known to the Senate by the accompanying documents. From these it will appear that our chargé d'affaires acted, in this particular, upon his own responsibility, and without instructions. Under such circumstances it became my duty to decide whether I would submit the treaty to the Senate; and, after mature consideration, I have determined to adopt this course.

The importance of this concession to the commercial and political interests of the United States can not easily be overrated. The route by the Isthmus of Panama is the shortest between the two oceans, and, from the information herewith communicated, it would seem to be the most practicable for a railroad or canal.

The vast advantages to our commere which would result from such a communication, not only with the west coast of America, but with Asia and the islands of the Pacific, are too obvious to require any detail. Such a passage would relieve us from a long and dangerous navigation of more than 9,000 miles around Cape Horn and render our communication with our own possessions on the northwest coast of America comparatively easy and speedy.

The communication across the Isthmus has attracted the attention of the Government of the United States ever since the independence of the South American republics. On the 3d of March, 1835, a resolution passed the Senate in the following words:

"*Resolved*, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the governments of other nations, and particularly with the governments of Central America and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the Isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as may be established, to compensate the capitalists who may engage in such undertaking and complete the work."

No person can be more deeply sensible than myself of the danger of entangling alliances with any foreign nation. That we should avoid such alliances has become a maxim of our policy, consecrated by the most venerated names which adorn our history and sanctioned by the unanimous voice of the American people. Our own experience has taught us the wisdom of this maxim in the only instance—that of the guaranty to France of her American possessions—in which we have ever entered into such an alliance.

If, therefore, the very peculiar circumstances of the present case do not greatly impair, if not altogether destroy, the force of this objection, then we ought not to enter into the stipulation, whatever may be its advantages. The general considerations which have induced me to transmit the treaty to the Senate for their advice may be summed up in the following particulars:

1. The treaty does not propose to guarantee a territory to a foreign nation in which the United States will have no common interest with that nation. On the contrary, we are more deeply and directly interested in the subject of this guaranty than New Granada herself, or any other country.

2. The guaranty does not extend to the territories of New Granada generally, but is confined to the single province of the Isthmus of Panama, where we shall acquire by the treaty a common and coextensive right of passage with herself.

3. It will constitute no alliance for any political object, but for a purely commercial purpose, in which all the navigating nations of the world have a common interest.

4. In entering into the mutual guaranties proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus. If the United States, as the chief of the American nations, should first become a party to this guaranty, it can not be doubted—indeed, it is confidently expected by the Government of New Granada—that similar guaranties will be given to that Republic by Great Britain and France. Should the proposition thus tendered be rejected, we may deprive the United States of the just influence which its acceptance might secure to them, and confer the glory and benefits of being first among the nations in concluding such an arrangement upon the Government either of Great Britain or France. That either of these Governments would embrace the offer can not well be doubted; because there does not appear to be any other effectual means of securing to all nations the advantages of this important passage but the guaranty of great commercial powers that the Isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

Besides, such a guaranty is almost indispensable to the construction of a railroad or canal across the territory. Neither sovereign states nor individuals would expend their capital in the construction of these expensive works without some such security for their investments.

The guaranty of the sovereignty of New Granada over the Isthmus is a natural consequence of the guaranty of its neutrality, and there does not seem to be any other practical mode of securing the neutrality of this territory. New Granada would not consent to yield up this province in order that it might become a neutral state; and if she should, it is not sufficiently populous or wealthy to establish and maintain an independent sovereignty.

But a civil government must exist there, in order to protect the works which shall be constructed. New Granada is a power which will not excite the jealousy of any nation. If Great Britain, France, or the United States held the sovereignty over the Isthmus, other nations might apprehend that, in case of war, the Government would close up the passage against the enemy; but no such fears can ever be entertained in regard to New Granada.

This treaty removes the heavy discriminating duties against us in the ports of New Granada, which have nearly destroyed our commerce and navigation with that Republic, and which we have been in vain endeavoring to abolish for the last twenty years.

It may be proper, also, to call the attention of the Senate to the twenty-fifth article of the treaty, which prohibits privateering in case of war between the two Republics; and also to the additional article, which nationalizes all vessels of the parties, which "shall be provided by the respective Governments with a patent issued according to its laws;" and, in this particular, goes further than any of our former treaties.

JAMES K. POLK.

WASHINGTON, *February 10, 1847.*

Here was a feeble state, including within its territory what is now known as Panama. It was a feeble state. The nations of Europe were looking toward that Isthmus to despoil it. The French people especially and the English had the eyes of avarice and commercial foresight upon that strategic point on the American Continent, and the people of New Granada felt that if they could get in some way under the shadow of the American Republic they would be enabled to preserve the integrity of their territory and to peacefully work out their destiny.

That was before the age of blackmail and commercial degradation which has since fallen upon that unhappy community.

They were farsighted men, and fortunately we had farsighted men here. When Mr. Polk sent to the Senate the treaty of 1846 he said hardly a word about anything except this dream of the isthmian canal.

For that the Government of the United States undertook to protect the integrity and the sovereignty of the State of New Granada, and in exchange for that the State of New Granada undertook to guarantee by a solemn public grant to the United States, not a mere right of way, not a mere bypath across those mountains to be kept free and open, but they guaranteed the right of free and uninterrupted transit, not only by the means that were then known, but by all the means that were suggested by the hopes of the world over that Isthmus.

Now, I hold that as a question of law my honorable friend from Wisconsin [Mr. QUARLES], who spoke here the other day, made an

absolute demonstration that whatever rights New Granada had by that treaty went by inheritance to the State of Colombia; that whatever rights Colombia had by that treaty have now gone by inheritance to the State of Panama, and that we are bound by that treaty to do for the new little Republic of Panama exactly what we proposed fifty years ago to do first for New Granada and after that for the United States of Colombia.

I hold, further, following closely what I consider as the unanswerable argument of the Senator from Wisconsin, that that grant was in its very nature a servitude upon the sovereignty and rights of the State of New Granada. It was more than a right of way. It was a guaranty that the United States should have rights along that canal route, which in their very nature were a qualification of the complete sovereignty of the Republic of New Granada.

And that is no statement of imaginary international law. My friend from Colorado [Mr. PATTERSON] the other day undertook to say that when the President of the United States described our rights in New Granada and in Colombia and afterwards in the State of Panama as a property right "carved out of the sovereignty" of these States, he not only spoke words of nonsense, but that he was the only living man that ever thought of such a proposition.

It is, however, a well-established proposition of international law that there is such a thing as a grant of this character, constituting a property right carved out of the sovereignty of the state that makes the grant. I have here one of the ablest works, I think, there is on international law, which expressly describes that situation. So the President of the United States was not either going beyond precedent or outside of the authority of the law when he referred to our rights on that Isthmus as a property right carved out of the sovereignty of Colombia. This author says:

> From their very nature and situation the right to use and enjoy certain classes of state property depends exclusively upon municipal law, while for a like reason the right to use and enjoy certain other classes depends entirely upon international law. A state may limit or qualify its sovereignty and jurisdiction over its territorial property by permitting a foreign state to perform within its bounds certain acts otherwise prohibited, or by surrendering the right to exercise certain parts of its domestic jurisdiction as a protection to others. Restrictions thus imposed upon the sovereignty of a state are known as servitudes, which may be either positive or negative.

Mr. CULLOM. What does the Senator read from?

Mr. DOLLIVER. From Taylor's International Public Law, chapter 3, page 263. That is not only true now, but it was true at the time of this transaction, and I have an idea that Franklin Pierce, who has been described here as not a very great man, had heard something of that carving out of the sovereignty of Colombia and adding it to the sovereignty of the United States.

If he did not have that in his mind, it is a little difficult to find out what he meant in this message of his of May 16, 1856, when, after having described the intolerable situation which would be created if both the transit at Nicaragua and the transit at Panama were stopped up, he used the words which I shall read. He has already described the interruption of the transit of Nicaragua on account of the Walker insurrection down there. He says:

> Further than this, the documents communicated show that, while the interoceanic transit by way of Nicaragua is cut off, disturbances at Panama have occurred to obstruct, temporarily at least, that by the way of New Granada, involving the sacrifice of the lives and property of citizens of the United States. A special commissioner has been dispatched to Panama to investigate the facts of this occurrence, with a view particularly to the redress of parties aggrieved. But measures of another class will be demanded for the future security of interoceanic communications by this as by the other routes of the Isthmus.

Then follows a sentence which I have no doubt the President of the United States had in his mind when he spoke of our rights there as having been carved out of the sovereignty of Colombia. He says:

> It would be difficult to suggest a single object of interest, external or internal, more important to the United States than the maintenance of free communication, by land and sea, between the Atlantic and Pacific States and Territories of the Union. It is a material element of the national integrity and sovereignty.

How did it become a part of the sovereignty of the United States to have free access from the Atlantic to the Pacific Ocean across the Isthmus of Panama? It either arose by natural right, which has been discussed here in a dim way under the name of international eminent domain, or it arose by this treaty.

I have made such an examination of the documents that accompanied this negotiation and of the history of those times as to make my own mind clear that it was the intention of that small, struggling, feeble little community of New Granada of 1846, as a price for the guaranty of its integrity against foreign aggression, to give to the United States this grant, which is in the nature of a servitude guaranteed to the use of the commercial world.

That leads me to say that the President of the United States has taken no action in connection with this treaty which is not warranted. It is in vain for anybody to read authorities, it is in vain even for a man with such profound learning as the junior Senator from Massachusetts [Mr. LODGE] to array here, as he has so ably done, the whole line of legal precepts and authorities upon this question. It is a question that will be decided now, as it always has been decided, upon the history of the United States.

Somebody says that the Government of the United States never had any right to do anything in the Isthmus of Panama without the request of the Government of Colombia. I deny it. No such construction of that treaty can be made. If that were a proper construction of the treaty, the whole history of the United States in respect to it there has been a violation of that provision of the treaty.

To my mind it is incredible that with this enormous interest at stake the United States should have been called upon by that treaty to stand idly by and see life and property and commerce destroyed without intervening, waiting for the request of the Colombian dictator and relying for reparation upon an action in damages against that bankrupt, helpless political institution. I deny that it has any sense in it, and I deny that it accords with the history of the people of the United States.

If it did, what did President Buchanan mean when he came to Congress and asked the authority of Congress to take an army to the Isthmus of Panama whenever we needed one there? If he had no right to use it except at the request of the insurrectionary peoples inhabiting that neighborhood, what did he mean when he asked Congress to give him an express authority to take the Army of the United States down there and occupy the Isthmus of Panama for the purpose of protecting our property?

I say, then, Mr. President, that we have in that Isthmus, and have had for fifty years, a property right carved out of the sovereignty first of New Granada, and then of Colombia, and now of the State of Panama that warrants every order the President of the United States has issued and every act that has been done either by our bluejackets or by our marines in either harbor of the Isthmus of Panama.

I do not propose to stand here one minute apologizing either for what has been written down on paper or what has been done by the gallant officers and seamen and marines of our little fleet down there at Colon and at Panama. I have got to a point where I propose to stop apologizing for the Government of my own country in order to add to the comfort and solace the feelings of people who reside in foreign countries.

I have reached a point in my patriotism where I propose to stand with the United States and let the other peoples of the world take care of their own governments. Without intending to irritate or disparage anybody, I say to my brethren upon the other side of this Chamber that there is nothing to be made politically by embarassing the movements of the Government of the United States in these great transactions which involve its relations with foreign countries.

I dismiss, as the President of the United States very properly dismissed, with contempt the proposition that the Government of the United States is capable of any untoward, underground intrigue in connection with this great business. I say that the whole history of it is written. It is a history of anarchy and despotism for forty years upon the Isthmus of Panama. If there was no other law of the United States or of nations that justified our conduct, I would suggest the existence of a law which more than once has directed the history of this world, and that is the law of exhausted patience.

The time had come and had long been passed when the United States could any longer afford to be mixed up in an attitude hostile to that little community huddled along the Panama Railroad, fighting for its liberty and longing for the time when it might enjoy the advantages in its commerce and its business which must come from the interoceanic canal. I rejoice that after all these years the time came when with honor and with dignity and with dispatch the Government of the United States could wash its hands of that despotism, could put an end to its alliance with that anarchy, could bid an affectionate good-by to that cunning dictatorship at Bogota, and extend for the first time in its history the right hand of fellowship and defense to the population of the Isthmus of Panama.

For the first time in all this long controversy the canal is in sight. I hope our old friend the senior Senator from Alabama [Mr. MORGAN] will live to see it finished, to see the great enterprise to which he has devoted his life consummated in the construction of this public work. It ought to be built upon the sea level. I predict that before we are fully at work upon that canal the progress of electrical science will devise measures to put the canal through upon the sea level at an expense infinitely less than any of the practical engineers of our day even dream of.

It will be built, owned by the United States, defended by the United States, undisturbed by the anarchy at Bogota, in the midst of a grateful, friendly community in sympathy with our interests and with our purposes, enjoying at last the realization of their hopes and of their ambitions. It will make secure the

fame of many who have given it help in times when it needed help. It will preserve the reputation of statesmen of both Houses of Congress of all parties and all sections who have looked forward to its consummation. Foremost among them will be the Senator from Alabama, and I hope that his years may be lengthened to see that day.

But among all the statesmen whose names are honorably connected with this superb enterprise there is one—brave, direct, and manly in his life before he entered upon the duties of President; brave, direct, and manly still under the burdens of that great office—for whom above all others history will reserve, after these noises are all silent, its choicest benediction, "Well done, thou good and faithful servant of civilization." [Applause in the galleries.]

The PRESIDENT pro tempore. Applause is not permitted in the galleries.

Mr. TELLER. Mr. President, before the Senator from Iowa leaves the Chamber I wish to call his attention to a statement he made. I will wait until he has received the congratulations of his friends on his speech.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. TELLER. I should like to have the attention of the Senator from Iowa for a few moments. The Senator states that this treaty is a canal treaty and nothing else, or words to that effect.

Mr. TILLMAN. The treaty of 1846?

Mr. TELLER. I am speaking of the treaty of 1846. I will not assume that the Senator from Iowa has not read the treaty. Of course I know he has.

Mr. DOLLIVER. If the Senator will pardon me, I did not undertake to say that it was a canal treaty and nothing else. I said it was a very long treaty, containing much matter, but that the thing about it which gave it significance, and practically the only thing referred to in President Polk's message sending it to the Senate for ratification, was this canal.

Mr. TELLER. Oh, Mr. President, the Senator is mistaken. He can not have read Polk's message either. When President Polk sent in his message he did not put it on the ground of a canal at all, if the Senator will pardon me, but Polk's message, he will see, put it on concessions made to us with reference to the introduction of goods into Colombia. I ask some Senator to turn to it.

Mr. DOLLIVER. If the Senator will permit me, Mr. Polk says:

Besides—

Referring to the guaranty of the neutrality of the territory—

Besides, such a guaranty is almost indispensable to the construction of a railroad or canal across the territory. Neither sovereign states nor individuals would expend their capital in the construction of these expensive works without some such security for their investments.

Mr. TELLER. I have not denied that, but that does not make good the statement of the Senator that this was a canal treaty. I wish that my colleague [Mr. PATTERSON], who has the message before him, would read what he said as to the other points in this case.

Mr. PATTERSON. President Polk says:

The vast advantages to our commerce which would result from such a communication, not only with the west coast of America, but with Asia and the islands of the Pacific, are too obvious to require any detail. Such a passage would relieve us from a long and dangerous navigation of more than 9,000 miles around Cape Horn, and render our communication with our own possessions on the northwest coast of America comparatively easy and speedy.

Then he continues:

The guaranty of the sovereignty of New Granada over the Isthmus is a natural consequence of the guaranty of its neutrality, and there does not seem to be any other practicable mode of securing the neutrality of this territory.

* * * * * * *

This treaty removes the heavy discriminating duties against us in the ports of New Granada, which have nearly destroyed our commerce and navigation with that Republic, and which we have been in vain endeavoring to abolish for the last twenty years.

Mr. TELLER. The papers submitted with the treaty will show that the practical point to be secured by the concession that has just been mentioned in the message was not the canal, and the canal is mentioned simply once in that treaty.

If I can not have the attention of the Senator I do not care about discussing it. Mr. President, I do not get up here simply to charge something against the Senator. I think the Senator overlooked the gist of this treaty, and I wanted to call his attention to it; but if the Senator is not at all concerned about it, it is not worth while, perhaps, for me to make the suggestion.

Mr. DOLLIVER. I assure the Senator I am very much interested in what he says. I have been interrupted, without any purpose to be disrespectful to him.

Mr. TELLER. This is a treaty of amity, navigation, and commerce. It consists of a large number of articles. It is one of the most elaborate treaties that we have ever made. It has thirty-six articles in it. The thirty-fifth article is the one that treats of the canal and the railroad. It mentions the canal once. At that time there was no transit at all across the Isthmus at that point, except the trail that went across. There was no railroad. The railroad was built subsequently to that time. This treaty does not profess anywhere in it to be a canal treaty. As I said the other day, it does not give us any canal rights whatever. It does not purport to do it.

The Senator from Iowa says we had a sovereignty in it, Mr. President, that is denied by a subsequent treaty which we ourselves made eleven years later, in which we said then that by this treaty it was the duty of Colombia, or New Granada at that time, to take care of this transit, and not our duty.

The Senator says that we certainly had a property right in it. Mr. President, I assert that neither President Pierce nor any other man ever asserted, inferentially or otherwise, that we had any property rights there in the territory or any right of sovereignty. A right to travel through another man's land does not give me ownership in the land, and when Colombia said to us, "You may go across any canal that may be built, you may go across any railroad that may be built," they did not say that we had the sovereignty.

Mr. President, this was a treaty for twenty years. What would become of the sovereignty we are supposed to have obtained from Colombia if, at the close of twenty years, we should say, or Colombia should say, "This treaty is terminated?" That of itself shows that there was no sovereignty here.

I repeat that the President of the United States is the first man ever found in the United States to suggest—whether he suggested it on his own motion or not I do not know—but he is the first man who ever suggested it publicly.

Mr. President, you do not establish propositions of law any more than you establish propositions of morals by vociferation and declaration—that is to say, unless the declaration is made by a legislative body. The Senator speaks ex cathedra when he says, "Nobody can question what I have said. I declare this to be the law." Of course it may be all right for the Senator to say that, but it comes in conflict with the decisions of the Attorneys-General and of the Secretaries of State of the United States for the last forty years. It puts him in absolute hostility to the opinions of all the publicists of all the ages of the world. He says there is no use in going back to Grotius. I am afraid he has not been there, Mr. President. I think he might acquire some information of value to him if he went there and studied that great authority.

I do not intend to make any speech on this subject, but I want to call the Senator's attention to the matter, because I think, if he will examine the treaty, he will see that this passage is significant:

And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty.

Those are the things which are included in what my colleague [Mr. PATTERSON] read from the message of the President.

That was the gist of this treaty and of its language. As I said the other day, for forty years thereafter we absolutely ignored the proposition that we were to build a canal there. We treated with other nations. When we passed bills, of which we passed three, they were for the purpose of building a canal somewhere else.

Mr. President, it seems to me—and I speak with all deference for the Senator from Iowa—that he was inclined to put me in a false attitude when he said that I questioned the authority of the report which he read from Commander Hubbard. I was careful to call attention to the fact that the statement was made upon a report made to him by the prefect—I do not know whether he was a fat man or a lean man or a mulatto, or what he was; but I know he was a man who naturally had large interest in securing active interference with affairs there by the Government of the United States, and it was but natural for him to say to our officers: "If you do not intervene, you are all going to be killed, for this man is threatening with death and destruction everything American."

I called attention yesterday to the fact that our consul in the voluminous correspondence which he had with the Government of the United States concerning conditions there never mentioned anything of that kind.

This is not a question of the condition of Colombia. It does not make much difference whether the people there are as bad as the Senator from Iowa says they are, or whether the people of Panama are as good as he says they are. This question can not be settled in that way. We have presented the law as we believe it to be. If Senators wish to contest that, of course they have the right to contest it upon their own judgment or they can contest it upon authorities.

I am not disturbed by the frequent and repeated laudations of the Chief Executive and the Secretary of State. All those things are proper to a certain degree, and they may be profitable even beyond what is proper. My relations with the Executive are cer-

tainly not hostile; yet I can not subscribe to the statement that this act of the President is a more magnificent, transcendent, patriotic, and beneficial act than that of any previous Administration or of all Administrations, as I have heard asserted.

Mr. NEWLANDS. Mr. President, in the debate in the Senate on January 14, whilst I was occupying the floor, the following colloquy took place:

Mr. QUARLES. The Executive discretion as to whether a government should be recognized. And, to make my question more pointed, I should like the Senator to indicate to the Senate what act of the President it is that he thinks Congress should disavow. That will bring the legal question exactly down to the point where we can comprehend it.

Mr. NEWLANDS. I should disavow all of his acts that are in violation of the treaty of 1846—and I have enumerated them—that are in violation of international law—and I have enumerated them—and in violation of the Constitution of the United States—and I have enumerated them. What happens when the disavowal is made?

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Mr. SPOONER. I appeal to the Senator from Nevada to introduce such a resolution in order that there may be developed here in a practical way a line of action on his proposition.

Mr. NEWLANDS. I will take the appeal of the Senator from Wisconsin under consideration.

Pursuant to that appeal, Mr. President, I have prepared the resolutions which I send to the desk to be read by the Secretary, as they present my individual views upon this question. They contain a statement of fact, a recital and disavowal of the acts of the President which constituted a violation of the treaty of 1846, of international law, and of the Constitution. They provide for redress to Colombia and for the immediate settlement of all existing claims of Colombia and the immediate commencement of the Panama Canal.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Whereas by the treaty between the United States and the Republic of New Granada (now Colombia), made in 1846, New Granada guaranteed to the United States that the right of way or transit across the Isthmus of Panama upon any mode of communication then existing or thereafter to be constructed should be open to the Government and citizens of the United States, and in return the United States guaranteed, positively and efficaciously, to New Granada (now Colombia) the perfect neutrality of the said Isthmus, with a view that the free transit from the one to the other sea might not be interrupted or embarrassed, and also guaranteed in the same manner the rights of sovereignty and property which New Granada (now Colombia) had and possessed over the said territory; and it was also provided in the said treaty that if any of the articles contained therein should be violated and infringed, neither of the two contracting parties should ordain or authorize any act of reprisal nor declare war against the other on complaint of injuries or damages until the party considering itself offended should have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same should have been denied in violation of the laws and of international right; and

Whereas thereafter the Panama Railroad was constructed under a concession granted by Colombia, by which the Panama Railroad bound itself to transport gratuitously the troops, chiefs, and officers, their equipage, ammunition, armament, clothing, and also the effects that belonged to or were destined for the immediate service of the Colombian Government, and thereafter the control of such railroad was gained by the New Panama Canal Company of France, which, under the concession granted by Colombia for the construction of an interoceanic canal, was obligated to carry gratis, through the canal or auxiliary railway, namely, the Panama Railroad aforesaid, "men destined for the service of the nation, for the service of the State, or for the service of the police, with the hope of guarding against foreign enemies, or for the preservation of public order," and also to transport gratis their baggage or material, armament, etc.; and

Whereas the treaty of 1846 had, prior to the recent occurrences, been uniformly construed by the Government of the United States as enjoining upon the United States the duty and the privilege of protecting the neutrality of the Isthmus of Panama and the sovereignty of Colombia over the Isthmus against foreign attack, and as enjoining upon Colombia the duty and reserving to her the privilege to maintain domestic order and suppress domestic disorder which would injure such freedom of transit; and

Whereas prior to the recent occurrences the aid given by the United States in the maintenance of domestic order was in aid of Colombia, at her request, and in recognition of her sovereignty, as said treaty required; and

Whereas by act of Congress approved June 28, 1902, the President of the United States was authorized to purchase the rights of the New Panama Canal Company of France, and also to acquire the control of the Panama Railroad, and also to acquire from Colombia the perpetual control of a strip of land between the Caribbean Sea and the Pacific Ocean, for the purpose of constructing an interoceanic canal, and it was also in said act provided that, should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company of France and the control of the necessary territory of Colombia, and other rights referred to therein, within a reasonable time, and upon reasonable terms, then the President should proceed to obtain control, by treaty, of the necessary territory from Costa Rica and Nicaragua for the construction of the Nicaragua Canal, and should thereupon proceed to its construction; and

Whereas, thereafter, the treaty known as the "Hay-Herran treaty," providing for the acquisition and control of a strip of land on the Isthmus of Panama, was negotiated between the United States and Colombia, which treaty required confirmation by the Senate of the United States and the Congress of Colombia, and such treaty was ratified by the Senate of the United States, but failed of ratification by the Colombian Congress; and

Whereas thereafter the President of the United States, as appears by his message addressed to the Senate, learning that an effort would be made to dismember the Colombian Republic by the secession of Panama therefrom, directed the Navy Department to station certain of the armed vessels of the United States within easy reach of the Isthmus; and

Whereas thereafter, as appears by such message, on the 2d of November, 1903, and prior to the organization of a revolutionary government in Panama, the following instructions were sent to the commanders of such vessels:

"Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, at any point within 50 miles of Panama. Government force reported approaching the Isthmus in vessels. Prevent their landing if, in your judgment, the landing would precipitate a conflict;" and

Whereas the landing which the said naval forces were instructed to prevent was the landing of Colombian troops intended to aid in the maintenance of civil government in Panama, and to defend the sovereignty of Columbia against domestic disorder and insurrection, if any such occurred, and the hostile intent therein referred to was the intent to suppress any such intended insurrection, and the conflict which said forces were to prevent was the use of force, if it proved to be necessary, by the Colombian Government to maintain and defend its sovereignty in Panama, and to suppress any domestic insurrection or disorder, if any such existed.

And thereafter certain forces of Colombia, having landed at Colon on the 2d day of November, before such instructions were received by the naval forces of the United States, their commanding officers proceeded on the Panama Railroad to Panama for the purpose of arranging the movement of their troops and were there arrested and imprisoned by an insurrectionary body of men, which had organized a junta and declared the independence of Panama at 6 o'clock on the evening of November 3; and thereafter, on the following 4th day of November, the commander of the *Nashville*, landing United States marines at Colon, prohibited the transit of the Colombian troops aforesaid to Panama, as reported in the following telegram:

"COLON, *November 4, 1903.*

"SECRETARY OF THE NAVY, *Washington:*

"Provisional government was established at Panama Tuesday evening; no organized opposition. Governor of Panama, General Tobar, General Amaya, Colonel Morales, and three others of the Colombian Government troops who arrived Tuesday morning taken prisoner at Panama. I have prohibited transit of troops now here across the Isthmus.

"HUBBARD."

And such prohibition was in express violation, not only of the concessions made by Colombia to the Panama Railroad and to the Panama Canal Company, as aforesaid, but also of the express terms of said treaty of 1846; and

Whereas, thereafter, the President, after preventing by the intervention of the armed forces of the United States, as aforesaid, the Colombian Government from suppressing such alleged insurrectionary movement, did, on November 6, 1903, recognize such alleged insurrection as an existing government and entered into relations with it, and denied the sovereignty of Colombia over said Isthmus, and recognized the sovereignty of such insurrectionary government over the same, and did thereafter, on the 9th of November, notify the Colombian Government that the United States would not permit the Colombian forces to land on the Isthmus for the purpose of asserting its sovereignty and suppressing insurrection against it, and thereafter did recognize M. Bunau-Varilla, a citizen of France, and representing the Panama Canal Company as the minister of the so-called Republic of Panama, and did cause to be negotiated with him as such minister plenipotentiary a treaty between the United States and the so-called Republic of Panama, providing for the construction of an interoceanic canal at Panama, and such treaty has been submitted by the President to the Senate for confirmation; and

Whereas the President, in justification of his action as aforesaid, subsequent to the rejection of the Hay-Herran treaty asserts:

1. That the rejection of the Hay-Herran treaty was a breach upon the part of Colombia of the treaty of 1846, the spirit, if not the terms, of which required that Colombia should grant subsequent concessions for the construction of means of interoceanic communication;

2. That the national interests and safety required it;

3. That the interests of collective civilization required it; and

Whereas the Government of Colombia, after the doings aforesaid, sent a special commissioner to the United States to present the complaints of Colombia against the United States for violation of the treaty of 1846, and for violations of international law, and requested other adjustment of said complaints or the reference of them to impartial arbitration: Now, therefore,

Resolved, That the instructions of the United States to its naval forces aforesaid not to permit the landing of the Colombian troops on the Isthmus, and the intervention of the armed forces of the United States to prevent such landing and the use of the Panama Railroad, and the display of power and force which overawed Colombia and prevented her from defending her sovereignty over the Isthmus, and thus secured the secession of Panama and the dismemberment of Colombia and the creation of a new sovereignty in Colombia's territory, sustained and supported only by the armed forces of the United States, constituted a declaration and prosecution of a successful war upon the part of the United States against Colombia.

2. That such action constituted a breach of the treaty of 1846 in this, that it denied Colombia's sovereignty over the Isthmus of Panama, expressly acknowledged by the treaty of 1846.

3. That it also violated the provision of the treaty of 1846, which declared that neither of the two contracting parties should ordain or authorize any act of reprisal nor declare war against the other on complaint of injuries or damages until the party considering itself offended should have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same should have been denied in violation of the laws and of international right.

4. That the recognition by the President of the United States of a state thus attempting to secede, which was without a government or an army or the ability to sustain itself or to maintain international obligations, and whose existence was supported and sustained alone by the armed forces of the United States, constituted a breach of international law.

5. That the armed intervention of the United States, as aforesaid, was making war against Colombia upon the part of the President of the United States without the sanction of the Congress of the United States, and was in violation of the provision of the Constitution which gives to Congress alone the power to declare war.

And whereas it is reported that Colombia is willing to settle on an honorable basis all her claims against the United States in relation to said occurrences and said Isthmus: Therefore,

Resolved, That the President of the United States is respectfully requested to negotiate a new treaty with the United States of Colombia providing for the cession by Colombia of all rights of every kind and description whatsoever which Colombia may claim to have in connection with the Isthmus of Panama or the treaty of 1846, including all her rights in the concessions for the construction of the Panama Railroad and Panama Canal across said Isthmus, and absolutely substituting by said treaty the United States of America for the United States of Colombia in all respects whatsoever, as far as said Isthmus of Panama is concerned.

Resolved, That said treaty should follow as closely as is feasible the lines of treaties whereby the United States acquired by purchase Louisiana from France, Florida from Spain, and Alaska from Russia.

Resolved, That if it is found impracticable to agree upon the amount of compensation for said cession, said amount shall be referred for determination to

arbitration, one arbitrator to be appointed by each Republic, and the umpire to be named by the president or sovereign of some disinterested country; but in case such arbitration is found necessary said treaty shall contain a provision allowing said cession to take full effect upon the exchange of ratifications thereof, without waiting for the result of said arbitration, in order that work upon said canal may be at once commenced.

Mr. NEWLANDS. Mr. President, I do not wish now to indulge in any extended remarks upon these resolutions. I simply wish to say that they express my individual views, without consultation with my associates as to the method by which all existing complications can be settled and the construction of an interoceanic canal across the Isthmus of Panama be immediately commenced. Their purpose is to expedite the canal, not to delay it.

I wish to say also in this connection that it has been stated in the public press that among the other propositions made to the Government of the United States by General Reyes, the special commissioner appointed by Colombia to settle these complications, the suggestion was made that, as compensation for the territory thus taken from Colombia, Colombia would accept the sum of $10,000,000, to be expended in the construction of a railroad from Bogota to the coast.

I wish to say that I can imagine no worthier plan for the expenditure of this money than the one suggested by General Reyes. We all know that Colombia has no adequate means of transportation; that she is suffering from two things—one the lack of proper transportation and the other the lack of a proper medium of exchange, without which no country can reach either a high degree of civilization or of material progress. It seems to me that the Government of the United States could give to this Central American Republic no more substantial evidence of its desire to give adequate redress for accomplished wrongs than by appropriating such a sum for so beneficent a purpose. Our treaties, our diplomatic correspondence, our resolutions, our laws, all attest our desire for relations of friendship and amity with South American and Central American States. Let us add acts to words.

Now, Mr. President, I ask that the resolution lie on the table for future consideration.

The PRESIDENT pro tempore. If there be no objection, the resolution will be received and go over under the rule.

Mr. NEWLANDS. I ask that it lie upon the table.

The PRESIDENT pro tempore. Subject to the call of the Senator?

Mr. NEWLANDS. Yes; subject to my call.

Mr. PLATT of Connecticut. Let it be printed.

The PRESIDENT pro tempore. The Senator from Nevada asks that his resolution be printed and lie on the table subject to his call. Is there objection?

Mr. ALLISON. Mr. President, I do not object to that arrangement, although sometimes the call of a Senator may be inconvenient for other business of the Senate. There is now on the table a resolution of the Senator from South Carolina [Mr. TILLMAN], who yesterday gave notice that he would speak during the morning hour to-day on his resolution, and the consideration of that resolution occupied the entire morning hour. It is, of course, a subject of importance, and I suppose another day will be taken up in its discussion. I only suggest that, in case the arrangement suggested by the Senator from Nevada [Mr. NEWLANDS] is made, it should be so made as not to interfere with the important business that may arise in the Senate.

Mr. NEWLANDS. Of course I have no disposition to interfere with important business. I am not sufficiently familiar with the rules of the Senate to ask just what ought to be done with the resolution.

Mr. ALLISON. I think there will be no difficulty about it; but it seems to me we have a good many resolutions now lying upon our table that in some way ought to be disposed of. I am perfectly willing that the Senator from Nevada may have his resolution taken up at some convenient time. I only make the suggestion with a view of facilitating the consideration of the regular business of the session.

Mr. TELLER. Mr. President, I only want to say that I suggest to the Senator from Nevada, who, as he says, is not as familiar with the rules of the Senate as some of us are, that the course he has taken as to his resolution was the customary one, and I am very sure that there will be no abuse of the privilege by the Senator from Nevada.

Mr. ALLISON. I do not object to the arrangement suggested.

The PRESIDENT pro tempore. If Senators will allow the Chair to make a suggestion, he will say that there are perhaps a dozen resolutions now on the table, which are permitted to stay there until each has had its day in court. The resolution of the Senator from South Carolina [Mr. TILLMAN] has had a day in court, but by unanimous consent it is still permitted to stay here. If the resolution which the Senator from Nevada has offered remains on the table, it will be at the bottom of the list; but the Senator can probably, whenever he so desires, if it shall not be reached within two or three or four or five days, by unanimous consent call it up in the same way the Senator from South Carolina called up his resolution.

Mr. ALLISON. I remember, Mr. President, the suggestion has been made here once or twice that Senators were being denied the opportunity to secure the passage of resolutions calling upon the Departments for information. Now, if there is any information desired as respects the important matters pending before the Senate, I hope resolutions of that character will be considered. That is all I desire to request about it.

Mr. GORMAN. I am delighted to hear the Senator from Iowa say that, if he will permit me.

Mr. ALLISON. I am delighted that the Senator from Maryland is delighted.

Mr. GORMAN. I understand that the resolution offered by myself asking for information after conference is not objectionable to anybody, and I ask that we may now have a vote on it. It is the pending resolution.

The PRESIDENT pro tempore. The pending resolution?

Mr. GORMAN. The pending resolution.

The PRESIDENT pro tempore. Is the Senator from Nevada content to have his resolution go over?

Mr. GORMAN (to Mr. NEWLANDS). Yes; that is all we want.

Mr. CULLOM. If the Senator from Nevada wants to make a speech, he can get an opportunity almost any time.

The PRESIDENT pro tempore. Then the resolution will go over under the rule.

Mr. GORMAN. Yes.

Mr. NEWLANDS. Yes.

Mr. CULLOM. The Senator from Nevada will have a chance to make a speech whenever he desires.

Mr. NEWLANDS. Yes.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. GORMAN. Now I ask for a vote on the pending resolution.

The PRESIDENT pro tempore. Is the Senate ready for a vote on the pending resolution?

Mr. BEVERIDGE. What is it?

The PRESIDENT pro tempore. It is the resolution known as the "Gorman resolution."

Mr. GORMAN. Let it be read.

Mr. KEAN. It has been very much amended.

Mr. FAIRBANKS. I should be glad to have it read for the information of the Senate.

Mr. TELLER. Let it be read.

Mr. GORMAN. Yes. It simply calls for the orders of the Department.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted by Mr. GORMAN on the 5th instant, as modified, as follows:

Resolved, That the President be requested, if not in his judgment incompatible with the public interest, to inform the Senate:

First. The date when and the circumstances under which the United States used for the first time, and each succeeding time, a military force in the internal affairs of New Granada, or Colombia, under the treaty of 1846; whether such use of military force was on the initiative of the United States or by the request of New Granada, or Colombia, or in consequence of any official representation of either; and also to transmit to the Senate copies of the letters, or notes, in the Department of State, and of the orders by the Navy Department relating to such use of military force.

Second. Also to inform the Senate whether or not the United States has been asked by New Granada, or Colombia, or any official representative of either, to execute, by armed force, either the guaranty of the neutrality of the Isthmus or of the sovereignty of New Granada, or Colombia, over the same; and if the United States has been so asked, then the dates and circumstances thereof, and to send to the Senate copies of the letters or notes, in each case, conveying the application and what was done thereunder by the United States.

Third. And also to inform the Senate in which, if any, of the disturbances on the Isthmus of Panama, referred to by the President in his last annual message, the United States employed a military force, solely on its own initiative, and uninvited by the Government owning the Isthmus; and also to inform the Senate of the circumstances in each case which required such use of military force, and transmit copies of the orders issued by the Navy Department for such purpose.

Fourth. And also that he will inform the Senate of the dates when and circumstances under which the United States has employed military force in the internal affairs of New Granada, or Colombia, in aid of a revolt, or rebellion, or disturbance of the peace therein, or to suppress such revolt, rebellion, or disturbance.

Mr. SPOONER. What is the last paragraph? I ask the Secretary to read it again.

The Secretary read as follows:

Fourth. And also that he will inform the Senate of the dates when and circumstances under which the United States has employed military force in the internal affairs of New Granada, or Colombia, in aid of a revolt, or rebellion, or disturbance of the peace therein, or to suppress such revolt, rebellion, or disturbance.

Mr. SPOONER. That is rather a peculiar provision. It assumes that at some time the Government has employed military or naval force in aid of a revolt against Colombia. If the Senator from Maryland will qualify that, as I think he should——

Mr. GORMAN. I supposed the resolution was entirely satisfactory.

Mr. SPOONER. I had not observed that subdivision.

Mr. GORMAN. If the forces never have been so used, the President will say so.

Mr. SPOONER. It inquires whether at any time the Government has employed military or naval force in aid of a revolt.

Mr. GORMAN. Yes.

Mr. SPOONER. But the question as put there assumes that there have been such occasions and asks for dates. That is not proper.

Mr. GORMAN. If the Senator from Wisconsin will read the resolution, I think he will find——

Mr. McCOMAS. If my colleague will permit me, I suppose he means to include naval as well as military forces.

Mr. GORMAN. "Military force," I take it, would include either the naval or the military force. At any rate, there is no case where the Army has been employed; it has always been the Navy.

Mr. FAIRBANKS. I should object to the passage of the resolution in its present form. It seems to me that the fourth clause particularly is predicated upon a false basis. There is an assumption which, in my judgment, is unwarranted:

> Fourth. And also that he will inform the Senate of the date when and circumstances under which the United States has employed military force in the internal affairs of New Granada or Colombia—
>
> How?—
>
> in aid of a revolt, or rebellion, or disturbance of the peace therein.

It seems to me that is entirely unwarranted, and, speaking for myself, I am unwilling to send to the President of the United States any resolution of that sort.

Mr. SPOONER. It is contended on the other side by some Senators that recently the United States employed military force in the internal affairs of New Granada or Colombia in aid of a revolt or rebellion or disturbance of the peace therein. That we on this side all deny. I did not understand that the Senator had in this resolution any inquiry based upon the assumption that we are all wrong and that he and some of his associates are right; but that is what this is. I do not think the Senator from Maryland meant that.

Mr. GORMAN. The President of the United States informs us in his message that the armed force of the United States has not been engaged in aid of a revolt or rebellion.

Mr. SPOONER. But, if my friend will permit me, that, to me, only affords an additional argument against the propriety of this subdivision of the resolution, because it could not be anything else than an insult to the President of the United States, of which the Senate ought not to be guilty, to pass a resolution asking him when something occurred which he has explicitly denied ever occurred.

Now, whether what was done on the Isthmus by the President—and there has been a full statement of the facts in regard to it—gives rise to a fair inference for argument that the troops of the United States or the military forces of the United States were used there in aid of a revolt, is a matter for us to discuss here. The Senator entertains one view of it; we entertain another. But the resolution assumes and asks the Senate to assume that our forces were used there in aid of a revolt or rebellion. That is not fair to the President or to the Senate. I can not vote for any such proposition, although I have no objection in the world to the resolution as I supposed it was.

Mr. GORMAN. I supposed the Senator had gone over the resolution very critically and that there had been eliminated all the objectionable features that were in the original resolution. The President has stated emphatically that his conduct and the conduct of the military force at Panama on this particular occasion was in exact conformity with what had preceded. That is controverted. The correspondence and the orders from 1846 to now have never been published in full. All I desired was that all that information since 1846, from the ratification of the treaty down to the present time, should be furnished to the Senate.

I think, upon reflection, that possibly the fourth clause is not absolutely necessary. I think that under the clauses preceding it we will get all that we desire. As the Senator from Wisconsin and the chairman of the committee are perfectly well aware, I do not desire to make any inquiry of the President of the United States which is not perfectly fair. We may afterwards debate his suggestions and criticise them as we please, but in treating with that great office I would not knowingly be the author of, nor would I have the Senate wittingly or unwittingly pass, a resolution which, according to fair judgment, contained the slightest reflection upon him in making the inquiry. Therefore I was careful to insert the usual provision in the very beginning of the resolution that the President be requested to furnish the information if it was not, in his judgment, incompatible with the public interest. I think there may possibly be something which it would not be proper to communicate to the public.

But believing of him, as I believe of all Presidents, that he will deal with us with perfect fairness and give us all of the correspondence and orders, unless there be some great reason of state why he should not, I am perfectly willing to leave it to his judgment.

Mr. FAIRBANKS. Do not the first three paragraphs in the Senator's resolution cover all that is really necessary to be obtained, in his opinion?

Mr. GORMAN. I am rather inclined to think, I will say to the Senator from Indiana, that that is true; but in view of the discussion which has taken place and in view of the broad assertion of the President in his message that his recent action was in strict conformity with precedents in the past, I should like to have a full account of any interference on our part to suppress a revolt or a rebellion and the extent to which the military was used. We want full information. If it is considered by our friends on the other side of the Chamber, who, of course, are exceedingly anxious that nothing shall be done in this matter except what is perfectly proper, and I agree with that——

Mr. FAIRBANKS. No; if the Senator will allow me——

Mr. GORMAN. Certainly.

Mr. FAIRBANKS. The fourth section is not directed merely to information with respect to suppressing rebellion, but includes information with respect to aiding rebellion.

Mr. GORMAN. Yes.

Mr. FAIRBANKS. It assumes that our force has been so used.

Mr. GORMAN. There can not be any controversy that in the recent occurrence our forces were used.

Mr. FAIRBANKS. In aid of rebellion?

Mr. GORMAN. They were used to compel the troops of Colombia to quit that part of the territory.

Mr. FAIRBANKS. There is where there is a very serious dispute. We do not agree with the Senator's interpretation of what was done there.

Mr. GORMAN. No. Of course we disagree about it. The President would state the facts and get them in whatever form he desired to put them. But if there is serious objection to the phraseology of the fourth section, and believing that I will get all the information that is absolutely necessary in the consideration of this case, I have no objection to modifying it.

Mr. FORAKER. I was about to suggest a modification, but before suggesting it I wanted to inquire of the Senator whether or not I understood him to say that he is willing to allow the fourth paragraph to go out?

Mr. CULLOM. Yes.

Mr. BEVERIDGE. He said that.

Mr. FORAKER. If so, that is the best modification of it.

Mr. GORMAN. I will omit that part of it.

Mr. FORAKER. I made the inquiry of the Senator as to whether or not he had stated that he was willing that the entire fourth paragraph should go out.

Mr. GORMAN. I said, upon reflection, it seemed to me that possibly I would get all the information without it, and I will omit it.

Mr. FORAKER. I was about to suggest an amendment, if the Senator from Maryland was not willing to have the whole section go out.

Mr. GORMAN. I should be glad to have the Senator suggest the amendment.

Mr. FORAKER. The amendment I would propose is as follows. Has the Senator the resolution before him?

Mr. GORMAN. Yes.

Mr. FORAKER. I would strike out from line 20 the words "in aid of a"——

Mr. GORMAN. Yes.

Mr. FORAKER. And insert in lieu thereof "on account of any;" and then strike out all after the word "therein" in the twenty-first line; so that it would read:

> Fourth. And also that he will inform the Senate of the dates when and circumstances under which the United States has employed military force in the internal affairs of New Granada or Colombia on account of any revolt or rebellion or disturbance of the peace therein.

That would call for information as to any kind of employment, without regard to whether it was in aid or in suppression of a revolt or rebellion, and would avoid all controversy among ourselves. It calls for the facts without assuming anything.

Mr. FAIRBANKS. If the Senator from Ohio will permit me, I understood the Senator from Maryland to say that upon further reflection he thinks the information desired by him can be obtained under the three preceding sections.

Mr. FORAKER. I think he is right about that, and I suggested that that was the best way to amend the resolution—by striking out the whole of article 4. But if article 4 is to remain,

I think it ought to be so amended as to assume nothing, but simply to call for the facts.

Mr. GORMAN. I will ask that the amendment of the Senator from Ohio be read.

The PRESIDENT pro tempore. The paragraph as proposed to be amended will be read.

The Secretary read as follows:

Fourth. And also that he will inform the Senate of the dates when and circumstances under which the United States has employed military force in the internal affairs of New Granada or Colombia on account of any revolt or rebellion or disturbance of the peace therein.

Mr. GORMAN. I will accept the amendment of the Senator from Ohio.

The PRESIDENT pro tempore. The Senator from Maryland modifies the resolution as it has been read.

Mr. McCOMAS. I suggest to my colleague, although the amendment suggested by the Senator from Ohio has been very properly accepted, that the fourth inquiry is in substance the first inquiry, already in the resolution. It adds words, but it is really the same thing, because the first inquiry calls for information as to the use of military force in the internal affairs of New Granada or Colombia under this treaty. You simply add words by saying "in respect to a revolt." It does not add anything to the first proposition. My colleague's first proposition, to omit section 4, leaves the matter entirely comprehended in the three previous sections. The fourth adds nothing to it. However, I merely make this suggestion to my colleague.

Mr. GORMAN. My colleague will find that there is a very great difference. The first section simply calls for information as to use of our forces at the request of New Granada or Colombia, while the fourth asks whether the employment of force occurred without its request. The Senator will observe the difference if he will look at the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution of the Senator from Maryland as modified.

The resolution as modified was agreed to.

ADJOURNMENT TO MONDAY.

Mr. CULLOM. It has been suggested that the Senate adjourn over from this evening until Monday. I am entirely willing to agree to that suggestion if no Senator desires to speak to-morrow on this subject. I should like very much to have the Senate remain in session if any Senator is ready and willing to speak to-morrow on the subject, and I make the inquiry for the purpose of ascertaining what is the fact.

The PRESIDENT pro tempore. The resolution which has been under discussion for the last ten days has now been passed.

Mr. CULLOM. But the general subject will be before us.

Mr. SPOONER. There is no lack of supply.

The PRESIDENT pro tempore. No; the Chair is informed that there is not.

Mr. GORMAN. There are several other resolutions which relate to the same subject.

I will say to the Senator from Illinois that it was the general impression that we would adjourn over to-morrow, and I think from what information I have that there is nobody on this side of the Chamber who is ready to go on to-morrow. There are Senators who desire to speak the first of next week on some other branches of this subject. So I really think we would save time by adjourning over to-morrow.

Mr. CULLOM. As no Senator seems to be ready to speak to-morrow, I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 9) granting an increase of pension to David E. Burbank;

A bill (S. 12) granting an increase of pension to Francis E. Chase;

A bill (S. 13) granting an increase of pension to William Clark;

A bill (S. 14) granting an increase of pension to Samuel M. Perry;

A bill (S. 99) granting an increase of pension to Joel C. Shepherd;

A bill (S. 182) granting an increase of pension to Charles F. Holt;

A bill (S. 190) granting an increase of pension to Charles H. Bell;

A bill (S. 451) granting an increase of pension to William T. Conant;

A bill (S. 452) granting an increase of pension to Albert W. Bullock;

A bill (S. 456) granting an increase of pension to Andrew J. Pierce;

A bill (S. 458) granting an increase of pension to Charles Beattie;

A bill (S. 471) granting an increase of pension to Silas Meserve;

A bill (S. 473) granting an increase of pension to Byron D. Babcock;

A bill (S. 478) granting an increase of pension to Olive J. Bailey;

A bill (S. 484) granting a pension to Nancy S. Marsh;

A bill (S. 547) granting an increase of pension to Irving W. Coombs;

A bill (S. 555) granting an increase of pension to Royal A. S. Kingsley;

A bill (S. 565) granting an increase of pension to James E. Barnard;

A bill (S. 578) granting an increase of pension to John Bullamore;

A bill (S. 586) granting a pension to Annie H. Zoll;

A bill (S. 587) granting an increase of pension to Anson P. Williamson;

A bill (S. 589) granting an increase of pension to George W. McMullen;

A bill (S. 744) granting an increase of pension to Stephen Gascoigne;

A bill (S. 745) granting a pension to John Swenson;

A bill (S. 798) granting an increase of pension to James A. Templeton;

A bill (S. 814) granting a pension to Mamie Thayer;

A bill (S. 821) granting an increase of pension to W. Neil Dennison;

A bill (S. 847) granting an increase of pension to John L. Beveridge;

A bill (S. 898) granting an increase of pension to John B. Carter;

A bill (S. 929) granting an increase of pension to Charles Stermer;

A bill (S. 930) granting an increase of pension to Ferdinand Wiedemann;

A bill (S. 937) granting an increase of pension to Rudolph Siebelist;

A bill (S. 959) granting an increase of pension to Andrew C. Ranard;

A bill (S. 1259) granting an increase of pension to John M. Stanyan;

A bill (S. 1429) granting an increase of pension to Elizabeth C. Paquin;

A bill (S. 1335) granting an increase of pension to Calvin Daws;

A bill (S. 1402) granting an increase of pension to William Paul;

A bill (S. 1437) granting an increase of pension to Clarence E. Bullard;

A bill (S. 1491) granting an increase of pension to James A. Hoover;

A bill (S. 1497) granting an increase of pension to Walter F. Chase;

A bill (S. 1498) granting an increase of pension to Winslow P. Eayrs;

A bill (S. 1559) granting an increase of pension to Marie A. Rask;

A bill (S. 1825) granting a pension to Josephine L. Webber;

A bill (S. 1826) granting an increase of pension to Mary E. Cutts;

A bill (S. 1827) granting an increase of pension to Harris A. P. Lewis; and

A bill (S. 1938) granting an increase of pension to Aldridge Patterson.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 32) to fill the vacancies in the Board of Regents of the Smithsonian Institution.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, January 25, 1904, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 22, 1904.

COLLECTOR OF CUSTOMS.

Luke B. Colbert, of Massachusetts, to be collector of customs for the district of Marblehead, in the State of Massachusetts, to

succeed Stuart F. McClearn, whose term of office will expire by limitation April 1, 1904.

RECEIVER OF PUBLIC MONEYS.

Miss Martha C. Brown, of Colorado, to be receiver of public moneys at Gunnison, Colo., her term having expired April 2, 1902. (Reappointment.)

PROMOTIONS IN THE NAVY.

Pay Inspector Charles W. Littlefield to be a pay director in the Navy from the 27th day of December, 1903, vice Pay Director Theodore S. Thompson, retired.

Paymaster Samuel L. Heap to be a pay inspector in the Navy from the 27th day of December, 1903, vice Pay Inspector Charles W. Littlefield, promoted.

P. A. Paymaster Ray Spear to be a paymaster in the Navy from the 4th day of November, 1903, vice Paymaster John C. Sullivan, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 22, 1904.

CONSUL-GENERAL.

Fleming D. Cheshire, of New York, to be consul-general of the United States at Mukden, China.

CONSULS.

James W. Davidson, of Minnesota, to be consul of the United States at Antung, China.

Edwin V. Morgan, of New York, to be consul of the United States at Dalny, China.

PROMOTIONS IN THE NAVY.

Commander John A. Rodgers to be a captain in the Navy from the 27th day of December, 1903.

P. A. Paymaster George R. Venable to be a paymaster in the Navy from the 3d day of March, 1903.

Asst. Paymaster Ervin A. McMillan to be a passed assistant paymaster in the Navy from the 29th day of October, 1903.

Asst. Paymaster Eugene H. Tricou to be a passed assistant paymaster in the Navy from the 4th day of November, 1903.

Lieut. Col. Allan C. Kelton to be a colonel in the Marine Corps from the 27th day of December, 1903.

Maj. Randolph Dickins to be a lieutenant-colonel in the Marine Corps from the 27th day of December, 1903.

Capt. Charles G. Long to be a major in the Marine Corps from the 18th day of June, 1903.

First Lieut. Julius S. Turrill to be a captain in the Marine Corps from the 18th day of June, 1903.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. Dana E. Robinson, of Ohio, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

REGISTER OF THE LAND OFFICE.

W. H. Brown, of Grand Forks, N. Dak., to be register of the land office at Grand Forks, N. Dak.

POSTMASTERS.

IOWA.

Thomas J. Ochiltree to be postmaster at Morning Sun, in the county of Louisa and State of Iowa.

Charlie C. Warner to be postmaster at Central City, in the county of Linn and State of Iowa.

KANSAS.

Frank W. Carroll to be postmaster at Toronto, in the county of Woodson and State of Kansas.

Elon G. Dewey to be postmaster at Moline, in the county of Elk and State of Kansas.

Edward C. Hill to be postmaster at Burr Oak, in the county of Jewell and State of Kansas.

MAINE.

Jonathan F. Jefferds to be postmaster at Livermore Falls, in the county of Androscoggin and State of Maine.

MISSOURI.

William Beisner to be postmaster at Lockwood, in the county of Dade and State of Missouri.

Mills T. Chastain to be postmaster at Marshall, in the county of Saline and State of Missouri.

Frank A. Hardin to be postmaster at Cabool, in the county of Texas and State of Missouri.

Florence M. Low to be postmaster at Hamilton, in the county of Caldwell and State of Missouri.

NEBRASKA.

Henry E. Palmer to be postmaster at Omaha, in the county of Douglas and State of Nebraska.

PENNSYLVANIA.

Alonzo M. Frederick to be postmaster at New Kensington, in the county of Westmoreland and State of Pennsylvania.

Charles Graffin to be postmaster at Catasauqua, in the county of Lehigh and State of Pennsylvania.

John J. Mather to be postmaster at Benton, in the county of Columbia and State of Pennsylvania.

G. William Riegel to be postmaster at Bethlehem, in the county of Northampton and State of Pennsylvania.

Daniel W. Reynolds to be postmaster at Reedsville, in the county of Mifflin and State of Pennsylvania.

TEXAS.

Lida T. Robinson to be postmaster at West, in the county of McLennan and State of Texas.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 22, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

HORSES, CARRIAGES, ETC., AT GOVERNMENT EXPENSE.

Mr. HULL. Mr. Speaker, I have a privileged report which I desire to submit.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

House resolution No. 153.

Resolved, That the Secretary of War be, and he is hereby, requested to furnish this House, at his earliest convenience, a statement showing the number of horses, carriages, and automobiles maintained at Government expense for the officials of his Department, together with a statement showing the cost of said horses, carriages, automobiles, and harness, and the amount of wages paid to men acting as coachmen, footmen, and chauffeurs, whether carried on the rolls as such or in some other classification; also the list of officials entitled to the use of said carriages.

Mr. HULL. There is an amendment, Mr. Speaker.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding after the word "carriage," in line 10, "and for what purposes such vehicles are used."

Mr. TAWNEY. Mr. Speaker——

Mr. HULL. I suppose, Mr. Speaker, the question will be first on the amendment reported from the committee, and then I have no objection to the gentleman from Minnesota offering an amendment, if he so desires.

The amendment was agreed to.

Mr. TAWNEY. I move, Mr. Speaker, that the resolution be so amended as to give also the dates of the purchase of these various vehicles. At the end of the committee amendment add "and the dates of the purchase of such vehicles."

The SPEAKER. The Clerk will report the amendment of the gentleman from Minnesota.

The Clerk read as follows:

Add after the word "used," "also the dates of the purchase of such vehicles."

The amendment was agreed to.

The question was taken on the adoption of the resolution, and the resolution was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. HULL. I want to ask unanimous consent, Mr. Speaker, that all gentlemen who addressed the House yesterday on the army appropriation bill may have five calendar days to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all who addressed the House yesterday on the army appropriation bill may have five calendar days in which to print. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HULL. Now, Mr. Speaker, I would like to give notice to the House that to-morrow, immediately after the reading of the Journal, I will move to go into the Committee of the Whole House on the state of the Union for the further consideration of the army appropriation bill.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of pension bills on the Private Calendar under the rule.

The SPEAKER. The gentleman from New Hampshire moves that the House resolve itself into the Committee of the Whole for the consideration of pension bills upon the Private Calendar under the rule.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House, with Mr. GARDNER of New Jersey in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the purpose of considering bills on the Private Calendar under the rule. The Clerk will report the first bill.

MARK A. SHELTON.

The first business on the Private Calendar was the bill (H. R. 937) granting an increase of pension to M. A. Shelton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of M. A. Shelton, late a private in Company E, Second Indiana Volunteers, in the Mexican war, and a private, also, in Company A, Second Battalion, Missouri State Militia Cavalry, in the civil war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mark A. Shelton, late of Company A, Second Battalion Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mark A. Shelton."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCES A. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 6562) granting a pension to Frances Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances Thompson, widow of John W. Thompson, late of United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "acting ensign."

Mr. SULLOWAY. I move to amend by inserting "A." in the name and make it Frances A. Thompson.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDGAR CHAPMAN.

The next business on the Private Calender was the bill (H. R. 689) granting a pension to Edgar Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edgar Chapman, late of Company K, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY C. JONES.

The next business on the Private Calendar was the bill (H. R. 3665) granting an increase of pension to Henry C. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Henry C. Jones, late a private in Company A, Forty-ninth Regiment Missouri Infantry Volunteers, and pay to him a pension at the rate of $30 per month in lieu of the pension which he now receives under certificate No. 39231.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Jones, late of Company A, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JULIETTE WESTBROOK.

The next business on the Private Calendar was the bill (H. R. 5611) granting a pension to Juliette Westbrook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Juliette Westbrook, dependent parent of Martin Westbrook, late of Company E, One hundred and eleventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "parent" and insert in lieu thereof the word "stepmother."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WINSLOW P. EAYRS.

The next business on the Private Calendar was the bill (S. 1498) granting an increase of pension to Winslow P. Eayrs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Winslow P. Eayrs, late of Company C, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE B. DAVIS.

The next business on the Private Calendar was the bill (H. R. 6005) granting an increase of pension to George B. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Davis, late of Company F, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DANIEL W. HUFFMAN.

The next business on the Private Calendar was the bill (H. R. 2920) granting an increase of pension to Daniel W. Huffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel W. Huffman, late of Companies B and C, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of Companies B and C," and insert in lieu thereof the words "first lieutenant Company B and second lieutenant Company C."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM M'BRIEN.

The next business on the Private Calendar was the bill (H. R. 1294) granting an increase of pension to William McBrien.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McBrien, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ADAM KOHLHAUFF.

The next business on the Private Calendar was the bill (H. R. 4157) granting an increase of pension to Adam Kohlhauff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Kohlhauff, late of Company D, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID H. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 3836) granting an increase of pension to David H. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of David H. Thompson, late of Company D, First Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Michigan," insert the word "Regiment."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MEDIE M. FLANDERS.

The next business on the Private Calendar was the bill (H. R. 3299) granting a pension to Medie M. Flanders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Medie M. Flanders, widow of Charles C. Flanders, late of Company G, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY HALE.

The next business on the Private Calendar was the bill (H. R. 138) granting an increase of pension to Henry Hale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hale, late private of Company D, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private."
In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WALTER F. CHASE.

The next business on the Private Calendar was the bill (S. 1497) granting an increase of pension to Walter F. Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter F. Chase, late of Company F, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES SCHRODER.

The next business on the Private Calendar was the bill (H. R. 7756) granting an increase of pension to Charles Schroder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Schroder, late of Company C, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH H. COOPER.

The next business on the Private Calendar was the bill (H. R. 6947) granting an increase of pension to Joseph H. Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Cooper, late of Company I, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JONATHAN J. SMITH.

The next business on the Private Calendar was the bill (H. R. 8376) granting an increase of pension to J. J. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. J. Smith, late of Company F, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the first letter "J." and insert in lieu thereof the word "Jonathan."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."
Amend the title so as to read: "A bill granting an increase of pension to Jonathan J. Smith."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIET A. TUCKER.

The next business on the Private Calendar was the bill (H. R. 8920) granting a pension to Harriet A. Tucker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet A. Tucker, widow of William E. Tucker, late of Company K, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS ADELSPERGER.

The next business on the Private Calendar was the bill (H. R. 165) granting an increase of pension to Thomas Adelsperger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Adelsperger, late first lieutenant of Company H, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company H" and insert in lieu thereof the words "and adjutant."
In line 8 strike out the word "sixty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GUSTUS S. REMICK.

The next business on the Private Calendar was the bill (H. R. 8729) granting an increase of pension to Gustus S. Remick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustus S. Remick, late of the First Battalion Vermont Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Battalion" and insert in lieu thereof the word "Battery."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNA M. MAIER.

The next business on the Private Calendar was the bill (H. R. 6085) granting a pension to Anna M. Maier-Moyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Maier-Moyer, widow of Markus Maier, late of Company A, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Maier-Moyer" and insert in lieu thereof the word "Maier."
Amend the title so as to read: "A bill granting a pension to Anna M. Maier."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE N. THORPE.

The next business on the Private Calendar was the bill (H. R. 4887) granting a pension to George N. Thorpe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George N. Thorpe, late of Company C, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to George N. Thorpe."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE GARDNER.

The next business on the Private Calendar was the bill (H. R. 2016) granting an increase of pension to George Gardner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Gardner, late of Company A, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MOLLIE J. MITCHELL.

The next business was the bill (H. R. 242) granting a pension to May Shields Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of May Shields Mitchell, widow of Richard P. Mitchell, late major and surgeon, First Tennessee Light Artillery, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "May Shields" and insert in lieu thereof the words "Mollie J."

In line 7 strike out the words "major and."

In same line, after the word "First," insert the word "Regiment."

In same line, before the word "Light," insert the word "Volunteer."

In line 8, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mollie J. Mitchell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIAH KUECHLER.

The next business was the bill (H. R. 5372) granting a pension to Mariah Kuechler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mariah Kuechler, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

A. MARION GAMBLE.

The next business was the bill (H. R. 5471) granting an increase of pension to A. Marion Gamble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. Marion Gamble, late major of Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee were read, as follows:

In line 6, before the word "Sixth," strike out the word "of."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES P. WALLACE.

The next business was the bill (H. R. 6442) granting an increase of pension to James P. Wallace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Wallace, late of Company G, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANCIS E. CHASE.

The next business was the bill (S. 12) granting an increase of pension to Francis E. Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis E. Chase, late of Company E, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMILY CONKLIN.

The next business was the bill (H. R. 4937) granting an increase of pension to Emily Conklin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Conklin, widow of James L. Conklin, late of Company A, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In line 9, after the word "receiving," insert the words:

"*Provided, however*, That in the event of the death of the helpless child, Cora B. Conklin, on whose account the pension of Emily Conklin is increased, the pension of said Emily Conklin shall continue only at the rate of $12 per month from and after the date of death of said helpless child."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL ALEXANDER.

The next business was the bill (H. R. 610) granting an increase of pension to Samuel Alexander.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Alexander, late of Company H, Twenty-fifth Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Twenty-fifth," insert the word "Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMMETT COLE.

The next business was the bill (H. R. 198) granting an increase of pension to Emmett Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emmett Cole, late of Company F, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES H. CUMMINGS.

The next business was the bill (H. R. 6588) granting an increase of pension to James H. Cummings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Cummings, late of Company B, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

Mr. GAINES of Tennessee. Mr. Chairman, I should like to make an inquiry of the chairman of the committee. I know nothing about the merits of this particular bill; but I see that it proposes an increase of this pension to $50. Under a rule of the House we have no "right" to have the report accompanying the bill read so we can act intelligently; we must guess at the merits of the case as the clerk reads the bill at the desk. "Go it blind," as it were—act in the dark on each bill, unless by the grace of the committee we can have read the report——

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that there is a committee amendment.

Mr. GAINES of Tennessee. Then I wish to be heard on the amendment. I want to know something about this bill and then I wish to make a general inquiry.

I desire to ask the chairman of the committee reporting this bill why it is that this claimant appeals to Congress instead of the Pension Bureau for this increase?

Mr. SULLOWAY. Because he has received all the relief that the Pension Office can grant under the law.

Mr. GAINES of Tennessee. I understand, then, that there is no law for this increase, and therefore this man has come here with his application and asks Congress to pass a private act for his relief.

Now, allow me another question. The gentleman will remember that at the last session I asked why it was that so many appeals from the Pension Bureau were made to Congress for relief by special acts, and the gentleman very promptly said it was because the applicants did not get "justice" at the Pension Bureau.

That was under the administration of Hon. H. Clay Evans, who is now an ex-Commissioner, an "X-ray," and making this Government a fine representative in London. Now, what is the difference in the administration of that office under the distinguished gentleman, Mr. Ware, a very charming gentleman, able and just, whom I have met, and the administration of the office under Mr. Evans in reference to doing justice to the claimants before that Bureau? Why are these great cartloads of claims sent or why do they come to the House for relief instead of that being done at the Pension Office? Now, my inquiry is entirely frank and seriously made, and I hope the gentleman will answer it.

Mr. SULLOWAY. These claimants come to Congress because a great many of them have no relief under existing law, and I do not say that any intentional injustice is being done at the Bureau, and do not say who is responsible for justice not being done, but when the claims come here with the evidence and we find that justice has not been done, as a court of equity we try to deal justly with the applicant. Now, the gentleman asks me what is the difference between the administration under a gentleman from his State, whom he says has now become an "X-ray," and the gentleman now at the head of the Bureau. It is the difference between a real man attending to his business and an X-ray at a distance.

Mr. GAINES of Tennessee. Mr. Evans is certainly an ex-Commissioner of Pensions. I thought he had a way—an X-ray talent—of seeing a long way into the pension matters which he passed on; did his duty, at least, in a great measure, as much so as he could to receive no moral support from his party, then, as now, in power.

The gentleman said he did injustice to the claimants; hence they appealed to Congress. But the same thing is occurring with Mr. Ware as Commissioner, though I think he is able and honest. What is the matter? You do not say Mr. Ware is doing anyone an injustice, nor do I. But who is the officer who does?

Mr. SULLOWAY. I have no doubt that there are mistakes made in that office. It is impossible for it to be otherwise. It is a great board of clerks and examiners. One has one opinion and another has another opinion; and I have no doubt if the gentleman would think for a moment he would find that the appeals made from the Bureau to Congress are not so numerous as the appeals from United States courts to the Supreme Court of the United States pro rata. Therefore it is not remarkable that cases come here in this way.

Mr. GAINES of Tennessee. Well, the gentleman told us at the last session in answer to my question that the reason why so many appeals came here was because the claimants did not get justice at the Bureau. There were over 100 bills here on last Friday taken up and passed, and there are 210 to-day, I understand. Now, does the gentleman mean to say that injustice has been done to all these claimants under Mr. Ware's administration?

Mr. SULLOWAY. Not at all.

Mr. GAINES of Tennessee. Then why do they not go to the Bureau to have their claims passed upon?

Mr. SULLOWAY. Some of these cases were adjudicated way back years ago, while others have no status for technical reasons, yet they are very meritorious and very deserving.

Mr. GAINES of Tennessee. Now, can the gentlemen tell us whether injustice has been done to these claimants whose bills are piled up here before us or not? If any, which?

Mr. SULLOWAY. I do not say that they are doing intentional injustice to anybody, but I will say they fail to do justice in many cases. We examine all the evidence, and we dispose of the cases as a court of equity would do, and a court of equity would not do an injustice.

Mr. GAINES of Tennessee. Is the present administration not doing justice?

Mr. SULLOWAY. I do not know. The matters go through a lot of hands, and the claimants often do not get what they are entitled to receive, it seems to me.

Mr. GAINES of Tennessee. Does not the gentleman think we ought to do away with a bureau that permits an injustice and compels the claimants to appeal to Congress for justice and substitute a court of three or five judges, like the Court of Claims, which protects the Government, and whose judgments Congress respects and pays almost invariably?

Mr. SULLOWAY. My friend understands that there is a very great difference between a law court and an equity court. In the Bureau they take the evidence and consider it under the rules of the law. We look at it in the light of equity. We read the evidence and give what we think justice demands. That is the way we do in the committee.

Mr. GAINES of Tennessee. Just a word more. The Chair and the older Members will remember it distinctly that I put the question distinctly to the gentleman in charge of these bills and asked him why so many pension matters were brought here last year from the Pension Bureau. He said deliberately and repeatedly that it was because injustice was being done to the claimants at the Pension Bureau, and hundreds and hundreds and even thousands of appeals were made to Congress to do justice here—in other words, to reverse the action of the Pension Bureau. Now, Mr. Chairman, at the opening of the present session of Congress——

Mr. FULLER. I wish to make an explanation here. I think that the law does not reach many of these cases. There are many of them not cases that can get justice done at the Pension Office, but special cases, where the law does not reach. The evidence shows that very many of the cases are very meritorious, but that the parties making the claim are in such a condition that they need the aid of the Government. They might have rendered service to the Government that entitled them to it, and no general law reaches that particular class.

Mr. GAINES of Tennessee. Then why does not the gentleman and his party, who are in power, and who have the power now in this House, bring in a general law to give the relief that is needed, instead of unloading on this House every Friday a great pile of these claims that we all know we do not and can not consider, but pass them as rapidly as two men can talk and the chairman say "Aye" from the floor?

I stated a year ago that during his administration Mr. Evans tried to do his duty, but stood unsupported by his party; and now, with a new Commissioner, we had in this House on the last Friday great piles of these claims brought here for our action, and these claimants are coming here saying that they can not get justice done to them at the Bureau. So it seems to me that it has been demonstrated that there was no more injustice done there under Mr. Evans than is being done now, and you are passing bills in same way as when Evans was Commissioner. I do not believe that Mr. Ware is otherwise than an able and efficient officer. I like the gentleman. I have had the pleasure of meeting him. I think he will give equal and exact justice to these claimants at the Bureau, and if they are not able to give them justice we ought to do away with the Bureau entirely and let Congress or a court do this work. If these claimants can not get justice there, then something is wrong and it ought to be corrected. If the clerks are doing wrong, investigate them and find where the wrong is, find who is doing it, and punish that individual or dismiss him.

Mr. Chairman, I say this causes an unnecessary burden to fall on Congress which should be lessened. I want to pass all these pension bills which are proper, and they will be passed, and I am going to vote for all which are just. We do not know whether they are just or not. Who does? Here is a prima facie case of justice because the committee reports it. That is all we know. But I am trying to get from the gentleman from New Hampshire the reason why so many are brought here under the administration of Mr. Ware when as many were brought under the administration of Mr. Evans because he did "injustice" to the claimant.

By implication Mr. Ware is doing "injustice" to the applicants at that Office, because about the same number of cases come from the Pension Office under Mr. Ware as under Mr. Evans. I do not believe Mr. Ware is a man who would knowingly do anybody an injustice. The gentleman from New Hampshire now seems to accuse not Commissioner Ware, but some "clerk." Now, who is the clerk? The House every Friday throughout the sessions of Congress considers these cases to do justice to them. Justice ought to be done to the Government and claimant, and a clerk who knowingly does an injustice to a claimant who is justly and legally entitled to a pension ought not only to be dismissed but otherwise dealt with.

Mr. HOLLIDAY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. GAINES of Tennessee. I will now yield to the gentleman.

Mr. HOLLIDAY. I want to ask the gentleman if he is opposed to passing these bills?

Mr. GAINES of Tennessee. No; I am not opposed to this bill, and the gentleman should know that must be true, for I am, and so is the committee, ignorant of its merits, and it is useless to inquire; but I am opposed to any officer or clerk being guilty of wrongful acts at the Pension Office which force this and other bills to come here for relief.

We should run down the clerk and find out who that clerk is, and if the gentleman can tell me I would like to know, and if he can not tell me I think we ought to have a resolution passed to investigate and find out who is the guilty party.

Mr. HOLLIDAY. I want to ask the gentleman if he is opposed to the passage of any of these bills?

Mr. GAINES of Tennessee. I can not answer that. I am not advised of their merits, nor is the committee. The gentleman knows that I have never voted against a bill for a pension which I thought was right. I do not know whether I shall vote for or against these bills. We are ignorant of the facts. I am trying to see why these claims are brought here to Congress that "justice" might be done them, because it is said that injustice was done others down in the Bureau a year ago and were brought here to get justice done. Does this "injustice" still continue in passing on these claims? Who is this "clerk," this wrongdoer? That's the question.

Mr. RUSSELL. I desire to propound a question to the chairman of the Committee on Invalid Pensions. Has there been any agreement or understanding or any rule adopted by that committee by which each Member of the present House is authorized to have reported a certain number of bills?

Mr. SULLOWAY. Not that I am aware of.

Mr. RUSSELL. There has been no such rule?

Mr. SULLOWAY. Not that I am aware of.

Mr. RUSSELL. I will ask this question, then: Has there been any practice established by this committee allowing each Member to report any given number of bills or have them reported?

Mr. SULLOWAY. The practice of that committee is to do the work that they and its clerks can do——

Mr. RUSSELL. That does not answer the question.

Mr. SULLOWAY. And as gentlemen furnish the evidence in their cases then we consider them, and if a Member does not furnish any evidence then we have nothing to consider. In all cases where application has been made at the Bureau the Pension Office papers are always sent for.

Mr. RUSSELL. That does not answer the question propounded.

Mr. SULLOWAY. It does exactly, sir.

Mr. RUSSELL. It does not satisfy me.

Mr. SULLOWAY. That may be; I am not here to satisfy you, necessarily.

Mr. RUSSELL. Well, that may be true, but neither do I think the gentleman satisfies the House.

Mr. SULLOWAY. Well, I do not know about that.

Mr. RUSSELL. Here is the question: Have the Committee on Invalid Pensions established any practice by which the Members of this House are authorized to have considered any given number of bills?

Mr. SULLOWAY. Not at all, sir.

Mr. RUSSELL. Now, Mr. Chairman, if that be true, I want to put this in the RECORD right in this connection. During the early portion of the special session I received this card, and I presume every Member of Congress received one similar to it. It is headed as follows:

Committee on Invalid Pensions, House of Representatives, United States, Fifty-eighth Congress.—CYRUS A. SULLOWAY, of New Hampshire, chairman; HENRY R. GIBSON, of Tennessee; SAMUEL W. SMITH, of Michigan; WILLIAM A. CALDERHEAD, of Kansas; ELIAS DEEMER, of Pennsylvania; ELIAS S. HOLLIDAY, of Indiana; W. GODFREY HUNTER, of Kentucky; THOMAS W. BRADLEY, of New York; CHARLES E. FULLER, of Illinois; ROBERT W. MIERS, of Indiana; JOSEPH B. CROWLEY, of Illinois; GEORGE H. LINDSAY, of New York; JOHN S. SNOOK, of Ohio; ALFRED LUCKING, of Michigan; FRANK A. HOPKINS, of Kentucky. William H. Topping, clerk; George A. Bailey, assistant clerk; Herman Gauss, principal examiner detailed from Pension Bureau.

Subcommittee No. 1.—Mr. GIBSON, of Tennessee; Mr. HOPKINS, of Kentucky; Mr. SNOOK, of Ohio. States and Territories: Delaware, Ohio, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, and Indian Territory.

Subcommittee No. 2.—Mr. SAMUEL W. SMITH, of Michigan; Mr. DEEMER, of Pennsylvania; Mr. LUCKING, of Michigan. States and Territories: New Jersey, Pennsylvania, West Virginia, Michigan, District of Columbia, Maryland.

Subcommittee No. 3.—Mr. HOLLIDAY, of Indiana; Mr. MIERS, of Indiana; Mr. HUNTER, of Kentucky. States: Indiana, Wisconsin, Minnesota, Missouri, North Dakota, South Dakota, Kentucky.

Subcommittee No. 4.—Mr. CALDERHEAD, of Kansas; Mr. FULLER, of Illinois; Mr. CROWLEY, of Illinois. States and Territories: Iowa, Illinois, Kansas, Oklahoma, Nebraska, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, New Mexico, Utah, California, Arizona, Nevada.

Subcommittee No. 5.—Mr. SULLOWAY of New Hampshire; Mr. LINDSAY of New York; Mr. BRADLEY of New York. States: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York.

The committee realizing that it is going to be impossible to consider all of the large number of private bills referred, and thinking Members might have some preferences among the bills they have introduced, beg leave to suggest that they indicate the order in which they prefer that their bills be considered. Members should cause to be filed with their respective bills such evidence as may be requisite to justify the committee in reporting the bill for passage and in defending it before the House. Requests for consideration of bills should be made by Members either in person or in writing, the number of the bill to be stated. Evidence filed direct with the committee must have indorsed thereon the number of the bill to which it relates.

Now, I want to say in this connection, before I propound the question again, that it is not my purpose here—and I am sorry that the gentleman from New Hampshire has manifested some display of impatience—that it is not my purpose to cast any opprobrium on the committee. I realize that you have not time to consider the mass of bills brought in for private pensions at this session of Congress. There have been introduced in this House and in the Senate together between 3,500 and 4,000 private pension bills. There was never assembled the same number of lawyers as constitutes this Committee on Invalid Pensions in any country on earth that could give proper consideration to one half the number of justice-court cases as this committee is compelled to consider of these pension bills.

This is in line with what the gentleman from Tennessee [Mr. GAINES] said, because you told him that the reason these bills came here was because they could not receive proper consideration in the Pension Bureau. Now you bring them into a body which every Member knows is absolutely determined to give them no consideration. You have tried to subdivide the labor. You do not profess in this card which I have read that the committee can consider these matters, but you subdivide the work and give certain States to certain Members and place certain States with certain Members to give consideration to the bills coming to the committee from those States, manifesting, Mr. Chairman—and I say it with all due respect—the physical and mental inability of the committee to give the attention it deserves to the great number of measures brought before it. And still further evidencing your inability to properly consider these measures, you invite the Members who have introduced them to select the ones to be considered by the committee.

Mr. SULLOWAY. We consider them all as far as we can, having first obtained from the Member a list of the cases he considers the most deserving and most meritorious, and we further ask him to specify them in their orders.

Mr. RUSSELL. As far as you can?

Mr. SULLOWAY. As far as we consider them. The subcommittee first examines a bill and then reports it to the full committee, and it is then considered by the full committee, the report being read in full in each case and all the facts brought out.

Mr. RUSSELL. The question still presents itself. By this card you have had printed you say you are unable to give them consideration. It is no reflection on the ability of the committee. I have been a hard-working lawyer ever since I came to the bar, and I know how to turn off business of that sort. I make the assertion that there never was a lawyer, I do not care what his mental virility is, that can take the bills that are sent to your committee, if they were justice-court cases, and give them one-half of the consideration that they deserve.

Mr. SULLOWAY. May I ask the gentleman a question?

Mr. RUSSELL. Yes.

Mr. SULLOWAY. Does the gentleman anticipate that not 25 per cent of them are ever asked to be considered by the Members who introduced them?

Mr. RUSSELL. Well, then, if I understand you, there are certain bills that Members never ask to be considered. Is that so?

Mr. SULLOWAY. There has to be with this great number of bills.

Mr. RUSSELL. Why?

Mr. SULLOWAY. Because they can not be reached.

Mr. RUSSELL. They can not be reached by the committee?

Mr. SULLOWAY. Not if we had to consider every bill.

Mr. RUSSELL. There never has been a period since I have been a Member of this body that Congress has not passed every one that you have reported.

Mr. SULLOWAY. That shows great confidence in the committee. [Laughter.]

Mr. RUSSELL. This committee needs no defense——

Mr. FORDNEY. Then what is the gentleman objecting to?

Mr. RUSSELL. I am trying to get some information for this House. The question that I started to propound was this: Has that committee established any rule or any practice by which each Member of this House can have reported or considered any certain number of bills? Members have told me on the floor that you have agreed to allow each Member two bills.

Mr. SULLOWAY. Nothing of the kind.

Mr. RUSSELL. Is it four bills?

A MEMBER. I have been told that it was two bills.

Mr. RUSSELL. A Member says two bills. I hear it all around me. Have any of you other gentlemen heard it?

Mr. SULLOWAY. It is no matter what the gentleman hears. I am not responsible for that. I say there is no such agreement.

Mr. RUSSELL. Has the committee established any such practice?

Mr. SULLOWAY. There is no practice except to equalize the distribution of bills among Members as far as possible and afford relief in as many meritorious cases as can be reached.

Mr. RUSSELL. I heard a Member say the other day that each Member was to have one bill on the Calendar for that day, and he stated, further, that the Member to whom he was talking was fortunate in having secured the reporting of two of his bills for that Calendar.

Mr. SULLOWAY. That meant that Calendar that day.

Mr. RUSSELL. What is the agreement about that?

Mr. SULLOWAY. There is no agreement about it.

Mr. RUSSELL. Now, then, if that be true, why do you tell gentlemen in this card to report to the committee the bills they want considered?

Mr. SULLOWAY. Simply because we want to go round and treat each Member the same, as that card says.

Mr. RUSSELL. That is what I am trying to get at. Is there an understanding amongst the committee that you will go around?

Mr. SULLOWAY. That is what we are doing.

Mr. RUSSELL. How many times?

Mr. SULLOWAY. That is exactly what the gentleman meant that spoke to you the other day, that we have on the Calendar so many bills for different gentlemen in the House.

Mr. RUSSELL. You say now the committee wants to go round—how many times?

Mr. SAMUEL W. SMITH. Just as often as we can, sir.

Mr. RUSSELL. That is the practice, then—as often as you can?

Mr. SAMUEL W. SMITH. Yes.

Mr. RUSSELL. How many times can you go round?

Mr. SAMUEL W. SMITH. Sometimes four and sometimes five during a Congress.

Mr. RUSSELL. Then the maximum is four?

Mr. SAMUEL W. SMITH. I did not say that.

Mr. RUSSELL. If that be true, then some Members on that side of the House—I have not had time to look all of it up, but you have some Members on that side of the House that up to the adjournment of the extra session had introduced, one of them eighty bills, another seventy, and another one had introduced eighty-nine bills. Now, here is the question that I want to ask the committee: If this Member, Mr. Jones, or Mr. Brown, or Mr. Thompson, or whoever he may be, comes in here with eighty bills, and he picks out four of them and tells your committee that he wants you to investigate those four, why is not that gentleman doing the other seventy-six a greater injustice than has been done them over here at the Pension Bureau?

Mr. SULLOWAY. May I answer the gentleman?

A MEMBER. The blame is not with the committee.

Mr. RUSSELL. I don't care who the blame rests with. I am not talking about where the blame should be placed.

Mr. SULLOWAY. It will appeal to anybody that a Member in his district knows the meritorious cases better than a man living in some other State or district, and the Members are asked to name the bills in the order as they deem them the most meritorious. That is the reason.

Mr. RUSSELL. Now, Mr. Chairman, without any feeling in the matter, supposing that be the rule the committee has established, and I take it from that confession of the gentleman that that is the rule——

Mr. SULLOWAY. I don't admit it is any confession—there is no confession about it. I am merely stating a fact.

Mr. RUSSELL. Well, admission then.

Mr. SULLOWAY. There is no admission about it.

Mr. RUSSELL. Well, then, statement. I shall accommodate myself to the verbal differences between myself and the gentleman. I will say the statement, then, and I recall the expressions "admission" and "confession"—the statement the gentleman makes. If that be true, this state of facts is bound to be existent in this House, and that is this: Nobody here disputes the fact that the private-pension system has grown utterly beyond the power of this House to consider it—to consider it. I mean that word in its broadest signification. There is not a man in this House—and I make the statement now and ask that it be challenged if it can be—who will say that in the practice of the House in passing these bills any consideration is given to them at all. And the committee in this card states that it has grown beyond the power of the committee to consider them.

Mr. SULLOWAY. No bill is reported here that has not been carefully considered. I can not let that statement go into the RECORD unchallenged.

Mr. RUSSELL. Nobody knows anything about this bill now, I will venture the assertion, except the Member who made the report and the man who introduced it. You can not find out anything about it.

Mr. SULLOWAY. The report is before you, the same as in every other bill that comes before the House for consideration, and a carefully considered detailed statement, warranted by the evidence and presented to this Committee of the Whole House, and these reports are easily obtainable at the Document Room.

Mr. RUSSELL. Mr. Chairman, this Calendar shows——

Mr. GARDNER of Michigan. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Michigan?

Mr. RUSSELL. I yield.

Mr. GARDNER of Michigan. I would like to ask how much the gentleman addressing the House knows or will know when he votes upon the present bill before the House—that is, the army appropriation bill, carrying $80,000,000—how much he knows in detail about the provisions of that bill, and how much he knew about the details of the bill which passed the other day, carrying twenty-eight millions, reported from the Appropriation Committee?

Mr. RUSSELL. I am glad that the gentleman has asked that question. I wish to God we had the same chance to have the same examination of these private pension bills. I know that the bill last week making appropriation for legislative, executive, and judicial purposes is almost similar to bills of that character that have passed this House for the last fifty years. I know that before that bill was brought in here it was put within the power of every man in this House to go to the Book of Estimates and see what the bill was going to be based upon.

I know that the departments having charge of those matters brought in a report that every one in this House had an opportunity to read. I know that in each of those bills and in every other appropriation bill which is passed here we devote from six hours to three days in discussion of it, so that we can find out something about it.

Upon the other hand, I know that there went upon the Calendar of this House on last Monday 103 private pension bills. I know that on Wednesday you added eighty-five to that number. I know that you added twenty-two to-day. Since last night, after the House adjourned, you have put twenty-two bills on that Calendar.

Mr. SULLOWAY. That is not the fact. We have put no bills on the Calendar last night or to-day.

Mr. RUSSELL. Does the gentleman say that twenty-two bills have not been put on the Calendar since last night?

Mr. SULLOWAY. Not from the Committee on Invalid Pensions.

Mr. RUSSELL. I am not asking from what committee these bills came; but they are private pension bills that appear on this Calendar for the first time to-day. I know that there were 103 put on last Monday. I have the Calendars to prove my assertion. I know that there were one hundred and eighty-odd on the Calendar on Wednesday, and that now you have 210. Now, what chance has there been to consider those bills?

Mr. GARDNER of Michigan. The gentleman has not given any answer to the question I propounded. He has simply said how he might get information in regard to the two bills to which I referred; but the question is, Did he personally investigate and obtain the information for himself on those two great bills?

Mr. RUSSELL. Yes, sir. I sent and got the Book of Estimates, and I have been giving the best attention I could to those bills.

Mr. GARDNER of Michigan. How much have you given?

Mr. RUSSELL. Every bit that I have ability to give.

Mr. GARDNER of Michigan. That is very indefinite. [Laughter.]

Mr. RUSSELL. Certainly it is.

Mr. GARDNER of Michigan. I owe it both to the gentleman and myself to say that in my remark just now I meant no reflection upon his ability. The House put an entirely wrong construction upon my remark if it supposed that I meant any reflection of that kind.

Mr. RUSSELL. I did not so consider it. I am not so modest as that. I assure the gentleman that I am taking no offense at his answer—not a bit.

Mr. GARDNER of Michigan. But it is well known to every Member of this House that it is a mental and physical impossibility—and no one knows it better than the gentleman from Texas if he has been a studious, patient, and faithful member of the committees to which he belongs—to enter into the details of each and every bill coming before the House and vote intelligently upon each specific provision.

Mr. RUSSELL. You commit the bill to the committee, do you not?

Mr. GARDNER of Michigan. Wait a moment. We must take the judgment of the committees largely, and the committees take the judgment of the subcommittees.

Mr. RUSSELL. Very true; but you have not done that in this instance, according to this card. You have taken the personal selection and personal decision of the man who introduced the bill.

Several MEMBERS. Oh, no.

Mr. RUSSELL. You say so in terms.

A MEMBER. They are the only ones that have been considered.

Mr. RUSSELL. If you do not consider them, in the name of heavens what chance has a bill?

Mr. SULLOWAY. We have only taken up the cases which a Member desired to have considered.

Mr. RUSSELL. Well, I will ask the chairman of the Committee on Invalid Pensions this question: Have you ever reported a bill here this session, or at the extra session, except one that a Member has sent to your committee to be considered?

Mr. SULLOWAY. We did not have any bills before us at the extra session, as there was no committee at that time.

Mr. RUSSELL. Well, this session.

Mr. SULLOWAY. We have had but one pension day in the House this session before to-day.

Mr. RUSSELL. Oh, don t fence with me in that way. Have you reported any bill here except such as a Member asked to have considered?

Mr. SULLOWAY. Not one, except Senate bills.

Mr. RUSSELL. Then the gentlemen of this House who have introduced from 50 to 150 bills and who, according to the gentleman who addressed me a while ago over there, are relying upon the fact that there may be a chance to "go round" four times, ought to be able when they go home to say to their constituents why they picked out those four bills particularly to be considered.

Mr. BURKE. May I ask the gentleman a question?

Mr. RUSSELL. Yes, sir; certainly.

Mr. BURKE. I should like to have the gentleman state whether he has ever introduced a bill in this House upon any subject that was considered by a committee before he had requested the committee to consider it.

Mr. RUSSELL. I presume not.

Mr. BURKE. Then would you expect a bill which you had pending here for a private pension to be considered before you requested it?

Mr. RUSSELL. Now you emphasize my position. These gentlemen will not only go back to their constituents with the information that four bills were picked out by them, but they will go back, according to the gentleman's assertion, with the additional information that they have not asked the committee to consider any more.

Mr. BURKE. Now, let me put this proposition——

Mr. RUSSELL. All right.

Mr. BURKE. I would say to the gentleman that I represent a constituency that has a very large old-soldier population. I have, perhaps, introduced at this session of Congress six bills. Out of that number I indicated two bills that I wanted to have considered before the other two. These two parties were not upon the pension rolls at all, while the others were already drawing pensions under existing law. Now, I want to know if it was not proper to indicate to the committee that I wanted the two bills of the parties not drawing pensions at all considered before they considered the other bills?

Mr. RUSSELL. I think the gentleman has got his defense in the RECORD, and I will expect to see him back here next Congress.

Mr. SAMUEL W. SMITH. Will the gentleman allow me to ask him a question?

Mr. RUSSELL. Certainly.

Mr. SAMUEL W. SMITH. Do you claim that a single Member here has not been fairly treated by the Invalid Pensions Committee?

Why, Members of the House for years and years have been interested in these people who are to get the pensions; they are interested in the people for whom they introduced these bills.

Mr. RUSSELL. How many bills have you introduced?

Mr. SAMUEL W. SMITH. I do not know. I am not sure as to how many.

Mr. RUSSELL. Have you introduced as many as fifteen or sixteen?

Mr. SAMUEL W. SMITH. I have introduced more than fifteen.

Mr. RUSSELL. Have you introduced as many as fifty? What interest have you in those bills? Those poor men back in your district are interested in them, but what interest have you in those bills?

Mr. SAMUEL W. SMITH. Why, no more interest than in any other measure I have introduced.

Mr. RUSSELL. You are a personal acquaintance of a great majority of them.

Mr. FORDNEY. How many bills of this kind have you introduced?

Mr. RUSSELL. I have not introduced any at all.

Mr. HOLLIDAY. Have not you introduced any bills—pension bills?

Mr. RUSSELL. No, sir.

Mr. FORDNEY. Have you no old soldiers back in your district? Do you not know that Members on your side of the House have introduced as many as 150 bills?

Mr. RUSSELL. I say this: I am glad the gentleman called my attention to it, and I will say that the old soldiers of this country have not any better or truer friends in this House—and I will mention their names, because they are the two that now occur to me—than Judge MIERS, of Indiana, and Mr. ROBINSON of Indiana. I would as soon take Judge MIERS's word on any bill he brings in here as anybody, but you bring in a whole lot of these measures when you know they can not be considered. You ask us to pass them all without any opportunity to consider them.

Mr. FORDNEY. Here is the report on this measure.

Mr. HEPBURN. Will the gentleman allow me to ask him a question?

Mr. RUSSELL. Certainly.

Mr. HEPBURN. I understood the gentleman to say that he has not any feeling in this matter.

Mr. RUSSELL. Not at all.

Mr. HEPBURN. I want to ask the gentleman if it is not true that in the campaign he made against Mr. De Graffenreid, a gentleman who had for his friend every man who knew him, if he did not assail him—bitterly assail him—because he had not stopped what you choose to denominate this outrage upon the public Treasury in granting all these pensions? Did you not make that a personal issue against him?

Mr. RUSSELL. I made this issue——

Mr. HEPBURN. Oh, just answer my question.

Mr. RUSSELL. I will answer the question in my own way.

Mr. HEPBURN. Did not you make that a personal issue with Mr. De Graffenreid?

Mr. RUSSELL. I decline to permit the gentleman to put the words into my mouth in answering the question that he has asked me. I will answer it in my own way.

Mr. HEPBURN. Did you not make it a personal issue with him that he did not stop the granting of these pensions?

Mr. RUSSELL. I am going to answer the gentleman's question, and he must not answer it for me. I will answer it myself. And he must let me make my answer.

Mr. HEPBURN. Make it.

Mr. RUSSELL. I said this: That if the pension laws were unjust, if they were improper and unequitable, they ought to be amended and some general power, under sworn authority, should have charge of these matters and say who should and who should not have pensions in this country; and I said that an examination of the records would show that this House did not have the time to deal with or consider so many of these pension bills.

Mr. HEPBURN rose.

Mr. RUSSELL. Let me get through. Since I have come here I have found this information has been confirmed by my own personal observation.

Mr. HEPBURN. Now, have you made your answer?

Mr. RUSSELL. Yes, sir.

Mr. HEPBURN. Now, will you answer the question I asked you? Did you not assail Mr. De Graffenreid because he had not exerted himself, as you said, against this wrong and outrage?

Mr. RUSSELL. Not because he had not assailed it, but because he had engaged in it.

Mr. HEPBURN. Engaged in it!

Mr. RUSSELL. And I took the position that no one who had engaged in it could consistently attack it.

Mr. HEPBURN. Then you did have that personal feeling, and you did have that personal issue, because you rode that issue over his head in that race. [Applause on the Republican side.]

Mr. RUSSELL. No, I do not believe that was the only issue upon which I was elected. I had no personal issue in the matter—no personal feeling in the matter now. I had simply an interest in the existence of a state of affairs here that, in my judgment, ought not to prevail, and I still have that opinion.

Mr. HEPBURN. Let me ask the gentleman another question?

Mr. RUSSELL. Certainly.

Mr. HEPBURN. Have you introduced any measure here looking to stopping what you denounce a dereliction of duty or to remedy a dereliction of duty upon the part of Mr. De Graffenreid, and have you introduced any measure in the two Congresses of which you have been a Member except three bills for the particular and especial benefit of people in your district?

Mr. RUSSELL. Certainly. I will tell you what I have done. I do not see how you can introduce a general law that would curtail the privileges of this Congress in passing special acts. The gentleman is too good a lawyer to say that I could introduce a general law here that would be held valid to prevent Congress passing these special acts, but I will tell the gentleman what I have done.

Mr. HEPBURN. Just a moment, if the gentleman will permit me. He has introduced three bills during his Congressional life—

one to provide for the enlargement and improvement of the public buildings at Tyler, Tex.; another to provide for a public building at Terrell, Tex.; another for the relief of the legal representatives of the Hon. O. M. Roberts and others. That is the extent, is it not?

Mr. RUSSELL. I am glad my friend puts that in the shape of an interrogatory, because that relieves him from standing upon it as an assertion. No, sir; that is not the fact. Now I will tell you what I have done. Let me ask you a question. I offered a bill here—you were speaking about what my career has been as a Member of Congress—and it is a recent one——

Mr. HEPBURN. I only spoke of it because of the specific character of the assault the gentleman made upon my old-time friend De Graffenreid.

Mr. RUSSELL. Then the gentleman holds malice against me because I came to Congress, I presume. [Applause on the Democratic side.]

Mr. HEPBURN. No; that is not the reason at all——

Mr. RUSSELL. I will say to the gentleman that if he harbors that malice I regret it, because he will have it the longest day he lives. Let me get back to the gentleman from Iowa. It is not fair to me, Mr. Chairman, for the gentleman to put in this RECORD that those three bills were all I have introduced without taking an answer. I now take a personal interest in putting this into the RECORD. I introduced early here a bill, public in its character, making it a felony for any national bank or banking association or officer thereof to accept a deposit of money, or create any indebtedness by which such deposit could get into the bank, if it was in failing or insolvent circumstances. You have got that law in Iowa. Do you not think it is a good law?

Mr. PERKINS. That is the law now.

Mr. RUSSELL. That is the law in Iowa. Is it not a good law?

Mr. HEPBURN. That is a good law.

Mr. RUSSELL. Then you approve of the course of the gentleman from Texas in that? [Applause on the Democratic side.] I trust before I get through I may be able to dissipate the malice you evidently have against me for my defeat of Mr. De Graffenreid.

Mr. HEPBURN. No; there is no malice. The only——

Mr. RUSSELL. I take that back, because I know the gentleman did not mean that. The gentleman's question was more a matter of pleasantry, and I have replied in the same vein and spirit. That is not the only public bill I have offered. I regret that my personality has been injected into this discussion; but that is not the only public bill which I have offered. There are others—measures which I think possess merit and which I shall offer again.

Mr. GARDNER of Michigan. Did I understand the gentleman to say that he did not introduce any bill or bills of a private nature affecting soldiers?

Mr. RUSSELL. Yes, sir.

Mr. GARDNER of Michigan. Have you any Federal soldiers living in your district?

Mr. RUSSELL. I think so.

Mr. GARDNER of Michigan. Do you know of any?

Mr. RUSSELL. I am sure of it; yes.

Mr. GARDNER of Michigan. About how many?

Mr. RUSSELL. I have not the remotest idea.

Mr. GARDNER of Michigan. Have you ever been requested to introduce any such bills?

Mr. RUSSELL. For Federal soldiers—no, sir.

Mr. GARDNER of Michigan. Then the gentleman acknowledges that you are against it in the South?

Mr. RUSSELL. I have no animosity toward the old soldier; not at all; but I am opposed to the system of passing private pension bills as it prevails in this body. I do submit that the system as it prevails here is subject to animadversion, and it ought to be abolished. Let me tell the gentleman this: You have got 210 bills on this Calendar, and you are going to pass them this afternoon, every one of them. The gentleman knows that the committee can not do it if it gives them any consideration.

There is but one way to rectify this evil. When that great body of men known as the Grand Army of the Republic realizes that you gentlemen have, by the passing of bills here for men that could not get the relief under the general law, by means of which you give more to them than you do to the old soldier in the Union Army that went into the field of battle and fought for his country—when they realize that they are going to demand that this system stop, and it will stop. [Applause on the Democratic side.]

Mr. CLARK. Now, Mr. Chairman, before anybody else speaks, let us have order.

The CHAIRMAN. The gentleman's point is well taken. Members will resume their seats and cease conversation.

Mr. MIERS of Indiana. Mr. Chairman, I did not desire to take the time of the committee for more than two or three minutes, and that only for the purpose of making an explanation. I have a good deal of sympathy with the gentleman from Texas [Mr. RUSSELL]. I can realize that it is not an unfriendly motive, that it is not an unpatriotic motive that prompts him to go into the RECORD. I realize under the rules of this House no Member can fully keep up with all legislation, except from the committee of which he is a member, yet I can not allow his statement, that these bills have not and can not be properly considered, to go into the RECORD without a challenge. I am a member of that committee and do not believe the committee needs any defense at my hands, yet I want to say to him and the House what is the truth, that I, in common with other members of that committee, have spent not only hours on the regular meeting days—Mondays and Fridays—but I believe the record will show (I know it is the fact) that I and other members of that committee have put in the committee room more than two hours nearly every day, considering these questions and others that came before the committee. While all claims can not be considered, all claims that are considered favorably have been carefully considered and the committee is ready to defend the action of the committee. I will agree with the gentleman that it is impossible for that or any other committee to consider all the bills that are referred to that committee.

I believe the facts are, to that committee have been referred nearly 50 per cent of all the bills that have been introduced in this House. No other committee has so many bills, and I doubt if any other committee does more work. I understand the gentleman from Tennessee to say that it is in some way the fault of the Pension Bureau. I am not quite willing to admit it. I do not believe there could be a million of litigants, whether they belong to this class of soldiers or not, that when their cases have been adjusted, but what there would be as much or more complaint and more bills than there are from the Pension Bureau. I confess the position occupied by the Committee on Pensions is a very laborious one and very difficult, and I hope this Congress will make the law plainer and better define the rights of the soldier.

I will agree with the gentleman that many of us under the circumstances introduce more bills than we can expect to have passed or considered. But when an old soldier becomes destitute and physically weak we can only introduce the bill, then do all we can for him, and if we can not get all bills considered it is not our fault.

Mr. GAINES of Tennessee. Mr. Chairman, I want to suggest to the gentleman that this whole controversy grew out of an inquiry that I made of the chairman, to wit, Why is it that so many bills under our new Pension Commissioner came here to Congress for relief instead of being sent to and settled by the Pension Bureau? Under the H. Clay Evans administration the gentleman from New Hampshire [Mr. SULLOWAY] said it was because injustice was done them at the Pension Office.

Now, is injustice that is being done them at the Bureau the reason why the bills come here now in such large numbers? I do not believe that Mr. Ware would do anybody injustice knowingly, and the debate discloses the truth of this. The gentleman from New Hampshire says that some "clerk" was responsible for these numerous troubles. If that is so, I think we ought to "go after" that clerk, or anybody else that does the soldier "injustice" and sends all these claims to Congress. If he can be found he ought to be discharged. Nobody objects to the passage of these bills that are just and legal, but we do want to find out what officer is doing this "injustice," so that we can relieve Congress from the burden—a great burden—taking four days of each month to "pass on" these bills, thus barring us from other work a "clerk" can't do.

Mr. MIERS of Indiana. If my friend will excuse me, the trouble is this: There is a law that applies to a million claimants. The claimants are like other people; they are never quite satisfied unless the adjudication of the case goes their way; that is human nature. The officer is compelled to justify his action and must do it under the law, and I do not believe that a better answer can be made to the gentleman's question than for me to read from the report in this very case.

First, let me say that, so far as I know, the Commissioner does the best he can, and the same applies to others in the Pension Bureau. I visit the office of the second deputy almost daily. Captain Kelley presides, and I have always found him and his force fair and just. I have universally found them willing to do all the law will permit for the soldier. I have never found any influence, political or otherwise, that influenced their action. While I am a Democrat, I can get for the soldiers of my district any action that is proper or permissible. I have never heard any other claim, except during the last campaign my honorable competitor claimed that a Democrat could not have the same consideration as a Republican. But I want to again refute the charge.

Mr. GAINES of Tennessee. I do not object to this particular case; and I am, and the whole committee practically are, unadvised of the merits of these bills and cases.

Mr. MIERS of Indiana. I know the gentleman does not, but it will answer his question by reading from the record.

Mr. GAINES of Tennessee. I have no objection to this case, because I do not know anything about it.

Mr. MIERS of Indiana. I know; but I want to read from this report, because it will answer the gentleman, so that he can no longer doubt.

This bill proposes to increase the pension of the soldier named therein from $24 to $50 per month.

James H. Cummings, now 69 years of age, served as a private in Company B, Eleventh Michigan Cavalry, from September 15, 1864, to June 16, 1865, when honorably discharged.

Medical records of the War Department show that he was under treatment at various dates for measles and anæmia.

He is now pensioned under the general law at $24 per month on account of chronic diarrhea and resulting piles and general debility.

A claim on account of hernia as a result of his diarrhea was rejected in September, 1893, upon the ground that such disability could not be accepted as such result, and a claim filed in 1902 for increase of pension, in which the beneficiary alleged that he required the regular aid and attendance of another person, was also rejected in May, 1903, upon the ground that the disability of accepted service origin did not warrant a rate in excess of $24 per month and that his condition was due in part to other than the pensioned causes.

When last examined, on August 27, 1902, the board of surgeons found him so disabled from heart disease, stomach trouble, hernia, chronic diarrhea, hemorrhoids, catarrh, enlarged prostate, defective hearing, emaciation, extreme nervousness, and malnutrition as to require the aid and attendance of another person in dressing and undressing, and rated him $50 for that condition.

The soldier alleged that in the summer of 1887 he was confined to his bed with chronic diarrhea, which caused him to strain while at stool; that he had gotten able to walk about in the latter part of the summer; that he was very sore about the lower abdomen; that the hurting sensation annoyed him, and that soon after this a lump appeared in the left side which the doctors pronounced a hernia, and another on the right side in about six or eight weeks thereafter.

Upon appeal, the Secretary of the Interior held, under date of September 23, 1900, that from the claimant's own observation as to the manner and time of the discovery of the hernia it was clear that it was not incurred suddenly from straining, but evidently of gradual development, and declined to admit such hernia as a result of chronic diarrhea.

Medical evidence, filed in the Pension Bureau in 1903, shows that the beneficiary still requires the aid and attendance of another person by reason of his combined disabilities.

A claim on account of disease of heart as a result of the pensioned causes was also rejected by the Bureau in 1889 as having no connection therewith, and claims for resulting varicose veins and partial deafness were likewise rejected.

Now, then, this examination shows that the man could not only not dress himself, but he could not hear, that he requires the aid of some one to assist him every hour of the day. That is the condition of that old soldier. We have a law, and what is that law? The law says if that condition is due to his Army service, he is entitled to $50 a month. If it is not due to the service, he can only have $24. Here is the clerk's reasoning. The clerk who passed upon that said he did not believe the evidence of the fact that this person's condition was of service origin. Hence they only gave him $24 a month under the law.

Mr. GAINES of Tennessee. How many officers approved of that adjudication?

Mr. MIERS of Indiana. What does the gentleman mean by "how many?"

Mr. GAINES of Tennessee. Did Mr. Ware approve of it?

Mr. MIERS of Indiana. Yes. But I do not suppose the Commissioner personally reviewed the claim, but it went the same route of all other claims.

Mr. GAINES of Tennessee. And then the claimant came to Congress?

Mr. MIERS of Indiana. Yes; there was nothing else for him to do.

Mr. GAINES of Tennessee. Will the gentleman tell me why there are as many claims brought here at this session of Congress under the Ware administration as were brought here before under the Evans administration? I am asking for information; I am not objecting to this case.

Mr. MIERS of Indiana. I do not question the gentleman's honesty. When the clerk who passed on this deemed it not to be of service origin it came to this committee, and I might read further from this report to show the justification of the law. This man is 5 feet 8 inches high. He weighs only 110 pounds. He is 69 years old. He gave two years of his life, the best part of it, for the old flag and the Union and the integrity of the Union and the Constitution that you and I so well love and as Democrats desire so often to talk about. We find him homeless, in destitute circumstances. His present pension does not yield him the ordinary necessaries of life. Now, without saying whether the Bureau is right or wrong, when your committee finds that kind of a record, perhaps we construe the doubts one way while the Department over at the Pension Bureau construed it the other.

Mr. GAINES of Tennessee. Mr. Chairman, I have stated that I have no objection on God's earth to the passage of this bill. I made a simple inquiry, which the gentleman has not answered. I know the gentleman can always answer questions, and I know my friend will be frank enough to answer my question. Why is it, I say, that there are as many claims brought here every Friday under Mr. Ware's administration as were brought under Mr. Evans's administration, and is it a fact that down there they have not time to consider claims and that they thus come here to be considered?

Mr. MIERS of Indiana. No, sir; all claims are considered.

Mr. GAINES of Tennessee. And if that is a fact, why not give them more force down there and let Congress go on with other business, instead of doing that which the "clerks" and this Bureau can do.

Mr. MIERS of Indiana. I am not prepared to say what the motive is or why the soldier is not satisfied nor what blame should attach to the Commissioner. I will say to the gentleman from Tennessee frankly that I realize that the position of the Commissioner of Pensions is a very difficult one.

Mr. GAINES of Tennessee. So do I.

Mr. MIERS of Indiana. I will say to him further, if he wants me to, that I do not believe the Commissioner of Pensions is as liberal as I would be or the country expects of him. That is one of the reasons they come here. Upon the other hand, there is another reason, and that is that a man is so built that by reason of self-interest he is not fully satisfied unless he gets the adjudication just as he wants it. They find that you and I and the Members of this House are friendly and they come here for a little further relief. The Bureau is administered with ability and I am sure it takes great patience of the head of the department. You may take the number of cases that is on this Calendar and you will find that the committee has carefully sifted them, and, by the way, in the way of answer to a question of my good friend from Texas [Mr. RUSSELL], who asked if we had turned down any claims, I will tell him this: The claims considered are not all put on this Calendar. There are Members within the sound of my voice as well as the other members of the committee who have asked certain bills to be considered.

The committee has considered them and has found that it was not practicable to report favorably upon them. Many are refused, and some that appeal pretty strongly, but the committee, like the Commissioner, does the best it can. I do not know whether it is a matter for criticism or not, and if it is I never thought it, but in that event we have said to the Members, "Your bill that you ask is No. 1, 2, or 3; the committee can not consider it favorably. We want to treat you like any other Member of the House; you indicate some other bill, and we will take that up and consider it." And the facts are that on this Calendar we have gone around among the Members and treated all Members alike, until there are 107 Members represented on this Calendar to-day. The committee tries to deal fairly with the Members, as well as the soldier and the country.

Mr. GAINES of Tennessee. Now, will my friend yield?

Mr. MIERS of Indiana. Certainly.

Mr. GAINES of Tennessee. Have they enough machinery down at the Pension Office to attend to the pension business?

Mr. MIERS of Indiana. I think so; yes.

Mr. GAINES of Tennessee. Some one stated a while ago on the other side of the House that they have not.

Mr. MIERS of Indiana. That is a matter of opinion. I think they have. At least I have heard no complaint. There are near 2,000 clerks, and $140,000,000 is disbursed by reason of the Pension Bureau.

Mr. GAINES of Tennessee. Does not the gentleman think that instead of having a Commissioner down there we had better establish a court of three judges and let the findings of that court be similar to the findings of the Court of Claims, at least, instead of having all this hubbub every Friday and all this trouble and delay? Clearly better attention would be given cases by a court than this House is even allowed to give these bills and cases. No one wants to keep the soldier out of his pension if it be just. The gentleman knows that I have been here day and night for seven years whenever this committee has met, and have helped that committee to pass these bills. I am ready to vote for this bill, but I hope the gentleman will find out who that clerk is down there that is doing an injustice to these people, compelling them to come here and bother Congress to take up one day out of every week through the long as well as the short session of this body.

Mr. MIERS of Indiana. As a matter of course, if I were to hunt out that clerk, then it would be a question of opinion between that clerk and myself or yourself. He has simply adjudicated the claim. Now, as Representatives, we find these claims. I know the gentleman's motive is high and honorable and that he is not opposed to giving the soldier his just desert. As members of the committee we have sifted them. If I or some other gentleman has introduced many more bills than we can have considered, that is a matter which we must settle with our consciences and with the gentlemen whose bills were introduced. We come now to this question confronting us. I have advocated a court of appeals, but it has not met with favor in the House of Repre-

sentatives. The committee is now considering a service-pension bill, and I think it will make a favorable report to the House. For one I favor a service pension. I would give every soldier who had three years' service, an honorable discharge, and 62 years old, $24; two years, $20; and one and one-half years, $18; and one year, $12; and make every such soldier's discharge his absolute right—and if totally disabled, $30. A bill will be reported, and I am sure the wisdom of the House will improve the present pension laws. [Applause.]

A deserving old soldier submits his case; the House is ready and willing to consider it favorably; the money is in the Treasury; the people of this great Republic are saying, "Yield to such men just a little compensation from our abundant Treasury for what they have suffered."

Now, shall we do that, or shall we take up more time and do nothing? For one I am in favor of granting relief to these few to whom we can grant it; and if we can not give the needed relief to any greater number, then it is not a hardship to those who do not receive because their comrades do receive just a little at the hands of this body.

Mr. GIBSON. Mr. Chairman, I wish to state to the House, as there are a great many new Members here who have not heard these discussions in past sessions, what the practice of the Committee on Invalid Pensions is in the case of bills of this kind referred to them for consideration.

In the first place, there are now pending before that committee over 5,000 special bills. Of course it is manifest to Members that it is impossible for us to consider the whole 5,000. We want to do justice as far as possible to the beneficiaries in these bills, and we want to favor Members of Congress as much as possible, consistent with equal justice to them all.

We have uniformly given it out that we would take up cases for consideration for each Member who has bills before the Committee. It makes no difference on which side of the House he sits. We pay absolutely no attention to section or to politics in the committee, as my friend from Indiana [Mr. MIERS] who has just spoken will attest. We endeavor to give every Member of Congress his pro rata, and we call upon all the Members to let us know which of their bills they wish considered first, and we take the cases up and consider them in the order in which Members indicate their preference. A Member with twenty bills will indicate to us, I will say, three bills; he will mark one "No. 1," another "No. 2," and another "No. 3." Thereupon, we send to the Pension Bureau for the files in those three cases.

Our expert clerk takes the files with such other evidence as may be furnished him by the Member of Congress or the beneficiary. He goes through the files; he makes his statement of the facts as he understands them. The file marked "No. 1" is preferred for consideration and is referred to a subcommittee—we will suppose it to be subcommittee No. 1, of which I happen to be a member. That committee takes up the case. We examine it. We see whether it is meritorious. If it be not meritorious, it is so reported, and if the whole committee concurs we lay it aside; and it is not further considered at this session of Congress unless the defect in it shall hereafter be remedied. The subcommittee reports to the full committee of fifteen members. If there is any objection at all, it is brought out in the consideration and discussion. The whole case is stated.

This Member has something to say; that Member has something to say. This one criticises; that one answers the criticism. If there is unanimity upon the part of the committee the bill is reported favorably—not by the subcommittee, but by the whole committee. If there is serious criticism, the bill is laid aside. We do not report any case upon the vote of a bare majority. There must be almost absolute unanimity in order to give a particular bill the sanction of a favorable report from the Committee on Invalid Pensions.

After we have reported a bill for one Member we postpone that Member until every other Member of the House who is asking to have a bill considered has had one considered. We go all around and consider a bill for each Member asking it before reporting a second bill for any Member.

Of course, in order to receive favorable consideration by the committee, it must be a meritorious bill. Very frequently Members request the consideration of a bill that is not meritorious.

I have myself had laid aside at this session of Congress nine bills that I have been asked to have reported from our committee, the committee of course concurring in my action. They were laid aside for the reason that they were not meritorious. In such a case I have gone to the Member and said to him, "Give me another chance to report a bill for you. The one you asked to have reported is not meritorious, and we can not afford to bring it before the House and make a report in favor of it, to be spread upon the records of the country."

The Member has immediately thanked me and said, "I have another bill which I am just as anxious to get through as the former one;" and thereupon he tells me what bill it is. We send to the document room for it; he indorses upon it, "I want this bill next preferred," and he signs his name to it, and then this bill is taken up and considered on the proof in the case.

Now, Mr. Chairman, that is the method of procedure in our committee. The committee is fairly evenly divided on questions of politics; but the question of politics has never been sprung in the committee since I have been a member of it, and I have been such for eight years. Our anxiety is to give every Member his fair pro rata of bills reported by the committee.

We are anxious to give the Democratic side their fair pro rata; and there are Members on that side who will bear witness that I actually go over among them and suggest to them, "Why don't you make a preference of some of your pension bills and give us a chance to report them for you?" For it happens that my constituency in this House—the States that I am considered as representing on my subcommittee—are largely Democratic States; and I am anxious that the Democratic Members of this House shall have a fair showing before the Invalid Pensions Committee, and I have asserted their rights in this respect uniformly, not only in the committee, but on the floor of this House.

Mr. ROBINSON of Indiana. I am in accord with the sentiment of the gentleman and bear testimony to the fairness of the committee, and I want to ask him this question: Can he give us information as to how many bills are introduced by House Members and also how many Senate bills are introduced—the total number per Congress?

Mr. GIBSON. There are at present about 5,000 private pension bills that have been introduced in the House and about 2,000 in the Senate.

Mr. ROBINSON of Indiana. And about the number per annum or per Congress that the committee is able to consider and pass upon?

Mr. GIBSON. We pass upon about 1,500, and lay aside about 200 of those 1,500.

Mr. ROBINSON of Indiana. Is there not some way that that committee can devise that the soldiers may have their claims passed upon more rapidly or have a prompt adjudication?

Mr. GIBSON. That is not the object of my rising to make these remarks. I want to state to the House what the general rules are under which the Invalid Pension Committee acts in passing upon private pension bills.

Mr. ROBINSON of Indiana. Then only about 10 per cent of those introduced receive the consideration of Congress?

Mr. GIBSON. I will state to the gentleman that a great many Members introduce private bills that they know have no very special merit, but do it to satisfy their constituents. I plead guilty to that charge myself; but Members introduce many bills that are exceedingly meritorious, and they are very anxious to have them passed on by the House. A great many bills have no special merit and are never brought before our committee, because the men who introduce them know that they will be turned down, and therefore they select some of their most meritorious bills for our consideration. The Members themselves cull them out, and then we consider them carefully, and if found meritorious we report them, and it is this class of bills that are now on the Calendar.

Now, Mr. Chairman, I want to go a step further and say why it is that we report bills. On what grounds do we act? I will take the first bill passed this morning. It is the case of Mark A. Shelton, a bill introduced by the gentleman from Missouri [Mr. DE ARMOND], a prominent Member upon the Democratic side, and it well illustrates the principles of our action. Who is this man Mark A. Sheldon? In the first place he served in the Mexican war from June, 1846, to June, 1847. He was a Mexican war soldier with an honorable discharge. In the next place, he served in the Union Army during the war of the rebellion from March, 1862, to March, 1863, and was honorably discharged.

A year's service in the Mexican war and a year's service in the civil war. How much pension is he drawing? Twelve dollars a month, under the act of 1890. He could also have drawn it under the Mexican pension law, which now gives every Mexican soldier $12 a month; but he was already drawing that under the act of 1890 as a civil-war soldier and was getting that pension of $12 a month when we increased Mexican-war pensions to $12 a month.

Now, Mr. Chairman and gentlemen, let us look at the condition of this man as shown by the report in the case. He is 77 years of age, practically blind in both eyes, suffering from piles, disease of the heart, and rheumatism; has to be helped by somebody from room to room; can not travel the streets without a guide and help, and he is to-day dependent chiefly upon the charity of his friends for the food he eats, the roof he sleeps under, and the clothes he wears.

Mr. Chairman, shall it be said by Members of the Congress of the United States that we are "wasting our time," that we are "burdening Members unnecessarily" when we take up the question of relieving this hero of two wars—the war with Mexico,

dear to the heart of every Democrat, the war for the Union, dear to the heart of every Republican? Shall it be said unchallenged on this floor that we are "frittering away our time," that we are "wasting the time of the House" in considering cases like this? What better business could we be engaged in than in giving adequate relief to a soldier who served twelve months in the Mexican war and twelve months in the civil war, now blind, helpless from rheumatism, afflicted with heart disease and piles, and having no means of support excepting a $12 pension and the charity of his friends? This, Mr. Chairman, is a fair sample of the bills we are acting on here to-day.

Now, Mr. Chairman, somebody will say, Well, why does he not go to the Pension Bureau? Mr. Chairman, these disabilities were not contracted in the Army of the United States; therefore he has no standing under any law at the Bureau. His rheumatism was not contracted under the flag; his blindness was not contracted under the flag. Read the cases that are brought before this committee to-day and you will find that the great mass of them are cases where men are drawing under the new law, as we call it, the act of June 27, 1890, $12, or, if drawing under the old law, is drawing some small pension, and in each case is suffering from some extraordinary disease that incapacitates him from doing anything, that renders him helpless and necessitates the regular attendance of another person.

We take the pension which he gets under the law as a basis of action and then give him something for the di abil ty he is suffering from, which was not incurred in the war,and for which he can not draw any pension at the Pension Bureau.

Now, Mr. Chairman, in conclusion, shall we say that a man who has rendered good service to the country, but who is to-day suffering a disability—I will say blindness, for those cases are very frequent; I will say rheumatism, for those cases are still more frequent, or I will say paralysis, for those cases are very numerous—necessitating the regular aid and help of another person every hour in the day, shall we say that that man shall be dependent upon the charity of his neighbors for his support when here is a great country in whose behalf he risked his life and his health, well able to support him?

I am proud to say that this proposition has never been seriously disputed in this House, but both this House and the other branch of Congress have uniformly come to the help of these men and given them sufficient means to enable them to live with a moderate degree of comfort, without being dependent on the charity of their friends or being driven into the poorhouses of the land. [Applause.]

Mr. CALDERHEAD. Mr. Chairman, I do not intend to prolong this discussion. I have noticed more than once in the last six years in this House that a discussion of this kind could be sprung at about this hour on pension afternoons and stop the passage of these bills for an hour or two hours, and every minute of time that is taken in this kind of discussion is just so much taken from the time of the actual passing of these bills. That is one reason why every member of the committee does not appear upon the floor for the defense of the action of the committee. The committee does its work as fairly as it is able to do it, and presents the result to the House.

There is ample opportunity for any man who desires to do so to ascertain when its work is unfair or when the report upon any bill does not show a meritorious case, and to make an objection to it. There was one implication made by a quibble upon words which I wish to correct. The chairman of the committee, in reply to a question as to why so many of these bills were brought in by this committee, answered, "Because the claimants were not able to get justice at the Department," and immediately somebody stated that the Department was doing injustice. The chairman did not mean that. The general laws do not provide justice for all claimants. No general law can do anything of that kind, or do that much.

The general law goes as far as it can go as a general law. When there are a million of claimants now upon the pension roll, it is very evident there must be a great many whose cases do not come within the provisions of any law, either by reason of the fact that the law does not provide pensions for the disability which they exhibit or by reason of the fact they are unable to furnish the evidence necessary to satisfy the Bureau of that thing, and upon that question it is right that the Bureau should require the evidence to be satisfactory. We give the Commissioner a hundred and thirty-eight or a hundred and forty million dollars to expend. It would be an easy matter by lax application of the rules of evidence in cases to squander millions and to make the pension roll a burden.

As a matter of necessity the rules of evidence in the Department must be strict and the applicant must comply with the letter of the law to become entitled to a pension, and no officer would be tolerated who would undertake to enlarge the law by his own arbitrary action. The Pension Bureau does justice as far as the law permits it to do, or at least as far as they think the law permits. When it fails, the work of our committee begins. We do it as well as we can and bring the result before the House, and unless we are doing injustice the work of our committee ought not to be obstructed, on an afternoon like this, by discussions which are merely made for partisan purposes, or merely made to fill the RECORD and satisfy the constituencies of those unfriendly. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM M. UNDERHILL.

The next business on the Private Calendar was the bill (H. R. 8058) granting an increase of pension to William M. Underhill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Underhill, late of Company A, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA M. DEL B. CUNNINGHAM.

The next business on the Private Calendar was the bill (H. R. 7699) granting an increase of pension to Martha Del' Banco Cunningham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha del' Banco Cunningham, widow of John Scott Cunningham, late pay director, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Martha," strike out the words "del' Banco" and insert in lieu thereof the words "M. del B."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Martha M. del B. Cunningham."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWIN A. FORMAN.

The next business on the Private Calendar was the bill (H. R. 6705) granting an increase of pension to Edwin A. Foreman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin A. Foreman, late of Company A, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Foreman" and insert in lieu thereof the word "Forman."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

Amend the title so as to read: "A bill granting an increase of pension to Edwin A. Forman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. BELL.

The next business on the Private Calendar was the bill (S. 190) granting an increase of pension to Charles H. Bell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Bell, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

STEPHEN GASCOIGNE.

The next business on the Private Calendar was the bill (S. 744) granting an increase of pension to Stephen Gascoigne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Gascoigne, late of

Company E, First Regiment Wisconsin Volunteer Infantry, and Company B, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN SWENSON.

The next business on the Private Calendar was the bill (S. 745) granting a pension to John Swenson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Swenson, late of Company G, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

FERDINAND WIEDEMANN.

The next business on the Private Calendar was the bill (S. 930) granting an increase of pension to Ferdinand Wiedemann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ferdinand Wiedemann, late of Company E, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BARNEY L. BROOKINS.

The next business on the Private Calendar was the bill (H. R. 4365) granting a pension to Barney L. Brookins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barney L. Brookins, late of Company D, Fifty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM W. JACKSON.

The next business on the Private Calendar was the bill (S. 1543) granting an increase of pension to William W. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Jackson, late captain and commissary of subsistence, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Chairman, I move that this bill be laid aside to be reported to the House with the recommendation that it be recommitted to the Committee on Invalid Pensions.

The motion was agreed to.

IRVING W. COOMBS.

The next business on the Private Calendar was the bill (S. 547) granting an increase of pension to Irving W. Coombs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Irving W. Coombs, late of Company H, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SILAS MESERVE.

The next business on the Private Calendar was the bill (S. 471) granting an increase of pension to Silas Meserve.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas Meserve, late of Company F, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. HOWARD.

The next business on the Private Calendar was the bill (H. R. 7682) granting an increase of pension to William H. Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Howard, late of Company K, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILHELMINA MILLER.

The next business on the Private Calendar was the bill (H. R. 134) granting a pension to Wilhelmina Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilhelmina Miller, widow of Erhart Miller, late of Company C, Sixty-fifth Regiment New York Volunteer Artillery, and pay her a pension at the rate of $24 per month,

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilhelmina Miller, widow of Echart Miller, late of artillery company, Sixty-fifth Regiment New York Volunteer Militia, and pay her a pension at the rate of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES A. HOOVER.

The next business on the Private Calendar was the bill (S. 1491) granting an increase of pension to James A. Hoover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Hoover, late second lieutenant Company D, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES STERMER.

The next business on the Private Calendar was the bill (S. 929) granting an increase of pension to Charles Stermer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Stermer, late of Company A, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES P. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 5699) granting an increase of pension to James P. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Johnson, late private, Company C, Twenty-sixth Regiment Indiana Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the word "of."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the word "Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMY C. BOSWORTH.

The next business on the Private Calendar was the bill (S. 1334) granting a pension to Amy C. Bosworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amy C. Bosworth, widow of George W. Bosworth, late captain Company F, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Amy C. Bosworth."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES F. HOLT.

The next business on the Private Calendar was the bill (S. 182) granting an increase of pension to Charles F. Holt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Holt, late of Company G, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY E. MELDRUM.

The next business on the Private Calendar was the bill (H. R. 4457) granting an increase of pension to Mary E. Meldrum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Meldrum, widow of Albert R. Meldrum, late first lieutenant Company E, Fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Company E" and insert in lieu thereof the words "Companies I and E."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. CUTTS.

The next business on the Private Calendar was the bill (S. 1826) granting an increase of pension to Mary E. Cutts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Cutts, widow of James Madison Cutts, late captain Company F, First Battalion, Eleventh Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said James Madison Cutts until they reach the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

MINNIE GUSLER.

The next business on the Private Calendar was the bill (H. R. 4045) granting a pension to Minnie Gusler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minnie Gusler, helpless child of George Gusler, deceased, late a private in Company F, One hundred and ninety-sixth Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "helpless," insert the words "and dependent."

In same line strike out the word "deceased."

In line 7 strike out the words "a private in" and insert in lieu thereof the word "of."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH C. PAQUIN.

The next business on the Private Calendar was the bill (S. 1429) granting an increase of pension to Elizabeth C. Paquin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth C. Paquin, widow of Cyril O. Paquin, late of Company A, and hospital steward, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CALVIN DAWS.

The next business was the bill (S. 1335) granting an increase of pension to Calvin Daws.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin Daws, late of Company A, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HESTER E. MOONEY.

The next business was the bill (H. R. 3815) granting an increase of pension to Hester E. Mooney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester E. Mooney, widow of James J. Mooney, late lieutenant-colonel Forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CLARENCE E. BULLARD.

The next business was the bill (S. 1437) granting an increase of pension to Clarence E. Bullard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clarence E. Bullard, late of Company B, Sixth Regiment Wisconsin Volunteer Infantry, and second lieutenant Company C, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANDREW C. RANARD.

The next business was the bill (S. 959) granting an increase of pension to Andrew C. Ranard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew C. Ranard, late of Company I, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HAMILTON E. BURRITT.

The next business was the bill (H. R. 4276) granting an increase of pension to H. E. Burritt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of H. E. Burritt, late of Company I, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H." and insert in lieu thereof the word "Hamilton."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Hamilton E. Burritt."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M. STANYAN.

The next business was the bill (S. 1259) granting an increase of pension to John M. Stanyan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Stanyan, late captain Company B, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM PAUL.

The next business was the bill (S. 1402) granting an increase of pension to William Paul.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Paul, late of Company D, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM BIEBER.

The next business was the bill (H. R. 3037) granting a pension to William Bieber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Bieber, the helpless and dependent son of Oscar Bieber, late of Company K, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "the."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MAMIE THAYER.

The next business was the bill (S. 814) granting a pension to Mamie Thayer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mamie Thayer, helpless and dependent child of Galen H. Thayer, late of Company E, Third Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month, payable to her duly constituted guardian.

The bill was ordered to be laid aside with a favorable recommendation.

DEXTER T. DRAKE.

The next business was the bill (H. R. 1487) granting an increase of pension to D. T. Drake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of D. T. Drake, late of Company H, Second Regiment New York Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "D." and insert in lieu thereof the word "Dexter."

In same line strike out the words "of Company H" and insert in lieu thereof the words "first lieutenant Company G, Tenth Regiment, and Company H."

In line 7, before the word "Artillery," insert the words "Volunteer Heavy."

In same line strike out the word "forty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Dexter T. Drake."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH A. SOULE.

The next business on the Private Calendar was the bill (H. R. 2183) granting an increase of pension to Joseph A. Soule.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Soule, late of Company E, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANA COOK.

The next business on the Private Calendar was the bill (H. R. 1497) granting an increase of pension to Dana Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dana Cook, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and One hundred and seventy-first Company, Second Battalion, Veteran Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

W. NEIL DENNISON.

The next business on the Private Calendar was the bill (S. 821) granting an increase of pension to W. Neil Dennison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. Neil Dennison, late captain, Second Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

TRACY M. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 5199) granting a pension to Tracy M. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Tracy M. Johnson, incompetent and dependent son of Arthur M. Johnson, late of Company E, First Regiment Ohio Light Artillery, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Emma M. Johnson, widow of Arthur M. Johnson, late of Company E, First Regiment Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving: *Provided, however*, That in the event of the death of Tracy M. Johnson, helpless and dependent child of said Arthur M. Johnson, the additional pension herein granted shall cease and determine."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN L. BEVERIDGE.

The next business on the Private Calendar was the bill (S. 847) granting an increase of pension to John L. Beveridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Beveridge, late colonel Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN G. FAIRCHILD.

The next business on the Private Calendar was the bill (H. R. 2923) granting an increase of pension to John G. Fairchild.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Fairchild, late of Company B, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES C. CHASE.

The next business on the Private Calendar was the bill (H. R. 865) granting an increase of pension to Charles C. Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Chase, late captain of Company G, First Regiment Maine Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "captain," strike out the word "of."

In line 7 strike out the words "Maine Cavalry" and insert in lieu thereof the words "District of Columbia Volunteer Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES A. TEMPLETON.

The next business on the Private Calendar was the bill (S. 798) granting an increase of pension to James A. Templeton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Templeton, late of Company D, First Regiment Vermont Volunteers, war with Mexico, and Company A, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. M'MULLEN.

The next business on the Private Calendar was the bill (S. 589) granting an increase of pension to George W. McMullen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. McMullen, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE JEFFREY.

The next business on the Private Calendar was the bill (H. R. 8187) granting an increase of pension to George Jeffrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Jeffrey, late of Company A, Fifth Regiment New York Heavy Artillery Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers."

In same line, before the word "Heavy," insert the word "Volunteer."

The bill as amended was ordered to laid aside with a favorable recommendation.

JOHN R. CARTER.

The next business on the Private Calendar was the bill (S. 898) granting an increase of pension to John B. Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Carter, late of Company E, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELLA P. KERSTETER.

The next business on the Private Calendar was the bill (H. R. 681) granting an increase of pension to Ella P. Kerstetter.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella P. Kerstetter, widow of Thomas T. Kerstetter, late of Companies E and B, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Kerstetter" and insert in lieu thereof the word "Kersteter."

In same line strike out the letter "T." and the word "Kerstetter" and insert in lieu thereof the letter "J." and the word "Kersteter."

Amend the title so as to read: "A bill granting an increase of pension to Ella P. Kersteter."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT S. CARNS.

The next business on the Private Calendar was the bill (H. R. 4114) granting an increase of pension to Robert Carns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Carns, late of Company K, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Robert," insert the letter "S."

In same line, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Robert S. Carns."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH HINKLE.

The next business on the Private Calendar was the bill (H. R. 4251) granting an increase of pension to Joseph Hinkle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Hinkle, late of Company B, One hundred and sixty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Volunteer Infantry" and insert in lieu thereof the words "Drafted Militia."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANSON P. WILLIAMSON.

The next business on the Private Calendar was the bill (S. 587) granting an increase of pension to Anson P. Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anson P. Williamson, late of Company C, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NANCY S. MARSH.

The next business on the Private Calendar was the bill (S. 484) granting a pension to Nancy S. Marsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy S. Marsh, widow of Luther R. Marsh, late unassigned, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES E. BARNARD.

The next business on the Private Calendar was the bill (S. 565) granting an increase of pension to James E. Barnard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Barnard, late of Company K, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY D. TOWSLEY.

The next business on the Private Calendar was the bill (H. R. 2111) granting a pension to Henry D. Tousley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry D. Tousley, late private in the First Battery Vermont Light Artillery, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry D. Towsley, late of First Independent Battery Vermont Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Henry D. Towsley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OLIVE J. BAILEY.

The next business on the Private Calendar was the bill (S. 478) granting an increase of pension to Olive J. Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Olive J. Bailey, widow of Chandler B. Bailey, late first lieutenant Company K, Thirtieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BYRON D. BABCOCK.

The next business on the Private Calendar was the bill (S. 473) granting an increase of pension to Byron D. Babcock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Byron D. Babcock, late of Company G, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN A. SILLS.

The next business on the Private Calendar was the bill (H. R. 4325) granting an increase of pension to John Amer Sills.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Amer Sills, late of Company E, Second Maryland Potomac Home Brigade, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Sills, late of Company E, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John A. Sills."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. PENNOCK.

The next business on the Private Calendar was the bill (H. R. 3298) granting a pension to Mary E. Pennock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Pennock, widow of

Cyrus Pennock, late of Company B, Sixteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN SHAFER.

The next business on the Private Calendar was the bill (H. R. 6036) granting an increase of pension to John Shafer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Shafer, late of Company H, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and Fortieth Company, Second Battalion, Veteran Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN A. REEDS.

The next business on the Private Calendar was the bill (H. R. 6701) granting an increase of pension to John A. Reeds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Reeds, late of Company H, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT L. MILES.

The next business on the Private Calendar was the bill (H. R. 5634) granting an increase of pension to Robert L. Miles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert L. Miles, late first lieutenant of Company G, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of."

In same line strike out the letter "G" and insert in lieu thereof the letter "H."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. DAY.

The next business on the Private Calendar was the bill (H. R. 1316) granting an increase of pension to George W. Day.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Day, late of Company I, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM PITTENGER.

The next business on the Private Calendar was the bill (H. R. 3032) granting an increase of pension to William Pittenger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Pittenger, late of Company G, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $55 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SERENUS KILBOURNE.

The next business on the Private Calendar was the bill (H. R. 8748) for the relief of Serenus Kilbourne.

The bill was read, as follows:

Be it enacted, etc., That Serenus Kilbourne, of Battery L, First United States Artillery, shall be held not to have deserted on July 31, 1865, but shall be held to have been discharged as of that date, and that the Secretary of War is hereby authorized to issue to him an honorable discharge in accordance herewith: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be laid aside with a favorable recommendation.

CYNTHIA THOMAS.

The next business on the Private Calendar was the bill (H. R. 2427) to grant a pension to Cynthia Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cynthia Thomas, widow of Charles Thomas, alias John Young, late of Company D, Eighth Regiment Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "Granting a pension to Cynthia Thomas."

In line 7, after the word "Regiment," insert "United States;" and in the same line, after the word "Infantry," insert "Florida Indian war."

In line 8 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DUDLEY R. W. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 2932) granting a pension to Dudley R. W. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dudley R. W. Williams, late of Captain Parker's company, Iowa Volunteers, war with Mexico, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Iowa," insert "Mounted."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

REUBEN A. FINNELL.

The next business on the Private Calendar was the bill (H. R. 6879) for the relief of R. A. Finnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place the name of R. A. Finnell, a soldier of the Washington Territory Indian war, on the pension roll, and pay him a pension of $20 a month.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill granting a pension to Reuben A. Finnell."

Strike out all in the bill after the word "hereby," in line 3, and substitute the following: "authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben A. Finnell, late of Company B, First Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $8 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALFRED C. ISACHSEN.

The next business on the Private Calendar was the bill (H. R. 475) to grant a pension to Alfred C. Isachsen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred C. Isachsen, late of Company F, First Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MARY G. BONESTEEL.

The next business on the Private Calendar was the bill (H. R. 8740) granting an increase of pension to Mary G. Bonesteel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary G. Bonesteel, widow of Charles Hartwell Bonesteel, late major, Twenty-third United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Twenty-third," insert "Regiment."

In line 8 strike out "forty" and insert "thirty-five."

Add to the end of the bill the words "and $2 per month additional on account of the minor child of said Charles Hartwell Bonesteel until she reaches the age of 16 years.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN S. SINES.

The next business on the Private Calendar was the bill (H. R. 660) granting an increase of pension to John Sines.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Sines, late of Company B, Fifth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Insert the initial "S." in claimant's name where it appears in the title and body of the bill.

In line 7 strike out the word "Volunteer;" and in the same line, after the word "Infantry," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT P. BAKER.

The next business on the Private Calendar was the bill (H. R. 703) granting a pension to Robert P. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Robert P. Baker, a veteran soldier of the United States Army in the Mexican war, and pay him a pension of $30 per month.

The amendments recommended by the committee were read, as follows:

Change the title so as to read "Granting an increase of pension to Robert P. Baker."

Strike out all in the bill after the word "roll," in line 4, and substitute the following: "subject to the provisions and limitations of the pension laws, the name of Robert P. Baker, late of Captain Dagley's company, Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM P. HEREFORD.

The next business on the Private Calendar was the bill (H. R. 5617) granting an increase of pension to William P. Hereford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name William P. Hereford, of the Second Regiment of the United States Dragoons in the Florida war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "of the Second Regiment of the United States Dragoons in the Florida war" and insert in lieu thereof "late of Company A, Second Regiment, United States Dragoons, Florida Indian war."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADALINE SHAW LOVEJOY.

The next business on the Private Calendar was the bill (H. R. 5534) granting an increase of pension to Adaline Shaw Lovejoy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adaline Shaw Lovejoy, widow of John B. Lovejoy, late of Capt. John Jones's company, Georgia Volunteers, Cherokee Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out "twenty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL R. WASSON.

The next business on the Private Calendar was the bill (H. R. 4031) granting an increase of pension to Samuel R. Wasson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel R. Wasson, late of Company G, First Ohio Infantry, Mexican war, and pay him a pension of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "First," insert "Regiment;" and in lines 6 and 7 strike out "Infantry" and insert "Volunteer Infantry."

In line 7 strike out "Mexican," and after the word "war" insert "with Mexico."

Also in line 7 strike out "of fifty" and insert "at the rate of twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PATRICK CANNON.

The next business on the Private Calendar was the bill (H. R. 1859) granting an increase of pension to Patrick Cannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Cannon, late of Company H, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HARRY HALLER.

The next business on the Private Calendar was the bill (H. R. 6582) granting an increase of pension to Harry Haller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harry Haller, late of Company H, Tenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer."

In line 8 strike out "thirty-five" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JANE ELIZABETH BULLOCK.

The next business on the Private Calendar was the bill (H. R. 5538) granting a pension to Jane Elizabeth Bullock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Elizabeth Bullock, and to pay her a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as as follows:

Strike out all in the bill after the word "Bullock," in line 6, and substitute therefor the following: "widow of Charles W. Bullock, late of Captain Goodloe's company, Second Regiment Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES S. BELLOWS.

The next business on the Private Calendar was the bill (H. R. 6032) granting an increase of pension to Charles S. Bellows.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles S. Bellows, late of Company A, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MATILDA LAFFERTY.

The next business on the Private Calendar was the bill (H. R. 8728) granting a pension to Matilda Lafferty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda Lafferty, widow of Edward Lafferty, late captain of Company A, Seventy-first Regiment Illinois Volunteer Infantry, and of Company E, One hundred and forty-ninth Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of line 7.

In line 8 strike out the words "Infantry, and of."

In line 9, before the word "Illinois," insert the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. KERBY.

The next business was the bill (H. R. 3367) granting an increase of pension to George W. Kerby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Kerby, late of Independent Company, Patapsco Guards, Maryland Volunteer Infantry, and

pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL M. PERRY.

The next business was the bill (S. 14) granting an increase of pension to Samuel M. Perry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Perry, late of Company H, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM W. ROWLETT.

The next business was the bill (H. R. 7563) granting an increase of pension to W. W. Rowlett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. W. Rowlett, late of Company C, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."

In line 8 strike the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to William W. Rowlett."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY S. M'ALISTER.

The next business was the bill (H. R. 734) granting an increase of pension to Henry S. McAlister.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry S. McAlister, late of Company A, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES M. EVERETT.

The next business was the bill (H. R. 3617) for the relief of Charles M. Everett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Everett, late of Company E, New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Everett, late of Company E, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Charles M. Everett."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM T. CONANT.

The next business was the bill (S. 451) granting an increase of pension to William T. Conant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Conant, late of Company E, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANK J. M'LAUGHLIN.

The next business was the bill (H. R. 2477) granting an increase of pension to Frank J. McLaughlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank J. McLaughlin, late of Company E, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. GRIGSBY.

The next business was the bill (H. R. 5609) granting an increase of pension to B. F. Grigsby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of B. F. Grigsby, of Chattanooga, Tenn., late a private in Company I, Second Regiment Tennessee Infantry, on the pension roll of the United States, and pay him a pension at the rate of $30 per month in lieu of that he now receives, subject to the provisions and limitations of the pension laws.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Grigsby, late of Company I, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Benjamin F. Grigsby."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRISON H. HAKES.

The next business was the bill (H. R. 7095) granting an increase of pension to Harrison H. Hakes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harrison H. Hakes, late of Company B, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW BLACK.

The next business was the bill (H. R. 7798) granting an increase of pension to Andrew Black.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Black, late first-class firemen, U. S. S. Pittsburg, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 3, after the word "hereby," insert the words "authorized and."

In line 6 strike out the words "first-class firemen" and insert in lieu thereof the words "of the."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT W. BULLOCK.

The next business on the Private Calendar was the bill (S. 452) granting an increase of pension to Albert W. Bullock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert W. Bullock, late of Company B, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HORACE E. DAVIS.

The next business on the Private Calendar was the bill (H. R. 8342) granting a pension to Horace E. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace E. Davis, late of Company G, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Horace E. Davis."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH HARDY.

The next business on the Private Calendar was the bill (H. R. 3272) granting an increase of pension to Elizabeth Hardy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Hardy, widow of David L. Hardy, late captain of Company M, First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that which she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."

In line 9 strike out the word "which."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIS A. P. LEWIS.

The next business on the Private Calendar was the bill (S. 1827) granting an increase of pension to Harris A. P. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harris A. P. Lewis, late of Company H, Twenty-third Regiment Maine Volunteer Infantry, and Company B, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN PANGRATZ.

The next business on the Private Calendar was the bill (H. R. 1156) granting an increase of pension to John Pangratz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of John Pangratz, late a private in Company E, Sixteenth New York Volunteer Cavalry, on the pension roll, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Pangratz, late of Company E, Sixteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA S. SMITH.

The next business on the Private Calendar was the bill (H. R. 8123) granting a pension to Eliza Stoddard Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Stoddard Smith, widow of Samuel B. Smith, late of Company, Eleventh Regiment Ohio Volunteer Infantry, and Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Stoddard" and insert in lieu thereof the letter "S."

In same line, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 7, after the word "Company," insert the letter "K."

In same line strike out the words "Eleventh Regiment Ohio Volunteer Infantry, and."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY BARRETT.

The next business on the Private Calendar was the bill (H. R. 7355) granting an increase of pension to Henry Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Barrett, late of Company I, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHARINE M. M'CLANAHAN.

The next business on the Private Calendar was the bill (H. R. 4578) granting a pension to Catharine M. McClanahan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine M. McClanahan, widow of John W. McClanahan, late colonel of the Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $36 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "of the."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CYRENIUS DENNIS.

The next business on the Private Calendar was the bill (H. R. 7477) granting an increase of pension to Cyrenins Dennis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, instructed to place on the pension roll the name of Cyrenins Dennis, Company I, Seventy-fifth Regiment Illinois Volunteer Infantry, in civil war, and pay him a pension at the rate of $24 per month, subject to the provisions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrenius Dennis, late of Company C, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES P. CLARKE.

The next business on the Private Calendar was the bill (H. R. 3345) granting an increase of pension to Charles P. Clarke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles P. Clarke, late captain of Company F, Ninety-ninth Pennsylvania Volunteers, United States Army, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "captain," strike out the word "of."

In line 7, before the word "Pennsylvania," insert the word "Regiment."

In same line strike out the words "Volunteers, United States Army," and insert in lieu thereof the words "Volunteer Infantry."

In same line strike out the word "to."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM Y. M. WILKERSON.

The next business on the Private Calendar was the bill (H. R. 4987) granting an increase of pension to William Y. M. Wilkerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Y. M. Wilkerson, late of Company C, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID E. BURBANK.

The next business on the Private Calendar was the bill (S. 9) granting an increase of pension to David E. Burbank.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David E. Burbank, late first lieutenant of Company E, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANDREW J. PIERCE.

The next business on the Private Calendar was the bill (S. 456) granting an increase of pension to Andrew J. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Pierce, late of Company G, First Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMMA H. HIGLEY.

The next business on the Private Calendar was the bill (H. R. 529) granting a pension to Emma H. Higley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Emma H. Higley, widow of Alonzo Higley, late of the Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension of $30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma H. Higley, widow of Alonzo Higley, late of the Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES K. BLYE.

The next business on the Private Calendar was the bill (H. R. 727) granting an increase of pension to James K. Blye.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James K. Blye, late of Company A, Eleventh and Sixteenth Regiments New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the word "Sixteenth" and insert in lieu thereof the word "Sixth."

The amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

MARY DEWIRE.

The next business on the Private Calendar was the bill (H. R. 2194) granting a pension to Mary Dewire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Dewire, widow of John Dewire, late of Company I, Second Regiment Nebraska Volunteers, and pay her a pension at the rate of $16 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Cavalry."

In line 8 strike out the word "sixteen" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN HERZOG.

The next business on the Private Calendar was the bill (H. R. 6025) granting an increase of pension to John Herzog.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Herzog, late of Company F, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM T. FILLER.

The next business on the Private Calendar was the bill (H. R. 5720) granting an increase of pension to William T. Filler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Filler, late of Company E, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM CLARK.

The next business on the Private Calendar was the bill (S. 13) granting an increase of pension to William Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Clark, late of Company F, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CYRUS DAVIDHEISER.

The next business on the Private Calendar was the bill (H. R. 7757) granting an increase of pension to Cyrus Dandheiser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus Dandheiser, late private, Independent Battery D, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Dandheiser" and insert in lieu thereof the word "Davidheiser."

In the same line strike out the word "private" and insert in lieu thereof the word "of."

Amend the title so as to read: "A bill granting an increase of pension to Cyrus Davidheiser."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNIE H. ZOLL.

The next business on the Private Calendar was the bill (S. 586) granting a pension to Annie H. Zoll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie H. Zoll, helpless and dependent child of Rodolphus B. Zoll, late of Company D, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES H. MILLER.

The next business on the Private Calendar was the bill (H. R. 7594) granting an increase of pension to Charles H. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Miller, late of Company K, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIETT B. RILEY.

The next business on the Private Calendar was the bill (H. R. 1855) granting a pension to Harriett B. Riley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriett B. Riley, widow of William E. Riley, late captain Company K, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ANSON HEFFRON.

The next business on the Private Calendar was the bill (H. R. 6028) granting an increase of pension to Anton Heffron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anton Heffron, late of Company L, Seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Anton" and insert in lieu thereof the word "Anson."

In same line strike out the letter "L" and insert in lieu thereof the letter "A."

In same line strike out the word "Seventy-ninth" and insert in lieu thereof the word "Twenty-fourth."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Anson Heffron."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. BLANCHARD.

The next business on the Private Calendar was the bill (H. R. 1906) granting an increase of pension to George W. Blanchard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Blanchard, late of Company G, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

RUDOLPH SIEBELIST.

The next business on the Private Calendar was the bill (S. 937) granting an increase of pension to Rudolph Siebelist.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rudolph Siebelist, late of Company H, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANK LEWIS.

The next business on the Private Calendar was the bill (H. R. 3407) granting an increase of pension to Frank Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Lewis, late of Company A, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HELEN M. BATES.

The next business on the Private Calendar was the bill (H. R. 7439) granting a pension to Helen M. Bates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Bates, widow of George C. Bates, late of Company G, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "C" and insert in lieu thereof the letter "E."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Helen M. Bates."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES JOHNSON.

The next business on the Private Calendar was the bill (H. R. 8207) granting an increase of pension to Charles Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Johnson, late of Company G, One hundred and tenth Pennsylvania Volunteer Infantry, and Company E, Fourth Delaware Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Pennsylvania," insert the word "Regiment."

In line 8, after the word "Fourth," insert the word "Regiment."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES ANDERSON.

The next business on the Private Calendar was the bill (H. R. 2040) granting a pension to James Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Anderson, late of Company C, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

In same line, after the word "month," insert the following: "the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROYAL A. S. KINGSLEY.

The next business on the Private Calendar was the bill (S. 555) granting an increase of pension to Royal A. S. Kingsley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Royal A. S. Kingsley, late of Company A, Seventy-ninth Regiment Indiana Volunteer Infantry, and Company D, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES WIGERT.

The next business on the Private Calendar was the bill (H. R. 6023) granting an increase of pension to Charles Wigert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Wigert, late of Company B, One hundred and thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS SPRINGER.

The next business on the Private Calendar was the bill (H. R. 6342) granting a pension to Thomas Springer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name Thomas Springer, late of Company H, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension of $50 per month from and after the passage of this act: *Provided*, That said pension shall be in lieu of the pension of $12 per month heretofore allowed said Thomas Springer under act of June 27, 1890.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Springer, late of Company H, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Thomas Springer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMMA L. NAGLE.

The next business on the Private Calendar was the bill (H. R. 6089) granting an increase of pension to Emma Louisa Nagle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Louisa Nagle, widow of Frederick Nagle, late of Company C, Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Louisa" and insert in lieu thereof the letter "L."

In line 7, before the word "Maryland," insert the words "Potomac Home Brigade."

Amend the title so as to read: "A bill granting an increase of pension to Emma L. Nagle."

The amendments were agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

EDWARD A. WILBUR.

The next business on the Private Calendar was the bill (H. R. 5972) granting an increase of pension to Edward A. Wilbur.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward A. Wilbur, late of Company I, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ORLO H. LYON.

The next business on the Private Calendar was the bill (H. R. 2122) granting a pension to O. H. Lyon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of O. H. Lyon, late of Third Independent Battery Iowa Light Artillery, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "O." and insert in lieu thereof the word "Orlo."

In same line before the word "Third" insert the word "captain."

In same line before the word "Light" insert the word "Volunteer."

Amend the title so as to read: "A bill granting a pension to Orlo H. Lyon."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGIE S. BARBOUR.

The next business on the Private Calendar was the bill (H. R. 9029) granting a pension to Georgia S. Barbour.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgia S. Barbour, widow of Thomas S. Barbour, late of the Dick Fulton, Mississippi Regiment, Marine Brigade, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Georgia" and insert in lieu thereof the word "Georgie."

In line 7 before the word "Dick" insert the word "ram."

In same line strike out the word "Regiment."

Amend the title so as to read: "A bill granting a pension to Georgie S. Barbour."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BULLAMORE.

The next business on the Private Calendar was the bill (S. 578) granting an increase of pension to John Bullamore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bullamore, late of Company G, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ADOLPH HEISER.

The next business on the Private Calendar was the bill (H. R. 5718) granting an increase of pension to Adolph Heiser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adolph Heiser, late of Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANKLIN MOORE.

The next business on the Private Calendar was the bill (H. R. 5367) granting an increase of pension to Franklin Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Moore, late major, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABRAHAM J. YEOMANS.

The next business on the Private Calendar was the bill (H. R. 2852) granting an increase of pension to Abraham J. Yeomans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham J. Yeomans, late lieutenant Company I, One hundred and thirty-second New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "lieutenant," insert the word "second."

In line 7, before the words "New York," insert the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES BEATTIE.

The next business was the bill (S. 458) granting an increase of pension to Charles Beattie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Beattie, late first lieutenant Company F, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY WURTZ.

The next business was the bill (H. R. 4323) granting an increase of pension to Mary Wurtz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Wurtz, widow of Peter Wurtz, late of Company A, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALPHEUS D. BROWN.

The next business was the bill (H. R. 6061) granting an increase of pension to Alphus D. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alphus D. Brown, late of Company D, Eleventh Illinois Volunteer Infantry, and afterwards of Company G, Twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Alphus" and insert in lieu thereof the word "Alpheus."

In the same line, after the word "Eleventh," insert the word "Regiment."

In line 7 strike out the words "afterwards of."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Alpheus D. Brown."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES W. DAVIS.

The next business was the bill (H. R. 3616) granting a pension to James W. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Davis, late of Company F, Fifty-sixth New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the words "New York," insert the word "Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James W. Davis."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES H. HARGIS.

The next business was the bill (H. R. 9583) granting an increase of pension to James H. Hargis, sr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Hargis, sr., late of Company C, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "senior."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to James H. Hargis."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY CHENOWITH.

The next business was the bill (H. R. 7732) granting a pension to Mary Chenowith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Chenowith, mother of W. M. Chenowith, late of Company A, Thirteenth Regiment Missouri Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "mother," insert the word "dependent."

In same line strike out the letter "W" and insert in lieu thereof the word "William."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Mary Chenowith."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM BAILEY.

The next business was the bill (H. R. 7447) granting an increase of pension to William Bailey.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Bailey, late of Company D, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "D" and insert in lieu thereof the letter "B."

In line 8 strike out the word "forty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN DALY.

The next business was the bill (H. R. 9030) granting a pension to John Daly.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Daly, late captain Company I, One hundred and fourth Regiment of New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words " in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John Daly."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES R. HAUPTLY.

The next business was the bill (H. R. 5555) granting an increase of pension to James R. Hauptley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Hauptley, late of Company C, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hauptley" and insert in lieu thereof the word "Hauptly."

Amend the title so as to read: "A bill granting an increase of pension to James R. Hauptly."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THERESA NEBRICH.

The next business was the bill (H. R. 6994) granting an increase of pension to Theresa Nebrich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theresa Nebrich, widow of Henry Nebrich, late musician in regimental band, Twenty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the words "in regimental band."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY EDWARDS.

The next business on the Private Calendar was the bill (H. R. 8717) granting a pension to Henry Edwards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Edwards, late private in Company E, Eighteenth Regiment, and Company D, Thirteenth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9, and insert in lieu thereof the following: "of Henry Edwards, late of Company E, Eighteenth Regiment, and Company D, Thirteenth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Henry Edwards."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID Z. BEIDLER.

The next business on the Private Calendar was the bill (H. R. 6426) granting a pension to David J. Beidler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David J. Beidler, late of Company D, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J" and insert in lieu thereof the letter "Z."

Amend the title so as to read: "A bill granting an increase of pension to David Z. Beidler."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID WARENTZ.

The next business on the Private Calendar was the bill (H. R. 5883) granting an increase of pension to David Warentz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of David Warentz, late a private in Company B, Seventy-ninth Indiana Volunteer Infantry, and pay him a pension of $30 per month in lieu of the pension now received by him, said increase of pension to be paid subject to the provisions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Warentz, late of Company B, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSHUA HARLAN.

The next business on the Private Calendar was the bill (H. R. 5865) granting an increase of pension to Joshua Harlan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Joshua Harlan, late of Company I, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

PHILIP SNOW.

The next business on the Private Calendar was the bill (H. R. 5818) granting an increase of pension to Philip Snow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Snow, late of Company F, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH J. MURRAY.

The next business on the Private Calendar was the bill (H. R. 5179) granting a pension to Joseph J. Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Murray, late of Company L, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES W. HIBBERT.

The next business on the Private Calendar was the bill (H. R. 4915) granting an increase of pension to James W. Hibbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Hibbert, of Company I, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Hibbert," insert the word "late."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES KELEHER.

The next business on the Private Calendar was the bill (H. R. 5391) granting a pension to James Keleher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of James Keleher, late a private in Company G, Eighteenth New York Cavalry, upon the pension roll of the United States, and pay him a pension at the rate of $24 per month from and after the passage of this act.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Keleher, late of Company G, Eighteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James Keleher."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID P. M'DONALD.

The next business on the Private Calendar was the bill (H. R. 4759) granting an increase of pension to David P. McDonald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David P. McDonald, late of Company B, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM J. SHEPARD.

The next business on the Private Calendar was the bill (H. R. 4526) granting an increase of pension to William J. Shepherd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Shepherd, late of Company B, Fifth Regiment Tennessee Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Shepherd" and insert in lieu thereof the word "Shepard."

In same line strike out the letter "B" and insert in lieu thereof the letter "D."

In line 7, before the word "Mounted," insert the word "Volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to William J. Shepard."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CALEB ARNETT.

The next business on the Private Calendar was the bill (H. R. 4136) granting a pension to Caleb Arnett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caleb Arnett, late of Company C, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN HAWKER.

The next business on the Private Calendar was the bill (H. R. 3521) granting an increase of pension to John Hawker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hawker, late chaplain of Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "chaplain," strike out the word "of."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM J. HART.

The next business on the Private Calendar was the bill (H. R. 3411) granting an increase of pension to William J. Hart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Hart, late of Company G, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. CRAIGUE.

The next business on the Private Calendar was the bill (H. R. 3337) granting an increase of pension to Mary A. Craigue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations thereof, the name of Mary A. Craigue, widow of William W. Craigue, late a member of Company D, Seventeenth Maine Infantry, and pay her a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Craigue, widow of William W. Craigue, late of Company D, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT E. POGUE.

The next business on the Private Calendar was the bill (H. R. 3172) granting an increase of pension to Robert E. Pogue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert E. Pogue, late of Company C, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN WATT.

The next business on the Private Calendar was the bill (H. R. 2809) granting an increase of pension to John Watt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Watt, late of Company H, Eleventh Illinois Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Eleventh," insert the word "Regiment."

In same line, before the word "Cavalry," insert the word "Volunteer."

In line 7 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE WINTZ.

The next business on the Private Calendar was the bill (H. R. 2553) granting an increase of pension to George Wintz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Wintz, late of Company B, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty," and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIET A. COOK.

The next business on the Private Calendar was the bill (H. R. 1883) granting a pension to Harriet A. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet A. Cook, daughter of Edward Cook, late of Company E, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 a month, said Harriet A. Cook being now, and having been since she was five years old, physically disabled and mentally irresponsible, without means, and unable to earn a living by her own labor.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "daughter," insert the words "helpless and dependent."

In line 8, after the word "dollars," strike out the word "a" and insert in lieu thereof the word "per."

In line 9 strike out the words "said Harriet A. Cook being now and having been" and all of lines 10, 11, and 12.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL W. SEARLES.

The next business on the Private Calendar was the bill (H. R. 1330) granting a pension to Samuel W. Searles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel W. Searles, late private of Company K, Twenty-third Regiment of Infantry, New York Volunteers, late sergeant of Company L, Second Regiment of Veteran Cavalry, New York Volunteers, and pay him a pension of $30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "of Samuel W. Searles, late of Company K, Twenty-third Regiment New York Volunteer Infantry, and Company L, First Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES F. EMERY.

The next business on the Private Calendar was the bill (H. R. 812) granting an increase of pension to Charles F. Emery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Charles F. Emery, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows.

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Emery, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN J. FLEMING.

The next business on the Private Calendar was the bill (H. R. 7079) granting an increase of pension to John J. Fleming.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Fleming, late of Company D, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALDRIDGE PATTERSON.

The next business on the Private Calendar was the bill (S. 1938) granting an increase of pension to Aldridge Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aldridge Patterson, late of Company E, Second Regiment Ohio Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANN A. DEVORE.

The next business on the Private Calendar was the bill (S. 1760) granting a pension to Ann A. Devore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann A. Devore, widow of Elbert Devore, late of Capt. T. J. Hibbler's company, First Regiment South Carolina Volunteer Infantry, Seminole Indian war, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AUSTIN ALMY.

The next business on the Private Calendar was the bill (S. 200) granting an increase of pension to Austin Almy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Austin Almy, late of Company D, Tenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPHINE L. WEBBER.

The next business on the Private Calendar was the bill (S. 1825) granting a pension to Josephine L. Webber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine L. Webber, widow of William W. Webber, late private, United States Marine Corps, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MARIE A. RASK.

The next business on the Private Calendar was the bill (S. 1559) granting an increase of pension to Marie A. Rask.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie A. Rask, widow of Olof H. Rask, late first lieutenant, United States Marine Corps, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOEL C. SHEPHERD.

The next business on the Private Calendar was the bill (S. 99) granting an increase of pension to Joel C. Shepherd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel C. Shepherd, late of Company D, Sixth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN M. LAWTON.

The next business on the Private Calendar was the bill (H. R. 754) granting a pension to John M. Lawton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Lawton, and pay him a pension of $15 a month in lieu of any pension now paid him.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the word "Lawton," in line 6, and insert the following: "late of Company C, Third Regiment United States Volunteer Engineers, war with Spain, and pay him a pension at the rate of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY HUFF.

The next business on the Private Calendar was the bill (H. R. 6352) granting a pension to Mary Huff and her five children.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Huff, and her five children, widow of George W. Huff, late of Eleventh Battery Field Artillery, Fifth Regiment United States Army, and pay her a pension at the rate of $20 per month and $2 a month for each child.

The amendments recommended by the committee were read, as follows:

Strike out of the title the words "and her five children." Strike out all in the bill after the words "Mary Huff," in line 6, and substitute therefor the following: "widow of George W. Huff, late of the Eleventh Battery, United States Field Artillery, and pay her a pension at the rate of $12 per month, and $2 each per month additional on account of the minor children of the said George W. Huff until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL LANDY.

The next business on the Private Calendar was the bill (H. R. 195) granting a pension to Michael J. Landy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael J. Landy, late a sailor on the U. S. war ship Colorado during the Virginius massacre in 1873, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all in the bill after the words "the name of," in lines 5 and 6, and substitute the following: "Michael Landy, late landsman, United States Navy, and pay him a pension at the rate of $8 per month."

Amend the title so as to read: "A bill granting a pension to Michael Landy."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS JOYCE.

The next business on the Private Calendar was the bill (H. R. 8850) granting a pension to Thomas Joyce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Thomas Joyce, late a drummer in Company D, Second Regiment of New York Infantry, in the Florida war, at the rate of $72 per month.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "Granting an increase of pension to Thomas Joyce."

Strike out all in the bill after the words "pension roll," in line 4, and insert the following: "subject to the provisions and limitations of the pension laws, the name of Thomas Joyce, late of Company B, Second Regiment United States Infantry, Florida Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

Mr. SMITH of Illinois. Mr. Chairman, I move to amend the committee amendment by striking out in line 11 the word "twenty" and inserting in lieu thereof the word "forty." In support of that I wish the attention of the committee for just a moment. I never attempt to delay legislation on matters of this kind, but I want to say one word in reference to this proposed amendment. This old soldier is 92 years of age. His wife is about 80. I have known them all my life. They have in all in worldly goods a little house and lot, the value of which is not, as the report shows, exceeding $100. The old soldier has been totally blind, as the report shows, for eleven years. Under those circumstances, he being 92 and his wife about the same age, with no means of support and no children to support them or care for them, and as the sands of their lives are about run, it seems to me that we should give them $40 a month for the few remaining days they have.

Mr. LOUDENSLAGER. Mr. Chairman, I trust the amendment of the gentleman from Illinois will not prevail. This is purely and simply a service-pension bill. None of the disabilities of this man were incurred in the service, nor is this an exceptional or extraordinary case. There are a large number of these old soldiers of the Mexican war who are very far advanced in years, beyond 80 years, some of them. They are very feeble; some of them are paralyzed and several of them are totally blind. This is the maximum amount that has been reported from the Committee on Pensions, which has been recommended by the committee and the House of Representatives, and I trust this committee will not make an exception of this bill.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES F. WHEELER.

The next business on the Private Calendar was the bill (H. R. 4946) to restore James F. Wheeler to the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore James F. Wheeler, of Greenwood, Miss., to the pension roll at the rate of $12 per month, his restoration to date from September 17, 1902, on which date he was dropped from said roll, and that he be paid at that rate from the date of his last payment next before the 17th day of September, 1902.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "A bill granting a pension to James F. Wheeler."

Strike out all in the bill after the words "directed to," in line 4, and substitute therefor the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Wheeler, late of Company K, First Regiment Texas Volunteer Rifles, war with Mexico, and pay him a pension at the rate of $12 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSIE C. G. SEABURY.

The next business on the Private Calendar was the bill (H. R. 8916) for the relief of Susie G. Seabury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susie G. Seabury, widow of the late Samuel Seabury, lieutenant, United States Navy, and pay her a pension at the rate of $50 per month in lieu of $27, the amount she is now receiving.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Susie C. G. Seabury."

Strike out all in the bill after the words "name of," in lines 5 and 6, and insert in lieu thereof the following: "Susie C. G. Seabury, widow of Samuel Seabury, late lieutenant, United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Samuel Seabury until she reaches the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN HOLZER.

The next business on the Private Calendar was the bill (H. R. 6547) granting a pension to John Holzer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of John Holzer, late of Company H, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out "and pay him a pension at the rate of $20 per month" and insert in lieu thereof the words "war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN O. RICE.

The next business on the Private Calendar was the bill (H. R. 7799) to increase the pension of John O. Rice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John O. Rice, late of Company I, Third Tennessee Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Third," insert "Regiment," and after the word "Tennessee," in the same line, insert "Volunteer."

Amend the title so as to read: "A bill granting an increase of pension to John O. Rice."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY M'CALL.

The next business on the Private Calendar was the bill (H. R. 7072) granting a pension to Mary McCall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary McCall, widow of John McCall, late of Company K, First Regiment Tennessee Volunteer Cavalry, Mexican war, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Mexican war" and insert "war with Mexico."
In line 8 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. BROWN.

The next business on the Private Calendar was the bill (H. R. 6091) granting an increase of pension to John W. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Brown, late a member of Company C, Second Regiment Illinois Infantry, Mexican war, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Company C" to "Company A."
In line 7 change "Mexican war" to "war with Mexico."
In line 8 strike out "fifty" and insert "twenty."
In line 7, after the word "Illinois," insert "Volunteer."
In line 6 strike out "a member."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM P. CONNER.

The next business on the Private Calendar was the bill (H. R. 6020) granting an increase of pension to William P. Conner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Conner, late a sergeant of Company G, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a sergeant;" in line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUIZA PHILLIPS.

The next business was the bill (H. R. 2822) granting a pension to Louisa Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Phillips, widow of William C. Phillips, late private, Captain Boston's company, Second Regiment Alabama Volunteers, in Creek war, 1836, and pay her a pension at the rate of $12 per month from and after the passage of this act.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "Granting an increase of pension to Louiza Phillips."

Change the spelling of the Christian name of the claimant where it appears in the body of the bill to "Louiza."

Strike out all in the bill after the words "William C. Phillips," in line 6, and insert in lieu thereof the following: "late of Captain Boston's company, Alabama Volunteers, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCIS S. HOWARD.

The next business was the bill (H. R. 2916) granting an increase of pension to Francis S. Howard.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis S. Howard, Capt. John Loyal's independent company, Georgia Mounted Volunteers, and pay him a pension at the rate of $25 per month in lieu of the amount he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 3, after the word "Interior," insert "be, and he," and after the word "is," in the same line, insert "hereby," and after the word "authorized," in the same line, insert "and directed." In the same line change "upon" to "on."

In line 5, after the word "Howard," insert "late of."

In line 7, after the word "Volunteers," insert "war with Mexico," and in the same line change "twenty-five" to "twenty."

In line 8 strike out "the amount" and insert "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH A. JONES.

The next business was the bill (H. R. 2912) granting a pension to Mrs. Elizabeth A. Jones.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed, subject to the limitations of the pension laws, to place on the pension roll the name of Mrs. Elizabeth A. Jones, of Chattahoochee County, Ga., and to pay her a pension at the rate of $20 per month in lieu of that which she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill granting an increase of pension to Elizabeth A. Jones."

Strike out all in the bill after the word "directed," in line 4, and substitute therefor the following: "To place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Jones, widow of James H. Jones, late of Captain Urquhart's company, Georgia Volunteers, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

In line 3, after the word "Interior," insert "be, and he."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M. PRATT.

The next business was the bill (H. R. 3435) granting an increase of pension to John M. Pratt.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Pratt, late of Company N, Second Regiment Missouri Mounted Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MINERVA J. BURTON.

The next business was the bill (H. R. 219) granting a pension to M. J. Burton, widow of Thomas Burton.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of M. J. Burton, widow of Thomas Burton, late of Company —, Fifth Regiment Tennessee Volunteer Infantry, Mexican war, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "Granting a pension to Minerva J. Burton."

In line 6 strike out the initial "M." where it appears in the claimant's name and substitute therefor the Christian name "Minerva."

Fill in the blank space on line 7 with the letter "L.," and in the same line strike out "Mexican."

In line 8, after the word "war," insert "with Mexico," and in the same line strike out "twelve" and insert "eight."

Mr. GAINES of Tennessee. I should like to put an inquiry to the chairman of the committee reporting this bill. This is a pension for the widow of some Mexican soldier, is it not?

Mr. LOUDENSLAGER. Yes, sir.

Mr GAINES of Tennessee. And the amount proposed is $12.

Mr. LOUDENSLAGER. Eight dollars.
Mr. GAINES of Tennessee. You propose to raise it to $12?
Mr. LOUDENSLAGER. No; this is an original pension for the regular amount.
Mr. GAINES of Tennessee. She is now receiving $8?
Mr. LOUDENSLAGER. She is not receiving anything. This is an original pension which we propose to grant at the rate of $8 a month.
Mr. GAINES of Tennessee. Does not the gentleman think that the widow of a soldier of the Mexican war should be entitled to a little more than $8 a month?
Mr. LOUDENSLAGER. I can only say in reply to the gentleman that that is what the general law gives such a widow. Her application for this pension was rejected at the Department because of a technicality. The committee now by this bill removes the technicality, but does not see why the rate should be increased at the same time.
Mr. GAINES of Tennessee. Then the general law is wrong, and we can give a proper standard of relief in this case now. The gentleman knows that we are changing the general law in many cases right here to-day. In many of these cases (and we know nothing about them except as we may have hearsay information) the Bureau has refused to grant the pension because the law does not cover the case, we are told; yet the committee decide that the applicant should be pensioned, or in other cases that the pension should be increased, because of the demands of justice as presented in the particular case.
Now, I think—and I hope my friend from New Jersey [Mr. LOUDENSLAGER] will agree with me—that we ought to give these old soldiers of the Mexican war more than $8 a month; and after the death of such a soldier we ought to give the widow more than $8. They have never been properly pensioned, at least not as the civil-war veterans and their widows.
The survivors of the Mexican war and their widows are now old people of sixty or seventy years at least; and the gentleman knows how little $8 a month amounts to for the support of one of these aged widows. That sum is only equal in purchasing power to what $5.50 were a few years ago. The gentleman knows that everything entering into the cost of living has appreciated in cost.
He also remembers that at the last session of Congress, Mr. Moody, Secretary of the Navy, sent word to us by message or report, through the President, that the cost of material and labor had appreciated 30 per cent in twelve months, and therefore he held that Congress ought to increase by $2,000,000 the amount allowed for rebuilding the Annapolis Academy, making ten millions all told, and Congress gave the two millions. There is close connection between a soldier or his widow and the Navy.
Now, I submit—and I am serious in this and entirely frank—that in none of these cases have the old soldiers of the Mexican war received what they should have received. It does not make any difference where they may live. I understand that this widow lives in Tennessee, the volunteer State, but that does not make a particle of difference to me in considering the merits of this question.
I say we should pay the soldier of the Mexican war more than we are paying him—not simply because he was wounded—not simply because he is old—but because he did serve in that war and can not now from age maintain himself. And the same considerations apply in the case of his widow. Eight dollars a month can not support one of these widows decently, and yet many of them are obliged to live on this pittance and charity. I appeal to the gentleman in favor of a more liberal allowance. This widow must be aged and infirm.
Mr. LOUDENSLAGER. The question of what these old soldiers of the Mexican war and their widows are entitled to is a question which I should be very glad to discuss with the gentleman whenever it properly comes up.
It does not come up in this case. Widows in the civil war and widows of the Mexican war get $8 a month. Now, this widow was denied a pension at the Department on account of some technicality.
Mr. GAINES of Tennessee. Do you know what that technicality was?
Mr. LOUDENSLAGER. It was the inability on her part to prove her legal widowhood. The committee, taking all the facts into consideration, believed that she was justly entitled to a pension. But we certainly did not think that in removing the technicality that we ought also to give her more money than any other widow of the Mexican war was given under the general law, and so she was given by the committee the same amount that was given to the other widows, and we thought that in doing that we were doing an act of equity and of justice.
Mr. GAINES of Tennessee. Now, the pension of the Mexican soldier was raised from $8 to $12 a month as an act of grace by the last Congress—less than a year ago. Why not raise his widow's?
Mr. LOUDENSLAGER. That is not to the widow.
Mr. GAINES of Tennessee. I understand that; but a good wife is always better than a good husband.
Mr. LOUDENSLAGER. I think that is true, as a general proposition.
Mr. GAINES of Tennessee. Now, we are here pensioning these Mexican soldiers, and have been doing it from year to year at $8 a month; and we have given pensions to soldiers of the civil war, some of them as much as $250 and possibly some more than that; and we gave the Mexican soldier a pension here for years and years at $8 until last session when, because of their getting old, although they may not have been wounded or maimed, but because old age had withered their powers of self-support, we gave $12 a month.
And now, when the soldier is dead and leaves a widow, a grateful people and a grateful Congress, with a bankrupt Treasury, and a liberal-hearted Congress will only give his widow, at least his wife, $8 a month! Possibly she has no home. I asked the gentleman several times about her condition, but no reply to that. Now here is a widow of a Mexican soldier who himself died probably of old age, and yet this committee only proposes to give his widow $8 a month.
I will move to substitute $12 for the $8. As shaped last session, we gave the Mexican soldier himself $12 because of his old age. Here is this soldier who died and left a widow, who was probably the greatest blessing he had on earth. She in all probability was as good as her husband, if not as happy to-day. Now, I move to strike out "eight" and insert "twelve," and appeal to the generosity of our friends to allow that amendment to be made without detaining the committee longer. I appeal to the manhood and patriotism of the members of the committee to give her that amount.
The CHAIRMAN. The question is on the committee amendment.
The question was taken, and the amendment was agreed to.
The CHAIRMAN. The gentleman from Tennessee moves to amend the committee amendment by striking out "eight" and inserting "twelve" in lieu thereof.
Mr. LOUDENSLAGER. I just desire to say a word or two before the vote is taken, so that members of the committee may thoroughly understand what they are voting for. This claimant was not the wife of this soldier during the war. She was, perhaps, never the legal wife of this soldier. She was married to him in 1850, but he had a wife living.
It is but fair to say, however, that she did not know of the former marriage. She lived with the soldier for many years, and when he died she applied for a pension, but the Pension Bureau refused her a pension because she could not prove a legal marriage.
The committee took into consideration her long life with the soldier and also the testimony that the former wife was dead at this time, and concluded to grant her a pension; but I can not conceive how it would be possible for any fair-minded man to say that this widow should have that technicality removed, and that she should receive a higher amount than the widows of other soldiers who served in that war.
Mr. BARTLETT. Mr. Chairman, I simply desire to say this. Recognizing the justice and propriety of pensioning the widows of the Mexican-war soldiers, I myself have introduced a bill to change existing law, providing that hereafter, if that bill should pass, these widows shall receive $12 per month instead of $8 per month; and I trust that the gentleman from New Jersey, as chairman of that committee, will see that in justice to these few remaining widows of Mexican war soldiers that the bill is passed.
Mr. GAINES of Tennessee. Mr. Chairman, just a moment or two to reply in part to what my friend from New Jersey has said. He says that this claimant was not the legal wife of the deceased soldier because at the time she claims the marriage he had another wife somewhere, and the claimant was entirely ignorant of this, and subsequently the legal wife died, but there is not any proof in this record—at least if there is the gentleman has not stated it—showing that this woman was ever unfaithful to him or he to her.
She was patriotic enough to stand by him, and when the din of war was sounded she sent him to Mexico, and he did not repudiate her when he came back, and she clung to him, and probably was the only one who went to his grave and wept over him, and perhaps the only one to-day who goes and puts the evergreens about it.
I say, Mr. Chairman, it is a distressing thing for such a marriage as that to occur. Certainly a reflection on the dead soldier, Mr. Chairman, that he was guilty of such a thing, and yet we pension him; and now a good woman, as this record must demonstrate, because we hear nothing to the contrary, simply because she forty or fifty years ago was not by every technicality of law married to him, although she was faithful to him to the grave, and honors and respects his memory to-day, here in the face of, I

hope, a generous Congress he says that she was not his legal married wife, and therefore Congress should not give her the $12 the husband was due under the law of to-day.

Mr. Chairman, law does not make virtue nor morals, but protects each. There is nothing in this record to show, as I have said, that she was otherwise than his wife in fact, whether in law or not. There may be to-day orphan children or grandchildren clamoring around her knees, their little stomachs pinched with hunger, and here is the great Congress, with a Treasury packed with money, so much so that we have to send it out to the country banks to keep them from breaking possibly, or keep the money in circulation, and yet, Mr. Chairman, we stand here and balk; this great Congress halts on giving this aged and infirm woman what her husband was entitled to have and did receive, when, the fact is, coming from the representations of the gentleman himself, she was a better woman than he was a man, because he perpetrated a fraud on her; yet, nevertheless, wifelike and true, she clung to him like the ivy about the old and shivered oak until his last battle was fought, the last roll call was heard, and now we stand here to-day hesitating about giving such a wife as that a twelve-dollar pension.

The woman is humiliated, I dare say, whenever she is visited by people, if visited at all. She is forced to avoid them because she was not his legal wife, and without her fault, although she clung to him with unremitting devotion to the last.

I do not know the unfortunate woman, I never heard of her until this bill was read from the desk, and possibly will never hear of her again; but I think that simple justice demands, as this is a peculiar case—a remarkable case of loyalty, love, and devotion of a good woman for a man who at one time in his life abused her confidence, while she was loyal and good down to his grave—that we should put a premium upon such loyalty, such love, such devotion. [Applause.]

The question was taken, and the amendment of Mr. GAINES of Tennessee was rejected.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, I move that the committee do now rise and report its action on the several bills to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARDNER of New Jersey, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills upon the Private Calendar and had directed him to report back Senate bill 1543 with the recommendation that it be recommitted to the Committee on Invalid Pensions; that the committee had also directed him to report sundry other bills with amendments with the recommendation that the amendments be adopted and that the bills do pass; also certain other bills without amendments with the recommendation that they do pass.

PENSION BILLS PASSED.

The House then proceeded to the consideration of the bills just reported from the Committee of the Whole House.

House bills of the following titles, reported from the Committee of the Woole House with amendments, were severally considered, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 937. A bill granting an increase of pension to M. A. Shelton (title amended);

H. R. 6562. A bill granting an increase of pension to Frances Thompson (title amended);

H. R. 3665. A bill granting an increase of pension to Henry C. Jones;

H. R. 5611. A bill granting a pension to Juliette Westbrook;

H. R. 2920. A bill granting an increase of pension to Daniel W. Huffman;

H. R. 4157. A bill granting an increase of pension to Adam Kohlhauff;

H. R. 3836. A bill granting an increase of pension to David H. Thompson;

H. R. 138. A bill granting an increase of pension to Henry Hale;

H. R. 7756. A bill granting an increase of pension to Charles Schroder;

H. R. 6947. A bill granting an increase of pension to Joseph H. Cooper;

H. R. 8376. A bill granting an increase of pension to J. J. Smith (title amended);

H. R. 8920. A bill granting a pension to Harriet A. Tucker;

H. R. 165. A bill granting an increase of pension to Thomas Adelsperger;

H. R. 8729. A bill granting an increase of pension to Gustus S. Remick;

H. R. 6085. A bill granting a pension to Anna M. Mhier-Moyer (title amended);

H. R. 4887. A bill granting a pension to George N. Thorpe (title amended);

H. R. 2016. A bill granting an increase of pension to George Gardner;

H. R. 249. A bill granting a pension to May Shields Mitchell (title amended);

H. R. 5471. A bill granting an increase of pension to A. Marion Gamble;

H. R. 4937. A bill granting an increase of pension to Emily Conklin;

H. R. 610. A bill granting an increase of pension to Samuel Alexander;

H. R. 6588. A bill granting an increase of pension to James H. Cummings;

H. R. 8058. A bill granting an increase of pension to William M. Underhill;

H. R. 7699. A bill granting an increase of pension to Martha Del'Banco Cunningham (title amended);

H. R. 6705. A bill granting an increase of pension to Edwin A. Foreman (title amended);

H. R. 4365. A bill granting a pension to Barney L. Brookins;

H. R. 7882. A bill granting an increase of pension to William H. Howard;

H. R. 134. A bill granting a pension to Wilhelmina Miller.

H. R. 5699. A bill granting an increase of pension to James P. Johnson;

H. R. 4457. A bill granting an increase of pension to Mary E. Meldrum;

H. R. 4045. A bill granting a pension to Minnie Gusler;

H. R. 3815. A bill granting an increase of pension to Hester E. Mooney;

H. R. 4276. A bill granting an increase of pension to H. E. Burritt (title amended);

H. R. 3037. A bill granting a pension to William Bieber;

H. R. 1487. A bill granting an increase of pension to D. T. Drake (title amended);

H. R. 2183. A bill granting an increase of pension to Joseph A. Soule;

H. R. 1497. A bill granting an increase of pension to Dana Cook;

H. R. 5199. A bill granting a pension to Tracy M. Johnson (title amended);

H. R. 865. A bill granting an increase of pension to Charles C. Chase;

H. R. 8187. A bill granting an increase of pension to George Jeffrey;

H. R. 681. A bill granting an increase of pension to Ella P. Kersteter (title amended);

H. R. 4114. A bill granting an increase of pension to Robert Carns (title amended);

H. R. 4251. A bill granting an increase of pension to Joseph Hinkle;

H. R. 2111. A bill granting a pension to Henry D. Tousley (title amended);

H. R. 4325. A bill granting an increase of pension to John Amen Sills (title amended);

H. R. 3298. A bill granting a pension to Mary E. Pennock;

H. R. 6036. A bill granting an increase of pension to John Shafer;

H. R. 6701. A bill granting an increase of pension to John A. Reeds;

H. R. 5634. A bill granting an increase of pension to Robert L. Miles;

H. R. 1316. A bill granting an increase of pension to George W. Day;

H. R. 2427. A bill granting a pension to Cynthia Thomas (title amended);

H. R. 2932. A bill granting a pension to Dudley R. W. Williams;

H. R. 6879. A bill for the relief of R. A. Finnell (title amended);

H. R. 475. A bill granting a pension to Alfred C. Isachsen (title amended);

H. R. 8740. A bill granting an increase of pension to Mary G. Bonesteel;

H. R. 660. A bill granting an increase of pension to John Sines (title amended);

H. R. 703. A bill granting a pension to Robert P. Baker (title amended);

H. R. 5617. A bill granting an increase of pension to William P. Hereford;

H. R. 5534. A bill granting an increase of pension to Adaline Shaw Lovejoy;

H. R. 4031. A bill granting an increase of pension to Samuel R. Wasson;

H. R. 6582. A bill granting an increase of pension to Harry Haller;

H. R. 5538. A bill granting a pension to Jane Elizabeth Bullock;

H. R. 8728. A bill granting a pension to Matilda Lafferty;

H. R. 7563. A bill granting an increase of pension to W. W. Rowlett (title amended);
H. R. 3617. A bill for the relief of Charles M. Everett (title amended);
H. R. 2477. A bill granting an increase of pension to Frank J. McLaughlin;
H. R. 5609. A bill granting an increase of pension to B. F. Grigsby (title amended);
H. R. 7095. A bill granting an increase of pension to Harrison H. Hakes;
H. R. 7798. A bill granting an increase of pension to Andrew Black;
H. R. 8342. A bill granting a pension to Horace E. Davis (title amended);
H. R. 3273. A bill granting an increase of pension to Elizabeth Hardy;
H. R. 1156. A bill granting an increase of pension to John Pangratz;
H. R. 8123. A bill granting a pension to Eliza Stoddard Smith (title amended);
H. R. 7355. A bill granting an increase of pension to Henry Barrett;
H. R. 4578. A bill granting a pension to Catharine M. McClanahan;
H. R. 7477. A bill granting an increase of pension to Cyrenius Dennis (title amended);
H. R. 3345. A bill granting an increase of pension to Charles P. Clarke;
H. R. 4987. A bill granting an increase of pension to William Y. M. Wilkerson;
H. R. 529. A bill granting a pension to Emma H. Higley;
H. R. 727. A bill granting an increase of pension to James K. Blye;
H. R. 2194. A bill granting a pension to Mary Dewire;
H. R. 5720. A bill granting an increase of pension to William T. Filler;
H. R. 7757. A bill granting an increase of pension to Cyrus Davidheiser (title amended);
H. R. 7594. A bill granting an increase of pension to Charles H. Miller;
H. R. 6028. A bill granting an increase of pension to Anton Heffron (title amended);
H. R. 3407. A bill granting an increase of pension to Frank Lewis;
H. R. 7439. A bill granting a pension to Helen M. Bates (title amended);
H. R. 8207. A bill granting an increase of pension to Charles Johnson;
H. R. 2040. A bill granting a pension to James Anderson;
H. R. 6023. A bill granting an increase of pension to Charles Wigert;
H. R. 6342. A bill granting a pension to Thomas Springer (title amended);
H. R. 6089. A bill granting an increase of pension to Emma Louisa Nagle (title amended);
H. R. 5972. A bill granting an increase of pension to Edward A. Wilbur;
H. R. 2122. A bill granting a pension to O. H. Lyon (title amended);
H. R. 9029. A bill granting a pension to Georgia S. Barbour (title amended);
H. R. 5718. A bill granting an increase of pension to Adolph Heiser;
H. R. 5367. A bill granting an increase of pension to Franklin Moore;
H. R. 9859. A bill granting an increase of pension to Abraham J. Yeomans;
H. R. 4323. A bill granting an increase of pension to Mary Wurtz;
H. R. 6061. A bill granting an increase of pension to Alphus D. Brown (title amended);
H. R. 3616. A bill granting a pension to James W. Davis (title amended);
H. R. 9583. A bill granting an increase of pension to James H. Hargis, sr. (title amended);
H. R. 7732. A bill granting a pension to Mary Chenowith (title amended);
H. R. 7447. A bill granting an increase of pension to William Bailey;
H. R. 9030. A bill granting a pension to John Daly (title amended);
H. R. 5555. A bill granting an increase of pension to James R. Humptley (title amended);
H. R. 6994. A bill granting an increase of pension to Theresa Nebrich;
H. R. 8717. A bill granting a pension to Henry Edwards (title amended);
H. R. 6426. A bill granting a pension to David J. Beidler (title amended);
H. R. 5883. A bill granting an increase of pension to David Warentz;
H. R. 5818. A bill granting an increase of pension to Philip Snow;
H. R. 4915. A bill granting an increase of pension to James W. Hibbert;
H. R. 5391. A bill granting a pension to James Keleher (title amended);
H. R. 4526. A bill granting an increase of pension to William J. Shepherd (title amended);
H. R. 4136. A bill granting an increase of pension to Caleb Arnett;
H. R. 3521. A bill granting an increase of pension to John Hawker;
H. R. 3411. A bill granting an increase of pension to William J. Hart;
H. R. 3337. A bill granting an increase of pension to Mary A. Craigue;
H. R. 3172. A bill granting an increase of pension to Robert E. Pogue;
H. R. 2809. A bill granting an increase of pension to John Watt;
H. R. 2559. A bill granting an increase of pension to George Wintz;
H. R. 1883. A bill granting a pension to Harriet A. Cook;
H. R. 1330. A bill granting a pension to Samuel W. Searles;
H. R. 812. A bill granting an increase of pension to Charles F. Emery;
H. R. 7079. A bill granting an increase of pension to John J. Fleming;
H. R. 754. A bill granting a pension to John M. Lawton;
H. R. 6352. A bill granting a pension to Mary Huff and her five children (title amended);
H. R. 195. A bill granting a pension to Michael J. Landy (title amended);
H. R. 8850. A bill granting a pension to Thomas Joyce (title amended);
H. R. 4946. A bill to restore James F. Wheeler to the pension roll (title amended);
H. R. 8916. A bill for the relief of Susie G. Seabury (title amended);
H. R. 6547. A bill granting a pension to John Holzer.
H. R. 7799. A bill to increase the pension of John O. Rice (title amended);
H. R. 7072. A bill granting a pension to Mary McCall;
H. R. 6091. A bill granting an increase of pension to John W. Brown;
H. R. 6020. A bill granting an increase of pension to William P. Conner;
H. R. 2822. A bill granting a pension to Louisa Phillips (title amended);
H. R. 2916. A bill granting an increase of pension to Francis S. Howard;
H. R. 2912. A bill granting a pension to Mrs. Elizabeth A. Jones (title amended); and
H. R. 919. A bill granting a pension to M. J. Burton, widow of Thomas Burton (title amended).

House bills of the following titles, favorably reported from the Committee of the Whole House without amendment, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 689. A bill granting an increase of pension to Edgar Chapman;
H. R. 6005. A bill granting an increase of pension to George B. Davis;
H. R. 1294. A bill granting an increase of pension to William McBrien;
H. R. 3299. A bill granting a pension to Medie M. Flanders;
H. R. 5372. A bill granting a pension to Mariah Kuechler;
H. R. 6442. A bill granting an increase of pension to James P. Wallace;
H. R. 198. A bill granting an increase of pension to Emmett Cole;
H. R. 2923. A bill granting an increase of pension to John G. Fairchild;
H. R. 3032. A bill granting an increase of pension to William Pettenger;
H. R. 8748. A bill for the relief of Serenus Kilbourne;
H. R. 1859. A bill granting an increase of pension to Patrick Cannon;
H. R. 6032. A bill granting an increase of pension to Charles S. Bellows;
H. R. 3367. A bill granting an increase of pension to George W. Kerby;
H. R. 784. A bill granting an increase of pension to Henry S. McAlister;

H. R. 6025. A bill granting an increase of pension to John Herzog;
H. R. 1855. A bill granting a pension to Harriett B. Riley;
H. R. 1906. A bill granting an increase of pension to George W. Blanchard;
H. R. 5865. A bill granting an increase of pension to Joshua Harlan;
H. R. 5179. A bill granting a pension to Joseph J. Murray;
H. R. 4759. A bill granting an increase of pension to David P. McDonald; and
H. R. 3435. A bill granting an increase of pension to John M. Pratt.

Senate bills of the following titles, favorably reported from the Committee of the Whole without amendment, were severally considered, ordered to a third reading, read the third time, and passed:

S. 1498. An act granting an increase of pension to Winslow P. Eayrs;
S. 1497. An act granting an increase of pension to Walter F. Chase;
S. 12. An act granting an increase of pension to Francis E. Chase;
S. 190. An act granting an increase of pension to Charles H. Bell;
S. 744. An act granting an increase of pension to Stephen Gascoigne;
S. 745. An act granting a pension to John Swenson;
S. 930. An act granting an increase of pension to Ferdinand Wiedemann;
S. 547. An act granting an increase of pension to Irving W. Coombs;
S. 471. An act granting an increase of pension to Silas Meserve;
S. 1491. An act granting an increase of pension to James A. Hoover;
S. 929. An act granting an increase of pension to Charles Stermer;
S 182. An act granting an increase of pension to Charles F. Holt;
S. 1826. An act granting an increase of pension to Mary E. Cutts;
S. 1429. An act granting an increase of pension to Elizabeth C. Paquin;
S. 1335. An act granting an increase of pension to Calvin Daws;
S. 1437. An act granting an increase of pension to Clarence E. Bullard;
S. 959. An act granting an increase of pension to Andrew C. Ranard;
S. 1259. An act granting an increase of pension to John M. Stanyan;
S. 1402. An act granting an increase of pension to William Paul;
S. 814. An act granting a pension to Mamie Thayer;
S. 821. An act granting an increase of pension to W. Neil Dennison;
S. 847. An act granting an increase of pension to John L. Beveridge;
S. 798. An act granting an increase of pension to James A. Templeton;
S. 589. An act granting an increase of pension to George W. McMullen;
S. 898. An act granting an increase of pension to John B. Carter;
S. 587. An act granting an increase of pension to Anson P. Williamson;
S. 484. An act granting a pension to Nancy S. Marsh;
S. 505. An act granting an increase of pension to James E. Barnard;
S. 479. An act granting an increase of pension to Olive J. Bailey;
S. 473. An act granting an increase of pension to Byron D. Babcock;
S. 14 An act granting an increase of pension to Samuel M. Perry;
S. 451. An act granting an increase of pension to William T. Conant;
S. 452 An act granting an increase of pension to Albert W. Bullock;
S. 1827. An act granting an increase of pension to Harris A. P. Lewis;
S. 9. An act granting an increase of pension to David E. Burbank;
S. 456. An act granting an increase of pension to Andrew J. Pierce;
S. 13. An act granting an increase of pension to William Clark;
S. 586. An act granting a pension to Annie H. Zoll;
S. 937. An act granting an increase of pension to Rudolph Siebelist.
S. 555. An act granting an increase of pension to Royal A. S. Kingsley;
S. 578. An act granting an increase of pension to John Bullamore:
S. 458. An act granting an increase of pension to Charles Beattie;
S. 1938. An act granting an increase of pension to Aldridge Patterson;
S. 1825. An act granting a pension to Josephine L. Webber;
S. 1559. An act granting an increase of pension to Marie A. Rask; and
S. 99. An act granting an increase of pension to Joel C. Shepherd.

Senate bills of the following titles, favorably reported from the Committee of the Whole, with amendments, were severally considered, the amendments agreed to, ordered to a third reading, read the third time, and passed:

S. 1334. An act granting a pension to Amy C. Bosworth (title amended);
S. 1760. An act granting a pension to Ann A. Devore; and
S. 200. An act granting an increase of pension to Austin Almy.

The bill (S. 1543) granting an increase of pension to William W. Johnson was recommitted to the Committee on Invalid Pensions in accordance with the recommendation of the Committee of the Whole House.

Mr. GIBSON. I ask unanimous consent that in the case of each of these bills acted upon by the House a motion to reconsider be regarded as entered, and that the motion be laid on the table.

There being no objection, it was ordered accordingly.

HORSES, CARRIAGES, ETC., AT GOVERNMENT EXPENSE.

Mr. JENKINS. Mr. Speaker, I desire to make a privileged report from the Committee on the Judiciary.

The Clerk read as follows:

House resolution 151.

Resolved, That the Attorney-General be, and he is hereby, requested to furnish this House, at his earliest convenience, a statement showing the number of horses, carriages, and automobiles maintained at Government expense for the use of officials in his Department, together with a statement showing the cost of said horses, carriages, automobiles, and harness, and the amount of wages paid to men acting as coachmen, footmen, and chauffeurs, whether carried on the rolls as such or in some other classification; also, the list of officials entitled to the use of said carriages.

Mr. JENKINS. Mr. Speaker, the committee report a substitute in lieu of the resolution; which I will ask to have read.

The Clerk read as follows:

Resolved, That the Attorney-General be, and he is hereby, requested to furnish this House, at his earliest convenience, a statement showing the number of horses, carriages, and automobiles maintained at Government expense for the use of officials in his Department, together with a statement showing the cost of said horses, carriages, automobiles, and harness, the date of purchase, from what fund the payment was made, and the amount of wages paid to men acting as coachmen, footmen, and chauffeurs, whether carried on the rolls as such or in some other classification; also the list of officials entitled to the use of said carriages, and the purposes for which said vehicles are used.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

FREE ENTRY OF CERTAIN ARTICLES AND MATERIALS.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9658) to provide for the withdrawal, free of duty under bond, for incorporated institutions established for religious, philosophical, educational, scientific, or literary purposes, of articles and materials exhibited at the Louisiana Purchase Exposition.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to permit, at the expiration of the Louisiana Purchase Exposition, the withdrawal, free of duty, by any State or municipality or any incorporated institution established for religious, philosophical, educational, scientific, or literary purposes, of any articles and materials imported under bond for exhibition at said exposition and donated to any such institution; the exhibition bonds given on original entry of the articles at St. Louis, Mo., to be canceled only on the production of evidence satisfactory to the Secretary of the Treasury, showing the donation and the bona fide acceptance of the articles and materials, but bonds shall be given under such rules and regulations as the Secretary of the Treasury may prescribe, conditioned for the permanent preservation of the articles by the donee and for the payment of lawful duties which may accrue should any of the articles and materials aforesaid be sold, transferred, or used contrary to this provision; and such articles shall be subject, at any time, to examination and inspection by the proper officers of the customs: *Provided*, That the privilege thus conferred shall not be allowed to associations or corporations engaged in business of a private or commercial character: *Provided further*, That nothing herein contained shall prevent the withdrawal, free of duty, of the articles enumerated in and under the conditions prescribed by paragraphs 503, 638, 649, 702, and 703 of the tariff act of July 24, 1897.

Amend the title so as to read: "A bill to provide for the withdrawal, free of duty under bond, from the Louisiana Purchase Exposition of any articles and materials donated to incorporated institutions established for religious, philosophical, educational, scientific, or literary purposes, or to any State or municipal corporation."

Mr. TAWNEY. Mr. Speaker, I would state that this bill is reported from the Ways and Means Committee and that it is a unani-

mous report. The bill has been asked for by the Treasury Department to enable articles imported for the purpose of exhibition at the Louisiana Purchase Exposition to be donated to these various institutions, including States and municipalities, which could not otherwise be done without the payment of these duties.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the bill ordered to be engrossed and read a third time, read the third time, and passed.

The SPEAKER. Without objection the title will be amended.

There was no objection.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

PRINTING FOR COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. SMITH of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Committee on Private Land Claims be, and hereby is, authorized to have printed such papers and documents as may be necessary for the business of said committee during the present Congress.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution which has just been reported. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would ask the gentleman from Illinois if it is usual for that committee to have that resolution passed?

Mr. SMITH of Illinois. We have had it before. That committee does work occasionly, at least.

Mr. PAYNE. Has the committee had any hearings?

Mr. SMITH of Illinois. A good many—a great many.

Mr. PAYNE. At this present session of Congress?

Mr. SMITH of Illinois. We will have a hearing on Monday next.

Mr. PAYNE. I say during this present session, has that committee had any hearings?

Mr. SMITH of Illinois. Not yet; but we will have on Monday next.

Mr. PAYNE. Well, Mr. Speaker, I think we had better wait until there is occasion for it. I shall have to object.

The SPEAKER. The gentleman from New York objects.

ILLUSTRATIONS FOR REPORT ON NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I will send to the desk and ask to have read.

The Clerk read as follows:

Ordered, That the Public Printer be authorized to furnish such illustrations as may be required by the Committee on Naval Affairs in its report on the naval appropriation bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the order which has just been reported. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the order.

The order was agreed to.

CHANGE OF REFERENCE.

By unanimous consent, the following change of reference was made:

The bill (S. 128) granting an increase of pension to Clara M. Gihon, from the Committee on Invalid Pensions to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURLESON, for one week, on account of business.

To Mr. HUGHES of West Virginia, for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. WILSON of Arizona to withdraw from the files of the House, without leaving copies, the papers in the case of David K. Wardwell, Fifty-seventh Congress, no adverse report having been made thereon.

ADJOURNMENT.

Then, on motion of Mr. PAYNE, at 3 o'clock and 50 minutes p. m. the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of Skidaway Narrows, Georgia—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lee Crouch, administrator of estate of Abram Crouch, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, calling attention to certain cases in which sites for public buildings can not be acquired within the limit of cost—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting papers relating to granting annual leaves of absence to gaugers, storekeepers, and storekeepers' gaugers in the Internal-Revenue Service—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for naval station at Guantanamo, Cuba—to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BOUTELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 4818) providing for an additional officer in the district of Chicago, in the collection district of Indiana and Illinois, reported the same without amendment, accompanied by a report (No. 447), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5811) to authorize the Norfolk and Western Railway Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky or the boundary line between the States of West Virginia and Virginia, reported the same without amendment, accompanied by a report (No. 448); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8883) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company, reported the same with amendment, accompanied by a report (No. 449); which said bill and report was referred to the House Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8692) to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes, reported the same with amendment, accompanied by a report (No. 450); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9308) permitting the building of a dam across the Mississippi River between the counties of Wright and Sherburne, in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 452); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7869) in relation to bonds on contracts with the District of Columbia, reported the same without amendment, accompanied by a report (No. 453); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8688) to transfer jurisdiction of reservation No. 32, in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 454); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7024) to name streets, alleys, highways, and reservations in that part of the District of Columbia outside of the city of Washington, and for other purposes, reported the same without amendment, accompanied by a report (No. 455); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10230) for the relief of Telisha Webb—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 10711) granting a pension to Mary Henrietta Baston—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10476) granting a pension to Charles B. Gallagher—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10488) granting an increase of pension to Jonathan W. Barber—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2202) to provide for the payment of arrearage of salary due to inspectors of customs for the district of Huron, Mich., and so forth—Committee on Ways and Means discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McMORRAN: A bill (H. R. 10858) to provide for the erection of a public building and acquire a site therefor at Mount Clemens, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: A bill (H. R. 10859) regulating the settlement of the accounts between the United States and the several States relative to the disposal of the public lands, and for other purposes—to the Committee on the Public Lands.

By Mr. SHULL: A bill (H. R. 10860) to provide for site and public building at South Bethlehem, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. BINGHAM: A bill (H. R. 10861) to equalize the rank and pay of certain retired officers of the Navy and Marine Corps—to the Committee on Naval Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 10862) to confer jurisdiction upon the Court of Claims to hear and determine the claims of churches, lodges, and educational or eleemosynary institutions arising from the late civil war—to the Committee on War Claims.

By Mr. BOWERS: A bill (H. R. 10863) to provide for the purchase of a site and the erection of a public building thereon at Laurel, in the State of Mississippi—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10864) to provide for the purchase of a site and the erection of a public building thereon at Gulfport, in the State of Mississippi—to the Committee on Public Buildings and Grounds.

By Mr. RIDER: A bill (H. R. 10865) to provide for placing in the public schools of the District of Columbia copies of the bust of George Washington—to the Committee on the District of Columbia.

By Mr. BABCOCK: A bill (H. R. 10866) to amend section 68 of volume 28 of the United States Statutes at Large—to the Committee on Printing.

By Mr. RUSSELL: A bill (H. R. 10867) to make it a felony for any officer of any national bank or banking institution to receive any deposit of money or other valuable property after such officer has knowledge that such bank is insolvent or in failing circumstances—to the Committee on the Judiciary.

By Mr. HOUSTON: A bill (H. R. 10868) to provide for the purchase of a site and erection of a public building thereon at Lewes, in the State of Delaware—to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 10869) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and for similar purposes, being a further supplement to said act—to the Committee on Mines and Mining.

By Mr. OTIS: A bill (H. R. 10870) to provide for the erection of a public building at the city of Yonkers, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. GAINES of Tennessee: A bill (H. R. 10871) to further provide for the redemption of mutilated United States paper currency and to maintain the cleanliness of the circulation—to the Committee on Banking and Currency.

By Mr. RAINEY: A joint resolution (H. J. Res. 85) to lower the height of the Government dams in the Illinois River at Kampsville and Lagrange 2 feet—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 10872) to correct the military record of John Marlow—to the Committee on Military Affairs.

Also, a bill (H. R. 10873) granting a pension to Malona Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10874) granting a pension to M. M. Lyndall Goddard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10875) granting a pension to Ellen Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10876) granting a pension to Mrs. Edward M. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10877) to remove the charge of desertion against Thomas Albright—to the Committee on Military Affairs.

Also, a bill (H. R. 10878) to remove the charge of desertion against William C. Jones—to the Committee on Military Affairs.

Also, a bill (H. R. 10879) to remove the charge of desertion against Daniel Fleming—to the Committee on Military Affairs.

Also, a bill (H. R. 10880) to remove the charge of desertion against Cornelius Hardin—to the Committee on Military Affairs.

Also, a bill (H. R. 10881) to remove the charge of desertion against Thomas Egan—to the Committee on Military Affairs.

Also, a bill (H. R. 10882) to remove the charge of desertion against Albert Stratton—to the Committee on Military Affairs.

Also, a bill (H. R. 10883) granting an increase of pension to Minerva T. Gillispie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10884) granting an increase of pension to John I. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10885) granting an increase of pension to John Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10886) granting an increase of pension to Florence N. Leathem—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10887) granting an increase of pension to Monroe D. Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10888) granting an increase of pension to William W. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10889) granting an increase of pension to Lianthia T. Grumley—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 10890) to remove the charge of desertion from the military record of William H. Spradling—to the Committee on Military Affairs.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 10891) for the relief of Julius A. Kaiser—to the Committee on Claims.

By Mr. DANIELS: A bill (H. R. 10892) to correct the military record of David Campbell—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 10893) for the relief of Elias E. Barnes—to the Committee on Claims.

By Mr. DRAPER: A bill (H. R. 10894) granting an increase of pension to Charles Ballentyne—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 10895) to authorize the President to appoint Col. Henry Lippincott, United States Army, retired, to the grade of brigadier-general, United States Army, on the retired list—to the Committee on Military Affairs.

Also, a bill (H. R. 10896) for the relief of Lucy M. Fisher—to the Committee on War Claims.

By Mr. FLOOD: A bill (H. R. 10897) for the relief of Bolser H. Pullen, of McDowell, Highland County, Va.—to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 10898) granting a pension to William D. Pemberton—to the Committee on Invalid Pensions.

By Mr. GOEBEL: A bill (H. R. 10899) granting an increase of pension to Benjamin Jelliff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10900) granting a pension to Laura B. Carson—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 10901) granting an increase of pension to John Quinn—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 10902) granting a pension to Jerry B. Gilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10903) for the relief of Fannie H. Christopher—to the Committee on War Claims.

By Mr. HARDWICK: A bill (H. R. 10904) granting a pension to Edson H. Crawford—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 10905) for the relief of the Salem Baptist Church, of Clarke County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 10906) for the relief of the Mount Zion Church of United Brethren, Frederick County, Va.—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 10907) for the relief of John Lewis Young—to the Committee on War Claims.

By Mr. HINSHAW: A bill (H. R. 10908) granting an increase of pension to Hanley B. Closson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10909) granting an increase of pension ot John S. Beardsley—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 10910) to pay Elijah Patrick, of Salyersville, Ky., for two years' service in the late war as captain of a company of volunteers, and granting him a pension—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 10911) granting a pension to Lewis Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10912) granting a pension to Leonard J. Whitney—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 10913) for the relief of the estate of Nancy Barrow, deceased, late of Bolivar County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10914) for the relief of the estate of A. W. McAllister, deceased, late of Washington County, Miss.—to the Committee on War Claims.

By Mr. JAMES: A bill (H. R. 10915) for the relief of J. C. Peeples—to the Committee on War Claims.

By Mr. KLINE: A bill (H. R. 10916) for the relief of Morris F. Cawley—to the Committee on Claims.

Also, a bill (H. R. 10917) for the relief of Samuel M. Pitzer—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 10918) for the relief of W. M. Coulling—to the Committee on Military Affairs.

By Mr. LILLEY: A bill (H. R. 10919) granting an increase of pension to Susan E. Oliver—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 10920) for the relief of Julius Frank—to the Committee on War Claims.

By Mr. MOON of Tennessee: A bill (H. R. 10921) for the relief of William E. Walker—to the Committee on War Claims.

Also, a bill (H. R. 10922) for the relief of the legal representatives of Gincey Edwards, deceased—to the Committee on War Claims.

By Mr. McMORRAN: A bill (H. R. 10923) granting a pension to I. Winslow Ayer—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 10924) granting an increase of pension to Cline Morris—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 10925) directing the issue of a check in lieu of a lost check drawn in favor of the Pittsburg Shear, Knife and Machine Company, now the Heppenstall Forge and Knife Company, of Pittsburg, Pa.—to the Committee on Claims.

By Mr. POWERS of Maine: A bill (H. R. 10926) granting an increase of pension to Andrew J. Gardiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10927) granting an increase of pension to Amanda J. Cowan—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 10928) granting a pension to William H. Wendell—to the Committee on Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 10929) for the relief of the heirs of George Orville Ragland, deceased, late of Madison County, Ala.—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 10930) for the relief of Louisa J. Grau—to the Committee on Claims.

By Mr. RYAN: A bill (H. R. 10931) granting an increase of pension to Christopher O'Hara—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 10932) granting a pension to Eliza Woolard—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 10933) for the relief of John Heberer—to the Committee on War Claims.

Also, a bill (H. R. 10934) for the relief of Emeline E. Musgrave—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 10935) for the relief of Rebecca Mayo—to the Committee on Pensions.

By Mr. SOUTHARD: A bill (H. R. 10936) granting an increase of pension to George R. Scott—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 10937) for the relief of D. W. Carpenter, of Marshall County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10938) for the relief of the Old School Presbyterian Church, at the town of Panola, Panola County, Miss.—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 10939) granting an increase of pension to Jesse Harrison—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (R. R. 10940) to pay Joel Oswalt for stones and supplies—to the Committee on War Claims.

By Mr. TRIMBLE: A bill (H. R. 10941) granting an increase of pension to Mary Dougherty—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 10942) granting an increase of pension to John E. Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10943) granting a pension to Joseph Wolf—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10944) to remove charge of desertion from the record of Robert Moore—to the Committee on Military Affairs.

Also, a bill (H. R. 10945) granting a pension to Lola Qualls—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10946) granting a pension to Susan Wycaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10947) granting a pension to Eliza M. Crisell—to the Committee on Pensions.

Also, a bill (H. R. 10948) granting an increase of pension to John N. Matthews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10949) granting an increase of pension to Larkin L. Hensley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10950) granting an increase of pension to William Clark—to the Committee on Pensions.

Also, a bill (H. R. 10951) granting an increase of pension to McDonald Bumgarner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10952) granting an increase of pension to John F. Oruts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10953) granting an increase of pension to Henry H. Hallman—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of the Manufacturers' Club of Philadelphia, relative to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill H. R. 1271, for the relief of Mrs. Jane W. Mason—to the Committee on Claims.

By Mr. ADAMS of Pennsylvania: Paper relating to the services of Rev. John William Runkel during the Revolution—to the Committee on the Library.

By Mr. BADGER: Petitions of citizens of Central College and Westerville, Ohio, in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURKETT: Petition of A. V. Wilson, of Elk Creek, Nebr., in favor of Sunday closing of Lewis and Clark Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of David L. Smith, of Tecumseh, Nebr., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of B. W. Marsh, of Auburn, Nebr., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. DRAPER: Resolution of the Central Federation of Labor, of Troy, N. Y., relating to the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. EMERICH: Letter of Chicago Mailers' Union, No. 2, favoring eight-hour and anti-injunction bills—to the Committee on Labor.

Also, resolution of Amalgamated Woodworkers' International Local Union, No. 7, of Chicago, favoring repeal of desert-land law—to the Committee on the Public Lands.

Also, letter of S. Karpen & Bros., of Chicago, favoring untaxed wood alcohol for use in arts and manufactures—to the Committee on Ways and Means.

Also, resolution of Paint Grinders' Association of the United States, relative to increasing power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, letter of New York and Chicago Road Association, favoring betterment of highways—to the Committee on Agriculture.

Also, letter of the International Union of Steam Engineers, favoring eight-hour and anti-injunction bills—to the Committee on Labor.

Also, letter and resolution of Illinois Manufacturers' Association, favoring establishment of naval headquarters for the purchase of supplies in Chicago—to the Committee on Naval Affairs.

Also, resolution of Local Union No. 135, Amalgamated Meat Cutters and Butchers of North America, favoring repeal of desert-land act—to the Committee on the Public Lands.

Also, resolution of the Commercial Telegraphers' Union of America, favoring passage of an eight-hour bill and anti-injunction law—to the Committee on Labor.

Also, letter, resolution, and report of the Grand Army of the

Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Papers to accompany bill H. R. 9373, to increase pension of James Pollard—to the Committee on Invalid Pensions.

By Mr. FLOOD: Papers to accompany bill for the relief of Balser H. Pullin—to the Committee on War Claims.

By Mr. FOSTER of Vermont: Petition of Woman's Christian Temperance Union of Worthfield, Vt., against sale of liquor in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. FULLER: Resolution of Hurlbut Post, No. 164, Grand Army of the Republic, Belvidere, Ill., in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Petition of vessel owners, fishermen, and others, of Gloucester and Swampscott, Mass., praying that Congress authorize payment of bounty on dogfish sufficient to insure their extermination—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Coal Club of Boston, favoring arbitration treaties between United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. GOLDFOGLE: Petition of Outdoor Art League of California, for the preservation of the big trees of California—to the Committee on the Public Lands.

Also, resolution of New York Board of Trade and Transportation, against repeal of the national bankruptcy bill—to the Committee on the Judiciary.

Also, petition of F. C. Linde, Hamilton & Co., in favor of Otjen-Tawney anticoupon bill—to the Committee on Ways and Means.

Also, resolution of Medal of Honor Legion of New York City, favoring passage of bills H. R. 6477 and S. 972, relative to service pension—to the Committee on Invalid Pensions.

By Mr. HEDGE: Petition of citizens of Green Bay Township, Iowa, relative to the improvement of upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. HINSHAW: Papers to accompany bill H. R. 8755, granting an increase of pension to Eugene Schilling—to the Committee on Invalid Pensions.

By Mr. HITT: Resolution of E. D. Kittoe Post, No. 502, Grand Army of the Republic, Galena, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: Resolution of Fourth Immune Command, No. 15, Spanish War Veterans, of Washington, D. C., in favor of a museum of war as a memorial—to the Committee on Public Buildings and Grounds.

By Mr. LANNING: Resolution of Aaron Wilkes Post, No. 23, Grand Army of the Republic, of Trenton, N. J., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LILLEY: Papers to accompany bill granting an increase of pension to Susan E. Oliver—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Resolution of the Medal of Honor Legion of New York City, favoring placing on a service-pension roll soldiers who have received medal of honor from Congress—to the Committee on Invalid Pensions.

Also, resolution of the Manufacturers' Association of New York, against repeal of the national bankruptcy act—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany claim of William E. Walker—to the Committee on War Claims.

Also, papers to accompany claim of Gincy Edwards—to the Committee on War Claims.

By Mr. PATTERSON of Pennsylvania: Papers to accompany bill H. R. 3399, granting a pension to Rebecca De Wald—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to Cline Morris—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill for the relief of the heirs of George Orville Ragland—to the Committee on War Claims.

By Mr. RIDER: Resolution of the Manufacturers' Association of New York, against repeal of the national bankruptcy law—to the Committee on the Judiciary.

By Mr. SOUTHARD: Resolutions of Volunteer Post, No. 715, of Toledo; Ford Post, No. 14, of Toledo; Wiley Post, No. 46, of Bowling Green; Bronson Post, No. 85, of Jersey City; Forsyth Post, No. 15, of Toledo; Harry Caster Post, No. 56, of Haskins; Page Post, No. 471, of Sylvania; Brint and McBride Post, No. 225, of Richfield Center, and Charles B. Mitchell Post, No. 84, of Maumee, Ohio, Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Papers to accompany bill for the relief of Old School Presbyterian Church—to the Committee on War Claims.

Also, papers to accompany bill for the relief of D. W. Carpenter—to the Committee on War Claims.

By Mr. STANLEY: Resolution of the Tobacco Board of Trade, Hopkinsville, Ky., relative to amending the revenue laws—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of the St. Joseph's Roman Catholic Benefit Association, of Muenster, Tex., against passage of the Hepburn-Dolliver bills—to the Committee on the Judiciary.

By Mr. SULLIVAN of New York: Memorial of the Upper Mississippi River Improvement Association, relative to the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. TRIMBLE: Papers to accompany claim of Irene E. Johnson, administratrix—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: Resolution of Alexander Post, No. 89, Grand Army of the Republic, of Flora, Ill., in favor of the passage of a service-pension law—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Susan Wycough—to the Committee on Invalid Pensions.

Also, papers to accompany bill to correct military record of Robert Moore—to the Committee on Military Affairs.

Also, papers to accompany bill granting a pension to Lola Qualls—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to Henry H. Hallman—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to William Clark—to the Committee on Invalid Pensions.

Also, resolution of Tom Smith Post, No. 345, Grand Army of the Republic, Metropolis, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 23, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday was read.

The SPEAKER. Without objection, the Journal will stand as approved.

CORRECTION OF THE RECORD.

Mr. WILLIAMS of Mississippi. Mr. Speaker, the other day in the debate on the civil-service question I, amongst others, made the mistake of thinking that Mr. Machen, while he had not entered under the civil service, had been covered in under it later and had been kept in office by it. After a careful examination I find that I made a mistake, and I therefore wish to correct it and have risen to a question of personal privilege for that reason, as I do not want the matter to stand in the RECORD as I left it.

I ask to append to this statement Mr. Machen's official record.

The SPEAKER. Is there objection? The Chair hears none.

The record referred to by Mr. WILLIAMS of Mississippi is as follows:

Name, August W. Machen; legal residence, Ohio; position, Superintendent Free Delivery; salary, $3,000; Department, Post-Office; office, First Assistant Postmaster-General; date classified or made competitive, May 6, 1896; date of original appointment, August 22, 1893. Change in status, April 29, 1901, General Superintendent Free Delivery, $3,500, to take effect July 1, 1901; May 27, 1903, removed. - Exc. to nonexc.

HORSES AND CARRIAGES IN THE NAVY DEPARTMENT.

Mr. FOSS. Mr. Speaker, I desire to submit a privileged report. The Committee on Naval Affairs, to which was referred resolution 149, have directed me to report the same back with amendments and with a recommendation that the resolution as amended be adopted.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, requested to furnish to this House, at his earliest convenience, a statement showing the number of horses, carriages, and automobiles maintained at Government expense for the use of officials in his Department, together with a statement showing the cost of said horses, carriages, automobiles, and harness, and the amount of wages paid to men acting as coachmen, footmen, and chauffeurs, whether carried on the rolls as such or in some other classification; also the list of officials entitled to the use of said carriages.

The amendments reported by the committee were to insert after the word "harness," in line 7, the words "the date of purchase, from what fund the payment was made;" and to insert at the end of the resolution the words "and the date when such service was inaugurated."

The amendments were read and agreed to.

The resolution as amended was adopted.

On motion of Mr. FOSS, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HEMENWAY, from the Committee on Appropriations, reported a bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WILLIAMS of Mississippi. I wish to reserve all points of order on this bill.

The SPEAKER. All points of order will be reserved.

Mr. HEMENWAY. I desire to give notice that after the consideration of the army appropriation bill is concluded I will call this bill up for consideration.

RECEIPTS, ETC., OF THE LOUISIANA PURCHASE EXPOSITION.

Mr. PERKINS. I desire to present a privileged report from the Committee on Printing.

The report was read, as follows:

"The Committee on Printing, having had under consideration the concurrent resolution (S. C. Res. No. 20) providing for the publication of 15,000 additional copies of the statement of the receipts and expenditures of the Louisiana Purchase Exposition, with the accompanying report, recommend that said resolution be amended by striking out all after the resolving clause and inserting in lieu thereof the following:

"That the Public Printer be authorized and directed to print and bind in paper covers 15,000 additional copies of the statement of the receipts and expenditures of the Louisiana Purchase Exposition, from the date of incorporation to September 30, 1903, with the accompanying reports submitted by the National Commission of said exposition, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives."

With the foregoing amendment, the committee recommend that the resolution do pass.

The Public Printer estimates the cost of this publication at $1,605.

Mr. PERKINS. I ask for the immediate consideration of this resolution with the amendment submitted as a substitute.

There being no objection, the House proceeded to the consideration of the resolution.

The amendment offered by the committee in the form of a substitute was agreed to.

The resolution as amended was adopted.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

ARMY APPROPRIATION BILL.

On motion of Mr. HULL, the House resolved itself into the Committee of the Whole on the state of the Union (Mr. OLMSTED in the chair) and resumed the consideration of House bill 10670, the army appropriation bill.

The CHAIRMAN. House bill 10670, the army appropriation bill, is now before the Committee of the Whole on the state of the Union for consideration under the five-minute rule.

The Clerk read as follows:

Contingencies of the Army: For all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, including the office of the Chief of Staff, to be expended under the immediate orders of the Secretary of War, $20,000.

Mr. HEMENWAY. I desire to call the attention of the chairman of the committee [Mr. HULL] to this language in line 8 on page 1:

For all contingent expenses of the Army not provided for by other estimates, etc.

I suggest that this language ought to be changed so as to read "not provided for otherwise;" that is to say, by appropriation bills, not estimates. Of course, many estimates are made that are not appropriated for.

Mr. HULL. The bill follows the language which has been in these bills for a good many years; but I have no objection to the change.

Mr. HEMENWAY. Then I suggest that the gentleman offer the amendment.

Mr. HULL. I prefer that the gentleman should do it.

Mr. HEMENWAY. I move to amend, in line 8, page 1, by striking out the words "by other estimates" and adding the word "otherwise."

The CHAIRMAN. The gentleman from Indiana moves to amend, in line 8, page 1, by striking out the words "by other estimates" and inserting in lieu thereof the word "otherwise."

Mr. HAY. Mr. Chairman, that makes very bad English. Make it "not otherwise provided."

Mr. HULL. I suggest that the word "otherwise" go in before the word "provided."

Mr. HAY. That is just what I suggested.

Mr. HEMENWAY. Insert the word "otherwise" before the word "provided."

The CHAIRMAN. The Clerk will report the amendment as now presented.

The Clerk read as follows:

Page 1, line 8, strike out the words "by other estimates" and insert before the word "provided" the word "otherwise."

Mr. HULL. That will read "contingent expenses of the Army not otherwise provided for."

Mr. HEMENWAY. That is it.

Mr. HULL. I have no objection; it amounts to the same thing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

Mr. HEMENWAY. In line 10 I offer the following amendment: Strike out the words "office of the Chief of Staff."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 10, strike out the words "office of the Chief of Staff."

Mr. HULL. The gentleman from Indiana desires to make that motion to strike out the words "including the office of the Chief of Staff." in lines 9 and 10?

Mr. HEMENWAY. "Including the office of the Chief of Staff."

I suggest to the chairman of the Committee on Military Affairs that in the legislative bill there is carried for the contingent expenses $50,000. The office of the Chief of Staff in the War Department shares in these contingent expenses, and I do not believe, and I am sure the chairman of the Committee on Military Affairs does not believe, that an office ought to have more than one contingent account to take money from. If that practice grows up, of leaving offices to have three separate contingent funds from which to draw, we have no way of keeping tab on the expenditures of that particular office. They ought all to be confined to one contingent fund. In this particular office I understand that there is some military business, but it is nearly entirely an executive office of the War Department, and it ought to be confined in the conduct of the business of that office to the contingent expenses appropriated for the War Department.

Mr. HULL. Is the gentleman through?

Mr. HEMENWAY. Yes, sir.

Mr. HULL. Mr. Chairman, I sincerely hope that the amendment offered by the gentleman from Indiana will not prevail. The Committee on Military Affairs for a great many years—ever since the Government had a Commanding General of the Army—appropriated a contingent fund for the General Commanding the Army. That office has been abolished. The Chief of Staff has taken the place of the General Commanding the Army. The committee in the consideration of this bill abolished the appropriation of $3,000 for contingent expenses for the General Commanding the Army, and consolidated that contingent expense with that of the Secretary of War. We were informed by the Department that unless we included the Chief of Staff in this appropriation, he would be excluded from whatever part of the contingencies under the direct control of the Secretary of War he might be entitled to otherwise.

I want to say to my friend from Indiana, further, that the Chief of Staff is more than an administrative officer. He is the commanding general of the Army, and when we deal with the appropriations they made an estimate, as was reported to us in the Book of Estimates, that they wanted us to report $3,000 for his contingencies. We believed that these contingent expenses should be put under one head, not going to the commanding general any longer, but making the Secretary of War directly responsible for its disbursement, and for that reason we gave them the $3,000 asked for out of the contingent expenses for Chief of Staff, under the disbursement by the Secretary of War, and allowed them, so as to cover the entire contingent expenses of that great Department, $20,000, where heretofore we had allowed in the bill $28,000. It seems to me that the gentleman from Indiana is mistaken when he wants to exclude this office from a proper share of this appropriation. For years the committee appropriated, as we were requested to do by the Department, giving to him a direct appropriation of $3,000 that he could expend under his own orders. In place of doing that, in the interest of what we considered good administration, we provided that he must go to the Secretary of War for whatever he needed out of this appropriation. I hope the amendment of the gentleman will be voted down.

Mr. HEMENWAY. I want to suggest this to the gentleman, and I desire to do it by the way of a question.

Let us understand each other. The appropriation for the General of the Army was contingent fund, not to be expended in the executive departments of the War Department. In other words, the contingent fund is to be expended for headquarters all over the United States. Now, then, I have no objection to this

contingent fund being carried in this bill if the gentleman will ask, by way of amendment, that no portion of this fund shall be expended in the Department at Washington. In other words, the lines drawn between the army bill and the legislative, executive, and judicial bill is that the appropriation for the Army shall be confined to the Army, to the different headquarters of the Army over the United States, and that the legislative bill shall carry the appropriation for the Executive Departments.

Now, among other duties the office of the Chief of Staff performs is duty up here in the War Department, where he has a corps of clerks to perform substantially the same duties that are performed by all the other clerks of the War Department. Then, as far as that Department is concerned, the Chief of Staff ought to be confined to the contingent fund appropriated for the War Department, but of course if he needs a contingent fund away from Washington, why he ought to have that contingent fund, but I want to call the attention of the Members of this House to this fact, that if you allow an officer up here in an executive department to have two or three contingent funds to draw upon we can not keep track of the contingent expenses of that office, and I believe an amendment ought to go into this item saying that no portion of this fund appropriated in this army bill shall be used in the executive department—office of Chief of Staff—in Washington.

I think the chairman can see my point, and that it is well made, that he ought not to have the right to reach out and take from this army bill contingent fund to be used up here in the Executive Departments, but as far as the object of the office of the Chief of Staff is concerned, outside of the Executive Department, let him share in this contingent fund.

Mr. PALMER. May I ask a question?

Mr. HEMENWAY. I will be glad to have you do so.

Mr. PALMER. What is this contingent fund, and what is it for? I notice on page 4 of the bill there is an item for contingent expenses at the headquarters of the several military divisions and departments, including the staff corps serving thereat, an item of $7,500, and on the same page, for contingent expenses of the military information division, an item of $10,000.

Mr. HEMENWAY. That is it.

Mr. PALMER. And on page 22 there are incidental expenses covering specific expenses estimated for, an item amounting to $2,000,000. Now, will you please tell me what this $20,000 is for—what it is to be expended for?

Mr. HEMENWAY. That is what I shall ask the chairman of the Committee on Military Affairs to do. I am going through this bill. As we come to the different items I desire to call attention to them. This Chief of Staff can draw from at least four contingent funds. I do not believe this is good legislation. I believe that the Chief of Staff ought to be confined to one contingent fund. Why, we have had in the House in the last few days all of this talk about carriage hire, the very items we have been unable to reach at and point out the particular fund from which they pay those expenses. If you can confine each head of a Department to one contingent fund, there will be no trouble in locating what the expenses are and what the money is expended for. If they are scattered here and there through different appropriation bills, and they come before this House in different contingent funds from which they can draw, it keeps up that confusion. Now, in the Book of Estimates for 1905, under the head of "Office of Chief of Staff" we find this estimate, for the military information division, office Chief of Staff, a corps of clerks which are doing business up here in the Executive Department.

They are carried on the legislative appropriation bill, where they properly belong, and $50,000 is appropriated for the contingent fund of the War Department. Now, then, what I believe ought to be done, and I hope the chairman of the Committee on Military Affairs will agree with me, is, as far as the duties of the War Department are concerned—the executive duties—the Chief of Staff be compelled to depend upon the contingent fund provided for that purpose. Now, as to his military duties, which extend beyond the executive duties of the War Department, appropriate for his contingent fund in one item, so that it can be located.

Mr. HULL. Mr. Chairman, one word further. I desire to call the committee's attention to the army appropriation bill of last year:

To defray the contingent expenses of the Commanding General's office or that of Chief of Staff, at his discretion, $3,000.

The words "for the Chief of Staff" were inserted in last year's bill because on the 10th of August the office of Commanding General of the Army ceased to exist and the office of Chief of Staff was created.

Mr. HEMENWAY. I want to call the gentleman's attention to the fact that the construction placed on that item was always this: That that contingent fund went for army purposes; but no portion was used for any executive department. If this item goes on, as is now provided, the Chief of Staff and his clerks in the War Department may share in this contingent fund. It is wrong because it duplicates the items. We have appropriated $50,000 in the legislative bill for that purpose.

Mr. HULL. The amendment is to strike out "including the Chief of Staff."

Mr. HEMENWAY. If the gentleman thinks that will embarrass the office, he can put it in another form.

Mr. HULL. I want to quote one or two sentences from the hearing before the committee, what the Secretary of War said on this proposition:

Secretary ROOT. And last year it was put in the alternative, "the office of Commanding General or Chief of Staff." Now, I never knew of the necessity of having it for the office of Commanding General, and so I do not know any reason why the office of Chief of Staff should have it, provided it is made clear that the appropriation for contingencies of the Army will cover such incidental unforeseen expenses—proper expenses in the office of the Chief of Staff.

The CHAIRMAN. Would it not, if that is left out? If that is put in, of course, none of this can be used for the Chief of Staff.

Secretary ROOT. I should suppose that inasmuch as the appropriation for contingencies of the Army has run along for a great many years and has not been considered to include contingencies at Army Headquarters, there would be danger of the same construction being applied to the office of Chief of Staff now—that is to say, that contingencies there were excluded.

Then he states that by putting it in here it would cover all doubt as to its being properly used as a part of this contingent fund. It seems to me that you have got to trust the Secretary of War in these appropriations. The Comptroller has to pass on the vouchers, and if you can not trust the Secretary of War to disburse this largely reduced sum, it would be better to take it out.

Mr. PALMER. May I ask the gentleman from Iowa a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Pennsylvania?

Mr. HULL. Certainly.

Mr. PALMER. I asked the gentleman from Iowa and the gentleman from Indiana to tell me what this contingent fund is to be used for, but neither of them did it. The gentlemen seem to be discussing an item of $3,000 which has been heretofore appropriated to the use of the General of the Army. Now, then, what is this item of $20,000 for contingency of the Army?

Mr. HULL. It was $28,000 last year and $50,000 before that.

Mr. PALMER. I do not care what it was last year. What I am trying to find out is what this contingent fund is for this year. The bill provides for almost every contingency, it would seem, that can be imagined. In one place it appropriates $7,500, in another place $10,000, in another place $2,000,000 for contingencies.

Mr. HULL. This fund is to cover certain expenditures which the Secretary of War thinks ought to be in the interest of good administration, and which are not provided for in any specific appropriation in the army or in the legislative bill.

Mr. PALMER. That is all right; but what are they for?

Mr. HULL. If the gentleman wants a specific statement, I imagine he would have to go to the War Department. We asked the question, and they said it was to cover various small items, and that they did not expend nearly all that was appropriated. One item that was mentioned specifically was a thousand dollars allotted to the new school for artillery at Fortress Monroe. It is to cover things that come during the year that are not provided for, that in the interest of public service must be met. It is in the discretion of a Cabinet officer.

If the gentleman will introduce a resolution asking for a detailed statement and vouchers of last year, I have no doubt they will be sent to Congress. Personally I would not be willing to reflect on any Cabinet officer of any party to the extent of challenging the disbursement of ten thousand or fifteen thousand or twenty thousand dollars, as the case may be.

Mr. PALMER. Well, now, as to the item mentioned by the gentleman from Iowa. On page 3 of the bill, line 10, you make an appropriation for this very school which the gentleman mentions. For that and other schools is appropriated the sum of $25,000. Can the gentleman mention some other item?

Mr. HULL. That is the only item that the Secretary of War mentions. The gentleman is mistaken when he says that is one of the things appropriated for in the bill that the contingent fund is used for. When that was used for the school it was not provided for by specific appropriation.

So the gentleman is entirely mistaken in that contention.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment:

In line 11, after the word "dollars," insert "provided that no portion of this sum shall be used by the office of the Chief of Staff in the executive department of the War Department at Washington."

Mr. Chairman, I hope the gentleman will accept that amendment, because that in no way reaches the expenditure of this contingent fund. In other words, it simply says that the appropriation for the contingent fund in this executive department shall not be duplicated here.

Mr. BUTLER of Pennsylvania. Does that change the usual practice?

Mr. HEMENWAY. No; it conforms to the usual practice. But if this item goes in this bill as it appears here now it allows the Chief of Staff, who is at the head of a corps of clerks up here at the War Department, to share in two contingent funds. We appropriated $50,000 for a contingent fund for the War Department, which is sufficient for that Department, including the office of the Chief of Staff in that Department.

If this item goes in here it allows one bureau in the War Department to share in two contingent funds, when every other bureau of the War Department would be confined to the contingent fund carried in the legislative bill, which is $50,000. It certainly is bad practice, and I hope the chairman of the committee will accept the amendment, because it simply says that in the office of the Chief of Staff, where he performs executive duties—not duties in connection with the Army—this fund shall not apply, and that he shall be confined, as he has heretofore been confined, to the appropriation made in the legislative bill.

Mr. HULL. Mr. Chairman, I do not know that I have any personal objection to the gentleman's amendment. It simply seems to me that he is arguing before the committee from a false basis. The Chief of Staff has no control over this contingent expense at all. It is under the direction of the Secretary of War.

Mr. HEMENWAY. I concede that, Mr. Chairman, but if you make this appropriation available for the office of the Chief of Staff in the executive department it permits him to share in two funds. I am not criticising the Secretary of War or any other Secretary, except I know that they take these contingent funds and expend them very often for what we deem to be unnecessary purposes. This very War College of which the gentleman speaks, down here at Fortress Monroe, was established without authority of law. It was established from a contingent fund. It is wrong; it ought not to be done, and I think the gentleman ought to concede that my amendment is proper, because we want to draw the line between the army bill and the Executive Departments, and all I seek to do by this amendment is to say that no sum herein appropriated shall be used in the executive department of the War Department.

Mr. HULL. Mr. Chairman, as I said, I have no personal objection to the amendment, but I have to the gentleman's argument. In the first place, the Chief of Staff does not control, as I stated, a dollar of this contingent fund. In the next place, he is not an executive officer under the terms that the gentleman refers to. He does not discharge or employ a clerk. He has nothing to do with the clerical work of the War Department.

Mr. HEMENWAY. Oh, yes, he has.

Mr. HULL. He is engaged in considering military problems, the discipline, management, and control of the Army as a whole.

Mr. HEMENWAY. He has charge of a force of clerks in the executive department, estimated for and appropriated for.

Mr. HULL. Of course, the Chief of Staff has clerks under him. So has the Quartermaster-General, and the heads of the other bureaus have clerks under them; but they can not appoint one of them. They can not remove one of them, except for cause. If they want to employ one they have to certify to the Civil Service Commission in order to get a clerk, and as a matter of fact the regulation of all the clerks is under the control of the Assistant Secretary of War and has been for the last four years.

Mr. HAY. Will the gentleman yield for a suggestion?

The CHAIRMAN. Does the gentleman yield?

Mr. HULL. Yes.

Mr. HAY. I suggest to the gentleman that if the amendment offered by the gentleman from Indiana [Mr. HEMENWAY] is agreed to, there is no use of this appropriation at all, because, as a matter of fact, a large portion of this contingent fund, if expended at all, is expended in the Department.

Mr. HULL. Not for the hire of clerks, however.

Mr. HAY. I call attention to page 21 of the hearings, where Secretary Root says:

> The question has arisen since August as to where payment was to come from for stationery and expenses of that kind in the office of Chief of Staff, whether that was to be supplied from the army appropriation——
> Mr. SCOFIELD. The War Department appropriation.
> Secretary ROOT. The War Department appropriation, or to come out of this contingent fund. I do not remember how that was settled.

Mr. Scofield, the chief clerk, said it was not settled at all. That would show that stationery and things of that sort which are needed in the office of the Chief of Staff and in the office of the Secretary of War come out of this contingent fund, and if it is not expended in the Department, then the appropriation ought to be stricken out.

Mr. HULL. In the hearings this question was brought to the attention of the Secretary of War quite fully, and he said that he did not remember how much of the $25,000 was expended, but not nearly all of it. In another place I asked the question whether he could give us some idea for what this contingent fund was used. I confess I did not know. He said:

> They are small things. As a rule, we are not permitted to use it for anything for which an appropriation is made specifically. They are very small items.

Now, it seems to me, especially after the gentleman from Virginia has said it would be a mistake to hamper the Secretary in a little appropriation like this, we should not adopt this amendment. I hope it will not be done.

Mr. HEMENWAY. The gentleman from Virginia [Mr. HAY] has brought out just what I tried to bring out. The army appropriation bill, it must be conceded, has nothing to do with the Executive Departments of the Government. If the statement by the gentleman from Virginia is true, then this item has no business on the army appropriation bill and is subject to a point of order. It is simply an effort on the part of the Secretary of War and the War Department to increase the item which is appropriated in the legislative appropriation bill and get an additional amount out of which they can take money for contingent purposes.

The object of Congress is to keep track of all these items; to appropriate for them in the proper place, the army bill taking care of the Army, the legislative, executive, and judicial appropriation bill taking care of the Executive Departments.

All I seek by this amendment is to provide that no portion of this sum shall be used for contingencies in the Executive Departments of the Government.

Mr. PARKER. Have you not already provided that that shall not be done by introducing the words "not otherwise provided?"

Mr. HEMENWAY. No. Under the language of this provision the $20,000 here provided for could be used, every cent of it, by the Secretary of War in the executive department of the Government—in the office of the Chief of Staff.

Mr. PARKER. Then, it is not otherwise provided for by the legislative appropriation bill?

Mr. HEMENWAY. In the legislative appropriation bill we provide $50,000 for this item. But if you provide here that the office of Chief of Staff may share in this $20,000, the Secretary of War may take every dollar of it and use it in the executive department.

It is my duty to call the attention of the House to a condition of things which we are trying to avoid; and I am sure the chairman of this committee, when he first admitted that he had no personal objection to this item going out, realized the fact I am stating. I hope the Committee of the Whole will adopt the amendment.

The CHAIRMAN (having put the question on the amendment of Mr. HEMENWAY). The ayes appear to have it.

Mr. HULL. I call for a division.

The question was again taken; and there were—ayes 65, noes 33.

So the amendment was agreed to.

Mr. HAY. I move to amend by striking out in line 11 the words "twenty thousand dollars," because after the adoption of the amendment of the gentleman from Indiana there will be no use whatever, so far as I know or can ascertain, for this appropriation of $20,000.

Mr. HULL. I hope that amendment will not prevail.

Mr. HEMENWAY. This embraces all branches of the military service, including the headquarters at Chicago and the headquarters at St. Louis.

Mr. HAY. Not at all; they are provided for in other portions of the bill.

Mr. HEMENWAY. If the gentleman thinks they are sufficiently provided for, then there is no reason why his amendment should not be adopted.

Mr. HAY. All the department headquarters are provided for in another part of the bill.

Mr. HEMENWAY. Then the amendment ought to be adopted.

Mr. HULL. I hope the amendment will not be adopted. There is need for some contingent fund. There has never been a bill of this kind, even when the Committee on Appropriations took charge of these bills, that did not provide a contingent fund at the disposition of the Secretary of War—in this bill as well as the legislative bill. That was when they had jurisdiction of both bills. They segregated the items and struck out the appropriations and left to the Secretary of War a small fund to protect the interests of the Government. My judgment is that it would be a great mistake to take this out.

Mr. HAY. Will the gentleman allow me a question?

Mr. THAYER. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. HULL. Certainly.

Mr. THAYER. Some of us over here would like to know what you are going to give this money for. If the gentleman from Virginia is right, there is no need of it, and it will have to be turned back into the Treasury. We would like to be informed as to what is to be appropriated for.

Mr. HULL. The Secretary of War so carefully administered this fund last year that half of it was turned back into the Treasury. It appears to be absolutely necessary, because there are places outside of the city of Washington where he has to have the use of the contingent fund or have the interest of the Government suffer. I certainly hope my friend from Virginia will withdraw his amendment. It is a mistake on the part of the House to put a limitation on the use of the fund and in my judgment is a reflection on the administration of the War Department to some extent. But to strike it out would simply make another error.

Mr. HAY. Will the gentleman allow me to ask him a question?

Mr. HULL. Certainly.

Mr. HAY. Does not the amendment put upon it, just passed, do away with the necessity for it?

Mr. HULL. I think not.

Mr. HAY. How can it be used elsewhere?

Mr. HULL. It can be used in the Artillery School and the publication of the journal.

Mr. HAY. I know that practically this fund or some of it was used for acquiring information for which there was no other fund provided; and it ought to be on the bill without any limitation; and it ought to be intrusted to the Secretary of War; and that is the way it has been used heretofore. It is not being used in any improper way, and therefore, when you are going to put this limitation on it, you are going to eliminate the use of it, and therefore I offer the amendment to strike it out altogether.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Virginia.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

For contingent expenses at the headquarters of the several military divisions and departments, including the staff corps serving thereat, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, books of reference, professional newspapers and periodicals, and police utensils, to be allotted by the Secretary of War, and to be expended in the discretion of the several military divisions and department commanders, $7,500.

Mr. HEMENWAY. Mr. Chairman, I just ask for information of the gentleman in charge of this bill what is meant by this. I see the word "divisions" added.

Mr. HULL. That is on account of the general order of the War Department creating divisions. They were heretofore known as "departments" and now "divisions," one division including two or three departments. The departments come under the brigadier-generals and the divisions under the major-generals. The new departments were made on account of a recent order of the Department creating these new divi ons.

The Clerk read as follows:

For contingent expenses of the military information division, General Staff Corps, including the purchase of law books, books of reference, professional periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad, and of the branch office of the Military Information Division at Manila, to be expended under the direction of the Secretary of War, $10,000: *Provided*, That hereafter section 3648, Revised Statutes, shall not apply to subscriptions for professional newspapers and periodicals to be paid for from this appropriation.

Mr. HEMENWAY. Mr. Chairman, I desire to call the attention of the chairman in charge of the bill to the fact that the provisions of this item, from line 7 to line 17, would be to repeal section 3648 of the Revised Statutes, so far as it applies to the purchase of these newspapers and periodicals is concerned. This appropriation for the purchase of newspapers and periodicals ought to be made.

Mr. HULL. It is the same that we had in the last year, and the hearings of last year give very full information.

Mr. HEMENWAY. I call his attention to "periodicals and newspapers." The gentleman remembers——

Mr. HULL. We put the word "professional" in this year, so as to make a limitation, so that they can not buy any ordinary magazine or newspaper or general news or ordinary publication. We intended to limit it to newspapers and periodicals containing military information, in the nature of giving them information, like text-books, or something of that kind.

Mr. HEMENWAY. The gentleman remembers that that was the language used many years ago, and under that language, "professional periodicals and newspapers," we found a library containing The Lady in White and all the other novels that were being printed in this country, trashy as well as good, and I suggest that you put a limitation on the amount to be expended for professional newspapers and periodicals, whatever the gentleman thinks is really enough.

Mr. SLAYDEN. I want to suggest to the gentleman from Indiana that when we had the item under consideration in the committee room, apprehending exactly the difficulty which he has pointed out, I believed then it would be wise, and I believe now it would be wise, to make a clearer definition of the provision made for professional publications.

Mr. HEMENWAY. I just suggest a limit on the amount, say, of $100 or $150—whatever is necessary.

Mr. HAY. I would suggest to the gentleman from Indiana that the statutes require that they shall be paid for when they are bought.

Mr. HEMENWAY. Yes.

Mr. HAY. Now, the officers stationed at the different headquarters and legations abroad can not do that, because the appropriation is not then available for the purpose, and the purpose of this is to enable them to pay the subscriptions to these professional newspapers out of the funds or out of the appropriation—in other words, they have heretofore been obliged to pay for it out of their individual funds. That is the purpose of this.

Mr. HEMENWAY. But there should not be a rule for this Department that does not apply to the other Departments of the Government, and there is one fixed rule of the Government—that it never pays for anything until it is delivered, and it is a very good rule. Now, as to the last provision, I shall make the point of order when we reach it; but as to the first provision, in regard to professional periodicals, there ought to be a limit in this bill in the amount to be expended for that purpose, because under this exact language grew up the practice of the Departments of buying all kinds of novels and building up libraries.

Mr. SLAYDEN. Do you not believe if you put the word "purely" in front of "professional" it will cut off your French novels?

Mr. HEMENWAY. I think we ought to limit the amount expended for this purpose.

Mr. HULL. I do not think this whole question is worth ten minutes' time. The only reason for putting in this proviso was to enable officers at Manila and distant points to obtain these professional publications. If the gentleman can show that under this language where the word "professional" is put in that any Department could purchase novels, the Lady in White mentioned especially, and other novels, I should be in favor of not giving them any discretion whatever.

Mr. HEMENWAY. I want to insist right now that we have not reached the proviso and that we are discussing this item for professional periodicals. When we reach the proviso I intend to make the point of order.

Mr. HULL. Oh, it is subject to it. I will not discuss it a minute.

The CHAIRMAN. One moment. The Chair would suggest that there is nothing before the committee, no motion having been made, no amendment offered, or point of order raised.

Mr. HEMENWAY. I suggest to the gentleman that he offer his own amendment, or I will offer it if he does not desire to do so. The amendment I would suggest would be that for the purchase of professional books a sum not to exceed $200 shall be available.

Mr. DENNY. Strike out "books."

Mr. SLAYDEN. Professional periodicals.

Mr. HEMENWAY. In line 14, "*Provided*, That a sum not to exceed $200 of the amount herein appropriated shall be available for the purchase of professional periodicals and newspapers."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "dollars" in line 14, page 4, insert: "And not to exceed $200 of the sum herein appropriated"——

Mr. HULL. Provided not to exceed $200——

Mr. HEMENWAY. Yes.

The Clerk continued to read, as follows:

Provided, Not to exceed $200 of the amount herein appropriated shall be available for the purchase of professional books and periodicals.

Mr. HULL. No, no; he said he did not intend to include books.

Mr. HEMENWAY. Professional newspapers. I would follow the language of your bill and make the limit $200.

Mr. BUTLER of Pennsylvania. This is a new provision.

Mr. HEMENWAY. Not that part of it.

Mr. BUTLER of Pennsylvania. Is there any evidence that the privilege given to the Secretary of War or the proper officer was

violated last year in the purchase of books and professional newspapers?

The CHAIRMAN. The question is upon the amendment——

Mr. BUTLER of Pennsylvania. Let us have it reported again.

The CHAIRMAN. The Clerk will again report the amendment.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Let the amendment be again reported.

The Clerk read as follows:

After the word "dollars," in line 14, insert: "*Provided*, That not exceeding $200 of the amount herein appropriated shall be available for the purchase of professional newspapers and periodicals."

Mr. PARKER. Mr. Chairman, I desire to say that this amendment would be certainly one of the very worst that could be adopted. If there is any part of the whole War Department that should be given a very free hand, it should be this very information bureau.

It is well known that the professional periodicals abroad in a foreign army are published secretly for the use of the officers of that army. The sale of the books with reference to the guns and artillery in France was one of the matters of which Dreyfus was accused. These books are distributed secretly over the particular country. Their acquisition may need large sums of money and at particular times would be of the greatest advantage to our Army, and any limitation placed on this particular section that takes away from our officers abroad the right to get such information as we may need at home is, in my judgment, a great mistake, and I can not understand any such penny-wise and pound-foolish policy.

Mr. HAY. Mr. Chairman, I trust the amendment of the gentleman from Indiana will not be agreed to. We have a great many embassies abroad. I do not know how many, but we have to provide for those professional periodicals for the military information bureau of the General Staff every year. They have to be provided for in each of the embassies abroad. They have to be provided for at the military information division in the Philippine Islands. Two hundred dollars will not begin to provide for the professional periodicals and newspapers at all the different places.

Mr. HEMENWAY. Will the gentleman permit a question?

Mr. HAY. Certainly.

Mr. HEMENWAY. How much will it take to provide for professional periodicals and newspapers?

Mr. HAY. I do not know; I never saw an estimate of it. I know the professional periodicals are much more expensive than other periodicals, because their circulation is limited to professional men.

Mr. HEMENWAY. It would not cost the whole $10,000?

Mr. HAY. No; that includes books of reference.

Mr. HEMENWAY. Certainly. All I want to do is to limit the periodical item so as to prevent the purchase of anything that is not for professional use of the Army. We know, as a matter of experience, where that item goes. When they have the benefit of the full $10,000 they go clear beyond reason. It has been demonstrated in every Department of the Government.

Mr. HAY. Will the gentleman point out any instance where the War Department has spent any part of this appropriation for the purpose of buying novels or any book which was not necessary for use and information of the military department?

Mr. HEMENWAY. Yes; I will point it out.

Mr. BUTLER of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Virginia yield to the gentleman from Pennsylvania for a question?

Mr. HEMENWAY. The gentleman from Virginia is asking me a question.

Mr. HAY. I will yield to the gentleman from Pennsylvania.

Mr. HEMENWAY. Doesn't the gentleman from Virginia want me to answer his question?

Mr. HAY. Yes.

The CHAIRMAN. The committee will be in order. The gentleman from Pennsylvania addressed the Chair, and the Chair asked the gentleman from Virginia if he would yield to the gentleman from Pennsylvania.

Mr. HAY. Mr. Chairman, as soon as I get through with the gentleman from Indiana I will yield to the gentleman from Pennsylvania for a question.

Mr. BUTLER of Pennsylvania. All right; there is some hope. [Laughter.]

Mr. HEMENWAY. The gentleman from Virginia has asked me to point out where the War Department has ever purchased any books that were not necessary. I point to the library up in the War Department.

Mr. HAY. Not out of this appropriation.

Mr. HEMENWAY. The War Department has a library that contains novel after novel that has been purchased out of just such appropriations as this.

Mr. HAY. Have they been purchased out of this appropriation?

Mr. HEMENWAY. No; because this appropriation has not passed the House.

Mr. HAY. Oh, well, the gentleman knows that I mean appropriations that have passed the House in this bill.

Mr. HEMENWAY. Certainly. Where else could they get them?

Mr. HULL. Out of the appropriation in the legislative bill. [Laughter.]

Mr. HEMENWAY. They have got it out of all these items, and that is the reason I am trying, in my feeble way, to prevent their doing it again. If the gentleman will state how much it will take to buy these professional newspapers and periodicals, I will suggest that limit. If it is a thousand dollars, make it a thousand dollars.

Mr. HAY. Can the gentleman tell me who it was that bought these novels?

Mr. HEMENWAY. The heads of the different departments.

Mr. HAY. The heads of the departments?

Mr. HEMENWAY. I can not go into details; the books are there in the library.

Mr. HAY. Somebody must be charged with the purchase of these books. Who violated the law?

Mr. HEMENWAY. The heads of the departments, with the approval of the Secretary of War, or else the books could not be there.

Mr. HAY. Then the gentleman says that these novels have been purchased by the heads of the divisions, with the approval of the Secretary of War?

Mr. HEMENWAY. That is the only way they could be purchased, and there is a library full of them that anyone can see who will go and look.

Mr. HAY. What Secretary of War?

Mr. HEMENWAY. I don't know. It runs back very many years.

Mr. HAY. The present Secretary of War?

Mr. HEMENWAY. I don't know whether it has been done recently or not.

Mr. HAY. His predecessor?

Mr. HEMENWAY. Why, the gentleman's predecessor, evidently, because it is during my term in Congress that we have tried to suppress this evil and that we have tried very often to transfer these great libraries to the Library of Congress, or to some central library in the District of Columbia, but every Department of the Government has built up a library.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. Mr. Chairman, I will ask that the gentleman from Virginia have five minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Virginia may proceed for five minutes. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, I do not want to vote for this appropriation if what the gentleman from Indiana [Mr. HEMENWAY] says is true, but there is no doubt about the fact that the Army and the officers of the Army ought to be equipped with proper information.

Mr. HEMENWAY. Why, certainly.

Mr. HAY. And that they ought not to be obliged to buy these periodicals and newspapers themselves.

Mr. HEMENWAY. But let me say right there——

Mr. HAY. I will yield in a moment. I was going to say that if this abuse has arisen it ought to be put down. If these novels that the gentleman speaks of have been bought, the practice of buying them ought to be stopped; but I have been in the library at the War Department and I confess that I did not see the books to which the gentleman refers. However, as I say, if that is true, that this abuse exists, the gentleman ought to be able here to produce some specific information and not to make a general charge that all the heads of the different bureaus and the Cabinet officers have violated the law and have perpetrated an outrage upon the country by expending a fund intended for one purpose in buying French novels and things of that sort. Now I will answer the gentleman's question, if he desires to ask one.

Mr. HEMENWAY. The only thing I desire to say is, that if the gentleman knows the amount of money necessary to buy these periodicals and newspapers and knows that $200 is not enough, why, let us make it enough, but limit the amount that can be expended for that purpose on this bill to a reasonable sum.

Mr. HAY. I am perfectly willing to meet the gentleman on that; but the complaint of the gentleman is not that too much money has been expended for professional periodicals and newspapers, but that it has been expended for novels.

Mr. HEMENWAY. And I refer the gentleman to the libraries

of the different Departments of this Government for evidence of that fact.

Mr. HAY. Therefore the gentleman's amendment, which would limit the purchase of periodicals and newspapers, would not apply to the abuse of which he complains; and it is impossible for me to say how much money it will take to annually subscribe for the different professional periodicals and newspapers which may be necessary here or at the different embassies abroad or in the Philippine Islands. Therefore I do not know how to meet the gentleman on that particular ground.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am glad to say that here is something else upon which we do not propose to stand altogether pat.

Mr. Chairman, I believe that the position of the gentleman from Indiana [Mr. HEMENWAY] is partially well taken. I do not believe that the proper way to meet it is to strike out the appropriation, however. I remember that several years ago when we looked into the library which had accumulated at the Department of Agriculture we found all sorts of books there, and we found in addition to that all sorts of newspapers and periodicals being taken at public expense. We cured that evil by introducing a limitation upon the appropriation.

Mr. HEMENWAY. Just what I seek to do here.

Mr. WILLIAMS of Mississippi. That no book should be bought except of a strictly technical character, pertaining to the work of the Department of Agriculture, and I think that sort of an amendment ought to be entered into the provisions upon each bill that comes in here making appropriations for these several Departments. Each Department has its library, and each Department ought to have its library of technical works, pertaining to the duties of the Department, because it is almost impossible to carry on the work, let us say, of the Agricultural Department, without a library of chemical works and biological works, etc.; and it is almost impossible to carry on the work of the War Department without works on fortifications and perhaps some works on military histories, even going that far; but these provisions on all these bills ought to be carefully and strictly carried out. The language ought to be such as to admit of nothing except technical books and periodicals pertaining to and necessary for the operation of the work of the Department itself.

Mr. HAY. Has the gentleman read the language of the bill?

Mr. WILLIAMS of Mississippi. Yes, sir; I am just reading it.

Mr. HAY. It provides for "the purchase of law books, books of reference, professional periodicals, and newspapers."

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon. As I read the clause it provides "for the purchase of necessary articles of office, toilet, and desk furniture, binding, maps"——

Mr. HAY. Oh, no.

Mr. WILLIAMS of Mississippi. Then come "books of reference."

Mr. HAY. It is the paragraph on page 4, line 7, that we are talking about.

Mr. WILLIAMS of Mississippi. The particular matter in the bill which pertains to books is the clause beginning line 23, page 3, and that is where this item ought to come in.

Mr. HAY. That is an entirely different proposition.

Mr. WILLIAMS of Mississippi. This is a specific item which covers the matter in another place. It says "books of reference," but it does not say "technical books of reference." Then the language continues: "professional newspapers and periodicals." But the language is not sufficiently guarded. I think the word "technical" ought to be used.

On page 4, in line 7, to which the gentleman from Virginia refers, we have similar language:

> Including the purchase of law books, books of references, professional periodicals, and newspapers.

But it does not say "technical books of reference." The language used would cover encyclopedias, dictionaries——

Mr. HAY. Ought they not to have a dictionary?

Mr. WILLIAMS of Mississippi. Well, I have my doubts whether this Government ought to furnish anybody with a dictionary.

Mr. HAY. These are not to be furnished to everybody, but are for the use of the Department as a whole.

Mr. WILLIAMS of Mississippi. Well, I have my doubts whether each of these Departments ought to be furnished with a set of encyclopedias. Under the language "books of reference" meteorological books might be furnished to the War Department and works on fortifications to the Agricultural Department.

I do not know how far this abuse has gone in the War Department. We have corrected it in the Department of Agriculture, or we had it corrected for a while. I know that for a while the purchases in this line were confined to such books, periodicals, etc., as treated technically of those subjects with which the Agricultural Department had to do.

Mr. HEMENWAY. I think generally the matter has been corrected now in the different Departments. All I am seeking to do now is to continue such legislation as will keep it corrected.

Mr. WILLIAMS of Mississippi. This is not at all a party question; but I think the gentleman has made a mistake in moving to strike out the appropriation.

Mr. HEMENWAY. I have not moved to strike it out, but simply to limit the amount that may be used for the purchase of newspapers and periodicals to $200. If that sum is not enough, make it more.

Mr. WILLIAMS of Mississippi. I would not limit the amount of money, but would define the purpose or character of the books, etc.

Mr. HEMENWAY. Then let the gentleman suggest an amendment of that kind. All I want is a proper limitation.

Mr. SLAYDEN. Mr. Chairman, if the libraries in the War Department contain the class of books that the gentleman from Indiana says they do——

Mr. HEMENWAY. I do not specify any particular Department. I think the evil runs through different Departments.

Mr. SLAYDEN. Then I will amend my language by saying that if any Department contains the class of books that the gentleman from Indiana has indicated that they do it is clear that the law has been violated, and I quite agree with him that the language of this bill ought to be such that it will be impossible for any executive officer to justify the purchase of any such books as he has mentioned.

From the time we began the consideration of this bill I have favored the insertion of such words as would limit these purchases to books and periodicals of a purely professional class. I believe that such language ought to be inserted here, and, if we may be permitted by the committee to return to the preceding paragraph of the bill, it should be inserted at the end of line 2, thus correcting this particular evil, while not interfering at all with the amount of money appropriated.

Mr. HEMENWAY. That is all right.

Mr. SLAYDEN. Then, Mr. Chairman, I ask unanimous consent to return to line 2, page 4, and insert after the word "maps"——

Mr. HULL. That certainly is not in order now when we are considering another amendment.

Mr. SLAYDEN. Then I move to amend by inserting before the word "professional," in line 9, page 4, the word "technical."

The CHAIRMAN. There is an amendment pending, offered by the gentleman from Indiana.

Mr. HEMENWAY. Mr. Chairman, I only seek to remedy this evil, and I withdraw my motion.

The CHAIRMAN. The gentleman from Indiana withdraws his amendment, and the gentleman from Texas offers an amendment.

Mr. SLAYDEN. Line 9, on page 4, before the word "professional," which occurs near the middle of the line, insert the word "technical."

The Clerk read as follows:

> So as to read: "Books of reference, technical professional periodicals, and newspapers."

Mr. HULL. Do you want that? Why not put in the word "and?"

Mr. SLAYDEN. Professional and technical.

Mr. HULL. Make it professional and technical, so that it will apply to technical books of reference.

Mr. SLAYDEN. Then, Mr. Chairman, I move to amend it by inserting the words "professional and technical" between the words "professional" and "periodicals."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Texas.

Mr. PRINCE. Mr. Chairman, the gentleman from Indiana has stated that abuses have grown up in the War Department, especially mentioning that Department in so far as its library is concerned. He has specifically charged that under the direction of the heads of the Departments, with the approval of the Secretary of War, a lot of trashy literature has been added to that library. He said it was "the Secretary of War;" he did not proceed to say whether it was the present Secretary or his predecessor. He said that such had occurred during his term of service in Congress, but he would not state that it had grown up and was being practiced under the present Secretary of War. As I recollect, he distinctly stated there was no abuse now, in so far as this appropriation is concerned.

It seems to me a little strange, after eight years of service in the House, connected largely during a part and perhaps all the time with the committee of which he is now the honored chairman, that he had not called the attention of this House earlier to this supposed abuse.

Mr. HEMENWAY. Will the gentleman permit me to interrupt him?

Mr. PRINCE. I gladly yield to the gentleman.

Mr. HEMENWAY. If the gentleman had kept in touch with the performance of the "gentleman from Indiana" on this floor, he would have known that the attention of this House has been called to it quite a while ago, and that upon bills that come from the Committee on Appropriations the item is now carried and has been for a few years last past.

Mr. PRINCE. I am very glad to know that it has been carried, so far as that bill is concerned. But let me say to the House that the bill that passed the last Congress making the appropriation for the support of the Army for the year ending June 30, 1904, had in it the same provision that it has now. We have sought in this bill that we now present to the House at this session of Congress to limit it by inserting the word "professional." The gentleman from Pennsylvania, who sought the floor, sotto voce said that he would like to know if this provision had been abused during the past year. He never had an opportunity to present that question, but the chairman of the Committee on Appropriations has answered it to the House, stating that at present there is no violation of this law.

Mr. HEMENWAY. Oh, if the Chair please, the "gentleman from Indiana" has made no such statement. What he said was that so far as he knew in the last few years there had been no violation of any of these appropriations by buying unprofessional books, and he was emphasizing what was in the bill in trying to prevent the abuse. I am not criticising the Committee on Military Affairs. They put in this word "professional," seeking to do what I seek to do, and I only suggest that they go a little further. I am not here trying to criticise this committee, but I am here trying to help them perfect this provision.

Mr. PRINCE. I did not understand that the gentleman was trying to criticise the committee. So far as I understand his first statement I exonerate him, and do not in the slightest degree make any charge against him in that way. It seems to me strange, however, that an executive officer of this Government, who, like ourselves, has taken an oath to carry out the provisions of the law, has engaged in or should be seduously anxious to evade the law. For myself, I am loath to think that there is an executive officer that is seeking to evade the law rather than to carry out the provisions of the law, and until some specific and direct charges are made upon that question I shall refuse to entertain any such belief on my part as a Member of this House. Therefore I can see no reason why such an amendment should prevail to-day. As there has been no abuse of the law in the past, and this provision was in the law of the prior enactment, I hope and trust that this amendment will not obtain.

Mr. ROBINSON of Indiana. Mr. Chairman, I move to strike out the last word. I agree with the spirit that seeks to limit appropriations, as suggested by my colleague from Indiana [Mr. HEMENWAY] and the gentleman from Texas [Mr. SLAYDEN], and desire to suggest to the House that, without innuendo, I will speak directly. I charge that officers of the Government, its bureaus, and Departments, by a system of construction of our general language in appropriation bills, by a system of enlargement and a running wild in construing, have exhausted our patience and have taken subjects from the control of Congress.

While what I cite may only be an analogy in the matter under discussion, it is sufficient here to put us upon inquiry and to urge us to insist that general appropriations shall not be made unless we know to what they are to be applied. There are reasons for this course stronger than have heretofore existed, because evils in construction have grown up. The War Department—the Board of Ordnance and Fortification in that Department—has permitted an expenditure for scientific purposes of thousands in a vain attempt to breathe life into an air-ship project which never had a substantial basis, and which collapsed, thus showing the correctness of what I say. This was wasteful expense and should have been, it seems, so regarded by everyone. It had no utility about it. This the officers did without the express sanction of Congress by a misconstruction of an appropriation bill in its terms general, but clearly never intended for adventure. We should have had last year in that bill, as we should in this, a limit by express legislation and restriction.

In 1888 Congress established a board of officers known as the Board of Ordnance and Fortification, and it was stated that "the board shall be under the direction of the Secretary of War and subject to his supervision and control, and that it shall be composed of army officers," and it provided that a large appropriation should be available for "experiments and tests" for "implements and engines of war," for "devices," etc., and "before any of the money shall be expended it shall be made clear to the board that after due inquiry the Government of the United States has lawful right to use the invention." Did Congress thereby or by the last fortification bill authorize feats that clearly meant the sinking of air ships in the Potomac? The salary account for years has gone on to the extent of many thousand dollars a year in a futile invention of an air ship, and not with our sanction.

Air-ship vagaries prevail, the result of inattention of our officers, a misconception of our purposes, the result of a wide interpretation of Congressional action in general terms, and it has cost the Government many thousands, when the scheme never had a grain of promise of utility about it. This board is under the direction of the Secretary of War, and is composed of war officers, a board sanctioned by this Congress, which gave them in 1888 an appropriation of millions with which to operate. By the fortification bill of last year we gave them $100,000 of money to be wasted on this scientific aerial navigation experiment. No; that never was our purpose. But it was wasted because, perchance, a professor, wandering in his dreams of flight in the air, sought to impress, and did impress, upon the officers who were charged with the expenditure of public money the solidity of the foundation on which he built his air castles.

I commend the gentleman from Illinois [Mr. PRINCE] for standing by Government officers in proper expenditures, and I am sure he will join in correcting errors. We can all join in placing curbs and checks in our bills, so that violent interpretation shall not obtain and extravagance ensue. Let us close the gaps. Let us not give the invitation. We can then fix the responsibility.

If we allow our appropriation bills to be general in language and do not curb them, and do not specifically limit them in character, in kind of literature, as in this case, and in the amount to be expended specifically, they will be subject to every flight of fancy, and the money of the people will be dissipated. I take it that nobody on that side of the House or this, had he been charged with the execution of the law, would have expended this money under the language of that act. This money is gone, lost—sunk forever in the bottom of the Potomac River by this aerial phantasm, without our approval. I call this to the attention of the House as an analogy to guide us to the way we ought to guard the appropriations and limit them more closely and make them specific.

Mr. BINGHAM. Mr. Chairman, in the matter of contingent expenses the Committee on Appropriations have at all times encountered difficulty. Every deficiency bill that comes into this House carries in some page or some part the claim from a Department for a deficiency greater than the appropriation ran. This House but a few days ago qualified the contingent account of every Department of this Government in these words:

Contingent expenses, War Department, for the following sums, which are so apportioned as to prevent deficiencies therein, namely:

To the War Department we gave $50,000, together with $25,000 additional for stationery. That ran to the Interior Department, "For professional and scientific books, etc., $1,000, of which sum $250 may be used for the Civil Service Commission." In the Navy Department we make the same qualification.

In fact, in every Department we qualified distinctly an apportionment of the contingent fund. Why? Simply because your Committee on Appropriations is met every year with the claim from the Departments for greater sums than the contingent sum appropriated. Five years ago the Navy Department, of its own volition, came to the Committee on Appropriations and submitted that there should be one fund for the Department with regard to books of reference and technical and professional books, for the reason that the heads of bureaus were taking from the increase of the Navy fund thousands of dollars annually for professional and scientific books.

Your committee have endeavored to correct that, and believe in the several Department bills that will come from the Committee on Appropriations there will be the same limitations that were put in the legislative, executive, and judicial bill, recently passed this House. There should be a limitation on this fund wherever there is a contingent expense account, and it is simply a question of being consistent with the action of the House a week ago that there should be a limitation upon professional books, law books, periodicals, and newspapers in this contingent fund.

Mr. CALDERHEAD. Mr. Chairman, the gentleman from Indiana has modified his original charge against the Department since he began this discussion.

Mr. HEMENWAY. Will the gentleman from Kansas permit a question?

Mr. CALDERHEAD. Yes.

Mr. HEMENWAY. I will ask the gentleman if there is not in the War Department a circulating library of fiction?

Mr. CALDERHEAD. If the gentleman will not interrupt me until I have made a statement that would justify such a question as that——

Mr. HEMENWAY. The gentleman said that the gentleman from Indiana made a charge. I ask him if there is not in the War Department a circulating library?

Mr. CALDERHEAD. I will answer the gentleman in my own way. I will state, for my information is direct from the chief in

charge of the Bureau that he accuses, that there has not been a novel or a book of light literature purchased for that library out of any funds provided by this Congress in the last ten years. There is a library of novels and light literature there, bought by the money of the officers themselves out of their own pockets, and last year a large donation was made by the librarian in Philadelphia. These books are probably in use, probably in some bookcase over there, and in some moment of economy the gentleman from Indiana may either require rent from the officers for the space occupied by the bookcase there, or require that they shall be kept in some other place. [Laughter.]

The expense of this discussion for the last forty minutes has probably cost the country more than would have been used by the Department for the purchase of the papers that he objects to if it had been used that way. I repeat again the statement that my information is direct from General Greely, whose honor and integrity I know the gentleman from Indiana does not intend to impeach before this country, that no purchase of light literature, or of any novel, or of any general literature of that kind has been made out of any fund provided by Congress in the last ten years. It is unfair to the officers for the gentleman to stand here in his place and say that a short time ago he found a novel called "White Wings" there, and make that a ground for objection to this bill.

Mr. HEMENWAY. The gentleman said he would yield, and now I desire to ask him a question.

Mr. CALDERHEAD. Very well.

Mr. HEMENWAY. What proportion of the library in the War Department was purchased from appropriations in different bills and what proportion by subscription of the clerks?

Mr. CALDERHEAD. None of the books which are not professional, not technical, not law literature were purchased by the Department out of appropriations. No novel, no volume of general literature has been bought out of any fund appropriated by this Congress within the last ten years.

Mr. HEMENWAY. I put the question again about the library there. What proportion was purchased by Government funds and what portion by private subscription?

Mr. CALDERHEAD. I do not know; I have not sufficient knowledge to answer the gentleman. The library was built up by efforts of the Secretary.

Mr. HEMENWAY. The gentleman has not sufficiently answered my question.

Mr. CALDERHEAD. I say, upon the authority of General Greely, that no such purchase has been made within the last ten years.

Mr. HULL. Mr. Chairman, it is very difficult for me to know just what proposition is before the committee at this time, but I want, before I call for the amendment, to address myself for a few moments to the question of this appropriation and to quote from the RECORD as to what is done with it. I want to say to this committee that I would not be afraid to stake my reputation on a proposition that under the contingent expense of the military information division of the General Staff Corps, including the purchase of law books and books of reference, no single book has ever been bought that was not contemplated by the action of Congress.

Mr. GROSVENOR. Will the gentleman from Iowa permit an interruption?

Mr. HULL. Yes.

Mr. GROSVENOR. I suppose that historical books relating to the war would properly come under the purchase authorized by Congress?

Mr. HULL. I doubt if simple histories of the war would come under this appropriation.

Mr. BINGHAM. It would be a book of reference.

Mr. GROSVENOR. I have been wondering whether the purchase of these novels, after all, could not be justified if we could only get the names of them from somebody. What I wanted to know was whether Gen. Charles King's novels have been purchased by the War Department as a part of the military history of the Army? [Laughter.]

Mr. HULL. Mr. Chairman, I did not yield to the gentleman for that question.

Mr. GROSVENOR. I want to ask the gentleman if he does not think that they would stand well on a par with some of the unofficial reports that we have had printed about the Army by the War Department? [Laughter.]

Mr. HULL. Well, Mr. Chairman, I am not going to institute a comparison between Charles King's novels and the official reports. The greater erudition and larger industry of my friend from Ohio [Mr. GROSVENOR] would make him a competent judge on that. I have not been industrious enough in that line of reading to be competent to pass upon it.

But, Mr. Chairman, to return to this question, I think the Military Committee and all the members of it, as well as the Members of the House, are anxious to limit this so that no abuse can come from it. I regard this appropriation as one of the most valuable appropriations in the bill, and if the gentlemen will take the report of the Adjutant-General made this year, I think they will get some idea as to what is done under it that will be of benefit to us all. On page 12 of the report is found the statement:

> The reports received from the military information division at Manila indicate a large amount of valuable work on the part of that branch office in the collection of information respecting the Philippines and neighboring countries and its distribution to the troops serving throughout the archipelago.

That is one part of it. Three thousand dollars was allotted out of this $10,000 for this line of information. Then you will find that they have made improvements in the collection and the classifying of the professional data, and then, in addition to that, they have the reports of the military attachés, and of this it is said:

> In addition to the regular work of the division, communications written in foreign languages and addressed to the War Department or its several bureaus have been translated for the respective offices, as well as many documents, reports, etc., desired for official use.

During the year the division has prepared an index of special military subjects contained in books, pamphlets, and periodicals received in the Military Information Division or the Adjutant-General's Office, War Department, during the quarter ending December 31, 1901, as follows, etc.:

It goes on then in detail collecting a vast amount of most useful and valuable information which if we do not secure we will be behind every other civilized nation on earth. It is not an abuse; it is not building up a library; it is accumulating information, and will enable our officers and our soldiers to perform their duties in the light of the civilization of this century.

Now, I understand that the gentleman from Texas [Mr. SLAYDEN] proposes to put upon this the limitation of "technical." I think if the word "technical" is applied to books of reference it would be a valuable limitation. I think if you apply it to periodicals and newspapers you practically destroy all the information that can be had from professional periodicals and newspapers, because the word "technical" might limit it to such an extremely fine point that it would be difficult for the Department under that law to administer the office without crippling the sources of information.

I understand that that is what is before the committee, and I hope that my friend from Texas will modify it and make it apply to books and not to periodicals. The committee, as he will remember, and with his entire assent, did undertake to limit it so that there could be no abuse in the periodicals and newspapers by inserting the word "professional."

Mr. SLAYDEN. Mr. Chairman, I think that the chairman of the committee will quite agree with me that an effort to so frame the law that there can not be improper expenditures in the future is not necessarily a charge that there have been improper expenditures in the past. I don't know whether there has ever been a single book purchased by any bureau chief or executive officer of this Government which should not have been purchased, but I do believe that language which limits the purchases to purely professional works and books in these instances is wise to insert.

I don't know whether any executive or bureau chief in the future may be inclined to violate the law, but I am convinced that if this language is inserted he will not be able to do so, and my amendment has not been offered in any spirit of criticism of the acts of such officers in Departments, because I am not advised that there has been any abuse of it. The chairman has mentioned the fact that in the committee there was an effort made to shape that legislation, so that these abuses could not be practiced. He evidently does not remember that I was not satisfied with the language in that paragraph and endeavored to insert practically the same thing that I am now offering as an amendment here on the floor of the House. I hope that the amendment will be sustained.

Mr. HAY. Let us have the amendment reported again.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

Mr. HULL. Mr. Chairman, I have no objection to that at all, the way it is worded now.

Mr. WILLIAMS of Mississippi. Mr. Chairman, substantially the part of the bill beginning on line 23, page 3, and ending on line 17, page 4, is the same section, if the bill had been divided by sections. Both of those paragraphs relate to books, newspapers, and periodicals, except that the first one relates to them at the headquarters of the several military divisions and departments, and the second is for the information of the General Staff office and relates to military attachés. Now, I would like to have the attention of the gentleman from Indiana [Mr. HEMENWAY] a mo-

ment. I think that same language, in order to perfect the bill, ought to be put in front of the word "books" in line 2, page 4, and also in front of the word "newspapers," after the word "professional," in that same line on that same page.

Now, one other suggestion. If you do not insert the word "technical" before the word "newspapers" you are going to have trouble, because they are going to say at the Department that there are no technical daily newspapers, and that when Congress allowed them to purchase newspapers it meant newspapers other than technical. I believe the gentleman from Virginia [Mr. HAY] has an amendment drawn up covering this matter.

Mr. HULL. I must object to going back until we finish what we are now engaged on.

The question being taken on the amendment of Mr. SLAYDEN, it was agreed to.

Mr. HAY. I offer the amendment which I sent to the desk.

The Clerk read as follows:

In line 2, on page 4, before the word "books," insert the word "technical," so as to read "technical books of reference."

Mr. HULL. Of course that is subject to a point of order, because we have passed that paragraph; but if the amendment can be acted on without debate, I have no objection to it.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent to recur to a previous part of the bill for the purpose of considering the amendment which has been read. Is there objection? The Chair hears none.

The question being taken on the amendment of Mr. HAY, it was adopted.

Mr. SLAYDEN. I move to insert in line 2, page 4, after the word "professional," the words "and technical," so as to harmonize with the language just now adopted.

The CHAIRMAN. Is there objection to considering the amendment proposed by the gentleman from Texas [Mr. SLAYDEN]? The Chair hears none.

The question being taken, the amendment of Mr. SLAYDEN was agreed to.

The CHAIRMAN. The Clerk will resume the reading of the bill.

Mr. HEMENWAY. I believe the proviso of the paragraph has not been read.

The Clerk read as follows:

Provided, That hereafter section 3648, Revised Statutes, shall not apply to subscriptions for professional newspapers and periodicals to be paid for from this appropriation.

Mr. HULL. It seems to me that this is an important provision; but if the gentleman from Indiana [Mr. HEMENWAY] proposes to make a point of order upon it, I will at once admit that it is subject to such a point and after the ruling of the Chair I want to offer the provision in a form which I think will obviate the objection.

The CHAIRMAN. Does the gentleman from Indiana [Mr. HEMENWAY] make a point of order upon this proviso?

Mr. HEMENWAY. I do; and I will say that my only reason is in the interest of sound policy on the part of the Government. The general rule is that the Government pays for nothing until it gets it. I regard this provision as objectionable on the ground that it may be adopted as a precedent and extended to other matters.

Mr. HULL. It applies only to these professional newspapers and periodicals.

Mr. HEMENWAY. But if we allow it to go through in this case it may lead to dangerous practices in other directions.

The CHAIRMAN. Will the gentleman from Indiana [Mr. HEMENWAY] state his point of order?

Mr. HEMENWAY. This proviso proposes to repeal a section of the Revised Statutes relating to this subject. It is therefore a change of existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HULL. Then I offer the proviso in the form in which it appears in the last army appropriation bill:

Provided, That section 192, Revised Statutes, shall not apply to subscriptions to newspapers by the military information division for the fiscal year ending June 30, 1905.

Mr. HEMENWAY. I reserve a point of order on that.

Mr. HULL. This simply suspends the operation of this provision so far as it may affect this appropriation. It is practically the same provision that has been in previous army appropriation bills.

Mr. HEMENWAY. Well, it will permit payment by the Government for something before the Government has received it.

Mr. HULL. Yes, sir.

Mr. HEMENWAY. Then I make a point of order against the provision, because it is the fixed rule of the Government not to do that. My point of order is that the amendment proposes to change existing law.

Mr. HULL. It is the provision of the last appropriation bill.

Mr. STEVENS of Minnesota rose.

Mr. HULL. Before the Chair decides the point of order, I ask that the gentleman from Minnesota [Mr. STEVENS] may be heard, to state the reasons for the amendment.

Mr. STEVENS of Minnesota. Mr. Chairman, perhaps the gentleman from Indiana may not quite realize the importance of this provision to the officers of the Army in distant stations. Most of the foreign periodicals—in fact, all of them—are required to be paid for in advance. When the law does not allow such payments from Government funds, the officers have to pay out of their own pockets and then wait for a year before being reimbursed, or else they must go without the periodicals. Now, many of the officers abroad are not so situated that they can pay or do pay for these publications in advance.

I think that if this provision could be limited to such cases as that it would be a wise thing. I believe that without some such provision as the chairman of the committee now offers there would be cases where the proper military information could not be obtained. I believe that if a limitation could be agreed to, confining the provision to foreign technical newspapers and periodicals, it would accomplish the purpose of the amendment of the chairman of the committee.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. HULL. Mr. Chairman, I simply want to call attention to the fact that I submitted the old proviso in the old bill without looking at it. I will ask the Clerk to report the one I now submit.

The Clerk read as follows:

In line 14, after the word "*Provided*," insert: "That section 3648 of the Revised Statutes shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation, ending June 30, 1905."

The CHAIRMAN. Does the Chair understand the gentleman from Indiana to make a point of order against this amendment?

Mr. HEMENWAY. I have no objection to putting in the word "foreign." I do not want to embarrass the committee. After the statement of the gentleman from Minnesota, if you add the word "foreign" I will withdraw the objection.

Mr. STEVENS of Minnesota. You make it "foreign and professional."

Mr. HEMENWAY. You have stricken "hereafter" out.

Mr. HULL. Only limiting this law to this appropriation.

Mr. HEMENWAY. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the question is on the amendment offered by the gentleman from Iowa.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Submarine cable, Sitka to Fort Liscum, Alaska: For the purchase, installation, operation, and maintenance of a submarine military cable for connecting the headquarters Department of the Columbia with military garrisons in Alaska, said cable to extend from Sitka, Alaska, to Fort Liscum, Alaska, to be immediately available and to remain available until expended, $321,580.

Mr. PALMER. Mr. Chairman, I reserve the point of order for the purpose of asking a question of the chairman of the committee. Is this cable authorized by any existing law?

Mr. HULL. The cable is authorized in the sense that we have been appropriating for cables from year to year.

Mr. UNDERWOOD. I desire to make the point of order on the paragraph.

Mr. HAY. I make the point of order, if they are to reserve the point of order, the gentleman will have to ask unanimous consent for debate.

Mr. PALMER. I make the point of order in order to get information.

Mr. UNDERWOOD. If the point of order has not been made, I desire to make the point of order against the paragraph; and if the gentleman will allow me, as I believe the point of order has precedence——

Mr. PALMER. I would rather go on with my inquiry.

Mr. UNDERWOOD. I ask if I waive the point by allowing the debate to continue? If not, I will make the point.

The CHAIRMAN. The gentleman from Alabama will not waive his right so far as an opportunity to make the point of order is concerned.

Mr. HAY. I make the point of order that debate can not go on except by unanimous consent without the point of order is made.

The CHAIRMAN. That point of order is well taken.

Mr. HAY. I object.

Mr. PALMER. I make the point of order against this section that it is not authorized by any existing law, and on that question I suppose there will be debate.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that this paragraph is not authorized by existing law.

Mr. PALMER. This submarine cable, provided in lines 8 to 15.

Mr. UNDERWOOD. That was not the point I desired to make. Further, I desire to state that point, so that it will not be lost. I desire to make the point of order against that portion of the section that reads: "To be immediately available and remain available until expended." These words go beyond the power of the Committee on Military Affairs; and I ask that that point of order be pending until the other point of order is disposed of.

Mr. BURKETT. Mr. Chairman, there is another point of order against this. I desire to raise it so that we may take them altogether.

The CHAIRMAN. The Chair is of the opinion that at present the point of order stated by the gentleman from Alabama is broader than that made by the gentleman from Pennsylvania, and therefore that is the point first to be considered.

Mr. BURKETT. The other point can be raised against it after that is considered if it is not valid.

The CHAIRMAN. They had better be stated now.

Mr. BURKETT. The point of order I make against this is that it is a permanent appropriation, contrary to the statute, continuing over two years.

Mr. PALMER. My point of order is not technical. The point is this: Has this submarine cable been authorized by any existing law?

Mr. HULL. If the gentleman will look back over the appropriations, he will find that these appropriations for the Army——

Mr. HAY. My point of order is that the gentleman can not discuss the point of order unless it is made.

The CHAIRMAN. That point of order is well taken.

Mr. PALMER. I would like to know what the point of order is, and I would like to be heard on it.

Mr. UNDERWOOD. I would like to be heard on the point of order I have made.

The CHAIRMAN. The Chair will first hear the gentleman from Pennsylvania upon the point of order which he raised.

Mr. PALMER. My point of order is that so much of the bill as is contained in line 8 to line 15, which provides:

Submarine cable, Sitka to Fort Liscum, Alaska: For the purchase, installation, operation, and maintenance of a submarine military cable for connecting the headquarters Department of the Columbia with military garrisons in Alaska, said cable to extend from Sitka, Alaska, to Fort Liscum, Alaska, to be immediately available and to remain available until expended, $321,580—

is subject to the point of order that that cable has not been authorized by any existing law and that you can not legislate upon a general appropriation bill. That is the point of order.

Mr. HULL. Now, Mr. Chairman, will the Chair kindly state what the point of order of the gentleman from Pennsylvania is?

The CHAIRMAN. The point of order of the gentleman from Pennsylvania, as the Chair understands it, is that the appropriation covered by the paragraph beginning in line 8 and ending in line 15, page 5, is not authorized by existing law.

Mr. HULL. Mr. Chairman, this is part of the administration of the Army. We have troops scattered all over Alaska; it is a military division, and there is no connection with them for eight months in the year except by cable; probably nine months in the year it will be impossible to reach them except by this. For some years back the army appropriation bill has carried an appropriation for continuing this work of cables to connect the military posts in Alaska with this country. This is to finish up that work and make the last connecting link between the United States and the different posts and stations in Alaska. It is to finish work commenced and carried on by appropriations from year to year. We are now dependent upon a foreign line to reach Alaska by running through Canada out there until they strike our outside posts and then connect with our cables, and our dispatches are returned the same way.

I do not believe it is subject to the point of order because it is a continuing work for the use of the Army and is as much in order as building a new battle ship for the Navy or the construction of new posts for the Army. It is absolutely, in my judgment, in order, and if it were even subject to the point of order, I regret to see that any man in the American Congress should evoke a technical rule for compelling us to be dependent upon a foreign government to communicate with our own people. [Applause.]

Mr. PALMER. Now will you answer a question?

Mr. HULL. Will you not let the point of order be decided now?

Mr. PALMER. I would like to have the gentleman state to the House how many military posts there are between Sitka and Fort Liskum, Alaska, that will be reached by this proposed cable.

Mr. HAY. I make the point of order that it is not germane.

Mr. HULL. That does not hit the question at all.

The CHAIRMAN. The Chair is ready to rule upon the points of order. Rule 21, second paragraph, provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Now, the Chair has not been pointed to any law authorizing the laying of any submarine cable of which this cable is to be a continuation, nor to any appropriation of which this proposed appropriation will be in continuation. Upon its face this appears to be an entirely new appropriation for an entirely new cable, and the situation is much the same as if it appropriated for the construction of a transcontinental railroad for the transportation of troops without previous authority of law for its construction. Furthermore, as suggested by the point made by the gentleman from Alabama, the language of the paragraph makes this appropriation "immediately available," and in the point made by the gentleman from Nebraska it is "to remain available until expended," although this is the army appropriation bill "for the fiscal year ending June 30, 1905." Upon consideration of all these matters, the Chair holds that this paragraph is not in order upon this bill.

The Clerk read as follows:

PAY OF ENLISTED MEN.

For pay of enlisted men of all grades, including recruits, $9,000,000: *Provided*, That hereafter first-class gunners of field artillery shall receive $2 per month and second-class gunners $1 per month in addition to their pay.

Mr. HEMENWAY. Mr. Chairman, I just reserve the point of order and ask the chairman if this is an increase of pay?

Mr. HULL. That is subject to a point of order, but before the gentleman——

Mr. HEMENWAY. I said I reserved the point of order.

Mr. HULL. The gentleman from New Jersey [Mr. PARKER] is very greatly interested in this, and it has also been cordially recommended by the Department, and I would like for the committee to hear him.

Mr. PARKER. This clause is certainly subject to the point of order. In the Navy the pay of the men is not fixed by law, but by a regulation of the President; and from time to time, as the development of modern gunnery and small-arm practice have shown the need of intelligent marksmanship, higher pay has been given to expert marksmen and higher pay has been given to expert gunners. In the Army, being bound by law to pay so much to every sergeant, every corporal, and every private, there has been no power to do as the Government ought to do, and to encourage such marksmanship without an act of Congress. The difficulty of passing special acts for all manner of improvements of the Army will be seen by every Member of this House.

It was only last year that in the infantry and cavalry and, indeed, throughout the service we gave $1 a month extra pay to very expert marksmen, but we had nothing for gunners. General Randolph, Chief of Artillery, in speaking of this matter, says:

That has not been brought up, but I want to speak of it, because we have a class of what we call "gunnery specialists," who are enlisted men, who can pass a much more rigid examination than any of those who are classified "gunners." They have become very expert. I mentioned it in my report. It says here (p. 11):

"Attention is particularly invited to the report of the work done by six of these in the artillery district of Portland, during the combined maneuvers, which was not only satisfactory, but far exceeded the most sanguine expectations. The commandant of the artillery school in his annual report to the Adjutant-General recommends that Congress be asked to enact a law."

Now, that law was for even more relief than this. In 1901, February 20, the act increasing the efficiency of the permanent military force provided that first-class gunners should receive $2 per month and second-class gunners $1 per month, in addition to their pay. In the estimate this act is referred to for these classes of gunners.

I will read a letter from the War Department:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, December 31, 1903.

SIR: I have the honor to invite attention to the provisions of section 7 of the act of February 2, 1901, "To increase the efficiency of the permanent military establishment of the United States," which provides that first-class gunners shall receive $2 per month and second-class gunners $1 per month in addition to their pay.

It appears to have been held that the term "gunners" as used in this act applies only to Coast Artillery, as the Field Artillery had no such class when that law was passed. By subsequent orders, however, gunners of the first and second class have been provided for in the Field Artillery, and I deem it for the best interests of the service that the same encouragement be given to enlisted men of the Field Artillery to qualify for the gunner class as is given in the Coast Artillery, and so avoid unfair discrimination. I therefore recommend that the inclosed copy of a provision authorizing the increased pay for gunners of Field Artillery be inserted in the army appropriation bill under the item of "Pay of enlisted men."

Very respectfully,
S. B. M. YOUNG,
Lieutenant-General, Chief of Staff.

The SECRETARY OF WAR.

And then follows the proviso:

For extra pay to gunners of field artillery, $11,160: *Provided*, That hereafter first-class gunners of field artillery shall receive $2 per month and second-class gunners $1 per month in addition to their pay.

It is therefore a provision which simply extends to the field ar-

tillery this provision for pay as experts that existed before in reference to the coast artillery.

Mr. HEMENWAY. Let me ask the gentleman what is the pay now of a gunner of the first and second class?

Mr. PARKER. My understanding is that a gunner is simply a private, and he is to be paid in this way $2 a month extra, and that is all.

The CHAIRMAN. Does the gentleman from Indiana withdraw his point of order?

Mr. HEMENWAY. I do, Mr. Chairman.

Mr. PALMER. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the chairman of the committee. I observe that the bill appropriates $6,071,425 for the pay of the officers of the line and $9,000,000 for the pay of the enlisted men. Now, does not the gentleman think that is a pretty large proportion, that the officers of the Army should get two-thirds as much pay as the whole Army?

Mr. HULL. Mr. Chairman, I do not think it is a question of what I think, or what the gentleman from Pennsylvania thinks. The law of the United States provides for an army composed of so many men, commissioned officers, and for so many enlisted men in the time of war, to be reduced to a minimum in time of peace.

We are providing for a little less than the number of officers provided for by law, on the theory that there would not be the full number of officers, owing to death or resignation or retirement; that there would always be a little shortage in the number. The Pay Department computed for the total number authorized by law. The committee cut it down to what they believed the general average would be, as we have done heretofore, and there has been no shortage.

If the gentleman thinks there are too many officers in the United States Army, a very simple remedy would be for him to introduce a bill embodying his ideas as to the number of officers, and then, if it should become a law, the committee in preparing the next bill would appropriate on the basis of the new number fixed under the bill that might be enacted.

Mr. PALMER. The gentleman from Pennsylvania does not think anything about it; he rose to get information which he is entitled to, and I see that the chairman of the committee is willing to give it. I wish to inquire whether the organization of officers from the General Commanding the Army down through the various grades of brigadier-general, colonel, captain, and lieutenant is not practically as large as it was when the Army had 200,000 men?

Mr. HULL. No; but as large as it was when the Army had 100,000 men or 96,000.

Mr. PALMER. Has there been any proposition to reduce the number of officers in the Army to correspond with the reduced Army?

Mr. HULL. No; and I will tell the gentleman why. In the reorganization of the Army the bill provided that in time of war they could fill up the companies to the maximum and in time of peace reduce them to the minimum. That gave to the Army in the time of peace 60,000 men in round numbers, but it did not disturb any organization. It left the organization intact, so that in time of emergency you could put the recruit in with the trained soldier and fill up regiments without increasing the officers in time of war, except as they might be increased by volunteer regiments taken in. As I understand it, the gentleman from Pennsylvania had a war service during the civil war; and if he will remember back, he will remember that one of the greatest influences for crippling the service was the constant making of new regiments, with new officers. That, at the close of the war, was changed so that the recruit went into the old regiment, into a veteran regiment with veteran officers, and became a fighting machine much quicker than when he went into a new regiment under inexperienced officers.

We believe and Congress believes that the number of officers provided for were necessary in time of war and time of peace, and to-day, in place of proposing to decrease the officers, there is a cry from many parts of the country and from the War Department for an increase in the number of officers. Every State wants a detail of a regular officer in connection with their National Guard. Every school of any size in the country is clamoring for the detail of an officer as a military instructor; so that in place of having too many officers, we have fewer officers than meet the need of the country in time of peace, and a bill is now before the Congress of the United States to give the power to use some of the officers on the retired list for the different services where they can be of service as military attachés abroad, as instructors in military schools, in addition to what is now provided for in the bill.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HULL. Then, Mr. Chairman, I will talk in my own time for two or three minutes. I beg the pardon of the gentleman from Pennsylvania. But I will give him ample opportunity to talk.

Mr. PALMER. Oh, that is all right; I am getting the information I desire.

Mr. HULL. I was trying to answer the gentleman's question and run off onto another line. With the creation of the General Staff there is a large detail of officers from the line, and to-day in Manila there is not one-third of the companies with their full complement of officers.

In the United States there is not one-third of the companies with their full complement of officers, and if we continue in the line of peace a few years more the demands of the different States, the demands of the different institutions of learning, the demands for military attachés abroad will make a growing demand for increasing the number of officers of the Army or giving the power to employ officers on the retired list for this class of duty.

Mr. PALMER. There are thirty regiments of infantry and fifteen regiments of cavalry and some artillery. Now, the gentleman says that these organizations are short of officers. Where are these officers that are getting $6,000,000 every year as pay from the Government? What are they doing?

Mr. HULL. Those that are with the companies are performing the duties of the line, and those that are on detached duty are doing the duty that the Secretary of War and the President of the United States have assigned them to do. There are thirty regiments of infantry, fifteen regiments of cavalry, and there are some fourteen regiments of artillery, if they had a regimental organization.

Mr. HITCHCOCK. Mr. Chairman, I would ask the chairman of the Committee on Military Affairs to inform the House what the total amount of pay for officers is, including officers of the line and those mentioned under different classifications later in the bill.

Mr. HULL. I have not added that up. If the gentleman will take the pay given to staff officers, which does not include the General Staff—they are all officers of the line and appropriated for under this—if he will take the Engineer Corps and the Adjutant-General's Corps and the Medical Corps and the other staff corps of the Army, and add what we appropriate there to what is appropriated under this head, the gentleman will get it. But I want to say, Mr. Chairman, that what the committee has done is simply to take the law and make the appropriations that the law requires should be made. It may be possible that in the desire of the committee to save some money we have cut this a little below what we will actually need to pay the officers, but in my judgment it is ample.

Mr. HITCHCOCK. Can the gentleman state why it is that the Army of the United States, consisting of only some 60,000 men, requires an annual appropriation so much larger in proportion than does the army of any other great nation of the world?

Mr. HULL. Oh, yes; I can state that, and take great pleasure in doing so. I say, Mr. Chairman, that it is because it is the Army of the United States. We give our soldiers more pay than any other nation on earth, because they are citizens of the United States of America. Germany pays $2.50 a month; Austria pays 90 cents a month; Italy pays less than a dollar a month. We pay $13 a month and add to their pay every year up to $18 a month, and I want to say to the gentleman that I am glad that I belong to a country that does not have to resort to conscription to carry its flag; that I belong to a country that is willing to recognize the man who is willing to imperil his life in defense of that flag and the honor of the country; that I belong to a country that believes that the man who does that is worthy of having at least a living wage while he is serving under the starry banner of the Republic. [Applause.]

I am not willing to even concede that the Congress of the United States should be criticised for liberal pay to the soldiers and sailors of the United States. We pay higher wages to our soldiers and sailors than any other nation on earth, and, thank God, we are able to do it, and we will continue to pay it while we are as patriotic as we are to-day. [Applause.]

Mr. HITCHCOCK. I would like to ask the gentleman if it is not a fact that in this great appropriation of $75,000,000 only $9,000,000 goes as pay to the soldiers. I have been trying to find out how much went as pay for the officers, but the gentleman seems to be unable to state.

Mr. HULL. There is a good deal more paid to the soldiers than to the officers. I want to say to the gentleman that while we pay our officers in the lower grades higher wages than any other nation, we pay our officers in the higher grades lower wages than any other nation.

If the gentleman will refer to page 129 of the Book of Estimates and the pages immediately following, he will see stated the exact amount of money paid to each class of officers and to the enlisted men of our Army.

Mr. GROSVENOR rose.

Mr. HULL. I yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I simply wanted to call attention to the fact that the pay of the soldier is one thing, to which must be added his rations and clothing.

Mr. HULL. Certainly.

Mr. GROSVENOR. Some gentlemen here do not seem to understand that.

Mr. HULL. That allowance is made also by other nations, but in a less degree.

I wish to say to my friends on the other side another thing in connection with the suggestion of my friend from Ohio. When our army went to China in the advance guard to relieve the legations there, it was the best equipped and the best fed army of all the armies of all the nations of western civilization that landed on the shores of China and marched to Pekin, and the officers of the German and some other armies said that our enlisted men were better clothed and better fed than were the officers of many other countries.

Mr. PRINCE. I suggest that if gentlemen will refer to the report accompanying this bill—report 421, page 5—they will see there a specific detail of the appropriations. I think this will answer the question that has been raised.

Mr. HULL. Yes; it is all stated in detail there. I ask for the reading of the bill.

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Pennsylvania will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

And said clerks and messengers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve.

Mr. UNDERWOOD. Mr. Chairman, I desire to reserve a point of order upon that provision.

Mr. HULL. Do you raise it now?

Mr. UNDERWOOD. Yes, sir.

Mr. HULL. Then I want to be heard on that point of order. If there is anything in continuing appropriations where officers are appropriated for for a long series of years, and where the question has been raised and decided on points of order as to their pay, I think if the Chair will take time to look into this question, he will see that this provision belongs absolutely here; otherwise there is no such thing as establishing the right of a committee to report such provisions.

I do not believe the Chair gave to the other proposition the consideration that he usually gives to all questions coming before him. But some five years ago, when Mr. HOPKINS (then a Member from Illinois, now Senator) was in the Chair, an increase of pay was asked for these clerks, and the point of order was raised that we could not make the increase and could not retain them in the bill. That is my recollection of the matter. And after full discussion and careful consideration by the Chair the point was overruled.

Provisions of this kind have been in a great many appropriation bills for a number of years—I do not know how many. In my judgment they are as clearly within the jurisdiction of the Committee on Military Affairs as any single appropriation in the bill. These are different clerks from those provided for by the Department. They have been carried in this bill from the time these offices were created and appropriated for. They are headquarters clerks, not departmental.

If the point of order should be overruled, I desire to have read a communication on this point from the Secretary of War. If the Chair would like to hear it, it can be read now.

The CHAIRMAN. Will the gentleman from Alabama [Mr. UNDERWOOD] state his point of order?

Mr. UNDERWOOD. I was waiting for that purpose until the gentleman from Iowa had concluded. I had not stated the point of order, but the gentleman seemed to anticipate that I was going to make it and seemed to be fully prepared to answer it. He read my mind very successfully.

Mr. HULL. We have thrashed this straw over a good many times.

Mr. UNDERWOOD. Mr. Chairman, my point of order is this: That certain provisions in this paragraph are not within the jurisdiction of the Committee on Military Affairs.

This provision provides for one chief clerk at $2,000. It is evident from the language of the bill that that chief clerk will be employed here in the District of Columbia. Now, it is not necessary to discuss to the Chairman and to the House the necessity of a Committee on Appropriations remaining in its own jurisdiction. If you allow the committee on general appropriations to assume general jurisdiction of one appropriation and then the Committee on Military Affairs to assume the same jurisdiction, you have the heads of Departments where they have got two doors through which they can go to get their money, and Congress will have no check whatever upon the Departments here.

Now, that is an ample and good reason why the committee should be held within its own jurisdiction in its own bill. When the bill carrying appropriations for the Army was originally taken from the general Appropriations Committee and given to the Committee on Military Affairs its jurisdiction was definitely and clearly defined. It was given jurisdiction of those appropriations which applied to the Army at large, those appropriations which applied to the military establishment. But Congress at that time retained in the hands of the general Appropriations Committee those appropriations relating to the Army that provided for the Department clerks and those persons employed in the War Department whose place of business was in the city of Washington. I do not think the gentleman from Iowa disputes that point.

Now, the question is, Congress having left in the hands of the Appropriations Committee the right to appropriate for the great Departments here, including the War Department, and the gentleman from Iowa and his committee, knowing that they have no jurisdiction over those clerks located in the Departments here, went beyond their jurisdiction when they sought to appropriate for a chief clerk in the headquarters, because that chief clerk is located here. The appropriation for and establishment of that position must go on the legislative bill. Now, I know that the gentleman from Iowa will in all probability cite me to the fact that this belongs to the Commanding General of the Army, and that the Commanding General of the Army does not come within the jurisdiction of the legislative bill. I grant that. I grant that the old position of General Commanding the Army did not come within the jurisdiction of the legislative bill, but that office of Commanding General of the Army has been abolished. There is no such office existing.

Mr. HAY. How about the office of Chief of Staff?

Mr. UNDERWOOD. I am coming to that. Congress has established another office, the Chief of Staff, and in the legislation creating that office the Chief of Staff is located here and becomes a part of the establishment of the Secretary of War. He is not an independent officer. Under the old law the general in command of the Army could locate his headquarters where he pleased. We all remember that General Sherman at one time took his office away from the city of Washington and located it in the city of St. Louis, Mo. It was a part of the army establishment, and not a part of the War Department here, located in Washington. But when Congress passed the law establishing the office of Chief of Staff, that office bscame a part of the War Department itself.

The Chief of Staff can not move his office away from Washington except by order of the Secretary of War or the President, his chief. He is located here, and the clerks in his main office are as much a part of the War Department as the chief clerk of the War Department. The chief clerk of the Chief of Staff is as much a part of the staff of the War Department as the chief clerk of the Department is, and has nothing to do with the military establishment at large. Therefore I say, Mr. Chairman, that in the legislation now taken the House might as well recognize this proposition and clearly define it. It is bad legislation and bad practice to allow two committees to exercise jurisdiction in the same matter. This matter of Department clerks comes within the jurisdiction of the general Appropriations Committee, and they have provided for them on the legislative bill. Now, I say, if the Committee on Military Affairs invades their jurisdiction, why Congress will lose all check in this matter, because you will have two committees legislating in reference to the same matter. Believing that the Chief of Staff has become under the law a part of the War Department and no longer is a separate establishment, belonging to the Army at large, I say that this provision is not in order on this bill.

Mr. HULL. Mr. Chairman, the only argument of the gentleman that I could catch that has any bearing on this is relating to the Chief of Staff. The Chief of Staff, under the law creating the office, took the place of the Commanding General of the Army, and wherever the Commanding General of the Army is mentioned in any of the laws it applies to the Chief of Staff. Now, if you will go back to the appropriations, you will find in the appropriation bills ending June 30, 1901, we lumped these clerks together, with fifteen clerks at $1,800, and ten at $1,600, and so forth.

In the act expiring June 30, 1902, we segregated and made the clerks exactly as they are now paid. The act of Congress (Fifty-third Congress), United States Statutes at Large, page 236, provides specifically for and creates these offices:

For clerks and messengers at the headquarters of the Army and at the several departmental headquarters.

The Chief of Staff is the headquarters of the Army now, whether he is located in Washington or New York. He takes the place of the Commanding General of the Army.

At the recruiting headquarters and depots; at the Military Academy at West Point; at the artillery school at Fort Monroe, Va.; at the infantry and cavalry schools at Fort Leavenworth, Kans., and at the cavalry and light artillery school at Fort Riley, Kans., not exceeding ninety clerks, at $1,000 each; twenty-five clerks, at $1,100 each; ten clerks, at $1,200, etc.

The law afterwards changed their pay, as I have said, by the appropriation act expiring June 30, 1902. It was never carried in the legislative bill, these clerks having nothing to do with departmental work. They are at the Headquarters of the Army and do the military work of the Army, and have never been carried on any appropriation bill except the army appropriation bill.

Mr. UNDERWOOD. Will the gentleman from Iowa answer a question?

Mr. HULL. Certainly, if I can do so.

Mr. UNDERWOOD. Here is the office of a chief clerk, at $2,000. Will not that clerk be located with the Chief of Staff, in the District of Columbia, at the War Department?

Mr. HULL. He will be with the Chief of Staff, wherever he goes, just as he was with General Miles when he was Commanding General of the Army during his entire time.

Mr. UNDERWOOD. Does the gentleman mean to say that the Chief of Staff has a right to move his office out of the city of Washington?

Mr. HULL. No. Neither has the Commanding General of the Army——

Mr. UNDERWOOD. He did do it.

Mr. HULL. He did it by authority of the President. The Commanding General could not move his offices. When General Sherman went to St. Louis he applied to the President of the United States for authority to go to St. Louis.

Mr. UNDERWOOD. I would like for the gentleman to show his authority for that.

Mr. HULL. All officers of the Army are subject to the President's authority.

Mr. UNDERWOOD. The President could order him back, or the President could suspend him.

Mr. HULL. When General Scott went to New York it was by consent given by the President of the United States.

Mr. UNDERWOOD. I presume the President could order him there, but I say there is no law requiring him first to go to the President to get his consent.

Mr. HULL. There is the general law of the Constitution of the United States, which makes the President of the United States Commander in Chief.

Mr. UNDERWOOD. The President may be Commander in Chief of the Army, but——

Mr. HULL. And it is suggested by my friend from Minnesota very pertinently that Congress could not make a law compelling the President in these matters.

Mr. UNDERWOOD. I admit that, but it does give authority to the General of the Army to move his headquarters anywhere he pleases without consulting the President. The President can order him back, and if the gentleman has authority for it there I would like to see it, as I have not seen it.

Mr. HULL. I think they are all subject to assignment by the President entirely, and this matter was created by law and placed in the army bill and carried in that ever since.

Mr. PARKER. Mr. Chairman, I desire to say just a word upon this point of order. It seems to me that in discussing such points as these it is advisable not only to look into the history of the appointment of these clerks, but also into the reason for that history. These clerks who have headquarters with the various major-generals and the headquarters of the Commander in Chief, which practically is that of the Chief of Staff, have in history been always appointed and draw their appointment from an army appropriation bill, which said, and it says here:

To be appointed and assigned by the Secretary of War.

Hence, in the whole history of legislation they have not come within the legislative or civil appropriation bill, but have been carried in the army appropriation bill. Such a history must have a reason, and it does have a reason, many reasons. One reason is that that clerk who sits in the office of the general is not selected merely because he knows this or that and can pass a civil-service examination.

He must have a certain amount of acquaintance with military affairs to do his duty in that office. He must know military terms; he must know the customs of the Army; and I do not speak from knowledge, but I will speak from presumption and say I believe that most of these clerks have served in the Army as non-commissioned officers, and have obtained the experience which enables them to be useful clerks in that way, and not by any civil service and with no sort of examination to take that place.

In the next place, they must be men who can be trusted, whom the General has known for years, known as soldiers, men whom he knows he can trust just as well as any soldier in his command, because secrets of his command in time of war and in time of peace go through these men. They must be in a way military men. They must be selected, therefore, for their military ability, just as you would select officers. For these reasons the law has always given the appointment of these clerks to the Secretary of War, and probably on the recommendation of different officers whom they are to serve.

These reasons are valid reasons for maintaining the law as it stands, and not for upsetting it and a statute of the United States—not only one statute but successive statutes of the United States—by a point of order raised under the rules of Congress.

Now, I appeal to the gentleman from Alabama, as one who loves the Army, if he thinks there is anything in his point of order, to withdraw it under the circumstances for the benefit of the Army. But if he insists on it I appeal to the Chair to overrule it, because the point of order is taken against the precedent of repeated statutes passed for good reasons for a term of years.

Mr. SLAYDEN. Mr. Chairman, I think the contention of the gentleman from Alabama [Mr. UNDERWOOD] that the General Staff is a part of the civil executive establishment here in Washington, presided over by Secretary Root, is altogether wrong. The General Staff is composed of officers of the line, a part of the effective fighting machine, and for the time being designated for the performance of a certain duty.

Mr. STEVENS of Minnesota. And scattered all over the country.

Mr. SLAYDEN. And, as the gentleman from Minnesota says, scattered all over the country. While they are here in the city of Washington it is true that they are not here as a part of the civil establishment known as the War Department. The headquarters of the Army has to be established somewhere, and it happens to be convenient to have it in the vicinity of the offices of the Secretary of War and of the President. Clerks in the office of the General Staff are as nearly connected with and as certainly connected with the line of the Army appropriated for by this bill as are the clerks in the various departments in Manila or elsewhere, and may be ordered all over the country.

Mr. STEVENS of Minnesota. Mr. Chairman, there is one matter of history that ought to be considered. Some years after the civil war a considerable part of this work was transacted by enlisted men in what is known as the general service corps, if I remember correctly. That was abolished, whether by statute or by order of the Secretary I do not know, but it makes no difference for the purpose of this question. The work that was done by enlisted men in the Army and paid for out of army appropriations is the identical work that is provided for by this section. So it has not only been carried as a matter of history in the army appropriation bill, but the reason for it is that the men perform military work. They carry out the military orders of the military officers; they have done it either as enlisted men or as civilians, and as it happens now in this bill, they are carried as civilians.

Mr. UNDERWOOD. Mr. Chairman, in answer to what the gentlemen have said, I will say that some of my friends on the other side of the Chamber have misunderstood my position in reference to the clerks in the army establishment outside of Washington. I admitted at the beginning, and admit now, as to those clerks employed by the general army establishment not in the District of Columbia, the military committee has already had jurisdiction of that matter, and has it now. But I say that when the Congress repealed the law under which we had a Commander in Chief of the Army of the United States and established a Chief of Staff in his place at the same time it practically abolished the Adjutant-General's Office so far as the control of the clerks in Washington went. It made him merely adjutant of the Chief of Staff.

The clerks with the Adjutant-General's Office were always carried on the legislative bill. These men are now transferred to a different division, many of them going, and a large portion of the work going, under the Chief of Staff. Some of it goes to other places, but the great bulk of the Adjutant-General's work goes to the Chief of Staff. It was always provided for in Washington; the work must be done in Washington, where he can be communicated with by the Secretary of War and the President. There is a portion of the work of Chief of Staff that is, I admit, and properly belongs to the military establishment.

Mr. HULL. Will the gentleman from Alabama yield for a suggestion?

Mr. UNDERWOOD. Yes.

Mr. HULL. On page 8 the gentleman will find the same provision placed in the bill:

And said clerks and messengers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve.

Mr. UNDERWOOD. Certainly; but it was limited entirely to the Commander in Chief of the Army. Now, I understand—and if I am wrong the gentleman from Iowa [Mr. HULL] can correct me—

that this one chief clerk at $2,000 and four clerks at $1,800 each are to be employed here in Washington in the office of the Chief of Staff, and not in the field.

Mr. HULL. I can not say where he will assign them. I have not looked into it, but I will call the attention of the gentleman to one other matter——

Mr. UNDERWOOD. But let me ask the gentleman a question right there.

Mr. HULL. Certainly.

Mr. UNDERWOOD. The gentleman reported this bill to the House.

Mr. HULL. Yes.

Mr. UNDERWOOD. And he says that these appropriations for these clerks are necessary. Now, does he mean to tell the House that his committee has no information as to where these clerks are to be established?

Mr. HULL. We have placed no limitation upon the Secretary of War. Our understanding is they are to be employed at headquarters—division headquarters, department headquarters, and the Headquarters of the Army.

Mr. UNDERWOOD. I understand that, as to the other clerks on the other side of the page, but I want the gentleman to state—if he says it is untrue and if he knows these clerks will be employed in the field, then I have nothing more to say—if it is not a fact that these particular clerks named by me were to be employed in Washington, and do not the hearings of the gentleman's committee show that?

Mr. HULL. My understanding is that the one employed here in the Chief of Staff office, especially, is the highest paid clerk carried on the rolls.

Mr. UNDERWOOD. Do not the hearings of the gentleman's committee show that these clerks named by me are to be employed in Washington in the War Department?

Mr. HULL. No; they may be sent out, but they can be employed here if necessary as part of the Headquarters of the Army. There is no doubt that some of them will, and I will state to the gentleman, further, that the Secretary of War sent up a request for a large additional number of clerks, and we believed that it would be subject to a point of order and did not put it in the bill. If the gentleman will look back to the last appropriation bill, when the law creating a Chief of Staff was fresh, he will find there that one chief clerk at Headquarters of the Army, or that of the Chief of Staff, was provided for at $2,000, and that is the one clerk that is clearly to be employed here with the Chief of Staff.

Mr. BENNY. Mr. Chairman, will the gentleman from Alabama yield for a question?

Mr. UNDERWOOD. I will.

Mr. BENNY. Does the gentleman believe that the clerks are necessary?

Mr. UNDERWOOD. Oh, I have no doubt they are necessary.

Mr. BENNY. Has the gentleman any objection to the amount of salaries appropriated by this bill?

Mr. UNDERWOOD. None whatever.

Mr. BENNY. Has the gentleman any idea that they will draw these salaries more than once in case this bill passes?

Mr. UNDERWOOD. No.

Mr. BENNY. Then why not let us go along and transact some other business?

Mr. UNDERWOOD. That is very kind of the gentleman who has just addressed me; but as the gentleman is a new Member and probably not very well informed, I would state to him that it has been the custom of the House in the past to assign different matters to various committees when Congress assembled and that certain amounts of appropriations are assigned to the Appropriation Committee and certain other appropriations for clerk hire and other things are assigned to the Military Committee.

Thus we assign tariff bills to the Committee on Ways and Means and public-building bills to the Committee on Public Buildings; and if one committee invades the jurisdiction of another committee, it brings about a great deal of confusion in legislation, and on appropriation bills necessarily means lax management and a lack of economy. As this is a new question, this Chief of Staff, as to whether he belongs to the general military establishment at large and should come under the direction of the Committee on Military Affairs or as to whether he is a part of the Department and belongs to the jurisdiction of the Committee on Appropriations, and as this is the first time it has come before the House, it is an important matter that the jurisdiction of the two committees should be defined. It is not that I care very much which committee has jurisdiction, but it is of the utmost importance to good legislation to have the jurisdiction defined so that we will not have two committees legislating about the same matter. I therefore can not yield to the point that the gentleman makes.

Mr. PARKER. Mr. Chairman, I wish to put a question to the gentleman as to whether the clerk at military headquarters and the clerks in the office of the Chief of Staff were not of the same character—segregated from the ordinary clerks, but allowed to have the confidential information that belongs to military actions, with the only difference that the men in the office of the Chief of Staff must know much more about it than those at headquarters?

Mr. UNDERWOOD. Let me say to my friend from New Jersey [Mr. PARKER] that the question whether the Appropriations Committee or the Committee on Military Affairs should have jurisdiction of a particular matter—the wisdom of the assignment to one or the other of those committees—is not a question which it is necessary for us to discuss here. The gentleman may be very wise and correct in his judgment on that question. But that jurisdiction has been defined. If the gentleman does not like the definition that has been given by the House in defining the jurisdiction of these committees, he has his time and his committee have their time to try to change it; that is, when the President's message comes in and the jurisdiction of the committees with reference to the different subjects embraced in that message is defined.

Mr. PARKER. I am not arguing on that point with the gentleman, because that is a matter for the Chairman of the Committee of the Whole; but I did have an argument with the gentleman in which I appealed to him, for the sake of the good of the Army, not to differentiate the clerks at headquarters and the clerks who have to do with the office of the Chief of Staff. I appealed to my friend and to the House for unanimous consent to allow this matter to go on the appropriation bill. I do this because I think it is for the good of the nation that it should be done. I do not understand why the technical point should be taken when the good of the nation demands that it should be waived.

Mr. UNDERWOOD. I do not desire to take any "technical" point in this matter; but the House has heretofore defined the jurisdiction of the Committee on Appropriations and has put under its jurisdiction these clerks employed in the War Department as a part of the War Department establishment. I say that under the law this office of Chief of Staff comes within the jurisdiction of the Committee on Appropriations. It is not with me a matter of personal concern how the Chair may decide this question; but I want a decision, so that the line may be definitely drawn.

Mr. HAY. As I understand, the point of order of the gentleman from Alabama goes only to the two items on page 7.

Mr. UNDERWOOD. Well, I am informed (and if I am wrong I ask the gentleman from Iowa to correct me) that those are the only two classes of clerks that will be employed in the Department here at Washington; that these clerks have been combined by the Committee on Military Affairs in one paragraph with the clerks in the field. Now, as to the clerks in the field I have no argument to make; but as to the clerks in the Department in Washington I raise this question.

Mr. HAY. The paragraph does not show which of these clerks are to be employed "in the field," as the gentleman puts it. They are not "in the field," but at the headquarters of the military divisions in various parts of the country.

Mr. UNDERWOOD. As I understand, your hearings show——

Mr. HULL. No. There were no hearings at all on this matter.

Mr. HAY. That is true. There were no hearings on this subject. This bill has been drawn in this way, to my personal knowledge, for the last seven years; how much longer I do not know.

The clerks under the Chief of Staff, as I understand, are not legislative clerks under the legislative bill.

Mr. HULL. Yes, they are; but not the clerks at military headquarters.

Mr. HAY. Those are the clerks that we are talking about. Those are not provided for in the legislative bill.

Mr. HULL. No; they are not appropriated for in the legislative bill.

Mr. BINGHAM. Allow me a word. In the Book of Estimates, at the foot of page 49, will be found the estimates for the office of Chief of Staff in the civil administration of the War Department, for which there is an estimate of $20,460, the appropriation for the current year being something over $9,000. This clerical force of the Chief of Staff has heretofore been paid from what is called the "temporary fund" of the War Department, appropriated in the legislative bill; and for the next fiscal year we have provided a temporary fund in the amount of $325,000, which will include all the details of the civil administration of the Chief of Staff, as well as other War Department expenditures for clerical force.

Mr. HAY. Is the chief clerk provided for in this bill provided for in the legislative bill?

Mr. BINGHAM. Here is the Book of Estimates. In the legislative bill we find in the office of Chief of Staff, one chief clerk of division, $1,800.

Mr. HAY. That is one clerk—a chief of division.

Mr. BINGHAM (continuing). So many clerks of class 3, so many clerks of class 2, so many of class 1, draftsmen, etc. Now,

let me give the gentleman the information. When the legislative bill was made up we took into consideration in the temporary allowance of $325,000 to complete the equipment for the future, in the discretion of the Secretary, the Chief of Staff's office. Now, that applies only to the Chief of Staff. I do not believe the point of order runs as to the other branch of your bill, applying to clerks and messengers at headquarters of divisions and departments, because I believe they are military. But the civil establishment. the War Department civil establishment, and the estimates for the Chief of Staff we gave the allowance of $325,000, to employ on the temporary roll in that Department for the next fiscal year, in order that the Secretary of War may organize his Department as seemed to him best. I consider that in the line as it is here in the bill it is out of order.

Mr. HULL. Will the gentleman allow me to ask his attention to the Book of Estimates, page 150, for pay of the Army, where the estimate is made? I find the language:

Pay to clerks and messengers at headquarters of Departments and office of Chief of Staff: One chief clerk, $2,000; four clerks, at $1,800; ten clerks, at $1,600.

So that what the gentleman was reading from was for an entirely different purpose, and this estimate has nothing whatever to do with that.

Mr. BINGHAM. That is the chief clerk of the Department.

Mr. HULL. I am giving you what is in the Book of Estimates.

Mr. BINGHAM. I would say to the gentleman that at the hearings before the committee the Secretary asked for $20,460 for the next fiscal year for the organization of this very Bureau——

Mr. HULL. Now, I do not think it at all conflicts with this, because the estimates are submitted upon a different line.

Mr. BINGHAM. Will the gentleman tell us what comes under Chief of Staff in your big appropriation of $273,160?

Mr. HULL. I should imagine that one chief clerk should come in, because wherever the term "General of the Army" is used under the law it is to apply to the Chief of Staff, and the General of the Army having a chief clerk, it must apply to him, because the Chief of Staff is also the General of the Army, and he is a line officer detailed by the President for this specific purpose.

Mr. HAY. I could not quite understand that part of the gentleman's statement.

Mr. BINGHAM. I say to the gentleman that we have duly appropriated to the Secretary, at his discretion, $325,000, out of which the Chief of Staff's office will secure its subordinate pay roll.

Mr. HAY. The gentleman from Pennsylvania himself admits that this paragraph is not subject to the point of order as to the clerks which are to be used in the Bureau, as he takes it. Now, there is nothing to indicate that any of these clerks or chief clerks are to be used here in the Department. It does not say that the chief clerk is to be used in the office of the Chief of Staff. It does not say that any of the clerks at $1,800 are to be used in the office of the Chief of Staff, and the point of order can not be applied to one part of this paragraph without being applied to all of it. The gentleman from Pennsylvania and the gentleman from Alabama admit that it does not apply to the clerks who are employed at Army Headquarters, Departments, and the various headquarters throughout the Union.

Mr. UNDERWOOD. If the gentleman from Virginia will allow me to interrupt him, the point of order is made against——

The CHAIRMAN. The Chair would like to ask the gentleman from Virginia his opinion as to the effect of lines 13, 14, and 15 on page 8.

Mr. HAY. "And said clerks and messengers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve." I believe that under that the Secretary of War would have the authority to assign these clerks to the headquarters of divisions and departments as he might see fit.

Mr. HULL. The Secretary of War now is authorized to make the assignment.

Mr. HAY. This has always been a provision of the bill that the Secretary of War should make the assignments to the various headquarters, he being informed as to the necessity of the different headquarters throughout the country. It is not a temporary provision. As I say, it has been carried in this bill for seven years, and I do not understand now by what reasoning the gentleman from Alabama or the gentleman from Pennsylvania can make the office of Chief of Staff a part of the civil department of the War Department.

The office of Chief of Staff is purely military in its functions and can not be a part of the civilian bureau of the War Department, and therefore it does seem to me that if any one item in this paragraph is subject to the point of order every other item is, and when he makes the point of order it must apply to all or it can not apply to any.

The CHAIRMAN. The Chair is ready to rule. This paragraph appropriates for "pay to clerks and messengers at headquarters of division and departments and office of the Chief of Staff." The point of order of the gentleman from Alabama, as the Chair understands it, is that because this paragraph includes an appropriation for clerks in the office of the Chief of Staff, therefore it is in effect an appropriation for one of the Executive Departments of the Government at Washington, and therefore should not be included in this army appropriation bill, which comes from the Committee on Military Affairs, but should be covered by the legislative, executive, and judicial appropriation, which is within the jurisdiction of a different committee. We have a statute which provides that—

Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Salaries for such clerks and employees are properly carried in the executive, and not in the army bill. As to what constitutes a "Department," the Chair calls attention to an opinion of the Attorney-General of the United States, directly in point. It is found in Opinions of the Attorney-General, volume 15, page 267, and reads as follows:

The several Executive Departments are by law established at the seat of government. They have no existence elsewhere. Only those bureaus and offices can be deemed bureaus or offices in any of these Departments which are constituted such by the law of its organization. The Department, with its bureaus or offices, is in contemplation of the law an establishment distinct from the branches of the public service and the offices thereof, which are under its supervision. Thus the office of postmaster, or of collector of internal revenue, or of pension agents, or of consuls, is not properly a departmental office—not an office in a Department having supervision over the branch of the public service to which it belongs. True, an official relation exists here between the office and the Department, one, moreover, of subordination of the former to the latter, but this does not make the office a part of the Department.

The Chair thinks that ruling very applicable to the case in hand. Referring to the act of February 14, 1903, entitled "An act to increase the efficiency of the Army," being the act whereby this office of Chief of Staff is created, it does not appear that there is any provision that he shall be established or even have his headquarters at Washington. He may be in the field. He may be anywhere the necessities of the service require. He is, among other things, to "have supervision of all troops of the line," and to "perform such other military duties" as may be lawfully assigned him by the President. The Chair is of the opinion that he is not the head of a "Department" within the meaning of the law and ruling of the Attorney-General, but his relation to the War Department, so far as the bill is concerned, is of a character similar to that formerly sustained by the Lieutenant-General. The words embraced in lines 13, 14, and 15 on page 8, "And said clerks and messengers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve," would, if introduced for the first time in this bill, be open to objection, but it appears to be the identical language which is in the existing law, the army appropriation bill of last year. It is a mere reaffirmation of law. The Chair, therefore, overrules the point of order.

The Clerk read as follows:

Three hundred acting quartermasters, at $100 per annum in addition to pay as officers of the line, $30,000.

Mr. HEMENWAY. Mr. Chairman, I reserve a point of order.

Mr. HAY. I make the point of order, Mr. Chairman, that it changes existing law.

The CHAIRMAN. What is the gentleman's point of order?

Mr. HAY. That lines 7, 8, and 9, at page 10, change existing law.

Mr. HULL. Mr. Chairman, I want to make one statement, giving the reasons the committee had for putting this into the bill. For forty years the acting commissaries have had the extra pay of $100 a year. The acting quartermasters have had responsible and heavy duties to perform, and we believed that they should be on an equality. This is a change of law, and of course is subject to a point of order if the gentleman sees fit to make it?

The CHAIRMAN. The Chair sustains the point of order.

Mr. HULL. Mr. Chairman, there should be a change in the total.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 10 and 11, page 11, strike out "three hundred and twenty thousand" and insert "two hundred and ninety thousand;" so that it will read: "290,550."

The amendment was agreed to.

The Clerk read as follows:

Medical Department: For pay of officers in the Medical Department, $633,400.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $200,000.

In all, $833,400.

Mr. PALMER. Mr. Chairman, I move to strike out the last word. It appears that the Medical Department at present is composed of 1 brigadier-general, 9 colonels, 12 lieutenant-colonels, 45

captains, 178 lieutenants, in all 336 doctors for a little less than 60,000 men. That is 1 doctor for every 180 men. The cost to the United States for the pay of these officers is $833,400, without saying anything about the medicines or hospital stewards or nurses.

On page 15 of the bill there is an item of $450,000 for 250 contract surgeons. That is to be added, making a total cost for the pay of doctors for these 60,000 men of $1,283,400. In my opinion, Mr. Chairman, that is too much to pay for that service. I think somehow or other and some time or other this force of doctors ought to be reduced to correspond in some degree with the present size of the Army.

The same criticism can be made of the Pay Department. There is at present 1 Paymaster-General, who is a brigadier-general; 3 assistant paymasters-general, with the rank of colonel; 4 assistant paymasters-general, with the rank of lieutentant-colonel; 20 majors, 24 captains, a total of 53 paymasters for 60,000 men—for 30 regiments of infantry, 15 regiments of cavalry, and 15 regiments of artillery. In active service a paymaster is expected to pay 10 regiments every two months, and if this Army was in active service in the field, where they could be got at, 6 paymasters ought to do the job. There are 53 paymasters, and they cost $241,375 to the Government.

They have 90 paymasters' clerks, which is pretty near 2 clerks to every paymaster. They have an item of $15,000 appropriated for paymasters' messengers. What a paymaster's messenger is I don't know. There were none in the civil war. The paymaster's clerk did the work and the paymaster drew the salary, and the only thing I know that a paymaster's messenger could do is to brush the flies off the paymaster's nose. [Laughter.]

I make the same remark with respect to the paymasters—that somewhere, somehow or other, this force in the Pay Department ought to be reduced to correspond to the strength of the Army. There may be some sense and some reason in maintaining the other arms of the service in the numbers which they now contain; but in time of actual war, while we may need trained officers to organize the Army as a nucleus to muster the volunteer force around, you can always get paymasters and doctors by the regiment. You can hire a thousand of them in twenty-four hours who will perform the duty as well as the gentlemen who are now drawing the pay and, as it seems to me, doing mighty little for it. Anyone who knows the multiplication table and can add figures and who can give a bond for the faithful performance of his duty can be a paymaster. There is no mystery about it.

Mr. Chairman, I withdraw the amendment.

Mr. HULL. Mr. Chairman, just one word.

The CHAIRMAN. There is now no motion pending before the committee. The gentleman has withdrawn his pro forma amendment.

Mr. HULL. I will renew it. If the gentleman had been present at the hearings before the committee, he would have found that the Medical Corps is asking for an increase, and makes a good showing for the necessity of it.

Mr. PALMER. I don't doubt it.

Mr. HULL. We cut them down in the reorganization bill below the amount they desired. The Army is largely scattered. We have troops in Porto Rico, in Alaska, in Manila, in Honolulu, and we have them scattered in different portions of this country. We have two battalions of a regiment in Porto Rico now and the doctors must be placed wherever there are troops.

At one time there were over 400 posts in the Philippine Islands alone—small detachments—and I know my good friend from Pennsylvania [Mr. PALMER] would not like to send out even 25 men in the Tropics away from the base of supplies, where it would be impossible to get medical attendance, without having an officer of the Army there to minister to them in case of sickness. The contract surgeons are in some sense a precautionary measure. The Surgeon-General says that we do not know when we may need them by this process of sending out troops in small detachments.

Now, as to the Pay Department, I can only say that when that question was before the committee and before Congress in the reorganization of the Army we took the evidence submitted by the Secretary of War, who has wonderful efficiency in his administrative as well as his executive office, and we took the smallest number of men for the Pay Corps that the Secretary of War certified would be necessary to promptly pay the troops.

If any gentleman can give the Committee on Military Affairs any evidence that this corps is too large, or if he will introduce a bill and give the evidence, I will promise him we will give it careful consideration, and if he can establish his case we will be glad to cut out any of this corps that are unnecessary.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman if he had any evidence before the committee when he made this bill up on this subject?

Mr. HULL. Certainly, we took evidence; and in this bill we are appropriating for those provided for by law.

Mr. GAINES of Tennessee. Those officers are provided for by law?

Mr. HULL. Certainly.

Mr. GAINES of Tennessee. We have reduced the Army from 100,000 to about 60,000. Have we the same number of officers for the 60,000 that we had for the 100,000?

Mr. HULL. Yes.

Mr. GAINES of Tennessee. Of the class the gentleman has described?

Mr. HULL. Yes.

Mr. GAINES of Tennessee. In other words, we have the same number of doctors and the same number of clerks for 60,000 troops that we had for 100,000. That is frugality run mad.

Mr. HULL. I will say that during the progress of the war, when we had additional regiments and a volunteer corps in the field, the Pay Corps was very much larger, and so was the Medical Corps, but this is a permanent establishment, and whether the Army is 100,000 or 60,000 does not make any difference as to the number of officers.

Mr. GAINES of Tennessee. I hope the gentleman will tell us why we have not some departmental recommendation or some recommendation from the President, the Commander in Chief of the Army, urging a reduction of these officers? Why is it Secretary Root has not made some recommendation about reducing these officers?

Mr. HULL. Because they do not want them reduced.

Mr. GAINES of Tennessee. The gentleman from Pennsylvania [Mr. PALMER] has made a remarkable argument here in a minute or two, showing to me that there is no desire on the part of the powers that be—the Commander in Chief of the Army—to cut off these unnecessary officers and lessen expenses. The gentleman's statement is remarkable for brevity, as well as for meat, and the gentleman from Iowa [Mr. HULL] now states that he has had some testimony, and what was your evidence on this point?

Mr. HULL. The gentleman from Tennessee certainly did not understand the gentleman from Iowa.

Mr. GAINES of Tennessee. I hope he did not.

Mr. HULL. I stated positively that when the reorganization of the Army was before the committee they had very full hearings. They went over all these staff corps, and they cut it down to what they now stand at and what we believe to be a proper force.

Mr. GAINES of Tennessee. Haven't they reduced the Army since that time?

Mr. HULL. No; the Army has been reduced in its enlisted force under the provisions of that law, but under the provisions of the law that was adopted by Congress at that time we are now simply appropriating for offices provided for in the permanent law.

Mr. GAINES of Tennessee. How many soldiers have we in the Philippine Islands?

Mr. HULL. I can not answer that offhand. I should imagine about 10,000.

Mr. GAINES of Tennessee. How many of these officers, these clerks and typewriters and stenographers, are there with them?

Mr. HULL. I do not understand that the stenographers have gone with them. The gentleman made a very careful investigation of the Philippines, and I will ask him if he found any stenographers at these posts?

Mr. GAINES of Tennessee. I think the Government sent a number over there that were mighty glad to get back, and a great many of them came back with the lids down over their faces.

Mr. HULL. Mr. Chairman, I withdraw the amendment.

Mr. GAINES of Tennessee. Then, Mr. Chairman, I will renew it. The gentleman himself had some little reminder of coming back that way himself. I think he stayed in the Philippines a little too long for his physical welfare. Now, Mr. Chairman, I have alluded to this very thing time and again in my strenuous opposition to this newborn babe in American jurisdiction, known as "imperialism" or "colonialism."

Here the distinguished gentleman from Pennsylvania [Mr. PALMER], the ex-attorney-general of that State, the State from which the chairman of the committee himself comes, has had the courage to say, old soldier that he is, that this expenditure is quite unnecessary, as are the excessive number of officers, the excessive number of messengers, and the excessive pay; and all of it is brought about, as explained by the gentleman from Iowa [Mr. HULL] because the Army is spread all over the face of the earth.

Mr. Chairman, I want to dilate a little on what the gentleman has said. He rightfully complains of too many officers, too much salary, and too many clerks. But this all follows colonialism. We have carried our jurisdiction, and with it our Army, in the past six years to Hawaii, Porto Rico, and the Philippines, and

we must keep the Army in these countries to control the people who unwillingly submit to the white man's control.

I believe we have an army post in Alaska, too, and now righteous complaint comes from the gentleman from Pennsylvania [Mr. PALMER] because of the unnecessary officers and clerks under them and the salaries paid—but all this naturally comes from colonialism, the child of the Republican party.

Now, Mr. Chairman, it is a mighty short cow that does not want a tail in fly time. This colonialism and its cost is coming back and haunting the Republican party, and it will continue as long as we own colonies. It is becoming a burden and a menace to the American people. Thomas Jefferson warned us against this spirit of territorial aggrandizement. He told us to stay on this side of the Atlantic, and congratulated us that a wide ocean separated us from the war powers of the Old World; and our forefathers took his advice.

They undertook to build a government to suit themselves on this side of the world and called it "United States of America." That was the policy until commercialism and grab and greed got into the saddle and now are aiming at supreme control. The old policy of keeping the ship of state between the two oceans is abandoned, and a big army of soldiers and an army of officers is the result in part—death, disease, pensions, and high taxes we are used to nowadays.

I dare say that some other old soldier—and I am glad I am not one, but I am delighted to see my distinguished friend from Pennsylvania [Mr. PALMER] looking so well——

Mr. PALMER. I do not want to sail under false colors. I am not an "old soldier"——

Mr. GAINES of Tennessee. Well, you look like one. [Laughter.]

Mr. PALMER. I was an humble paymaster's clerk; but I undertake to know something on the subject I am talking about; and I say I will take the job of paying these 60,000 men in the United States Army at this time for 10 per cent what the Government is paying for the business now, and will make money out of it.

Mr. GAINES of Tennessee. Now, Mr. Chairman, there is a downright, eighteen-carat fine, honest Republican. [Laughter.] I hope he will live long and prosper. I want to have the tax reduced on alcohol; and if the gentleman will permit his friends, and I am one, will preserve him, and put him on exhibition here to succeeding Republican Congresses if we ever have one. [Laughter.]

Mr. HAY. In answer to the gentleman from Pennsylvania, I wish to say that so far as the Medical Corps of the Army is concerned, his statement that he can get a thousand regiments——

Mr. PALMER. A thousand doctors.

Mr. HAY. That he could get a thousand doctors in twenty-four hours, I believe he said——

Mr. PALMER. Yes.

Mr. HAY. To do as good work as the present Medical Corps is doing, I must respectfully take issue with him. He is evidently entirely unacquainted with the work of the Medical Corps of the Army.

There is not a more efficient class of men in the Army to-day than the Medical Corps. No discovery in modern times in connection with medicine has been of greater benefit to the world than those that have been made by the Medical Corps of the Army. And that corps is not sufficient to do the work which it ought to do for the Army. Anybody who is acquainted with the question, anybody who knows or who has studied the conditions that surround the Medical Corps of the Army and the Army itself, knows that what I say is true. That corps in the last six years has contributed to science more than any other branch of the medical profession within my knowledge. If the gentleman can get together a thousand men such as Reed and Gorgas and the present distinguished Surgeon-General and the late Surgeon-General of the Army, and others who might be named, he can do more than anybody else in this country or in this world can do. It seems to me it ought to be a matter of pride to the people of this country that we have a Medical Corps of which we can be proud and whose opinions are valued by every scientific and medical association in the world.

Mr. PALMER. Mr. Chairman, I made no criticism on the Medical Corps of the Army nor on the efficiency of the physicians employed in it. I do not yield to the gentleman from Virginia or anybody else in my respect for that corps. But I did undertake to say that there are too many men in that corps; that there is no sense in having one for every 180 men. I further undertook to say that if war came a sufficient number of contract surgeons could be employed to do the necessary work, and it does not seem to me worth while to keep up in time of peace an establishment which is five or ten times larger than it need be.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

RETIRED OFFICERS.

For pay of officers on the retired list and for officers who may be placed thereon during the current year, $1,944,900.95.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $425,000.

In all, $2,369,900.95.

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10675, the army appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GILLESPIE for ten days on account of important business.

Mr. HULL. I move that the House do now adjourn.

DAM ACROSS THE MISSISSIPPI RIVER IN MINNESOTA.

Mr. LIND. Will the gentleman withhold his motion for a moment?

Mr. HULL. I will.

Mr. LIND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 9308) permitting the building of a dam across the Mississippi River between the counties of Wright and Sherburne, in the State of Minnesota.

Be it enacted, etc., That the consent of Congress is hereby granted to the Minnesota Power and Trolley Company (a Minnesota corporation), its successors or assigns, to construct and maintain across the Mississippi River a dam, canal, and works necessarily incident thereto, for water-power purposes, at any point between section 17, in township 121 north, of range 23 west, in Wright County, and section 6, in township 32 north, of range 26 west, in Sherburne County, Minn.

SEC. 2. That suitable fishways, to be approved by the United States Fish Commissioner, shall be constructed and maintained at said dam by said corporation, its successors or assigns.

SEC. 3. That the right to amend, alter, or repeal this act is hereby expressly reserved; and the same shall become null and void unless the construction of the dam hereby authorized be commenced within one year after the passage of this act and completed within three years thereafter.

The amendments recommended by the committee were read, as follows:

In line 8, page 1, after the word "seventeen," insert the words "or eighteen."

On page 2, line 1, after the word "Minnesota," strike out all down to and including the word "situated" in line 19, and insert the following:

Provided, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of construction of the same: *And provided further*, That the said Minnesota Power and Trolley Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of such dam as he may deem advisable in the interests of navigation: *And provided further*, That in case any litigation arises from the building of said dam, or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts, as now provided for that purpose in the State of Minnesota and in the courts of the United States; but nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said structures from the operation of same.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I would ask the gentleman if this bill is reported from any committee?

Mr. LIND. It is unanimously reported from the Committee on Interstate and Foreign Commerce. It is reported by my colleague [Mr. STEVENS of Minnesota].

Mr. PAYNE. It has not been considered by the Committee on Rivers and Harbors, has it?

Mr. LIND. No.

Mr. PAYNE. Is it approved by the War Department?

Mr. LIND. It is in the exact language approved by the War Department.

Mr. PAYNE. Which is written in the amendment?

Mr. LIND. It is.

Mr. PAYNE. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading, and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LIND, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HULL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 45 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for field maneuvers of the Army and militia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for marking the boundary line between the Territory of Alaska and the Dominion of Canada—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the chairman of the United States Government Board, Louisiana Purchase Exposition, submitting an estimate of appropriation for rent of temporary quarters in Washington for certain exhibits—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of the journals of the twenty-second legislative assembly of the Territory of Arizona—to the Committee on the Territories.

A letter from the Secretary of the Treasury, recommending an immediate appropriation for purchase of site for Federal building at Los Angeles, Cal.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HEMENWAY, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes, reported the same without amendment, accompanied by a report (No. 457); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9293) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 458); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9912) granting an increase of pension to Simon Elgiser, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. HEMENWAY, from the Committee on Appropriations: A bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes—to the Union Calendar.

By Mr. BABCOCK: A bill (H. R. 10955) for the further prevention of communicable diseases in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOWERS: A bill (H. R. 10956) to amend sections 2566 and 2567 of the Revised Statutes of the United States, 1878, so as to remove the port of entry for the district of Pearl River from Shieldsboro to Gulfport, and for other purposes—to the Committee on Ways and Means.

By Mr. FLACK (by request): A bill (H. R. 10957) granting homesteads to certain veterans of the civil war, and for other purposes—to the Committee on the Public Lands.

By Mr. MACON: A bill (H. R. 10958) to confer jurisdiction upon the Court of Claims to hear and determine the claims of churches, lodges, and educational or eleemosynary institutions, arising from the late civil war—to the Committee on War Claims.

By Mr. HOPKINS: A bill (H. R. 10959) making available so much of fund appropriated for improvement of Kentucky River as may be necessary to build bridge across Two Mile Creek, in Clark County, and meet other damage caused by construction of Dam No. 10, at Ford, Ky.—to the Committee on Rivers and Harbors.

By Mr. BENTON: A bill (H. R. 10960) for the erection of a public building at Carthage, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. McGUIRE: A bill (H. R. 10961) extending the jurisdiction of the district court sitting at Pawhuska, in the Osage Indian Reservation, in the Territory of Oklahoma, authorizing the court to appoint United States commissioners, who shall be ex-officio justices of the peace, to provide penalties for the crimes of larceny and the stealing of domestic animals, and for other purposes—to the Committee on the Judiciary.

By Mr. CLAUDE KITCHIN: A bill (H. R. 10962) to prevent removals from State courts into courts of the United States by nonresident corporations—to the Committee on the Judiciary.

Also, a bill (H. R. 10963) to limit removals from State courts into courts of the United States in certain cases—to the Committee on the Judiciary.

By Mr. COWHERD: A bill (H. R. 10964) for the extension of S street, in the District of Columbia—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 10965) granting a pension to Sarah J. Cline—to the Committee on Pensions.

By Mr. BEALL of Texas: A bill (H. R. 10966) granting a pension to Alberta Noulen—to the Committee on Pensions.

By Mr. BOUTELL: A bill (H. R. 10967) granting an increase of pension to Jane B. Robinson—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE: A bill (H. R. 10968) granting a pension to Marceline P. Hamilton—to the Committee on Invalid Pensions.

By Mr. BROOKS: A bill (H. R. 10969) granting an increase of pension to Joseph H. Shay—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 10970) granting an increase of pension to Charles A. Norcross—to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 10971) granting a pension to Eli Brazelton—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 10972) for the relief of Mrs. Lucretia Lambert—to the Committee on War Claims.

By Mr. CONNER: A bill (H. R. 10973) granting a pension to Harry F. Thompson—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 10974) granting an increase of pension to Robert Conn—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 10975) granting an increase of pension to Benjamin F. Missemer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10976) granting an increase of pension to Jacob T. Coplan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10977) for the relief of certain quartermaster employees enrolled, and sworn into the United States service—to the Committee on Military Affairs.

By Mr. DARRAGH: A bill (H. R. 10978) for the relief of J. W. Cromwell, surviving partner of the firm of J. W. Cromwell & Co.—to the Committee on War Claims.

Also, a bill (H. R. 10979) to correct the military record of Henry W. Knapp—to the Committee on Military Affairs.

Also, a bill (H. R. 10980) granting an increase of pension to Baron Blanchard—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 10981) granting a pension to Frances E. Truesdell—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 10982) granting an increase of pension to Linus Toles—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 10983) granting an increase of pension to Rosaline V. Campbell—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 10984) granting a pension to Delia A. B. Fay—to the Committee on Pensions.

Also, a bill (H. R. 10985) to correct the military record of Daniel O'Brien—to the Committee on Military Affairs.

By Mr. GAINES of West Virginia: A bill (H. R. 10986) for the relief of Mrs. Mary Shannon, and so forth—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 10987) for the relief of D. Froneberger, for himself and as surviving partner of the firm of D. & C. Froneberger, of Knox County, Tenn.—to the Committee on War Claims.

By Mr. GROSVENOR: A bill (H. R. 10988) granting an increase of pension to August Graf—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 10989) to pay certain Pottawatomie Indians of Michigan unpaid annuities under treaties made with the Pottawatomie Indians of Michigan—to the Committee on Claims.

By Mr. HAY: A (bill H. R. 10990) for the relief of Mary E. Collier—to the Committee on War Claims.

By Mr. HEMENWAY: A bill (H. R. 10991) granting an increase of pension to Frances C. McFarland—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 10992) granting a pension to Henry C. Nash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10993) granting a pension to Mary McEvoy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10994) granting a pension to William T. Vanderpool—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 10995) permitting the personal representative of Mrs. Esther Gearheart to present for adjudication her claim against the United States Government in the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 10996) granting an increase of pension to Philip Hamman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10997) granting a pension to Mary McGill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10998) granting a pension to James Obrien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10999) granting a pension to Woodford M. Shoemaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11000) to correct the record of William Lindon and granting him a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 11001) correcting the record of Jonathan Chaney and granting him a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 11002) correcting the record of James Mitchell and granting to his widow a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 11003) correcting the record of James Grooms and granting him a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 11004) to correct the record of Isaac Stephens and grant him a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 11005) correcting the record of Allen Daniels and granting his widow a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 11006) to correct the record of James Stone and grant him a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 11007) correcting the military record of G. W. Perkins—to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 11008) granting a pension to John Bartram—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 11009) granting an increase of pension to John Broyles—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 11010) for the relief of the First Baptist Church, of Helena, Ark.—to the Committee on War Claims.

By Mr. MAHON: A bill (H. R. 11011) granting an increase of pension to John Linn—to the Committee on Invalid Pensions.

By Mr. MARSH: A bill (H. R. 11012) granting a pension to William Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11013) granting an increase of pension to William Flaig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11014) granting an increase of pension to Robert L. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11015) granting an increase of pension to Joseph Wardle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11016) granting an increase of pension to Samuel P. Short—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11017) granting an increase of pension to John Shattuck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11018) granting an increase of pension to William B. Bruner—to the Committee on Pensions.

Also, a bill (H. R. 11019) granting an increase of pension to Samuel L. Smith—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 11020) granting an increase of pension to Henry W. Hurlbut—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 11021) granting an increase of pension to Joseph Weems—to the Committee on Pensions.

By Mr. REID: A bill (H. R. 11022) granting a pension to Mollie Kupperle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11023) granting a pension to Clarence E. Haney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11024) granting an increase of pension to William H. Chrouch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11025) for the relief of Daniel Guffey, of Casa, Ark.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11026) for the relief of W. A. Galloway, of Jacksonville, Ark.—to the Committee on Claims.

Also, a bill (H. R. 11027) for the relief of Eli G. Collier—to the Committee on War Claims.

Also, a bill (H. R. 11028) for the relief of Mrs. R. M. Scruggs—to the Committee on War Claims.

By Mr. SPIGHT: A bill (H. R. 11029) for the relief of the heirs of John D. Martin, deceased, late of Marshall County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 11030) to confer jurisdiction on the Court of Claims in certain cases—to the Committee on War Claims.

Also, a bill (H. R. 11031) for the relief of the estate of A. M. Doak, deceased, late of Lafayette County, Miss.—to the Committee on War Claims.

By Mr. TALBOTT: A bill (H. R. 11032) for the relief of Frederick Gray—to the Committee on Military Affairs.

By Mr. WARNOCK: A bill (H. R. 11033) granting an increase of pension to Noah Minnick—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 11034) granting a pension to William D. Carpenter—to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 11035) for the relief of John E. James—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Chicago Local Council of the Merchant Tailors' National Protective Association of America, protesting against the enactment of bills H. R. 89 and 8136—to the Committee on the Judiciary.

By Mr. ACHESON: Papers to accompany bill H. R. 8909, granting an increase of pension to William R. Wilkins—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 6304, granting an increase of pension to Joseph E. McCabe—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Papers to accompany bill granting a pension to Matthias A. Cullman—to the Committee on Invalid Pensions.

Also, resolution of Heath Post, No. 6, of Gardiner; Bosworth Post, No. 2, of Portland, and Hannibal Hamlin Post, No. 165, Grand Army of the Republic, of Maine, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Papers to accompany House bill granting a pension to Eli Brazelton—to the Committee on Invalid Pensions.

By Mr. CANDLER: Papers to accompany House bill for the relief of Mrs. Lucretia Lambert—to the Committee on War Claims.

By Mr. DARRAGH: Resolution of Andrew McComber Post, No. 141, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DEEMER: Resolution of Colonel John D. Musser Post, No. 66, Grand Army of the Republic, of Muncy, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of citizens of American Falls, Idaho, against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Resolution of Joseph Woodruff Post, No. 281, Grand Army of the Republic, Marseilles, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Philadelphia Maritime Exchange, relative to arbitration treaties between the United States and foreign countries—to the Committee on Foreign Affairs.

By Mr. GIBSON: Papers to accompany bill granting an increase of pension to James P. Fancher—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Resolution of J. Lewis Post, No. 560, Grand Army of the Republic, Wilksville, Ohio, against the placing of statue of Gen. R. E. Lee in Statuary Hall—to the Committee on the Library.

Also, papers to accompany House bill granting an increase of pension to August Graf—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Papers to accompany bill for the relief of Pottawatomie Indians of Michigan—to the Committee on Indian Affairs.

Also, resolution of L. C. Woodman Post, No. 196, of Lawton, and Hill Post, No. 159, of Middleville, Mich., Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition of business men of Dowagiac, Mich., protesting against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAY: Papers to accompany bill for the relief of Mary E. Collier—to the Committee on War Claims.

By Mr. HEMENWAY: Papers to accompany House bill to increase pension of James McFarland—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Resolutions of Kearney-Janeway Post, No. 15, of New Brunswick, and Elwood Arnold Post, No. 87, Grand Army of the Republic, New Jersey, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KEHOE: Petition of residents of Mason County, Ky., in favor of bill H. R. 4072—to the Committee on the Judiciary.

By Mr. KETCHAM: Petition of Poughkeepsie Foundry and Machine Company, against passage of bills H. R. 89, 1234, 4063, and 8136—to the Committee on the Judiciary.

Also, petition of C. A. Van Deusen, of Hudson, N. Y., protesting against passage of bills H. R. 89, 1234, 4063, and 8136—to the Committee on the Judiciary.

By Mr. LACEY: Resolution of Gordon Granger Post, No. 64, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: Papers to accompany bill to correct military record of V. B. Gatewood—to the Committee on Military Affairs.

Also, papers to accompany bill to correct military record of Charles Branstetter—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 5580, granting a pension to Celia C. Owen—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10537, correcting military record of Richard H. Welch—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 4604, granting a pension to Christian Kloeppel—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 10062, granting increase of pension to Oscar Murray—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Resolutions of Fred A. Norwood Post, No. 146, and Weld Sargent Post, No. 92, Grand Army of the Republic, Department of Maine, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MAHON: Resolution of H. D. H. Wilson Post, No. 134, Grand Army of the Republic, Mifflintown, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Morgan Huff and 20 others, of Dudley, Pa., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Papers to accompany House bill granting increase of pension to Andrew Jarvis—to the Committee on Invalid Pensions.

By Mr. MINOR: Resolution of George D. Eggleston Post, No. 133, Grand Army of the Republic, Appleton, Wis., in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, resolution of Marinette (Wis.) Good Roads Association, favoring amendments to the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Marinette (Wis.) General Improvement Association, favoring certain amendments to the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Resolutions of Robert Chivas Post, No. 2, and Rank and File Post, No. 240, Grand Army of the Republic, of Milwaukee, Wis., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany House bill granting an increase of pension to Joseph Weems—to the Committee on Invalid Pensions.

By Mr. PORTER: Resolution of Colonel James C. Hull Post, No. 157, Grand Army of the Republic, Pittsburg, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Weil Bros. & Co., of Fort Wayne, Ind., in favor of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Papers to accompany bill H. R. 10931, granting an increase of pension to Christopher O'Hara—to the Committee on Invalid Pensions.

By Mr. SIMS: Papers to accompany claim of Mrs. M. A. Doak, administratrix—to the Committee on War Claims.

By Mr. SNOOK: Resolution of Joy Post, No. 152, Grand Army of the Republic, of Pioneer, Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Paper to accompany bill for the relief of the heirs of John D. Martin—to the Committee on War Claims.

By Mr. TALBOTT: Paper to accompany bill granting an honorable discharge to Frederick Gray—to the Committee on Military Affairs.

By Mr. WATSON: Papers to accompany bill H. R. 10402, for the relief of Robert G. Carter, United States Army (retired)—to the Committee on Military Affairs.

SENATE.

MONDAY, *January 25, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

RENTAL OF BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, in response to a resolution of the 17th ultimo, a statement as to the quarters and buildings rented by the Department of State in the District of Columbia and the various States and Territories, and the annual rental in each case; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMERICAN NATIONAL INSTITUTE AT PARIS, FRANCE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a letter from Miss Mathilda Smedley, relative to the incorporation of the American National Institute (Prix de Paris) at Paris, France; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

FEDERAL BUILDING AT LOS ANGELES, CAL.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, requesting that an additional appropriation be made for the acquisition of land for the enlargement of the Federal building and site at Los Angeles, Cal.; which was referred to the Committee on Appropriations, and ordered to be printed.

SEÑOR ALFONSO ZELAYA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, in compliance with the request of the Government of Nicaragua, through its minister at Washington, and with the consent of the Secretary of War, a draft of a resolution authorizing the Secretary of War to receive Señor Alfonso Zelaya, son of the President of Nicaragua, as a student at the Military Academy at West Point at the expense of the Government of Nicaragua; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

THEATERS, ETC., IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 5th instant, information relative to the condition of all theaters and places of public entertainment in the District of Columbia, etc.; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

JANITOR FOR SUBTREASURY, ST. LOUIS, MO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the assistant treasurer at St. Louis, Mo., requesting that an additional male janitor be provided for that office at a compensation of $600 per annum; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

DIVISION OF CUSTOMS, TREASURY DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Assistant Secretary of the Treasury relative to the services of three additional clerks at $1,200 each in the division of customs, Treasury Department, in lieu of three clerks at $900 each; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

EXAMINER FOR AUDITOR FOR STATE AND OTHER DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Auditor for the State and other Departments, requesting that provision be made for one examiner in the office of the Auditor at a salary of $2,000 per annum; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

JOURNALS OF LEGISLATIVE ASSEMBLY OF ARIZONA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a copy of the journals of the twenty-second legislative assembly of the Territory of Arizona for the year 1903; which, with the accompanying paper, was referred to the Committee on Territories.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 200) granting an increase of pension to Austin Almy;
A bill (S. 1334) granting a pension to Amy C. Bosworth; and
A bill (S. 1760) granting a pension to Ann A. Devore.

The message also announced that the House had passed the concurrent resolution providing for the printing of 15,000 copies of the statement of the trustees of the Louisiana Purchase Exposition Company from the date of incorporation to the year 1903, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 134) granting a pension to Wilhelmina Miller;
A bill (H. R. 138) granting an increase of pension to Henry Hale;
A bill (H. R. 165) granting an increase of pension to Thomas Adelsperger;
A bill (H. R. 195) granting a pension to Michael Landy;
A bill (H. R. 198) granting an increase of pension to Emmett Cole;
A bill (H. R. 219) granting a pension to Minerva J. Burton;
A bill (H. R. 249) granting an increase of pension to Mollie J. Mitchell;
A bill (H. R. 475) granting a pension to Alfred C. Isachsen;
A bill (H. R. 529) granting a pension to Emma H. Higley;
A bill (H. R. 610) granting an increase of pension to Samuel Alexander;
A bill (H. R. 660) granting an increase of pension to John S. Sines;
A bill (H. R. 681) granting an increase of pension to Ella P. Kersteter;
A bill (H. R. 689) granting an increase of pension to Edgar Chapman;
A bill (H. R. 703) granting an increase of pension to Robert P. Baker;
A bill (H. R. 727) granting an increase of pension to James K. Blye;
A bill (H. R. 734) granting an increase of pension to Henry S. McAlister;
A bill (H. R. 754) granting a pension to John M. Lawton;
A bill (H. R. 812) granting an increase of pension to Charles F. Emery;
A bill (H. R. 865) granting an increase of pension to Charles C. Chase;
A bill (H. R. 937) granting an increase of pension to Mark A. Shelton;
A bill (H. R. 1156) granting an increase of pension to John Pangratz;
A bill (H. R. 1294) granting an increase of pension to William McBrien;
A bill (H. R. 1316) granting an increase of pension to George W. Day;
A bill (H. R. 1330) granting a pension to Samuel W. Searles;
A bill (H. R. 1487) granting an increase of pension to Dexter T. Drake;
A bill (H. R. 1497) granting an increase of pension to Dana Cook;
A bill (H. R. 1855) granting a pension to Harriett B. Riley;
A bill (H. R. 1859) granting an increase of pension to Patrick Cannon;
A bill (H. R. 1883) granting a pension to Harriet A. Cook;
A bill (H. R. 1906) granting an increase of pension to George W. Blanchard;
A bill (H. R. 2016) granting an increase of pension to George Gardner;
A bill (H. R. 2040) granting a pension to James Anderson;
A bill (H. R. 2111) granting an increase of pension to Henry D. Towsley;
A bill (H. R. 2122) granting a pension to Orlo H. Lyon;
A bill (H. R. 2183) granting an increase of pension to Joseph A. Soule;
A bill (H. R. 2194) granting a pension to Mary Dewire;
A bill (H. R. 2427) granting a pension to Cynthia Thomas;
A bill (H. R. 2477) granting an increase of pension to Frank J. McLaughlin;
A bill (H. R. 2553) granting an increase of pension to George Wintz;
A bill (H. R. 2809) granting an increase of pension to John Watt;
A bill (H. R. 2822) granting an increase of pension to Louisa Phillips;
A bill (H. R. 2852) granting an increase of pension to Abraham J. Yeomans;
A bill (H. R. 2912) granting an increase of pension Elizabeth A. Jones;
A bill (H. R. 2916) granting an increase of pension to Francis S. Howard;
A bill (H. R. 2920) granting an increase of pension to Daniel W. Huffman;
A bill (H. R. 2923) granting an increase of pension to John G. Fairchild;
A bill (H. R. 2932) granting a pension to Dudley R. W. Williams;
A bill (H. R. 3032) granting an increase of pension to William Pettenger;
A bill (H. R. 3037) granting a pension to William Bieber;
A bill (H. R. 3172) granting an increase of pension to Robert E. Pogue;
A bill (H. R. 3272) granting an increase of pension to Elizabeth Hardy;
A bill (H. R. 3278) granting a pension to Mary E. Pennock;
A bill (H. R. 3299) granting a pension to Medie M. Flanders;
A bill (H. R. 3337) granting an increase of pension to Mary A. Craigue.
A bill (H. R. 3345) granting an increase of pension to Charles P. Clarke;
A bill (H. R. 3367) granting an increase of pension to George W. Kerby;
A bill (H. R. 3407) granting an increase of pension to Frank Lewis;
A bill (H. R. 3411) granting an increase of pension to William J. Hart;
A bill (H. R. 3435) granting an increase of pension to John M. Pratt;
A bill (H. R. 3521) granting an increase of pension to John Hawker;
A bill (H. R. 3616) granting an increase of pension to James W. Davis;
A bill (H. R. 3617) granting an increase of pension to Charles M. Everett;
A bill (H. R. 3665) granting an increase of pension to Henry C. Jones;
A bill (H. R. 3815) granting an increase of pension to Hester E. Mooney;
A bill (H. R. 3836) granting an increase of pension to David H. Thompson;
A bill (H. R. 4031) granting an increase of pension to Samuel R. Wasson;
A bill (H. R. 4045) granting a pension to Minnie Gusler;
A bill (H. R. 4114) granting an increase of pension to Robert S. Carns;
A bill (H. R. 4136) granting an increase of pension to Caleb Arnett;
A bill (H. R. 4157) granting an increase of pension to Adam Kohlhauff;
A bill (H. R. 4251) granting an increase of pension to Joseph Hinkle;
A bill (H. R. 4276) granting an increase of pension to Hamilton E. Burritt;
A bill (H. R. 4323) granting an increase of pension to Mary Wurtz;
A bill (H. R. 4325) granting an increase of pension to John A. Sills;

A bill (H. R. 4365) granting a pension to Barney L. Brookins;
A bill (H. R. 4457) granting an increase of pension to Mary E. Meldrum;
A bill (H. R. 4526) granting an increase of pension to William J. Shephard;
A bill (H. R. 4578) granting a pension to Catharine M. McClanahan;
A bill (H. R. 4759) granting an increase of pension to David P. McDonald;
A bill (H. R. 4887) granting an increase of pension to George N. Thorpe;
A bill (H. R. 4915) granting an increase of pension to James W. Hibbert;
A bill (H. R. 4937) granting an increase of pension to Emily Conklin;
A bill (H. R. 4946) granting a pension to James F. Wheeler;
A bill (H. R. 4987) granting an increase of pension to William Y. M. Wilkerson;
A bill (H. R. 5179) granting a pension to Joseph J. Murray;
A bill (H. R. 5199) granting an increase of pension to Emma M. Johnson;
A bill (H. R. 5367) granting an increase of pension to Franklin Moore;
A bill (H. R. 5372) granting a pension to Mariah Kuechler;
A bill (H. R. 5391) granting an increase of pension to James Keleher;
A bill (H. R. 5471) granting an increase of pension to A. Marion Gamble;
A bill (H. R. 5534) granting an increase of pension to Adaline Shaw Lovejoy;
A bill (H. R. 5538) granting a pension to Jane Elizabeth Bullock;
A bill (H. R. 5555) granting an increase of pension to James R. Hauptly;
A bill (H. R. 5609) granting an increase of pension to Benjamin F. Grigsby;
A bill (H. R. 5611) granting a pension to Juliette Westbrook;
A bill (H. R. 5617) granting an increase of pension to William P. Hereford;
A bill (H. R. 5634) granting an increase of pension to Robert L. Miles;
A bill (H. R. 5699) granting an increase of pension to James P. Johnson;
A bill (H. R. 5718) granting an increase of pension to Adolph Heiser;
A bill (H. R. 5720) granting an increase of pension to William T. Filler;
A bill (H. R. 5818) granting an increase of pension to Philip Snow;
A bill (H. R. 5865) granting an increase of pension to Joshua Harlan;
A bill (H. R. 5883) granting an increase of pension to David Warentz;
A bill (H. R. 5972) granting an increase of pension to Edward A. Wilbur;
A bill (H. R. 6005) granting an increase of pension to George B. Davis;
A bill (H. R. 6020) granting an increase of pension to William P. Conner;
A bill (H. R. 6023) granting an increase of pension to Charles Wigert;
A bill (H. R. 6025) granting an increase of pension to John Herzog;
A bill (H. R. 6028) granting an increase of pension to Anson Heffron;
A bill (H. R. 6032) granting an increase of pension to Charles S. Bellows;
A bill (H. R. 6036) granting an increase of pension to John Shafer;
A bill (H. R. 6061) granting an increase of pension to Alpheus D. Brown;
A bill (H. R. 6085) granting a pension to Anna M. Maier;
A bill (H. R. 6089) granting an increase of pension to Emma L. Nagle;
A bill (H. R. 6091) granting an increase of pension to John W. Brown;
A bill (H. R. 6342) granting an increase of pension to Thomas Springer;
A bill (H. R. 6352) granting a pension to Mary Huff;
A bill (H. R. 6426) granting an increase of pension to David J. Beidler;
A bill (H. R. 6442) granting an increase of pension to James P. Wallace;
A bill (H. R. 6547) granting a pension to John Holzer;
A bill (H. R. 6562) granting an increase of pension to Frances A. Thompson;
A bill (H. R. 6582) granting an increase of pension to Harry Haller;
A bill (H. R. 6588) granting an increase of pension to James H. Cummings;
A bill (H. R. 6701) granting an increase of pension to John A. Reeds;
A bill (H. R. 6705) granting an increase of pension to Edwin A. Forman;
A bill (H. R. 6879) granting a pension to Reuben A. Finnell;
A bill (H. R. 6947) granting an increase of pension to Joseph H. Cooper;
A bill (H. R. 6994) granting an increase of pension to Theresa Nebrich;
A bill (H. R. 7072) granting a pension to Mary McCall;
A bill (H. R. 7079) granting an increase of pension to John J. Fleming;
A bill (H. R. 7095) granting an increase of pension to Harrison H. Hakes;
A bill (H. R. 7355) granting an increase of pension to Henry Barrett;
A bill (H. R. 7439) granting an increase of pension to Helen M. Bates;
A bill (H. R. 7447) granting an increase of pension to William Bailey;
A bill (H. R. 7477) granting an increase of pension to Cyrenius Dennis;
A bill (H. R. 7563) granting an increase of pension to William W. Rowlett;
A bill (H. R. 7594) granting an increase of pension to Charles H. Miller;
A bill (H. R. 7682) granting an increase of pension to William H. Howard;
A bill (H. R. 7699) granting an increase of pension to Martha M. del B. Cunningham;
A bill (H. R. 7732) granting an increase of pension to Mary Chenowith;
A bill (H. R. 7756) granting an increase of pension to Charles Schroder;
A bill (H. R. 7757) granting an increase of pension to Cyrus Davidheiser;
A bill (H. R. 7798) granting an increase of pension to Andrew Black;
A bill (H. R. 7799) granting an increase of pension to John O. Rice;
A bill (H. R. 8058) granting an increase of pension to William M. Underhill;
A bill (H. R. 8123) granting a pension to Eliza S. Smith;
A bill (H. R. 8187) granting an increase of pension to George Jeffrey;
A bill (H. R. 8207) granting an increase of pension to Charles Johnson;
A bill (H. R. 8342) granting an increase of pension to Horace E. Davis;
A bill (H. R. 8376) granting an increase of pension to Jonathan J. Smith;
A bill (H. R. 8717) granting an increase of pension to Henry Edwards;
A bill (H. R. 8728) granting a pension to Matilda Lafferty;
A bill (H. R. 8729) granting an increase of pension to Gustus S. Remick;
A bill (H. R. 8740) granting an increase of pension to Mary G. Bonesteel;
A bill (H. R. 8850) granting an increase of pension to Thomas Joyce;
A bill (H. R. 8916) granting an increase of pension to Susie C. G. Seabury;
A bill (H. R. 8920) granting a pension to Harriet A. Tucker;
A bill (H. R. 9029) granting a pension to Georgie S. Barbour;
A bill (H. R. 9030) granting an increase of pension to John Daly;
A bill (H. R. 9308) permitting the building of a dam across the Mississippi River, between the counties of Wright and Sherburne, in the State of Minnesota;
A bill (H. R. 9583) granting an increase of pension to James H. Hargis; and
A bill (H. R. 9658) to provide for the withdrawal, free of duty under bond, from the Louisiana Purchase Exposition of any articles and materials donated to incorporated institutions established for religious, philosophical, educational, scientific, or literary purposes, or to any State or municipal corporation.

The foregoing pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of the Winter Club, of Brooklyn, N. Y.; of the congregation of the First Christian Church of Hamilton, Mo., and of sundry citizens of Eau

Claire, Wis., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented memorials of the German Maennerchor of Kankakee; of the Grutle Verein of Peoria; of the Plattdeutsche Gilde Daniel Bartels, No. 6, of Chicago; of Lodge No. 353, of Chicago; of the Maennerchor of Bloomington; of the Deutscher Kranken Verein of Freeport; of the Turn Verein of Joliet; of the German Roman Catholic Benevolent Society of Freeport; of the Plattdeutsche Gilde Ewig Treu, No. 55, of Chicago; of Robert Blum Lodge, No. 58, of Chicago; of the Maennerchor of Rock Island; of the Brothers of the Melomania Lodge, No. 330, of Chicago; of Plattdeutsche Gilde Almira, No. 24, of Chicago; of Plattdeutsche Gilde John P. Altgeld, No. 34, of Chicago; of Plattdeutsche Gilde No. 56, of Chicago; of Plattdeutsche Gilde Voran, No. 62, of Chicago; of the Sharpshooters' Association of Joliet; of Court Germania, No. 19, of Chicago; of the German Krieger Verein, of Joliet; of the German Blucher Lodge, of Bloomington; of the Turn Verein of Elgin; of the Plattdeutsche Gilde of Chicago; of Fritz Reuter Council, No. 577, of Chicago; of Plattdeutsche Gilde, No. 13, of Chicago; of the Plattdeutsche Grot Gilde, of Chicago; of the Deutscher Krieger Verein, of Chicago; of the Low German Gilde, of Chicago; of Vorwaerts Lodge, No. 137, of Chicago; of the Plattdeutsche Gilde, No. 27, of Chicago; of Plattdeutsche Gilde Mathias Claudius, No. 28, of Chicago, and of the Süd-Seite Turn Verein, of Peoria, all in the State of Illinois; of Schiller Encampment, No. 33, of Bridgeport; of Zufriedenheit Lodge, No. 15, of Rockville, and of the Maennerchor of Ansonia, all in the State of Connecticut; of the Brewery Workmen's Benefit Society of Denver; of Court Germania, No. 15, of Denver; of Mozart Lodge, No. 1, of Denver; of Harmonia Lodge, No. 3689, of Pueblo; of the German Krieger Verein, of Denver; of the Social Turn Verein of Denver, and of the West Denver Turn Verein, of Denver, all in the State of Colorado; of the Helvetia Singing Section, of Sacramento; of Lodge No. 124, of Sacramento; of the Gesellschaft Teutonia, of San Francisco; of the German Red Men Singing Society, of Sacramento; of the German-American Singing Society, of Los Angeles; of Lodge No. 12, of Los Angeles; of the Deutscher Krieger Verein, of San Francisco; of the Bremervorde Verein, of San Francisco, and of the Schweizer Verein Helvetia, of Los Angeles, all in the State of California; of the Schwaben Verein, of Terre Haute; of St. Henry's Benevolent Society, of Evansville; of Schiller Tent, No. 20, of South Bend, and of the Germania Park Association, of Indianapolis, all in the State of Indiana; of the German-American Political Club, of Des Moines; of the Claus Groth Gilde, of Davenport; of the Deutscher Verein, of Lansing; of the Turn Verein of Ottumwa, and of the Deutscher Verein, of Davenport, all in the State of Iowa; of Germania Lodge, No. 15, of Wichita, Kans.; of the Louisiana Gewerbe Verein, of New Orleans, La.; of the Turn Verein of Newport; of the German Pioneer Association, of Newport; of the Anchor Mutual Aid Society, of Newport; of Mozart Lodge, No. 18, of Louisville; of the German-American Protective Aid Society, of Louisville, and of Schiller Lodge, No. 24, of Louisville, all in the State of Kentucky; of the Turn Verein of Manchester, N. H.; of the Plattdeutscher Verein of Guttenberg; of the Frohsinn Gesang Verein, of Camden; of Hermann Lodge, No. 81, of Elizabeth; of Schiller Lodge, No. 1477, of Elizabeth; of Beethoven Lodge, No. 147, of Hoboken; of the German-American Central Alliance of Hoboken; of Cherusker Lodge, No. 151, of Trenton; of the Arion Maennerchor, of Passaic; of the Maennerchor of Rahway; of the Gemuether Verein Bruder Lustig, of Elizabeth; of the Liedertafel Singing Society, of Trenton; of Germania Lodge, No. 121, of Newark; of the Beneficial Society of Bridgeton; of the Turn Verein of Trenton; of the Maennerchor of Camden, and of the East Trenton Maennerchor, of Trenton, all in the State of New Jersey; of the Gesang Verein Frohsinn, of Worcester; of Bunker Hill Lodge, No. 48, of Cambridge; of the Turn Verein Vorwaerts, of Holyoke; of the German Society of East Hampton; of the Einigkeit Club, of Salem, and of the Frohsinn Singing Society, of North Attleboro, all in the State of Massachusetts; of the Liederkranz of Butte; of Lodge No. 3, of Helena, and of Goethe Lodge, No. 6, of Marysville, all in the State of Montana; of Schiller Lodge, No. 837, of Saginaw; of the Harmonia Society of Detroit; of Barbarossa Lodge, No. 14, of Menominee; of the German Aid Society of Marquette; of the Teutonia Singing Society, of Detroit; of the Turn Verein of Detroit; of Humboldt Lodge, No. 154, of Bay City, and of the German Benevolent Workingmen Association, of Battle Creek, all in the State of Michigan; of Columbia Lodge, No. 1412, of St. Louis; of Lodge No. 113, of St. Louis; of German Order of Hungari, of St. Louis; of the Southwest Turner Society, of St. Louis; of the Turn Verein of St. Joseph; of the Saengerbund of Jefferson; of the Socialer Turn Verein, of Kansas City; of the Saengerbund of Freeburg; of the United German Singing Society of St. Louis; of the Deutschen Militar Verein of St. Louis; of the German-Austrian Benevolent Society, of St. Louis; of the Schweizer Club of St. Louis; of the Saengerbund of St. Louis; of the Schwarzwald Unterstuetzung Verein, of Kansas City; of the Socialer Turn Verein, of St. Louis; and of the Saengerbund Sons of Hermann, of St. Louis, all in the State of Missouri; of Junior District, No. 218, of Baltimore; of the Turn Verein of Baltimore; of the Plattdeutscher Verein of Baltimore; of the Bavarian Maennerchor, of Baltimore; of the Independent Citizens' Union, of Baltimore; of the Locust Point Maennerchor, of Baltimore; of the German Beneficial Union, of Baltimore; of Von Moltke District, No. 115, of Baltimore; of the Germania Club, of Baltimore; of the Arion Singing Society, of Baltimore; of the German Beneficial Union, No. 108, of Baltimore; of Harmonia Lodge, No. 2, Improved Order Knights of Pythias, of Baltimore; of the Germania Kranken Unterstützungs Verein, No. 1, of Baltimore; of Wittelsvach Section, No. 1, Bavarian National Society, of Baltimore; of the Brewmasters' Association of Baltimore; of the Turn Verein of Baltimore; of Friendship Union, No. 2, of Baltimore, and of the Schwaben Verein of Baltimore, all in the State of Maryland; of the Frohsinn Singing Society, of Sacramento, Cal.; of the Turngemeinde of Wilmington, Del.; of the Turn Verein of New Haven; of Court Hermann, No. 8, of New Haven; of the Gesang Verein Liederkranz, of Bridgeport; of the Singing Society of Rockville; of Fortschritt Lodge, No. 30, of Waterbury, and of Frohsinn Lodge, No. 24, of South Manchester, all in the State of Connecticut; of the Singing Society of Chicago; of the Gesang Verein of Chicago; of the Plattdeutsche Gilde Hummel, No. 33, of Chicago; of the Plattdeutsche Gilde Vorwaerts, No. 7, of Chicago, and of the Germania Royal Circle, No. 41, of Springfield, all in the State of Illinois; of the German Military Society, of Evansville, and of St. Edwards Commandery, Knights of St. John, of Evansville, all in the State of Indiana; of the Germania Singing Society, of Salina, Kans.; of the German Workingmen's Association of Boston, Mass.; of the Arion Singing Society, of Detroit, and of the German-American Arbeiter Verein, of Detroit, all in the State of Michigan; of the Turn Verein of St. Joseph, and of the Rockaway Saengerbund, of St. Louis, all in the State of Missouri; of the Cherusker Lodge, No. 8, of Bozeman, Mont.; of the Turn Verein of Newark; of Lodge No. 208, of Bayonne City; of the Bergische Maennerchor, of Newark, and of the Turn Verein of Atlantic City, all in the State of New Jersey; of Minnesota Grove, No. 1, of St. Paul; of Freundschaft Lodge, No. 98, of Winona, and of the German-American Lodge, No. 58, of St. Paul; of the United German Society of New York City; of the Harugari Library, of Buffalo; of Lodge No. 242, of Utica; of the Hoffnung Verein, No. 55, of Buffalo; of the Harugari Wehr, No. 1, of Utica; of the Young Men's Benevolent Association of Buffalo, and of the Harmonia Singing Society, of Buffalo, all in the State of New York; of the Turn Verein of Youngstown; of the German Society of Cincinnati; of Germania Lodge, No. 113, of Cincinnati, and of Eintracht Circle, No. 6, of Marion, all in the State of Ohio; of Germania Lodge, No. 1270, of Providence, R. I.; of Lodge No. 10, of Bee Cave, Tex.; of the church council of the German Evangelical Lutheran Church of Philadelphia; of the German Benevolent Society of Latrobe; of the Maennerchor of Bethlehem; of the Mozart Harmonia Singing Society, of Philadelphia; of Rhine Lodge, No. 424, of Pittsburg; of the Turn Verein of Allegheny, and of the Hessen-Darmstadter Volksfest Verein, of Philadelphia, all in the State of Pennsylvania, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PLATT of New York presented a petition of sundry Baptist ministers of Buffalo, N. Y., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the Chamber of Commerce of Utica, N. Y., praying for the enactment of legislation to prevent unjust discrimination in tariff rates between different sections and localities; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Utica, N. Y., praying for the enactment of legislation providing for the creation of an American merchant marine, to be built, owned, and manned by American citizens; which was referred to the Committee on Commerce.

He also presented a memorial of the Church & Dwight Company, of New York City, remonstrating against the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a petition of J. Broodbent Post, No. 188, Department of New York, Grand Army of the Republic, of Dexter, N. Y., and a petition of J. B. Butler Post, No. 111, Department of New York, Grand Army of the Republic, of Pulaski, N. Y., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of the Congressional Medal of Honor

Association of New York City, praying for the enactment of legislation to place all soldiers on a service-pension roll of $75 per month who have received a medal of honor for gallantry; which was referred to the Committee on Pensions.

He also presented a petition of Admiral Farragut Garrison, No. 25, Army and Navy Union, of Albany, N. Y., praying for the enactment of legislation providing that in computing the thirty years' time for the retirement of petty officers and enlisted men of the Navy all service in the Army, Navy, and Marine Corps shall be credited; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Manufacturers' Association of New York City, remonstrating against the repeal of the national bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Oil City, Pa.; of the congregation of the First Baptist Church of Greece, and of sundry citizens of Brockport, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FAIRBANKS presented the petition of Weil Brothers & Co., of Fort Wayne, Ind., praying for the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Indianapolis Retail Grocers' Association, of Indianapolis, Ind., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Harris Post, No. 96, Department of Indiana, Grand Army of the Republic, of Indiana, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of the Chrysanthemum Association and the Woman's Home and Foreign Missionary Society of the Presbyterian Church, of Petersburg, Ind., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BURNHAM presented petitions of the congregation of the Congregational Church of Seabrook and of the congregations of the Congregational and Methodist Episcopal Churches of Haverhill, all in the State of New Hampshire; of the New York Sabbath Committee, of New York City, and of the Wisconsin Sunday Rest Day Association, of Milwaukee, Wis., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which were referred to the Select Committee on Industrial Expositions.

He also presented a petition of the Society for the Protection of New Hampshire Forests, of Concord, N. H., praying for the enactment of legislation providing for the concentration of the forest work of the Government in the hands of the Secretary of Agriculture; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Society for the Protection of New Hampshire Forests, of Concord, N. H., praying for the enactment of legislation providing for the establishment of the Southern Appalachian Forest Reserve, the White Mountain Forest Reserve, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BURROWS presented a petition of the Woman's Christian Temperance Union of Manton, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. BARD presented a petition of the Pioneers of Los Angeles County, Cal., praying for the enactment of legislation providing for the preservation of the Calaveras grove of big trees; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Chamber of Commerce of Santa Ana, Cal., praying that an appropriation be made for the improvement of the inner harbor of San Pedro, Cal.; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Santa Ana, Cal., praying that an appropriation be made in aid of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the improvements of the harbors of the Territory of Hawaii; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for the destruction of derelicts at sea; which was referred to the Committee on Commerce.

Mr. QUARLES presented a petition of the Coterie Club, of Darlington, Wis., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of J. B. McPherson Post, No. 27, Department of Wisconsin, Grand Army of the Republic, of Lake Geneva, Wis., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Local Lodge No. 151, Brotherhood of Railroad Trainmen, of Antigo, Wis., praying for the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the National Guard Association of Wisconsin, praying for the enactment of legislation to increase the appropriation for the organization, armament, and discipline of the National Guard; which was referred to the Committee on Military Affairs.

Mr. FOSTER of Washington presented a petition of the congregation of the First Methodist Episcopal Church of Clarkston, Wash., and a petition of the congregation of the First United Presbyterian Church of Everett, Wash., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which were referred to the Select Committee on Industrial Expositions.

He also presented a petition of the Commercial Club of Walla Walla, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. MILLARD presented a petition of the Woman's Christian Temperance Union of Dawson, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of O. L. Brown, of Tecumseh, Nebr., praying for the enactment of legislation to prohibit the importation and sale of liquors in original packages in prohibition territory; which was referred to the Committee on the Judiciary.

Mr. BEVERIDGE presented a petition of sundry citizens of Rockville, Ind., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of the Indiana Retail Merchants' Association, of Evansville, Ind., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented a petition of Clayton Conrow, of Cinaramison, N. J., and the petition of R. E. Leighton, Bayonne, N. J., praying for the passage of the so-called Brownlow good-roads bill; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Village Improvement Society of Cranford, N. J., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented petitions of Major James H. Dandy Post, No. 43, of Perth Amboy; of George H. Thomas Post, No. 29, of Jersey City; of Mansfield Post, No. 22, of Bayonne, and of Aaron Wilkes Post, No. 23, all of the Department of New Jersey, Grand Army of the Republic, in the State of New Jersey, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. NELSON presented a memorial of the Fisherman's Protective Union of the Pacific Coast and Alaska, remonstrating against the enactment of legislation relative to the payment of allotment in the coastwise trade; which was referred to the Committee on Commerce.

He also presented petitions of Workman Post, No. 31, of Little Falls; of Jo. Moreau Post, No. 111, of Pine Island; of Post No. 3, of Spring Valley, and of Local Post of Edgerton, all of the Department of Minnesota, Grand Army of the Republic, in the State of Minnesota, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. CLAY presented a petition of the board of directors of the Georgia Experiment Station, praying that the appropriations be increased for the maintenance of the agricultural experiment stations of the several States and Territories; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented petitions of General John A. Logan Post, No. 540, of Evanston; of General George Crook Post, No. 81, of Kirkwood; of John Hunter Post, No. 168, of Minier; of Warren Shed Post, No. 262, of Aldo; of Colonel John Bryner Post, No. 67, of Peoria; of Lott Post, No. 70, of Gibson; of Lawton Post, No. 792, of Danville; of George H. Thomas Post, No. 5, of Chicago; of John Wood Post, No. 96, of Quincy; of Colonel Nodim

Post, No. 140, of Champaign, and of James T. Jones Post, No. 623, of Vernon, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. MITCHELL presented the petition of David W. Rhodes, of Bay City, Oreg., praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented a petition of George Wright Post, No. 1, Department of Oregon, Grand Army of the Republic, of Portland, Oreg., praying for the enactment of legislation providing that the National Statuary Hall shall be kept commemorative by placing therein statues of only such citizens as have been illustrious for heroic renown, etc.; which was referred to the Committee on the Library.

He also presented a petition of the congregation of the United Evangelical Church of Salem, Oreg., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Mountain View, Hawaii, praying for the adoption of certain amendments to the land laws of Hawaii; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of Forest Grove, Oreg., praying for the enactment of legislation to abolish the canteen in Soldiers' Homes, to prohibit the sale of intoxicating liquors in all Government buildings, and also that an investigation be made of the delay by the War Department in providing gymnasiums ordered by Congress; which was referred to the Committee on Military Affairs.

He also presented petitions of the Relief Corps of Forest Grove; of the congregation of the Free Methodist Church of Forest Grove; of the congregation of the Methodist Episcopal Church of Creswell; of the Woman's Christian Temperance Union of Salem, and of the Woman's Christian Temperance Union of Scio, all in the State of Oregon, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. MCLAURIN presented a petition of the Woman's Christian Temperance Union of Flora, Miss., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. LONG presented petitions of the congregation of the First Presbyterian Church of Minneapolis; of sundry citizens of Gray County; of Thomas D. Hubbard, of Kimball, and of sundry citizens of St. Johns, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Ness County, Kans., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. MCCOMAS presented the petition of Rev. J. O. Wrightson, John T. Stone, and sundry other citizens of Baltimore, Md., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented the petition of I. E. Wheeler and sundry other citizens of Craftonville, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PLATT of Connecticut presented a petition of the congregation of the Baptist Church of Ardmore, Ind. T., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of sundry citizens of Westville, Ind. T., praying for the enactment of legislation providing a day of rest for railroad employees in that Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Craftonville, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Westville, Ind. T., praying for the enactment of legislation granting the right of suffrage to the women of that Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Afton, Ind. T., praying for the enactment of legislation providing for continued protection from the sale of intoxicating liquors, and also that separate statehood be given that Territory; which was referred to the Committee on Indian Affairs.

Mr. FORAKER presented petitions of Wayne Post, No. 206, of Orrville; of Dick Mason Post, No. 304, of Lowell; of Captain William McCrey Post, No. 306, of Owensville; of Newton Falls Post, No. 310, of Newton Falls; of Hamilton Post, No. 311, of Gratiot; of Miller Moody Post, No. 314, of Belleville; of Henry Hatfield Post, No. 320, of Roundhead; of John A. Spellman Post, No. 321, of Hilliard; of Fair Post, No. 322, of Spencerville; of McClure Post, No. 326, of Grover Hill; of David McIntosh Post, No. 327, of Ravenna; of Phil. H. Sheridan Post, No. 328, of McConnelsville; of Earl Millikan Post, No. 333, of Windham; of I. N. Leggett Post, No. 336, of Montville; of U. S. Grant Post, No. 340, of Cincinnati; of Jonathan Casto Post, No. 342, of Blanchester; of Lewis Post, No. 347, of Xenia; of Commodore Perry Post, No. 350, of Cleveland; of Watkins Andrews Post, No. 352, of Trimble; of Sul. Stevens Post, No. 353, of Morrow; of Brough Post, No. 359, of Collinwood; of Reese-Mitchell Post, No. 361, of Camden; of Francis Smith Post, No. 365, of Jackson; of John W. Fowler Post, No. 366, of New Lexington; of Daniel W. Williams Post, No. 369, of Pleasanthill; of W. W. Simpson Post, No. 370, of Belle Center; of David Lloyd Post, No. 374, of Marengo; of Samuel Slavens Post, No. 375, of Stockdale; of James Young Post, No. 376, of Burbank; of Douthitt Post, No. 377, of Edinburg; of L. D. Kee Post, No. 378, of Colebrook; of Powell Post, No. 387, of Fremont City; of Clay Hay Post, No. 383, of New Carlisle; of H. B. Ward Post, No. 385, of Canal Fulton; of Reed Post, No. 387, of Chardon; of N. M. McConkey Post, No. 391, of Catawba; of Tom Burley Post, No. 392, of Crookville; of C. C. Nichols Post, No. 394, of Newcastle; of Debolt Post, No. 396 of Centerburg; of Joseph Walter Post, No. 397, of Lincoln; of Fred C. Jones Post, No. 401, of Cincinnati; of Joseph Roth Post, No. 402, of Evansport; of Cleveland City Post, No. 403, of Cleveland; of Vinton Post, No. 408, of Pikerun; of Fred Aler Post, No. 412, of Adamsville; of S. N. Yeoman Post, No. 418, of Milledgeville; of W. H. Elliott Post, No. 420, of Alton; of Welch Post, No. 422, of Uhrichsville; of Mounts Post, No. 424, of Prospect; of Hall Post, No. 426, of West Farmington; of Miles Standish Post, No. 430, of Dexter; of Sandy Valley Post, No. 433, of Waynesburg; of Creighton Post, No. 435, of West Mecca; of Joseph Sailor Post, No. 440, of Degraff; of Eugene Reynolds Post, No. 441, of Bellefontaine; of Joseph H. Ingersoll Post, No. 444, of Miami; of Burnside Post, No. 137, of Leetonia; of Starr Post, No. 138, of Lisbon; of Tom Talbot Post, No. 143, of Somerset; of Kinsman Post, No. 150, of Kinsman; of Addison Clark Post, No. 151, of Liberty Center; of George L. Fowler Post, No. 153, of Berlin Heights; of Hiram Louden Post, No. 155, of Montpelier; of Jobes Post, No. 157, of Greenville; of A. H. Coleman Post, No. 159, of Troy; of Isaac Willis Post, No. 160, of Limerick; of A. L. Brown Post, No. 162, of Chillicothe; of E. M. Stanton Post, No. 166, of Steubenville; of H. G. Blake Post, No. 169, of Medina; of Arthur Strong Post, No. 170, of Creston; of Royal Dunham Post, No. 187, of Bedford; of Buell Post, No. 178, of Marietta; of A. H. Day Post, No. 185, of Kent; of William Nelson Post, No. 186, of Cincinnati; of Army and Navy Post, No. 187, of Cleveland; of Channell Post, No. 188, of Utica; of Kilpatrick Post, No. 189, of Goshen; of Lieutenant Fallen Post, No. 194, of Ray; of August Willich Post, No. 195, of Cincinnati; of Jaqueth Post, No. 136, of Sycamore; of H. B. Banning Post, No. 198, of Madisonville; of Commodore Foote Post, No. 200, of Cincinnati; of Phil Hendrix Post, No. 201, of Colton; of Mart Armstrong Post, No. 202, of Lima; of Drummond Post, No. 203, of St. Clairsville; of John M. Barrere Post, No. 205, of Hillsboro; of Spiegel Post, No. 208, of Shiloh; of Shreve Post, No. 209, of Shreve; of J. P. Fyffe Post, No. 210, of Higginsport; of A. G. Wileman Post, No. 212, of Marlboro; of Hamlin Post, No. 219, of Wellington; of Robert Hilles Post, No. 220, of Barnesville; of Braunum Post, No. 221, of Bridgeport; of Charles S. Hayes Post, No. 224, of Cleves; of Brent and McBride Post, No. 225, of Richfield Center; of Anthony Marsh Post, No. 231, of Keystone; of Carr B. White Post, No. 232, of Georgetown; of Loemerz Post, No. 233, of Malinta; of Henry Cope Post, No. 237, of Wellsville; of Baxter Post, No. 238, of Lyons; of G. W. Shuster Post, No. 239, of Toronto; of Henry Clark Post, No. 252, of Peru; of Alfred Cannon Post, No. 261, of Canal Winchester; of Robert Hamilton Post, No. 262, of Bluffton; of Colonel Val. Lapp Post, No. 263, of Baltimore; of Wilkins Post, No. 264, of Wharton; of James P. Mann Post, No. 267, of Lewisville; of Bloom Post, No. 269, of South Webster; of George L. Waterman Post, No. 272, of Peninsula; of J. E. Coomer Post, No. 281, of Ashley; of Ray Heller Post, No. 284, of Whitehouse; of Hughes Post, No. 285, of Malta; of Tom Dew Post, No. 222, of Buchtel; of Guiggle Post, No. 289, of South Wanton; of Bentley Post, No. 294, of Mantua; of Harry Caster Post, No. 56, of Haskins; of Morris

McMillan Post, No. 58, of Wilmington; of Smith Post, No. 61, of Jackson Center; of Neal Post, No. 62, of Sidney; of John Bell Post, No. 63, of Proctorville; of Richard Allen Post, No. 65, of Elyria; of W. T. Sherman Post, No. 68, of Hudson; of Richard Lanning Post, No. 69, of Coshocton; of Lemert Post, No. 71, of Newark; of Thoburn Post, No. 72, of Martins Ferry; of Daniel Miller Post, No. 78, of Leipsic; of Hiram Strong Post, No. 79, of Dayton; of Hazlett Post, No. 81, of Zanesville; of James St. John Post, No. 82, of Cardington; of Lieut. William S. Kishler Post, No. 83, of St. Marys; of Charles B. Mitchell Post, No. 84, of Maumee; of Bronson Post, No. 85, of Jerry City; of Columbus Golden Post, No. 89, of Athens; of Weiser Post, No. 93, of Dupont; of Currie Post, No. 94, of Cedarville; of Cantwell Post, No. 97, of Kenton; of W. A. Brand Post, No. 98, of Urbana; of W. C. Scott Post, No. 100, of Van Wert; of Carman Post, No. 101, of Ada; of Edgar Post, No. 102, of Dunkirk; of A. N. Goldwood Post, No. 104, of West Richfield; of Potter Post, No. 105, of Green Spring; of Engle Post, No. 109, of Benton Ridge; of Rice and Creglow Post, No. 112, of Attica; of Ransom Reed Post, No. 113, of Marysville; of Burkholder Post, No. 115, of Yellow Springs; of Cooper Post, No. 117, of Marion; of Strong Post, No. 118, of Jamestown; of L. M. Fuller Post, No. 123, of Rogers; of Canfield Post, No. 124, of Gibsonburg; of Cadot Post, No. 126, of Gallipolis; of Leith Post, No. 127, of Nevada; of Keller Post, No. 128, of Bucyrus; of Dick Morris Post, No. 130, of Galion; of Hart Post, No. 134, of Massillon; of Robinson Post, No. 135, of Republic; of J. A. Garfield Post, No. 136, of Columbiana; of Paulus Post, No. 4, of Ashtabula; of Veteran Post, No. 5, of National Military Home, Dayton; of Trescott Post, No. 10, of Salem; of Charles E. Austin Post, No. 11, of Austinburg; of Buckley Post, No. 12, of Akron; of George H. Thomas Post, No. 13, of Cincinnati; of Ford Post, No. 14, of Toledo; of Forsyth Post, No. 15, of Toledo; of McPherson Post, No. 16, of Niles; of Dyer Post, No. 17, of Painesville; of Lincoln Post, No. 18, of Pierpont; of McMeens Post, No. 19, of Sandusky; of Joe Hooker Post, No. 21, of Mount Vernon; of Bishop Post, No. 22, of Defiance; of The Old Guard Post, No. 23, of Dayton; of William McKinley Post, No. 25, of Canton; of Bowers Post, No. 28, of Geneva; of E. F. Noyes and R. L. McCook Post, No. 30, of Cincinnati; of W. H. Gibson Post, No. 31, of Tiffin; of Wooster-Boalt Post, No. 34, of Norwalk; of Leasure Post, No. 35, of Wauseon; of Bell Harmon Post, No. 36, of Warren; of Phil Kearny Post, No. 38, of Nelsonville; of N. L. Norris Post, No. 40, of Chagrin Falls; of Kyle Post, No. 41, of Wapakoneta; of McKill Post, No. 42, of Bainbridge; of General Lyon Post, No. 44, of East Liverpool; of Mitchell Post, No. 45, of Springfield; of Wiley Post, No. 46, of Bowling Green; of William H. Lytle Post, No. 47, of Cincinnati; of Stoker Post, No. 54, of Findlay; of Diester Post, No. 446, of Dayton; of Lorain Post, No. 448, of Lorain; of J. M. Wells Post, No. 451, of Columbus; of I. B. Richardson Post, No. 454, of Lakeside; of Colonel Melvin Clarke Post, No. 459, of Belpre; of O. H. Haskell Post, No. 462, of Perry; of John M. Mosly Post, No. 470, of Dexter City; of Page Post, No. 471, of Sylvania; of Zeno H. Scott Post, No. 479, of Moscow; of Mirane Judy Post, No. 480, of Bloomingsburg; of General Sanders Post, No. 482, of Quaker City; of Union Post, No. 483, of East Trumbull; of Emerson Opdyke Post, No. 486, of Martinsburg; of Ross Newport Post, No. 489, of Newport; of Davidson Post, No. 490, of Smithville; of John Ball Post, No. 493, of Mowrystown; of S. M. Neighbor Post, No. 494, of Newcomerstown; of Harrison Wright Post, No. 497, of Gratis; of Daniels Post, No. 500, of Xenia; of Cutler Post, No. 502, of Cutler; of C. Bronard Post, No. 503, of Trumbull; of Deardorff Brock Post, No. 506, of Middletown; of Cotton Post, No. 510, of Beach City; of B. T. Steiner Post, No. 511, of Pierce; of Mark Horton Post, No. 515, of Garrettsville; of T. J. Mercer Post, No. 529, of Chesterhill; of Silas D. Prather Post, No. 590, of Baurenwelhe; of Asa R. Hillyer Post, No. 532, of Monroeville; of Lieutenant Boyd Post, No. 540, of Antioch; of Harvey J. Covell Post, No. 546, of Rockcreek; of Captain Bart Emery Post, No. 554, of Loveland; of George D. Harter Post, No. 555, of Canton; of Forest City Post, No. 556, of Cleveland; of Wilson V. Tood Post, No. 559, of Wakeman; of J. Lewis Post, No. 560, of Wilkesville; of John Bartges Post, No. 561, of North Georgetown; of Rarden Post, No. 562, of Rarden; of A. W. Graves Post, No. 563, of Lockland; of W. H. Byrd Post, No. 565, of Spring Valley; of Walter A. Slaughter Post, No. 568, of Edgerton; of W. S. Hancock Post, No. 571, of Thurman; of R. G. Shaw Post, No. 580, of Cincinnati; of L. A. Myers Post, No. 582, of Sunbury; of James A. Garfield Post, No. 591, of Mentor; of John A. Miller Post, No. 592, of Parks Mills; of W. D. W. Mitchell Post, No. 593, of Byhalia; of Al. Mason Post, No. 598, of Miamisburg; of Wilson Post, No. 602, of Vienna Cross Roads; of General W. P. Richardson Post, No. 609, of Woodsfield; of William H. Bailey Post, No. 610, of Blue Creek; of Spencer Cherrington Post, No. 614, of Jackson; of Taylor Post, No. 616, of Somerton; of A. Linnabary Post, No. 621, of Melrose; of Harlem Springs Post, No. 524, of Harlem Springs; of J. M. Hifer Post, No. 632, of Ansonia; of John Brown Post, No. 633, of Springfield; of Rings Post, No. 637, of West Unity; of Hecker Post, No. 638, of Cincinnati; of E. L. Hughes Post, No. 640, of Buford; of Caleb Marker Post, No. 646, of New Paris; of Moses Martin Post, No. 649, of Huron; of Justus Paxton Post, No. 652, of Shauck; of J. G. Reithmuller Post, No. 658, of Hannibal; of Martin Post, No. 665, of Claysville; of Roberts Post, No. 672, of Poplar; of Kaldenbaugh Post, No. 676, of Mineral City; of J. W. Ash Post, No. 679, of Kansas; of Joseph W. Vance Post, No. 680, of Scott; of Theodore G. Merchant Post, No. 683, of Paulding; of R. Marshall Post, No. 684, of South Perry; of John H. Jackson Post, No. 689, of Cheviot; of Colonel John T. Toland Post, No. 695, of State Soldiers' Home, Upper Sandusky; of Charles N. Stout Post, No. 700, of Stout; of A. W. Duncan Post, No. 702, of Killbuck; of Fry Post, No. 706, of Brandon; of Walker Jackson Post, No. 713, of Ripley; of Volunteer Post, No. 715, of Toledo; of Lieutenant S. V. Walk Post, No. 720, of Eagle Mills; of John C. Fremont Post, No. 729, of Alliance; of Shennefield Post, No. 734, of Ewington; of Edward Crouse Post, No. 737, of Harrisburg; of Jesse Ellis Post, No. 740, of Batavia; of David G. McFaddin Post, No. 741, of Sardinia; of George K. Moss Post, No. 742, of Broadwell; of Juday N. Sheumon Post, No. 747, of Eldorado; of Neal Post, No. 62, of Sidney; of Wallace McNeal Post, No. 687, of Iberia; of Andrew Crawford Post, No. 6, of New Philadelphia; of A. B. Banning Post, No. 198, of Madisonville; of Thurston Post, No. 213, of Lebanon; of Ricksecker Post, No. 469, of Canal Dover; of Fifer Post, No. 632, of Ansonia, all of the Department of Ohio, Grand Army of the Republic, in the State of Ohio, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. DOLLIVER presented a petition of J. Dodder Post, No. 446, Department of Iowa, Grand Army of the Republic, of Grand View, Iowa, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of the congregation of the United Presbyterian Church of Morning Sun, of the congregation of the Baptist Church of Murray, of the congregation of the Methodist Episcopal Church of Murray, of the congregation of the United Presbyterian Church of Washington, of the congregations of the Presbyterian and Methodist Episcopal churches of Crawfordville, of the Woman's Christian Temperance Union of Oelwein, of sundry citizens of Washington, of the congregation of the Christian Church of Murray, and of the congregation of the Free Methodist Church of Morning Sun, all in the State of Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. ALDRICH presented a petition of Netop Council, No. 7, Order of United American Mechanics, of East Providence, R. I., and a petition of the Woman's Christian Temperance Union of Charlestown, R. I., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. WARREN presented sundry papers to accompany the bills (S. 2602) for the relief of Florville Kerlegan; (S. 1195) for the relief of the estate of A. W. McAllister, deceased; (S. 3134) for the relief of Thomas D. Ruffin; (S. 2615) for the relief of the estate of Wiley B. Brigance, deceased; (S. 1063) for the relief of the estate of Nancy Barrow, deceased; (S. 3058) for the relief of the Mount Zion Methodist Episcopal Church, of Middletown, Frederick County, Va.; (S. 607) for the relief of M. A. Reinhart; (S. 992) for the relief of Mary Ann Jackson; (S. 3214) for the relief of the Germantown Baptist Church, of Shelby County, Tenn.; (S. 3059) for the relief of the Methodist Episcopal Church of Middletown, Frederick County, Va.; (S. 1033) for the relief of the estate of John O'Ferrall, deceased; (S. 3242) for the relief of James H. Young, Benjamin F. Young, and F. A. Young; (S. 3056) for the relief of the Presbyterian Church of Strasburg, Shenandoah County, Va.; (S. 3243) for the relief of M. V. Stearnes; (S. 3445) for the relief of James Boro, Mary Boro, and the estate of James Boro, deceased; (S. 3472) for the relief of the Muhlenberg Evangelical Lutheran Church, of Harrisonburg, Rockingham County, Va., and (S. 3057) for the relief of the St. Thomas Episcopal Church, of Middletown, Frederick County, Va.; which were referred to the Committee on Claims.

Mr. FRYE presented a petition of the president and faculty of the University of Maine, Orono, Me., praying for the enactment of legislation providing for the preservation of the Calaveras grove of big trees; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of F. S. Nash and 29 other shipmasters of Brunswick, Ga., praying for the establishment of a light-ship off Point Lookout, Ga.; which was referred to the Committee on Commerce.

MINT AT DENVER, COLO.

Mr. ALLISON. I present a letter from the Secretary of the Treasury relating to the mint at Denver, Colo., with a supplemental estimate accompanying it. I move that the letter and estimate be printed as a document and referred to the Committee on Appropriations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1330) granting a pension to Jerry S. Fish;

A bill (S. 3054) granting an increase of pension to Kate M. Strange;

A bill (S. 2198) granting a pension to Thomas Irvin; and

A bill (S. 1597) granting a pension to Rosa D. Mayhew.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1937) granting a pension to Samuel Richards;

A bill (S. 2103) granting an increase of pension to John L. McVey; and

A bill (S. 2924) granting an increase of pension to Samuel E. Cormany.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3000) granting an increase of pension to William C. Best;

A bill (H. R. 4115) granting an increase of pension to Joseph S. Young;

A bill (H. R. 3001) granting an increase of pension to Alpheus Converse; and

A bill (H. R. 5043) granting a pension to William H. Harrison.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1395) granting a pension to Mary Louisa McGilvary;

A bill (S. 1322) granting an increase of pension to Mary E. Dugger; and

A bill (S. 1357) granting a pension to M. Elizabeth Kent.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2955) granting an increase of pension to John Hogarth Lozier;

A bill (S. 588) granting an increase of pension to Wilbur F. Little; and

A bill (S. 3452) granting an increase of pension to Charles Male.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2237) granting an increase of pension to Louise Chandler;

A bill (S. 386) granting an increase of pension to Homer D. Wells;

A bill (H. R. 3776) granting an increase of pension to Alfred I. Judy;

A bill (H. R. 4200) granting an increase of pension to Milton H. Sweet; and

A bill (S. 3038) granting an increase of pension to Joseph H. Kennedy.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4916) granting an increase of pension to Allen M. Pierce;

A bill (H. R. 3778) granting an increase of pension to Julinetta Rowling;

A bill (H. R. 6619) granting an increase of pension to Benjamin R. Little;

A bill (H. R. 3013) granting an increase of pension to John A. Mavity;

A bill (H. R. 6830) granting an increase of pension to Charles E. Likes;

A bill (H. R. 2042) granting an increase of pension to Alvin B. Hubbard;

A bill (H. R. 6932) granting an increase of pension to Harvey R. King;

A bill (H. R. 2188) granting an increase of pension to Richard L. Cook;

A bill (H. R. 2472) granting an increase of pension to David F. Lewis;

A bill (H. R. 895) granting an increase of pension to Margaret M. Walker;

A bill (H. R. 1908) granting an increase of pension to Harvey D. Barr;

A bill (H. R. 2139) granting an increase of pension to James W. Kight;

A bill (H. R. 7002) granting an increase of pension to James S. Rearden; and

A bill (H. R. 2690) granting an increase of pension to Thomas Kelly.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 3608) granting a pension to Lizzie Breen, reported it with an amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on the District of Columbia, to whom was referred the bill (S. 2299) to authorize the Commissioners of the District of Columbia to remit fines and grant pardons, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 2596) granting a pension to Frances F. Hopkins, reported it with amendments, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6975) granting an increase of pension to George W. Lawson; and

A bill (H. R. 5464) granting an increase of pension to Francis M. Northern.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 6331) granting an increase of pension to James M. Dickey, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 3430) to authorize the Buckhannon and Northern Railroad Company, a corporation under the laws of the State of West Virginia, to build a bridge across the Monongahela River near the town of Rivesville, in the State of West Virginia, reported it with amendments, and submitted a report thereon.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (S. 904) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Territories, to whom was referred the amendment submitted by himself on the 19th instant, proposing to appropriate $250,000 for the construction of a wagon road from Valdez by the most practical route to Fort Egbert or Eagle, on the Yukon River, in the district of Alaska, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, submitted a report thereon, and moved that the amendment and report be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 3373) granting a pension to Eliza Williams, reported it with an amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3472) granting an increase of pension to Marcus E. Amsden;

A bill (H. R. 5559) granting an increase of pension to Josephine C. Chase;

A bill (H. R. 2108) granting an increase of pension to Henry D. Wright;

A bill (H. R. 1856) granting an increase of pension to Alexander H. Covert; and

A bill (H. R. 864) granting an increase of pension to Albert Moulton.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3645) granting an increase of pension to Francis Hall;

A bill (S. 962) granting an increase of pension to Jennet Thoits; and

A bill (S. 3130) granting an increase of pension to Nathan P. Bowman.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 2965) granting a pension to John Herzinger, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the bill (S. 792) to authorize the erection of a monument at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial

troops and Indians October 10, 1774, reported it with amendments, and submitted a report thereon.

Mr. TELLER, from the Committee on Indian Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 345) to provide for the opening of the remaining portion of the Colville Reservation, in the State of Washington, and for other purposes; and

A bill (S. 2226) to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect.

Mr. McCUMBER, from the Committee on Indian Affairs, to whom was referred the bill (S. 196) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians in the State of North Dakota, and to make appropriations for carrying the same into effect, reported it with amendments, and submitted a report thereon.

Mr. BALL, from the Committee on Pensions, to whom was referred the bill (S. 2166) granting an increase of pension to John D. Terry, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3274) granting an increase of pension to Jennie Long;

A bill (S. 2215) granting a pension to Sallie H. Hoffecker; and

A bill (H. R. 6022) granting an increase of pension to George W. Travis.

Mr. BALL, from the Committee on Pensions, to whom was referred the bill (H. R. 5841) granting an increase of pension to Abram Wilson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5176) granting an increase of pension to Alonzo Dutch, reported it with an amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 1419) to fix the salary of the collector of customs at Omaha, Nebr., asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

UTAH SENATORIAL INVESTIGATION.

Mr. BURROWS, from the Committee on Privileges and Elections, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate the right and title of REED SMOOT to a seat in the Senate as Senator from the State of Utah; and said committee, or any subcommittee thereof, is authorized to sit during the sessions of the Senate and during the recess of Congress, to employ a stenographer, to send for persons and papers, and to administer oaths; and that the expense of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. MILLARD introduced a bill (S. 3753) exempting certain officials and subordinates from civil-service law; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

He also introduced a bill (H. R. 3754) for the relief of Henry T. Clarke; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3755) granting an increase of pension to William H. Covert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McLAURIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3756) for the relief of James Henderson;

A bill (S. 3757) for the relief of Mrs. Ina J. Peel;

A bill (S. 3758) for the relief of the heirs of U. H. Buck (with accompanying papers);

A bill (S. 3759) for the relief of James P. Pace, administrator of Jesse M. Pace, deceased;

A bill (S. 3760) for the relief of the estate of Mrs. Sarah T. Jarratt, or her legal representatives;

A bill (S. 3761) for the relief of Julia A. Thomas, administratrix of the estate of I. S. O. G. Greer, deceased;

A bill (S. 3762) for the relief of R. M. Lay, administrator of Henry Lay, deceased; and

A bill (S. 3763) for the relief of Smith Simmons, administrator of John Watres, deceased.

Mr. KEAN introduced a bill (S. 3764) granting an increase of pension to Michael Kuhn; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3765) granting a pension to Dorethy A. Louden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 3766) for the suppression and punishment of bribery and official corruption in the Territories of the United States, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

Mr. LATIMER introduced a bill (S. 3767) to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MALLORY introduced a bill (S. 3768) for the relief of John Scott; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of New York introduced a bill (S. 3769) granting a pension to Edward G. Catlin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3770) authorizing the President to appoint Henry T. Skelding, now a paymaster on the retired list of the Navy, as a pay director on the retired list of the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. PROCTOR introduced a bill (S. 3771) granting an increase of pension to Virginia C. Spencer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BARD introduced a bill (S. 3772) correcting the military record of David Bullis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3773) granting an increase of pension to Charles W. Ebert;

A bill (S. 3774) granting an increase of pension to John C. Felton (with an accompanying paper); and

A bill (S. 3775) to restore the name of William L. Freeman to the pension roll (with accompanying papers).

Mr. QUARLES introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3776) granting an increase of pension to Thomas W. Murray (with accompanying papers);

A bill (S. 3777) granting a pension to Sarah S. Smith (with accompanying papers); and

A bill (S. 3778) granting an increase of pension to Joseph L. Cotey (with accompanying papers).

Mr. GAMBLE introduced a bill (S. 3779) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3780) authorizing the Yankton, Norfolk and Southwestern Railway Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McCUMBER introduced a bill (S. 3781) relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3782) to carry into effect the findings of the Court of Claims in the Congressional case No. 23193, the Washington Loan and Trust Company, legal representative of the estate of Aaron Van Camp, deceased, and Mary M. U. Chapin and Rua P. Chapin, legal representatives of the estate of Virginius P. Chapin, deceased, against the United States; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 3783) for the relief of the families of certain Indian policemen who were killed during the engagement of Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3784) granting medals to certain Indian policemen of the Standing Rock Agency, N. Dak.; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. OVERMAN introduced a bill (S. 3785) for the relief of

James R. Neill; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3786) for the further prevention of the spread of communicable diseases in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3787) granting an appropriation to the trustees of the Woman's National Industrial Exhibit of the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HEYBURN introduced a bill (S. 3788) to provide for an examination to determine the feasibility of reclaiming the overflowed lands of the Kootenai River in northern Idaho and Montana; which was read twice by its title, and referred to the Committee on the Geological Survey.

Mr. CLAPP introduced a bill (S. 3789) to provide for the purchase of an additional site for the enlargement of the Federal building at Duluth, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURNHAM introduced a bill (S. 3790) for the relief B. Jackman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3791) granting an increase of pension to Edwin J. Tenney; which was read twice by its title, and, with the accompaying papers, referred to the Committee on Pensions.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3792) for the relief of H. H. Belew;

A bill (S. 3793) for the relief of the estate of Laodocia Bivens, deceased; and

A bill (S. 3794) for the relief of J. M. Carney.

Mr. CARMACK introduced a bill (S. 3795) granting a pension to Nora Stokes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 3796) to enable the Secretary of Agriculture to conduct experiments in the noncorn-growing States and Territories in the breeding and feeding of the various classes of live stock for market and in growing crops and forage plants adapted to these purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 3797) for the relief of the heirs of Elias Gilbert; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LONG introduced a bill (S. 3798) to correct the military record of Talton T. Davis; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut introduced a bill (S. 3799) to revise the laws of the United States relating to trade-marks; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

He also introduced a bill (S. 3800) donating gun carriages to the Connecticut commissioners for the care and preservation of Fort Griswold; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCOMAS introduced a bill (S. 3801) granting an increase of pension to Susie G. Seabury; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3802) to enable the Joint Committee on the Library to purchase the sword of Gen. George Washington from Virginia Tayloe Lewis; which was read twice by its title, and referred to the Committee on the Library.

Mr. MITCHELL introduced a bill (S. 3803) granting a pension to David W. Rhodes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 3804) granting a pension to Jennie R. Hunt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3805) granting an increase of pension to James B. Luckey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 3806) for the relief of Mrs. A. T. Mason; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DOLLIVER introduced a bill (S. 3807) granting an increase of pension to Otis H. Shurtliff; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 3808) for the relief of the heirs of George Orville Ragland, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MARTIN introduced a joint resolution (S. R. 33) to authorize the President to appoint as a surgeon in the Navy Dr. Francis S. Nash; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SCOTT submitted an amendment proposing to change the grade of the consulate at Buenos Ayres, Argentine Republic, from Class IV, Schedule B, at $2,500 a year, to the grade of consul-general at $3,500 a year, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to increase the salary of the consul-general at Rotterdam, Netherlands, from $2,500 to $3,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate $995 to repay to the members of the tribe of Nez Percé Indians, of Idaho, the amounts contributed by them for the purpose of paying expenses incurred by the delegates sent by said tribe to Washington, D. C., to represent them in certain matters in their interest pending before the Indian Office and in Congress during the years 1902, 1903, and 1904, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $10,000 for inspection of consulates, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,040.65 to enable the Secretary of the Treasury to appoint an additional assistant appraiser for the port of Boston for the balance of the fiscal year ending June 30, 1904, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL submitted an amendment proposing to increase the salary of the printing clerk of the Senate to $2,500 while held by the present incumbent, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DIPLOMATIC CORRESPONDENCE RELATIVE TO PANAMA, ETC.

Mr. CULBERSON. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the President be requested to inform the Senate whether all the correspondence and notes between the Department of State and the legation of the United States at Bogota, and between either of these and the Government of Colombia for the construction of an isthmian canal, and all the correspondence and notes between the United States and any of its officials or representatives or the Government or Panama concerning the separation of Panama from Colombia have been sent to the Senate, and if not, that he be requested to send the remaining correspondence and notes to the Senate in executive session.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. LODGE. Let it go over.

Mr. CULLOM. I think I shall have to object to its consideration to-day.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. CULLOM. I did not fully hear the resolution read. I think it had better go over for to-day.

The PRESIDENT pro tempore. The resolution will be printed and go over under the rule.

JUDGMENTS IN INDIAN DEPREDATION CASES.

Mr. BAILEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments of the Court of Claims for Indian-depredation cases rendered up to the time this call reaches his office, and requiring appropriations at the present session of Congress, not already transmitted.

HOUSE BILLS REFERRED.

The bill (H. R. 9308) permitting the building of a dam across the Mississippi River between the counties of Wright and Sherburne, in the State of Minnesota, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 9658) to provide for the withdrawal, free of duty under bond, from the Louisiana Purchase Exposition of any articles and materials donated to incorporated institutions established for religious, philosophical, educational, scientific, or literary purposes, or to any State or municipal corporation, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 8748) for the relief of Serenus Kilbourne was read twice by its title, and referred to the Committee on Military Affairs.

SNAKE RIVER BRIDGE, ALASKA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 3341) authorizing the city of Nome, a

municipal corporation organized and existing under chapter 21, title 3, of an act of Congress approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome City, in the Territory of Alaska.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Mr. President, I do not rise to object to the consideration of the bill, but I should like to have the privilege of making a statement, occupying a few minutes, touching the order of business in the Senate.

Rule VIII provides that—

> At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of bills and resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

Now, Mr. President, the Senate has been in session, I think, about six weeks since the commencement of the regular session, and during those six weeks the Calendar has not been proceeded with a single day under the provisions of that rule.

I do not expect, Mr. President, to interrupt the debates, interesting as they are, which are going on in the Senate, but I wish to give notice that I shall watch an opportunity, day by day, if the opportunity shall present, to ask the Senate that it shall give some consideration to the Calendar, as it is provided that the Senate shall give consideration to the Calendar.

We have now a very considerable Calendar. Take, for instance, the very arduous committee of which I chance to be chairman, the Committee on the District of Columbia. We have reported a large number of bills. I do not feel like getting up day after day and asking unanimous consent to have those bills considered, but unless something is done to facilitate the ordinary business of the Senate the Calendar will not be reached possibly for weeks to come.

I should wish, Mr. President, that if no Senator is prepared to speak to-day on the pending resolutions we might devote an hour or two to the Calendar this very day. But I apprehend that the business of the Senate will be occupied otherwise. I simply want to have it understood that I shall take it upon myself, if no other Senator does, to urge at every opportune moment the fact that we ought not to neglect the Calendar for the purpose of indulging even in debate on very important questions that are agitating the country at the present time.

I simply wish to make this statement so that if I shall be somewhat importunate hereafter it will be understood what my purpose is in being so.

Mr. HALE. Mr. President, I am much pleased that the Senator from New Hampshire has given this notice. In the last Congress, at the request of many Senators, I took upon myself the same rôle, and I did push, in season and out of season, for the consideration of the Calendar. The result was that long before the end of the session we cleared up the Calendar, and Senators were not obliged to watch for a chance to get through particular bills.

I am very glad the Senator from New Hampshire, who is an old and experienced Senator and knows parliamentary law, who knows how business can be done here, has consented to take upon himself the charge of this matter, and I hope whenever other business is not pushing and pressing he will keep the Calendar before the Senate in the morning hour. Then he will find and we will find that in two or three months, as soon as other matters are out of the way, we will have cleared up the Calendar, and Senators will have gotten their bills through without having been obliged to watch for every chance.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. NELSON] has the floor. Does the Senator from South Carolina rise to the request made by the Senator from Minnesota for the consideration of a bill?

Mr. TILLMAN. I wish to make a suggestion to the Senator from Minnesota. If we begin the matter of going to the Calendar upon special requests, I do not know how long it will last. The business I have is purely morning business, and I should like to finish it, if he will allow me take the floor and get up my resolution. If the Senator will permit me, of course I will then yield to him and others who are importunate about getting special measures through. I make the suggestion to the Senator, and ask his consent to that arrangement.

Mr. NELSON. I have no special objection to the course proposed, Mr. President, but this is a local bill, relating to Alaska, providing for a bridge, and I am very anxious to secure its early consideration.

Mr. TILLMAN. The subject I want to call up has had some debate on it and will likely lead to more, but I think it is a very important matter. We left it dangling in the air on our last day.

Mr. NELSON. The bill has been brought before the Senate, and it will take but a minute to dispose of it. I suggest to the Senator that he allow the bill to go through.

Mr. TILLMAN. If it takes no debate, I will consent.

Mr. NELSON. It will take no debate at all.

The PRESIDENT pro tempore. The bill which the Senator from Minnesota desires to have acted upon will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in section 1, page 2, line 11, after the word "prescribe," to insert:

> Any bridge constructed under this act shall be a lawful structure, and shall be known as a post-road, for which no higher charge shall be made for the transportation of mail, troops, and munitions of war or other property of the United States over the same than the rate per mile charged for such transportation over the railways leading to said bridge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHANGES IN RAILWAY TARIFF RATES.

Mr. QUARLES. The Senator from South Carolina, who I believe has the floor, has very kindly consented to yield to me that I may ask simply that a matter of morning business be transacted.

Some days ago I introduced a Senate resolution, No. 87, requesting certain information from the Interstate Commerce Commission. I asked for its present consideration, and an objection was made. Therefore the resolution went over. It has fallen under this mass of resolutions here. It is the desire of the Committee on Interstate Commerce to have the resolution referred to it. They have agreed to take prompt action upon it. I therefore ask unanimous consent that resolution No. 87 be taken from the Calendar and referred to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the resolution submitted by him directing the Interstate Commerce Commission to furnish the Senate a report showing the principal changes in railway tariff rates, etc., be taken from the table and referred to the Committee on Interstate Commerce. The Chair hears no objection, and that order is made.

COLLECTION DISTRICT OF INDIANA AND ILLINOIS.

Mr. HOPKINS. The Senator from South Carolina [Mr. TILLMAN], who, I understand, has the floor, has kindly consented to permit me to call up a bill from the Calendar. I ask unanimous consent for the present consideration of the bill (S. 540) providing for additional officers in the district of Chicago, in the collection district of Indiana and Illinois.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Commerce with an amendment, in line 5, after the words "naval officer," to strike out "and a surveyor for the district. The naval officer shall receive a salary of $5,000 a year, and the surveyor shall receive a salary of $5,000 a year" and insert "for the district, who shall perform the duties pertaining to that office, and shall receive a salary of $5,000 a year;" so as to make the bill read:

> *Be it enacted, etc.*, That there shall be in the district of Chicago, in the collection district of Indiana and Illinois, in addition to the officers now provided for by law, a naval officer for the district, who shall perform the duties pertaining to that office, and shall receive a salary of $5,000 a year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for an additional officer in the district of Chicago, in the collection district of Indiana and Illinois."

REPUBLICS OF NICARAGUA AND COSTA RICA.

Mr. GAMBLE. Mr. President——

Mr. GALLINGER. Now, Mr. President, I call for the regular order.

The PRESIDENT pro tempore. The Senator from New Hampshire demands the regular order. The Chair lays before the Senate the first resolution in order, which will be stated by title.

The SECRETARY. Senate concurrent resolution No. 32, submitted by Mr. MORGAN January 11, 1904, declaring it to be the duty

of the United States to open negotiations with the Governments of Nicaragua and Costa Rica as required under the act of June 28, 1902, providing for the construction of an interoceanic canal.

Mr. TILLMAN. In the absence of the Senator from Alabama [Mr. MORGAN] who introduced the resolution, I ask that the resolution go over, retaining its place and its privileges.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order is made.

HOURS OF LABOR IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution the title of which will be stated.

The Secretary read the resolution submitted by Mr. STEWART on the 11th instant, as follows:

Resolved, That the Committee on Appropriations be instructed to inquire what amount of money would be necessary to provide sufficient additional clerks in the Departments to avoid the necessity of extending the hours of labor from 4 to half-past 4 o'clock.

Mr. STEWART. I should like to modify that resolution by inserting the word "requested" for the word "instructed;" so as to make it a request to the committee.

The PRESIDENT pro tempore. The Senator has the right to modify the resolution. The question is, Will the Senate agree to the resolution as modified?

Mr. COCKRELL. Why should not that resolution go to the Committee on Organization, Conduct, and Expenditures of the Executive Departments?

Mr. STEWART. I prefer that it shall go to the Committee on Appropriations.

Mr. COCKRELL. I do not think that the Committee on Appropriations has anything to do with that subject. It is a matter of management of the Executive Departments and not of appropriations. We have a specific committee for that purpose, which has not much business to do, and this would be a very good job for them to undertake.

Mr. STEWART. I think this a question on which we want the experience of the Committee on Appropriations, because the question of the number of clerks is determined by that committee. So I think that is the committee that should consider and investigate this matter. The Senator from Missouri will know all about it without any investigation.

Mr. COCKRELL. Then I shall say in advance that I believe in the theory of more work and less clerks, instead of more clerks and less work.

Mr. STEWART. Very well; but my preference is that the resolution should go to the Committee on Appropriations.

Mr. COCKRELL. As the object of the resolution seems to be to increase the number of clerks, I think it had better go to the committee I have indicated.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

CORRESPONDENCE WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate——

Mr. TILLMAN. I should like to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. TILLMAN. There seems to be a considerable number of these resolutions which have come over from day to day. I was about to ask, and will now ask, if I may be allowed, that by unanimous consent they stay on the table, as nobody seems to be fretting about them or trying to dispose of them.

Mr. LODGE. Some of these resolutions can be disposed of. We have already disposed of one or two.

The PRESIDENT pro tempore. Two have been disposed of. The one referred to by the Senator from South Carolina may be reached very shortly.

The Chair lays before the Senate resolution numbered 81, submitted by the Senator from Virginia [Mr. DANIEL] on the 12th instant, which will be stated.

The SECRETARY. Senate resolution 81, requesting the President to send to the Senate all correspondence between the Secretary of State and Colombia relating to that country since November 4, 1903, and which has not been heretofore transmitted.

Mr. LODGE. That is covered substantially by the resolution introduced to-day. I suggest that it go over without losing its place.

Mr. GORMAN. I ask that that may be done.

The PRESIDENT pro tempore. The resolution will go over without losing its place.

RELATIONS WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution submitted by the Senator from Georgia [Mr. BACON] on the 12th instant, which will be stated.

The SECRETARY. Senate resolution 82, informing the President that the Senate favor and advise the negotiation of a treaty with the Republic of Colombia to satisfactorily determine and adjust all differences between the United States and Colombia growing out of the recent revolution in Panama, etc.

Mr. BACON. Mr. President, I have unfortunately been unavoidably absent from the Senate for some time. I am not able to-day to address to the Senate the few remarks which I desire to submit upon the resolution. For that reason, I ask that the resolution may go over until some time in the near future, possibly to-morrow, when I shall desire to be heard upon it.

The PRESIDENT pro tempore. The Senator from Georgia asks that the resolution may go over, retaining its place. Is there objection? The Chair hears none, and that order will be made.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate resolution numbered 86, submitted by the Senator from Colorado [Mr. PATTERSON] on the 13th instant, which will be stated.

The SECRETARY. Senate resolution 86, directing the Interstate Commerce Commission to send to the Senate copies of all petitions, etc., received relative to relieving common carriers by railroad from, etc., any of the provisions of safety-appliance acts, etc.

Mr. KEAN. When that resolution was heretofore under consideration I made a motion to refer it to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. That is the pending motion.

Mr. KEAN. But I do not see the Senator from Colorado [Mr. PATTERSON] present; and so I ask that the resolution may go over, retaining its place.

The PRESIDENT pro tempore. The Senator from New Jersey asks that the resolution may go over, retaining its place. Is there objection? The Chair hears none, and that order will be made.

RELATIONS WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution submitted by the Senator from Maine [Mr. HALE] on the 13th instant as a substitute for the resolution submitted by the Senator from Georgia [Mr. BACON]. The resolution will be stated.

The SECRETARY. Senate resolution 88, that in any claim which the Republic of Colombia may make against the Republic of Panama for indemnification or loss of territory or increased burden of the debt of said Republic of Colombia, the President is requested to tender his best offices toward the peaceful adjustment of all controversies that have arisen, etc., between the two Republics.

Mr. LODGE. That should go over with the resolution of the Senator from Georgia [Mr. BACON].

Mr. BACON. That, as I understand, is a substitute for the resolution offered by me. After the statement made at the time it was offered, that it was to accompany my resolution and take whatever direction was given to that by the Senate, I think it should go over.

Mr. HALE. Let it take the course to which the Senator has referred. It was offered as a substitute for the resolution of the Senator from Georgia, and may go over, retaining its place, as his resolution has gone over.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

PAWNEE INDIAN SCHOOL.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate resolution numbered 93, submitted by the Senator from Tennessee [Mr. CARMACK] on the 15th instant, which will be stated.

The SECRETARY. A resolution (S. Res. 93) directing the Secretary of the Interior to transmit to the Senate the original or copies of all charges, etc., relating to the superintendent and other employees of the Pawnee Indian School, etc.

Mr. TILLMAN. I should like to make another parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. TILLMAN. I should like to know under what rule these resolutions get their status or condition of precedence. The resolution I am trying to call up was introduced on the 11th of December and is numbered 51. I notice that at least half a dozen resolutions that were subsequently introduced, and lie behind it, have been called up ahead of the one which I had on the table, which has been already called up once, but not completed. I am not complaining, but I just want to know how this thing goes.

The PRESIDENT pro tempore. The clerks are instructed to present to the Chair the resolutions in the order in which they are offered in the Senate.

Mr. TILLMAN. Then mine would have precedence over all of these, because it is numbered 51 and was offered on the 11th of December.

The PRESIDENT pro tempore. But the Senator's resolution was laid on the table, in the ordinary way of a resolution offered on the floor, and placed on the Table Calendar.

Mr. TILLMAN. But my resolution was offered, as the RECORD shows, subject to call at any time, and was so recorded on the Calendar.

Mr. MCCOMAS. If the Senator will permit me, I see his resolution was introduced December 11, and on January 22 it was modified. Perhaps that may explain its present status.

Mr. TILLMAN. Then I stand corrected. I am not complaining, and we shall get to my resolution after a while, I suppose.

The PRESIDENT pro tempore. There are two Calendars, so far as that is concerned, for the guidance of the presiding officer here. One is a Calendar of resolutions that are presented and lie on the table subject to the call of the Senators offering them; the other is a Calendar of resolutions which go over under the rule, and the Chair is informed that the Senator's resolution is one which he asked might lie on the table.

Mr. TILLMAN. Subject to call, the same as the rest of the resolutions.

The PRESIDENT pro tempore. No; not the same.

Mr. COCKRELL. They are not all subject to call.

The PRESIDENT pro tempore. Some are not subject to call at all.

Mr. TILLMAN. Then, if I am displaying my ignorance, I am not at all mortified, because I just want to understand how resolutions Nos. 84 and 93, and all that kind of thing, can get ahead of No. 51, and how a resolution offered in January can get ahead of one offered in December. I should like to have light on that point.

The PRESIDENT pro tempore. The Chair is not undertaking to prevent the Senator——

Mr. TILLMAN. I hope the Chair does not imagine for a moment that I have a suspicion or even the scintilla of a suspicion that the Chair is unfair. He is incapable of such a thing.

Mr. BATE. As the resolution which was last laid before the Senate by the Chair is the one offered by my colleague [Mr. CARMACK], who is not now present, I ask that it may go over without prejudice, retaining its place.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

NICARAGUA CANAL.

The PRESIDENT pro tempore. The Chair lays before the Senate the concurrent resolution submitted by the Senator from Alabama [Mr. MORGAN] on the 20th instant, which will be stated.

The SECRETARY. Senate concurrent resolution 36, declaring that obedience to law requires that the President shall proceed to open negotiations with Nicaragua and Costa Rica for a treaty for a canal on Nicaragua route.

Mr. GORMAN. That is a resolution submitted by the Senator from Alabama [Mr. MORGAN], is it not?

The PRESIDENT pro tempore. It is.

Mr. GORMAN. I ask that it may go over without prejudice, retaining its place.

The PRESIDENT pro tempore. Is there objection? The Chair hears none; and that order is made.

RECESS APPOINTMENTS.

The PRESIDENT pro tempore. Does the Senator from South Carolina desire to call up his resolution now?

Mr. TILLMAN. I do. I ask unanimous consent that Senate resolution No. 51 be taken from the table.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent to take from the table a resolution, which will be read.

The Secretary read the resolution submitted by Mr. TILLMAN December 11, 1903, and modified January 22, 1904, as follows:

Whereas article 2, section 2, of the Constitution of the United States provides:

"The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint * * * all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law;"

And further:

"The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session;"

And

Whereas it is known that certain officers appointed during the recess of Congress from March 4 last to November 9, and whose appointments were not confirmed by the Senate, are now in possession of and exercising the powers and functions of said offices: Be it

Resolved, That the Judiciary Committee of the Senate be, and it is hereby, authorized and instructed to report to the Senate—

First. What constitutes a "recess of the Senate," and what are the powers and limitations of the Executive in making appointments in such cases.

Second. What legislation is necessary to prevent the holding of an office by any person or persons whose commissions issue or are held by Executive exercise of unlawful authority, if any there be.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none; and it is before the Senate.

Mr. TILLMAN. Mr. President, on Friday last, when this resolution was under discussion, we did not complete the statement of the case or the bringing clearly before the Senate just what the actual facts are. The Senator from Maine [Mr. HALE] called attention to the fact that so far as he knew or understood no one on that side of the Chamber stood sponsor for or believed in the legality or constitutionality of a constructive recess. He declared, as I remember, that the appointments under discussion were not subject to any such criticism. I believe that is a correct statement of the Senator's position. If I misunderstood him, why, of course, he will correct me. The Senator also stated that an examination of the papers in the cases would disclose at once and clearly, beyond dispute, just what the status is.

Mr. HALE. I stated that I took no stock in this theory of a constructive recess, and doubted whether many Senators did, and that I did not know that the President, in sending in nominations, had committed himself to that proposition. Afterwards some question arose as to the two nominations, those of General Wood, and of Mr. Crum, of the Senator's State, which would be representative cases, covering the point which the Senator from South Carolina suggests. I stated that from an examination made, not by myself, but by some one else, I believed that the nominations sent in by the President did not disclose that he had committed himself in any way to the proposition—the new proposition, the strange proposition—of a constructive recess, but that they were sent into the Senate as original nominations.

I have since looked at the records, and they disclose as to these two cases, this condition: That after the long recess between March and November, the nominations of General Wood and Mr. Crum were sent in, referring to their being recess appointments, but that the nominations sent into this session—the regular December session—disclose nothing of that kind. They are original nominations, without referring to or setting up any question of there being a constructive recess, and we are dealing with them as original nominations.

I have the two nominations here. This is the nomination of Mr. Crum that was sent in after the actual recess, the long recess, between March and November.

William D. Crum, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, in place of Robert M. Wallace, deceased.

Mr. Crum is now serving under a temporary commission.

Nobody denies that that is right. There had been a real recess, and he held the place under a recess appointment. The nomination shows that.

In December, in this session, when the nomination was sent in—the one we are considering now—it was simply sent in as an original appointment. It reads:

William D. Crum, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, in place of Robert M. Wallace, deceased.

That is just like any original nomination. So that the statement I made, not on my authority, but on the authority of others, on Friday last is borne out.

Mr. MITCHELL. I wish to ask the Senator from Maine if this nomination gives Mr. Crum the right to hold office?

Mr. HALE. That is not the question we are considering. That is a question which will come before the Comptroller when a claim is made for salary.

Mr. MITCHELL. But what is the Senator's opinion?

Mr. HALE. I have not looked into the matter.

Mr. MITCHELL. I have.

Mr. HALE. I am willing to leave it to the Comptroller. He is a man of large experience, undoubted integrity, and great industry, and I have no doubt he will make short shrift, if the question comes before him, of any such thing as a constructive recess.

Mr. BAILEY. May I ask the Senator from Maine a question?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Texas?

Mr. HALE. Certainly.

Mr. BAILEY. I agree with the Senator from Maine that it is a question for the Comptroller so far only as the salary is concerned, but that it is a question for the Senate whether a man pretending to be an officer is exercising the duties of an office without the proper appointment. The only way in which the matter can be presented to the Comptroller is on the question of salary. I take it that is the smallest part of the question presented here.

Mr. HALE. That does not take it away from the Senate. The Senate does not settle that question.

Mr. BAILEY. Not the question of salary, but I take it that no Senator will agree that the President may appoint men to office and that they may enter upon the discharge of the duties of their offices without the sanction of the Senate when the Senate is in

session, and that we should dispose of it all by waiving it back to the Comptroller of the Treasury to say whether he shall pay the salaries or not.

Mr. HALE. The Senator will bear in mind that we are not now considering the nominations. We are not in executive session. We have neither Mr. Crum nor General Wood before us.

Mr. BAILEY. I perfectly understand that.

Mr. HALE. This is only, you may say, an academic discussion.

Mr. BAILEY. My sole purpose was simply to dissent from the idea that the President could appoint a man during the session of the Senate, and that man, before he was confirmed by the Senate, could enter upon the discharge of his duties and hold the office, and that the Senate had no further concern about the matter. I simply dissent from that view of the question.

Mr. HALE. My point was only that the nomination—and my search into the documents, going to the executive room of the Secretary's office and getting the original appointment—shows that when the President sent in these nominations to this session he did not do what he did in the executive session after the actual recess. So that my original point holds good that the President does not, from anything we see here, commit himself to the theory or the proposition of a constructive recess when the two sessions were merged on the same point of time. As I said the other day, the Constitution is not a pitfall for the unwary; it does not deal in devices and surprises; but it is a plain open way. The recess provided for in the section and article of the Constitution which was read the other day is an actual recess, in which business can be done and when offices can be filled, as they ought to be filled in order to run the Government. But the discussion the other day showed that all the precedents were against the theory of a constructive recess when there is no actual recess.

All I wanted to say was that I have looked at the records and they do not show that the President sent these nominations in at this session with reference to the recess appointment, as he did in the November session. That is all that I wanted to say. We do not adopt the idea that there has been a recess at all; we are not committed to it, and there is nothing in the papers to show that the President has committed himself, and I hope he has not committed to that proposition.

Mr. TILLMAN. The papers themselves show.

Mr. HALE. I have the original nominations here, and I refer to them. I do not refer to any mere letter such as the Senator may have, but I have the original nominations, which are official documents, which speak for themselves. I do not know what the Senator has, but he can have nothing so fundamental and so conclusive as the original nominations sent by the President to this body.

Mr. TILLMAN. Mr. President, as I said the other day, this is too great a question to be decided from any partisan standpoint. I deprecated the entry into it of any partisan feeling or any supposed necessity that Senators here must express themselves and take attitudes in accord with their party affiliations. It is too serious and too great a question to be thus belittled. I reiterate and I want to emphasize, so far as I am able, that the purpose and feeling I have is simply to guard the ancient rights, the constitutional rights, of the Senate in dealing with appointments which it has to confirm.

In order to get the facts more clearly before the Senate, I will produce the letters here. I have a copy of one and the original of the other. Here is a copy of the correspondence that occurred in regard to the Crum appointment. On January 8 I addressed the following letter to the Secretary of the Treasury:

UNITED STATES SENATE,
Washington, D. C., January 8, 1904.

Hon. LESLIE M. SHAW,
Secretary of the Treasury Washington, D. C.

SIR: Will you please give me an answer to the following questions:

First. When was Dr. W. D. Crum appointed collector of customs at the port of Charleston, S. C.? The date and character of his commission.

Second. Is he now in office? If so, under what authority of law?

Third. Did a new commission issue under the last appointment? If so, give date.

Fourth. Has he been required to give a bond under his last appointment?

Fifth. Has he ever received any compensation for his services, and if not, why not?

An early reply will be appreciated by,

Yours, respectfully, B. R. TILLMAN.

I received this answer from Secretary Shaw:

OFFICE OF THE SECRETARY, TREASURY DEPARTMENT,
Washington, January 8, 1904.

MY DEAR SENATOR: Replying to your note of January 8, relative to Dr. W. D. Crum, collector of customs at the port of Charleston, S. C., I beg to advise:

The vacancy occurred in the fall of 1902, possibly in September, during a recess of the United States Senate. Congress regularly convened in December of that year, and on December 31 Mr. Crum's nomination was sent to the Senate. The Senate adjourned on the 4th of March without confirming the nomination. On the 5th of March, the Senate being in special session, the nomination was again sent in. The Senate adjourned without confirming, and on March 20, 1903, the President issued a temporary commission, under which Mr. Crum entered upon the discharge of his duties. He was allowed no compensation, however, in view of the statute prohibiting it under similar circumstances. I doubt not you are familiar with the statute. The Senate again convened in special session in November, 1903, and the nomination was again sent in, but was not acted upon.

Now, here is the point:

At the adjournment of that special session, and at precisely 12 o'clock noon of the first Monday in December, 1903, Mr. Crum was reappointed:

In other words, at the precise minute when the one session died and the new session began, the extra session disappearing, the regular session began.

At the adjournment of that special session, and at precisely 12 o'clock noon of the first Monday in December, 1903, Mr. Crum was reappointed, and his nomination is now pending before the United States Senate. Under this last appointment Mr. Crum has again given bond and is in discharge of the duties of the office, but without compensation, for reasons heretofore referred to.

Very truly, yours,

(Signed) L. M. SHAW.

Hon. B. R. TILLMAN,
United States Senate.

Now, Mr. President, if the President has not given his sanction to the constructive recess, there are two things to which I would like to call attention. The first is that it was entirely unnecessary for the Secretary of the Treasury to notify me, as he has done, that this last appointment was made precisely at 12 o'clock, between the two sessions; secondly, that under the unbroken custom and, I believe, the law, no man can hold a position and discharge its functions under such circumstances.

The appointment last March, during the recess after the Senate adjourned, was entirely legitimate and lawful. When the Senate adjourned at the special session, which began on the 9th of November, without taking action, that temporary appointment, which is mentioned here, expired by limitation of law, and under the Constitution and the laws, as I understand them, there was no authority anywhere and there is no authority now to give him another appointment, except one such as the Senator from Maine contends for, which does not give him the office, which does not induct him into office, which gives him no commission, because without the consent of the Senate he can not hold that office lawfully. We have to confirm him. He has to pass the gamut of the votes of this body in order to be able to hold that office and discharge its functions.

Mr. HALE. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. With pleasure.

Mr. HALE. Now, the Senator is discussing what will result from certain conditions about holding office and drawing pay. That is something which, while we can inquire into it and take an interest in it, does not come before us by the nomination that the President sent in. The nomination which I have just read is dated December 7, the day we assembled here. That it was made the minute this session began gives it no special rights. It is an original appointment. It is not made as the appointment was made at the beginning of the extra session, referring to the recess appointment, but is an original appointment, like anything else. That is all we have before us. I do not know what the result will be. That has to be fought out before the Comptroller.

Mr. TILLMAN. I have here a resolution, of which the Senator has failed to take cognizance, which seeks to have the Judiciary Committee investigate and report and give their authoritative opinion as lawyers as to what are the powers and rights of the Senate and what are the powers an drights of the Executive under these very conditions.

Moreover, I saw in the morning paper—I think it was this morning; certainly within the last two or three days—a cablegram from the Philippines from "Leonard S. Wood, major-general." He is not a major-general, but he is exercising the power and functions of a major-general, and with no lawful authority.

Mr. HALE. I have no objection to having the resolution referred to the Judiciary Committee and let them look up this question of constructive recess; but I do not need that. My mind is as clear as the daylight——

Mr. TILLMAN. But the Senator proposes no remedy. We all agree as to our legal rights as Senators and the powers of the Executive. At least I believe we do. But the Senator is endeavoring—I will not say that either—but he appears to be willing to let the rights of the Senate drop into abeyance or become eclipsed and to let the will of the Executive go on in filling offices contrary to the law and the Senate sit idly by.

Mr. HALE. That is not my position at all.

Mr. TILLMAN. I may be mistaken. I am merely giving his attitude as I understand it.

Mr. HALE. I have no objection to the committee reporting, but I do not need that. My mind is so clear that there is no such

thing as a constructive recess that I do not need that. All I say is that the papers which we have before us and all that will be in executive session are these original appointments, which make no reference to a recess appointment, and do not in any way by themselves commit the President to that proposition. I should be sorry to learn that the Chief Executive had adopted the strained construction, of which I have never been able to find the father, that there is a constructive recess when the two sessions come together at the identical moment of time.

As I have repeatedly said, the Comptroller will make short work of that when it comes before him, and we have not got it before us by the nomination. I have no objection to the Senator getting the Committee on the Judiciary to report if he wants to, but I could guess what their report would be.

Mr. TILLMAN. Undoubtedly; but, Mr. President, we are not considering Mr. Crum's confirmation here. If so, these doors would be closed and we would be in executive session. Mr. Crum is a mere incident—a very slight, insignificant incident—to a great constitutional question which I am trying to present here.

I am opposing the establishment of a precedent which will destroy the rights of the Senate in regard to this supposed confirmation that is necessary. If the President can do this, he can fill the most important office in the Government, and until the Senate takes up the matter and rejects it, or takes him by the throat as a predecessor of his was taken by the throat, the thing goes on, and that is the whole sum and substance of it.

I reiterate that I am not undertaking to attack the individual here, and I am not considering the individual. I am considering the constitutional condition and the destruction of one of the foundation principles of the Government.

The Senator from Maine says he does not know who is the author of the constructive-recess idea. I happen to have here a newspaper. Newspapers are not always reliable, especially when they talk about me. [Laughter.] But nevertheless they are the best light we can get, and I can gather from the statements made here a considerable amount of light on this question. I read from the Evening Star of this city of December 8. It is, as you all know, a strong Republican paper and more than friendly to the President.

RECESS COMMISSIONS—LIVELY CONTROVERSY OVER GENERAL WOOD'S NOMINATION—NO CHANGE IN STATUS—OFFICERS, IF CONFIRMED, WOULD RANK FROM YESTERDAY—MANY EXPERT OPINIONS OFFERED—WAR DEPARTMENT WILL TEST THE CASE BY PAYING OFFICERS' SALARIES.

According to the officials of the War Department the ending of the special session and the beginning of the regular session of Congress has made no change in the status of General Wood and the 167 other army officers whose nominations failed of action at the special session. What the President has done is for the purpose of protecting the interests of all the officers concerned in the event that there was actually a constructive recess even for an almost inappreciable period of time.

As has been stated by the Star, the President and officials of the War Department hold to the view that there was a recess, and, in order to meet that situation, recess commissions bearing date of yesterday were issued by the President to General Wood and all the other officers concerned. These commissions were in the form of commissions issued when Congress is not in session and are identical, except in the matter of date, with the recess commissions issued to the same officers in August last when the vacancies to which they were appointed occurred. Such commissions hold good until the expiration of the succeeding session of Congress.

I hope the Senator from Maine will call for those papers if they are not in the possession of individual officers. We can address a communication to the Secretary of War and ask him to tell us whether there is anything in this but mere idle reportorial gossip; whether it is a statement of the facts.

Mr. HALE. Now, the Senator can do that, but he has not done it. He can address a Senatorial inquiry to the Secretary——

Mr. TILLMAN. I do not like to have the burden of upholding the dignity of the Constitution and the time-honored traditions of this Government fall upon such weak shoulders as mine. I have an Ajax on my left and a Titan on my right, and between the two they ought to sustain this proposition and let me out.

Mr. HALE. I wish the Senator would permit me to finish my sentence.

Mr. TILLMAN. I beg the Senator's pardon. He is always so courteous and so kind, especially to me, that I beg his pardon if I have seemed to be rude.

Mr. HALE. The Senator need not do that. All I was saying was that he indicated what he might do——

Mr. TILLMAN. No; I was asking the Senator from Maine to do this very thing.

Mr. HALE. Perhaps I will. I can do it. He can or I can introduce a Senatorial resolution, asking the Secretary of the Treasury what has been the actual course in this case and whether Mr. Crum has been installed in this office.

Mr. TILLMAN. I was asking the Senator to write to the Secretary of War——

Mr. HALE. The Senator does not let me finish my sentence.

Mr. TILLMAN. I will sit quietly down.

Mr. HALE. I wish the Senator would occasionally restrain what I may call these ebullitions. The Senator from Wisconsin [Mr. SPOONER], who has had experience in it, says to me it is the impetuosity of youth. We are all in love with the impetuosity of youth. Most of us have left it far behind, except the Senator from South Carolina. If he will hold on a moment, I will say what I started to say.

If the Senator or I choose to direct a Senatorial inquiry to the Secretary of the Treasury, asking him if Mr. Crum has been installed in this office since the extra session expired and by what method it has been done, and under what claim of law or under what commission, the Senate will pass the resolution at once, whether he introduces it or whether I do, and then we will have the subject-matter before us. But I repeat that under the nominations sent by the President to this session of Congress it does not appear that there is any reference to a recess appointment.

I do not object, as I said, to have this matter go to the Committee on the Judiciary and let them look it up, but I am afraid that, by asking the Committee on the Judiciary to consider the question, the Senator has unduly magnified the importance of this fugitive, stray, nebulous proposition, that somewhere somebody has fathered the proposition that when two sessions come together at the same point of time there is a constructive recess. And yet I will not object to his request.

Mr. TILLMAN. The Senator from Maine is so adroit a fencer and he takes things so much for granted sometimes, as a matter of course, and is apparently so innocent of guile or suspicion of guile in others—I will relieve the Senator from the suspicion of guile in himself—I take that back, I modify that——

Mr. HALE. Of course.

Mr. TILLMAN. He has had such extensive experience with public men, he has been so great a part and instrument in this Government that of course he has rather a bucolic or youthful understanding of human nature, and to that extent he is sometimes given to the pooh-poohing of things as a most effective weapon of defense, and undertaking to belittle this case and set it aside as unworthy of consideration, I think, is rather a ruse than any actual opinion of his that it can be determined in that way.

I was reading from the Star a very interesting presentation of what is asserted to be a fact. According to this paper—

In the Administration's view the original commissions expired at the end of the special session of Congress—

That was on the 7th of December—

and the new commissions will run until the expiration of the pending session provided no action is taken in the meantime on the nomination before the Senate.

In addition to the issue of these recess commissions direct to the officers, the President has also sent in their regular nominations to the same offices.

We would seem to have a double-barreled commission here, a special, so-called constructive recess appointment, and then this simple, lawful subsequent appointment, the one which we are considering and which we will consider in executive session.

In doing which he has simply followed an unbroken custom in the case of all recess appointments. These nominations are made out to take effect at the time of the original recess appointments in August last, and if they are confirmed will smooth out all the complications that have arisen over the existing anomalous situation. The action taken by the President in issuing the recess commissions is designed to continue General Wood and the other officers in the rank and grade to which they were promoted last August, thus clothing them with the authority of the higher rank and giving them the benefit of the higher pay and emoluments.

In view, however, of the contention that there was no legal recess of Congress yesterday for which these commissions were issued—

In other words, that there was not any break; we simply merged and went on, and according to the view of the Senator from Wisconsin [Mr. SPOONER], which he tentatively suggested the other day, these officers would hold until the end of this session, because there was absolutely no interregnum between the two. However, the Senator did not stand by that contention, I believe.

But you see that this whole subject has been very thoroughly canvassed and considered at the War Department, and of course by the Attorney-General and the other legal advisers of the President, and it is not a case which we can pooh-pooh and dismiss with a wave of the hand. A precedent is being established, and we can stop it only by calling attention to it and having the Senate announce authoritatively its view or by having Congress reenact a statute which unfortunately is not now on the statute books.

Secretary Root has decided to bring the question before the accounting officers of the Treasury as soon as possible. He has therefore instructed Paymaster-General Bates to make a test case by paying the salary of the higher grade to one of the officers concerned to cover a portion of the period in dispute, and forward the accounts to the Auditor of the Treasury for the War Department and the Comptroller of the Treasury with as little delay as possible. It will then be for those officers to determine the legality of the payment, and their decision on that point will also cover the much-mooted question as to whether there was or was not a recess of Congress just before the beginning of the present session.

Now, I want to ask my great friend and lawyer and constitutional headlight whether he is willing to allow a subordinate in the Treasury Department to pass upon the constitutionality of these appointments and leave the Senate dawdling around here, neglecting its duty, and too cowardly apparently to discharge it and to claim its rights and maintain them?

Mr. HALE. I can not hinder a subordinate in the War Department, or the Treasury Department, or the Secretary of either Department trying this. I do not propose——

Mr. TILLMAN. Will the Senator allow me to read a statute?

Mr. HALE. Wait a moment until I get through. I have no objection to their trying it, but it will not avail; if it is not law, nothing will come of it; there will be no salary drawn; there will be no legal incumbency of the office if the Comptroller, who has to settle this question, decides that there is no law for these men holding the office; that they can not get the pay. Then the understrapper, to whom the Senator refers, whether in the Treasury Department or in the War Department, will be up against the law. But we shall have nothing to do with it. The Comptroller will settle that question. We can express our opinion about it. The Senator, as I said before, can have an inquiry directed, but it is not before us now except in this way, that the Senator wants the Committee on the Judiciary to consider this subject. I will not go over that again.

But I do not know anybody who is responsible for the Star article. I never heard of it before. I was unfortunate enough not to read it at the time; perhaps I ought to have read it. But it never occurred to me that the Star or the Post or the Times is the exponent either of the Congress or the President. If I followed newspaper articles, as the Senator says about articles that deal with him personally, I do not know where I would be. My wits would go woolgathering all the time. I do not know of anybody who is responsible for that article, and I do not know whether these Treasury and War Department underlings have undertaken to do this; but if they have, and there is no law for it, they will get what we call in the country their come-up-ance when the matter reaches the Comptroller.

Mr. TILLMAN. I will read section 1761 of the Revised Statutes:

No money shall be paid from the Treasury as salary to any person appointed during the recess of the Senate to fill a vacancy in any existing office if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate until such appointee has been confirmed by the Senate.

It looks to me like the Comptroller would simply have to draw that, and he certainly will not pay any money. But that does not relieve the situation at all.

Mr. SPOONER. What section is it?

Mr. TILLMAN. Section 1761. Now, we will see who some of these understrappers are, according to the Star reporter:

Secretary Root and Judge-Advocate General Davis of the Army hold that as there was constructively—

Constructively—

an interval between the adjournment of the Senate in special session and its reassembling in regular session the recess commissions heretofore issued lapsed and made necessary the issue of fresh recess commissions.

In discussing the question of a recess, General Davis said that the special session of Congress must have been either continuous or discontinuous. "If continuous into the regular session," he said, "the original recess commissions ran until the expiration of the present regular session. On the other hand, if the special session was discontinuous," said General Davis, "there must have been a lapse of time, no matter how minute, before the beginning of the regular session, which would justify the issue of new recess commissions."

The officials say that the most interesting legal question relates to the standing of the officers promoted and retired upon the promotion of General Wood. The questions to be determined are whether these officers are on the active list or the retired list, and whether they are entitled to the pay of a brigadier-general or colonel, retired, or of a colonel on the active list. These are some of the matters to be determined by the Treasury officials.

Mr. HALE. The Comptroller.

Mr. TILLMAN. No; this is the Star quoting Secretary Root and Mr. Davis.

Mr. HALE. The Treasury official referred to is the Comptroller.

Mr. TILLMAN. Oh, the Comptroller.

It happened, as I said the other day in quoting the RECORD to show the attitude of the Senate in the past, that certain statutes were placed upon the statute books in 1867, at the very time when the debate from which I quoted was had. I want to read how the Congress which had to deal with Andrew Johnson thought it necessary to make the law over his veto:

SEC. 1769. The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

I will read the next two sections:

SEC. 1770. Nothing in sections 1767, 1768, or 1769 shall be construed to extend the term of any office the duration of which is limited by law.

SEC. 1771. Every person who, contrary to the four preceding sections, accepts any appointment to or employment in any office, or holds or exercises, or attempts to hold or exercise, any such office or employment, shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than five years, or fined not more than $10,000, or both.

Mr. ALDRICH. That act was repealed long ago.

Mr. TILLMAN. Oh, I know it was repealed. Otherwise we would have had several of these gentlemen arrested and we would be dealing with the cases in court. But because the act was repealed in 1887, unfortunately, I say, repealed, we find that a President is now attempting to exercise authority under the constructive recess idea; that a hundred and sixty-seven officers of the Army now hold commissions contrary to law, contrary to the rights and powers, and I may say the duties of the Senate, and at least one little collector of customs down in my part of the world is in office with the commission issued under an appointment made precisely at 12 o'clock, between the two sesions of the Senate. We are face to face with the inevitable conclusion that a precedent is being established, which can only be brought up standing, and checked and destroyed, or have its force and effect destroyed by the Senate taking some action to protect itself.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. TILLMAN. With pleasure.

Mr. PLATT of Connecticut. I ask this question for the sake of information. Will the Senator from South Carolina state just what has been done in the case of Crum? Has there been a commission issued to him? Does the Senator know that fact?

Mr. TILLMAN. I only know what the Secretary of the Treasury writes. I have not gone to Mr. Crum——

Mr. PLATT of Connecticut. The Secretary of the Treasury, as I listened to his letter——

Mr. TILLMAN. I know this: Mr. Crum is in office.

Mr. PLATT of Connecticut. But what I am trying to get at is——

Mr. TILLMAN. I know Mr. Crum has been required to give a new bond in order to meet the conditions which were disclosed by the Senator from Colorado [Mr. PATTERSON] in the decision of the Supreme Court in regard to an officer thus occupying an office and his bondsmen not being responsible. This is all I know. I know Crum is in the collector's office. I know he must have a commission or he would not be there, or else the Secretary of the Treasury is grossly neglecting his duties. I take it for granted that that is so.

Mr. PLATT of Connecticut. It is an inference of the Senator from South Carolina that Crum has a regular commission.

Mr. TILLMAN. Undoubtedly. It is obliged to be; it could not be otherwise. Who can accuse the Hon. Leslie M. Shaw of palpably and willfully neglecting his duty or even of a transgression of law, unless he is backed by the President? I would not for a moment.

Mr. PLATT of Connecticut. As I heard the letter, I thought there was an absence of the statement that there had been any commission issued to him, and that is the reason why I asked the question.

Mr. TILLMAN. I want to know, then, how he exercises the functions and powers of collector without a commission?

Mr. PLATT of Connecticut. I do not know. I thought perhaps the Senator did.

Mr. TILLMAN. Then we had better ask the Secretary of the Treasury to be a little more explicit. I asked him this question, but he did not give me that explicit answer which my inquiries would have warranted. What I am after is to try to know what we are going to do about it—to discover what action the Senate will take to brush aside all this new-fangled doctrine of a constructive recess and protect itself and protect the country from such a transgression and abuse of power.

Mr. BACON. I hope the Senator will read that letter again. Let us hear it.

Mr. TILLMAN. It is as follows:

Washington, January 8.

Mr. BACON. What was the inquiry directed by the Senator, to which that is a reply?

Mr. TILLMAN. I read my letter to the Secretary. Possibly it will answer the Senator's purpose if I hand him both letters and let him read them. They will both be in the RECORD; but I can read them again.

Mr. BACON. Just as the Senator pleases.

Mr. TILLMAN. My inquiry was as follows:

UNITED STATES SENATE,
Washington, D. C., January 8, 1904.

Hon. LESLIE M. SHAW,
Secretary of the Treasury, Washington, D. C.

SIR: Will you please give me an answer to the following questions:

First. When was Dr. W. H. Crum appointed collector of customs at the port of Charleston, S. C.? The date and character of his commission.

Second. Is he now in office? If so, under what authority of law?

Third. Did a new commission issue under the last appointment? If so, give date.

Fourth. Has he been required to give a bond under his last appointment?

Fifth. Has he ever received any compensation for his services; and if not, why not?

An early reply will be appreciated by,

Yours, respectfully, B. R. TILLMAN.

The Secretary answered on the same date, as follows:

OFFICE OF THE SECRETARY, TREASURY DEPARTMENT,
Washington, January 8, 1904.

MY DEAR SENATOR: Replying to your note of January 8, relative to Dr. W. D. Crum, collector of customs at the port of Charleston, S. C., I beg to advise:

The vacancy occurred in the fall of 1902, possibly in September, during a recess of the United States Senate.

I will note here that the duties of the office were performed in the interim by the deputy collector.

Congress regularly convened in December of that year, and on December 31 Mr. Crum's nomination was sent to the Senate. The Senate adjourned on the 4th of March without confirming the nomination. On the 5th of March, the Senate being in special session, the nomination was again sent in. The Senate adjourned without confirming, and on March 20, 1903, the President issued a temporary commission, under which Mr. Crum entered upon the discharge of his duties. He was allowed no compensation, however, in view of the statute prohibiting it under similar circumstances. I doubt not you are familiar with the statute. The Senate again convened in special session in November, 1903, and the nomination was again sent in, but was not acted upon. At the adjournment of that special session and at precisely 12 o'clock noon of the first Monday in December, 1903, Mr. Crum was reappointed, and his nomination is now pending before the United States Senate. Under this last appointment Mr. Crum has again given bond and is in discharge of the duties of the office, but without compensation, for reasons heretofore referred to.

Very truly, yours,

L. M. SHAW.

Hon. B. R. TILLMAN,
United States Senate.

Mr. HALE. Now, right there——

Mr. TILLMAN. Right there it says, "Mr. Crum has again given bond and is in the discharge of the duties of his office, but without compensation." It does not say whether he got a commission or not.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. I do.

Mr. HALE. The Senator is reciting what took place. What took place at the beginning of the undoubted recess after March was that the new appointment was made and a commission issued. The Secretary says, when he comes to deal with the conditions at the end of the extra session, that an appointment was made at precisely 12 o'clock, and that the Senate now has that before it. That is this appointment which I have read:

William D. Crum, South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, in place of Robert M. Wallace, deceased.

THEODORE ROOSEVELT.

DECEMBER 7.

There is nothing said to the effect that a commission was issued.

Mr. TILLMAN. That would not be stated in any communication of an appointment.

Mr. HALE. He goes further than that. He says that an appointment was made the moment Congress expired, and that the Senate now has it. That is what we have. This is not a recess appointment. It is a regular appointment.

Mr. TILLMAN. It is the only one we have.

Mr. HALE. It is the only one we have.

Mr. TILLMAN. This is the one made at precisely 12 o'clock. It is obliged to be that one, because there is no other.

Mr. MITCHELL. Is it not very clear from the whole correspondence that no commission has been issued this last time?

Mr. TILLMAN. Then it would be very clear that Mr. Shaw is very negligent of his duty and is indictable for malfeasance or misconduct. He states here——

Mr. MITCHELL. The letter to the Secretary of the Treasury, among other inquiries, inquired whether a commission had been issued, and the Secretary replies, "Yes; a commission was issued when the appointment was made in the regular recess."

Mr. HALE. Yes; in March.

Mr. MITCHELL. In March. Then he goes and recites later that an appointment was made at 12 o'clock, and says nothing about a commission having been issued.

Mr. HALE. And the Senate has it now.

Mr. MITCHELL. The Senate has it now under consideration. It is very clear, it seems to me, from the correspondence, taken altogether, that no commission has been issued by the President.

Mr. TILLMAN. What is Crum doing in office?

Mr. MITCHELL. I know nothing about that. I know not whether he is in office.

Mr. BAILEY. The letter of the Secretary of the Treasury states that he is.

Mr. TILLMAN. The letter states that he is and that he has given a new bond.

Mr. MITCHELL. Does the letter make that statement?

Mr. TILLMAN. Yes.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. Certainly.

Mr. ALDRICH. It is nearly 2 o'clock. I should like to make a practical suggestion to the Senator from South Carolina.

Mr. TILLMAN. The Senator is the most practical man I ever met, and I welcome any kind of a move in the direction of solving this question according to the Constitution and laws.

Mr. ALDRICH. The original contention of the Senator from South Carolina, as I understood him, was that certain nominations had been sent here by the President which were improperly and unlawfully made. That contention, as shown by an examination of the papers, is not correct.

Mr. TILLMAN. I dispute that. I deny it.

Mr. ALDRICH. There is certainly nothing in the nomination made——

Mr. TILLMAN. There is nothing there but the statement that the appointment was made precisely at 12 o'clock, and as that is the only one it follows as a matter of course that it is the one alluded to by the Secretary of the Treasury in his letter; that it was made during this constructive recess, or else Mr. Crum is not nominated now.

Mr. ALDRICH. With the contention that nominations were improperly made the Senate has great concern, of course, but the Senator now discloses a new condition of affairs. He raises a new question, which has no relation to the other that I can see, and that is, that certain persons are improperly holding office. I would suggest that he request the Senate to pass a resolution asking the Secretary of the Treasury to define the status of Mr. Crum, if he is holding the office of collector, and if so, by what right.

Mr. TILLMAN. I have asked him that in the letter.

Mr. ALDRICH. There is certainly no definite answer as to the status of Mr. Crum. So far as the nomination is concerned, it was entirely regular. There is no question whatever that any provision of the law or Constitution has been violated. Now, if there is another question, I would suggest to the Senator that he prepare a resolution asking for this information, and when the information is secured then it will be time enough to discuss punishment, if any, that shall be inflicted.

Mr. TILLMAN. If my friend will permit me, will he do me the kindness to draw such a resolution and submit it to me?

Mr. ALDRICH. No.

Mr. TILLMAN. Oh, the Senator has suggested that way out, and I know that he knows a great deal more about how to get out of any difficulty than I can possibly ever learn.

Mr. ALDRICH. The Senator from South Carolina does not need any assistance from me.

Mr. TILLMAN. I want to know what kind of a commission has been issued to these army officers, and if possible——

Mr. BAILEY. If the Senator from South Carolina will permit me to make a suggestion in reply to the Senator from Rhode Island, such a resolution can not be necessary now, because the Senate has before it the official reply of the Secretary of the Treasury to a letter addressed to him by the Senator from South Carolina, in which the Secretary of the Treasury expressly declares that this appointee is now in the discharge of the duties of his office. If the Senator will permit me, I will read the Secretary's very words:

Under this last appointment Mr. Crum has again given bond and is in discharge of the duties of the office, but without compensation, for reasons heretofore referred to.

Now, the Secretary of the Treasury must clearly treat this as an ad interim appointment, as a recess appointment, because unless it be a recess appointment there is no reason for withholding the salary of the official.

Mr. MITCHELL. That law only applies to a recess appointment.

Mr. BAILEY. Certainly. But the papers presented to the Senate by the Senator from South Carolina raises another very grave question, and that is the right of the President to appoint a man to office while the Senate is in session and to permit that man to enter upon the discharge of the duties of that office before his confirmation. The Secretary of the Treasury brings himself within a controverted point, an absolute controversy. I cordially agree with the Senator from Maine that there can be no such thing as a constructive recess between two sessions of Congress, one beginning the instant at which the other expires. But still there are some grounds for controversy, though not much for argument on that point.

However, when the papers are presented here intended to show that the President does not commit himself to the Secretary of the Treasury in support of a theory of a constructive recess, he does present to the Senate another and a very grave question as to his power to induct men into office during the session of the Senate before they have their appointments confirmed.

Mr. ALDRICH. Mr. President, the Senator from Texas clearly confuses nominations and appointments in his mind. At least that is the impression——

Mr. BAILEY. Not at all. I am contending that the President can nominate during the session of the Senate, but the nomi-

nee can not enter upon the discharge of the duties of the office until the Senate confirms the appointment. I make no question about his sending the nomination to the Senate, but the question I make is that he sent a nomination to the Senate regular, so far as the papers appear, but the fact develops from a letter written by the Secretary of the Treasury that his nominee is now in the discharge of the duties of the office, although his nomination was made while the Senate was in session and the Senate had not confirmed it.

Mr. ALDRICH. If the appointment made in that case was in the nature of a recess appointment, he would be clearly entitled to compensation.

Mr. BAILEY. No; he clearly would not be.

Mr. MITCHELL. It is just the reverse of that. The withholding of the salary only applies to recess appointments.

Mr. BAILEY. He would be clearly entitled to enter upon the discharge of his duties, but without salary until he was confirmed.

Mr. ALDRICH. Still the salary would date back——

Mr. BAILEY. Certainly.

Mr. ALDRICH. Until the time of the original appointment.

Mr. BAILEY. That is true.

Mr. ALDRICH. The papers show, if they show anything, that Collector Crum is now discharging the duties of the office. Under what kind of a commission or by virtue of what kind of appointment, I submit, is not clear from the Secretary's letter.

Mr. BACON. Will the Senator pardon me to make a suggestion? The Secretary of the Treasury distinctly states that Crum is in the discharge of the duties of the office under an appointment made exactly at 12 o'clock on the 7th day of December. Now, one of two things must necessarily follow from that statement. The Secretary of the Treasury regards that as an ad interim appointment, and therefore the appointee had the right to enter upon the discharge of the duties before confirmation. That must be one alternative. On the other hand, he must contend that it is not an ad interim appointment, but a regular appointment sent during the session into Congress, and that under it the appointee has the right to enter upon the discharge of his duties prior to confirmation. Now, one of those two cases must necessarily be true. There is no escape from it.

Mr. HALE. The Secretary says——

Mr. BACON. If the Senator will pardon me just a moment, as to the first, I understand there is no Senator in this Chamber who has risen in his place and taken the position that an appointment under those circumstances, as an ad interim appointment, can be defended. All declined to take that position and to defend that position. Therefore they are remitted to this proposition. If it was not an ad interim appointment, is there any possible justification under the law for the Secretary of the Treasury to recognize as a duly constituted incumbent one whose name had been sent into the Senate during a session of the Senate, but who has not been confirmed?

Now, Senators may take either horn of the dilemma they wish.

Mr. ALDRICH. What I was trying to bring to the attention of the Senator from South Carolina was that this is not a constitutional question at the present moment which demands the action or consideration of the Senate, but that we should first ascertain the precise facts. We should ascertain the entire facts. It is not to ask the Judiciary Committee for facts.

I would suggest to the Senator from South Carolina, if he is not willing to take the other course, that he allow this resolution to go to the Committee on the Judiciary, and they can take up not only the suggestions made by the Senator, but all the cognate facts and questions relating to this matter and consider them. Certainly the Senate could not pass the resolution in the form in which it is now presented, because it contains implications and insinuations which the Senate would not be willing to make; but if the Senator will allow the resolution to be referred to the Committee on the Judiciary I have no doubt he could have the matter investigated as to both the law and facts.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the Calendar of General Orders.

Mr. TILLMAN. If the Senate will indulge me a moment, I ask that the resolution may go over and retain its place on the table. I think if I get an opportunity I will ask the Senate to pass a resolution later specifically calling for all the facts, and be prepared to have no further dispute as to what really is the status. I therefore ask unanimous consent that the resolution may go over, retaining its privileges.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent that the resolution shall go over without prejudice. Is there objection? The Chair hears none.

Mr. TILLMAN subsequently said: Mr. President, in furtherance of the suggestion of the Senator from Rhode Island [Mr. ALDRICH], made a while ago, that additional information be obtained in regard to the matter then under discussion, I have prepared a couple of resolutions and ask unanimous consent that they may be taken up and considered now.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent for the present consideration of the resolution he how submits. Is there objection? The Chair hears none.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, instructed to send to the Senate information by way of reply to the following questions:

First. What is the date of the first appointment of W. H. Crum to be collector of customs at the port of Charleston?

Second. What is the date of the second appointment, and was any commission issued thereunder?

Third. What is the date of the third appointment and its character and limitations?

Fourth. What is the date and circumstances of the fourth appointment? Has any commission been issued under it? If so, under what authority of law? Is Crum now in office; and if so, under what authority of law?

Mr. TILLMAN. I now present another resolution of a similar character, calling upon the Secretary of War for certain information.

The PRESIDENT pro tempore. The Senator from South Carolina offers a resolution and asks for its present consideration. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of War be, and he is hereby, instructed to send to the Senate information in the nature of answers to the following questions:

First. What officers in the Army were appointed during the recess of the Senate occurring between March 19, 1903, and November 9, 1903? Were commissions issued these officers; and, if so, of what character? What officers failed of confirmation during the special session beginning November 9 and ending December 7, 1903? Have these officers been reappointed, and have commissions been issued to them? If so, what is the character of the commission and what authority of law is there for its being issued?

Mr. WARREN. Mr. President, in the absence of the acting chairman of the Committee on Military Affairs [Mr. PROCTOR], I will ask that the resolution go over.

Mr. TILLMAN. If the Senator had been in the Chamber he would know that these resolutions have been suggested after a long debate covering this whole subject, and that it was the consensus of opinion on all sides that it was necessary to get this information in order to proceed intelligently.

Mr. WARREN. Has the Senator had any conference with the acting chairman of the committee, the Senator from Vermont, regarding it?

Mr. TILLMAN. No, sir; but we had the entire matter up this morning.

Mr. WARREN. Well, Mr. President, it strikes me that a matter as broad as that and referring so directly to the duties of the Committee on Military Affairs ought not to be acted on in the absence of the acting chairman of the committee. So, unless there is some special reason to the contrary, I will ask that the resolution may go over.

Mr. TILLMAN. There is some special reason. As I said, if the Senator had been in the Chamber he would understand it. This whole subject has been under discussion during nearly the entire morning hour. I assure the Senator there is no trick in it; there is no effort to corkscrew any information. It was done in furtherance and at the suggestion and advice of the Senator from Rhode Island [Mr. ALDRICH].

Mr. WARREN. Of course, I know that the Senator would not propose anything with a trick in it. It was a mere matter where I thought somebody ought to speak for the committee. If there are other members of the Committee on Military Affairs who believe that it has been properly considered by that committee, I, of course, would have no objection.

The PRESIDENT pro tempore. Objection being made, the resolution will go over under the rule.

Mr. TILLMAN. Do I understand the Senator from Wyoming to object?

Mr. WARREN. Yes.

The PRESIDENT pro tempore. It goes over under the rule.

GRAVES OF CONFEDERATE SOLDIERS AND SAILORS.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 2081) to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy, and for other purposes.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby authorized and directed to ascertain the locations and condition of all the graves of the soldiers and sailors of the Confederate army and navy in the war between the States, 1861 to 1865, who died in Federal prisons and military hospitals in the North, and who were buried near their places of confinement; to acquire possession or control over all grounds where said prison dead are buried not now possessed or under the control of the United States Government; to cause to be prepared accurate registers in triplicate, one for the superintendent's office in the cemetery, one for the Quartermaster-General's Office, and one for the War Record's Office, Confederate archives, of the

places of burial, the number of the grave, the name, company, regiment, or vessel, and State of each Confederate soldier and sailor who so died, by verification with the Confederate archives in the War Department at Washington, D. C.; to cause to be erected over said graves white marble headstones similar to those recently placed over the graves in the "Confederate section" in the National Cemetery at Arlington, Va., similarly inscribed; to build proper fencing for the preservation of said burial grounds, and to care for said burial grounds in all proper respects not herein specifically mentioned.

That for the carrying out of the objects set forth herein there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $100,000, or so much thereof as may be necessary.

And the Secretary of War is hereby authorized and directed to appoint some competent person as commissioner to ascertain the location of such Confederate graves not heretofore located, and to compare the names of those already marked with the registers in the cemeteries, and correct the same when found necessary, as preliminary to the work of marking the graves with suitable headstones, and to fix the compensation of said commissioner, who shall be allowed necessary traveling expenses.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, on page 2, line 18, before the word "hundred," to strike out "one" and insert "two;" so as to make the paragraph read:

That for the carrying out of the objects set forth herein there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. FORAKER the title was amended so as to read: "A bill to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes."

Mr. TELLER. Mr. President——

Mr. HALE. Mr. President, now let us have the regular order, and take up bills on the Calendar in their order.

The PRESIDENT pro tempore. The Senator from Maine demands the regular order. The regular order is the Calendar.

NATIONAL APPALACHIAN FOREST RESERVE.

The bill (S. 887) for the purchase of a national forest reserve in the southern Appalachian Mountains, to be known as the National Appalachian Forest Reserve, was announced as first in order on the Calendar.

Mr. LODGE. I think that bill had better be passed over.

Mr. TELLER. I ask that the bill may be passed over. The Senator who reported it is not here.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

IMPROVEMENT OF BRIDGEPORT (CONN.) HARBOR.

The bill (S. 1681) to provide for the modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn., was announced as next in order; and the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to make such modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn., adopted in the river and harbor act of March 3, 1899, as in his judgment the commercial interests of the harbor require. But the cost of completing the project as fixed by the act shall not be increased by reason of such modification.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOLICITING SEAMEN AS LODGERS.

The bill (S. 2261) to amend section 4607 of the Revised Statutes was read, as follows:

Be it enacted, etc., That section 4607 is hereby amended by adding thereto the following:

"This section shall apply to vessels of the United States and to foreign vessels."

SEC. 2. That this act shall take effect one month after its passage.

Mr. COCKRELL. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report, submitted by Mr. HANNA December 19, 1903, as follows:

The Senate Committee on Commerce, to whom was referred the bill (S. 2261) to amend section 4607 of the Revised Statutes, having considered the same, report it back with an amendment to the title, and as thus amended recommend its passage.

The bill is drawn in accordance with the following suggestions of the Commissioner of Navigation in his annual report for 1903:

"An act specifically extending the provisions of section 4607 of the Revised Statutes to foreign vessels would, doubtless, curtail the opportunities of sailors' boarding-house keepers and crimps. That section provides:

"'R. S. 4607. If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than $50, or by imprisonment for not more than three months.'

"The section was originally section 63 of the act of June 7, 1872. In Grant *v.* The United States (58 Fed. Rep., 694) the United States circuit court of appeals held that this act was made to govern the conduct of American seamen within the territorial limits of the United States and on board American vessels, and does not apply to foreign vessels. While section 4601, Revised Statutes, since repealed, was at issue in that case, the decision appears to be equally applicable to section 4607. The decisions quoted in the decision in Grant *v.* The United States, reprinted in Appendix O, explain the unsatisfactory condition of the law. If Congress shall see fit to render section 4607 applicable to foreign as well as to American vessels successful enforcement of the law will still depend on the cooperation of foreign masters and foreign authorities with the authorities of the United States. By the act of March 31, 1900, section 4606 of the Revised Statutes was amplified to cover all vessels instead of vessels of the United States. As a rule, runners for sailor boarding houses are, in consequence, kept from vessels until the quarantine and customs inspections have been passed.

"The measure proposed will keep them from vessels for twenty-four hours after arrival. The period is none too long for full compliance with all our laws relating to navigation, customs, and immigration, without interference from runners whose operations on board create conditions unfavorable to the successful prosecution of commerce. The measure proposed does not involve the abstract question of 'the right to quit work.' It places foreign vessels on the same plane as American vessels. It will not, of course, stop desertions after the lapse of twenty-four hours. In the last analysis desertions from British ships in American ports must still depend more upon the disposition of the officers of British ships than on any other one cause."

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 4607 of the Revised Statutes, relating to soliciting seamen as lodgers."

REVENUE CUTTER AT HONOLULU, HAWAII.

The bill (S. 901) providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii, was considered as in Committee of the Whole. It appropriates $225,000 for the construction, under the direction of the Secretary of the Treasury, of a steam vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING STATION NEAR MONTARA REEF, CALIFORNIA.

The bill (S. 1748) to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY D. HALL.

The bill (S. 469) to restore Henry D. Hall to the Revenue-Cutter Service was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, in line 5, after the words "on the," to strike out "permanent waiting orders" and insert "retired;" in line 7, after the words "officers on," to strike out "permanent waiting orders" and insert "the retired list;" so as to make the bill read:

Be it enacted, etc., That the President be, and is hereby, authorized to commission Henry D. Hall, late captain in the United States Revenue-Cutter Service, a captain on the retired list of said service, with the pay of that grade provided by law for officers on the retired list.

Mr. HOPKINS. I should like to hear the report of the committee read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. MARTIN December 10, 1903, and read as follows:

The Committee on Commerce, to whom was referred the bill (S. 469) to restore Henry D. Hall to the Revenue-Cutter Service, having considered the same, report it back with amendments, and as amended recommend that the bill pass.

A like bill was favorably reported from this committee in the Fifty-seventh Congress and passed the Senate. The report then made is appended and adopted as the report of the committee on the present bill. It is as follows:

"The facts in the case fully appear in the petition of Captain Hall and the letter of the Secretary of the Treasury, which are appended and made a part of this report.

"*To the Senate and House of Representatives*
of the United States in Congress assembled:

"May it please your honorable bodies, your petitioner respectfully represents that he formerly held a commission as captain in the Revenue-Marine Service of the United States and was dismissed therefrom in what he considers to have been a summary and unjust manner.

"He therefore prays your honorable bodies to give consideration to his case and (for the reasons your petitioner herein sets forth) direct his restoration to the position aforesaid.

"To this end your petitioner would respectfully submit the following statement:

"In the spring of 1861 your petitioner (then 27 years of age) held an excellent position as first officer of the ship *Joshua Mauran*, then lying at the port of New Orleans loading for Europe. Flattering as the prospect was before him in the merchant marine, your petitioner considered it his duty to join those who, at the call of their country, volunteered their services to put down the rebellion, and he accordingly resigned his position, and, hastening to his home in the State of Maine, immediately enlisted in the first regiment of volunteer infantry raised in that State under President Lincoln's first call for 75,000

men, and in the following August (the term of enlistment of the three-months men having expired) your petitioner (at the solicitation of the late Hon. William Pitt Fessenden) was appointed to a third lieutenancy in the Revenue-Marine Service, after having passed the prescribed examination for that position, and in February, 1863, was promoted to a second lieutenancy (after a second examination), and in May, 1864, after passing a successful examination for the position of first lieutenant, was promoted to that grade.

"In 1868 your petitioner received his commission as captain without examination, such having been the custom and it always having been considered that the successful passage of the first lieutenant's examination was sufficient proof of an officer's competency to command, and in proof of this your petitioner would state that he was ordered to the command of various vessels prior to his promotion to a captaincy.

"In November, 1870, your petitioner was ordered to appear before a board of officers (his own peers in rank, who had never passed any examination for their own positions) for an examination as to his professional qualifications for his then present status, and as a result of said examination (which was purely theoretical in its character) was summarily dismissed the service, but not until five months subsequent to the examination; your petitioner having during this time been retained in command of a valuable vessel with many officers and men under his control, on the New England coast, in the worst season of the year and on special duty, having for its object the assistance of vessels in distress, and while performing this duty he was successful in saving the crew of a wrecked vessel (eight in number) who otherwise must have perished.

"The action of this board appears to your petitioner to have been in the last degree unjust, inasmuch as only a portion of the list of captains was called up for examination, the dividing line having been drawn by certain officers of your petitioner's own grade, who carefully drew the same below their own names, thereby leaving many officers, themselves included, exempt from this test of professional competency.

"Your petitioner would respectfully refer to his official record at the Treasury Department during nearly ten years of uninterrupted service, not a shadow of a charge having been made against him either as a gentleman or officer, of which fact, indeed, your petitioner was assured by the honorable Secretary of the Treasury subsequent to his expulsion.

"In this connection your petitioner desires to mention that among the various services rendered by him while an officer of the Revenue Marine Service was the saving of the revenue steamer *Reliance* from capture after the death Capt. Thomas M. Dungan, during an action with the enemy in August, 1864, in Wicomico River, Virginia, and valuable assistance rendered to vessels in distress while in command of the revenue steamer *Moccasin*, at Wilmington, N. C., letters commendatory of which are on file at the Treasury Department.

"Your petitioner having during his term of service retained the confidence, respect, and protecting influence of the late Senator Fessenden up to the time of his decease, and having zealously endeavored to pursue such a course as would meet the best interests of the service, he had no reason to fear that (being deprived of influential friends by death) he would be subjected to the ordeal of a partial board only to lose a position he had so legitimately earned and so studiously endeavored to retain by strict adherence to duty and careful observance of official orders and interests.

"With regard to this examination to which your petitioner was subjected, he would respectfully state that the manner in which it was conducted convinced him most conclusively of its marked partiality and left him satisfied that, however meritorious his examination might have proved, the final report of the board would place him below the required standard.

"In view of the foregoing, and more especially of the fact of your petitioner having been examined by his own peers in rank, who had themselves never been subjected to a similar examination, and this, too, more than two years after his commission had been confirmed by the United States Senate, he can not but look upon the whole proceeding as illegal, arbitrary, and unjust, and he would beg that, in consideretion of his general record, extending over a period of nearly ten years, he may be restored to his position and placed on the permanently waiting-orders list, as the sight of one eye is entirely gone and the other seriously impaired by the constant use of binocular glasses at night while on blockade duty on the Chesapeake from 1861 to 1864, and he is also a sufferer from chronic rheumatism, contracted by exposure during the same period.

"Your petitioner is constrained to believe that his dismissal was solely attributable to the fact that he was without the necessary influence to control the action of this board, and in support of this assertion I invite the most searching investigation of my official record at the Treasury Department during my whole term of service, including certificates of examinations before boards composed of officers who were my superiors in rank, and therefore fully competent to conduct such examinations, which I have always contended that the board of 1870 was not.

"Your petitioner desires to state further that since the date of his dismissal he has never ceased his effort to obtain some redress for the great injustice that he feels has been done him, by personal appeals to the Treasury Department and otherwise; failing in all which, he makes this appeal to your honorable bodies in the hope that you may take favorable action thereon.

"And your petitioner, as in duty bound, will ever pray, etc., while he remains,

"Very respectfully, your obedient servant,

"HENRY D. HALL,
"*Late Captain, U. S. R. C. S.*"

Mr. HOPKINS. I do not know that ultimately I shall oppose the passage of that bill, but I ask unanimous consent that it be passed over without prejudice. I should like to look into it a little further.

The PRESIDENT pro tempore. There is a letter in the report from the Secretary of the Treasury, which has not yet been read.

Mr. HOPKINS. Recommending the passage of the bill?

The PRESIDENT pro tempore. Yes.

Mr. HOPKINS. Very well. I withdraw my objection, then, and I ask that the letter be read.

The PRESIDENT pro tempore. The Secretary will resume the reading of the report.

The Secretary resumed and concluded the reading of the report, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 10, 1900.

SIR: I have the honor to acknowledge the receipt of Senate bill 2178, etc.

The following record of Mr. H. D. Hall is drawn from the files of this Department, from which it will be seen that as an officer of the Revenue-Cutter Service it was a good one, and that he reached a captaincy after passing the required examinations; that he served as such from September 4, 1868, to April 15, 1871, efficiently and without ever having a charge of any kind against him, thus proving his ability to command and his fitness for the commission he held:

Henry D. Hall, late captain in the Revenue-Cutter Service, was, on August 6, 1861, commissioned third lieutenant; September 6, 1861, to Baltimore, to report to Captain McGowan; September 17, 1861, to the *Hercules*, at Baltimore, Md.; April 2, 1863, to the *Jackson*, at Baltimore, Md.; July 13, 1863, commissioned second lieutenant; May 17, 1863, to the *Kewanee*, at Baltimore, Md. (building); June 4, 1864, to the *Reliance*, at Baltimore, Md.; July 11, 1864, commissioned first lieutenant; March 23, 1865, to the *Kewanee*, at New York, N. Y.; August 11, 1865, to the *Kankakee*, at New York, N. Y.; August 23, 1865, to the *Campbell*, at New London, Conn.; April 23, 1867, to the *Black*, at Edgartown, Mass.; April 22, 1868, to the *Moccasin*, at Wilmington, N. C.; September 4, 1868, commissioned captain; January 28, 1869, to the *Vigilant*, at Boston, Mass.; May 7, 1869, to the *Active*, at New Bedford, Mass.; April 15, 1871, dismissed, upon recommendation of a board of examiners.

Before being appointed, and as a prerequisite thereto, and also before his promotions to second and first lieutenant, Captain Hall passed a successful professional examination. Such examinations were not then required of first lieutenants upon being promoted to the rank of captain.

On August 12, 1864, while Captain Hall was serving on the revenue steamer *Reliance*, that vessel was attacked by a force of infantry and artillery in the Great Wicomico River, Virginia. The commanding officer, Capt. Thomas M. Dungan, was killed, a number of men killed and wounded, and some on boat duty made prisoners. The attacking force was so disposed as to render the vessel's capture imminent in the narrow river. Lieutenant Hall, who succeeded to the command upon the death of Captain Dungan, by his coolness and skill extricated the vessel and brought her away without further loss.

The records show Lieutenant Hall to have been a capable and faithful officer, and contain nothing indicating a lack of qualifications for the grade he held at the time of his dismissal, aside from the recommendation of the board of examiners that he be dismissed.

It further appears that the board making this recommendation was the only board of examiners in the history of the service before whom captains who had attained this rank by faithful and efficient service and the possession of necessary professional qualifications (as ascertained in previous test examinations, as above indicated in this case) were ordered for examination.

I recommend the passage of this bill.

Respectfully,

L. J. GAGE, *Secretary.*

Hon. W. P. FRYE,
Chairman Committee on Commerce, United States Senate.

Mr. HOPKINS. I withdraw any objection to the bill, Mr. President.

Mr. COCKRELL. I move to amend the bill.

The PRESIDENT pro tempore. The amendments reported by the Committee on Commerce have not yet been acted upon. The question is on agreeing to those amendments, which have been read.

The amendments were agreed to.

Mr. COCKRELL. I move an amendment, to come in at the end of the bill, to insert "from and after the passage of this act;" so that it will be specific that pay is not to accrue until after the passage of the act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN A. DEVORE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1760) granting a pension to Ann A. Devore; which was, in line 9, before the word "dollars," to strike out "twelve" and insert "eight."

Mr. McCUMBER. I move that the Senate nonconcur in the amendment of the House of Representatives and ask for a conference with the House on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McCUMBER, Mr. SCOTT, and Mr. BURTON were appointed.

AUSTIN ALMY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 200) granting an increase of pension to Austin Almy; which was, in line 8, to strike out "twenty-four" before "dollars" and insert "twenty."

Mr. McCUMBER. I move that the Senate nonconcur in the amendment of the House of Representatives, and ask for a conference with the House on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McCUMBER, Mr. FOSTER of Washington, and Mr. TALIAFERRO were appointed.

AMY C. BOSWORTH.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1334) granting a pension to Amy C. Bosworth; which were in line 9, after the word "month," to insert "in lieu of that she is now receiving;" and to amend the title so as to make it read "A bill granting an increase of pension to Amy C. Bosworth."

Mr. McCUMBER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

FOREST RESERVE LANDS.

Mr. HEYBURN. Mr. President, I should like to interrupt the business of the Senate long enough to give notice that to-morrow, after the disposal of the morning business, I shall submit some remarks on the joint resolution (S. R. 30) directing the stay of all proceedings now pending upon any application to enter or patent even-numbered sections of the public lands of the United States in lieu of odd-numbered sections surrendered by any railroad company or its assigns within the limits of any forest reserve.

GENERATING ELECTRICITY FROM COOSA RIVER, ALABAMA.

The bill (S. 1319) authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity, was considered as in Committee of the Whole. It authorizes Robert A. Chapman and his associates to erect, construct, and maintain a dam across the Coosa River, in Alabama, at Lock No. 25, 26, 27, or 28, as now indicated by the Government survey of that river, with all other works incident thereto, for water-power purposes for generating electricity, and provides that plans, specifications, and exact location of the dam shall first be submitted to and approved by the Secretary of War, etc.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSION AND MILITARY RELIEF BILLS.

Mr. McCUMBER. Mr. President, at this time I ask unanimous consent that to-morrow at 4 o'clock the Senate shall proceed to the consideration of unobjected pension bills on the Calendar.

Mr. WARREN. I ask the Senator if he will not include the bills reported from the Committee on Military Affairs relieving soldiers of charges of desertion? It is usual to consider them along with pension bills.

Mr. McCUMBER. I have no objection.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that at 4 o'clock to-morrow the Senate proceed to the consideration of unobjected pension bills and bills reported from the Committee on Military Affairs relieving soldiers from charges of desertion. Is there objection?

Mr. CULLOM. Mr. President, the Senator from North Dakota has just been talking to me in regard to this matter. I do not know certainly, but it is possible a condition may arise in the Senate which will render it inadvisable to consume to-morrow afternoon in the consideration of pension bills. I have, however, said to the Senator that if to-morrow there shall be nothing pressing for attention in connection with the subject which has been under discussion for some time, so far as I am concerned, I shall have no objection to pension bills being considered. Believing that there will be no trouble about it when the time comes, I do not object now.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from North Dakota that to-morrow afternoon at 4 o'clock unobjected pension bills and bills correcting the military records of soldiers be considered; and that order is made.

LIGHT-SHIP OFF OUTER BAR, BRUNSWICK, GA.

The bill (S. 462) to construct and place a light-ship off the outer bar of Brunswick, Ga., was announced as next in order on the Calendar.

The PRESIDENT pro tempore. The Senator from Georgia suggested to the Chair that he might wish this bill to go over for the present.

Mr. CLAY. I will state to the Senate, Mr. President, that after a conference I have secured the necessary information and am ready to have the bill taken up and passed.

The PRESIDENT pro tempore. So that there is no objection to it now?

Mr. CLAY. There is no objection to the bill being passed.

The Secretary read the bill; and by unanimous consent the Senate proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments, in line 6, before the word "thousand" to strike out "one hundred," and insert "ninety;" and in line 7, before the word "thousand," to strike out "one hundred," and insert "ninety;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to have constructed and placed off the outer bar of Brunswick, Ga., a light-ship: *Provided*, That the cost shall not exceed $90,000, and the sum of $90,000, or so much thereof as may be necessary, is hereby appropriated for that purpose.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISSUE OF DUPLICATE MEDALS.

The joint resolution (S. R. 9) authorizing the issue of duplicate medals where the originals have been lost or destroyed was considered as in Committee of the Whole. It provides that in any case where the President of the United States has heretofore, under any act or resolution of Congress, caused any medal to be made and presented to any officer or person in the United States on account of distinguished or meritorious services, on a proper showing made by such person to the satisfaction of the President that such medal has been lost or destroyed through no fault of the beneficiary, and that diligent search has been made therefor, the President is authorized to cause to be prepared and delivered to such person a duplicate of such medal, the cost of which shall be paid out of any money in the Treasury not otherwise appropriated.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF COMMODORE JOHN D. SLOAT.

The bill (S. 906) to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal., was considered as in Committee of the Whole. It proposes to appropriate $10,000 to aid in the erection and completion of a statue of the late Commodore John D. Sloat, United States Navy, at Monterey, Cal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT IN MEMORY OF JOHN PAUL JONES.

The bill (S. 23) for the erection of a monument to the memory of John Paul Jones was considered as in Committee of the Whole. It proposes that there shall be erected in the city of Washington, D. C., a statue to the memory of John Paul Jones and to appropriate $50,000 for the purpose of procuring and erecting the statue, with a suitable pedestal, and for the preparation of a site.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE CUTTER ON NARRAGANSETT BAY.

The bill (S. 131) to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters was considered as in Committee of the Whole. It proposes to appropriate $225,000 to be expended in constructing and equipping a steam revenue cutter for service in Narragansett Bay and adjacent waters, with headquarters at Newport, R. I.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPOT SITE FOR REVENUE-CUTTER SERVICE.

The bill (S. 1380) to provide for a site for a depot for the Revenue-Cutter Service was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to acquire a suitable site upon which to establish a depot for the Revenue-Cutter Service, and appropriates therefor the sum of $30,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTESTANT EPISCOPAL CHURCH OF WASHINGTON.

The bill (S. 492) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington" was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAKE SUPERIOR AND MISSISSIPPI CHIPPEWA INDIANS.

The bill (S. 711) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same, was considered as in Committee of the Whole.

Mr. COCKRELL. Let the report in this case be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. CLAPP December 11, 1903, as follows:

The Committee on Indian Affairs, to which was referred Senate bill 711, reports the same favorably and recommends that it be passed.

DEPARTMENT OF THE INTERIOR,
Washington, March 15, 1902.

SIR: I have the honor to transmit herewith a copy of a report from the Commissioner of Indian Affairs, dated the 27th instant, submitting report on S. 4283, "A bill to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same," which was referred to the Department on the 5th instant for a report thereon; also copy of a letter from the Department, dated April 19, 1900, reporting on a similar bill, and the recommendation therein made is hereby renewed.

The attention of the committee is also called to Document No. 97, Fifty-

fifth Congress, third session, Senate, and to Report No. 8, Fifty-fifth Congress, first session, Senate, which contains full information on the subject.

Very respectfully,

THOS. RYAN, *Acting Secretary.*

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, November 23, 1903.

SIR: I have the honor to acknowledge the receipt, by your reference of the 17th instant, for report, of S. 711, being a bill "To authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriations for the same."

In reply I beg to state that the claim of these Indians was fully investigated in 1879, under a resolution of the House of Representatives, by a subcommittee (a full report of which is to be found in the CONGRESSIONAL RECORD, vol. 8, p. 3, and appendix, 45th Cong., 3d sess., p. 134), and said committee found, upon data obtained from the records of the Treasury Department and the Office of Indian Affairs, that the amount of treaty funds covered back into the Treasury was $81,702.61 and that the difference in value of the annuities paid in currency instead of coin was $18,670.39, or a total principal of $100,373, and the Department, in a report to the Senate Committee on Indian Affairs, under date of April 19, 1900, recommended, for reasons given in said report, that that amount be appropriated, which recommendation is hereby renewed.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, December 5, 1903.

SIR: I have the honor to acknowledge the receipt, by your reference of the 1st instant, for report, of S. 1833, being a bill "Conferring upon the Court of Claims authority to hear and determine certain claims of the Chippewa Indians in the State of Minnesota."

In reply I beg to state that on the 28th ultimo a report was submitted to your committee on S. 711, a bill "To authorize the Secretary of the Interior to fulfill treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi," which has the same object in view by authorizing the Department to settle these claims.

As early as 1879, under a resolution of the House of Representatives, these claims were fully investigated by a subcommittee composed of Hon. George M. Beebe and Hon. J. H. Stewart, assisted by I. L. Mahon, Indian agent, detailed to assist in the investigation, the report of which committee will be found in the CONGRESSIONAL RECORD, volume 8, part 3, Forty-fifth Congress, third session, page 134, and which report is full and explicit. The committee found that $81,702.61 of treaty funds were covered back into the Treasury; that the difference in value of the annuities paid in currency instead of coin was $18,670.39, or a total of $100,373, and the Department, in a report to the Senate Committee on Indian Affairs, under date of April 19, 1900, recommended that that amount be appropriated, which recommendation was renewed to your committee on the 28th ultimo.

This claim has been before Congress and the Department for over twenty years and repeatedly recommended for appropriation. It is a just claim and should be paid. The Chippewa Commission, in their report of December 26, 1889, on the negotiations had with the Chippewas of Minnesota under the act of January 14, 1889, states as follows:

"In regard to the treaty of September 20, 1854, it was impossible for us to explain why its plain and unquestioned provisions had not been fulfilled. The Chippewas employed an agent, and a delegation accompanied him to Washington some years ago, and after urgently insisting upon a settlement there was found due to him the sum of $118,400, which had accrued from balances that had been covered into the Treasury between the years 1843 and 1878. This amount has never been questioned as being due under the treaty stipulations, and in the opinion of this commission should be included in regular estimates. We gave the most solemn promises that our best efforts would be given to secure justice in this case, believing that we but voiced the intent of the Government in so doing. After giving assurances that justice would be speedily done and that we would bring the attention of the Department to those claims, the acceptance and signing of the propositions made was nearly unanimous." (See House Ex. Doc. 247, 57th Cong., 1st sess., p. 15.)

Under these circumstances I recommend that S. 1833, referring these claims to the Court of Claims, be not enacted into law, but that S. 711, on which the Department submitted a report on the 28th ultimo, be substituted therefor.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RED LAKE INDIAN RESERVATION, MINN.

The bill (S. 1490) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to sell, subject to the homestead laws of the United States, to the highest bidder, at public auction, in tracts not to exceed 160 acres to each individual, all that part in the State of Minnesota lying westerly of the range line between ranges 38 and 39 west of the fifth principal meridian, approximating 256,000 acres. It is provided that the land shall be sold for not less than $4 per acre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL BRIDGE ACROSS THE POTOMAC.

The bill (S. 820) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property was announced as the next business in order on the Calendar.

Mr. COCKRELL. I suggest that the bill had better be passed over without losing its place, as the Senator who reported it is not present.

The PRESIDENT pro tempore. The Senator from Missouri asks that the bill may be passed over without prejudice. Is there objection? The Chair hears none.

THIEF RIVER (MINNESOTA) BRIDGE.

The bill (S. 708) authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River, in the State of Minnesota, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, in line 4, after the word "public," to insert "municipal;" and in line 5, before the word "wagon," to insert "free;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to authorize the proper public municipal authorities to construct a free wagon bridge across Thief River, in the State of Minnesota, at such point and subject to such conditions and restrictions as he may designate and require.

The amendments were agreed to.

Mr. COCKRELL. I should like to ask why the Secretary of the Interior has jurisdiction over this river?

Mr. NELSON. I think the reason is this: At Thief River Falls, where this bridge is to be built, under an old treaty a chief, who was called in the books Moose Tongue, had a section of land awarded to him, and I think one end of the bridge is to rest on his allotment and the other end on the Red Lake Reservation. In other words, both sides of the stream at the point where it is proposed to construct this bridge are on Indian lands. I suppose that is the reason why it is left to the Secretary of the Interior.

I have been at the very point in question. The Thief River is a little nonnavigable stream flowing into the Red Lake River, and there never has been any navigation on it. There are no logs or anything on the stream. I hardly think a bill for a bridge there is necessary, but at all events it is wholly Indian country on both sides.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT YANKTON, S. DAK.

The bill (S. 270) authorizing the Winnipeg, Yankton, and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments. The first amendment was, in section 2, page 2, line 25, after the word "unbroken," to strike out "or" and insert "and;" so as to read:

SEC. 2. That any bridge built under the provisions of this act may, at the option of the corporation building the same, be built as a drawbridge, or with unbroken and continuous spans.

The amendment was agreed to.

The next amendment was, in the same section, on page 3, line 11, after the word "drawbridge," to insert "with one or more draws, as the Secretary of War may prescribe;" and in line 23, after the word "signal," to strike out "without unnecessary delay" and insert "for the passage of boats and other water craft;" so as to read:

And provided also, That if a bridge shall be built under this act as a drawbridge, the same shall be constructed as a pivot drawbridge, with one or more draws, as the Secretary of War may prescribe. * * * *And provided also*, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats and other water craft.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 13, after the word "removed," to strike out "at" and insert "by:" in the same line, before the word "owner," to strike out "expense of the;" and in line 15, after the word "same," to insert "at their own expense;" so as to read:

And whenever said bridge or its accessory works shall, in the opinion of the Secretary of War, unreasonably obstruct the free navigation of said river, he is hereby authorized to cause such change or alteration of said bridge or its accessory works to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed by the owner or owners of said bridge, or the persons operating or controlling the same, at their own expense.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 22, after the word "touches," to insert the following proviso:

Provided, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridge from the operation of same.

The amendment was agreed to.

The next amendment was, in section 4, page 6, line 14, after the word "bridge," to insert:

and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

So as to read:

The United States shall also have the right to construct, without charge therefor, telegraph or telephone lines across said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 17, after the word "That," to strike out "Congress may at any time" and insert the words "the right to;" and in line 18, after the word "act," to insert "is hereby expressly reserved;" so as to read:

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPRESENTATIVES OF M. F. MERRITT, DECEASED.

The bill (S. 352) for the relief of the representatives of M. F. Merritt, deceased, was considered as in Committee of the Whole. It proposes that the claim of M. F. Merritt for further compensation for the construction of the light-draft monitor *Cohoes* may be submitted by his personal representatives, within six months after the passage of the bill, to the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT D. M'AFEE AND JOHN CHIATOVICH.

The bill (S. 175) for the relief of Robert D. McAfee and John Chiatovich was considered as in Committee of the Whole. It proposes to release and discharge Robert D. McAfee and John Chiatovich from all obligation to the United States on account of the official bond executed by them on the 14th day of February, 1890, as sureties for the late Elias B. Zabriskie, as melter and refiner of the United States mint at Carson City, Nev.

Mr. SPOONER. This is the bill which was called up the other day?

Mr. STEWART. It is the same one.

Mr. COCKRELL. It is the same bill.

Mr. STEWART. It ought to be passed. There is no question about it. There is nothing to cause any hesitation in its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENTS TO CITIZENS OF NEVADA.

The bill (S. 177) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada, was considered as in Committee of the Whole.

Mr. BEVERIDGE. I wish the Senator from Nevada would give a little bit of explanation of the bill.

Mr. STEWART. In 1860 there was an Indian war in Nevada, in which a large number, seventy or eighty, of our best citizens were killed. Then Captain Stewart came over with Gen. Jack Hays, Jack Hays commanding the volunteers and Stewart the regulars. The supplies were furnished to the Army for the use of the Army acting under Captain Stewart. A commission was appointed by the State to investigate these claims many years ago.

Mr. BEVERIDGE. This occurred in 1862?

Mr. STEWART. In 1860; many years ago. The claim has been here ever since, and it has passed the Senate so often that it has become very familiar.

Mr. SPOONER. I thought I recognized it.

Mr. STEWART. You have heard of it often. I suppose it passed the Senate a dozen times or more. We thought we had disposed of it in the omnibus bill about three years ago, but in making up the bill the clerk took a copy that was first introduced, the old bill, and it did not contain the whole of the claims. So they were not all in that bill. It was agreed to put them all in, but they were not in. Consequently, when the omnibus bill passed these claims were not paid. The House at that session and at the next session reported favorably on these claims, but they have not been paid. I believe that if there is anything which it has been settled ought to be paid, it is these claims. The rule is that the Government shall pay for volunteers who served with and under the direction of regular army officers.

Mr. BEVERIDGE. It is to pay the heirs or representatives of the original parties?

Mr. STEWART. Their heirs and representatives.

Mr. BEVERIDGE. It is not to pay the soldiers?

Mr. STEWART. It is not to pay the soldiers. It is to pay persons who furnished supplies.

Mr. CULLOM. How much is involved in the bill?

Mr. BEVERIDGE. What is the total?

Mr. STEWART. I think nearly $25,000.

Mr. BEVERIDGE. May I ask the Senator a question? I have no desire to obstruct his bill. I did not understand it, and the statement seemed a little strange to say that it had passed the Senate about a dozen times.

Mr. STEWART. Yes.

Mr. BEVERIDGE. How did it fail in the House?

Mr. STEWART. It failed in the House as bills usually fail there. It was reported favorably, but did not get through the House. Such bills often fail on account of the names; somebody objects because the names have to be read. The bill was never discussed in the House unfavorably.

Mr. BEVERIDGE. It also says "whose claims were presented to and allowed by the State board of examiners of Nevada." I did not understand that.

Mr. STEWART. The State board of examiners of Nevada sent them here and they were here examined by the Committee on Claims. They were gone through with in great detail until the committee were satisfied. They eliminated everything that was doubtful.

Mr. BEVERIDGE. When did the State board pass on the claims—a long time ago?

Mr. STEWART. A long time ago.

Mr. BEVERIDGE. Not recently?

Mr. STEWART. Not recently.

Mr. BEVERIDGE. I do not know that I have any personal objection to the consideration of the bill. There are two or three things about it that struck me enough to make the inquiries of the Senator.

Mr. STEWART. Yes; that is proper.

Mr. BEVERIDGE. First, that it occurred way back, a long time ago.

Mr. STEWART. No; it occurred in 1860.

Mr. BEVERIDGE. That is forty-three years ago.

Mr. STEWART. Yes.

Mr. BEVERIDGE. This is a payment to the representatives, and as the bill carries, as the Senator says, about $25,000 it seemed to me worthy of a little explanation. It seems that the older Senators here are familiar with the claims.

Mr. STEWART. There have been repeated reports—elaborate reports—in both Houses, going into details and giving each item.

Mr. SPOONER. I should like to ask the Senator if there has been any payment made by the Government on account of these claims?

Mr. STEWART. On account of a part of them. As I stated, a part of these claims were paid.

Mr. SPOONER. Why were not these claims paid then?

Mr. STEWART. Because the clerk in making up the bill got hold of the first bill. That was years and years ago.

Mr. SPOONER. What clerk?

Mr. STEWART. The clerk of the committee who made it up.

Mr. SPOONER. Where were the Senators and Members from Nevada?

Mr. STEWART. The Senators and Members from Nevada were not present when the bill was made up.

Mr. SPOONER. Were they not present in the Senate and House when the bill was passed in an imperfect condition?

Mr. STEWART. Yes.

Mr. SPOONER. Why did they not correct it?

Mr. STEWART. Because they did not observe it. I did not notice it, and I generally notice almost everything.

Mr. SPOONER. You do.

Mr. STEWART. I did not notice that they had been left out.

Mr. BAILEY. And you are trying to remedy that omission.

Mr. STEWART. I am trying to remedy it. I am trying to to make amends for my former negligence.

Mr. SPOONER. I did not mean to reflect upon the Senator. Are these claims precisely of the same nature as those that were allowed?

Mr. STEWART. They are of the same nature and were allowed by the same board.

Mr. SPOONER. And proven in the same way?

Mr. STEWART. They were proven in the same way. There is no distinction between them.

Mr. PLATT of Connecticut. If the Senator will allow me, I think he ought to explain why the old bill, the first bill introduced, did not include all the claims that had been allowed by the examiners.

Mr. STEWART. It was because they examined them from time to time. They were several years in making the examination and getting the proof. They sent some to the Treasury Department and some here. After I came here they sent some to me. The claims were scattered. I introduced a bill which passed covering those that came to me, but it did not include all of th m. There was a bill that had passed the Senate three or four times with all of them in. In preparing the bill an old bill was used and it left out these claims that were afterwards collected and put in. They were all the same kind of claims.

Mr. PLATT of Connecticut. The Senator assures us that these have all been audited by the examining board of the State of Nevada?

Mr. STEWART. Yes.

Mr. PLATT of Connecticut. And that certain claims audited by them have already been passed and paid?

Mr. STEWART. Yes.

Mr. PLATT of Connecticut. But these have not been paid?

Mr. STEWART. No.

Mr. PLATT of Connecticut. So these claims are of the same character?

Mr. STEWART. They are of exactly the same character.

Mr. SPOONER. I should like to have one other bit of information from the Senator, and that is whether any have been left out now?

Mr. STEWART. No; none have been left out.

Mr. SPOONER. They are all included?

Mr. STEWART. They are all included.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

Mr. BEVERIDGE. Is there a report accompanying the bill?

Mr. STEWART. Oh, yes.

Mr. NEWLANDS. The report is No. 117.

Mr. BEVERIDGE. I confess that I should like to hear the report read. Would the Senator object to having the bill go over for a day or two?

Mr. STEWART. It is up now, and it is very hard to call up bills here.

Mr. BEVERIDGE. I am not insistent upon it.

Mr. STEWART. This same bill has passed the Senate before.

Mr. BEVERIDGE. All right.

The bill was read the third time, and passed.

N. F. PALMER, JR., & CO.

The bill (S. 334) for the relief N. F. Palmer, jr., & Co. was considered as in Committee of the Whole. It proposes to pay to N. F. Palmer, jr., & Co. the sum of $63,620.59, in full of their claim for damages and losses incurred in the construction of the armored cruiser *Maine*, that being the amount recommended to be paid by the Secretary of the Navy.

Mr. CULLOM. We have been passing bills here every few minutes, making large appropriations, without having the reports read.

Mr. STEWART. There is a report accompanying this bill. Here is the written report.

Mr. CULLOM. It seems to me that in every case of this character we ought to have the report read.

Mr. STEWART. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

Mr. PLATT of Connecticut. Before the reading of the report, may I make an inquiry? The sum here appropriated is $63,620.59. That has been recommended——

Mr. STEWART. By the Secretary of the Navy.

Mr. PLATT of Connecticut. By the Secretary of the Navy. The Secretary of the Navy, however, says that if it is proposed to add to that anything for insurance——

Mr. STEWART. We do not propose to do that; we just take what the Secretary recommends.

Mr. PLATT of Connecticut. There is nothing for insurance in the bill?

Mr. STEWART. No.

Mr. PLATT of Connecticut. I have no objection to it.

Mr. STEWART. The reading of the report will make it very clear.

Mr. CULLOM. I think the report had better be read.

Mr. STEWART. Very well.

Mr. BEVERIDGE. The total is $63,620.59?

Mr. PLATT of Connecticut. Yes. The original claim was $99.000, I believe.

Mr. STEWART. The reason why it was cut down and everything is stated in the report. The report is not very long.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. STEWART December 16, 1903, which is as follows:

The Committee on Claims, to whom was referred the bill (S. 334) for the relief of N. F. Palmer, jr., & Co., report as follows:

A similar bill was favorably reported by this committee and passed the Senate at last session, but reached the House too late in the session to be considered by the House Committee on Claims.

An amendment to the general deficiency providing for the payment of this claim was favorably reported by the Senate Committee on Naval Affairs and passed the Senate as an item in said bill, but failed to pass in conference.

Your committee's report made at last session contains all the facts in this case and is adopted as a part of this report, and your committee recommend that S. 334 do pass.

[Senate Report No. 2577, 57th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (S. 6375) for the relief of N. F. Palmer, jr., & Co., report as follows:

This claim is for the losses and damages sustained by the firm of N. F. Palmer, jr., & Co., of New York City, in furnishing and installing the machinery, including engines, boilers, and appurtenances, of the ill-fated U. S. armored crusier *Maine*.

The *Maine* and the *Texas*, sister ships, were built by the Navy Department in Government navy-yards, the former vessel at New York and the latter at Norfolk. Contracts were made with outside firms for the machinery of these vessels. In both instances there were delays on the part of the Government in the building of the vessels, mainly caused by the inability of the Department to get the armor. The result was that when the contractors for the machinery had the engines, boilers, etc., ready for delivery and installation the vessels were not far enough advanced to receive the said machinery, and the contractors were subjected to unusual expenses and losses by reason of the unreadiness on the part of the Government. In the case of the *Texas* the builders of the machinery presented a claim to Congress for their losses as aforesaid, and were paid $99,550.30. (See act approved May 7, 1898, 30 Stat. L., 1431.)

The bill under consideration containing the amount claimed by the firm of N. F. Palmer, jr., & Co., $99,661.07, was referred by your committee to the Navy Department for recommendation as to what would be a fair and reasonable compensation for the losses and damages sustained by the firm. The Secretary referred the bill and accompanying papers to the bureaus of Construction and Repair and Steam Engineering, the bureaus under whose direction the work was done, for examination and recommendation. These bureaus, in a joint report, find that the claimants are "justly entitled" to compensation, and after carefully auditing the claim they find $63,620.59 to be "a fair award." Having incorporated this report of the two bureaus in his letter, the Secretary of the Navy "concurs in the views of the bureaus and approves the statement made by them of the amount to which said company is entitled."

In view of the report of the Secretary of the Navy fixing the amount justly due the claimants, to wit, $63,620.59, your committee recommend that said amount be paid the firm of N. F. Palmer, jr., & Co., and accordingly report back S. 6375 with the following amendment:

In lines 5 and 6, in lieu of the words "ninety-nine thousand six hundred and sixty-one dollars and seven cents," insert "sixty-three thousand six hundred and twenty dollars and fifty-nine cents."

With this amendment your committee recommend that S. 6375 do pass.

The letter of the Secretary of the Navy is appended.

NAVY DEPARTMENT,
Washington, January 10, 1903.

SIR: The Department acknowledges the receipt of your letter of the 5th ultimo, inclosing a copy of the bill (S. 6375) for the relief of N. F. Palmer, jr., & Co, accompanied by the following documents, which are returned herewith:

House Report No. 2114, Fifty-seventh Congress, first session.
House Document No. 68, Fifty-fourth Congress, second session.
Senate Report No. 154, Fifty-fifth Congress, first session.

The claim of N. F. Painter, jr., & Co. for the sum of $99,661.07 arises from a contract dated April 3, 1889, entered into by that company with the Navy Department for the construction of the machinery for the United States armored cruiser *Maine* and the delivery and connection of the same on board that vessel. The terms of the contract required that the machinery should be completed and erection on the vessel begun in two years and six months, or by October 3, 1891, and that the erection should be completed one year later, or by October 3, 1892, when it was to be subjected to a four hours' trial with the vessel under way and accepted subject to satisfactory compliance with the contract stipulations as to power, weights, etc.

The hull of the *Maine* was built by the Government at the navy-yard, New York. The armor was furnished under a separate contract with the Bethlehem Iron Company. The *Maine* was launched November 18, 1890. By October 3, 1892, as required by the contract, N. F. Palmer, jr., & Co., had completed and erected on board the vessel the main engines, boilers, auxiliaries, etc., except some minor details and the hydraulic machinery for turning the turrets, which could not be installed, as the turrets and conning towers to be supplied by the Government were not yet in place. The contractors had at that time substantially completed their contract.

Owing, however, to the delay in delivery of armor, the *Maine* was in such incomplete state that it was unsafe to permit a trial under way.

On July 22, 1893, the vessel having reached a suitable state of completion, the Department permitted a dock trial to be made of the machinery, and made a partial payment to the contractors.

The official trial under the terms of the contract took place in Long Island Sound October 17, 1894, and the contractors were informed under date of October 31, 1894, of the preliminary acceptance of the machinery.

The *Maine* was not ready for the final trial required by the contract to be held six months after the preliminary acceptance, so that the machinery was finally accepted under date of June 21, 1895, after a careful inspection at the dock.

When the machinery was accepted the contractors executed the usual release provided for by the contract, but appended to it the following:

"This release is given by us with the understanding that we are not precluded thereby from presenting our claim to Congress for compensation on account of delays caused by the Government, and for expenses incurred in the care and preservation of machinery during such delays."

The claimants are now barred by the statute of limitations from prosecuting this claim before the Court of Claims.

The Department, having referred your letter and accompanying documents to the bureaus of Construction and Repair and Steam Engineering, quotes below their report in the premises:

"It appears that all the information from the files of the bureaus necessary to a recommendation in this case is contained in the documents herewith.

"We are of the opinion that the claimants are justly entitled to some compensation and that amounts should be allowed on the following points:

"(1) Interest on reservations of contract payments for the time delayed through fault of the Government.

"(2) Expenses of dock trial over and above any expense of such dock trial as is usual and necessary for every contractor to make at his own expense under the fulfillment of his contract.

"(3) Expenses of care and preservation of machinery during the time its acceptance was delayed through fault of the Government.

"(4) Additional cost of insurance and bond required by the contract for the same period.

"It does not appear from these papers, but can be determined from the records of the Department, whether the usual insurance on the machinery installed in the ship was maintained during the period of delay; but if so, its expense is a just claim. The bureaus are of the opinion that the contract requires insurance to be maintained on the trial trip, and therefore the claim should not be allowed.

"(5) The performance of a large and special contract of this nature causes any contractor a large increase in general expense by the maintenance of an extra office force of clerks and draftsmen, experts, foremen, and superintendents of labor, and the claimants are justly entitled to recover for such

part of this force as it was necessary to maintain during the period of delay caused by the Government.

"Undoubtedly the best method of settling the amounts due the contractors on those several grounds would be to refer the case to the Court of Claims, where they can be thoroughly and carefully determined, as recommended by the Department in its letter of December 8, 1896; but as such a long time has elapsed already since the contractors were justly entitled to compensation, the bureaus are of the opinion that a definite recommendation should be made to enable the Department and Congress to act without the delay and expense to both parties to the case, which would be further incurred by reference to the court.

"RECOMMENDATION OF AMOUNTS DUE CLAIMANTS.

"*1. Interest.*—The claim for interest begins to accrue on October 3, 1892, the date of expiration of the contract, which it appears the contractors could have fulfilled but for faults of the Government. The contractors ask for interest at 6 per cent on all amounts then to be paid, viz:

"Nine reservations on previous payments	$66,150
"And the last payment	73,500
"Total	139,650

"Under the schedule of just claims given above, however, interest can not be allowed on the last payment, for the work it was to pay for had not been wholly, nor probably largely, performed, as the record shows.

"Interest on this payment should not be allowed to begin to accrue until it was earned and unpaid. This date is difficult to determine, but injustice will probably not be done by assuming it earned at the date of application for the official trial, April 19, 1893, although considerable work on the turrets was done after that date. The interest account would, therefore, appear as follows:

"From October 3, 1892, date of expiration of contract, to August 5, 1893, date of payment on account ($39,825) after dock trial, three hundred and six days, on $56,150, at 6 per cent, $3,327.44.

"From April 19, 1893, date of application for official trial, to November 7, 1894, date of payment after trial, $58,500, for one year and two hundred and twelve days, $5,548.68.

"From May 7, 1895, six months after the date of payment after official trial, to July 10, 1895, sixty-four days, at 6 per cent, on $15,000, special reservation, $157.80.

"*Item 2—Dock trial.*—It would seem reasonable to accept as extra expenses to the contractors, say at 80 per cent of what was expended on the official dock trial held under the auspices of the board, $8,653.80×$0.80=$6,925.04.

"*Item 3.*—Expenses of care and preservation, as rendered by the contractors, are reasonable, $2,513.63.

"*Item 4.*—Insurance can not be determined by the bureaus.

"Extra bond expense, $1,400.

"*Item 5—Extra general expense.*—It may be assumed for purposes of this case that the general expenses of the character described above which would have been incurred by the contractors under their contract if performed in the original contract time of three and one-half years would have properly amounted to 10 per cent of the contract price, viz, $73,500, and that these expenses would be increased in proportion to the extension of the time over which the contract actually extended by delays on the part of the Government. This extension liberally construed might be considered to reach the date on which the contractors were informed of the preliminary acceptance of the vessel after official trial, which was November 1, 1894; therefore, the extension was from October 3, 1892, to that date, or two years and one month.

"On this basis the expense would be $\$73{,}500 \times \frac{2\frac{1}{12}}{3\frac{1}{2}} = \$43{,}750$.

"Total, $63,620.59.

"To which should be added any cost for insurance incurred from October 3, 1892, to November 1, 1894, except that for the trial trip.

"This is considered a fair award."

The Department concurs in the views of the bureaus and approves the statement made by them of the amount to which said company is entitled on account of the matters set forth. Should it be determined to add to said amount an allowance for the cost of insurance, the company should be required to make an authentic statement relative thereto, and the matter should be submitted to the Department for verification, so far as may be permitted by its records, which will show the amount of insurance placed but not the cost thereof to the contractors.

The inclosures with your communication are returned.

Very respectfully,

W. H. MOODY, *Secretary.*

Hon. WILLIAM M. STEWART,
Committee on Claims, United States Senate.

Mr. CULLOM. I have looked over this report a little and having heard the Senator from Connecticut state that the bill is indorsed by a Cabinet officer, Mr. Moody, I am inclined to withdraw my request.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NICARAGUAN CANAL.

Mr. MORGAN. I ask unanimous consent of the Senate to allow me to submit some remarks on a resolution that I offered the other day that I wish to send to the Committee on Foreign Relations. The remarks that I have to submit are in explanation of the resolution and ought to be made before it goes to the committee.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the Senate will proceed to the consideration of concurrent resolution No. 36.

Mr. CULLOM. I understand that it is a resolution in reference to the ownership of the territory of the Isthmus.

Mr. MORGAN. Yes; it is in relation to the bill I introduced the other day.

The PRESIDENT pro tempore. The concurrent resolution will be read.

The Secretary read the concurrent resolution submitted by Mr. MORGAN on the 20th instant, as follows:

Resolved by the Senate (the House of Representatives concurring), That obedience to the act of June 28, 1902, known as the "Spooner law," and the preservation and execution of the agreements between Costa Rica, Nicaragua, and the United States, entered into, sealed, and interchanged on December 1, 1900, requires that the President shall proceed to open negotiations with Nicaragua and Costa Rica for a treaty to further arrange and settle the terms, in detail, for the construction of a ship canal on the Nicaragua route.

Mr. CULLOM. I hope there will be no objection to the Senator from Alabama making his speech.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the concurrent resolution is before the Senate. The Senator from Alabama is recognized.

Mr. MORGAN. Mr. President, the resolution that I offer is a companion piece, I might say, of a bill I had the honor to introduce in the Senate the other day, which has been referred to the Committee on Foreign Relations, and I wish to speak on it in connection with the topic presented in that bill.

This resolution relates solely to the duty of the United States in its dealings with Costa Rica and Nicaragua, and the duty of the President to render respect and obedience to the laws of Congress.

If the Spooner law had never passed Congress, a very powerful claim to the respectful consideration of the President is presented in dealing with the question of the location of the isthmian canal, which is based on two grounds:

First. On the relations of the United States with Nicaragua and Costa Rica since 1848, especially with reference to the enterprise of locating and constructing a canal along the San Juan River and across Lake Nicaragua, and under the conclusive agreements with those States made by President McKinley on the 1st day of December, 1900.

Second. On the ground that the Nicaragua route is the better route and is free from the engineering, sanitary, and political difficulties that already overhang the Panama route with the clouds of pestilence and war. It has no safe engineering basis or prospect of success on which we can confidently rely in building a permanent dam at Bohio, which is the key to the canal. The probabilities are strongly against the prospect of ever constructing a safe dam at Bohio. The speeches of Senator Harris, of Kansas on the Spooner bill, so completely demonstrate this proposition that its further discussion seems to be unnecessary.

The duty imposed upon the President by the Spooner law, which he repudiates and wilfully disobeys, is the question I will discuss, as it is presented in this resolution.

Under the first of these propositions I will present the records, the treaties and other agreements made between Costa Rica, Nicaragua, and the United States, in respect of canal rights and privileges, since 1848, including the McKinley compacts of December 1, 1900, with Nicaragua and Costa Rica.

I will omit any detailed account of the concessions made to private parties by those States since 1846 with the express approval of the United States, only stating that they all correspond in their purposes and general provisions with the treaties made by and on behalf of the United States. In the treaties that failed of ratification by our Senate there was no objection that they were in any sense too restricted in the terms of the concessions, or too costly to meet the requirements of our Government. They were rejected, not for any defects in them, but for political reasons that were involved in our relations with Great Britain under the Clayton-Bulwer treaty. For one, I conceive that the abrogation of that treaty is the most important act of the great career of President McKinley, and that, if the Hay-Pauncefote treaty had never been ratified, that Mr. McKinley had struck the Clayton-Bulwer treaty a fatal blow in the compacts he made with Nicaragua and Costa Rica on the 1st day of December, 1900. Those compacts and that treaty could not be reconciled; they could not possibly stand together.

The first canal concession made by Nicaragua to the United States is dated June 21, 1849. It was negotiated and signed by Elijah Hise, who was chargé d'affaires of the United States in Central America.

I will append a copy of this treaty to my remarks. (See Appendix A.) I will quote parts of articles 1, 2, and 11 to show that the grant was in perpetuity, and its scope, which is broader in its advantages than any canal concession ever made to the United States.

ARTICLE I.

It is solemnly agreed between the two high contracting parties that the State of Nicaragua doth grant to and confer upon the United States of America, or to a company of the citizens thereof, the exclusive right and privilege to make, construct, and build within the territories of the said State of Nicaragua, through or by the use and means of any of the streams, rivers, bays, harbors, lakes, or lands under the jurisdiction or within the limits of the said State, a canal or canals, a road or roads, either railways or turnpikes or any other kind of roads, for the purpose of opening a convenient passage and communication, either by land alone, or water alone, or by both land and water, and by means, if deemed proper, of locks and dams, or by any other mode of overcoming and removing the obstructions to the navigation of the said rivers, lakes, harbors, etc., between the Caribbean Sea and the Pacific Ocean, for the transit and passage of ships, steamers, sailing vessels, boats, and vessels of all kinds, as well as vehicles of every sort used for the transportation and conveyance of persons and property and of goods, wares, and merchandise of every description, and the United States or the company which may be formed by virtue of such charters as shall be made as herein provided shall be permitted for the construction of said works to procure, take, and

obtain within the territories of Nicaragua all kinds of materials, such as stone, timber, earths, and whatever else may be necessary and proper for the said purposes, free of any charge so far as the said materials may be procured on the lands belonging to said State.

ARTICLE II.

The State of Nicaragua cedes and grants to the United States, or to a chartered company of the citizens thereof, as the case may be, absolutely, all the land that may be required for the location and construction of said canal or canals, road or roads, and which may be necessary for the erection of buildings and houses of every description for the residence and accommodation of the engineers, superintendents, and laborers, and all others employed in the making and construction of the said works, or in governing, managing, and controlling the same, and also for the erection of all such necessary buildings as may be requisite and proper for the purpose of storing away therein all the tools, machines, materials, and property of every description which may be required for the use in the construction, repairing, preservation, and management of said works, and should any portion of the lands or materials, or of the rivers, bays, ports, or their coasts or lakes, and their shores, which may be necessary and proper to be applied for the location and construction of said works and its appurtenances, belong to individuals, the State of Nicaragua agrees and undertakes to extinguish the titles thereto, and to procure the same upon a just principle of valuation for the aforesaid public works. The aforesaid cession and grant shall include a space of not less than 300 feet on each side of the lines of said works, and extending all along the whole length thereof, so that ample space be secured on the margins of said works for the convenient use thereof. The just value of such of said lands and materials as may be private property at the date of this treaty will be paid for by said company.

ARTICLE XI.

The State of Nicaragua agrees that the United States shall have, possess, and enjoy forever the following rights and privileges; that is to say, the right and privilege to pass, convey, transport, and send through all or any part of the territories and dominions of the State of Nicaragua, on land or water, from ocean to ocean, by means of her ports, bays, rivers, lakes, and roads, troops, infantry or cavalry, all kinds of arms, artillery, and munitions of war of all kinds, her public property of every description, public officers, civil and military, consuls, ministers, dispatch agents, her public mail and mail agents, and all other employees of the Government of the United States of America; and the same shall all and each be permitted to pass, be sent, and be conveyed through said State, in any manner, as aforesaid, in the public armed vessels of the United States, and in all such other vessels or vehicles, public or private, which may be in the temporary or permanent employment of the Government of the United States for any of the purposes aforesaid, or in any other way, free from all cost and exempt from all taxes, duties, imposts, charges, or exactions of any kind whatever, either on the persons, property, vehicles, or vessels aforesaid; and all the aforesaid privileges and the said free right of way and of transit shall be held, used, and enjoyed by the United States of America (but not by any other nation, state, or government, except Nicaragua) without cost or charge, and freely, whether the same be made through the dominions and territories of Nicaragua as they now exist, or whether the said troops, munitions of war, public officers, agents, employees, mails, public property, vehicles, and vessels, etc., shall be sent, transported, or conveyed by means of improved navigable rivers, canals, or turnpikes, or railroads, or any other public improvements which may be hereafter made in the State of Nicaragua, either by the Governments or citizens of the contracting parties, or by the governments, citizens, or people of any other nation, kingdom, or country; and the citizens of the United States shall have and enjoy all the rights and privileges of travel, passage, transit, and conveyance for themselves and their property and vessels of all kinds through the territories and dominions of the State of Nicaragua as they now exist, or through such canals or roads, railways or turnpikes, or other improvements as may be hereafter made in said State, upon terms and conditions in every particular as favorable as those enjoyed by the citizens of Nicaragua, or by the citizens of any other nation, kingdom, or country.

This treaty was not laid before the Senate by Secretary Clayton, because he was afraid the Senate would ratify it, and thereby defeat the negotiation of the Clayton-Bulwer treaty he was then conducting. I need not comment on that disaster.

Mr. Squires, minister to Nicaragua, a little later negotiated and signed another treaty with Nicaragua, making still more extensive concessions to the United States.

This treaty did not reach Washington until after the Clayton-Bulwer treaty was ratified, on July 4, 1850, and was not laid before the Senate. I pass over the Vanderbilt concessions, that Walker's raid prevented from being carried out, under which the celebrated Childs survey was made. It was to a private company, but is exceedingly liberal in its terms.

Other concessions to private persons were also made by Nicaragua, in succession, that were in like manner liberal and gave the preference in every case to American citizens.

Historical facts taken from the records of the Senate that are of great importance, as to the Panama route, were presented by me in remarks made in the Senate on the 24th of November, 1903, some of which I will again repeat:

TREATIES WITH COLOMBIA MADE BY PRESIDENT JOHNSON IN 1868 AND BY PRESIDENT GRANT IN 1870.

Mr. Seward, when he was Secretary of State, was anxious to enlarge the scope and to include specific canal concessions in the treaty of 1846-1848 with Colombia, knowing that treaty did not confer upon the United States any right to construct or own a canal or railroad on the Isthmus of Panama, and he sent Hon. Caleb Cushing as minister to Colombia, in 1868, to negotiate such an amendment to that treaty.

Mr. Cushing found the Jesuits in control of the Colombian Government, but the Liberals were in the popular majority in the Republic, and he believed they would regain power at an early date. He awaited that event, and in 1869 he concluded a treaty with Colombia under which the United States were to have the sole right of constructing a canal within the territory of Colombia, and for this purpose the Colombian Government was to reserve a strip of land across the Isthmus for the canal route itself and 10 miles on either side.

This was the first canal zone ever projected, and such a zone, with the right of our Congress to legislate for its municipal government, is the necessary corollary to the right of sole ownership and control of the canal by the United States in any foreign country.

To this great American jurist and publicist the world owes the plan that some day will give trouble in Egypt, for the want of such a provision for governing the Suez Canal by the Government that owns the controlling interest.

In Mr. Cushing's treaty the improvement of the value of lots to be held by each Government, in equal alternate parcels, was the chief consideration of the concession.

The canal was to be constructed by the United States Government, and its government and control was also to remain in our hands, and for that purpose our Government was authorized to employ military forces if the occasion should arise.

Colombia was still to retain the "political sovereignty and jurisdiction over the canal and territory appertaining thereto," but only with the proviso that she should not only allow but guarantee to the United States of America the peaceable enjoyment, control, direction, and management of the same; and in conclusion it was declared "that the political obligations herein assumed by the United States of America and the United States of Colombia are permanent and undefeasible." This is just the reverse of the provision of Article IV of the Hay-Concha treaty and the Hay-Herran treaty.

On the 15th of February, 1869, this treaty was sent to the Senate by the President, and it was rejected by that body as being "inadequate."

Mr. Cushing anticipated our present embarrassment under new counsels, but he is out of date—a back number—and I claim the honor of sharing with him the recent criticism of the envoy extraordinary and minister plenipotentiary of the Republic of Panama, just arrived from his native and beloved France, and creditor of the Panama Canal Company and legitimate successor of the king of the Mosquito tribe of Indians, who had interested their enmity toward Nicaragua, has informed the world that I am also out of date as to my information about canal facts.

In 1869, General Grant being President, negotiations with Colombia were again opened by Mr. Fish, Secretary of State, for canal concessions at Panama. He appointed Gen. Stephen A. Hurlburt, the military companion and trusted friend of President Grant, as minister to Colombia, especially charged with this negotiation.

On January 26, 1870, General Hurlburt signed a treaty with Colombian authorities which conferred on the United States the same rights, substantially, with that negotiated by Mr. Cushing. It granted to the United States the right of constructing and operating a canal within the territory of Colombia, but it looked to an international military control of the canal and its zone.

Mr. Fish submitted that treaty to the Senate for ratification or amendment, but was not thoroughly satisfied with its provisions. It was also amended by the Colombian Congress after it had been signed.

I again note the fact that De Lesseps came to Nicaragua and, by offering a large sum of money, got the House of Representatives to vote him a concession, and the Senate wanted a single vote of granting it, but the President of Nicaragua interfered and pointed to the invasion of Mexico by the French and warned the Congress against him. He then turned to Panama and the sea-level canal as his only alternative. It was not his choice, but a desperate ambition that led him to Panama.

Our Isthmian Canal Commission and the French engineers alike have pronounced that a sea-level canal at Panama is a hopeless undertaking, after most careful examination. Yet, Senators continue to attempt to revive such hopes as an argument in favor of the Panama route.

This sea-level prjoect was attempted after the Lull survey had demonstrated (as De Lesseps admitted before a committee of the House, of which the present President pro tempore of the Senate was a member) that if a canal with locks was to be built Nicaragua was the only proper location.

And we have the results before the country, in the rash effort of the French to construct a canal with locks at Panama, on a route selected and surveyed for a sea-level canal, and our engineers have adopted such a survey for a canal with locks, never having run a line of levels between the two oceans over that ground. Contention and dispute have arisen as to the practicability of such a route, in which our expert engineers are the chief wranglers.

If history repeats itself, this folly is still certain of repetition, and its disasters will also be repeated. And fraud being once planted in a great financial scheme that offers premiums to robbers, as has been the case in the Panama Canal project, will reproduce itself, clothed in scandals, as long as it can deceive an eager and unwary public.

The next treaty with Nicaragua for canal rights was the Dickenson-Ayon treaty, ratified June 20, 1868.

This treaty gives the United States the right to construct, use, and own a ship canal through Nicaragua, not as a sovereign, but under the authority and sovereignty of Nicaragua, as will appear from article 14. I will place all the articles from the fourteenth to the conclusion in the appendix to my remarks. (See Appendix B.)

For this concession, far exceeding in breadth the concession of Colombia in the treaty of 1846-1848, no compensation is asked.

The Wyse concession was made by Colombia March 20, 1878. That concession is the mother of all that has occurred since in respect of the two Panama canals. It was made to induce and to enable De Lesseps to organize a company of construction under its provisions. I will attach a copy in the appendix to my remarks. (See Appendix C.)

De Lesseps and his associates organized the "old" Panama Canal Company under the Wyse concession, under permission from Colombia, to reside in Paris, and it began work on the canal in 1880. This privilege granted by Colombia extended to four places—Bogota, Paris, New York, or London—where the Colombian corporation had the privilege of having its residence, but was

not subject to the jurisdiction of the country of either of those cities except Bogota, being a mere corporation living by comity within the borders of a foreign state.

Mr. Frelinghuysen, the Secretary of State, was alert as to this French enterprise, and believing that it would lead to failure he opened negotiations with Nicaragua, which resulted in a treaty, dated December 1, 1884, and was sent to the Senate with a view to its ratification.

I will insert a copy in the appendix to my remarks. (See Appendix D.)

This treaty, in articles 1 and 2, provides as follows:

ARTICLE 1. The canal shall be built by the United States of America and owned by them and the Republic of Nicaragua, and managed as hereinafter provided.

ART. 2. There shall be perpetual alliance between the United States of America and the Republic of Nicaragua, and the former agree to protect the integrity of the territory of the latter.

At that time it was not known that Costa Rica had any interest in the San Juan River, because its boundaries were disputed. That question was afterwards settled by Mr. Cleveland as umpire while he was President of the United States.

This treaty created a joint ownership of the canal by the two Governments, but the United States was to construct the canal, and the management of it was intrusted to a board of six managers, three to be appointed by each Government, the chairman of the board to be a citizen of the United States, with an additional vote in case of a tie. No compensation was to be made to Nicaragua, except $4,000,000 as a loan, to bear interest at the rate of 3 per cent and to be paid by Nicaragua out of its one-third of the net revenues of the canal.

This joint agreement was designed to avoid apparent conflict with the Clayton-Bulwer treaty. Yet it was, in fact, in actual conflict with that treaty.

A long nonpartisan debate on this treaty occurred in the Senate. On the vote for ratification it failed of gaining a majority of two-thirds of the Senate, wanting two votes. Mr. Edmunds, of Vermont, having changed his vote to the negative, to be in order to move for a reconsideration, he made the motion, and the debate upon it occupied much of the attention of the Senate, when in executive session, until that Congress expired.

Mr. Cleveland took office as President on the 4th of March, 1885, and on the 5th sent a message to the Senate withdrawing the treaty from examination.

His right to withdraw it, unless by resolution of the Senate, was questionable, but the point was not raised by objection. Shortly thereafter he sent a message to the Senate, in which he stated his reasons for withholding the treaty, the chief of which was that it created an entangling alliance with Nicaragua and contained a guaranty to protect the sovereignty of that Republic.

After that, during that Administration, the policy of the Government was to foster the efforts of private persons to build the canal under concessions from Nicaragua, and assistance was given by the Secretary of the Navy in detailing an engineer of the Navy to survey the canal and by Congress, in granting a charter to the Maritime Canal Company of Nicaragua, to be managed under the supervision of the United States.

Afterwards the Senate passed bills in two Congresses, with very impressive majorities, to assist the company by an indorsement of its bonds in one case and the purchase of its stock in the other.

Neither of these bills was considered in the House.

The House, in the Fifty-sixth Congress, passed the first Hepburn bill by a vote of 224 yeas to 36 nays. This bill was a clean-cut and definite expression of the will of the American people that the canal should be constructed, owned, and controlled exclusively by the United States, and this could be done without regard to the Clayton-Bulwer treaty.

Thereupon, Great Britain entered into negotiations with our Government to remove the obstruction of the Clayton-Bulwer treaty, which resulted in the first Hay-Pauncefote treaty.

When that treaty was under consideration in the Senate certain amendments to it were supported by leading Republican Senators that threatened its rejection by Great Britain if it was so amended. That treaty passed the Senate with those amendments on the 20th day of December, 1900, and Great Britain refused to accept them.

Before this vote of the Senate was had Admiral Walker made to President McKinley the preliminary report of the Isthmian Canal Commission on the 30th of November, 1900, in which that Commission recommended the Nicaragua route as being the most feasible and practicable route for an isthmian canal. They repeated that recommendation to President Roosevelt in their final report on the 16th of November, 1901, a year later, before the second Hay-Pauncefote treaty was ratified.

When the preliminary report was made to Mr. McKinley on November 30, 1900, he had been already thoroughly informed of the facts through the depositions of the members of the Commission, which had been made in May, 1900, *and he was prepared to act promptly and effectively to decide the question as to the location of the canal, and the question then under discussion in the Senate as to the Clayton-Bulwer treaty, and the question of the purchase of the concessions and properties from the New Panama Canal Company.* As to this purchase he had been intrusively urged by Cromwell, Bonnardell, and Hutin, director-general of the New Panama Canal Company, to his great annoyance, and he determined to end it.

Hutin, president of the canal company, addressed to Mr. Hay a caustic letter of complaint as to the report and conduct of Admiral Walker in dealing with him, which is printed in report No. 1, Fifty-seventh Congress, first session, on pages 521 to 526.

An examination of this letter, which I will insert in the appendix to my remarks, will lay widely open the whole purpose of the New Panama Canal Company in its effort to raid the Treasury of the United States by introducing and attempting to force the purchase of these fraud-infected and scandalized concessions and the miserable débris of the property in Panama that was then, as it is now, worth no more to them than the price they could wring out of the United States, our Government being the only possible purchaser.

This letter is dated November 22, 1901, after the death of President McKinley.

M. Hutin must have forgotten the first letter he wrote President McKinley, on February 28, 1899, on this subject, which is printed on pages 195–196 of the report above referred to. It opens with this statement, intended to mislead the President:

SIR: The New Panama Canal Company has never proposed and does not seek any appropriation or financial aid from the Government of the United States in the completion of its canal.

The letter of November 22, 1901, simple proves, in the first sentence, that his previous statement was false.

Mr. McKinley was as apt to detect this fraud as anyone, and he determined to crush it at one blow. He did it, like an honest, brave man. We are about to revive it, put a varnish of respectability on it, and take it into our embraces "for business reasons," the chief of which is the robbery of the Treasury of the United States.

Thus history repeats itself; fraud gains a new indorsement, and scandal is revived.

Mr. McKinley penetrated with his keen and just vision into every phase and bearing of the entire situation, and at once disposed of it by a single act. He directed Mr. Hay to open negotiations with the ministers of Nicaragua and Costa Rica on the 1st day of December, 1900, not allowing even a day to elapse after the Walker report was made to him; and on that day the following agreements were made in the same terms with Costa Rica and Nicaragua.

I will read one of the protocols, and follow it with an extract from the first Hay-Pauncefote treaty that defines the canal rights therein conceded to the United States:

Protocol of an agreement between the Governments of the United States and of Nicaragua in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua.

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Nicaragua as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually agree to enter into negotiations with each other to settle the plans and the agreements in detail found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Nicaragua.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington this 1st day of December, 1900.

JOHN HAY. [SEAL.]
LUIS F. COREA. [SEAL.]

Article I of the first Hay-Pauncefote treaty—February 5, 1900—referred to and made part of that agreement, is as follows:

ARTICLE I.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

In compliance with her agreement, Costa Rica instituted proceedings for the amendment of her constitution, and the President sent the following message to the Congress of that State:

Extract from the message of Señor Rafael Iglesias, President of Costa Rica, to the Constitutional Congress.

There are better prospects at this than at any other time that the project of construction by and under the control of the United States of America of an interoceanic canal across the Central American Isthmus will be carried out.

Costa Rica being directly interested in the construction of that great work by reason of a portion of her territory that may have to be occupied, the Government of the United States has opened with that Government negotiations looking to the conclusion of a treaty whose fundamental terms are that the United States will be authorized to occupy, under the head of a perpetual lease, a certain belt of territory for the construction, administration, and operation of the canal, and to exercise therein the jurisdiction which properly belongs to our sovereignty. In return for these and other minor concessions we are offered the guaranty of the independence and sovereignty of Costa Rica and of the integrity of her territory and the payment to the Government of a million and a half dollars.

In view of the great and paramount importance of this matter, I deem it expedient to call an advisory board consisting of persons of well-known ability and patriotism in order to enlighten me in so delicate and grave a question. A committee under the chairmanship of the secretary of state for the department of foreign relations was appointed among the members of that board. This committee has discharged its duties in a satisfactory manner touching all the points which, in its opinion, do not contravene the spirit of our political institutions, in conformity with the provisions of the fundamental code as regards the integrity of the territory and the exercise of sovereignty. In consequence thereof the Government is powerless to enter into positive negotiations with that of the United States of America unless there should be previously passed a constitutional amendment by which such concessions for the construction of the interoceanic canal may be authorized, or the matter referred to public opinion in some other way by calling a constituent assembly for the purpose.

And the constitution of Costa Rica was so accordingly amended.

President McKinley did not send these agreements to the Senate. Why? Because he did not wish to notify Great Britain, while engaged in treating with her, of his determined purpose to get rid of the Clayton-Bulwer treaty by making an agreement with Nicaragua and Costa Rica that simply revoked and annulled it, so far as the United States could do it. He knew the support he had in Congress and among the people and did not stop on the halfway ground, as Mr. Arthur had been compelled to do, in the Frelinghuysen-Zavala treaty, for the want of such support from an incoming administration.

He fully understood that in these compacts he had located the canal on the Nicaragua route; that he had freed the country from the scandals of the New and Old Panama Canal companies, and that he had removed the obstructions of the Clayton-Bulwer treaty. In each of these results he quietly and firmly crystallized the wishes of the American people into compacts with these States, subject only to the authorization of Congress, and there they stand as living monuments of his wisdom and courage.

This act ranks in its importance even above the great protocols he was arranging, at the same time, with China and the five European powers, which involved the execution of princes and others of high dignity in China; the joint conduct of a great war; the protection of our missionaries; the revision of the entire tariff system of China, and hundreds of millions of dollars of fines and damages to various nations, imposed by those protocols.

They were never submitted to the Senate for its approval. Yet, we are regularly collecting the $25,000,000, our share of those fines, while China has paid many other millions to our missionaries.

Have we quarreled with these results or denied his power to make these agreements without the advice and consent of the Senate? On the contrary, have we not, within a few days, ratified a treaty with China the basis of which was one of several of these protocols?

If these protocols of agreements with China are valid, those made by the same President during the same period are quite as valid and binding on the parties.

Challenges of disputation are frequent in the Senate of late, and, following that questionable habit—lest my sincerity might be questioned—I challenge the refutation of this precedent which now controls this Government in the affairs of supreme importance in China and Manchuria.

It is easy to follow and applaud the course of a President whose conduct is to our advantage, even after he is in his grave. But it is easier to follow and applaud a living President, in the amplitude of power and patronage, when, for ambitious reasons, he destroys the work of his predecessor by denying his right to do a splendid act that would be a benediction to the country and refusing to execute it, even under the express mandate of a statute enacted by Congress and approved by him.

But I turn from the contempt thus visited on President McKinley to that which is being visited on the States that so generously assisted him in making these protocols. They also knew and fully appreciated the great work of the President, and stood by him. His pledge to them was a sacred thing. They knew he would keep it, and they had no conception of an American President who would break it.

The constitution of Costa Rica was probably in the way of their agreement, and that State at once proceeded to change it, on our suggestion, so as to free her compact from all doubt. She did so change her constitution. Can any one deny that this was a compact between the United States and Costa Rica, when she changed her organic law that stood in the way to its perfect obligation?

Nicaragua had reserved her lands within the canal zone for three years from settlement by her own people because she had granted them to the United States in her compact of December, 1900, and in negotiations based upon it.

In this matter and in the negotiations with Nicaragua and Costa Rica that were conducted to a conclusion with our Government every step taken by all the contracting powers was taken under and in pursuance of the protocols signed, sealed, and exchanged by Mr. Hay under the orders of President McKinley.

The light is not hid under a bushel. It is as a city seated upon a hill, which all the world can see. It is another signal light to show the world how the grand Republic deals with the little republics of America.

Let us not deceive ourselves. Because we are boasting that we are a world power, let us not forget that honor and justice are the true foundations of that power.

A correspondence between Mr. Hay and myself, as chairman of the Committee on Interoceanic Canals, which I will now read, establishes the fact of our continued and unbroken confirmation of these compacts. I will first read my letter to Mr. Hay:

WASHINGTON, D. C., *March 11, 1902.*

Hon. JOHN HAY,
Secretary of State.

DEAR SIR: I am instructed by the Committee on Interoceanic Canals to communicate to them the information I should derive from a conference with you on the subject of an isthmian canal; and, having had the honor of such a conference this afternoon, and desiring to make my report with accuracy, I will state the substance of our conversation, or rather its results, that you may examine it and make any corrections you may desire.

1. The negotiations with Costa Rica can be concluded at the convenience of the United States, and without any probable disagreement as to details.

2. The basis of the negotiation with Costa Rica and Nicaragua conforms, substantially, to the canal rights and privileges referred to in the treaty ratified between the United States and Great Britain—that is to say, a perpetual lease of a canal belt, from ocean to ocean, with the right on the part of the United States to construct, own, control, manage, and protect the canal, and to collect and appropriate the tolls and income of the canal for the benefit of the United States in a canal belt of 6 miles in width; this belt to be increased, during the period of construction, to a width of 10 miles, at the option of the United States, during our occupancy, and to be subject to control and protection by the United States.

3. For the lease and rights and privileges granted the United States will pay Costa Rica $1,000,000 ninety days after the ratification of the treaty, and after that the sum of $10,000 annually. And the United States will pay Nicaragua $6,000,000 ninety days after the treaty with that Government is ratified, without additional stipend.

4. I refer only to the points of the negotiation above stated, as being mutually acceptable to the treaty powers, without stating in detail other points of minor importance, as to which there is substantial agreement and a confident expectation of an early conclusion of the terms of a treaty.

5. The United States does not assume any responsibility for any demand of any sort, if any exists, against Costa Rica or Nicaragua, connected with any prior concession of canal rights and privileges, or other privileges of navigation or transportation.

6. The protocols agreed to and signed in December, 1900, by the United States and by Costa Rica and Nicaragua, respectively, remain without alteration or dissent on the part of either of the Governments.

7. The former minister from Colombia, Mr. Silva, has had informal conversations with the Secretary of State on the subject of canal concessions along the Panama route, but no propositions for such concessions have been made by that Government.

Mr. Silva has taken leave of the United States as minister from Colombia, and Mr. Concha has been appointed to succeed him, but has not presented his credentials as minister to the United States.

8. Pending the negotiations with Nicaragua and Costa Rica, the above statements are as complete as the Secretary of State thinks it is proper for him to make them.

JOHN T. MORGAN, *Chairman.*

Mr. Hay, in replying to my letter containing these statements, says:

DEPARTMENT OF STATE,
Washington, March 12, 1902.

Hon. JOHN T. MORGAN,
United States Senate.

DEAR SIR: I have received your letter of yesterday's date, and herewith return the copy you sent.

It states with substantial accuracy the purport of the conversation I had the honor to hold with you yesterday.

Yours, respectfully, JOHN HAY.

On the 15th of May, 1902, Mr. Hay, Secretary of State, sent me the following letter, addressed to me as chairman of the Committee on Interoceanic Canals:

DEPARTMENT OF STATE,
Washington, May 15, 1902.

Hon. JOHN T. MORGAN,
Chairman Committee on Interoceanic Canals, United States Senate.

SIR: I have the honor to inclose copies of letters from the Colombian minister, dated the 31st of March and the 18th and 23d of April, accompanied by the letter of exposition and the letter of William Nelson Cromwell, both dated the 31st of March, referred to in the minister's letter of that date, and also a memorandum of a convention which the Government of Colombia is ready to sign with that of the United States of America respecting the completion, maintenance, control, and protection of an interoceanic canal over the Isthmus of Panama.

I also inclose a copy of a letter which I addressed to the minister of Colombia on the 21st of April, announcing that I am directed by the President to inform him that I shall be ready to sign with him the proposed convention as soon as the Congress of the United States shall have authorized the President to enter into such an arrangement and the law officers of this Government shall have decided upon the question of the title which the New Panama Canal Company is able to give of all the properties and rights claimed by it and pertaining to a canal across the Isthmus and covered by the pending proposal. I inclose also a project of a treaty presented to me this day by the minister of Nicaragua in behalf of his Government. I have not yet received a definite proposition from the Government of Costa Rica, but am informed by the Costa Rican minister that his Government is ready to enter into any satisfactory arrangement with that of the United States on

the basis of the protocol of December 1, 1900; but that, as set forth in the recent message of President Iglesias, an extract from which I inclose, it will be necessary that the Government of Costa Rica should, before entering into positive negotiations with that of the United States of America, adopt a constitutional amendment authorizing the necessary concessions for the construction of an interoceanic canal or to have the matter referred to public opinion in some other way by calling a constituent assembly for the purpose.

I am assured by the Costa Rican Government that these steps will be taken as soon as the Congress of the United States shall decide the question of the route of the canal. I also inclose, in accordance with the request of the Nicaraguan minister, a copy of the protocol entered into by this Government and those of Nicaragua and Costa Rica December 1, 1900.

I have the honor to submit all these documents to your committee, with the hope that this definite information as to the purposes and intentions of the Nicaraguan, Colombian, and Costa Rican Governments may be of service to you in determining the question of the route of the proposed interoceanic canal.

In view of the great interests involved the President wishes me to express to you and to the committee of which you are chairman his earnest hope that there may be as little delay as possible in the legislation which will authorize the beginning of this work, which he regards as so important and so beneficent to the country and the world.

I am, sir, very truly, your obedient servant, JOHN HAY.

The inclosures in that letter will be printed in the appendix to my remarks.

On the 18th of June Mr. Hay sent me the following letter:

DEPARTMENT OF STATE,
Washington, June 18, 1902.

Hon. JOHN T. MORGAN,
Chairman Committee on Interoceanic Canals, United States Senate.

SIR: I am requested by the minister of Costa Rica to inform the Committee on Interoceanic Canals that he has been instructed by his Government to make known to that of the United States that the Government of Costa Rica are prepared to take all necessary steps to put themselves in a position to negotiate with the Government of the United States a treaty for the appropriate concessions for an isthmian canal on terms substantially as proposed by the Government of the United States.

I have the honor to be, sir, your obedient servant, JOHN HAY.

The note of transmittal by Mr. Corea, minister of Nicaragua, to Mr. Hay, Secretary of State, of the draft of the completed negotiation with Nicaragua is as follows:

[Translation.]

Mr. Corea to Mr. Hay, May 14, 1902.

In pursuance of the offer made orally and in my personal note of the 12th instant to your excellency I have the honor to transmit herewith a draft of a treaty embodying the proposal of my Government touching the interoceanic canal through Nicaragua. This draft, save a few changes which I had to make in obedience to superior orders, is the same as that which your excellency prepared on February 12, and was pleased to amend on March 11 and 25 and on April 26 last, in deference to observations presented by me.

If your excellency will, as you said to me you would, lay this proposal before the proper committees of Congress, I should be pleased if it were accompanied by the protocol on the same subject which I had the honor to sign with your excellency on December 1, 1900. These papers will show that Nicaragua has been and is still disposed to enter into direct negotiations with the United States as soon as provision therefor shall have been made by Congress, and at the same time make it clear that, since no decision has yet been reached by that body in the matter, the present proposal is not to be taken as final, but remains subject to amendments by which the conclusion of a perfected and more suitable agreement between the contracting parties may be facilitated.

Please accept, Mr. Secretary, the assurances of my most distinguished consideration.

Soon after the date of Mr. Corea's note Mr. Calvo, as minister of Costa Rica, sent me, as chairman of the Committee on Interoceanic Canals, a note, in which he asserted the rights of Costa Rica under the protocal of December 1, 1900, as follows:

WASHINGTON, D. C., *June 7, 1902.*

MY DEAR SENATOR: It gives me pleasure to acknowledge receipt of your letter of the 5th instant and report mentioned therein. In answer thereto, and in view of the reference made to the concessions granted by my country to the Maritime Canal Company in 1888, whereby my country is considered to be bound by the contract then signed, I will say that the terms of said contract clearly define the obligations of both contracting parties, and that, without entering into an analysis of this document, it can be readily seen that by its own wording it has expired by limitation. No declaration has been made by my Government in this respect, it is true, but, on the other hand, no extension of time has been granted thereon.

It is not my purpose to make at the present time any declaration defining the views of my Government on such points, but wish only to present the facts as they are in preservation of the rights involved, which, I may add, as far as Costa Rica is concerned, are all confirmed by the history of the abovementioned concessions. Nevertheless, you are aware that, acting on principles of equity in the pending negotiations of a treaty for the construction of the canal, as proposed in a draft submitted by his excellency the Secretary of State, provision is made for the settlement of any conflicting rights, if any, that may be claimed in this connection.

Moreover, Costa Rica has not granted any other concession to any citizens, corporations, or government for the construction of a canal or for any other work that may conflict with the pending negotiations with the United States, and therefore my Government was free to sign the protocol of December 1, 1900, for the construction by the United States of an interoceanic canal through its territory and that of the Republic of Nicaragua.

In regard to said protocol, I wish to say that no better proof can be given of the desire of my Government to stand by its terms than the interest shown in the steps taken to smooth the way for the final negotiation of a treaty for the construction of the Nicaragua Canal—if that route is chosen—as well as by the fact that I am advised by my Government that a proposition with that end in view will arrive soon, of which I have had the honor to inform his excellency the Secretary of State.

With great respect, I have the honor to be, my dear Senator, yours, very sincerely,

J. B. CALVO.

Hon. JOHN T. MORGAN,
United States Senator.

The Committee on Interoceanic Canals made the following report with reference to the obligations and legal and diplomatic effect of those prototols (Report No. 1663, Fifty-seventh Congress, first session), as follows:

THE CHARACTER OF THE AGREEMENTS MADE WITH COSTA RICA AND NICARAGUA.

The agreements with Costa Rica and Nicaragua of December, 1900, are definite and complete as to the character and the scope of the rights they have agreed to concede to the United States.

They are agreements under seal, exchanged between the United States and each of the other Governments, relating to the same subject. In form and solemnity and in respect of the powers of the negotiators they are of the most perfect obligation. They establish rights that only Congress can annul by refusing to accept them. And these Governments insist upon their acceptance by Congress, as is stated in Appendix B to this report.

Costa Rica and Nicaragua are bound by the stipulation of these agreements, without the right of withdrawal, according to their terms. The preliminary agreement takes effect forthwith.

Costa Rica and Nicaragua now accept the treaty that was confirmed under a subsequent negotiation as a sufficient statement of the agreement recited in the Hay-Pauncefote treaty that was pending for confirmation and was not confirmed, as they are substantially the same so far as those States are concerned. They insist on their agreements, notwithstanding the fact that the treaty of February 5, 1900, which set forth the terms of their agreement, was not confirmed, claiming that their agreements were independent of the confirmation or rejection of that treaty. The terms of that treaty were of immense importance to Costa Rica and Nicaragua, and the agreement of the United States to adhere to it was a pledge that these two Republics should no longer be shut out from all opportunity to make agreements for the construction of a canal by the United States in consequence of the doubt created by the Clayton-Bulwer treaty.

THE EFFECT OF THE HAY-PAUNCEFOTE TREATY.

The terms of the Hay-Pauncefote treaty were made, by reference, a descriptive part of the contract between the United States and Costa Rica and Nicaragua, and were of great importance to the United States, as they completely defined the scope and meaning of the control the United States would obtain over the canal and canal route under the protocols of agreement with those States.

When these three States agreed to make the Hay-Pauncefote treaty the repository, or statement, of the terms of their agreement, and did not make its confirmation a condition of their agreement, and further provided that it should be forthwith obligatory, they clearly meant that it should operate forthwith, after its acceptance by Congress, and not that it should be inoperative if the Hay-Pauncefote treaty failed of confirmation. And to this construction of their rights and obligations Nicaragua and Costa Rica agree, and no possible doubt remains as to their attitude with reference to the binding force of these agreements, when Congress authorizes the President to acquire from them the right to construct and control a ship canal.

If Congress should now accept those agreements, as it would do by the passage of the House bill No. 3110, the Government of the United States would be bound by its agreement to accept the Hay-Pauncefote treaty as a full description of the terms of its agreement with Costa Rica and Nicaragua. It could not plead the want of confirmation of the first Hay-Pauncefote treaty to get rid of its contract with Costa Rica and Nicaragua. We are held to it in law, justice, equity, and honor. We can not afford to say that after entering into these protocols with Costa Rica and Nicaragua we forced the rejection of the treaty to which they related by Great Britain and thereby escaped from the obligations we assumed in them toward those States. Especially would this be unworthy of the United States when Costa Rica and Nicaragua claim that they are in force, notwithstanding the failure of confirmation of the Hay-Pauncefote treaty of February 5, 1900.

THE PRELIMINARY AGREEMENT IS COMPLETE WHEN ACCEPTED BY CONGRESS.

The "preliminary agreement" is complete, without further negotiation, "to settle the plan and agreements in detail found necessary to accomplish the construction and provide for the ownership and control of the proposed canal."

Those "future negotiations" are pledged under the provision that the contracting parties "mutually engage to enter into such negotiations with each other." Such engagements are always regarded as honorable and imperative international obligations.

Suppose either party refuses to keep this solemn agreement, what is the remedy? There is none but the ultima ratio regum. But that is enough, for an engagement to enter into negotiations is the primary law of all peaceful solution of disputes between nations, which no nation can honorably break away from without sufficient excuse.

All the rights arising out of these agreements depend upon a fact, or condition, to be created by act of Congress. It is "that, when the President of the United States is authorized by law to acquire control of such portion of territory now belonging to Nicaragua (or Costa Rica) as may be desirable and necessary on which to construct and protect a canal," etc., "they mutually engage," etc., to do all the things that are completely defined by the protocol, and to enter into negotiations to do such other things as are "found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal."

What remains to be done to make these protocols obligatory on the parties is for Congress to authorize the President "to acquire control of the territory" for these canal purposes from these States. When that is done the contracts become obligatory, according to their terms, and nothing remains but to put them into execution.

To do this it is not necessary for the complete realization of the purpose of Congress, that any term of these protocols should be changed.

Neither Nicaragua nor Costa Rica could demand any new provision in these contracts which would affect the exclusive right of the United States to construct, own, or control a canal on the route described in the protocols and the draft of the treaty to which they refer, nor make any unjust or unreasonable exaction in the future negotiations that would deprive the United States of the just and reasonable exercise of the rights established in these protocols.

Our rights are thus defined and established by agreements that only await the acceptance of Congress, which will cover every right and privilege needed for the exclusive ownership and control of the canal.

The matters left open for future negotiations are only such as relate to "the plan and arrangements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal."

We can not obliterate these agreements by closing our eyes to them or by ignoring them. They live and will always live as mutual agreements until Congress has refused to execute them or the high contracting powers have abrogated them.

In another and most painful sense they will live to reproach us as a faithless nation, if we permit the President to violate an act

of Congress that requires him to treat with these Republics with reference to the rights established under these protocols.

I will omit, at this time, the discussion of the second proposition stated in the beginning of my remarks, further than I have stated my views in that proposition. It has been often and fully discussed in the Senate, and it is not the only decisive factor in the discussion of the duty of the President which I will now attempt briefly to discuss.

It is the duty imposed upon the President by the Spooner law that he repudiates and willfully disobeys.

I will insert a copy of that law in the appendix to my remarks. (See Appendix E.)

I have no apologies or excuses to make for insisting, as a Senator and as a private citizen, that the President is bound to obey the laws enacted by Congress, nor for saying in plain speech that he has willfully refused to obey the Spooner law in its plain and undeniable purpose, intent, and mandate.

The fact is simple and clear, and is not to be avoided by the plea that this law gave him any discretion as to whether he would proceed to negotiate with Costa Rica and Nicaragua when the effort to get a concession from Colombia for canal rights at Panama had failed.

The Hay-Herran treaty, which the Congress of Colombia refused to approve, was the act of the Senate of the United States, as it was of the President. Without the assent of the Senate he could not have enacted that treaty, in conjunction with the Congress of Colombia, as the supreme law of the United States.

In enacting this law—the Hay-Herran treaty—sixty-one Senators in a full Senate cooperated with the President, and however they may have compared with him in wisdom and ability, they agreed with him that the treaty should terminate, lapse, and be utterly void unless the ratification by the Congress of Colombia should be made and exchanged at Washington not later than the 22d of September, 1903.

The ratification provided for in that vote of the Senate is the law of the treaty that the President could not revoke or alter without the consent of the Senate. By that law the Hay-Herran treaty was to live or die.

Not only was this proposed law defeated by its own limitations so that it was dead, but the President in his annual message to Congress on the 4th of January declares in terms of violent emphasis that a canal treaty with Colombia is impossible. I need not quote those statements from his message, because no one has insisted or will insist to the contrary.

The Hay-Herran treaty ceased to have any effect at the end of the 22d of September, 1903.

With that event and at that time all the provisions of the Spooner law as to a canal at Panama, including the appropriation for that object, ceased to be operative or capable of being executed, and the contemplated construction of a canal at Panama under that law and in accordance with it could not longer exist.

This annulled all discretionary power of the President as to a "reasonable time." For that discretion, which must always be exercised lawfully, was given alone as to the time of concluding a treaty with Colombia. When that ceased, the mandate of the law became imperative. All discretion ceased and the law commanded him to open negotiations with Costa Rica and Nicaragua, which he simply refused to do.

It is impossible and absurd that, in deciding that he will make no negotiations with Nicaragua and Costa Rica, he can claim the discretionary right of opening negotiations with them at an indefinite future period when he may have changed his mind, or until he could assist in creating a government in Panama with which to treat for canal concessions. The Spooner law had no more reference to a treaty with the then unbegotten Republic of Panama than it had to the yet unborn republic of Canada.

It alarms the people to witness the efforts of Senators to relieve the President of the dangerous attitude he thus assumes toward the law of the land. It is clear to them that his course is that of lawless disobedience, however painful it may be to the people to witness the fact. No American can take a just pride in any public act that requires for its explanation such a strain upon common sense and such draft upon the ingenious sophistries that Senators have been compelled to resort to in this debate.

The President says in his message that "the essence" of the Spooner law is that a canal shall be built at Panama. If there is such an essence in that law, I am sure its author was not aware of the fact when he formulated it. The Senator from Wisconsin [Mr. SPOONER], who is as clear in his forecast as most men are in their retrospect, did not divine this essence as being the master spirit of the act, that should overrule its solid substance.

The President says:

> When the Congress directed that we should take the Panama route under treaty with Colombia, the essence of the condition, of course, referred not to the Government which controlled that route, but to the route itself; to the territory across which the route lay, not to the name which for the moment the territory bore on the map. The purpose of the law was to authorize the President to make a treaty with the power in actual control of the Isthmus of Panama. This purpose has been fulfilled.

If that is true, the President concealed his real purpose when he approved the Spooner law, and that act speaks with a double tongue—one that speaks to the world and the other to himself alone.

No one, unless it was the President, then looked forward to the dismemberment of Colombia as the means of getting a canal at Panama. If he contemplated such a situation at that time, his bad faith toward Colombia and Nicaragua and Costa Rica is conclusively proven.

The deduction the President makes from his alleged "essence" of the Spooner law is that he has the right to locate and build the canal at Panama, contrary to the plain English of the law and to its clear intent and to all of its conditions and provisions and its positive injunctions and mandate. He has made the unique discovery on his own interpretation of the statute, as to its essence, that is related solely to a canal at Panama, to the exclusion of a canal on the route through Nicaragua and Costa Rica. He sets aside the law providing for that route as if it had neither essence nor substance.

He evidently conceives that his will is the real essence of that law, and not the will of Congress, conclusively expressed both in the language and purposes of that act.

If the President or any officer was sworn to obey and execute the "essence" of the law instead of its plain mandate, and against its positive injunctions of a specified duty imposed by its express terms, our country would soon cease to be a land of laws and would be ruled by sentiment and passion and all the unsubstantial things that are classified as essences. If this precedent is established on this momentous occasion, we will be compelled to change the oath and insert, as is done on some other occasions, that it is taken "without mental reservation or the purpose of evasion."

Socialism and anarchy could scarcely be supplied with a more satisfactory code than that it is the true rule of construction that the essence of the laws controls all their positive provisions so as to justify crime and social disorganizations, if the essence they wish to flavor it with is palatable to them.

The President's justification of his disobedience of the Spooner law is that its sole purpose was to locate and build a canal at Panama, which is not true; and that, this being the sole end to be accomplished through its agency, it is the essence of the law to do that and prevent the opening of a canal on the Nicaragua route, and that "the end justified the means," no matter what violence is done to plain language, or what injustice, or wrong, or disappointment, or public or private grievances may result.

In the discovery of this "essence" the President is quite as unique as he is in the methods by which he transforms it into the material agencies of force and arms, with which he breaks the peace of nations and disrupts an American republic by paralyzing all its rightful powers to protect its own life.

In the sight of God and of man it is not true that the treaty of 1846 gave us the right to destroy the sovereignty of Colombia for the purpose, if that was the purpose, of protecting the transit of lawful commerce across the Isthmus of Panama. In a case of extreme and unavoidable necessity arising out of the wrong or the neglect of Colombia our utmost limit of right would be to suspend her authority over the transit until the evil, either actual or threatened, has passed. Instead of that Mr. Hay turned over all the treaty rights of Colombia to the parties who assailed her sovereignty.

That act is without any excuse, either of necessity or justice, or of treaty right on the part of the United States.

The President, unconsciously, I hope, extracts this "essence" or dogma of higher law from the dungeons of the Spanish Inquisition of the middle ages, where all Christendom has earnestly hoped it would remain entombed forever.

The President's excuses are that "the end justifies the means;" and the "essence" is the end to be reached; and the judge of the essence is he who has the power to reach the end and the will to accomplish it, in defiance of the substance stated in the form and express declaration of statute laws. This is "the higher law" that the President appeals to in excluding the Nicaragua route from the provisions of the Spooner law.

In that law the Nicaragua route was as much a part of the essence of its provisions as those that relate to the Panama route. There is no discrimination as to the "essence" of the Spooner law, whether it is applied to the one canal route or to the other. It is an obvious perversion of that law to apply its provisions exclusively to the Panama route, and to the destruction of the Nicaragua route.

As to those routes the provisions were distinctive and separate,

being connected only by two provisions: First, that of providing for the construction of a canal, including an indefinite sum of money for the purpose of purchasing concessions on either route, and, second, the provision for an isthmian canal commission and other agents or contractors to execute the work.

As to all other matters, the provisions of the Spooner law are as separate and distinct as if they were in separate laws, the provisions pertaining to the Nicaragua route to take effect when those pertaining to the Panama route ceased to be effective.

The provisions relating to the Nicaragua act came into full force and effect when either of the conditions stated in the laws and announced in the message of the President made it impossible for Colombia to grant concessions to the United States on the Panama route.

Such impossibility, when its existence became certain, covered the special appropriation for the Panama route into the Treasury, and that ended the matter as to that route.

The act relating to a canal at Panama would have been functus officio if it had been a separate law. It is not less so because it is a part of the Spooner law.

It is a law that has expired by its own limitations and is as dead as if it had been repealed.

The Spooner law prescribed the terms and conditions for the cesser or expiry of that part of the act that applied to a canal at Panama. The fact of the failure of Colombia to ratify the Hay-Herran treaty, and to exchange the ratifications with the Government of the United States on or before the 22d of September, 1903, even if standing alone, completed the condition on which the provisions in favor of the Nicaragua route became operative; and the condition on which any money could be applied, under that act, to a canal at Panama ceased and fell, and with it fell the appropriation of $40,000,000 for the purchase of concessions, rights of property, and all else, from the New Panama Canal Company, described in the first section of the Spooner law, because those conditions were mutually dependent.

This state of facts is put beyond dispute by the official statements of the President in his annual message to Congress, from which I will read extracts:

Nevertheless the Government of Colombia not merely repudiated the treaty, but repudiated it in such manner as to make it evident by the time the Colombian Congress adjourned that not the scantiest hope remained of ever getting a satisfactory treaty from them. The Government of Colombia made the treaty, and yet when the Colombian Congress was called to ratify it the vote against ratification was unanimous. It does not appear that the Government made any real effort to secure ratification.

Every effort has been made by the Government of the United States to persuade Colombia to follow a course which was essentially not only to our interests and to the interests of the world, but to the interests of Colombia itself. These efforts have failed; and Colombia, by her persistence in repulsing the advances that have been made, has forced us, for the sake of our own honor and of the interest and well-being, not merely of our own people, but of the people of the Isthmus of Panama and the people of the civilized countries of the world, to take decisive steps to bring to an end a condition of affairs which had become intolerable. The new Republic of Panama immediately offered to negotiate a treaty with us. This treaty I herewith submit. By it our interests are better safeguarded than in the treaty with Colombia which was ratified by the Senate at its last session. It is better in its terms than the treaties offered to us by the Republics of Nicaragua and Costa Rica.

Has the President asked Nicaragua or Costa Rica for better terms than those secured by Mr. McKinley in his compacts with those States? Or has he asked them for better terms than are agreed upon in protocols settled by the Secretary of State, in execution of those protocols, as is shown by his several letters which I have just read to the Senate? He has done neither of these things, nor has he invited either of those States to enter into any negotiations with our Government since the failure of the Hay-Herran treaty.

Without any such effort, why does he say to Congress that the Hay-Varilla treaty "is better in its terms than the treaty offered to us by the Republics of Nicaragua and Costa Rica?" To what treaties does he allude, and why has he not laid them before the Senate, that they may have a voice in determining their qualities and whether they are not so good as the Hay-Varilla treaty?

At a time prior to the Panama secession the President i forms Congress that he intended to lay this matter before them for consideration, but changed his purpose. He says in his message that he did not attempt to treat with Nicaragua or Costa Rica, and gives his reasons, as follows:

By the act of June 28, 1902, the Congress authorized the President to enter into treaty with Colombia for the building of the canal across the Isthmus of Panama; it being provided that in the event of failure to secure such treaty after the lapse of a reasonable time, recourse should be had to building a canal through Nicaragua. It has not been necessary to consider this alternative, as I am enabled to lay before the Senate a treaty providing for the building of the canal across the Isthmus of Panama. This was the route which commended itself to the deliberate judgment of the Congress, and we can now acquire by treaty the right to construct the canal over this route. The question now, therefore, is not by which route the isthmian canal shall be built, for that question has been definitely and irrevocably decided. The question is simply whether or not we shall have an isthmian canal.

Did the Spooner law empower him to refuse even to consider the alternative route through Nicaragua, if he should discover that there was a hope or prospect of the secession of Panama from Colombia? I voted for that law, it being the only chance to get any canal, and I protest, for myself and my colleagues in the Senate, that the construction placed on our votes, by the President, has no foundation in fact.

He also says:

As events turned out, the question of a reasonable time did not enter into the matter at all.

I hope that after this statement by the President we shall not hear very much debate or discussion on the floor of the Senate about a reasonable time given him in which to negotiate treaties with Nicaragua, or to see if he could not fight his way back into Panama. He says:

As events turned out, the question of a reasonable time did not enter into the matter at all.

Then, taking shelter under the "reasonable time" clause in the Spooner law, he says, I repeat:

A second alternative was that by the close of the session on the last day of October, without the ratification of the treaty by Colombia and without any steps taken by Panama, the American Congress on assembling early in November would be confronted with a situation in which there had been a failure to come to terms as to building the canal along the Panama route, and yet there had not been a lapse of a reasonable time—using the word "reasonable" in any proper sense—such as would justify the Administration going to the Nicaragua route. This situation seemed on the whole the most likely, and as a matter of fact I had made the original draft of my message to the Congress with a view to its existence.

What was this "alternative" to which he looked forward, and what was the "situation that seemed, on the whole, most likely" to happen? The President answers this query in terms that are direct and unmistakable, as follows:

My intention was to consult the Congress as to whether under such circumstances it would not be proper to announce that the canal was to be dug forthwith; that we would give the terms that we had offered and no others; and that if such terms were not agreed to we would enter into an arrangement with Panama direct, or take what other steps were needful in order to begin the enterprise.

If we follow the President in a declaration of this kind, we will have the reputation of being not only a great world power, but of being the most hectoring and arrogant nation that ever existed in the world. Again, he says:

A third possibility was that the people of the Isthmus who had formerly constituted an independent state, and who until recently were united to Colombia only by a loose tie of federal relationship, might take the protection of their own vital interests into their own hands, reassert their former rights, declare their independence upon just grounds, and establish a government competent and willing to do its share in this great work for civilization. This third possibility is what actually occurred. Everyone knew that it was a possibility, but it was not until toward the end of October that it appeared to be an imminent probability. Although the Administration, of course, had special means of knowledge, no such means were necessary in order to appreciate the possibility, and toward the end the likelihood, of such a revolutionary outbreak, and of its success. It was a matter of common notoriety.

This is a bold confession of an unworthy purpose—the waiting for the expected secession of Panama to obtain a canal route that we could not otherwise secure.

Surely this is not of the "essence" of the Spooner law.

It was this "third possibility" and only that which induced the President to refuse to treat with Nicaragua and Costa Rica, as he was required to do under the act of Congress called the "Spooner law," and this he admits.

He expected Panama to secede from Colombia for reasons which he says were commonly known, and he waited "a reasonable time" for that event, during which he insists that there was no reasonable time for even offering to treat with Nicaragua and Costa Rica.

The President found it necessary in his justification of this action to totally pervert the plain meaning of the Spooner law in his explanatory message.

He says:

It was further provided that "should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia * * *

There come in three asterisks indicating the omission of matter which changes the meaning of the act—

within a reasonable time and upon reasonable terms, then the President" should endeavor to provide for a canal by the Nicaragua route. The language quoted—

It was not quoted; it was misquoted—

defines with exactness and precision what was to be done, and what as a matter of fact has been done. The President was authorized to go to the Nicaragua route only if within a reasonable time he could not obtain "control of the necessary territory of the Republic of Colombia." This control has now been obtained; the provision of the act has been complied with; it is no longer possible under existing legislation to go to the Nicaragua route as an alternative.

No Senator on this floor has stated that proposition and nobody has attempted to defend it.

This act marked the climax of the effort on the part of the United States to secure, so far as legislation was concerned, an interoceanic canal across the Isthmus. The effort to secure a treaty for this purpose with one of the Central American republics did not stand on the same footing with the effort to secure a treaty under any ordinary conditions.

Why did not the President, in quoting the Spooner law in his message, add, as that law provides, that the control of the necessary territory should be obtained by treaty with Colombia?

That statement would have destroyed the whole fabric of his explanation, and would have saved the country from the moral pressure of his statement that—

> This control has now been obtained; the provisions of the act have been complied with; it is no longer possible under existing circumstances to go to Nicaragua as an alternative.

This is a final decree and is not based on what Congress enacted, or in the remotest degree contemplated when that act was passed, or that the President contemplated when he approved it.

The "essence" of the act, as it is construed by the President, gave off no intimation of its hidden existence until Congress had rejected the Hay-Herran treaty and it was commonly known that some conspirators in Panama would "rise as one man" and declare for independence.

The final fulmination of this "essence" took on immediately the odor of gunpowder and the "pomp and circumstance of glorious war." It startled our people, but it has failed to excite any other than serious inquiry whether it has not placed the country in a false and humiliating attitude.

Congress still has the opportunity, by adopting the concurrent resolution before the Senate, to refuse to accept the burden of this irregularity by asking the President to execute the still living parts of the Spooner law in opening negotiations with Costa Rica and Nicaragua under that law and in conformity with the compact made with those States by President McKinley. Let them at least have a chance to refuse to make concessions that we are satisfied with.

The Panama Canal is out of the question and will so remain until Congress shall, by legislation, substitute some other act for the Spooner Act, or shall make some other appropriation for building a canal at Panama in place of that provided in the Spooner law, which has lapsed and is covered into the Treasury.

Colombia has refused to create the condition on which the appropriation can be applied to a canal at Panama, and the President has officially informed Congress that the refusal of Colombia is final and irrevocable.

No officer of the United States can lawfully draw a dollar from the Treasury to pay for canal concessions to be purchased from Panama or from Colombia, or for any property or concessions from the New Panama Canal Company, and it may as well be said now as later that such money can not lawfully be drawn from the Treasury.

When the Hay-Varilla treaty is ratified, not one dollar of appropriation will remain available for constructing any isthmian canal. What then? A scramble for a new appropriation, with obstruction from all the opponents of any canal, unending debate, and a final adjournment of Congress, with great promises of appropriations, until after the Presidential election.

Has the vitality and force of the Spooner law been destroyed as to the provisions and appropriations made, separately, for the Nicaragua route, because the Panama route has been dropped from the law and has ceased to be possible under the provisions of the Spooner law? The appropriation for the construction of the canal at Panama is $130,000,000, while that for the canal on the Nicaragua route is $180,000,000. These separate funds are not a joint charge on the Treasury, subject at the same time to be drawn out on a warrant of the President. He must draw from each fund the money to construct the canal that is selected under the terms and provisions of the Spooner law, and his right to draw from either of these separate funds establishes the fact that neither the President nor any other person can lawfully draw money from the other fund.

The right to draw money from one of these funds negatives and destroys the other fund, for both can not be at the same time subject to the warrant of the President.

His right and duty to resort to the separate fund set apart for the construction of the Nicaragua Canal became effective, and the money became available, when the President's right and duty to apply it to the separate fund appropriated for the construction of the Panama Canal ceased, the only remaining condition being that the canal concessions described in the Spooner law should be obtained from Nicaragua and Costa Rica by satisfactory treaties.

But the ratification of the Hay-Varilla treaty repeals the appropriation in the Spooner law for the Nicaragua route, as the failure of the Hay-Herran treaty, in legal effect, covered the appropriation of that law into the Treasury. Those who shall vote to ratify the Hay-Herran treaty will vote to repeal all existing appropriation for any isthmian canal.

The plain and simple duty, enjoined on him and made mandatory by the Spooner law, the President has openly and defiantly refused to perform, and the purpose of this resolution is to further direct and urge him to perform that duty.

Before further discussing this very grave and important matter I will call attention to the present state of obligation resting on Costa Rica and Nicaragua under and in virtue of their agreements or compacts under seal, made with President McKinley on December 1, 1900.

Neither of those States has repudiated its agreement, nor could one State do this without the consent of the other, because they were made at the same time, in exactly the same terms, and with reference to a corresponding public policy of both of those States as to the same canal, in the prescribed route of which they had a joint and indivisible interest.

The San Juan River is the boundary between these States, and their rights in its waters are so held in commom that a canal could not be constructed, of which that river is an essential part, without the consent of both States.

Not only is it true that neither of these States has attempted to repudiate or to abrogate or to dissent from their respective agreements, but I have shown from the statements of the ministers of Nicaragua and Costa Rica that so long as they were permitted by our Government they proceeded with the treaty negotiations that are expressly provided for in those protocols and in conformity therewith, until they were concluded and the treaty drafts were ready for signature—a copy of which I have to-day and heretofore presented to the Senate.

These documents are in the archives of the Department of State.

The agreements of these Governments and of the United States to enter into treaties to arrange and execute in detail the basic concessions in those agreements, which are under seal and are duly signed by the accredited agents of all three of the contracting powers, are, of themselves, even as independent agreements, binding and in every sense obligatory under the laws of nations.

It is a serious breach of faith in a nation to refuse to negotiate, or to treat with another power with which it has made such an agreement. The United States is under that obligation to Nicaragua and Costa Rica in these protocols, and the President violates our plighted faith as well as the mandate of the Spooner law when he refuses to comply with that duty.

These States have waited with proper and dignified patience the ending of our dealings with Colombia under the Hay-Herran treaty and have made no demands or protests in respect of their rights under these protocols; but their silence is not in any sense to be construed to their disadvantage, and their respectful attitude toward the United States since the passage of the Spooner law and since the defeat of the Hay-Herran treaty can not be set up by us as an abandonment of their rights or the repudiation of their obligations under these protocols or of the pledges of our Government given to them in the Spooner law.

To Costa Rica and Nicaragua the canal through the route along their water courses is of such importance that few minds dare to conceive of its magnitude. They know and feel very deeply the blow inflicted upon their country by the breach of faith and the present ungrateful attitude of our Government toward them, in which they have my most sincere sympathy and commiseration and that of many millions of our people—indeed, of all Christian nations.

They have witnessed our struggle with Great Britain during more than a half century for the right and privilege of building a canal through their country to connect the oceans, and in every phase of that controversy, which called forth our best diplomatic efforts and aroused our deepest anxieties and apprehensions, these Republics stood by our Government as if they had been States in our Union.

They have refused us nothing that our Government or our people have desired at their hands, and have not even complained when we have broken the public faith with them.

This is all established by the official documents I have laid before the Senate to-day, which could be multiplied, twice over, by other evidence of equal value.

They have suffered war at the hands of Colombia and will again have to suffer it, because they granted canal concessions to the United States; and M. Bunau-Varilla, minister from Panama, and the cidevant "champion of the Panama Canal"—a contractor who grew rich in its service—has trumpeted falsehoods as to the Nicaragua route from the forums of many of our cities.

He joins Mr. Loomis, Assistant Secretary of State, in the grossest misrepresentations as to the opinion of great American engineers, whom he is afraid to name to the public, that the Nicaragua route is impracticable.

De Lesseps, after Nicaragua refused to sell him a canal concession at a great price, took his revenge by coming to the United States and leaving a fund of $2,500,000 in the hands of an "American committee" in New York.

A salary of $25,000 per annum was paid out of this fund to a Secretary of the Navy as president of that committee.

When President Hayes heard of this strange honor thus conferred on the Secretary of the Navy, that Cabinet officer could not resign his office quick enough to escape a summary dismissal.

That Secretary then devoted his best efforts to the work of "laying the Nicaraguans on their backs," as he wrote a friend, and De Lesseps and, succeeding him, the New Panama Canal Company, has kept up the fight against the Nicaragua Canal, which has finally created civil war in Colombia from 1898 to 1902, and has made every American republic unfriendly to the United States.

And Nicaragua and Costa Rica have taken shelter under the Republic of Panama and her queenly mother, the United States, to avoid the further hostility of Colombia.

It may be, very soon, that we will be cogitating the question whether Nicaragua and Costa Rica have escaped the conclusive grants in the protocols of December 1, 1900. We may find that they are of great service to the United States and have not perished through our indifference to the honorable obligations they impose on us. We may need those agreements in an hour that may be full of danger to the United States.

In such a case, I am glad that I have had occasion to say to their representatives that, in my judgment, they are irrevocably bound by these grants, unless the United States will voluntarily release them by act of Congress. This has never been done, and will never be done, no matter what national reproaches we may incur, for the owners and freighters of sailing ships, and the people who will soon be in the power of a great railroad and steamship trust, through the Panama Canal, will clamor for the competitive advantages of the Nicaragua route in a way not to be misunderstood.

And much sooner than we expect, the Panama Canal, with its sea gate at the western entrance to control the tide of 21 feet that is a daily visitor, will retard the passage of ships to less than one an hour, so that it can not accommodate even the steamships that will seek to pass through it; and sooner than we expect the wonderful increase in tonnage that passes the canal at Sault Ste. Marie will be only a feeble illustration of that which will pass through an American isthmian canal.

I am glad of the opportunity now to record the opinion that in fifty years another canal through the Isthmus will be as much needed to accommodate the commerce between the oceans as the one that is now so eagerly desired.

We look back for fifty years at the humiliating part we have played under the Clayton-Bulwer treaty with deep regret, but with some satisfaction, because it united all our strength on the Nicaragua canal route and abrogated that barrier to a splendid future.

We have still an enemy in our midst that divides our strength, and has suddenly and wickedly enticed us into discordant factions.

We look with a sense of shame and indignation at the part we are now playing in a sister republic, with a dummy we are using as Great Britain used the Mosquito King, that we call a republic.

The Panama Canal Company is the real enemy, with whose wiles and frauds and intrigues our country is being agitated and its splendid fame is being darkened.

The Republic of Panama is the spawn of the company. Its first breath of life came in a prediction, made last August, from the "champion" of the Panama Canal Company, and the officers of the railroad owned and controlled by that company fulfilled the prophecy on the 3d of November. This company, condemned in the reports of the Isthmian Canal Commission as having its origin in robberies of the old Panama Canal Company, for which its leading stockholders were convicted as felons in the French courts and were pardoned on their promise to organize the New Panama Canal Company and to complete the canal, has created all the discord that is now aggravated into war between Panama and Colombia, and has driven out the Republics of Costa Rica and Nicaragua as if they were culprit nations.

We see Nicaragua and Costa Rica, our true friends, cast out in hopeless despair, but still wearing, as chains that we may yet employ to bind them, the necklace that McKinley laid upon their shoulders as tokens of honor. And when we ask ourselves why there should be a tinge of shame on the brow of the Republic, we will say—if we should speak truly—the Senate will be compelled to say—it is because we aided the President to violate the law and in repealing all canal appropriations of the Spooner law, including that for the Nicaragua Canal, through a treaty with Panama, that he should thereby compel Democrats to support his wayward and defiant violation of the laws of the United States or else get no appropriation for a canal, even on the Panama route. Nor do I believe they will ever get any.

For one, I decline to assist the President in the open contempt and violation of an act of Congress which he approved, in order to gratify his latest whim.

Let him first cast out the beam from his own eye, that he may see more clearly the mote that is in our eyes.

Let him not force the New Panama Canal Company into the question of a canal at Panama or at Nicaragua. Let the country be free to do full justice to that company, its agents, and its diplomatic champions, without the handicap of "the contemplated purchase" of its alleged concessions and property rights, with France and Panama at its back, to force us to purchase these things at its own price and on its own terms.

Let full justice be done to the Panama Canal Company. In that case it will reap the harvest that comes from its own broken promises that it never intended to keep. It will not be of gold, if we are true to ourselves. It will cease to be known in our country except as the promoter of two wars in Colombia, the last of which is about to open, unless we intervene to prevent it.

I will devote some attention to these wars and prove the complicity of that company in them on another occasion.

APPENDIX.

[Extract from the message of Señor Rafael Iglesias, President of Costa Rica, to the Constitutional Congress.]

There are better prospects at this than at any other time that the project of construction by and under the control of the United States of America of an interoceanic canal across the Central American Isthmus will be carried out.

Costa Rica being directly interested in the construction of that great work, by reason of a portion of her territory that may have to be occupied, the Government of the United States has opened with that Government negotiations looking to the conclusion of a treaty whose fundamental terms are that the United States will be authorized to occupy under the head of a perpetual lease a certain belt of territory for the construction, administration, and operation of the canal, and to exercise therein the jurisdiction which properly belongs to our sovereignty.

In return for these and other minor concessions we are offered the guaranty of the independence and sovereignty of Costa Rica and of the integrity of her territory and the payment to the Government of a million and a half dollars. In view of the great and paramount importance of this matter, I deemed it expedient to call an advisory board consisting of persons of well-known ability and patriotism, in order to enlighten me in so delicate and grave a question. A committee, under the chairmanship of the secretary of state for the department of foreign relations, was appointed among the members of that board. This committee has discharged its duties in a satisfactory manner, touching all the points which in its opinion do not contravene the spirit of our political institutions, in conformity to the provisions of the fundamental code as regards the integrity of the territory and the exercise of sovereignty. In consequence thereof the Government is powerless to enter into positive negotiations with that of the United States of America unless there should be previously passed a constitutional amendment by which such concessions for the construction of the interoceanic canal may be authorized, or the matter referred to public opinion in some other way by calling a constituent assembly for the purpose.

NEGOTIATION WITH COLOMBIA.

LEGACION DE COLOMBIA,
Washington, D. C., March 31, 1902.

I have the honor to hand your excellency the proposal of the Republic of Colombia for a concessionary convention or treaty between the Republic of Colombia and the United States of America respecting the completion, maintenance, operation, control, and protection of the interoceanic canal over the Isthmus of Panama.

I soon shall hand you a letter of exposition, and also have requested Mr. William Nelson Cromwell, general counsel of the New Panama Canal Company, to present you a statement, which I have approved.

Please accept these additional communications in connection with the proposed treaty.

I avail myself of this opportunity to renew to your excellency the assurance of my high consideration.

JOSE VICENTE CONCHA.

Hon. JOHN HAY,
Secretary of State of the United States.

[Translation.]

LEGATION OF COLOMBIA,
Washington, D. C., March 31, 1902.

The undersigned, envoy extraordinary and minister plenipotentiary of the Republic of Colombia, has the honor to supplement the note which he had the honor to hand to the honorable Secretary of State, together with the memorandum setting forth the bases of a treaty between Colombia and the United States for the purpose of securing the authorization of Colombia for the New Panama Canal Company to transfer its rights and privileges to the American Government and of regulating the relations between the contracting parties in respect of this enterprise.

The bases have been formulated after a serious and mature consideration of those which were submitted to the legation on the subject by the president of the Isthmian Canal Commission, which had been intrusted by the honorable Secretary of State with the discussion of the question. The intent of these bases has been to condense the most liberal terms that could be granted by Colombia in the matter.

The Republic that I represent realizes the importance of the contemplated interoceanic waterway for the civilization and progress of the world, and since nature has placed the shortest and most expeditious route within the territory of the Republic, Colombia widely and generously opens her doors, so that the grand work may be achieved within the shortest possible time.

If the people of the United States evince an earnest desire that their Government apply its energies and treasure to the completion of the canal, Colombia not only will not place any obstacle whatever in the way of such a purpose or keep her concessions within the bounds of those previously conceded to private enterprise, but will enlarge those concessions to such an extent as to renounce a demand for the ownership after the lapse of a number of years of operation, as stipulated in the French company's contract; she will grant the use of a much more extensive zone than that originally conceded for the execution of the work, extend facilities in all the ports of the Republic for cooperation in the work of the enterprise, relinquish her proprietary and usufructuary rights in the Panama Railway, and, lastly, foregoes a fixed participation in the proceeds of the canal, confining her demands to a fee or annuity for the price of the zone, the revenues of the railway, and the heavier expenses put upon the public administration in the Isthmus by the increase of population and the traffic consequent to the work on the canal itself.

Thus does Colombia give fresh evidence of her long standing and cordial sentiments of friendship toward the United States, and evinces in a clear and sincere manner the gratification with which she will receive the industrious and intelligent citizens of your Republic in her territory.

Colombia has no lust of unwise lucre through the construction of the canal

in her territory, and a final convention on this subject will not be hampered by pecuniary considerations. Her pride in the matter is bent on having the neutral waterway between the two oceans, that ideal of universal peace and progress, become a reality on her territory and under the protection of her sovereignty. The compensations asked by Colombia have special importance only in that they will imply a practical and constant recognition of her sovereignty.

The undersigned has no doubt that the mere perusal of the memorandum will bring forward the justice and equity of the propositions, which, if accepted, would be perfected in the same spirit.

The undersigned embraces this opportunity to reiterate to the honorable Secretary the assurances of his highest and most distinguished consideration.

JOSE VICENTE CONCHA.

Hon. JOHN HAY,
Secretary of State of the United States.

SULLIVAN & CROMWELL,
49 and 51 Wall Street, New York, March 31, 1902.

Hon. JOHN HAY,
Secretary of State, Washington, D. C.

SIR: In connection with the presentation by Señor Jose Vicente Concha, minister plenipotentiary and envoy extraordinary from the Republic of Colombia, of a proposed concessionary convention or treaty between the United States and Colombia, to further the completion, operation, control, and protection of the Panama Canal by the United States, I have been requested by the minister, in view of my relation to the subject as general counsel of the Panama Canal Company, and of my knowledge of the minister's views derived from our daily conferences in the preparation of the treaty, to submit the following reflections:

Colombia welcomes the United States to its territory, and will facilitate in every way reasonable within its power the consummation of the desires and needs of the United States for the completion, operation, maintenance, control, and protection of the interoceanic canal across its domain—subject, of course, to the sovereignty of Colombia and a reasonable and just convention between the two nations.

Colombia views with admiration, as does the rest of the world, the splendid magnanimity, the farseeing statesmanship, the virile and comprehensive policy which moves this people to construct the greatest undertaking which ever has engaged the attention of mankind, not for its own benefit alone, nor with selfish preference to its own commerce, but for the common benefit, upon equal terms and under universal neutrality in times of peace for all the peoples of the earth.

History does not furnish another instance of such national generosity, patriotism, and wisdom.

This could not but call out from Colombia the warmest response; and that nation takes pride in associating herself with an affair conducted upon such an elevated plane of national and international duty and concern.

The Isthmian Canal Commission, a most distinguished and able body, selected with such care by President McKinley to consider all possible isthmian canal routes and to determine which of them it is most to the interest of the United States to acquire, has reported unanimously that the Panama route is the most practicable and feasible route for an isthmian canal, to be under the control, management, and ownership of the United States. Therefore the solution of the problem involves only two other conditions:

1. The sale by the New Panama Canal Company to the United States of the concession, property, and rights of the canal, with the shares of the Panama Railroad Company; and

2. A new concessionary convention or treaty with Colombia.

The first of these two conditions already has been made easy of fulfillment in the formal acceptance by the New Panama Canal Company of the valuation fixed by the Isthmian Canal Commission—$40,000,000—and by its duly authorized proposal to the United States for a sale of the property at that price (subject, or course, to a satisfactory convention being arrived at between the United States and Colombia).

The sole remaining condition, then, is the determination of the concessionary and treaty relations of the United States to a zone of territory across the Isthmus of Panama necessary for the consummation of the undertaking.

There has not been a moment in which Colombia has not entertained the keenest desire to further the designs of the United States, and this sentiment has prevailed under each succeeding administration in Colombia and alike in both of the great national parties who alternately have ruled in that country.

This sentiment is neither new-born nor inspired by hope of pecuniary gain. The two nations are old friends, and this feeling assumed practical form in 1846, when the treaty of that year was made, which expressly provided for the construction of this canal, in furtherance of which Colombia guaranteed to the United States the free transit of the Isthmus and granted extraordinary concessions to the people and commerce of the United States upon terms of perfect equality with its own citizens, while the United States in turn guaranteed the neutrality of the Isthmus and of the canal to be constructed upon it, as well as the sovereignty of Colombia over that territory.

It is a significant fact that this treaty of 1846-1848, assuring to the United States especial rights and privileges upon the Isthmus of Panama in connection with any interoceanic canal or railroad across the Isthmus of Panama, antedates the Clayton-Bulwer treaty. The treaty of 1846-1848 is in full force, as it has continued to be without change from the date of its execution.

Colombia has never made a treaty with any other nation upon the subject of an isthmian canal, although it was at liberty to do so.

These treaty ties, cementing their joint design for the construction of a new highway for the world, have held the two nations together in common interests and unbroken friendship for more than a half century.

By granting the concessions now owned by the New Panama Canal Company and by furthering the construction of the canal to its present advanced stage of completion by the old and new Panama canal companies, Colombia initiated the great work which now, happily, the United States may consummate.

While the minister of Colombia was in Washington for more than a year, waiting for the moment when the subject could be seriously and attentively discussed, it is only since January 4, 1902, that anything could be definitely said or done, since then, and then only, was a definite proposal of sale made by the canal company. Immediately thereupon, however, the Government of Colombia, requiring the service of its then minister in other important fields, designated its minister of war, Señor Concha, as minister plenipotentiary and envoy extraordinary to come at once from Bogota to Washington, charged with its ripest views and amplest instructions, to confer with the executive authorities of the United States, and, after exchange of information and opinions, to reach a satisfactory convention.

Minister Concha has devoted himself since his arrival a few weeks ago absorbingly to this task, and is prepared to reach a conclusion with the executive officers of the Government.

He is fully empowered to negotiate and sign a treaty, subject only to the ratification of the Colombian Congress, as in like cases with all nations.

But Colombia is in the dark as to the precise desires and needs of the United States upon the subject, and Minister Concha can not, of course, anticipate in his first statement all the reasonable requirements of this Government. He wishes, however, to manifest in the most hearty manner the desire of his Government to facilitate the purposes of the United States, and this disposition is manifested by the comprehensive convention which he has this day submitted to you, but not as an ultimatum.

The establishment of a canal convention involves, as you are so well aware, besides the utilization of a canal zone for the construction, operation, maintenance, control, and protection of a canal, railroad and auxiliary works, as well as a grant renewable perpetually and a consent to the sale by the New Panama Canal Company (all of which Colombia concedes in the convention submitted), but also numerous other grave questions relating to judicial procedure, punishment of crimes, the capture of criminals, sanitary and police regulations of Panama and Colon, proper regard to the vested interests upon the Isthmus, exemption of the United States from all forms of taxes, port charges or other dues, etc. Quite aside from pecuniary matters, these are subjects which only can be examined and negotiated directly with you in person and are impossible of negotiation with the Houses of Congress.

Permit me to call attention to the facts that a canal convention in respect of the Isthmus of Panama necessarily involves considerations which do not relate to a section where there is but a wilderness uninhabited by man and producing no income to the nation. The convention respecting the Panama route covers a zone which has been the pathway of commerce across the continent for four hundred years, with important cities at its termini, with villages along the route, with a settled population, with considerable property, and with important vested interests which are to be taken into consideration.

All of this represents an increment of value in civilizing influences, in means of protection, in expenditures of national funds for improvement and development, as well as in certitude of engineering plans, of all which the United States now may derive the benefit.

It would be neither in order nor fitting for the canal company or myself to express any views, one way or the other, upon any of the provisions of the proposed treaty, and our reserve in that regard will be noted. However, I beg to refer, by special request of the minister, to Article XXV of his proposed treaty, and which article relates to the pecuniary terms. Colombia is prepared to discuss, negotiate, and decide upon the precise sum or sums which may be reasonable for the United States to pay and for Colombia to ask, but as the subject is in the hands of Congress and it seems impracticable at the moment to secure a definite expression of the views of the United States upon the subject, Colombia manifests its good faith and reasonableness by proposing that the annuity shall be only such sum as mutually may be agreed upon between the nations, or, failing in such agreement, such fair and reasonable amount as may be determined by a high commission, presided over by the president of the International Peace Tribunal of The Hague, the remaining members being nominated in equal number by the two nations.

Such annuity would only be fixed once in a hundred years. The national requirements of Colombia make a payment of $7,000,000 desirable, and you will note the provisions on that head; but I also ask you to note that Colombia waives the annuity for the first fourteen years. This method insures to the United States the concessionary rights which it requires and which can not be affected or interrupted by any difference or delay respecting the ascertainment of the annuity. The United States is only required to pay such sum as it may agree upon or as may be determined to be fair and reasonable. Colombia does not ask more than what may be determined to be fair and reasonable, and surely the United States does not wish to do less than that.

I have the honor to be, Mr. Secretary, your obedient servant,

WM. NELSON CROMWELL,
General Counsel New Panama Canal Company.

LEGACION DE COLOMBIA,
Washington, D. C., April 18, 1902.

SIR: Confirming the conclusions reached as the result of the conference held between yourself and Mr. Cromwell, and adopting, as far as practicable, your valuable suggestions, I beg leave to hand you the concessionary convention or treaty (in Spanish and in English) embodying the amendments agreed upon in the conference referred to.

My previous communication of March 31, 1902, proposing the concessionary convention or treaty in behalf of my Government, and the expository communications of myself and Mr. Cromwell under the same date, apply equally to the inclosures.

Awaiting the pleasure of your excellency, I have the honor to renew the assurances of my high consideration.

J. V. CONCHA.

Hon. JOHN HAY,
Secretary of State of the United States,
Department of State.

Memorandum of points to be embodied in a convention between the Republic of Colombia and the United States of America for the construction of an interoceanic canal by the Panama route and the management of the railroad over said Isthmus in furtherance of Article XXXV of the treaty of 1845-1848 existing between said nations. Presented by the undersigned envoy extraordinary and minister plenipotentiary of the Republic of Colombia.

ARTICLE I.

The Government of Colombia authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad, and all the shares or part of the shares of that company, with the exception of the public lands situated outside of the zone hereinafter specified, now corresponding to the concessions to both said enterprises, which public lands shall revert to the Republic of Colombia.

But it is understood that Colombia reserves all its rights to the special shares in the capital of the New Panama Canal Company, to which reference is made in Article IV of the contract of December 10, 1890, which shares shall be paid their full nominal value at least.

The railroad company (and the United States as owner of the enterprise) shall be free from the obligations imposed by the railroad concession, excepting as to the payment at maturity by the railroad company of the outstanding bonds issued by said railroad company.

ARTICLE II.

The United States shall have the exclusive right to excavate, construct, maintain, operate, control, and protect a maritime canal from the Atlantic to the Pacific Ocean, to and across the territory of Colombia, such canal to be of sufficient depth and capacity for vessels of the largest tonnage and greatest draft now engaged in commerce, and also the same rights for the construction, maintenance, operation, control, and protection of railway, telegraph and telephone lines, canals, dikes, dams, reservoirs, and such other auxiliary works as may be necessary and convenient for the construction, maintenance, protection, and operation of the canal.

ARTICLE III.

To enable the United States to exercise the rights and privileges granted by the foregoing articles, the Republic of Colombia grants to that Government the use of a zone of territory along the route of the canal to be opened 5 kilometers in width on either side thereof, measured from its center line, excluding the cities of Panama and Colon. So far as necessary for the construction, maintenance, and operation of the canal, the United States shall have the use and occupation of the group of small islands in the bay of Panama named Perico, Naos, and Flamenco, together with 10 fathoms of water in the bay of Limon in extension of the canal; but the same shall not be construed as being within the zone herein defined nor governed by the special provisions applicable to the zone. This concession shall be for the term of one hundred years, renewable at the option of the United States for periods of similar durations and subject to the payment of the amount hereinafter expressed.

This grant shall in no manner invalidate the titles or rights of private landholders in the said zone of territory, nor shall it interfere with the rights of way over the public roads of the Department.

All the stipulations contained in article 35 of the treaty of 1846-1848 between the contracting parties shall continue and apply in full force to the cities of Panama and Colon and to the accessory community lands within the said zone; and the territory thereon shall be neutral territory and the United States shall continue to guarantee the neutrality thereof and the sovereignty of Colombia thereover, in conformity with the above-mentioned article 35 of said treaty.

In furtherance of this provision, there shall be created a joint commission by the Governments of Colombia and the United States that shall establish and enforce sanitary and police regulations.

ARTICLE IV.

The rights and privileges granted to the United States by the terms of this convention shall not affect the sovereignty of the Republic of Colombia over the territory within whose boundaries such rights and privileges are to be exercised.

The United States freely acknowledges and recognizes this sovereignty and disavows any intention to impair it in any way whatever, or to increase its territory at the expense of Colombia or of any of the sister republics in Central or South America, but, on the contrary, it desires to strengthen the power of the republics on this continent, and to promote, develop, and maintain their prosperity and independence.

ARTICLE V.

The Republic of Colombia authorizes the United States to construct and maintain at each entrance and terminus of the proposed canal a port for vessels using the same, with suitable light-houses and other aids to navigation; and the United States is authorized to use and occupy, within the limits of the zone fixed by this convention, such parts of the coast line, and of the lands and islands adjacent thereto, as are necessary for this purpose, including the construction and maintenance of breakwaters, dikes, jetties, embankments, coaling stations, docks, and other appropriate works. And the United States undertakes the construction and maintenance of such works, and will bear all the expense thereof. The ports, when established, shall be declared free, and their demarcations shall be clearly and definitely defined.

To give effect to this article the United States will give special attention and care to the maintenance of works for drainage, sanitary, and healthful purposes along the line of the canal and its dependencies, in order to prevent the invasion of epidemics, or of securing their prompt suppression, should they appear. With this end in view, the United States will organize hospitals along the line of the canal and will suitably supply the towns of Panama and Colon with the necessary aqueducts and drainage works, in order to prevent their becoming centers of infection on account of their proximity to the canal.

The Government of Colombia will secure the possession of the land that may be required in the towns of Panama and Colon to effect the improvements above referred to, and the Government of the United States shall be authorized to impose and collect equitable water rates previously agreed upon with the Government of Colombia during fifty years, for the service rendered; but on the expiration of said term the use of the water shall be free for the inhabitants of Panama and Colon, except to the extent that may be necessary for the maintenance of said aqueducts.

ARTICLE VI.

The Republic of Colombia agrees that it will not cede or lease to any foreign government any of its islands or harbors within or adjacent to the Bay of Panama nor on the Atlantic coast of Colombia between the Atrato River and the western boundary of the Department of Panama for the purpose of establishing fortifications, naval or coaling stations, military posts, docks, or other works that might interfere with the construction, maintenance, operation, protection, safety, and free use of the canal and auxiliary works. In order to enable Colombia to comply with this stipulation, the Government of the United States agrees to give Colombia the material support that may be required, in order to prevent the occupation of said islands and ports, guaranteeing there the sovereignty, independence, and integrity of Colombia.

ARTICLE VII.

The Republic of Colombia includes in the foregoing grant the right, without obstacle, cost, or impediment, to the free navigation and use of the waters of the Chagres River and other streams, lakes, and lagoons, and of all waterways, natural and artificial, within the jurisdiction and under the dominion of the Republic of Colombia in the Department of Panama, that may be necessary or desirable for the construction, maintenance, and operation of the canal and its auxiliary works, including the right to raise and lower the levels of the waters and to deflect them, and to rectify and navigate any and all streams, lakes, and lagoons. All damages caused to private landowners by inundation, or by the deviation of water course, or in other ways, arising out of the construction or operation of the canal, shall in each case be appraised and settled by a joint commission, appointed by the Governments of Colombia and the United States; but the cost of the indemnities so agreed upon shall be borne solely by the United States.

ARTICLE VIII.

The Government of Colombia declares free for all time the ports at either entrance of the canal and the waters thereof in such manner that there shall not be collected by the Government of Colombia custom-house tolls, tonnage, anchorage, light-house, wharf, pilot, or quarantine dues, nor any other charges or taxes of any kind shall be levied or imposed by the Government of Colombia upon any vessel using or passing through the canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, and operation of the main work or its auxiliaries, or upon the cargo, officers, crew, or passengers of any such vessel; it being the intent of this convention that all vessels and their cargoes, crews, and passengers shall be permitted to use and pass through the canal, and the ports leading thereto, subject to no other demands or impositions than such tolls and charges as may be imposed by the United States for the use of the canal and other works; it being understood that such tolls and charges shall be equal for vessels of all nations.

The ports leading to the canal also shall be free to the commerce of the world, and no duties or taxes shall be imposed, except upon merchandise destined to be introduced for the consumption of the rest of the Republic of Colombia or the Department of Panama and upon vessels touching at the ports of Colon and Panama and which do not cross the canal. Though the said ports shall be free and open to all, the Government of Colombia may establish in them such custom-houses and guards as Colombia may deem necessary to collect duties on importations destined to other portions of Colombia and to prevent contraband trade. The United States shall have the right to make use of the ports at the two extremities of the canal as places of anchorage in order to make repairs, for loading, unloading, depositing, or transshipping cargoes, either in transit or destined for the service of the canal.

ARTICLE IX.

There shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the canal, the vessels that may use it, tugs and other vessels employed in the service of the canal, the railways and auxiliary works, storehouses, workshops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property and effects appertaining to the canal or railroad or that may be necessary for the service of the canal or railroad and their dependencies, whether situated within the cities of Panama and Colon or any other place authorized by the provisions of this convention.

Nor shall there be imposed contributions or charges of a personal character of whatever species upon officers, employees, laborers, and other individuals in the service of the canal and its dependencies.

ARTICLE X.

It is agreed that telegraph and telephone lines, when established for canal purposes, may also, under suitable regulations, be used for public and private business in connection with the systems of Colombia and the other American republics and with the lines of cable companies authorized to enter the ports and territory of these republics; but the official dispatches of the Government of Colombia and the authorities of the Department of Panama shall not pay for such service higher tolls than those required from the officials in the service of the United States.

ARTICLE XI.

The Government of Colombia shall permit the immigration and free access to the lands and workshops of the canal enterprises of all employees and workmen, of whatever nationality, under contract to work upon the said canal and its dependencies, with their respective families; and all such persons shall be free and exempt from the military service of the Republic of Colombia.

ARTICLE XII.

The United States may import at any time into the said zone free of custom duties, imposts, taxes, or other charges, and without any restriction, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, and operation of the canal and auxiliary works; also, all provisions, medicines, clothings, supplies, and other things necessary and convenient for the officers, employees, workmen, and laborers in the service and employ of the United States within the said zone and for their families. If any such articles are disposed of for use without the zone and within the territory of the Republic, they shall be subject to the same import or other duties as like articles under the laws of Colombia, or the ordinances of the Department of Panama.

ARTICLE XIII.

The United States shall have authority within the said zone to protect and make secure the canal, as well as railways and other auxiliary works, and to preserve order and discipline among the laborers and other persons who may congregate in that region in consequence of the proposed work.

The Governments of Colombia and the United States shall agree upon the regulations necessary for said purpose, as well as to the capture and delivery of criminals to the respective authorities. Special regulations also shall be agreed upon, in the manner aforesaid, for the establishment of laws and jurisdiction to decide controversies that may arise respecting contracts relative to the construction and management of the canal and its dependencies, as well as to the trial and punishment of crimes that may be committed within the said zone of the canal.

ARTICLE XIV.

The works of the canal, the railways, and their auxiliaries shall be declared of public utility, and in consequence all areas of land and water necessary for the construction, maintenance, and operation of the canal and the other specified works may be expropriated in conformity with the laws of Colombia, except that the indemnity shall be conclusively determined, without appeal, by a joint commission appointed by the Governments of Colombia and the United States.

The indemnities awarded by the commission for such expropriation shall be borne by the United States, but the appraisal of said lands and the assessment of damages shall be based upon their value before the commencement of the work upon the canal.

ARTICLE XV.

The Republic of Colombia grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the canal enterprise and for all vessels in distress having the right to pass through the canal and wishing to anchor in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of Colombia.

ARTICLE XVI.

The canal, when constructed, and the entrances thereto, shall be neutral in perpetuity, and shall be opened upon equal terms to the vessels of all nations at uniform tonnage and other rates that may be imposed in virtue of the stipulations of this convention and in conformity with the stipulations of the treaty entered into by the Governments of the United States and Great Britain, on November 18, 1901, and known as the Hay-Pauncefote treaty.

ARTICLE XVII.

The Government of Colombia shall have the right to transport over the canal its vessels, troops, and munitions of war at all times, without paying charges of any kind. This exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Colombia or of the Department of Panama or of the police force charged with the preservation of public order, as well as to their baggage, munitions of war, and supplies.

ARTICLE XVIII.

The United States shall have full power and authority to establish and enforce regulations for the use of the canal, railways, and the entering ports and auxiliary works, and to fix rates of tolls and charges thereof subject to the limitations stated in the Article XVI.

ARTICLE XIX.

The rights and privileges granted to the United States by this convention shall not affect the sovereignty of the Republic of Colombia over the real

estate that may be acquired by the United States, by reason of the transfer of the rights of the New Panama Canal Company and the Panama Railroad Company lying outside of the said canal zone.

ARTICLE XX.

If by virtue of any existing treaty between the Republic of Colombia and any third power there may be privileges or concessions relative to an interoceanic means of communication which especially favors such third power and which in any of its terms may be incompatible with the terms of the present convention, the Republic of Colombia agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting their involuntary annulment, the Republic of Colombia agrees to procure its modification or annulment in such form that there shall not exist any conflicts with the stipulations of the present convention.

ARTICLE XXI.

The rights and privileges granted by the Republic of Colombia to the United States in the preceding articles are understood to be free from all anterior concessions or privileges to other governments, corporations, syndicates, or individuals; and consequently, if there should arise any claims on account of the present concessions and privileges, the claimants shall resort to the Government of Colombia and not to the United States for any indemnity or compromise which may be required.

ARTICLE XXII.

The Government of Colombia renounces the participation to which it might be entitled in the future earnings of the canal under Article XV of the contract with the Universal Panama Canal Company; and it likewise renounces now and hereafter all the rights reserved in the said concession which shall belong to Colombia at the expiration of the term of ninety-nine years of the concession granted to the above-mentioned company.

ARTICLE XXIII.

If it should become necessary at any time to employ armed forces for the safety or protection of the canal or of the ships that make use of the same, or the railways and other works, the Republic of Colombia agrees to provide the forces necessary for such purpose, according to the circumstances of the case, but if the Government of Colombia can not effectively comply with this obligation, then, with the consent of or at the request of Colombia, or of her minister at Washington, or of the local authorities, civil or military, the United States shall employ such force as may be necessary for that sole purpose; and as soon as the necessity shall have ceased will withdraw the forces so employed. Under exceptional circumstances, however, on account of unforeseen or imminent danger to said canal, railways, and other works, or to the lives and property of the persons employed upon the canal, railways, and other works the Government of the United States is authorized to act in the interest of their protection without the necessity of obtaining the consent beforehand of the Government of Colombia; and it shall give immediate advice of the measures adopted for the purpose stated; and as soon as sufficient Colombian forces shall arrive to attend to the indicated purpose, those of the United States shall retire.

ARTICLE XXIV.

The Government of the United States agrees to complete the construction of the preliminary works necessary, together with all the auxiliary works, in the shortest time possible; and within two years from the date of the exchange of ratification of this convention the main works of this canal proper shall be commenced, and it shall be opened to the traffic between the two oceans within twelve years after such period of two years. In case, however, that any difficulties or obstacles should arise in the construction of the canal which are at present impossible to foresee, in consideration of the good faith with which the Government of the United States shall have proceeded and the large amount of money expended so far on the works and the nature of the difficulties which may have arisen, the Government of Colombia will prolong the terms stipulated in this article up to twelve years more for the completion of the work of the canal.

ARTICLE XXV.

As the price or compensation for the right to use the zone granted in this convention by Colombia to the United States for the construction of a canal, together with the proprietary right over the Panama Railroad, and for the annuity of $250,000 gold which Colombia ceases to receive from the said railroad, as well as in compensation for other rights, privileges, and exemptions granted to the United States; and in consideration of the increase in the administrative expenses of the Department of Panama, consequent upon the construction of the said canal, the Government of the United States binds itself to pay Colombia the amount of $7,000,000 in American gold on the exchange of the ratification of this convention, after its approval by the legislative bodies of both countries, and fourteen years after the date aforesaid a fair and reasonable annuity that shall be agreed upon by the contracting Governments three years before the expiration of the above-mentioned term of fourteen years.

In fixing this fair and reasonable annuity there shall be taken into consideration the present price of the usufruct of the railway as well as the compensation that is to be stipulated for the use of the zone and for the additional administrative expenses that the construction of the canal will impose upon Colombia, and also the advanced payment of $7,000,000 and the comparative cost and conditions upon which the United States reasonably could have expected to acquire concessions satisfactory to it in respect of any other canal route.

Three years before the expiration of each term of one hundred years the annuity for the following term shall be fixed in a similar manner.

But in the event that the parties are unable to come to an understanding within the periods above referred to as to such fair and reasonable annuity, then, before the second year prior to the termination of the periods above referred to, the contracting parties shall proceed to constitute a high commission, to be composed of five members, of whom two shall be appointed by Colombia, two by the United States, and the fifth (who shall be the president of such high commission) shall be the president for the time being of the International Peace Tribunal of The Hague; and the determination reached by said commission, by a majority vote, concerning such fair and reasonable annuity that is to be paid to Colombia by the United States in conformity with this article shall be binding upon the contracting parties.

But no delay nor difference of opinion in fixing such amount shall affect nor interrupt the full operation and effect of this convention in all other respects.

ARTICLE XXVI.

If after the lapse of five years from the date of this convention the necessary works for the opening of the canal should not have been commenced by the United States, or if after the expiration of the twelve years stipulated for the completion of the work and the extension of twelve years referred to in Article XXIV the canal should not be opened to commerce, all the concessions granted by this convention shall be forfeited and all the works, principal and accessory, machinery, and properties of the canal shall become the property of the Republic of Colombia, and the same Republic shall recover its actual rights over the Panama Railway, without any obligation to return any of the sums that it may have received in conformity with this convention.

ARTICLE XXVII.

This convention when signed by the contracting parties shall be submitted for legislative approval, and shall be exchanged within a term of eight months from this date.

DEPARTMENT OF STATE,
Washington, April 21, 1902.

SIR: I have the honor to acknowledge receipt at your hands of a communication dated the 31st of March, 1902, and another of the 18th of April, inclosing a proposal of the Republic of Colombia for a concessionary convention or treaty between the Republic of Colombia and that of the United States of America respecting the completion, maintenance, operation, control, and protection of an interoceanic canal over the Isthmus of Panama.

I am directed by the President to inform you that I shall be ready to sign with you the proposed convention as soon as—

First. The Congress of the United States shall have authorized the President to enter into such an arrangement; and

Second. As soon as the law officers of this Government shall have decided upon the question of the title which the New Panama Canal Company is able to give of all the properties and rights claimed by it and pertaining to a canal across the Isthmus and covered by the pending proposal.

Accept, sir, the renewed assurances of my highest consideration.

JOHN HAY.

Señor Don JOSÉ VICENTE CONCHA.

[Translation.]

LEGATION OF COLOMBIA,
Washington, D. C., April 23, 1902.

SIR: I have the honor to acknowledge the reception of your excellency's communication of the 21st instant, by which you are pleased to inform me that you are authorized by the President of the United States to sign with the Republic of Colombia the treaty relative to the opening of the Panama Canal, and the other details connected with the said work in accordance with the draft I submitted to the Government of the United States on the 18th instant, and that you will proceed to do so as soon as permission shall have been given by the Congress of this Republic, and as the official lawyers shall have given their opinion regarding the title of the new canal company for the transfer of its rights.

When the occasion to sign the above-mentioned treaty shall arise, I will present, according to usage, the full powers authorizing me to do so.

Accept, Excellency, the sentiments of my high consideration.

JOSE VICENTE CONCHA.

Hon. JOHN HAY,
Secretary of State of the United States, Department of State.

[Translation.]

Mr. Corea to Mr. Hay, May 14, 1902.

In pursuance of the offer made orally and in my personal note of the 12th instant to your excellency, I have the honor to transmit herewith a draft of a treaty embodying the proposal of my Government touching the interocanic canal through Nicaragua. This draft, save a few changes which I had to make in obedience to superior orders, is the same as that which your excellency prepared on February 12, and was pleased to amend on March 11 and 25 and on April 26 last, in deference to observations presented by me.

If your excellency will, as you said to me you would, lay this proposal before the proper committees of Congress, I should be pleased if it were accompanied by the protocol on the same subject, which I had the honor to sign with your excellency on December 1, 1900. These papers will show that Nicaragua has been and is still disposed to enter into direct negotiations with the United States as soon as provision therefor shall have been made by Congress, and at the same time make it clear that since no decision has yet been reached by that body in the matter the present proposal is not to be taken as final, but remains subject to amendments by which the conclusion of a perfected and more suitable agreement between the contracting parties may be facilitated.

Please accept, Mr. Secretary, the assurances of my most distinguished consideration.

APPENDIX A.

CONVENTION BETWEEN THE UNITED STATES AND NICARAGUA, JUNE 21, 1849 (CONCLUDED BUT NOT SUBMITTED TO THE SENATE IN CONSEQUENCE OF THE SUBSEQUENT CONCLUSION OF THE CLAYTON-BULWER TREATY).

The United States of America and the State of Nicaragua, having in view the grand design of opening and establishing through the territories of the latter State a passage and communication between the Caribbean Sea and the Pacific Ocean to facilitate the commerce between the two oceans and to produce other great results, and designing to establish, regulate, and define the grants, rights, privileges, and immunities that shall appertain to each other with reference to such great object by means of a treaty and special convention, for the accomplishment of these desirable purposes the President of the United States of America has conferred full powers on Elijah Hise, chargé d'affaires of the Government of said States in Central America, and the State of Nicaragua hath likewise granted full powers to Sr. Licdo Don Buenaventura Selva, chargé d'affaires of the Government of the said State of Nicaragua near the United States legation in Central America, who, after having exchanged their said full powers in due and proper form, have agreed and do agree upon the following articles:

ARTICLE I.

It is solemnly agreed between the two high contracting parties that the State of Nicaragua doth grant to and confer upon the United States of America, or to a company of the citizens thereof, the exclusive right and privilege to make, construct, and build within the territories of the said State of Nicaragua, through or by the use and means of any of the streams, rivers, bays, harbors, lakes, or lands under the jurisdiction or within the limits of the said State, a canal or canals, a road or roads, either railways or turnpikes or any other kind of roads, for the purpose of opening a convenient passage and communication, either by land alone, or water alone, or by both land and water, and by means, if deemed proper, of locks and dams, or by any other mode of overcoming and removing the obstructions to the navigation of the said rivers, lakes, harbors, etc., between the Caribbean Sea and the Pacific Ocean, for the transit and passage of ships, steamers, sailing vessels, boats, and vessels of all kinds, as well as vehicles of every sort used for the transportation and conveyance of persons and property and of goods, wares, and merchandise of every description, and the United States or the company which may be formed by virtue of such charters as shall be made as herein provided shall be permitted for the construction of said works to procure, take, and obtain within the territories of Nicaragua all kinds of materials, such as stone, timber, earths, and whatever else may be necessary and proper

for the said purposes, free of any charge so far as the said materials may be procured on the lands belonging to said State.

ARTICLE II.

The State of Nicaragua cedes and grants to the United States, or to a chartered company of the citizens thereof, as the case may be, absolutely, all the land that may be required for the location and construction of said canal or canals, road or roads, and which may be necessary for the erection of buildings and houses of every description for the residence and accommodation of the engineers, superintendents, and laborers, and all others employed in the making and construction of the said works, or in governing, managing, and controlling the same, and also for the erection of all such necessary buildings as may be requisite and proper for the purpose of storing away therein all the tools, machines, materials, and property of every description which may be required for the use in the construction, repairing, preservation, and management of said works, and should any portion of the lands or materials, or of the rivers, bays, ports, or their coasts or lakes, and their shores, which may be necessary and proper to be applied for the location and construction of said works and its appurtenances, belong to individuals, the State of Nicaragua agrees and undertakes to extinguish the titles thereto, and to procure the same upon a just principle of valuation for the aforesaid public works. The aforesaid cession and grant shall include a space of not less than 300 feet on each side of the lines of said works, and extending all along the whole length thereof, so that ample space be secured on the margins of said works for the convenient use thereof. The just value of such of said lands and materials as may be private property at the date of this treaty will be paid for by said company.

ARTICLE III.

It is agreed that if the Government of the United States shall decide not to undertake and construct the said works, then either the President or Congress thereof shall have the power and authority to frame, enact, and issue a charter or act of incorporation containing such liberal provisions, and such grants of rights and privileges, not inconsistent with the rights of the contracting parties herein secured, as may be necessary, convenient, and proper to effect the great objects in view, which charter and act of incorporation shall provide as follows:

First. That the company which may be formed and organized under and by virtue of its provisions shall be composed exclusively of the citizens of one or both of the contracting parties, who may subscribe for and become the owners of the whole of the capital stock required for the said works. If, however, such citizens (thus having the preference) shall fail in due time to subscribe for and become the owners of the whole amount of the said capital stock, the residue thereof not taken by them may be taken, paid in, and owned by the Governments of both or either of the contracting parties, or by the Governments or citizens of any other nation, kingdom, or country.

Second. That said company shall have the sole and exclusive right and privilege of constructing and owning such works as are herein named within the State of Nicaragua, provided the same are commenced and prosecuted within the time limited in this convention.

Third. It shall authorize the said company to build and construct said canal or canals in such directions and of such width and depth as they shall in their discretion determine, and if the plan of roads is in part or in whole adopted, the route, width, kind, and number thereof shall be determined upon by the said company as they may think proper.

Fourth. It shall provide that said company may make contracts, sue, and be sued as a corporation, with a given name and style, have a corporate seal, and engage in all such trade and business as may be proper and convenient in promoting all the operations required for the attainment of the ends in view.

Fifth. It shall contain provisions adequate for the organization of said company; it shall provide for the appointment of the officers, agents, engineers, surveyors, superintendents, and other employees of said company; and that said company may make and adopt all its own by-laws and regulations, so that the same be not in conflict with the provisions of this convention.

Sixth. It shall provide that said company may not only build and construct, but also enlarge, alter, repair, and reconstruct the said works as they may think proper, and that they may manage and govern the same and manage and control the financial affairs of the corporation.

Seventh. It shall provide that the said company shall make annual reports to the executive governments of the United States and the State of Nicaragua, setting forth their receipts and expenditures, and the condition, operations, and affairs of the said company.

Eighth. It shall provide that the management of the affairs of said company shall be vested and lodged in nine managers, five of whom shall be appointed by the company for a period of time and in a manner to be regulated by the said charter, and in like manner two of the said managers shall be appointed by the President of the United States and two by the Executive Chief of the State of Nicaragua, and the said nine managers shall appoint their own president.

Ninth. It shall provide that the Governments of either of the contracting parties may, through their committees, freely examine and investigate the affairs, business operations, and condition, financial and otherwise, of the said company, and for such purpose such committees may examine the books and papers of the company, and examine the officers thereof and other witnesses on oath, and make reports thereon to their respective Governments.

Tenth. It shall provide that said company shall have the sole and exclusive right and privilege of conveying persons and passengers, and of conveying all steamers, ships, and vessels of all kinds, by towage or otherwise, and of transporting in the vessels of others or of their own all property, goods, wares, and merchandise over, through, and upon said navigable waters, canal or canals, road or roads, which shall be improved, made, or constructed by them at such rates, charges, duties, and tolls as the said company may think proper to establish; except, however, that the said charter shall further provide that all the vessels of war and all other public vessels of every description belonging to the Governments of the two contracting parties, as well also as all other vessels which may be engaged in the permanent or temporary employment of the said Governments to transport their troops, munitions of war, their public property of all kinds, and to convey their public agents, consuls, ministers, and all their officers, civil and military, shall be permitted to have the free and unrestricted use of the said canal or canals and navigable waters, and shall if necessary and required be conveyed through the same by the said company free of all costs and charge; said charter shall further provide also that the public mails of the contracting parties shall be conveyed and transported along and over the said works by the said company, in their own vessels or vehicles, free of cost or charge, and the contracting parties agree and stipulate with all solemnity that the aforesaid rights and privileges shall be enjoyed by each other perpetually, and that said charter shall provide accordingly; said charter shall also further provide that the citizens of the two parties shall enjoy and possess the right and privilege with their vessels, goods, merchandise, and property, and persons to pass and be conveyed through, upon, and over the said canals, roads, and navigable waters on terms at least as favorable as the subjects or citizens of any other nation or country.

Eleventh. Said charter shall provide that the said works shall be commenced by said company within ten years after it shall be fully organized under said charter, or otherwise forfeit their privileges; so likewise if they shall after said works are begun declare their intention to abandon them and cease to prosecute the same for four entire successive years intentionally.

ARTICLE IV.

The charter aforesaid may contain such other provisions and grants of rights and privileges not in violation of or in conflict with any of the preceding or subsequent articles of this treaty as may be deemed necessary, convenient, or proper for the objects in view by either the President or Congress of the United States, and the same when framed and issued shall be approved and legalized by the Government of the State of Nicaragua, and no privileges or emoluments shall be granted in said charter to either of the contracting parties which shall not likewise be held and enjoyed to the same extent by the other.

ARTICLE V.

The Government of the United States shall have the right to erect such forts and fortifications at the ends and along the lines of said works, and to arm and occupy the same in such manner and with as many troops as may be deemed necessary by the said Government for the protection and defense thereof, and also for the preservation of the peace and neutrality of the territories of Nicaragua, to whom pertains equal rights as inherent to her sovereignty.

ARTICLE VI.

The public armed vessels, letters of marque, and privateers, and the private merchant and trading vessels belonging either to the governments, or the subjects, or citizens of nations, kingdoms, or countries with which either of the contracting parties may be at war, shall not, during the continuance of such war, be suffered or allowed to come in the ports at the terminations of said canals nor be allowed to pass on or through the same, on any account whatever; neither shall the vessels of neutral nations, whether public or private, be allowed to convey by means of said canal articles contraband of war, to or for the enemies of either of the contracting parties, or to or for other nations or states who may be at war with each other; nor shall the vessels of countries which are engaged in war with each other, owned or employed and armed by them to carry on such war, during the continuance be allowed to pass through the said canals. The public and private vessels of all nations, kingdoms, and countries which are in peace with both the contracting parties and with each other shall be permitted to enter said ports, and to pass or be conveyed through the said canals, but they shall be subject, however, to the payment of such duties, charges, and tolls as may be established by the proprietors of the said works.

ARTICLE VII.

The State of Nicaragua may, of course, exercise her right of erecting and establishing anywhere on the routes or margins, or at the points of termination of said works, custom-houses and warehouses, and to collect duties, according to her own laws, upon the goods, wares, and merchandise imported for sale or consumption into her territories by means of said works, and the State of Nicaragua may adopt and enforce all needful rules and regulations to prevent smuggling or the introduction of contraband goods in her territories; but it is expressly agreed that the State of Nicaragua shall not impose, enforce, or collect any taxes, charges, or duties of any kind or amount on the persons (for passports), or property, or on goods, wares, or merchandise of any class or kind on their travel or transit over, or for passing through her territories by means of said canals, roads, etc., provided the said property, goods, wares, and merchandise shall be not sold or not introduced for sale or consumption into the said State, but be exported to other states or countries.

ARTICLE VIII.

The ports at the points of termination of said works shall be free to both the contracting parties and their citizens, respectively; and their public and private vessels of all kinds shall enter and remain therein and depart therefrom and not be subjected to the payment of any port charges, tonnage duties, or other imposition whatever.

ARTICLE IX.

The persons employed in the location and construction of said works, the owners thereof, and all their agents, and officers, and employees of every sort, shall be under the special protection of the Governments of both the contracting parties, and they shall not be subject to any kind of taxation on their persons or property, nor shall they be required to pay any contributions or to perform any civil or military duty or service whatever for either of the two Governments during their employment about the said works; and all provisions, including wines and liquors, and all merchandise imported into Nicaragua for their clothing and subsistence shall be free and exempt from all duties and taxes, direct or indirect; and all such articles, property, stores, tools, implements, and machines, etc., as may be required for surveys and explorations, and for locating and constructing said works, shall be imported into the State of Nicaragua free from all taxes and duties whatever thereon, and the vessels employed in the importation of the said subsistence, clothing, tools, implements, etc., shall also be free and exempt from all port charges and tonnage duties in all the ports, rivers, lakes, or harbors on the coasts or within the limits of the State of Nicaragua; and entire liberty is to be enjoyed by the said company to make full and complete surveys and explorations of the ports, bays, seas, lakes, rivers, and territories of Nicaragua, in order to the location of said works and for the procurement of lands and materials necessary for the same, in which explorations and surveys Nicaragua, at her own expense, may participate, if she thinks proper.

ARTICLE X.

The State of Nicaragua grants and cedes to the United States or to a company to be chartered as herein provided, as the case may be, all the land within 2 leagues square belonging to the said State, and which may be unappropriated at the date of this treaty, at each point of the terminations of said works at the seas on each side, that is to say, 3 miles square on each side of both ends of said works, to serve for the sites of two free cities which it is anticipated will hereafter be established at said points, the inhabitants of which free cities shall enjoy the following rights and immunities:

First. They shall govern themselves by means of their own municipal government, to be administered by officers, legislative, executive, and judicial, chosen and elected by themselves according to their own regulations.

Second. They shall have the right of trial by jury in their own city courts.

Third. They shall have the most perfect freedom of religious belief and of religious worship, public and private.

Fourth. They shall not be required to pay any tax upon their real estate or other property except such as may be imposed by the municipality and collected for the city treasury, and to be used and applied for the benefit of such cities.

Fifth. They shall not be required to perform any military services, except for the defense of the said cities in which they may reside.

Sixth. The said cities will of course be under the qualified dominion and government of the State of Nicaragua, not to be exercised in any manner, however, in violation of their rights and immunities as herein specified; and said

free cities shall be under the protection of the governments of both the contracting parties.

ARTICLE XI.

The State of Nicaragua agrees that the United States shall have, possess, and enjoy forever the following rights and privileges; that is to say, the right and privilege to pass, convey, transport, and send through all or any part of the territories and dominions of the State of Nicaragua, on land or water, from ocean to ocean, by means of her ports, bays, rivers, lakes, and roads, troops, infantry or cavalry, all kinds of arms, artillery, and munitions of war of all kinds, her public property of every description, public officers, civil and military, consuls, ministers, dispatch agents, her public mail and mail agents, and all other employees of the Government of the United States of America; and the same shall all and each be permitted to pass, be sent, and be conveyed through said State, in any manner, as aforesaid, in the public armed vessels of the United States, and in all such other vessels or vehicles, public or private, which may be in the temporary or permanent employment of the Government of the United States for any of the purposes aforesaid, or in any other way, free from all cost and exempt from all taxes, duties, imposts, charges, or exactions of any kind whatever, either on the persons, property, vehicles, or vessels aforesaid; and all the aforesaid privileges and the said free right of way and of transit shall be held, used, and enjoyed by the United States of America (but not by any other nation, state, or government, except Nicaragua) without cost or charge, and freely, whether the same be made through the dominions and territories of Nicaragua as they now exist, or whether the said troops, munitions of war, public officers, agents, employees, mails, public property, vehicles, and vessels, etc., shall be sent, transported, or conveyed by means of improved navigable rivers, canals, or turnpikes, or railroads, or any other public improvements which may be hereafter made in the State of Nicaragua, either by the Governments or citizens of the contracting parties, or by the governments, citizens, or people of any other nation, kingdom, or country; and the citizens of the United States shall have and enjoy all the rights and privileges of travel, passage, transit, and conveyance for themselves and their property and vessels of all kinds through the territories and dominions of the State of Nicaragua as they now exist or through such canals or roads, railways, or turnpikes, or other improvements as may be hereafter made in said State, upon terms and conditions in every particular as favorable as those enjoyed by the citizens of Nicaragua, or by the citizens of any other nation, kingdom, or country.

ARTICLE XII.

In consideration of the premises as set forth in the foregoing eleven articles, the United States of America doth solemnly agree and undertake to protect and defend the State of Nicaragua in the possession and exercise of the sovereignty and dominion of all the country, coasts, ports, lakes, rivers, and territories that may be rightfully under the jurisdiction and within the just and true limits and boundaries of the said State; and when the circumstances and condition of the country may require it the United States shall employ their naval and military force to preserve the peace and maintain the neutrality of the said coasts, ports, lakes, rivers, and territories, and to hold and keep the same under the dominion and sovereignty of the Government of the State of Nicaragua or of the government of such state or political community of which Nicaragua may voluntarily become a member, or with which, of her own accord, she may hereafter be identified: *Provided, however*, That the said sovereignty and dominion of the State of Nicaragua, so guaranteed as above, shall not be held, maintained, or exercised by said State in any such manner as to conflict or to be inconsistent with the rights and privileges herein secured to the United States and her citizens; and to prevent all misunderstanding, it is expressly stipulated that the United States are not bound, nor do they undertake, to aid, assist, or support Nicaragua in offensive wars or wars of aggression waged and carried on by said State with foreign powers or with the neighboring states, outside of her just limits, and beyond the territories rightfully within her jurisdiction; but the contracting parties agree and undertake that, if necessary, the naval and military forces and the entire means and resources of both the contracting parties shall be employed to put down all wars and bloodshed arising therefrom, and to suppress all violations of the peace and interruptions of the neutrality of the said State of Nicaragua; and for further explanation it is understood that if the State of Nicaragua should become involved in a war with any foreign power or neighboring state within her own borders, to defend the territories rightfully belonging to her, or to recover such territories wrongfully wrested from her, the United States engages to defend Nicaragua in carrying on such war within her own rightful limits: *Provided, however*, That such war is just, and provided, moreover, that if peace is prevailing in the State of Nicaragua, no wars or hostilities shall be first commenced in said State by either of the contracting parties without previous friendly consultations, and unless with the consent of both their governments, given according to their laws and constitutions, respectively.

ARTICLE XIII.

The contracting parties, in negotiating this treaty, have had in view the contract entered into between the State of Nicaragua, through their commissioner, José Trinidad Muños, and a certain company styled "Compania de transito de Nicaragua," composed of certain persons named Willard Parker, Simeon H. Ackerman, Asher Kursheedt, and David J. Brown, through the said David J. Brown as their agent, which contract was executed and signed by said commissioner and agent on March 14, 1849, and ratified by the legislative power of the State of Nicaragua on March 16, 1849, and approved by the executive power of said State on the 17th of March 1849. Now, in view of this contract, it is further agreed as follows:

First. If the above-named company shall accede to this treaty *in all its parts*, or if they shall voluntarily abandon their contract, or if they shall forfeit their rights under said contract by failing to perform and execute the terms and conditions thereof in due time, then this treaty shall remain and be valid in all its parts.

Second. But if the said company shall not accede to this treaty *in all its parts*, and if they shall not abandon or forfeit their said contract, but if they shall execute the same and comply with its terms, and build the said works all in the time required, then, in such case, this treaty in all its parts, wherein the State of Nicaragua grants to the United States, or to a company to be chartered by the President or Congress thereof, the exclusive privilege to be the constructors and owners of said works, shall be void and of no force or effect.

Third. Nevertheless, in such case as is set forth in the second section next preceding, if said company shall accede to the fifth (5th), the sixth (6th), the eighth (8th), and the eleventh (11th) articles of this treaty, and shall consent and agree that the United States of America, and the citizens thereof, shall have and enjoy all the rights and privileges therein granted to them, and as defined also in the tenth (10th) section of the third (3rd) article, then, in such case, the above-named fifth (5th), sixth (6th), eighth (8th), and eleventh (11th) articles of this treaty, as also the twelfth (12th) article thereof, shall be valid and obligatory between the contracting parties.

Fourth. But if in such case existing as is set forth in the second section above the said company shall refuse to accede or agree to the said fifth (5th), sixth (6th), eighth (8th), and eleventh (11th) articles hereof, as specified in the preceding third section, then this treaty shall be altogether void and of no force or effect whatever.

But the contracting parties, anticipating that said company, being satisfied that the great enterprise in view can not succeed unless under the protection and patronage of two Governments, will concur and cooperate with them in the promotion thereof, they are assured that this treaty will meet their cordial approbation, and that it will be fully acceded to by them.

The present special convention between the United States of America and the State of Nicaragua shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Director of the State of Nicaragua, with the consent of the Legislative Chambers thereof, and the ratifications shall be exchanged in the city of Washington, Santiago de Managua, or Leon, within the term of two years, counting from this date.

In faith whereof, we, the plenipotentiaries of the United States of America and of the State of Nicaragua, have signed and sealed these presents in the city of Guatemala, on the 21st day of June, in the year of our Lord 1849, in the seventy-third year of the independence of the United States of America and in the twenty-eighth year of the independence of the State of Nicaragua.

[SEAL.] ELIJAH HISE.
[SEAL.] BUENAVA SELVA.

APPENDIX B.

CONCESSIONS AND DECREES OF THE REPUBLIC OF COSTA RICA TO THE NICARAGUA CANAL ASSOCIATION OF NEW YORK.

* * * * * * *

ARTICLE XIV.

The association shall construct, at its expense, and shall keep in good condition, two large ports, one on the Atlantic and one on the Pacific, at such points or localities as it may select within or without the territory of Costa Rica, to serve as termini of the canal; and each of them shall have a lighthouse of the first order.

ARTICLE XV.

All the area within the territory of Costa Rica, whether at the ports, roadsteads, or rivers of the two oceans, which may be necessary for the establishment of the canal, its paths, and embankments, or which may be occupied and covered by water after raising the dams which are to be constructed in the beds of the rivers, or for all necessary deviations to be made, as well as for reservoirs, dikes, spaces about the locks, stations, light-houses, and canals, storehouses, buildings, and workshops, deposits for materials, and also all those required for the routes, service railways, and canals of the same nature, for the transportation of materials to the line of the work, and for feeders of the canal; in short, all lands and places within the territory of Costa Rica necessary to the construction and operation of the canal, as may be laid down in the final drawings and plans made by the engineers of the association, shall be placed by the State at the disposal of the said association under the conditions set forth in the following articles.

ARTICLE XVI.

Such unappropriated lands as belong to the State shall be given to the association without any compensation whatever, and with regard to those lands belonging to private parties the State undertakes to condemn them should the association demand it.

The compensation which, in agreement with the laws of Costa Rica, may have to be paid in such cases shall be paid by the association, and to it shall be added the amount of the expenses and costs of the respective actuations, in such a way that the national treasury shall suffer no loss.

ARTICLE XVII.

In all relating to the condemnation to be made under the provisions of the preceding articles the association shall enjoy all the immunities and privileges that the laws of the country grant to the State, so that the association may not be obliged to pay more than the State would under similar circumstances.

ARTICLE XVIII.

For the construction, maintenance, and operation of the canal the association shall have the right to take free of charge from the lands belonging to the State whatever material of a spontaneous production of the land that may be found on them, especially timber for construction and fuel, and limestone, clay for bricks, and earth for fillings that are to be made. As regards materials of the said class found on lands belonging to private parties, the association shall have the same rights and privileges granted by the laws to the State.

ARTICLE XIX.

If it should be necessary for the association to occupy temporarily and during the construction of the canal lands in the territory of Costa Rica which are not included in those designated in the Articles XV, XVI, and XVIII, it shall not be obliged to pay any compensation for them if they are unappropriated lands. And the State shall not have the right to sell or dispose of them in any other manner after the association has once determined to occupy them, unless under the reservation of this right, the limit of which shall be the execution of the works of the interoceanic canal. Should the said lands belong to private parties, then the association shall enjoy, so far as the temporary occupation thereof is concerned, all the rights and franchises which the laws grant to the State, with the special privilege of occupying them immediately after the declaration of utility and necessity and after payment of the proper compensation, which shall never exceed that which the State would be obliged to pay in a similar case.

ARTICLE XX.

The Republic of Costa Rica desiring to aid efficiently the association in this enterprise cedes in fee simple to the said association the public lands hereinafter mentioned, in alternate lots, with other similar ones which it reserves for itself, to wit:

First. On the right or southern bank of the San Juan River, from a point 3 English miles below Castillo Viejo to the confluence of the San Carlos, should the canal follow the valley of the San Juan, lots fronting on the canal 3 English miles front by 6 deep.

Second. Between the San Carlos River and the Atlantic, should the canal pass wholly or in part through the territory of Costa Rica, or along the boundary of Costa Rica, lots of 3 English miles frontage on the canal and 4 deep.

Third. Should the route of the Selinas Bay be adopted, lots of 2 English miles frontage on the canal by 2 deep in the Costa Rican territory crossed by the canal or along which it may run, from the Pacific Ocean to a point 2 English miles distant from the mouth of the Sapoa River in the Lake of Nicaragua.

Fourth. Should the canal deviate from the San Juan River more than 4 miles toward the interior of Costa Rica, lots to be measured on both sides of the canal of 2 miles front and 2 deep. Should the deviation be less than 4 miles, then the lots of the northern bank of the canal shall have a front of 2 miles and extend in depth until they touch the San Juan River.

Fifth. From the Rio Frio to the Sapoa on the south coast of the Lake of

Nicaragua, at 2 miles distant from the same and following the curve of its bank, lots of 2 English miles front by 2 deep.

Sixth. In the places where the company in accordance with the Government may select from the existing unappropriated public lands twenty-five lots, each 2 English miles in frontage by 4 deep. As a general rule, at the extremities of the interoceanic canal, should the same be within the territory of Costa Rica, the opposite lots will be allotted, one to the Government and one to the company; but, if this be not possible, the first will belong to the Government.

The State shall vest in the association the possession of said lands as soon as the location of the canal is finally determined and its construction begun by the association.

The rights required by private parties in the lands set forth in the preceding clauses are hereby reserved.

The measurement and setting out of all lands ceded by this contract shall be made at the expense of the grantee, with the intervention of the Government.

The final title deeds shall be issued in due proportion as the work advances, and not before.

Between the Atlantic and the point 3 miles below Castilla Viejo all parts of the San Juan and Colorado rivers occupied by the canal shall be considered, for the purposes of the present article, as a part of the said canal.

It is hereby understood that the whole of the lands transferred to the association by Costa Rica, in the different places and in the form as set forth in the foregoing article, shall not exceed in amount one-fourth of the total amount of lands granted to the company by the Government of Nicaragua, according to the contract made by it. Should they exceed such amount the difference shall be deducted by reducing the number of lots mentioned in subdivision fifth of this article.

ARTICLE XXI.

The State reserves the right to occupy, in the several lots of land ceded to the association, such space as may be needed for such roads and public buildings as it may deem convenient. In the same manner it shall have the right to use timber and other building materials which may be found on said land whenever they may be necessary for any work upon which it may determine. Should these lands become the property of private persons by virtue of a transfer made by the company, and the State should need them for the purpose set forth in this article, or for some other purposes, it shall pay their owners for them in conformity with the laws, and the expropriated parties shall have no right or claim against the association.

Should the association have made improvements on the lands referred to, whether for the purposes of utility, ornament, or pleasure, the State shall be bound to compensate it for such damages as it may suffer according to appraisals of experts.

ARTICLE XXII.

Mines of coal, gold, silver, iron, or other metals and stone quarries situated in the lands ceded to the association shall belong to it by right without the necessity of previous denunciation, and it shall have the right to work them whenever it may deem it convenient, subject to the laws of the Republic, but such lands as may be transferred by the association to private parties shall not enjoy this privilege.

ARTICLE XXIII.

The association shall also have the right to utilize for the works of the canal and its appurtenances the timber in the forests situated in the land granted to it by the State from the very moment from which it enters into possession of the same under the present contract, the acquired rights always being reserved.

ARTICLE XXIV.

From the day in which the present concession shall be ratified by Congress no alienation shall be made of any unappropriated lands necessary for the construction of the canal, nor of those ceded to the association on the banks of the same. Nor shall the said lands be leased to the prejudice of the company. However, should the location of the canal not be definitely settled when this contract is ratified, the line of the canal shall for the purposes of this article be presumed to follow the northern boundary line of Costa Rica.

The association shall have the right of doing throughout the whole extent of the canal within the territory of Costa Rica, at the mouths of the canal on the two oceans, and in the whole extent of the lands which under the present contract have been granted to it according to articles 15, 16, and 20 all such works as may be necessary for locating, leveling, excavating, and dredging the canal, and all other works that may be required for the establishment, feeding, operation, preservation, and maintenance of the canal.

The association is especially authorized to make along the line of the canal and on the Costa Rican bank of the San Juan River and its Costa Rican affluents and confluents, as well as on the Costa Rican rivers tributary to the Lake of Nicaragua, the lakes or water courses which may be utilized in their flow to the Pacific or to the Atlantic; to construct dikes and dams, make rectifications, dredgings, embankments, and deviations; to locate buoys, and in general to do all the works that in the opinion of the engineers of the association may be deemed indispensable for the construction, feeding, navigation, and operation of the canal. The embankments, fillings, and dikes which may be made within the territory of Costa Rica, at the mouths of the canal on the ports on the two oceans, by using materials resulting from the excavation of the canal, shall belong in fee simple to the association; but the Government shall have the right to occupy them in whole or in part after compensation made. Should any part of the canal be within the territory of Costa Rica, the association shall not obstruct such port nor widen its beaches unless there is absolute necessity to do so, and in this case the embankments and fillings that it may be necessary to construct in front of said port shall belong to the Republic.

In general the association shall have the right to use all the lakes and rivers of Costa Rica, the waters of which may be necessary in the judgment of the engineers of the association to construct and feed the canal and to maintain its operations, but this right shall have the following restrictions, to wit:

First. The navigation of the Costa Rican rivers, which the association may dam or otherwise use for the benefit of the canal, shall remain at the termination of the respective works in as good condition as it was before they were made.

Second. In the places where the waters of said rivers may overflow in consequence of the erection of dams or other artificial obstructions made by the association, the said association shall be obliged to do whatever may be practicable to prevent the formation of swamps and marshes.

Third. Such damages as may be caused to private parties in consequence of the deviation or elevation of the streams shall be compensated for by the association according to appraisals made by experts in conformity with the laws of the Republic, but the association shall not be obliged to pay more than the State would under similar circumstances.

ARTICLE XXVI.

The association can not import merchandise into the territory of the Republic for the purposes of trafficking with it without paying the custom duties established by law, but it shall have the right to import free from custom duties and of any other imposts whatsoever the articles needed for the works of the enterprise, its surveys, explorations, examination of localities, constructions, use, operation, maintenance, repairs, and improvements of the canal, and also for the telegraphic and railroad service of the same, and for the works and workshops of the company, and the said articles may consist of implements, machinery, apparatus, coal, limestone of all classes, lime, iron, and other metals, whether raw or manufactured, mining powder, dynamite, or any other analogous substance. These articles may be transported between whatever points they may be needed during the work of the construction of the canal, and shall be landed and stored free from all local taxes.

The association shall also have the right to import free from duties or imposts, during the work of constructing the canal, such provisions, clothing for the workmen, and medicines as may be absolutely necessary for its own consumption.

Those articles the commerce of which is not free are excepted from the privileges granted in this article, and shall remain subject, with the exception of gunpowder, dynamite, and other explosives, to such requisites and duties as are established by law.

ARTICLE XXVII.

The vessels that the association may employ as tug boats or for the service of the canal shall be free from all imposts or taxes of any kind whatever, and also the material to be used for their repair and the fuel that they may consume.

The vessels and their appurtenances, from whatever place they may come, for the service of the association shall be exempt from all duties and imposts.

ARTICLE XXVIII.

The Government shall enact such regulations as it may deem necessary to prevent smuggling and for the preservation of public order in the region of the canal lying within the territory of Costa Rica or bordering on it and in the waters where it may exert joint jurisdiction. The company shall be bound to lend its assistance for the enforcement of such regulations. But in the free zone along the margin of the canal, as hereinafter provided, measures for the prevention of smuggling shall be limited to vigilance on the part of the employes or employees whom it may concern, without right to any further measures, either against passengers, vessels, or their cargoes, excepting when an attempt at smuggling may be discovered, it being the intention of the State that there shall be most ample freedom of transit through the canal for persons and property, with the sole limitations established by this contract. Consequently, the association shall have the right to unload and reload ships in transit at such point as may be necessary in order to make repairs or lighten the vessels or shift their cargoes, or on account of any accident that unavoidably may render it necessary, without being subject thereby to search, exactions, or contributions of any kind, provided in each case, and before beginning operations, notice is given to the nearest custom-house authority.

ARTICLE XXIX.

The Government shall afford its protection, in conformity with the laws of the Republic, to the engineers, contractors, employees, and laborers that may be engaged in the preliminary surveys or in the works of construction and operation of the canal.

ARTICLE XXX.

The association shall be exempt from all forced loans and military exactions, whether in time of peace or of war. The foreign agents or employees shall also be exempt from direct taxes, forced loans, and military exactions during the time in which they are in the service of the canal, but they shall pay the direct taxes established by law in case they may become owners of real property or commercial or industrial establishments.

ARTICLE XXXI.

The association may freely introduce into the lands granted to it employees and laborers of every race who may be needed in its works and workshops; and it may also introduce immigrants of all nationalities excepting Asiatics and negroes. Both the immigrants and the employees and laborers shall be subject to the laws of the Republic and to the regulations of the company. The Government assures them aid and protection and the enjoyment of their rights and guaranties in conformity with the constitution and the national laws during the time that they may remain within Costa Rican territory.

ARTICLE XXXII.

The Government of Costa Rica shall assure the association and its agents, under the laws of the Republic, as it does to the other inhabitants, the full enjoyment of the guaranties and rights which the constitution and laws grant to them. Reciprocally, the association and its agents bind themselves strictly to respect the laws and regulations in force in Costa Rica, and especially to comply with the final decisions of the courts, without considering themselves vested with other rights than those granted by law to Costa Rican citizens.

ARTICLE XXXIII.

The Government shall establish all along the line of the canal which may be within the territory of Costa Rica or along its frontier or in the waters appertaining to it in ownership or joint jurisdiction, such police stations and revenue offices as in its judgment may be necessary for the preservation of order in the region of the canal and for the observance of the fiscal laws of the Republic.

The expenses incident to said services, including those of buildings, salaries, wages, and allowances of the employees and transportation of the forces, and which may be in excess of such as are now borne by the Government for the custom-house actually established at the mouth of the San Carlos, or on any other point that may be crossed by the canal, shall be paid to the public treasury by the company on such terms and conditions as may be established hereafter, taking into consideration the requirements and necessities of such services.

The association shall also have the right to establish guards and watchmen for the service of the canal and the enforcement of its regulations.

ARTICLE XXXIV.

All contracts in regard to the works of the canal that the association may enter into in foreign countries shall be valid and effective, and shall have full force and effect in Costa Rica, provided they do not violate the laws of the Republic.

ARTICLE XXXV.

The association shall be exempt during the period of this concession both in time of peace and in time of war from all kinds of taxes upon the real estate that it may acquire by virtue of this contract and from all kinds of direct taxes, local charges, or any other imposts relating to the property and use of the canal, or of its buildings and the construction and dependencies thereof, all along its extent, including those situated in the ports and maritime establishments on the two oceans.

This franchise is not transferable to the purchasers of the real estate which the association may alienate under this grant.

ARTICLE XXXVI.

The Republic of Costa Rica shall not establish any tonnage, anchorage, pilot, or light-house dues or any other charges of any kind whatsoever, upon vessels of any class whatever or upon the merchandise, baggage, and passengers which may pass through the canal from one ocean to the other; all such dues are reserved for the benefit of the association as provided for in Article XXXIX.

ARTICLE XXXVII.

For the purpose of securing the most ample liberty of transit of persons and property a free zone shall be established on each side of the canal, and the width thereof shall be 90 meters and 288 millimeters, measured from the water's edge in the canal.

All traffic declared illegal by the laws of the Republic shall, however, be prohibited within the said zone and the revenue authorities whose duty it is to watch for and prevent smuggling shall act in conformity with the stipulations of Article XXVIII.

It is expressly agreed that every vessel that may pass through the part of the canal which may be within the territory of Costa Rica or along its borders or in waters over which it exerts cojurisdiction shall carry on board an officer appointed by the Government whenever the authorities may deem it convenient, and that officer shall act in conformity with the law should he discover that it is being violated.

The two ports to be constructed for the entrance and exit of the canal on both oceans, which may be wholly or in part within the territory or in waters of Costa Rica, shall be declared free ports and shall be recognized as such from the opening of the canal to the end of this concession.

The Government, in agreement with the company, shall establish, by means of a special decree, the limits of this franchise, which shall never extend beyond the waters of the ports comprised between the mouth of the canal and the entrance of said ports.

All merchandise that shall be loaded or discharged at any point of the canal within the territory of Costa Rica, and intended for internal commerce, shall pay the import and export duties fixed by the revenue laws of the State.

ARTICLE XXXVIII.

For the proper administration of the canal and its dependencies, and in order to facilitate its construction and operation, the association shall establish the proper regulations, which shall be binding upon every person who may be found in its waters or in its dependencies; the sole reservation being that the rights and sovereignty of the State be respected.

It is understood that the association, in the exercise of the powers conferred by this article, shall not make other regulations than those necessary for the administration and particular management of the canal; and that, before carrying them into effect, they shall be submitted for the approval of the Government. The State shall lend the aid of its authority to enforce these regulations.

ARTICLE XXXIX.

By way of compensation for the expenses incurred in the surveys, construction, maintenance, and operation of the canal, or any part thereof, during the period of said privilege, the said association shall have the right to establish and collect for the passage of all kinds of ships, vessels, travelers, and merchandise through the canal and in the waters and ports pertaining to it, such dues of navigation, tonnage, pilotage, towage, storage, lay days, anchorage, light, roadsteads, wharfage, hospital dues, and any other similar charges in conformity with the tariffs to be established by it in accordance with article 45 of this contract.

These tariffs may be modified by the association at any time, on condition that all modifications that may be introduced in it shall be previously communicated to the Government, which, in case of finding them within the limits established by said article 45, shall cause them to be complied with as if they were regulations enacted by itself.

The payment of all the tariff dues shall be exacted without any exception or preference and under identical conditions from all vessels, whatever be the place they come from or their nationality, with the exception stipulated in the following article.

ARTICLE XL.

In compensation for the privileges and concessions that Costa Rica grants by this contract, it is hereby stipulated that the Republic shall enjoy the special privilege that Costa Rican vessels, navigating under the flag of Costa Rica, shall be entitled to navigate the canal at a reduction of 50 per cent of the general tariff while engaged in the coasting trade or in the reciprocal trade with the other Republics of Central America.

To enjoy this privilege, the said vessels shall be necessarily of the register of the Republic, and belong to citizens of the same.

A reduction of 50 per cent of the general tariff is also granted to all vessels that begin their voyage for a foreign country at any of the ports belonging to the Republic with a cargo wholly consisting of products of the country.

Costa Rican vessels of war and revenue cutters shall pay no dues in passing through the canal. No dues shall be paid by the vessels of the national register navigating either Costa Rican waters connected with the canal or the canal itself, without passing out of the locks, but said vessels are not in any way to obstruct the free navigation of the canal.

Costa Rica, on its part, shall not object to the enjoyment by Nicaraguan ships of the advantage granted in this article to those of Costa Rica, provided that Nicaragua, on its part, consents that the ships of Costa Rica shall enjoy in Nicaraguan waters the said privilege.

All the concessions to which this article refers shall be extended to the other republics of Central America, or any of them, whenever Costa Rica and Nicaragua shall find themselves free from international obligations which may prevent it, or whenever one or more of said republics shall form a single nation with Costa Rica.

ARTICLE XLI.

In case it may be possible to utilize the waters of the canal and its dependencies for the irrigation of plantations, gardens, and streets, or for the supply of towns that may be without it, or as motive power for private enterprises, the company shall have the power to supply it, collecting dues in proportion to the amount furnished, according to the tariff that it may establish in agreement with the Government.

ARTICLE XLII.

The association shall undertake at its expense the final surveys of the ground and the location of the line of the canal by a commission of competent engineers. The Government of Costa Rica shall have the right of visiting and inspecting the final surveys which are in progress, and those already completed by an engineer appointed by said Government, and whose salary shall be paid by the association, the amount thereof to be fixed hereafter by special agreement between the Government and the company.

A period of two years and a half, to be counted from the date of the ratification of this contract, is granted the association for the final surveys of the canal, and within the said time the association shall have to make the said final surveys, organize the company which is to carry on the work, and begin the work of construction.

The work of construction shall be understood to have commenced if within three years after its inception $2,000,000 have been expended on it.

The period herein provided for shall admit of extension by the Republic at the request of the association, and upon grounds of justice, in the judgment of the Government.

ARTICLE XLIII.

A term of ten years is also granted to the association for the construction, completion, and opening to traffic the canal for maritime navigation. However, should events of main force arise, duly justified and sufficient to impede the regular progress of the works during the period of the said ten years, an extension shall be granted equal in duration to the time that may have been lost by such delays.

If at the expiration of the ten years aforesaid the works should not be completed so as to have the maritime communication between the two oceans opened, in consideration of the great capital the company may have invested in the enterprise, and the good will and ability it may have shown and the difficulties encountered, the Republic binds itself to grant a new extension.

ARTICLE XLIV.

As a guaranty of the fulfillment of the obligations which the final company which is to construct the canal incurs in accordance with article 42, it shall deposit to the order of the Government of Costa Rica, in a bank or in a mercantile house in this city, or with an agent which the Government may designate, immediately after the certificates are issued, 1,000 shares of its capital stock of the normal value of $100 each. The said 1,000 shares of capital stock shall be considered in advance to the Government of the payment of the police and revenue expenses to be made under article 33, and the association shall be credited with the actual value of said shares at the time such payments are made.

ARTICLE XLV.

In consideration of the valuable privileges, franchises, and concessions granted by virtue of this contract to the association, the Republic shall receive in shares, certificates, or other values representing the capital stock of the final company, an amount equal to 1½ per cent of the total amount of issue of said capital stock, in shares or certificates of $100 each. This sum shall in no event be less than $1,500,000. Said shares shall be considered as fully paid up and two-thirds thereof shall not be transferable. All these shares shall participate in the benefits, interest, distributions, dividends, amortizations, rights, privileges, and all other advantages granted to paid-up shares, without any difference whatever. These shares, together with the other privileges herein granted by the association to the Government, shall be in full compensation to the Republic for all public unappropriated lands that may be flooded and for all the privileges and concession conferred by this contract, and shall cover completely all claims of this description on the part of the State against the association or the final company. The shares to which this article refers shall be delivered to the agent appointed by the Government for this purpose as soon as the company may be ready to issue certificates of its capital.

ARTICLE XLVI.

From the earnings of the enterprise the company shall take, in the first place, the necessary amount to cover all the expenses for maintenance, operation, and administration; all the sums necessary to secure the interest, which shall not exceed 6 per cent, and the amortization of the obligations and of the shares, and what remains shall form the net profits, of which at least 80 per cent shall be divided among the shareholders, it being understood that after the lapse of ten years after the completion of the canal the company shall in no case divide among its shareholders in payment of dividends, directly or indirectly, by issue of shares or otherwise, more than 15 per cent annually or in this proportion, from dues collected from the aforesaid canal; and where it shall appear that these dues yield a greater profit, they shall be reduced to the fixed limit of 15 per cent per annum.

ARTICLE XLVII.

The present concession shall be forfeited:

First. Through the failure on the part of the company to comply with any one of the conditions contained in Articles VII, XLII, and XLIII.

Second. If the service of the canal, after it is completed, is interrupted for six months, unless in case of unforeseen accidents or main force.

When the concessions shall have been declared forfeited from whichever of these causes, the public lands granted by virtue of the present contract shall revert to the Republic in whatever condition they may be, and without compensation, such lands as may have been alienated by the company with the formalities prescribed by law shall be excepted, provided that such alienations shall not have taken place within the six months preceding the date on which the company may have become legally liable to the penalty herein established.

ARTICLE XLVIII.

At the expiration of the ninety-nine years stipulated in this concession, or in the event of the forfeiture expressed in the preceding article, the Republic shall enter into the possession in perpetuity of that part of the canal, its warehouses, stations, and other establishments used for the management thereof that may be found within the national territory. Such works as may be found in waters in which the Republic has joint sovereignty shall belong to her in joint ownership. And in regard to such parts of the canal or of the waters thereof in which Costa Rica has not the eminent domain, but simply the right of use and free navigation, the Republic, at the expiration of the ninety-nine years, or in the cases of forfeiture above named, shall retain in perpetuity the said rights of use and free navigation. The Republic shall not be obliged to pay to the company any compensation for the same.

There shall be excepted from this condition the vessels belonging to the company, its stores of coal and other materials, its mechanical workshops, its floating capital and reserve fund, and at the expiration of the said ninety-nine years also the lands ceded to it by the State under the present contract, excepting those in which the works indicated in the first part of this article may be found established, which will become the property of the State, with their immediate dependencies as necessary for the service of the canal and an integral part of the same.

But the company shall have the right, at the expiration of the aforesaid term of ninety-nine years, to the full enjoyment and a free use and control of the canal and such parts thereof as may be within the territory of Costa Rica, with all the privileges and advantages granted by this concession in the capacity of lessee for a second period of ninety-nine years, upon payment to the Government of Costa Rica of 6½ per cent of the annual net profits of the enterprise, besides the dividends due to it for its share in the capital stock.

The company shall have the right to fix at its discretion the dues referred to in article 39 of this concession, so that the shareholders, after the payment of 31½ per cent is deducted, shall still receive dividends of 10 per cent per annum on the whole capital.

At the expiration of this second period of ninety-nine years the Government shall enter into perpetual possession of the canal and the other property referred to in the first part of this article; and this delivery shall also embrace everything excluded in the said first part, except the lands ceded to the association by this contract and the reserve and sinking fund.

The failure to comply with any of the conditions of the lease shall terminate it, and the State shall enter into the possession of the part of the canal which corresponds to it, owing to it being situated in Costa Rican territory or in the places in which Costa Rica is joint owner, and also of the other works which belong to the canal, in accordance with the provisions of the preceding paragraph.

ARTICLE XLIX.

Any misunderstanding that may arise between the Republic and the company in regard to the interpretation of the present stipulations shall be submitted to a court of arbitrators, composed of four members, two of whom shall be appointed by the State and two by the company.

These arbitrators shall be designated by each party within the period of four months from the day on which one of them shall give notice to the other in writing of the want of agreement on the point at issue. Should one of the parties allow this period to lapse it shall be considered as assenting to the opinion or claim of the other.

The majority of the votes of the arbitrators shall finally decide without recourse. In case of a tie vote the arbitrators shall appoint, by mutual consent, a fifth person, who shall decide, and in case of their default the respective parties will appoint him. If they can not agree to such appointment they shall draw by lot the names of the diplomatic representatives accredited to Costa Rica, and the first one drawn out shall exercise the functions of the fifth arbitrator. He shall concur on one of the two opinions, and what may be so decided shall be final and without recourse of any kind. If the fifth arbitrator should fail, the second person drawn shall exercise these functions, and so on successively until the decision is reached.

Prior to the initiation of the works of opening the canal the Government, in concurrence with the company, shall formulate a set of rules to be observed by the arbitrators in all matters relating to procedure.

All questions between the association and private parties residing in Costa Rica shall be determined by the ordinary courts of Costa Rica in conformity with the legislation of the Republic. In matters pertaining to parties not residing in Costa Rica the rules of private international law shall be observed.

ARTICLE L.

This contract, after being approved by the honorable general President of the Republic, shall be submitted to the supreme legislative power for the purpose that if they deem it convenient they should impart to it the necessary ratification, and in case such approval is not obtained the Nicaragua Canal Association will be released from all the obligations to which it is bound by it. Such ratification or nonratification shall be made within one hundred and twenty days from this date.

In witness whereof the undersigned have set their hands to four copies of the present contract, two for each party, in San José de Costa Rica, 31st July, 1888.

PEDRO PEREZ ZELEDÓN.
A. G. MENOCAL.

APPENDIX C.

[New Panama Canal Company—Concessions—Contracts with the United States of Colombia, dated March 20, 1878; December 10, 1890; April 4, 1893.]

WYSE CONCESSION, MARCH 20, 1878.

[Translation from the Diario Official of Bogota, Wednesday, May 22, 1878.]

CONTRACT FOR THE CONSTRUCTON OF AN INTEROCEANIC CANAL ACROSS COLOMBIAN TERRITORY.

Eustorgio Salgar, secretary of the interior and of foreign relations of the United States of Colombia, duly authorized, of the one part, and of the other part Lucien N. B. Wyse, chief of the Isthmus Scientific Surveying Expedition in 1876, 1877, and 1878, member and delegate of the board of directors of the International Interoceanic Canal Association, presided by General Etienne Türr, in conformity with powers bestowed at Paris, from the 27th to the 29th of October, 1877, have celebrated the following contract:

ARTICLE 1. The Government of the United States of Colombia grants to to Mr. Lucien N. B. Wyse, who accepts it in the name of the civil International Interoceanic Canal Association, represented by their board of directors, the exclusive privilege for the construction across its territory, and for the operating of a canal between the Atlantic and Pacific oceans. Said canal may be constructed without restrictive stipulations of any kind.

This concession is made under the following conditions:

First. The duration of the privilege shall be for ninety-nine years from the day on which the canal shall be wholly or partially opened to public service, or when the grantees or their representatives commence to collect the dues on transit and navigation.

Second. From the date of approbation by the Colombian Congress for the opening of the interoceanic canal the Government of the Republic can not construct, nor concede to any company or individual, under any consideration whatever, the right to construct another canal across Colombian territory which shall communicate the two oceans. Should the grantees wish to construct a railroad as an auxiliary to the canal, the Government, with the exception of existing rights, can not grant to any other company or individual the right to build another interoceanic railroad, nor do so itself during the time allowed for the construction and use of the canal.

Third. The necessary studies of the ground and the route for the line of the canal shall be made at the expense of the grantees by an international commission of individuals and competent engineers, in which two Colombian engineers shall take part. The commission shall determine the general route of the canal and report to the Colombian Government directly, or to its diplomatic agents in the United States or Europe, upon the results obtained, at the latest in 1881, unless unavoidable circumstances clearly proven should prevent their so doing. The report shall comprise in duplicate the scientific labors performed and an estimate of the projected work.

Fourth. The grantees shall then have a period of two years to organize a universal joint stock company, which shall take charge of the enterprise and of the construction of the canal. This term shall commence from the date mentioned in the preceding paragraph.

Fifth. The canal shall be finished and placed at the public service within the subsequent twelve years after the formation of the company which will undertake its construction, but the executive power is authorized to grant a further maximum term of six years in the case of encountering superhuman obstacles beyond the power of the company, and, if after one-third of the canal is built, the company should acknowledge the impossibility of concluding the work in the said twelve years.

Sixth. The canal shall have the length, depth, and all other conditions requisite in order that sailing vessels and steamships measuring up to 140 meters long, 16 meters in width, and 8 meters in draft shall, with lowered topmast, be able to pass the canal.

Seventh. All public lands which may be required for the route of the canal, the ports, stations, wharves, moorings, warehouses, and in general for the construction and service of the canal as well as for the railway, should it be convenient to build it, shall be ceded gratis to the grantees.

Eighth. These unoccupied public lands shall revert to the Government of the Republic with the railroad and canal at the termination of this privilege; there is also granted for the use of the canal a belt of land 200 meters wide on each side of its banks throughout all the distance which it may run, but the owners of lands on its banks shall have free access to the canal and its ports as well as to the right of use of any roads which the grantees may open there; and this without paying any dues to the company.

Ninth. If the lands through which the canal shall pass, or upon which the railroad may be built, should, in whole or in part, be private property, the grantees shall have the right to demand their expropriation by the Government according to all the legal formalities in such cases. The indemnity which shall be made to the landowners, and which shall be based on their actual value, shall be at the expense of the company. The grantees shall enjoy in this case, and in those of temporary occupation of private property, all the rights and privileges which the existing legislation confers.

Tenth. The grantees may establish and operate at their cost the telegraph lines which they may consider useful as auxiliaries in the building and management of the canal.

Eleventh. It is, however, stipulated and agreed that if, before the payment of the security determined upon in article 2, the Colombian Government should receive any formal proposal, sufficiently guaranteed, in the opinion of the said Government, to construct the canal in less time and under more advantageous conditions for the United States of Colombia, said proposal shall be communicated to the grantees or their representatives, that they may be substituted therein, in which case they shall be preferred; but if they do not accept such substitution, the Colombian Government, in the new contract which they may celebrate, shall exact, besides the guaranty mentioned in article 2, the sum of $300,000 in coin, which shall be given as indemnity to the grantees.

ART. 2. Within the term of twelve months from the date at which the international commission shall have presented the definite results of their studies the grantees shall deposit in the bank or banks of London, to be designated by the national executive power, the sum of 750,000 francs, to the exclusion of all paper money, as security for the execution of the work. The receipt of said banks shall be a voucher for the fulfillment of said deposit. It is understood that if the grantees should lose that deposit by virtue of the stipulations contained in clauses 2 and 3 of article 22 of the present contract, the sum referred to, with interest accrued, shall become in toto the property of the Colombian Government. After the conclusion of the canal, said sum, without interest, which latter will in this case belong to grantees, shall remain for benefit of the treasury, for the outlays which it may have incurred or may incur in the construction of buildings for the service of the public officers.

ART. 3. If the line of the canal to be constructed from sea to sea should pass to the west and to the north of the imaginary straight line which joins Cape Tiburon with Garachiné Point, the grantees must enter into some amicable arrangement with the Panama Railroad Company, or pay an indemnity, which shall be established in accordance with the provisions of law 46, of August 16, 1867, "approving the contract celebrated on July 5, 1867, reformatory of the contract of April 15, 1850, for the construction of an iron railroad from one ocean to the other through the Isthmus of Panama."

In case the international commission should choose the Atrato or some other stream already navigable as one of the entrances to the canal, the ingress and egress by such stream, and the navigation of its waters, so long as it is not intended to cross the canal, shall be open to commerce and free from all imposts.

ART. 4. Besides the lands granted in paragraphs 7 and 8 of article 1, there shall be awarded to the grantees, as an aid for the accomplishment of the work, and not otherwise, 500,000 hectares of public lands, with the mines they may comprise, in the localities which the company may select. This award shall be made directly by the national executive power. The public lands situated on the seacoast, on the borders of the canal or of the rivers, shall be divided in alternate lots between the Government and the company, forming areas of from one to two thousand hectares. The measurements for the allotment or locating shall be made at the expense of the grantees and with the intervention of Government commissioners. The public lands thus granted, with the mines they may hold, shall be awarded to the grantees as fast as the work of construction of the canal progresses, and in accordance with rules to be laid down by the executive power.

Within a belt of 2 myriameters on each side of the canal, and during five years after the termination of the work, the Government shall not have the right to grant other lands beyond the said lots until the company shall have called for the whole number of lots granted by this article.

ART. 5. The Government of the Republic hereby declares the ports at each end of the canal, and the waters of the latter from sea to sea, to be neutral for all time; and consequently, in case of war among other nations, the transit through the canal shall not be interrupted by such event, and the merchant vessels and individuals of all nations of the world may enter into said ports and travel on the canal without being molested or detained. In general, any vessel may pass freely without any discrimination, exclusion, or preference of nationalities or persons on payment of the dues and the observance of the rules established by the company for the use of the canal and its dependencies. Exception is to be made of foreign troops, which shall not have the right to pass without permission from Congress, and of the vessels of nations which, being at war with the United States of Colombia, may not have attained the right to pass through the canal at all times by public treaties wherein is guaranteed the sovereignty of Colombia over the Isthmus of Panama and over the territory whereon the canal is to be cut, besides immunity and neutrality of the said canal, its ports, bays, and dependencies and the adjacent seas.

ART. 6. The United States of Colombia reserves to themselves the right to pass their vessels, troops, ammunitions of war at all times and without paying any dues whatever. The passage of the canal is strictly closed to war vessels of nations at war, and which may not have acquired, by public treaty with the Colombian Government, the right to pass by the canal at all times.

ART. 7. The grantees will enjoy the right during the whole time of the privilege to use the ports at the termini of the canal, as well as intermediate points, for the anchorage and repair of ships, and the loading, depositing, transshipping, or landing of merchandise. The ports of the canal shall be open and free to the commerce of all nations, and no import duties shall be exacted, except on merchandise destined to be introduced for the consumption of the rest of the Republic. The said ports shall, therefore, be open to importations from the commencement of the work, and the custom-houses and the revenue service which the Government may deem convenient for the collection of duties on merchandise destined for other portions of the Republic shall be established, in order to prevent introduction of smuggled goods.

ART. 8. The executive power shall dictate, for the protection of the financial interests of the Republic, the regulations conducive to the prevention of smuggling, and shall have the power to station, at the cost of the nation, the number of men which they may deem necessary for that service.

Out of the indispensable officials for that service ten shall be paid by the company, and their salaries shall not exceed those enjoyed by employees of the same rank in the Barranquilla custom-house.

The company shall carry gratis through the canal, or on the auxiliary railway, the men destined for the service of the nation, for the service of the

State through whose territory the canal may pass, or for the service of the police, with the object of guarding against foreign enemies or for the preservation of public order, and shall also transport gratis the baggage of such men, their war materials, armament, and clothing which they may need for the service assigned to them.

The subsistence of the public force which may be deemed necessary for the safety of the interoceanic transit shall likewise be at the expense of the company.

ART. 9. The grantee shall have the right to introduce, free of import or other duties of whatever class, all the instruments, machinery, tools, fixtures, provisions, clothing for laborers, which they may need during all the time allowed to them for the construction and use of the canal. The ships carrying cargoes for the use of the enterprise shall enjoy free entry into whatever point shall afford them easy access to the line of the canal.

ART. 10. No taxes, either national, municipal, of the State, or of any other class, shall be levied upon the canal, the ships that navigate it, the tugs and vessels at the service of the grantees, their warehouses, workshops, and offices, factories of whatever class, storehouses, wharves, machinery, or other works or property of whatever character belonging to them, and which they may need for the service of the canal and its dependencies during the time conceded for its construction and operation. The grantees shall also have the right to take from unoccupied lands the materials of any kind which they may require without paying any compensation for the same.

ART. 11. The passengers, money, precious metals, merchandise, and articles and effects of all kinds which may be transported over the canal shall also be exempt from all duties, national, municipal, transit, and others. The same exemption is extended to all articles and merchandise for interior or exterior commerce which may remain in deposit, according to the conditions which may be stipulated, with the company in the storehouses and stations belonging to them.

ART. 12. Ships desiring to cross the canal shall present at the port of the terminus of the canal at which they may arrive their respective registers and other sailing papers prescribed by the laws and public treaties, so that the vessels may navigate without interruption. Vessels not having said papers, or which should refuse to present them, may be detained and proceeded against according to law.

ART. 13. The Government allows the immigration and free access to the lands and shops of the grantees of all the employees and workingmen, of whatever nationality, who may be contracted for the work, or who may come to engage themselves to work on the canal, on condition that such employees or laborers shall submit to the existing laws and to the regulations established by the company. The Government promises them support and protection and the enjoyment of their rights and guaranties, in conformity with the national constitution and laws, during the time they may sojourn on Colombian territory.

The national peons and laborers employed on the work of the canal shall be exempt from all requisition of military service, national as well as of the State.

ART. 14. In order to indemnify the grantees of the construction, maintenance, and working expenses incurred by them they shall have, during the whole period of the privilege, the exclusive right to establish and collect for the passage of the canal and its ports the dues for light-houses, anchorage, transit, navigation, repairs, pilotage, towage, hauling, storage, and of station, according to the tariff which they may issue, and which they may modify at any time under the following express conditions:

First. They shall collect these dues, without any exceptional favor, from all vessels in like circumstances.

Second. The tariffs shall be published four months before their enforcement in the Diario Oficial of the Government, as well as in the capitals and the principal commercial ports of the countries interested.

Third. The principal navigation dues to be collected shall not exceed the sum of 10 francs for each cubic meter resulting from the multiplication of the principal dimensions of the submerged part of the ship in transit (length, breadth, and draft).

Fourth. The principal dimensions of the ship in transit—that is to say, the maximum exterior length and breadth at the water line, as well as the greatest draft—shall be the metrical dimensions inserted in the official clearance papers, excepting any modifications supervening during the voyage. The ships' captains and the company's agents may demand a new measurement, which operations shall be carried out at the expense of the petitioner; and,

Fifth. The same measurement—that is to say, the number of cubic meters contained in the parallelopipedon circumscribing the submerged part of the ship—shall serve as a basis for the determination of the other accessory dues.

ART. 15. By way of compensation for the rights and exemptions which are allowed to the grantees in this contract the Government of the Republic shall be entitled to a share amounting to 5 per cent on all collections made by the company, by virtue of the dues which may be imposed in conforming with article 14, during the first twenty-five years after the opening of the canal to the public service. From the twenty-sixth up to the fiftieth year, inclusive, it shall be entitled to a share of 6 per cent: from the fifty-first to the seventy-fifth, to 7 per cent, and from the seventy-sixth to the termination of the privilege, to 8 per cent. It is understood that these shares shall be reckoned, as has been said, on the gross income from all sources, without any deduction whatever for expenses, interest on shares or on loans, or debts against the company.

The Government of the Republic shall have the right to appoint a commissioner or agent, who shall intervene in the collections and examine the accounts, and the distribution or payment of the shares coming to the Government shall be made in due half-yearly installments. The product of the 5, 6 7, and 8 per cent shall be distributed as follows:

Four-fifths of it shall go to the Government of the Republic, and the remaining one-fifth to the government of the State through whose territory the canal may pass.

The company guarantees to the Government of Colombia that the share of the latter shall in no case be less than the sum of $250,000 a year, which is the same as that received as its share in the earnings of the Panama Railroad, so that if, in any year, the 5 per cent share should not reach said sum it shall be completed out of the common funds of the company.

ART. 16. The grantees are authorized to require payment in advance of any charges which they may establish; nine-tenths of these charges shall be made payable in gold, and only the remaining one-tenth part shall be payable in silver of 25 grammes, of a fineness of 900.

ART. 17. The ships which shall infringe upon the rules established by the company shall be subject to the payment of a fine which said company shall fix in its regulations, of which due notice shall be given to the public at the time of the issue of the tariff. Should they refuse to pay said fine, nor furnish sufficient security, they may be detained and prosecuted according to the laws. The same proceedings may be observed for the damages they may have caused.

ART. 18. If the opening of the canal shall be deemed financially possible, the grantees are authorized to form, under the immediate protection of the Colombian Government, a universal joint stock company, which shall undertake the execution of the work, taking charge of all financial transactions which may be needed. As this enterprise is essentially international, and for public utility, it is understood that it shall always be kept free from political influences.

The company shall take the name of "The Universal Interoceanic Canal Association;" its residence shall be fixed in Bogota, New York, London, or Paris, as the grantees may choose; branch offices may be established wherever necessary. Its contracts, shares, bonds, and titles of its property shall never be subjected by the Government of Colombia to any charges for registry, emission, stamps, or any similar imposts upon the sale or transfer of these shares or bonds, as well as on the profits produced by these values.

ART. 19. The company is authorized to reserve as much as 10 per cent of the shares emitted to form a fund of shares to the benefit of the founders and promoters of the enterprise. Of the products of the concern the company take, in the first place, what is necessary to cover all expenses of repairs, operations, and administration, and the share which belongs to the Government, as well as the sums necessary for the payment of the interest and the amortization of the bonds, and, if possible, the fixed interest or dividend of the shares; that which remains will be consided as net profit, out of which 80 per cent at least will be divided among the shareholders.

ART. 20. The Colombian Government may appoint a special delegate in the board of directors of the company whenever it may consider it useful to do so. This delegate shall enjoy the same advantages as are granted to the other directors by the by-laws of the company.

The grantees pledge themselves to appoint in the capital of the Union, near the National Government, a duly authorized agent for the purpose of clearing up all doubts and presenting any claims to which this contract may give rise. Reciprocally, and in the same sense, the Government shall appoint an agent, who shall reside in the principal establishment of the company situated on the line of the canal; and, according to the national constitution, the difficulties which may arise between the contracting parties shall be submitted to the decision of the Federal supreme court.

ART. 21. The grantees, or those who in the future may succeed them in their rights, may transfer these rights to other capitalists or financial companies; but it is absolutely prohibited to cede or mortgage them under any consideration whatever to any nation or foreign government.

ART. 22. The grantees, or their representatives, shall lose the right hereby acquired in the following cases:

First. If they do not deposit, on the terms agreed upon, the sum which by way of security must insure the execution of the work.

Second. If in the first year of the twelve that are allowed for the construction of the canal the works are not already commenced, in this case the company shall lose the sum deposited by way of security, together with the interest that may have accrued, all of which will remain for the benefit of the Republic.

Third. If at the end of the second period fixed in paragraph 5 of article 1 the canal is not transitable, in this case also the company shall lose the sum deposited as security; which, with the interests accrued, shall remain for the benefit of the Republic.

Fourth. If they violate the prescriptions of article 21; and,

Fifth. If the service of the canal should be interrupted for a longer period than six months without its being occasioned by the acts of God, etc.

In cases 2, 3, 4, and 5, the Federal supreme court shall have the right to decide whether the privilege has become annulled or not.

ART. 23. In all cases of decisions of nullity, the public lands mentioned in clauses 7 and 8 of article 1, and such lands as are not settled or inhabited from among those granted by article 4, shall revert to the possession of the Republic in the condition they may be found in, and without any indemnity whatever, as well as the buildings, materials, works, and improvements which the grantees may possess along the canal and its accessories. The grantees shall only retain their capital, vessels, provisions, and in general all movable property.

ART. 24. Five years previous to the expiration of the ninety-nine years of the privilege, the executive power shall appoint a commissioner to examine the condition of the canal and annexes, and, with the knowledge of the company or its agents on the Isthmus, to make an official report, describing in every detail the condition of the same and pointing out what repairs may be necessary. This report will serve to establish in what condition the canal and its dependencies shall be delivered to the National Government on the day of expiration of the privilege now granted.

ART. 25. The enterprise of the canal is reputed to be of public utility.

ART. 26. This contract, which will serve as a substitute for the provisions of law 33 of May 26, 1876, and the clauses of the contract celebrated on the 28th of May of the same year, shall be submitted for the approval of the President of the union and the definite acceptance by the Congress of the nation.

In witness whereof they sign the present in Bogota, on the 20th March, 1878:

EUSTORGIO SALGAR.
LUCIEN N. B. WYSE.

BOGOTA, *March 23, 1878.*

Approved.
The President of the union:

AQUILEO PARRO.

The secretary of the interior and of foreign relations:

EUSTORGIO SALGAR.

By decree of Congress, May 17, 1878, approved May 18, 1878, the foregoing contract, with certain modifications in the original draft, was duly approved. In the foregoing translation of the contract the modifications introduced by this decree have been incorporated, for convenience, with the contract as originally signed, so that the translation represents the actual form of the contract as modified and finally approved by Congress.

NOTE FROM LUCIEN N. B. WYSE, WHEREIN HE DECLARES HE ACCEPTS ALL THE MODIFICATIONS MADE BY LAW 28 TO THE CONTRACT FOR THE CONSTRUCTION OF THE INTEROCEANIC CANAL.

To the Honorable Secretary of the Interior and Foreign Relations:

I have the honor to inform you that I accept each and all of the modifications introduced by Congress to the contract which I celebrated with Señor Eustorgio Salgar, your worthy predecessor in the department of the interior and foreign relations, for the construction of the interoceanic canal, which contract was approved by the executive power under date of March 24 last.

The modifications to which I have alluded are those recorded in law No. 28 of the 18th instant.

I hasten to lay this declaration before the Government of Colombia, so that it may be taken in consideration, in order that said law may be effective in all its parts.

Bogota, May 18, 1878.

LUCIEN N. B. WYSE,
Chief of the International Scientific Commission for the Survey of the Isthmus, Member and Delegate from the Board of Directors of the Interoceanic Canal Association.

Additional contract modifying that of March 23, 1878, approved by law 23 of the same year.

LAW 107 OF 1890. (DECEMBER 26)—EXTENSION OF TEN YEARS FOR THE OPENING OF THE INTEROCEANIC CANAL ACROSS COLOMBIAN TERRITORY.

THE CONGRESS OF COLOMBIA DECREES:

ONLY ARTICLE. The contract modifying that of March 23, 1878, for the opening of an interoceanic canal across Colombian territory, concluded between his excellency the minister of foreign affairs and Mr. Lucien N. B. Wyse, special representative of the receiver of the Compagnie Universelle du Canal de Panama, is approved in all its parts, which contract is literally as follows:

Antonio Roldan, minister of foreign affairs, duly authorized by his excellency the President of the Republic, hereinafter called the "Government," of the one part, and Lucien N. B. Wyse, naval commander, engineer, original concessionary of the interoceanic canal, and special delegate of the receiver of the Compagnie Universelle du Canal de Panama, under powers of attorney executed at Paris May 16, 1890, hereinafter called the "concessionary," of the other part, have agreed to modify the contract of March 23, 1878, for the opening of an interoceanic canal across Colombian territory, approved by law 23 of the same year, in accordance with the following stipulations:

ARTICLE FIRST. The Government grants to the receiver of the Compagnie Universelle du Canal de Panama an extension of ten years within which the canal is to be finished and put in public operation; the said extension is consented to, subject to the following conditions:

First. The concessionary agrees to transfer all the plant of the company in liquidation to a new company, which shall undertake the completion of the work of the interoceanic canal.

Second. The new company shall be formally organized with a capital sufficient for this purpose, and shall resume the work of excavation in a serious and permanent manner not later than February 23, 1893.

Third. The concessionary, or his successors, shall furnish monthly to the National Government at Panama the sum of ten thousand (10,000) piastres, in Colombian coin of 0.835, for the maintenance of two hundred and fifty (250) men of the military garrison of the Department of Panama, whom the Government undertakes to assign for the preservation of order and for the security of the line of the canal during the work of excavation and upon its termination for the protection of interoceanic transit.

In case the company should have need of a greater number of men of the public forces, the Government will assign them to said service, taking them from the military garrison of the Department, but the additional expense occasioned by this increase, reckoned upon the basis already established, shall also be borne by the company.

The company binds itself to furnish places set apart for the occupancy of the troops upon points on the line at which the Government has none of its own. The last part of article 8 of the original contract for the privilege is modified in these respects.

Fourth. The navigation of the lakes which may form part of the canal shall be free to small vessels, in accordance with the regulations which the company may prescribe for this purpose. The latter shall not be responsible for the inherent risks of this navigation. The internal regulation of the lakes shall be settled by the Goverment at the proper time, taking into account the general interests of the enterprise.

Fifth. The company binds itself to reestablish public transit at the mouth of the Rio Grande by means of bridges or boats, as it shall consider most practicable, and if, in consequence of the number of vessels, passage should become hereafter too difficult, the company shall reestablish it between Emperador and Arraijan to the satisfaction of the Government.

ARTICLE SECOND. Beside the public lands granted gratis by the contract of 1878, the expropriation of lands, buildings, and plantations which shall prove necessary to the canal and its dependencies shall be made by the Government on account of the company, in conformity with the 9th condition of article first of the aforesaid contract, approved by law 23 of 1878.

Such expropriations shall be made with all speed which the legislation of the country upon the subject permits. The expropriated real estate shall be immediately delivered over to the concessionary or his successors.

ARTICLE THIRD. The Government also undertakes to take the necessary steps for restoring to the new company the complete enjoyment of the lands belonging to the company in liquidation unlawfully occupied by private persons, and to procure a judicial decree that all persons who, without previous consent, shall have built or planted upon the lands bought by the company in liquidation for the purpose of works of excavation, installation, and unloading shall have no right to any indemnity.

ARTICLE FOURTH. As compensation for the services which the Government agrees to render, in accordance with the two preceding articles, the concessionary, or his successors, shall pay to the Government ten million (10,000,000) francs in gold, and shall issue to it, gratis, in addition, five million (5,000,000) francs in ten thousand (10,000) dividend-bearing shares of the new company of five hundred (500) francs each, full paid, having the right to no other dividends than those which are declared on ordinary shares; the said ten thousand (10,000) shares shall remain attached to their respective stubs until the other shares shall be full paid; but, upon notice to the company, the Government shall have the power, when it shall see fit, to assign or pledge them.

The ten million (10,000,000) francs to which this article refers shall be paid by the concessionary, or by his successors, in five (5) equal annual installments; the first being paid three (3) months after the new company for the completion of the canal shall be fully organized, in conformity with the second condition of article first. From this sum shall be deducted two million five hundred thousand (2,500,000) francs, as well as the interest accrued up to the date of the present contract, which the Government owes to the company in liquidation for the loan of 1883, the deduction being made, in the first place, for the purpose of fixing the amount of the five (5) installments just mentioned. By this payment the said loan shall be finally discharged.

ARTICLE FIFTH. A special member, whom the Government has the right to appoint in the company's board of directors, in conformity with article 20 of the contract in force, shall enjoy in the new company to be organized for the completion of the canal the same advantages and compensation granted to the other directors by the charter of the company, but neither the said appointee nor the official agent of the Government residing in the Isthmus shall make any publication relative to the company without the express authorization of the Government.

ARTICLE SIXTH. If the new company for the completion of the canal shall not be organized, and if the work of excavation on the canal shall not be resumed within the period fixed by the second condition of article first, the contract in force shall lapse and the Republic shall enter into the possession and enjoyment, without the necessity of a previous judicial decree and without indemnity, of the works of the canal and its annexes, which revert to it in accordance with article third of the contract of 1878.

Sec. 1st. It is understood that the contract shall also lapse; and the provisions of this article shall become applicable if, the company for the completion of the canal not being organized before February 23, 1893, the legal representative of the Compagnie Universelle du Canal Interocéaniquo, or his successors, abandon the maintenance of the works, plant, and buildings now existing upon the Isthmus and belonging to the company.

Sec. 2nd. The maintenance of the property enumerated in the preceding paragraph shall be considered abandoned when the legal representative of the Compagnie Universelle du Canal Interocéanique, in liquidation, or his successors, shall discharge the force of employees which he now has on the Isthmus, or shall cease to make the necessary expenditure for preventing the loss or deterioration of the said property.

Sec. 3rd. It is moreover understood that the buildings, plant, works, and improvements which are to become the property of the Republic under the circumstances provided in this article, and in conformity with article 23 of the contract of 1878, shall be inalienable, and are to be in good condition, subject to deterioration arising from use, from unavoidable causes, or from accident.

ARTICLE SEVENTH. As soon as the company for the completion of the canal shall be legally organized, and shall have resumed the work in conformity with the provisions of the second condition of article first of this contract, the Government shall assign to it in the Department of Panama the two hundred and fifty thousand (250,000) hectares of public lands to which it has been already declared by decisions of the executive power to be entitled, and shall issue to it the respective patents, provided that the legal formalities in the premises be accomplished on the part of the company.

ARTICLE EIGHTH. The security of seven hundred and fifty thousand (750,000) francs deposited by the canal company in accordance with article second of the contract in force shall be maintained as a guaranty for the fulfillment of the obligations arising from the said contract, and of those assumed by the concessionary under the provisions of the present contract.

ARTICLE NINTH. All rights and obligations created by the contract of March 23, 1878, for the opening of an interoceanic canal across Colombian territory, approved by law 23 of the same year, shall continue in full force and vigor without other restrictions and modifications than those contained in the present contract.

ARTICLE TENTH. In order that the present contract may have full force and effect, it shall be submitted to the approval of His Excellency the President of the Republic, and to that of Congress.

Done in duplicate at Bogota, the 10th day of December, 1890.

ANTONIO ROLDAN.
LUCIEN N. B. WYSE.

APPENDIX D.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF NICARAGUA PROVIDING FOR THE CONSTRUCTION OF AN INTEROCEANIC CANAL ACROSS THE TERRITORY OF NICARAGUA.

The United States of America and the Republic of Nicaragua recognizing the importance of an interoceanic communication across the Isthmus at Nicaragua which shall bring into close communication the ports of North and South America, and shall facilitate commerce between Europe and the ports of the Pacific, between the eastern ports of Asia and the Atlantic seaboard, and the ports of the United States on the Pacific and Atlantic, have agreed for this purpose to build a canal, and to that end to conclude a treaty, and have accordingly named as their respective plenipotentiaries the President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States of America, and the President of Nicaragua, General Joaquin Zavala, ex-president of the Republic of Nicaragua, who, after communicating to each other their full powers, found in due and proper form, have agreed upon the following articles:

ARTICLE I. The canal shall be built by the United States of America and owned by them and the Republic of Nicaragua, and managed as hereinafter provided.

ART. II. There shall be perpetual alliance between the United States of America and the Republic of Nicaragua, and the former agree to protect the integrity of the territory of the latter.

ART III. A practicable ship canal for vessels of the largest size now commonly used in commerce shall be commenced by the United States and be prosecuted to as speedy conclusion as circumstances may permit, subject to the limitation provided in Article XX of this convention. This canal shall follow what may be decided to be the most available route from ocean to ocean; and the United States in building the canal shall enjoy the fullest liberty in its construction, and in its location, and that of its dependencies, accessories, and works, as well as in the selection of entrance ports.

Should it be found necessary or desirable to leave the bed of the San Juan River at any point and to construct a lateral canal the Government of Nicaragua reserves the right to require the establishment of a lock communication for vessels of 6 feet draft and 160 feet length, between the lower part of the river and that part used for the canal; but the Government of Nicaragua will advise the United States of its wishes in this regard so soon as work shall be begun in the river, and it is expressly stipulated that Nicaragua alone shall be responsible for the maintenance and operation of this communication, and for the navigable condition of the lower river.

ART. IV. For the purpose of carrying out this agreement the Republic of Nicaragua agrees to give the United States free use of Lake Nicaragua, to furnish, free of cost, all the spaces necessary to the construction, maintenance, use, and enjoyment of the canal, and for any probable future enlargement thereof, whether these spaces be upon the dry land, in the lakes and upon their islands, in the rivers and upon their islands, or at the ports and roadsteads of the two oceans, together with their surroundings and declivities, and all the spaces required for the deposit of materials from excavations and cuttings, from the overflow arising from dams in the rivers, for all deviations of streams from their channels, as well as for reservoirs, dikes, piers, docks, spaces about locks, for lights, beacons, storehouses, machine shops, buildings, and for whatever other thing necessary, and, in short, all lands, waters, and places within the Republic of Nicaragua required for the construction, maintenance, use, and business of the canal, including a railway, from one terminus of the canal to the other, substantially parallel to and near the bank of the canal and along the southern shore of Lake Nicaragua, together with a telegraph line, should the United States decide to construct either said railway or telegraph line, or both, which shall be regarded for all purposes of this treaty as part of the canal so long as they are maintained.

ART. V. The work shall be declared one of public utility, and for the purposes of building and operating the canal, railway, and telegraph line, the Republic of Nicaragua undertakes to expropriate lands belonging to individuals. Any private property and real estate actually held by individuals or corporations which shall be taken or used by the United States for the construction of the canal or its accessories, or for their maintenance, shall be so taken upon condemnation and appraisement of the value of such property, and the Government of the United States will pay to the owners thereof the value fixed by a commission of assessors comprising three members, one of whom shall be appointed by the President of the United States, one by the President of Nicaragua, and the third to be chosen by these two jointly.

The United States or the board of managers hereafter provided for, as the case may be, shall have the right to take from the public lands of Nicaragua any materials whatever needed for the construction, preservation, maintenance, and use of the canal, and of its ports, dependencies, accessories, and

equipments. When materials are taken from private lands the United States or the said board of managers shall enjoy in their use all the rights the Republic of Nicaragua enjoys by law and usage.

As to the contract of the Government of Nicaragua with Mr. F. A. Pellas, relating to steam navigation, that Government engages that the said contract shall not be considered applicable to the necessary operations of either party to this convention in constructing or operating the canal, or any part of it, during the time the contract has yet to run, this exemption to include necessary canal work and transportation on Lake Nicaragua and the rivers of the Republic; further, the said Government of Nicaragua agrees that should the Government of the United States, during the period the said contract has yet to run, find it advisable to purchase the franchise, property, and rights now held by said Pellas by virtue of said contract, the said franchise, property, and rights shall be expropriated by the same form and under the same conditions as are fixed in this article for the expropriation of other private property.

Should the United States in the construction of the said works find it necessary to occupy any lands belonging to the Republic, they shall have the right to do so free of charge during such temporary occupation, and the land so occupied, if sold or otherwise alienated, shall be conveyed with the reservation of this temporary right of occupation by the United States.

ART. VI. The United States shall have the right throughout the extent of the canal, and of its accessories, dependencies, and adjuncts, as well as at its mouths on both oceans, and in the lake and rivers which the canal route may traverse, and that may be used in any manner in connection with the canal construction, to enter upon work of any kind whatsoever deemed necessary by the engineers for the construction of a safe, effective, durable, and speedy route for the transit of vessels from ocean to ocean, without let or hindrance of any kind from the Government or people of the Republic of Nicaragua; and also for the construction of the said railway and telegraph line.

ART. VII. A strip of territory 2½ English miles in width, the middle of this strip to coincide with the center line of the canal, and also a strip 2½ miles wide around the southern end of the lake where the lake is used as a water course for the canal, as well as a strip 2½ miles wide along the river where the river is used as a part of the canal, shall be set aside for the work and owned by the two contracting parties, and where the railway and telegraph line aforesaid may of necessity pass beyond the bounds of such strip of land a plot one-half of a mile in width, whose center line shall coincide with the railway outside of the belt reserved for the canal, shall also be so set aside and owned. And all the land in this article referred to shall be subject to the agreement hereinbefore made as to lands, when owned by the State or by private individuals, necessarily used in the prosecution of the work; but the said lands in this article described shall not include towns, villages, or cities now in existence. In such case only that part shall be considered as embraced in this article as is absolutely essential to the economical prosecution or administration of the work. Over these strips in time of peace Nicaragua shall exercise civil jurisdiction, and its inhabitants shall not in any way be considered as impaired in their rights as citizens of the Republic.

ART. VIII. No custom-house tolls or other taxes or impositions of any sort or kind shall be levied by the Government of Nicaragua upon any vessels passing the canal, their cargoes, stores, passengers, crews, or baggage, or for unloading, loading, docking, or repairing vessels, it being the intent of this agreement that vessels, their cargoes, passengers, and crews, shall pass the canal free of any charge other than that imposed upon them by the two Governments in their capacities as owners of the work. Nicaragua may, however, provide a police system along the line of the canal to keep the peace and to prevent smuggling into her territory, the reasonable cost of which, as approved from time to time by the board of managers, shall be a charge upon the revenues of the canal.

The board of managers shall have the right to discharge and reload ships in transit, at such points as may be convenient, in order to make repairs, or to lighten the vessel, or to shift cargo, by reason of any cause rendering any of these acts necessary, or may transship cargo without being subject to search, exactions, duties, or taxes of any kind; but before beginning such operations notice thereof must be given to the nearest customs authority.

ART. IX. The Government of the Republic of Nicaragua, in conformity with the laws, shall lend its protection to the engineers, contractors, agents, employees, and laborers employed in the construction, maintenance, and management of the canal and its accessories, and they shall be wholly exempt from military requisitions and forced loans; but if any such persons shall acquire real estate outside the strips provided for in Article VIII hereof they shall be subject to the taxes fixed by law.

The Government of Nicaragua guarantees to the canal and its accessories, and to its agents of all classes, security under the laws of the country against domestic acts of hostility, in the same degree as in the case of other inhabitants, employing all its powers for their protection.

ART. X. All contracts for the construction, maintenance, and management of the canal and its accessories may be enforced according to the laws of Nicaragua and the provisions of this convention.

ART. XI. The canal and its accessories and dependencies of every kind shall be exempt, in peace and in war, from every form of taxation upon real or personal property acquired in virtue of this convention, and from every form of direct or indirect taxation, contributions, local taxes, or other dues in respect to the ownership and use of the canal and its accessories, or of the buildings, or constructions, or equipments, or appliances appertaining thereto, or to the ports and maritime establishments thereof anywhere in the Republic, and upon the lands set aside for the purposes of the canal and its accessories.

The Republic of Nicaragua binds itself not to establish tonnage dues, anchorage, light, wharf, or pilot dues, or charges of any class whatsoever upon vessels of whatever kind, or upon merchandise, or crews, or passengers, or gold or silver, or diamonds, or anything traversing the canal, all such dues being for the benefit of the two Governments in their capacity as joint owners and managers of the canal and its accessories; but merchandise, loaded or unloaded in any part of the canal or its accessories, coming from or destined to Nicaragua and intended for sale, shall pay dues for exportation or importation, fixed by the revenue laws of Nicaragua.

ART. XII. All articles necessary for the construction and repair of the canal and its accessories may be imported without duty or tax of any kind being laid thereon by the Government of Nicaragua, including such iron, steel, locomotives, cars, telegraph wires and instruments, tugs, dredges, and vessels or other things as may at any time be used in the construction, improvement, prosecution, or maintenance of the work, or in the maintenance or improvement of the same after its completion; and during the construction of the canal and its accessories, all supplies, whether personal or otherwise, except tobacco, spirits, or wines, used by those engaged in the work, shall be free of any customs or other tax, but no such supplies shall be permitted to be sold to those not actually engaged in the work, or to be smuggled into or sold in the interior.

All vessels in the service of the canal and its accessories, with their equipments and outfits, arriving at any port of Nicaragua from any point whatever, shall be free of all duties and port charges.

ART. XIII. For and in consideration of the preceding articles the United States of America agree to furnish the money and to build the said canal and its accessories, including, if found advisable, the said railway and telegraph line, together with all docks, locks, machine shops, repair shops, annexes, machinery, feeders, etc., it being the intent of this agreement that the United States of America shall build and complete the canal, with everything appertaining thereto, for the safe and speedy passage of the vessels hereinbefore described, and for through communication between ocean and ocean, and such loading and repairing as may be necessary, at their sole cost and without expense to the Government of Nicaragua.

ART. XIV. The United States shall have exclusive control of the construction of the canal and railway and telegraph line if the same be built, and shall be invested with all the rights and powers necessary thereto. The management, care, and protection of the canal and its accessories, including the said railway and telegraph line if built, under the general supervision of the two Governments, shall be intrusted to a board of managers, which shall consist of six members, three of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, should the Senate be in session; or, should the Senate not be in session, the three members shall be appointed by the President subject to confirmation by the Senate at its next session, and three by the Republic of Nicaragua.

Any vacancy which may occur among the members of the board appointed by the President of the United States shall be filled by the said President, in the manner provided in the United States for filling vacant Government offices, and any vacancy which may occur among the members of the board appointed by the President of Nicaragua shall be filled by the said President in the manner provided in Nicaragua for filling vacant Government offices. This board shall be designated as soon as the canal is ready for traffic, and shall determine all questions by a majority vote. The chairman of the board shall be one of the members appointed by the President of the United States and designated as chairman by him, and in case of a tie the chairman shall have an additional vote.

This board shall be intrusted with the general executive management of the canal and its accessories, including said railway and telegraph line when built, and of all matters relating to the maintenance or improvement thereof; shall fix the tolls and provide rules and regulations for the management thereof; their action shall be, however, at all times, subject to a joint direction by the Presidents of the two Republics, which they shall be bound to implicitly obey. The said board of managers shall have the right and power to levy and collect for steamers, ships, and vessels of every class entering the canal or the ports at the canal entrances, and for passengers, merchandise, and cargo of all kinds, transit, navigation, tonnage, light, and port dues, as well as for towage, storage, anchorage, wharfage, and hospital dues and all other like fees.

The Government of Nicaragua guarantees the enforcement of the regulation so adopted by the board of managers as if issued by the Government of Nicaragua.

The tolls hereinbefore provided shall be equal as to vessels of the parties hereto and of all nations, except that vessels entirely owned and commanded by citizens of either one of the parties to this convention and engaged in its coasting trade may be favored.

Nicaraguan vessels, using a portion only of the canal, shall pay proportionate tolls, and shall pay no tolls where the canal shall use any part of any existing navigable waterway.

ART. XV. The books and affairs of the said board of managers shall be subject to such inspection or examination as the President of either Republic shall at any time direct. The board of managers shall, on the 1st days of January, April, July, and October in each and every year, make to the President of each Republic a full and complete report of their transactions during the preceding quarter, and the President of either Republic may at any time call upon them for such other or further information as he may deem expedient.

The board of managers shall appoint and remove all officers engaged upon the canal and its accessories, including the railway and telegraph line, and may make regulations for the appointment and removal of all subordinate employees.

ART. XVI. All the proceeds of the canal and its accessories, including said railway and telegraph line, shall be applied:

First. To the maintenance and improvement, if found necessary, of the works, including the salaries of the board of managers and all officers and others employed.

Second. The balance shall be paid to the two Governments in the following proportions, viz, to Nicaragua, one-third, and to the United States, two-thirds.

Liquidation of the accounts of the board of managers and payment of the balances herein prescribed shall be effected quarterly, on the 1st days of January, April, July, and October in each and every year.

ART. XVII. The Government of Nicaragua grants to the United States during the construction of the canal and its accessories, and to the board of managers thereafter, the right to use any of the ports of the Republic open to commerce as places of refuge for the vessels in the service of the canal and its accessories, or for any other vessels whatever having the right to pass the canal and wishing to anchor in said ports, and these vessels shall be free of all dues or charges of any kind on the part of the Republic of Nicaragua.

ART. XVIII. The United States frankly disavow any intention to in any way seek to impair the independent sovereignty of Nicaragua, or to aggrandize themselves at the expense of that State or of any of her sister Republics in Central America; but, on the contrary, desire to strengthen the power of free republics on this continent, and to promote and develop their prosperity and independence. Pursuant to this wish they have united with Nicaragua in the construction of this work, which will be of advantage not only to the two nations most intimately concerned, but to all those with whom they are on terms of friendship.

ART. XIX. If, in virtue of any existing treaty between the Republic of Nicaragua and a third power, privileges or rights are stipulated in favor of such third power in respect of an interoceanic transitway which may not be compatible with the terms of the present convention, the Republic of Nicaragua engages to terminate such treaty in due form by giving to the said third power the stipulated notification within two months from the date of the exchange of the ratifications hereof; and if such treaty between Nicaragua and any third power contains no termination clause, the Republic of Nicaragua engages to procure its abrogation or modification so as not to conflict with the present compact, and the United States will use their good offices if need be to the end of effecting such abrogation or modification.

ART. XX. The United States of America engage to begin effective work on the canal within two years from the exchange of ratifications of this treaty, and to complete the canal within ten years after beginning it, in default of which this treaty shall become inoperative: *Provided, however*, That should there arise insuperable obstacles to retard the work during this term it shall be prolonged in proportion to the time lost by reason of such obstacles. And further, if at the expiration of the said ten years the canal shall not be open to commerce between the two oceans, then, in consideration of the large capital invested in the work and of the good faith and ability shown, as well as of the difficulties encountered, the Republic of Nicaragua binds itself to extend this period so far as it is just and necessary.

ART. XXI. Any difficulties between the parties hereto shall be submitted

to the arbitration of a friendly power, if one can be agreed upon; or, failing such agreement, each party shall request a friendly nation to name an arbitrator, and the arbitrators thus named shall select a third. The decision of the arbitrating power, or a majority of the board of arbitrators, as the case may be, shall be final and conclusive.

ART. XXII. The United States will aid by their good offices, if desired, in securing the union of the five Central American Republics under one representative government, and the reorganization of the said Republics in one nationality being accomplished, the Central American Republics shall have the same rights and bear the same obligations as Nicaragua has and bears by virtue of this treaty.

ART. XXIII. It appearing that the financial condition of Nicaragua is prosperous, that the Republic is without incumbrance of debt, and that the Government finds it necessary to finish as soon as possible certain railways within the Republic, to extend its telegraph line, and to improve the navigation of the river San Juan, which enterprises will be of aid to the canal and favorable to its speedy construction and successful operation, the Government of the United States agrees to loan to the Government of Nicaragua the sum of $4,000,000 to be applied to the above-enumerated projects. Of this amount $1,000,000 shall be paid in the city of Washington within ninety days after the exchange of the ratifications of this convention, and the remaining $3,000,000 in installments of $500,000 each every six months thereafter until the whole amount shall have been paid; but a failure to pay any of these sums from accident or nonaction of Congress at the exact dates herein specified, such payments being made thereafter in good faith, shall not be held as affecting in any way the other engagements of this convention.

The Government of Nicaragua agrees that the Government of the United States shall be credited with and receive the share of Nicaragua in the net revenues of the canal to be applied to the payment of this loan until it shall have been entirely extinguished with the interest thereon at 3 per cent per annum from the dates when the several sums shall be received by Nicaragua, and the Republic of Nicaragua may vote yearly through its Congress an additional sum from the general revenues of the Republic to be applied to the payment of this loan and to aid in its speedy extinguishment.

And further, the Government of Nicaragua, assuming the repayment of said loan, binds itself to consider it, until extinguished, together with the interest thereon as hereinbefore provided, as a lien upon all rights of Nicaragua in the canal, its accessories and appliances, this lien to continue until the repayment of the sum so advanced with the interest, but the repayment is not to be exacted until ten years after the said canal shall have been completed and opened to commerce.

ART. XXIV. Neither of the parties to this convention shall sell, assign, or otherwise alienate or suffer itself to be deprived of its, or any part of its, interest, right, or property in or to the said canal, railway or telegraph line, should the same be built, or their or any other adjuncts or accessories or any of the works or establishments pertaining thereto without the consent of the other manifested by legislative enactment.

ART. XXV. This treaty is concluded subject to ratification by the proper constitutional authority of each party hereto and to the legislation by the appropriate legislative bodies of each which is necessary to carry it into effect. It shall be ratified as soon as possible, but within two years from its date, and the ratifications thereof shall be exchanged in the city of Washington within six months from the approval by the said legislative bodies of Nicaragua and of the United States of the present treaty.

In testimony whereof the undersigned plenipotentiaries have hereunto affixed their hands and seals.

Done in duplicate, in the English and Spanish languages, in Washington, this 1st day of December, in the year of our Lord, 1884.

FRED'K T. FRELINGHUYSEN. [SEAL.]
JOAQ'N ZAVALA. [SEAL.]

APPENDIX E.

Chap. 1302.—An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Be it enacted, etc., That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding $40,000,000, the rights, privileges, franchises, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on the Isthmus of Panama, and all its maps, plans, drawings, records on the Isthmus of Panama and in Paris, including all the capital stock, not less, however, than 68,863 shares of the Panama Railroad Company, owned by or held for the use of said canal company, provided a satisfactory title to all of said property can be obtained.

SEC. 2. That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than 6 miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal, of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals as may be agreed upon thereon as may be necessary to enforce such rules and regulations.

The President may acquire such additional territory and rights from Colombia as, in his judgment, will facilitate the general purpose hereof.

SEC. 3. That when the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section 1 hereof, and shall have obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in section 2 hereof, he is authorized to pay for the property of the New Panama Canal Company $40,000,000 and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

The President shall then, through the Isthmian Canal Commission hereinafter authorized, cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of the vessels passing through the same from ocean to ocean; and he shall also cause to be constructed such safe and commodious harbors at the termini of said canal, and make such provisions for defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

SEC. 4. That should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia and the rights mentioned in sections 1 and 2 of this act within a reasonable time and upon reasonable terms, then the President, having first obtained for the United States perpetual control by treaty of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, perpetual maintenance, operation, and protection of a canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, shall, through the said Isthmian Canal Commission, cause to be excavated and constructed a ship canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito, on the Pacific Ocean.

Said canal shall be of sufficient capacity and depth to afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also construct such safe and commodious harbors at the termini of said canal as shall be necessary for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of said harbors and canal; and such sum or sums of money as may be agreed upon by such treaty as compensation to be paid to Nicaragua and Costa Rica for the concessions and rights hereunder provided to be acquired by the United States are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

The President shall cause the said Isthmian Canal Commission to make such surveys as may be necessary for said canal and harbors to be made, and in making such surveys and in the construction of said canal may employ such persons as he may deem necessary, and may fix their compensation.

In the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That the sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated by either route so selected.

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this act. Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of $135,000,000 should the Panama route be adopted, or $180,000,000 should the Nicaragua route be adopted.

SEC. 6. That in any agreement with the Republic of Colombia, or with the States of Nicaragua and Costa Rica, the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SEC. 7. That to enable the President to construct the canal and works appurtenant thereto as provided in this act, there is hereby created the Isthmian Canal Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said canal unless sooner removed by the President, and one of whom shall be named as the chairman of said Commission. Of the seven members of said Commission at least four of them shall be persons learned and skilled in the science of engineering, and of the four at least one shall be an officer of the United States Army, and at least one other shall be an officer of the United States Navy, the said officers respectively being either upon the active or the retired list of the Army or of the Navy.

Said commissioners shall each receive such compensation as the President shall prescribe until the same shall have been otherwise fixed by the Congress. In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this act shall be fixed by said Commission, subject to the approval of the President. The official salary of any officer appointed or employed under this act shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act.

Said Commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such other periods as may be required, either by law or by the order of the President, full and complete reports of all their actings and doings and of all moneys received and expended in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to Congress; and the said Commission shall furthermore give to Congress, or either House of Congress, such information as may at any time be required either by act of Congress or by the order of either House of Congress. The President shall cause to be provided and assigned for the use of the Commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof.

SEC. 8. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by this act (such proceeds when received to be used only for the purpose of meeting such expenditures), the sum of $130,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of $20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after ten years from the date of their issue, and payable thirty years from such date, and bearing interest payable quarterly in gold coin at the rate of 2 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

Approved June 28, 1902.

Mr. MORGAN. I move the reference of the concurrent resolution to the Committee on Foreign Relations.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I understand that some Senators desire to have a brief executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 26, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 25, 1904.

ASSAYER.

H. Smith Woolley, of Idaho, to be assayer of the United States assay office at Boise City, Idaho, to succeed John W. Cunningham, removed.

POSTMASTERS.

CALIFORNIA.

J. E. Olmsted to be postmaster at Petaluma, in the county of Sonoma and State of California, in place of James L. Dinwiddie. Incumbent's commission expired January 17, 1903.

COLORADO.

Paul J. Sours to be postmaster at Denver, in the county of Denver and State of Colorado, in place of John C. Twombly. Incumbent's commission expired January 23, 1904.

DELAWARE.

Charles C. Tomlinson to be postmaster at Delmar, in the county of Sussex and State of Delaware. Office became Presidential January 1, 1904.

GEORGIA.

A. I. Haynes to be postmaster at Wrightsville, in the county of Johnson and State of Georgia. Office became Presidential January 1, 1904.

ILLINOIS.

Joseph H. Hunt to be postmaster at Byron, in the county of Ogle and State of Illinois. Office became Presidential January 1, 1904.

William A. McKnight to be postmaster at Alexis, in the county of Warren and State of Illinois, in place of William A. McKnight. Incumbent's commission expires January 29, 1904.

INDIANA.

Edward C. Faith to be postmaster at Washington, in the county of Daviess and State of Indiana, in place of Frank I. Sefrit, resigned.

IOWA.

Walter M. Cousins to be postmaster at Alden, in the county of Hardin and State of Iowa, in place of Charles L. Hartinger. Incumbent's commission expired January 17, 1904.

MAINE.

George R. Foster to be postmaster at Lisbon Falls, in the county of Androscoggin and State of Maine, in place of George R. Foster. Incumbent's commission expired January 18, 1904.

Rufus C. Reed to be postmaster at Damariscotta, in the county of Lincoln and State of Maine, in place of Rufus C. Reed. Incumbent's commission expired January 18, 1904.

MASSACHUSETTS.

George P. Bliss to be postmaster at Florence, in the county of Hampshire and State of Massachusetts, in place of George P. Bliss. Incumbent's commission expires February 2, 1904.

MICHIGAN.

Frank A. Peavey to be postmaster at Upton Works, in the county of St. Clair and State of Michigan, in place of Frank A. Peavey. Incumbent's commission expires February 2, 1904.

MISSOURI.

John N. Bishop to be postmaster at Ironton, in the county of Iron and State of Missouri, in place of John N. Bishop. Incumbent's commission expired February 14, 1903.

William C. Gardner to be postmaster at Billings, in the county of Christian and State of Missouri. Office became Presidential January 1, 1904.

George E. Muns to be postmaster at Montgomery City, in the county of Montgomery and State of Missouri, in place of Eugene B. Pegram. Incumbent's commission expired January 3, 1904.

NEBRASKA.

Joshua H. Evans to be postmaster at Callaway, in the county of Custer and State of Nebraska. Office became Presidential January 1, 1904.

NORTH CAROLINA.

John S. Hasty to be postmaster at Monroe, in the county of Union and State of North Carolina, in place of John S. Hasty. Incumbent's commission expired April 4, 1902.

Samuel M. Jones to be postmaster at Sanford, in the county of Moore and State of North Carolina, in place of Isaac H. Lutterloh. Incumbent's commission expired January 17, 1904.

PENNSYLVANIA.

C. V. L. McMinn to be postmaster at Newberry, in the county of Lycoming and State of Pennsylvania, in place of George D. Leonard. Incumbent's commission expired January 18, 1904.

Robert H. Sloan to be postmaster at Clairton, in the county of Allegheny and State of Pennsylvania. Office became Presidential January 1, 1904.

SOUTH CAROLINA.

Elizabeth L. Bampfield to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina, in place of Elizabeth L. Bampfield. Incumbent's commission expires February 2, 1904.

TEXAS.

John B. Baker to be postmaster at Haskell, in the county of Haskell and State of Texas. Office became Presidential January 1, 1904.

David W. Barnhill to be postmaster at Uvalde, in the county of Uvalde and State of Texas, in place of David W. Barnhill. Incumbent's commission expired December 14, 1903.

Wesley J. Clarke to be postmaster at Dalhart, in the county of Dallam and State of Texas. Office became Presidential April 1, 1903.

David Doole, jr., to be postmaster at Brady, in the county of McCulloch and State of Texas. Office became Presidential January 1, 1904.

Carl E. Ericson to be postmaster at El Campo, in the county of Wharton and State of Texas, in place of Carl E. Ericson. Incumbent's commission expired December 14, 1903.

Alice S. Farmer to be postmaster at De Leon, in the county of Comanche and State of Texas. Office became Presidential January 1, 1904.

Henry C. Ford to be postmaster at Whitney, in the county of Hill and State of Texas. Office became Presidential January 1, 1904.

James Gipson to be postmaster at Coleman, in the county of Coleman and State of Texas, in place of James Gipson. Incumbent's commission expired December 14, 1903.

Andrew J. Harrison to be postmaster at Goldthwaite, in the county of Mills and State of Texas, in place of Andrew J. Harrison. Incumbent's commission expired December 14, 1903.

C. M. Hughs to be postmaster at Wharton, in the county of Wharton and State of Texas, in place of Christen S. Bodenhamer, removed.

William C. Hurley to be postmaster at Sulphur Springs, in the county of Hopkins and State of Texas, in place of William C. Hurley. Incumbent's commission expired December 14, 1903.

William H. King to be postmaster at Whitewright, in the county of Grayson and State of Texas, in place of William H. King. Incumbent's commission expired December 14, 1903.

Julius Laux to be postmaster at Flatonia, in the county of Fayette and State of Texas, in place of Julius Laux. Incumbent's commission expired December 14, 1903.

William N. Merritt to be postmaster at Nocona, in the county of Montague and State of Texas, in place of William N. Merritt. Incumbent's commission expired December 14, 1903.

Orion L. Niccolls to be postmaster at Marfa, in the county of Presidio and State of Texas. Office became Presidential October 1, 1903.

Frank H. Pierce to be postmaster at Laredo, in the county of Webb and State of Texas, in place of Frank H. Pierce. Incumbent's commission expired December 14, 1903.

Clarence V. Rattan to be postmaster at Cooper, in the county of Delta and State of Texas, in place of Clarence V. Rattan. Incumbent's commission expired December 19, 1903.

Isham Russell to be postmaster at Winnsboro, in the county of Wood and State of Texas, in place of Isham Russell. Incumbent's commission expired December 14, 1903.

Joel B. Sharpe to be postmaster at Brownsville, in the county of Cameron and State of Texas, in place of Joel B. Sharpe. Incumbent's commission expired December 14, 1903.

Harper Simpson to be postmaster at Edna, in the county of Jackson and State of Texas, in place of Harper Simpson. Incumbent's commission expired January 10, 1903.

John S. Snook to be postmaster at Caldwell, in the county of Burleson and State of Texas, in place of John S. Snook. Incumbent's commission expired December 14, 1903.

George H. Sparenberg to be postmaster at Big Spring, in the county of Howard and State of Texas, in place of George H. Sparenberg. Incumbent's commission expired December 14, 1903.

Charlie B. Starkie to be postmaster at Holland, in the county of Bell and State of Texas. Office became Presidential January 1, 1904.

George F. Taylor to be postmaster at Royse City, in the county of Rockwall and State of Texas. Office became Presidential January 1, 1904.

WEST VIRGINIA.

James F. Strother to be postmaster at Welch, in the county of McDowell and State of West Virginia. Office became Presidential October 1, 1901.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 25, 1904.

POSTMASTERS.

ARKANSAS.

Lulu V. Cox to be postmaster at Fordyce, in the county of Dallas and State of Arkansas.

John Edwards to be postmaster at Gurdon, in the county of Clark and State of Arkansas.

Adolphus G. Leming to be postmaster at Waldron, in the county of Scott and State of Arkansas.

ILLINOIS.

August J. Beger to be postmaster at Nauvoo, in the county of Hancock and State of Illinois.

Anna A. Buntin to be postmaster at Bushnell, in the county of McDonough and State of Illinois.

Eugene L'Hote to be postmaster at Milford, in the county of Iroquois and State of Illinois.

INDIAN TERRITORY.

Hubbard Ross to be postmaster at Fort Gibson, in the Cherokee Nation, Ind. T.

KANSAS.

B. L. Taft to be postmaster at Parsons, in the county of Labette and State of Kansas.

KENTUCKY.

John H. Hankla to be postmaster at Junction City, in the county of Boyle and State of Kentucky.

MARYLAND.

Richard E. Bouldin to be postmaster at Bel Air, in the county of Harford and State of Maryland.

NEBRASKA.

John H. Crowder to be postmaster at Gordon, in the county of Sheridan and State of Nebraska.

Williams T. Owens to be postmaster at Loup City, late Loup, in the county of Sherman and State of Nebraska.

Marion E. Richardson to be postmaster at Clarks, in the county of Merrick and State of Nebraska.

Daniel N. Wonder to be postmaster at Blue Springs, in the county of Gage and State of Nebraska.

NEW JERSEY.

William C. Howell to be postmaster at Blairstown, in the county of Warren and State of New Jersey.

Daniel M. Merchant to be postmaster at Morris Plains, in the county of Morris and State of New Jersey.

Thomas Moritz to be postmaster at Glenridge, in the county of Essex and State of New Jersey.

William G. Simpson to be postmaster at High Bridge, in the county of Hunterdon and State of New Jersey.

NEW MEXICO.

Charles O. Leach to be postmaster at Portales, in the county of Roosevelt and Territory of New Mexico.

NEW YORK.

Robert G. Anderson to be postmaster at Freeport, in the county of Nassau and State of New York.

Albert H. Clark to be postmaster at Silver Springs, in the county of Wyoming and State of New York.

Charles H. Cutler to be postmaster at Au Sable Forks, in the county of Essex and State of New York.

William J. Guthrie to be postmaster at Philadelphia, in the county of Jefferson and State of New York.

Thomas A. McWhinney to be postmaster at Lawrence, in the county of Nassau and State of New York.

Dudley S. Mersereau to be postmaster at Union, in the county of Broome and State of New York.

Charles H. Whitson to be postmaster at Briarcliff Manor, in the county of Westchester and State of New York.

NORTH DAKOTA.

Henry Engelter to be postmaster at New Salem, in the county of Morton and State of North Dakota.

Wallace Galehouse to be postmaster at Carrington, in the county of Foster and State of North Dakota.

Jens A. Lyngved to be postmaster at Esmond, in the county of Benson and State of North Dakota.

Edwin H. Wiper to be postmaster at Bowdon, in the county of Wells and State of North Dakota.

OKLAHOMA.

Charles D. Campbell to be postmaster at Apache, in the county of Caddo and Territory of Oklahoma.

VERMONT.

Mary W. Chase to be postmaster at Derby Line, in the county of Orleans and State of Vermont.

VIRGINIA.

William H. Mosby to be postmaster at Bedford City, in the county of Bedford and State of Virginia.

WEST VIRGINIA.

America M. Baldwin to be postmaster at St. Albans, in the county of Kanawha and State of West Virginia.

George M. Right to be postmaster at Belington, in the county of Barbour and State of West Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 25, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

CARRIAGES, ETC., USED BY THE STATE DEPARTMENT.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I submit a privileged report. I am instructed by the Committee on Expenditures in the State Department to report back the resolution (H. Res. 150) with a substitute therefor, which I send to the Clerk's desk, and I ask for its immediate consideration.

The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

Resolved, That the Secretary of State be, and he is hereby, requested to furnish to this House, at his earliest convenience, a statement showing the number of horses, carriages, and automobiles maintained at Government expense for the officials of his Department, together with a statement showing the cost of said horses, carriages, automobiles, and harness, the date of purchase, from what fund the payment was made, and the amount of wages paid to men acting as coachmen, footmen, and chauffeurs, whether carried on the rolls as such or in some other classification; also, the list of officials entitled to the use of said carriages and the date when such service was inaugurated.

Mr. KLUTTZ. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. I yield for a question.

Mr. KLUTTZ. Does that include automobiles?

Mr. ADAMS of Pennsylvania. Automobiles are included.

Mr. HITCHCOCK. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. ADAMS of Pennsylvania. I yield for a question.

Mr. HITCHCOCK. I would like to ask the chairman of the committee to offer an amendment to the resolution so as to make it apply to coachmen, footmen, and chauffeurs during the past calendar year. I would like to say that the resolution as originally drawn by me contained that clause, but as written out by my stenographer those words were omitted, and the omission of those words will leave a serious loophole for failure to get at the necessary information.

Mr. ADAMS of Pennsylvania. In reply I will state to the gentleman that I have no authority to accept that amendment; and I will state that this is precisely in the language of the resolutions of inquiry passed heretofore with reference to the other Departments and have received the commendation of the House.

Mr. HITCHCOCK. I would like to inquire whether it is in order for me to offer an amendment to the substitute.

The SPEAKER. Well, the gentleman from Pennsylvania has the floor.

Mr. ADAMS of Pennsylvania. And I decline to yield for an amendment.

The SPEAKER. The gentleman declines to yield for an amendment.

Mr. ADAMS of Pennsylvania. I demand the previous question on the resolution.

Mr. HITCHCOCK. Then I would like the yeas and nays on that question.

The SPEAKER. The gentleman demands the yeas and nays. The yeas and nays were ordered.

Mr. ROBINSON of Indiana. I would ask the Clerk to again report the resolution.

The SPEAKER. The Clerk will call the roll. Pending that, without objection, the resolution will be again reported.

The resolution was again reported.

Mr. HITCHCOCK. Now, Mr. Speaker——

The SPEAKER. The gentleman is not in order.

Mr. HITCHCOCK. I desire to make a parliamentary inquiry.

Mr. TAWNEY. A parliamentary inquiry.

The SPEAKER. The gentleman from Nebraska will state his parliamentary inquiry.

Mr. HITCHCOCK. I desire to know whether it would be in order for me to ask unanimous consent to present this amendment, and cut the matter short. If it is, I desire to ask unanimous consent.

Mr. PAYNE. Regular order.

The SPEAKER. The regular order is demanded. For what purpose does the gentleman from Minnesota rise?

Mr. TAWNEY. Are we to have a vote upon the resolution reported by the Committee on Foreign Affairs——

The SPEAKER. The regular order is demanded.

Mr. TAWNEY. Or the resolution which the gentleman offered as a substitute?

The SPEAKER. The vote is on ordering the previous question on the resolution reported by the Committee on Foreign Affairs——

Mr. ADAMS of Pennsylvania. The Committee on Expenditures in the State Department.

The SPEAKER (continuing). In lieu of the resolution referred to the committee. The Clerk will call the roll.

The question was taken; and there were—yeas 126, nays 100, answered "present" 9, not voting 147, as follows:

YEAS—126.

Acheson,	Draper,	Jones, Wash.	Overstreet,
Adams, Pa.	Dresser,	Kennedy,	Palmer,
Adams, Wis.	Driscoll,	Kinkaid,	Parker,
Allen,	Dwight,	Knapp,	Payne,
Ames,	Esch,	Knopf,	Pearre,
Babcock,	Fordney,	Kyle,	Perkins,
Bartholdt,	Foster, Vt.	Lafean,	Powers, Me.
Bates,	Fuller,	Littauer,	Powers, Mass.
Bede,	Gaines, W. Va.	Littlefield,	Reeder,
Beidler,	Gardner, Mass.	Longworth,	Rodenberg,
Bingham,	Gibson,	Loudenslager,	Scott,
Birdsall,	Gillett, Cal.	McCarthy,	Slemp,
Bishop,	Graff,	McCleary, Minn.	Smith, Pa.
Boutell,	Greene,	McCreary, Pa.	Southard,
Bowersock,	Grosvenor,	McLachlan,	Southwick,
Brown, Wis.	Hamilton,	McMorran,	Spalding,
Brownlow,	Haskins,	Mann,	Sperry,
Burke,	Hedge,	Marsh,	Stafford,
Burkett,	Hemenway,	Marshall,	Sterling,
Burton,	Henry, Conn.	Martin,	Stevens, Minn.
Butler, Pa.	Hepburn,	Miller,	Sulloway,
Calderhead,	Hildebrant,	Minor,	Tawney,
Campbell,	Hill, Conn.	Mondell,	Tirrell,
Conner,	Hinshaw,	Moon, Pa.	Townsend,
Currier,	Hitt,	Morgan,	Volstead,
Curtis,	Hogg,	Morrell,	Warnock,
Cushman,	Holliday,	Mudd,	Wilson, Ill.
Dalzell,	Howell, N. J.	Needham,	Woodyard,
Davidson,	Howell, Utah	Nevin,	Wright,
Davis, Minn.	Huff,	Norris,	Young.
Dick,	Hull,	Olmsted,	
Douglas,	Humphrey, Wash.	Otjen,	

NAYS—100.

Badger,	Gregg,	Lucking,	Shober,
Baker,	Griffith,	Macon,	Sims,
Bankhead,	Griggs,	Maddox,	Slayden,
Bartlett,	Gudger,	Moon, Tenn.	Small,
Benny,	Hamlin,	Padgett,	Smith, Ky.
Bowers,	Hardwick,	Page,	Smith, Tex.
Bowie,	Hay,	Patterson, N. C.	Snook,
Caldwell,	Henry, Tex.	Patterson, Tenn.	Spight,
Candler,	Hill, Miss.	Pierce,	Stephens, Tex.
Clark,	Hitchcock,	Pinckney,	Sullivan, N. Y.
Clayton,	Hughes, N. J.	Pou,	Sulzer,
Cochran,	Humphreys, Miss.	Randell, Tex.	Talbott,
Cowherd,	Hunt,	Ransdell, La.	Tate,
Davis, Fla.	James,	Rhea,	Taylor,
De Armond,	Johnson,	Richardson, Ala.	Thayer,
Denny,	Kitchin, Claude	Rider,	Thomas, N. C.
Dinsmore,	Kitchin, Wm. W.	Rixey,	Thompson,
Dougherty,	Kluttz,	Robinson, Ark.	Underwood,
Field,	Lamar, Mo.	Robinson, Ind.	Wade,
Finley,	Lester,	Russell,	Wallace,
Fitzpatrick,	Lever,	Ryan,	Webb,
Flood,	Lewis,	Shackleford,	Weisse,
Gaines, Tenn.	Lind,	Shafroth,	Williams, Ill.
Garber,	Little,	Sheppard,	Williams, Miss.
Garner,	Livernash,	Sherley,	Wynn.

ANSWERED "PRESENT"—9.

Adamson,	Deemer,	Kehoe,	Miers, Ind.
Brantley,	Jenkins,	Mahon,	Reid.
Cassingham,			

NOT VOTING—147.

Aiken,	Burleson,	Dayton,	Gillet, N. Y.
Alexander,	Burnett,	Dickerman,	Gillett, Mass.
Bassett,	Butler, Mo.	Dixon,	Glass,
Beall, Tex.	Byrd,	Dovener,	Goebel,
Bell, Cal.	Capron,	Dunwell,	Goldfogle,
Benton,	Cassel,	Emerich,	Gooch,
Bradley,	Cooper, Pa.	Evans,	Goulden,
Brandegee,	Cooper, Tex.	Fitzgerald,	Granger,
Breazeale,	Cooper, Wis.	Flack,	Harrison,
Brick,	Cousins,	Foss,	Haugen,
Brooks,	Croft,	Foster, Ill.	Hearst,
Broussard,	Cromer,	Fowler,	Hermann,
Brown, Pa.	Crowley,	French,	Hopkins,
Brundidge,	Crumpacker,	Gardner, Mich.	Houston,
Buckman,	Daniels,	Gardner, N. J.	Howard,
Burgess,	Darragh,	Gilbert,	Howell, Pa.
Burleigh,	Davey, La.	Gillespie,	Hughes, W. Va.
Hunter,	Loud,	Roberts,	Sullivan, Mass.
Jackson, Md.	Lovering,	Robertson, La.	Swanson,
Jackson, Ohio	McAndrews,	Rucker,	Thomas, Iowa
Jones, Va.	McCall,	Ruppert,	Trimble,
Kelliher,	McDermott,	Scarborough,	Vandiver,
Ketcham,	McLain,	Scudder,	Van Duzer,
Kline,	McNary,	Sherman,	Van Voorhis,
Lacey,	Mahoney,	Shiras,	Vreeland,
Lamar, Fla.	Maynard,	Shull,	Wachter,
Lamb,	Metcalf,	Sibley,	Wadsworth,
Landis, Chas. B.	Meyer, La.	Smith, Ill.	Wanger,
Landis, Frederick	Murdock,	Smith, Iowa	Warner,
Lanning,	Otis,	Smith, Samuel W.	Watson,
Lawrence,	Patterson, Pa.	Smith, Wm. Alden	Weems,
Legare,	Porter,	Smith, N. Y.	Wiley, Ala.
Lilley,	Prince,	Snapp,	Wiley, N. J.
Lindsay,	Pujo,	Southall,	Williamson,
Livingston,	Rainey,	Sparkman,	Wilson, N. Y.
Lloyd,	Richardson, Tenn.	Stanley,	Zenor.
Lorimer,	Robb,	Steenerson,	

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.

Mr. DEEMER with Mr. SHULL.

Until further notice:

Mr. CAPRON with Mr. GRANGER.

Mr. WARNER with Mr. BREAZEALE.

Mr. MAHON with Mr. HOUSTON.

Mr. LANNING with Mr. VANDIVER.

Mr. DOVENER with Mr. DAVEY of Louisiana.

Mr. WATSON with Mr. ZENOR.

Mr. WADSWORTH with Mr. LAMB.

Mr. SMITH of Iowa with Mr. STANLEY.

Mr. VAN VOORHIS with Mr. CASSINGHAM.

Mr. EVANS with Mr. GILLESPIE.

Mr. BRANDEGEE with Mr. LLOYD.

Mr. LOUD with Mr. LAMAR of Florida.

Mr. FREDERICK LANDIS with Mr. CROWLEY.

Mr. CASSEL with Mr. GOOCH.

Mr. BUCKMAN with Mr. GILBERT.

Mr. BRICK with Mr. MIERS of Indiana.

Mr. ALEXANDER with Mr. SPARKMAN.

Mr. BURLEIGH with Mr. BRANTLEY.

Mr. CROMER with Mr. GRIFFITH.

For one week from January 21:

Mr. LORIMER with Mr. SWANSON.

For one week from January 22:

Mr. CRUMPACKER with Mr. BURLESON.

For this day:

Mr. ROBERTS with Mr. KELLIHER.

Mr. FLACK with Mr. BENTON.

Mr. OTIS with Mr. JONES of Virginia.

Mr. SIBLEY with Mr. HARRISON.

Mr. DANIELS with Mr. BELL of California.

Mr. PORTER with Mr. AIKEN.

Mr. BROWN of Pennsylvania with Mr. CROFT.

Mr. DUNWELL with Mr. KEHOE.

Mr. VREELAND and Mr. HEARST.

Mr. CHARLES B. LANDIS with Mr. HOWARD.

Mr. GILLETT of Massachusetts with Mr. RICHARDSON of Tennessee.

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHIRAS with Mr. PUJO.

Mr. GARDNER of Michigan with Mr. GLASS.

Mr. FRENCH with Mr. EMERICH.

Mr. WM. ALDEN SMITH with Mr. MAYNARD.

Mr. SMITH of New York with Mr. BEALL of Texas.

Mr. WACHTER with Mr. MCNARY.

Mr. WILEY of New Jersey with Mr. WILSON of New York.

Mr. WEEMS with Mr. WILEY of Alabama.

Mr. WILLIAMSON with Mr. REID.

Mr. THOMAS of Iowa with Mr. VAN DUZER.

Mr. STEENERSON with Mr. TRIMBLE.

Mr. SAMUEL W. SMITH with Mr. SOUTHALL.

Mr. SMITH of Illinois with Mr. SCUDDER.

Mr. PRINCE with Mr. SCARBOROUGH.

Mr. METCALF with Mr. ROBERTSON of Louisiana.

Mr. MCCALL with Mr. RAINEY.

Mr. LOVERING with Mr. ROBB.

Mr. LILLEY with Mr. MAHONEY.

Mr. LAWRENCE with Mr. MCLAIN.

Mr. JENKINS with Mr. LIVINGSTON.

Mr. KETCHAM with Mr. LINDSAY.

Mr. HUNTER with Mr. LEGARE.

Mr. HUGHES of West Virginia with Mr. KLINE.

Mr. HERMANN with Mr. HOWELL of Pennsylvania.

Mr. HAUGEN with Mr. HOPKINS.

Mr. GOEBEL with Mr. FOSTER of Illinois.
Mr. GILLET of New York with Mr. GOLDFOGLE.
Mr. GARDNER of New Jersey with Mr. FITZGERALD.
Mr. FOWLER with Mr. BUTLER of Missouri.
Mr. FOSS with Mr. COOPER of Texas.
Mr. DARRAGH with Mr. BURNETT.
Mr. CROMER with Mr. BURGESS.
Mr. COUSINS with Mr. BROUSSARD.
Mr. COOPER of Wisconsin with Mr. BRUNDIDGE.
Mr. COOPER of Pennsylvania with Mr. MCANDREWS.
Mr. BROOKS with Mr. BASSETT.
Mr. WANGER with Mr. ADAMSON.
On this vote:
Mr. JACKSON of Maryland with Mr. SULLIVAN of Massachusetts.
Mr. MURDOCK with Mr. RUCKER.
Mr. LACEY with Mr. MCDERMOTT.

Mr. CASSINGHAM. Mr. Speaker, when my name was called I voted "no." I am paired with the gentleman from Ohio, Mr. VAN VOORHIS. I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. CASSINGHAM, and he answered "present," as above recorded.

The result of the vote was then announced as above recorded.

The resolution was agreed to.

On motion of Mr. ADAMS of Pennsylvania, a motion to reconsider the last vote was laid on the table.

LIMIT OF NAVIGATION OF THE OSAGE RIVER IN MISSOURI.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7620) defining the limit of navigation of the Osage River in the State of Missouri.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Osage River in the State of Missouri above the point where the south line of sections 15 and 16 in township 40 north, of range 22 west, of the fifth principal meridian, and in the county of Benton, State of Missouri, crosses said river, is hereby declared not to be a navigable stream, and shall be so treated by the Secretary of War and by all other authorities.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BURTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how this comes before the House?

Mr. HAMLIN. This bill, Mr. Speaker, only fixes the head of navigation of the Osage River. The river runs through the county of Benton, and is at that point very small. It has not been navigable for years, if it ever was, and the county seat of that county is on the banks of this river. A large part of the people live on the opposite side of the river. Under the present condition of things the county can not build bridges over the river, and they seek to fix the limit below the town, so that bridges can be built for their accommodation. There is a favorable report from the Secretary of War, and I certainly can not see that there can be any objection to the bill.

Mr. BURTON. I should like to ask the gentleman the distance at which these proposed bridges are to be located from the upper lock in the river?

Mr. HAMLIN. I can not give the distance, but it is a long distance from the mouth of the river, where it enters into the Missouri.

Mr. SHACKLEFORD. There is only one lock, let me say to the gentleman, in the Osage River, and that is something like 150 miles below the head of navigation, as asked for in this bill.

Mr. BURTON. Why is this method selected of declaring the river not to be navigable instead of bringing in a bill asking authority for the construction of bridges across the river at that place?

Mr. HAMLIN. As a matter of fact, the river is not navigable that high up. No large boat has passed up the river, neither can one pass, except perhaps once in ten years, when there is an overflow in the river. It is not navigable at all, and can not be made so. There is no disposition to make it so. If the river is declared not navigable at this place, the county can go on and build bridges across it for the benefit of the people.

Mr. BURTON. Railway bridges or highway bridges?

Mr. HAMLIN. Highway bridges for wagons and teams. The river is not navigable at this place, and, as a matter of fact, never has been.

Mr. DENNY. I would like to ask the gentleman if the river at this place is above Osceola?

Mr. HAMLIN. It is just below.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. HAMLIN, a motion to reconsider the last vote was laid on the table.

BRIDGE OVER THE MONONGAHELA RIVER.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5761) to authorize the Charleroi and Monessen Bridge Company to construct a bridge over the Monongahela River. This bill is a revival of the bill passed heretofore, and I ask unanimous consent that the part stricken out may be omitted and the part that is proposed to be legislated upon be read alone.

The SPEAKER. The Clerk will report the amendment in the shape of a substitute.

The Clerk read as follows:

That the act of Congress approved March 3, 1901, entitled "An act to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River," which act has expired by limitation, be, and is hereby, revived and reenacted.

SEC. 2. That section 7 of the said act is hereby amended to read as follows:

"SEC. 7. That this act shall be null and void unless the construction of such bridge shall be commenced within one year and completed within three years from March 3, 1904."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DALZELL. Mr. Speaker, this bill has been reported by the Committee on Interstate and Foreign Commerce.

Mr. HEPBURN. Mr. Speaker, I think there is no objection to this bill, as it will preclude all further bridges on the Monongahela River. After this the river will run through a channel covered substantially by bridges. [Laughter.]

Mr. DALZELL. Oh, no, Mr. Speaker; I want to say to my friend from Iowa that I have two or three more. [Laughter.]

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

DISTRICT DAY.

Mr. BABCOCK. Mr. Speaker, under the rules of the House I believe this is District day.

Mr. HULL. Mr. Speaker, before the gentleman proceeds, I wish to ask him if he is not willing to accept next Monday in place of to-day for the consideration of matters respecting the District, as I am very anxious to go on with the army appropriation bill, and want to finish it to-day, if possible.

Mr. BABCOCK. Mr. Speaker, I would say that we have quite a number of important measures which relate strictly to legislation in the District, but I am desirous of doing anything that will help forward the business of the House, and if I can get unanimous consent to use next Monday instead of to-day, I will be glad to concede to-day to the Committee on Military Affairs.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to substitute next Monday in lieu of to-day for District day. Is there objection?

There was no objection.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10670, the army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10670, the army appropriation bill, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For purchase of supplies for the Quartermaster's Department, including regular supplies, incidental expenses, barracks and quarters, transportation of the militia and its supplies, clothing and equipage, leases of land and damages of property, $600,000.

Mr. HULL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reported the amendment, as follows:

On page 13, line 13, after the word "Quartermaster's," insert the words "and Ordnance."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

Mr. HULL. I wish also, Mr. Chairman, to have a verbal correction made, to make the reading of the bill conform to the amendment which has just been passed. The word "Department" should be "Departments."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

The sum hereby appropriated for the expenses of the organized militia for such joint encampment, maneuvers, and field instruction shall be disbursed as, and for that purpose shall constitute, one fund; and the Secretary of War shall hereafter forward to Congress at its next session a detailed statement of the expenses of such encampments and maneuvers.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment, which I will send to the desk, and ask to have read.

The Clerk read as follows:

On page 13, line 25, after the word "maneuvers," insert "and said sum shall be so apportioned and expended as to prevent deficiencies therein."

Mr. HULL. Does the gentleman desire to be heard on that amendment? I do not think it ought to be adopted.

Mr. HEMENWAY. Mr. Chairman, I certainly approve the action of the Committee on Military Affairs, and evidently every Member of this House does, in putting in this provision which has just been read. As I understand it, prior to this time this sum was paid out of a general appropriation for the Army.

Mr. HULL. It was last year.

Mr. HEMENWAY. The Committee on Military Affairs, in place of allowing it to be paid in that way, specified the amounts that shall be used for this particular purpose. I fear that the purpose desired to be accomplished will be defeated unless that committee goes further and says that the sum shall be so apportioned as to prevent deficiencies. I think if the chairman of the Committee on Military Affairs will stop to think for a moment he will agree with me that, following the practice of these Departments, they will go ahead and create deficiencies for this item. I have no doubt it was the intention of the Committee on Military Affairs, when it reported this item and made this appropriation, to confine this particular service to the use of the appropriation which was made, and I simply seek now to confine the Department to it and to prevent them from creating deficiencies.

Mr. HULL. Mr. Chairman, I have full sympathy with the general idea of preventing deficiencies, and the idea of the Committee on Military Affairs, I think I can say, was to make the Department report in such detail the cost of the militia in connection with the Army at these general maneuvers that the whole country might have the information as to what these different maneuvers cost; but it is impossible for the Department, with the small experience they have had, to make an absolute statement that the amount here would cover what was necessary for next year. For instance, they have never had maneuvers on the Pacific slope. They expect next year to have maneuvers there, and there are very long distances over which troops must be transported. They expect to have maneuvers on the Atlantic slope, and I will state that the seaboard States have a larger number of militia than any other part of the country. Now, to tie them down so absolutely as that, where not one dollar of deficiency could be created, would, in my mind, be an injustice to the National Guard—not to the Regular Army, but to the National Guard—in this case where this idea is being started and from which the whole country expect so much.

I do not believe that there is any dollar expended that is worth as much to the country as the money expended in the instruction given to the citizen soldiery of the country—the National Guard. And while I sympathize with the proposition that Congress ought zealously to guard every appropriation, I do not believe it is wise in the beginning of this work to make the limitation proposed in the amendment of the gentleman from Indiana [Mr. HEMENWAY]; and I hope it will not be adopted.

Mr. HEMENWAY. Mr. Chairman, the urgent deficiency bill will be the next bill presented to this House for consideration. It is certainly annoying to Members of Congress who have to deal with these great bills—and it ought to be to the Committee on Military Affairs—when they have spent weeks in trying to ascertain what the different Departments of the Government need for a particular service, to have them come in with a great deficiency; in other words, paying no attention to the limit that Congress has undertaken to put upon the amount they can expend for that particular purpose, but going ahead and spending all the money they want to, and then coming in with a deficiency.

Unless we prevent these deficiencies Congress might just as well quit trying to thrash these matters out and simply say to the Departments, "Spend all the money you choose, and if we have not taken care of the matter in the regular appropriation bills we will take care of it on a deficiency bill."

Mr. PARKER. Will the gentleman allow me a question?

Mr. HEMENWAY. Yes, sir.

Mr. PARKER. Is there any considerable sum from the War Department or the branches of the War Department on the deficiency bill?

Mr. HEMENWAY. Oh, yes; from the War Department and every other department of the Government.

Mr. PARKER. The gentleman may be correct as to "every other department;" I am speaking about the War Department.

Mr. HEMENWAY. Oh, certainly; from the War Department we have deficiency after deficiency.

Mr. PARKER. In this bill?

Mr. HEMENWAY. Not on this bill, because in this bill the committee does not undertake to care for deficiencies. That is where the trouble comes.

Mr. PARKER. I mean on the deficiency bill you have just reported.

Mr. HEMENWAY. All the deficiencies come to the Committee on Appropriations. That committee takes care of the deficiencies for all the Departments of the Government.

Mr. PARKER. The gentleman does not understand me. I ask whether in the preparation of the present deficiency bill, which you are just about to bring before the House, you did not find that the War Department had, as a whole, kept within the appropriations?

Mr. HEMENWAY. Oh, no; not a single Department of the Government has kept within its appropriations. Every one of them is coming and asking for deficiencies.

I have no doubt that the Committee on Military Affairs gave this item careful study. They took it up and figured out how much money ought to be appropriated for these different items, and they have reported appropriations accordingly. Now, what I am seeking to do is to compel the Department to so expend this money as to keep within the appropriations and not to come back here at the next session of Congress asking for a deficiency. I have no doubt that when the urgent deficiency bill comes before the House we shall have the distinguished gentleman from Iowa [Mr. HULL] and other distinguished gentlemen on this floor wanting to know why this item and that item and the other item have been reported by way of deficiencies.

We do not want to appropriate for these deficiencies. We believe they ought to be discontinued. We believe that when Congress studies a matter out and says to a Department, "You may have so much money for that particular service," they ought to understand that when they have spent that much money they must stop and come back to Congress for an increase, if the appropriation has not been sufficient. Unless the practice of the Departments is made to conform to this idea, what is the use of our worrying here trying to figure out the amount of money necessary for the different Departments, if they can spend all the money they want and come in for more money by way of deficiencies? All that I seek to do is simply to have Congress say that the Department shall stand by the action of the Committee on Military Affairs and not spend any more money than Congress appropriates for this purpose.

Mr. HULL. The gentleman will allow me to ask whether he does not believe it better to have a small deficiency than a large surplus in the appropriation?

Mr. HEMENWAY. Never.

Mr. HULL. Never?

Mr. HEMENWAY. No; because if there is a surplus, it remains in the Treasury; it is not expended, and the Department keeps within the amount fixed by Congress. If they are allowed to make deficiencies, they go beyond the amount fixed by Congress.

Mr. HULL. Then I will ask the gentleman why it is that in the urgent deficiency bill nearly the entire amount carried there for the different Departments of the Government is to cover deficiencies in appropriations from the gentleman's own committee? The only deficiencies in the appropriations from our committee, covering many millions, amount to about $9,000, while on the bills which the gentleman reported they run up as high as a million dollars.

Mr. HEMENWAY. I have not a copy of the bill before me. When we take up the urgent deficiency bill I will call attention to some of these items. I am going to try to reform that all along the line, and when we come to the House with the bill I want the aid of the Committee on Military Affairs and the other committees to prevent deficiencies, and I am trying right here in this item, by putting an amendment, to say that this money shall be so apportioned as to prevent deficiencies. Let us commence right here and get at it, and I seek the aid of gentlemen on every bill that comes before the House to put such legislation on them as shall prevent deficiencies.

Mr. PERKINS. I would like to ask the gentleman a question.

Mr. HEMENWAY. I yield to the gentleman, if I have the time.

Mr. PERKINS. I would like to ask the gentleman why the best procedure would not be for the Committee on Appropriations to refuse to report deficiencies? In that case the Departments will have to live within their means.

Mr. HEMENWAY. That can not very well be done, because in many of these deficiencies there are no estimates. Of course there are items where there would be deficiencies, where there is no way of ascertaining in advance what amount of money is

necessary. Congress will recognize those items as they come up, but in items like this, where the amount can be ascertained, there ought to be a provision to prevent deficiencies.

Mr. STEVENS of Minnesota. Mr. Chairman, I thoroughly agree with the idea of the chairman of the Committee on Appropriations, that it is not wise in legislation to allow deficiency estimates from the various Departments unless absolutely necessary, but that the amounts should be fixed by the House and that they shall be sufficient upon which the Departments must be conducted for the year. I think that is an entirely wise rule. But this item would be one of the exceptions he has just stated when he said there are circumstances where the Departments can not estimate for the next year, and in such case the deficiency may be properly allowed. Now, the amounts that are read into these items were never estimated by the War Department. They could not be estimated under the circumstances. During the last year there were maneuvers held for about 12,000 men. The militia bill, known as the Dick bill, which was passed last year, provided for the payment of officers and men, for subsistence and supplies, and for transportation out of the general funds appropriated for the Army for those various purposes. Now, the appropriations for such purposes for the present year amounted to nearly $40,000,000. There were never made specific estimates for the purposes included in these items. The Committee on Military Affairs had to segregate these items the best it could.

We took the detailed statement of the expenses of the cost of maneuvers, and from that have agreed as to the amount that we thought that the Department needed. Now, there has been no estimate as to what the maneuvers will be or cost the coming year. Maneuvers for about 12,000 men cost something over $600,000. The War Department states now that it would like to have maneuvers on the Pacific coast and on the Atlantic, but has made no estimates for these purposes, so that I am frank to state to the gentleman from Indiana and to the committee that I believe there will be a deficiency if the present plans of the War Department are carried into effect. It is my belief that the War Department should have liberty to conduct fairly good-sized maneuvers this year. I believe that the proposition of the gentleman from Indiana is just one year too early. I believe that the War Department should have fairly large maneuvers this year, and then there should be a detailed statement of the expenses forwarded to the House, as provided by the last clause of this item, and then next year we could put upon the bill such an amendment as the gentleman from Indiana now proposes to put on this bill. I think that his amendment is one year too previous.

Mr. HEMENWAY. In view of the statement of the gentleman from Minnesota that the War Department gave no estimates upon which this item can be properly ascertained, I withdraw the amendment.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent to go back to page 12, line 14, for the purpose of offering the amendment which I will send to the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the committee recur to page 12, for the purpose of an amendment which the Clerk will report.

The Clerk read as follows:

At the end of line 14, page 12, insert:
"*Provided*, That no part of the money appropriated by this act shall be expended in payment to any retired army officer of the Army who receives payment for services as clerk or other civil employee in any of the Departments of the Government."

The CHAIRMAN. Is there objection?

Mr. HULL. It is subject to the point of order, and I will object.

Mr. HEPBURN. It is certainly not subject to a point of order. It is simply a limitation upon the appropriation that I propose.

The CHAIRMAN. The gentleman from Iowa objects.

Mr. HULL. I don't object to going back. I simply say it is subject to the point of order, and I will raise the point of order.

The CHAIRMAN. The point can be raised after unanimous consent has been given to recurring to that page.

Mr. HULL. My idea was that unanimous consent had been given.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment of the gentleman from Iowa. Does the gentleman from Iowa make any point of order?

Mr. HULL. I will raise the point of order, Mr. Chairman, and let the Chair pass on it. I do not desire to argue it.

The CHAIRMAN. Does the gentleman from Iowa care to be heard on the point of order?

Mr. HEPBURN. I do not care to be heard on it.

The CHAIRMAN. The Chair is of opinion that as it is in the power of Congress to refuse to appropriate at all for this purpose it is within its power under the rules of the House to limit the appropriation in the manner provided by this amendment, and, therefore, overrules the point of order.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For 250 contract surgeons, $450,000: *Provided*, That hereafter contract surgeons and contract dental surgeons on duty in Alaska, Hawaii, the Philippine Islands, and Porto Rico may transfer or assign their pay accounts, when due and payable, in the methods now provided by regulations for commissioned officers of the Army.

Mr. PARKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read, as follows:

After the word "Army," in line 24, page 15, the words "*Provided*, That when a contract surgeon is in charge of a hospital he shall have the same authority as a commissioned medical officer."

Mr. PARKER. Mr. Chairman, this is subject to a point of order. The Surgeon-General of the Army finds especially upon a recent decision of the Supreme Court that a contract surgeon in charge of a hospital finds himself without authority to control the men in the hospital, and military punishment can not be inflicted for disobedience of his orders, and he desires where a contract surgeon is put in charge of a hospital he shall have authority to give orders. I simply state that, and leave the amendment to the House.

Mr. GROSVENOR. Mr. Chairman, I make the point of order against the amendment.

Mr. HULL. The point comes too late; it has been debated.

Mr. GROSVENOR. The gentleman can not go on and make——

Mr. PARKER. If the gentleman chooses to make the point of order, it applies to it; but this is simply for the benefit of the service, as the men in the hospitals should be under control.

Mr. GROSVENOR. I have very substantial objections to the amendment, and I do not believe that it ought to become part of the law.

Mr. PARKER. It is certainly subject to the point of order if the gentleman chooses to make it.

Mr. HULL. Mr. Chairman, I raise the point of order that when the gentleman from New Jersey offered his amendment and stated that it was subject to the point of order, any member of the committee desiring to raise the point of order should have gotten up then and made the point of order. But in place of that the gentleman from New Jersey continued until he had concluded his remarks, and then the gentleman from Ohio comes in and urges the point of order. I raise the point of order on that that the gentleman from Ohio is out of order in raising the point of order at this time.

Mr. GROSVENOR. I did not know what it was until the gentleman stated what it was. It is very strange if you can violate the rules of the House by strangling opportunity to make a point of order. Has this question ever been stated to the House? I make the further point of order that there is no question before the House. It has not been read by the Clerk of the House, and I do not know now what the question is except what I gathered from the gentleman's statement.

The CHAIRMAN. The Chair will state that the amendment was reported from the Clerk's desk and was debated by the gentleman from New Jersey with no point of order against it having been made, and the Chair is of opinion that the point of order of the gentleman from Ohio comes too late.

Mr. FINLEY. Mr. Chairman, I think this amendment is a proper one, and while we are on this paragraph I think that some information should be given the House by the chairman of the Military Committee as to how long the system of employing contract surgeons in the Army is to be kept up. I, for one, think the policy a bad one to have contract surgeons year after year. Two hundred and fifty are provided for in the bill. Now, it is true that it has been necessary to have them, I will say, in the past few years to some extent, but I wish to say, Mr. Chairman, that I do not think the policy a good one. I know, and I believe that the Members of this House know, that it is not to be expected that the best of medical talent can be secured for the Army under the contract system. A young man fresh from a medical college can only secure a contract for two years, as I understand, so he enters the service temporarily, and for this reason it is not to be expected that he will have the same interest in the service and in the welfare of the men under his care as a commissioned officer would. So, Mr. Chairman, I, for one, am opposed to the system.

I know of my own knowledge at least one or two cases where bright, promising young physicians sought commissions as assistant surgeons in the Army. They did not secure the commissions, but they did secure service as contract surgeons; but as soon as their time was out they left the service, and it is only to be expected that they should leave the service. The inducements are not sufficient to obtain men of the highest class and to retain them in the service. So I hope that the military committee will,

at some time in the near future, bring forward such a bill or proposition that will eliminate what I think is one of the most objectionable features in the organization of the Army. The contract-service proposition is one that I do not think is calculated to promote the welfare of the soldiers whose interests are to be served.

Mr. GROSVENOR. Mr. Chairman, I want to call the attention of the committee to the fact that I did not attempt to make a point of order against the proposition without having some reason for it. I attempted to make the point of order just as quick as it was possible under the machinery as it was running. I waited, as a matter of course, until the gentleman had relinquished his place on the floor. I had no right to jump up and interrupt him and make the point of order. It would have been wholly improper for me to do so. I was in earnest in my opposition to this proposition. I do not believe that an employee of the Government, hired simply by the month in cases of emergency, should be clothed with the powers and authority of a commissioned officer. I do not believe it is necessary, and it is enough to say that in all the long history of the connection of contract surgeons with the army organization no proposition of this kind was ever heard of before, so far as I have ever been advised.

The contract surgeon does not bear a commission in the form of a commissioned officer. He is employed for a given length of time, and the Government can put an end to his employment at any time. He is put, perhaps, in charge occasionally of a hospital, and if his reasonable requests and directions to the men on duty in that hospital are disregarded by them, these men are subject to discipline by a proper application or complaint made to the commissioned officer. There is no necessity for taking an ununiformed officer or a nonuniformed employee of the Government and putting him into authority so that a soldier will be convicted under the Articles of War and liable to be shot for disobedience of orders. That is the whole of this. It amounts to nothing more. The contract surgeon or employee of the Government with such authority as that—while the soldier may not know the official character of the man at all is liable to be shot for disobedience of orders. We have got along thus far without such a provision. I do not know whether it has been recommended by anybody or not; but I believe it is an innovation here that is wholly unnecessary. That is the reason why I tried to prevent legislation on this appropriation bill of the radical character of this proposed legislation.

Mr. HULL. Mr. Chairman, the committee has no particular feeling about this amendment. The gentleman from Ohio is mistaken as far as the previous action of the Government is concerned. Until very recently a contract surgeon placed in charge of a hospital could give orders for the administration of affairs in that hospital. It has only recently been decided that he could not give an order even to a nurse. The Surgeon-General of the Army, who is as jealous of the privileges of his office, probably, as the gentleman from Ohio could possibly be, insists that in the matter of good administration it is necessary to have this amendment, and if the gentleman will turn to the hearings, on page 95, he will find that the Surgeon-General says this:

> The last decisions of the Judge-Advocate-General are to the effect that a contract surgeon has no right to give an order even to the nurses in a hospital, or to enlisted men.

Now, I submit that if a contract surgeon is placed in charge of a hospital, by authority of law, where they need his services, and then if the Judge-Advocate-General's Department holds that he can not give an order to a nurse in that hospital, it is absurd to place him there. He may be a thousand miles from any other regular army hospital; he may be, and sometimes in Alaska is, more than a thousand miles from any commissioned officer of the Medical Corps of the Army; and to say that we can employ him and pay him as we do, and pay him his mileage—that we can put him in charge of a hospital and then say that he can not even make a nurse administer to the comfort of the sick is an absurdity. In my judgment, this amendment should prevail. It would not be necessary under the administration of a year ago; but under the decision in these cases it is absolutely necessary, if you are going to utilize the men you pay to look after the sick of the Army.

This amendment is exactly what the Surgeon-General of the Army asked Congress to give. Does the gentleman from Ohio or this committee believe that the Surgeon-General, at the head of the Medical Corps, would favor a measure that was not for the best interest of the sick the Medical Corps must administer to? It seems to me that it ought to be adopted from a mere statement of the case. These men pass an examination to show that they are competent, and when they are placed in charge of a hospital they ought to have the authority to administer the hospital for the interest of the suffering people that are under their charge.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New Jersey.

The question was taken; and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each: Pay of enlisted men, $95,148.

Mr. COWHERD. Mr. Chairman, I would like to ask the chairman of the committee a question. If I rightly understand the law, the officers in charge of the Porto Rico Provisional Regiment of Infantry are to be mustered out of the service?

Mr. HULL. The line officers; yes.

Mr. COWHERD. I realize, of course, that any provision changing existing law would be subject to a point of order, but I would like to ask the chairman of the committee if he does not think it would be entirely proper to retain these officers who have brought that regiment up to a high state of efficiency, officers who have served in Cuba and the Philippines and in China, and understand the language of the people, rather than to muster them out?

Mr. HULL. Mr. Chairman, that is a question upon which there is a very wide difference of opinion. For many reasons, yes, I should say it would be wise to retain them, but for others, no. The law provided that on the 30th of June, 1904, the line officers should be mustered out. The enlisted force is retained. The officers were appointed as temporary officers when they accepted the commissions. They have been a very efficient body of officers. The only question that the gentleman can determine, or that any other member of the committee can determine, is whether it is necessary to include these men now in the regular commissioned force of the Regular Army. The regiment itself, or the two battalions, form part of the Regular Army. The field officers, the colonel, lieutenant-colonel, and two majors have always been detailed from the line of the Army. The captains and lieutenants were commissioned the same as in the provisional regiment that served for two years in the Philippine Islands. I confess that if there is some way to retain them as an independent body of men belonging only to this regiment I can see a great deal of justice in it; but to place them on the commissioned force of the Regular Army with the rank they are holding under these temporary appointments would, to my mind, be a very great injustice to the officers of the Regular Army who have served many years longer than some of these officers.

Mr. COWHERD. Mr. Chairman, I fully agree with the gentleman that they ought not to go on the rolls of the Regular Army, but it does seem to me that this Porto Rican regiment is somewhat peculiar in its character, because of the fact that it is composed of native troops, and that therefore the men who are in command of it ought to be men who are familiar with the language and the habits and customs of the country, and that the regiment will maintain a much higher state of efficiency with officers of that kind. I understand that it is now officered by men who have brought it to such a state of efficiency that in the late competitive target practice in the Department of the East, of the thirty-two men who qualified, 60 per cent of them were from this provisional regiment. That is something unusual when it is remembered that Americans are considered ordinarily the best shots in the world. Of the twelve medals given, four were gathered in by men from this regiment, and one man qualified on the international team.

Now, it seems to me that if some provision of law could be inserted into this bill which would keep there the officers who have brought this regiment to that state of efficiency and would not call for continual change of detail of officers from the Regular Army, who are not familiar with the people or their language or habits, it would be much better for the regiment and much better for the service. I have here the draft of a measure that was sent to me, and I am going to ask the Clerk to read it. I suppose there will be a point of order made against it. I submit it to the chairman of the committee.

The CHAIRMAN. Does the gentleman from Missouri offer this as an amendment?

Mr. COWHERD. Yes.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

An act fixing the status of the Porto Rico Regiment of Infantry of the United States Army.

Be it enacted, etc., That on and after the 30th day of June, 1904, the present Porto Rico Provisional Regiment of Infantry shall be designated as the Porto Rico Regiment of Infantry and shall constitute an infantry regiment of the United States Army, organized as are the other infantry regiments. The enlisted strength thereof shall be composed as nearly as practicable of natives of Porto Rico.

SEC. 2. The field officers shall be appointed by the President from the Army. The President is authorized in his discretion to commission the captains, first and second lieutenants, and assistant surgeons of the present Porto Rico Provisional Regiment of Infantry in their respective grades, with their rank in that regiment, as officers of the Porto Rico Regiment of Infantry, and they shall have the rank, pay, and allowances of their respective grades in the Regular Army.

SEC. 3. To fill all vacancies which may exist in the grades of captain and first lieutenant in the two battalions constituting the present Porto Rico Provisional Regiment of Infantry, after they have merged into the Porto Rico

Regiment of Infantry, promotions shall be made according to seniority of the first and second lieutenants commissioned from the present Porto Rico Provisional Regiment of Infantry. Remaining vacancies shall be filled by the President by appointment of persons from the Army or who were in the military service of the United States during the war with Spain.

SEC. 4. After the regiment shall have been fully organized, promotions shall be made as follows: Of the field officers according to seniority in the regiment. Vacancies in the grade of major to be filled by the President by selection from the captains of the Army until the 30th day of June, 1915, after which date promotions to grade of field officer shall be made according to seniority of the captains in the regiment. To fill all vacancies occurring in the grades of captain and first lieutenant promotions shall be made according to seniority of first and second lieutenants in the regiment, subject to such examination to determine their fitness for promotion as may be prescribed by the President.

SEC. 5. Appointments to fill vacancies occurring in the grade of second lieutenant shall be made by the President.

SEC. 6. All appointments provided for by this act shall be made by the President by and with the advice and consent of the Senate.

SEC. 7. All laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. HULL. Mr. Chairman, I raise the point of order on that.

The CHAIRMAN. The gentleman will state it.

Mr. HULL. It is new legislation. It changes existing law in every particular. The existing law is that all volunteer officers now in the Porto Rican provisional regiment shall be mustered out June 30, 1904, and their places filled by detail from the line of the Army. Not only that, but the law creates only two battalions, while this proposed amendment creates a full regiment. It is a change of the law in every respect.

The CHAIRMAN. The Chair is of opinion that the amendment offered by the gentleman from Missouri is in conflict with Rule XXI, which provides against changing existing law in any appropriation bill, and therefore sustains the point of order.

Mr. SLAYDEN. Mr. Chairman, before that paragraph is left, I rise for the purpose of moving an amendment to the bill to strike out all of lines 8, 9, 10, and 11, on page 16 of the bill. In support of that motion I wish to direct the attention of the House to the fact that a year ago the Secretary of War recommended——

Mr. GROSVENOR. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSVENOR. At what particular time can a point of order now be made? The gentleman from Texas [Mr. SLAYDEN] has stated that he proposes an amendment. The amendment has not been read, and I don't know what it is. He proceeds now under the ruling of the Chair to debate a question that has not been stated, when the rules declare that the Chairman shall state the question to the House.

Mr. SLAYDEN. Why, Mr. Chairman, I thought that proposition had been stated and the Chair had ruled upon it and that we were now on another matter.

Mr. GROSVENOR. I am talking about the matter to which the gentleman is addressing himself. I want to know what the amendment is.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reported the amendment, as follows:

On page 16, strike out lines 8, 9, 10, and 11.

The CHAIRMAN. Does the gentleman from Ohio [Mr. GROSVENOR] desire to raise a point of order?

Mr. GROSVENOR. I do.

The CHAIRMAN. It is now in order to do so.

Mr. SLAYDEN. Now, Mr. Chairman, I am permitted, I suppose, to resume my remarks.

The CHAIRMAN. The Chair understood the gentleman from Ohio to raise a point of order.

Mr. GROSVENOR. I make the point of order that this is new legislation—a change of existing law.

The CHAIRMAN. The Chair would like to hear the gentleman from Ohio upon that point of order.

Mr. GROSVENOR. I have nothing to say about it. I simply want to have it understood that I do not wish to make any more mistakes. I do not want to make a point of order against an amendment that I have not heard and that has not been stated by the Chair.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that the amendment to which the gentleman did make a point of order has been reported from the Clerk's desk.

Mr. GROSVENOR. So I have heard; but gentlemen sitting around me say that they never heard it; and I am sure I did not. And my statement that I have not heard it was certainly sufficient to have justified the Chair in ruling that the amendment should be reported again.

Mr. SLAYDEN. Did the gentleman from Ohio make a point of order to my amendment, or was he referring to the previous amendment, the one offered by the gentleman from Missouri [Mr. COWHERD]?

The CHAIRMAN. Does the Chair understand the gentleman from Ohio to insist on his point of order against the amendment offered by the gentleman from Texas [Mr. SLAYDEN]?

Mr. GROSVENOR. No, I do not.

The CHAIRMAN. The point of order being withdrawn, the gentleman from Texas will proceed.

Mr. SLAYDEN. I was trying to direct the attention of the House to the fact that a year ago the Department of War recommended the abolition of the Porto Rican regiment as altogether unnecessary. The size of the Army had been fixed by Congress and was well understood by all; and it was in contemplation by all that at the end of the last fiscal year the Porto Rican Regiment would cease to exist. That regiment, as the House knows, if made up of natives, or presumably natives, of that island, and officered by volunteers—the only body of volunteers that are in the service of the Government in a military capacity, I believe.

The report of the Secretary of War at that time was conclusive, it seemed to me, in its argument that it was not necessary any longer to maintain that regiment, which was a public expense. When the recommendation for the creation of that regiment was made there were more disturbances in the Philippine Islands than there have been since, and there was more necessity for an enlarged Army.

Since that time the army in the Philippines has been reduced, and thousands of troops have been brought back to the United States, and they can be used in Porto Rico if needed. The only reason that the regiment was carried over last year was that very potent reason applying to a vast amount of legislation in this House; and that is the consideration for personal equation. There are a number of young gentlemen down there—worthy men, efficient officers—who have their friends scattered throughout this country and this House, who saw to it that provision was made to continue them upon the pay roll for another year.

When the Secretary of War was before the committee the other day I inquired of him with reference to this recommendation; and here in the hearings, on page 11, is his reply to my question. I will ask the Clerk to read what I have marked in the report of the hearings.

The Clerk read as follows:

Mr. SLAYDEN. A year or so ago there was a recommendation from the Department looking to the discontinuance of the Porto Rican regiment. Does the Department adhere to its opinion in regard to that—that the details of the Army can now attend to the duties that have hitherto been performed by this Porto Rican regiment and that there is not any longer a necessity for maintaining that?

Secretary ROOT. As a military question I should answer that yes. In the consideration of that subject a political question arose, and I found that many members of both Houses considered that for the effect upon Porto Rico it was desirable to continue that Porto Rican regiment.

The CHAIRMAN. Does not the law continue the regiment?

Mr. SLAYDEN. I know we do not discontinue it, but it was recommended that we discontinue it.

Secretary ROOT. The law as it stands now discontinues the officers and details regular officers in place of volunteers.

Mr. SLAYDEN. Is it necessary to undergo that expense; is not the Army large enough and would there be any harm to the public service to send troops of the regular establishment to Porto Rico to do the police duties that have been done down there by that regiment? There is no state of disturbance down there that I have heard of. There is less call for them in the Philippines.

Secretary ROOT. Well, we have the Army down to its minimum; I do not think it is any too large. Even including these two battalions of Porto Ricans I do not think it is any too large.

Mr. CAPRON. Is it not worth all it costs for an object lesson for those people, and to exert the influence which is exerted in having that service there?

Secretary ROOT. Undoubtedly it is a useful thing to have a considerable body of Porto Ricans who are serving under the United States flag and acquiring discipline and subordination and the sentiment of loyalty that comes from military service. While I do not think there is any special necessity for it from a military point of view, I think that consideration is a very strong one.

Mr. SLAYDEN. Could not that consideration be met by permitting enlistments of those people into the regular establishment?

Secretary ROOT. That is permitted now. In the settlement of the question last year a provision was made providing for mustering out the officers and detailing regular officers to take charge, and there was put in a provision permitting the Porto Ricans to enlist.

Mr. SLAYDEN. Then it is merely a small addition to the size of the Regular Army?

Secretary ROOT. Yes.

Mr. SLAYDEN. Now, Mr. Chairman, I want to also direct attention to the fact that the Secretary said that the necessity for this regiment is not a military but a political one. I do not believe that we ought to authorize this expense—certainly not upon this bill—for any mere political reasons. The Army is large enough. The Secretary of War frankly admits that this is an effort to increase slightly the size of the Army. I hope, therefore, that the House will adopt my motion and expunge that paragraph of the bill.

Mr. HULL. I sincerely hope that the House will not adopt this amendment. If it is desirable to abolish the two battalions of Porto Rican troops as a separate organization, it ought to be done in some other way than by simply striking out the appropriation in the bill. I do not think the gentleman from Texas meant to convey to the House the idea that Secretary Root's use of the word "political" was meant in any partisan sense whatever.

Mr. SLAYDEN. Assuredly not.

Mr. HULL. I think what the Secretary meant by that was

that its effect upon the people of Porto Rico was beneficial, and that the loyalty and discipline which might come from serving under the flag was worth all it cost the Government. It is true that these Porto Ricans can enlist in the Regular Army. They can independent of this, or in addition to this. But if they enlist as other citizens of the country it is to be assigned to companies and regiments as the companies and regiments might need recruits. This is a solid body of Porto Ricans, who are under the influence of American officers, who are taught the American language, who are taught to love the American flag, and they are civilizing agents all over that island, to help in building up Americanism and good citizenship among those newly acquired people of that beautiful little island of the sea.

Mr. HAY. Will the gentleman allow me to ask him a question?

Mr. HULL. Certainly.

Mr. HAY. Is it not a fact that these Porto Rican troops are part of the Regular Army and that they have enlisted for a term of years?

Mr. HULL. They have.

Mr. HAY (continuing). And that the failure to make this appropriation would be breaking the contract of the Government with them?

Mr. HULL. There is no doubt about that, and I hope the amendment will not prevail. I wanted to emphasize the fact when you reduced the cost of the regiment to the minimum number of men by making this provision it will return to the Government many times its cost in building up and developing good government.

Mr. SLAYDEN. Mr. Chairman, I want to say to the gentleman from Iowa that I entirely sympathize with every effort made to help the Porto Ricans, but I do not believe they need the civilizing influence of the bayonet. I prefer to educate them along more purely American lines—to give them the position to which I believe they are entitled. I would, if we are to continue them under our flag, prefer to see them given the rank of a Territory, and ultimately, having the courage of the situation, to bring them into the American Union as a State after they have manifested their fitness for it, as I believe they would in a reasonable time. In my judgment that would have a more elevating, a more spiritual, and a more patriotic influence on the Porto Rican people than if we merely permitted a hundred or two of them to enlist in the Army.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

Regular supplies: Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations; also ranges and stoves, and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for ice machines and their maintenance where required for the health and comfort of the troops, and for cold storage; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's departments, and for printing department orders and reports, $4,800,000: *Provided*, That no part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the hire of the necessary labor for the purpose: *Provided further*, That hereafter, except in cases of emergency or where it is impracticable to secure competition, the purchase of all supplies for the use of the various departments and posts of the Army and of the branches of the army service shall only be made after advertisement, and shall be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered; but every open-market emergency purchase made in the manner common among business men which exceeds in amount $200 shall be reported for approval to the Secretary of War under such regulations as he may prescribe.

Mr. HEMENWAY. Mr. Chairman, in line 12, page 20, the language of the last bill was "for the health and comfort of the troops in the insular possessions." That included the insular possessions. Now, I want to reserve the point of order on this. Where ice machines were required I notice you have struck out of this bill the words "insular possessions."

Mr. HULL. Mr. Chairman, that was because of the fact, under the old law, the Medical Department had charge of the ice machines in this country and the Quartermaster's Department in the other places. The Quartermaster's Department did the building and the construction. Now it is all placed under the head of the Quartermaster's Department, so that now, in the tropical parts of this country, in the southern States, or wherever they need to manufacture ice, the Quartermaster-General's Department has control of the entire plant manufacturing the ice. Therefore it was not necessary to limit them to the Philippine Islands as was done last year, because as a matter of administration the whole matter had been turned over to the Quartermaster's Department.

Mr. HEMENWAY. In your provision in the bill of last year money could have been expended for the purchase of ice machines at any post in the United States.

Mr. HULL. Because the Medical Department had charge then.

Mr. HEMENWAY. Where do you strike out the provision for the medical department?

Mr. HULL. We strike it all out.

Mr. HEMENWAY. This does not authorize them to purchase anything that they had not authority to do before?

Mr. HULL. In one Department or other of the Government; no, sir.

The CHAIRMAN. Does the gentleman from Indiana insist on his point of order?

Mr. HEMENWAY. I do not make the point of order.

Mr. GAINES of Tennessee. I move to strike out the last word for the purpose of asking the gentleman from Iowa a question about the language contained in line 12, page 21, to wit, "where it is impracticable to secure competition."

Mr. Chairman, I ask the gentleman from Iowa where in the United States is it impracticable for the United States Government to get goods furnished the Army by competitive bids?

Mr. HULL. Oh, there are some things they buy in such a very small amount that it would cost more to advertise than it would to buy them.

Mr. GAINES of Tennessee. "Impracticable to secure competition"—would that cover that kind of case?

Mr. HULL. It may be an emergency where you had to buy at once. It is a very small thing, some of the purchases being as low as $5.

Mr. GAINES of Tennessee. It is the usual language used?

Mr. HULL. It is the usual language.

Mr. PRINCE. The same as used last year?

Mr. HULL. The same as used for many years.

The Clerk read as follows:

Horses for cavalry, artillery, and engineers: For the purchase of horses for the cavalry, artillery, and engineers, and for the Indian scouts, and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, $400,000: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quartermaster's Department, and an inspection under the direction and authority of the Secretary of War.

Mr. HEMENWAY. Mr. Chairman, I would like to ask the chairman of the committee why "engineers" are added?

Mr. HULL. I will say, Mr. Chairman, under the reorganization bill we created a battalion of engineers, and the horses have been purchased for them under this clause. It is a question of construction whether they can furnish the horses for the Engineer Corps unless the law authorizes it, and at the request of the Department the committee put in that in order to clear the matter up.

The Clerk read as follows:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the army of the United States lawfully on duty in the Philippine Islands, including the acquisition of title to building sites when necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, $385,500.

Mr. PATTERSON of Tennessee. Mr. Chairman, I desire to interrogate the Chairman of the Military Committee in regard to this section of the bill. In the first place, I want to ask him how many soldiers are now quartered in the Philippine Islands?

Mr. HULL. They have there the constabulary (they are not provided for at all in this bill and are half soldier and half police); they have scouts, I suppose about 5,000 men, if they are filled to their full enlisted authorized strength, and I think they have probably eight to ten thousand American soldiers.

Mr. PATTERSON of Tennessee. Now I want to ask him further, What progress has been made in the construction of these barracks and buildings since the last Congress?

Mr. HULL. The last Congress, on the urgent deficiency bill, appropriated $550,000 for a post at Manila. The regular army bill carried, as I remember, $1,500,000 additional. It was expected at that time this amount given would be sufficient to complete the system of posts for the care, shelter, and protection of our troops in the Philippine Islands. They find that it is necessary to ask this amount additional, and the information the committee has is that this amount will practically complete the necessary appropriation for the erection of barracks and quarters in the Philippine Islands.

Mr. PATTERSON of Tennessee. That hardly answers the question, which is, What buildings have already been erected and where have those buildings been erected?

Mr. HULL. Well, Mr. Chairman, I do not know that I can answer that question in detail. There have been erected buildings at Manila, buildings at Iloilo, buildings at Cebu, buildings at different posts in the island of Luzon, and buildings at the different posts in Mindanao, and all the places where we have regular established posts. It would probably reach a large number of posts altogether, at probably a hundred places where we have permanent buildings.

Mr. PATTERSON of Tennessee. I think the gentleman is mistaken in one thing. The last $500,000 was appropriated for the very purpose the $365,000 is appropriated for by this Congress, not for the post at Manila alone.

Mr. HULL. Well, Mr. Chairman, I am simply giving the information we have as to what they need. If the gentleman does not like the appropriation, he can move to strike it out.

Mr. PATTERSON of Tennessee. Well, I do not want to be put in the attitude of striking out a proper appropriation. What I am trying to get at is the chairman's information in regard to the necessity of the appropriation and how the large sum of $500,000 has been spent.

Mr. PALMER. Two million dollars.

Mr. PATTERSON of Tennessee. I am reminded it is more than $2,000,000. What was the testimony before the committee on that subject?

Mr. HULL. I will read from the hearings:

The CHAIRMAN (reading). Barracks and quarters, Philippine Islands. We appropriated last year the $500,000; yes, more than that.

General HUMPHREY. We had last year $1,500,000, and this year we have on the regular appropriation $500,000 and deficiency act $250,000; also under sundry civil act $1,000,000 for the military post near Manila.

Mr. PATTERSON of Tennessee. That came in under a separate bill?

Mr. HULL. Yes.

Mr. PATTERSON of Tennessee. And is not embraced in this at all?

Mr. HULL (reading):

Mr. ESCH. For the fiscal year 1903 we appropriated one million and a half, and in the deficiency there was another $250,000, making in all one and three-quarters million dollars?

General HUMPHREY. Yes, sir; also $500,000 in the Army act, March 2, 1903.

The CHAIRMAN. This estimate is with the idea of completing that work there or simply carrying it on?

General HUMPHREY. Carrying it on to completion and for necessary repairs the $365,000 is asked for.

Mr. PATTERSON of Tennessee. Now, can the chairman of the committee give the information to the committee as to when this work will likely be completed?

Mr. HULL. Oh, certainly not. It will never be entirely completed. We have had in the United States a hundred and more years of government, and we have never completed any line of our public work.

Mr. PATTERSON of Tennessee. Does the gentleman think there will always be a necessity for troops in the Philippine Islands and for these expenditures to go on?

Mr. HULL. I think that the time will never come when the United States will not have troops in the Philippine Islands any more than the time has ever come when we have not had troops in the State of New York and in the State of Illinois.

Mr. PATTERSON of Tennessee. One other question, Mr. Chairman. I notice on page 24 there is an appropriation for barracks and quarters, among other things, of $4,750,000. Then here is this particular section, where we appropriate for the proper shelter of enlisted men of the Army of the United States. What would be the difference between providing barracks and quarters for troops and for the proper shelter and protection of enlisted men of the Army?

Mr. HULL. There is this difference. Under the head of "Barracks and quarters" we appropriate for officers as well as enlisted men, but there is a more restrictive clause in appropriating money to be disposed of in this country than there is over there. In this country we first get the sites, we select them, enact a law locating the posts, and carry it on in a different way; while there we have to trust largely to the military establishment to determine many questions.

Mr. PATTERSON of Tennessee. Can the gentleman from Iowa give me any information as to the number of building sites purchased, or any evidence as to the cost of the building sites, or the cost of any of the buildings?

Mr. HULL. No; the committee did not go into the number at all.

Mr. MIERS of Indiana. Mr. Chairman, that the laborer is worthy of his hire no one stands ready to dispute. The laborer is entitled to such compensation that he may have over and above his living, enough to accumulate at least a small competency for old age. The coal miner is entitled to such wages as will enable him to educate his children as well as the mine owner educates his. This is only justice to the laborer, and the best interest of the Republic demands it. Education is one of the cardinal doctrines of the Republic. This contention applies to all classes of laborers, and should apply to those in the Government employ as well as to those in individual employment. I do not believe in a little spasmodic economy that requires Government employees to work another half hour and leaves all the great extravagances go untouched.

It has been notorious for many years that post-route mail carriers are very poorly paid, and has been frequently charged that the rural-route carriers are also underpaid. I received a marked copy of the Detroit Tribune that contains an article that states facts and figures with reference to the State of Michigan, and I presume the same condition exists in all the States. The article sums up the situation so well that I send it to the Clerk's desk and ask that the same may be read in my time.

The Clerk read as follows:

FIERCE FIGHT FOR A LIVING—THE RURAL MAIL CARRIERS MAKE $7 A YEAR PROFIT—A MOST STRIKING COLLECTION OF DISHEARTENING EXPERIENCES—INFORMATION COLLECTED FROM 570 RURAL ROUTES IN MICHIGAN.

Rural free mail delivery has reached a point in its development where the United States Government may pause and take an inventory. The Post-Office Department and the Members of Congress, on whose good judgment the institution has been founded, may ask themselves how long the Government can expect the carriers to furnish capital for the big enterprise; may ask themselves the reason why so many carriers quit the service, and whether it was not the hope of ultimate just recompense that has kept the ranks of the carriers passably filled.

Some food for serious thought has been gathered by the Tribune. Individual complaints have reached the ear of the public and of Congress, but convincing statistics as to the exact status of the great rural-delivery service in any one State have been inaccessible. The Tribune, through its correspondents, has gone to the original sources, and concerning the service in Michigan has gathered facts which, bearing as they must one way or the other, will scarcely be challenged. An average profit of $7 above living expenses and care of horses has been made in the past year by each carrier. The capital furnished by each carrier is $300. At the end of three years the outfit must generally be replaced with a new one. Regardless of the fact that all American citizens aim to increase their savings and the Government expects its employees to provide for their own rainy days and their old age, in this arduous service the average savings of $7 a year must be applied to the purchase of a new equipment at the end of the third year. The excess of $300 over $21 must come from other sources, as, in fact, did the original outlay of $300.

The testimony of 570 rural mail carriers in Michigan points to these conclusions. Assuming that all the carriers get $600 a year, which they do not, the cost of maintaining from two to four horses with almost an equal number of vehicles makes a serious inroad into the salary. Add to this the cost of replacing a lost horse or a demolished wagon. Add further the cost of maintaining a carrier's home. The data submitted are overwhelming. In nearly every instance the carrier can save absolutely nothing. Then the collapse of his equipment and the need for its replacement by a new outfit.

The rural mail-delivery service has been an experiment, both as to cost of maintenance and as to benefits. The benefits are admitted. The cost of maintenance is a knowledge that must come from the mouths of the carriers themselves, who pay the bills. The Tribune, has made a thorough canvass of 570 routes in Michigan, none of the information being advanced by the carriers by way of complaint against the Government, and has drawn conclusions which it offers as being approximately correct for the whole State.

There is revealed the fact that 570 carriers employ 1,431 horses in the service and 1,148 vehicles. The total number of miles traveled in one day is 14,025, an average of 24.6 miles. The carriers work six days in the week. The salaries vary from $500 to $600. It has cost these 570 carriers a total of $16,656 for repairs to vehicles, harness, and horses in one year. This does not include the astonishing bills for horseshoeing that are run up on account of the constant service. Neither does it include the replacing of the horses lost, nor the buying of new wagons, nor the medical attendance. A few of the reports may include horseshoeing bills, but where they do it is evident by the size of the repair bill.

To our 570 carriers there happened 511 accidents last year, every one entailing the expense of repairs. Many of these accidents incurred the entire demolition of the wagon and some the loss of a horse. The service is peculiarly liable to such serious accidents and the carrier takes the chance and bears the expense. Vehicles and harness gave way 490 times, each break entailing an expense of from $1 to $10. Wheels have been smashed by the score in ruts and mires. Boxes have been ruined by upsets. The breakage bill alone makes up almost the entire $16,656, which is borne by the carriers, the average cost per carrier being $28 a year.

Along the muddy or snow-bound roads there have been forty-three upsets, in many of which the carrier was injured. A total of twenty-six horses were lost to the carriers last year, either by being so maimed as to necessitate their being shot, by dropping dead in their tired tracks, or by lingering ill in their stables after being ruined in the service. Horses were injured to the number of seventy-eight, many of the injuries reducing the value of the horses by 50 or 75 per cent. Without exception, the carriers' horses are on the road to the dump, and by the end of the third year are useless or are worth but 15 per cent of their original value. The carrier himself is often in peril of his life. Carriers to the number of eight suffered serious injury, their legs having been broken, or their ribs, or their wrists, the routes being far from being upholstered.

The carriers are almost unanimous in saying that they make no profit. Scores of whom the Tribune makes no record declare that they are away behind in their enterprise. Some of the recorded profits are known to be meant as being the total on which the carrier has to live, but the Tribune submits them as they stand. It is palpable that a carrier can not save $150 after paying his living expenses as well as for his horses and equipment. A total of $4,021 has been saved, counting these instances, thus making an average of $7 per annum for each carrier, an eloquent bank account for Uncle Sam's employees.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee this question: As I understand it, Congress either locates by law our army posts in the United States, or the leading general, with his aids and associates, do so under the limitations of the

law. Now, will the gentleman tell us who has located the army posts where these lands are to be bought, where we take title to lands, where we build the army posts and expend millions of money? Will he tell me who is selecting, who is buying, who is supervising that matter?

Mr. HULL. The commanding general of the islands and the board of officers appointed by him to select the site. The quartermaster-general makes the plans when he knows the number of troops to be housed by the post, just as we used to do here. In any fort that is temporary now the Department can select a post.

Mr. GAINES of Tennessee. I do not pretend to remember all the laws that we have enacted, because we have enacted so many, but I would like to ask the gentleman from Iowa if the law permits the commanding general of the Philippine Islands to go throughout the islands and purchase these sites, as it seems he has done by the answer made by the gentleman to the questions put by my colleague, Mr. PATTERSON? Do our laws, in short, permit the commanding general of the Philippine Islands to go anywhere and locate an army post?

Mr. HULL. I think there is no doubt of that under this appropriation bill.

Mr. GAINES of Tennessee. Can the gentleman refer me to any statute that permits the general in the Philippine Islands to go anywhere and buy land and erect a post such as we authorized last Congress at Manila?

Mr. HULL. This clause places no restriction on the selection of the property for that purpose, but leaves it to the proper officer to carry it out. I think the gentleman from Tennessee would not want to interfere with the discretion, because he will realize that men who have charge of the department, whose troops are located in that district, know the different surroundings and different localities and are better judges than Congress would be. We could not undertake to locate or limit or restrict the proper discretion of the officers in this matter.

Mr. GAINES of Tennessee. I would not interrupt proper and legitimate protection to our troops—they obey orders and must go where ordered. I am, however, anxious, Mr. Chairman, to find out, and I think we ought to know, whether or not the officer in charge of locating these expensive army posts is going along the islands doing so without any authority of law just as he pleases, without any express statute giving him authority to do it. The government of the Philippine Islands is not building the army posts; the people of the United States are doing it. I am disposed to think that the appropriations for the Army and for the Navy have been so large that some of our home undertakings are suffering—for instance, our river and harbor bill and the public-buildings bill—but I hope they are not done away with for all time. These home enterprises are suffering, I think, from these immense expenditures for the Army and the Navy because of our colonies—imperialism, in short. Inasmuch as our home people are paying the money out, we want to know where it goes—whether legally or not and the amounts. My recollection is that we made a specific appropriation to erect an army post at Manila and there was considerable contest about it, because it was an entering wedge to a great and continuous expense. The gentleman from Iowa very frankly states that our buildings in the Philippine Islands for troops are never going to stop; that they will never end. In other words, our own people will and must suffer for our colonists—just as I prophesied time and again—and the end, the gentleman says, will never come.

He further states that we have not stopped in the United States, and he goes on and argues it, lawyer-like, whether he is one or not, and says we have never seen the time in the United States when we did not have soldiers in the State of New York: but, Mr. Chairman, the soldiers in New York are at home. When we have American soldiers they have always fought at home. Our Navy, it is true, has gone on the other side of the world to protect our rights on this side, but our soldiers have always been at home until this modern way of amalgamating a republic with a lot of unfortunate colonists on the other side of the world was inaugurated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE rose.

Mr. GAINES of Tennessee. I will yield to the gentleman.

The CHAIRMAN. The Chair will state that the time of the gentleman from Tennessee has expired. [Laughter.]

Mr. GAINES of Tennessee. Then I am doubly glad to yield. Mr. Chairman, I move to strike out the last two words. I now yield to the gentleman. [Laughter.]

Mr. PRINCE. Has the gentleman the right to yield to me now?

Mr. GAINES of Tennessee. Oh, yes. The Chairman is good enough to allow me to go ahead.

The CHAIRMAN. The Chair will permit the gentleman from Tennessee to yield to the gentleman from Illinois.

Mr. PRINCE. Mr. Chairman, I would like to ask the gentleman from Tennessee if we are not appropriating in this bill for necessary shelter and protection of the officers, including shelter for the animals and supplies, and all other buildings necessary for post administration purposes?

Mr. GAINES of Tennessee. The gentleman is reading from the bill?

Mr. PRINCE. Yes.

Mr. GAINES of Tennessee. Of course, I can not answer the question. The gentleman has the bill before him, and certainly the bill ought to tell him. Read it.

Mr. PRINCE. Yes; on page 26 the gentleman will find the amount is stated at $365,590.

Mr. GAINES of Tennessee. Now, I will ask the gentleman something that is not in the bill. How much did we appropriate last year for that same purpose?

Mr. PRINCE. I can not state now from memory.

Mr. PATTERSON of Tennessee. Five hundred thousand dollars.

Mr. GAINES of Tennessee. Five hundred thousand dollars, my colleague tells me. Now it seems that it has gone into an amount nearly equal to $2,000,000, as my friend from Pennsylvania [Mr. PALMER] suggests. So you see, my dear sir, this thing is going into millions, and it will be piling up here in a year or so into millions and millions, and we are going all over the Philippine Islands erecting army posts, and I dare say they will erect them where they will cost the least to the Government, of course; but we have nothing here to show that, and the end will never come to our Philippine expenses.

I have not heard any testimony read here as yet which tells us how much these buildings will cost or where they are located. I believe the gentleman from Iowa [Mr. HULL] said they are located all over the islands. Well, I have never heard of any law—I do not mean that I am an expert in military law, for I am not, and I do not mean to say that I recollect what we have passed already——

The CHAIRMAN. The Chair desires the committee to understand that the gentleman from Tennessee is proceeding under unanimous consent.

Mr. GAINES of Tennessee. Just a moment, and I am done. I never heard of any law that permitted anybody to go all over the Philippine Islands and expend the people's money for army posts or anything else, but it seems this appropriation contemplates that.

The Clerk read as follows:

Transportation of the Army and its supplies: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses of recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster stores, from army depots or places of purchase or delivery to the several posts and army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as train masters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans (no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained); for procuring water, and introducing the same to buildings at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *Provided further*, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service, $14,500,000.

Mr. GROSVENOR. Mr. Chairman, I make the point of order

against the language found in line 7 on page 27 and ending at the word "obtain," in line 9, for the purpose of inquiring of the chairman if that is the existing law?

Mr. HULL. It is. It was enacted last year.

Mr. GROSVENOR. It is not changing existing law in any respect?

Mr. HULL. Not at all. The committee simply wants to make it so that Congress retains control of these boats, so that they shall not be hawked about the country unless Congress gives full authority.

Mr. GROSVENOR. How long has that been the law?

Mr. HULL. One year.

Mr. GROSVENOR. Before that time a great many of them were sold?

Mr. HULL. Yes; and at a very low price.

Mr. GROSVENOR. That is all. I withdraw the point of order.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required by the Army and Navy Hospital at Hot Springs, Ark., except quarters for the officers and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, $475,000: *Provided*, That out of the above appropriation not to exceed $50,000 may be used to construct a hospital at any one post.

Mr. HEMENWAY. Mr. Chairman, I reserve the point of order on the proviso commencing in line 22, page 29. I wish to ask the chairman of the committee whether under the law he is permitted to expend more than $20,000 for the purpose contemplated by the proviso?

Mr. HULL. Mr. Chairman, I would refer the gentleman to the note to be found on page 160 of the Book of Estimates, and I hope the committee will give attention to it when I read it:

This estimate is in accordance with the recommendation of the Surgeon-General of the Army, who says: "Of the above amount, $100,000 is to build a modern hospital for 100 beds at Fort Riley, Kans.; $30,000 to build a modern hospital for 24 beds at Fort Totton, N. Y.; $45,000 is to enlarge the hospital at Fort Leavenworth, Kans.; $50,000 is to enlarge the hospital at Fort Snelling, Minn.; and $60,000 is to enlarge the hospital at Fort Sheridan, Ill. These funds are necessary to meet the requirements caused by increased garrisons, and as section 1136 of the Revised Statutes forbids the use of more than $20,000 at any one post, it is requested that Congress be asked to designate the amounts mentioned as needed for each post or so much thereof as may be necessary."

Now, there is no question in my mind but that the point of order raised by the gentleman from Indiana [Mr. HEMENWAY], if he should insist upon it, is well taken; but it did seem to me that in view of the large posts that are now being erected and the necessity for the hospital accommodations, it would not be good administration to limit the sum to $20,000; and for that reason we put upon this bill a proviso that the amount expended in this way shall not exceed $50,000. That covers practically all the hospitals except the one at Fort Riley, Kans.; and if there they want a hospital to cost as much as $100,000, I think it is only right, this amount being so much beyond the ordinary, that they should come and ask for it in the regular way.

But it seems to me, in view of these posts now being constructed and the number of troops now housed at these large centers of military concentration, $50,000 is not an unreasonable sum for Congress to allow in this appropriation bill. I hope the gentleman from Indiana will not insist on his point of order.

Mr. STEVENS of Minnesota. Mr. Chairman, I should like to read two extracts from the testimony of the Surgeon-General before the Committee on Military Affairs as bearing on this point of the gentleman from Indiana. I read from the statement of General O'Reilly before the committee:

You gentlemen know what $20,000 would do in 1859 as compared with what it will do now.

He had stated that the law limiting the appropriation to $20,000 at any one post was passed in 1859. He then continued:

The way things are now is an abominable nuisance. We are called upon to construct a hospital at a post. The estimates are made, the plans are made, and they meet the approval of all the authorities, including the Secretary of War. We then advertise for bids. Bids come in—$35,000 or something like that—perfectly reasonable, but which under the law of 1859 can not be accepted. We then make plans again, and again ask for bids. The bids come in for about the same amount. Then we cut out this and cut out that, until we have left a shell of a building that is hardly fit for occupancy, readvertise, and then maybe we will get a bid for, say, $22,000. Then it is necessary to cut down something else, expecting to add it in another year, so we cut off a wing or something of that kind. At the end of all this you have a building which will have to be added to from year to year, and which will cost you more in the end than if you had erected a good building in the first place.

Farther on in his statement he says:

We can put up a part of the building this year. That will cost $30,000, and we can add $20,000 next year and $20,000 more the third year, and maybe some more the fourth year; and then after we have got all that we have a patchwork building which has cost more than if we had had an appropriation of $50,000 or $60,000 in the first place to spend on the building.

It was on this testimony that the committee suggested this provision.

Mr. HEMENWAY. Mr. Chairman, section 1136 of the Revised Statutes was passed evidently for the purpose of keeping this matter within the control of Congress—prohibiting the erection of buildings which would cost more than the amount named without the direct authority of Congress. I think that is a very good provision, because we do not want to give to army officers the right to build hospitals whenever they choose, and if they are carrying on the practice that the hearings evidently prove they are carrying on, they are violating the law. If they are spending $20,000 on a particular building one year and then $20,000 on the same building the next year, they are violating at least the spirit of the law, which says they shall not spend more than $20,000 in the construction of a building unless under the direct authority of Congress.

I do not think such a practice is right. I do not feel that I should be doing my duty if I failed to make this point of order, because we do not want to leave to the heads of Departments the determination as to where more hospitals shall be built. We want to retain the right ourselves to say by legislation when these buildings shall be constructed.

Now, I believe this section of the statutes is a good one. I remember that where the buildings are to cost more than $20,000, and are authorized by law, they are usually taken up on the sundry civil appropriation bill. But at least there should be authority of law where a larger amount than $20,000 is expended on any of these buildings; and for that reason, Mr. Chairman, I make the point of order against the proviso.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. HEMENWAY. My point of order is that this provision changes existing law. Section 1136 of the Revised Statutes prohibits the erection of any buildings the cost of which is to exceed $20,000, except by special authority of Congress. The pending provision would allow the erection of buildings at a cost of $50,000 without receiving such special authority.

The CHAIRMAN. Does the Chair understand that the point of order made by the gentleman from Indiana is directed to the proviso alone?

Mr. HEMENWAY. Yes, sir.

Mr. HULL. I would ask the Chair to consider this one point in connection with it: That if this appropriation is made for hospitals and construction and repairs, and the proviso that no more shall be expended than this, it is entirely a different proposition from changing the law. I submit it to the Chair and hope the Chair will consider that point.

Mr. HEMENWAY. If the Chair is in doubt at all on the point of order, I want to argue it.

The CHAIRMAN. Just one moment. The Chair will call the attention of the gentleman from Iowa to the fact that, owing to the distance, the Chair was unable to hear all the gentleman said and will be glad if he will restate his position.

Mr. HULL. As the gentleman from Indiana stated his point of order, the proposition he made was that under this authorization by law no more than so much should be expended for any one building. He did not mean hospitals any more than any other building. That is the law, as I understand it. Now, the law has established posts at certain places—at all the places that have been enumerated by the existing statutes as to localities where this money shall be expended. This appropriation gives in gross a large sum of money for the construction and repair of hospitals under the law. The proviso is simply for the purpose of saying that not more than $50,000 shall be expended on any one building, and I think it is an open question if a point of order can lie against it under these conditions. The appropriation itself makes law.

The CHAIRMAN. Can the gentleman from Indiana cite the statute to which he refers?

Mr. HEMENWAY. I have just sent it up. It is section 1136.

The CHAIRMAN. The Chair finds that section 1136 of the Revised Statutes appears to limit the amount which may be appropriated for such a purpose without previous special authority of Congress to $20,000. The proviso against which the point of order is made authorizes the expenditure of $50,000 for the construction of a hospital. It seems to have that effect, although the language is somewhat indefinite. That seems to be the proper construction of it. The Chair is therefore of the opinion that the point of order is well taken and must be sustained.

The Clerk read as follows:

Army general hospital, District of Columbia: For the construction in or near the city of Washington, D. C., of an army general hospital, for the treatment of special classes of cases, for purposes of instruction in connection with an army medical school, for training enlisted men of the Hospital Corps in nursing, and to serve as a base hospital in time of war, and for the purchase of land in the District of Columbia for a site for said hospital, $400,000: *Provided*, That no part of this appropriation shall be used until it shall have been determined by the Secretary of War that the entire cost of plans, buildings, and grounds will not exceed the sum hereby appropriated.

Mr. PALMER. Mr. Chairman, I make the point of order against this section, that there is no existing law authorizing this appropriation, which is legislation upon a general appropriation bill.

Mr. HULL. Mr. Chairman, the gentleman made a point of order only last Saturday of continuing the work by the Signal Corps in laying a cable in Alaska. If the Chair will hold the same as to this provision as he held on that occasion, why, I presume that it will be subject to the point of order, although I can not believe that the Chair decided that correctly, because it was a continuing work, and that was an appropriation to finish the work. I did not appeal, because I did not think it necessary. I want to say, as to this, that there is a general hospital now located in the city of Washington. It has been established at the barracks formerly known as the "Washington Barracks," now known as the "Engineer School," and the law under which we transferred the engineer barracks to the Engineer School provided for a system of buildings there for the school of engineers that interfered with this general army hospital.

It was also provided by law that they should erect a war college on these grounds. That has been done to a certain extent, and there is another appropriation in here for that. In the course of this new work it has become absolutely necessary to tear down the present general army hospital and to erect another one on some other ground to be purchased by the Government, and in my judgment the point of order is not well taken on this, as it is a part of the general plans for the Army, which is not changed by this bill, and is legitimate to appropriate for in this bill.

Mr. HEMENWAY. If the Chair is in doubt, I want to be heard.

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. PALMER. Mr. Chairman, the proposition is to tear down the general hospital, which it is said cost $40,000, and which it is said is now ten years old, and therefore not fit for further use, and to buy ground to build another hospital somewhere else. That is the proposition. Now, if that is a continuing work, the point of order is not well taken. It is not proposed to repair the old hospital, nor to add to the old hospital; but the proposition is to tear down the old hospital and to buy new ground somewhere else and build another hospital for the sum of $400,000. If this were a mere continuation of that old work, then it would not say the new hospital in this bill. Now, I do not know but that a new hospital is needed in the city of Washington. Perhaps it is. But I do know, or at least I think I know, that a work on this magnificent scale—the selection of a site and the preparation of plans and the expenditure of $400,000 for the purpose of establishing a new hospital for the purposes named in the bill—ought not to be undertaken without some amount of investigation and some reason be given that will show the necessity for such work.

Now, practically the reasons given by the Surgeon-General in his communication to the committee are that he needs a new building, to cost $400,000, for the purpose of setting up a medical school for the instruction of the student officers in the science of medicine; for the purpose of treating special cases which he mentions, old army officers who are to be retired on account of disability. He wants a $400,000 place where he can examine these men and say whether they are really entitled to be retired. Now, in my opinion, and I may be wrong, I do not believe that the United States Government ought to go into the business of running a medical school or a medical college; I do not believe we ought to spend $400,000 for the purpose of establishing a place where the student officers can learn the use of the Röntgen rays as the Surgeon-General recommends.

I do not believe it is essential to establish such a place as that for a base hospital, around which can be located some tents for temporary hospitals in case there should be a war, as he recommends. Now, those are the reasons. I am not against a hospital if needed, but I do say there ought to be some kind of an investigation and some kind of an inquiry and some kind of a responsibility fixed somewhere, more than is contained in this letter, which is addressed by the Surgeon-General to the committee and on which this appropriation has been recommended.

Mr. HULL. Mr. Chairman, I would like to add one word to what the gentleman has said in regard to this report of the Surgeon-General. The Surgeon-General says:

> A conservative estimate of the money saved the United States by the successful surgical operations at this hospital since its establishment, September 8, 1898, to December 10, 1903, has been made, and it is shown that 40 officers completely incapacitated have been operated upon and restored to duty, whose retired pay would have been over $75,000 a year, and that 380 enlisted men have been returned to duty after operations for disability, whose pensions, had they been discharged, would have amounted to nearly $49,000 a year. The institution has therefore already paid for itself many times over from its surgical work alone, while its value as an essential part of the instruction of young medical officers and enlisted men of the Hospital Corps can not be estimated.

Mr. PALMER. Well, Mr. Chairman, that saving of $75,000 and the $49,000 was made in this little old $40,000 hospital that you propose to tear down because it is ten years old.

Mr. HULL. If the gentleman had read the other part of this he would see that that old hospital would have to come down. It is built of timber, it is in the way, and the ground is to be occupied for other purposes. Even if it were not for other purposes, it is in such condition as to be unsanitary as a hospital.

Mr. PALMER. This is what the Surgeon-General says:

> Plans for the War College and Engineer School contemplate a new building on the present site of the hospital. It has been proposed to move the present building and use it as a post hospital during the construction work, and for this purpose it is neither too large nor too good. It is inadequate in size for a general hospital, however, and being largely built of timber it has shrunk and settled until it is no longer possible to maintain it in a perfect sanitary condition where the necessary aseptic operations are to be performed. The building is about ten years old and cost less than $40,000.

Well, it is ten years old and cost $40,000, and it has been adequate for the needs of the Government up to this time. Now, all I am proposing is that before going into the appropriation of such a large sum as $400,000 and the selection of a site for the erection of a new building there ought to be some kind of inquiry and there ought to be some kind of a law authorizing the expenditure.

Mr. HAY. Mr. Chairman, I do not believe that the gentleman who has just taken his seat nor the gentleman from Iowa has addressed himself to the point of order, and therefore I want to read further from the report of the Surgeon-General where the gentleman from Pennsylvania left off. He says, speaking of this hospital:

> It is always crowded so that nurses must be lodged outside, and there are no private rooms for officers or special cases. The location is not suitable, even if it were possible to retain the site, and the ground is low and the heat excessive in summer. I repeat most earnestly my previous recommendation that a general hospital of sufficient size and perfect in every respect be built in the District of Columbia for the following purposes.

Then he goes on and gives the reasons for it.

Now, Mr. Chairman, I do not wish to speak upon the reasons for establishing this hospital when the point of order has not yet been passed upon. Therefore I will wait until the Chairman passes upon it.

I will print as a part of my remarks the following:

ARMY GENERAL HOSPITAL IN THE DISTRICT OF COLUMBIA—REASONS FOR ENLARGING THIS INSTITUTION AND PUTTING IT ON A MORE PERMANENT BASIS.

The need of a large general hospital at the national capital is not new. In time of war one or more will always be required for the service of the troops which are mobilized near Washington, while in time of peace it will be equally necessary for the treatment of special cases and as a part of the system of instruction of young medical officers and members of the Hospital Corps and Nurse Corps, as stated below.

In 1862 there were in the District of Columbia 32 hospitals, treating 20,000 sick and wounded, and the Surgeon-General in his report for that year, which is remarkable for its wise and far-seeing summary of the needs of the Medical Department, says as follows:

"An army meidical school, in which medical cadets and others seeking admission into the corps could receive such special instruction as would better fit them for commissions, and which they can not obtain in the ordinary medical schools, is a great desideratum. Such an institution could be established in connection wth any general hospital with but little, if any, expense to the United States.

"A hospital of a more permanent character than any now in this city is, I think, very necessary and will be required for years after the present rebellion has ceased. I therefore recommend that suitable buildings be purchased or erected for that purpose. If this is done, the medical school and museum will be important accessories to it."

The first of these recommendations for the establishment of an army medical school was realized in 1893 and is now in the twelfth year of a flourishing and useful existence. The second recommendation—the establishment of a permanent general hospital at Washington—was not realized until 1898, when the Secretary of War ordered the conversion of the post hospital at Washington Barracks into a general hospital and the construction of some additional wooden buildings of a temporary character. This is the present general hospital establishment, and originally an improvisation. The time has arrived when a larger and more permanent establishment has become imperative.

Favorable action on the part of Congress is necessary now for three reasons.

1. The present buildings are, as shown below, unsuitable and inadequate, and the temporary ones have become so dilapidated as to be nearly uninhabitable (see *e*).

2. The space occupied by these buildings is necessary for the completion of the new engineer post as authorized by Congress, and the removal of the general hospital is demanded in obedience to that law in physics which declares that two bodies can not occupy the same space at the same time.

3. In order to reap the full measure of usefulness of this institution it should have room for great expansion in time of war, and should be the great training school for the Hospital Corps. It should also afford a home for the Army Medical School. The combination of these two institutions, as is the case with the English army hospital and school established after the Crimean War at Netley, and the celebrated French hospital and school at Val-de-Grace at Paris, offers advantages which are great and evident, and which are enumerated below (*c*).

The establishment has fully demonstrated its value to the military service, but as now constituted is entirely inadequate, and the work of reconstruction at Washington Barracks will render its removal imperative in the near future. In order to continue this hospital elsewhere in the District of Columbia and upon a satisfactory basis, land will have to be purchased and suitable buildings erected thereon. To this end the Secretary of War has asked for an appropriation from Congress of $400,000.

This hospital is needed (*a*) for the treatment of special cases; (*b*) for training enlisted men of the Hospital Corps; (*c*) for instruction in connection with

the Army Medical School; (*d*) for expansion and use as a base hospital in time of war; (*e*) to provide adequate accommodations on a good site.

The usefulness of the hospital in meeting the needs of the service and the necessity for an adequate establishment will be discussed under each of the above heads.

(*a*) THE TREATMENT OF SPECIAL CASES.

Cases of illness and injury are constantly arising in the military service which require special skill and special appliances for their treatment in order to save the men to the service, to reduce the pension list, and to give men disabled in the service of their country the benefit of the most advanced medical and surgical knowledge. Hospitals at military posts are equipped for the usual run of cases, but it is too expensive to equip all hospitals in the Army with the special apparatus required for the treatment of difficult cases; equally, it is impossible to have at all posts surgeons skilled in all the specialties of medicine and surgery. The advance of medicine and surgery has produced a large number of special and costly appliances, and has necessitated the training of medical men for their use, and in the observation and treatment of special diseases. The proper care of cases requiring special skill and special apparatus can only be given at a hospital especially equipped for the purpose. The conditions relative to the treatment of special cases are similar in the Army to the conditions in civil life. In civil life difficult and important cases occurring in the country and in towns and small cities are sent to medical centers where there are large hospitals fully equipped and with specially trained medical men in attendance.

The number of patients treated at the general hospital in Washington can be taken in part as an index of its usefulness.

In all, 4,945 cases have been treated since the establishment of the hospital. Of these, 1,051 were surgical and 3,894 were medical.

The value of the hospital to the Government from a pecuniary point of view can be estimated by the amount saved in pensions and in retired pay.

A careful estimate has been made of the savings to the Government from surgical operations alone done at the hospital. This shows a yearly saving in pensions which would have been paid enlisted men of $48,803.04 and of yearly retired pay to officers of $75,374.76, a total of $125,302.80, the equivalent of 3 per cent on an investment of $4,173,430. As will be seen, a large number of medical cases have been treated. Many of these were special and difficult cases, which recovered and were restored to duty. No estimate of the saving to the Government from this source could be accurately made, but the amount is large. In commenting upon these savings to the Government, the Surgeon-General has stated in his report for 1903: "The institution has, therefore, already paid for itself many times over from its surgical work alone."

The treatment of officers who would otherwise be on sick leave is also an important function of a general hospital. With no facilities for treatment other than those available at military posts it has been customary in the past to give officers requiring special treatment sick leaves of absence. In such cases the officers are removed from supervision of superior officers and medical officers. Nor are officers on sick leave usually financially able to pay the large fees charged by capable specialists. In consequence the treatment adopted is not always to the benefit of the officer, and the service suffers through long delay in restoring the officer to duty or by producing conditions which may lead to permanent disability. The interests of the service and of sick officers are better subserved if instead of sick leave a fully equipped hospital is available to which officers may be ordered and there treated by competent medical men, who are fully alive to safeguarding the interests both of the officer and the United States.

The objection may be advanced that to bring officers or enlisted men from distant posts to Washington for such special treatment will involve an increased expenditure for mileage. To this it will be replied that this cost is insignificant when compared with the saving of a trained officer or man to the service who would otherwise either die or have to be supported for the rest of his life on the retired list or as a pensioner. The expense of transportation could be more than covered even in the less severe cases where the effect of skilled treatment is to cut short a prolonged absence from duty. To abridge by even one month the sickness of an officer whose pay is $250 a month is equivalent to a saving which would pay four times over the mileage from St. Louis to Washington. Patients from the Rocky Mountain region and the Pacific coast are not sent East for treatment, but go to the general hospital at San Francisco—a large permanent establishment with a bed capacity for 400 patients and facilities for special work.

When the progress of the construction work at Washington Barracks makes necessary the removal of the present hospital buildings and the closure of the hospital, there will be no general hospital for the special treatment of general surgical and medical cases east of San Francisco unless Congress makes this appropriation.

The observation of officers presumably incapacitated for service is an important function of a general hospital. The conditions of the military service are such that officers frequently have but desultory medical attendance. Their medical history is, therefore, imperfect, and their real physical condition when claim of permanent disability is made is often a matter of conjecture. It is important that if disability is not permanent that this fact be ascertained and the officer saved to the Government. Equally, to safeguarding the interests both of the Government and the officer, it is necessary when disability exists that an accurate opinion be arrived at, both as to the nature of the disability and its cause. Observation at a hospital equipped with diagnostic apparatus and with trained medical men in attendance is frequently the only way in which these questions can be authoritatively settled. The general hospital at Washington has frequently been put to this use to the fullest satisfaction of all, and its value to the Government in this way will be constant in the future.

(*b*) FOR THE TRAINING OF ENLISTED MEN OF THE HOSPITAL CORPS.

Men enlisted into the Hospital Corps come from all vocations in civil life, and most of them are entirely unfamiliar with nursing, Hospital Corps methods, and military duties. For the best care of the sick of the Army it is essential that these men be trained for the duties which they have to perform. It is a recognized fact that training for nurses must be practical so far as possible, and in civil life all training schools for nurses are connected with hospitals. The same necessity obtains in the military service, and it is manifestly for the welfare of the sick of the Army that men whose duties pertain almost entirely to the care of the sick should be trained for this purpose as soon after their entrance into the service as possible and before they assume the responsibilities incident to the care of the sick.

A company of instruction, Hospital Corps, consisting of about 150 men, is now attached to the general hospital at Washington. In this company a systematic course of instruction in nursing, first aid, and hospital-corps drill is given by means of recitations, lectures, drills, and practical work in the wards of the general hospital. Recruits are received into the company, given instruction, and as soon as the instruction is completed they are sent to duty at various military hospitals in the United States and the insular possessions. There is such evident need of this company of instruction and its connection with the general hospital, where the men may be practically trained, that it would be a great detriment to the service if there was no general hospital to which the company could be attached.

From the various number of cases received at a general hospital the practical teaching of enlisted men the duties of nursing can be excellently carried out, and this has been the case at the general hospital at Washington. Since the establishment of this hospital over 2,000 enlisted men have passed through this company.

The company of instruction is quartered at present in wooden pavilions erected for temporary use during the war with Spain. These buildings are cheap wooden structures, are now in very bad repair, and at best will last but a short time. The original cost of these buildings, of which there are two, was about $3,000 each, but they have now been in use for about five years and are in such bad repair that they will last but a short time longer. They represent to the Government practically no value whatever. Also, they now occupy ground upon which the officers' quarters of the new post are to be erected, and their removal in the near future will be necessary. In connection with the proposed new hospital a suitable barrack for the company of instruction should be erected.

(*c*) USE OF THE GENERAL HOSPITAL IN CONNECTION WITH THE ARMY MEDICAL SCHOOL.

The Army Medical School was established in 1893, and yearly sessions have been held at the school with the exception of an interval during the war with Spain. This school is one of the military service schools authorized by the Secretary of War and placed under the general supervision of the War College by General Orders 155, November 27, 1901. In this school medical men recently appointed to the Medical Department from civil life are trained in the duties of medical officers; the school is carried on in the Army Medical Museum on the corner of Seventh and B streets SW. It is essential to the success of training in this school that officers be instructed in hospital administration as applied to military hospitals, military surgery, hospital corps drill, establishment of field hospitals, and like subjects which pertain particularly to military medical methods. These subjects can only be taught practically by having a general hospital and a company of instruction near the school. Efficient training at the Army Medical School therefore requires that a general hospital with a company of instruction attached be located at some place not far distant from the school.

As the curriculum of the school is now arranged, student officers attend surgical clinics at the general hospital, where they are instructed in military surgery and in the use of instruments and appliances furnished for the use of medical officers. The use of the hospital for clinical instruction in connection with the Army Medical School, as stated by the Surgeon-General in his report for 1903, page 126, "has a value as an essential part of the instruction of young medical officers and enlisted men of the Hospital Corps which can not be estimated." In this connection the Surgeon-General in his report for 1903, page 18, states, "The distinctive features of the course of instruction at the school are, first, the large measure of personal attention paid to the student's individual work by instructors in the laboratories and surgical demonstrators, which, it is believed, is not exceeded, if equaled, in any post-graduate school."

Medical officers on duty at the general hospital and with the company of instruction also act as professors and instructors in the Army Medical School, so making an economical use of the officers stationed at the hospital.

(*d*) USE OF THE HOSPITAL BY EXPANSION FOR A BASE HOSPITAL IN TIME OF WAR.

In all previous wars in which the United States has engaged troops in considerable number have been assembled in Washington and its vicinity. The number of sick from the troops assembled in and near Washington and sick from other commands who while being shipped to different parts of the United States in passing through Washington are retained in this city has in the past always necessitated the establishment of a large general hospital here.

The establishment de novo of large general hospitals is always accompanied with considerable delay, expense, some confusion, and unavoidable discomfort to the sick. With the nucleus of a general hospital already established and in running order, the expansion of the hospital to any desired size can be done practically without delay and at a minimum expense—the nucleus being provided with all necessary apparatus, both medical and surgical, with operating rooms, and with the administration in working order, nothing is required but the addition of temporary wards to care for the sick in the very best manner.

The establishment of a general hospital in the District of Columbia, not only for the use of the Army in time of peace but for its expansion in time of war, is one which immediately appeals to the military expert, as thereby a contingency is prepared for in advance, fully in accord with the time-honored maxim "In time of peace prepare for war." When, therefore, such an establishment meets so many requirements, namely, special advantages for the care of the sick in time of peace, the training of hospital-corps men for their duties in nursing, the training of medical officers fresh from civil life in administrative and other duties which pertain particularly to the military service, and expansion in time of war, the need of such an institution would seem to be evident.

(*e*) TO PROVIDE ADEQUATE ACCOMMODATIONS ON A GOOD SITE.

Condition of the present hospital.—The hospital now used is entirely inadequate in size and in accommodations and is imperfect in construction. It was built years ago for a post hospital for the use of the post of Washington Barracks, and has few of the accommodations which a general hospital should have. The total cost of the building was less than $25,000, and having been used for over ten years, is worn, and being largely built of timber, has shrunk and settled until it is no longer possible to maintain it in the perfect sanitary condition absolutely necessary where aseptic surgical operations are to be performed. It has a total bed capacity of sixty. Usually all available space is occupied by patients, leaving no room for the nurses to sleep in the building. There are no private rooms for special cases nor for officers. Although the hospital is largely used for surgical cases, there are no rooms for anesthesia nor for recovery. The upper story has a low ceiling under a mansard roof and is almost unendurably hot in summer.

In view of the important medical and surgical work done at this hospital, a new building, modern in every respect, is required.

To provide a proper site for the hospital it should be erected on high, well-drained ground.

The continuance of the hospital on its present site, even if it were possible, is in no way desirable. At Washington Barracks, where the hospital is now situated, the ground is low, the air circulation poor, the heat excessive in summer, and the location very malarious.

The work of construction at Washington Barracks, now well under way, will render the removal of the general hospital imperative in the near future. Plans for the War College and the Engineer School contemplate a new building on the present site of the hospital. It has been proposed to move the present building and use it as a post hospital during the construction work, and for this purpose it is neither too large nor too good.

LOCATION OF THE HOSPITAL.

For many reasons the hospital should be located in the District of Columbia. Some of these, such as the necessity for such a hospital here in time of war, have already been discussed. Other reasons are as follows:

Its use with the Army Medical School depends upon this school being in the city of Washington, and when used with this school it subserves purposes both of practical teaching and economy of officers. In this city is the Army Medical Museum and the Library of the Surgeon-General's Office, both of which are of indispensable value in teaching military medicine and surgery.

The museum and library building is the home of the school. In it the lectures, demonstrations, and laboratory work are given. At the hospital practical work in hospital administration, clinical demonstrations, hospital corps drill, erection of field hospitals, etc., are carried out. It is necessary, therefore, that the hospital be within reasonable distance from the school. All the professors and instructors in the school are stationed in Washington or in its immediate vicinity and the student-officers have to live in the city.

The professors and instructors, in addition to their work in the school, all have other and important duties, thus making a most economical combination of work. All these conditions make it absolutely necessary to have the Army Medical School in this city, and where the school is the hospital should be.

The value of combining an army medical school and hospital has been fully recognized, and has been adopted by all the great nations of the world. The army medical schools and hospitals of Germany, France, England, and Russia are well known and their value unquestioned.

By having the school and hospital in the District, both are immediately under the eye of the Surgeon-General, so allowing personal and careful supervision with consequent increase in efficiency. Also, with the school and hospital near each other proper co-relation of instruction, both theoretical and practical, can be made.

To provide a hospital for officers and men stationed in the District of Columbia.—The general hospital is the only military hospital in the District for this purpose. The hospital at Fort Myer is too distant and is only sufficiently large for the requirements of that post.

By providing hospital facilities for officers and men stationed here, not only are their requirements adequately met, but clinical material for use in connection with the Army Medical School is increased.

Administrated work is facilitated by having a general hospital with its company of instruction in the District.

Reports and orders can be transmitted from the War Department direct to the hospital, so obviating delay in official communications relative to officers and men under treatment and enabling the central authorities to keep directly in touch with patients held for treatment or observation. Orders relative to the detailing of enlisted men who have been instructed in the company to duty elsewhere can be quickly transmitted and carried out. This facility of communication is valuable in peace, but especially valuable in time of war when questions relating to large numbers of officers and men have to be quickly determined.

The requirements relative to a site can be admirably met in the District, the only possible objection being the somewhat high price of land. The site should be ample in size, well drained, with accessible water, sewer, and gas mains, and should be on a well-paved road not far distant from street-car line.

The size of the site is important, and a careful estimation of all requirements determines the minimum at 45 acres, while 50 acres would be better. Provision must be made to allow full air space about the hospital and ample ground for extension in time of war by means of pavilion wards or tents. Provision must also be made for ample parade ground for hospital-corps drill, and the pitching of tent field hospitals for the instruction of student officers.

The disposal of sewage necessitates that a main sewer be near; otherwise the local disposal of sewage would add greatly to the expense.

Proximity to street-car lines is necessary to facilitate communication with the hospital both in time of peace and war and to enable professors and student officers to get from the school to the hospital.

Another important factor in making it desirable to have the hospital in the District is that local laws are satisfactory and can be enforced to maintain the surroundings of the hospital in right condition.

Suitable land can be secured in the District at not to exceed $4,000 per acre, and it is possible that land for a site can be secured at a somewhat less figure, but preliminary inquiry indicates that a wholly desirable site can hardly be purchased for less. In view of the value of the proposed institution and its continued use in the future it would be false economy to purchase a site other than one which would meet all requirements.

Against all factors showing the need of a general hospital in the District adequate to the requirements of the service, both educational and for the care of the sick in time of peace and war, there is to be considered but one item, the cost of establishing the hospital. From a financial point of view this objection is met by the saving to the Government from the work at the institution when it is shown that the single item of surgical work already done returns to the United States a sum equal to 3 per cent interest on an investment of over $4,000,000. The value of the institution in training young medical officers and enlisted men of the Hospital Corps can not be estimated.

Mr. HEMENWAY. If the Chair is in doubt, I would like to be heard.

The CHAIRMAN. The Chair will hear the gentleman from Indiana.

Mr. HEMENWAY. I desire simply to state that under a construction of the statute which I sent to the Chair a while ago, if it were a work in progress it would still be subject to the point of order. If it is a work in progress they could not use more than $20,000 for the construction of the building there, but it is not a work in progress. It is a proposition to build at a separate place on a new site to be acquired a new building to cost $400,000, and if it were a regular army post, under the statute that no building shall cost over $20,000, you can not construct without special authority, and you can not give special authority on an appropriation bill.

Mr. HULL. Mr. Chairman, in answer to that I will say that every year for the last twenty-five years special authority has been given on appropriation bills for this character of building—for instance, at West Point, and you do it every year. It has been done repeatedly whenever we have had any buildings of this character to appropriate for.

Mr. HAY. It was done on the Army College buildings last year.

Mr. HULL. It has been repeatedly done on appropriation bills; it was done on the Military Academy bill. Why, Mr. Chairman, that contention would make it impossible for the Committee on Military Affairs to build up the Military Academy, as we have done.

Mr. HEMENWAY. The gentleman does not contend that on the army appropriation bill he could provide for a public building at any post?

Mr. HULL. Not at one of these posts; but we have done it for the Engineer School for years. When it was at Willetts Point we appropriated whatever they asked for on the army bill. We gave them $45,000 once or twice. An appropriation for the War College was appropriated last year and passed at $100,000. The gentleman at the head of the Committee on Appropriations, one of the greatest leaders the House has ever had, a man that scrutinized every bill most carefully, who has so commended himself to the membership of the House that they elected him Speaker, would not raise a point of order against it, because I assume that he did not believe that the point of order would lie. Nobody ever accused him of holding back when he believed that a point of order would lie.

The CHAIRMAN. The question "What constitutes a continuation of a public work or the continuation of an appropriation for a public work" is one which has given rise to many decisions, some of them conflicting. It was decided in the Forty-ninth Congress, as the gentleman from Iowa stated the other day, that the construction of a new vessel for the Navy was a continuation of a public work already in progress. That was probably the extreme limit of the decisions in that direction. It was subsequently held that the construction of a new vessel for the Coast Survey was not the continuation of a public work. That was decided in the Fifty-sixth Congress. It has been repeatedly held—several times in the Fifty-sixth Congress—that the establishment of a light-house, even the building of a new vessel for a light-house tender, was not a continuation of a public work. It was held that the construction of a new dry dock for the Navy was not a continuation of a public work; that the location for a site for a naval magazine was not the continuation of a public work.

Upon this point—the purchase of sites—the weight of authority appears to be to the effect that where the appropriation is for land adjoining an existing site and for the purpose of additional buildings it will be treated as a continuation of a public work, but where the appropriation is for a new site it will not be so treated. In the Fifty-sixth Congress, on the sundry civil appropriation bill, an amendment was offered by the gentleman from Illinois [Mr. CANNON] authorizing the Secretary of the Interior to acquire, by condemnation, 140 acres of land adjoining the present building site of the Government Hospital for the Insane. The gentleman from Missouri, Mr. DE ARMOND, offered an amendment to the effect that if that could not be obtained at a specified price a new site should be purchased. Against that amendment the gentleman from Illinois, the present Speaker, made the point of order which is urged here, and so good a parliamentarian as the gentleman from Pennsylvania, Mr. DALZELL, then in the chair, sustained it.

Now, in addition to that, section 1136 of the Revised Statutes limits the appropriation which may be made for a structure not authorized by previous special authority of Congress to $20,000. The paragraph here involved provides for an entirely new hospital upon an entirely new site and appropriates $400,000. It seems to the Chair, therefore, that the point of order is well taken and must be sustained.

Mr. BARTHOLDT. Mr. Chairman, I ask unanimous consent to return to page 25.

Mr. HULL. For what purpose?

Mr. BARTHOLDT. I had intended to offer an amendment to the provision relating to the military post exchange, but since that amendment would be subject to a point of order, I do not intend to detain the House with any remarks. I do, however, ask unanimous consent to print, in connection with my remarks, a report on this subject made by the American Public Health Association.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTHOLDT. The report, Mr. Chairman, to which I have just referred was unanimously adopted by the American Public Health Association at their recent convention at Washington, D. C. It was prepared by a committee of expert physicians who had given much study to the question of the army canteen, and their conclusions are most interesting reading to all who have the physical and mental well-being of the American soldier at heart. The report reads as follows.

THE CANTEEN.

To the American Public Health Association:

At a meeting of the American Public Health Association held in Buffalo September 16 to 20, 1901, the following resolution was adopted:

"*Resolved*, That this body deplores the action of Congress in curtailing the operation of the army canteen or post exchange, and in the interests of general and military sanitation recommends its establishment on its former basis at the earliest possible date."

Another resolution was adopted, as follows:

"The executive committee recommends the appointment of a special committee to prepare and publish at an early date a pamphlet for public circulation, containing the resolution of the Public Health Association in favor of the army canteen, together with a concise statement of the data upon which this action was based and the definite references to the original sources from which such information is obtainable; such pamphlet to be issued in the name of the association, and to be so prepared as to withstand keen and intelligent examination.

"This recommendation is made in view of the fact (1) that an important function of this association is to educate the public in matters of hygiene; (2) that the action above referred to is in disagreement with the ideas of a very large number of good citizens; (3) that this is a possible opportunity of securing their understanding of our action, and, it is to be hoped, their intelligent cooperation in taking successive steps toward the betterment of existing conditions."

Introduction.—In order to appreciate the object of these resolutions it should be stated that the so-called canteen system was introduced as a temperance measure at Vancouver Barracks in 1880, but was not officially recognized until February 1, 1889, as shown by the following extracts from General Orders, No. 10, Headquarters of the Army, Adjutant-General's Office:

"1. Canteens may be established at military posts where there are no post traders for supplying the troops at moderate prices with such articles as may be deemed necessary for their use, entertainment, and comfort; also for affording them the requisite facilities for gymnastic exercises, billiards, and other proper games. The commanding officer may set apart for the purpose of the canteen any suitable rooms that can be spared—such rooms, whenever practicable, to be in the same building with the library or reading rooms.

"2. The sale or use of ardent spirits in canteens is strictly prohibited, but the commanding officer is authorized to permit wines and light beer to be sold therein by the drink, on week days, and in a room used for no other purpose, whenever he is satisfied that the giving to the men the opportunity of obtaining such beverages within the post limits has the effect of preventing them from resorting for strong intoxicants to places without such limits and tends to promote temperance and discipline among them. The practice of what is known as 'treating' should be discouraged under all circumstances.

"3. Gambling or playing any game for money or other thing of value is forbidden."

Subsequent order, dated May 13, 1890, provides that:

"The practice of what is known as 'treating' must not be permitted."

After the abolition of post-traders these canteens became also the cooperative store, and supplied the officers and men with the necessaries and luxuries which the Government does not provide, such as "delicatessen," cigars, tobacco, and general merchandise, articles of clothing, stationery, etc., and as such exercised also a very important economic function.

The establishment of the canteen system, in the light of the evidence which will be presented hereafter, proved to be a most efficient prophylactic measure for the diminution of vice and drunkenness among troops, and its abolition by an act of Congress, approved February 2, 1901, on purely sentimental grounds must be deeply deplored by all interested in the prevention of physical and moral diseases. Since the question of intemperance is intimately connected with the health, morals, discipline, and general efficiency of the Army, it is necessary to consider the subject in all its bearings, and for the purpose of approaching the question from the practical rather than the sentimental standpoint we will present a summary of the evidence:

Personnel of the Army.—The recruits for the Army are enlisted generally from among men of ordinary walks in life, and reflect, therefore, the qualities of the latter, whether they be good or bad. It is not true that the soldier is peculiarly dissipated above all others and requires special legislative measures to safeguard him against his weakness, for, as justly remarked by Dr. Munson in his Theory and Practice of Military Hygiene, page 820:

"He brings with him into the service the result of the moral moulding to which he has been subjected during his childhood and youth in civil life, and does not change his nature or moral standards with the mere donning of the uniform."

One of the members of your committee served in the Army both as an enlisted man and contract surgeon from 1867 to 1889, another member served as an officer of artillery, and we have therefore personal experiences and observation as to the character and habits of the enlisted men, the question of intemperance, its predisposing causes and effects upon the health and morals of the troops. We are disposed to divide the rank and file of the Army into four classes. The first class includes a number of young men who have resisted the temptations of the saloons in civil life, and will continue to resist the temptations after they enter the Army.

The second class comprises many men, especially of German descent, accustomed all their lives to drinking beer instead of alkaloidal beverages, such as coffee and tea, who crave for companionship and the genteel amusements of a club and gymnastic hall; they regard beer as an article of food and a gentle stimulant, and life without these environments creates discontent and never reconciles them to their absence from home. The third class is made up of intelligent mechanics and clerks, who by reason of periodic attacks of intemperance have lost their positions in civil life, but who, possessing sufficient self-respect and manhood, have entered the ranks for the purpose of securing the benefits of army discipline. The fourth class consists of men without aim or purpose in life, and without internal resources for legitimate amusements; they are fond of morbid excitement and the alluring influences of the saloon, and appear to find it difficult to check their cravings for liquor, in spite of the restraining effects of army discipline; indeed, quite a number of these men are true degenerates, not infrequently drawn from the higher walks of life (gentlemen—rankers).

Prevalence of alcoholism in the Army.—It is difficult to give an exact estimate of the extent of the drink habit, except by the amount of beer actually sold in the canteens and the prevalence of alcoholism as shown by the army medical statistics. Statistics prepared by the Adjutant-General of the Army show that during the year 1898, the first year of the Spanish-American war, with its hardships, excitement, and general employment of the Army, the average amount spent for beer by each man in an army of 231,068 officers and men was $2.41 per year, or 48¼ glasses at 5 cents each, or 20 cents per month, equal to 4 glasses per month for each man. The consumption in 1899 in an army of 90,160 officers and men was $6.99, or 139¾ glasses per year, or 56 cents, or 11⅔ glasses per month for each officer and man. This is a very favorable showing when it is considered that the average consumption of liquor in the United States amounts to 17.68 gallons per capita.

The following table, taken from Munson's Hygiene, page 809, based upon official records of the Surgeon-General's Office, shows the prevalence of alcoholism in the military forces of the Army during the twenty-eight years of peace, 1870-1897, inclusive:

Year.	Mean strength.	Number of cases admitted to hospital per 1,000 strength.	Number of cases of delirium tremens per 1,000 strength.
1870	31,831	38.20	(a)
1871	29,430	45.80	(a)
1872	26,844	47.50	(a)
1873	27,909	49.40	(a)
1874	27,021	58.10	(a)
1875	23,575	68.00	(a)
1876	24,886	64.50	(a)
1877	25,707	59.00	(a)
1878	23,381	59.40	(a)
1879	23,964	65.10	(a)
1880	24,004	61.00	(a)
1881	23,222	57.60	(a)
1882	23,239	68.70	(a)
1883	23,439	66.00	(a)
1884	24,034	66.10	(a)
1885	24,138	53.50	1.57
1886	23,572	42.80	1.01
1887	23,841	46.70	.88
1888	24,726	40.20	.92
1889	25,008	41.40	.51
1890	24,234	40.70	.86
1891	23,269	40.00	.90
1892	24,203	37.20	.78
1893	25,287	33.80	.55
1894	25,376	30.90	.82
1895	25,304	30.10	.83
1896	25,119	28.80	.58
1897	25,417	27.80	.58
1898	147,795	15.16	(a)
1899	105,546	18.70	(a)
1900	100,389	22.43	(a)
1901	92,491	26.25	(a)
1902	80,778	24.02	(a)

a No figures available.

The committee has extended this investigation so as to include the five years ending December 31, 1902, and find, as first pointed out by Munson, that "during the war with Spain in 1898 the admission rate fell to 15.1; the more active operations and novelty supplying much of the desired excitement, while the unusual conditions undoubtedly attracted a superior class of young men to the colors." The same was true in 1899, when the rate for alcoholism in the bulk of our Army engaged in hostilities and hard field service in the Philippines was only about half as high as among those serving in Cuba and an eighth as high as among those in garrison in Porto Rico.

The rates for the United States for the year 1900 were 22.43; for 1901, 26.25; for 1902, 24.02. In Cuba and Porto Rico the rates were, for 1900, 32.01; 1901, 34.42; 1902, 48.26. In the Philippine Islands the rates were 12.16 in 1900; 21.07 in 1901; and 21.10 in 1902.

From this table we learn that the rates for alcoholism in our service have steadily decreased. Since there is reason for believing that the per capita consumption of liquor in the United States has steadily increased, the decrease in the army rates for alcoholism is especially gratifying and can only be explained by greater care exercised in the selection of recruits and in the character and preparation of food, a more rapid elimination of inebriates from the Army, and last, but not least, the beneficial effects from the establishment of canteens.

It will be observed that the decrease is especially marked since the establishment of canteens in 1889, while the slight changes in 1901 and 1902 are not sufficiently marked to base conclusions thereon; nevertheless they indicate, in connection with other evidence, an increase in alcoholism since the abolition of the canteen.

It is interesting to note that the statistics collected by Doctor Munson show that there is approximately only a tenth as much sickness from the use of alcohol among the negro as the white troops. He says, "Few colored soldiers are hard drinkers; and so far as beer and other malt liquors are concerned, there apparently exists a radical distaste for these beverages on the part of the negro." Doctor Munson also adduces statistics which indicate that nationality is a factor of much importance in determining the relative amount of alcoholism. Thus, for seven-year periods, 1890-1896, the rates of admission in our Army per 1,000 of each class were as follows:

German	26.62
American born	28.51
English	51.84
Irish	90.96

These statistics appear to have also an important bearing on the influence of so-called "national beverages" on the drink habit, and their effects upon the system. The German and American-born soldiers generally prefer beer, while the English and Irish are accustomed to stronger drinks, like ale and ardent spirits.

The canteen as a prophylactic measure.—In order to appreciate the beneficent effects of the canteen system, not only in the reduction of the drink habit but also as a powerful moral factor in the life of the soldier, it should be remembered that prior to the inauguration of the canteen or post exchange the so-called sutler's or post-trader's store was allowed by Army Regulations.

The proprietor was a civilian, appointed by the Secretary of War, and at a subsequent period these appointments were made upon the recommendation of the members of the post council. These stores furnished merchandise and luxuries not supplied by the commissary department, and were also an accommodation to the pioneer settlers. Among the most profitable articles of sale were whiskies, brandies, wines, cigars, and bottled beer. These were sold usually across the counter and very few of the sutler stores provided the facilities of club life, such as billiards, reading rooms, or games, and if so, the charges were exorbitant and gambling for money was not infrequent. Most generally they presented all the characteristics of the American bar, drinks being consumed in rapid succession, aided by the pernicious system of "treating."

It is quite true these establishments were subject to military orders, and the sales of liquor could be controlled easily, but whenever and wherever the attempt was made on the part of the commanding officer to regulate the character and amount of drinks to be sold, it was promptly frustrated by the establishment of little shacks or shanties for the sale of vile whisky outside of the post reservation. These were gradually enlarged by the addition of

rooms for gambling and the introduction of lewd women of the lowest class, and as a result, in addition to the excesses of alcoholic stimulants, the effects of an immoral life and its far-reaching consequences were stamped upon those unable to resist the temptations, and as a result trials for drunkenness, absence without leave, admissions for alcoholism and venereal diseases increased with startling rapidity.

One of the members of your committee can recall that on more than one occasion, in order to avert complete demoralization of the men, the commanding officer felt constrained to rescind his orders prohibiting the sale of alcoholics, for he realized that the post trader could be compelled to sell a pure article of whisky, and thus diminish the baneful effects of alcoholic stimulants to a minimum.

At posts situated within the heart of an Indian country, and where it was impracticable to establish grogshops within a reasonable distance from the post, whisky was brought into the garrison through the mails in various disguises, or in express packages, and peddled in 2-ounce vials by the soldiers themselves. Others resorted to the purchase of essence of ginger, lemon, vanilla, bay rum, alcohol, and patent or proprietary remedies containing alcohol in various percentages.

Hence even the most favorable environment failed to prohibit. It was not until the establishment of the canteen system that better conditions were offered for the promotion of temperance among our soldiers. It was the creation of the soldiers' club which reduced drinking to a minimum and promoted not only temperance and contentment, but also lessened sickness, immorality, and crime.

Trials by court-martial for drunkenness, etc.—The statistics already presented show conclusively that coincident with the general establishment of the canteen system throughout the Army there occurred a decrease amounting to considerably more than half the drunkenness which formerly tended to the impairment of discipline, the demoralization of individuals, and to the occurrence of assaults, injuries, and deaths.

The following statistics, prepared by Dr. Munson and extended by the committee, show a gradual improvement in the tone and morale of the Army, as evidenced by the number of courts-martial. This improvement is especially marked since the establishment of the canteen.

The average of trials and convictions for drunkenness and conditions arising therefrom for from 1886 to 1891 was 372.5 against an average of 160.6 for the six years after the establishment of the canteen. (Table Munson's Hygiene, p. 819.)

Year.	Total number of trials and convictions in the Army—all causes.	Number of trials and convictions for drunkenness and conditions arising therefrom.
1886	1,640	342
1887	1,730	289
1888	1,999	357
1889	1,752	423
1890	1,907	407
1891	2,000	417
1892	2,198	228
1893	2,189	163
1894	1,728	120
1895	1,486	142
1896	1,384	168
1897	1,245	143
1898	1,865	313
1899	5,694	1,386
1900	6,618	1,837
1901	6,065	1,458
1902	5,311	1,000

The statistics from 1898 to 1902 should be excluded, as they cover the period of the Spanish-American war, when a large number of volunteers were enrolled. In this connection attention is directed to the "Reports of commanding officers" on file in the War Department and published in House of Representatives Document No. 232, Fifty-seventh Congress, second session. Brig. Gen. Frederick Funston, United States Army, commanding general Department of the Colorado, reports (p. 22) the number of trials by general courts-martial for 1902 to have been 194, and as compared with the preceding year the percentage of average enlisted strength to nearly have doubled. He also gives the per cent of average enlisted strength deserting in his department as follows:

1899–1900	3.20
1900–1901	7.50
1901–1902	11

And writes as follows:

"It is therefore plain that there has been a deplorable increase of offenses in general and of desertion in particular. In my opinion there are two principal causes for this state of affairs: 1. Resentment to unaccustomed limitations and restrictions felt by men returning from field service to the monotony and routine work of garrison life. 2. The abolition of the canteen feature of the post exchange. Since this action was taken saloons of the lowest type have been established just outside the boundaries of the various reservations; their proprietors are, in almost every case, unprincipled scoundrels, who leave nothing undone to debauch the soldiers and obtain their money.

"Being, in all cases, outside the limits of any city, the proprietors of these resorts are subject to no municipal police regulations and sell liquor regardless of hours and whether the buyer is already intoxicated or not. Gambling is universal in these "dives," and they are frequented by dissolute women. The soldier whose desire for a drink would ordinarily be satisfied by a few glasses of beer in the canteen of the post exchange goes to one of these resorts and does well if he escapes before he has spent or gambled away all his money, overstayed his leave, or engaged in an altercation. As a rule, the local authorities regard the existence of these places with indifference or approval, as it causes the soldier to spend his money in the community.

"The efficiency of the Army or the ruin of a good soldier is nothing to them. There can be no reasonable doubt that most of the trials by general courts-martial and summary courts, at least so far as this department is concerned, are directly traceable to this cause. Since I have had command here there has taken place the ruin and degradation of several noncommissioned officers of long service and fine record. In short, the recent legislation of Congress on this question, so far as this department is concerned, has had no effect except to lower the discipline of the Army, ruin scores of good soldiers, and fill the pockets of a lot of saloon keepers, gamblers, and prostitutes."

Desertions.—The following table, compiled from the records of the War Department, shows what the establishment of the canteen has accomplished in the promotion of virtue and loyalty to the flag. This table demonstrates that for the ten years previous to the establishment of the canteen the number of men annually deserting from the service amounted to 125 per 1,000 strength, while for the ten subsequent years the annual number of desertions was reduced to 43.2 per 1,000 strength.

It is to be deplored that this favorable record, which continued for ten years after the canteen system was thoroughly established, should be broken by a rate of 73 per 1,000 the year following the abandonment of this system. These figures are extremely suggestive, because the best index of the contentment and virtue of the troops is to be found in the rate of desertions and trials by courts-martial.

Table showing percentage of desertions in the Army of the United States from 1880 to 1900, and 1901–2.

Year.	Strength	Percentage.	Year.	Strength	Percentage.
1880	24,601	9	1891	24,525	5.7
1881	23,572	12.5	1892	24,867	5.7
1882	23,743	16.4	1893	25,670	6.3
1883	23,814	15.2	1894	25,661	3.6
1884	24,706	13.6	1895	25,200	5.3
1885	24,816	10.6	1896	25,143	3.4
1886	24,365	8.3	1897	25,304	2.9
1887	24,438	10	1898	44,397	4
1888	24,790	11	1899	62,019	4.9
1889	25,564	11	1900	66,400	4.4
1890	24,930	7.7			4.62
		12.50	1901	75,431	4.12
			1902	82,472	7.30
					5.71

Savings deposits.—Doctor Munson, on page 819 of his Military Hygiene, also refers to the increased savings deposits with army paymasters as one of the beneficent effects of the canteen system in the promotion of order and contentment. At all events, the figures reported by the Paymaster-General in his report for 1899 show that the average number of men annually making such deposits for the seven years, 1885–1891, was 7,273, while for the six years 1892–1896 the annual average so deposited was 8,382, an increase of 13.3 per cent. This indicates not only increased contentment, but a decided improved moral tone, and means that over 1,100 additional depositors were created, thus practically giving bonds to the Government for good behavior.

Statement showing the number of enlisted men, the amount of soldiers' deposits, and the average deposit per man per year for four fiscal years, from 1900 to 1903, inclusive.

Year.	Troops.	Deposits.	Average per man.
1900	64,909	$3,215,544.66	$49.49
1901	65,000	3,448,529.11	53.05
1902	70,711	2,660,250.66	37.62
1903	59,866	1,888,014.87	31.54

Venereal diseases.—Another remarkable victory achieved by the canteen system over vice and disease is shown by the decrease in the prevalence of venereal diseases in the United States Army. This reduction was gradual and constant until the abolition of the canteen system, when again a most marked and lamentable increase is noted, the admission rate for syphilis, chancroid, and gonorrhea in 1902 having almost doubled when compared with the rate for the decade 1890–1899.

Venereal diseases, United States Army—Syphilis.

Year.	Admission to hospital per 1,000 strength.	Year.	Admission to hospital per 1,000 strength.
1880	49.4	1891	14.7
1881	47.6	1892	16
1882	40.1	1893	13.6
1883	35.6	1894	14.1
1884	29.8	1895	11.1
1885	24.8	1896	10.9
1883	22.5	1897	12
1887	22.9	1898	10
1888	22.2	1899	14.7
1889	22	1900	18.4
1890	19.7		

	1898.	1899.	1900.	1901.	1902.	Decade 1890–1899.
Syphilis	10.08	14.97	18.46	20.28	22.37	12.67
Chancroid		38.29	46.44	37.18	31.99	17.80
Gonorrhea	46.42	93.18	93.68	99.25	106.58	55.60

The predictions of the honorable Secretary of War, Mr. Elihu Root, and Right Rev. Archbishop Ireland have, alas, been fulfilled. Mr. Root, in his testimony before the Senate Committee on Military Affairs, December 14, 1900, said:

"In the vile resorts which cluster against the borders of every army post there is not only the liquor seller, with his bad whisky, but there is the prostitute. The man who goes to the gin mill for his recreation falls into the hands of that woman, and he comes back not merely to the guardhouse for drunkenness or for overstaying his time, but to go into the hospital with venereal

disease. These misguided people are doing satan's work in endeavoring to take these fellows out from under the restraint and under the influences that surround them when they are in camp and drive them out into the horrible and demoralizing and damning surroundings that cluster around the outside of the camps."

Before the same committee Archbishop Ireland declared:

"One thing is overlooked by many people who discuss the canteen question. It is this matter of prostitution, which is, of course, fatal to the soldier, soul and body. They only look at the mere drinking, but when a soldier goes outside to drink, outside the fort or reservation, he is generally tempted to go farther. That is the danger. * * * You will find soldiers arrested in houses of prostitution; they are arrested, and we ask: 'How did you get there?' The explanation is that they went outside and got drunk in some of these vile saloons, and they were induced to go to these houses from the saloons. The agents of these houses are there, and they are there particularly for the purpose of inveigling the soldiers into these houses. The houses that I refer to are on the borders of the fort, and are houses of prostitution—all of them."

Insanity.—For the sake of completeness, we submit a table showing the rate of mental diseases in our Army for the period from 1880 to 1902, inclusive.

It will be observed that there was a decided tendency to diminution of insanity from 1884 to the beginning of the Spanish-American war, probably the result of better provision for the intellectual needs and recreation of the soldier, and of which the canteen system may have been a factor. It would be unfair, however, to attribute the increase in recent years to the absence of canteens, since service in tropical islands, the lack of knowledge of the native languages, enforced confinement to garrisoned towns, and the constant strain incident to continued preparation against attack by the enemy, all combine to act as predisposing causes to different forms of mental disorders, which are by no means limited to the drinking classes.

Insanity—United States Army.

Year.	Cases.	Mean strength.	Admission rate per 1,000 strength.
1880	50	24,002	2.1
1881	62	23,222	2.5
1882	65	23,259	2.8
1883	71	23,439	3
1884	52	24,034	2.1
1885	34	24,138	1.4
1886	33	23,572	1.4
1887	46	23,841	1.9
1888	42	24,726	1.7
1889	34	25,008	1.3
1890	33	24,234	1.3
1891	37	23,209	1.5
1892	48	24,203	1.9
1893	35	25,287	1.3
1894	24	25,376	.9
1895	21	25,204	.7
1896	22	25,119	.8
1897	21	25,417	.8
1898	159	147,795	1.1
1899	188	105,546	1.8
1900	273	100,389	2.7
1901	166	92,491	1.8
1902	138	80,778	1.7

Present aspect of the question and the effect of the sale of beer and light wines at military posts in the United States.—The provisions of this act approved February 2, 1901, prohibiting the sale of or dealing in beer, wine, or any intoxicating liquors in post exchanges was promulgated in General Orders, No. 5, dated February 2, 1901, so that now over two years have elapsed during which the effects of this law upon the health and morale of the Army can be studied. In transmitting a copy of this order the Secretary of War enjoined upon all department commanders a prompt and effective compliance with the terms of the act, and requested that he might be informed of the effect of this law on the morality, health, and dicipline of the troops, commanding officers be instructed along the following lines, report thereon to be made to the Adjutant-General not later than September 1, 1901:

"1. To prepare at once a list of the liquor saloons within 1 mile of their reservation limits; to observe and record any additional saloons subsequently established within such limits.

"2. Special mention to be made of saloons temporarily opened in the vicinity of posts or camps where the new regiments are to rendezvous or regiments returning from the Philippine Islands are to be mustered out.

"3. To observe whether drunkenness among the enlisted men of their commands increases or decreases as a consequence of the abolishment of the canteen; whether the percentage of trials by summary or other courts for drunkenness for the coming six months is greater or less than for the past six months.

"4. To make similar observations as to desertion and absences without leave.

"5. To observe generally the effect of the abolition of the sale of beer at the post or camp on the morality and discipline of the command.

"6. To make similar observation as to its effect upon the health of the command.

"7. To report the effect of the law upon the table fare of the soldier in garrison and in the field, and to recommend measures for any improvements therein that may be considered necessary."

Replies have been received at the War Department which indicate the following conditions:

1. *Increase of liquor saloons within 1 mile of military posts since the passage of the act.*—The reports under this head show that on or about February 2, 1901, the date of the passage of the act abolishing the sale of beer, there were within 1 mile of the military posts 1,555 saloons, at which intoxicating liquors of all kinds were dispensed, and at the date of the last report there were 2,267 such saloons; that is to say, that 98 post canteens, at which beer and light wines alone were sold, had been closed and their places taken by 341 saloons in the United States and 371 saloons in the Philippine Islands, dispensing all kinds of intoxicants, in very many cases with gambling rooms attached, and in at least three instances houses of ill fame. Many of the additional saloons have been opened by discharged soldiers.

2. *Increase of drunkenness.*—To the inquiry to report whether drunkenness among the enlisted men of their commands has increased as a consequence of the abolition of the canteen, ninety-eight post commanders replied, of which number eighty-one reported that drunkenness had increased, ten that it had decreased, and in seven cases the commanding officers had no means of comparison, owing to changes of garrison or absence of data relating to prior garrisons, new posts established since February 2, 1901, and the failure to report on the specific question, or inability to reach a positive determination from the language of the report. (See table showing increase in alcoholism in the Army.)

3. *Increase of trials by summary or other courts for drunkenness and for offenses caused by drunkenness.*—To this inquiry ninety-eight post commanders responded, of which number sixty-eight responded that such trials had been more numerous since the passage of the bill, three that they had been less, and in twenty-one instances the effects were in doubt, for reasons given under paragraph 2.

4. *Increase of desertions.*—To the inquiry whether desertion had increased or lessened, ninety-eight post commanders replied, of which number fifty-four reported that desertion had increased, eight that it had decreased, and in thirty-six reports the result was in doubt for reasons stated under paragraph 2. (For statistics see table showing percentage of desertions in the United States Army.)

5. *Increase in absence without leave.*—To a similar inquiry as to absence without leave, 98 post commanders replied, of which number 74 reported that absences without leave had increased, 6 that they had decreased, and in 18 the effect was doubtful for reasons stated in paragraph 2. A number of post commanders reported that absences without leave had doubled, and in some cases that they had increased from 250 per cent to 300 per cent.

6. *Effects of the abolition of the sale of beer at the posts on the morality and discipline of the command.*—To this inquiry 98 post commanders replied; 1 reported that the effect had been good, 56 that it had been bad, and in 42 instances the commanding officers had no means of comparison owing to changes of garrison or absence of data relating to prior garrisons, etc. See table giving statistics of venereal diseases.

Collections made by paymasters, United States Army, from enlisted men of the Regular Army, including Hospital Corps, on account of fines and forfeitures imposed by sentence of courts-martial from July 1, 1897, to June 30, 1903

Year ending June 30—	Number of enlisted men.	Fines and forfeitures.	Average per man.
1898	28,110	$52,905.88	$1.88
1899	66,258	166,207.87	.....
1900	69,669	316,943.83	.....
1901	81,287	340,768.28	.....
1902	70,711	526,059.10	.....
1903	62,866	428,051.38	6.82

Conclusions.—A careful review of the evidence on file in the various bureaus of the War Department justify the following conclusions:

1. The abolition of the post canteen, more especially the prohibition of the sale of light wines and beer, instead of proving a temperance measure as hoped for by its advocates, has had a detrimental effect on the health and morale of the troops. In the opinion of an overwhelming majority of commanding officers drunkenness has actually increased, and the admission rate for alcoholism has been increased from 22.43 per 1,000 in 1900 to 24.02 in 1902. The 98 post canteens at which light wines and beers alone were sold have been replaced within a mile from military posts by 341 additional saloons in the United States and 371 in the Philippine Islands dispensing all kinds of intoxicants, in many cases with gambling rooms and in some cases with houses of ill fame attached.

2. Since drunkenness and vice are intimately associated, it is natural that the evidence should reveal an alarming increase in the prevalance of venereal diseases in the Army. As a matter of fact, the statistics of the Surgeon-General's office show that the admission rate for these diseases in 1902 is almost twice as high as that for the decade of 1890-1899, and is doubtless the result of the cause pointed out by Secretary Root and Archbishop Ireland. In view of the grave and far-reaching consequences of these diseases, which are a menace to the public health and welfare, and so often transmitted to the innocent and to future generations, this result, apparently associated with the abolition of the canteen, is especially deplorable.

3. It is a matter of evidence that desertions, absences without leave, and trials of summary or other courts-martial for drunkenness and for offenses caused by the same have increased, and that savings deposits by the enlisted men have decreased from an average of $49.49 per man in 1900 to an average of $31.54 per man in 1903. The records of the Paymaster-General's Office also show that fines and forfeitures imposed upon and collected from the enlisted men of the Army have increased from an average of $1.88 per man in 1898 to $6.82 per man in 1903, all of which indicates a growing spirit of discontent and a decided tendency to degeneracy, which must seriously affect the discipline and morale of the Army.

Recommendations.—In view of the foregoing facts and in the interest of scientific temperance, the committee recommends:

1. The presentation to the Senate and the House of Representatives in Congress assembled of the following resolutions, adopted by the American Public Health Association in September, 1901:

"*Resolved*, That this body deplores the action of Congress in curtailing the operation of the army canteen or post exchange, and in the interest of general and military sanitation recommends its establishment on its former basis at the earliest possible date.

"*Resolved*, That this body, in the interest of temperance and humanity, cordially invites the intelligent cooperation of a very large element of good citizens who have been active in securing legislation against the sale in the military service of alcoholics of any character, in taking successive steps toward the betterment of existing conditions, and thus assist in controlling and largely curtailing an evil which it is powerless at present to prevent."

2. Your committee is aware of the fact that beverages containing alcohol are an accessory food of value only when it becomes necessary to increase temporarily the elasticity of mind and body and a desire and capacity for work, and that the subsequent depressing effect and the baneful influence of their misuse require great care in their employment, especially when rest proper food, and some of the alkaloidal beverages like coffee, tea, cocoa, and stimulants like meat broths and soups may accomplish the same purpose, and their sale as a substitute should be encouraged.

3. In spite of the fact that "beer drinking viewed in the abstract is unproductive of good," your committee believes that its sale in canteens under rational and comprehensive regulations, rather than its total prohibition, will subserve the best interest of scientific temperance, because so long as human nature is weak and the masses are not properly educated the substitution of a lesser evil under military control appears not only justifiable, but will in the future, as it has in the past, prevent excesses which are fatal to the soldier, soul and body. At present every effort toward total abstinence at military posts merely opposes theory to facts and sentiment to statistics, and compels recourse to saloons of the lowest character, whose proprietors care nothing for the efficiency of the Army or the ruin of a good soldier.

4. Every precaution should be observed to conduct post exchanges and the

sale of light wine and beer along the lines recommended by Munson in his Theory and Practice of Military Hygiene, pages 820-822, and your committee begs to emphasize the fact that the bar feature should be entirely abolished and that the exchange should in fact be a "soldiers' club," with ample facilities for reading rooms, legitimate amusements, and athletic sports, where the soldier as a self-respecting individual may satisfy in an orderly manner his craving for diversion from the routine duties of a military life without undue prominence of the refreshment feature.

5. The sale of soft drinks, coffee, tea, cocoa, bouillon, soups, and warm lunches should be encouraged as substitutes for alcoholic beverages, and medical and line officers should be directed to educate by precept and example the rank and file of the Army, that for persons in health alcohol in any form presents no advantages not found in other food stuffs or stimulants, and which are, moreover, free from the dangers attending its use. In this connection it should be remembered that good food, well prepared, and properly cooked and served, is one of the most effective prophylactic measures against the "drink habit" in civil as well as military life, and no effort should be spared to bring the culinary department in the Army to the highest state of perfection.

6. Military officers should point out the grave and far-reaching consequences of the effects of venereal diseases, so intimately connected with the drink habit, and make a strong plea in favor of continence. This may be done by telling these young men that while the sexual passion is strong it can be accelerated or delayed, excited or lowered, by the influence of the will. The soldier can be assured that by the cultivation of pure thoughts, removal of temptation, normal mental, and especially by vigorous physical exercise, continence is not only possible, but easy.

7. A strong effort should be made to improve the social conditions of the soldier. There are times and occasions when the friendly advice of a company commander or attending surgeon, a personal interest in the physical and moral welfare of the young soldier, will prove of greater benefit to the service and to humanity than the cold verdict of a summary court-martial. Such personal efforts on the part of the officers, dictated by the spirit of a universal brotherhood of man, appears to us perfectly compatible with proper military discipline. It is also believed that the habit of making savings deposits with the army paymasters may be greatly stimulated by personal efforts.

In conclusion, the committee desires to express its obligations to the officials of the War Department for the opportunity of making a full and impartial investigation of the records, and especially to Dr. Edward L. Munson, United States Army, the author of Military Hygiene, for invaluable assistance in the preparation of this report.

Respectfully submitted.

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City of Mexico.

APPENDIX.

[Extracts from reports of post commanders.]

Commanding officer, Fort Gaswell, N. C.:

* * * "I do not think the morality or discipline of the command has been much affected by the abolition of the canteen. I notice, though, that fewer men are willing to reenlist for organizations at the post, and I believe some discontent has been caused by this law."

Commanding officer, Fort Snelling, Minn.:

* * * "From my own observation and that of the officers of the garrison, the morality and discipline of the post was superior after the abolishment of the canteen as compared with any period prior to that act. * * * The percentage of sick was much less after the abolishment of the canteen. * * * The records show that the number of desertions for the six months prior to the abolishment of the canteen exceeds that of the six subsequent months. * * * On February 1, 1901, there were two saloons within 1 mile of the reservation. Up to the time of my leaving Fort Snelling, September 1, 1901, no additional saloons had been established. * * *

"I find that the company amusement room, with tobacco, cigars, lunch, and soft drinks on sale, is more satisfactory than a common amusement room, as at a large post a common amusement room of sufficient size to accommodate the whole command when off duty can not well be established; besides, the company amusement room develops and fosters the company unit, which constitutes the most important factor in contentment and discipline. I urge the early establishment by the Quartermaster's Department at every large post of a well-equipped gymnasium in connection with a race track and athletic grounds." * * *

Commanding officer, Fort Logan, Colo.:

"I believe that many company commanders are induced to approve of the canteen feature of the post exchange because they obtain an income from it with which they improve the mess of the men and purchase pool tables, gymnastic outfits, bowling alleys, etc. It must be remembered the soldiers of our present Army are much younger than before the Spanish war. They are men who either do not drink or who want very little, and have not contracted the drink habit. It is the duty of the Government to protect these men and not put temptation before them. It is not sufficient to say to a soldier, 'You shall not drink;' but surround him with wholesome and decent means of diversion and amusement, and he will not want to drink."

[Effects in prohibition States, where the sale is regulated by the State.]

Commanding officer, Fort Fremont, S. C.:

"* * * The number of cases of venereal diseases in the command has increased. The evil effects of the law in question upon the health of the command have been more marked. The places at which liquor is sold are frequented by negro women of loose character, with whom the men are thus more closely associated than was formerly the case. * * * The liquor sold in the vicinity of the post is of the poorest quality, and is, from what I can learn, adulterated very often with the most injurious substances. During the summer just past three members of the command have died under exactly the same conditions, each exhibiting the same symptoms and each dying within six hours after having been first taken ill.

"In each case the man had absented himself for the twenty-four hours preceding his illness and had during that time been drinking heavily of the liquors sold around the post. The diagnosis of the surgeon in each case was 'cerebral congestion due to excessive use of alcoholic stimulants.' It is very difficult in this State to secure the conviction of a man charged with selling liquor illegally, and until recently it has not been practicable to obtain sufficient evidence to justify the prosecution of any of these persons so engaged. Recently, however, enough evidence to secure the conviction of one of the proprietors of these places has been obtained, and he will be prosecuted at the next meeting in this county of the criminal court."

Commanding officer, Sullivans Island, S. C.:

"The stoppage of the sale of beer induces patronage of State dispensaries where liquor is sold by bottle only, and consequently large quantities are drunk at one time."

Commanding officer, Fort Riley, Kans.:

"* * * On February 13, 1901, there were eleven joints and eight drug stores within 1 mile of the reservation limits. On August 21, 1901, six joints and eight drug stores. The drug stores in Junction City sell liquor, spirits, and beer, and the joints are simply barrooms. Kansas is a prohibition State."

Commanding officer, Fort Ethan Allen, Vt.:

"Vermont is a prohibition State. * * * While there are no liquor saloons, there are many drug stores. All sell liquor on prescription. Prescriptions are easily obtained."

Commanding officer, Fort Logan H. Roots, Ark.:

"* * * There are men in the ranks of our Army from many walks of life, and many of the most valuable clerks, mechanics, carpenters, etc., are men of good education and trades, who are in the Army because periodic sprees have lost for them many positions in civil life, and they entered the Army to receive the discipline it affords. Take their daily drinks from them, tell them that they shall not drink, and you make drunkards of them."

Commanding officer, Fort Apache, Ariz.:

* * * "In my opinion the breaking up of the canteen system has been the hardest blow we have received in many years. Before its abolition our men were well satisfied with their condition; they had good food; the receipts from the canteen were applied in various ways for their welfare, comfort, and amusement, and they were rarely drunk and seldom absent. Now at many posts it is the reverse.

"Places known as 'hog ranches' are established near the posts; if not, then men called 'bootleggers' are selling whisky to the men by the bottle (many of the men would not think of patronizing the whisky peddlers if they could occasionally get a glass of beer at the post); after one or two drinks of the vile stuff that is sold them they do not or can not know what they do, remaining away from the post for a day or two. Some, fearing punishment on their return to the post, desert. The idea that full-grown men are going to patronize a canteen where nothing is sold except soft drinks is an illusion."

Commanding officer Twenty-seventh Regiment, New York Volunteers, reports from Presidio, San Francisco, Cal., as follows:

"* * * My camp was located just inside the main gate of the reservation. Across the street and in the immediate vicinity were located many saloons, which were most of the time crowded by soldiers. The saloons were there expressly to catch soldiers and were successful. Drunkenness and disorders were very frequent. From my observation, while serving with the volunteers in the Philippines, I consider the abolishment of the sale of beer in the post canteen a positive calamity to troops serving in that locality. Men will drink stimulants if they wish to, and there is always a supply where there is a demand.

"In the Philippines, drinking men are almost sure to resort to the native drink 'vino' if unable to obtain beer. The poorest whisky ever distilled can not compare with 'vino' in its evil effects upon the men. The latter drink seems to destroy the character of a man mentally, morally, and physically. I believe many deaths and much of the insanity which occurred during my stay in the islands were due either directly or indirectly to the use of 'vino.'"

Commanding officer, Presidio of San Francisco, Cal.:

"* * * Volunteers returning from the Philippines have made raids upon near-by saloons, being incited to such deeds under drunkenness; perhaps sometimes sober impulses, aroused by real or imaginary grievances, such as being drugged, robbed, or otherwise maltreated while in the saloons. There were several such occurrences between January 1 and July 1, 1901, which were so serious that it became necessary for the commanding officer to aid the police in restoring order and to save property from destruction. * * *"

Commanding officer, Mayaguez, P. R.:

"The percentage of sick in this last company has been over 10 per cent the last three months. I believe it is due to rum drinking instead of beer. Every effort has been made to discover the cause of the sickness in this company, and no other cause than that some of the men were financially backing a rum shop near the post has so far been discovered."

Commanding officer, Ponce, P. R.:

"The effect of the abolition of the sale of beer is very bad, both morally and for discipline, because the men will have beer and must go into the city to get it. There they are thrown into contact with immoral women and drink rum and other cheap alcoholic beverages. These drinks cause some men to become crazy and boisterously drunk. Before the abolishment of the canteen most of the beer drinkers drank almost exclusively in the exchange and in moderation."

Post surgeon, Fort Schuyler, N. Y.:

"Where two affections, such as excessive drinking and venereal diseases, are so intimately associated, were it possible to control the former, the latter would of itself greatly decrease. While it is true many cases of venereal disease may occur when drinking has not been a factor, still by far the majority of cases reported to me have been subsequent to drunkenness and resulting carelessness."

Commanding officer, Fort Douglas, Utah:

"The social evil in this city is more rampant than I have ever seen before. When we had the canteen the men were contented to stay in the post, but now they want to go to town all the time, and these women get hold of them."

Commanding officer, Benicia Barracks, Cal.:

"A post is the soldier's home during the time he is in the Army, and a well-managed, regulated, and attractive canteen, where beer and light wines are sold, adds to the physical, moral, and intellectual well-being of a soldier, improves his surroundings, contributes to his rational enjoyment, and adds to his pleasures, making him a contented and satisfied soldier. To make a post a mere place where duty is the sole thing and every diversion and recreation denied a man makes duty dull, uninteresting, and stupid. That there should be a canteen at every post, in my opinion, admits of no argument."

Commanding officer, Camp McKinley, Hawaii:

* * * "The effect of the abolition of the sale of beer has been to double the number of trials for drunkenness and also for absence without leave."

Commanding officer, Washington Barracks, D. C.:

* * * "With the canteen in existence the decent, well-behaved, self-respecting, and orderly men of the command—men who pride themselves on their soldierly conduct and good behavior—had the privilege of drinking an occasional glass of beer in an orderly, clean, and perfectly proper establishment for that purpose."

"They enjoyed the privilege, and respected it, and were well satisfied with their condition and surroundings, knowing that they were being treated as self-respecting men, free to indulge a perfectly proper and legitimate appetite in a perfectly proper way, and knowing also that they were being benefited indirectly in their better food provided upon their mess table. * * * The moment the sale of beer was abolished the human nature of every individual man—good, bad, and indifferent—at once resented this interference with his individual right to regulate his appetite, and to try and force him to be a total abstainer from the use of alcoholic drinks.

"The effect was at once to make every man assert himself to indulge intemperately in the use of beer or something stronger; at once to seek outside of the post that which he was denied therein, and to be dissatisfied, restless, and discontented, and to show this spirit on any and every occasion possible. * * * The demand for all-night passes became so overwhelming that positive and stringent regulations had to be adopted to regulate the number. * * * With the abolition of the sale of beer the soldiers' club practically ceased, and their only recourse for diversion and recreation was to go to the saloon dives and brothels of the city of Washington, with their very decided immoral adjuncts.

"The hospital records show that during the period August 2, 1900, to February 2, 1901, there were admitted to sick report 13 venereal cases and 3 cases of alcoholism, while for the period February 2, 1901, to August 2, 1901, there were admitted 31 cases of venereal diseases and 7 of alcoholism. * * * The total abstainers may claim what they please as to the abolition of the sale of beer in the Navy. It is respectfully submitted that the cases are not parallel in any particular. * * * To try and regulate a military garrison by the same rules possible on board a ship at sea would be to confine every man of the command, officers and all, to the limits of the post for weeks and months at a time and is evidently not only impossible, but also very undesirable, yet the only way to enforce total abstinence."

Commanding officer district of Santiago, February 1, 1902:

"The recent act of Congress prohibiting the sale of beer and light wines at all military posts has been the means of breaking up, to a certain extent, the happy club life of the soldier. It is a well-established fact that there has been more drunkenness among the soldiers at army posts since the abolition of the canteen than there was before. No system of discipline nor severity of punishment can prevent soldiers from visiting low saloons and obtaining liquor. The canteen question resolves itself into one of expediency rather than sentiment.

"If it can be proved that temperance in the Army is best promoted by a well-regulated canteen, under the immediate eye of the commanding officer, the practical view of the matter will ultimately prevail, instead of an abstract theory. It has been advanced by some who are severe and unreasonable in their condemnation of the canteen that all soldiers who are inclined to drink intoxicating drinks should be put out of the Army. This is absurd. It is folly to talk of an army of total abstainers; nor is it to be expected that men enlisting as soldiers to serve their country shall be forced to take a temperance pledge any more than that they should be forced to be religious.

"Soldiers are not children, to be governed like children. They are men upon whom the country must depend for a stalwart individuality and the exercise of heroic qualities in the stress of privation, hardship, and danger. If they are to be trusted in battle, they must be trusted in garrison. In the interest of discipline, morality, general welfare, and contentment of the soldier of the Army, I most earnestly recommend that the act of Congress prohibiting the sale of beer at army posts may be repealed by Congress at the next session."

[Extract from a petition from enlisted men to the Senate committee.]

"In submitting this petition we desire to express to your honorable committee and through you to the Senate of the United States, and through the Senate to the people of the United States, our reasons for petitioning for the defeat of this amendment, which in our opinion—and we are confident our opinion is that of 87 per cent of the enlisted strength of the Army—deprives the American soldier of not only his chief source of pleasure and recreation in his life as a soldier, but also the safeguards against temptations which are thrown in his way when he is forced outside of the garrison for recreation and amusement, for its passage means the abolition of the post exchange.

"The post exchange as conducted in the Army to-day is a mutual cooperative institution in which every enlisted man in the garrison is practically a stockholder, as it is run solely for his benefit. Its object is twofold: First, to afford the soldier a place where he can obtain at minimum cost to himself, and where any profit made will redound to his benefit, those recreations which all religious denominations of the country deem of sufficient importance to the working men and women of this country to take under their fostering care, irrespective of denomination, i. e., the establishment of workingmen and working women clubs to employ the unoccupied time of the members, with the addition that beer and soft drinks are sold; the profit from which, as the Government does not make any appropriation for the support of the same, enables the post exchange to be run and furnishes the means for its second object, and that is to provide the soldier with those articles of food which are commonly called luxuries, and which, although the American soldier is acknowledged by every reading man in the United States to be the best clothed and best taken-care-of soldier in the world, are not supplied as a part of his contract with the Government, but tend to make him more contented with his life, more cheerful under hardships, and a better soldier, and thus a better citizen."

The Clerk read as follows:

MEDICAL DEPARTMENT.

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical supply depots; for medical care and treatment of officers and enlisted men of the Army on duty, and of prisoners of war and other persons in military custody or confinement at posts and stations for which no other provision is made, under such regulations as shall have been or shall be prescribed by the Secretary of War; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages, not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Nurse Corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $550,000: *Provided*, That hereafter the purchase of medicines and medical stores or the engagement of services not personal for the Medical Department of the Army may be made by the Medical Department in open market in the manner common among business men when the aggregate of the amount required does not exceed $200, but every such purchase or employment shall be promptly reported to the Secretary of War: *Provided further*, That hereafter civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies when prescribed by a medical officer of the Army.

Mr. HEMENWAY. Mr. Chairman, I want to ask the chairman of the committee as to the effect of that proviso.

Mr. HULL. It changes existing law and is subject to the point of order, but upon that I ask the Clerk to read what the Surgeon-General of the Army says, which is the most complete answer that can be given as to that item in the bill.

The Clerk read as follows:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, November 11, 1903.

SIR: The army appropriation bill for 1884, act of March 3, 1883, provided under the head of "Medical Department" (22 Stat. L., 459)—

"That civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies prescribed by a medical officer of the Army at cost with 10 per cent added."

In 1884 the Acting Judge-Advocate-General expressed the opinion that the foregoing is general and permanent legislation, and the provisions of the act have been incorporated into the Army Regulations (A. R., 1628).

No subsequent legislation on the subject is known to this Office.

It is impracticable to exactly comply with this paragraph, for the prices of drugs constantly vary, and without its being known when and from whom each drug was purchased, the exact price can not be found in the Surgeon-General's Office. In addition most prescriptions contain several drugs in varying proportions, and to calculate the exact amount used and the cost price thereof is a complicated and tedious calculation. By the time the surgeon has been informed of the value of the prescription which he has dispensed, the patient may be dead or discharged. If the bill is collected and turned into the Treasury, the correspondence has cost more trouble and expense than it is worth.

In the Philippines it has been, of course, absolutely impossible to carry out the order, and General Orders, No. 236, Headquarters Division of the Philippines, August 23, 1901, although it annuls an act of Congress, was a convenient and simple method for carrying out the spirit of the law.

It is recommended that in forwarding the draft of the appropriation bill for the Army for the fiscal year 1905 the following clause be added:

"That civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies when prescribed by a medical officer of the Army, provided that civilian employees receiving less than $60 a month may be furnished medicines (but not hospital stores) free of charge when prescribed by a medical officer of the Army."

Enaction by Congress of the above clause will permit issue of regulation for the Army similar to General Orders, No. 236, Division of the Philippines.

Very respectfully,

R. M. O'REILLY,
Surgeon-General, United States Army.

The CHIEF OF STAFF UNITED STATES ARMY.

Mr. HULL. That so fully explains it that if the point of order is insisted upon I have nothing to say.

Mr. HEMENWAY. I did not make any point of order.

The CHAIRMAN. Does the gentleman from Indiana insist on a point of order?

Mr. HEMENWAY. I do not.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the completion of the necessary buildings, including approaches, heating and lighting plant, for the Army War College, at Washington Barracks, District of Columbia, in accordance with plans of the architects, $300,000: *Provided*, That no part of this appropriation shall be used until it shall have been determined by the Secretary of War that the entire cost of finishing the buildings, providing the approaches, heating and lighting plant shall not exceed the appropriation herein made.

Mr. HEMENWAY. Mr. Chairman, reserving the point of order, I would like to ask if this is a new school?

Mr. HULL. This is a building that was commenced at the last Congress. We appropriated last year $400,000. It is on Government grounds. The Government owns the property. It was formerly known as "Washington Barracks." This is to complete the building for which we have already appropriated $400,000.

Mr. HEMENWAY. Is it authorized by law? Was there any special authority of Congress to construct such a building?

Mr. HULL. The authority of Congress was undoubtedly given in the last appropriation bill. Mr. Chairman, I would like to have read for the information of the House a communication as to what this War College is, because I think we are all a little vague on the matter. I was so vague upon it myself that I wrote the Secretary of War and told him I wanted to know.

The Clerk read as follows:

MEMORANDUM REPORT FOR THE CHIEF OF STAFF.

ARMY WAR COLLEGE,
Washington, January 15, 1904.

Referring to the accompanying extract of a letter from the chairman of the Committee on Military Affairs of the House of Representatives, it is to be noted that these gentlemen are in error who think that there is no War College at present. The error is natural in view of the fact that the college has begun its work without pomp and parade and under conditions which attract no attention from the public, but in this respect there will be no difference even after the completion of the War College building, which Congress has authorized. This is a necessary consequence of its inception and development on the lines already marked out with the approval of the Secretary of War. It is not likely that it will ever be much talked of in the public prints, and its existence must and undoubtedly will be justified by the work which it accomplishes.

As this work is designed to be carried out on lines very different from that of the ordinary scholastic institutions, it would be well that a brief outline of its system and methods should be laid before the Military Committee.

The United States has within its Army a splendid and inexpensive system of military education, better than exists elsewhere in the world, and one which is capable of further development without any increase of expense. I

do not here refer to the Military Academy at West Point or to the military colleges throughout the country which are aided by the Government and which do such excellent work in the preparation of young men to receive a commission. I refer only to those schools established within the Army and intended for the systematic training and development of officers after receiving their commission.

At the bottom of this system is the officers' post school. The object of this school is to thoroughly train regimental officers in the duties with which every such officer must be familiar. What this school is intended to do and actually does is stated in the following extract from my annual report:

"In our system, as in all others, the first requisite is a corps of efficient regimental officers. For such an officer there must be presupposed zeal and ability for hard work, unremitting attention to the petty details of company and other regimental duty, tact in the management of men, courtesy, a spirit of justice, obedience, and subordination. Some of these things can be taught, but in no other school than that of experience; others, if not innate, can hardly be acquired, and we must do the best we can without them.

"Upon this foundation the training of the regimental officer is built up, with little necessary study of other than those books which must be the daily reference of every officer. He needs a thorough knowledge, both theoretical and practical, of the drill regulations (both close and extended order) and the outpost duties of his arm. With this he will know how to instruct his men in all the duties of a soldier and to handle them in the operations of peace and war.

"He needs a thorough knowledge of the army regulations; with this he will know his rights and obligations and those of other officers and of enlisted men; he will know how to feed, to clothe, to equip, to shelter, to pay, and transport his men; and he will know a good deal of the law which governs him in his relations to the civil authorities. He needs a thorough knowledge of the elements of military law and of the procedure of courts-martial; with this he will know how to guard his own rights and those of the men dependent upon him and how to proceed intelligently and lawfully in the administration of justice.

"All this and something more is now provided in our system of military education in the course outlined for the officers' post schools."

From these officers' post schools officers are selected to take the course of instruction in the more technical schools where special training is given in those duties, with which only a part of the officers of a thoroughly efficient army need be familiar.

Officers of the infantry and cavalry arms go to the infantry and cavalry school (now called the General Service and Staff College) at Fort Leavenworth. Officers of the artillery take the scientific course at the Artillery School at Fort Monroe. A few of the specially selected officers take the special course at the torpedo school or School of Submarine Defense at Willetts Point. For special field instruction with their combined arms officers of cavalry and light artillery go to the School of Application for Cavalry and Field Artillery at Fort Riley, while young officers of engineers take the course of instruction at the Engineer School of Application at Washington Barracks.

These schools are all maintained at a trifling expense to the Government. They go to the limit of useful training by the ordinary scholastic methods. After passing them there is no further need for professors, instructors, and text-books, although the limit of useful training has not been reached. One officer may be an expert in the manufacture, handling, and employment of submarine mines; another may be an expert in all questions relating to artillery, both coast defense and field; others may know all that may be taught in the schools about the organization, equipment, and tactics of bodies of infantry and cavalry, while others are able to solve every problem connected with military road and bridge building and the construction of permanent and field fortifications.

Nevertheless, these same officers, if assembled together and directed to prepare almost on the spur of the moment some plan of national defense, upon the success of which perhaps the fortune and honor of their country depended, might be completely at a loss. The preparation of such a plan involves the consideration of a thousand details which are not and can not be taught in the schools.

All the work of judiciously combining these details, of determining what are essentials and what are not, of substituting workable makeshifts for things more desirable but which do not exist, the work of training the scientific imagination so that everything useful or necessary in an emergency will be anticipated and every detail carefully provided for in advance, all this constitutes an essential part of the art of war and which can be learned not from books and professors, but only by patient and unostentatious labor in doing these things themselves.

Of this sort of training we have always had a serious lack, and we have experienced the evil results of it at every occurrence of military emergency with which the country has been confronted. Let us see how the War Department proposes to secure this final training of its officers through the medium of the War College.

The General Staff is, under the Secretary of War, the great directing body of the Army. One of the three duties specifically imposed upon it by law is "to prepare plans for the national defense and for the mobilization of the military forces in time of war." In the preparation of these plans it acts as a general does who, after having utilized the services of many officers in collecting data and making tedious and laborious investigations, combines the material facts collected into a plan of operations which he intends to pursue.

Thus the Chief of Staff of the Army sends to the War College the outlines of a work which, for the college, constitutes perhaps nothing more than a theoretical problem, but which for the Chief of Staff means a plan of great practical importance. The college proceeds to the solution of the problem as a part of its assigned task. It makes a complete study of the territory concerned in the problem; it prepares statistical memoirs showing its resources; collects full data in regard to its highways, railroads, and bridges; it studies the details of the ground and the facilities which it affords for attack and defense.

Where information is lacking which can not be supplied from any other known source it calls upon the military information division to secure the information through its officers; it studies the military organization, number and composition of troops, whether militia, volunteers, or regulars, most suitable for the solution of the problem; it prepares the data necessary to effect the mobilization of these troops at a given point with the least delay or confusion; it prepares detailed supply tables showing the proper amounts and kinds of transportation, of clothing, of camp equipage, all quartermaster, commissary, medical, signal, and engineer supplies; it determines most suitable lines (ordinary roads, railroads, or water) for the mobilization of troops and the collection of supplies with respect both to the points from which they come and their ultimate destination.

If the problem involves the use of transports, it prepares a list of all those which the Government could reasonably count on securing; it secures all data necessary for determining the number and character of troops that can be comfortably carried by them, their capacity for transporting animals and every kind of military supplies; if the problem involves the use of railroads, it determines what roads are available, their equipment of rolling stock of all kinds, the amount of this stock that can be accumulated at a given point at a given time, the number and carrying capacity of trains which they can run (a) to the exclusion of all other traffic and (b) without interfering with ordinary traffic, etc.

Having collected the necessary data, the War College prepares what it considers to be the most wise solution of the problem and submits its conclusions, accompanied by memoirs, showing in convenient form all the data above referred to, to the Chief of Staff. The latter, together with the General Staff, criticises this plan, revises it, and when necessary returns it to the War College for the collection of further information and corresponding modification. The final result is that there is a perfect plan, complete in all its details, which is accepted by the Chief of Staff as the one upon which he would operate were there suddenly to be realized the contingency upon which the original problem was based.

If that contingency were to arise the following day he would have under his hand ready for signature the communications to be sent by the War Department to the governors of States, to presidents of railroad companies and steamship companies, the orders ready to be addressed to the commanding officers of troops and to the officers of the Quartermaster, Subsistence, Medical, Signal, and Engineer departments.

As fast as time permits, the War College, under instructions from the Chief of Staff, takes up these problems (it now has in hand three of them), and when the work has passed through its final stage the War Department has in its archives that which it never heretofore has had, i. e., a plan thought out by many minds of what it could best do to-morrow if the emergency contemplated by the problem should arise. These will be of course, from time to time, revised to meet changes which have occurred in the conditions.

But the work outlined above is only a part of the task assigned to the War College. The moment one of these plans should have to be put into execution many officers, as was the case in the Spanish war, would have to be specially assigned to various important staff duties. The approved scheme of work for the War College contemplates the assembling from time to time of a convenient number of such officers for the careful and detailed confidential study of these plans.

During this detailed study there will be carried on a special course of study with sole reference to the plan in hand. Each one of these will involve its special problem in military engineering, in mobilization, in transportation, in sanitation, in signal work, in grand tactics, and in strategy, and possibly in international law.

These problems will be taken up in turn by officers best qualified to pass upon them, and in a series of confidential "talks" every detail that is necessary to know in advance for the successful execution of the plan will be thoroughly mastered. Thus the scholastic work of the War College will not consist in the study of general principles, but in the application of these principles to the details of a specific plan.

A great advantage of this method of work is that while accomplishing the maximum of practical result, it will involve for only short periods the detachment of officers from their other work.

The mere statement of such a scheme should impress upon the minds of everyone who remembers the bitter experiences that we have had in times past the immeasurable importance of the work. Beyond the cost of the building now being erected for the War College, its support involves but a trifling annual expense to the Government.

There are now attached to the War College seven officers, six of them being members of the General Staff, engaged in the first part of the work above described, i. e., the preparation of plans to be passed upon by the Chief of Staff and the General Staff in full committee before final acceptance. It is expected by the coming summer to assemble the first body of officers for the detailed special study which constitutes the second part of the work of the college.

Meanwhile the first and very important part of the work must continue. The rent of the building now occupied by it is $3,000 per annum, and other expenses for light, heat, stationery, Public Printer, binding, etc., are estimated to bring the total for this year to $4,770.91. The rest of the appropriation is spent in the equipment of the college for its special work—books, maps, instruments, the preparation of maps, furniture, etc. These are needed now just as much as they will be when the new building is completed.

In my opinion it is more advantageous to continue the small appropriation in advance of the completion of the new building rather than to make a larger one at that time. The expenditure of money in the special equipment of the War College can be done far more judiciously with small sums available each year than with a larger sum to be more quickly expended. For example, the judicious selection of books for the library can only be made slowly and after much consultation with those for whose use it is intended.

I have endeavored in the foregoing to show that the War College actually exists; is doing most important work, the value of which the general public can never realize, and that the small annual cost of its maintenance is worthy of the favorable consideration of Congress.

Respectfully submitted.

TASKER H. BLISS,
Brigadier-General, U. S. Army, President Army War College.

Mr. HEPBURN. Mr. Chairman, while we are on this subject, I would be glad if the chairman of the committee would inform us how many war colleges or schools we have now in the United States.

Mr. HULL. At every post where there is a regiment we have a school.

Mr. HEPBURN. Commence with West Point, if you will.

Mr. HULL. The one at West Point is the permanent Military Academy. We have a school of infantry and cavalry at Leavenworth. We have a school for artillery and cavalry at Riley, and we have a school for artillery at Fortress Monroe. This is supposed to be the head of the educational post-graduate course of the Army.

Mr. HEPBURN. We have still another one, have we not, at Sewalls Point?

Mr. HULL. Oh, we have a school for engineers, yes. That is here now.

Mr. HEPBURN. And we have still another one, have we not, for submarine warfare?

Mr. HULL. That is not so much a school.

Mr. HEPBURN. Who are the students at these various schools?

Mr. HULL. Officers of the United States Army—officers of the militia.

Mr. HEPBURN. Then we have seven schools besides the post schools for the officers in the Army. How many officers have we?

Mr. HULL. In the neighborhood of 4,000.

Mr. HEPBURN. Is there anything for anybody else to do when these gentlemen are at school?

Mr. HULL. They do not take all of them at once, I will say to my friend. They take them by installments, and then send them back to their command; and I will say to my friend that these schools of artillery—not so much engineering—especially infantry and cavalry and staff corps, have been of great benefit to a very large number of volunteer officers.

Mr. HEPBURN. Will the gentleman tell us what they all cost in the aggregate?

Mr. HULL. There is very little additional cost beyond what is carried in the regular pay of the officers of the line. The gentleman can see here by the appropriation what these schools cost.

Mr. HEPBURN. There was $400,000 appropriated last year, was there not, for this building?

Mr. HULL. The year before last.

Mr. HEPBURN. And $300,000 this year?

Mr. HULL. All the United States service schools—and that includes these different ones—cost $25,000 last year, and we have appropriated the same amount for this year.

Mr. HEPBURN. Altogether?

Mr. HULL. Yes.

Mr. HEPBURN. That is the total expense of these seven schools, exclusive of West Point?

Mr. HULL. That is the service schools. Then we have the School of Artillery and the School of Submarine Defense, $10,000, and for material, apparatus, special apparatus; apparatus for electricians, bindings, books, etc., making it altogether run up more than that, so that I should say that $50,000 would cover absolutely all the expense of these schools.

Mr. HEPBURN. Of all schools excepting West Point?

Mr. HULL. I think so.

Mr. HEPBURN. Of every character?

Mr. HULL. Yes.

Mr. HEPBURN. Will that include the traveling expenses of gentlemen that go to the schools?

Mr. HULL. I would not want to give an absolute statement of that without more information.

Mr. PALMER. Who are the students that attend the War College?

Mr. HULL. They are the gentlemen who have graduated with greatest honor at the other schools.

Mr. PALMER. That is to say, these are officers detailed to come here to Washington to make the researches that the brigadier-general refers to in the communication which has been read—to study out plans as to what ought to be or might be done in certain emergencies or under certain conditions?

Mr. HULL. The War College, as I understand, is designed to give the highest education to the best class of officers going through these other schools.

Mr. PALMER. Probably about how many officers will be here in attendance at this War College at any one time?

Mr. HULL. From what we learned during the hearings, I should say twenty-five or thirty at one time.

Mr. PALMER. Then will the gentleman please tell me what is the use of a building costing $700,000 if it is only for the instruction of twenty-five or thirty students at one time?

Mr. HULL. That is a question which was naturally asked in the hearings before the committee by the chairman. Of course it seemed as if the expenditures were very large for this purpose. We were informed that this building is not only for the accommodation of the students, but for many other purposes, for which considerable space is required. I sympathize with the theory of the gentleman, but those were the facts stated to us.

The CHAIRMAN. Does the gentleman from Indiana [Mr. HEMENWAY] insist on his point of order?

Mr. HEMENWAY. I do; and if the Chair is in doubt, I want to be heard.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HEMENWAY. My point is that this building has not been authorized by law in accordance with the provisions of section 1136 of the Revised Statutes.

The CHAIRMAN. To what provision of the bill is the gentleman's point directed?

Mr. HEMENWAY. To the provision beginning at line 23, page 34:

For the completion of the necessary buildings, including approaches, heating and lighting plant, for the Army War College at Washington Barracks, D. C., in accordance with plans of the architects, $300,000, etc.

Mr. CRUMPACKER. The gentleman makes his point of order on the whole paragraph?

Mr. HEMENWAY. The whole paragraph, beginning at line 23, page 34.

Section 1136 of the Revised Statutes provides that—

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress and approved by a special appropriation for the same, except when constructed by the troops; and no such structures the cost of which shall exceed $20,000 shall be erected unless by special authority of Congress.

I make the point of order that there has been no special act of Congress authorizing the construction of this building, and the further point of order that if there has been carried upon an appropriation bill an appropriation of $400,000 for this purpose, no point of order having been made against it, and it having gone through for that reason, this provision is still subject to a point of order for the reason that the amount carried is more than $20,000, and there has been no special authority of Congress for the construction of the building.

In other words, suppose that at the last session of Congress, on an appropriation bill, an item got through for the construction of a building, no one having made a point of order upon it, that does not cure this provision when on a later appropriation bill it is sought to increase the amount. In other words, this provision is still subject to a point of order, because the requirements of the statute have never been complied with—estimates have not been made and submitted to the proper committee, and no special act of Congress has ever been passed authorizing the construction of this building.

Mr. CRUMPACKER. Will the gentleman allow me a question?

Mr. HEMENWAY. Certainly.

Mr. CRUMPACKER. Is not this the building the construction of which was commenced a year or so ago, the corner stone of which was laid last February, and is it not now in process of construction?

Mr. HEMENWAY. I say that even if the building is in process of construction it was provided for on an appropriation bill——

Mr. CRUMPACKER. Then the gentleman's theory is that its original inception was unauthorized, and the work that has been done on it and the money expended on it had no authority of law, and the gentleman makes that point now?

Mr. HEMENWAY. Yes, sir.

Mr. HULL. Mr. Chairman, the United States Statutes at Large, page 512, contain this language:

Provided, That the Secretary of War is hereby authorized to expend the sum of $400,000, or so much thereof as may be necessary, from the unexpended balance of the emergency fund appropriated in the act approved March 3, 1899, for the erection of the necessary buildings for the Army War College established at Washington Barracks, D. C., for the instruction of officers of the Army and militia of the United States.

That was enacted in an appropriation bill; but it has been reserved for the gentleman from Indiana [Mr. HEMENWAY] to state that a law enacted in an appropriation bill is not a law, and that all money expended under such a law is illegally expended. This is the first time, I think, that that charge has been made upon this floor. On the regular estimates for this year, the Chair will find, on page 162, is an estimate made for the completion of the Army War College.

Mr. HEMENWAY. Let me ask the gentleman right there, Does not your act limit the cost to $400,000?

Mr. HULL. Oh, as much as buildings are ever limited in the language of the act. This year we put it so that they could not go beyond. Take the State of Illinois and the appropriation made for the construction of the post-office at Chicago. Does the gentleman claim that the money expended was done illegally because they come with an appropriation on the deficiency bill? Take the case of the buildings at Omaha and all over the country.

Mr. HEMENWAY. If the gentleman will allow me to answer, there can not be a dollar appropriated beyond the limit of cost fixed.

Mr. HULL. That limit was raised.

Mr. HEMENWAY. The limit must be raised by unanimous consent, and if any point of order was made upon this floor, why, an appropriation can not be made, and any dollar of money put into the building for Chicago, or any other building, beyond the limit of cost originally fixed is subject to the point of order.

Mr. HULL. In the estimates for this year you will find on page 162 an estimate for the completion of this building, and a note which says:

By the army appropriation act approved June 30, 1902 (32 Stats., 512), the Secretary of War was authorized to expend the sum of $400,000 from the unexpended balance of the emergency fund appropriated in the act approved March 3, 1899, for the erection of the necessary buildings for the Army War College, Washington Barracks, D. C. Detailed study of the probable requirements of the War College since the time when the original estimates were submitted has shown that true ultimate economy will demand considerably greater floor space than was then anticipated.

The $400,000 already made available might possibly be sufficient to inclose the necessary space in the cheapest types of fireproof construction, using nothing but common brick for the exterior of the building, though it would not permit an architectural treatment at all adequate to its situation and permanence.

The gentleman makes an argument upon the point that provision should have been made that the limit be raised. I want to say to the gentleman from Indiana that his argument might be good upon the question as to whether Congress should give the additional amount or not, but that so far as the point of order is concerned it has no effect whatever.

Here is a work commenced by authority of law. The limit was not enough to finish it properly, and an appropriation was made for the approaches, heat, and lighting plant, so much money. That is what the point of order is based on. As to whether they should have it or not is a matter to be determined after the point of order is decided.

Mr. HEMENWAY. It clearly exceeds the limit of cost fixed by the last Congress.

The CHAIRMAN. Section 1136 of the Revised Statutes provides:

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed $20,000, shall be erected unless by special authority of Congress.

Whether that means $20,000 for one structure or $20,000 for all the structures it is not necessary to decide here, as in the opinion of the Chair that provision of law as to this particular college was repealed by the act of June 30, 1902, which authorized the expenditure of $400,000 and did not limit the cost of the buildings even to that amount, but authorized the expenditure of that amount for that year.

Now, section 1136 of the Revised Statutes being thus repealed as to this college by the act of 1902, the Chair is of opinion that the paragraph against which this point of order is made specifically providing for the completion of the necessary buildings, which the Chair is advised are already in course of construction under authority of law heretofore given, the point of order must be overruled.

Mr. LACEY. I move to strike out the last word. I had leave the other day to extend my remarks upon the tariff by inserting some documents. I wish further leave in this connection, as some controversy seems to exist as to the views of the President upon the tariff revision, to insert an extract from a speech delivered by him on April 4 last at Minneapolis.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the direction he has indicated. Is there objection? [After a pause.] The Chair hears none.

The extract is as follows:

EXTRACT FROM SPEECH OF PRESIDENT ROOSEVELT.

We are now in a condition of prosperity unparalleled, not merely in our own history, but in the history of any other nation.

This prosperity is deep rooted and stands on a firm basis because it is due to the fact that the average American has in him the stuff out of which victors are made in the great industrial contests of the present day, just as in the great military contests of the past; and because he is now able to use and develop his qualities to best advantage under our well-established economic system.

UNITED STATES WINNING HEADSHIP.

We are winning headship among the nations of the world because our people are able to keep their high average of individual citizenship and to show their mastery in the hard, complex, pushing life of the age.

There will be fluctuations from time to time in our prosperity, but it will continue to grow just so long as we keep up this high average of individual citizenship and permit it to work out its own salvation under proper economic legislation.

The present phenomenal prosperity has been won under a tariff which was made in accordance with certain fixed and definite principles, the most important of which is an avowed determination to protect the interests of the American producer, business man, wageworker, and farmer alike.

The general tariff policy, to which, with regard to changes in detail, I believe this country is irrevocably committed, is fundamentally based upon ample recognition of the difference between the cost of production—that is, the cost of labor—here and abroad, and of the need to see to it that our laws shall in no event afford advantage in our market to foreign industries over American industries, to foreign capital over American capital, to foreign labor over our own labor.

NEED HIGH TYPE OF LABOR.

This country has and this country needs better paid, better educated, better fed, and better clothed workingmen, of a higher type than are to be found in any foreign country.

It has and it needs a higher, more vigorous, and more prosperous type of tillers of the soil than is possessed by any other country.

The business men, the merchants and manufacturers, and the managers of the transportation interests show the same superiority when compared with men of their type abroad.

The events of the last few years have shown how skillfully the leaders of American industry use in international business competition the mighty industrial weapons forged for them by the resources of our country, the wisdom of our laws, and the skill, the inventive genius, and the administrative capacity of our people.

It is of course a mere truism to say that we want to use everything in our power to foster the welfare of our entire body politic. In other words, we need to treat the tariff as a business proposition from the standpoint of the interests of the country as a whole, and not with reference to the temporary needs of any political party. It is almost as necessary that our policy should be stable as that it should be wise.

TARIFF CHANGES.

A nation like ours could not long stand the ruinous policy of readjusting its business to radical changes in the tariff at short intervals, especially when, as now, owing to the immense extent and variety of our products, the tariff schedules carry rates of duty on thousands of different articles.

Sweeping and violent changes in such a tariff, touching so vitally the interests of all of us, embracing agriculture, labor, manufactures, and commerce, would be disastrous in any event, and they would be fatal to our present well-being if approached on the theory that the principle of the protective tariff was to be abandoned.

The business world—that is, the entire American world—can not afford, if it has any regard for its own welfare, even to consider the advisability of abandoning the present system.

Yet, on the other hand, where the industrial conditions so frequently change, as with us must of necessity be the case, it is a matter of prime importance that we should be able from time to time to adapt our economic policy to the changed conditions.

Our aim should be to preserve the policy of a protective tariff, in which the nation as a whole has acquiesced, and yet wherever and whenever necessary to change the duties in particular paragraphs or schedules as matters of legislative detail, if such a change is demanded by the interests of the nation as a whole.

In making any readjustment there are certain important considerations which can not be disregarded. If a tariff law has on the whole worked well, and if business has prospered under it and is prospering, it may be better to endure some inconveniences and inequalities for a time than by making changes to risk causing disturbance and, perhaps, paralysis in the industries and business of the country. The fact that the change in a given rate of duty may be thought desirable does not settle the question whether it is advisable to make the change immediately. Every tariff deals with duties on thousands of articles arranged in hundreds of paragraphs and in many schedules.

These duties affect a vast number of interests which are often conflicting. If necessary for our welfare, then of course Congress must consider the question of changing the law as a whole or changing any given rates of duty, but we must remember that whenever even a single schedule is considered some interests will appear to demand a change in almost every schedule in the law; and when it comes to upsetting the schedules generally the effect upon the business interests of the country would be ruinous.

THE TRUSTS.

One point we must steadily keep in mind. The question of tariff revision, speaking broadly, stands wholly apart from the question of dealing with the trusts. No change in tariff duties can have any substantial effect in solving the so-called trust problem.

Certain great trusts or great corporations are wholly unaffected by the tariff. Practically all the others that are of any importance have, as a matter of fact, numbers of smaller American competitors, and of course a change in the tariff which would work injury to the large corporation would work not merely injury but destruction to its smaller competitors; and equally, of course, such a change would mean disaster to all the wageworkers connected with either the large or the small corporations. From the standpoint of those interested in the solution of the trust problem such a change would, therefore, merely mean that the trust was relieved of the competition of its weaker American competitors and thrown only into competition with foreign competitors, and that the first effort to meet this new competition would be made by cutting down wages, and would therefore be primarily at the cost of labor.

In the case of some of our greatest trusts such a change might confer upon them a positive benefit. Speaking broadly, it is evident that the changes in the tariff will affect the trusts for weal or for woe simply as they affect the whole country. The tariff affects trusts only as it affects all other interests. It makes all these interests, large or small, profitable, and its benefits can be taken from the large only under penalty of taking them from the small also.

To sum up, then, we must as a people approach a matter of such prime economic importance as the tariff from the standpoint of our business needs.

We can not afford to become fossilized or to fail to recognize the fact that as the needs of the country change it may be necessary to meet these new needs by changing certain features of our tariff laws. Still less can we afford to fail to recognize the further fact that these changes must not be made until the need for them outweighs the disadvantages which may result, and when it becomes necessary to make them they should be made with full recognition of the need of stability in our economic system and of keeping unchanged the principle of that system, which has now become a settled policy in our national life. We have prospered marvelously at home. As a nation we stand in the very forefront in the giant international industrial competition of the day. We can not afford by any freak of folly to forfeit the position to which we have thus triumphantly attained.

The Clerk read as follows:

Ordnance, ordnance stores, and supplies: Manufacture or purchase of metallic ammunition for small arms for current needs and reserve supply, and ammunition for reloading cartridges, including the cost of targets and material for target practice, ammunition for burials at the National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, D. C., marksmen's medals and insignia for all arms of the service, $825,266: *Provided*, That provision "for the purpose of furnishing a national trophy and medals, etc.," contained in the act approved March 2, 1903, being an act making appropriation for the support of the Army for the fiscal year ending June 30, 1904, is amended to read as follows: "That for the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for, the sum of $2,500 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War."

Mr. HEMENWAY. Do I understand the desire of the chairman is to make this a permanent appropriation?

Mr. HULL. I think that was the desire of the committee.

Mr. PALMER. And the desire of the Secretary of War?

Mr. HULL. And the desire of the committee, I think, too. The idea is that anything that will stimulate the rifle practice of the different organizations of the United States, including the Army, Navy, and Marine Corps, is money very well expended.

Mr. HEMENWAY. The idea is to set aside $2,500 a year for this purpose?

Mr. HULL. We practically last year made it permanent by saying "hereafter;" but, while that is true, it did not include the Marine Corps and did not include the Navy. The Secretary of

War believes that all arms in the service should be brought in here, not only all arms of the regular service, but the National Guard and the various military organizations of the United States. There was a time, Mr. Chairman, in the history of this country when almost every man in the nation was an expert rifle shot. The time is rapidly coming when no one who is not trained in some of these military organizations will know anything about shooting.

Mr. HEMENWAY. The only thing I suggest is, had we not better take care of the amount as it comes due annually in place of making it a permanent appropriation?

Mr. HULL. The only question is whenever they do not need it it will not be expended, and if they should need it they would have to come back each year for it.

Mr. HEMENWAY. But you lose sight of it when it gets clear out of your control.

Mr. HULL. There is this about it, however. I should imagine whenever the Department would not need this for paying the expenses of rifle shooting they would fail to ask for it.

Mr. HEMENWAY. All I desire is that the gentleman should have oversight over it. It it becomes a permanent appropriation it goes to the Committee on Appropriations, and the gentleman's committee knows better how to take care of this item than the Committee on Appropriations, and I would rather the gentleman would not make it an annual appropriation.

Mr. HULL. I will say to the gentleman that as far as trophies are concerned my idea was that there should not be a trophy to be won each year, but that the trophy should be put up and shot for each year and go to the winner, like a cup in yacht races or the Iowa trophy for the National Guard. A medal is something that a man retains permanently.

Mr. HEMENWAY. You want to make this a permanent appropriation?

Mr. HULL. That is the idea of the committee. I was overruled on the trophy business, but that is the idea of the committee, the same as last year.

The Clerk read as follows:

For the purpose of procuring field-artillery material for the organized militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States or Territories or the commanding general of the militia of the District of Columbia, to issue said artillery material to the organized militia; and the sum of $585,000 is hereby appropriated, to remain available until expended, for the procurement and issue of the articles constituting the same.

Mr. HEMENWAY. The item commencing at line 6 and ending at line 19. Do I understand you wish to make an annual appropriation?

Mr. HULL. On page 37?

Mr. HEMENWAY. On page 37.

Mr. HULL. For field artillery? We do not want to make that an annual appropriation. We only make this appropriation to finish up the batteries for that artillery for the militia.

Mr. HEMENWAY. No; you say "to remain available until expended." Why not strike out that and keep it under the control of your committee?

Mr. HULL. I want to say to the gentleman the estimate was provided in that way for the reason it would be impossible to finish them up during this year.

Mr. HEMENWAY. Then you can appropriate next year the money.

Mr. HULL. You can do that, of course.

Mr. HEMENWAY. I wish you would do it.

Mr. HULL. But they want to make a contract for it.

Mr. HEMENWAY. We ought all the time to be in touch with what they are doing and not to make permanent appropriations.

Mr. HULL. My judgment from the evidence given in regard to making their contract is that it would be better to make it available than for them to come back again to Congress. I would not really know how to divide this, because we do not need to make all of this appropriation if we do not make it available until expended.

Mr. HEMENWAY. We had better make the full amount available until the end of the fiscal year, and then if it is not expended it goes back into the Treasury and can be reappropriated.

Mr. HULL. I have no objection to that, as far as I am concerned, but I hope it will not defeat the early arming of the Militia.

Mr. HEMENWAY. You leave the whole amount in, and they can contract when the money is appropriated.

Mr. HULL. Then the gentleman moves to strike out the words "to remain available until expended."

Mr. HEMENWAY. That is it.

Mr. HULL. I have no objection.

Mr. HEMENWAY. Make the motion yourself, then.

Mr. HULL. No; the gentleman can make his own motion.

Mr. HEMENWAY. Then, Mr. Chairman, I move to amend, on page 37, line 18, by striking out the words "to remain available until expended."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 37, line 18, strike out the words "to remain available until expended."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Hereafter all employees of the Ordnance Department whose rate of compensation is annual shall be paid monthly at the rate of one-twelfth of the annual rate, and of such monthly rate and of all other monthly rates of compensation one-thirtieth shall be the daily rate for computation of pay for fractional parts of a month; and for the purposes of this provision each and every month shall be held to consist of thirty days, whether the actual number of days be greater or less.

Mr. HEMENWAY. Mr. Chairman, I have no objection to that provision, although it ought not to apply to the Ordnance Department at Washington, because it would give one set of people in the Department one method of computation and to others another.

Mr. HULL. Mr. Chairman, I think it has only been one or two years since we made it apply to the pay of the Army, and made it permanent law, but we seem to have left this out. I talked with the Auditor of the War Department about it, and he said that all Departments of the Government ought to come under this provision, as it simplifies the accounts.

Mr. HEMENWAY. If they were all to come under it, there would be no objection to it.

Mr. HULL. This brings the Army all in.

Mr. HEMENWAY. But the employees in the Ordnance Department at Washington who do not belong to the Army will not be taken in. Your language will take in a little bunch of clerks up here and give them rates that the other clerks of the Government would not have.

Mr. HULL. The Chief of the Ordnance Department, in the hearings, made this statement:

General CROZIER. You see what the difficulty is there—that we have some employees who are paid out of more than one appropriation. That portion of their pay which comes out of the army bill is computed in a certain fashion, and that portion which comes out of some other bill is computed in another fashion, and it is very difficult to get the matter straight. What have you to say on that subject, Captain Montgomery?

Captain MONTGOMERY. The law as embraced in the army appropriation bill last year provided for payment only out of funds appropriated for the support of the Army. As it reads, it applies to all army appropriation acts. It did not make a bit of difference whether payment is to be made from the appropriation "Ordnance service," "Pay of the Army," or any other. We have appropriations in the sundry civil acts, and sometimes in the deficiency acts, and an employee being employed on three kinds of work, each kind of work authorized by a different appropriation, one authorization in the army appropriation act, one in the sundry civil act, and another in the fortification act, the result is that you will have to calculate that man's pay on two different bases.

In one case your calculation will be based on the Government salary tables, which have been gotten up by the Comptroller of the Treasury and have been in effect for years.

Mr. HEMENWAY. I do not think the gentleman from Iowa gets my point. If this were applied to the employees in the Ordnance Department at Washington, it would give a bunch of clerks employed in that Department this method of payment and the balance of the clerks in the other Departments of the Government another plan of payment. The gentleman ought not to confine it to the Army, but let the provision go on that it shall not apply to those employed in the Ordnance Department at Washington.

Mr. HULL. This only simplifies the matter. The Comptroller has decided that it does not apply to anything but the money carried in the army appropriation bill.

Mr. HEMENWAY. The Comptroller has decided that it would not apply to any money that is not carried in the army appropriation bill?

Mr. HULL. That is right.

Mr. HEMENWAY. And the clerks provided for under the legislative bill would not come under it?

Mr. HULL. They would not. I do not know what it is, but they would be paid under a different plan or theory. The object of this is to bring the employees all under one computation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hereafter all moneys arising from dispositions authorized by law and regulation of serviceable ordnance and ordnance stores shall constitute one fund on the books of the Treasury Department, which shall be available to replace like ordnance and ordnance stores thus disposed of throughout the fiscal year in which the disposition was effected and throughout the following year.

Mr. GROSVENOR. Mr. Chairman, I rise to give notice that I wish to make some points of order on the remaining portion of this bill. I give this early notice so that I may not be ruled out.

Mr. HEMENWAY. Mr. Chairman, I make a point of order on

this paragraph, and the point of order is that it changes existing law. It says:

Hereafter all moneys arising from dispositions authorized by law and regulation of serviceable ordnance and ordnance stores, shall constitute one fund on the books of the Treasury Department, which shall be available to replace like ordnance and ordnance stores thus disposed of.

In other words, it provides that the Ordnance Department may sell certain things that they think ought to be sold, and turn around and repurchase other items with that money. It is a change of existing law. Under the law now the proceeds for any item which is sold have to be turned into the Treasury.

Mr. HULL. I wish the gentleman from Indiana would withhold his point of order, because I acknowledge that it is subject to a point of order, if he insists upon it. I would like to ask the gentleman if he has read the hearings?

Mr. HEMENWAY. Yes; but I would not allow any officer on earth to dispose of property of the Government and then turn around and invest the money received for it on his own motion.

Mr. HULL. But you have done it for forty years.

Mr. HEMENWAY. Then we ought to stop it. The temptation is always strong for a man, when he wants something new and can not get an appropriation for it, to find something that he can sell and then go and buy what he wants.

Mr. HULL. I acknowledge that it is subject to a point of order, but the gentleman is not correct in the statement that we do not allow it. We allow commissary officers to sell stores from the commissary department, and the money does not go back into the Treasury, but they buy other stores with it.

Mr. HEMENWAY. I am sorry if they do; if I had charge of the bill, I would change it as quick as I could.

Mr. HULL. I would not.

The CHAIRMAN. To what language does the gentleman make the point of order?

Mr. HEMENWAY. I make the point of order against lines from 13 to 19, inclusive.

The CHAIRMAN. The point of order is sustained.

The Clerk read the last section of the bill, as follows:

That the officers of the Adjutant-General's Department, except the Adjutant-General, and the officers of the Record and Pension Office shall hereafter constitute one department of the Army, to be known as the Military Secretary's Department; and the Adjutant-General's Office and the Record and Pension Office, heretofore constituting bureaus of the War Department, shall hereafter constitute the Adjutant-General's section and the Record and Pension section of a consolidated bureau to be known as the Military Secretary's Office of the War Department. The officers so consolidated shall be borne on one list in the order of rank held by them, and those of them who hold permanent appointments as officers of the Adjutant-General's Department or of the Record and Pension Office shall be entitled to promotion below the grade of brigadier-general, as now provided by law, and in the order of their standing on said list. Except as otherwise provided herein, the laws now in force shall continue to govern the appointment, promotion, and detail of all officers of the consolidated department hereby created: *Provided*, That the officers of the said consolidated department shall be subject to the supervision of the Chief of Staff: *Provided further*, That no appointments or details to the grade of assistant adjutant-general with the rank of major shall be made until the number of officers of that grade shall be reduced to less than ten, and thereafter the number of officers of said grade in the consolidated department shall be ten: *Provided further*, That of the officers consolidated, as hereinbefore provided, the senior in rank, who shall be chief of the consolidated department and the title of whose office is hereby changed to that of military secretary, shall hereafter have rank one grade higher than that now held by him; but when he shall become separated from service on the active list of the Army the rank of the military secretary on said list shall thereafter be the same as that now held by the senior of the officers hereby consolidated. Except as hereinafter provided, the remaining officers of the consolidated department shall retain the titles that they now bear: *Provided further*, That when the office of Adjutant-General shall become vacant, the vacancy so created on the active list of the Army shall not be filled, and thereafter the several officers now designated by the title Assistant Adjutant-General and by the title Assistant Chief of the Record and Pension Office shall be designated by the title Adjutant-General. Nothing in this act shall be so construed as to deprive any officer of his commission or to increase the total number of officers of the Army, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. GROSVENOR. Mr. Chairman, I make the point of order of that paragraph beginning at page 39, line 20, and ending with the words "Adjutant-General" in the twelfth line on page 41, that it is new legislation throughout, and I make the further point of order against the several distinct and separate provisos, each as a distinct and separate proposition, because it is all new legislation materially affecting, repealing, and changing existing law.

Mr. HULL. Mr. Chairman, I do not purpose contesting the point of order. It it obvious to every Member of the House that it is subject to a point of order. I do want, however, to say for the Committee on Military Affairs that at the time it was incorporated in the bill it was supposed it would have practically no opposition on the part of the Members of the House.

It was placed on the military appropriation bill because it was understood it was exceedingly desirous to get these provisions through at the earliest possible date, for the reason set out by the Secretary of War in his letter of the 16th of January, in which he says that if it should become a law it will necessitate many transfers in the clerical force of the Department, all of which must be provided for in the legislative, executive, and judicial appropriation bill. He says:

I beg leave to suggest, therefore, that if the measure meet with the approval of your committee it be incorporated in the pending army appropriation bill in order to avoid, as far as possible, the delays to which a separate bill is likely to be subjected.

At the time it was incorporated in the bill the committee had every reason to believe that it would be permitted to remain there. That action not having been taken by the House, there is nothing to say except that we believe the measure would result in a large saving to the Government, in better administration to the War Department, and that we hope in the near future to bring it before the House as a separate measure.

The CHAIRMAN. The Chair sustains the point or order.

Mr. HULL. Mr. Chairman, I ask unanimous consent to recur to the paragraph providing for contingent expenses of the military information division, on page 4, in order that I may ask unanimous consent that the amendment offered by the gentleman from Indiana [Mr. HEMENWAY] be withdrawn. I ask that for this reason, that if his amendment remains in the bill it is impossible for a Chief of Staff to buy a ribbon for a typewriter. It is impossible to buy a paper of pins for his office. It is impossible to buy any stationery for the General Staff, and I do not believe the gentleman intended to make an amendment so restrictive as that. I hope he will consent to having it withdrawn.

Mr. HEMENWAY. I did not intend to and did not do what the gentleman fears. The $50,000 carried on the legislative bill is available for the items the gentleman mentions. I object to returning to that paragraph.

The CHAIRMAN. Objection is made.

Mr. HULL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10670, the army appropriation bill, and had instructed him to report that it had made sundry amendments thereto and recommends that the amendments be agreed to and that the bill as amended do pass.

Mr. HULL. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote asked on any amendment? If not, the vote will be taken on the amendments in gross. The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 6804. An act providing for the appointment of a customs appraiser at Pittsburg, Pa.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. CASSINGHAM to withdraw from the files of the House, without leaving copies, the papers in the case of Nathan Finnigan, Fifty-seventh Congress, no adverse report having been made thereon.

Also to Mr. LORIMER, to withdraw from the files of the House, without leaving copies, the papers in the case of Louis J. Sacriste, Fifty-seventh Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILEY, of New Jersey, for five days on account of death in his family.

To Mr. MURDOCK, for fifteen days, on account of important business.

ADJOURNMENT.

Then, on motion of Mr. HULL (at 4 o'clock and 5 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a detailed statement of the refunds of customs duties for the fiscal year ended June 30, 1903—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for miscellaneous expenses of Fish Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Chief of Division of Printing and Stationery submitting an estimate of appropriation for postage for Smithsonian Institution—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for a building at the military post near Indianapolis, Ind.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of State, proposing a joint resolution to permit Alfonso Zelaya, of Nicaragua, to become a cadet at the West Point Military Academy—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of State, transmitting, with a favorable recommendation, a communication relating to the incorporation of the American National Institute at Paris—to the Committee on the Library, and ordered to be printed (all except accompanying printed documents).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 3581) providing the means of acquiring title to two groves of Sequoia gigantea in the State of California, with a view to making national parks thereof, reported the same with amendment, accompanied by a report (No. 461); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 7619) construing the provisions of sections 2304 to 2309 of the Revised Statutes of the United States in certain cases—Committee on Invalid Pensions discharged, and referred to the Committee on the Public Lands.

A bill (H. R. 10968) granting a pension to Marceline P. Hamilton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10523) granting a pension to Edson H. Crawford—Committee on Military Affairs discharged, and referred to Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KALANIANAOLE (by request): A bill (H. R. 11036) to prohibit the employment of aliens on public works in the Territory of Hawaii—to the Committee on the Territories.

Also, a bill (H. R. 11037) for the improvement of entrance to harbor of Honolulu, Territory of Hawaii—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11038) for survey and estimate for the construction of a breakwater for the protection of the harbor at Hilo, island of Hawaii, Territory of Hawaii—to the Committee on Rivers and Harbors.

By Mr. NEVIN: A bill (H. R. 11039) to amend section 3262 of the Revised Statutes as amended—to the Committee on Ways and Means.

Also, a bill (H. R. 11040) for the erection of a public building at Hamilton, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of New Jersey: A bill (H. R. 11041) for the extension of Wyoming avenue, and for other purposes—to the Committee on the District of Columbia.

By Mr. HAY: A bill (H. R. 11042) to provide for the settlement of certain claims of officers and enlisted men of the Army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States—to the Committee on Claims.

By Mr. MORRELL: A bill (H. R. 11043) to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901—to the Committee on the District of Columbia.

By Mr. WILSON of Arizona: A bill (H. R. 11044) relating to certain mineral lands now included in the Gila River Indian Reservation, in Arizona—to the Committee on Indian Affairs.

By Mr. MANN: A bill (H. R. 11045) to provide for a public building at South Chicago, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. HENRY of Texas: A bill (H. R. 11046) making an appropriation for the improvement of the Brazos River between Old Washington and Waco—to the Committee on Rivers and Harbors.

By Mr. COWHERD: A bill (H. R. 11047) for the construction of a conduit for the waters of Rock Creek, and for other purposes—to the Committee on the District of Columbia.

By Mr. THOMAS of Iowa: A bill (H. R. 11048) for the judicial ascertainment of claims against the United States—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: A bill (H. R. 11049) to amend section 1 of an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903—to the Committee on Immigration and Naturalization.

By Mr. RANSDELL of Louisiana: A bill (H. R. 11050) to authorize the Little Rock and Monroe Railway Company to construct, maintain, and use a bridge across Ouachita River, in the State of Louisiana, at a point between Ouachita City and the mouth of Bayou Loutre—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: A bill (H. R. 11051) for the extension of Elm street northwest.—to the Committee on the District of Columbia.

By Mr. SCUDDER: A joint resolution (H. J. Res. 86) directing the Secretary of War to submit plans and estimates for the construction of a breakwater at Luces Landing, Northville, Suffolk County, N. Y.—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 87) directing the Secretary of War to submit plans and estimates for a channel leading into West Harbor, Fishers Island, all in the county of Suffolk and State of New York—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 88) directing the Secretary of War to submit plans and estimates for a breakwater at Fire Island Inlet, in the county of Suffolk and State of New York—to the Committee on Rivers and Harbors.

By Mr. DE ARMOND (by request): A joint resolution (H. J. Res. 89) for the relief of Daniel B. Watts—to the Committee on Military Affairs.

By Mr. HINSHAW: A concurrent resolution (H. C. Res. 35) for binding 17,000 copies of the three separate memorial addresses delivered before the two Houses of Congress—to the Committee on Printing.

By Mr. NEVIN: A resolution (H. Res. 164) to pay the sum of $202.50 to Jacob Bader—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 11052) granting an increase of pension to Mary Eaton Livingston—to the Committee on Pensions.

By Mr. BENTON: A bill (H. R. 11053) granting a pension to Cynthia J. Hathcock—to the Committee on Pensions.

Also, a bill (H. R. 11054) granting a pension to Henry P. Conn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11055) granting an increase of pension to Winfield S. Russell—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE: A bill (H. R. 11056) to authorize the President to appoint Henry T. Skelding, now paymaster on the retired list of the Navy, a pay director on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. CALDWELL: A bill (H. R. 11057) granting an increase of pension to Samuel H. McCarty—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 11058) granting a pension to Mary Apple—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 11059) granting

an increase of pension to Josiah E. Keyes—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 11060) granting an increase of pension to Thomas Maker—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 11061) granting an increase of pension to Frances Thorn Brann—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 11062) to provide suitable medals for the officers and crews of the United States vessel of war *Kearsarge*, at the time she sank the Confederate vessel of war *Alabama* off Cherbourg, France, June 19, 1864—to the Committee on Naval Affairs.

By Mr. DE ARMOND (by request): A bill (H. R. 11063) granting an increase of pension to Robert L. McMurtry—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 11064) granting an increase of pension to Elbert Parker—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 11065) granting an increase of pension to Elihu Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11066) granting an increase of pension to Joshua D. Griffith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11067) granting an increase of pension to Eli Duvall—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 11068) granting a certificate of merit to John A. Cassell—to the Committee on Military Affairs.

By Mr. HASKINS: A bill (H. R. 11069) granting an increase of pension to William H. Willey—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 11070) for the relief of George H. Mellen, deceased—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 11071) for the relief of Franklin Patterson—to the Committee on Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 11072) for the relief of Turman V. Cremeans—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 11073) granting an increase of pension to Henry B. Summey—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 11074) granting a pension to Merritt R. Simpson—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 11075) for the relief of Downings Methodist Episcopal Church, South, of Oak Hall, Va.—to the Committee on War Claims.

By Mr. KNOPF: A bill (H. R. 11076) granting an increase of pension to Elvira Miller—to the Committee on Invalid Pensions.

By Mr. LIVERNASH: A bill (H. R. 11077) granting a pension to Gustav Jansen—to the Committee on Pensions.

Also, a bill (H. R. 11078) for the relief of William R. Wheaton and Charles H. Chamberlain, of California—to the Committee on Claims.

Also (by request), a bill (H. R. 11079) to increase the pension of William Turner—to the Committee on Pensions.

By Mr. LORIMER: A bill (H. R. 11080) granting a pension to M. R. Clark—to the Committee on Invalid Pensions.

By Mr. MADDOX: A bill (H. R. 11081) for the relief of Samuel L. Robertson—to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 11082) granting a pension to Johann G. Fleckles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11083) to authorize the Secretary of War to correct the military record of Oscar B. Knight—to the Committee on Military Affairs.

Also, a bill (H. R. 11084) to compensate E. C. Sturges for property lost during the Spanish-American war—to the Committee on War Claims.

Also, a bill (H. R. 11085) placing Hugh T. Reed on the retired list with rank of captain—to the Committee on Military Affairs.

Also, a bill (H. R. 11086) granting a pension to Charles W. Crary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11087) granting a pension to John Eckerman—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11088) granting an increase of pension to Cora M. Mosier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11089) granting an increase of pension to William H. Summers—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 11090) granting an increase of pension to Joseph Reese—to the Committee on Invalid Pensions.

Also a bill (H. R. 11091) granting an increase of pension to Charles Stackhouse—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 11092) granting a pension to Eben N. Blake—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 11093) for the relief of the heirs at law of Charles K. Smith, jr.—to the Committee on Claims.

By Mr. OTJEN: A bill (H. R. 11094) for the relief of William A. Power—to the Committee on War Claims.

By Mr. PAGE: A bill (H. R. 11095) for the relief of E. J. French, heir of Patrick D. Gilchrist, deceased—to the Committee on Claims.

By Mr. POWERS of Massachusetts: A bill (H. R. 11096) to remove the charge of desertion from the military record of George D. Coburn—to the Committee on Military Affairs.

By Mr. POWERS of Maine: A bill (H. R. 11097) for the relief of Seth H. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11098) granting an increase of pension to Leonard H. Washburn—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 11099) granting a pension to Catrena Helmig—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 11100) for the relief of J. W. Bauer and others—to the Committee on Claims.

Also, a bill (H. R. 11101) for the relief of J. C. Pendleton, of Jefferson County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 11102) granting a pension to Christina Vetter—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 11103) for the relief of George T. Larkin—to the Committee on Claims.

Also, a bill (H. R. 11104) for the relief of George T. Larkin—to the Committee on Claims.

By Mr. SOUTHARD: A bill (H. R. 11105) granting an increase of pension to Peter Furnier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11106) granting an increase of pension to Sherman R. Haskill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11107) granting an increase of pension to Charles V. Lincoln—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11108) granting an increase of pension to John W. Cleuch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11109) to correct the military record of James Taylor, alias James Wilson—to the Committee on Military Affairs.

Also, a bill (H. R. 11110) to correct the military record of Joseph C. Keubeler, alias Karl Kuhne—to the Committee on Military Affairs.

Also, a bill (H. R. 11111) to correct the military record of Edward S. Knappen—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 11112) granting an increase of pension to Henry H. Howard—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 11113) granting an increase of pension to Silas G. Soules—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 11114) granting an increase of pension to William D. Leek—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11115) granting an increase of pension to Mary E. Lantz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11116) for the relief of Charles C. Bauman—to the Committee on Claims.

Also, a bill (H. R. 11117) to correct the military record of Timothy Lyons—to the Committee on Military Affairs.

By Mr. WILSON of Arizona: A bill (H. R. 11118) for the relief of Pima County, Ariz.—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of William McKinley Post, No. 701, Grand Army of the Republic, Chicago, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ADAMSON: Resolutions of board of directors of the Georgia Experiment Station, favoring an increased appropriation for agricultural experiment stations—to the Committee on Appropriations.

By Mr. BABCOCK: Papers to accompany bill H. R. 7878, granting an increase of pension to Richard Jones—to the Committee on Invalid Pensions.

Also, petition of residents of Prairie du Chien, Wis., for the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. BARTHOLDT: Petition of Mound City Council, No. 207, United Commercial Travelers of America, in favor of bill to amend bankruptcy law—to the Committee on the Judiciary.

Also, petition of the presidents of the St. Louis Manufacturers' Association and Business Men's League, relating to the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. BARTLETT: Resolution of the board of directors of the Georgia experiment station, favoring increasing appropriations for agricultural experiment stations—to the Committee on Appropriations.

By Mr. BENTON: Papers to accompany bill granting a pension to Cynthia J. Hatchcock—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to Winfield S. Russell—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Henry P. Cann—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of residents of Bethany County, Nebr., and E. B. Lockwood, of Tecumseh, Nebr., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURLEIGH: Resolutions of John B. Hubbard Post, No. 20, of Hallowell; Heath Post, No. 6, of Gardiner; Warren Post, No. 66, of Winterport, and George Goodwin Post, No. 32, of Ripley, Me., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: Resolution of General George A. McCall Post, No. 31, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: Papers to accompany bill to increase pension of Joseph Starr—to the Committee on Invalid Pensions.

Also, resolution of the Ohio Vicksburg Battlefield Commission, in favor of bill H. R. 5084, providing for a national military park commission—to the Committee on Military Affairs.

By Mr. CLARK (by request): Petition of Rev. J. P. Koeller and 10 others, of Herman, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CROMER: Resolution of Warren Cole Post, No. 523, Grand Army of the Republic, Department of Indiana, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of H. C. Adams and others, of Muncie, Ind., against enactment of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DANIELS: Papers to accompany bill H. R. 4487, relative to a trail up Mount Whitney, California—to the Committee on Military Affairs.

By Mr. ESCH: Resolution of William Moore Post, No. 92, Grand Army of the Republic, Black River Falls, Wis., in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. FIELD: Petition of H. W. Armstrong and 68 others, of Hearne, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FLOOD: Papers to accompany bill H. R. 10209, to increase the pension of Margaret Delaney—to the Committee on Invalid Pensions.

By Mr. FULLER: Memorial of the Commercial Club of Topeka, Kans., relative to the restoration of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of E. N. Kirk Post, No. 656, Grand Army of the Republic, of Peru, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Paper to accompany bill H. R. 7056, relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. GIBSON: Papers to accompany bill to increase pension of Elbert Parker—to the Committee on Invalid Pensions.

Also, paper to accompany bill to correct military record of Frank Medlin—to the Committee on Military Affairs.

By Mr. GREENE: Resolution of the Board of Trade of Gloucester, Mass., relative to the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolution of the Board of Trade of Gloucester, Mass., favoring arbitration treaties between United States and foreign countries—to the Committee on Foreign Affairs.

Also, resolution of the Board of Trade of Gloucester, Mass., favoring the rehabilitation of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Board of Trade of Gloucester, Mass., in favor of destruction of derelicts at sea—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Papers to accompany House bill to increase pension of Joshua D. Griffith—to the Committee on Invalid Pensions.

Also, resolution of Wadsworth Post, No. 127, Grand Army of the Republic, of Franklin, Ind., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to increase pension of Henry B. Sparks—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Papers to accompany bill granting a certificate of merit to John A. Cassell—to the Committee on Military Affairs.

By Mr. HAMILTON: Resolution of George H. Thomas Post, No. 14, of Benton Harbor, Mich., and A. W. Chapman Post, No. 21, of St Joseph, Mich., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAMLIN: Papers to accompany bill granting a pension to Warren R. Herrell—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 9563, granting a pension to James J. Wallis—to the Committee on Invalid Pensions.

By Mr. HARDWICK: Resolution of the board of directors of the Georgia Experiment Station, relative to an increase of appropriation for agricultural experiment stations—to the Committee on Agriculture.

By Mr. HAUGEN: Petition of citizens of Postville, Iowa, against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of J. L. Mitchell and 12 others, of Smyrna, Iowa, in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOWARD: Petition of voters of Young Men's Christian Association of Union Point, Ga., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HULL: Paper to accompany bill H. R. 3921, granting an increase of pension to M. C. Staves—to the Committee on Invalid Pensions.

By Mr. JOHNSON: Paper to accompany House bill granting a pension to Merritt R. Simpson—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of citizens of Blakesburg, Iowa, in favor of bills providing relief for military telegraph operators in the civil war—to the Committee on Military Affairs.

By Mr. LANNING: Resolution of George B. McClellan Post, No. 99, Grand Army of the Republic, Lambertville, N. J., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LIVERNASH: Resolutions of San Francisco Building Trades Council and of City Front Federation, of San Francisco, concerning the use of militia at Cripple Creek, Colo.—to the Committee on Military Affairs.

Also, resolutions of Central Trades and Labor Union of St. Augustine, Fla., favoring an eight-hour and anti-injunction bill—to the Committee on Labor.

Also, resolutions of Board of Trade of San Francisco, for the improvement of Siuslaw Harbor—to the Committee on Rivers and Harbors.

Also, resolution of San Francisco Labor Council, against United States soldiers coming in competition with civilian mechanics on Government work—to the Committee on Labor.

Also, resolutions of San Francisco Labor Council, concerning John Turner—to the Committee on Foreign Affairs.

By Mr. LOUDENSLAGER: Petition of Henry D. Moore and 19 others, of Haddonfield, N. J., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MANN: Papers to accompany bill H. R. 9599, granting a pension to Grace P. Paddock—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10920, for the relief of Julius Frank—to the Committee on War Claims.

Also, papers to accompany bill H. R. 8387, granting a pension to Emma R. Wallace—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: Papers to accompany House bill granting an increase of pension to Herman J. Watjen—to the Committee on Invalid Pensions.

Also, petition of George Lendreck and others, of Vincennes, Ind., against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany House bill granting an increase of pension to Cora M. Mosier—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting pension to William H. Summers—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 6647, granting an increase of pension to Thomas Headley—to the Committee on Invalid Pensions.

By Mr. MORRELL: Resolution of Colonel James Asworth Post, No. 334, Grand Army of the Republic, of Frankford, Philadelphia, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of representatives of grain-trade organizations, relative to the inspection of grain at terminal markets—to the Committee on Interstate and Foreign Commerce.

By Mr. NEVIN: Petitions of J. E. Wheeler and 11 others, of Craftonville, Cal.; O. F. McJenkin and 17 others, and S. T. Bennett and 25 others, of Dayton, Ohio; T. J. Stubbs and 36 others, and C. Halsey and 29 others, of West Elkton, Ohio; Rev. G. H. Draper and 28 others, of Middletown, Ohio; Harvey Pennuell and 28 others, of West Carrollton, Ohio, and H. C. Minnich and 202 others, of Oxford, Ohio, in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. OLMSTED: Resolution of Post No. 58, of Harrisburg,

Pa.: Captain Colwell Post, No. 201, of Carlisle, Pa., and Sedgwick Post, No. 42, of Lebanon, Pa., Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. OTJEN: Resolution of the executive committee of the Wisconsin Rest Day Association, for Sunday closing of the proposed Lewis and Clark Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. POWERS of Maine: Papers to accompany House bill granting an increase of pension to Seth H. Hall—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Leonard H. Washburn—to the Committee on Invalid Pensions.

By Mr. PRINCE: Resolutions of the Chamber of Commerce of Quincy, Ill., favoring passage of Senate bill 1618, for reorganization of United States consular service—to the Committee on Foreign Affairs.

Also, resolutions of George W. Parker Post, No. 700, Grand Army of the Republic, of Williamsfield, Ill., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

Also, resolution of Julius Pratt Post, No. 143, Grand Army of the Republic, of Kewanee, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Papers to accompany bill H. R. 10099, granting a pension to Harrison Cook—to the Committee on Pensions.

Also, papers to accompany bill to pension William A. Russell—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 2421, for the relief of William P. Tanner—to the Committee on War Claims.

By Mr. RIXEY: Papers to accompany claim of George M. Fry—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of H. O. Wells, of Fort Wayne, Ind., in favor of bill H. R. 1976, relative to post-check system—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Resolutions of Manufacturers' Association of New York City, on pending bills to repeal the national bankruptcy act—to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Paper to accompany bill granting a pension to Catrena Helmig—to the Committee on Invalid Pensions.

By Mr. SHERLEY: Papers to accompany bill H. R. 7497, granting a pension to Emma A. Webster—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 8408, for the relief of Catherine B. Jones—to the Committee on War Claims.

By Mr. SMITH of Michigan: Resolutions of John A. Logan Post, No. 1; Innes Post, No. 408; Bonner Post, No. 306; Sedgwick Post, No. 16; W. H. Whitney Post, No. 350; Joseph Wilson Post, No. 87; O. H. Read Post, No. 234, and Henry Rice Post, No. 151, Department of Michigan, Grand Army of the Republic, favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers to accompany bill H. R. 9273, granting an increase of pension to James H. Sackett—to the Committee on Invalid Pensions.

By Mr. STAFFORD: Resolution of Robert Mueller Post, No. 250, Grand Army of the Republic, of Milwaukee, Wis., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SULZER: Resolutions of New York Board of Trade and Transportation, in opposition to the repeal of the national bankruptcy act—to the Committee on the Judiciary.

By Mr. TAWNEY: Papers to accompany bill granting an increase of pension to Henry H. Howard—to the Committee on Invalid Pensions.

Also, petition of the Upper Mississippi Improvement Association, of Winona, Minn., for the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. TIRRELL: Papers to accompany bill granting an increase of pension to Silas G. Soules—to the Committee on Invalid Pensions.

By Mr. WADE: Resolutions of August Wentz Post, No. 1, of Davenport, Iowa, and of John R. Buckman Post, No. 382, of Leclaire, Iowa, Grand Army of the Republic, favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of O. P. Scovell and others, of Lewiston, N. Y., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WILEY of New Jersey: Petition of pastor of the Central Presbyterian Church, of Orange and East Orange, N. J., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WILLIAMS of Illinois: Resolutions of Chamber of Commerce of Quincy, Ill., in favor of Senate bill 1618, for reorganization of the consular service—to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *January 26, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved without objection.

CLERICAL FORCE AT SUBTREASURY, BOSTON, MASS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the assistant treasurer at Boston, Mass., relative to an increase in the clerical force in his office of three clerks at $1,200 each, and one clerk at $1,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

CLERICAL FORCE AT SUBTREASURY, CHICAGO, ILL.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter addressed by the Treasury Department to the Committee on Appropriations, House of Representatives, relative to the growth of business in the office of the assistant treasurer at Chicago, Ill., and recommending that provision be made for an increase in that force; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented memorials of the Turn Verein of Chattanooga, Tenn.; of Lodge No. 50, of Buffalo Lake, and of Freiheit Lodge, No. 142, of St. Paul, in the State of Minnesota; of the Arion Association, of Wheeling, W. Va.; of the German Dramatic Society of Providence, R. I.; of the Deutscher Krieger Verein of Charleston, and of Schiller Lodge, No. 30, of Charleston, in the State of South Carolina; of Columbia Lodge, of Randolph, Nebr.; of the Maennerchor of Waco; of the Turn Verein of San Antonio; of Lodge No. 43, of Welcome; of Schley Lodge, of Uhland; of the Deutsche Bauern Lodge, of Sandoval; of Welfen Lodge, No. 52, of Galveston; of Lodge No. 162, of Brenham; of the Liederkranz Singing Society, of San Antonio; of Lessing Lodge, No. 12, of Sealy; of the Turn Verein of Houston, and of Germania Lodge, No. 1036, of San Antonio, all in the State of Texas; of William Tell Lodge, No. 5, of Washington; of the United German Societies of Washington; of the Verein Baden, of Washington; of the German Order of Knights in Black, of Washington, and of the Plattdeutsche Verein of Washington, all in the District of Columbia; of the Deutscher Landwehr Maenner Verein, of Milwaukee; of the Turn Verein of Madison; of Armin Lodge, No. 9, of Milwaukee; of St. George's Benevolent Society, of Kenosha; of Eintracht Lodge, No. 34, of Wausau; of the Deutscher Kriegerbund, of Milwaukee; of Lodge No. 145, of Milwaukee; of the Harmonie Singing Club, of Kenosha; of the Bavarian Sick and Benefit Society of Sheboygan; of the Bruderbund of Milwaukee; of the Germania Singing Society, of Eau Claire, and of the Turn Verein of Milwaukee, all in the State of Wisconsin; of the Germania Benevolent Association, of Richmond, Va.; of the Goethe Lodge, No. 592, of Burlington, Vt.; of Multnomah Lodge, No. 10, of Portland, and of the General German Aid Society, of Portland, all in the State of Oregon; of the Saengerbund of Rome; of the Germania Gesang Verein, of Dunkirk; of the Plattdeutsche Bowling Club of Brooklyn; of the Lueneburger Heide Club, of New York City; of the Court Clinton Lodge, No. 198, of Buffalo; of the Deutscher Krieger Verein of Buffalo; of the Turn Verein of New York City; of the Arion Club of Amsterdam; of the Turn Verein of Newburgh; of the Saengerbund of Syracuse; of the United Grocery and Tea Clerks' Union, of New York City; of the Arbeiter-Liederkranz, of Mount Vernon; of the Turn Verein of Yonkers; of the Arbeiter Liedertafel, of Syracuse; of the Schützen Club of Brooklyn; of the German Order of Harugaris, of Olean; of Point Gratiot Lodge, No. 181, of Dunkirk; of Concordia Tent, No. 128, of Rochester; of the Stein Hive, Ladies of the Maccabees of the World, of Rochester; of the Leher Club, of Brooklyn; of the Turn Verein of Mount Vernon; of the Social Gymnastic Society of Dolgerville; of the Plattdeutsche Club of Brooklyn; of the Bavarian Benefit Society of Syracuse; of the Nachtwaechter Cycles, of Buffalo; of Friendship Lodge, No. 551, of Utica, and of the Workmen's Sick and Death Benefit Fund, Branch No. 88, of Utica, all in the State of New York; of the Secret Heart Society of Erie; of the German-American Benevolent Association of Erie; of the Singing Society of Wilkesbarre; of the Turn Gesang Verein of McKeesport; of the Beneficial Association of Philadelphia; of the Turn und Gesang Verein Eintracht, of Monongahela; of the Aurora Gesang Verein, of Allegheny; of the German Guards

Corps of Allegheny; of Mozart Lodge, No. 971, of Allegheny; of the St. Paul's Unterstuetzungs Verein, of Philadelphia; of the Germania Musical Association, of Philadelphia; of Lodge No. 721, of Pittsburg; of the Gesang Verein Harmonia, of Williamsport; of Mannie Lodge, No. 24, of Erie; of Germania Grand Lodge, No. 47, of Erie; of the Veteran Corps, First Regiment Band, of Philadelphia; of the Turn Verein of Philadelphia; of the Spring Hill Social Kegel Club, of Allegheny; of the Central Turn Verein, of Pittsburg; of the Harmonia Singing Society, of Smithton; of Germania Lodge, No. 509, of Pittsburg; of the Quartette Club of Reading; of the German Beneficial Union, District No. 89, of Reading; of the Harmonie Maennerchor, of Reading; of Beneficial Society No. 2, of Pittsburg; of the West Philadelphia Maennerchor, of Philadelphia; of the Plattdeutscher Volksfest Verein, of Philadelphia; of the German Machinists' Union, Lodge No. 670, of Philadelphia; of Schiller Lodge, No. 46, of Pittsburg; of the Druiden Singing Society, of Allegheny; of the Labor Lyceum Association, of Philadelphia; of the West Erie Beneficial Society, of Erie; of Teutonia Lodge, No. 152, of Allegheny; of the Columbus One Yearly Beneficial Society, of Philadelphia; of District No. 36 of the German Beneficial Union, of Allegheny; of the German Militar Verein, No. 7, of Etna; of the Germania Militar Society, of Allegheny; of Odin Lodge, No. 154, of Wilkesbarre; of the Grueth Society, of Philadelphia; of the Central Turn und Gesang Verein, of Braddock; of the Turn und Gesang Verein Eintracht, of Homestead; of the Charles Diehl Society, of Philadelphia, and of the Quaker City Benevolent Society, of Philadelphia, all in the State of Pennsylvania; of the Humboldt Verein, of Columbus; of Western Lodge, No. 87, of Cincinnati; of the St. Peters Maennerchor, of Chillicothe; of the Deutscher Bund, of Marion; of the Maennerchor of Dayton; of Eintracht Lodge, No. 1420, of Columbus; of the Deutscher Militar Verein, of Cincinnati; of the Germania Smoking Casino, of Cincinnati; of the Turn Verein of Cincinnati; of the North German Benevolent Society of Toledo; of the German Central Bund, of Toledo; of the Turngemeinde of Dayton; of Hermann Lodge, No. 208, of Cincinnati; of the German Good Luck Union, of Massillon; of Goethe Lodge, No. 437, of Cleveland; of the Humboldt Lodge, No. 274, of Cincinnati; of the Hudepohl Combination, of Cincinnati; of the Baden Benevolent Society, of Toledo; of the German Republican Club of the Sixteenth Ward, of Cleveland; of the Badische Saengerrande, of Dayton; of Centennial Rebeckah Lodge, No. 226, of Cincinnati; of Lodge No. 12, of Piqua; of Harmonia Lodge, No. 3759, of Cleveland; of Harmonia Lodge, No. 358, of Columbus; of the Turn Verein of East Liverpool; of the Schwaben Unterstuetzungs Verein, of Cleveland; of the Germania Turn Verein, of Steubenville; of the Verein Deutsche Einheit, of Cleveland; of District No. 65, German Beneficial Union, of Cleveland; of Augustus Lodge, No. 408, of Cleveland; of the Turn Verein of Cincinnati; of the Plattdeutsche Verein of Sandusky; of the Deutsche Eage Lodge, No. 469, of Dayton; of the Harugari Maennerchor, of Cleveland; of the Gambrinus Schuetzen Club, of Cleveland; of the Arbeiter Verein of Columbus; of Miami Chapter, No. 3, of Piqua, and of Friedrich Lodge, No. 209, of Hamilton, all in the State of Ohio, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PENROSE presented petitions of sundry citizens of California, Kansas, Montana, Vermont, and Arizona, praying for the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Beaver County Association, Union of Ex-Prisoners of War, of Pennsylvania, praying for the enactment of legislation granting pensions to soldiers and sailors confined in so-called Confederate prisons; which was referred to the Committee on Pensions.

He also presented petitions of Lieutenant Edward W. Gay Post, No. 312, of Philadelphia; of Post No. 446, of New Wilmington; of John A. Koltes Post, No. 228, of Philadelphia; of Sedgwick Post, No. 42, of Lebanon; of Andrew G. Tucker Post, No. 52, of Philadelphia, and of Albert W. Perrin Post, No. 370, of Ridgway, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of the West Pennsylvania Synod of the Evangelical Lutheran Church, of Gettysburg, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Medal of Honor Legion of New York City, praying for the enactment of legislation to place all soldiers who have received a medal of honor from Congress for gallantry on the service-pension roll at $75 per month; which was referred to the Committee on Pensions.

He also presented petitions of the Woman's Christian Temperance Union of Orangeville; of the congregations of the Baptist, Presbyterian, Methodist Episcopal, and United Presbyterian churches, all of Leechburg; of the Woman's Christian Temperance unions of Armstrong County, Oil City, and Bradford; of the Young People's Protestant League of Bradford; of the congregation of the First Methodist Episcopal Church of Bradford; of the congregation of the Northminster Presbyterian Church, of Philadelphia; of the Twentieth Century Club of Mifflinburg; of the congregation of the United Brethren Church of Bradford; of the New Century Club, of West Chester, and of sundry citizens of Bradford, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DRYDEN presented a petition of the Village Improvement Association of Cranford, N. J., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented petitions of General George B. McClellan Post, No. 99; of General William S. Truex Post, No. 118, of South Amboy; of Lincoln Post, No. 11, of Newark; of Aaron Wilkes Post, No. 23, of Trenton; of G. Van Houten Post, No. 3, of Jersey City, and of Phil Sheridan Post, No. 110, of Newark, all of the Department of New Jersey, Grand Army of the Republic, in the State of New Jersey, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the congregation of the First Presbyterian Church of Morristown, of the congregation of the Methodist Episcopal Church of Atlantic Highlands, of the Woman's Christian Temperance Union of Point Pleasant, of the Woman's Christian Temperance Union of Gloucester County, and of the congregation of the Methodist Episcopal Church of Pitman Grove, all in the State of New Jersey, and of the National Union of Women's Organizations, of Philadelphia, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FOSTER of Washington presented a petition of the congregation of the First Baptist Church of Tacoma, Wash., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. CULLOM presented petitions of Lemon Post, No. 211, of Farmer City; of W. H. L. Wallace Post, No. 55, of Centralia; of Frank Sampson Post, No. 298, of Waynesville; of Franklin Post, No. 256, of Monticello; of Reynolds Post, No. 559, of Reynolds; of Arthur W. Marsh Post, No. 343, of Warsaw; of W. W. H. Lawton Post, No. 438, of Griggsville; of Julius A. Pratt Post, No. 143, of Kewanee; of Chillicothe Post, No. 136, of Chillicothe; of Irwin McDowell Post, No. 507, of East St. Louis; of Hillard Post, No. 585, of Grafton; of George W. Parker Post, No. 700, of Williamsfield, and of William McKinley Post, No. 701, of Chicago, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. FAIRBANKS presented the memorial of J. L. Bieler, of Indianapolis, Ind., representing the German American Alliance of the State of Indiana, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

SHIPPING BETWEEN THE UNITED STATES AND PHILIPPINE PORTS.

Mr. LODGE. I move that an order be made to print as a Senate document a hearing had before the Committee on the Philippines of the Senate on the bill (S. 2259) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, and for other purposes.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. LONG, from the Committee on Indian Affairs, to whom was referred the bill (S. 2033) to refer to the Court of Claims the claims of the Peoria, Kaskaskia, Wea, and Piankashaw Indians against the United States, and for other purposes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (S. 3607) making appropriations for the removal of the quarantine station at San Diego, Cal., and to acquire a new site, and for other purposes, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. KEAN (by request) introduced a bill (S. 3809) for the relief of Mary A. Shufeldt; which was read twice by its title, and referred to the Committee on Claims.

Mr. DRYDEN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3810) granting an increase of pension to Virginia B. Mullan;

A bill (S. 3811) granting an increase of pension to Thomas B. Farrell; and

A bill (S. 3812) granting an increase of pension to Charles Wheatland (with an accompanying paper).

Mr. GIBSON introduced a bill (S. 3813) granting an increase of pension to Stephen Spitzley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 3814) for the relief of the estate of Raphael Segura, deceased;

A bill (S. 3815) for the relief of the estate of Jacob Israel, deceased;

A bill (S. 3816) for the relief of the heirs of Jabez Tanner, deceased, and estates of L. York and Elias J. Hoover, deceased;

A bill (S. 3817) for the relief of the estates of W. R. Brown and Mrs. Elmyra Brown, deceased;

A bill (S. 3818) for the relief of the estate of Lucy J. Boyle, deceased;

A bill (S. 3819) for the relief of the estate of Elizabeth W. F. Chevis, deceased;

A bill (S. 3820) for the relief of Eli C. Brown; and

A bill (S. 3821) for the relief of the estate of Dr. Joseph Moncla, deceased.

Mr. BALL introduced a bill (S. 3822) directing the Commissioners of the District of Columbia to refund certain moneys received by the collector of taxes of the said District; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PETTUS introduced a bill (S. 3823) authorizing the payment of the claim of M. A. Gantt & Son for board and lodging to volunteers during the Spanish-American war; which was read twice by its title, and referred to the Committee on Claims.

Mr. STEWART introduced a bill (S. 3824) in relation to pharmacy in the Indian Territory; which was read twice by its title.

Mr. STEWART. I ask that the bill, with the accompanying papers, be referred to the Committee on Indian Affairs.

Mr. BEVERIDGE. Why should it go to the Committee on Indian Affairs? I have no objection to the reference, but naturally it would go to the Committee on Territories.

Mr. STEWART. I think it belongs to the Committee on Indian Affairs.

Mr. BEVERIDGE. Is there some special reason why it should be so referred? If it applies to Indians only, then it ought to go to the Committee on Indian Affairs. Otherwise, it certainly ought to go to the Committee on Territories.

The PRESIDENT pro tempore. A similar bill was referred to the Committee on Indian Affairs in the last Congress.

Mr. BEVERIDGE. If it was before that committee at the last Congress, I have no objection to its reference at this session.

The PRESIDENT pro tempore. It was before the Committee on Indian Affairs. The bill and accompanying papers will be referred to the Committee on Indian Affairs.

Mr. DILLINGHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3825) granting an increase of pension to Anna H. Lyman;

A bill (S. 3826) granting an increase of pension to Roswell B. Bradley; and

A bill (S. 3827) granting an increase of pension to Norman B. Davenport (with accompanying papers).

Mr. PROCTOR introduced a bill (S. 3828) to provide for the settlement of certain claims of officers and enlisted men of the Army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BEVERIDGE introduced a bill (S. 3829) granting an increase of pension to James H. Crawley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3830) granting an increase of pension to Jasper H. Robison; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3831) granting an increase of pension to Francis M. Howard; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3832) to correct the military record of Edward Payton; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced the following bills; which were severally real twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3833) granting an increase of pension to George T. Edwards;

A bill (S. 3834) granting an increase of pension to Jasper N. Jennings; and

A bill (S. 3835) granting an increase of pension to Isaac C. Ross.

Mr. GALLINGER introduced a bill (S. 3836) to amend section 1 of an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903; which was read twice by its title, and referred to the Committee on Immigration.

He also introduced a bill (S. 3837) for the extension of W street north between North Capitol and First streets west; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3838) for the extension of Albemarle street; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3839) granting an increase of pension to George B. Abbott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 3840) granting a pension to John A. Cousley, jr.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3841) granting an increase of pension to John M. Bigger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 3842) to amend an act entitled "An act amending the civil code of Alaska providing for the organization of private corporations, and for other purposes," approved March 2, 1903; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

He also introduced a bill (S. 3843) providing for the hearing of cases upon appeal in the circuit court of appeals for the ninth district in the State of Washington; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. NELSON (by request) introduced a bill (S. 3844) to authorize the Nome Improvement Company to open and improve the mouth of Snake River at Nome, Alaska; which was read twice by its title, and, with the accompanying petition, which was ordered to be printed, referred to the Committee on Commerce.

Mr. PENROSE introduced a bill (S. 3845) to correct the military record of Robert D. Magill; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3846) granting a pension to Emma A. Poland;

A bill (S. 3847) granting an increase of pension to W. D. Stauffer;

A bill (S. 3848) to pension volunteer army nurses;

A bill (S. 3849) granting an increase of pension to George W. Allen;

A bill (S. 3850) granting a pension to Rachel Fleegel;

A bill (S. 3851) granting a pension to Caroline Gotshall;

A bill (S. 3852) granting a pension to Kate E. Young;

A bill (S. 3853) granting an increase of pension to Margaret Horncastle;

A bill (S. 3854) granting an increase of pension to Joseph Andelfinger;

A bill (S. 3855) granting an increase of pension to John T. Brothers; and

A bill (S. 3856) granting an increase of pension to W. H. H. Taylor.

Mr. MILLARD introduced a bill (S. 3857) to provide for the purchase of a site and the erection of a public building thereon in the city of West Point, State of Nebraska; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3858) to provide for the purchase of a site and the erection of a public building thereon in the city of Columbus, State of Nebraska; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. KITTREDGE introduced a bill (S. 3859) granting an increase of pension to Arthur Linn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 3860) granting a pension to

James Henry Martineau; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3861) to provide for the inspection of certain seagoing sail vessels and barges, and to protect life and property at sea; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BATE introduced a bill (S. 3862) granting an increase of pension to James M. Kercheval; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3863) granting a pension to Lillie P. Hinman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 3864) granting an increase of pension to Dean W. King; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 3865) granting a pension to Jefferson Wilcox; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 3866) to provide for the investigation of infectious diseases of domestic animals prevalent in the State of Minnesota and adjoining States; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. BLACKBURN introduced a bill (S. 3867) granting an increase of pension to Osmer S. Deming; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 3868) for the relief of David K. Wall and the heirs of John A. Witter, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to appropriate $8,524.10, with interest thereon at 6 per cent from March 18, 1902, as compensation to the owners of the Norwegian steamer *Ragnar* for damages to said steamer by collision on March 18, 1902, with the United States army transport *Sumner* in the Yangtze River, China, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to increase the salary of the messenger in the Chief Clerk's office, House of Representatives, from $750 to $1,200, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to appropriate $60,000 for continuing and enlarging the work of the Geological Survey in examining, analyzing, and testing the coals and lignite in the United States in order to determine their fuel values, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the Geological Survey, and ordered to be printed.

HEARINGS BEFORE COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. PROCTOR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Agriculture and Forestry be, and it is hereby, authorized to employ a stenographer to report hearings on bills coming before said committee, the expense thereof to be paid from the contingent fund of the Senate, and that the committee be authorized to have said hearings printed.

FOREST RESERVE LANDS.

Mr. HEYBURN. Mr. President, I desire to call up from the table this morning for consideration Senate joint resolution No. 30, and to submit a few remarks upon it.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent to take from the table a joint resolution, which will be read by title.

The SECRETARY. A joint resolution (S. R. 30) directing the stay of all proceedings now pending upon any application to enter or patent even-numbered sections of the public lands of the United States in lieu of odd-numbered sections surrendered by any railroad company, or its assigns, within the limits of any forest reserve.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho? The Chair hears none.

Mr. HEYBURN. Mr. President, the joint resolution is directed to the practice or the interpretation which has been placed upon the law granting lands to the various railroad companies, which lands have since been included within forest reserves. There was a restriction placed upon these land grants, confining them to odd-numbered sections of land; and it was the intention of Congress, as expressed in making such grants, that the railroad companies should not be allowed to take solid blocks of land to the exclusion of the right of settlers and homemakers who might desire to take those lands under the homestead law.

The reason is obvious. A great advantage was to be derived to the country through which the railroads were constructed, and had the land grants been made in the form of solid blocks of land settlers could only enter upon it and derive the benefit from the construction of the railroad as purchasers from the railroad company having the grant. Congress in its wisdom determined that the railroad company should take the odd-numbered sections and that the even-numbered sections should be retained for the homesteader or homemaker who did not desire or was not able to purchase the railroad company's land.

This was the policy of the Government for a long time. By and by the policy of creating forest reserves was inaugurated, and these forest reserves falling, as they of necessity would in many cases, within the limits of the railroad land grant, it was necessary to make some adjustment of the rights of the railroad company, and they were given the right to select lands outside of the forest reserves in lieu of the odd sections that fell within them.

The act granting this right is a part of, refers back and relates to, the land-grant act. It was the intention of Congress, and it is the letter and spirit of the law that only the same class of lands—that is, the odd-numbered sections—shall be taken in lieu of odd-numbered sections surrendered, carrying out the original intent of Congress that the homemaker should at all times have an open door in the midst of the progress that results from the building of the railroads.

Through some inadvertence the act creating the Mount Rainier Reserve in the State of Washington was not guarded as carefully as it might have been, and there was no specific provision in that act limiting the right of selection to odd-numbered sections. But it is declared that the extent of the reservation shall not be enlarged by the creation of the right of exchange; in other words, that the railroad company's land grant shall remain of the same character and the same general limit, notwithstanding the right to select lieu lands that is given.

The act also provides that they may take them in any State or Territory through which the railroad extends. While I am not making any particular attack upon any particular railroad company, yet I will use for illustration the road that lies nearest to the section of the country with which I am best acquainted—the Northern Pacific Railroad Company.

The Mount Rainier Reserve contains something over 2,000,000 acres. I have the exact area stated here. It contains 2,027,520 acres of land. Assume for the purpose of argument that half of that—every alternate section—is railroad land. It is situated in the State of Washington. A land grant is to some extent a burden upon the State in which it lies.

The railroad is not a burden, but the land grant is a burden to this extent, that it diminishes the right of the settler to exercise his homestead rights. It compels him to buy for cash, by bargain and sale, what otherwise he would have a right to locate upon under the land laws.

It is a burden in another way. The States which have been admitted in recent years on the Pacific coast have been given certain concessions for educational and other public purposes. They have the right of selection from the public lands of the United States. It is an absolute grant that passed with the admission act of the State. That right of selection is diminished by the enlargement of the railroad land grant within the borders of the State.

I will illustrate it by the instance in point, the Rainier Reserve. With over 2,000,000 acres of land in the State of Washington they surrender the railroad lands, say a million acres, and take a roving commission into every State and Territory in the Union to select lands in lieu of that surrender. What is the result? They come down into the State of Idaho and select a part of our public lands that form the capital, the stock in trade, upon which rest our future growth and greatness, and the body of public land is diminished to the extent of the selections made in that State.

Washington is relieved of the burden she has created, whether to her profit or not I do not undertake to say, having a great forest reserve, a national park around Mount Rainier, with over 2,000,000 acres in it, and other States have to indemnify the State of Washington or the railroad company for the lands thus taken.

Now, it is all right for the Government to create great reserves and parks for the public benefit, for the benefit of all the people of the whole country, but the Government should do it at its own general expense and not at the expense of the public lands that are held in trust by the Government for the benefit of the people now and hereafter to be in the State of Idaho or in the State of Washington or in any other State.

That is the application of this pernicious principle of granting a roving commission to the railroad company to select lands in any State or Territory in lieu of those surrendered.

Even the forest reserves that are created in Arizona result in the selection of lands in Idaho, Oregon, Washington, or in any

State where the railroad company may choose to go for the purpose of selecting lands in lieu of those surrendered in Arizona.

I will not this morning go into the question of the relative value of these lands further than to say that as a matter of fact these companies, acting through their representatives or their grantees, if you please, have surrendered worthless lands in the Mount Rainier Reserve in the State of Washington, and have selected white-pine lands in the State of Idaho that will scale from 3,000,000 to 6,000,000 feet of lumber to the quarter section. That I cite merely as an instance of the method or the manner in which this system works.

Now, this joint resolution provides that all these entries shall be suspended. There is no limitation on them. They never had the right under the law to make the selections. They have been permitted to make them, and they have reached a point in the Interior Department having jurisdiction of the issuing of patents for those lands that, while some of them have passed to a patent, a large number of them stand at the doorway ready for a patent.

I submit to the Senate that those entries should be suspended, because if they are allowed to be made they are a violation of the spirit of the law that granted the lands to the railroad companies.

The forest reserves already created number more than fifty—about fifty-two. They contain 62,352,685 acres of land. The railroad land which lies within those forest reserves amounts to about 4,000,000 acres.

The railroad companies are given the right to select, at their option, a better class of land than those they surrender. They are given a right to go into other neighborhoods than that in which the land surrendered is situated, and to take advantage of the growth and advancement of the country in selecting the land. They can select land out in the vast forests of Montana or Washington and go down in the neighborhood of established cities and civilization and exercise the right of selection. The injustice of it must be obvious, and that it is in direct violation of the spirit of the law creating railroad land grants must be likewise obvious.

Mr. BEVERIDGE. Will the Senator from Idaho permit a question for information?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. Can they exercise this right at will, or is it done under the direction and supervision of the Secretary of the Interior?

Mr. HEYBURN. The direction expressed in the act goes only to the method of exercising it, the question of a survey, and the method of transfer by the railroad company in surrendering land to the Government.

Mr. BEVERIDGE. But the question I ask is whether they exercise this privilege of taking even-numbered sections in lieu of odd-numbered sections at will, where there are vacant even-numbered sections, or is that done under the supervision of the Secretary of the Interior?

Mr. HEYBURN. It has been done under a misdirection or misapprehension as to their legal rights, with the permission of the Land Department in its various branches, and it is to that that the joint resolution is directed.

Mr. CLAPP. May I interrupt the Senator from Idaho?

Mr. HEYBURN. Certainly.

Mr. CLAPP. I think the matter can be simplified to the Senator from Indiana if it is understood that after the surrender by the companies to the Government certificates are issued which are called scrip. That scrip is disposed of to whoever may take it, and then they may locate that scrip under the terms of the act. As to the Northern Pacific, that scrip is only available in the States through which the company runs, as I think the Senator will see.

Mr. HEYBURN. Yes; but as to other reservations that does not apply. The joint resolution is directed to an inquiry under the process of exchange as to all reservations. I merely used the Rainier Reservation as an illustration.

Mr. CLAPP. I understood the Senator this morning to state that the Rainier bill was exactly similar to the others.

Mr. HEYBURN. No; not to all others.

Mr. CLAPP. But as to the Northern Pacific.

Mr. HEYBURN. Yes; there is no bill except as to the Rainier Forest Reservation. The others were created under the general law giving the President power to create them by proclamation, and there are some fifty-odd of them that have been created that way. In the instance of the Rainier Reservation it was created by an act of Congress, but the provisions of the general act differ slightly from those in the special act relating to the Mount Rainier Reserve.

The joint resolution is directed not alone in its purpose to suspending these entries by railroad companies operating under the general forest-reserve act, but under the Rainier act. It appears from the reports made at various times by the Interior Department that the Northern Pacific Railway Company, claiming to be the successor of the Northern Pacific Railroad Company, is claiming to exercise the right of exchange given to the Northern Pacific Railroad Company in the Rainier Reserve.

The Northern Pacific Railway Company is not the successor of the Northern Pacific Railroad Company, and Congress, in order that there might be no mistake about it, has by direct enactment refused to recognize it as the successor, doubtless actuated by a knowledge of the manner of the reorganization of that road.

The Northern Pacific Railroad Company made certain mortgages in violation of the charter granted to it by Congress. Those mortgages were void under the decision of the Supreme Court of the United States. Notwithstanding that fact, the Northern Pacific Railroad Company foreclosed, or those mortgages that were made without authority of law were foreclosed against it.

The question arose as to whether the title passed. With all those things in the minds of the lawyers who participated in the proceedings of Congress, they affirmatively denied the right of selection or refused to recognize it as existing in the Northern Pacific Railway Company. Yet that company has been assuming to exercise the right of selection for the Northern Pacific Railroad Company.

If those entries are suspended as to the even-numbered sections it will detract nothing from whoever may be entitled to exercise that right so far as the joint resolution is concerned. It is not directed at the exercise of the right to take odd-numbered sections except that it confines them to certain limits.

It has been suggested that it is not competent to take away any vested right because they may have sold to innocent purchasers. The purchaser of the right of exchange from the railroad company stands exactly in the position the railroad company stands in. He can have no greater right. He can not enlarge the right of the railroad company by purchasing the right to exercise it.

If innocent parties have been misled into the belief that they could select even-numbered sections in lieu of odd-numbered sections surrendered, they have made a mistake which is easily rectified. If the railroad company has sold them a right which they did not have, their remedy is plain. If they have exercised or exhausted the right of selection by taking lands or filing upon lands not subject to selection, they still have the right, and may exercise it within the scope and the power that went without the right of selection.

So it is not a case where anyone is going to be injured. It is not a case of an ex post facto law. It is simply a case of correcting a wrong impression and a wrong practice which has grown up pursuant to it in a Department over which Congress has absolute power.

It matters not what contracts the Interior Department may have made with reference to the exchange of these lands, if those contracts are not within the spirit and the letter of the power given by law they are void. They are as void as any other contract that might be made by an individual beyond the power to make them.

So there can be no objection to the passage of the joint resolution if it is agreed that Congress only intended that the railroad companies should have the right, either as an original grant or by selection, to odd-numbered sections. The practice to which the joint resolution is directed results in enlarging the land grant in one State and diminishing it in another at the election of the railroad company. I hope that the joint resolution will meet with the approval of the Senate.

Mr. FULTON. Mr. President——

The PRESIDENT pro tempore. What does the Senator from Idaho desire to have done with the resolution?

Mr. HANSBROUGH. I was about to suggest that this whole matter is now before the Committee on Public Lands, which is having hearings on the subject, and that the joint resolution should be referred to that committee.

The PRESIDENT pro tempore. The joint resolution having been read twice, it will be referred to the Committee on Public Lands.

Mr. FULTON. Before it is referred, I should like to ask the Senator from Idaho a question.

I understand the objection to permitting the railroads or their assigns to select the even-numbered sections within the limits of a railroad grant is that it would take from the Government the entire land within those limits and give the railroad companies practically a solid body of land.

But I see that by the joint resolution and by the bill which was introduced by the Senator from Idaho it is proposed to prohibit the selection of even-numbered sections in any locality, whether within the limits of a railroad grant or otherwise.

I did not understand the Senator to explain the object and purpose of that provision, or rather why they should be confined to odd-numbered sections in a locality outside of a railroad grant.

Why should they not be allowed to select even as well as odd sections as long as the land is not within the limits of a railroad grant? I simply ask for information, because I did not understand the object.

Mr. HEYBURN. It was not the intention of Congress that the railroad company should, under any circumstance, go beyond their lieu-land limits. They were given an express and direct grant. Then they were given certain limits in which they might select lands in lieu of those they lost from any cause within their grant. It certainly would be a violation of the spirit and intent of the law as it stands to allow them to go outside of the lieu lands under any circumstances.

As to the selection in a solid block inside, which they have done, if they take every even section, having already the odd sections, it results in excluding everybody but themselves from that section of the country. Then they make contracts. They sell these rights and give forty and fifty years in which to remove the timber. It results in making that section of the country an uninhabited desert until the expiration of that period, and ties up the growth of the State within those limits.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Public Lands.

HEIGHT OF BUILDINGS IN THE DISTRICT.

The PRESIDENT pro tempore. The Chair will lay before the Senate certain resolutions that are on the table.

Mr. STONE. I desire to ask leave, if it suits the convenience of the Senate at this time, to call up resolution No. 84, which I offered some days ago.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. The Senator from Missouri [Mr. STONE] has been recognized.

Mr. GALLINGER. I hope the Senator from Missouri will yield to me for a moment, as I simply desire to make a correction of the Calendar.

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. Certainly.

Mr. GALLINGER. On the 8th day of January the bill (S. 2435) to amend an act to regulate the height of buildings in the District of Columbia was favorably reported from the Committee on the District of Columbia. On January 22 a similar bill, which had passed the House of Representatives, was ordered favorably reported, and was so reported. In reporting that bill I meant to ask that it should take the place on the Calendar occupied by the Senate bill, and that the Senate bill be indefinitely postponed. I now ask that that order may be made.

The PRESIDENT pro tempore. What is the Calendar number?

Mr. GALLINGER. The Calendar number of the Senate bill is 184 and the Calendar number of the House bill is 398. I simply ask that the House bill shall go on the Calendar in the place of the Senate bill and that the Senate bill shall be indefinitely postponed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

RECESS APPOINTMENTS.

Mr. STONE. Mr. President——

Mr. TILLMAN. I ask the indulgence of the Senator from Missouri to let me request the consideration of a resolution which I introduced yesterday, which was objected to by the Senator from Wyoming [Mr. WARREN]. I have had conferences with members of the Committee on Military Affairs, and they say that they have no objection to the passage of the resolution. It will only take a moment, and I shall be obliged if the Senator will permit me to have that resolution now taken up.

The PRESIDENT pro tempore. Does the Senator from Missouri yield?

Mr. STONE. I yield for that purpose.

Mr. TILLMAN. I ask that the resolution requesting certain information from the Secretary of War, which I submitted yesterday, may be taken up.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. TILLMAN, as follows:

Resolved, That the Secretary of War be, and he is hereby, instructed to send to the Senate information in the nature of answers to the following questions:

First. What officers in the Army were appointed during the recess of the Senate occurring between March 19, 1903, and November 9, 1903? Were commissions issued these officers; and, if so, of what character? What officers failed of confirmation during the special session beginning November 9 and ending December 7, 1903? Have these officers been reappointed, and have commissions been issued to them? If so, what is the character of the commission and what authority of law is there for its being issued?

The resolution was considered by unanimous consent, and agreed to.

REVOLUTION IN PANAMA.

Mr. STONE. I now renew my request that the resolution submitted by me on the 13th instant may be taken up.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the resolution referred to by him may be now taken from the table for consideration. Is there objection?

Mr. CULLOM. If I may be allowed to interrupt the Senator from Missouri for a moment, as I understand he simply desires his resolution to be taken up at this time for the purpose of enabling him to address the Senate upon it, and not with any expectation of disposing of the resolution now.

Mr. STONE. Yes; and then I shall ask that the resolution lie over.

Mr. CULLOM. All right.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate to print 5,500 additional copies of the annual report of the Commissioner-General of Immigration.

The message also announced that the House had passed with amendments the concurrent resolution of the Senate to print and bind 3,000 copies of Senate Document No. 452, Fifty-seventh Congress, first session, entitled "Treaties, laws, Executive orders, etc., relative to Indian Affairs," in which it requested the concurrence of the Senate.

The message further announced that the House had passed with amendments the concurrent resolution of the Senate to print and bind 10,000 copies of the proceedings upon the unveiling of the statue of Count de Rochambeau in which it requested the concurrence of the Senate.

The message also announced that the House had passed with amendments the concurrent resolution of the Senate to print and bind 16,500 copies of the acceptance by Congress of the statues of Charles Carroll of Carrollton and John Hanson in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 2121) entitled "An act to amend an act entitled 'An act providing for public printing and binding and the distribution of public documents.'"

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5761) to authorize the Charleroi and Monessen Bridge Company to construct a bridge over the Monongahela River;

A bill (H. R. 7620) defining the limit of navigation of the Osage River in the State of Missouri; and

A bill (H. R. 10670) making appropriation for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 6804) providing for the appointment of a customs appraiser at Pittsburg, Pa.; and it was thereupon signed by the President pro tempore.

REVOLUTION IN PANAMA.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution called up by the Senator from Missouri, which will be read.

The Secretary read the resolution submitted by Mr. STONE on the 13th instant, as follows:

Resolved, That the Committee on Foreign Relations be, and hereby is, authorized and directed to make inquiry into the facts relating to the revolution in Panama of November 3, 1903, which resulted in establishing the Republic of Panama, and particularly to inquire with reference to any action or part taken in said revolution and in the organization of the said Republic by the Government of the United States, or by any official, civil or military, of the United States; and that pending the consideration by the Senate of the treaty for the construction of the Panama Canal, known as the Hay-Bunau-Varilla treaty, the said committee shall proceed promptly with said inquiry, and upon the completion thereof, and on or before the 1st day of May, 1904, said committee shall report to the Senate the testimony taken and its conclusions thereon.

Said committee is authorized to send for persons and papers, to administer oaths, to compel the attendance and take the testimony of witnesses, and to examine all books, papers, and documents that may be needed for the purpose of said inquiry.

Mr. STONE. Mr. President, for the resolution just laid before the Senate I desire to offer what I send to the desk as a substitute or a modification of it.

The PRESIDENT pro tempore. The Senator from Missouri modifies his resolution. The resolution as modified will be read.

The Secretary read the resolution as modified, as follows:

Resolved, That the Committee on Foreign Relations is hereby instructed to investigate and ascertain whether Bunau-Varilla and other persons residing in the United States and subject to our laws did aid or promote an insurrection in Panama against the Republic of Colombia, and did give assurances to citizens of Panama that they should have the aid and assistance of our Navy in behalf of such insurrection, and whether any official of any Department of

the Government did disclose or make known to said Bunau-Varilla, or to any other person, the action which the Government of the United States designed or proposed to take in the event of an insurrection. Said committee shall have the authority to send for persons and papers, compel attendance of witnesses, and shall make report at earliest practicable date.

Mr. STONE. Mr. President, in what I am about to say in support of that resolution it is not my intention to discuss the Panama treaty per se, nor is it my intention to indicate what I shall esteem it my duty to do when the ratification of the treaty shall be the immediate subject of our consideration. Such a discussion would be foreign to my purpose, and therefore would not be entered upon even though there might be no question of propriety involved in doing so. The merits or demerits of the treaty—that is, as to whether it is good or bad in itself, and whether, under all the circumstances surrounding it and surrounding the whole situation, we should ratify or reject the treaty—is an after consideration to be determined when we arrive at that stage of the proceeding.

It is not my present purpose to enter upon that consideration, and whatever I may say with reference to the treaty will be incidental and without any intention to discuss it. Whether the treaty itself is good or bad, and whether, if it should be ratified and executed, it would promote the public weal or prove to be a public misfortune, is measurably immaterial to the purpose I have in mind. So far as my present purpose goes, I might admit—which, however, I do not—that all the provisions of the treaty are excellent; that the route chosen is the best, and that the treaty, if carried out, would promote in the highest degree the prosperity of our people and add immeasurably to our national prestige. All that might be admitted, and still, with my present lights, I would stand where I am, uncertain and unsatisfied, however great the selfish temptation might be to go forward blindly, indifferent to every consideration except that of sordid gain.

Mr. President, unless our ideals have fallen to a lower plane, there is something dearer to our hearts and of infinitely greater consequence to the American people than mere commercial considerations of profit and loss. I want to see this interoceanic canal constructed. No man living can be more genuinely solicitous than I to see this stupendous enterprise on foot and to see the work accomplished. I think I comprehend and correctly measure what the construction and successful operation of such a canal would mean to the commerce of the world, and especially what it would mean to the American people in more ways than one. But above all these considerations, important as I esteem them, I would place the honor and good name of the Republic. Is the honor and good name of the Republic involved in the transactions out of which this treaty has been evolved? Have we proceeded with that wisdom, circumspection, and high sense of honor that should characterize a mighty people of our standing and pretentions in dealing with other nations? If we have, then we can go forward resolutely and without fear. If we have, then I can vote to ratify this treaty without hesitation.

But if we have not, aye, if there is a well-grounded doubt about it, then we should pause long enough to satisfy ourselves on that point before going beyond the possibility of retreat. If the treaty is tinctured with dishonor by our fault, I want to know it before I act, that I may act intelligently in the light of the truth. The senior Senator from Wisconsin [Mr. SPOONER] and the junior Senator from Massachusetts [Mr. LODGE] and others have appealed to Senators to put this matter above the plane of partisan politics. They have said that the questions involved are of a character and of such universal importance that they should be considered and determined in a purely patriotic spirit and without reference to party divisions. To that sentiment I heartily subscribe, and in turn I now appeal to them to illustrate their precepts by their example. It is just as easy for the distinguished Senators I have named to preach a policy of patriotism devoid of partisan rancor as it is for me to preach it, and they can expound that policy with more effective eloquence than I can command.

But at this time and in the present juncture it is more difficult for them to practice what they preach than it is for me or my colleagues on this side of the Chamber to do so. They are more closely allied by party ties to the Administration and more amenable to its influence than we, and hence it is more difficult for them to take a stand and assert themselves against the policy of the President. It requires high courage and a high type of the public man to break away from his party and throw himself in its pathway, and I even question if it is wise to do that except for paramount reasons of the highest moment. The other day the Senator from Wisconsin, who is to me always interesting, denounced with much zeal and apparent feeling the coercive tendency of the party caucus, and lauded in well-rounded periods the beauty and dignity of Senatorial independence. That sounded well, Mr. President, for it was cast on a lofty key and was pleasing to the ear, but, after all, "the proof of the pudding is the eating thereof." I mean now to put these Senators, who thus exploit the quality of their independence, to the test. Not that I would have them make any needless attack upon the Administration, or, for that matter, any attack at all. I would not ask or expect them to lift a hand against the policy of the Administration for which their party is responsible, and which they are determined, if possible, to continue in power, without adequate cause.

I would not myself do that if I stood in their shoes. I would not myself do that even as it is, with a Republican Administration, for, without regard to party association, the President and all others in authority should be treated with courtesy and fairness. Unwarranted attacks are unjust attacks. But if any man in high position, even the President of the Republic, exercising great power and clothed with great responsibilities, shall rush, ill-advised it may be, or impulsively and with a too strenuous zeal, into sensational and spectacular performances which overstep the bounds of his authority or which tend to discredit the good faith and good name of our Government, I believe that Senators, exercising independence with dignity, should rise above party environment and uphold the true American standard of national justice and honor. In that spirit I offered the resolution now before the Senate, and in that spirit I purpose to discuss it.

And now, Mr. President, I want, if I can, to get this matter fairly before the Senate, and this I wish to do without undue prolixity and without incumbering my argument with matter irrelevant to my purpose. For some inexplicable reason the present Administration has resolved upon having a canal over the Panama route, or to have no canal at all. I do not disparage the value of a canal across the Isthmus of Panama; that it would be of incalculable value to our people I do not question. But equally sure am I that the Nicaragua route, viewed solely from the standpoint of our national interests, would be in every way infinitely preferable to that across Panama. Up to the passage of the so-called Spooner Act of June 28, 1902, the overwhelming public sentiment of the country had settled in approval upon the Nicaragua route. That sentiment was voiced in the Hepburn bill, authorizing the construction of the Nicaragua Canal, which passed the House of Representatives on January 9, 1902, by an almost unanimous vote. The passage of that bill through the House was but the crystallization of a well-defined public sentiment.

But just there, when the sky seemed to be clearing and the way becoming easy to a speedy beginning and completion of the enterprise, a magic and potent hand was thrust forth from a shadow somewhere and wrought a sudden change—a change as significant as it was sudden. You know what happened. You know how the Isthmian Canal Commission changed front and recommended the Panama route, after having twice indorsed the Nicaragua route as the better; and you know how the House of Representatives was driven to the wall and compelled to accept the Panama route as first choice or take nothing at all. The Administration and its counselors seem to have become suddenly infatuated with the Panama route—to have become possessed of an acute, consuming passion for it—and to have resolved unalterably that the canal should be constructed there. True, the law, as finally passed—the act of June, 1902—authorized the President to go to Nicaragua if he failed to secure a satisfactory treaty with Colombia. But events have demonstrated that the President never intended, under any contingency, to go to Nicaragua. For some reason, which ordinary folk outside the circle of the elect can not comprehend, the President and those about him who mold the policies of the Administration are wedded to Panama.

Without looking into the Administration's family closet for the skeleton, if there be a skeleton; without looking behind the curtains or below the surface for a solution of the mystery, if there be a mystery, the facts of which we are cognizant warrant the statement that the Administration, from the passage of the Spooner Act to this day, has had but one fixed, definite, unalterable purpose with regard to an isthmian canal, and that has been and is to construct it at Panama or not to construct it at all. The motive for this extraordinary course we can afford to leave covered in the mystery which surrounds it. For the present it is sufficient to know, what is evidently true, that the President started out to execute the law of 1902 wedded to the Panama scheme and without a serious thought of Nicaragua. Of this I am absolutely convinced. I am not now arraigning or censuring him for that. I think he was wrong, whether viewed from the standpoint of the law or sound public policy, but that is not now material to my purpose. It does not matter in the abstract whether his hot devotion to the Panama project was prudent or imprudent, wise or unwise, right or wrong. It is sufficient to know that his impetuous and strenuous heart was firmly set upon it.

What I want to know is whether in forcing forward the policy of the Administration officials of this Government overstepped the bounds of international comity, law, and justice and were guilty of acts which national honor and interest, in the best and truest sense of the term, demand should be disclaimed. There are some things we know and some we do not know, or know only in a vague way; but the things we do know make it important that

we be advised of other things of which we have only an inkling. I do not charge misconduct on the part of the Administration; I do not charge complicity of any American official in the Panama insurrection; but I can not shut my eyes to the fact that the situation is surrounded by circumstances that cast upon it the shadow of grave suspicions. If anything has been done by the President or by his direction which should not have been done, I am willing to believe it is due more to indiscretion, impulsiveness, and to that volcanic, irrepressible love he has for things eruptive, tragical, lurid, and sensational than to any other cause. But whatever the cause, our duty and responsibility remain the same.

GROUNDS OF SUSPICION.

Mr. President, what are the things, or some of them, that give to our part in the Panama revolution a sinister aspect? Let us see. To begin with, while the Hay-Herran treaty was pending for ratification before the Colombian Senate Secretary Hay sent some remarkable communications to Bogota. In his message to Congress of January 4 the President said:

> That there might be nothing omitted, Secretary Hay, through the minister at Bogota, repeatedly warned Colombia that grave consequences might follow from her rejection of the treaty.

We have some of these messages to the American minister, and some of the communications made, under instructions, by the minister to the Colombian Government. He was directed to warn the Colombian Government, which he did, that to reject the treaty or unduly delay its ratification would seriously compromise the friendly relations between the two countries, and might result in consequences which every friend of Colombia would regret.

This is strange language, Mr. President, for one sovereign to address to another. It is not the language of diplomacy or amity or courtesy, but of threat and menace. It did not tend to conciliate, but to exasperate. Is it too much to say that it was not spoken to persuade, but to intimidate and coerce? Would the Secretary of State have dared—I put it strongly, have dared, I say—under like circumstances, to have addressed a communication of that kind to any first-class power? And, Mr. President, what would you and these American Senators have done if Great Britain had sent an insult like that to this Chamber when the Hay-Pauncefote treaty was under consideration? I do not care to express just what I think of this example of Rooseveltian diplomacy. I will only say that I can take no pride in seeing my country strut before the world like a swaggering bully on the stage. Colombia was "warned," says the President, that grave consequences might result from a rejection of the treaty. What consequences? What did he mean? If he meant anything, necessarily he meant if the treaty should be rejected we would forcibly seize the Isthmus of Panama and settle with Colombia on our own terms, or he meant that Panama would secede from Colombia and set up an independent government under the protection of the United States. That was the undoubted meaning of his threat. The President himself admits it. In his recent message to Congress on this subject January 4, 1904, he bluntly boasts that he had these two remarkable alternative schemes in mind.

As to the first of these two schemes—that of the forcible acquisition of the Isthmus—he said in the message alluded to:

> My intention was (if the treaty should be rejected) to consult the Congress as to whether under such circumstances it would not be proper to announce that the canal would be dug forthwith; that we would give the terms we had offered and no others, and that if such terms were not agreed to we would enter into an arrangement with Panama direct or take what other steps were needful in order to begin the enterprise.

There you have it—the declared purpose of the President to seize vi et armis the territory of a neighboring, friendly nation for a purely commercial purpose, openly proclaimed in the blustering diction of the buccaneer without disguisement and without shame. Here is an American President preaching the morality of force and the doctrine that might makes right, a monstrous doctrine which has filled the history of European monarchies with crime, and a doctrine, too, which our nation was born in bloody protest against.

True the President admits that he had some thought of complimenting Congress by consulting it before he acted, and no doubt it is true. I am willing to concede as much, that he really intended, if the circumstances were auspicious, to observe his constitutional obligations to that extent. But whatever he thought of doing, or might have done, in that behalf is immaterial. The declaration of his intention shows his temper, disposition, and purpose. It reveals a fixed determination upon his part to appropriate the Isthmus of Panama to this enterprise at all hazards, and a willingness upon his part to go to any length to accomplish his purpose. This is important, for it throws a light upon other things and should make it easier for us to understand what actually happened. Ordinarily when we know a man's mind we have some index to his conduct.

The President, I say, was determined to have the Isthmus of Panama at all hazards. That is perfectly plain. He makes it so himself. He intended, if the occasion arose in the execution of his plans, to ask the Congress to authorize him to seize it. But that extreme step was not to be taken or attempted if the same end could be accomplished in another way. That other was the secession of Panama; and that was one, and the preferable one, of the two schemes the President had in mind.

In his message the President says that he thought it possible, if the Hay-Herran treaty should be rejected, that the people of Panama—

> might take the protection of their own vital interests in their own hands, * * * declare their independence upon just grounds, and establish a government competent and willing to do its share in this great work of civilization.

And, as the President naively put it, "this is what actually occurred;" and this was one of the grave consequences with which he threatened Colombia.

What is it the President says? What is it he justifies and applauds the people of Panama for doing? Why, it is for an act of secession—for dismembering and breaking up an established American republic. And what are the grounds the President defines and labels as "just grounds" for this act of rebellion? Only this and nothing more—that Panama might do its share in constructing a water-way for the reason that it might be of some commercial advantage to the people of the Isthmus. Mr. President, if those who have gone to the shadowy bourne from which no traveler returns are permitted, in the language of another, to view the transitory scenes of this earth, with what feelings of mingled delight and derision must John C. Calhoun and Jefferson Davis view the ludicrous and fantastic performances of President Theodore Roosevelt! South Carolina has been vindicated by the President. Will any Republican who approves this declaration of the President ever dare in future to reproach the South or rend the bloody shirt to excite the passions of northern audiences against treason and rebellion? Mark you, the President admits that he contemplated the secession of Panama as a consequence of Colombia's refusal to ratify the Hay-Herran treaty, and that secession was one of the calamities with which the President threatened Colombia.

The President resents any insinuation of complicity by this Government in the revolutionary movement in Panama, and declares that any such insinuation is "as destitute of foundation as of propriety." This assurance of the President, so positively made, has great weight with me, and its weight is augmented by the fact that I am anxious to acquit him and all others of any improper connection with the Panama insurrection. I hope he is not misinformed or mistaken and that he is absolutely correct in what he says. Nevertheless even the President must admit that the circumstances are most unfortunate if the Administration is innocent, and certainly no man will deny that while this treaty is pending the Senate, as a matter of right and duty, ought to be fully advised as to all the facts, and especially the President or his Cabinet ministers ought not to withhold from the Senate any information in their possession or send it here grudgingly and by piecemeal, as has been done.

Whatever the President may or may not have had to do with what actually eventuated in Panama, one thing is sure, and that is that he contemplated entering into direct arrangement with Panama if Colombia rejected the treaty. He says so in so many words. He says if Colombia refused the terms we offered her he intended to ask the Congress for authority to "enter into an arrangement with Panama direct." That is the language of his message, and there can be but one meaning to it. He was not to wait upon Panama, but was himself to seek Panama for the arrangement; he was himself to initiate the arrangement. That he admits he intended doing if he found it to be necessary. But Panama could not have made any arrangement with the President without seceding from Colombia and establishing a government of her own. Without independence Panama would have had no power to make a treaty. Without independence Panama could not have interfered with the jurisdiction, sovereignty, and right of Colombia. Thus the President admits his willingness, if he had found it necessary to his purposes, to have inspired revolt—to have incited rebellion in Panama.

If he was willing to foment a rebellion, it follows he would have been willing to support and uphold it. And now with this admission before us of his willingness to instigate rebellion, boldly avowed in a public message of high import, I can not perceive why the President should be so oversensitive about suspicions. I can not understand why he should resent a bare suspicion that he might have done what he openly admits he was willing to do. He stands before us as admitting his entire willingness to have fomented rebellion in Panama, to have dismembered the Republic of Colombia, and to have supported the lawless act by the power of our arms, and yet he denounces any suspicion of complicity by this Government in what was actually done as being as "destitute of foundation as propriety." Destitute of propriety is pretty

strong. I can not agree to the language of this disclaimer. It is not warranted by the facts.

In the present aspect of the case there are circumstances that force their way upon our perception and make it difficult for us to reconcile them with any theory that does not compromise the integrity and good faith of our Government. There are circumstances surrounding the situation that make it impossible for me to rid myself of the apprehension that the zeal of the Administration carried it beyond the line of international rectitude. It may be that these circumstances can be so explained as to silence this apprehension, but it can not be silenced by mere reproach. The very attitude of the President, standing alone, would be sufficient to excite suspicion as to the conduct of the Administration. And when we turn from the magisterial figure of the President, bestriding the Isthmus like a miniature Colossus, to the occurrences themselves that suspicion is not allayed, but intensified.

To begin with, is it possible for any sane man to believe that a rebellion could have been organized in Panama with the faintest hope of success without foreign aid? Colombia has a population of about 5,000,000, exclusive of Panama, while Panama has a population of 250,000. This enormous disparity in numbers would of itself make hopeless the cause of Panama in a war with Colombia. The men who organized this rebellion were guilty of treason, and it is unreasonable to suppose that they would have staked their lives and fortunes on such a venture without some assurance of extraneous help, and certainly not without greater reason than they had. The fact that other ventures of like kind had ended disastrously, so far from encouraging a new attempt, would prove any such attempt also doomed to failure if left alone.

Without foreign aid this revolution would have been insipid, abortive, impossible. It would have been an act of stupidity and madness. It requires a blind unreasoning faith to believe that it would have been attempted without some assurance of outside aid. By whom such aid was promised, or by what authority, is another question, but that it was promised by some one and relied upon, who can doubt?

AID PROMISED.

The public prints declare that Bunau-Varilla, now Panama's minister at Washington, promised it. It has been said that Duque and Amador, who came from Panama to this country on that mission, promised it. Whether these utterances of the public press are true, in whole or in part, I neither affirm nor deny, for I do not know. What I know is that Bunau-Varilla, Duque, and Amador were all conspicuous figures in the conspiracy out of which this revolution sprang; that they matured their plans in New York; that they were frequently in Washington seeking audience of our high officials, and I know what they are reported to have said has been set forth with great circumstantiality of detail.

Undoubtedly it is true that they might have advised the people of Panama that they had official assurance of American support, and yet have done so falsely and without authority. However, that would have been a cruel and wanton thing to do, for they were here to represent their associates in a dangerous enterprise, and to have advised them falsely might have been to involve them in irretrievable disaster. Still they might have been capable of such an act; they may have made such representations without authority. And that is the view I would unhesitatingly take. I would not for a moment tolerate the possibility of a high and responsible official of this Government participating in a treasonable conspiracy against a neighboring sovereignty, except for that unfortunate combination of circumstances that give form and substance to grave suspicions.

I can not escape this fact, that if Bunau-Varilla and his coadjutors had been permitted to outline the course of this Government there would be no change, not the slightest deviation, from the course actually pursued. Bunau-Varilla himself could not have ordered events more to his liking than they were ordered by the officials of our Government. All that happened may have happened naturally and without collusion, expressed or implied, but beyond question the circumstances are sinister and inculpatory. The President desired the secession of Panama and expected it. It would be folly to deny that he intended from the beginning to suppress and prevent any interference with the revolutionary movement by the forces of Colombia. Every precaution was taken and every preparation made in advance to meet the expected emergency when it arose. So anxious was the Department of State about it, and so sure of its advent, that the First Assistant Secretary thought that it had come hours before it really eventuated. At 3.40 p. m., November 3, 1903, he cabled the consul-general at Panama as follows:

Uprising on Isthmus reported. Keep Department promptly and fully informed.

To this the consul-general replied:

No uprising yet. Reported will be in the night.

From whence came this premature report to the State Department? It would be interesting to know. Could it have come from that voluble, grandiloquent Frenchman, seemingly ubiquitous and omnipotent, who finds no obstacle in conscience or propriety in combining an agency for the Panama Canal Company with the more ornate duties of a minister plenipotentiary for the new Republic? The report was ahead of time, but no matter; though premature, it was prophetic. The Secretary was not doomed to disappointment. The uprising was belated, but it came. And after it came, what happened? Events followed fast upon the heels of each other. I need not recall those events in detail. They have been fully exploited here already. It is sufficient to say that the captains of our war ships and marines were promptly and peremptorily ordered to prevent the landing of Colombian troops in Panama, and to use whatever force might be necessary to prevent any conflict on the Isthmus. These orders were obeyed, as they should have been. Colombia sought to convey troops in sufficient numbers to suppress the insurrection, maintain order, and restore her authority, but was denied the right to land them, and the troops she had there were so hedged about, restrained, and coerced by our authority that they were practically driven from the Isthmus.

In consequence of this intervention on our part, preconcerted and prearranged, the revolution, otherwise hopeless, became a shining success in its way. In a sense, almost literal sense, we booted Colombia from the Isthmus and lined the coast with our guns to prevent invasion. Whatever the motive or excuse for this, the effect was to protect the conspirators and assure the success of their enterprise. There was nothing the Panama insurgents could have desired this Government to do that it did not do. Never did ambitious duty take greedy power so opportunely to a rescue.

RECOGNITION OF PANAMA.

Thus, Mr. President, was this new child spewed forth into the family of nations. The revolt occurred on November 3. Before three suns had set, before a Government worthy of the name had been established, the President recognized what he called, or miscalled, the Republic of Panama, and entered into diplomatic relations with it. I will not add to the discussions we have had here upon that point. Whatever may be said in the abstract regarding the law of nations in recognizing new revolutionary governments, and whatever may be said regarding precedents in such cases, in this instance we had such special interests at stake and were so involved in the complications that a delicate sense of justice and honor should have impelled us to move with the utmost deliberation. But the Government did not move with deliberation; on the contrary, it moved with the greatest precipitation. It acted with unseemly haste and in a manner that gives to the act a bad appearance. This quick recognition could not have been more unwarily adjusted to time and circumstances. To the world it is bound to look as if it were part of a programme—an act in a play.

THE TREATY.

But there was method in the madness. Recognition was the one necessary thing left to be done before the final step. After recognition came the crowning act, the objective act, to which all precedent acts were but preliminary—the making of a canal treaty with Panama. The belief is inevitable that to this end everything done had been directed. Without this the whole business would be aimless and meaningless. If the situation created was not created to furnish the President an opportunity to "enter into an arrangement direct" with Panama, then what was it created for? The opportunity was created, and the President embraced it with the fervent ardor of a lover who waits impatiently at the tryst. On November 6 he recognized the Republic of Panama. On the same day the junta of Panama appointed Varilla minister to the United States. Varilla is a Frenchman, not a Panamaian, and his interest in the revolution sprang not from patriotism, but from his connection with the French canal company, in whose stocks he is said to be a large investor. His appointment as minister he extorted from the junta as the price of his influence at Washington.

Immediately after the President recognized the Panama Republic on November 6 a commission was appointed by the junta to come to Washington, with power to negotiate a canal treaty. On November 10 Doctor Amador and Frederico Boyd, of this commission, sailed for New York, and arrived there on November 17. They telegraphed Varilla of their arrival and intention to proceed at once to Washington. They arrived in Washington on November 18, and found that the treaty had been already drawn and signed by their French minister and our Secretary of State a few hours before their arrival. That is the treaty now before the Senate, dated November 18, 1903, and signed alone by John Hay and Bunau-Varilla. The commissioners had their long journey for naught. For fear that they might be troublesome,

they were ignored and then dismissed without apology. Indignant they may have been, but helpless they certainly were. They had no alternative but to accept the treaty as it was written. The Administration held the whip handle and could drive them as it would. Within two weeks after the President's recognition of the Republic of Panama this remarkable treaty had been executed in this remarkable way at Washington. Mr. President, some may hold this to be wise diplomacy and honorable statecraft, but, to my thinking, it wears more the aspect of political artifice.

Mr. HOPKINS. Mr. President——

Mr. STONE. Sir, strange stories have been told in the newspapers about these various occurrences—startling stories, even monstrous, if they are true. I do not know that they are true, although related with great minuteness of detail, and hence I have thought it would be ungracious to exploit them here. I have barely adverted to them; I have not recounted them. Still they have gone to the world with their dreadful accusing, plausible in the light of known events, and can we afford to dismiss them with a sneer? However that may be, the undisputed facts can not be ignored. Judged by these facts, measured by that standard, it is impossible to review the history of these transactions without a feeling of profound astonishment.

Mr. HOPKINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. STONE. I now yield to the Senator.

Mr. HOPKINS. The Senator was speaking about the Government holding the whip hand in the negotiation of this treaty. I should like to ask the Senator if he thinks the Government has asked anything in the treaty that it should not, or if the treaty is more favorable to the interests of civilization and the interests of this country than it ought to be?

Mr. STONE. Mr. President, it is as favorable to the United States as any citizen of this country could possibly ask. But concessions and rights are granted in that treaty to the United States that no respecting sovereignty acting of its own free will would ask or grant. It gives to the United States practically a sovereign title to the zone as a part of the canal, which I understand embraces practically all that is of value to Panama.

HOW JUSTIFIED.

And now, Mr. President, upon what flimsy pretenses is our conduct justified?

First, it is said that the United States were overgenerous in what they offered Colombia in the Hay-Herran treaty, and that Colombia was guilty of an ungracious act in rejecting that treaty. All that may be true—it is needless to inquire—but to say we would be justified on that ground in resorting to force to accomplish our ends is to assert an absurd proposition, vicious and indefensible from every proper standpoint of international law or morals. Colombia acted strictly within her right, as every sovereignty may do, and as we have done under similar circumstances.

It is not unusual for treaties made by the President with foreign governments to be rejected by the Senate here. Colombia acted in accordance with her constitution and forms of law, strictly within her right, and in conformity to the usage of nations. The Colombian Congress had the same right to ratify or reject the treaty that the American Senate had to ratify or reject it. To hold differently would be to abridge the sovereignty of Colombia and destroy her freedom of action. We might question her wisdom or impugn her motives, but her right is above impeachment. The argument of the President on this head, made in his recent message, is the veriest sophistry, put forth to create a sentimental excuse in the absence of a legal one. This whole contention is puerile, vicious, and preposterous.

Secondly, a novel and visionary right of international eminent domain has been intimated, if not asserted. In other words, it has been advanced, in substance, that since an isthmian canal is of great moment to the world's commerce, the United States, acting for the world, might take whatever was necessary for the canal and settle for the despoilment afterwards. That is an old doctrine in the Old World, but a new one here. It is the exact doctrine under which powerful nations, without conscience, have plundered weak ones in all the ages. It is the doctrine of the divine right of force. Whenever and wherever that doctrine is accepted, the one limit upon its application is the power to apply it. When the hand of power is strong enough to serve the spirit of greed some refinement of sophistry can always be found to excuse a crime. That doctrine has not yet been written into our code of morals or creed of public faith; and it is to be hoped that this first attempt to make it a principle of our international policy will be the last.

Thirdly, it is contended that we interfered because of treaty obligations to keep the peace and protect transit across the Isthmus. This contention is predicated on the treaty of 1846 between the United States and the Republic of New Granada (now Colombia). By this treaty the United States stipulated to guarantee "the perfect neutrality" of the Isthmus of Panama, "with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists;" and, in the same manner, the United States guaranteed "the rights of sovereignty and property which New Granada (Colombia) has and possesses over the said territory." By this treaty it is contended the President was obligated to protect transit across the Isthmus from interruption, and that in the furtherance of that duty he had the right to exclude Colombia from all participation in the work of preserving order in that part of her territory.

In other words, under this treaty an attempt is made to justify the President in all he did. The United States, by virtue of this treaty, have intervened on former occasions to maintain order on the Isthmus, and these interventions are now pointed to as precedents for the things recently done by the Executive. But the circumstances and conditions under which the former interventions occurred were very dissimilar from those existing when the last occurred, and all former interventions were made at the request of Colombia or in aid of her authority, and when peace had been restored our interference ceased. In this instance our intervention was not to aid Colombia, but to thwart her. The effect of this intervention, whatever the purpose, was not to aid the sovereignty responsible for order, but to aid insurgents who were guilty of disorder. The effect, whatever the purpose, was not to uphold the sovereignty of Colombia, but to overthrow it in the interest of a rebellious movement.

A treaty is a law, but it is a law made by the consent of the contracting parties. The ordinary canons of interpretation should be applied to a treaty as well as to a statute. The intention of the contracting sovereignties should be regarded in interpreting a treaty, as the intention of the law-making power is regarded in interpreting a statute. It surpasses belief, it is unreasonable to suppose, that Colombia would have entered into a convention with the United States under which she could have been lawfully denied the right to exercise her own power in preserving order and upholding her authority in her own territory. Whether we look to the text of the treaty or to the intention of the parties, it is manifest that the interpretation now sought to be placed upon the treaty is farfetched and untenable and made under stress to meet an exigency.

Not only was it the right and duty of Colombia, as the sovereign, to keep the peace, but she had also special and important property interests at stake. She was a large stockholder in the Panama Canal Company, and a large proportion of her revenues, amounting to hundreds of thousands annually, were derived in payment of concessions from the Panama Railroad Company.

In addition to that, all the properties of the Panama Canal Company and the Panama Railroad Company were to belong absolutely to Colombia, without compensation, at certain periods fixed for the expiration of their respective concessions. The value of the canal properties can be estimated when we reflect that in the pending treaty it is agreed that we shall pay to the canal company $40,000,000 for its possessions. All these vast interests of Colombia we have imperiled, if not destroyed, by our act. Already has Colombia been denied representation in a recent meeting of the canal shareholders held in Paris. And yet, despite all this, we are asked to believe that Colombia deliberately entered into a treaty, and has permitted it to stand in the face of an express stipulation that she might reform or annul it on twelve months' notice, under which these overwhelming disasters might be lawfully visited upon her. Such an interpretation is against reason and in contempt of justice. Our intervention brought peace, it is true, but it was the peace that reigned at Warsaw.

UNSATISFACTORY.

Mr. President, I profoundly regret that I can find nothing in the grounds put forward to justify the President's course which is satisfactory to my mind. If the Administration is really innocent of wrongdoing, the facts are woefully unkind to the Administration. The things proved, to say nothing of those asserted, put the Government on the defensive. They tend strongly to show that we were in some way, some discreditable way, a party to the Panama insurrection. And if so, what do you think about it?

There was a conspiracy of Panamanians against Colombia. They conspired to dismember that Republic. Their plans were matured, or partly matured, in the United States. These men were traitors who staked their lives on the cast of the die. And if it be true, no matter how disguised, that high officials of our Government, conscious of the designs of these conspirators against a friendly nation, an American republic, had secret audiences with

them, receiving confidences and imparting knowledge, what do you think about it?

Mr. President, we may secure an isthmian canal as the result of these embroilments, which we could have better obtained without them. But what a pitiful chapter will our connection with this insurrection be in the history of our country! The insurrection itself was venal and selfish. It was not a struggle for liberty, but for greed. Generals, admirals, and civil officers serving in Panama, now lauded as patriots, were bribed with cash to support the insurrection. Protesting loyalty to the central government, they accepted bribes to betray it. I make this statement on the authority of the Globe-Democrat, the most strenuous Republican journal in the Mississippi Valley, whose special correspondent in Panama, vouched for as a gentleman of high intelligence and integrity, makes the accusation with the utmost detail, giving the names of the traitors and the amounts received for their treachery.

Sir, if a weak, brave people oppressed should outstretch their hands to us with a cry for liberty upon their lips, and we should go to the rescue, it would be a noble act. But to aid, in whatever way, a band of lawless conspirators in an attack upon a sister republic, that they and we might promote a mere commercial enterprise of common interest to both, is to do something I would rather should not be written in American history. We can not afford to become marauders and plunder weaker nations. A giant we are, indeed, but we should not use our strength brutally, like a giant. Good morals forbid it anywhere, and, in addition, a wise self-interest forbids it on this hemisphere.

The PRESIDENT pro tempore. The Senator from Missouri will suspend for one moment while the Chair lays before the Senate the Calendar of General Orders.

Mr. CULLOM. I hope the Senator from Missouri will be allowed to complete his remarks.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the Senator from Missouri be allowed to proceed. The Chair hears no objection. The Senator from Missouri will proceed.

OUR TRUE POLICY.

Mr. STONE. The true policy of this Government with reference to the republics south of us would lead us on different and higher lines. We should so comport ourselves as to inspire the unhesitating confidence of our neighbors. They should not stand in dread of our power, but rely upon it as a shield for their protection. We should link them to us by bonds of mutual amity and interest. What boot is the Monroe doctrine to them if it stands only to guard them against European aggression, while the door is open for us to invade at pleasure?

If I could be potent in shaping our policy in this behalf, I would be governed by one supreme consideration—that of attracting the southern republics to us by a course instinct with the spirit of candor, justice, and fair play. I would enter into such compacts with them as would promote our commercial relations and make them for all practical purposes, offensive and defensive, a part of us. I would strive to inaugurate great republican policies of government—monetary, commercial, and political—common to all America, and these I would oppose, if need be, to the monarchical policies of the Old World. But that is a dream—an iridescent dream—while our Government goes careering under the impulse of rough-riding strenuosity.

CONCLUSION.

Mr. President, we should have the truth, are entitled to the truth, and the whole truth, about these transactions. I would hope that the whole truth, when known, would vindicate our good name, but we should have it anyhow to the end that we may act intelligently and in the interest of justice and national honor. Senators, ever mindful of that high independence which should characterize their conduct, should not turn aside from the straight path of duty, and, to serve a party exigency, suppress the truth, or any part of it, to shield any man from his folly. To call on the President for information, to be given if in his judgment compatible with the public interest, is not sufficient, and certainly not in the present case, where the personnel of the Administration is most affected. The Senate should inquire in its own way and through its own agencies. A direct charge of wrongdoing is unnecessary; but grave suspicions are abroad, and unhappily they seem to be warranted by the facts.

Of course you can refuse to inquire, and if you do I suppose we will have to accept and be governed here by what may be voluntarily given us from official sources. But I shall protest against being confined to information coming from those upon whom suspicion rests and who are interested, if any are, in suppressing or coloring the facts for self-vindication. If I shall be compelled to vote on the ratification of this treaty without full information as to all the occurrences out of which the treaty has come, I shall do so with a feeling of doubt as to my duty, because uncertain to what extent the honor of the country is involved.

Mr. President, unless some Senator desires to speak upon the resolution I shall ask——

Mr. STEWART. I should like to make a few remarks right now.

Mr. STONE. Very well.

The PRESIDENT pro tempore. What request did the Senator from Missouri make as to the resolution?

Mr. STONE. I said that if no Senator desired to speak upon it at this time I would ask that it might go over subject to call.

The PRESIDENT pro tempore. Subject to the call of the Senator——

Mr. BEVERIDGE. The Senator from Nevada is going to speak.

The PRESIDENT pro tempore. Or that it lie on the table without prejudice?

Mr. STEWART. I should like to make a few remarks.

Mr. STONE. The Senator from Nevada desires to be heard.

The PRESIDENT pro tempore. As soon as the Senator from Nevada has finished his remarks, the Chair will have that disposition made of it if the Senate is willing. The Senator from Nevada is entitled to the floor.

Mr. STEWART. Mr. President, the honor of the country is assailed under a misapprehension of facts. After the Spanish rule in Central America was broken, a confederacy was formed between Panama, Colombia, Venezuela, and Ecuador. This confederacy, as the records will show, was for common defense against foreign aggression. There was a full recognition of the right of secession.

In 1846 a treaty was formed between this confederacy, which was then known as New Granada, and the United States. By this treaty the New Granadan Government grants to the Government of the United States—

> the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist or that may be hereafter constructed shall be open and free to the Government and citizens of the United States.

And the United States—

> guarantees the rights of sovereignty and property which New Granada has and possesses over the said territory.

Venezuela seceded from the confederacy of New Granada. Afterwards Ecuador did the same. Another confederacy was then formed between Colombia and Panama, having the same object as the former confederacy, namely, defense against foreign aggression.

THE RIGHT OF SECESSION

was expressly reserved in this new confederacy. There was no trade or commercial relations between Panama and Colombia. Over 200 miles of jungle, mountains, and morasses intervene between the city of Panama and Colombia. Contrary to the terms of the confederation, Colombia repudiated the conditions of the compact with Panama and treated Panama as a conquered province or colony, to be governed by satraps appointed at Bogota and to be robbed without any real representation. Of the $250,000 annual payments made by the Panama Railroad for the privilege of crossing the Isthmus, $225,000 was taken to Bogota and the remaining $25,000 absorbed by Government officials in Panama who were appointed at Bogota.

No public improvements were made in Panama, but the vast accumulations from customs and other sources were expended at Bogota. The treatment of the people of Panama by the oligarchy at Bogota was never exceeded by Spain in any of her provinces,

WEYLER'S RULE IN CUBA NOT EXCEPTED.

Uprisings and revolutions were almost continuous from the beginning of 1850 until the final revolution in 1903, whereby Panama acquired her independence. During all this time the influence and authority of the United States were exerted to prevent the rebels of Panama acquiring their independence. It was impossible for the people of Panama to conduct a war for independence without making the transit across the Isthmus the theater of action. The bulk of the population of the Isthmus is at the cities of Panama and Colon and along the line of the Panama Railroad. Fighting at either of these cities or along the line of the road would necessarily interfere with travel and commerce, and the United States stood guard over the only part of the Isthmus where a war for independence could be conducted and thereby upheld and maintained the wicked and tyrannical rule of the oligarchy of Colombia.

I call the Bogota Government an oligarchy because it is governed by military chieftains who abolish constitutions at will. The constitution to which the people of Panama agreed was abolished by Colombia because it restrained the rapacity of Bogota.

In 1886 Mr. V. O. King, United States minister to Colombia, in a dispatch to the Secretary of State of the United States, gives a fair specimen of the manner in which the Bogota Government treated constitutions. He says:

> At the close of the late revolution President Nunez, whose term of office had then nearly expired and whose reelection was forbidden by the constitution then in force, issued a proclamation annulling that instrument and declaring an interregnum in the Government. He appointed provisional governors in all of the nine States, and directed them to nominate two delegates each, who, together, should constitute a national council to convene at the capital.
>
> On assembling in November, 1885, the first acts of this body were to ratify the conduct of Doctor Nunez and to confirm his appointments. It then elected him as chief magistrate of the nation for the term of six years, and proceeded to formulate a projet of fundamental principles for a new constitution to be submitted to the corporate vote of the municipal boards of aldermen throughout the country. Upon canvassing the returns the council declared a majority of such votes to be in favor of the new constitution, and thereupon proceeded to elaborate the instrument that is herewith submitted, which, from the number, fullness, and precision of the precepts enunciated, has left but little of the machinery to be devised by the executive or legislative power.

Who will say that such proceedings as this did not justify Panama in her fifty attempts to throw off

THE DESPOTIC RULE OF COLOMBIA?

Who can say that these revolutions would not have been successful if the influence and arms of the United States had not been used against the rebels in order to keep open the transit? Why did Colombia constantly call upon the United States to put down the rebellions on the Isthmus? Was it wrong, after the usurping President Marroquin and his coworkers had rejected the treaty for a canal without debate, after it had been given out from high sources in Bogota that twenty-five millions were wanted from the United States, besides the forty millions that this country was about to pay the French company, for the President of the United States to refuse to suppress another revolution on the Isthmus? Was it wrong, after the delegates from Panama at Bogota had given notice that there would be a renewed attempt on the part of Panama for independence, for the President to direct our ships to Panama and Colon

TO PROTECT THE INTERESTS OF THE UNITED STATES?

Was it wrong, when the soldiers of Colombia were threatening the lives of our people and the destruction of the property of citizens of the United States, for the President to cause troops to be landed for the protection of the lives and property of Americans? Who will say that the new Republic was not justified in getting rid of Colombia's soldiers, sent there for their subjection, either by killing them or bribing them or by any other method known to civilized warfare?

Six days after the revolution in Panama our minister, Mr. Beaupré, sent the following dispatch to the Secretary of State:

> Knowing that the revolution has already commenced in Panama, * * * says that if the Government of the United States will land troops to preserve Colombian sovereignty and the transit, if requested by the Colombian chargé d'affaires, this Government will declare martial law, and by virtue of vested constitutional authority, when public order is disturbed, will approve, by decree, the ratification of the canal treaty as signed, or, if the Government of the United States prefers, will call extra session of Congress and new and friendly members next May to approve the treaty.

Would it have been right for the Administration to have acted on this dispatch and overthrown the government at Panama and reinstated the sovereignty of the usurper Marroquin? This seems to be the view taken by those who criticise the President. Is it possible? Has it come to this, that the President of the United States can do no right and that the usurper Marroquin, who rules by the sword, can do no wrong? The appeal of Marroquin to the Administration having failed, he is not without hope. Ex-Consul Smythe says that he was authorized by President Marroquin to quote him as saying that—

> The people of Colombia still hope that actual conflict may be averted through Democratic intervention in the Senate. Personally, I count on the assistance of the Democratic party and the great American people to save the sacred rights of Colombia, which have been so scandalously wounded.

I do not believe that President Marroquin is as familiar with the views of the Democratic party as he claims to be. If he should have the question put to any Democrat aspiring to be elected President next fall, does he suppose that such Democrat would take sides with Colombia against the United States? It is true that the President of the United States was elected Vice-President, and became President on the death of the Chief Executive, as provided by the Constitution. It is equally true that President Marroquin was either elected or proclaimed Vice-President of Colombia, and became President by ejecting the Chief Executive, and by means of a bloody revolution has remained in office. It is natural for such a man to want to trade with the United States for the restoration of Panama, in consideration of the ratification of the treaty by Colombia. No one is surprised at his proposition

TO ABOLISH THE CONSTITUTION

and ratify the treaty, because that appears to be a customary practice in our so-called sister Republic. The case is different, however, with the Democratic party of the United States. It is patriotic, believes in law, order, and constitutional government. Marroquin has no more chance to gain even the sympathy of the Democrats of the United States for his vile practices than he has to influence the Administration to make war on the Republic of Panama in order to give him another chance to exact tribute for transit across the Isthmus.

The Government of the United States and all the leading governments of the world have recognized the independence of Panama as an established fact. If the influence of the United States was exerted to aid Panama in establishing that Government, which is not proved, what wrong has been done? The people of the United States detest tyranny, oppression, and robbery of a struggling people. Those who are familiar with the history of the Isthmus for the last fifty years have felt keenly the injustice of the use of the power of the United States to prevent the people of Panama from asserting their rights. There will be no mourning on the part of the people of the United States because the Government of Colombia overstepped the mark and demanded too much blackmail from the United States and the French company. If twenty-five millions and forty millions more on account of the French company was a larger tribute than she was capable of collecting, will any just man be sorry that she failed?

I PROTEST AGAINST CHARGING DISHONOR

upon this Government for the refusal of the Administration to longer lend the power of the United States to the tyrants and plunderers at Bogota. It is sufficient while Colombia was in possession, through her satraps, of the Isthmus of Panama, for the United States to overawe and suppress insurrection which would interfere with the right of way secured by the treaty of 1846, but when Panama, without firing a gun, was able to acquire peaceful possession of the Isthmus, was it not the duty of the Government of the United States to see to it that the transit across the Isthmus was not disturbed by a foreign foe from Colombia? Was it not the duty of the United States to protect the lives and property of American citizens peaceably residing upon the Isthmus, as they rightfully might?

I do not believe that the people of this country will for a moment sympathize with the complaints of Colombia. She has lost no property. She has lost no territory. The people of Panama have simply asserted their right to property and right to territory. By the compact she formed with Colombia her right of secession was secured. If the exercise of that right has long been delayed on account of the influence of the United States, Panama has not lost that right. This Administration need not

WAIT FOR THE VERDICT OF HISTORY

to approve its Panama policy. That policy has already been approved by the nations of the world in their speedy recognition of the Government of Panama. If by the honest and patriotic course of the Administration the United States have acquired a right of way to build the canal across the Isthmus, who has been injured? The people want the canal. The folly and extravagance of Colombia cleared the way. The new Government has granted the rights and privileges which are necessary in the vast undertaking of connecting the two oceans by a waterway. Civilization and progress and the aspirations of the American people are promoted by the action of the Administration. I have no intention to discuss details, but I felt called upon to enter my protest against reflections upon the honor of this Government based upon a total misapprehension of facts.

The PRESIDENT pro tempore. The Secretary will state the first bill on the Calendar.

Mr. STONE. I inquire, Mr. President, what disposition has been made of the resolution?

The PRESIDENT pro tempore. The resolution is on the table, subject to the Senator's call.

DIPLOMATIC CORRESPONDENCE RELATIVE TO PANAMA, ETC.

Mr. CULBERSON. Mr. President, I think the resolution introduced yesterday, which came over until to-day, ought to be laid before the Senate at this time.

The PRESIDENT pro tempore. The hour for laying resolutions before the Senate has passed. The Calendar of General Orders is now the regular order.

Mr. CULBERSON. That resolution, then, goes over until to morrow, holding its place, as I understand?

The PRESIDENT pro tempore. It holds its place under the ruling the Chair made a short time ago, that every resolution was entitled to a day in court.

Mr. CULBERSON. In that case, Mr. President, I ask unanimous consent to correct a word in the resolution, so that it may be reprinted by to-morrow. In line 7, after the word "representatives" the word "of" should be stricken out and the word "or" inserted. The resolution is printed correctly in the RECORD, but in the resolution printed by order of the Senate there is an error, and so I ask that the resolution may be reprinted in correct form.

The PRESIDENT pro tempore. The Chair hears no objection, and the resolution will be reprinted with the correction the Senator has made.

MEMORIAL BRIDGE ACROSS THE POTOMAC.

The PRESIDENT pro tempore. The Secretary will state the first bill on the Calendar.

The bill (S. 820) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property was announced as first in order.

Mr. PLATT of Connecticut. Mr. President, I do not think we can dispose of that bill this morning. Let it go over.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that this bill may be passed over for the present, retaining its place.

Mr. GALLINGER. I would simply say in that connection that a similiar bill has passed the Senate two or three times. The bill has been unanimously reported by the Committee on the District of Columbia. I will not insist, as, of course, I can not insist, that it shall not go over.

The PRESIDENT pro tempore. One objection does not lie against a bill on the Calendar of General Orders after 2 o'clock.

Mr. GALLINGER. I beg the Chair's pardon. I had overlooked that.

The PRESIDENT pro tempore. It is for the Senate to decide whether or not it will proceed with the consideration of the bill.

Mr. GALLINGER. I have no doubt the Senate will pass this bill in the near future, and I think we might as well act upon it to-day as at any other time.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PLATT of Connecticut. Is there a report accompanying that bill?

The PRESIDENT pro tempore. There is.

Mr. PLATT of Connecticut. Let the report be read.

The Secretary read the report submitted by Mr. MARTIN December 11, 1903, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 820) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Commissioners of the District of Columbia, as will appear by the following letter:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 7, 1903.

SIR: The Commissioners have the honor to recommend favorable action upon Senate bill 820 (58th Cong., 1st sess.), "To provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property," which was referred to them at your instance for their examination and report.

They have for the past three years annually recommended a similar proposition to Congress as a memorial to American patriotism. It has been recommended by the President of the United States and has the active support of patriotic organizations and citizens all over the United States. During the meeting of the national encampment of the Grand Army of the Republic at Washington, from October 5 to 9, 1902, a fine corner stone for the memorial bridge was presented by the Stonecutters' Union of the District of Columbia and accepted by the Secretary of War upon the recommendation of the Grand Army of the Republic.

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

The PRESIDENT pro tempore. The bill is in the Senate as in Committee of the Whole, and open to amendment.

Mr. PLATT of Connecticut. Mr. President, I do not think we ought to provide for the erection of a memorial bridge without Congress itself passing on the plans. There has been a great deal of criticism about the plans that have heretofore been prepared and submitted for this memorial bridge; and this bill proposes to put the decision, as I understand it, of the plans for the construction of the bridge solely in the hands of the Secretary of War. It seems to me that when we are about to enter upon a work, the importance of which I think I fully recognize, Congress ought to know what kind of a bridge is to be constructed, and not, as the years go by, have the whole country feeling that a mistake has been made in the character and appearance of the bridge.

I have every confidence in the present Secretary of War, but he is not an engineer; I have every confidence in the incoming Secretary of War, but he is not an engineer, and I, myself, do not feel that I can vote for a bill which conclusively appropriates $5,000,000—although only $500,000 is carried in this bill—for a bridge, which is to be approved by any one man.

I think that what ought to be done is to appropriate $500,000 to enable the Secretary of War to secure the plans and make report to Congress, and then let Congress determine what plans shall be selected for the construction of the bridge. If we do not adopt such a course, I think we will regret it hereafter.

Of course I do not intend to go through all the controversy that there has been about the plans; but there has been such controversy about the plans that no bridge has been yet constructed. The difficulty about it, as I understand, has been that the plans which have been presented have met with such opposition—some of them, not all of them—from parties who have experience and talent in relation to such matters that it has not been possiule to reconcile the different views as to the plans for the bridge.

I saw one plan, Mr. President, which it was supposed would be accepted and the bridge built according to it, and with my little knowledge on the subject and from what I could gather by looking at the picture of it, it seemed to me to be entirely improper.

I do not know that I desire to say anything more about it. I want to vote against this bill. I would vote for a bill which directed the Secretary of War to call for plans and gave him $500,000 with which to secure those plans and then left to Congress the determination of the question.

Now, I suppose it will be said that when the plans come to Congress there will be a difference of opinion about them. I suppose there will be, but, if that be so, I think we had better wait before beginning the construction of this bridge until we can get some one plan which will receive the acquiescence of a majority of Congress, to say the least, and the plans being submitted and the report made to Congress, if a majority of Congress is not ready to adopt any of them, then I think it would be worth while to try it over again and get some other plans.

Mr. President, I did not intend to say a word about this measure. I made the objection, and I thought the bill would go over.

The PRESIDENT pro tempore. It is under Rule VIII where objection is made that a bill goes over.

Mr. PLATT of Connecticut. I know that.

The PRESIDENT pro tempore. It does not apply to bills under Rule IX.

Mr. PLATT of Connecticut. This bill involves something more than the building of a bridge to drive carriages over from this side of the river to the Arlington estate. It involves the whole plan for the beautification of this great capital city of the nation, and a plan of bridge ought to be selected with reference to the whole subject of the improvement of the city of Washington. To have a bridge that would be inharmonious would be a thing that we should forever regret. It is for that reason that I think we ought not to put the final determination of what plan shall be finally adopted into the hands of any one man or that it should be subject to the decision of any one man.

What more capacity has the Secretary of War to accept a plan and to proceed to expend $5,000,000 to construct a bridge according to that plan than has the President of the Senate or, indeed, any Senator?

I do not know that I desire to say anything more about the bill, but what I fear is, that if this bill in its present form is passed, in the future we are very likely to regret that Congress ever gave into the hands of a single individual the right to say what that bridge should be, what its plans should be, and what its appearance should be. I want to vote against it, and I will call for the yeas and nays, so as to have an opportunity to record my vote.

Mr. MARTIN. Mr. President, the proposition for the construction of a bridge from Washington to the Arlington estate has been before the Senate quite a number of times in the last few years, and the difficulty has always been to agree upon some plan for the bridge. No Senator, so far as I know, has ever antagonized the purpose of such a bill.

Mr. PLATT of Connecticut. And I do not now.

Mr. MARTIN. That is just the point to which I wish to invite attention.

Mr. GALLINGER. Mr. President, that there may be no misunderstanding, if the Senator will permit me——

Mr. MARTIN. Cheerfully.

Mr. GALLINGER. In addition to the fact that similar bills have been before the Senate for quite a number of years the Senator will likewise recall the fact that the Senate has passed such bills.

Mr. MARTIN. I was coming to that. Whenever such a bill has been before the Senate, I say it has never been antagonized by any Senator on this floor; but the trouble it has met has always been from those who declare themselves the friends of the measure.

I am not wedded to any particular plan. I want, as other Senators do, the very best plan adopted, in order to have this bridge one such as will meet the useful purpose contemplated and also

such as will make it an ornament and a credit to the national capital. I believe every Senator must realize that the two Houses of Congress are not so constituted as to enable them to determine the technical matters involved in the construction of a great bridge.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Indiana?

Mr. MARTIN. I do.

Mr. FAIRBANKS. If the Senator will allow me, I am in thorough sympathy with the object of the Senator's measure; but there seems to be a great deal of force in the objection made by the Senator from Connecticut [Mr. PLATT]. There would seem to be some danger in leaving the entire subject to the discretion of one officer of the Government. A plan has occurred to me, which I desire to suggest to the Senator for his consideration. Would it not be better to constitute by the bill a commission, say a commission composed of the President pro tempore of the Senate, the Speaker of the House of Representatives, the chairman of the Committee on the District of Columbia of the Senate, and the chairman of the like committee of the House, with the Secretary of War in addition? It seems to me there is a commission in whose discretion Congress might very well leave this subject.

Mr. MARTIN. I will ask the Senator from Indiana and the Senator from Connecticut if it would meet their views to say "the President of the United States, on the recommendation of the Secretary of War."

Mr. PLATT of Connecticut. No.

Mr. MARTIN. A large commission, such as has been suggested, seems to me not only unnecessary, but rather cumbersome, and that it might tend to delay.

If you want to safeguard this measure you must put the responsibility somewhere, and when you put the responsibility on the Secretary of War, it is not his judgment alone that the country will have. He will have the engineer officers of the Government. He will have the architects and the engineers, who will present plans and will argue them before him. Under this bill the field is open to the world, and the War Department would simply be the judge to pass upon the different plans presented. So the talent and skill of the whole country will be availed of.

But we must have some tribunal to decide between the competing plans which will be presented. If Senators do not feel that it is best to leave it to the arbitrament of the Secretary of War, although he will have the assistance of the Staff to aid him, I would gladly, if it meets their views, propose to amend the bill by saying it shall be left to the President of the United States on the recommendation of the Secretary of War.

Mr. BEVERIDGE. Will the Senator from Virginia yield to me for a moment?

Mr. MARTIN. Certainly.

Mr. BEVERIDGE. The recent history of all great and successful works of this kind has universally been along the line suggested by my colleague. They have been conducted by a commission, and I think the suggestion will commend itself to everybody. But I suggest this to my colleague and the Senator from Connecticut and the Senator from Virginia: Why would it not be most expedient and practicable to authorize the Secretary of War to appoint a commission of experts, of which he shall be ex officio the chairman? That simplifies the matter. It reduces it to a matter of art and engineering, and this is a combined work of art and engineering. It pursues——

Mr. CLAPP. Mr. President——

Mr. BEVERIDGE. I am merely making a suggestion. I do not know whether or not it will meet the views of the Senators. It pursues the common course which has been followed in recent years in this and every other country where a great work of art and of engineering skill has been erected. The idea of a commission I think nobody would object to, but I am suggesting whether a commission of three or five experts, appointed by the Secretary of War, would not be a better commission than to have the commission suggested by my colleague.

Mr. FAIRBANKS. The objection to that is it takes it out of the control in any way of Congress.

Mr. BEVERIDGE. Yes.

Mr. FAIRBANKS. The commission I propose would leave it within the control of Congress, because the majority of the commission would be composed of Senators and Representatives.

Mr. BEVERIDGE. I was going to suggest one more thing, and then I am through. This is merely by way of suggestion. And that the plan reported upon by this commission shall be referred to Congress. That would be the plan which has universally been pursued in every great work of combined engineering and art.

Mr. MARTIN. I feel that the bill is sufficiently safeguarded as it is, but, as I say, I am not wedded to any plan. To meet the views of the Senator, I would be willing to have the plan approved by a board. I really think it should be the President of the United States. That would in effect be a board. He would not act without consultation with competent people. He would have his advisers. But I do not object to a board, or to a board to be appointed by the President or the Secretary of War.

Mr. BEVERIDGE. I do not care which one.

Mr. MARTIN. I would not object——

Mr. GALLINGER. Will the Senator from Virginia permit me?

Mr. MARTIN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I have heretofore cooperated in the committee and on the floor of the Senate with the Senator from Virginia in this matter, as he knows. I have felt it incumbent upon Congress at some time to make provision to construct this bridge, which will be an ornament to the capital city and a credit to the country.

I rose particularly to suggest to the Senator, inasmuch as there is so much difference of opinion, whether it would not be wise to let the bill go over and let the members of the committee confer with other Senators with a view of reaching an agreement as to the form in which this matter shall be put in the bill.

I myself quite sympathize, upon reflection, Mr. President, with the view that it is rather risky to leave the matter in the hands of one officer of the Government, however accomplished he may be, and I think perhaps instead of taking the afternoon in the discussion of the bill, if the Senator will agree with me, we might pass it over to-day and possibly come in the next time the Calendar is reached with an arrangement which will enable us to pass the bill speedily.

Mr. MARTIN. I will act on that suggestion and let the bill be passed over to-day, retaining its place on the Calendar. In the meantime I will confer with the Senators who have expressed their fears about the wisdom of leaving the determination of the plan to one man, and I will be very glad to agree with them upon some board or commission, which shall be named in the bill or the appointment of which shall be authorized in the bill, with power to determine the plan. I consent that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

Mr. MARTIN. Without prejudice, retaining its place on the Calendar.

The PRESIDENT pro tempore. Yes.

Mr. MARTIN subsequently said: Since the bill (S. 820) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property was under consideration a few moments ago and passed over, I have conferred with the Senators who made some suggestions in respect to the bill, and we have agreed upon an amendment which I think will be satisfactory to all Senators. I ask that the Senate may resume the consideration of the bill.

There being no objection, the Senate as in Committee of the Whole, resumed the consideration of the bill (S. 820) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property.

Mr. MARTIN. I move to amend the bill by inserting in line 8, page 1, after the word "by," the words "a board composed of;" and to further amend it by inserting in line 9, after the word "War," the words "the President pro tempore of the Senate, the Speaker of the House of Representatives, the chairman of the Committee on the District of Columbia of the Senate, and the chairman of the Committee on the District of Columbia of the House of Representatives."

The PRESIDENT pro tempore. The Senator from Virginia offers an amendment, which will be stated.

The SECRETARY. On page 1, line 8, after the words "approved by," insert "a board composed of;" and in line 9, after the word "War," insert "the President pro tempore of the Senate, the Speaker of the House of Representatives, the chairman of the Committee on the District of Columbia of the Senate, and the chairman of the Committee on the District of Columbia of the House of Representatives;" so as to read:

The said bridge to be constructed on a plan to be approved by a board composed of the Secretary of War, the President pro tempore of the Senate, the Speaker of the House of Representatives, the chairman of the Committee on the District of Columbia of the Senate, and the chairman of the Committee on the District of Columbia of the House of Representatives, and not to cost more than $5,000,000.

The amendment was agreed to.

Mr. MARTIN. At the suggestion of the Senator from Wisconsin, for the sake of better expression, I will offer another slight amendment. I move to strike out the word "have," in line 4, page 1, and to insert in lieu thereof the words "cause to be."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. In line 4, page 1, strike out "have" before the

word "constructed" and insert in lieu thereof the words "cause to be;" so as to read:

That the Secretary of War is hereby authorized and directed to cause to be constructed a memorial bridge from the most convenient point of the Naval Observatory grounds, or adjacent thereto, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

Mr. SCOTT. I notice by the Calendar that at 4 o'clock to-day unobjected bills reported from the Military Affairs Committee to correct records, and also unobjected pension bills, are to be taken up. I would ask the Senate to let us go on with that order now.

Mr. GALLINGER. Mr. President, I think we had better continue with the Calendar of General Orders until that time is reached. There are other bills here which should be considered.

The PRESIDENT pro tempore. The Secretary will state the next bill on the Calendar.

EXTRA PAY TO CERTAIN DEPARTMENTAL EMPLOYEES.

The bill (S. 1842) to provide for compensation for certain employees of the Treasury, War, and Navy Departments was announced as the next business in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Claims with an amendment, to add at the end of the bill the following:

For executive department, to pay the employees of the executive office, $8,914.10; for certain employees in the offices of the Adjutant-General, Paymaster-General, and Chief of Engineers, War Department, $2,137.90, in accordance with the recommendation of the Secretary of War, contained in his letter of June 9, 1902; and for clerks employed at headquarters of the Marine Corps, $1,186.98, in accordance with the recommendation of the commandant of said corps and of the Assistant Secretary of the Navy.

The amendment was agreed to.

Mr. ALLISON. I should like to hear the report read, if it is not long.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. STEWART December 16, 1903, as follows:

The Committee on Claims, to whom was referred the bill (S. 1842) to provide for compensation for certain employees of the Treasury, War, and Navy Departments, having considered the same, make the following report:

A bill similar to S. 1842, but including an additional provision for payment of employees of the Executive Office (White House), passed the Senate at the first session of last Congress and was also incorporated by this committee in the "omnibus bill," so called ("For allowance of certain claims reported by the Court of Claims, etc."), at last session. Since the passage of the bill by the Senate additional recommendations have been made by the War and Navy Departments covering certain War Department and Marine Corps employees, and your committee has added to this bill provision for these employees.

As this committee's report, made during the first session of the last Congress on a similar bill which passed the Senate, well states the facts in this case, your committee adopt the same as their report on the bill under consideration, with the addition of the recommendations as to the employees of the White House and certain War Department and Marine Corps employees, and report back S. 1842 with the following amendment:

Add to the provisions of the bill the following (p. 2, line 7, after the word "cents"):

"for Executive Department, to pay the employees of the Executive Office, $8,914.10; for certain employees in the offices of the Adjutant-General, Paymaster-General, and Chief of Engineers, War Department, $2,137.90, in accordance with the recommendation of the Secretary of War, contained in his letter of June 9, 1902; and for clerks employed at headquarters of the Marine Corps, $1,186.98, in accordance with the recommendation of the Commandant of said Corps and of the Assistant Secretary of the Navy."

With this amendment your committee recommend the passage of the bill.

[Senate Report No. 777, Fifty-seventh Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 1694) to provide for compensation for certain employees of the Treasury, War, and Navy Departments, having considered the same, submit the following report:

This bill provides for the compensation of certain employees of the Treasury, War, and Navy Departments for the extra hours they worked during the period of the Spanish war, and is carrying out the earnest recommendations of the Secretaries of the Treasury, War, and Navy Departments, which recommendations are printed herewith as an appendix to this report.

An amendment to the general deficiency bill of last session providing for this compensation for certain employees of the War Department was favorably reported by your committee at last session and referred to the Committee on Appropriations, but no action was taken by the Senate upon it.

The extra services rendered by the employees of the three Departments mentioned, for which compensation is provided in the pending bill, are well described in the recommendation of the Secretary of War to Congress dated January 11, 1899, which statement also applies to the services of the Treasury and Navy Department employees, viz:

"The conditions created by the war with Spain rendered it necessary that the clerks and other employees should work regardless of hours, in order to the performance of the immense amount of clerical work devolved upon the Department, and consequently they have worked by night as well as by day, including Sundays and legal holidays. With a spirit of cheerfulness they responded to every demand made upon them, and labored with industry and zeal, sacrificing health, comfort, and personal convenience to the performance of duty. Under these circumstances it seems to be a measure of justice that these employees should be compensated for the excessive and arduous services thus rendered."

The present Secretary of War has supplemented this recommendation. His recommendation is printed in the appendix.

The day's labor for Government employees in the Departments is fixed by law at seven hours, to wit, from 9 o'clock a. m. to 4 o'clock p. m. (sec. 7 of act approved March 15, 1898). While the strict letter of the law permits the head of a Department, by special order, to extend the hours of work for employees, your committee believe that the labor, inconvenience, and hardships attending such extra work constitute strong equities for extra compensation. On this point the Secretary of War, in his recommendation of January 11, 1899, says:

"The fact that the law referred to establishes the hours of labor would seem to justify the belief that it was not the intention of Congress that the prescribed hours should be permanently or indefinitely extended without additional compensation, but that the provision was designed to meet any sudden or temporary emergency that might arise."

The policy of Congress in connection with extra work performed by Government employees is shown in the following joint resolution, approved February 25, 1899, providing for the payment to certain laborers, workmen, and mechanics at United States navy-yards and stations of 50 per cent additional pay for work performed in excess of their regular hours.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Navy be, and he is hereby, authorized and directed to pay 50 per cent additional for all work in excess of eight hours per diem performed by laborers, workmen, and mechanics whose compensation is fixed upon a basis of eight hours per diem, and who, between March 18, 1898, and October 31, 1898, were employed at any United States navy-yard or naval station, and who worked in excess of eight hours per day and have not already received said additional compensation; the amount due each laborer, workman, and mechanic affected by the above to be based upon the time records of the several bureaus at the navy-yard or naval station where the work was performed."

This 50 per cent granted to the navy-yard employees was additional pay (they having already been paid the regular rates for every extra hour's work done), and was for extra work performed during the Spanish war, in the same manner as the extra work performed by the employees of the Treasury, War, and Navy Departments, for which compensation is now asked.

The following are the regulations of the Secretary of the Navy under which extra work is now performed in the navy-yards:

"(2) The following rules shall be observed for estimating the pay of laborers, workmen, and mechanics for work performed in excess of eight hours per day and for work performed outside of yard hours:

"(a) For work performed, by reason of extraordinary emergency, in excess of eight hours per day, the ordinary rate of pay, with 50 per cent additional, shall be allowed.

"(b) Men employed in relays shall be paid at the rate allowed for day work, whether they work by day or at night.

"(c) For work performed on Sundays or legal holidays the ordinary rate of pay, with 50 per cent additional, shall be allowed.

"(d) The foregoing provisions relate solely to laborers, workmen, and mechanics whose compensation has been fixed upon a basis of eight hours per day, and have no application to employees whose ordinary duties require their presence before or after yard hours, at night, on Sundays, or on legal holidays, and whose compensation has been fixed with reference to the irregular and unusual character of their employment."

The compensation provided for in the bill under consideration is not at a greater rate than regular pay, such as was paid the navy-yard employees and recognized by Congress as just and proper for extra work, but is merely pay at the regular rates for the extra time during which services were rendered.

There seems to be no reason or justice in Congress providing by law for the payment of one class of Government employees for extra work caused by the Spanish war and refusing to pay another class of its employees for extra work caused by the same war.

The following are the Departments' estimates of amounts required by Treasury, War, and Navy Departments to pay the extra compensation as recommended by the heads of said Departments:

Treasury Department	$8,176.02
War Department	108,833.59
Navy Department	42,447.56
Total	159,457.17

In view of the foregoing facts, and the strong recommendations of the Secretaries of the Treasury, War, and Navy Departments, your committee believe that the provisions of S. 1694 are just and proper, and therefore report the said bill back to the Senate with the recommendation that it pass.

APPENDIX.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 12, 1900.

SIR: I have the honor to transmit herewith, for the favorable consideration of Congress, communications from the Treasurer of the United States, the Register of the Treasury, and the chief of the division of loans and currency of this office, in regard to obtaining compensation for the employees in their respective offices for the extra services rendered by them in connection with the issue of the 3 per cent loan of 1898, under the provisions of the act of June 13, 1898, said services having been rendered after the hours of 5 p. m. and on Sundays and holidays.

The amount required to be appropriated to meet such extra compensation is $8,176.02, as follows:

Office of Treasurer of the United States	$2,705.59
Office of Register of the Treasury	2,489.75
Division of loans and currency, office of Secretary	2,980.68

Respectfully,

O. L. SPAULDING, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT,
Washington, January 11, 1899.

SIR: I have the honor to transmit herewith petitions from civilian employees in the offices of the Surgeon-General and the Quartermaster-General of the Army, praying that they be granted compensation for the work performed by them in excess of the regular working hours during the war with Spain, said petitions being strongly recommended by the Surgeon-General and the Quartermaster-General, as appears from their respective indorsements thereon.

These petitions apply to only two of the bureaus, although the statements therein presented are applicable alike to other bureaus and offices of this Department.

Section 7 of the legislative, executive, and judicial appropriation act approved March 15, 1898, prescribes the hours of labor for clerks and other employees in the Executive Departments, and provides—

"That the heads of the Departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their Departments, respectively; but in the case of an extension it shall be without additional compensation."

The fact that the law referred to establishes the hours of labor would seem to justify the belief that it was not the intention of Congress that the prescribed hours be permanently or indefinitely extended without additional compensation, but that the provision was designed to meet any sudden or temporary emergency that might arise.

The conditions created by the war with Spain rendered it necessary that the clerks and other employees should work regardless of hours, in order to the performance of the immense amount of clerical work devolved upon the Department, and consequently they have worked by night as well as by day, including Sundays and legal holidays. With a spirit of cheerfulness they responded to every demand made upon them and labored with industry and zeal, sacrificing health, comfort, and personal convenience to the performance of duty. Under these circumstances it seems to be a measure of justice that these employees should be compensated for the excessive and arduous services thus rendered, and I therefore earnestly recommend that provision be made by Congress whereby they may receive just compensation for such services during the period from May 1 to December 31, 1898.

Very respectfully,

R. A. ALGER, *Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT,
Washington, February 20, 1899.

SIR: I have the honor to transmit herewith, for the consideration of the Committee on Appropriations, statements showing in detail the number of days' service rendered by the employees of the several bureaus and offices of this Department in excess of the regular working hours and the amount that would be required to pay for such services should Congress decide to make provision for that purpose.

These statements represent an appeal by the employees for compensation for their extra work, and in thus submitting the matter to Congress I deem it not improper to state that were it an appeal simply to a spirit of liberality, for the grant of a gratuity, I should feel inclined to withhold my commendation; but believing it to be based upon justice, it commands my recommendation to favorable consideration.

Since the commencement of the war with Spain these employees have worked early and late, regardless of hours, including Sundays and holidays, with a zeal and fidelity deserving of the highest commendation. The extra services thus rendered were needed by the Government in order to meet the demands imposed upon the Department by the conditions of war, the Government thus becoming the beneficiary. As a consequence of the severe strain thus imposed upon the employees the health of many of them has become impaired, necessitating expense of medical treatment, while all have sacrificed much personal comfort and convenience.

It therefore seems to be only just that the employees who have rendered such faithful and valuable daily services to the Government in excess of the regularly established office hours should be compensated therefor, and I accordingly earnestly recommend that an item may be inserted in the pending deficiency appropriation bill making an appropriation of the amount necessary for that purpose.

Very respectfully,

R. A. ALGER,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT,
Washington, March 1, 1900.

SIR: I have the honor to forward herewith, for transmission to Congress, detailed statement showing the number of days' service rendered by the employees borne upon the regular rolls of the War Department and its bureaus and offices in excess of the regular day's labor of seven hours each, from April 21, 1898, to January 31, 1899, and the total amount required to reimburse the employees for such service should Congress decide to make provision for that purpose.

In submitting this estimate of appropriation it is proper to state that I should not feel inclined to forward the same if it were not believed to be a matter of simple justice to a class of employees who have rendered great service to the Government.

Since the beginning of the war with Spain and up to the present time the clerks of the War Department have labored early and late and with a zeal and fidelity to the interests of the Government worthy of the highest consideration. Such established privileges as the customary leave of absence usually granted by the heads of the Departments and the periodical respite from labor incident to Sundays and legal holidays were quite generally dispensed with in the effort to meet the immense pressure of business brought on by the war.

Some clerks have died, and the health of many has been impaired in direct consequence, it is thought, of the severe strain incident to the continuous and responsible service rendered under trying circumstances and unfavorable conditions. The extra duty was performed by these employees cheerfully and efficiently when greatly needed to meet the demands of war, and it does not seem appropriate that the Government should accept the same as a gratuity from the employees of the War Department, many of whom are poorly paid in comparison with those employed elsewhere in the departmental service.

This measure was inaugurated by my predecessor, a copy of whose letter, addressed to Congress at its last session, is herewith inclosed. There are numerous precedents for such action, a list of which is also herewith inclosed, and it will prove but an act of justice to faithful public servants, who, in my opinion, are fully entitled to the favorable consideration of Congress in this respect. The measure commands my favorable consideration and hearty approval.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

The SECRETARY OF THE TREASURY.

NAVY DEPARTMENT,
Washington, March 23, 1900.

SIR: In view of the fact that recommendations have been made by the honorable the Secretary of the Treasury and the honorable the Secretary of War for an appropriation to pay the employees in those Departments for services rendered in excess of office hours between January 1, 1898, and June 30, 1899, by reason of the increase of work due to the war with Spain, I have the honor to ask, in case these recommendations are favorably considered, that the same consideration may be extended to employees of the Navy Department who have rendered like services. The Bureau of Navigation has prepared an estimate with reference to employees of that Bureau, which I inclose, and I have authorized the other bureaus to furnish estimates also for similar transmission.

It has occurred to me that if this form of remuneration should not meet the approval of your committee it would be proper to consider whether or not the same plan might be adopted that is sometimes adopted with reference to employees in the Senate and House of Representatives: that is, to make an appropriation for paying an extra month's or more months' salary.

Very respectfully,

JOHN D. LONG, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
House of Representatives, Washington, D. C.

NAVY DEPARTMENT,
Washington, November 25, 1901.

SIR: Replying to your letter of the 8th instant, in which you refer to the suggestion made by this Department in its letter to the Committee on Appropriations, House of Representatives, March 28, 1900, relative to compensation of employees in this Department for services rendered in excess of office hours between January 1, 1898, and June 30, 1899, and request to be furnished with an estimate, for the use of the Committee on Claims, showing the aggregate amount required for each bureau to pay one month's extra pay to the employees who may be entitled to extra compensation, I have the honor to inform you that it is estimated that the following amounts will be required under each bureau and office of the Navy Department for the purpose mentioned, viz:

Office of Secretary of Navy (omitting Secretary and Assistant Secretary)	$3,402.02
Bureau of Yards and Docks	914.24
Bureau of Equipment	1,216.88
Bureau of Navigation	2,865.98
Bureau of Ordnance	1,767.80
Bureau of Construction and Repair	7,988.40
Bureau of Steam Engineering	3,094.32
Bureau of Supplies and Accounts	5,061.60
Bureau of Medicine and Surgery	913.72
Office of Judge-Advocate-General	1,039.96
Office of Naval War Records	1,318.80
Library, Navy Department	219.80
Hydrographic Office	7,759.40
Naval Observatory	3,191.60
Nautical Almanac Office	1,354.00
Office of Naval Intelligence	859.04
Total	42,447.56

Referring to the bill you propose to introduce at the coming session of Congress, providing for the payment of these extra war-time services of the employees of the Treasury, War, and Navy Departments jointly, the following is suggested for incorporation therein, in order to make an equitable distribution:

All clerks who have been employed during the entire period, January 1, 1898, to June 30, 1899, shall be allowed one month's extra pay. Those employed for a shorter period shall have one-eighteenth of a month's pay for each month or fraction of a month employed during said period.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. WILLIAM M. STEWART,
United States Senate, Washington, D. C.

WHITE HOUSE,
Washington, March 25, 1902.

MY DEAR SIR: I have the honor to submit the following:

During the Spanish-American war nearly the full force of employees of the Executive Office were occupied on their official duties from 9 o'clock each morning until 1 o'clock the following morning, including Sundays. While the extra duties necessary during the first year of an Administration are always anticipated and cheerfully performed, it would seem only just that in this extraordinary case Congress should make an appropriation in compensation for the services rendered by the clerical and messenger force in excess of the customary office hours.

Inclosed I send you detailed statements showing that on the basis of the actual extra service of each employee at the same rate per hour as his regular salary, from April 21, 1898, to January 31, 1899, $5,353.02 would be sufficient to compensate those on the Executive Office rolls, and $2,561.08 additional would provide for those detailed here at that time from Departments. The total amount necessary would be $8,914.10.

I therefore earnestly recommend that $8,914.10 be appropriated by the Congress for this purpose.

Very truly, yours,

GEO. B. CORTELYOU,
Secretary to the President.

The CHAIRMAN OF THE COMMITTEE ON CLAIMS,
United States Senate.

DETAILED FORCE, EXECUTIVE OFFICE, DURING THE SPANISH-AMERICAN WAR.

Number of hours' service rendered in excess of the customary office hours, from April 21, 1898, to January 31, 1899, inclusive, with amount required for compensation, calculated at the rate paid for the regular day service.

	Salary.	Per day.	Number hours extra service.	Amount.
Joseph S. Moss, clerk, War Department	$1,600	$4.38	340	$212.74
Thomas P. Randolph, clerk, Interior Department	1,600	4.38	357	223.38
William F. Ryan, clerk, Interior Department	1,600	4.38	540	337.88
N. P. Webster, clerk, War Department, to July 1	1,200	3.33	202	96.06
Richard B. Randolph, clerk, War Department	1,200	3.33	535	254.50
C. E. Ingling, clerk, War Department	1,200	3.33	686	326.67
E. C. Heasley, clerk, War Department	1,200	3.33	553	263.06
M. C. Latta, clerk, Interior Department	900	2.50	267	95.00
George Marshall, messenger, Metropolitan police	1,080	2.95	850	353.61
Louis Bryant, messenger, Treasury Department	720	2.00	720	206.00
R. F. Anderson, messenger, Navy Department	660	1.83	716	187.18
Total				2,561.08

REGULAR FORCE, EXECUTIVE OFFICE, DURING THE SPANISH-AMERICAN WAR.

Number of hours' service rendered in excess of the customary office hours, from April 21, 1898, to January 31, 1899, inclusive, with amount required for compensation, calculated at the rate paid for the regular day service.

	Salary.	Per day.	Number hours extra service.	Amount.
B. F. Barnes, executive clerk	$2,200	$6.11	1,025	$894.68
W. S. Young, clerk	1,800	5.00	1,116	797.00
R. Forster, clerk	1,600	4.38	1,275	797.16
A. J. Leonard, clerk	1,600	4.38	1,275	797.16
N. P. Webster, clerk, executive office from July 1	1,600	4.38	1,075	672.66
E. W. Smithers, clerk	1,600	4.38	1,225	766.50
T. H. Netherland, clerk	1,600	4.38	558	349.14
T. J. Lightfoot, messenger	1,200	3.53	1,000	472.86
Arthur Simmons, messenger	1,200	3.33	1,000	472.86
E. R. Beckley, messenger	1,200	3.33	700	353.00
Total				6,353.02

WAR DEPARTMENT,
Washington, June 9, 1902.

SIR: In connection with Senate bill 1694, Fifty-seventh Congress, first session, entitled "A bill to provide for compensation for certain employees of the Treasury, War, and Navy Departments," who rendered extra service to the Government during the war with Spain, which passed the Senate May 16, ultimo, and is now pending before the Committee on War Claims, House of Representatives, I have the honor to request that the total amount to be appropriated for the War Department may be increased, in order to provide for extra compensation to certain employees who were inadvertently omitted from the original estimate, as follows:

Office of the Adjutant-General	$31.65
Office of the Paymaster-General	2,097.55
Office of the Chief of Engineers	8.70
Total	2,137.90

Very respectfully,

ELIHU ROOT, *Secretary of War.*

Hon. THADDEUS M. MAHON,
Chairman Committee on War Claims, House of Representatives.

No. 100.] HEADQUARTERS UNITED STATES MARINE CORPS,
Washington, D. C., May 17, 1902.

SIR: It has been brought to my attention that a bill passed the Senate yesterday (S. 1694) providing one month's extra pay for clerks of the War, Navy, and Treasury Departments who worked overtime during the war with Spain.

This bill contains no provision for the benefit of the clerks employed at these headquarters, day after day, long after office hours, frequently until midnight, during the Spanish-American war, and as their case is equally as deserving as those provided for in the above-mentioned bill, it seems but just that they should be granted the same extra compensation as the clerks in other branches of the Navy Department who performed like duty, and I respectfully recommend that a request be transmitted by the Department to the Committee on Claims of the House of Representatives to have the above-mentioned bill so amended when it reaches the House as to provide one month's extra pay for the clerks at these headquarters who performed extra service during the war with Spain, whose names and monthly pay are as follows:

F. R. Hanna, chief clerk, commandant's office	$128.40
J. W. Armstrong, messenger, commandant's office	80.94
W. W. Trail, chief clerk, quartermaster's office	128.40
H. J. Wylie, clerk, quartermaster's office	124.71
L. L. Nicholson, chief clerk, adjutant and inspector's office	128.40
M. A. Nicholson, clerk, adjutant and inspector's office	124.71
J. H. Demeritt, chief clerk, paymaster's office	133.34
H. H. Thompson, clerk, paymaster's office	104.76
Percy F. Archer, clerk, assistant quartermaster's office, Washington	116.66
Daniel Kirby, clerk, assistant quartermaster's office, Philadelphia, Pa.	116.66
Total	1,186.98

Very respectfully,

CHARLES HEYWOOD,
Brigadier-General, Commandant.

The SECRETARY OF THE NAVY.

[First indorsement.]

NAVY DEPARTMENT, *May 19, 1902.*

Referred to the honorable the Secretary of the Navy with the recommendation that provision be made in the bill now before Congress for the benefit of the clerks employed at the marine headquarters.

CHAS. H. DARLING, *Assistant Secretary.*

Mr. BEVERIDGE. Mr. President, I have no objection to the bill, but I wish to ask the Senators who reported it and who are responsible for it if this is a correct statement of the whole thing: Certain clerks and employees of the Government, whose regular period of work is embraced within the arduous hours of 9 to 4, during a war that the country was engaged in, worked something overtime, and this bill is for the purpose of paying them extra for working overtime, beyond those hours—9 to 4—during war. Is that it?

Mr. STEWART. That is it.

Mr. WARREN. Mr. President, this is a bill to pay employees who were asked to volunteer and render extra services. They were not forced to do it, but they were told that the Departments were behind in their work. The heads of the several Departments asked these volunteers if they would work from 9 to 5 in the day and return at 7 and work till 10 in the evening. These employees worked in this way for months, including many of them Sundays and holidays. This is to pay them not 50 per cent extra, as has been provided in some cases—the Navy Department, for instance, as to its employees at times—but is to pay them the same price per hour for the extra that they were paid during the regular hours of the day.

Mr. SCOTT. Mr. President, this bill is certainly a very deserving measure. At the time of the Spanish-American war it became my duty, as Commissioner of Internal Revenue, to put into effect a law of Congress within sixteen days in order that the people all over this great country might have stamps to carry on business legally. In order to do that I had to ask for volunteers in that department, and many of them worked twenty hours a day, especially those who were engaged in sending out by express packages of stamps. They worked on Sundays. They worked on the Fourth of July. They were willing workers. If it had not been for those people the business of this country would have come to a standstill, because it would have been impossible to get the stamps out in time to transact the business of the country. There ought not to be a word of objection to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. Ought not the title to be amended, as the executive department is included by the amendment which has been agreed to? I suggest the addition of the words "and for other purposes."

The PRESIDENT pro tempore. The title will be amended as suggested by the Senator from New Hampshire.

The title was amended so as to read: "A bill to provide for compensation for certain employees of the Treasury, War, and Navy Departments, and for other purposes."

Mr. GALLINGER. That will do.

RELIEF OF CERTAIN DESERT-LAND ENTRYMEN.

The bill (S. 147) for the relief of persons who made the first payment for desert lands under the act of March 3, 1877, but who were unable to perfect entry thereof, was considered as in Committee of the Whole.

Mr. PLATT of Connecticut. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. CLARK of Wyoming December 16, 1903, which is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 147) for the relief of persons who made the first payment for desert lands under the act of March 3, 1877, but who were unable to perfect entry thereof, having had the same under consideration, beg leave to report it back with the recommendation that it do pass.

A similar bill was introduced in the first session of the Fifty-seventh Congress. It passed the Senate, but failed in the House. The following report was made on a bill, identical with the present measure, introduced in the Fifty-sixth Congress. It is adopted as the report of the committee.

[Senate Report No. 1206, Fifty-sixth Congress, first session.]

If this bill shall pass and become a law, the loss and gain account between the Government on the one side and the entryman on the other would stand about as follows:

1. The Government loses nothing whatever. It simply pays back some of the money it received several years ago, without interest on the same, for which it gave no thing or value whatever.

2. The Government gains (*a*) the use of this money since paid in up to the time of proposed repayment; (*b*) a cancellation against each entryman of his desert-entry right, in that the entryman can not again enter desert lands.

As to the settler, it is different. His losses are:

1. His desert-entry right has been exhausted.

2. He will have lost the use of his money during the intervening years.

3. And a point of much more importance, he will have lost all the money expended in improvements upon the forfeited land, such as ditches, fences, buildings, etc., because the land has reverted to the Government.

The proposed measure restores some part of the losses of the settler by returning to him a part of the gains of the Government; but even after this measure of partial justice the advantages are still with the Government as against the entryman.

In many of the Western States and Territories there were vast areas of public lands which in their natural condition were arid and unproductive and to which the preemption, homestead, and other existing land laws were so inapplicable that no effort was made to acquire title to them under these laws. It was known that portions of these lands possessed a rich soil, and if subject to artificial irrigation would become highly productive.

As an inducement to their reclamation the act of March 3, 1877, was passed, whereby it was provided that any citizen of the United States, or person who had declared his intention to become such, could, upon payment of 25 cents per acre, file a declaration under oath with the register and receiver of the local land office, announcing his intention to reclaim a stated tract of desert land not exceeding one section, by conducting water upon the same, and that at any time within three years thereafter, upon making satisfactory proof of the reclamation of the tract, and upon the payment of the additional sum of $1 per acre, the claimant could obtain a patent for the land. This act was by its terms made applicable to "all lands, exclusive of timber lands and mineral lands, which will not, without irrigation, produce some agricultural crop."

The circular of instructions issued by the General Land Office March 12, 1877 (4 Copp's L. O., 22), clearly recognized the assignability of desert-land claims. By those instructions local land officers were directed to issue a certificate to desert declarants, in which it was certified "that if within three years from the date hereof the said ——— ———, or his assignee or legal representatives, shall satisfactorily prove that the said land has been reclaimed by carrying water thereon, and shall pay to the receiver the additional sum of $1 per acre for the land above described, he or they shall be entitled to receive a patent therefor under the provisions of the said act."

Acting under these instructions assignments of desert-land claims were

sustained by the General Land Office, and this practice was continued until about April 15, 1880, when the Secretary of the Interior, in the case of S. W. Downey (vol. 7, C. L. O., p. 26), held that desert-land claims were not assignable, and that purchasers thereof secured no right or title thereto.

On account of the former rulings, however, assignments of desert-land claims, where made prior to April 15, 1880, were recognized, subject to the qualification that, whether by original claim or by assignment, one could only acquire title to 640 acres under the desert act. (Peter French et al., 5 L. D., 19; Henry W. Fuss, ibid., 167; Riggan *v.* Riley, ibid., 595.) Thus, if the assignee had exercised his right to an original desert claim he was not permitted to take anything under an assignment of another, even though that was not the rule when the assignment was made; and if he held an original claim of his own making, and had secured another by assignment, he was necessarily compelled to elect which claim he would perfect title under and to forego the other, although that was not the rule when his original claim was made or when he secured the other by assignment.

Congress has since, in the act of March 3, 1891 (26 Stat., 1095), expressly authorized assignments of desert claims, but this gives no relief against the prior cancellation of such claims.

In Webster *v.* Luther (163 U. S., 331) and Beley *v.* Naphtaly (169 U. S., 353) it is held by the Supreme Court that assignments are valid where the act granting a right of entry contains no restriction against assignment, and this notwithstanding prior rulings of the Land Department to the contrary. The desert act of March 3, 1877, contained no restriction against assignment, and had the decisions of the Supreme Court just referred to been made before the passage of the act of March 3, 1877, doubtless the Department would have recognized such assignments, as under the court's decisions it now seems it ought to have done.

The rulings of the Land Department as to what were desert lands within the meaning of the act of March 3, 1877, were not uniform. By said circular of March 12, 1877, the proof upon this point was to be made to the satisfaction of the registers and receivers, and the proof accompanying many declaratory statements was accepted as satisfactory by these officers and the filing allowed by them upon the first payment being made, and afterwards the claims canceled because the land filed upon produced a small but natural growth of grass or because of a small but natural growth of trees upon some minor portion thereof, and this even though the grass or trees were of no appreciable value.

A growth of mesquite, which is recognized to be of as little value and use as sagebrush, was for a long time held by the Land Department to be timber, and therefore to except the land from the operation of this act, while subsequent decisions of the courts in several Western States and Territories hold that mesquite can not be recognized as timber, and this is now the ruling of the Land Office.

The departmental rulings permitted a small amount of nonirrigable land to be included in a desert claim where the topography of the country was such that the land susceptible of irrigation could not be taken, including some which was nonirrigable, but the application of this rule varied widely from time to time, and the presence of the same amount of nonirrigable land was held permissible in some instances and not permissible in others, the claims being canceled in the latter.

The rulings with respect to compactness of the land included in a desert claim were shifting and contradictory, as clearly appears in the cases of William Thompson (8 L. D., 104) and J. H. Christensen (9 L. D., 302). Claims which were in full conformity with the rulings existing when the claims were initiated were subsequently canceled because not in conformity with later and changed rulings.

In many localities in the arid States there was an abundance of land with good soil but scarcity of water, and in the effort, under this statute, to reclaim and make productive and valuable lands which otherwise were altogether unproductive and without value, more land was filed upon than could be reclaimed and irrigated with the available water supply. The result was that those who originally held or who afterwards obtained the prior water rights were able to perfect their desert claims and others were unable to perfect theirs. In some instances the project for conducting water to the land from remote places proved more difficult and expensive than at first contemplated, and had to be abandoned. In given localities the presence of alkali or of too much sand in the soil prevented successful reclamation and cultivation, necessitating abandonment of the claim.

In all these cases, however, the claimant was required to make, and did make, the first payment—ordinarily 25 cents per acre, but within the primary limits of a railroad land grant 50 cents per acre; and in those cases where the claim was subsequently canceled under the rulings or circumstances referred to, the Government still retains the land and also holds the first payment thereon.

This recitation of these changing and conflicting rulings of the Land Department is not intended as a reflection upon the officers of that department, upon whom devolved the difficult task of administering the act of March 3, 1877, which was altogether unlike any preceding land law and the rational application of which could only be developed and ascertained by long experience and observation in its practical administration. Such recitation, however, does show that the correct method of administering and applying the act was learned at great cost to the claimants thereunder, and that the errors and imperfections in its earlier administration fell heavily upon them.

Your committee believe that in all cases where the desert-land claimant failed to obtain title to the land, from whatever cause it may have happened, if not from his own fraudulent or unlawful act, the first payment should be repaid to him, his heirs or assigns. The Government itself has lost nothing, and it can not in equity and justice retain this money for which the claimant, without fault upon his part, has received no benefit.

There is no occasion to extend the provisions of the bill to desert claims under the act of 1891, because (1) since that act assignments have been recognized in conformity with its express direction, and (2) before the time of that enactment the rulings of the Land Department as to what is desert land, as to including small areas of nonirrigable land, as to compactness of the claim, and other matters had become uniform and were set forth in circulars and regulations so that claimants and subordinate land officers were given such full information as to render impossible the mistakes incident to the administration of the earlier act.

Mr. BERRY. The Secretary read "Committee on Public Lands." The bill came from the Committee on Claims.

Mr. WARREN. No.

Mr. BEVERIDGE. No.

Mr. WARREN. That is a misprint. It comes from the Committee on Public Lands.

Mr. BERRY. It is on the Calendar as coming from the Committee on Claims.

Mr. BEVERIDGE. The Senator has the wrong report.

Mr. WARREN. No; the Calendar does state that it came from the Committee on Claims.

Mr. BERRY. That is what it says.

Mr. WARREN. But it was considered and reported by the Committee on Public Lands.

Mr. BERRY. The Senator from Indiana is mistaken.

Mr. BEVERIDGE. The Senator from Indiana is not mistaken as to the Calendar and as to the report before him; and if the Senator from Arkansas has before him a report which refers to another bill——

Mr. LODGE (to Mr. BEVERIDGE). It is on the Calendar as coming from the Committee on Claims.

Mr. BERRY. It is Order of Business 121—a bill (S. 147) for the relief of persons who made the first payment for desert lands under the act of March 3, 1877, but who were unable to perfect entry thereof. [December 16, 1903.—Mr. CLARK of Wyoming, Committee on Claims, without amendment. (Report No. 120.)]

Mr. WARREN. But the report itself states that it comes from the Committee on Public Lands.

Mr. BERRY. Ah! But I was talking about what the Calendar stated.

The Secretary resumed the reading of the report.

Mr. SPOONER. The Senator who reported the bill is not in the Chamber. I think perhaps it had better go over until he returns.

Mr. WARREN. Of course an objection will take the bill over. I will say, however, that there is no necessity to wait for information from the Senator who reported it.

Mr. SPOONER. Does the Senator mean by that that we can have the report read?

Mr. WARREN. The report can be read.

Mr. SPOONER. But that is not always satisfactory.

Mr. WARREN. Mr. President, I do not wish to explain the bill at length if the Senator from Wisconsin desires to hear from the Senator who reported it.

Mr. SPOONER. Oh, no.

Mr. WARREN. If the Senator will permit me, I will state that the bill is merely to refund to the entryman the 25 cents per acre he paid on his land when making the entry, where he was not able to prove up because of circumstances through no fault of his and beyond his control, and generally because of the change in the regulations of the Interior Department, which required a different proof at the end of the prescribed three years than was required when he entered the land.

The bill proposes only to restore the 25 cents the Government got. It does not restore his rights to a desert entry which have been forfeited through his first entry. It does not reimburse him for the money which he has expended in reclaiming or attempting to reclaim the land.

Mr. SPOONER. I wish to ask the Senator a question. Has the bill been referred to the Interior Department?

Mr. WARREN. I will say to the Senator that I have not the report before me; but as I recall it, it was referred some years ago, when it was first sent here.

Mr. PLATT of Connecticut. May I ask the Senator from Wyoming a question?

Mr. WARREN. Certainly.

Mr. PLATT of Connecticut. How much money does the Senator suppose is involved in the bill?

Mr. WARREN. If all the amounts that were originally paid in were claimed under the bill, it would probably amount to less or more than $1,000,000, but it is estimated that with the safeguards in this bill and under the ordinary course it will not reach beyond a quarter of a million dollars.

Mr. PLATT of Connecticut. Will the Senator explain to me, as I am not familiar with these land laws—unless I am trespassing upon the Senator from Wisconsin——

Mr. SPOONER. Oh, no.

Mr. PLATT of Connecticut. Will the Senator from Wyoming explain what the bill means in this language:

> But an assignment of the desert-land claim, or an error on the part of the original claimant in filing upon land not subject to desert entry, shall not defeat such repayment.

What about his assignment?

Mr. WARREN. At what line is the Senator reading?

Mr. PLATT of Connecticut. Beginning on the fifth line of the second page. If he has assigned his claim, who is to get the pay—the original entryman or the assignee?

Mr. WARREN. If assigned under the original act as provided by law, it would be to the assignee; but if the Senator will read further in the bill he will find, on page 11, that speculative assignments are prohibited.

Mr. SPOONER. Upon what theory, I should like to ask the Senator, could the assignee be paid for the land?

Mr. WARREN. The original desert-land act provided that an entry could be made and assigned, and the assignee could take it up and carry on the improvements and make the expenditure and receive title, where for any reason after making the original

entry the settler desired to assign it to another and have him carry out the law. Then virtually it belongs to the assignee.

Mr. SPOONER. Without indicating thereby any opposition to the bill, I think it had better go over.

The PRESIDENT pro tempore. That will have to be done by unanimous consent. A single objection does not lie to bills under Rule IX.

Mr. SPOONER. I will not object, then.

Mr. BERRY. Mr. President, I was not present in the Committee on Public Lands when this bill was considered nor did I know that it had been reported. I thought the Calendar stated that it had come from the Committee on Claims.

I remember something of the bill being before the Committee on Public Lands, however, several years ago. The desert-land act provided that entryman should pay 25 cents on the dollar at the time he made the entry. He was required thereafter to make certain improvements from time to time and to pay an additional amount.

The truth of the matter is that there were a great many of these entries made, and the parties who made the entries sold them to other individuals. They changed hands. There never was an effort to comply with the law in numerous cases. It seems to me that when the man who took the land paid the 25 cents and took his chance on proving it up, it is rather unreasonable after all these years, in the change of ownership so often, that he should come now and ask the Government to repay what it was well understood at the time the entry was made that he would forfeit. It is well known——

Mr. WARREN. Mr. President——

Mr. BERRY. In just one moment. It is well known that in hundreds of cases in desert-land entries the parties made a pretense of setting out a few trees. There was an utter failure to comply with the intent and spirit of the law in hundreds of cases, and thereby the attempt was made to acquire title fraudulently. Where men made those entries and sold to different parties, now to undertake to say that the assignee should come and get money back it seems to me is not good legislation. I do not think the bill ought to pass.

Mr. PLATT of Connecticut. Mr. President——

Mr. WARREN. If the Senator will permit me, I wish to say right here that the bill has been reported favorably every time it has been introduced, and for some four Congresses from the Committee on Public Lands.

The Senator from Arkansas is mistaken in the position he takes, because this bill seeks to cover the point where there has been no fault or fraud on the part of the entrymen. I live in the semi-arid region where the law has been in effect. I have lived there ever since the passage of the law. While it is true the law may have been abused in some cases and there may have been evasions, yet the great growth of that country is due to it, the great growth of Utah and Colorado, not so particularly Colorado, perhaps, because she had a good growth before the law was made applicable to that State. But take Wyoming, Utah, and other States. Wyoming almost owes its very existence to this law.

During one time in the Government of the United States there seemed to be an idea on the part of men in high places that every man was a thief until he proved himself innocent, and that every man who wanted a piece of public land was necessarily a thief. Consequently there were regulations adopted and changes made, from time to time, which made it almost impossible to prove up on any land. There were years there when very few acres were proved up. For instance, when I would take a piece of land to-day I would have to make certain affidavits as to its reclamation and as to water. I would go on and take up the water and reclaim my land, and at the end of three years there would be a new regulation, perhaps, which required that I should show the ownership of stock in some organization or corporation that owned water, and I must show that the water is unfailing and so on; in fact, different regulations than prevailed during the earlier period. When I submit my proof as to the ownership of the water doubt appears on the part of the land officers as to proof, under the new regulations, of my ownership, and my entry is canceled. The Government has not only received my 25 cents, but one, two, three, four, or five dollars an acre that I have expended upon the land toward reclamation.

Now, the proposition is not to reimburse men who have not tried to move upon their land, because it is specifically stated in the bill, as the Senator from Arkansas will see if he will read it, that it does not propose to pay for fraudulent or unlawful entries, but it merely proposes to pay a little pittance the Government has received of 25 cents per acre to the man who has paid that and lost his time and lost his money in improving the land, and has lost his rights as well, which this bill does not propose reimbursing him for.

It seems to me that it is an exceedingly small matter for the United States to refund only the principal alone that it has taken without interest when the other man, the entry man, has lost his right, and forever lost it, for that matter, to enter the land, and he has lost his time and money spent in reclamation. Though he may be an assignee, if in good faith he has gone on and expended the money and reimbursed the other man it matters not. The bill provides against the matter of fraud in assignments.

Mr. BERRY. The Senator from Wyoming said that the bill provided that it should be paid where it was done without fault. That is not the language of the bill. If the Senator will read it, he will find it says:

> Where such person was unable from any cause, other than his own fraudulent or unlawful act.

And it provides that in any case where he failed to make the improvement within the time his money is to be repaid to him. That is the provision of the bill; and it will be construed that there must have been some fraud upon his part, or otherwise the money will be paid.

Now, in regard to what the Senator from Wyoming says about the Interior Department making unlawful orders, holding men up, etc.——

Mr. WARREN. I did not say that the Department made unlawful orders.

Mr. BERRY. The Senator said by reason of contradictory rulings.

Mr. WARREN. I did not say contradictory rulings. I said by changing orders from time to time.

Mr. BERRY. I wish to say that in my judgment there have been millions of acres of the public lands secured under the law by the fraudulent acts of persons who procured men to go upon the land under these various acts by a previous arrangement, furnishing them the money, and where they violated these laws in order to get the holding of thousands of acres of land into the hands of a few individuals or wealthy corporations. Now, that is what I think about the operation of the western land laws.

Mr. BEVERIDGE. Will the Senator pardon me? I wish to ask a question for my own information. The Senator seems to be familiar with the subject. Thereafter the people who entered upon the land really for some other person made assignments to the gentlemen for whom they had entered the land?

Mr. BERRY. Certainly.

Mr. BEVERIDGE. So these assignees would under this bill be entitled to the payment?

Mr. BERRY. Yes; under the bill.

Mr. BEVERIDGE. I am asking for information.

Mr. BERRY. That is what the bill, I understand, proposes, that payment shall be made to the assignees of the parties who paid the 25 cents an acre. They sold out to the others, and the proposition now is to pay back to them where they failed to comply for any cause with the law unless it was a case of fraud. That is the broad proposition, and it covers thousands of acres of land in the Western States.

I have this idea about it, Mr. President, that when the law said if the party who entered did not comply with the subsequent requirements he should lose his 25 cents. It was a contract between him and the Government and he has no right to come back here complaining and asking to have his money paid back, and this applies doubly to the asignee rather than to the original entryman. That is my objection to it.

Mr. TELLER. Mr. President, the Senator from Arkansas is not as familiar with the practical workings of the law as some of the rest of us. I know very well that there have been a great many entries made, and made under the first provision of the law, not so much for the direct benefit of the party making it as of some other parties, but in those cases this measure does not touch them. If the individual who felt he could not himself complete the provisions of the law, and so secure 320 acres, or more than that, I think, originally, turned it over to somebody else, almost invariably in that case it went to those who were able to comply with the law, and they became owners of the land. If he did assign it to somebody who did not get the land, the Government still has the land and the Government has the 25 cents an acre.

Some years ago in one of the counties of Colorado a very extended ditch concern was advertised, said to be able to furnish water for a large area of country. A great number of settlers went in there supposing that they would be able to secure water for their claims. They entered upon the land, paid the quarter of a dollar an acre, and complied with the law in putting on the necessary improvements. When the time came they found that the ditch company had failed and was utterly incapable of furnishing them any water, which they had, as I said, expected to buy, and so in a large section of the country the people had to abandon their land. In that case it seems to me that there ought not to be any great objection made to the Government paying back the small amount, say $80, that was taken from a settler.

Mr. President, $80 is not very much to some of the Senators in this Chamber, but it means a great deal sometimes to a settler. I

think these little returns should be made of money that the Government has received and has rendered nothing for whatever and has had the use of long enough to compensate at least for some little annoyance about the law. If Senators had seen the country settled as I have seen it settled, and if they knew what it cost to settle the country, they would not be quite so tenacious, or quite so severe, or quite so condemnatory of the settler.

Mr. President, if any settler has failed to comply with the law, he has failed to comply from inability to do so. He has not filed on a piece of land and then abandoned it after paying his 25 cents if he had the power to go on and complete under the law the entry he hoped to make.

Now, Mr. President, I want to say a word about the law. In 1878, when the law was first passed, I was a member of this body. At that time in Colorado we did not need the law. Our streams were easily diverted, and I objected to its application to the State of Colorado, fearing that people who desired large land holdings would get together and take a great deal of land they ought not to have. It was not until 1882 or later, perhaps, when on reorganizing the law somewhat, Colorado was put in. I know that in Wyoming, in Utah, in Idaho, and in Colorado since the law went into effect it has been a valuable method by which men have been enabled to get land.

Mr. WARREN. May I ask the Senator a question?

Mr. TELLER. Certainly.

Mr. WARREN. Does he not understand that it was the intention of the law to provide for reasonable assignments where men were not able to comply with its terms?

Mr. TELLER. It would be an exceedingly harsh law that did not allow a man to make an assignment if he found himself incapable of going on and completing the entry. The Government was after two things. The primary thing the Government had in view when it passed the law was to get the arid land settled. That was the primary purpose, and any man who settled under the arid-land law paid for it all that it was worth, and often many more times than it was worth. Communities would combine to build a ditch. They would figure that it would cost two or three or five dollars an acre, and when they got through it would cost very often at least three or four times that amount.

Now, I wish to say a word or two about the execution of the law. After a while, say for the next four years after 1885, there was an exceedingly harsh execution of the law. They were required to put water practically upon every acre of the 160 or 320 acres, whichever they had taken. If they found that one end of the claim was too high for water of the neighborhood there was trouble with the parties, and many of them were compelled to abandon their land or get it under some other system after they had paid this money.

Now, Mr. President, the gist of the whole thing is this. It is seen in this one thing. The Government of the United States has still got the title to the land or has sold it to somebody else. They have got the money of the settler, for which he got nothing from the Government in return. The amount, I understand, is not large, but it will be of benefit to some of those people, and I think with the generosity of the Government in very many other directions nobody ought to complain of this little moiety that is going to the settler who has failed to make good his title when the Government has suffered nothing by his failure.

Mr. SPOONER. Mr. President, I do not myself become restive at all under the strictures of the Senator from Colorado that there is something akin to stinginess in the spirit of inquiry which has for a few moments obstructed the ordinarily easy passage of such measures through the Senate. I beg the Senator to remember, and I know he does remember, that we are a little more apt to be too easy than too strict. We are not here expending our own money for the purpose of indulging in our own generous impulses, and there is no one here who does not want to deal justly, I take it, by the settlers on the western lands, and all of them.

But the Senator contends for a principle, and there is a principle underlying this bill which, when the power of precedent in a legislative way is remembered, is of very great consequence to the people of the United States. If, on a thorough investigation, justice by the Government to its citizens demands the payment of this money, it ought to be paid, and more should be paid if justice demands the payment of more.

But I want to say, in the first place, that I dislike to see a report upon a bill of this kind relating to the public lands come to the Senate with some evidence accompanying it that the measure has been referred to the appropriate Department of the Government, the Department charged with the execution of the land laws of the United States, for its examination and report as to the facts and as to the justice of the claims. If all the men in this country who expend money under contracts with the Government for land which afterwards they for one reason or another, not fraudulent, abandon are to be reimbursed, this is a bagatelle, a trifle utterly; it would bankrupt the country. Every man who has made a homestead entry in good faith and paid land-office fees, who has been obliged for some reason not at all his fault, involving no fraud, to abandon it, should be refunded the money which he paid, or it should be given to his heirs, upon the theory which underlies this bill. Why not? The Government either would still own the land or it would have disposed of it under the laws of the United States to some one else.

There has been a great underlying governmental policy as to the disposition of all the lands of the Government, differing as the character of the lands differ. In this instance the law was intended to apply to waste places in the country to bring about settlement. So were the homestead laws intended to furnish homes to the people, to take people out of the crowded cities, to increase taxable values.

I can see no reason for this legislation. These men knew when they made this contract just what they would be called upon to do under the law. The man who made a homestead entry knew under the law just what his contract was, just what he was obliged to do.

Mr. President, there is pending in this body a bill for the relief of some homestead settlers in the northern part of Wisconsin, and, joined with that, a bill for the relief of homestead settlers in the wagon-road grant in Oregon. Those men went upon those lands many years ago by authority of the Government. They had been railroad lands. On contest, first by the General Land Office and then the Secretary of the Interior, it was held that they were part of the public domain and these men were invited to go upon them. They occupied the land for years; they felled the forests; they cultivated the lands; they fought the vast forest fires, in which some of them, in the endeavor to protect their log cabins, their improvements, and their families, lost their lives.

Later the Supreme Court of the United States decided that the Interior Department was wrong, that the land belonged to the railway company, and that those settlers had no title. Do you suppose it would be possible to make up to those people their loss in time, in toil, in hope, in improvements? The full measure of justice thus far to receive legislative sanction from either House has been to give those people the right to select an equal amount of public lands elsewhere in the United States; and coupled with that was a provision that, although they had lived five years upon the lands of which they were deprived, they must live one year on newly selected lands before they could receive a patent; that is, the widows and their children should go out on the frontier, go on uncultivated lands without capital, and live upon them for a year—must make bricks without straw—before they could have any relief at all under the law.

The hardships which come to settlers upon the public lands are not limited to those people who have settled under the desert-land law. They are not limited to the arid region of the United States by any means. There are innumerable cases of the kind in all the public-land States of the United States. Now, if this principle is to be adopted, if it is right, let us adopt it, but it is so magnificent in its proportions that we ought not to adopt it in a haphazard way, without most thorough deliberation and examination, and without the advice or report of the Land Department. I ask my friend from Colorado [Mr. TELLER] if I am wrong about that?

Mr. TELLER. I will tell you in a moment.

Mr. SPOONER. Will you not tell me now?

Mr. TELLER. I would rather not interrupt the Senator until he gets through.

Mr. SPOONER. All right. I can not myself quite see—perhaps the Senator may be able to explain it—why the homesteaders over the country who have entered upon lands, who have built their modest structures—the origin of improvements always upon the public lands—who have cultivated their little patches, felled forests, made fences, and all that, and then been obliged through some misfortune—perhaps a forest fire or perhaps illness, anything other than fraud—to abandon them, leaving the land to the Government, leaving the improvements to the Government, to be sold to somebody else—I can not for the life of me see why the fees paid at the land office by that army of men should not be reimbursed if the fees paid in these cases are to be reimbursed. I think I shall therefore move, without the slightest hostility to settlers—for I have none—to recommit this bill, unless the Senator from Colorado convinces me that I am wrong, to the committee from which it came, expressing the hope that it will be referred to the Interior Department for investigation and report.

Mr. TELLER. Mr. President——

Mr. WARREN. Will the Senator from Colorado kindly yield to me, as the Senator from Wisconsin has asked me a question?

Mr. TELLER. I will yield to the Senator from Wyoming.

Mr. WARREN. The Senator from Wisconsin speaks of that very deserving class who were wronged by reason of their settlement upon railroad lands; but I think he stated—at least, I so

understood him—that some measure of restitution had been offered by the Government. Am I right about that?

Mr. SPOONER. I stated that it was pending. I do not know what the Government will do about it, but it is a mere trifling restitution.

Mr. WARREN. As this is, Mr. President. Here is a case where the land remains with the Government, where the land that has been paid for remains with the Government and the man's right to enter further land has been canceled, and the money that he has expended upon the homestead has all been lost. Now the Senator would refuse such a man the meager sum of 25 cents in part restitution for the land. I want to ask a question, and it is this——

Mr. SPOONER. I will answer the question, and then I want to ask the Senator a question.

Mr. WARREN. The rulings of the Land Department at one time were that the growth known as mesquite was not timber, and that the entry could be entertained under the desert-land law of such mesquite lands. Later on the department ruled—and that ruling stood for several years—that those lands were not susceptible of that class of entry, but were timber lands and not desert lands. Consequently, those who had entered upon mesquite lands in good faith were unable to prove up, and they lost their land. Still later the department again returned to its old ruling, and made a ruling that the mesquite lands were not timber lands at all. Does the Senator think that the parties who made entries in good faith upon mesquite lands ought to be charged with fraud? Does he think the contract of the Government is one in which the entryman is at fault in a case like that?

Mr. SPOONER. I have not said anything about land entries by fraud.

Mr. WARREN. I am speaking of a contract that was made by the Government with the consent of the entryman.

Mr. SPOONER. The Senator, then, refers to a case where some one has attempted to obtain a patent for land which he has taken, which was not open to entry under the act?

Mr. WARREN. Not at all. He entered upon the land, paid the 25 cents per acre, and spent one, two, or three years upon that land. He then was confronted with the change in ruling that had been made by the Interior Department, and consequently was unable to prove up his land.

Mr. SPOONER. Is the bill confined to those cases?

Mr. WARREN. The bill is virtually confined to them; but I do not think it should be confined to them.

Mr. SPOONER. I should now like to ask the Senator a question.

Mr. WARREN. Very well.

Mr. SPOONER. What is the real difference in principle between the class of cases which is covered by this bill—at least one class of cases covered by this bill—and the case of persons who in good faith entered homesteads on railroad lands? In the case of a man who enters upon a homestead in good faith, pays the land-office fees, moves upon it with his family, if he has a family, or lives alone upon it, if he has no family, and makes the requisite improvements, a man who, through some misfortune or cause not imputable to fraud, is compelled to abandon and leave the land and improvements to the Government, why should not he be paid back his land-office fees if the land-office fees should be paid back in this case? What is the difference in principle?

Mr. WARREN. Answering that question, I will say that where the land-office fees are paid in addition——

Mr. SPOONER. That is a mere play upon words.

Mr. WARREN. They should be reimbursed if the fault was the Government's that the settlers were unable to prove up. I think the law provides that entries of that kind may be reinstated.

Mr. TELLER. Mr. President——

Mr. BEVERIDGE. With the permission of the Senator from Colorado [Mr. TELLER]——

Mr. TELLER. Certainly.

Mr. BEVERIDGE. I should like to ask the Senator from Wyoming [Mr. WARREN] a question. My attention was attracted to certain provisions of this bill concerning assignments of these entries. I have myself some little knowledge and personal experience of the settlement of the western country.

I should like to ask the Senator for information whether or not it was not sometimes, if not frequently, the case, that there were a large number of entries under the names of individuals in behalf of a third party or corporation, and that if, after a while, those entries were not assigned to the person or corporation for whom, in fact, they were made? Is not that so?

Mr. WARREN. My attention was diverted by a question asked me by a Senator behind me; and I should be glad if the Senator from Indiana would repeat his question.

Mr. BEVERIDGE. I was saying, by the permission of the Senator from Colorado, that I desired to ask the Senator a question. I was simply asking the Senator whether or not it was not sometimes, if indeed not frequently, the case that entries of land were made by various individuals in their names, and then afterwards assigned to a third individual or corporation, who thereby became the assignees of those entries; and, further, I ask whether or not the provisions of this bill would not pay back, not to the person who originally entered the land, but to those collective assignees, the money which had been paid in?

Mr. WARREN. Only in cases where they had in good faith proceeded with the reclamation of the land.

Mr. BEVERIDGE. That would be true, according to the Senator's interpretation of the bill, only in case it was not done fraudulently. Now, I ask the Senator, under the bill, how is the fact that it was done fraudulently going to be established?

Mr. WARREN. The Interior Department will not undertake to pay unless each case is made clear from suspicion or fraud or unlawful act.

Mr. BEVERIDGE. How could it be made clear, I will ask the Senator, who is familiar with this matter, except by an affidavit of the assignee that he wa acting in good faith? If that be the case, is it not perfectly clear that any person who had taken such assignments in large bodies of land, in a large number of cases collectively, would certainly make that affidavit?

Mr. WARREN. The Interior Department has, in every case, all the papers and proofs submitted by the entryman when he offered proof. This much to start upon——

Mr. TELLER. Mr. President——

Mr. WARREN. I understand that we are proceeding by the permission of the Senator from Colorado [Mr. TELLER], who is entitled to the floor.

Mr. TELLER. If the Senator from Indiana will accept my answer, I should like to answer the question myself.

Mr. BEVERIDGE. Certainly.

Mr. WARREN. The Senator from Colorado is peculiarly qualified to answer the question, he having once been Secretary of the Interior.

Mr. TELLER. In the case the Senator from Indiana [Mr. BEVERIDGE] suggests I will say that I think some of the things which have been referred to were done, but the parties to whom assignments were made went on and completed the title. So those people are not here and are not coming here. Anybody, any corporation, or any individual who took an assignment of a number of claims did it with the capacity of completing the entry and holding it, and they have got completed entries. This is to cover cases where one settler bought out another settler and then found himself unable to get water on his claim, either because it could not be had at an expense that would justify him in procuring it or for some other reason, and so he was obliged to give up.

Mr. BEVERIDGE. The question that attracted my attention was whether or not this bill would only apply to such a case as that to which the Senator now refers. I do not know.

Mr. TELLER. The trouble with the Senator's proposition is that there are not any such cases. There might be an isolated case or two.

Mr. President, I have had some knowledge of the settlement of the Western States. Pretty nearly forty years ago I went through a good portion of the present State of Idaho and through a portion of Utah. I have been all over the State of Colorado, except a very small portion of it, again and again. I have been through Montana and the Dakotas. I know something about that country, and I know that the fright some people have now that that country is going to be aggregated into great farms and great holdings is simply nonsense.

Irrigated land is the most profitable land there is when an intelligent man farms it, and except in rare cases it can be farmed in a profitable way only in small holdings. By "small holdings" I mean a quarter section or a half section at the outside. Of course occasionally a farm much larger than that can be found, where some intelligent man manages to farm it, but he is there looking after it.

Irrigated land can not be farmed as land with rain can be. There must be an intelligent man to know how much water to put on, when to put it on, and when not to put it on, and there has not been under the desert-land law, to my knowledge, any great aggregation of desert-land holdings in the Western States.

Mr. BEVERIDGE. If the Senator will permit me to interrupt him, in case there had been aggregations of collective assignments to one person or corporation, would or would not the bill cover them?

Mr. TELLER. I think if there had been an aggregation in the hands of an individual or corporation who failed to go there and complete title, then there would be a claim, but I will venture to

say that the Senator may search with a search warrant and he will find that in all of these cases assignments are made to individuals, not to corporations, and not in great numbers, either.

Now, Mr. President, I want to apologize to the Senator from Wisconsin [Mr. SPOONER]. If I seemed to be criticising the Senator or anybody else, I wish to say that I had no intention of doing that, but I presume I did speak in an improper manner, because I have some feeling when it comes to these questions, and it is natural that I should have.

When I went to that western country in 1861, in the beginning of the year, there was an area of country two-fifths of the United States with practically nobody in it—a desert. The State of Colorado had about 25,000 people within it; miners congregated in the mountains. Except a little fringe along the Missouri River, there was no settlement from that river until California was reached but a gathering of Mormon people in Salt Lake Valley. We used to go in a stage hundreds of miles, seeing no homes or farms, nothing but the stage stations every 10 or 12 miles apart.

The PRESIDENT pro tempore. The hour of 4 o'clock having arrived, under the special order of the Senate pension and military relief bills are now to be considered.

Mr. TELLER. I will conclude in just a moment, Mr. President. I did not know there was a special order.

Mr. BEVERIDGE. I ask that the Senator may be permitted to conclude his remarks.

Mr. TELLER. I only want a moment.

The PRESIDENT pro tempore. In the absence of objection, the Senator from Colorado will proceed.

Mr. TELLER. I will merely say, in the briefest possible terms, that I have seen that country settled. I have seen there communities as good as can be found anywhere in the world. I will venture to say that I can find in the arid lands of Colorado a community that need not fear comparison with any community in the United States. I can find amongst the farmers of Colorado as many educated men and women as you can find in any New England State, or in the State in which I was born—the State of New York.

Mr. President, they have made a garden of the desert, and they made it under tribulations, with the expenditure of toil and with sacrifices that entitle them to praise and not contempt. When I think what that country was forty-three years ago and think of what it is now, I feel that I should like to take off my hat to its early settlers. I want to give those who went into that country the meed of praise. They organized communities three or four years before there was any national law for their control and maintained all the arrangements of a civil government as well as they are maintained to-day under the State governments, and infinitely better than they are maintained in some of them, and even in some sections of my own State.

It is not to be wondered at that we men who went there in the early days, if we were not of that class, should have some feeling that if the Government has taken $160, as it has in some cases, out of a settler who has been unable to complete his entry under the law, and the Government has given nothing for that $160, it ought to pay it back.

It is not any answer to say that there are other deserving citizens of the United States who have been trying to make homes on the public lands who are also entitled to our consideration. I would not measure justice to the people of the United States by the amount that it would cost. I say we owe it to these people to pay them back the money; and if there are other classes to whom we owe the same obligation, we need not be disturbed for fear the amount will be beyond our ability to pay. I doubt whether in this case the expenditure can possibly reach a quarter of a million dollars, a sum that we vote away here day after day to the most worthless and undeserving objects, not measuring our right to vote it away unless when it comes to be what the Senator from Wisconsin calls a charity.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 5761) to authorize the Charleroi and Monessen Bridge Company to construct a bridge over the Monongahela River; and

A bill (H. R. 7620) defining the limit of navigation of the Osage River, in the State of Missouri.

The bill (H. R. 10670) making appropriation for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

CHARLES W. HOWARD.

Mr. SCOTT. I call for the regular order, Mr. President.

The PRESIDENT pro tempore. The Secretary will state the first bill in order on the Calendar.

The bill (S. 59) for the relief of Charles W. Howard was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that Charles W. Howard shall be held and considered to have been honorably discharged, upon tender of his resignation on account of disability, from the military service of the United States as a second lieutenant of the Second Regiment Missouri Artillery Volunteers, on the 10th of December, 1863, and it authorizes the Secretary of War to issue to him a certificate of honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. BARNES.

The bill (S. 54) for the relief of William B. Barnes was considered as in Committee of the Whole. It provides that William B. Barnes, late major, Eleventh Regiment New York Heavy Artillery shall be considered and held to have been honorably discharged from the military service of the United States on September 30, 1863, and that a certificate of such discharge shall be issued.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAURA S. GILLINGWATERS.

The bill (S. 57) for the relief of Laura S. Gillingwaters was considered as in Committee of the Whole. It provides that, notwithstanding the records of the proceedings and sentence of the court-martial in the case of Private James E. Gillingwaters, late of Company H, Twelfth Missouri Cavalry Volunteers, the Secretary of War be directed to issue to him an honorable discharge of the date of his release from military control; and it directs the Secretary of the Treasury to cause to be paid to Laura S. Gillingwaters, widow of James E. Gillingwaters, all pay and allowances forfeited by the proceedings and sentence of the court-martial and full pay and allowances up to the date of his release from military control.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. HOWELL.

The bill (S. 58) for the relief of James W. Howell was considered as in Committee of the Whole. It provides that James W. Howell, late of Company H, Fifty-fourth Regiment Illinois Infantry Volunteers, shall be held and considered to have been honorably discharged from the military service of the United States as a private in that company and regiment on the 4th of July, 1865, and authorizes the Secretary of War to issue to him a certificate of discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD C. SILENCE.

The bill (S. 62) for the relief of Richard C. Silence was considered as in Committee of the Whole. It provides that Richard C. Silence shall be held and considered to have been a first lieutenant of Company I, First Regiment, West Tennessee, from November 29, 1862, to March 7, 1863, and to have been honorably discharged from the service of the United States as of date of March 7, 1863, and that a certificate of such service and discharge be issued to him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES STIERLIN.

The bill (S. 63) for the relief of Charles Stierlin was considered as in Committee of the Whole. It provides that Charles Stierlin, late second lieutenant, Battery L, First Missouri Artillery, shall be considered and held to have been honorably discharged from the service of the United States March 16, 1864, and that an honorable discharge shall be issued to him of that date.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOTTLIEB C. ROSE.

The bill (S. 60) for the relief of Gottlieb C. Rose was considered as in Committee of the Whole. It provides that Gottlieb C. Rose, late major of the Fourth Missouri Cavalry, shall be considered and held to have been honorably discharged from the United States service December 12, 1864, and that a certificate of such discharge shall be issued to him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. THOMPSON.

The bill (S. 64) to correct the military record of William B. Thompson was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of William B. Thompson, Company C, Sixty-third Regiment Indiana Infantry Volunteers, by removing therefrom the word "deserted" and substituting therefor the words "absented himself without proper authority, and was, on writ of habeas corpus, by the civil

authorities, in September, 1862, discharged at Indianapolis, Ind., being under 21 years of age."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES K. BOLSTER.

The bill (S. 746) to remove the charge of desertion from the military record of Charles K. Bolster was considered as in Committee of the Whole. It directs the Secretary of War to remove the charge of desertion standing against the name of Charles K. Bolster, late a private, Company G, Fifteenth Maine Volunteer Infantry, and to grant him an honorable discharge from the military service of the United States as of September 17, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM T. GODWIN.

The bill (S. 970) to authorize the President to revoke the order dismissing William T. Godwin, late first lieutenant, Tenth Infantry, United States Army, and to place the said William T. Godwin on the retired list with the rank of first lieutenant, was considered as in Committee of the Whole. It authorizes the President to revoke the order, dated September 13, 1862, dismissing William T. Godwin, late first lieutenant Company G, Tenth Regiment United States Infantry, from the United States Army, and to appoint him a first lieutenant in the Army and place him on the retired list with that rank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE M. LINCH.

The bill (S. 2688) granting an increase of pension to George M. Linch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Linch, late of Company A, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. TIFFANY.

The bill (S. 2870) granting an honorable discharge to John W. Tiffany was considered as in Committee of the Whole. It directs the Secretary of War to revoke General Orders, No. 95, Headquarters Department of Washington, July 13, 1865, approving and confirming the proceedings, findings, and sentence in the case of Second Lieut. John W. Tiffany, of Company H, Twenty-seventh Regiment Michigan Volunteers, so far as they relate to him, and to disapprove the proceedings, findings, and sentence, and to issue to him an honorable discharge as of date July 13, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT C. GREGG.

The bill (S. 968) to grant an honorable discharge from the military service to Robert C. Gregg was considered as in Committee of the Whole. It authorizes the Secretary of War to review and to revoke the order dismissing Robert C. Gregg from the service as a first lieutenant of the Forty-ninth Regiment United States Volunteer Infantry, and to issue a certificate of honorable discharge for him, to date from the 31st day of March, 1900.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM S. DUNN.

The bill (S. 446) granting an honorable discharge to William S. Dunn was considered as in Committee of the Whole. It directs the Secretary of War to revoke the discharge without honor heretofore issued to William S. Dunn, private in Company F, Third Wisconsin Volunteer Infantry, and to issue to him in lieu thereof an honorable discharge from the service of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MALVINA C. BUZZELL.

The bill (S. 2999) granting an increase of pension to Melvina C. Buzzell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the name "Melvina" and insert "Malvina;" in line 7, after the word "Regiment," to strike out "Main" and insert "Maine;" and, in line 9, before the word "dollars," to strike out "fifty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Malvina C. Buzzell, widow of Hosea Q. Buzzell, late of Company A, Thirty-second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Malvina C. Buzzell."

RUDOLPH REINHART.

The bill (S. 1678) granting an increase of pension to Rudolph Reinhart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rudolph Reinhart, late of Company C, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL M. SMITH.

The bill (S. 900) granting an increase of pension to Daniel M. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel M. Smith, late of Company K, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN DOW.

The bill (S. 2429) granting an increase of pension to John Dow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Dow, late of Company K, Seventh, and Company A, Sixth Regiments, Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRISON W. FOX.

The bill (H. R. 990) granting an increase of pension to Harrison W. Fox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harrison W. Fox, late of Company B, Sixth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD T. MILLER.

The bill (H. R. 4935) granting an increase of pension to Edward T. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward T. Miller, late of Company E, First Regiment New York Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZECHARIAH B. STUART.

The bill (H. R. 722) granting an increase of pension to Zechariah B. Stuart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Zechariah B. Stuart, late of Company I, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DE WITT C. PARKER.

The bill (H. R. 907) granting an increase of pension to De Witt C. Parker, alias Clinton J. Parker, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of De Witt C. Parker, alias Clinton J. Parker, late of Company H, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN H. SMALLEY.

The bill (S. 148) granting an increase of pension to Benjamin H. Smalley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin H. Smalley, late of Company H, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUGH T. CROCKETT.

The bill (S. 154) granting an increase of pension to Hugh T. Crockett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh T. Crockett, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES REED.

The bill (S. 2216) granting an increase of pension to Charles Reed was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Reed, late of Company A, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM W. TURK.

The bill (S. 153) granting an increase of pension to William W. Turk was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Turk, late of Company B, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET L. FORD.

The bill (S. 156) granting an increase of pension to Harriet L. Ford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet L. Ford, widow of Rufus M. Ford, late of Company C, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY C. RIGGS.

The bill (S. 2217) granting an increase of pension to Henry C. Riggs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Riggs, late of Company A, First Regiment Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL B. BRIGHTMAN.

The bill (H. R. 4726) granting an increase of pension to Samuel B. Brightman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel B. Brightman, late second lieutenant and sergeant, Company B, Fourteenth Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH B. SARSON.

The bill (S. 133) granting an increase of pension to Elizabeth B. Sarson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth B. Sarson, widow of Horace B. Sarson, late captain, Second Regiment United States Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM W. ANGELO.

The bill (S. 893) granting an increase of pension to William W. Angelo was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Angelo, late of Company B, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAURA F. HINE.

The bill (H. R. 7666) granting an increase of pension to Laura F. Hine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laura F. Hine, widow of Howard L. Hine, late commissary-sergeant and second lieutenant Company F, Twelfth Regiment Connecticut Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET COTTER.

The bill (H. R. 227) granting a pension to Margaret Cotter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Cotter, widow of John A. Cotter, late of Company B, Second Regiment Tennessee Volunteer Cavalry, and to pay her a pension of $8 per month and $2 per month additional on account of the minor child of said John A. Cotter until it reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA BUTLER.

The bill (H. R. 2424) granting a pension to Emma Butler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Butler, widow of Alexander T. Butler, late of Company B, Second Regiment Tennessee Volunteer Cavalry, and Companies B and I, Seventh Regiment Tennessee Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHNIKEN L. MYNATT.

The bill (S. 2557) granting a pension to Johniken L. Mynatt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Johniken L. Mynatt, late of Capt. Gideon S. White's company, National Guards of East Tennessee, and to pay him a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE H. KINCAID.

The bill (S. 2558) granting an increase of pension to Sallie H. Kincaid was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie H. Kincaid, widow of Henry H. Kincaid, late first lieutenant Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Henry H. Kincaid until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN G. BROWN.

The bill (S. 70) granting an increase of pension to John G. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "war," to strike out "in the," and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Brown, late of Company G, First Regiment Virginia Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. MARKHAM.

The bill (S. 89) granting an increase of pension to James M. Markham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Tennessee," to insert "East;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Markham, late of Company A, Second Regiment East Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES W. DE ROCHER.

The bill (S. 693) granting an increase of pension to Charles W. De Rocher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. De Rocher, late of Company G, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS M. PARKISON.

The bill (H. R. 930) granting an increase of pension to Thomas M. Parkison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas M. Parkison, late of Company E, Fifty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. FOLEY.

The bill (H. R. 3743) granting an increase of pension to Charles E. Foley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Foley, late of Company H, Ninety-third Regiment Pennsylvania Volunteer Infantry, and One hundred and sixteenth Company, Second Battalion, Veteran Reserve Corps, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE HYDE.

The bill (S. 2943) granting an increase of pension to George Hyde was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Hyde, late of Company C, Twenty-second Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE RILEA.

The bill (S. 2087) granting an increase of pension to George Rilea was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Rilea, late of Company C, Thirty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $55 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. OVIATT.

The bill (S. 312) granting an increase of pension to John F. Oviatt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Engineers," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of John F. Oviatt, late of Company K, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MORTIMER HALLETT.

The bill (S. 317) granting an increase of pension to Mortimer Hallett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mortimer Hallett, late of Company M, First Regiment Minnesota Volunteer Cavalry, and Company H, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mortimer Hallett."

JANE PATTERSON.

The bill (S. 2841) granting a pension to Jane Patterson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 10, before the word "Infantry," to insert "Emergency Militia;" and, in line 11, before the word "dollars," to strike out "twenty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Patterson, widow of Samuel R. Patterson, late first lieutenant Company E, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and captain Company E, Fifty-sixth Regiment Pennsylvania Volunteer Emergency Militia Infantry, and pay her a pension at the rate of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY CHRISTY.

The bill (H. R. 468) granting an increase of pension to Henry Christy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Christy, late of Company G, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ANDREW IVORY.

The bill (H. R. 7370) granting an increase of pension to Andrew Ivory was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Ivory, late second lieutenant Company G, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. LONGENHAGEN.

The bill (H. R. 1184) granting an increase of pension to William F. Longenhagen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Longenhagen, late of Company F, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WORTHINGTON S. LOCK.

The bill (H. R. 5005) granting an increase of pension to Worthington S. Lock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Worthington S. Lock, late first lieutenant and quartermaster, Fifteenth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. HUTCHISON.

The bill (H. R. 1517) granting an increase of pension to George W. Hutchison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Hutchison, late of Company H, and commissary-sergeant Fourteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEBASTIAN B. ELLIOTT.

The bill (H. R. 5246) granting an increase of pension to Sebastian B. Elliott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sebastian B. Elliott, late of Company D, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN OLSON BAKKEN.

The bill (S. 3291) granting an increase of pension to John Olson Bakken, alias John Olson, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Olson Bakken, alias John Olson, late of Company K, Eleventh Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORA STANTON KALK.

The bill (S. 3400) to amend the act entitled "An act granting a pension to Flora Stanton Kalk," approved February 25, 1899, was considered as in Committee of the Whole. It proposes that the act entitled "An act granting a pension to Flora Stanton Kalk," approved February 25, 1899, be amended so as to read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Flora Stanton Kalk, widow of First Lieut. Frank Green Kalk, late of the Fifth United States Infantry, and pay her a pension at the rate of $17 per month, and $2 per month additional on account of each of the minor children of said Frank Green Kalk until they reach the age of 16 years.

Mr. COCKRELL. I should like to ask if this is an increase of a pension allowed by a former act?

Mr. GALLINGER. That is what I was going to ask.

Mr. COCKRELL. I understand the Committee on Pensions has an invariable rule that it will not increase any pension which has been granted by Congress by law. They have refused to do so in a number of such cases that I have had, and I have very quietly and complacently submitted, supposing they were treating everyone in that way.

Mr. SCOTT. If the Senator will allow the Secretary to read the report, he will see that it gives the reason.

Mr. COCKRELL. Let the report be read. I do not think the report explains it, though.

The Secretary read the report submitted by Mr. MCCUMBER on the 18th instant, as follows:

The Committee on Pensions, to whom was referred the bill (S. 3400) to amend the act entitled "An act granting a pension to Flora Stanton Kalk," approved February 25, 1899, have examined the same, and report:

The purpose of this bill is simply to provide for the usual allowance of $2 per month on account of each of the minor children of the late Frank Green Kalk, Fifth United States Infantry, whose widow, Flora Stanton Kalk, was granted a pension of $17 per month during the third session of the Fifty-fifth Congress. There are two children under the age of 16 years.

Previous to the passage of the act granting pension to Mrs. Kalk, it was the practice of the Bureau to allow the $2 per month additional for each child under 16 years of age, without any express provision to that effect in the act. Just about that time, however, it was decided in the Bureau that this additional allowance for the children would not be granted unless specifically so provided in the special act. Because of this ruling Mrs. Kalk has been unable to obtain the additional allowance for her children. Since the promulgation of this ruling care has been taken by the committees of both Houses to authorize the allowance of the additional $2 per month for each of the soldier's children under the age of 16 years in cases where an original or increased pension is provided for the widow. In all fairness and equity, Mrs. Kalk is entitled to the additional allowance of $2 per month for each of her children, and it is but just that her bill should be amended so as to provide for the same.

The bill is reported back favorably, with a recommendation that it pass.

Mr. GALLINGER. I think the Senator from Missouri will agree that this is a proper bill. In providing pensions by special act, unless a provision is placed in the bill continuing the pension to the minor children their pension is dropped at the Bureau, and this was simply an omission in the bill which was passed.

Mr COCKRELL. It would not be the granting of an increase of pension?

Mr. GALLINGER. It would not.

Mr. COCKRELL. It would simply be legalizing what ought to be done?

Mr. GALLINGER. Precisely.

Mr. SCOTT. Legalizing it as to the children.

Mr. COCKRELL. What I wanted to know was whether the widow's pension was increased over and above what it was in the former bill?

Mr. SCOTT. No.

Mr. GALLINGER. No.

Mr. COCKRELL. If it is to grant a pension to the minor children, they are entitled to it. They ought to have had it in the other law.

Mr. SCOTT. It is to protect the minor children.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH H. OTTEY.

The bill (S. 3423) granting an increase of pension to Joseph H. Ottey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Ottey, late of Company B, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES S. CLARK.

The bill (H. R. 5521) granting an increase of pension to Charles S. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles S. Clark, late of Company G, Forty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH K. WELT.

The bill (H. R. 2616) granting an increase of pension to Joseph K. Welt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph K. Welt, late of Company E, Fifty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY F. HAMILTON.

The bill (H. R. 5010) granting a pension to Mary F. Hamilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary F. Hamilton, widow of Elisha B. Hamilton, late quartermaster-sergeant, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH PADGETT.

The bill (H. R. 3821) granting an increase of pension to Hannah Padgett, now Riley, was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Hannah Padgett, now Riley, blind and dependent mother of Jacob M. Padgett, late of Company F, Twenty-second Regiment Indiana Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER FILLION.

The bill (H. R. 6441) granting an increase of pension to Peter Fillion was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Fillion, late of Company B, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SEXTON.

The bill (H. R. 4319) granting an increase of pension to John Sexton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Sexton, late of Company K, Fifth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRACE E. CARSON.

The bill (H. R. 196) granting a pension to Grace E. Carson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Grace E. Carson, widow of Robert Carson, late of Company K, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORBES HOMISTON.

The bill (H. R. 5719) granting an increase of pension to Forbes Homiston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Forbes Homiston, late of Company K, Tenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASON STEVENS.

The bill (H. R. 1288) granting an increase of pension to Jason Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jason Stevens, late of Company L, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA A. TOPPING.

The bill (H. R. 2991) granting an increase of pension to Lydia A. Topping was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia A. Topping, widow of Henry S. Topping, late of Company M, Twenty-first Regiment New York Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK LEE.

The bill (S. 2441) granting an increase of pension to Frank Lee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Lee, late of Company G, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATHIAS S. FRIEND.

The bill (S. 2561) granting an increase of pension to Mathias S. Friend was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathias S. Friend, late of Company K, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA R. CHITWOOD.

The bill (S. 2289) granting a pension to Louisa R. Chitwood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa R. Chitwood, widow of George R. Chitwood, late of Company F, Sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said George R. Chitwood until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Louisa R. Chitwood."

THEODORE E. CHATFIELD.

The bill (S. 2239) granting an increase of pension to Theodore E. Chatfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore E. Chatfield, late of Company B, Fifth Regiment Iowa Volunteer Cavalry, and second lieutenant Company I, Forty-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE C. SHERMAN.

The bill (H. R. 3903) granting an increase of pension to George C. Sherman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Sherman, late of Company F, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE M. WATERS.

The bill (S. 2445) granting an increase of pension to George M. Waters was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Waters, late of Company A, Nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED H. ROGERS.

The bill (H. R. 958) granting an increase of pension to Alfred H. Rogers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred H. Rogers, late of Tenth Independent Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ALONZO R. KIBBE.

The bill (S. 1627) granting an increase of pension to Alonzo R. Kibbe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to strike out "the Twelfth Wisconsin Battery" and insert "Twelfth Battery Wisconsin Volunteer Light Artillery," and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo R. Kibbe, late of Twelfth Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. BROWN.

The bill (H. R. 5197) granting an increase of pension to William C. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Brown, late of Company L, Eighth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTA ALLEN.

The bill (S. 1532) granting an increase of pension to Electa Allen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Electa Allen, widow of David R. Allen, late of Company C, Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHARINE W. COLLINS.

The bill (S. 846) granting an increase of pension to Catharine W. Collins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine W. Collins, widow of William O. Collins, late lieutenant-colonel Sixth and Eleventh Regiments Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABRAM H. HUNT.

The bill (H. R. 892) granting an increase of pension to Abram H. Hunt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abram H. Hunt, late assistant surgeon, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN BEAIRD.

The bill (S. 2889) granting an increase of pension to John Beaird was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "sergeant;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Beaird, late of Company E, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. LYON.

The bill (H. R. 6004) granting an increase of pension to William C. Lyon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Lyon, late second lieutenant Company C, Twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET LIDDLE.

The bill (S. 2940) granting an increase of pension to Margaret Liddle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Liddle, widow of Samuel Liddle, late second lieutenant Company E, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES W. BECHSTEDT.

The bill (H. R. 2155) granting an increase of pension to Charles W. Bechstedt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Bechstedt, late of Company B, Eighty-first Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH E. MECKLY.

The bill (H. R. 661) granting an increase of pension to Elizabeth E. Meckly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth E. Meckly, widow of Thomas W. Meckly, late acting assistant surgeon, U. S. S. *Lodona*, United States Navy, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. CLARK.

The bill (H. R. 5177) granting an increase of pension to William H. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Clark, late of Company F, First Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO CARPENTER.

The bill (H. R. 957) granting an increase of pension to Alonzo Carpenter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo Carpenter, late of Company I, First Regiment New Jersey Volunteer Infantry, and Company F, One hundred and eighty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH S. CHRYSLER.

The bill (H. R. 616) granting an increase of pension to Sarah S. Chrysler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah S. Chrysler, widow of Gifford W. Chrysler, late captain Company E, Second Regiment New York Veteran Volunteer Cavalry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. HARDY.

The bill (H. R. 942) granting an increase of pension to James F. Hardy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Hardy, late of Company E, Third Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

G. G. MARTIN.

The bill (S. 2560) for the relief of G. G. Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 6, after the word "of," to strike out "the;" and in the same line, after the word "date," to strike out "he left the service" and insert "December 31, 1863;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to G. G. Martin, late lieutenant-colonel First United States Colored Troops, an honorable discharge as of date December 31, 1863.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL H. SNYDER.

The bill (S. 2177) for the relief of Daniel H. Snyder was considered as in Committee of the Whole. It authorizes the Secretary of War to revoke the order dismissing Daniel H. Snyder as a second lieutenant of the Fiftieth Regiment Pennsylvania Infantry Volunteers and to issue a certificate of honorable discharge for him, to date from the 31st day of August, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. SKINNER.

The bill (S. 2433) to amend the military record of John H. Skinner was considered as in Committee of the Whole. It authorizes the Secretary of War to place on the muster rolls of Company G, Eleventh Kentucky Cavalry, the name of John H. Skinner and give him only pay and allowances as supernumerary second lieutenant from the 31st day of March, 1863, to November 1, 1863, or such portion of that time as he actually performed the duties of supernumerary second lieutenant.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. HUGO.

The bill (S. 228) for the relief of William H. Hugo was considered as in Committee of the Whole. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint William H. Hugo, now of Fort Bayard, N. Mex., a first lieutenant of cavalry in the Army of the United States, and thereupon to place him on the retired list of the Army.

Mr. COCKRELL. In line 4 the bill reads, "for the purposes of this bill." I think it ought to be amended so as to read, "for the purposes of this act," so that when it becomes a law it will read in that way.

The PRESIDENT pro tempore. The bill will be amended as suggested by the Senator from Missouri.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL F. HALL.

The bill (S. 2357) to correct the military record of Samuel F. Hall was considered as in Committee of the Whole. It authorizes the Secretary of War to correct the records of the War Department so as to show that Samuel F. Hall was mustered into the United States military service for a term of two years with, and as a private of, Company F, Thirty-third Regiment New York Volunteer Infantry, July 6, 1861, to date from May 22, 1861, and was honorably discharged as of the same grade on August 5, 1861, on account of disability.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JERRY S. FISH.

The bill (S. 1330) granting a pension to Jerry S. Fish was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Jerry S. Fish, of Cameron, Marshall County, W. Va., son of Nathan S. Fish, deceased, late first lieutenant of Company B, Twelfth Regiment West Virginia Infantry, subject to the provisions and limitations of the pension laws, and allow him a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATE M. STRANGE.

A bill (S. 3054) granting an increase of pension to Kate M. Strange was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "war," to strike out "Volunteers" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate M. Strange, widow of Gideon A. Strange, late of Company E, Second Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS IRVIN.

The bill (S. 2198) granting a pension to Thomas Irvin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Volunteers" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Irvin, late of Company B, Fifth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROSA D. MAYHEW.

The bill (S. 1597) granting a pension to Rosa D. Mayhew was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars" to strike out "eighteen" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosa D. Mayhew, widow of William B. Mayhew, late machinist, first class, United States Navy, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL RICHARDS.

The bill (S. 1937) granting a pension to Samuel Richards was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Richards, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel Richards."

JOHN L. M'VEY.

The bill (S. 2103) granting an increase of pension to John L. McVey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. McVey, late first lieutenant Company A, Seventh Regiment West Virginia Volunteer Cavalry,

and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL E. CORMANY.

The bill (S. 2924) granting an increase of pension to Samuel E. Cormany was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "first lieutenant and;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel E. Cormany, late first lieutenant and adjutant, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. BEST.

The bill (H. R. 3000) granting an increase of pension to William C. Best was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Best, late of Company H, Fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH S. YOUNG.

The bill (H. R. 4115) granting an increase of pension to Joseph S. Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph S. Young, late of Company P, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALPHEUS CONVERSE.

The bill (H. R. 3001) granting an increase of pension to Alpheus Converse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alpheus Converse, late of Company I, Second Regiment Pennsylvania Provisional Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. HARRISON.

The bill (H. R. 5043) granting a pension to William H. Harrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Harrison, late unassigned, Pennsylvania Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HOGARTH LOZIER.

The bill (S. 2955) granting an increase of pension to John Hogarth Lozier was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "chaplain," to strike out "of;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hogarth Lozier, late chaplain Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILBUR F. LITTLE.

The bill (S. 588) granting an increase of pension to Wilbur F. Little was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Volunteer," to strike out "Veteran;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilbur F. Little, late of Company K, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES MALE.

The bill (S. 3452) granting an increase of pension to Charles Male was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Volunteer," to strike out "Minnesota" and insert "Michigan;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Male, late of Company E, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISE CHANDLER.

The bill (S. 2237) granting an increase of pension to Louise Chandler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise Chandler, widow of Theodore C. Chandler, late lieutenant-colonel Fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOMER D. WELLS.

The bill (S. 386) granting an increase of pension to Homer D. Wells was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Homer D. Wells, late of Company E, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLEN M. PIERCE.

The bill (H. R. 4916) granting an increase of pension to Allen M. Pierce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allen M. Pierce, late assistant surgeon, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIAETTA ROWLING.

The bill (H. R. 3778) granting an increase of pension to Juliaetta Rowling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Juliaetta Rowling, widow of Charles J. Rowling, late of Company C, Thirty-seventh Regiment Illinois Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said soldier until they reach the age of 16 years: *Provided, however*, That in the event of the death of the helpless child, George Rowling, on whose account the pension of Juliaetta Rowling is increased, the pension of said Juliaetta Rowling shall continue only at the rate of $8 per month from and after the date of death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN R. LITTLE.

The bill (H. R. 6619) granting an increase of pension to Benjamin R. Little was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin R. Little, late of Company E, Eighty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. MAVITY.

The bill (H. R. 3013) granting an increase of pension to John A. Mavity was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Mavity, late of Company B, Sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. LIKES.

The bill (H. R. 6830) granting an increase of pension to Charles E. Likes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Likes, late of Company E, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALVIN B. HUBBARD.

The bill (H. R. 2042) granting an increase of pension to Alvin B. Hubbard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alvin B. Hubbard, late of Company I, Ninety-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY R. KING.

The bill (H. R. 6932) granting an increase of pension to Harvey R. King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey R. King, late of Company I, Twenty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD L. COOK.

The bill (H. R. 2188) granting an increase of pension to Richard L. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard L. Cook, late assistant surgeon, Eleventh Regiment Maine Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID F. LEWIS.

The bill (H. R. 2472) granting an increase of pension to David F. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David F. Lewis, late of Company A, Eighty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET M. WALKER.

The bill (H. R. 895) granting an increase of pension to Margaret M. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret M. Walker, widow of Andrew H. Walker, late of Company D, Eleventh Regiment Iowa Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY D. BARR.

The bill (H. R. 1908) granting an increase of pension to Harvey D. Barr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey D. Barr, late of Company B, Thirty-second Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. KNIGHT.

The bill (H. R. 2139) granting an increase of pension to James W. Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Knight, late of Company K, Ninety-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES S. REARDEN.

The bill (H. R. 7002) granting an increase of pension to James S. Rearden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Rearden, late colonel Twenty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS KELLY.

The bill (H. R. 2690) granting an increase of pension to Thomas Kelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Kelly, late of Company H, Eighteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED I. JUDY.

The bill (H. R. 3776) granting an increase of pension to Alfred I. Judy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred I. Judy, late captain Company K, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LIZZIE BREEN.

The bill (S. 3408) granting a pension to Lizzie Breen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "a member;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie Breen, widow of Patrick Breen, late of Company A, Twenty-first Regiment United States Infantry, and Company G, First Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES S. HOPKINS.

The bill (S. 2596) granting a pension to Frances S. Hopkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances S. Hopkins, widow of Charles F. Hopkins, late midshipman U. S. S. Saratoga, United States Navy, war with Mexico, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Frances S. Hopkins."

GEORGE W. LAWSON.

The bill (H. R. 6975) granting an increase of pension to George W. Lawson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Lawson, late of Company F, Sixth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. NORTHERN.

The bill (H. R. 5464) granting an increase of pension to Francis M. Northern was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis M. Northern, late of Company F, First Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. DICKEY.

The bill (H. R. 6331) granting an increase of pension to James M. Dickey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Dickey, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELIZA WILLIAMS.

The bill (S. 3373) granting a pension to Eliza Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Williams, widow of William Williams, late of Company A, First Battalion District of Columbia Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARCUS E. AMSDEN.

The bill (H. R. 3472) granting an increase of pension to Marcus E. Amsden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marcus E. Amsden, late of the U. S. S. *Minnesota* and *Mercedita*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE C. CHASE.

The bill (H. R. 5559) granting an increase of pension to Josephine C. Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine C. Chase, widow of Willis R. Chase, late of Company H, One hundred and ninety-third Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Franklin W. Chase, helpless and dependent child of said Willis R. Chase, the additional pension herein granted shall cease and determine.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY D. WRIGHT.

The bill (H. R. 2108) granting an increase of pension to Henry D. Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry D. Wright, late of Company K, Sixth Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER H. COVERT.

The bill (H. R. 1856) granting an increase of pension to Alexander H. Covert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander H. Covert, late of Company H, Twenty-seventh Regiment Connecticut Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT MOULTON.

The bill (H. R. 864) granting an increase of pension to Albert Moulton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Moulton, late of Company K, First Regiment Maine Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS HALL.

The bill (S. 3645) granting an increase of pension to Francis Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Hall, late of Company C, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. GALLINGER. Mr. President, I wish to call the attention of the Senator from West Virginia [Mr. SCOTT] to this case. It is one I am entirely familiar with. The committee evidently were laboring under a misapprehension, as will be seen from the report, which says:

This bill as amended proposes to increase from $12 to $24 per month the pension of Francis Hall, late of Company C, Seventh Regiment New Hampshire Volunteer Infantry.

Passing down the page, the information is given that the soldier—

filed and established a claim under the general law, and was pensioned May 22, 1895, for shell wound of right knee and disease of eyes at $8 per month from October 1, 1884, which rate was increased to $14 per month March 16, 1887, to $16 per month February 22, 1888, and to $17 per month November 2, 1893.

So, instead of receiving $12 at the present time, he is receiving $17 for a shell wound and for disease of the eye. The report further states:

Claimant is about 78 years of age. His medical examination, dated October 15, 1902, rated him $12 for shell wound of right knee, $18 for disease of eyes, being totally blind in right eye and sight much impaired in left eye, and $6 for rheumatism.

Which would be a total of $36 a month.

I know this soldier very well, and in drafting the bill I felt that $30 per month was not a large allowance under the circumstances. He is drawing $17 per month now, and in my opinion, after examining all the papers, he ought to have been allowed at least $30 per month in the Bureau. I hope the Senator will agree with me that the amendment ought not to be agreed to, and that the pension ought to remain at $30 per month.

Mr. SCOTT. I am perfectly willing to have the amendment disagreed to.

Mr. GALLINGER. Let the amendment be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNET THOITS.

The bill (S. 962) granting an increase of pension to Jennet Thoits was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennet Thoits, widow of Oren Thoits, late of Company I, Thirtieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATHAN P. BOWMAN.

The bill (S. 3130) granting an increase of pension to Nathan P. Bowman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan P. Bowman, late major and additional paymaster, United States Volunteers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HERZINGER.

The bill (S. 2965) granting a pension to John Herzinger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Herzinger, late of Company I, Third Regiment Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Herzinger."

MILTON H. SWEET.

The bill (H. R. 4200) granting an increase of pension to Milton H. Sweet was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton H. Sweet, late of Company A, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. DOLLIVER. This is a House bill which passed at $30, and I notice that the committee proposes to reduce the pension to $24. I think that ought not to be done, for the reason that the pensioner is totally blind and totally helpless. He is a very old man, with a long record. In 1886 he was allowed a pension under the old law at $4 a month for a disease of the eye, which appears to have resulted in his total blindness, according to the House report. I ask the Senator from West Virginia to consent that the amendment shall be rejected.

Mr. SCOTT. In considering this case, in view of the fact that the party who is proposed to be pensioned is worth some property in western Iowa and in view of a rule the Pension Committee goes by, the committee thought he was entitled only to the amount we recommend in the bill.

Mr. DOLLIVER. I will say the report indicates that he has no property in the world except a cottage in the town of Washington, in Iowa, worth $1,500, and he is in a very helpless condition. I think my colleague is perfectly acquainted with the old man.

Mr. ALLISON. I am.

Mr. SCOTT. What did the bill as passed by the House give?

Mr. DOLLIVER. Thirty dollars.

Mr. SCOTT. Very well; I am willing to have that amount restored.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE I. LONG.

The bill (S. 3274) granting an increase of pension to Jennie Long was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane I. Long, widow of Eli Long, late brigadier-general, United States Volunteers, and brigadier-general, United States Army, retired, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

Mr. KEAN. Mr. President, I hope the amendment which reduces the pension from $100 to $50 will not be agreed to. The record of General Long is a brilliant one, and I would ask that the report be read.

I will state to the Senate that General Long left no estate whatever, and his widow is entirely dependent upon her pension for a livelihood. She gets $8 a month at the present time, and that is all she has. General Long during his life could obtain no insurance, and in consequence he left his family entirely destitute. He died from the effect of wounds, though they were unable to prove it satisfactorily before the Department.

I trust the amendment will not be agreed to and that a pension of $100 a month will be granted. I ask that the report be read.

Mr. SCOTT. Before the report is read, I should like to make a statement.

The Committee on Pensions at some previous time—I am sorry the Senator from New Hampshire [Mr. GALLINGER] has left the Chamber—adopted a rule that in the case of widows of general officers the maximum pension should be $50 per month. That is the reason why the rate fixed by the House was stricken out. The widows of such officers as Lawton and others get only $50.

I personally have no objection to having the larger amount put in the bill, but I wished to explain to the Senate why the committee reduced it, so that Senators may know the reason the committee had for striking it out. It was not because General Long was not a brave and gallant officer, as he certainly was from his record, but it is on account of the rule established by the committee for pensioning the widows of general officers.

Mr. KEAN. I move to amend the committee amendment by striking out "$50" and inserting "$100."

Mr. COCKRELL. To disagree to the committee amendment is the proper way.

The PRESIDENT pro tempore. That would not do in this case. The Senate will have to amend the committee amendment in order to fix the rate at $100.

Mr. KEAN. I will state to the Senator from Missouri that the amendment strikes out all after the enacting clause and inserts a substitute.

Mr. COCKRELL. So I see.

The PRESIDENT pro tempore. The Senator from New Jersey moves an amendment to the amendment, which will be stated.

The SECRETARY. On page 2, line 4, before the word "dollars," strike out "fifty" and insert in lieu thereof "one hundred."

The amendment to the amendment was agreed to.

Mr. PLATT of Connecticut. When the bill has passed I shall ask leave to make a single remark.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jane I. Long."

Mr. PLATT of Connecticut. Mr. President, I think the passage of the bill is a mistake, and I think it will return to plague us.

Mr. COCKRELL. The published rules of the Committee on Pensions, which have been published for some years, state that on no bill will they report over $50 for the widows of officers. This is breaking the rule of the committee. I do not know what effect it will have. I have no doubt that General Long was a very gallant officer, that his widow is in comparatively destitute and needy circumstances, and all of that; but it is a dangerous precedent, and I want to say that I voted "no" on the passage of the bill. I did not ask for a yea-and-nay vote upon it, but I now record my vote "no." I have stood by the committee and tried not to violate their rules and not to ask any of my constituents to violate them.

Mr. PLATT of Connecticut. I shall certainly have to ask for the amendment of a bill which I have introduced and which is pending before the committee, in which I told the widow of a very high officer in the Army that $50 is all she could expect to get. I shall have to ask that the rate fixed in that bill shall be raised to $100. I now notify the committee.

Mr. CULLOM. It seems to me we ought to vote on the bill.

Mr. SCOTT. Mr. President——

The PRESIDENT pro tempore. The Chair will regard the bill as an open question if the Senate desires.

Mr. CULLOM. I think we had better so regard it and vote down the rate of $100. It seems to me that a pension of $50 is as much as Mrs. Long ought to receive.

Mr. KEAN. I hope the Senator will not insist upon that.

Mr. SCOTT. I have stated the rule of the committee, and since I have been a member of the Committee on Pensions we have never deviated from it, no matter how deserving or how gallant the officer. I will say to my friend the Senator from New Jersey that, as much as I would like to favor him personally and the widow of this gallant officer, I am sure the committee will have a hundred or a hundred and fifty bills in a very short time proposing an increase from $50 to $100 for the widows of general officers.

Mr. CULLOM. Of course you will, and Congress will give it to them.

Mr. SCOTT. The Senate ought to be careful in this matter. If they decide to raise the limit to $100, of course it is the privilege of the Senate to do so.

The PRESIDENT pro tempore. These motions are put with such rapidity that if any Senator desires it the Chair will not regard a bill has passed because it has been announced as passed. The Chair will regard the vote reconsidered by which the bill was ordered to a third reading and passed and by which the amendment was agreed to, and will put the question again on agreeing to the amendment.

Mr. BLACKBURN. Mr. President, if it be the purpose of the Senate to adhere to a fixed Procrustean rule here—and I am not criticising it if that shall be its determination—then I have not a

word to say. But if there is to be any departure in the direction of raising the limit, as it has been termed here, I am satisfied that if the Senate would listen to the report filed with this bill this is a case which would have been excepted because of the conspicuous record of this dead officer. He died directly as the result of wounds received—not once, but repeatedly—in the service, long years intervening between the close of the war and his death, and he a hopeless sufferer from those wounds.

The testimony borne in the report which accompanies this bill will induce the Senate, in my judgment, to depart from a fixed rule, unless it be the purpose of the Senate not to depart from that rule in any case. Now, if that is what the Senate means to do, I have not a word to say; but if there is to be an exception anywhere to be made, I insist that the motion of the Senator from New Jersey to amend ought to have the fullest measure of consideration at the hands of the Senate because of the exceptional record of this officer.

Mr. PLATT of Connecticut. Mr. President, it is only a short time ago when we pensioned the widow of General Lawton, who was shot by the enemy, at $50 a month. How can we justify ourselves in giving a pension of $100 to another lady, the widow of an officer of whom we may admit, and do admit, all that has been said? It seems to me that we shall be called upon to increase the pensions already granted at $50 a month, and certainly hereafter we shall be called upon to increase them to $100 a month.

I make these remarks with the greatest hesitation, but it appears to me that we must observe some rule about this matter and not let our sympathies in favor of a particular widow run away with our judgment in the case. It seems to me it is better to adhere to the rule which has been established.

Mr. CULLOM. Mr. President, I wish to say only a word. It does not seem to me that we can afford to set this precedent. I remember since I have been in the Senate of securing several pensions to widows; a pension for the widow of General Palmer, for instance, who served with us and who was as gallant an officer as ever was in an army. His widow is poor, and yet she got $50. General McClernand was another gallant officer whose widow is poor. Both of them are living in my town. I never asked for more than $50 a month for either of them, and they were glad to get that.

Now, if we set the example of $100 for another widow, the very ladies who are now content with what they have been given will see this, and before I am four days older, probably, I will have a bill to give them $100 apiece. I think we had better adhere to the rule.

Mr. SCOTT. I ask that the bill may go over for to-day.

Mr. KEAN. I trust the Senator will not make that request.

The PRESIDENT pro tempore. Will Senators please vote? The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. KEAN] to the amendment of the committee.

The amendment to the amendment was rejected.

The amendment of the Committee on Pensions was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jane I. Long."

SALLIE H. HOFFECKER.

The bill (S. 2215) granting a pension to Sallie H. Hoffecker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 9, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie H. Hoffecker, widow of Joseph V. Hoffecker, late captain Company A, Sixth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. TRAVIS.

The bill (H. R. 6022) granting an increase of pension to George W. Travis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Militia," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Travis, late of Company F, Forty-seventh Regiment New York State Volunteer Militia Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ABRAM WILSON.

The bill (H. R. 5841) granting an increase of pension to Abram Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram Wilson, late of Company E, Third Regiment New York Volunteer Cavalry, and Company H, Fourth Regiment New York Provisional Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO DUTCH.

The bill (H. R. 5176) granting an increase of pension to Alonzo Dutch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Dutch, late first lieutenant Company E, Eighth Regiment New York State Militia Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLATT of Connecticut subsequently said: I wish to call attention to a bill which was passed. It is the bill (H. R. 5176) "granting an increase of pension to Alonzo Dutch, late first lieutenant Company E, Eighth Regiment New York State Militia Infantry." I do not know whether that is a proper description. I have no objection to the bill. I suppose it refers to an officer in the regular service.

Mr. COCKRELL. I want to say that if we pension militiamen generally, we have about 40,000 of them in Missouri.

Mr. SCOTT. Oh, no; we do not want to do that.

Mr. COCKRELL. I think in all probability that is a mistake, as the soldier is already a pensioner, and he would not be a pensioner if he was simply a militiaman and not mustered into the United States volunteer service. Militiamen are not pensionable. I do not think there will be any harm done by letting the bill stand passed.

JOSEPH H. KENNEDY.

The bill (S. 3038) granting an increase of pension to Joseph H. Kennedy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Kennedy, late of Company G, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. McCREARY. The amendment fixes the amount at $24 per month. The original bill proposed the rate of $25 per month, but the amendment is satisfactory to me.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE M. LINCH.

Mr. KITTREDGE. Senate bill No. 2688, granting an increase of pension to George M. Linch, was passed during my absence temporarily.

I move that the votes by which the bill was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. KITTREDGE. I move that the amendment reported by the Senate committee be disagreed to. In that connection I am authorized by the chairman of the committee to state that since the bill was reported to the Senate additional evidence has been presented to the committee and he is satisfied to have the amendment disagreed to.

Mr. COCKRELL. Let the bill be read.

The Secretary read the bill (S. 2688) granting an increase of pension to George M. Linch.

The PRESIDENT pro tempore. The amendment which has been agreed to will now be stated.

The SECRETARY. The amendment reported by the committee, which was agreed to, was to strike out the word "thirty," before the word "dollars," and insert "twenty."

Mr. COCKRELL. Now, what is the proposition—to make the pension $20 or $30 per month?

Mr. KITTREDGE. To make it $30, as provided in the bill before it was amended.

This soldier is drawing a pension of $17 per month under the general law. His condition is such, and especially this winter, since the bill was introduced, that upon presenting proof of that condition the chairman of the committee authorized me to make the statement which I have made.

The PRESIDENT pro tempore. The amendment which was agreed to will be disagreed to, if there be no objection. The Chair hears none, and the amendment is disagreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLISON. Are the pension cases concluded?

The PRESIDENT pro tempore. That completes the pension cases.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 27, 1904, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nomination confirmed by the Senate January 25, 1904.

POSTMASTER.

INDIANA.

Charles E. Disbro to be postmaster at Greentown, in the county of Howard and State of Indiana.

Executive nominations confirmed by the Senate January 26, 1904.

COLLECTOR OF CUSTOMS.

Luke B. Colbert, of Massachusetts, to be collector of customs for the district of Marblehead, in the State of Massachusetts.

APPOINTMENTS IN THE MARINE CORPS.

To be second lieutenants in the United States Marine Corps from the 16th day of January, 1904.

William P. Upshur, of Virginia.
Lovick P. Pinkston, of Texas.
Arthur P. Crist, of District of Columbia.
Edward W. Banker, of New York.
William E. Parker, of Rhode Island.
William M. Small, of Maryland.
Epaminondas L. Bigler, of Ohio.
Robert B. Farquharson, of Vermont.
Charles R. Sanderson, of District of Columbia.
Walter N. Hill, of Massachusetts.
Tillman Bunch, of South Carolina.
Benjamin S. Berry, of Pennsylvania.
Russell B. Putnam, of New York.
Benjamin A. Lewis, of New York.

APPOINTMENTS IN THE NAVY.

To be assistant paymasters in the United States Navy from the 16th day of January, 1904.

Ben D. McGee, of Ohio.
William L. F. Simonpietri, of New York.
Neal B. Farwell, of Minnesota.
Reginald Spear, of Pennsylvania.

PROMOTIONS IN THE NAVY.

Pay Inspector Charles W. Littlefield to be a pay director in the Navy from the 27th day of December, 1903.

Paymaster Samuel L. Heap to be a pay inspector in the Navy from the 27th day of December, 1903.

P. A. Paymaster Ray Spear to be a paymaster in the Navy from the 4th day of November, 1903.

POSTMASTERS.

CONNECTICUT.

James E. Ballard to be postmaster at Darien, in the county of Fairfield and State of Connecticut.

Merton S. Buckland to be postmaster at West Hartford, in the county of Hartford and State of Connecticut.

Sanford E. Chaffee to be postmaster at Derby, in the county of New Haven and State of Connecticut.

Harry W. Crane to be postmaster at Wethersfield, in the county of Hartford and State of Connecticut.

INDIANA.

Edward C. Faith to be postmaster at Washington, in the county of Daviess and State of Indiana.

MAINE.

Clark H. Barker to be postmaster at Portland, in the county of Cumberland and State of Maine.

Arthur A. Dinsmore to be postmaster at Dover, in the county of Piscataquis and State of Maine.

MASSACHUSETTS.

William H. Coffey to be postmaster at Tufts College, in the county of Middlesex and State of Massachusetts.

Charles F. Hammond to be postmaster at Nantucket, in the county of Nantucket and State of Massachusetts.

George L. Minott to be postmaster at Gardner, in the county of Worcester and State of Massachusetts.

MICHIGAN.

Fred Slocum to be postmaster at Caro, in the county of Tuscola and State of Michigan.

NEW HAMPSHIRE.

George A. McIntire to be postmaster at Milford, in the county of Hillsboro and State of New Hampshire.

PENNSYLVANIA.

Everett W. Greene to be postmaster at Patton, in the county of Cambria and State of Pennsylvania.

George W. Mullen to be postmaster at Dillsburg, in the county of York and State of Pennsylvania.

Penroe C. Romberger to be postmaster at Elizabethville, in the county of Dauphin and State of Pennsylvania.

Samuel G. Wilson to be postmaster at Bridgeport, in the county of Montgomery and State of Pennsylvania.

RHODE ISLAND.

Eugene R. Phillips to be postmaster at Phillipsdale, in the county of Providence and State of Rhode Island.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 26, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SWEARING IN OF A MEMBER.

Mr. PAYNE. Mr. Speaker, Mr. George J. Smith, Representative-elect from the Twenty-fourth district of the State of New York, is present and ready to take the oath of office.

The SPEAKER. The gentleman will present himself.

Mr. George J. Smith came forward and was duly qualified by taking the oath of office prescribed by law.

JANITOR FOR THE COMMITTEE ON INDUSTRIAL ARTS, ETC.

Mr. HILDEBRANT, from the Committee on Accounts, reported back favorably the following resolution; which was read, considered, and agreed to:

Resolved, That the chairman of the Committee on Industrial Arts and Expositions is hereby authorized to appoint a janitor to said committee for the sessions of the Fifty-eighth Congress, to be paid out of the contingent fund of the House of Representatives, at the rate of $60 per month.

JANITOR FOR LIBRARY OF THE HOUSE.

Mr. HILDEBRANT also, from the Committee on Accounts, reported back favorably the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House is hereby authorized and directed to appoint a janitor to serve in the library of the House, to be paid out of the contingent fund of the House, at the rate of $60 per month until otherwise provided by law.

HORSES, CARRIAGES, ETC., FOR POST-OFFICE DEPARTMENT.

Mr. OVERSTREET. I am directed by the Committee on the Post-Office and Post-Roads to report a substitute for a resolution referred to that committee.

The following proposed substitute for House resolution 152 was read:

Resolved, That the Postmaster-General be, and is hereby, requested to furnish to this House, at his earliest convenience, a statement showing the number of horses, carriages, and automobiles maintained at Government expense for the use of officials in his Department, together with a statement showing the cost of said horses, carriages, automobiles, and harness, the date of purchase, from what fund the payment was made, and the amount of wages paid to men acting as coachmen, footmen, and chauffeurs, whether carried on the rolls as such or in some other classification; also the list of officials entitled to the use of said carriages, and the date when such service was inaugurated.

Mr. OVERSTREET. I move the adoption of the substitute reported by the committee.

Mr. HITCHCOCK. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Nebraska?

Mr. OVERSTREET. Yes, sir.

Mr. HITCHCOCK. I should like to ask the chairman of the committee whether he will accept an amendment to specify the time upon which payment of wages has been asked?

Mr. OVERSTREET. I do not feel free to accept any amendment, Mr. Speaker, as I have been directed by the committee to report this substitute.

Mr. HITCHCOCK. I understand the committee desires to obtain information sufficient to guide the House, and as the matter now stands the information obtained is likely to be almost worthless.

Mr. OVERSTREET. I move the previous question.

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] moves the previous question.

Mr. HAY. Mr. Speaker, I rise to a point of order. The gentleman from Indiana had made a motion to adopt the substitute, whereupon the Speaker put the motion to the House. The gentleman from Indiana did not call the previous question and did not retain the floor. The gentleman from Nebraska [Mr. HITCHCOCK] got the floor in his own right.

Mr. OVERSTREET. No; he asked me a question. I have not surrendered the floor.

The SPEAKER. The Chair recollects quite well that the gentleman from Indiana [Mr. OVERSTREET] yielded to the gentleman from Nebraska [Mr. HITCHCOCK]. The Chair asked the gentleman from Indiana whether he yielded, and he did yield, for a question. The Chair does not understand that the gentleman from Indiana yielded the floor.

Mr. CLARK. Is there not debate for forty minutes allowed on a motion for the previous question, if anybody wants it?

Mr. OVERSTREET. This is a unanimous report of the committee. I see no occasion for debate.

Mr. CLARK. I have no desire on earth to make a speech; but I want to know what is the rule.

The SPEAKER. If there has been no prior debate, forty minutes are allowed for debate under the previous question, twenty minutes on a side.

Mr. CLARK. Then I give notice that I should like to be recognized for that purpose.

The SPEAKER. The gentleman from Indiana asks the previous question.

Mr. ROBINSON of Indiana. Mr. Speaker, I will ask the gentleman from Indiana to withhold that——

The SPEAKER. Does the gentleman from Indiana [Mr. OVERSTREET] yield?

Mr. OVERSTREET. I do not.

Mr. ROBINSON of Indiana (continuing). Long enough to answer a question that will interpret this resolution.

Mr. OVERSTREET. I do not yield.

The SPEAKER. The gentleman from Indiana declines to yield.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. If the previous question is voted, then will there not be twenty minutes on a side for debate?

The SPEAKER. Under the rule, if there has been no debate.

Mr. WILLIAMS of Mississippi. Well, there has not been thus far——

The SPEAKER. The Chair states that under the rule, if there has been no debate, there is twenty minutes on a side, after the previous question is ordered, for debate.

Mr. ROBINSON of Indiana. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON of Indiana. Has there been such debate on this question as would preclude the forty minutes' debate after the previous question is ordered?

The SPEAKER. That is a question of fact.

The previous question was ordered.

Mr. HITCHCOCK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HITCHCOCK. Is debate now in order?

Mr. OVERSTREET. Mr. Speaker, I make the point of order that debate is not in order, for the reason that debate has been had already.

Mr. CLARK. Now, Mr. Speaker, surely the fact that one Member asks another Member a question can not be construed by any fair rule as a debate.

The SPEAKER. Under some circumstances the Chair thinks he might well hold that there had been debate, where it was evidently for obstruction or dilatory purposes; but it seems to the Chair that a fair construction of the rule under existing conditions would not authorize the Chair to say that such debate had been had as to preclude debate at this time. [Applause on the Democratic side.] Therefore the Chair recognizes the gentleman from Indiana. Does the gentleman from Indiana desire recognition at this time?

Mr. OVERSTREET. I will reserve my twenty minutes.

Mr. HITCHCOCK. Mr. Speaker——

The SPEAKER. The gentleman from Nebraska desires recognition?

Mr. HITCHCOCK. Yes.

The SPEAKER. The gentleman from Nebraska is recognized for twenty minutes.

Mr. HITCHCOCK. Mr. Speaker, I shall occupy only a few moments and leave the balance of the time open to other gentlemen on this side who may desire to be heard.

When this matter came up on the Republican side of this Chamber, I was surprised, and I think many others were surprised, not so much at the extravagance and unauthorized expenditures which had been going on in all the Executive Departments, by confession, but I was surprised at the confession of the chairman of the Committee on Appropriations, made upon the floor of this House, that he knew that those expenditures were going on; that he knew that carriages were being illegally used and coachmen and chauffeurs and footmen illegally employed under the name of "skilled laborers," and the further confession which he made that he had been unable, when he had endeavored to do so, to procure information as to the extent of the abuse from the responsible heads of those great Departments.

Now, Mr. Speaker, it seems to me that this presents even a greater evil than the mere evil of governmental extravagance. Governmental extravagance authorized by the representatives of the people is one thing. Governmental extravagance, however, in these Departments, unauthorized by anybody, is much worse. Not only have we had this governmental extravagance and illegal expenditure, but it was incurred and carried on without any authorization whatever, and in spite of this fact the eminent chairman of this great and powerful Committee on Appropriations has been unable either to ascertain its extent or to put a stop to it.

Extravagance of that sort is carried on in the dark, carried on under a cloud of mystery, but without the knowledge of the people and without authority from any source, a kind of extravagance that this House should stop, too, and which the people of the country will not tolerate. Therefore, Mr. Speaker, I introduced these resolutions, designed to obtain for this House and for the country specific information; and in the resolution which came before the House yesterday, or which should have come before this House yesterday, I asked for information as to what wages had been paid to these coachmen, chauffeurs, and footmen "during the past calendar year." The committee emasculated that resolution by striking out the period specified and laid themselves open to the suspicion—and I have no hesitation in saying it, Mr. Speaker—laid themselves open to the suspicion that they did not want to procure and lay before this House information as to the extent of the expenditures, illegal expenditures, that have been going on for the past year and longer, but desire to put the Executive Departments in a position to report simply what is existing now.

Now, Mr. Speaker, a reform may have occurred. It has been intimated to me—it is, in fact, an open secret in this town—that since these resolutions were introduced there has been a rattling of dry bones and of official carriages which have been turned in and turned over and given up. This resolution in its emasculated condition will enable these executive heads of the Departments simply to report to this House what is now in existence and to conceal previous extravagance and the illegal expenditures which have been in progress during the past year.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. HITCHCOCK. Yes, sir.

Mr. TAWNEY. Your resolution contemplated obtaining information covering merely the last year—the calendar year?

Mr. HITCHCOCK. Yes, sir.

Mr. TAWNEY. I would like to know, is it not a fact that when the information comes to the House giving the date of the purchase of these carriages, if that does not include not only the calendar year, but the whole length of time during which this has been going on; if the resolution reported does not, in fact, get more information or call for more information than you yourself called for?

Mr. HITCHCOCK. I will reply to the gentleman by saying that each one of these committees has reported a substitute, which does purport to seek for the additional information, which purports to ask for information as to when these carriages were purchased, and I am told that it is the evident purpose to fasten upon some Democratic Administration, if possible, the responsibility for the purchase of these carriages that have existed.

Mr. Speaker, I have no desire to conceal anything. I approved that part of the substitute, and I am perfectly willing to put any responsibility where it belongs, upon a Democratic Administration as well as upon a Republican Administration; but when

these committees come in here and emasculate these resolutions by striking out the inquiry for specific information as to the wages paid in the past year, then I think they have sought to conceal from this House one of the most important facts which should be revealed. Now, Mr. Speaker, I am through, and if the Republican side of this House desires to take the responsibility of concealing this important matter, well and good. I have introduced these resolutions for the purpose of getting light. I reserve the balance of my time, but yield to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. For a question, Mr. Speaker. As I understand, the object of your resolution is to prevent anybody "standing out from under" on account of the operation of the resolution or any possible action by Congress by turning in carriages, horses, etc., and then reporting that at the time of their report they had none?

Mr. HITCHCOCK. That is exactly it. I reserve the balance of my time.

Mr. OVERSTREET. Mr. Speaker, this resolution, or substitute for the resolution, is in exactly the same language that was first reported to the House from the Committee on Ways and Means, calling for similar information from the Secretary of the Treasury, and the language followed by the others of the different committees which have thus far reported similar substitutes. That resolution, I understand, was considered by the Committee on Ways and Means and amended to meet the situation. To enter upon a change of phraseology in this resolution would be to call for a different kind of information from that which has already been called for from the other Departments of the Government. My understanding is that thus far the House has called for this information from the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Department of Commerce, and from the State Department. If, therefore, we should modify the language of the resolution which the Post-Office Committee now submits as to the inquiry made of the Postmaster-General, I presume that the gentleman from Nebraska would assume that he had further lease of life for notoriety in seeking additional information from each of the Departments that had already been inquired of.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. OVERSTREET. I will.

Mr. TAWNEY. Is this substitute not reported unanimously from your committee?

Mr. OVERSTREET. It is a unanimous report from the Committee on the Post-Office and Post-Roads, at its meeting held this morning.

Mr. LIVINGSTON. Will you allow me one question?

Mr. OVERSTREET. I will.

Mr. LIVINGSTON. There was so much disturbance on the floor I could not hear. Does your substitute cover the time of the inquiry for twelve months or two years?

Mr. OVERSTREET. The substitute is in the identical language of every resolution thus far passed by the House which covers the various Departments, with possibly the exception of the Secretary of Agriculture.

Mr. LIVINGSTON. Then one more question. If an officer had carriages two months ago, or one week ago, and has turned them in before this inquiry goes to him——

Mr. OVERSTREET. I can answer the question more quickly by reading the resolution.

Mr. LIVINGSTON. Thank you; I could not hear it.

Mr. OVERSTREET. I read from the resolution adopted by the House yesterday, calling for information from the State Department, and I substituted the "Postmaster-General" where the resolution has "Secretary of State:"

Resolved, That the Secretary of State be, and he is hereby, requested to furnish to this House, at his earliest convenience, a statement showing the number of horses, carriages, and automobiles maintained at Government expense for the officials of his Department, together with a statement showing the cost of said horses, carriages, automobiles, and harness, the date of purchase, from what fund the payment was made, and the amount of wages paid to men acting as coachmen, footmen, and chauffeurs, whether carried on the rolls as such or in some other classification; also, the list of officials entitled to the use of such carriages and the date when such service was inaugurated.

That means the information up to the time he received this resolution.

Mr. LIVINGSTON. Now, pardon me. If I understand your substitute, if he has turned that carriage in he does not have to report the date at which it was bought or the cost.

Mr. PAYNE. Of course he does.

Mr. LIVINGSTON. Is that your construction of it?

Mr. OVERSTREET. I am hardly prepared to even assume that any Cabinet officer is going to resort to a trick of that low character.

Mr. MADDOX. I would like to ask the gentleman a question.

Mr. OVERSTREET. I reserve the remainder of my time.

Mr. MADDOX. Will you just answer a single question?

The SPEAKER. Does the gentleman yield?

Mr. OVERSTREET. I do.

Mr. MADDOX. Do you construe your resolution, that is, the resolution from your committee, to cover all expenses from the time the service was inaugurated up to date? Is that the idea?

Mr. OVERSTREET. I am following, or rather the committee is following, exactly the language of every other resolution thus far reported by the House.

Mr. MADDOX. I understand that.

Mr. OVERSTREET. Wait a moment. It is not, I think, fair now to frame a resolution which would be susceptible of a different construction, for this reason, if the House desires this information from the various Departments of the Government it should come to us under similar requests made of each, so that we will have the same construction on each one of the inquiries.

Mr. MADDOX. If the gentleman will permit me just a minute, I think if we can ever get order, and the Members of this House can understand what we are after, probably the trouble will be reached. What struck me was the vital question covering the idea suggested by the gentleman from Nebraska.

Mr. OVERSTREET. My construction is this: I will say to my friend that the date of purchase will limit the beginning of the inquiry. If they have any such articles in the Department then they will report them, together with the date of purchase. I do not care how far back it goes. It relates to the articles they have at the time they get the inquiry.

Mr. MADDOX. It is not to bring along with it the expense that has occurred from that date up to this time. That is what I am after.

Mr. OVERSTREET. I presume so.

Mr. TAWNEY. If the gentleman will take time enough to read the original resolution of the gentleman from Nebraska——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Minnesota?

Mr. OVERSTREET. I yield to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, I wish to read for the information of the House the original resolution of the gentleman from Nebraska and call attention to the changes, and the only changes, that have been made in that resolution by the Committee on the Post-Office and Post-Roads. The resolution is:

Resolved, That the Postmaster-General be, and he is hereby, requested to furnish this House at his earliest convenience a statement showing the number of horses, carriages, and automobiles maintained at Government expense for the use of officials in his Department, together with a statement showing the cost of said horses, carriages, automobiles, and harness.

Down to that point both resolutions are identically the same. Then the committee has added this:

The date of purchase, and from what fund the payment was made—

The rest of his resolution is the same—

and the amount of wages paid to men acting as coachmen, footmen, and chauffeurs, whether carried on the rolls as such or in some other capacity; also the list of officials entitled to the use of said carriages.

It will be readily seen by the Members of the House that the substitute resolution is much broader and includes a great deal more than the original resolution. It includes all that the gentleman from Nebraska called for and a great deal more. The resolution reported by the committee will, if answered, give the House far more and fuller information on the subject to which the resolution relates.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman——

Mr. OVERSTREET. I want to call the attention of the House to an additional amendment which further broadens the resolution. At the end of the resolution originally offered by the gentleman from Nebraska, and after the word "carriages" there have been inserted in each of the several resolutions the following language: "On the date when such service was inaugurated." So that the substitutes which have been thus far adopted by the House are much broader than the original resolutions. Now I will yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. I ask the gentleman from Indiana this question as to his own construction of the resolution as it stands. Suppose that somebody hitherto having a carriage or automobile, knowing that this inquiry was pending before the House and would be reported, were to dispose of the carriage or automobile. Then I ask the gentleman this question: Could he not then in his reply to this resolution of inquiry simply say: "January 27, 1904," or whatever date it was, "this division, or this bureau, has no carriage, has no automobile in its service, and therefore there is no date of the purchase of the automobile or carriage." Does not the gentleman think that might happen?

Mr. OVERSTREET. I answer that if that criticism should lie against this substitute, it would not only lie against each of the

substitutes adopted by the House, but also against the original resolution.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon, but I am not talking about the original resolution. You have in some respects made the original resolution better. The question now is whether, with the original resolution as you have made it, you can not still further better it by admitting this language and avoiding the possibility of this loophole of escape when the replies are made.

Mr. DALZELL. Mr. Speaker, I want a minute to ask the gentleman from Mississippi a question. Is not this resolution in the identical terms that it was reported from the Committee on Ways and Means?

Mr. WILLIAMS of Mississippi. Certainly; and I voted for it. I am sorry the gentleman has asked that question, because it forces me to confess in public that I had not the insight nor the foresight of the gentleman from Nebraska, who has discovered this possible loophole and convinced me that it is a loophole.

Mr. TAWNEY. The insight and the foresight of the gentleman from Nebraska happens to be the gentleman's hindsight, because the gentleman from Nebraska did not discover it until afterwards.

Mr. DALZELL. Let me ask the gentleman from Mississippi if he did not participate in the discussion and make the suggestion——

Mr. WILLIAMS of Mississippi. Yes; I agreed to the resolution brought into the House from the Committee on Ways and Means at the time, and thought at the time that the resolution was broad enough, and the only suggestion I made was to broaden the original resolution which I voted for and to which I agreed.

Mr. OVERSTREET. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken; and the substitute resolution was agreed to.

PRINTING BLANK FRANKS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2121) to amend an act entitled "An act providing for public printing and binding and the distribution of public documents."

The Clerk read the bill, as follows:

Be it enacted, etc., That chapter 23 of the Statutes of the United States entitled "An act providing for public printing and binding and the distribution of public documents," approved January 12, 1895 (28 Stat. L., p. 606), be, and is hereby, amended by inserting, after the words "blank franks" where they occur in the second paragraph of section 37 of said chapter, the following words: "printed on sheets and perforated, or singly, at the option of said Senators, Members, and Delegates."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDOX. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana to explain this.

Mr. CHARLES B. LANDIS. The object of this bill is to authorize the Public Printer in preparing the frank slips for the use of the Senate and House to so perforate the sheets as to facilitate the addressing when the time comes to send out packages of seeds and public documents. The perforations will save a great deal of work, and the expense is practically nothing.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

PROCEEDINGS ON UNVEILING OF STATUE OF COUNT ROCHAMBEAU.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution No. 4.

The Clerk read as follows:

Concurrent resolution No. 4.

Resolved by the Senate (the House of Representatives concurring), That there be printed, and bound in the form such as is customary in the case of eulogies, 20,000 copies of the proceedings upon the unveiling of the statue of the Count de Rochambeau, of which 6,000 shall be for the use of the Senate, 12,000 for the use of the House of Representatives, 1,000 to be delivered to the ambassador of the Republic of France for such distribution as he shall think fit, the remaining 1,000, of which 200 shall be bound in full morocco, to be distributed, under the direction of the chairman of the Joint Committee on the Library, to the guests invited from the French Republic and the speakers who took part in said celebration.

Mr. TAWNEY. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Indiana why it is that the Senate, in the distribution of these documents, is given a great many more, in proportion to the number, than the House receives? The Senate gets 3,000 and the House 6,000. We have 386 Members and they have 90 members. I will ask if the committee considered that that was a fair distribution between the two Houses?

Mr. CHARLES B. LANDIS. The resolution is just as it came from the Senate. That question was not raised by anyone in the committee.

Mr. TAWNEY. I think the committee ought to raise the question of its own motion for the protection of the Members of the House in getting their share of the public documents.

Mr. CHARLES B. LANDIS. Mr. Speaker, I will say to the gentleman from Minnesota [Mr. TAWNEY] that this is not an unusual division. The division is somewhat arbitrary, and in the case of distributions previously made I understand this rule is followed.

Mr. SHERMAN. Mr. Speaker, I will ask the gentleman if it is not done on the theory that Senators have a very much larger constituency than Members have, individually?

Mr. CHARLES B. LANDIS. I should say that possibly that has something to do with it. The same distribution has been followed, Mr. Speaker, in similar publications provided for by the Committee on Printing.

The SPEAKER. Is there objection to the present consideration of the resolution.

There was no objection.

Mr. TAWNEY. Mr. Speaker, if I may be permitted, I would like to offer an amendment. I have no objection to the present consideration of the resolution, but I will offer an amendment placing the number to be distributed or placed to the credit of the Senate at 2,000 and the number to be placed to the credit of the House and the House document room at 7,000.

Mr. CHARLES B. LANDIS. I have no objection to the amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 7 strike out the word "three" and insert in lieu thereof the word "two."

Also, in line 8 strike out "six" and insert in lieu thereof the word "seven."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended.

The question was taken; and the resolution was agreed to.

TREATIES, LAWS, AND ORDERS RELATING TO INDIAN AFFAIRS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate concurrent resolution which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 3,000 copies of Senate Document No. 452, Fifty-seventh Congress, first session, entitled "Treaties, Laws, Executive Orders, etc., Relating to Indian Affairs," as revised, 300 of which shall be for the use of the Senate, 800 for the House of Representatives, 200 for the Commissioner of Indian Affairs, 50 for the House Committee on Indian Affairs, 50 for the Senate Committee on Indian Affairs, and the remaining 1,100 shall be sold by the Superintendent of Documents.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

CHARLES CARROLL AND JOHN HANSON.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate concurrent resolution which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the acceptance of the statues of Charles Carroll of Carrollton and John Hanson, presented by the State of Maryland, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Maryland.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with these memorials.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. TAWNEY. Mr. Speaker, I rise to ask if the chairman of the Committee on Printing will not consent to an amendment to this resolution changing the ratio of numbers of copies for distribution between the two Houses, so that there will be 3,000 for the use of the Senate and 12,000 for the use of the House?

Mr. CHARLES B. LANDIS. Mr. Speaker, I will say that I have no objection to accepting the amendment, but I wish to say in this connection that this is the usual distribution which is made of documents of this nature.

Mr. TAWNEY. I understand that it may be usual in concurrent resolutions which originate at the other end of the Capitol, but it is not the rule as to distribution which the House has heretofore followed; and if it were there is a very good reason why that rule should now be changed, because the House to-day consists of 386 Members, whereas heretofore it consisted of 356. I move,

therefore, Mr. Speaker, that the resolution be so amended as to provide 3,000 copies for the use of the Senate and 12,000 for the use of the House.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 7 strike out the word "five" and insert in lieu thereof the word "three."

Also, in line 8, strike out the word "ten" and insert in lieu thereof the word "twelve."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended.

The question was taken; and the resolution was agreed to.

REPORT OF COMMISSIONER-GENERAL OF IMMIGRATION.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate concurrent resolution which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed in paper covers, at the Government Printing Office, 5,500 additional copies of the annual report of the Commissioner-General of Immigration for the year ended June 30, 1903, with illustrations, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives, and the remaining 2,500 copies shall be delivered to the Bureau of Immigration for distribution.

The SPEAKER. Is there objection to the present consideration of the resolution which has just been reported?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. CHARLES B. LANDIS, a motion to reconsider the several votes by which the several resolutions were passed was laid on the table.

URGENT DEFICIENCY BILL.

Mr. HEMENWAY. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the urgent deficiency bill. Before we go into committee I desire, if possible, that we may agree upon a limit for general debate. I ask the attention of the gentleman from Georgia [Mr. LIVINGSTON].

Mr. SMITH of Kentucky. I should like to know whether points of order have been reserved on this bill.

Mr. HEMENWAY. There have been.

Mr. LIVINGSTON. I suggest we should like about two hours on our side.

Mr. HEMENWAY. Well, I ask unanimous consent that there be five hours of discussion on the bill in the Committee of the Whole, two hours and a half on a side, the time of the majority side to be controlled by myself and on the minority side by the gentleman from Georgia [Mr. LIVINGSTON].

The SPEAKER. The gentleman from Indiana [Mr. HEMENWAY] asks unanimous consent that general debate in Committee of the Whole on this bill be limited to five hours, one-half of that time to be controlled by himself and one-half by the gentleman from Georgia [Mr. LIVINGSTON]. Is there objection? The Chair hears none.

The question being taken on the motion of Mr. HEMENWAY, that the House resolve itself into Committee of the Whole on the state of the Union, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. TAWNEY in the chair) and proceeded to the consideration of the bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years and for other purposes.

The Clerk read the title of the bill.

Mr. HEMENWAY. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? The Chair hears none. The gentleman from Indiana [Mr. HEMENWAY] is recognized.

Mr. HEMENWAY. Mr. Chairman, before referring to the provisions of the bill which I bring before the House, I want to call attention to the condition of the Treasury of the United States. It is well in the affairs of Government as well as private affairs to take occasionally an account of stock and see "where we are at."

In view of different statements made by Members of this Congress in which legislation is suggested upon the ground that we have a large surplus in the Treasury, I think it my duty to call the attention of the House and of the country to a real problem that we are called upon to solve. It is this: How can we reduce the estimated expenses of the Government for the ensuing fiscal year $42,000,000?

The total estimates submitted at the beginning of this session for ordinary expenses, exclusive of $56,500,000 required to meet the sinking fund, amount to $727,474,206.79.

In addition, more than ten millions in the nature of supplemental estimates have come to the Committee on Appropriations by reference of the House. Those that have gone to other committees and still more that will follow that will come to Congress before the session closes will surely increase that sum at least $15,000,000. The arbitrary cut made in the Engineer's estimates for contract work on rivers and harbors, which will probably not be sustained if the contract obligations are met, amounts to $4,843,716. Adding these sums to the original estimates makes a grand total of $747,317,922.79.

The total revenues are estimated by the Secretary of the Treasury for the fiscal year beginning July 1 next at $704,472,060.72. Estimates in excess of the probable total revenues, $42,845,862.07.

The problem is all the more serious when we realize that at the last session Congress appropriated, exclusive of deficiencies, within less than $10,000,000 all that was submitted in the estimates, and that at the first session of the last Congress—the session corresponding to the present session of this Congress—the appropriations, exclusive of deficiencies and the large sum of $50,130,000 for the isthmian canal, approached the sum of the estimates within a little less than $24,000,000.

Nor is there any comfort afforded in the fact that the total estimates, excluding the sinking fund, submitted last Congress were at the first session thereof $19,672,311.53 less than the estimated revenues, and at the last session $44,310,887.70 less than the estimated revenues.

It only argues that we now have no latitude to appropriate beyond the lines laid down in the regular estimates, and that those lines must of necessity be materially contracted. Three of the great annual supply bills for the Government—the pension, legislative, executive, and judicial, and the army—have passed the House. They carry in the aggregate $242,006,123.35, nearly one-third of the whole annual estimates, as presented to us by the Executive. Yet they show a reduction in the sum total of only $4,116,623.26 under those estimates. If the ratio of reduction is not materially increased when we come to consider the remaining bills, the expenses for the next fiscal year, as we shall authorize them, can only be met by heavy inroads on the surplus in the Treasury.

The present net cash balance in the Treasury amounts to $224,000,000. This sum is likely to be materially diminished in the near future (1) by payment on account of the isthmian canal, $50,000,000; (2) by requisition on account of unexpended balances of appropriations, which are: For increase of the Navy, $27,000,000; for rivers and harbors, $37,000,000; for public buildings, $17,000,000; total, $131,000,000.

Thus, if all outstanding obligations fixed by appropriations already made were liquidated the net cash in the Treasury would be reduced to the dangerously low-water mark of $93,000,000, a sum less than it has reached at any period since the era of depression that antedated the beginning of Mr. McKinley's first Administration.

There yet remains to be appropriated to meet contract obligations authorized chiefly by the last Congress on account of public works, as follows:

For increase of the Navy	$82,718,659.00
For rivers and harbors	36,628,964.89
For public buildings	17,161,609.34
Total	136,509,233.23

The estimates of appropriations required to be made at this session on account of the foregoing are:

For increase of the Navy	$38,226,800.00
For rivers and harbors (engineers' estimates)	13,540,753.00
For public buildings	9,037,268.00
Total	60,804,821.00

There should be no legislation passed reducing revenues, and this Congress must exercise economy, not refusing any necessary item, to meet the growing expenses of this great country, but to strike from the estimates and from the appropriation bills reported to this House every superfluous item. We must keep within the revenues.

Now, gentlemen, I desire to call attention to the bill that has been presented to the House. It is something more than an urgent deficiency bill; we have made it general in its character, in that it provides for all ascertained obligations of the Government for the current and prior fiscal years. For instance, judgments of the Court of Claims, judgments of the courts generally, and accounts that are audited and ascertained by the different departments of the Government. All have been taken care of on this bill.

We are urging certain legislation upon the bill. It is, of course, subject to a point of order, and can only go through by the unanimous consent of the House.

The first item is legislation authorizing the Government board

of the Louisiana Purchase Exposition to rent certain buildings in the city of Washington. It seems to be necessary in getting together the different Government exhibits that they should have certain rooms in the city of Washington. The general statute prohibits the renting of any buildings in the District of Columbia without express authority of law. So we put that item on the bill authorizing these buildings to be rented.

We next propose the following:

The President is hereby authorized to establish convenient districts for the collection of revenue from customs, and for that purpose may subdivide any State or Territory within or appurtenant to the United States, or may unite two or more States or Territories within or appurtenant to the United States, or any part or parts thereof, into one district, and may from time to time alter said districts: *Provided*, That there shall be no more than 123 collection districts.

We have to-day in the United States about 165 collection districts. Many of these districts are maintained at great loss to the Government. I will put in the RECORD a statement taken from page 25 of the report of the Secretary of the Treasury, which shows these districts that are maintained at a loss to the Government. For instance, at Elizabeth City, N. C., we have a port, the receipts of which last year were $87. It cost the Government $1,770 to maintain that district. We have at Brownsville, Tex., a district, where the receipts last year were $4,700 in round figures, and it cost the Government $31,000 to maintain the district. We have at Galena, Ill., a district, where there was collected 70 cents last year——

Mr. WILLIAM W. KITCHIN. Will the gentleman allow me to ask him a question?

Mr. HEMENWAY. I will directly. It cost the Government $378 to maintain that district; and so all along the line, in the last year, and from year to year, are given the amount collected and the amount it cost to maintain the port. Now I yield to the gentleman.

Mr. WILLIAM W. KITCHIN. What do you propose to do with reference to these offices?

Mr. HEMENWAY. What do we propose to do in the matter?

Mr. WILLIAM W. KITCHIN. Have you any suggestion in your bill?

Mr. HEMENWAY. We propose here by the bill to legislate substantially in the same manner as was done in regard to the internal-revenue collection districts in 1877. Years ago the same condition existed in the Internal-Revenue Service. They had numerous unnecessary collection districts all over the country, and provision was placed upon an appropriation bill authorizing the President of the United States to combine the districts and limit the number they should have in the United States. Under that legislation the districts were combined and many were discontinued.

The service is reputed to be to-day the best administered and least expensive branch of the public service. The internal revenue is collected, collected promptly, collected easily, at a very light expense, and there is no reason why the customs should not be collected in the same way. The Secretary of the Treasury, quoting again from his report, pages 109 and 110 to 113, gives tables showing that $230,740,925 of internal revenue was collected during the last fiscal year with 1,314 employees, at a total cost of only $4,771,188.50, or a little over 2 per cent on the dollar. During the same period there was collected in revenue from customs $287,784,499; the service cost $8,464,558.14, or more than 3 per cent on the dollar, and employed 6,358 persons.

Mr. WILLIAM W. KITCHIN. Would you still have your officer at each one of these small ports?

Mr. HEMENWAY. Where it was necessary there would simply be an officer there in charge, as you have now. You have your stamp agencies——

Mr. WILLIAM W. KITCHIN. Your deputies.

Mr. HEMENWAY. Your deputies. For instance, in the State of Indiana there used to be quite a number of districts—I think five or six—for the collection of internal revenue, and in each district was a separate organization employing many persons. That has all been done away with. We have now two districts, and at each important point of the State——

Mr. WILLIAM W. KITCHIN. Your proposition would not then close these ports; or would your proposition close these ports?

Mr. HEMENWAY. It would not close a single port of the United States that is necessary. The effect would be in such places we would not have a high-salaried Presidential officer and a great army of clerks; they would have simply a deputy, with a sufficient force to transact the public business.

Mr. MADDOX. And it would consolidate some of them?

Mr. HEMENWAY. And it would consolidate some of them. As I have stated, this item is subject to a point of order, but I do not believe that Members of this House will make a point of order against an item that will result in such a great reform.

Mr. FITZGERALD. This provision contemplates a very great change for these offices, does it not?

Mr. HEMENWAY. Oh, certainly it contemplates a great change in the offices.

Mr. FITZGERALD. Probably the most comprehensive legislation on this subject that would be enacted in years?

Mr. HEMENWAY. I did not understand the gentleman's question.

Mr. FITZGERALD. This is the most comprehensive legislation on this matter that has been enacted or will be enacted in some years.

Mr. HEMENWAY. Well, as I understand it, there has been no legislation upon the question since 1872, except to add to the number of collection districts. I want to say to the gentleman that it is almost impossible to agree upon legislation upon this matter. When you try to get a bill that will specify points all over the United States it is a very difficult thing to agree upon it. Members of the House looking after their particular districts or their particular territory insist that that port should be here or there, so that it is much better to leave the whole matter, as was done in the case of the collection of internal revenue, to the officer in charge to simply put the port where it is absolutely necessary. We have had experience along this line in the collection of internal revenue and it has worked well. It was started just as this has started, the item being in almost the exact language.

Mr. FITZGERALD. Has there been any effort made to agree upon such a bill as the gentleman refers to?

Mr. HEMENWAY. Oh, I can not say as to that. I judge there has been, as this evil has existed for many years, and it is reasonable to believe that efforts have been made to agree upon a bill.

Mr. FITZGERALD. I want to ask the gentleman if he believes that legislation of such important character should be ingrafted upon an appropriation bill?

Mr. HEMENWAY. I do in this instance, because there is no better place to put it, and we have had, as I say, an example in the result of the legislation placed upon an appropriation bill in regard to the collection of internal revenue. We have so thoroughly demonstrated in that department that it can be done that there is no danger in following the same legislation in regard to the collection of customs. Nearly all remedial legislation of this character has had its origin and abiding place on appropriation bills, a recent notable instance being the abolition of the fee system for United States attorneys and marshals, that was accomplished on an appropriation bill and has resulted in the saving of many millions of dollars to the country.

Mr. FITZGERALD. If the gentleman will permit me, this bill was reported to the House last Saturday?

Mr. HEMENWAY. Yes, sir.

Mr. FITZGERALD. A copy of the bill or of the report was unavailable until yesterday to the Members, and now the gentleman urges Members of this House to favor this provision of the bill and reads from a report to which no attention is called in the report from his committee, and it seems to me that it is unfair to the Members of this House to ask them to pass upon such important legislation in this way.

Mr. HEMENWAY. I read from the annual report of the Secretary of the Treasury, which was sent to the different Members of Congress, and they have certainly had it in their possession for the last month, I should say, or six weeks.

Mr. FITZGERALD. Not at all; about two weeks.

Mr. LOUDENSLAGER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from New Jersey?

Mr. HEMENWAY. I do for a question.

Mr. LOUDENSLAGER. In your judgment, will this change in any way affect the commercial interests of our country to their detriment?

Mr. HEMENWAY. Not in the least. At every point where it is necessary to have a port I have no doubt there will be one, in charge of a deputy or in charge of a collector; but it will result in this, that a great many ports which are unnecessary, as it can be shown by this report, will be abolished and less important ones will be consolidated. Why should a collection port exist that turns in only $5.19?

Mr. BARTLETT. How much does it cost to collect that?

Mr. HEMENWAY. In one instance, $236. In many instances it is a great deal higher than that. There is one point where it costs, if you take the report, $136 to collect $1, and there is another place where it costs $540 to collect $1.

Here is another place where it costs $540 to collect a dollar; another where it costs $258 to collect a dollar.

Mr. LOUDENSLAGER. There are no great comprehensive changes connected with this legislation, but it is of great importance in the line of economy?

Mr. HEMENWAY. That is all.

Mr. POWERS of Maine. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Maine?

Mr. HEMENWAY. I will.

Mr. POWERS of Maine. How much will it reduce expenses to make these changes? Has the gentleman made any estimate of that?

Mr. HEMENWAY. The estimate is about $100,000 a year, and they think they can save more than that.

Mr. POWERS of Maine. Has the gentleman any detailed statement showing where it will come in?

Mr. HEMENWAY. The detailed statement contains the number of unnecessary ports to be dispensed with. We have a letter from the Secretary of the Treasury, which I will put into the RECORD, and which goes into it in detail.

Mr. POWERS of Maine. Is there any place where there is a collectorship to-day that it would not be necessary to have a deputy collector in case you abolish the collectorship?

Mr. HEMENWAY. Yes.

Mr. POWERS of Maine. Where?

Mr. HEMENWAY. If the gentleman wants me to go into detail, I can only give him my opinion, and it might not be of any value. I refer him to the list printed on page 25 of the report of the Secretary of the Treasury, and the gentleman can figure out the places where the ports ought to be discontinued.

Mr. POWERS of Maine. If you discontinue a collectorship and it is necessary to appoint a deputy under the civil service, will it not in many instances entail a larger expense rather than a smaller expense?

Mr. HEMENWAY. No; there is not a single instance where it would entail a larger expense, but in every instance the expense will be reduced.

Mr. POWERS of Maine. My own impression is that there are places where it would cost more.

Mr. HEMENWAY. I do not think there is a place in the United States where it could possibly cost more.

Mr. POWERS of Maine. Is it always a fair method in determining the necessity of a collectorship to take the amount of revenue collected as compared with the cost of collection?

Mr. HEMENWAY. Not always. At certain great ports of the United States where inspectors are necessary the amount collected does not always determine the importance of the port, but at interior ports it always determines the importance of the port.

Mr. POWERS of Maine. I have the honor to represent several hundred miles of coast and interior line, and there are three or four collectorships along that line. I do not know but one—that is Machias—where it costs more than the receipts. I think none of the others cost more than their receipts. One of them, Bangor, is the largest collector of revenue in the State. Now, along that line it is necessary, for the prevention of smuggling, as there are several railroads that cross the line, to have deputy collectors and inspectors, whether you have a collectorship or not.

Mr. HEMENWAY. Let me say to the gentleman that there are seven ports in Maine where the revenue collected amounts to less than the expenditures.

Mr. POWERS of Maine. I would like to ask the gentleman if Machias is one of them?

Mr. HEMENWAY. Belfast is the first one in the list.

Mr. POWERS of Maine. That is not in my district.

Mr. HEMENWAY. The gentleman can get the list from page 25 of the Secretary's report.

Mr. POWERS of Maine. I want to say to the gentleman that I do not want to vote for any such radical change in existing law without I carefully look into it.

Mr. HEMENWAY. The gentleman will have ample time to do that.

Mr. MADDOX. Mr. Chairman, I would like to ask the gentleman from Indiana a question.

Mr. HEMENWAY. Very well.

Mr. MADDOX. Isn't it true that these subports that the gentleman is talking about have added largely to the expense of collection of the revenue of the country? Does not the Assistant Secretary say himself that these expensive ports from which we receive no revenue have created these deficiencies that the gentleman is asking for in this bill? His testimony seems to be pretty full in this report, which it seems the gentleman from New York [Mr. FITZGERALD] has not discovered.

Mr. FITZGERALD. The gentleman from Georgia misunderstood what I said. The statement of the Assistant Secretary is in the report, but the list of places that the gentleman from Indiana was reading from to the committee is not in the report. That is the information upon which he is basing this argument.

Mr. HEMENWAY. The table from which I read is in the report of the Secretary of the Treasury, on page 25. Now, Mr. Chairman, I desire to call attention to the hearings, showing the difference in the cost of the collection of customs and that of internal revenue. The percentage of cost of collecting the customs is one-third more than it is for the collection of internal revenue.

Mr. SPARKMAN. Mr. Chairman, I would like to have the gentleman read the list.

Mr. HEMENWAY. It is too long to read, but I will put it in the RECORD.

Mr. PAYNE. Mr. Chairman, I was absent from the room at the beginning of this discussion. I understand the question was asked whether any attempt has ever been made to remedy this state of things.

Mr. HEMENWAY. The question was asked, and I could not answer it.

Mr. PAYNE. In 1898 Mr. Gage, Secretary of the Treasury, reported these matters fully and in detail, and that report was sent to the Committee on Ways and Means. Afterwards there was a hearing had there in reference to those matters, and we endeavored to frame a bill; but because of the opposition there was to it we did not succeed in agreeing upon any bill to cut off any ports; we did not succeed in bringing in any such bill. Secretary Shaw also made a recommendation in his report to this Congress. The matter was brought up at the last meeting of the Committee on Ways and Means and a direction made for further investigation of the subject.

There is no doubt but that some of these ports ought to be cut off. They cost a good deal of money. I think one port collected 70 cents when the cost of collection was three or four hundred dollars. Some of them are inland ports, and, as the gentleman from Indiana [Mr. HEMENWAY] has well said, there is no excuse for keeping up the inland ports where the cost of collection is more than the revenue. There is more excuse for a seaport, because very often the collector there is able to prevent smuggling. The question arises whether all of that business could not as well be done by a subcollector as by a collector with a full corps of officials. I believe myself it is a matter which ought to be thoroughly investigated and that some bill ought to be brought before the House remedying this. It is a useless expense in a great many cases, and it is an exorbitant expense in other cases, and where, if the ports are not cut off, a subport might be made, with a much smaller force and with a great deal less expense.

Of course the members of the committee will readily see that where there are ports scattered along the seacoast in which vessels may enter there is danger of smuggling unless a United States officer is about; but a deputy collector at a subport can prevent smuggling just as well as a collector with a larger salary and a whole corps of officials. The collectors in some of the small ports receive more salary than the deputy collectors to-day.

Mr. POWERS of Maine. Oh, not always.

Mr. PAYNE. No, I think not; but it is not gauged on the amount collected, else some of them would not receive more than a dollar of salary during the whole year.

Mr. POWERS of Maine. The object of a port is to prevent smuggling at that particular port.

Mr. PAYNE. Yes; at some of the small ports. I think perhaps at most of these places along the seacoast there should be a subport, but there is no use of a full army of officials to look after smuggling.

Mr. POWERS of Maine. I am very confident that there are many ports in Maine where the current expenses are less than they would be if a deputy collector were sent there under the civil-service rules.

Mr. HEMENWAY. These same men would stay there as deputy collectors.

Mr. POWERS of Maine. Their pay would be very much enlarged.

Mr. BURKETT. They would not have to do it under this bill.

Mr. PAYNE. The House can regulate the pay by legislation. A large portion of these were cut off before.

Mr. POWERS of Maine. The pay of deputy collectors is about the same—four or five dollars a day.

Mr. PAYNE. The pay of a collector is, of course, greater than the pay of a deputy collector.

Mr. POWERS of Maine. Not at all.

Mr. PAYNE. I do not think the comparison between the collection of customs and internal revenue is hardly fair as to the amount of expense. On account of the larger revenue from customs the percentage would not be so much larger, as the gentleman indicates, and then the two branches of the service are so entirely distinct that it is not fair to compare them. The collection of the internal revenue is so much more easily gotten at in a great many instances that I do not think that comparison is quite fair.

Mr. CRUMPACKER. I would ask the gentleman if ports and subports are not established by act of Congress?

Mr. PAYNE. Yes, they are.

Mr. CRUMPACKER. The provision under consideration does

not authorize the Secretary of the Treasury to abolish any ports or subports, but it provides that he may consolidate customs districts, and if a district with a port were consolidated with another district that port would become a subport by operation of law or by act of the President, would it not? What would be the status?

Mr. PAYNE. I have not noticed the provision in this bill, but when the matter was presented in 1898 the Treasury Department drew a very elaborate bill, and in that bill established and reestablished ports and subports all over the United States, of course eliminating some of these smaller ports, where the expense was so large in proportion to the collection, and placing ports where the Secretary of the Treasury thought there ought to be ports. I have sent for that report of the Secretary of the Treasury, but they do not seem to be able to find it.

Mr. CRUMPACKER. This bill has a provision giving the President a broad discretion to rearrange and consolidate districts throughout the country without limitation, providing that there shall be no more than 123 collection districts altogether.

Mr. PAYNE. I would be glad to have that provision of the law read.

Mr. CRUMPACKER. I will read it:

The President is hereby authorized to establish convenient districts for the collection of revenue from customs, and for that purpose may subdivide any State or Territory within or appurtenant to the United States, or may unite two or more States or Territories within or appurtenant to the United States, or any part or parts thereof, into one district, and may from time to time alter said districts: *Provided*, That there shall be no more than 123 collection districts.

The gentleman will notice that this gives the President unlimited power to consolidate and reorganize, but there is no authority, of course, to close a port or to change a port from the status of a port to that of a subport, because that status is fixed by act of Congress, as I understand.

Mr. PAYNE. I should doubt very much whether that provision would remedy the evil. We have now before the committee a proposition to establish some subports in the State of Washington and also a recommendation by the Secretary of the Treasury to remove the principal port from Port Townsend to Seattle, both in the same customs district. We are met by a portion of the Representatives from that State who desire that the old port at Port Townsend, where there are about 2,500 people and a very small quantity of imports—1 or 2 per cent of the whole amount—continued, instead of being transferred to Seattle, where over 50 per cent of the imports are received, so that there would be an obvious saving to the Government on the transportation of the money that goes to the subtreasury at San Francisco by placing the port where the commerce is. This is a matter which it seems to me ought to have most careful investigation, and a bill in regard to it should be carefully framed.

Mr. POWERS of Maine. I should like to ask the gentleman another question. I see by looking over the list of those ports where the cost of collection is more than the amount of revenue received that the cost in thirteen of them is considerably less than $1,000 and at some less than $500. Now, if a collectorship is necessary where the Government receives but $1,100 or $1,200——

Mr. PAYNE. I think the aggregate of cost, at least as shown in the report for 1898, if not the present report, was some $150,000, while the amount collected, if I remember rightly, was only $10,000 or $12,000. I would not be absolutely sure about the amount; but it cost perhaps ten times as much to make the collections as the amount collected.

Mr. POWERS of Maine. But if an officer is necessary at those points, would you decrease the cost any by this arrangement?

Mr. PAYNE. I do not wish to trespass on the time of the gentleman from Indiana, who, I understand, has disposed of a portion of his time, so I will not interrupt him further.

Mr. HEMENWAY. Mr. Chairman, I have called attention to this item now. When we reach it on the bill, I shall ask, if necessary, for more than five minutes of discussion—say two hours or whatever time may be necessary. My object in calling attention to it now is that the House may have an opportunity to look the matter over while the general discussion goes on.

Mr. GAINES of Tennessee. What is the item?

Mr. HEMENWAY. The item for the consolidation of collection districts, on page 13.

Mr. BOWERS. Will the gentleman allow me a moment? I notice it is here provided that there shall be no more than 123 collection districts. Can the gentleman tell us how many collection districts there are now?

Mr. HEMENWAY. One hundred and sixty-five.

Mr. BOWERS. The gentleman, a few moments ago, in stating the cost of collecting internal revenue as compared with the cost of collecting customs duties, stated that it cost 33⅓ per cent more to collect the customs than the internal revenue. I take it the gentleman is aware that there is performed in every custom-house a large amount of services for American vessels for which no charge is made to the vessel, the expense being paid by the Government, and going to make up, in the smaller ports, the salary of the collector.

Mr. HEMENWAY. In the Internal-Revenue Department many inspectors are necessarily employed, and yet their services result, apparently, in no direct collections for the Government.

Mr. BOWERS. I understand that; but the inquiry I desired to make was whether the cost of these services rendered to American vessels and paid by the Government has been added as a part of the salary of the collector.

Now, Mr. Chairman, I desire to call attention to the next item of legislation on this bill. It is in regard to the public building at Macon, Ga. It appears that on the site purchased there there is a livery stable which can be converted into a building that will be all right for the post-office, thus avoiding the necessity of paying rent on another building. We have authorized certain repairs to that building, so that the post-office may be moved into it while the new one is being constructed.

Mr. BARTLETT. I do not think the gentleman has stated exactly the conditions under which this appropriation is to be made.

Mr. HEMENWAY. Then I ask the gentleman from Georgia to make a statement of the matter, as he is familiar with it.

Mr. BARTLETT. In 1900 and 1901 there were appropriated regularly for rent of temporary quarters $5,000 in one year and $6,000 in the other. After the appropriation had been made Congress increased the appropriation for the building there, and that made it necessary to buy for the purposes of the site additional land adjoining the present site. Upon that site there is located a building which, if properly put in order, would answer all the purposes of a post-office and save the Government at least $4,000 a year. This appropriation merely authorizes the Secretary of the Treasury to use money already appropriated for the purposes of temporary quarters, so that the Government can get its quarters more cheaply than it otherwise could.

Mr. HEMENWAY. The gentleman has stated the substance of this change.

On page 50 of the bill we recommend this:

That hereafter no part of any money appropriated shall be used in payment of per diem compensation to any clerk for attendance in court, except for days when the court is actually in session opened in the presence of the judge, which fact shall be certified in the approval of the account.

That is to correct an abuse that now exists, where a clerk will keep a court open and put a little entry on the docket each day, keeping the court constantly open in order to draw $5 per diem. This practice evidently was not contemplated at the time the law was passed, and it is certainly an abuse, and we seek to remedy it.

The next item is:

That the payment to officers and men severally entitled of the judgments, herein appropriated for, of the Court of Claims for bounty for destruction of enemy's vessels, under section 4635 of the Revised Statutes, be made on settlements by the Auditor for the Navy Department in the manner prescribed by law and Treasury regulations for the payment of prize money, the distribution of such individual share to be in accordance with the orders, rules, and finding of the Court of Claims.

And hereafter in all cases of final judgments and awards rendered against the United States by the Court of Claims, and of final judgments rendered against the United States by the circuit and district courts of the United States, payment thereof under appropriations made by Congress shall be made on settlements by the auditor for the Department or branch of the public service having jurisdiction over the subject-matter out of which the claims arose.

Under the Dockery law or present accounting system they have to be paid through the Auditor's office for the State Department, and there is every reason why they should be paid through the Auditor's office from which they went.

Now, there is just one other item on this bill to which I desire to call attention, and then I shall be through with my statement. That is the item of mileage.

At the extra session of Congress there was reported from the Committee on Appropriations a resolution making the mileage then appropriated for available for the extra session.

A similar resolution was offered in the Fifty-third Congress by Mr. Holman, who was then the chairman of the Committee on Appropriations. The mileage was made available and was paid for attendance on the extra session. At the regular session which followed, Mr. Hayes, of Iowa, offered on the floor of the House an amendment for mileage of Members of the House of Representatives and Delegates from Territories, $130,000, for the second session of the Fifty-third Congress.

To that, Mr. Wells, then a Member of Congress, made the point of order. There was a long discussion, which finally resulted in a ruling by the Chair, in which the Chair held that the point of order was not well taken, and that the amendment was in order on the bill, that it was an appropriation authorized by law.

In the Fifty-fifth Congress there was an extra session, and the same procedure was had: a joint resolution was passed making the mileage available for the extra session of Congress, and at the following regular session an item passed upon the appropriation bill without debate, no one raising any question against the item

in the House, providing for mileage for that regular session of Congress.

Now, the Committee on Appropriations, following the precedents laid down by the Fifty-third Congress and the Fifty-fifth Congress, and following the ruling of the Chair in the Fifty-third Congress, report in this bill an item for mileage, and simply say to the House, "Now it is up to you." We have followed the precedents laid down in the Fifty-third and the Fifty-fifth Congresses. Under our construction of the ruling in the Fifty-third Congress and of the action of the Fifty-fifth Congress, this mileage is authorized by law. In fact that was the exact point passed upon by the Chair in the Fifty-third Congress, and we have put it on the bill. The House can determine whether or not they want to accept the mileage.

I will say in addition to that that the other question arises which is made by some gentlemen, that this is one continuous session of Congress; that there has been no adjournment of the special session of Congress. That is a question which the House must determine for itself; but the Committee on Appropriations bring this item in here for the consideration of the House.

Mr. BINGHAM. Following the law.

Mr. HEMENWAY. Mr. Chairman, I reserve the balance of my time, and will print as a part of my remarks the following.

[From report of the Secretary of the Treasury, page 25.]

List of ports at which customs expenses exceed receipts.

Name of port.	Receipts.	Expenses.	Number employed.	Cost of collecting $1.
Albemarle (Elizabeth City), N. C	$87.00	$1,770.67	2	$20.35
Apalachicola, Fla	1,913.61	3,513.63	4	1.83
Barnstable, Mass	729.43	4,107.16	7	5.63
Beaufort, N. C	13.01	1,775.12	2	136.44
Beaufort, S. C	761.41	3,585.32	4	4.70
Belfast, Me	2,738.80	2,985.45	6	1.09
Brazos (Brownsville), Tex	4,732.77	31,991.11	26	6.75
Bridgeton, N. J	292.60	1,437.38	5	4.91
Bristol and Warren, R. I	109.61	254.15	2	2.45
Burlington, Iowa	52.67	441.80	1	8.38
Burlington (Trenton), N. J	4.80	162.00	2	33.75
Castine, Me	1,808.85	4,542.55	6	2.51
Chattanooga, Tenn	27.73	388.70	2	14.01
Cherrystone (Cape Charles City), Va	30.00	956.80	3	31.89
Eastern (Crisfield), Md	737.00	2,824.30	2	381.64
Edgartown, Mass	534.64	2,538.18	4	4.74
Frenchmans Bay (Ellsworth), Me	982.37	3,827.49	5	3.89
Galena, Ill	.70	378.05	1	540.07
Georgetown, S. C	32.27	485.42	2	15.04
Gloucester, Mass	7,611.24	18,489.65	14	2.42
Great Egg Harbor (Somers Point), N. J	1,890.84	2,045.19	3	1.08
Humboldt (Eureka), Cal	1,491.64	2,874.18	1	1.92
Kennebunk, Me	6.47	114.32	2	17.66
La Crosse, Wis	13.80	362.00	2	26.23
Machias, Me	1,212.44	4,290.43	5	3.53
Michigan (Grand Haven), Mich	5,132.42	8,886.69	14	1.73
Nantucket, Mass	15.70	366.20	1	23.32
New London, Conn	1,278.83	4,911.44	5	3.84
Pamlico (Newbern), N. C	1,324.50	5,891.50	5	4.44
Pearl River (Shieldsboro), Miss	7,914.93	9,177.84	6	1.16
Plymouth, Mass	786.06	1,455.10	2	1.85
Rock Island, Ill	22.08	775.14	2	35.10
Saco, Me	87.35	482.26	2	5.52
St. Marks (Cedar Keys), Fla	300.05	1,523.59	2	5.07
St. Marys, Ga	2.44	581.90	1	238.48
Salem and Beverly (Salem), Mass	5,308.96	6,117.19	6	1.15
Sandusky, Ohio	2,359.28	4,377.55	9	1.85
Southern Oregon (Coos Bay), Oreg	10.00	1,308.92	2	130.89
Teche (Brashear), La	109.21	3,036.43	3	27.80
Vicksburg, Miss	26.20	547.55	1	20.89
Waldoboro, Me	4,028.75	7,459.87	7	1.85
Wheeling, W. Va	880.55	1,529.90	2	1.73
Wilmington, N. C	4,760.43	6,720.12	5	1.41
Wiscasset, Me	966.94	3,388.96	3	3.50
York, Me	5.19	236.87	1	45.44

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 18, 1904.

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
House of Representatives.

SIR: As requested by the committee, your attention is directed to the report of the Secretary of the Treasury for the fiscal year ended June 30, 1903, page 25, in which reference is made to forty-seven ports where the cost of collection of $1 exceeds $1. Attention is also directed to pages 110, 111, 112, and 113 of the same volume, which show in detail the customs business of the country. It will be observed that the average cost to collect a dollar is $0.0339+. By reference to the table on page 109 of the same volume it will be found that the average cost to collect a dollar of internal revenue is $0.021.

With the data available in the Treasury Department at the present moment, no satisfactory plan of consolidation of districts to reduce the cost of collection per dollar of customs receipts can be recommended, nor in the light of past experience is it deemed advisable to suggest a detailed and arbitrary reorganization of customs districts. In the first session of the Fifty-second Congress Mr. Harter, on January 12, 1892, introduced a bill authorizing the consolidation of customs-collection districts, which was read twice and referred to the Committee on Ways and Means, but never became a law. It provided specifically for a reorganization of the customs districts. A copy of the bill is inclosed herewith for the information of the committee.

Previous to 1876 there were 183 internal-revenue districts. In 1876 and 1877 legislation now appearing as section 3141 of the Revised Statutes was enacted. Through its operation the number of internal-revenue districts has been reduced to 66, and the cost of collection steadily lowered. Section 3141 of the Revised Statutes reads as follows:

"For the purpose of assessing, levying, and collecting the taxes provided by the internal-revenue laws, the President may establish convenient collection districts, and for that purpose he may subdivide any State, Territory, or the District of Columbia, or may unite two or more States or Territories into one district, and may from time to time alter said districts: *Provided*, That the number of districts in any State shall not exceed the number of Representatives in Congress to which such State was entitled in the Thirty-seventh Congress, except in such States as were entitled to an increased representation in the Thirty-eighth Congress, in which States the number of districts shall not exceed the number of Representatives to which any such State was so entitled: *And provided further*, That in the State of California the President may establish a number of districts not exceeding the number of Senators and Representatives to which said State was entitled in the Thirty-seventh Congress."

The act of March 3, 1877, limited the maximum number of internal-revenue collection districts to 126, and that limit still exists, but has never been reached. That portion of the act bearing on the subject is as follows:

"From and after the 30th day of June next there shall be no more than 126 collection districts; and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the internal-revenue districts to not exceeding the number aforesaid in the manner heretofore provided by law."

This was a provision following an appropriation for salaries and expenses of collectors in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1878.

It is respectfully suggested that authority similar to that given in section 3141 for the consolidation and reorganization of internal-revenue districts be given to the executive department of the Government for the consolidation and reorganization of customs districts. It is further suggested that a provision to this effect, carrying such authority, might properly be inserted in the urgent deficiency bill now under consideration before your committee. In this connection it is suggested that the permanent appropriation for the collection of customs be increased from $5,500,000 to $8,000,000. This, together with the estimated amount which will probably be received from miscellaneous receipts, would make a sum sufficiently large to cover the estimated expenditures; and with a proviso that any unexpended portion of the appropriation shall be covered back into the Treasury there will be no necessity for a deficiency appropriation of any kind. In the meantime, if authority be given to the executive department to reorganize the districts, undoubtedly a considerable saving could be effected and the various districts of the country put on a business basis, the cost of each one being apportioned on a basis commensurate with its business.

If such authority is granted to the Department, there is no probability of the absolute abolition of independent ports. Scores of places, however, which are now independent ports would be made subports, attached to some principal port which is now self-supporting, and placed in a customs district which is now self-sustaining. The receipts of all the small ports would thereafter be consolidated with the receipts of the larger port, and the expenses reduced to those absolutely necessary to transact the business in a satisfactory manner.

At each of the subports a sufficient force would be retained to conduct the business and police the territory to which they are assigned. The reorganization of the districts would be in the interest of commerce and importers, inasmuch as a chief customs officer of experience would be in charge of all the ports of the district and the practice would be uniform. Many errors arising at small ports that are now brought to the attention of the Department too late to correct would be eliminated entirely.

Recent data relative to the workings of the immediate-transportation law are not available to the extent of showing the proportion of the immediate-transportation business compared with the ordinary business of the port. The item of cost due to the extension of the immediate-transportation provision to ports where no business is done is inconsiderable for the reason that no additional help is required when no additional business is transacted.

Respectfully,

R. B. ARMSTRONG,
Assistant Secretary.

The CHAIRMAN. The gentleman from Indiana reserves the balance of his time. The gentleman from Georgia [Mr. LIVINGSTON] is recognized.

Mr. LIVINGSTON. Mr. Chairman, I yield sixty minutes to the gentleman from Alabama [Mr. UNDERWOOD].

The CHAIRMAN. The gentleman from Georgia yields sixty minutes to the gentleman from Alabama, who is recognized for that time.

Mr. UNDERWOOD. Mr. Chairman, I do not know that I should say anything on this bill were it not for the fact that I am a member of the subcommittee that reported it, and I desire to make a few statements to the House as to my views on the items contained in the bill.

Among other things that the subcommittee examined into at the time of the hearings upon the bill was the question of carriage hire. A number of heads of Departments were before the committee and testified in reference to the use of carriages in the Departments. The testimony showed that some of the carriages used in the Departments were very necessarily and properly used. There was other testimony going to show that carriages were used by persons for their private use that were not used for the benefit of the Government, and that they were unnecessary.

I think that the whole testimony taken together demonstrated one fact very clearly. That is that a system has grown up in the Government departments and bureaus in Washington and in Army and Navy post stations away from here, of allowing heads of departments and officers to use the contingent funds allowed to them by Congress for other purposes for the purchase and maintenance of carriages and horses for their own private use at Government expense; that is not necessary and is improper. I do think, however, that there are certain cases in which the officers of the Government ought to be provided with carriages. For instance, take the Secretary of State and the Assistant Secretaries of State. A real part of their official functions is to make calls and answer calls of foreign diplomats, and to attend certain

diplomatic functions. They are paid a very small compensation, and I think it would be entirely proper for the Government to furnish them with carriages and horses.

But, on the other hand, from the testimony it seems that the heads of certain bureaus have been using private carriages and maintaining them out of the contingent fund provided by Congress for other purposes. I think that is all wrong. But it has grown up to be a custom, and I think there is but one way of getting at it and remedying the evil, and that is for Congress expressly—not for the Appropriations Committee, for we have not the jurisdiction in this matter, but for the House, which has jurisdiction of the case—to pass a specific law saying that no fund appropriated for contingent expenses shall be used to maintain private carriages, or public carriages for that matter, of Government officials, and then by express law state what officials of this Government are entitled to have carriages and appropriate for them, for the pay and maintenance of carriages and horses as provided by law, and stop the indiscriminate use of the contingent funds that are appropriated for other purposes.

In the bill there is another item that I think it necessary to call to the attention of the House, and that is an appropriation of $100,000 put in this bill that is not of necessity an urgent deficiency. It is $100,000 to survey the Alaskan boundaries. As Members know, that question has been in dispute for many years. The tribunal selected has finally decided that question, has ordered a survey made and certain monuments erected. The more quickly it is done, the better. If we wait for the regular appropriation bill, it would be several months before the work begun. Therefore the committee saw proper to put an appropriation in here of $100,000 in order that the survey might commence at once.

Then there is an item in here, a rather large appropriation, for the diplomatic service in Panama. It is an item proposing to pay the minister of the United States at Panama a salary of $10,000 a year, and appropriates for his salary for the balance of the fiscal year—that is, up to the 30th of June, 1904. Now, I want to say that I voted for that appropriation in committee, and shall vote for it in the House. The reason that I voted for it in the committee and shall vote for it in the House is this: The President of the United States has appointed Mr. Buchanan minister to Panama. The Senate of the United States has confirmed that action. He is a governmental officer duly and properly commissioned, fulfilling his functions as representative of the United States at a place where, at the present time, it is very necessary for us to have an able and active officer to look after the affairs of the United States, regardless of what we may think as to the action of the President or the Executive in reference to the Panama revolution.

In view of the fact that this man was properly appointed, confirmed by the Senate, and that we need a diplomatic officer there, I voted to pay him his salary. The reason we fix $10,000 as his salary, which may seem to be a large salary for a diplomatic officer in so small a country, was this: The testimony before the committee showed that Panama was an exceedingly unhealthy place; that a great many of our consuls-general had died there, and, as one witness said, part of it was salary and some of it, a large part of it, was life insurance.

And under these circumstances the committee did not believe that a salary of $10,000 was too large in order to get an intelligent and able and efficient Government agent at that place.

Now, in reference to the item for the collection of customs revenues, the chairman of the committee has stated the action of the committee in bringing in an amendment in this bill that is subject to a point of order under the rules of the House, but it is evident that it is an amendment that is very badly needed. The Secretary of the Treasury has shown that under the present system of collecting revenues from customs it costs something like 3 cents and 4 mills to collect each dollar of customs revenue, whereas, on the other hand, it only costs 2 cents and 1 mill to collect the internal revenue.

Some years ago it cost just as much to collect the internal revenue as it does to collect the customs revenue now, but a law was passed through Congress authorizing the President of the United States to consolidate the revenue-collecting districts. By that means economy was created. The cost of collecting this revenue was cut down to a total cost of 2 cents and 1 mill to a dollar. Now, the Secretary of the Treasury asks for a deficiency appropriation of $2,400,000 on this bill—a deficiency appropriation. When he is asked, Why is this large deficiency, and why he can not collect this money at a less expense, he says because the existing law requires him to keep revenue collectors at certain ports where the expense to the Government is greater than the revenue collected; but he states that he is bound by the law; that he must obey the law, and therefore he can not reduce the cost of collection, and for that reason he asks for this amendment to be passed in order that the President may consolidate the ports of entry. Change full ports into subports, and thereby economize and reduce the cost of collection, and he intimates that he can probably cut it down somewhere in the neighborhood of 2 cents on the dollar, as he has the internal revenue, and save the Government something over a million dollars in the collection of its revenue.

Mr. THOMAS of North Carolina. Mr. Chairman, I would like to interrupt the gentleman.

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from North Carolina?

Mr. UNDERWOOD. Certainly.

Mr. THOMAS of North Carolina. I want to ask the gentleman from Alabama—because I am interested in this item, as one of the ports of entry of my district might be affected—does the Secretary of the Treasury or does the committee suggest any particular ports of entry or customs districts which are to be abolished or consolidated?

Mr. UNDERWOOD. Not at all.

Mr. THOMAS of North Carolina. I am particularly interested in the ports at Beaufort and Newbern, N. C., and I trust there is no possibility under this legislation that these ports will be consolidated with any other port or placed under deputy collectors, because they are important ports and old ports and customs districts and have been in existence for many years.

Mr. UNDERWOOD. I will state to the gentleman from North Carolina this legislation can only pass by unanimous consent of every man in this House.

Mr. THOMAS of North Carolina. In other words, the item is subject to a point of order.

Mr. UNDERWOOD. It is subject to the point of order, but I say it is wise to let it stay in this bill or in some other way to enact it, because clearly it is costing more money to collect our revenue than it ought to cost, and the reform is needed. I will read to the gentleman just what the law proposed is:

> The President is hereby authorized to establish convenient districts for the collection of revenue from customs, and for that purpose may subdivide any State or Territory within or appurtenant to the United States, or may unite two or more States or Territories within or appurtenant to the United States, or any part or parts thereof, into one district, and may, from time to time, alter said districts: *Provided*, That there shall be no more than 123 collection districts.

Now, I will say to the gentleman from North Carolina, that is exactly what Congress did when it passed a law in reference to the collection of internal revenue and authorized the President to consolidate districts. It would be a very difficult thing for Congress to pick out the districts to be consolidated, because we are all naturally looking after our own. If the question came up here of consolidating a port in my district or in yours or one in another, we would soon have a combination here where we would all vote to save our own ports, and therefore vote as a unit against the bill, not that we care for the other ports, but to protect ourselves, so that no legislation could be passed.

Mr. THOMAS of North Carolina. There may be possibly ports of entry that ought to be abolished in the interest of economy, but when it comes to the ports of entry in North Carolina, such as Beaufort, Newbern, Wilmington, Elizabeth City—few in number, but important—certainly these ports ought not to be abolished. [Laughter and applause.]

If this item is subject to a point of order, then I shall be compelled to make the point of order.

Mr. GAINES of Tennessee. Will the gentleman tell us how much salary is paid to the customs officer at the various large ports in the United States—say New York, Boston, Philadelphia, and San Francisco?

Mr. UNDERWOOD. I can not recollect them, and my time will not permit me to go through it. I will refer the gentleman to the letter of the Secretary of the Treasury contained in House Document No. 269, which will give him that information.

Mr. GAINES of Tennessee. I am familiar with the comparison between the cost of collection of customs and that of internal revenue, but I thought we might economize by cutting down some of these salaries at the large ports of the country. I understand some of them are as high as $20,000 and some $30,000. It seems to me that we ought to begin this economy at the top rather than to go out into the woods and into the little places around in the country and close ports in this summary way.

Mr. FITZGERALD. I would like to ask the gentleman from Alabama what amount the Secretary estimated would be saved by this provision?

Mr. UNDERWOOD. The Secretary of the Treasury did not estimate the exact amount, but in his testimony before the committee he intimated that by this change he could probably cut down the cost of collection to what it cost per dollar to collect the internal revenue, which would be a saving of about 1½ cents on a dollar, amounting in the total to about one million and a half dollars.

Mr. FITZGERALD. That would still leave a deficiency of $900,000 on the regular appropriation?

Mr. UNDERWOOD. Yes; in relative figures it would, although it is just to say that there has been a deficiency on this appropriation since 1872. Congress has adopted the custom of making an annual appropriation of $5,500,000 for the collection, and then put the balance in the deficiency bill. So there really has been a deficiency all the time.

Mr. FITZGERALD. Has the gentleman at hand the deficiency for the previous year?

Mr. UNDERWOOD. The deficiency for 1903 was $2,300,000. The estimated deficiency for this year is $2,400,000. It has been growing for many years, and will continue to grow unless some reformation is made in the collection of these revenues. The Committee on Appropriations admit that this is not within their jurisdiction; that this legislation is not in order if objected to. Any man can knock it out on a point of order, but when we considered the need of holding down expenditures, and the fact that the Secretary of the Treasury has recommended this legislation, we felt that it should be presented by the committee of the House, either for them to act now or hereafter, as the House deems proper.

Mr. SMALL. Mr. Chairman, I would like to ask the gentleman a question.

Mr. UNDERWOOD. I yield to the gentleman.

Mr. SMALL. I would like to ask the gentleman if he is not aware that in all these collection districts, both where there is a full collector and a deputy collector, these officers have various services to perform in connection with the licensing, registering, and enrolling of vessels and the changing of masters, and that this proposed amendment of the law contains no provision for the appointment of deputy collectors? Is not the gentleman aware that great inconvenience will result?

Mr. UNDERWOOD. The gentleman from North Carolina misunderstands the amendment. This amendment provides that the President shall have authority to create ports into subports. Of course a subport will carry the same number of officers it has now. If the President thinks, in his discretion, that a port ought to remain a full port, it will have all the men that it carries now. If he thinks it only needs the officers of a subport, why he will make it a subport. In other words, he combines not only the ports, but he combines these collection districts where they have the immediate right of transportation, where a great deal of unnecessary expense is now created.

Mr. SMALL. At any point where a deputy collector exists now it will rest in the discretion of the Secretary of the Treasury or the President whether that shall be continued as a port or a subport?

Mr. UNDERWOOD. Unquestionably.

Mr. SMALL. Is it not true that in any of these subports great inconvenience will be created in connection with the service to American vessels if they should be abolished?

Mr. UNDERWOOD. I will say to my friend that I have no doubt that the people of every town in which a full port is located would object to having it made a subport. Of course in every actual port on the seashore, I take it, the President would not abolish the station entirely. He might reduce a full port to a subport. I take it further that the people living in a place having a full port now, if it was reduced to a subport, would feel that they had been done a great hardship; but that would not make it wrong; somebody must exercise the discretion.

This House ought itself by a bill reduce the number of ports and reform the matter, or they ought to give the Executive the right to reform it. Now, the committee does not say to the House you must reform it one way or the other, but we simply say that the executive officer of this Government, the Secretary of the Treasury, has said that he could not economize under the present law, that the law must be changed, and that he asked for some authority to change it so that the cost of collection can be reduced, and he suggests this provision of the law. That is all.

Mr. SMALL. Now, I want to illustrate to the gentleman from Alabama what an injustice this may entail.

Mr. UNDERWOOD. I will ask the gentleman from North Carolina not to do that for my time is running. I am glad to answer any question, but the gentleman can make his speech in his own time.

Mr. SMALL. Very well. I want to say that I do not think the committee has thoroughly considered this question.

Mr. FINLEY. Mr. Chairman, I will ask the gentleman who argues that there should be a change in the law why he or some member of this committee does not bring in a bill for that purpose if they are convinced of this fact, and not undertake to make the change in this bill.

Mr. UNDERWOOD. I have just stated to the House that this committee simply reported to this House what the Secretary of the Treasury said was necessary. We call the attention of the House to the fact that it is not in order on this bill, that it can not come in here except by unanimous consent. If the unanimous consent of every Member of this House is given, then it is all right to have it here. If the gentleman from South Carolina [Mr. FINLEY] does not think this legislation ought to be had on this bill, when the question is reached he ought to rise in his seat and take the responsibility of killing it, as he can do.

Mr. FINLEY. Does the gentleman think that the legislation that is incorporated in the bill is sufficient and broad enough to cover the question in its entirety?

Mr. UNDERWOOD. Well, I can not say that myself from my own knowledge. The Secretary of the Treasury seems to think that it is. The committee did not go into a very full investigation of the question. It is not the business of the Appropriation Committee to do so, but it was our business when the matter was called to our attention, and we were told that we could not economize unless there was some legislation to enable them to economize, to report those facts to the House, and that is all this committee has done.

Mr. HERMANN. If the gentleman will permit me, I would like to ask him a question. Is it not a fact, under the present reorganization system of the collection districts, that in all those districts where there are full collectorships and the receipts are small the salary paid the collector is so small that the services could not be performed for any less compensation, even by a deputy?

Mr. UNDERWOOD. My friend is asking me something I know nothing about except as I get it from the report of the Secretary of the Treasury. The Secretary of the Treasury in his report in 1903—and it will be found on page 35—reports that there were some fifty-odd ports that were not paying, costing more to maintain than they collected, and that they ought to be consolidated. I do not know. It is a technical question. I will say candidly that I am not informed on the subject.

Mr. HERMANN. In my own State——

Mr. UNDERWOOD. Now, I will ask my friend not to make a speech in my time.

Mr. HERMANN. Just one remark further. In my own State there are two collection districts where the entire receipts, I presume, do not equal one-half of the compensation that is paid the officers employed to supervise the collection; and yet at the same time the maximum compensation does not exceed $100 a month—a compensation for which you can not obtain the services of any person, let him be known as a collector, a deputy, or even as a clerk.

Mr. UNDERWOOD. I know nothing about that.

Mr. HERMANN. There could be no reform in abolishing such collection districts as those.

Mr. UNDERWOOD. I know nothing about that fact.

Mr. WILLIAMS of Mississippi. Mr. Chairman, before the gentleman takes his seat, I would like to have him call attention to such matters in the bill as are matters of new legislation and subject to the point of order.

Mr. UNDERWOOD. I will. Mr. Chairman, that is all I have to say on the question of the collection of customs revenue. I will endeavor to call attention to the other matters of new legislation in this bill, as suggested by the gentleman from Mississippi [Mr. WILLIAMS]. The first item of new legislation is the question of authorizing the board of commissioners of the Louisiana Purchase Exposition to hire rooms in this city.

In reference to all other expositions heretofore the commissioners have been allowed to take out of the general fund of their appropriation money for the purpose of hiring storerooms and offices in the city of Washington to enable them to assemble the Government exhibits. The Comptroller of the Currency has recently held that under the last appropriation they can not use any of that money for that purpose. That will be found on page 3 of his report.

Mr. GAINES of Tennessee. How much money does it take?

Mr. UNDERWOOD. It is a general provision allowing them to use so much as may be needed for that purpose from the funds already appropriated. It is simply to enable them, out of the appropriation already made of $800,000—the Comptroller having held that they could not use any of that—to secure rooms in which to assemble exhibits before shipping them away. Then comes a provision to allow the Government to rent a building in Macon, Ga., to be used as a temporary post-office while it is tearing down the old building and rebuilding another one, which provision is proper and necessary.

Mr. BARTLETT. Mr. Chairman, I will state that the gentleman makes a mistake when he says it is to permit the Government to rent a building. It simply permits the Government to use the money already appropriated for rent to repair its own building and put it in shape so that it can be used for a post-office. I do not think it is subject to the point of order.

Mr. UNDERWOOD. Well, we put it in the bill as new legislation, but there is no reason in the world why the Government should not be allowed this privilege, and I suppose nobody on earth will object.

Mr. BARTLETT. It saves the Government $4,000 a year for two years.

Mr. UNDERWOOD. The committee shows it will be a saving to the Government, and it is necessary for these people to have some place in which to conduct their post-office business while the new building is being constructed.

The next provision of new legislation is this: A deficiency appropriation was asked for by the Department of Justice for per diem for clerks, and, as shown by the testimony, it was a rather large deficiency. We called for a statement to show the cause of this large deficiency, and it seems that when the courts are not in session, if a judge enters an order at his place of residence and sends it to the clerk to be entered on the docket of the court, the clerk can charge the Government $5 a day for each day that he enters one of these orders, regardless of whether the court is actually in session or not. In other words, if the judge at his home makes a half dozen orders and sends them down to the clerk to be entered up, the clerk can enter one each day and claim that the court was open on each day, although there was neither judge nor jury in attendance and nobody there but the clerk, who receives $5 a day for doing so. At the suggestion of the Department of Justice, the committee have inserted in this bill a provision that will hereafter prevent this practice. And the same provision was made to apply to the district court in the District of Columbia.

Those are the questions of new legislation arising on this bill, unless the provision for the payment of salary to a minister to Panama be regarded as new legislation (and the committee did not so regard it) and unless the provision in this bill for mileage be regarded as new legislation. The majority of the committee did not so regard it, although I do.

Another provision to which I think it proper to call the attention of the House is the appropriation of $131,500 by way of deficiency for the Marine Corps. This deficiency was created by the necessity, or what the President determined was the necessity, of sending a number of marines to Panama—a provision for their traveling expenses, necessary supplies, etc., down there, which have been used from funds that would have been available to carry the Marine Corps through the balance of this fiscal year. It left a deficit; and unless we make an appropriation now, there will not be funds available to maintain that corps for the balance of this year. So that the committee felt it necessary under these circumstances to make this appropriation in order to maintain the marines until the 1st of July next.

Then we come, Mr. Chairman, to the question of mileage. I want to state that I differed with my colleagues on the committee as to the legal status of this proposition. The committee reported the bill to the House with the understanding that every member of the committee should be at liberty to take whatever position he thought proper on this question. Most of the members of the committee came to the conclusion that the existing law is that Members of Congress shall receive this mileage. Those members hold that we have had two sessions of Congress, and that, whether it was right or wrong for us to receive the mileage for November, the law requires that it should be paid now and that it was necessary for the committee to report it, as it was carrying out existing law.

Mr. Chairman, I differed with my colleagues on that proposition, because I contend that there has been but one session of Congress. If we had had two sessions, then I admit the question would come before Congress as to whether we should take the money or not—a question for every man to determine for himself. But if we have had but one session of Congress, if the session in which we were engaged in November is the same session in which we are now engaged in January, then there is no rhyme or reason, technical or ethical, why we should appropriate $145,000 for mileage for Members of Congress.

Now, I do not intend to tire you with a long argument on this question, but I think it is but justice to myself and justice to the House to state my views, as I hold them, in reference to this question.

I contend that under the Constitution of the United States a session of Congress can come to an end in but one of three ways: First, we can adjourn, under the Constitution, by a concurrent resolution of the two Houses; second, we must necessarily adjourn when the end of the term for which we were elected arrives on the 4th of March, and, third, when the two Houses differ as to whether they want to adjourn or not then it is within the discretion of the President to adjourn us to such time as he may see proper. All this is provided for in the Constitution of the United States, and these are the only means by which the two Houses can adjourn under the Constitution of the United States when they have once assembled.

That is practically admitted by all up to that point. But the gentlemen who say we have had two sessions of Congress say that that is true, that a regular adjournment by the action of Congress can be had only in that way, but that the Constitution provides that you must meet on the first Monday in December every year in regular session, and that when that time comes you have got to start a new session.

Now, if that is so, of course we have had two sessions of Congress, but if it is not so we have not. Now, what does the Constitution say?

> The Congress shall assemble at least once in every year. Such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

What is the intention of that provision? Congress shall assemble at least once in every year. Is not that the governing clause in the sentence? The writers of the Constitution intended that we should be here at least once every year, but they did not make it binding on a particular day. They appointed that day provided we did not choose to assemble on some other day; but if we are already assembled, where is there any violation of the Constitution in remaining assembled? There is no reason why we should adjourn. The object was not that we should create a new session of Congress and start in on a new term on the first Monday of each December, but the object of the Constitution was to have us in session at least once every year. We could change the date and order the session to begin in August, if we wanted to, and there would be no compulsion on our part to meet here on the first Monday in December. I say, therefore, there is no authority given by the Constitution, or given by Congress, to the President of the Senate and the Speaker of this House to declare the two Houses adjourned and then call them together again.

More than that, Mr. Chairman, if I were alone in this proposition, if it were a new question, I might have some doubt upon it. It might be open to some such construction. But I have taken the trouble to examine into the precedents in the past and I find that the Second Congress of the United States, in its second session, met on the 5th day of November, 1792, and remained in continuous session until March 2, 1793; that it passed by the first Monday in December, and that not one single word was said by any Member of that Congress about finding an infinitesimal space of time between 12 o'clock noon on the first Monday in December of that year and 12 o'clock noon on the first Monday in December of that year that divided the session of Congress under the Constitution. Not one word was said about it. Many able and distinguished men constituted that body.

I find that there were among the membership Roger Sherman and Charles Ellsworth, of Connecticut; Charles Carroll and William Pinckney, of Maryland; Fisher Ames and Elbridge Gerry, of Massachusetts; Rufus King, of New York; Nathaniel Macon, of North Carolina; Robert Morris and Frederick A. Muhlenberg, of Pennsylvania, and James Madison and James Monroe, of Virginia—all distinguished men, many of them signers of the Declaration of Independence or members of the original Constitutional Convention. But none of those men when that momentous first Monday in December arrived found that there was an infinitesimal space of time in which one House could adjourn one session and start another in order that the Members of the Congress might receive mileage for the purpose of riding on the street car down to their hotels and back again. [Applause on the Democratic side.]

But that is not all. The Third Congress of the United States in its second session assembled on the 3d day of November, 1794, and continued in session until March 3, 1795. The Fifth Congress met in its second session on November 13, 1797, and remained in continuous session until July 16, 1798. The Sixth Congress in its second session started on November 17, 1800, and remained in continuous session until March 3, 1801.

The Eighth Congress in its first session started on October 17, 1803, and remained in continuous session until March 27, 1804. The Tenth Congress assembled on the 26th day of October, 1807, and continued in session until April 25, 1808. The second session of that Congress met November 7, 1808, and remained in session until March 3, 1809. The Eleventh Congress met in its second session on November 27, 1809, and remained in session until May 1, 1810. The Twelfth Congress met in its first session November 4, 1811, and remained in continuous session until July 6, 1812. The second session of that Congress met on the 2d of November, 1812, and remained in session until March 3, 1813. The Thirteenth Congress met on September 19, 1814, and remained in session until March 2, 1815. The Fifteenth Congress met in its second session on November 16, 1818, and remained in session until March 3, 1819. The Sixteenth Congress met in its second session on November 13, 1820, and remained in continuous session until March 3, 1821.

Every one of these Congresses I have named met before the first Monday of December and was in session on the first Monday of December; and among all the line of distinguished men that occupied seats in the House and Senate of the United States during these Congresses not one single man arose in his seat or even

thought there was an infinitesimal space of time that made it necessary for the Congress to adjourn, so that we would be authorized to arpropriate $145,000 for mileage. Not a single man in all those years, in all those Congresses, believed that it was their duty to assemble a new session of Congress on the first Monday in December when they were already in session.

Mr. BARTLETT. I desire to ask the gentleman from Alabama if it is not a fact that in 1857—I do not know whether the gentleman has carried his investigation down that far or not—that not only the House, but Congress, passed a law and enacted it into law, providing that on the first day of each session of Congress in each and any succeeding session, whether regular or called, that the Members of Congress should be paid on demand mileage?

Mr. UNDERWOOD. Well, I have not examined into that question. The gentleman seems to have done so. I have no doubt he is correct.

Mr. BARTLETT. I call the gentleman's attention particularly to the fact that in 1857 Congress, both the Senate and House of Representatives, passed an act, which was approved by the President, in which it is especially provided that every session, beginning with the first, without reference to how many there might be, but on the first day of every session Members should be paid their mileage upon claiming it. And is it not true that that continued to be the law down to 1866?

Mr. UNDERWOOD. My friend has evidently investigated this question and is familiar with it. But whether they paid themselves mileage or not has nothing to do with this question as to whether we have had one or two sessions. The law now very distinctly says we shall be paid for each regular session. If we have been in session since November down to the present time, if it has been one continuous session, there certainly is no reason at all for the payment of a second mileage.

I want to say that when you come down to the Fortieth Congress we find that that Congress assembled in extra session on March 4, 1867, and remained in session until December 2, 1867, at 11 o'clock and 50 minutes, when by concurrent resolution of the two Houses they adjourned, and they met ten minutes afterwards in another session, and they received but one mileage for the two sessions.

The point that I make is that the Members of that Congress believed it took the united action of the two Houses by a concurrent resolution to adjourn them. I find in the Forty-fifth Congress that they met on October 15 and run up to December 3, and a few minutes before noon on that day they adjourned by concurrent resolution, and then were again called together in regular session. I have gone through the Journals of every session of Congress since the beginning of the Government in which there were extra sessions. We have had sessions that overlapped the first Monday in December, and among the many distinguished men that were here not one of them ever called attention to the fact that they were compelled to adjourn and meet again when the first Monday in December was reached, or that the presiding officer of the Senate or the Speaker of the House could adjourn them without action by the House and Senate.

Now, I say that is the law, and if this question is ever presented to the courts of this land it will be so decided. Of course it can not be on the mileage question, because we are the sole judges of that. If we were to vote ourselves $10,000 apiece and the President of the United States will sign the bill, we could do it, and there is no check on earth except public sentiment. But if this question ever comes before the courts of this land—and it probably will with reference to the salaries of some of these appointees of the President who are awaiting confirmation—I have no doubt in the world the courts will decide that there has been but one continuous session of Congress since we assembled here in November. Now, if that is so, there is no reason in the world for the payment of this money.

There is no reason or law that I know of for any gentleman to contend we ought to have this mileage. Congress has not gone home. If we had adjourned and gone home and come back, I think the main object of the law regardless of technicalities would have been carried out, and the people contemplated when they elected us to pay our way here to Washington and to pay our way back again for ourselves and for our families, if we had adjourned long enough to go home. Some of the members may have gone home on private business or political exigencies may have carried them home, but the Congress of the United States was here; the Congress of the United States was here assembled; it was assembled at five minutes to 12, noon, on the first Monday in December, and the same Congress was assembled at noon on the first Monday of December of that day, and no fiction, such as the Speaker leaving the chair and calling the House to order again, would change that proposition and the law.

Mr. THAYER. Will the gentleman permit me a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. UNDERWOOD. I do.

Mr. THAYER. If I understand the gentleman correctly, his contention is that there has been, then, no lawful adjournment of the extra session up to this hour.

Mr. UNDERWOOD. Yes. Now, whether you call it the regular session or the extra session, we are and have been in continued session.

Mr. THAYER. If the President called an extra session that everybody on earth knew was an extra session, why should we not have pay whenever that ends, if we are also in regular session——

Mr. UNDERWOOD. If we had pay for the extra session and we had not been home and come back to earn any other pay——

Mr. THAYER. Then we should have no pay for the regular session; is that the gentleman's contention?

Mr. UNDERWOOD. I say that we have been paid for this session of Congress, whether you call it extra or regular, whenever each one of us receives one mileage, and that is all we are entitled to.

Mr. THAYER. That is for the extra session.

Mr. UNDERWOOD. Well, I do not care whether you call it extra or regular.

Mr. THAYER. What do you call it?

Mr. UNDERWOOD. I simply call it one mileage for one session of Congress. That is all we are entitled to.

Mr. WILLIAMS of Mississippi. Will the gentleman from Alabama permit an interruption?

Mr. UNDERWOOD. Certainly.

Mr. WILLIAMS of Mississippi. I think if the gentleman will examine the law he will find we have already received mileage for the regular session. In other words, it was worded so as to anticipate the mileage of the regular session to let it be paid then.

Mr. THAYER. Well, I have not got mine for either yet, and I should like to have both. [Laughter.]

Mr. WILLIAMS of Mississippi. My friend is very candid about it, and I believe many would like to have it if it is proper.

Mr. THAYER. I think I am entitled to it.

Mr. SMITH of Iowa. Will the gentleman permit me a question?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Iowa.

Mr. UNDERWOOD. I do.

Mr. SMITH of Iowa. If one regular session of Congress ran into the second session of Congress, so that it was a continuous session, do you claim that because Congress was constantly in session no mileage should be paid?

Mr. UNDERWOOD. I most certainly do, because, I say, mileage is granted for a specific purpose—that is, to take you and me home and to bring us back here. If we do not go home and come back, we are not entitled to be paid.

Mr. SMITH of Iowa. Say, though, the law provides that Congress may select a time for its regular session, which regular session ran into another, you claim there should be but one mileage for the entire Congress?

Mr. UNDERWOOD. I say if we met the 5th day of March and stayed in continuous session until the 4th day of March two years afterwards, when we adjourn by law, we would be entitled to but one mileage, because the reason for which the mileage is awarded would not have taken place; that is, neither you nor I would have gone home. We may have gone home on a political exigency; we may have gone home to attend to some political affairs; but as Members of Congress we would not have returned home to our constituency, because Congress had not adjourned.

Mr. SMITH, of Iowa. What I wanted to get at was your idea of the law. Now, you claim, as I understand you, notwithstanding that the law says there shall be a session of Congress on the first Monday in December, if one should meet on the first Monday in December in one year and continue past the first Monday in December the next year, there would be but one session of Congress, and not two sessions of Congress.

Mr. UNDERWOOD. I unquestionably say that, and the authorities I have cited vouch for it. Not one Congress, but a number of Congresses have passed the first Monday of December and made no claim that there was a new session, and made no claim for mileage.

Mr. SMITH of Iowa. I am not speaking of whether they made any claim, or whether they were entitled to a second mileage. Did they not always treat it as a new session?

Mr. UNDERWOOD. Certainly not, and I have cited instances. A dozen or fifteen Congresses down to the present time have gone along on, and their Journals have shown that the session began in October and ran until May, and it was simply the first session of that Congress.

Mr. SMITH of Iowa. So I understood the gentleman; but the matter has never been decided because the facts have never existed before. The law provides for two regular sessions, one commencing the first Monday of December, and, if Congress continued

in session after the time fixed for its second session, the gentleman holds that it is still the first session of Congress?

Mr. UNDERWOOD. Unquestionably; there is no law otherwise.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman from Alabama, because he has investigated this matter, is it not true that there never was an appropriation for mileage for the extra session eo nomine; was it not always the case that the resolution was introduced to make the mileage for the regular session immediately available?

Mr. UNDERWOOD. That is correct.

Mr. WILLIAMS of Mississippi. And is it not true that we have already been paid the mileage of the regular session?

Mr. UNDERWOOD. Yes; if this is the regular session, we have been paid the mileage. But this is only one session; the Speaker had no power on earth to adjourn it. It was only ourselves by concurrent resolution that could do so. If the Speaker of the House could adjourn us, then we could violate the provision of the Constitution that says that we shall not adjourn for more than three days without the consent of the Senate. The form that we went through in the House and in the Senate was merely a form, and nothing but a form. The fact that the Journal is dated the second session of this Congress means nothing but mere form; and I have no doubt that the courts of this land will determine ultimately that we have not had but one session, and then, if it appears that we have voted ourselves two mileages, and taken two mileages at one session of Congress, I say it would put us in an embarrassing attitude, and one that I am not willing to remain in.

I do not intend to criticise my colleagues' action in this matter. They are just as fair men as I am; they are just as conscientious men as I am. They are just as capable of determining what is right and what is wrong as I am, but, for myself, I claim the privilege of voting against this resolution because I do not believe that I am entitled to two mileages; and I want to say that if you pass this resolution for two mileages I do not propose to take mine, but to allow it to be covered back into the Treasury on the 1st day of next July.

Mr. RICHARDSON of Alabama. Mr. Chairman, I want to understand the gentleman's position, because I am in sympathy with him. We met in extraordinary session on the 9th of November. Now, suppose we had adjourned by concurrent resolution on the 20th of November and gone home and came back here on the first Monday of December. What does the gentleman say about that?

Mr. UNDERWOOD. I would say then, under the law, that we had applied the mileage for the regular session for the first session. There would have been two sessions of Congress, and we might vote ourselves another mileage because we had been home and come back.

Mr. RICHARDSON of Alabama. Could we do so under the law, according to the gentleman's construction? Suppose on the 20th of November we had gone home and come back to the regular session in December.

Mr. UNDERWOOD. If we had not taken the December mileage in November, the law would carry it to us. But we have already been paid the mileage. We made the December mileage available to us in November, and we ought not to vote ourselves a new mileage. You passed a resolution in this House making the mileage that was due to us on the first Monday in December available and payable to ourselves in November.

Mr. RICHARDSON of Alabama. But suppose we had adjourned on the 20th of November and gone home, paid ourselves for the session, for the extra travel, and then came back on the first Monday of December, would we be entitled to a second mileage according to the gentleman's own construction?

Mr. UNDERWOOD. There might be good reason if we went home and came back. I would be willing if I went home, if the extra session adjourned, and I was put to the expense of coming here with my family and taking them home, I would be perfectly willing to take it.

Mr. RICHARDSON of Alabama. But the view of the gentleman is that, not having adjourned at all and going right along in this continual session, we are not entitled to our mileage.

Mr. UNDERWOOD. We are not entitled to pay ourselves two mileages for one session of Congress.

Mr. GAINES of Tennessee. As a matter of fact we all know that Congress was here, that the Members were all here—certainly presumptively here—and we did not go home at the end of the extra session, but begun this regular session the following Monday—the first Monday in December. Now, should we in equity—I hope not in law, because I am utterly against this mileage proposition—should we as a matter of equity to ourselves pay ourselves the extra mileage when we were already here when Congress met in regular session, under the Constitution, December, 1903?

Mr. UNDERWOOD. I will say to my friend what I have just said, that so far as the equity is concerned I have decided that I shall vote against the bill, and if my brother Members of Congress pass it, that I will not take the mileage, but that it can be converted back into the Treasury.

Mr. GAINES of Tennessee. That's right.

Mr. UNDERWOOD. That is the decision I have reached as to the equity in the matter, but I decide for no one but myself, and I have as high regard and respect for the decision of other Members of Congress in that respect as I have for my own, and I would not in any way reflect on any other Member of Congress because he looked at the question from a different attitude from mine.

Mr. MOON of Tennessee. If the gentleman is correct in his contention about the law, he certainly is correct in his conclusion that we ought not to take the mileage. I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Tennessee. I will ask that the gentleman be permitted to have five minutes longer.

Mr. HEMENWAY. Mr. Chairman, I will yield the gentleman five minutes' time.

Mr. UNDERWOOD. I thank the gentleman.

Mr. MOON of Tennessee. We want to get a correct understanding of the law so that we may act intelligently. If I understand the gentleman, his contention is that there has been but one session of Congress up to this time.

Mr. UNDERWOOD. That is it.

Mr. MOON of Tennessee. And there being but one, there ought not to be but one mileage paid.

Mr. UNDERWOOD. Yes.

Mr. MOON of Tennessee. Now, I call his attention to this section of the Constitution:

> The Congress shall assemble at least once in every year and such meeting shall be on the first Monday in December, unless they shall by law appoint a different date.

Now, Congress has not by law appointed a different date. The Constitution, therefore, fixes a particular time when the regular session of Congress must commence. As a matter of proper legal interpretation of the Constitution and of the law, is it not evident from this provision that if the President called a session of Congress previous to the first Monday in December that this called session must, by operation of the Constitution itself, expire on the first Monday in December regardless of the passage of a concurrent resolution to adjourn by Congress.

Mr. UNDERWOOD. Evidently my friend was not here when I discussed that phase of the question.

Mr. MOON of Tennessee. I did not hear you, and I should like to hear now what the gentleman has to say about it.

Mr. UNDERWOOD. I will not go through the full discussion. If my friend is interested in it, he will find it in the RECORD in the morning. I will say this: The position I take is that the object of that provision of the Constitution was merely to require that Congress should be in session at least once a year; that if it was already in session then the provision of the Constitution had been complied with. More than that, I cited numbers of instances of Congresses from the Second Congress down to the present day where they had met before the first Monday in December and had gone on in continuous session without anybody regarding that it was necessary to adjourn on the first Monday of December; where no one found that there was an infinitesimal space of time which required the adjournment of the two Houses, and where this question was not raised. It was considered one continuous session from the fall until the early spring.

Mr. MOON of Tennessee. Due to the fact that the question was not raised.

Mr. UNDERWOOD. That may be true.

Mr. MOON of Tennessee. And even if all that were true, does that afford an answer to the contention that the express provision of the Constitution requires the Congress to enter upon a regular session on the first Monday in December? We are now in the second session of the Fifty-eighth Congress. The first ended December 7, when the second, by the Constitution, began. The House and Senate recognize this fact and so dates the records.

Mr. UNDERWOOD. My friend interprets the Constitution from a different standpoint. I contend that the governing sentence in that clause is that Congress shall be in session at least once a year, and to insure that the Constitution fixes a date, unless it is otherwise fixed. I say that under the law, when the President fixed a different date and we remained in session until the first Monday in December, then the provision of the Constitution was complied with, as shown by all the precedents in the matter.

Mr. MOON of Tennessee. I make these suggestions to my friend only in order that we may discuss this matter together to see if we can reach a conclusion. I, however, differ very radically from the gentleman on the question of law involved and the construc-

tion of the Constitution, as is apparent. The President has no control of the meeting of Congress at its constitutional sessions.

Mr. SMITH of Iowa. Is it not a fact that in the case where Congress met in 1867 that was distinctly without the rule that would apply here, because Congress met in pursuance of a specific law and not at the call of the President at that time?

Mr. UNDERWOOD. Well, the first meeting of Congress in 1867 took place on March 4.

Mr. SMITH of Iowa. Is it not an historical fact that owing to the differences that existed between Congress and the President the date for the meeting of Congress was fixed at that time by law, not by proclamation, and that under an act of Congress the Congress convened in extraordinary session?

Mr. UNDERWOOD. I believe my friend is right.

Mr. SMITH of Iowa. So that Congress did not meet in December, under the terms of the Constitution, but under the law which had fixed the date of the meeting.

Mr. UNDERWOOD. But when Congress came to meet in December, for some reason—I do not know what—they wanted to adjourn and start a new session. It was not done for the purpose of drawing mileage, because the Congressmen did not take two mileages that year. But they did adjourn by concurrent resolution on the 2d day of December and met again on that day.

Mr. SMITH of Iowa. As a matter of fact, the time of the meeting of Congress had been changed by a law.

Mr. UNDERWOOD. That is true. But take the Forty-fifth Congress, in 1877——

Mr. SMITH of Iowa. That is not a precedent, because they met in pursuance of law.

Mr. UNDERWOOD. If the Fortieth Congress is not a precedent, then the Forty-fifth certainly is, when the Congress met regularly on a regular call by the President, as we did at the extra session in November last, and ran on until the 3d of December, when they adjourned by concurrent resolution (recognizing that a concurrent resolution was required) and then met again. In that case they did not adjourn for the purpose of claiming mileage, because the Members at that time accepted only one mileage.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3341. An act authorizing the city of Nome, a municipal corporation organized and existing under chapter 21, title 3, of an act of Congress approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome City, in the Territory of Alaska;

S. 540. An act providing for additional officers in the district of Chicago, in the collection district of Indiana and Illinois;

S. 2081. An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy, and for other purposes;

S. 1681. An act to provide for the modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn.;

S. 2261. An act to amend section 4607 of the Revised Statutes;

S. 901. An act providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii;

S. 1748. An act to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California;

S. 469. An act to restore Henry D. Hall to the Revenue-Cutter Service;

S. 1319. An act authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity;

S. 462. An act to construct and place a light-ship off the outer bar of Brunswick, Ga.;

S. R. 9. Joint resolution authorizing the issue of duplicate medals where the originals have been lost or destroyed;

S. 906. An act to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal.;

S. 23. An act for the erection of a monument to the memory of John Paul Jones;

S. 131. An act to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters;

S. 1380. An act to provide for a site for a depot for the Revenue-Cutter Service;

S. 492. An act to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington;"

S. 711. An act to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same;

S. 1490. An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota;

S. 708. An act authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River, in the State of Minnesota;

S. 270. An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;

S. 352. An act for the relief of the representatives of M. F. Merritt, deceased;

S. 175. An act for the relief of Robert D. McAfee and John Chiatovich;

S. 177. An act to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada; and

S. 334. An act for the relief of N. F. Palmer, jr., & Co.

The message also announced that the Senate had nonconcurred in the amendment of the House of Representatives to the bill (S. 1760) granting a pension to Ann A. Devore, had asked for a conference with the House on the bill and amendment, and had appointed as conferees on the part of the Senate Mr. MCCUMBER, Mr. SCOTT, and Mr. BURTON.

The message also announced that the Senate had nonconcurred in the amendment of the House of Representatives to the bill (S. 200) granting an increase of pension to Austin Almy, had asked for a conference with the House on the bill and amendment, and had appointed Mr. MCCUMBER, Mr. FOSTER of Washington, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1334) granting a pension to Amy C. Bosworth.

URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. HEMENWAY. I yield one hour to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL. Mr. Chairman, the gentleman from Mississippi [Mr. WILLIAMS], the alert, resourceful, and aggressive leader of the other side of the Chamber, has several times during this Congress characterized the devotion of the Republican party to the principles of protection as a sort of idolatry. He has been joined in this charge by other Members of the minority. His distinguished colleague, the scholarly gentleman from Alabama [Mr. UNDERWOOD], who has just submitted an able argument to the House, in the course of the carefully written speech which he delivered some days ago charged that the Republicans were still wedded to their idols. And again the gentleman from Mississippi said that those of us who regard the Dingley tariff bill as a wise and beneficent measure were fetich worshipers. Now, there is something sinister about the sound of that word "fetich." It smacks of barbarism and superstition. Let me suggest, however, to the gentleman from Mississippi that those who worship in glass temples should pull down the blinds.

But inasmuch as he and those of his political faith seem to glory in the performance of their fantastic rites with the shutters of their sanctuary wide open, they will not be surprised if we direct the attention of the country to some of their wild ceremonies. And I trust they will not be embarrassed if I ask some of them in the course of my remarks whether these weird rites conform strictly to the rubric of the Democratic missal of Jefferson, Jackson, and Cleveland.

Now, Mr. Chairman, about eight years ago the Democrats of this country, the political children of Jefferson, Jackson, and Cleveland, were carried away in captivity. By the waters of the Platte there they sat down; yea, they wept when they remembered Bryan, for he was their Nebuchadnezzar. After the captivity King Nebuchadnezzar set up a graven image 30 cubits high, and he made it of silver. It had a great white, senseless face, and it was so constructed that it could repeat with ceaseless, senseless iterations the silly words "Sixteen to one." [Laughter.] Then the edict went forth that "at what time ye shall hear the sound of the cornet, flute, harp, sackbut, psaltery, and dulcimer, and all other kinds of music, ye shall fall down and worship the graven image which I have set up. And those that fall not down shall be cast into a burning, fiery furnace." [Laughter.]

You all know the cornet—that strong wind instrument. King Nebuchadnezzar himself took the cornet. And you know how the other instruments were distributed. My friend from Missouri [Mr. CLARK], whose genial face usually looks at me from his

accustomed seat, certainly played the harp. With his seraphic countenance he could not play anything else than that heavenly instrument. And his colleague from Missouri on the Rules Committee [Mr. DE ARMOND], from the name of the instrument, must have played the sackbut. I never saw one, but I know it has a doleful sound.

But my friend from Mississippi [Mr. WILLIAMS], beyond all doubt, with that silver eloquence of his, performed his part on the dulcimer. And the chorus struck up. And then what happened? You all fell down and worshiped—five millions of you or more worshiped. Worshiped! You gentlemen who taunt us with idolatry worship, you simply squirmed and groveled on your marrowbones before that white, senseless idol. You wore holes in the knees of your intellectual trousers. You wore the toes off your moral boots that ought to have been used in spurning from your presence that white, senseless monstrosity of political paganism. Then when you got up you thought of the fiery furnace, and you thought with glee of the stubborn and stiff-necked ones that were going to be consumed there, and you got up off your marrowbones just long enough to gather around the burning, fiery furnace.

And lo, what happened? Well, we all know. There was Shadrach Olney, and Meshach Whitney, and Abednego Carlisle, walking around there in the burning, fiery furnace, just as cool as cucumbers [laughter], lighting their cigars on the coals and getting up a scheme to sell out the burning, fiery furnace to the steel trust. [Laughter.] And when they came out, without a singe on their hair or the smell of fire about their garments, one of the disgusted stokers of the burning, fiery furnace called out to the king, "Hey, Neb, where did you get your bum idol?" [Laughter.]

Well, then a great rock that was not made by the hand of man came out of the sky and smote that idol into unrecognizable fragments. The king told you it was a gold shot from the English navy, or some other impossible cause, but you know what it was. It was the aroused public sentiment of the intelligent people of the United States that destroyed your idol, and it ought to have put an end to your idolatry. Then you looked around for the king, and there he was, as calm as could be, amid the fragments of his idol, as complaisant as Marius in the ruins of Carthage, blowing away on his cornet to beat the band, a wild, weird air called "The First Battle." And then you gathered around and went to work picking up the fragments of the great silver idol. That took you four years.

Four years went by and King Nebuchadnezzar thought he saw his chance again and he set up another graven image, and he made this one 60 cubits high, because he used all the old silver that was in the old one, and he added to it a lot of brass and mud and slime; and running down the great brazen cheeks of the idol were the slimy tears for Aguinaldo: and this idol also was taught to say "sixteen to one," as a sort of refrain; but he was taught to say many other things. It was all worked into a monotonous chant: "Anti-imperialism, anticanned beef, sixteen to one, one Filipino is as good as sixteen American soldiers—sixteen to one, antimilitarism, antiprosperity, anticommerce, antitariff." And then the edict went forth again that "at what time ye shall hear the sound of the cornet, flute, harp, sackbut, psaltery, dulcimer, and all other kinds of music, ye shall fall down and worship the graven image that I have set up; and whoso falleth not down shall be cast into the den of lions."

Well, now, there were some that were not at all afraid of the burning fiery furnace, who, when they heard the lions roar, got down on their marrow bones; but there was one who has been the Daniel of your party, Grover Cleveland. The roaring of the lions did not frighten him at all, and after you had been bowing down to this graven image quite a while you got up to see Daniel destroyed. You saw him cast into the den of lions and gathered around the mouth of the den, and behold! what do you see? There sat Daniel on a stone, just as sociable and comfortable as could be, passing his flask around to the lions and telling them fish stories. [Laughter.] The lions never touched him, and when he came out those lions just stood in two rows, between which he passed smiling. They have been afraid of him ever since; and not only the lions, but the tiger up in the State of New York has been afraid of Daniel. Now, wouldn't you think that would have put a stop to your idolatry? Well, it did for a time, and you sent Nebuchadnezzar out into the tall grass. [Laughter.]

Now, a strange thing happened. Has it ever occurred to any of you gentlemen on that side of the House what a remarkably profitable position leadership in the Democratic party is? I remember there was a local leader, Mr. Croker, up in the city of New York. I do not remember that he ever had any special business or profession. He led the Democratic party for a long time. After a while, when he got tired of it, he retired to old England and set up a fine establishment and a racing stable and began to lead the life of an English country—well, I do not care to cast any reflections upon the rural gentry of England; but he is over there, living in splendor and running his racing stable.

So, when Nebuchadnezzar was put out to grass, the first thing he did was to make his arrangements to go over to the old country.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. BOUTELL. I will be glad to yield to a gentleman who contributed to the music of the ceremonies of 1896 and 1900.

Mr. FITZGERALD. Does not the gentleman think that his going over there might improve the tone of English society?

Mr. BOUTELL. If the tone of English society was improved by his going over there, I should say, "God help English society." [Laughter.] Now, I have noticed this thing, that a Democratic leader militant froths and foams at the mouth whenever he refers to England or anything English, but when he becomes a Democratic leader recumbent or redundant, he finds something very attractive about old England.

Now, I have been wondering why this was. I have heard the distinguished gentleman from Mississippi [Mr. WILLIAMS] affirm that all true Democrats are followers of Thomas Jefferson. He said, not very long ago, if the Democrats could nominate a man who believed all the theories of Thomas Jefferson they could make him President.

I have made some study of the theories of Thomas Jefferson myself, just to see what principles of Thomas Jefferson these Democratic leaders redundant sought to follow in hastening to old England. I ran across something which I thought explained the whole thing. In August, 1775, Thomas Jefferson wrote a letter to his intimate friend, John Randolph, in reference to the impending conflict with Great Britain, in which he used this language, which has been lost sight of.

He regretted the possibility of war because he was a man of peace, but more especially because it would prevent a *reunion* with Great Britain, and he said:

> I am sincerely one of those who would rather be in dependence upon Great Britain properly limited than on any other country on earth or that of any other country.

The gentleman from Mississippi will kindly correct me if I misquote.

Mr. WILLIAMS of Mississippi. What date is that?

Mr. BOUTELL. August 25, 1775.

Again, I find that this distinguished founder of the Democratic party, as late as November 24, 1775, showed how thoroughly he loved union with Great Britain.

Mr. WILLIAMS of Mississippi. What was that date?

Mr. BOUTELL. November 24, 1775. I did not know but what these two distinguished leaders had gone over there to get up a union between Great Britain and the United States; but, perhaps, there was still another and a more recondite or personal one. In 1771 Thomas Jefferson, in writing to his agent, Mr. Thomas Adams, in London, closes his letter with these words, which I have very seldom seen alluded to and do not know whether they are regarded by Democrats as principles that all true followers of Jefferson ought to adopt:

> One other favor. I wish you would search the Herald's office for the arms of my family.

[Laughter.]

What a picture! The founder of Democracy looking for his lost coat of arms! [Laughter.]

> I have what I have been told were the family arms, but on what authority I know not. Possibly there may be none.

Well, now, if he came from a distinguished English family who were entitled to a coat of arms, it was certainly very justifiable to look it up, if only as a matter of curiosity. We know that many distinguished men in Virginia used to decorate their coaches with coats of arms when they were entitled to them.

Mr. Chairman, that would not have been astounding, of course, if he had been animated by a desire to see the genuine coat of arms in his family. No Democrat ever would have complained in those early days of his wearing it, but still it hardly seems Jeffersonian. "It is possible there may be none. If so, I want, with your assistance, to become a purchaser, having Stern's word for it that a coat of arms may be purchased as cheap as any other coat." [Laughter.]

The gentleman from Mississippi will kindly correct me if I misquote the distinguished author of the Declaration of Independence and the founder of the Democratic party. Now, it occurred to me that this new leader of the Democracy might have some such object as this in mind in going over to England and visiting the distinguished leader from New York—that of looking up his coat of arms. If he could not find any, perhaps he might arrange with the Herald's office to buy one.

Now he has come back, and we have the statement of the public press for it that he has got a new idea. I wonder if it is his

coat of arms that he bought over there? I can only surmise what it is, but there is no man perhaps better known in the wide world to-day than Mr. Bryan. The Herald's office knows his record, and they may have gotten him up some coat of arms which they would consider suited to his character. Possibly this: He beareth on a field argent a mule rampant, gules, with this motto, "Sexdecim cum uno."

Well, whatever he went over there for, he has come back. He has got an inspiration from Mr. Croker. He has got an idea, and he has brought it back, and all I wish to say to you gentlemen is, Take care, take care. You have charged us with idolatry; look out that you do not fall into any more idolatry, for you have still got William Jennings Bryan to reckon with, and I tell you that one of two things will happen to you, and it does not seem to me that it makes much difference which it is—Bryan is going to play again the successful part of Nebuchadnezzar and bring you into a new idolatry, or he is going to play the successful rôle of Samson. It makes little difference to your party whether you fall into a new idolatry or whether you have the pillars of your temple pulled down over your head. And it does not make any difference to us.

Now, when this idol worship was going on eight years ago the Chaldeans and soothsayers and astrologers went abroad through the land telling the people what was going to happen. We went into the campaign of 1896 perfectly openly. We said to the country that if we were elected we would repeal the Wilson-Gorman tariff bill.

Your soothsayers and astrologers told the people that if the Republican tariff bill was adopted and Republican financial measures were enacted terrible things would happen to this country. Some of the dire things which you predicted it is very easy to prove have not come true. You said, among other things, that with a Republican protective tariff our exports would fall off. Instead of that our exports began to increase immediately upon the passage of the present Dingley tariff act. I hold in my hand a statement from the Bureau of Statistics, showing the increase in the exports of this country during the period of some twenty years or more, which I will insert in the RECORD.

UNITED STATES LEADS IN EXPORTS

It is only within recent years that the United States has taken her place at the head of the list of the world's great exporters of domestic products. In 1875 the exports of domestic products by the world's great exporting nations were as follows:

United Kingdom	$1,097,497,000
France	747,400,000
Germany	593,052,000
United States	497,263,737

In 1885 the domestic exports of these four countries stood as follows:

United Kingdom	$1,037,124,000
Germany	680,551,000
United States	673,593,596
France	596,000,000

In 1895 the domestic exports of the four countries were as follows:

United Kingdom	$1,100,452,000
United States	807,742,415
Germany	789,660,000
France	651,100,000

In 1903 the relative rank of the four countries in the exportation of domestic products was as follows:

United States	$1,457,565,783
United Kingdom	1,415,617,552
Germany [a]	1,200,000,000
France [b]	812,000,000

[a] Nine months' figures and estimate for closing quarter of the year.
[b] Eleven months' figures and estimate for last month of the year.

RECORDS OF GROWTH.

The table which follows shows the exports of domestic products from the United States, United Kingdom, and Germany in each year from 1875 to 1903, the figures being in all cases for the calendar year:

Year.	United States.	United Kingdom.	Germany.
1875	$497,263,737	$1,067,497,000	$593,052,000
1876	575,735,804	976,410,000	605,886,000
1877	607,506,495	967,913,000	656,982,000
1878	723,286,821	938,500,000	686,671,000
1879	754,656,755	932,090,000	660,352,000
1880	875,564,075	1,065,521,000	688,500,000
1881	814,162,951	1,138,873,000	707,978,000
1882	749,911,909	1,175,099,000	758,817,000
1883	777,538,718	1,166,982,000	778,257,000
1884	733,768,764	1,134,016,000	762,432,000
1885	673,593,596	1,037,124,000	680,551,000
1886	699,519,430	1,035,226,000	710,186,000
1887	703,319,682	1,079,944,000	745,896,000
1888	679,597,477	1,141,365,000	762,444,000
1889	814,154,864	1,211,442,000	753,282,000
1890	845,909,603	1,282,474,000	791,717,000
1891	957,333,551	1,203,169,000	755,771,000
1892	923,257,315	1,105,747,000	703,078,000
1893	854,729,454	1,062,162,000	735,886,000
1894	807,312,116	1,051,193,000	704,826,000
1895	807,742,415	1,100,452,000	789,660,000
1896	986,830,080	1,168,671,000	838,983,000
1897	$1,079,894,296	$1,139,832,000	$865,124,000
1898	1,233,558,140	1,135,642,000	894,063,000
1899	1,252,932,344	1,287,150,000	1,001,278,000
1900	1,453,010,112	1,417,086,000	1,097,509,000
1901	1,438,078,651	1,362,727,000	1,054,685,000
1902	1,333,288,491	1,379,282,000	1,113,312,000
1903	1,457,565,783	1,415,617,000	[a]1,200,000,000

[a] Estimate for closing quarter of year.

The exports during the calendar year just closed amounted to $1,457,000,000, the record year in exports of the United States to foreign countries, nearly double the entire exports in the year 1895. But another thing that is very gratifying to us all, gentlemen, partisanship aside, gratifying to every American in this House, is that during the past few years our great Republic has changed its place from fourth in the list of exporting nations to first, and to-day we lead Great Britain, Germany, and France in our annual exports. [Applause.]

Again it was predicted that the volume of money in the country would decrease, but it has not; it is greater now than it ever was before. It was predicted that the gold in the Treasury would decrease, but it has not; we have more gold in the Treasury now than there ever was in the United States Treasury before, and we have more gold coin and bullion in the United States Treasury than was ever collected at any one spot before in the history of the world—nearly seven hundred millions of dollars. It was predicted that wages all over the country would go down, but on the contrary, from the inauguration of President McKinley up to this year just closed, the average rate of wages all over this country has gone up.

Not only the average money wage, but the actual wage as compared with the cost of subsistence.

Mr. BENNY. Will the gentleman from Illinois yield for a question?

Mr. BOUTELL. With pleasure.

Mr. BENNY. Will the gentleman tell us the rate of increase in the wages of the workingmen of the country and also the rate of increase in the cost of living to the workmen?

Mr. BOUTELL. I should be very glad, Mr. Chairman, to go into full details of that matter from figures that I have before me, but all I can say in the brief time allotted to me is that, from the statistics we have, it appears there has been a steady annual increase in the rate of wages of our workmen and mechanics, and that there has been a material decrease in the retail prices of most of the commodities of life which the workman buys with his wages.

Mr. BENNY. Perhaps, Mr. Chairman, I can put that question in better shape. Is it not a fact that the increase of wages to the workmen of the country has been less than 10 per cent, while the increase in the cost of living has been 30 per cent?

Mr. BOUTELL. It has not.

Mr. BENNY. Will the gentleman state what it has been?

Mr. BOUTELL. The average increase, taking all classes of workmen and mechanics throughout the United States, has been nearer 12 per cent. The figures that the gentleman alludes to in relation to the cost of living are simply the wholesale prices, whereas the actual cost to laboring men of the necessities of life was never so low as it is in the United States to-day.

Mr. Chairman, departing for one moment from the bounds of political discussion, let us all rejoice as Americans in the splendid record this country has made. I hold in my hand a copy of the daily consular reports containing a statement sent from one of our able consuls in Manheim, in which he goes into the rate of wages in that prosperous city of the German Empire. He shows that blacksmiths and other mechanics are getting less than one-half of the wages that men in the same employment are getting in this country, and that the cost of living to the workmen is constantly increasing in the German Empire. And so it has been with all of these predictions that were made by the Democrats in 1896; everything that was predicted by the Democrats has proven false.

Mr. RICHARDSON of Alabama. Will the gentleman yield to me for a question?

Mr. BOUTELL. Nothing would give me greater pleasure.

Mr. RICHARDSON of Alabama. Will the gentleman be kind enough to state what is the difference in the annual production of gold in the last four years from what it was in 1896 to 1900?

Mr. BOUTELL. The gentleman means the increase in the annual production of gold.

Mr. RICHARDSON of Alabama. The gentleman from Illinois spoke of the increase of the per capita rate from $19 to $29.

Mr. BOUTELL. Oh, no; I didn't say that at all, although it is true. I said that the prediction was in 1896 that the amount of gold in the Treasury would fall off if the Republican tariff bill

and the Republican financial measures were adopted. I said that now in the Treasury of the United States we have nearly seven hundred millions of gold against less than two hundred millions of gold in 1895.

Mr. RICHARDSON of Alabama. Then, my friend does admit that the annual production of gold in the last four or five years has been enormously increased?

Mr. BOUTELL. Yes; the annual production of gold, like our productions of the farm, of the workshop, of the loom, and of the mill, is unprecedented. I do not claim that that is all due to the Republican tariff or the financial legislation of the Republican party.

Mr. RICHARDSON of Alabama. I thought the gentleman did.

Mr. BOUTELL. We have a great deal to thank God for.

Mr. RICHARDSON of Alabama. I thought the spirit of the gentleman's argument was that the Republican party claimed the credit of it.

Mr. BOUTELL. Not at all; I said nothing upon which such a construction could be placed. I hasten to assure my friend from Alabama that the United States is under the guidance of the God of Nations, and that He sends His early and later rains upon the just and the unjust, as he always has upon the Democrats and the Republicans alike. [Laughter.]

Mr. MACON. Mr. Chairman, will the gentleman yield for a question?

Mr. BOUTELL. I yield with pleasure to the gentleman from Arkansas, as I am going to speak of his State.

Mr. MACON. The gentleman said that all the predictions made by the Democratic party in 1896 had failed or were false.

Mr. BOUTELL. No; I said every serious prediction. You made some that were so trifling and immaterial that it mattered not whether they came true or not.

Mr. MACON. Was it not predicted by the Democratic party at that time that if we had a larger circulation of metallic money, if the per capita rate was larger, that we should have prosperous times?

Mr. BOUTELL. I do not know but what it was; but the main prediction was that if we had more silver money we would have more prosperous times.

Mr. MACON. Was it not more metallic money, but not silver?

Mr. BOUTELL. I did not hear much about anything metallic except silver, I will say to my friend, throughout that campaign.

Mr. GROSVENOR. I would like to ask the gentleman a question. Assuming this enormous increase in gold coin, suppose in 1897 we had enacted a provision for coining silver at a ratio of 16 to 1, in the opinion of the gentleman how much of the increase of gold coin would have found its way into circulation in the United States?

Mr. BOUTELL. Very little, and not one dollar into the Treasury of the United States. Speaking of that subject, I am very glad that the gentleman from Arkansas [Mr. MACON] and the gentleman from Ohio [Mr. GROSVENOR] remind me of it. I hold in my hand an editorial from the Chicago Chronicle, one of the ablest Democratic newspapers published in this country, under date of September 10, 1902, entitled "Gold in the Treasury." The sum and substance of this editorial is that the reason why there is more gold in the Treasury, not only Government gold but the people's gold, put there in exchange for gold certificates, is that the people of the country now have confidence in the financial system that we have adopted and are willing to let their gold stay there. [Applause on the Republican side.]

But, Mr. Chairman, these few remarks I have been making were merely on the side, as will be seen when I go further into my argument. I did not expect at this time to get into a general discussion, a general run of questions. I desired to call the attention of the House and of the country to this fact, that most of the prophecies, the serious prophecies, of the Democratic party relating to what would take place if the Republicans triumphed in 1896 and in 1900 have proven false, and all these predictions which can be gauged by official statistics have been so proven. But they also said, Mr. Chairman, in general terms, that if the Republicans triumphed and enacted a protective tariff law and financial legislation in keeping with the principles of the Republican party we would bring distress and disaster, blight and mildew upon the country. Mr. Chairman, it is to these predictions that I wish to address myself during the remainder of my remarks.

Seven years have elapsed since the Dingley tariff law was placed upon the statute books. They have been, in my opinion, seven good, fat years for this Republic. In my part of the country I could not find any blight or mildew, and I thought that if any existed I would like to see it, and it occurred to me that if that blight and mildew existed anywhere it would be in the State of Missouri and in the solid South, because it was in that State and in the solid South that the blight and mildew were most strongly predicted. I was at a loss to know how to make a trustworthy examination. I thought if I went through all the Southern States myself and came back here and reported what I found there that it might be thought my views were tinged in some way by my political sentiments.

I did not wish to take the opinion of any mere Government statistics. I thought that it might be charged that those were incorrect. I did not wish to take any trade reports exclusively, except in connection with other reports, because I have heard it charged that these trade reports are sometimes tinged or colored. I did not wish to take the statement of any active politician. I did not wish to take the statement of newpapers in the heat of a campaign, and so I was at a loss to know where I could find an account of the spots of blight and mildew throughout this country. Then this idea occurred to me, that if there was anything honest in this world it was the newspapers.

I have had the word of my distinguished friend from Mississippi [Mr. WILLIAMS] on several occasions in this House that he would rather have a country without almost anything than without newspapers, the great educators of the people. So I said to myself, "I will go to the newspapers and find out what has been going on where this blight and mildew ought to be." I was afraid that papers issued during a campaign might be prejudiced. So it occurred to me that if I should hunt up the local papers—taking the metropolitan journals where necessary, and the little village and country papers, the weekly and biweekly newspapers that were published about the holiday time, that season of peace on earth and good will toward men—I would find the actual truth. So for the last three weeks I have been looking over the papers from the State of Missouri and from the solid South, and I must say to you, gentlemen, that I have been surprised at the condition of affairs disclosed by these local papers. The gentleman from Mississippi [Mr. WILLIAMS] in his speech in the House on the 19th said:

> Protection, Mr. Chairman, is a system of taxation whereby many are robbed in order that a few men may be hothoused by legislation into artificial prosperity.

And the RECORD goes on to say that that statement was received with laughter and applause on the Democratic side. I may say that I was not at all surprised at the laughter, but I was surprised at the applause. He goes on further to say:

> As a supplementary definition, protection is a system of taxation whereby capital and labor are deflected from naturally profitable pursuits and enterprises into the channels of naturally unprofitable pursuits and enterprises.

This again was met with laughter and applause on the Democratic side of the House, and again I say I do not wonder at the laughter. Before I go on to give the story of the condition of things throughout the South, let me impress upon your minds these words of the gentleman from Mississippi:

> Protection is a system of taxation whereby capital and labor are deflected from natural profitable pursuits and enterprises into the channels of naturally unprofitable pursuits and enterprises.

Now, let us see if we can find any blight and mildew where we should expect to find it from the utterances of gentlemen on the other side. And I begin with the State of Missouri, for several reasons—partly because I have very tender recollections of the State of Missouri. I do not see here now my friend from Missouri, Mr. COWHERD, with whose district I will begin here. But during the closing year of the war, as a boy of 8, I spent one of the most picturesque years of my life in the district of that gentleman.

Mr. CLARK. You were a very old boy.

Mr. BOUTELL. I have given my age, and you see you are an older boy than I am.

The Kansas City Journal of January 1 says:

> According to statements made by officials of the railroads running into Kansas City, every company has reason to rejoice over the business for the year just closed. One general agent said that the earnings of his road had increased 38½ per cent over 1902.

That was bringing the cattle and the products of the farm.

The Star, in an editorial of January 1, says:

> Bank clearings are not always a definite indication of business movements, but they may be taken as a reliable basis of comparison in noting progress in any one city. The clearings in Kansas City for the past year were one thousand and seventy-five millions, or an increase of eighty-six millions (9 per cent) over the record of 1902. Building records and real estate transfers show similar increase. Both the wholesale and retail merchants report gains.

I congratulate the State of Missouri and my colleague [Mr. COWHERD] upon this showing.

I next refer to the St. Joseph Gazette of January 1. I do not see here at present the gentleman who represents St. Joseph—and I think this is the first time that I have ever missed him from this House; he is one of the most regular attendants here. He played a very loud instrument in the ceremonies of 1896, but the principal thing that he claimed when he performed on his musical instrument was that never, never, under any Republican financial legislation, would there be enough basic money or any other kind of money in the country to do the business required.

I do not know what the gentleman's connection with the St. Joseph Gazette is at present.

[Mr. COCHRAN at this point entered the Hall.]

Mr. BOUTELL. Ah, I congratulate myself on seeing the gentleman before me. The St. Joseph Gazette of January 1 says:

The country upon which St. Joseph depends for its maintenance is prosperous to a most gratifying degree. Crops have been fairly abundant; prices for the products of the farm and range far in excess of the average for many years.

Now, mark this—what gall and wormwood it must be to the gentleman from St. Joseph——

Mr. COCHRAN. Will the gentleman yield a moment?

Mr. BOUTELL. Of course. I always yield with great pleasure to the gentleman.

Mr. COCHRAN. With almost tearful gratitude, I rise to announce to the gentleman that among other acquisitions of the great syndicate which embraces so many of the daily papers of the country the St. Joseph Gazette is now owned by the followers of MARK HANNA and my friend from Illinois. [Applause and laughter on the Democratic side.]

Mr. BOUTELL. I congratulate my friend from St. Joseph on having such prosperity in his district, that he was able to dispose of the St. Joseph Gazette at such a good price.

Mr. COCHRAN rose.

Mr. BOUTELL. The gentleman from Missouri when I am through will have an opportunity to deny the truth of these statements as to the prosperity in his district. And I may say now, Mr. Chairman, that as I read this story of the condition of the South I will ask any gentleman on the other side of this Chamber, if he cares to do so, to get up and deny the truth of this story that I read, and if he likes to go back to his constituents and tell them that he has made the denial.

Now, let me close what I was saying about St. Joseph.

Money we have in sufficient quantities to meet the reasonable requirements of every line of legitimate investment and for every department of trade.

The St. Louis Globe-Democrat, in an editorial of January 1, says:

Fortune was kind to St. Louis in the year which has just closed.

And I congratulate St. Louis. We have in Chicago a sisterly regard for her. We have just been connecting the two cities by water, and I hope there will be a steadily increasing trade and commerce between those two cities on this great waterway.

Seldom in all its history has the city been more prosperous. Never before has the aggregate of its great business activities been so large.

Mark that.

December, 1903, broke the record for that month in bank clearings in St. Louis, with a total of $234,063,008. This was $24,945,152 in excess of that for the same month in 1902. In receipts of flour, corn, oats, rye, barley, corn meal, hay, lead, cattle, sheep, hogs, horses, and mules the city's transactions for 1903 were greater than for the preceding year, while there was a falling off in receipts for wheat, cotton, tobacco, wool, pork, hams, and other sorts of meats. In building operations the record for this city was broken in the year.

Mr. Chairman, I congratulate St. Louis and the State of Missouri.

Now, we come across the country to the Old Dominion. First, I read from the Newport News Press, of January 1, in a news article, which says:

The merchants say that business this Christmas was better than it had been in four years. The police census, taken recently, showed that there were fewer vacant houses than there were a year ago; real-estate values are firm and rents are cheap. A better statement of affairs could hardly be asked for.

Then why, may I ask, does their Representative here ask for a change? Why not let well enough alone?

The clearing-house statement follows:

1903	$7,312,235.66
1902	6,664,978.34

Now we come to Norfolk. The Despatch in an editorial of January 1 says:

The cities of tide-water Virginia have experienced a solid and increasing growth during the past ten years. Norfolk is in many, many ways better off to-day than a year ago. Churches, schools, charitable organizations, and business organizations have flourished and grown and improved within the year. Local bank deposits have shown a steady increase during the year, and local bank clearings also indicate an increase in the volume of business done in the city, and the record of the year past is the largest in the history of the city.

I congratulate the Old Dominion.

The Landmark in a news article of January 1 says:

The exports were $9,375,282 in 1903, an increase of $2,256,039 during the year, showing that the year has been a prosperous one in the shipping trade.

The Petersburg Index-Appeal, of January 1, in a news article, says:

In taking a view of the business progress of our city in 1903, as it relates to previous years, we are pleased to note that our people have been very conservative and the speculative rage has not impaired nor retarded the advance in regular business. In all regular pursuits the close is very satisfactory, advances having been made all along the line. The good crops of our contiguous counties, with unusually remunerative prices places, our agricultural neighbors in a very prosperous condition.

The Richmond Times-Despatch of January 1 says:

Merchants have had good trade, manufacturing industries have done well, and it is most gratifying that in spite of the stock panic and the shrinkage in the value of stocks and bonds the banks of Richmond have stood the storm without a quiver and are to-day in every respect stronger and better than in any corresponding period of their history.

I congratulate the city of Richmond on this splendid showing.

Florida: The Jacksonville Times-Union of January 1 says in a news article:

The record of shipping at the port of Jacksonville for the month of December was one of the best in the history of the port, and was a closing of one of the most remarkable years yet recorded in the annals of the city's export business. More than 2,000,000 feet of lumber were shipped from the port during December, 1903, in excess of the amount shipped for the corresponding month last year. Lumber is the basis upon which to compute the volume of the export trade, and this increase in spite of the fact that there has been a depression of values complained of by prominent lumbermen for the past several months.

The Metropolis of January 1 says:

The old year was extremely kind to Jacksonville. She has prospered unprecedentedly. There has not been a failure of a business house or individual of much financial standing during the past year. Millions of dollars more money are here in banks than ever before.

And let me say, Mr. Chairman, that you will notice through all these accounts that it has taxed the ingenuity of the editor to find adjectives large enough and broad enough to characterize the prosperous condition of the country.

The Pensacola News of January 1 says:

With the closing of the year 1903 the record of the local custom-house shows that the month of December has been one of the best on record. The total values, so far as can now be obtained, will aggregate the immense sum of $3,148,059. The nearest approach to these figures was the same month last year, when the two-million mark was just passed.

The St. Petersburg Times of January 2 says in an editorial:

St. Petersburg has had a bright year, and an even brighter is before her. There is a no more prosperous spot in the Union.

I looked over the House for my good friend from Florida [Mr. SPARKMAN], in whose district this prosperous enterprising city is located. I congratulate him and his district. I come to Kentucky.

Lexington: The Leader on January 1 printed the views of the leading business men of the city on the achievements of 1903 and the outlook for 1904. In all branches of business the merchants claim that a prosperous year has passed and all take an optimistic view for the coming year.

Not some few Republicans in Lexington, but all the people in Lexington, unless it be her Representative up here, take an optimistic view of the future.

Mr. GAINES of Tennessee. Will the gentleman from Illinois permit me to ask him a question?

Mr. BOUTELL. I am very glad indeed to yield to the gentleman who played on the musical instruments during the campaigns of 1896 and 1900. I do not know whether my friend played the psaltery or the base drum, but I am quite willing to yield to him for a few strains on either, although I may say I am coming to Tennessee further on.

Mr. GAINES of Tennessee. I believed so. I know that all good men want to come down to Tennessee. [Laughter.] We have a great many from your country.

Mr. BOUTELL. Yes; they are going, and they are taking good money with them.

Mr. GAINES of Tennessee. Now you complain——

Mr. BOUTELL. And not all Democrats——

Mr. GAINES of Tennessee. If you will come down there we will elect you mayor of the city of Nashville in two years. You would be a shouting Democrat in Tennessee. [Laughter.] You speak of Kentucky. I live very near to Kentucky, and I know the condition of the people in that country as to tobacco growers.

Mr. BOUTELL. The gentleman does not seem to understand that I am reading from the local papers.

Mr. GAINES of Tennessee. My mail is filled with letters complaining to me and to the Members of Congress about the terribly destructive internal-revenue regulations upon the tobacco-growing industry of that country, and the tobacco growers are now meeting all over Kentucky and Tennessee and are talking to-day about preparing a petition to Congress for a reduction of the tobacco tax, which is so destructive of their tobacco-growing industry. This tax began in 1862 and has been perpetuated to this hour. They want relief from it.

Mr. BOUTELL. I am glad that the gentleman from Tennessee has called attention to this desire on the part of the people of the State adjoining his. This paper shows him that those people of Kentucky, who, no doubt, will thank my good friend for his patriotism in rising in this House and making an iridescent appeal for the repeal of this obnoxious tax, do not complain of anything.

Mr. GAINES of Tennessee. Sometimes people think that everything is true when they see it in a newspaper report, and it would be true if Thomas Jefferson edited it.

Mr. BOUTELL. Thomas Jefferson was not in the editing business. The Louisville Herald, in a news article, on January 1, says——

Mr. GAINES of Tennessee. Now, that is a Republican paper.

Mr. BOUTELL (continuing to read):

High-water mark was reached by the bank clearings of 1903, with the handsome total of $529,241,195.13, an increase of $27,817,085 over the year 1902, the previous record period.

The gentleman from Tennessee indicated that this was a Republican paper. That is entirely irrelevant. As a lawyer he knows that it is a non sequitur. Do you wish to get up and dispute the figuers of $529,000,000 of bank clearings?

The Louisville Times in a five-page review of the year in the business of the city shows a large advance in all lines over previous years.

Now I come to the State of Georgia. First to the district represented by the gentleman who has charge of this bill on the minority side. The Atlanta Journal, in news article on January 1, gives city comptroller's report, showing receipts for 1903 of $2,036,548.32, with a surplus of $1,720.29 after provision has been made to meet all outstanding obligations. For 1902 the receipts were $1,632,703.63. This statement shows the condition of all departments of the city government, and as such is therefore an index of the prosperity of the city.

The Atlanta Constitution, in a news article of January 1, says:

Annual reports of all city officials show a bright chapter in the history of Atlanta, the year 1903 having been one of the most prosperous in its history.

In the same paper an article on the report of the Atlanta clearing house says:

The clearings of 1902 were increased by $13,791,580.34. The year's record is a remarkable one, and is considered as a strong indication of the substantiability and growth of business in Atlanta.

The Augusta Chronicle, in an editorial of January 1, says:

Augusta enters the new year with every cause for encouragement. In the first place, her merchants, both wholesale and retail, wind up the old year with one of the best business records in their history. Their fall trade has been especially good, and while money has not been altogether plentiful, there has been enough to go around.

The high price of cotton has added thousands of dollars to the last year's income of tens of thousands of people throughout Augusta's territory. Throughout the country contiguous to Augusta the people are more than ordinarily prosperous and more than ordinarily hopeful for the future.

We know that Georgia people are always hopeful, and we are glad that now they are prosperous.

Mr. COCHRAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. BOUTELL. Certainly, with pleasure.

Mr. COCHRAN. That by most people is attributed to the boll weevil. Do you call that a Republican institution or not? [Laughter.]

Mr. BOUTELL. If I was going to reply truthfully to the gentleman who played the trombone in the ceremonies in 1896, I should say that was an entirely irrelevant remark. Whether the boll weevil was sent by Providence or was something originated by the Democratic party, I want to say to him that it was the Republican party in this House that without a division or an objecting voice or a roll call, in defiance of the principles of your party, generously appropriated everything that was asked for to extinguish the boll weevil, wherever it came from. [Applause.]

Mr. COCHRAN. I would like to ask a further question.

Mr. BOUTELL. Certainly.

Mr. COCHRAN. Do you think your constituents will be delighted when they find that you answer my question in that way?

Mr. BOUTELL. I think they will be very much delighted, but I will be glad to take you out there and introduce you to them and let them tell you.

Mr. COCHRAN. I think the gentleman might have answered whether the boll weevil was a Republican concern or not. I want to know whether the Republican party is responsible for the boll weevil; whether the gentleman is responsible for it I do not know.

Mr. BOUTELL. I will pass on. We now come to Macon. Mr. Chairman, perhaps I ought to pause here in coming to the country of my good friend from Georgia [Mr. BARTLETT], for whom I have as high a respect as any man in the House, and great fondness, and say that it was disclosed in reading the report on this bill a few minutes ago that there was nothing the matter with the prosperity in Macon. The gentleman in charge of this bill called attention to the fact that down there in Macon they have prosperity so broad and deep that they are able to build a livery stable good enough for the United States post-office. I congratulate the gentleman on that condition of things down there.

Mr. BARTLETT. Oh, no.

Mr. BOUTELL. Does the gentleman deny they build good stables in Macon?

Mr. BARTLETT. No; they build such good ones that they are good enough for a Government post-office with a little addition.

Mr. BOUTELL. And the Republican party will give all the additions you want for the purpose.

Mr. BARTLETT. Much obliged.

Mr. BOUTELL. The Macon News of January 1 says:

Builders and architects declare that the past year was a splendid one in the building era of Macon. Buildings have been erected in 1903 worth $500,000, while many of these buildings were such as the Mercer University, costing some $30,000, and St. Paul's Church, costing $20,000.

I congratulate the gentleman from Georgia, not only on the prosperity of his district, but on the character of the buildings which this prosperity enabled him to build.

It is also noticeable that those owned by the working classes—

And I call the special attention of my friends on the other side of the Chamber to this—

It is also noticeable that those owned by the working classes and constructed with the savings of those workers form no small part of the number noted in the building inspector's report for the year.

I congratulate the gentleman from Georgia that these workingmen in his State are so prosperous. In the same paper, under an editorial, it says:

The new year finds Macon all right.

Of course it is——

Mr. BARTLETT. And always has been that way.

Mr. BOUTELL (reading)—

The city is progressing and our business concerns prospering and our industrial institutions are flourishing, and the year just closed has seen her limits extended, her population increased, her property has increased in value, and her trade has enlarged.

How could you get anything better than that?

In a news article of the Savannah News, it says:

Savannah established a new record during the year ending last night.

I am glad to see the gentleman from Savannah here taking in all this good news about his district.

The foreign exports from this port for 1903 were over $9,000,000 greater than those for any previous year in the history and nearly 100 per cent greater than they were for the year 1890, which was one of the best years prior to the last four years.

Savannah's record last year shows that the confidence felt by its citizens in its future is not misplaced, and there will in all probability be a steady expansion in its business relations with the world outside of the United States.

In another news article of the same date the News says:

Business men of Savannah predict great things for the coming year.

Of course they are; they are entitled to it as long as the Republican party remains in power.

Past conditions have been good; advanced prices in cotton has helped all lines of business. Bankers, brokers, and business men generally are jubilant over future prospects. The banks have plenty of money to loan, despite the present fluctuations in the cotton market.

Mr. POU. Mr. Chairman, I want to ask the gentleman a question.

Mr. BOUTELL. With pleasure.

Mr. POU. I want to ask the gentleman if he claims sincerely that the Republican party is in any measure at all responsible for the present high price of cotton? Does the gentleman claim that his party is entitled to the credit of the price of cotton, which is now selling at 15 cents a pound?

Mr. BOUTELL. Mr. Chairman, I am afraid the gentleman from North Carolina misconstrues the trend of my remarks, and has confused what is said in these good Democratic journals with what I have said. I have made no claim at all of any such preposterous nature, and if the gentleman will kindly wait until I am through I should be very glad to yield to any questions that he may ask. I am making no claim as yet for what the Republican party has done or for what the Republican party has not done. I am reading from the local papers of thirteen States what the editors of those papers have to say in regard to the condition of things in their localities, and any claim that I have to make I will make when I have finished reading, and if the gentleman will kindly allow me to proceed, I will then yield to him.

I now come to North Carolina. The Rural News and Observer, in an editorial of January 1, says:

The year that closed last night has been a good one for North Carolina and the American Republic. Crops have been large and prices good. It has been a specially good year for farmers.

And this applies somewhat to what the gentleman says.

Mr. POU. Mr. Chairman, might I ask the gentleman one more question? I admit that, so far as my section is concerned, we are enjoying unusual prosperity. That prosperity is brought about largely from two causes—the high price of cotton, which is the principal cause. Now, I want to ask the gentleman from Illinois if he claims that the Republican party is entitled in any degree to the credit of the present high price of cotton?

Mr. BOUTELL. The Republican party has nothing to do with the current price of cotton, specifically, any more than it has to do with the current price of any other article; but when the springs of prosperity are pure and at full pressure they will reach a high level all over the country.

Mr. WILLIAMS of Mississippi. In that immediate connection will the gentleman permit a question?

Mr. BOUTELL. Mr. Chairman, I have asked permission to continue the story of the condition of things in the Southern States, and after that is over I shall be very glad to yield.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. BOUTELL (continuing the reading):

It has been a specially good year for farmers. There can be no widespread prosperity that does not reach the farm. When good times bless the rural homes there is improvement in every line of business and stability in the nation's financial condition, for it is the amount paid for farm exports that determines the balance of trade. High-priced cotton has not only blessed every avenue of trade in the South, but has blessed every section of the country. Cotton growing and cotton manufacturing mean much for North Carolina. The State depends chiefly upon the cotton farm and the cotton mill.

I am glad to call attention to the fact that the time has come now when, under the invigorating influence of Republican protection, the cotton manufacturing becomes profitable to the Southern States.

The Wilmington Morning Star, in a news article on January 1, says:

The steady increase in the commerce of Wilmington is extremely gratifying to the people of the city, and the growing importance of the chief seaport of North Carolina will alike be a source of gratification to the people of the entire State.

During the year 1903 the exports of Wilmington were more than $20,000,000.

Now I come to South Carolina, and I quote from the Charleston News and Courier, in a news article of January 1, which says:

The banks of Columbia show by their reports that they have had a very successful year, and it follows that the people of the city have cause to be, in a large measure, satisfied with the last year's business. The total deposits in the five banks amount to $3,503,907.50, a very large sum for a city of the population of Columbia. Compared with former years the deposits increased very much, and the bankers seem to be full of confidence of still greater proportionate increase during the present year.

The Greenville News of January 1, in a news article, says:

The year 1903 has been one of unprecedented growth and general improvement. Something like $2,000,000 has been expended during the year in the erection of public and private buildings, manufacturing plants, and various other commercial enterprises. The most successful year in the history of Greenville has passed. Nineteen hundred and three has left the city greater, richer, and more prosperous than when it came.

We now come to the State of Tennessee. The Chattanooga Times, in a news article of January 1, says:

The balance, after deducting all expenses of the city, is much larger than a year ago. The reports show that fifty-five more permits for buildings and improvements were issued during 1903 than 1902, which was the banner year prior to 1903. These buildings and improvements were to cost $640,000, as against $556,000 in the previous year. The bank clearings of 1903 show an increase of $10,000,000 over the preceding year, the total clearing for this year in Chattanooga being $37,000,000. This is one of the best reports ever given out by the local clearing house and proves the condition of business in the city to be very healthy.

The Knoxville Journal and Tribune, in a news article, says:

According to the annual clearing-house reports, an enormous increase of 43 per cent is shown in 1903 over the preceding year. The clearings were fifty-eight millions as compared with forty millions, or an increase of $17,000,000 in this city of Nashville. The building permits for the year were nearly double those of 1902.

Now we come to Memphis, and I ask the committee to pay especial attention to this. The Commercial Appeal, on January 1, in a news article, says:

For the year past the total clearings of Memphis were $214,000,000. This figure is one that taxes the mind to comprehend.

I congratulate the district in which is situated the city of Memphis on its having a Representative on the floor of this House who can entirely comprehend these figures. The article goes on to say:

They show an excess over 1902 of about $35,000,000, a monthly increase of nearly $3,000,000.

The Scimitar of January 1, in an editorial, says:

Memphis starts the new year with as bright prospects as any city in the country. The records made in the various branches of industry in 1903 far surpass anything ever known here, and there is nothing on the horizon to indicate that the present prosperity will soon be eclipsed.

Evidently in the mind of the editor of the Scimitar the Democratic party is not on the horizon. [Laughter on the Republican side.]

The Nashville Banner of January 2 says:

The increase of the Nashville bank clearings for 1903 over those of the previous year carry unmistakable proof of the business advancement of this city. The Nashville clearings show an increase of $33,000,000, which is about 35 per cent, the total clearings for the year being $124,000,000.

We now come to Alabama. The Birmingham News of January 2, under an article taken from the Manufacturers' Record, of Baltimore, says:

Leading railroad officials of the South and Southwest tell a story of progress and prosperity such as could never before have been presented from that section.

Listen to this—those who think that all the prosperity in the South comes from cotton:

Agriculturists, fruit growers, stock raisers, wood workers, timber operators, are coming into the South from all sections of the older and more settled States, and the development of every line of husbandry and industry is proceeding at a rate never before equaled in the South.

In a dispatch from Bessemer—does it not seem strange that if any town in the South is controlled by a Democratic population they would be willing to name a town Bessemer without repealing the duty on steel—in the Birmingham World and Herald of January 1, we find the following:

The year that goes out to-night has been especially prosperous for this city. The merchants will report an exceedingly healthy business, and are looking for additional success during the coming year. The numerous new buildings which have been erected during the past twelve months bespeak the confidence placed in the prospects of the city of Bessemer. The banks are in a flourishing condition and enjoy the patronage of an immense number of citizens.

Here we have a dispatch from Selma, and I look about for the friendly and genial countenance of my friend Mr. BOWIE——

Mr. RICHARDSON of Alabama. I agree with the gentleman in all that he says about all these things, excepting that he does not tell enough.

Mr. BOUTELL. I am telling all that I can within my hour, and my time has been extended already.

Mr. RICHARDSON of Alabama. Everything the gentleman has said about Birmingham is a fact, but it is also true that within the past twelve months there were 60,000,000 tons of coal taken out by the South, and that Birmingham itself took out more than one-quarter, or 20,000,000 tons more than was taken out in the United States in 1880.

Mr. BOUTELL. So it is all over the South. It is the same grand story that comes to us. [Applause and laughter on the Republican side.]

Mr. WILLIAMS of Mississippi. I would like to remind the gentleman——

Mr. BOUTELL. I am coming to Mississippi presently.

Mr. WILLIAMS of Mississippi. I know; but I would like to remind the gentleman that that coal was taken out in the only year of free coal that we have had in a long time. [Laughter and applause on the Democratic side.]

Mr. BOUTELL. If the gentleman really thinks that that makes any difference or that there is any politics in this matter, I can only recall—probably he will recall it, though it may seem a non sequitur—that the first tariff item placed in the bill of 1789, by a Virginian, was to tax coal, and in the Chamber of the House of Representatives he said, in pressing that item:

If we can put a restraint on the importation of coal, Virginia can furnish enough for all the United States.

That is where the first tax on coal came.

Mr. WILLIAMS of Mississippi. Now, if the gentleman will permit me a moment, he evidently misunderstood the application of my remark. It was designed simply to prove that neither the Republican party nor the Republican party's protective policy had anything to do with taking out that great amount of coal.

Mr. BOUTELL. And that the Democratic party and Democratic policy had still less to do with it, if that were possible.

Mr. WILLIAMS of Mississippi. Well, the removal of the tariff on that article did not hurt anybody.

Mr. BOUTELL. A Selma correspondent of the Montgomery Advertiser of January 2 sends an interesting dispatch, and in reading it I look around for my genial friend Mr. BOWIE:

The past year has been a memorable one in Selma in way of material advancement, as the following partial list of some of the visible improvements will show:

Louisville and Nashville Railroad bridge (completed)	$200,000
Louisville and Nashville passenger station (completed)	25,000
First Baptist Church	42,000
City building	25,000
Elks' Home	21,000

Every Elk will appreciate that.

Public building (authorized)	75,000
M. W. Walker's stores and warehouses	15,000
C. W. Hooper & Co.'s modern store	30,000
W. R. Peacock's residence	7,000
Jud Brislin's residence	5,000
Twenty-five cottages (average cost $2,000)	150,000
Total	495,000

"Twenty-five cottages!" That is what I like to hear about—these cottages going up in the South; that is the sort of prosperity that I like to hear of from every part of the country, and especially from the South.

Now we come to Arkansas. The Arkansas Democrat, of Little Rock, in an editorial of January 1, says—and I will say that anybody may stop me to say whether these papers that I am quoting from are Republican papers or not; this one is called the "Democrat:"

Little Rock has made rapid strides during the past year, adding many substantial improvements to her material development.

The Gazette of January 1, in a news article, says:

The reports of the board of trade for 1903 show the business of the city to be in a very prosperous condition. The decrease in the cotton crop is overcome by the increase in value, as is shown by the bank clearings. The bank clearings for 1903 were $52,288,174.78; for 1902, $48,521,981.99, showing an increase of $3,766,192.79, or 8 per cent.

The Gazette of January 2, in an interview with George R. Brown, secretary of the board of trade, says:

My opinion is that the past year has been the most prosperous in the history of Little Rock. By prosperous I mean that all classes of our people have done well; the laborer has had steady employment at a good wage; the merchants have had good trade; manufacturers have had more than they could do, and investors have reaped a rich harvest wherever their capital has been invested.

That is glorious news from Arkansas. We now come to Texas.

The Galveston News of January 1, 1904, publishes an article containing these statements:

Business over the wharves of Galveston during the past year was $528,602,561, as against $347,993,163 in 1902.

The growth of the port is satisfactory and all that could be desired.

Suffice it to say, the record of the past year is grand enough even in the estimation of the most sordid pessimist to inspire confidence in a glorious future.

During the year the port advanced from fourth to third place in its rank amongst exporting ports in the United States. Both the wholesale and retail trade in Galveston during the past year has been satisfactory.

The bank buildings were valued $439,832,000, as against $389,104,000.

The custom-house receipts were $415,120, as against $313,804 in 1902.

The foreign export values reached the enormous sum of $143,168,564, as against $92,756,044 in 1902.

A part of the increase is due to the high price of cotton and to the heavy movement of the staple during October, November, and December; but a portion of the increased business is due to the more general use of this port by the immense territory tributary to it.

The imports during the last year were $1,377,328, as against $1,312,319 in 1902.

In 1903 the Federal Government spent at the port of Galveston $427,273. The fund available for expenditure at the port for the year 1904 is $1,059,510. During the past year 2,007 immigrants landed in Galveston, as against 1,461 in 1902.

I congratulate the Representative from that district [Mr. GREGG] on the splendid showing that Galveston has made among the great exporting and importing cities of the country.

The Austin Statesman of January 1, in an editorial, says:

In a business way Austin is largely indebted to the past year. Its business men can record a success that is a large improvement on former years. All departments of business have experienced this improvement. In the matter of erection of new buildings Austin in the last year has added greatly to the comfort and convenience of its people. Perhaps no city in the State has added within it and on its environs more architecturally handsome residences than Austin, and at the close of the year there is nothing to discourage, but much to animate to renewed activity in all departments, whether of public or private utility.

I certainly congratulate my good friend from Texas [Mr. BURLESON] on this magnificent showing in his district. And so it is all through the State of Texas.

The El Paso Herald, in an editorial of January 1, says:

Business in all lines has prospered during 1903. With a few comparatively unimportant exceptions there have been no business failures, and the general standing of business enterprises to-day is far better than it was a year ago.

The Fort Worth Record of January 1, in a news article, says:

From a financial standpoint 1903 was the best year that has ever passed over Fort Worth. The condition of the banks reflects the condition of the people. The clearings during the year were $108,907,238.36, an increase of $20,833,718.74 over the clearings of 1902.

The Galveston News of January 1, in a news article, says:

At the port of Galveston the year 1903 has been wonderful in many ways. The records of the previous years were not broken by a mere scratch, but so far surpassed that old values appear insignificant in comparison. Foreign exports were $143,168,564. For 1902 they were $92,756,044, an increase of $50,412,520. Bank clearings for 1903 were $439,832,000, as against $389,104,000 for 1902, a gain of $50,728,000.

The Galveston Tribune, in an editorial on January 1, says:

Texas, throughout its length and breadth, never enjoyed greater general prosperity than during 1903. Galveston has finished 1903 in splendid shape. More records have been broken in the business done through the port and in the transactions of corporations, firms, and individuals doing business here than ever before in a single year.

The Post, of Houston, Tex., in a news article of January 1, says:

No better barometer of trade can be found in the city than the statistics of the clearing house. The clearings for the year were $896,928,866, as against $802,931,516 in 1902, an increase of $93,997,350. The figures tell the story of Houston in the twelve months just ended, and indicate that the time has been a prosperous one.

Mr. Chairman, I do not wonder that our good friend, Representative Ball, wanted to get back to his district. We are sorry to lose him, but with such prosperity reigning there no one could blame him for wanting to be on the ground. But we extend a cordial grasp of welcome to his successor and congratulate him on the district that he comes from.

Mr. LACEY. Mr. Chairman, let me ask my friend in this connection if that is not the State that has been suffering from the ravages of the boll weevil?

Mr. BOUTELL. It is; but I have no reflections to make on that. This story must be told in the words of the southern papers themselves, and if the gentleman will kindly let me finish this story I shall be obliged.

The San Antonio Express of January 1 says:

The year that has just been closed has been a remarkable one in the business history of San Antonio.

And I look about for my friend from Texas [Mr. SLAYDEN] to dispute it or deny it if he cares to.

It was a year of magnificent prospects, which were reflected in the large real-estate transactions in the spring months. It was also a year of heavy crops, not only for the county, but for the trade territory of San Antonio, the healthy condition of the rural districts being reflected in a holiday trade that broke the record for many years.

Now we come to the good old creole State. First we have the Baton Rouge Advocate of January 1, and I look for my colleague on the Ways and Means Committee [Mr. ROBERTSON of Louisiana]:

Yesterday marked the close of a most prosperous year in the history of Baton Rouge. Good crops and splendid prices brought worlds of money to our people, and all, black and white, have done exceedingly well. A new railroad opens up a new section of country to us and it will aid materially in our prosperity. Public finances—city and parish—are in fine condition, new enterprises are being installed, and the volume of trade and business continues to multiply and improve.

Is not that a grand statement from this community?

Here we have from New Orleans an editorial in a paper called the Item, on January 1, a paragraph of which says:

The year 1903 closes at New Orleans with a magnificent business showing, as evidenced by our bank clearings, which is an accurate index of the growth or decline of business. Clearances for 1903, $927,710,850; for 1902, $672,360,577.

The Picayune, in an editorial on January 1, says:

Probably never in the history of this city has there been a more prosperous period than that encompassed in the twelve months known as 1903. Of course the enhanced value of cotton has helped the clearings not a little, particularly during the last three months of the year, but that fact is not responsible for the principal portion of the gain. The South as a whole has been prosperous as it has never been before, and that fact has very naturally and properly reacted favorably upon the South's largest city and financial center. During the year New Orleans not only has held her own as a great cotton market, but she has wrested from New York the supremacy as the leading speculative cotton market.

I congratulate my friends [Mr. MEYER of Louisiana and Mr. DAVEY] on the triumphs of the financiers of New Orleans over those of Wall street. [Applause.]

The Times-Democrat, in an editorial of January 1, says:

From no part of the Union will the words "A happy New Year" come more appropriately to-day than in the South. Cotton, for instance, although a small crop, has returned the southern farmers several hundred million dollars more than the biggest crop ever raised. Cotton, however, is only one of the incidents of southern prosperity for the year. The lumber business was phenomenally large, and so, indeed, were the manufactures of all kinds. The South led the Union in its construction of new railroad trackage and in the increase in the amount of business its railroads handled.

And let me say of the Times-Democrat, for fear that it might be colored by any friendly feeling toward the present Administration, that some of the adjoining editorials would seem to indicate very plainly that it was still in the solid column of Democratic newspapers. It says:

Yesterday New Orleans closed its books on the best year the city has ever had in business. For the year 1902 over 1901 there was an improvement on the clearings of $68,809,453, or 11.4 per cent, and we thought that very satisfactory and something to boast of, but 1903 shows an advance of $255,350,273, or 38.1 per cent.

I call attention to this, and if any paper in the South can speak for all that country it is this journal.

Well might this paper give to the country a happy New Year on the part of the South.

Mr. GAINES of Tennessee. Will the gentleman allow me a minute?

Mr. BOUTELL. I asked that I might be permitted to conclude this story that is made up with scissors and a paste pot.

Mr. GAINES of Tennessee. All right.

Mr. BOUTELL. We now come to the State of Mississippi.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEMENWAY. I yield the gentleman thirty minutes more time.

Mr. BOUTELL. I did not realize that this story was so good or so long or would be so interesting.

The Natchez Democrat, in an editorial of January 1, said:

A review of the past year in a business sense is hardly necessary at this time, as it is a fact well known that as a whole the year was filled with good trade. Cotton, which is our chief reliance, developed an unusual strength and began a march which almost brought it up to the highest price on record. New industries have been added to industrial circles, which is beneficial to all lines of the commercial world. There has been a substantial increase in railroad building. The building world of Natchez enjoyed a most healthful boom, and it will be continued through this year.

I hope that it will, and for very many years to come; and I am glad to know that the boom has struck Mississippi. [Applause on the Republican side.]

In looking over the little local papers to find out, if I could, the most trustworthy statements from the rural homes and the quiet retired spots, I ran upon the Weekly Clarion and Ledger, of Jackson, Miss., of January 7, 1904. I found that this little paper contained what purported to be the full text of the annual message of the governor of Mississippi to the legislature. I think Governor Longino had completed his four years' service, and delivered this as a valedictory address before Governor Vardamann had come in and delivered his salutatory. I felt certain that a man who had been governor of Mississippi for four years was better entitled than anybody else to speak for the whole State. I was glad, therefore, to find in his address so much information as to the conditions in Mississippi.

Now, I regret very much there are some expressions in this message which I would omit if possible, for fear of wounding the feelings of my friend from Mississippi, because they do not seem to be up to his plane of proper Democratic principle; but he will see that in order to keep the connection I had to keep in these expressions. Governor Longino, in completing his four years' service, spoke as follows to the legislature:

I desire to reiterate for the purpose of emphasizing now what I had the honor to say in my inaugural address to the legislature four years ago.

He then quotes from what he said four years ago, which I will now read. Picture to yourselves that he had just entered upon a four years' term of service as governor of the State of Mississippi:

It is perhaps meet to say here that now when the tidal wave of new industrial development seems to have struck the State, and capital is hunting investment here, a liberal and just legislative policy should be presented toward all kinds of corporations and corporate interests. It should be remembered that no country ever became truly prosperous or great where a becoming regard was not shown for the equal rights of both labor and capital by the laws, the courts, and the people. Experience has shown it to be wise State policy to extend liberal franchises and privileges to such corporate enterprises and offer mutual benefits to labor and the public generally as well as to the money they employ. I confidently hope, therefore, that no more sentimental and prejudicial opposition to railroads or other corporate enterprises will find favor with the legislature so that capital-hunting investment will have no just cause to pass Mississippi and go to other States offering wiser legitimate inducements.

[Loud applause on the Republican side.]

Now, I want to reread this if I can in connection with the remark that the gentleman from Mississippi [Mr. WILLIAMS] made about protection deflecting capital that was profitably employed into channels where it would be unprofitably employed; and I ask him—and there will be time yet, either to-day or some other day—to explain whether this money that has gone into Mississippi has been deflected into unprofitable enterprises. That ends the governor's quotation from his message of four years ago, and now comes the message of three weeks ago, showing how well the legislature lived up to his advice. I think it is hardly necessary for me to ask my friend from Mississippi whether the legislature to which this advice was given was a Democratic or a Republican legislature.

This sentiment shared by both executive and legislature gave confidence to investment. Thus encouraged by liberal laws and tempted—

Mark this—

tempted by unequaled opportunities for profitable investment capital has poured into the State by millions and given to Mississippi an industrial, manufacturing, and commercial importance and thrift never before enjoyed by our people.

[Applause.]

I am glad of it. We are all glad of it. I was very much surprised. I could not have taken the words of the Clarion Ledger alone for it, and it was only the verbatim address of the governor that made me confident that this good news was true that "capital has poured into the State by millions and given to Mississippi a prosperity that she has never enjoyed before." I am glad of it, and the country is glad of it.

The governor goes on and quotes from the annual report of the secretary of state, in which he says:

That during the years from 1900 to 1903 747 corporate charters were granted, representing a capital of $73,000,000, as against an issue of 365 charters in the four years from 1896 to 1899, aggregating a capital of $25,000,000, although during the earlier four-year period, from 1896 to 1899, only a $3 fee was charged for each charter.

Whereas during this latter period (that is, the four years of great prosperity) these charters were charged up according to the capital stock. Now, you see, you have this careful arrangement by the secretary of state of Mississippi into an eight-year period, from 1896 to 1899 and from 1900 to 1903, and during all this period money has been coming in there by the millions, and the prosperity and the manufacturing enterprises and granting of charters have continually increased. Then, commenting on this, the secretary of state says:

The increase in the amount of business in the State during the eight-year period—

Now, mark this, not something sporadic, not something due to the boll weevil, not something due to adventitious circumstances, but "the increase in the amount of business in the State during that eight-year period"—the period of Republican administration of this country—

has been healthy, steady, and rapid each year, showing marked progress over its predecessor. The assessed value of the property of the State in 1899 was $182,275,900, while in 1903 the value of the State's property aggregated $252,000,000.

[Applause.]

And then the governor says:

I feel safe in venturing the assertion that Mississippi stands among the foremost, if not in the lead, in the rank of railroad building—

And the governor continued—

I therefore commend—

Remember, this was just three weeks ago—

to this legislature a continuance of the liberal policies which characterized the course of your predecessors and feel that nothing will be done by you to check the State's great progress.

Mr. HILL of Connecticut. Stand pat! [Applause.]

Mr. BOUTELL. That seems to be what might be called a condensed version of the address of the governor of Mississippi.

Well, now, such in brief—and I wish for your sakes, Mr. Chairman and gentlemen, that it had been briefer—is the story of prosperity in the "solid South" and the State of Mississippi during the year which has just closed. You will notice that they have all predicted equal if not greater prosperity in the future, and as confirming that prediction I will read just a few words from one of the trade reports, bringing the figures down to the week ending January 1, 1903, which says:

Confidence in a prosperous spring trade finds support in an enlarging volume of business in southern and southwestern markets, an awakening of interest at some of the northwestern centers, and growth even at central, western, and eastern markets, where, however, weather conditions are a drawback to the fullest activity.

The good prospects coming into realization during the third week in January are altogether in the South and Southwestern States. Now, from the bank clearings for the third week ending January 21, I find this splendid showing, that in nineteen southern cities there has been an increase in bank clearings from one-tenth of 1 per cent in the western city of Kansas City up to 105 per cent in Jacksonville, Fla., and 133 per cent in the city of Memphis, Tenn.:

BANK CLEARINGS FOR THE WEEK.

The following table, compiled by Bradstreet, shows the bank clearings at the principal cities for the week ended January 21, with the percentage of increase and decrease as compared with the corresponding week last year:

City.	Amount.	Percentage of—	
		Increase.	Decrease.
St. Louis	$56,167,628	14.5	
Kansas City	22,194,608	.1	
New Orleans	25,146,323	34.8	
Richmond	5,219,286	15.4	
Savannah	4,147,007	1.6	
Memphis	6,744,846	133.7	
Atlanta	3,451,828	2.7	
Nashville	2,968,291	8.8	
Norfolk	1,993,273	22.3	
Augusta, Ga	1,791,287	10.8	
Birmingham	1,262,656	10	
Knoxville	1,498,691	25	
Macon	867,000	9.9	
Lexington	654,925	4.8	
Chattanooga	788,441	18	
Jacksonville, Fla	779,294	105.5	
Houston	18,223,113	16.9	
Galveston	9,770,000		
Charleston	1,287,419		

Now, Mr. Chairman, such is the story as told by the local newspapers of the industrial and financial conditions through the State of Missouri and the whole South.

Mr. RICHARDSON of Alabama. Mr. Chairman, will the gentleman from Illinois yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Alabama?

Mr. BOUTELL. I would like not to be interrupted for a moment until I complete this.

Mr. RICHARDSON of Alabama. Just this——

Mr. BOUTELL. If the gentleman from Alabama will kindly suspend.

Such, Mr. Chairman and gentlemen, is the bright story told by the local newspapers throughout the State of Missouri and the Southern States. Is it not good news that this story brings? Is it not splendid news? Is it not glorious news? I ask the gentlemen from the districts where these papers are published, Is it not true news?

Isn't it something that we are all glad of aside from any political reason which one or another may give for this situation? We are all glad of it, Mr. Chairman, as American citizens. There never was, perhaps, a sadder sight in the history of the world than the condition of the Southern States at the close of the awful war of 1861 to 1865. I sometimes think, my friends on this side of the Chamber—you who bore arms for the North in that conflict, I am sure, will agree with me—that we have failed to appreciate what an awful blow that war was to the South. The bloodiest battlefields in the history were fought in her territory. The people had lost all their property. The wives and mothers and sisters who had buried their dead did not even have the means with which to erect lasting monuments to their memory. All over the South forty years ago, in almost every county, there were burying grounds of southern soldiers with no soldier's monument. Those who mourned were unable to place any memorial over their dead except the fading tribute of flowers. They were unable to write any inscription over their dead except with their tears.

But now it has all changed and we all rejoice in the new and better order of things. I am glad of all that this story tells for the sake of the wives and mothers and the sisters of these soldiers who lost their lives in that war.

Stoop, angels, hither from the clouds;
There is no holier spot of ground
Than where defeated valor lies
By mourning beauty crowned.

[Applause.]

We rejoice, too, Mr. Chairman, for the sake of those who went

back from the war, the young men who went back from Appomattox, taking their horses with them by command of our magnanimous leader, who found their homes in ruins and their fields devastated, and who for forty years have paid without complaint these taxes which have been most largely spent at the North. Now they are coming to their own again, and we congratulate them.

Mr. Chairman, I am glad of this bright story from the South for one personal reason, let me say to my southern friends. The first murmuring of that awful struggle came to me as a child of 5 in a little quiet New England town. I had a father and six near of kin in the northern army, and of course I remember some of the bitterness that raged between the two sections. In the chances of war I landed as a youngster in western Missouri, and finally in the State of Lincoln and Grant. Of course, for many years following, the bitterness between the two sections was kept up. All that is over and gone. I see before me, among my best friends, the sons of those who lie in Confederate graves, and during the last few years I have thanked God daily in my heart that I have lived to see the day when the last trace of bitterness between the two sections of this country has vanished forever. [Great applause.]

I am proud that I was granted the privilege of serving in this House with some gentlemen who had been officers in the southern army, and to see them, when the call to arms came in our war with Spain, promptly offering their services.

It was a glorious sight when such soldiers as Lee, of the Old Dominion, and Wheeler, of Alabama, put on the uniform of the United States Army and marched under the Stars and Stripes. [Applause.] But that is not all. These men are growing old. The gray uniforms hang in their houses to-day, but when these great heroes of two wars come to give up all there is of mortality they will be laid in the earth clad in the uniform of the United States Army, with their casket wrapped in the Stars and Stripes. [Applause.]

Mr. Chairman and gentlemen, I hope you will pardon this digression, but it does seem to me that this is an occasion where we can all rejoice in this splendid prosperity, this unequaled prosperity, that exists all through the southern part of our country.

And now I do not claim that this is all due to the Republican protective tariff; not at all. Mr. Chairman, no one who even tried to think as a statesman would ever make any such claim as that. The only claim I make, the only claim the most ardent Republican could make, is, and it can not be denied, that the principle of protection is an American principle; that the principle of protection has always been recognized on our statute books; that the Dingley revenue act is the wisest and most beneficent tariff act for all sections of the country that has ever been placed on the statute book; and this story and that which I have read tend strongly to prove this claim.

This story shows that the blight and mildew which were predicted as the certain results of Republican victory seven years ago can not be found in any part of the country. And so, as the campaign is coming on, the platform of the Republican party needs nothing but its record during the last eight years. [Applause on the Republican side.]

Mr. FITZGERALD. Will the gentleman yield?

Mr. BOUTELL. Mr. Chairman, I will be glad if the gentleman will not interrupt me at the present time.

The CHAIRMAN. The gentleman declines to yield.

Mr. BOUTELL. And, Mr. Chairman, there is no more doubt about our leader than there is about our platform. [Applause on the Republican side.] I know that some gentlemen on the other side of the House have censured our President for being impetuous; but I want to say, Mr. Chairman and gentlemen, that the people of the United States would rather have a President who is impetuous and frank than a President who would be suave and subterranean. The people know what Theodore Roosevelt stands for, and he needs no defense in this House or before the people. I want to tell you that we love him and you fear him for the enemies he has made. [Applause on the Republican side.] Has he forfeited any Democratic esteem because in season and out of season he has been zealous in enforcing the laws against illegal combinations? Censure is the tax that strong men pay for doing right, and Roosevelt has always been a heavy taxpayer of this kind.

Has there been anything in his attitude toward any of the public questions of the day in which he has not shown himself equally strong, frank, and manly in dealing with them? Let me say to those on this side of the Chamber who read with misgiving that this man or that man or the other man in our party is looking for another Presidential candidate that such statements are no new thing in our history. Why, away back, even in the time of George Washington and the early Presidents, every President who was ever elected to a second term had to meet at the close of his first term the intrigues of personal enemies and even the schemes of rivals. And so it has been all the way down through our history.

I want to call attention briefly to the experience of Abraham Lincoln. In 1863, when he was bearing the great burdens that were put upon his shoulders, he had his Horace Greeley, who wanted to see Rosecrans nominated in 1864. Greeley proposed to force Abraham Lincoln to retire, make Hamlin President, and Rosecrans the candidate in 1864. A committee was sent by Greeley to Missouri to ask Rosecrans if he would come into the scheme. He gave them the reply of a brave and devoted soldier, when he said:

> My place is here. My country gave me my education and is entitled to my military service.

Then there was in Mr. Lincoln's Cabinet Mr. Chase, the Secretary of the Treasury, who used his position in the Treasury to further his own candidacy for the Presidency. President Lincoln treated him with as much calmness and courtesy and affability as though he were loyally supporting him, but what happened? The legislature of Ohio instructed all its people for Abraham Lincoln, and when the electoral college met Mr. Lincoln got every vote in the college but 21. Afterwards, with unparalleled magnanimity, he made Mr. Chase Chief Justice of United States Supreme Court.

So it was in the days of Grant in 1872. There were those who were going to replace him with another candidate. The same occurred in the case of Grover Cleveland, and in the case of Mr. Harrison, and four years ago there were rival candidates springing up against William McKinley. So, I want to say to you, my friends on the other side, do not take a bit of comfort in what you see in the newspapers about troubles in the Republican ranks. There is no question as to who will be the nominee of the Republican party. With the record of the Republican party behind it for the last seven years, and no question about our leadership, there can be no question as to the result. Our record will be our platform and Theodore Roosevelt will be our candidate, and he will be reelected by the same kind of majorities that were given to Lincoln, to Grant, and to McKinley.

I tell you, my friends on the other side of the Chamber, if there were not so many among you down in your country who are merely what I call "geographical Democrats" or "social Democrats;" in other words, if you voted your honest convictions on financial and economic questions next November, Theodore Roosevelt would be reelected by as large an electoral vote as was given to President Monroe in 1820. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEMENWAY. Mr. Chairman, if I have any further time I yield it to the gentleman.

The CHAIRMAN. The gentleman has no more time.

Mr. HEMENWAY. Then I will ask the gentleman from Georgia [Mr. LIVINGSTON] to yield the gentleman some of his time.

Mr. LIVINGSTON. I can not do that. I yield thirty minutes now to the gentleman from Mississippi [Mr. WILLIAMS]. [Applause on the Democratic side.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am sure that nobody in this Chamber has listened with more pleasure to the remarks of the gentleman from Illinois [Mr. BOUTELL] than I. From grave to gay, from humorous to pathetic, from the actual to the fictitious, he has furnished us pleasure for over an hour. He has proven himself master of the entire gamut of the musical instrument which he accused me of playing, the dulcimer. [Laughter.]

Now, I am not going to allow the gentleman from Illinois to assume either all of the patriotism or all of the pride and pleasure and happiness in the spectacle of American prosperity that can be felt by American citizens. I, too, thank God for the things which we have, though I am not quite ready to "stand pat" upon them and say that they are "well enough." I have never known things to be "well enough" in this poor, miserable world of ours.

But I am ready to go back in history with the gentleman from Illinois. I am ready, too, to thank God that we are a united citizenry. I am ready to thank God that there are children in this world to-day whose mothers were daughters of Confederate soldiers and whose fathers were sons of Union soldiers. I am, above all, Mr. Chairman, ready to thank God that there does not exist to-day along the Potomac, along the Ohio, and along the southern boundary of Missouri and the southwestern boundary of Texas a line of custom-houses "protecting" us from one another. [Applause.]

I am ready to thank God that Massachusetts can consume the cotton of Mississippi and the sugar of Louisiana, and that Louisiana can consume the iron of Pennsylvania. And I thank God for it, because I know in my heart that if we were separate and independent governments and each was "protecting" itself from the "pauper labor" and "inundation of products" of the other, we would be vastly less happy and less prosperous than we are to-day. [Applause.]

Why, Mr. Chairman, not long ago I went down to Newport News with my good and valued friend, Mr. LACEY, of Iowa; and he told me during the trip that somebody had said to him that there was now no difference between a Yankee and a Southerner, except that one "reckoned" and the other "guessed." Not many days ago in Boston, addressing the "Free Trade League," I announced to them the glad tidings that even that difference had disappeared; that since we had fallen heir to the present incumbent of the White House nobody "reckoned" because there was no basis to "reckon" on [laughter]; that we were all Yankees now, because we were all "guessing" [renewed laughter]; and that nobody could guess even twenty-four hours in advance. [Laughter.]

Why, sir, the gentleman says we have objected to this candidate because he is impetuous. I dare say that perhaps the word he heard was somewhat different from that. Was not the word "cataclysmic" or "earthquakey," or "volcanic," or some other word! Are you sure [addressing Mr. BOUTELL] that it was simply "impetuous?" [Laughter and applause on Democratic side.]

Mr. BOUTELL. Yes, because I read it from the gentleman's speech.

Mr. WILLIAMS of Mississippi. Well, I think not; they must have misquoted me.

Now, another thing: We are not, as the gentleman apprehends, taking any comfort out of the fact that other candidates are arising to oppose the renomination of the present incumbent of the White House. On the contrary, we are shaking in our boots for fear that some of them may succeed. [Laughter.] The comfort we are taking is out of the fact that you have gone so far that you can not go back, and you are obliged to nominate him. [Applause on Democratic side.] You have got to "stand pat" on him, together with all the other things.

About a year ago a number of your State conventions swore that the horse was "eighteen feet" high, and as you have announced a general all-round "stand pat" policy you have got to keep on swearing that that horse is "eighteen feet high."

Why, my friends, I do love to listen to the gentleman from Illinois. There is nothing that pleases me so much as a public speech of his, except perhaps a private conversation with him. But I love to listen to his public speeches because he is so sweet mannered in his cocksureness of everything, and so remarkably amusing in his hatred and contempt of Thomas Jefferson.

Mr. BOUTELL. On the contrary, I have a very high regard for most of Thomas Jefferson's opinions.

Mr. WILLIAMS of Mississippi. Yes; it is that sort of "regard" I heard that an Irishman had for a candidate; when he was asked to "go for him," he said "I went for him last night; I tried to smash his nose all over his face." [Laughter.] I never hear the gentleman expressing any "regard" for Thomas Jefferson; I always hear him trying to "smash his nose all over his face."

The gentleman this morning quotes something about Mr. Jefferson wanting to know if he had a coat of arms. In his day nearly everybody had a coat of arms. Unfortunately for poor old Thomas Jefferson he was derived, as I am, from common Welsh stock and he could not find any coat of arms. But George Washington found one and sported it everywhere; and I have never heard anybody blame him for it. [Laughter.]

The next step was that the gentleman suggested a coat of arms for Mr. Bryan. Will he permit me to suggest a coat of arms for his candidate—"the man that everybody is for and nobody wants." [Laughter.] I would suggest a caricature that I saw in the Post not long ago—the face of a certain Republican upbuilder and organizer upon a dog's body, looking down in a very dignified and good-humored, though somewhat contemptuous, manner, and a little child, with the beatific countenance upon him that we know so well at the other end of the Avenue, looking at him and saying, "Can't you talk?" [Laughter.]

Or, if you are not willing to "stand pat" on that coat of arms, I will suggest another of a more serious character, another caricature that I saw in another paper—a man astride of a cannon marked "Presidential Cannon," with his back to the muzzle and his face to the breech, with a whole lot of groundlings whose ears he tickles, out behind the breech, throwing up their caps and huzzaing, and the man who is playing with the Presidential Cannon touching it off every now and then to see if it would hit anything, but in absolute ignorance of what was in front of it and in absolute recklessness of what was in front of it, too. So much for coats of arms, my friends.

The gentleman says I played upon the dulcimer. I wish I were a musician and could play upon some instrument to the glory and the honor and the praise of Democracy and of its father, Thomas Jefferson. I would not mind even it were a dulcimer; but the gentleman has played upon the dulcimer this morning, and in playing upon it he has spent quite a long while eloquently and genially and intellectually, too, singing as he played the praises of God and the American farmer, but leaving people to infer that in somehow or other the Republican party was responsible for God and the American farmer. [Laughter.]

Why, do you know, I dislike very much to sink to the ordinary anecdotal phraseology of Abraham Lincoln upon an occasion of this magnitude and dignity. I love dignity, you know; but an old anecdote of Abraham Lincoln occurs to me. The gentleman gets propter hoc and post hoc and everything else mixed up. He gets certain things occurring accidentally together with an accidental Republican administration, and then he couples these things together and would have you believe—although he is too honest to come out and say so, still the object of his speech is to have the reader of it draw the inference—that the Republican party is somehow responsible and in some way to be credited for it all. Abraham Lincoln once said that there was a woodpecker away up in the top of a tree, pecking and pecking and pecking at the tree, and after a while a windstorm came along and blew down the tree and the woodpecker; and the woodpecker believed to its dying day that it pecked the tree down. [Laughter.]

The gentleman tells me that the South is prosperous. Of course the South is properous.

Mr. BOUTELL. But we never heard it from the other side of the House during the last three months.

Mr. WILLIAMS of Mississippi. Why, you have heard it from me, I am sure. Of course the South is prosperous. Do you know what I am going to do? I am going to get as many copies of the gentleman's speech as the gentleman from Illinois in his generosity will allow me to have, and I am going to distribute them as an immigration pamphlet for the South. Does he think that he can take any more pride or pleasure in the prosperity of Dixie Land than I can? I imagine he can not. I want to use that speech as an immigration inducer. We want more white people down South. [Applause on the Democratic side.]

They will help us to solve our great problem. Of course the South is prosperous, and the South would have been doubly as prosperous as it is to-day under Democratic local administrations all over the South but for the dread ten years' history of Republican misrule there. [Applause on the Democratic side.] And the South would be trebly as prosperous as it is to-day but for the indefinite, vague dread of some sort of an outside superimposition of Africanization through the Republican party at some day in the future. [Applause on the Democratic side.]

Why, the South was rich enough this year to finance her own cotton crop; and when the men that knew the cotton crop was short went up to New York and wanted to borrow money, they said: "We will stop this little thing. We will not lend them a cent." Hitherto in the history of the country whenever they said that, that did stop it; but this year they went right down to New Orleans and Charleston and the other southern cities and borrowed every bit of it.

And I will tell you another thing. I will be still prouder than I am now of the fact that this is a reunited country and that South and North stand together, whenever you cease to let ooze out of you unconsciously the conviction down in your own hearts that we are not the children, but the stepchildren, of the Republic. There are two unwritten laws in America to-day.

Gentlemen talk to me about being reunited and all under one Government and proud of it, and we are proud of it and glad of it; but there are two unwritten laws in this country to-day equally unjust. We boast that we have absolute religious freedom and equality, and yet no Roman Catholic, if he were the wisest man in the land, could possibly be nominated for the Presidency; so we boast that we have absolute sectional peace and equality, and you boast of your magnanimity, and yet it is a known fact that no Southerner, if he were the wisest and most patriotic man in the land, and if he drew the breath of life for the first time as late as 1866 or 1867, after the unpleasantness was over, could be nominated for the Presidency of the United States, or if nominated could be elected.

The gentleman asks me a question about the millions capital that have floated into the State of Mississippi. He asks me if it had been deflected from otherwise profitable pursuits, as I said was the case with capital drawn by legislation into industries created by a tariff. I will answer the gentleman by saying this: not one dollar of the millions was drawn to the State of Mississippi for cultivating one single protected article upon the Dingley schedules. [Applause on the Democratic side.] That capital was not drawn by protectionism. It was therefore not hothoused out of some other pursuit and not deflected from use in otherwise profitable pursuits. Why, the State of Mississippi is the most purely agricultural State in this Union.

With an area of about the State of Iowa, perhaps not so much, 46,000 square miles, she has a population of a million and a half of people, and yet has only one town in her entire borders of 20,000 population; only two that pretend to have 12,000 to 15,000,

and all the balance of the people live as their Teutonic ancestors did in Europe, and as their English ancestors did in Great Britain, out in the country, living the life of independent countrymen, in God's free air, learning to do all things, not a slave to the division of labor, where a man drives a tack, tack, tack, with a piece of machinery all day long, until he forgets how to think.

What does the protective tariff have to do with all this prosperity that the gentleman was singing about this morning? Has the protective tariff raised the price of cotton to 15 cents a pound, or, as it was yesterday, 16 cents a pound in New York? It has only taxed the cotton raiser on nearly everything he buys—implements, gins, fence wire, etc. Does a gentleman of common sense upon that side dare to stand upon this floor to-day or to-morrow and say that a protective tariff has given value to the oats and to the corn and to the cattle and mules that have been raised in the State of Mississippi? America exports all of these. Is there a gentleman upon that side who will say, that with regard to the heavy cotton goods that are manufactured in the State of Mississippi and are sold in competition with Germany and England in China and Manchuria and other world markets where the greater part of those Southern goods are sold, that they owe a particle of the prosperity of their makers to your protective tariff?

The South does not owe but one thing to you, and it does not owe that to you as the Republican party. It owes it, however, to I do not know how many millions of men—about two millions on one side and six hundred thousand on the other—who met one another bravely in battle and settled a long-disputed question that could not be settled any other way. It owes, perhaps, something to the result of that conflict; and what it owes to this result is simply this: That the magnificent broad area of free trade, carrying welfare with it from the Atlantic to the Pacific and from the Gulf to the Canadian border, is not divided in the middle by customs-houses. [Applause on Democratic side.] I am sure that is no latter-day Republican doctrine, whatever it may have been earlier.

Now, Mr. Chairman, I have not had any time to make an elaborate reply to my friend from Illinois, who seems to have grown tired of this "standing pat," and wants now to go backward. This morning his discourse might have been divided into two heads——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIVINGSTON. I yield to the gentleman sufficient time to finish his remarks.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I shall not take much time.

Mr. PAYNE. How much time does the gentleman want?

Mr. WILLIAMS of Mississippi. I do not know; ten or fifteen minutes.

Mr. PAYNE. I ask unanimous consent that he have ten minutes.

The CHAIRMAN. The gentleman from Georgia yields to the gentleman.

Mr. BOUTELL. I hope, Mr. Chairman, that he will have all the time he wants. [Applause.]

Mr. WILLIAMS of Mississippi. The gentleman's remarks might have been divided into two parts, unlike the ancient Gaul which was divided into two parts, but into two parts like the Republican party to-day. One part was his desire to quit "standing pat" and taking a position in Congress on past issues, or at any rate not live issues, to see if he could not put Democracy on the defensive, and the other was the cheap, often sung and ancient song that "steers are worth six cents in Missouri." While the gentleman speaks of a past and honored leader of the Democracy, able, patriotic, and honest, who can not be belittled, because he does not deserve belittlement, as being a Nebuchadnezzar, I call attention to the fact that the Republican party to-day is not even a Nebuchadnezzar. It can not even "eat grass." It can not do anything except "stand pat" [laughter], standing pat with its head up and its eyes shut, and it will starve to death and starve the country, or else get knocked in the head and thrown aside if it does not give up its attitude pretty soon. [Applause on Democratic side.]

Now, I did not say that every man who believes that the Dingley tariff bill was a good bill was a fetich worshiper. I said every man who said it was the duty of a great party in the interest of the country to "stand pat" upon every schedule of it was a schedule fetich worshiper, and what else are you if you are not that? You must have one of two reasons for "standing pat" upon every single solitary schedule of a bill after parts of it have proven too high, even from your own standpoint. It must be either because of the worship of the schedule or it must be because you are afraid to touch it.

Now I know you all too well to believe that the latter reason can possibly be the reason actuating you in "standing pat." I do not believe you are at all afraid. Some people have insinuated that you thought may be if you opened the matter up all sorts of differences in your ranks might appear; objections might come from Iowa, out amongst the "new idea" people; some from Minnesota, and that Michigan might have a word to say, and Boston might have something to say, especially upon the coal question and Canadian reciprocity, but I do not believe you are really afraid of one another. Are you?

Somebody has insinuated that maybe if you didn't "stand pat" that New England might want to put hides on the free list and the hide men might want to reduce duty on shoes 50 or 75 per cent; but I do not think so meanly of you as to believe you are afraid of your hide men, or your boot men, or your shoe men. Of course not. You are surely braver than that. It is simply because way back in your hearts schedule worship has become your religion, and, by the way, you have about ceased to have any other religion. You just worship the tariff schedules and the old song, "Beeves are worth 6 cents a pound in Missouri." The gentleman says, however, we have worshiped fetiches, and I think he is a little bit unfair in a part of that argument.

In 1896 the Democratic party went before this country, not crying, as he says, for silver and nothing else, but crying for bimetallism and for the equal coinage of both metals at a fixed ratio—for the law of Andrew Jackson's Administration. The Democratic party at that time adopted as its slogan that without a substantial increase in the volume of metallic, self-dependent, self-sufficing, self-redeeming, price-fixing, *real money*, there could not be a scale of rising prices, that there would continue to be a scale of falling prices.

But it is true that the Democratic party at that time thought that the only possible manner in which it could get an increase in the volume of metallic money was through the free coinage of silver. With the lights then before it, it could not have hoped for it from any other source, unless its members and leaders had been seers or prophets. It is true that since that time God, who is so much kinder to His children than their elected legislators are, has mapped out a way by means of which what they sought in 1896 has been accomplished. They have gotten through the act of God and by human intelligence and invention through the instrumentality of gold that which they sought from human legislators through the instrumentality of silver. What has occurred?

Why, I remember standing upon this floor in 1893 and some gentleman said, "Does the gentleman from Mississippi pretend that the world could absorb $210,000,000 a year of silver production?" I replied in my poor, weak, and modest way, that I thought it could at a slight and gradual increase of prices. At that time the production of gold was a hundred and nine million. I have not seen the figures lately, but from the last I saw the production of gold was $340,000,000 per year, more than all the silver and all the gold of all the world put together at the time when we were making that fight in 1893 upon this floor, and we do not owe it to the Republican party; we owe it partly to accident under the providence of God, in the way of discovery of new gold mines; we owe still more to the inventions and new methods by which incorrigible ores are treated. The world has easily absorbed the increase with only a moderate rise in the scale of average prices.

Mr. BOUTELL. Will the gentleman kindly yield for a question?

The CHAIRMAN. Does the gentleman from Mississippi yield?

Mr. WILLIAMS of Mississippi. Yes.

Mr. BOUTELL. Would the gentleman now favor a return to the free coinage of silver at the ratio of 16 to 1, and would you make that a part of your national contention?

Mr. WILLIAMS of Mississippi. I will answer that right now, sir. You know frankness is my fault.

Mr. BOUTELL. Otherwise I should never have asked that question.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have no more doubt now, speaking for myself, than I had in 1893 or in 1896, of the correctness of the underlying economical principles which justified our appeal for bimetallism. I have no doubt at all of this proposition that God has fixed the price of metallic money just by the same law that He has fixed the price of wheat and cotton, of the dancing ballet girl, or an opera singer, by the law of supply and demand, by corelation of a number of people who make an effective demand for a product and the supply of the product itself.

I have no more doubt than I have had in all my life that under the will of God the law of supply and demand, which fixes the price of wheat and cotton, also fixes the price or purchasing power of real or metallic money. I know that God did not raise up a golden image and fall down before it and worship it, and say to metallic money: "Thou alone art exempt from this universal law of value, determining market prices." Therefore, when three hundred and forty millions of metallic money are being added to the crop of money in the world each year—real money, not promises to pay money, which are no more money than promi-

ses to pay horses are horses—when that has taken place, then resulted the rising scale of prices which we have had for several years.

Mr. BOUTELL. Has not the gentleman lost sight of my question?

Mr. WILLIAMS of Mississippi. No, I am leading back to your question.

Mr. BOUTELL. Sixteen to 1; that is the question.

Mr. WILLIAMS of Mississippi. I am leading back to 16 to 1. Now, I have no doubt of the fact also that when the great wars took place in England—and all historians have come to that conclusion—that the Stuarts had historical precedents for a great many of their actions—but no English statesman would discuss, except academically, the issues of the days of the Stuarts.

Mr. BOUTELL rose.

Mr. WILLIAMS of Mississippi. I am going to answer the gentleman.

Mr. BOUTELL. I am going to help the gentleman out.

Mr. WILLIAMS of Mississippi. No, you are not. [Laughter.]

Mr. BOUTELL. I am; I withdraw my question. [Laughter.]

Mr. WILLIAMS of Mississippi. I decline; I am about to answer it. I have no doubt of that proposition. I have no doubt of several other things that have come about in this world and have passed away. I have no doubt of this fact, that parties do not make issues, but that conditions make issues, and issues make parties, and that the time and circumstances immediately antecedent to and accompanying the time and circumstances make conditions. Now, then, it is not left for any man nor any party to make a platform which shall be a real issue; time and circumstances and conditions make it, and the conditions which I have outlined have been such that the silver question is relegated to the rear. [Applause.]

Mr. HILL of Connecticut. May I ask the gentleman a question right there?

Mr. WILLIAMS of Mississippi (continuing). Now, mind you, I am not saying what will be in any platform in the land; that is not my business. The gentleman has asked me a question as a Representative on this floor, and I have answered it as a Representative from the Eighth district of Mississippi—as plain Mr. WILLIAMS, standing simply in his own poor, plain shoes, answering for nobody but himself. [Applause.]

Mr. BOUTELL. May I say that I expected the gentleman from Mi sissippi would give just that answer, and I congratulate him on that conclusion.

Mr. WILLIAMS of Mississippi. If the House will excuse me a moment for uttering a little language perhaps in the minds of some of you almost traitorous; when I go back and study the circumstances surrounding the adoption of the Constitution of the United States, and the debates in the Constitutional Convention, and the history of the time when some of the people in New England threatened to secede—the Hartford convention times—when neither Thomas Jefferson nor James Madison denied that they had no right to do it, if they chose, and when I take all that and the Constitution as I find it, I believe as an academic and historical proposition that my old grandfather, in his day, was right in saying that a State had a technical, constitutional right to secede, but I am not fool enough to be raising that issue right now. [Great applause.] Moreover, if I did raise it, and either party indorsed it, nobody but the platform makers would pay any attention to it.

Mr. HILL of Connecticut. Will the gentleman allow me to ask him a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. HILL of Connecticut. I understood the gentleman to say that prosperity for the last few years had been largely due to the increased production of gold continuously for a few years. I would like to ask the gentleman if he thinks it would have any effect on his argument to remember that during the African-Boer war the Transvaal mines were closed, and that there has been a reduction in the output of gold during these years of increased prosperity, so that the argument of the gentleman falls to the ground.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have put into the RECORD, in a speech that will come out to-morrow, which I made the other day, clippings, showing that approximately as long as the annual crop of gold kept up, the annual increase of productive enterprise and the scale of rising prices went on. I did not put them there for that purpose, however.

Mr. HILL of Connecticut. Then, why does it not fall when your production goes down?

Mr. WILLIAMS of Mississippi. It does soon after. Prices are beginning to go down, and have been going down for a year.

Mr. HILL of Connecticut. The amount of gold is now rising.

Mr. WILLIAMS of Mississippi. I know that, and it will probably soon brace things up; but the effect can not be counted the minute the gold is gotten out of the mine. Does not the gentleman know that the crop of anything does not count until it begins to get into the market? The amount of gold that was mined last year did not affect the price last year, nor even this year as yet hardly. It takes some time for it to go where it is coined and minted, and it takes time to distribute it from the mint among the people, where it begins to constitute a part of the effective demand for products. Nor is there any exact mathematical relationship between supply and demand in wheat, cotton, gold, or anything else, because after all it is a corelation, not of the actual supply and actual demand, but of the estimated supply and estimated demand—the estimate going all over the world.

Now, then, the gentleman said that we worshiped another fetich, and he said that fetich was our opposition to the annexation and retention of the Philippine Islands. Well, if that be a fetich, if anticolonialism be an idol, George Washington not only worshiped it but fought for it; and if Jefferson wrote for it, and Patrick Henry spoke for it, and the men at Valley Forge starved for it, and the men at Kings Mountain killed Ferguson for it, and the men at Guilford's Courthouse ran over the British dragoons for it, and the Democratic party has not quit it yet [Applause on the Democratic side], if colonialism is another thing you want to "stand pat" on, stand pat, then, on your un-American, old European, military-camp, grab-nation policy of indefinite colonialism. What are you going to do about this Philippine question, anyhow? Why, I see there is some hedging beginning already.

I saw not long ago that some prominent gentleman, I think it was Professor Schurman, said that Mr. McKinley had told him that he never had any idea of permanently retaining the Philippine Islands; that he just wanted to carry them through a sort of kindergarten process and turn them loose after a while; but if you want to stand pat upon the proposition of indefinite colonialism in the Philippines—if you want to stand pat upon the proposition of killing human beings then and there, or thereafter, or hereafter, in order to "do business,"—then God help you! And only the infinite mercy of God could help you. [Applause on the Democratic side.]

It reminds me of a story I heard about old Meredith P. Gentry, in Tennessee. He had run for governor or something and been defeated by Andrew Johnson. He was an old-line Whig and quite an aristocrat in his way. He had a contempt for Johnson, and when Johnson defeated him he felt badly, not so much because he had been run over, but because, as the boys said, he "had been run over by that calf." He went into a state of decline, and soon after that his wife died and Gentry became more and more melancholy until finally a lot of old-line Whigs around Knoxville concluded to invite him to Knoxville to the house of old Dr. Sandy Williams, and have a party of friends meet him there and have a nice time and make him forget his sorrows.

They got Gentry there, and among others of the old-line Whigs who came was Parson Brownlow, one of the uncles of the gentleman who now represents an East Tennessee district. Parson Brownlow was "powerful in prayer," as they say down South, and in those days the gentlemen had their long-necked demijohns with their whisky, and they drank until pretty late at night. Then they would have prayers, because they all belonged to the church and were religious. Late at night old Sandy Williams, who was the host upon the occasion, said: "Gentlemen, you know it is the custom in my house, whenever there is a minister of the gospel present, to have prayers before we retire. Brother Brownlow will now (in the words of the Speaker), 'lead us in prayer.'" [Laughter.]

Thereupon Brother Brownlow, who was powerful in prayer, arose. He prayed for the rich and for the poor. He prayed for the ignorant and for the learned. He prayed for this country and for all countries, and especially prayed for the beloved Commonwealth of Tennessee. Then he began to pray for his friends and the friends of those who were there, and then he touched upon Meredith P. Gentry's case and prayed for him, that God might send a salve to heal the wounds that had been wrought in him and close up the gaps that had been made in his political constitution. He prayed for Gentry very pathetically and eloquently. All of the gentlemen had had their toddies, and Gentry was kneeling down by the sofa and could be heard audibly to sob as Brownlow referred to the fact that his good wife, one of the sweetest woman in Tennessee, had died a short time before, and referred to the beautiful relationship between them, the fact that she had gone and left him comfortless at the very hour when he most needed her.

Then the parson expanded and began to pray for everything; and he finally said, "And, O Lord, if in Thy infinite mercy it be possible, have mercy also upon Andrew Johnson and John M. Savage." Then it was that Meredith P. Gentry, great man and great statesman as he was, arose with the tears streaming down his face and said, "Stop, Mr. Brownlow, stop; you will exhaust

the fount of infinite mercy." [Prolonged laughter.] And sometimes when I feel like praying to God to have mercy upon you all in this new pathway of colonialism, recklessness, land robbery, and greed that you have marked out for yourselves under the guise of carrying the white man's burden and introducing "civilization," by gunshot wounds, into the brown man's home, I am almost afraid to pray for fear it may be blasphemous, in that it might possibly exhaust the fount of infinite mercy. [Prolonged applause and laughter on the Democratic side.]

But my friend, whose hatred of Thomas Jefferson is so amusing, says that Thomas Jefferson on August 25 and November 25, 1775, wrote letters in which he said that America would rather be dependent upon Great Britain than upon any other government, and indeed would rather be dependent upon Great Britain than upon no government; and he seems to think, student of history as he is—and by the way he is perhaps the man in this House best educated in my opinion upon historical questions——

Mr. BOUTELL. Thank you.

Mr. WILLIAMS of Mississippi. The gentleman seems to think that he has discovered a mare's nest. Nobody but a Federalist or a political descendant of a Federalist would be misled that far, my friends. That was in August and November, 1775. It was not very long after the last date when George Washington crossed the Potomac River on his way to the first Congress of the Colonies and being accosted by an old Episcopal rector with the remark, "Mr. Washington, if you all go on with this, it will end in a Declaration of Independence or in a rebellion;" and George Washington's reply substantially was, "I would cut off my arm first." The gentleman will remember also that about that same time Benjamin Franklin told Pitt that "he had never heard independence mentioned by a man in America." In other words, Thomas Jefferson and George Washington and the colonies were *driven* to desperation and rebellion.

They were trying by every means within their power to get Great Britain to reconsider her idea of undefined and unlimited colonialism in America—her idea of subjecting people subject to the flag of Great Britain upon the continent of America to one law, while people subject to the flag of Great Britain in the islands of Great Britain were subject to another. They were pleading first as loyal subjects against a system the exact forerunner of what you are now practicing under the flag of the Union in the Philippines. They pleaded; they prayed most humbly; they sent up appeal after appeal to King and to Parliament. They would rather have remained with Great Britain; they would rather have been dependent upon her than any other country; they would rather have been dependent upon her than upon no country. British soldiers coming over here had joined with the Colonial troops led by George Washington in Virginia, and led by others in New England, and they had fought side by side against the French and the Indians for the maintenance of the supremacy of the English-speaking race upon the continent of America.

Every liberty that America prized most highly had come down from the English common law. Nearly every drop of blood in the veins of American citizens at that time was English—Cromwellian or Stuart, or whatever may have been the line of political demarcation in the old country. They were anxious to remain under the flag; they were anxious to do it provided they could do it with honor and provided the protection of the flag could be equal, and justice could be dealt out to them. They would have been subjects of Great Britain to-day but for the fact that King George III anticipated on the part of Great Britain the sort of infernal policy that you are now applying to the Philippine Islands, and with obstinacy equal to yours persisted in it. The only difference is that he met a strong and virile people and failed, while you have met a weak and inferior race, who have succumbed. I beg your pardon, there is another difference; English tyranny in America never compared in actual virulency, oppression, and greed to your tyranny in the Philippines. There is another yet: it frankly confessed that it proposed to exploit America; in the interest of British trade and empire, and hid behind no hypocritical pretense of oppression for the sake of the oppressed, "bearing the white man's burden," or "benevolent assimilation."

I do not want to retain or annex any people whom we can not really assimilate, and you can not assimilate any inferior race with whom you will not intermarry. That is the real test of a real assimilation.

Mr. BOUTELL. Will the gentleman yield a moment? Of course, Thomas Jefferson thought that a continued union with Great Britain under such circumstances did not amount to much. I was simply referring to that by way of explanation——

Mr. WILLIAMS of Mississippi. But you said I was always praising him, and you wanted to attack me on that ground.

Mr. BOUTELL. I was referring to the position of Jefferson when he favored dependence——

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to finish the line of remark in which I was engaged? I fear I shall lose the train of thought.

Mr. BOUTELL. I thought that in that same connection it might be well to put in the name of that other distinguished son of the Old Dominion, Patrick Henry, as well as the names of Alexander Hamilton and Sam Adams, who did not want dependence on Great Britain on any terms whatever.

Mr. WILLIAMS of Mississippi. When Patrick Henry, "the tongue of the Revolution," introduced his celebrated resolutions into the Virginia house of burgesses, which were voted through, and two of which were reconsidered the next day, it was young Thomas Jefferson, who subsequently proved "the pen of the Revolution," who was standing at the door of the house and cheered the orator to the echo.

It was Thomas Jefferson, this man whom you try to decry, who had the courage always to draw state papers during that controversy, that always went too far for George Washington and the Lees and the Pendletons and Dickersons and Witherspoons and the Franklins and the balance of them. Not a paper of his was ever rejected because it did not go far enough; several of them were rejected because they went too far. Conservative men thought his positions too advanced, and when he saw and advocated the necessity of a total independence of Great Britain but few others went so far. To do him justice, old Samuel Adams was one who was abreast with him, if not in advance of him.

They talk about Thomas Jefferson, Mr. Chairman. They have got on my hobby now. [Laughter and applause on the Democratic side.] A distinguished accidental incumbent at the other end of an avenue in this city has gone so far as to speak of him as having been cowardly. A coward! A man who dared confess a disbelief in the divinity of Christ and be a candidate for the Presidency in the eighteenth century? A coward! The man who dared drag up by the roots primogeniture and entail against the opposition of all of the old Virginia aristocracy in the Virginia House of Burgesses, against the protests of the Pendletons and the Randolphs and the Lees and the Washingtons and the Harrisons and I believe the Careys and nearly all the balance of them. A coward!

The American President who threw down the gauntlet to Napoleon the Great and informed him of the fact that if the Mississippi River fell into the hands of France it would be a cause of unending conflict between the two nations; who dared say to him, "The only natural enemy of the United States is the owner of the Mississippi Valley;" and who dared to send word to our minister that the emperor must be told plainly that that sort of possession would not be permitted. A coward! The man who dared—why, he was morally one of the most courageous men that ever lived—the man who dared face my Church, the Church of England, and disestablish it in the State of Virginia. A coward!

The man who dared to trust human nature so far that when he built the first elective school university in the world, down here at Charlottesville, Va., which he had named the University of Virginia, dared base it upon self-government amongst the boys themselves, giving no professor or any other body outside of the class room the right to control them, except the officers of the law, telling them to be guided by their honor, and giving them as a maxim "Be free and ye shall be wise."

Oh, this hatred, this old federalistic relic of hatred of Thomas Jefferson would be pathetic if it was not amusing. [Applause on the Democratic side.]

Now, Mr. Chairman, the gentleman from Illinois had something to say about my definition of a tariff. I need not repeat it. I will stand by it, and I will stand by the fact, too, that the only way in which you can create an industry under the tariff is by deflecting into that industry, which without law would be unprofitable, labor and capital engaged in other industries, which without law would be profitable, and that this sort of creation of industries merely amounts to a change of men and dollars from one business to another.

Why, the gentleman has this morning dwelt upon the prosperity of the South, and what has caused it. He told about the great buildings that were going up in Kansas City, in Jacksonville, and all over Dixie land, and he might have added, all over many other parts of this country. Let me ask him now, and let him answer, if he can, what the protective tariff had to do with that, except this, that it increased the price of structural iron and structural steel, and made the process of building less in volume and slower in time?

Mr. BOUTELL. Mr. Chairman, does not the gentleman from Mississippi know that the tariff on structural steel under the Dingley act is less than it was under the Wilson-Gorman bill?

Mr. WILLIAMS of Mississippi. Mr. Chairman, the answer to my question is the same old dodge; two boys get together and one of them wants to fight the other, and the other looks like he wants to fight, but finally one of them grows into a little bit of a lack of confidence upon the proposition and says, "Let us talk about that fight we had last week." [Laughter.]

If the tariff upon structural steel and iron was higher in the Wilson-Gorman bill than it was under the Dingley bill, and I frankly confess that I do not know whether it was or not——

Mr. BOUTELL. Well, it was, a little.

Mr. WILLIAMS of Mississippi. And I equally frankly confess that I do not care; it is merely a proof that that is one more place where Democrats made a mistake, that is all.

Mr. BOUTELL. And that they would make just the same mistakes if they were in power again.

Mr. WILLIAMS of Mississippi. On the contrary. Oh, we have made many mistakes. The only difference between you and us is that we confess them and you never do. [Laughter.]

And another thing, Mr. Chairman. At the time that the Wilson-Gorman bill went into effect there was, from a protectionist's standpoint, some need for protection upon these things. Now to-day they are shipping these very things to the markets of the world outside of America, selling wherever they are not shut out by foreign tariffs in competition with the world's "pauper labor," thereby proving that they have no need of the duty at all, unless they need it for the purpose of extorting higher prices from the home consumer.

Now, the gentleman tells us about the railroads everywhere, and that the earnings of the railroads have increased. Now, I want to call his attention to the peculiar conditions in this respect under Republican administration. The earnings have increased about 33⅓ per cent, he says. I take these figures to be accurate, although I have not looked up the figures.

Mr. BOUTELL. That is the increase in the railroad earnings in the localities referred to in the papers.

Mr. WILLIAMS of Mississippi. I understand that, but there has been an increase throughout the country so far as that is concerned. Now, I read the head lines from the Chicago Chronicle in your own city dated October 18:

[Chicago Chronicle, October 18, 1903.]

Railroad stops all work—Pennsylvania sees hard times coming and economizes—Thousands of men on extension contracts to be dismissed—Traffic outlook does not warrant further expenditures—Nearly $10,000,000 worth of improvements will shut down November 10.

So the workmen are not getting the earnings. There are a good many of these things I will not read, though they will be found in the RECORD in connection with the speech made the other day. Here is a special telegram from Cleveland, October 17:

[Special telegram.]

CLEVELAND, OHIO, *October 17, 1903.*

Following on the heels of the cut in the force of workmen at the shops of the Lake Shore and Michigan Southern Railroad all over the country comes the annual announcement to-day that, beginning Monday, there will be a reduction in the working hours of a day from ten to nine hours in all the locomotive and repair shops of the Lake Shore company.

This means a reduction in wages not only in the big shops in Collinwood, but also in Chicago, Pittsburg, and other large cities entered by that line. The Lake Erie and Western, a branch of the Lake Shore, is included in the order.

At the headquarters here to-day it was stated that there was not enough work on hand to keep the large forces busy and the reduction in hours was thought to be the best thing to do.

The announcement has caused consternation among the hundreds of workmen in and around Cleveland.

And this telegram from Philadelphia:

PHILADELPHIA, *October 20, 1903.*

Forestalling action on the part of the 14,000 trainmen on its lines east of Pittsburg in case of a point blank refusal to comply with the demands of the Brotherhood of Railway Trainmen, the Pennsylvania Railroad has already made an important move to prevent trouble. As the most forcible object lesson that could be brought to bear upon the men thousands of employees have been laid off, and orders have been issued that the cutting down shall be from 5 per cent of the total force in some departments to 15 per cent in others. Not less than 6,500, and probably 7,500 men will be discharged or suspended as soon as the lists can be made up. This scaling down will fall heavily upon the trainmen, whose demands for shorter hours are now before the officers of the road. By laying off men the railroad will cut down its monthly pay roll between $350,000 and $400,000. High officers of the railroad frankly say that the demands of the trainmen can not be granted. The company, irritated, according to the statements of its officers, by frequent demands on the part of its men, will resolutely refuse to yield an inch.

[From New York Post, October 17, 1903.]

REDUCTION IN RAILWAY FORCES—WHAT THIS WEEK'S ANNOUNCEMENTS MEAN—A REMINISCENCE OF A DECADE AGO—VIEWS OF RAILWAY OFFICERS—EFFECT OF THE ECONOMIES—WHY THE STEP WAS TAKEN.

Steps taken during the week by several of the larger railway systems toward reducing the number of workingmen employed, attracted attention in both financial and railroad circles throughout the country. According to report the railroads of the country will lay off between 15,000 and 20,000 men before January 1, 1903, including 2,500 to be discharged by the New York Central, 1,500 by the Pennsylvania, and an equal number by the Atchison. Union Pacific will dispense with 3,000, the Illinois Central with 1,800, Lake Shore 1,000, Rock Island and San Francisco between 1,000 and 1,500, New Haven 1,000, Michigan Central 500, and Lake Erie and Western 300. These are the rough and unofficial showing.

SAN FRANCISCO, *October 19, 1903.*

An order for retrenchment on a scale unknown before in the history of the Southern Pacific has gone forth from General Manager Kruttschnitt's office. Within a few days between 250 and 300 men will be discharged from the various positions along the Coast division, and the service of a proportionate number on the other lines running out of this city will be dispensed with. In all it is expected that the present force of men in the employ of the road on its California lines will be decreased at least 1,200.

One of the first moves made was to consolidate the position of two train dispatchers and a train master on the narrow-gauge system, throwing all the duties of the three places on the shoulders of the latter official, thus saving to the company the salaries of two dispatchers. Then the positions of traveling conductors along the divisions were scratched off the pay roll. Next the recently created positions of train agents were abolished. In the maintenance-of-way department it was decided to lay off 100 men employed on the construction of the double track south of the city. The carpenter force in the local shops of the same department was next to suffer, 35 men being laid off. Then an order went out dismissing various assistants along the coast route. Even the night station agents, whose duty it is to report trains as they pass in the night, were dispensed with.

Some weeks ago a large force of men was discharged from the shops at Sacramento and several in the repair shops in this city are slated to go.

The reduction of the force on the other branches of the western system is proportionately as large as that on the coast division.

[Special to the World.]

BIG LAY OFF PREDICTED—VANDERBILT OFFICIALS SAY OTHER SYSTEMS WILL REDUCE FORCE.

PHILADELPHIA, *October 12, 1903.*

Early and large reductions in the number of employees of the big railroad systems of the country are predicted by officials of the Vanderbilt lines.

Announcement was made to-day that 1,500 New York Central and West Shore Railroad shophands will be laid off.

When asked whether the Pennsylvania Railroad has materially reduced the number of men on its pay roll or contemplate such action, General Manager Atterbury said:

"We have not reduced our force very much, and only as the exigencies of the service have required."

No men have been laid off yet by the Philadelphia and Reading Railway, whose traffic continues heavy. When a curtailment comes, if it does, it is likely to be in the shops and among the track hands first.

FIVE HUNDRED LAID OFF AT BUFFALO AND DEPEW.

BUFFALO, *October 12, 1903.*

Following the order to reduce the force of shopmen on the Vanderbilt system, about 500 employees have been discharged here and at Depew.

[Boston Transcript, October 14, 1903.]

RAILROADS REDUCING FORCES—ABOUT 20,000 MEN SOON TO BE DISCHARGED.

NEW YORK, *October 14, 1903.*

Several railroad companies have announced reductions in their working force, and it is expected that between now and November 1 nearly every railroad in this country will discharge some of its employees. Such action, it is explained, is not unusual at this time of year, but a larger number of men will be dismissed this fall because the railroad companies have been working abnormally large forces since early last spring. A natural falling off in traffic is the reason generally assigned for these railroad dismissals.

Basing their estimates on the reductions already announced experienced railroad men say that between 15,000 and 20,000 men will probably be laid off by the railroads throughout the country this fall. There are about 1,250,000 railroad employees in the United States.

Vice-President Brown of the New York Central thinks that about 2,500 men may be dropped from the pay rolls of that system this month. The greater proportion of the dismissals will be from the car shops.

About 1,500 shopmen, train men, and trackmen will be discharged on the Pennsylvania system. Vice-President Pugh says that most of the men to be dismissed will be recent employees who were hired during the rush period of last spring. Few, if any, of the old employees of the Pennsylvania system are to be discharged, and no important work of improvement is to be suspended.

The Atchison, Topeka and Santa Fe operating department will lay off about 500 men this month, and such improvements as can wait will be deferred until next year.

Not less than 3,000 employees will be dispensed with on the Union Pacific and the Southern Pacific systems between now and December 1. These dismissals, it is said, are to be made because the work for which the men were hired is completed. It is probable that all of the transcontinental lines will cut down their working forces some after the crop shipments are over. The falling off in ore shipments has caused some of the western roads to take off about 10 per cent of their freight trains.

The Illinois Central will curtail its operating force anywhere from 600 to 800 men, and the Chicago and Alton will also make a small reduction.

President Ingalls of the Cleveland, Cincinnati, Chicago and St. Louis system says that at present there is a great volume of traffic over his lines, but he expects that it will be necessary to let some of his employees go as soon as the present rush slackens. The Lake Shore will dismiss nearly 1,000 men this month, and the Michigan Central about half that number. About 300 of the Lake Erie and Western employees will be laid off on November 1.

The Erie management has already dismissed several hundred men from the repair shops and the operating force, and there will be a still further reduction between now and December 1. The West Shore will lay off about 300 men, and the Boston and Albany an equal number. A gradual reduction in the operating force of the New York, New Haven and Hartford Railroad is now under way, and before the pruning knife is laid away about 1,000 employees of this company will be out of work.

The Missouri Pacific and other Gould lines will reduce their working forces slightly, but there is to be no cessation in works of extension and improvement. The Wabash expects to increase, rather than diminish, the number of its employees on Pennsylvania improvements.

The Rock Island and the Frisco systems will lay off between 1,000 and 1,500 men this month and next.

[Boston Transcript, October 12, 1903.]

VANDERBILT LINES RETRENCH—ABOUT 1,500 MEN IN SHOPS ON VARIOUS ROADS DROPPED—SAVING OF $3,000 A DAY.

NEW YORK, *October 12, 1903.*

Orders have been issued from here whereby 15 per cent of the employees in the car shops, repair shops, and roundhouses of the entire Vanderbilt railway system will be dropped. One thousand five hundred men will be thrown out of employment and a saving of nearly $3,000 a day will be effected.

The order, which embraces employees of the New York Central and all subsidiary lines going out of New York, the Lake Shore and Michigan Southern, the Lake Erie and Western, and other roads, will have its effect in more than 100 shops and roundhouses. It will take 300 men out of the New York

Central shops at West Albany, N. Y.; as many more from Depew, N. Y., near Buffalo; a hundred or more from Elkhart, Ind., and Collinwood, Ohio, where the Lake Shore has its shops, and several score from the Lake Erie shops at Lima, Ohio. Besides this, on every division of the entire system where round-house mechanics, wipers, oilers, and laborers are employed, 15 per cent of them must go.

[From the New York World, October 22, 1903.]

DON'T SHARE IN PROSPERITY—RAILROAD LAYS OFF 200 MEN WHILE BUSINESS NEVER WAS SO GOOD.

ALBANY, *October 21, 1903.*

Notice was given to-day that the Delaware and Hudson Railroad Company will lay off 200 men, equivalent to 10 per cent of the working force.

Second Vice-President Culver said to-day that increased efficiency of administration, and not industrial depression or labor troubles, was the cause of the reduction.

The road was doing the largest business in its history, he said, but it had been found that the work could be done with a reduced force.

I have never had any doubt that the capitalists got something out of your favoritism.

Mr. BOUTELL. In Mississippi the laboring people are prospering.

Mr. WILLIAMS of Mississippi. Yes. And they are laboring people who sweat while they plow raising cotton in the field in direct competition with the pauper labor of India and with the felloes of Egypt, and do not ask a bit of prop-up from the Federal Government. [Applause on the Democratic side]. And they are the people in the factories of Mississippi who are making the heavy-weight cotton goods that are shipped to China and Manchuria, and will continue to be shipped to Manchuria unless the Republican Administration allows Russia to close its ports, a thing I very much fear at the present. They have been able to sell that product in China and Manchuria independently of your tariff, although a tariff does exist upon that class of goods. That tariff can not affect the price for those goods in a foreign market.

So it seems that these railroads get the earnings, and not the men working on the railroads. Whenever they want to get higher wages they are locked out, and when they do not ask for higher wages they are reduced.

Now, I will not read any more of these. So much in answer to the proposition that the railroads' earnings have increased 33⅓ per cent. Now, let me show the immense difference between increasing the aggregate wealth of a country and increasing the real prosperity of the people of the same country.

There may be an increased prosperity of the people accompanying an increase in the aggregate wealth, and there may not be. It depends upon how the aggregate wealth is distributed, if every man gets his due share. And if in this great prosperity capital gets an undue share and labor gets no part or parcel or tithe in the movement then you have not got a happy condition for the people, although figures may show great increase of wealth in the aggregate. It is a curious fact that to-day the most prosperous parts of the American Union are the agricultural portions, that protection can not help, because they export their products; and the portions of the country that are beginning to feel distress and what threatens to be a gradual depression are in New Jersey, New York, New England, and Pennsylvania, where many businesses are dependent upon a protective tariff to a very large extent.

Now the gentleman refers to Croker. I will not go into the Croker business, but I can say this with a perfectly clear conscience, that Philadelphia under Republican rule has furnished a thousand Crokers to where New York under Democratic rule has furnished one, and not a single Philadelphia Croker was ever refused admittance into polite society. [Laughter and applause.]

Mr. COCHRAN. And St. Louis has furnished an ex-prize fighter and saloon keeper and boss as a delegate to the national convention.

Mr. WILLIAMS of Mississippi. Yes; though I do not know so much about St. Louis.

Now, Mr. Chairman, in conclusion, I asked the other day if you would "stand pat" on a number of things. I will not ask you if you will "stand pat" on your candidate, because I know you have to whether you want to or not.

Now, I hold in my hand an article from the Washington Post of Thursday, December 10, which is quoted from the New York Evening Post, and is a summary of the report of Treasurer Shaw.

I have not the voice and lungs nor strength to read it, but I am going to insert it in the RECORD, and I am going to ask you whether you are going to stand pat upon the self-confessed extravagance in the Treasury Department pointed out by your own Secretary of the Treasury; whether you are not going to examine into it through some of these numerous committees upon expenditures in the several departments, and whether if there is anything wrong going on you are going to correct it? Your Secretary says there is wrong. He says there is glaring extravagance which ought to be corrected, and yet he has done nothing under the sun to correct it, and Congress has not taken any part in it.

That is one of the other things I want to ask you whether you are going to "stand pat" upon.

EXTRAVAGANCE CONFESSED—AWKWARD FINANCIAL FACTS PRESENTED IN SECRETARY SHAW'S ANNUAL REPORT.

[From the New York Evening Post.]

If the Democrats are wise they will print Secretary Shaw's annual report as a campaign document. Mr. Shaw is a stanch Republican, but circumstances have compelled him to present the financial situation to the country in a way that is most awkward for his party on the eve of a Presidential election. His report is a model in its way. It states the operations of the year with business-like exactness. It contains but few recommendations, and as a whole these will meet with general approval. And there is only an irreducible minimum of good Republican phraseology.

We are told that, in reforming the currency, "no measure should be considered that will in anywise weaken what is now stable, and no element should be injected that will cause distrust or doubt." If this statement is what the Prayer Book calls a work of supererogation, the same can not be said of Secretary Shaw's allusion to the present condition of the stock market. The "enormous and inconceivable shrinkage" in securities he traces ultimately to "the natural optimism of our people." This does not sound like the pure milk of Republicanism. Who ever before heard a leading spokesman of the party imply that optimism is a dangerous thing?

The striking feature of the report is, however, its evidence of gross extravagance in the conduct of the Government. It shows that while the receipts increased about $10,000,000 over the previous year, expenditures increased about $47,000,000. But that is the smallest part of the showing. Despite the fact just cited, there was a surplus for the year of over $54,000,000, whereas for the next few years it is extremely likely that the balance will be on the wrong side of the ledger. To be sure, a surplus of $14,000,000 is figured for 1904; but we have to compare this with the estimate of nearly $52,000,000 for that period which Secretary Shaw presented a year ago. Certainly, if the receipts and expenditures maintain the same relation for the remainder of the present fiscal year that has been witnessed so far, the Secretary's $14,000,000 surplus will "flit like a ghost away."

When he comes to his 1905 estimates, the Secretary frankly admits a deficit of $23,000,000. This is, of course, a purely arbitrary figure; the real shortage will as likely as not greatly exceed this sum. It may be tolerably easy to calculate expenditures two years ahead, but under our revenue laws the Secretary of the Treasury is all at sea when he comes to forecasting his receipts. He may believe that he can call spirits from the vasty deep, but will they come when he doth call for them? A year or two of even moderate industrial depression would be apt to knock Mr. Shaw's 1905 revenue calculations into a cocked hat; the same may be true even of his 1904 figures.

With this contingency staring it in the face, the nation is confronted with an increase of $87,000,000 in its annual outgo between 1903 and 1905. And the astonishing thing is that the Administration has embarked on this extravagance with its eyes open. It estimates that it will collect about $31,000,000 more in 1905 than in 1904; and then, in cold blood, it arranges to increase its expenditures nearly $67,000,000, knowing that it will thus create a deficit of $23,000,000. Secretary Shaw's figures show that the Navy and the Postal Service are to be the chief beneficiaries of this extravagance. The Navy took $37,800,000 in 1902 and $82,600,000 in 1903; in 1904 it will absorb $96,000,000, and in 1905 it is down for nearly $104,000,000. The Postal Service got $134,200,000 in 1903; in 1904 it will take $144,700,000, and in 1905 $168,000,000. The expediency of building ships and docks and enlarging the rural delivery at this rate, with hard times and falling revenues confronting us, may well be doubted.

It is to be hoped that Mr. Shaw will not soon be exchanging condolences with ex-Secretary Foster. The people did not like the monthly deficits which the latter was obliged to report in 1892, and they decided to replace President Harrison with Mr. Cleveland, despite the former's approval of optimism and his hatred of cheapness. Now, $25,000,000 is a very narrow estimate for an annual surplus, especially when the shrinkage in imports since September 1, 1903, is kept in mind. To forecast no more than that amount is, in existing circumstances, tantamount to a confession of a deficit. It looks as if the Administration may have to fall back on the accumulated surplus, and declare that one or two annual deficits need not bother anybody. In the matter of accumulated surplus, the Republicans of 1908 apparently have a great advantage over those of 1892.

But of the $219,000,000 on hand over $158,000,000 is deposited in the national banks; and it was left there chiefly for the purpose of keeping the general financial and industrial situation from coming to harm. To withdraw it in any amount at a time like this might be worse for the Administration than no surplus at all. Add to this $158,000,000 the $50,000,000 required to indemnify the French Panama Canal Company and "our sister Republic" on the Isthmus, and there is not much left of the surplus. Clearly, the Republican party will be skating on thin ice to enter a Presidential campaign with such a treasury showing as this. The 1904 expenditures must be regarded as fixed, but it looks suicidal in the Administration deliberately to flaunt such estimates as it has prepared for 1905 in the face of the people. Here at least there was a chance for amendment or for urging retrenchment. But Ephraim is apparently joined to his idols.

Now, Mr. Chairman, I owe the House, and especially my own side, a little apology, I think, for undertaking to answer so ornate, elaborate, and well prepared an argument in such an offhand and stringy sort of way; but I have such absolute confidence in the eternal righteousness of Democratic policies, purposes, and principles that I always wade in like David with his miserable little sling no matter if Goliath is prearmed and panoplied in helmet or not, trusting to God and truth for the result.

[Great and prolonged applause.]

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole, reported that the committee had had under consideration the bill H. R. 10954, the urgent deficiency bill, and had come to no resolution thereon.

CONTESTED-ELECTION CASE—CONNELL VS. HOWELL.

Mr. DRISCOLL. Mr. Speaker, by direction of the Committee on Elections No. 3 I present a privileged report and resolutions in the contested-election case of Connell *v.* Howell, from the Tenth Congressional district of the State of Pennsylvania, and ask that this be referred to the House Calendar and printed, and I further wish to give notice that it will be called up for consideration one week from next Friday, the 5th day of February.

The SPEAKER. The gentleman from New York presents a report from the Committee on Elections, the title of which the Clerk will read.

The Clerk read as follows:

Contested-election case of Connell *v.* Howell (Tenth Congressional district of Pennsylvania).

The SPEAKER. It will be referred to the House Calendar and printed.

Mr. McLAIN. Mr. Speaker, I wish to call attention to the fact that the minority is to have until Monday to file the minority report.

Mr. DRISCOLL. Yes; we have agreed on that, Mr. Speaker.

The SPEAKER. The gentleman from New York asks unanimous consent that the minority have until Monday next to file their report. Is there objection? [After a pause.] The Chair hears none.

Mr. DRISCOLL. I give notice it will be called up for consideration one week from next Friday——

Mr. TAWNEY. One moment more, Mr. Speaker. I desire to ask the gentleman from New York if he expects a vote to be taken within a day or two after it is called up? If he does, I would suggest to him to place the time for consideration earlier in the week, either that week or the following week, as the gentleman well knows it is almost impossible to keep the House here on Friday and Saturday.

Mr. DRISCOLL. I wish to withdraw that notice, then, and will give notice to-morrow morning of the time when we wish to call it up.

REPRINT OF URGENT DEFICIENCY BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent for a reprint of the urgent deficiency bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent for a reprint of the urgent deficiency bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY. Mr. Speaker, in view of the fact that more time has been consumed this afternoon than was expected, I ask that the time for general debate on the urgent deficiency bill be extended for three hours.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the time for general debate on the urgent deficiency bill be extended three hours.

Mr. WILLIAMS of Mississippi. Mr. Speaker, one question before that. I suppose, of course, it is the intention if there is any inequality between the two sides as to time that our side shall be compensated by the new time.

Mr. LIVINGSTON. We have thirty minutes of the old time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. R. 32. Joint resolution to fill vacancies in the Board of Regents of the Smithsonian Institution;

S. 1334. An act granting an increase of pension to Amy C. Bosworth;

S. 1437. An act granting an increase of pension to Clarence E. Bullard;

S. 959. An act granting an increase of pension to Andrew C. Ranard;

S. 1498. An act granting an increase of pension to Winslow P. Eayrs;

S. 1497. An act granting an increase of pension to Walter F. Chase;

S. 1491. An act granting an increase of pension to James A. Hoover;

S. 1429. An act granting an increase of pension to Elizabeth C. Paquin;

S. 1402. An act granting an increase of pension to William Paul;

S. 1335. An act granting an increase of pension to Calvin Daws;

S. 1259. An act granting an increase of pension to John M. Stanyan;

S. 1559. An act granting an increase of pension to Marie A. Rask;

S. 1825. An act granting a pension to Josephine L. Webber;

S. 1826. An act granting an increase of pension to Mary E. Cutts;

S. 1938. An act granting an increase of pension to Aldredge Patterson;

S. 1827. An act granting an increase of pension to Harris A. P. Lewis;

S. 9. An act granting an increase of pension to David E. Burbank;

S. 814. An act granting a pension to Mamie Thayer;

S. 821. An act granting an increase of pension to W. Neil Dennison;

S. 847. An act granting an increase of pension to John L. Beveridge;

S. 898. An act granting an increase of pension to John B. Carter;

S. 929. An act granting an increase of pension to Charles Stermer;

S. 555. An act granting an increase of pension to Royal A. S. Kingsley;

S. 565. An act granting an increase of pension to James E. Barnard;

S. 930. An act granting an increase of pension to Ferdinand Wiedemann;

S. 578. An act granting an increase of pension to John Bulamore;

S. 586. An act granting a pension to Annie H. Zall;

S. 587. An act granting an increase of pension to Anson P. Williamson;

S. 589. An act granting an increase of pension to George W. McMullen;

S. 744. An act granting an increase of pension to Stephen Gascoigne;

S. 745. An act granting a pension to John Swenson;

S. 798. An act granting an increase of pension to James A. Templeton;

S. 190. An act granting an increase of pension to Charles H. Bell;

S. 451. An act granting an increase of pension to William T. Conant;

S. 458. An act granting an increase of pension to Charles Beattie;

S. 452. An act granting an increase of pension to Albert W. Bullock;

S. 456. An act granting an increase of pension to Andrew J. Pierce;

S. 471. An act granting an increase of pension to Silas Meserve;

S. 478. An act granting an increase of pension to Olive J. Bailey;

S. 473. An act granting an increase of pension to Byron D. Babcock;

S. 484. An act granting a pension to Nancy S. Marsh;

S. 547. An act granting an increase of pension to Irving W. Coombs;

S. 14. An act granting an increase of pension to Samuel M. Perry;

S. 99. An act granting an increase of pension to Joel C. Shepherd;

S. 182. An act granting an increase of pension to Charles F. Holt;

S. 12. An act granting an increase of pension to Francis E. Chase;

S. 13. An act granting an increase of pension to William Clark; and

S. 937. An act granting an increase of pension to Rudolph Siebelist.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3341. An act authorizing the city of Nome, a municipal corporation organized and existing under chapter 21, title 3, of an act of Congress approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska and for other purposes," to construct a free bridge across the Snake River at Nome City, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

S. 2081. An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy, and for other purposes—to the Committee on Military Affairs.

S. 1681. An act to provide for the modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn.—to the Committee on Rivers and Harbors.

S. 2261. An act to amend section 4607 of the Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

S. 901. An act providing for the construction of a vessel of the first class for the Revenue-Cutter Service to be stationed with headquarters at Honolulu, Hawaii—to the Committee on Interstate and Foreign Commerce.

S. 1748. An act to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California—to the Committee on Interstate and Foreign Commerce.

S. 469. An act to restore Henry D. Hall to the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

S. 462. An act to construct and place a light-ship off the outer bar of Brunswick, Ga.—to the Committee on Interstate and Foreign Commerce.

S. 906. An act to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal.—to the Committee on the Library.

S. 23. An act for the erection of a monument to the memory of John Paul Jones—to the Committee on the Library.

S. R. 9. Joint resolution authorizing the issue of duplicate medals where the originals have been lost or destroyed—to the Committee on Military Affairs.

S. 131. An act to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters—to the Committee on Interstate and Foreign Commerce.

S. 1380. An act to provide for a site for a depot for the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

S. 492. An act to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington"—to the Committee on the District of Columbia.

S. 711. An act to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same—to the Committee on Indian Affairs.

S. 1490. An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota—to the Committee on Indian Affairs.

S. 708. An act authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River, in the State of Minnesota—to the Committee on Interstate and Foreign Commerce.

S. 270. An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.—to the Committee on Interstate and Foreign Commerce.

S. 352. An act for the relief of the representatives of M. F. Merritt, deceased—to the Committee on War Claims.

S. 175. An act for the relief of Robert D. McAfee and John Chiatovich—to the Committee on Claims.

S. 177. An act to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada—to the Committee on Claims.

S. 334. An act for the relief of N. F. Palmer, jr., & Co.—to the Committee on Claims.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 1451) granting an increase of pension to Eleanor H. Hord; and the same was referred to the Committee on Pensions.

ADJOURNMENT.

Mr. HEMENWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as fcllows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor withdrawing certain estimates of appropriation—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the heirs of Solomon P. McKinnie against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the Senate (S. 113) to enable the Secretary of the Treasury to pay the State of Vermont money appropriated by the act of Congress of July 1, 1902, and to adjust mutual claims between the United States and the State of Vermont, reported the same without amendment, accompanied by a report (No. 550); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4674) granting an increase of pension to John Thompson, reported the same with amendment, accompanied by a report (No. 462); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3909) granting an increase of pension to George Hayden, reported the same with amendment, accompanied by a report (No. 463); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2643) granting an increase of pension to Melinda H. Chapman, reported the same without amendment, accompanied by a report (No. 464); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9273) granting an increase of pension to James H. Sackett, reported the same with amendment, accompanied by a report (No. 465); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2858) granting an increase of pension to Delia B. Stuart, reported the same without amendment, accompanied by a report (No. 466); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1689) granting an increase of pension to Henry H. Houghton, reported the same without amendment, accompanied by a report (No. 467); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7719) granting an increase of pension to Hiram B. Cozine, reported the same with amendment, accompanied by a report (No. 468); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1688) granting an increase of pension to Frederick Bellman, reported the same without amendment, accompanied by a report (No. 469); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5610) granting a pension to Annie Dorfner, reported the same with amendment, accompanied by a report (No. 470); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2392) granting an increase of pension to William W. Misner, reported the same without amendment, accompanied by a report (No. 471); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9633) granting a pension to Margaret Hutcheson Booth, reported the same with amendment, accompanied by a report (No. 472); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4392) granting a pension to Abbie E. Webster, reported the same with amendment, accompanied by a report (No. 473); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 265) granting an increase of pension to Frances Gray, reported the same without amendment, accompanied by a report (No. 474); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2509) granting an increase of pension to Abner B. Edson, reported the same without amendment, accompanied by a report (No. 475); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2126) granting an increase of pension to Thomas Williams, alias Thomas W. Lennox, reported the same without amendment, accompanied by a report (No. 476); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3910) granting an increase of pension to Charles W. Hoffman, reported the same with amendment, accompanied by a report (No. 477); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2128) granting an increase of pension to George A. Seebold, reported the same without amendment, accompanied by a report (No. 478); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1851)

granting an increase of pension to David T. Towles, reported the same with amendment, accompanied by a report (No. 479); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8718) granting a pension to Caswell P. Ford, reported the same with amendment, accompanied by a report (No. 480); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1911) granting an increase of pension to Ambrose W. Severance, reported the same without amendment, accompanied by a report (No. 481); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2548) granting an increase of pension to Emma McFarland, reported the same without amendment, accompanied by a report (No. 482); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4624) granting a pension to Isabella Phelps, reported the same with amendment, accompanied by a report (No. 483); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4679) granting an increase of pension to Martha M. Pierce, reported the same with amendment, accompanied by a report (No. 484); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 980) granting an increase of pension to Mary Von Kusserow, reported the same without amendment, accompanied by a report (No. 485); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4180) granting an increase of pension to Joseph G. Thomas, reported the same with amendment, accompanied by a report (No. 486); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2470) granting an increase of pension to Harriet S. Packard, reported the same with amendment, accompanied by a report (No. 487); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2496) granting an increase of pension to Ebenezer Wing, reported the same without amendment, accompanied by a report (No. 488); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2689) granting an increase of pension to David M. Kanouse, reported the same without amendment, accompanied by a report (No. 489); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 910) granting an increase of pension to Freeman York, reported the same without amendment, accompanied by a report (No. 490); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5598) granting a pension to Hiram Parker, reported the same with amendment, accompanied by a report (No. 491); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5568) granting an increase of pension to Emily Chapman, reported the same with amendment, accompanied by a report (No. 492); which said bill and report were referred to the Private Calender.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3370) granting an increase of pension to Joseph Addams, reported the same with amendment, accompanied by a report (No. 493); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1428) granting an increase of pension to George Pennington, reported the same without amendment, accompanied by a report (No. 494); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 594) granting an increase of pension to Finley T. Johnson, reported the same without amendment, accompanied by a report (No. 495); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 593) granting an increase of pension to William H. Horn, reported the same without amendment, accompanied by a report (No. 496); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 614) granting a pension to Michael O'Brian, reported the same with amendment, accompanied by a report (No. 497); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9060) granting an increase of pension to John Connors, reported the same with amendment, accompanied by a report (No. 498); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9683) granting a pension to Henry Austin, reported the same without amendment, accompanied by a report (No. 499); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2298) granting a pension to Patrick J. Conway, reported the same without amendment, accompanied by a report (No. 500); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2222) granting an increase of pension to Richard A. Kendall, reported the same without amendment, accompanied by a report (No. 501); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9610) granting an increase of pension to Fredrick Halling, reported the same with amendment, accompanied by a report (No. 502); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9126) granting an increase of pension to William S. Campbell, reported the same with amendment, accompanied by a report (No. 503); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7239) granting a pension to Lydia M. Hill, reported the same without amendment, accompanied by a report (No. 504); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7418) granting an increase of pension to Peter Minkler, reported the same with amendment, accompanied by a report (No. 505); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8079) granting an increase of pension to Charles H. La Forest, reported the same with amendment, accompanied by a report (No. 506); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9376) granting an increase of pension to Martin Reuthler, reported the same with amendment, accompanied by a report (No 507); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 891) granting an increase of pension to Erwin R. Cole, reported the same without amendment, accompanied by a report (No. 508); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 897) granting an increase of pension to Lewis D. Frogge, reported the same without amendment, accompanied by a report (No. 509); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6999) granting an increase of pension to Albert W. Jones, reported the same with amendment, accompanied by a report (No. 510); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8203) granting a pension to James M. Hemphill, reported the same with amendment, accompanied by a report (No. 511); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6881) to pension Zachariah T. Bryant, reported the same with amendment, accompanied by a report (No. 512); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8932) granting an increase of pension to William C. Davis, reported the same

with amendment, accompanied by a report (No. 513); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1947) granting an increase of pension to Patrick Judge, reported the same without amendment, accompanied by a report (No. 514); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2612) granting a pension to Sarah J. Bellamy, reported the same without amendment, accompanied by a report (No. 515); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9024) granting an increase of pension to Jacob Laird, reported the same with amendment, accompanied by a report (No. 516); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7236) granting an increase of pension to W. R. McCullough, reported the same with amendment, accompanied by a report (No. 517); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6869) granting an increase of pension to Lorenzo D. Elmer, reported the same without amendment, accompanied by a report (No. 518); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7382) granting a pension to Ellen A. Harmon, reported the same with amendment, accompanied by a report (No. 519); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1953) granting a pension to Susan Fenno, reported the same without amendment, accompanied by a report (No. 520); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8806) for the relief of Avin W. Harper, reported the same with amendment, accompanied by a report (No. 521); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3485) for the relief of Joseph Swisher, reported the same without amendment, accompanied by a report (No. 522); which said bill and report were referred to the Private Calendar.

Mr. FRENCH, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1280) for the relief of W. J. Warren, reported the same without amendment, accompanied by a report (No. 523); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10533) for the relief of Capt. E. P. Brewer, reported the same without amendment, accompanied by a report (No. 524); which said bill and report were referred to the Private Calendar.

Mr. JOHNSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9851) for the relief of William T. Ratliff, administrator of the estate of Sarah G. Clark, deceased, reported the same without amendment, accompanied by a report (No. 525); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3227) for the relief of Frank Hanson, reported the same without amendment, accompanied by a report (No. 526); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 796, reported in lieu thereof a resolution (H. Res. 165) referring to the Court of Claims the papers in the case of the owners of the barge *Charlie*, accompanied by a report (No. 528); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 6915, reported in lieu thereof a resolution (H. Res. 166) referring to the Court of Claims the papers in the case of Mary J. McClothen, accompanied by a report (No. 529); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 5371, reported in lieu thereof a resolution (H. Res. 167) referring to the Court of Claims the papers in the case of John L. Seargeant, accompanied by a report (No. 530); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 2385, reported in lieu thereof a resolution (H. Res. 168) referring to the Court of Claims the papers in the case of Burwell J. Curry, accompanied by a report (No. 531); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 7520, reported in lieu thereof a resolution (H. Res. 169) referring to the Court of Claims the papers in the case of W. W. Norris, accompanied by a report (No. 532); which said resolution and report were referred to the Private Calendar.

Mr. JOHNSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1030, reported in lieu thereof a resolution (H. Res. 170) referring to the Court of Claims the papers in the case of E. A. Best, administratrix of Adaline D. Turner, deceased, accompanied by a report (No. 533); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 2403, reported in lieu thereof a resolution (H. Res. 171) referring to the Court of Claims the papers in the case of M. H. Carr, accompanied by a report (No. 534); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 9920, reported in lieu thereof a resolution (H. Res. 172) referring to the Court of Claims the papers in the case of the heirs of Nancy Montgomery, accompanied by a report (No. 535); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 10816, reported in lieu thereof a resolution (H. Res. 173) referring to the Court of Claims the papers in the case of Mattie P. Barnard, Katharine Caldwell, and Harry M. Rhett, heirs of Harriett M. Barnard, deceased, accompanied by a report (No. 536); which said resolution and report were referred to the Private Calendar.

Mr. FRENCH, from the Committee on War Claims, to which was referred the bill of the House H. R. 2160, reported in lieu thereof a resolution (H. Res. 174) referring to the Court of Claims the papers in the case of the personal representative of the estate of Alexander Myers, deceased, accompanied by a report (No. 537); which said resolution and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on War Claims, to which was referred the bill of the House H. R. 7815, reported in lieu thereof a resolution (H. Res. 175) referring to the Court of Claims the papers in the case of the heirs of Robert May and others, accompanied by a report (No. 538); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 2408, reported in lieu thereof a resolution (H. Res. 176) referring to the Court of Claims the papers in the case of the estate of F. L. Hammond, deceased, accompanied by a report (No. 539); which said resolution and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on War Claims, to which was referred the bill of the House H. R. 10714, reported in lieu thereof a resolution (H. Res. 177) referring to the Court of Claims the papers in the case of Francis M. Sheppard, accompanied by a report (No. 540); which said resolution and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House H. R. 6068, reported in lieu thereof a resolution (H. Res. 178) referring to the Court of Claims the papers in the case of J. E. Caldwell, accompanied by a report (No. 541); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1613, reported in lieu thereof a resolution (H. Res. 179) referring to the Court of Claims the papers in the case of Dan Walden, accompanied by a report (No. 542); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 10719, reported in lieu thereof a resolution (H. Res. 180) referring to the Court of Claims the papers in the case of Mrs. G. W. Ross, Mrs. H. C. Cary, Mrs. Annie Brooks, L. C. Wilcoxon, and Willie Wilcoxon, heirs of Wiley Franks, deceased, accompanied by a report (No. 543); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 10585, reported in lieu thereof a resolution (H. Res. 181) referring to the Court of Claims the papers in the case of the vestry of Christ Episcopal Church, of Holly Springs,

Miss., accompanied by a report (No. 544); which said resolution and report were referred to the Private Calendar.

Mr. FRENCH, from the Committee on War Claims, to which was referred the bill of the House H. R. 1010, reported in lieu thereof a resolution (H. Res. 182) referring to the Court of Claims the papers in the case of the heirs of Samuel Ayres, deceased, accompanied by a report (No. 545); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 2623, reported in lieu thereof a resolution (H. Res. 183) referring to the Court of Claims the papers in the case of Mrs. Ellen H. Smith, accompanied by a report (No. 546); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1117, reported in lieu thereof a resolution (H. Res. 184) referring to the Court of Claims the papers in the case of the trustees of the Methodist Church at Prospect, Giles County, Tenn., accompanied by a report (No. 547), which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 11010, reported in lieu thereof a resolution (H. Res. 185) referring to the Court of Claims the papers in the case of the First Baptist Church, Helena, Ark., accompanied by a report (No. 548); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1150, reported in lieu thereof a resolution (H. Res. 186) referring to the Court of Claims the papers in the case Hiram Lodge, No. 7, of Free and Accepted Masons, of Franklin, Tenn., accompanied by a report (No. 549); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10561) for the relief of Amos Woodruff, president of the Overton Hotel Company, reported the same adversely, accompanied by a report (No. 527); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9599) granting a pension to Grace P. Paddock—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5880) granting an increase of pension to Dennis Dunn—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10404) granting a pension to Florence E. Foster—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7985) granting a pension to Alice Jenifer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 805) granting an increase of pension to George W. McConkey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5881) granting an increase of pension to William Cary—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McGUIRE: A bill (H. R. 11119) to provide for the purchase of a site and the erection of a public building thereon at Shawnee, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11120) to provide for the purchase of a site and the erection of a public building thereon at Elreno, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11121) to appropriate the sum of $150,000 to erect a public building at Enid, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11122) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and for other purposes—to the Committee on the Territories.

By Mr. THOMAS of North Carolina: A bill (H. R. 11123) for the improvement of White Oak River—to the Committee on Rivers and Harbors.

By Mr. WADE: A bill (H. R. 11124) to suppress monopolies or trusts in restraint of trade in cattle, hogs, other animals, or meats—to the Committee on the Judiciary.

By Mr. DARRAGH: A bill (H. R. 11125) to amend section 2 of the act approved March 3, 1879, being an act making appropriations for the payment of arrears of pension—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 11126) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in Choctaw and Chickasaw nations, Indian Territory—to the Committee on Indian Affairs.

By Mr. HULL: A bill (H. R. 11127) authorizing and directing the Secretary of War to improve the Des Moines River, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. MARSHALL: A bill (H. R. 11128) to modify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, to accept and ratify the same as amended, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. SCUDDER: A bill (H. R. 11129) to promote commerce, protect shipping, and contribute to the defenses of the harbor and city of New York, by the construction of a canal connecting Long Island Sound and the several bays and waterways to the east, and on the south side of Long Island, with New York Harbor—to the Committee on Rivers and Harbors.

By Mr. STEENERSON: A bill (H. R. 11130) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota—to the Committee on Indian Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 11131) to refund to the Territory of Hawaii the amount expended maintaining lighthouses and light-house service on its coasts from the time the Territory became United States territory until said light-houses were taken under Government control—to the Committee on Claims.

By Mr. BRANDEGEE: A bill (H. R. 11132) to establish a light and fog signal at or near Black Ledge, New London Harbor, Connecticut—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11133) donating gun carriages to the Connecticut commissioners for the care and preservation of Fort Griswold—to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 11134) to modify and amend an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, in Minnesota, and to ratify the same as amended, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. TAWNEY: A bill (H. R. 11135) amending an act approved March 3, 1901, entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory by the United States, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri"—to the Committee on Industrial Arts and Expositions.

By Mr. BEDE: A bill (H. R. 11136) to provide for the hearing and determination of contests of the claims of States to swamp land under swamp-land grants—to the Committee on the Public Lands.

By Mr. KINKAID: A bill (H. R. 11137) to grant to homesteaders on the Fort Randall Military Reservation in Boyd County, Nebr., and Gregory County, S. Dak., a second homestead right—to the Committee on the Public Lands.

By Mr. GREENE: A bill (H. R. 11138) to increase the efficiency and safety of the mercantile marine of the United States by creating a commission to revise the laws relating to construction, installation, and inspection of marine boilers, to provide uniformity of inspection of marine boilers in the United States and insular possessions, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 11139) to require the employment of vessels of the United States for public purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. MIERS of Indiana: A bill (H. R. 11140) in amendment of sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Invalid Pensions.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 165) referring to the Court of Claims the bill H. R. 796—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 166) re-

with amendment, accompanied by a report (No. 513); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1947) granting an increase of pension to Patrick Judge, reported the same without amendment, accompanied by a report (No. 514); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2612) granting a pension to Sarah J. Bellamy, reported the same without amendment, accompanied by a report (No. 515); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9024) granting an increase of pension to Jacob Laird, reported the same with amendment, accompanied by a report (No. 516); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7236) granting an increase of pension to W. R. McCullough, reported the same with amendment, accompanied by a report (No. 517); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6869) granting an increase of pension to Lorenzo D. Elmer, reported the same without amendment, accompanied by a report (No. 518); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7382) granting a pension to Ellen A. Harmon, reported the same with amendment, accompanied by a report (No. 519); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1953) granting a pension to Susan Fenno, reported the same without amendment, accompanied by a report (No. 520); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8806) for the relief of Avin W. Harper, reported the same with amendment, accompanied by a report (No. 521); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3485) for the relief of Joseph Swisher, reported the same without amendment, accompanied by a report (No. 522); which said bill and report were referred to the Private Calendar.

Mr. FRENCH, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1280) for the relief of W. J. Warren, reported the same without amendment, accompanied by a report (No. 523); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10533) for the relief of Capt. E. P. Brewer, reported the same without amendment, accompanied by a report (No. 524); which said bill and report were referred to the Private Calendar.

Mr. JOHNSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9851) for the relief of William T. Ratliff, administrator of the estate of Sarah G. Clark, deceased, reported the same without amendment, accompanied by a report (No. 525); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3227) for the relief of Frank Hanson, reported the same without amendment, accompanied by a report (No. 526); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 796, reported in lieu thereof a resolution (H. Res. 165) referring to the Court of Claims the papers in the case of the owners of the barge *Charlie*, accompanied by a report (No. 528); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 6915, reported in lieu thereof a resolution (H. Res. 166) referring to the Court of Claims the papers in the case of Mary J. McClothen, accompanied by a report (No. 529); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 5371, reported in lieu thereof a resolution (H. Res. 167) referring to the Court of Claims the papers in the case of John L. Seargeant, accompanied by a report (No. 530); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 2385, reported in lieu thereof a resolution (H. Res. 168) referring to the Court of Claims the papers in the case of Burwell J. Curry, accompanied by a report (No. 531); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 7520, reported in lieu thereof a resolution (H. Res. 169) referring to the Court of Claims the papers in the case of W. W. Norris, accompanied by a report (No. 532); which said resolution and report were referred to the Private Calendar.

Mr. JOHNSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1030, reported in lieu thereof a resolution (H. Res. 170) referring to the Court of Claims the papers in the case of E. A. Best, administratrix of Adaline D. Turner, deceased, accompanied by a report (No. 533); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 2403, reported in lieu thereof a resolution (H. Res. 171) referring to the Court of Claims the papers in the case of M. H. Carr, accompanied by a report (No. 534); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 9920, reported in lieu thereof a resolution (H. Res. 172) referring to the Court of Claims the papers in the case of the heirs of Nancy Montgomery, accompanied by a report (No. 535); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 10816, reported in lieu thereof a resolution (H. Res. 173) referring to the Court of Claims the papers in the case of Mattie P. Barnard, Katharine Caldwell, and Harry M. Rhett, heirs of Harriett M. Barnard, deceased, accompanied by a report (No. 536); which said resolution and report were referred to the Private Calendar.

Mr. FRENCH, from the Committee on War Claims, to which was referred the bill of the House H. R. 2160, reported in lieu thereof a resolution (H. Res. 174) referring to the Court of Claims the papers in the case of the personal representative of the estate of Alexander Myers, deceased, accompanied by a report (No. 537); which said resolution and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on War Claims, to which was referred the bill of the House H. R. 7815, reported in lieu thereof a resolution (H. Res. 175) referring to the Court of Claims the papers in the case of the heirs of Robert May and others, accompanied by a report (No. 538); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 2408, reported in lieu thereof a resolution (H. Res. 176) referring to the Court of Claims the papers in the case of the estate of F. L. Hammond, deceased, accompanied by a report (No. 539); which said resolution and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on War Claims, to which was referred the bill of the House H. R. 10714, reported in lieu thereof a resolution (H. Res. 177) referring to the Court of Claims the papers in the case of Francis M. Sheppard, accompanied by a report (No. 540); which said resolution and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House H. R. 6068, reported in lieu thereof a resolution (H. Res. 178) referring to the Court of Claims the papers in the case of J. E. Caldwell, accompanied by a report (No. 541); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1613, reported in lieu thereof a resolution (H. Res. 179) referring to the Court of Claims the papers in the case of Dan Walden, accompanied by a report (No. 542); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 10719, reported in lieu thereof a resolution (H. Res. 180) referring to the Court of Claims the papers in the case of Mrs. G. W. Ross, Mrs. H. C. Cary, Mrs. Annie Brooks, L. C. Wilcoxon, and Willie Wilcoxon, heirs of Wiley Franks, deceased, accompanied by a report (No. 543); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 10585, reported in lieu thereof a resolution (H. Res. 181) referring to the Court of Claims the papers in the case of the vestry of Christ Episcopal Church, of Holly Springs,

Miss., accompanied by a report (No. 544); which said resolution and report were referred to the Private Calendar.

Mr. FRENCH, from the Committee on War Claims, to which was referred the bill of the House H. R. 1010, reported in lieu thereof a resolution (H. Res. 182) referring to the Court of Claims the papers in the case of the heirs of Samuel Ayres, deceased, accompanied by a report (No. 545); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 2623, reported in lieu thereof a resolution (H. Res. 183) referring to the Court of Claims the papers in the case of Mrs. Ellen H. Smith, accompanied by a report (No. 546); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1117, reported in lieu thereof a resolution (H. Res. 184) referring to the Court of Claims the papers in the case of the trustees of the Methodist Church at Prospect, Giles County, Tenn., accompanied by a report (No. 547), which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 11010, reported in lieu thereof a resolution (H. Res. 185) referring to the Court of Claims the papers in the case of the First Baptist Church, Helena, Ark., accompanied by a report (No. 548); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1150, reported in lieu thereof a resolution (H. Res. 186) referring to the Court of Claims the papers in the case Hiram Lodge, No. 7, of Free and Accepted Masons, of Franklin, Tenn., accompanied by a report (No. 549); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10561) for the relief of Amos Woodruff, president of the Overton Hotel Company, reported the same adversely, accompanied by a report (No. 527); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9599) granting a pension to Grace P. Paddock—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5880) granting an increase of pension to Dennis Dunn—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10404) granting a pension to Florence E. Foster—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7985) granting a pension to Alice Jenifer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 805) granting an increase of pension to George W. McConkey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5881) granting an increase of pension to William Cary—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McGUIRE: A bill (H. R. 11119) to provide for the purchase of a site and the erection of a public building thereon at Shawnee, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11120) to provide for the purchase of a site and the erection of a public building thereon at Elreno, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11121) to appropriate the sum of $150,000 to erect a public building at Enid, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11122) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and for other purposes—to the Committee on the Territories.

By Mr. THOMAS of North Carolina: A bill (H. R. 11123) for the improvement of White Oak River—to the Committee on Rivers and Harbors.

By Mr. WADE: A bill (H. R. 11124) to suppress monopolies or trusts in restraint of trade in cattle, hogs, other animals, or meats—to the Committee on the Judiciary.

By Mr. DARRAGH: A bill (H. R. 11125) to amend section 2 of the act approved March 3, 1879, being an act making appropriations for the payment of arrears of pension—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 11126) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in Choctaw and Chickasaw nations, Indian Territory—to the Committee on Indian Affairs.

By Mr. HULL: A bill (H. R. 11127) authorizing and directing the Secretary of War to improve the Des Moines River, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. MARSHALL: A bill (H. R. 11128) to modify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, to accept and ratify the same as amended, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. SCUDDER: A bill (H. R. 11129) to promote commerce, protect shipping, and contribute to the defenses of the harbor and city of New York, by the construction of a canal connecting Long Island Sound and the several bays and waterways to the east, and on the south side of Long Island, with New York Harbor—to the Committee on Rivers and Harbors.

By Mr. STEENERSON: A bill (H. R. 11130) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota—to the Committee on Indian Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 11131) to refund to the Territory of Hawaii the amount expended maintaining light-houses and light-house service on its coasts from the time the Territory became United States territory until said light-houses were taken under Government control—to the Committee on Claims.

By Mr. BRANDEGEE: A bill (H. R. 11132) to establish a light and fog signal at or near Black Ledge, New London Harbor, Connecticut—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11133) donating gun carriages to the Connecticut commissioners for the care and preservation of Fort Griswold—to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 11134) to modify and amend an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, in Minnesota, and to ratify the same as amended, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. TAWNEY: A bill (H. R. 11135) amending an act approved March 3, 1901, entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory by the United States, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri"—to the Committee on Industrial Arts and Expositions.

By Mr. BEDE: A bill (H. R. 11136) to provide for the hearing and determination of contests of the claims of States to swamp land under swamp-land grants—to the Committee on the Public Lands.

By Mr. KINKAID: A bill (H. R. 11137) to grant to homesteaders on the Fort Randall Military Reservation in Boyd County, Nebr., and Gregory County, S. Dak., a second homestead right—to the Committee on the Public Lands.

By Mr. GREENE: A bill (H. R. 11138) to increase the efficiency and safety of the mercantile marine of the United States by creating a commission to revise the laws relating to construction, installation, and inspection of marine boilers, to provide uniformity of inspection of marine boilers in the United States and insular possessions, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 11139) to require the employment of vessels of the United States for public purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. MIERS of Indiana: A bill (H. R. 11140) in amendment of sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Invalid Pensions.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 165) referring to the Court of Claims the bill H. R. 796—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 166) re-

ferring to the Court of Claims the bill H. R. 6915—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 167) referring to the Court of Claims the bill H. R. 5371—to the Private Calendar.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 168) referring to the Court of Claims the bill H. R. 2385—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 169) referring to the Court of Claims the bill H. R. 7520—to the Private Calendar.

By Mr. JOHNSON, from the Committee on War Claims: A resolution (H. Res. 170) referring to the Court of Claims the bill H. R. 1030—to the Private Calendar.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 171) referring to the Court of Claims the bill H. R. 2403—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 172) referring to the Court of Claims the bill H. R. 9920—to the Private Calendar.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 173) referring to the Court of Claims the bill H. R. 10816—to the Private Calendar.

By Mr. FRENCH, from the Committee on War Claims: A resolution (H. Res. 174) referring to the Court of Claims the bill H. R. 2160—to the Private Calendar.

By Mr. GREGG, from the Committee on War Claims: A resolution (H. Res. 175) referring to the Court of Claims the bill H. R. 7815—to the Private Calendar.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 176) referring to the Court of Claims the bill H. R. 2408—to the Private Calendar.

By Mr. GREGG, from the Committee on War Claims: A resolution (H. Res. 177) referring to the Court of Claims the bill H. R. 10714—to the Private Calendar.

By Mr. CALDWELL, from the Committee on War Claims: A resolution (H. Res. 178) referring to the Court of Claims the bill H. R. 6068—to the Private Calendar.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 179) referring to the Court of Claims the bill H. R. 1613—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 180) referring to the Court of Claims the bill H. R. 10719—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 181) referring to the Court of Claims the bill H. R. 10585—to the Private Calendar.

By Mr. FRENCH, from the Committee on War Claims: A resolution (H. Res. 182) referring to the Court of Claims the bill H. R. 1010—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 183) referring to the Court of Claims the bill H. R. 2623—to the Private Calendar.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 184) referring to the Court of Claims the bill H. R. 1117—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 185) referring to the Court of Claims the bill H. R. 11010—to the Private Calendar.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 186) referring to the Court of Claims the bill H. R. 1150—to the Private Calendar.

By Mr. BAKER: A resolution (H. Res. 188) directing the Judiciary Committee to investigate and report whether, in sending a railroad pass to ROBERT BAKER, a Member of this House, the Baltimore and Ohio Railroad Company was violating the law—to the Committee on Rules.

By Mr. MINOR: A resolution (H. Res. 189) taking steps to conserve the fur seal of Alaska—to the Committee on Rules.

By Mr. DRISCOLL, from the Committee on Elections No. 3: A resolution (H. Res. 190) that Hon. George Howell was not elected a Representative in the Fifty-eighth Congress from the Tenth district of the State of Pennsylvania—to the House Calendar.

Also, from the same committee, a resolution (H. Res. 191) that Hon. William Connell was duly elected a Representative in the Fifty-eighth Congress from the Tenth district of the State of Pennsylvania and is entitled to a seat therein—to the House Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 11141) granting an increase of pension to John B. Keller—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 11142) granting an increase of pension to Charles H. L. Groffmann—to the Committee on Invalid Pensions.

By Mr. BROOKS: A bill (H. R. 11143) for the relief of David K. Wall and the heirs of John A. Witter, deceased—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWNLOW: A bill (H. R. 11144) granting a pension to Elzie May Camp Bernard—to the Committee on Pensions.

Also, a bill (H. R. 11145) for the relief of George T. Welch—to the Committee on Military Affairs.

Also, a bill (H. R. 11146) granting an increase of pension to Robert Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11147) to restore David B. Jeffers to the United States Army with the rank of first lieutenant and place him upon the retired list—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 11148) granting an increase of pension to George W. Stanfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11149) granting an increase of pension to Charles R. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11150) granting an increase of pension to Marvin A. Wixson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11151) granting a pension to Eliza M. Burke—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 11152) for the relief of the estate of Oliver Milburn, deceased—to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 11153) granting an increase of pension to William D. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11154) granting an increase of pension to William M. Swart—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 11155) granting an increase of penison to Henry Wheeler—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 11156) for the relief of Mary Leary and children—to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 11157) for the relief of Seth Davis—to the Committee on Military Affairs.

Also, a bill (H. R. 11158) granting an increase of pension to William W. Hargrave—to the Committee on Pensions.

Also, a bill (H. R. 11159) granting an increase of pension to Hiram E. Monroe—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 11160) granting an increase of pension to Randall Denney—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 11161) to authorize the President to appoint Maj. William Austine, retired, to the grade of colonel in the United States Army and place him on the retired list as such—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 11162) for the relief of the estate of Samuel Good, deceased, late of Rockingham County, Va.—to the Committee on War Claims.

By Mr. HILDEBRANT: A bill (H. R. 11163) granting an increase of pension to Azuboth Srofe—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 11164) granting a pension to Elizabeth C. Winton—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 11165) granting a pension to Thompson F. Frisbee—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 11166) granting a pension to John Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11167) granting an increase of pension to James K. Nickell—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 11168) for the relief of Isaac A. Kase—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 11169) granting an increase of pension to Reuben G. Porter—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11170) granting an increase of pension to Sarah J. Paynter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11171) granting an increase of pension to Isabella Whitson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11172) granting an increase of pension to John W. Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11173) granting an increase of pension to Joseph M. Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11174) granting an increase of pension to Herman J. Watjen—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 11175) granting an increase of pension to Isaac S. Drummond—to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 11176) granting an increase of pension to George Lintern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11177) granting an increase of pension to George Manypenny—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 11178) for the relief of Miss Lelia G. Casey—to the Committee on Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11179) to increase the pension of William G. Miller—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 11180) for the relief of George S. Ayre—to the Committee on War Claims.

By Mr. RODEY: A bill (H. R. 11181) to authorize the Secretary of the Interior to issue a patent to the city of Roswell, N. Mex., for certain tracts of land—to the Committee on the Public Lands.

By Mr. ROBINSON of Arkansas: A bill (H. R. 11182) granting an increase of pension to William J. Murray—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 11183) for the relief of Marmon Spence Pope—to the Committee on War Claims.

By Mr. SPALDING: A bill (H. R. 11184) to carry into effect the findings of the Court of Claims in the Congressional case No. 23193, the Washington Loan and Trust Company, legal representative of the estate of Aaron Van Camp, deceased, and Mary M. U. Chapin and Rua P. Chapin, legal representatives of the estate of Virginius P. Chapin, deceased, against the United States—to the Committee on Claims.

By Mr. SMITH of Iowa: A bill (H. R. 11185) for the relief of Daniel J. Ockerson—to the Committee on War Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 11186) granting relief to certain members of the Seventh Michigan Cavalry, war of the rebellion—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 11187) granting an increase of pension to Fyanna Myers—to the Committee on Pensions.

By Mr. TALBOTT: A bill (H. R. 11188) granting an increase of pension to Hanson Bottomstone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11189) granting an increase of pension to Capt. Henry Wilhelm—to the Committee on Invalid Pensions.

By Mr. WYNN: A bill (H. R. 11190) for the relief of Henry Finnegas—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 11191) granting a pension to Zachariah Minnear—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 11192) granting an increase of pension to William Seymour Alden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11193) granting an increase of pension to Abbie W. Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11194) granting an increase of pension to Frank S. Nickerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11195) for the relief of James A. Chamberlain—to the Committee on Claims.

Also, a bill (H. R. 11196) for the relief of the heirs and legal representatives of Samuel Svenson—to the Committee on Claims.

Also, a bill (H. R. 11197) for the relief of the heirs and legal representatives of Valentine Kirchner—to the Committee on Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11198) granting an increase of pension to James M. Jones—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of J. D. Mitchell and six others, of Union Point, Ga., in favor of the enactment of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Whipple Post, No. 414, Grand Army of the Republic, Kankakee, Ill., in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, memorial of Hon. A. H. JACKSON, asking for compensation for expenses in the contested-election case of Norton *v.* Jackson—to the Committee on Elections No. 2.

By Mr. ALLEN: Petition of the officers and teachers of the University of Maine, for converting the big-tree groves of California into national parks—to the Committee on the Public Lands.

By Mr. BABCOCK: Letter from Woodhouse & Bartley Bank, Bloomington, Wis., in favor of the passage of bill H. R. 5068, relative to the redemption of mutilated United States notes—to the Committee on Banking and Currency.

Also, letter from Wisconsin Banking Association, favoring passage of bill H. R. 5068—to the Committee on Banking and Currency.

Also, resolution of Grand Army of the Republic Post No. 158, Ontario, Wis.—to the Committee on Invalid Pensions.

By Mr. BADGER: Resolution of Farmers' Institute at Groveport, Ohio, in favor of the enactment of the Brownlow good-roads bill, etc.—to the Committee on Agriculture.

Also, resolution of Leavenworth Council, No. 76, United Commercial Travelers, relative to amending the bankruptcy act—to the Committee on the Judiciary.

Also, resolution of Mound City Council, No. 207, of United Commercial Travelers of America, relative to the amending of the bankruptcy act—to the Committee on the Judiciary.

By Mr. BARTHOLDT: Paper to accompany House bill to pension C. H. L. Groffmann—to the Committee on Invalid Pensions.

Also, petition of citizens of St. Louis, against eight-hour law—to the Committee on Labor.

Also, petition of citizens of St. Louis, against anti-injunction bill—to the Committee on the Judiciary.

By Mr. BIRDSALL: Resolution of E. C. Little Post, No. 54, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of citizens of Pittsburg, Pa., in opposition to the enactment of an eight-hour bill—to the Committee on Labor.

Also, petition of citizens of Pittsburg, Pa., opposing anti-injunction bill—to the Committee on the Judiciary.

By Mr. DARRAGH: Papers to accompany bill H. R. 2574, granting an increase of pension to Elias Riegle—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 9355, granting an increase of pension to Byron Drake—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 9354, granting an increase of pension to John Richmond—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 9362, granting an increase of pension to Stephen Bashaw—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 9358, granting an increase of pension to Albert D. Davey—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 9356, granting an increase of pension to Harvey C. Button—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10034, granting a pension to Lucinda Vincent—to the Committee on Pensions.

Also, papers to accompany bill H. R. 2569, granting an increase of pension to Mahlon L. Angle—to the Committee on Invalid Pensions.

Also, resolution of Charles A. Price Post, No. 405, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Papers to accompany H. J. Res. 89, for the relief of Daniel B. Watts—to the Committee on Military Affairs.

By Mr. DWIGHT: Papers to accompany bill granting pension to William M. Swart—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolution of Everett Chamber of Commerce, urging an appropriation of $50,000 to increase the facilities of the Tulalip Indian Reservation school—to the Committee on Indian Affairs.

By Mr. FULLER: Memorial of J. E. Pettit, in favor of bill H. R. 2895, for the relief of telegraph operators who served in the war of the rebellion—to the Committee on Invalid Pensions.

Also, resolution of the Merchant and Manufacturers' Association of Baltimore, relative to the improvement of the main ship channel—to the Committee on Rivers and Harbors.

Also, resolution of Randolph Post, No. 93, Grand Army of the Republic, of Tonica, Ill., in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Resolution of the Gloucester Board of Trade, relative to the restoration of merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Gloucester Board of Trade, relative to arbitration treaties between the United States and foreign countries—to the Committee on Foreign Affairs.

Also, resolution of the Gloucester Board of Trade, relative to the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolution of the Gloucester Board of Trade, relative to the destruction of derelicts at sea—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Petition of E. E. Wiley and 26 others, F. J. Fowler and 30 others, Robert Walker and 28 others, and A. P. Bissell and 17 others, of Harriman, Tenn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, paper to accompany bill to pension Martha J. Taylor—to the Committee on Invalid Pensions.

Also, paper to accompany claim of J. T. Cooper—to the Committee on War Claims.

By Mr. GROSVENOR: Paper to accompany House bill granting an increase of pension to Randall Denney—to the Committee on Invalid Pensions.

Also, resolution of the Ohio Vicksburg Battlefield Association in favor of the enactment of bill H. R. 5084, providing for a national park commission—to the Committee on Military Affairs.

By Mr. HEDGE: Memorial of the Upper Mississippi River Improvement Association, relative to the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. HEPBURN: Resolutions of Farragut Ransom Post, No. 379; Lenox Post, No. 316; Abe Flick Post, No. 437; John A. Adams Post, No. 195; Shively Post, No. 421; William Dafur Post, No. 297; Frank Nolan Post, No. 208; Rice Post, No. 283; Upton Post, No. 248; Van Wert Post, No. 205; Samuel Sumner Post, No. 398; Sedgwick Post, No. 10; Henry Walton Post, No. 312; Wayne Post, No. 137; Weldon Post, No. 426; McKnight Post, No. 491; Union Post, No. 441, and Osceola Post, No. 173, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: Resolution of Jonathan Casto Post, No. 342, Grand Army of the Republic, of Blanchester, Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of E. E. Wisby—to the Committee on War Claims.

By Mr. HOGG: Petition of Grand Junction Ministerial Association, of Colorado, favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Salida (Colo.) Board of Trade, protesting against changes in present land laws—to the Committee on the Public Lands.

Also, resolutions of Grand Army of the Republic posts No. 63, Department of Colorado and Wyoming; No. 13, of Greeley, Colo.; No. 109, of Meeker, Colo.; No. 16, of Monte Vista, Colo.; No. 31, of Colorado Springs, Colo.; No. 100 and No. 54, of Telluride, Colo., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Resolution of General William S. Truer Post, No. 118, Grand Army of the Republic, Department of New Jersey, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: Petition of the Reformed Church of Paramus, of Ridgewood, N. J., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Reformed Church of Paramus, of Ridgewood, N. J., for the passage of a bill to prevent nullification of State liquor laws—to the Committee on the Judiciary.

Also, resolution of George G. Meade Post, No. 7, Grand Army of the Republic, Department of New Jersey, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of citizens of Blakesburg, Iowa, in favor of the passage of bill H. R. 2895, for the relief of military telegraph operators—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Resolution of the West Pennsylvania Synod of the Lutheran Church, in favor of the Hepburn bill (H. R. 4072)—to the Committee on the Judiciary.

By Mr. MAHONEY: Petition of C. Zeglen, relative to bullet-proof cloth—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Papers to accompany House bill to increase pension of Joseph M. Baldwin—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting increase of pension to Thomas Headdy—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to increase pension of J. E. Speake—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to increase pension of Sarah J. Paynter—to the Committee on Invalid Pensions.

By Mr. PALMER: Petitions of W. S. Morgan and 15 others and of the First Methodist Episcopal Church, of Derranceton, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of Simon J. McCann, of Fort Wayne, Ind., in favor of bill providing for the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. SIMS: Resolution of the county court of Madison County, Tenn., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. SAMUEL W. SMITH: Resolutions of G. H. Ewing Post, No. 203; Steele Brothers Post, No. 441; Dick Richardson Post, No. 147; Dewey Post, No. 60; John and Alfred Ryder Post, No. 404; J. B. McPherson Post, No. 183; Henry H. Knapp Post, No. 284; Fred Walker Post, No. 134; James Bradley Post, No. 194; Governor Crapo Post, No. 145, and Phil. McKernan Post, No. 53, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of C. P. Maxan, of Waterford, Mich., against passage of parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STEENERSON: Papers to accompany House bill relative to the Red Lake and Pembina bands of Chippewa Indians, of minnesota—to the Committee on Indian Affairs.

By Mr. WADE: Resolution of James Cross Post, No. 292, Grand Army of the Republic, of Millersburg, Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Resolutions of William Lawrence Post, No. 794, of New Burnside, Ill., and James C. Lasater Post, No. 570, of Millshoals, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Golconda, Ill., against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *January 27, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

WALTER B. JORDAN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting certain information relative to a contract entered into with Walter B. Jordan, of Miles City, Mont., for the delivery at various posts during the fiscal year 1901 of large quantities of provisions for the Indian service, amounting to $1,289.51, and recommending that he be reimbursed therefor; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PURCHASE OF INDIAN SUPPLIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs relative to purchases made in open market of Indian goods and supplies in excess of $500, and under exigencies authorized by the Secretary of the Interior during the fiscal year, 1903, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PINE RIDGE AGENCY, S. DAK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting papers from the files of the records of the Indian Department giving the history of the recent encounter between certain Sioux Indians of the Pine Ridge Agency, S. Dak., and the sheriff's posse from Wyoming, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 9) granting an increase of pension to David E. Burbank;

A bill (S. 12) granting an increase of pension to Francis E. Chase;

A bill (S. 13) granting an increase of pension to William Clark;

A bill (S. 14) granting an increase of pension to Samuel M. Perry;

A bill (S. 99) granting an increase of pension to Joel C. Shepherd;

A bill (S. 182) granting an increase of pension to Charles F. Holt;

A bill (S. 190) granting an increase of pension to Charles H. Bell;

A bill (S. 451) granting an increase of pension to William T. Conant;

A bill (S. 452) granting an increase of pension to Albert W. Bullock;

A bill (S. 456) granting an increase of pension to Andrew J. Pierce;

A bill (S. 458) granting an increase of pension to Charles Beattie;

A bill (S. 471) granting an increase of pension to Silas Meserve;

A bill (S. 473) granting an increase of pension to Byron D. Babcock;

A bill (S. 478) granting an increase of pension to Olive J. Bailey;

A bill (S. 484) granting a pension to Nancy S. Marsh;

A bill (S. 547) granting an increase of pension to Irving W. Coombs;

A bill (S. 555) granting an increase of pension to Royal A. S. Kingsley;

A bill (S. 565) granting an increase of pension to James E. Barnard;

A bill (S. 578) granting an increase of pension to John Bulamore;
A bill (S. 586) granting a pension to Annie H. Zall;
A bill (S. 587) granting an increase of pension to Anson P. Williamson;
A bill (S. 589) granting an increase of pension to George W. McMullen;
A bill (S. 744) granting an increase of pension to Stephen Gascoigne;
A bill (S. 745) granting a pension to John Swenson;
A bill (S. 798) granting an increase of pension to James A. Templeton;
A bill (S. 814) granting a pension to Mamie Thayer;
A bill (S. 821) granting an increase of pension to W. Neil Dennison;
A bill (S. 847) granting an increase of pension to John L. Beveridge;
A bill (S. 898) granting an increase of pension to John B. Carter;
A bill (S. 929) granting an increase of pension to Charles Stermer;
A bill (S. 930) granting an increase of pension to Ferdinand Wiedemann;
A bill (S. 937) granting an increase of pension to Rudolph Siebelist;
A bill (S. 959) granting an increase of pension to Andrew C. Ranard;
A bill (S. 1259) granting an increase of pension to John M. Stanyan;
A bill (S. 1334) granting an increase of pension to Amy C. Bosworth;
A bill (S. 1335) granting an increase of pension to Calvin Daws;
A bill (S. 1402) granting an increase of pension to William Paul;
A bill (S. 1429) granting an increase of pension to Elizabeth C. Paquin;
A bill (S. 1437) granting an increase of pension to Clarence E. Bullard;
A bill (S. 1491) granting an increase of pension to James A. Hoover;
A bill (S. 1497) granting an increase of pension to Walter F. Chase;
A bill (S. 1498) granting an increase of pension to Winslow P. Eayrs;
A bill (S. 1559) granting an increase of pension to Marie A. Rask;
A bill (S. 1825) granting a pension to Josephine L. Webber;
A bill (S. 1826) granting an increase of pension to Mary E. Cutts;
A bill (S. 1827) granting an increase of pension to Harris A. P. Lewis;
A bill (S. 1938) granting an increase of pension to Aldredge Patterson; and
A joint resolution (S. R. 32) to fill vacancies in the Board of Regents of the Smithsonian Institution.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented memorials of the Turner Liedertafel Singing Society, of Hamford; of Friedrich Hecker Lodge, No. 440, of New Haven; of the Germania Singing Society, of Torrington; of the Turner Bund of Hartford, and of the Harmonia Society of Torrington, all in the State of Connecticut; of the Schuetzen Verein of San Francisco; of the Pacific Turn Bezirk, of San Francisco, and of the Arion Verein, of San Francisco, all in the State of California; of Lodge No. 596, of Denver, and Beer Drivers' Union No. 56, of Denver, in the State of Colorado; of the Freie Brüder Gemeinde, of Davenport; of the West Davenport Maennerchor, of Davenport; of the West Davenport Geselligkeits Club, of Davenport; of Hermann Lodge, No. 489, of Davenport; of the Avoca Gesang Verein, of Avoca; of the Deutscher Maennerchor, of New Hampton; of Concordia Lodge, No. 4, of Sioux City, and of the German Mutual Fire and Wind Association of Manning, all in the State of Iowa; of Herwegh Lodge, No. 565, of Chicago; of Robert Blum Lodge, No. 397, of Chicago; of Tugend Lodge, of Chicago; of the Schweizer Turn Verein, of Chicago; of Columbia Lodge, No. 178, of Chicago, and of Fortschritt Lodge, No. 579, of Chicago, all in the State of Illinois; of the Social Turn Verein, of Indianapolis, Ind.; of the German Soldiers' Aid Society, of Louisville, Ky.; of the Howard Relief Company, of Wilmington, N. C.; of the Deutsche Landwehr Verein, of Omaha, Nebr.; of the German School Society, of Manchester, N. H.; of the German Sick Benefit Society, of Lawrence; of Roslindale Lodge, No. 604, of Boston, and of Washington Lodge, of Clinton, all in the State of Massachusetts; of Humboldt Lodge, No. 4, of Minneapolis; of Germania Rebekah Lodge, No. 7, of Winona, and of St. Anthony's Turn Verein, of Minneapolis, all in the State of Minnesota; of Goethe Tent, No. 207, of Bay City; of the German Aid Society, of Port Huron, and of the Deutsche Einheits Lodge, No. 645, of Kalamazoo, all in the State of Michigan; of the German Maennerchor, of Cumberland, and of the Singing Society of Baltimore, in the State of Maryland; of the Teutonia Singing Society, of St. Louis; of the Far West Lodge, of St. Louis; of the Gesangsecktion Liederkranz, of St. Louis; of the Baden Society, of St. Joseph, and of the Germania Lodge, No. 17, of St. Louis, all in the State of Missouri; of the Charles C. Engel Quartette Club, of Trenton; of the Orpheus Singing Society, of Newark; of the Workmen's Sick and Death Benefit Fund, Branch No. 61, of Trenton; of the Schuetzen Club of Hoboken; of the Social Turn Verein, of Trenton, and of the Singing Society of Hoboken, all in the State of New Jersey; of the Maennerchor of Troy; of the Schwaben Sick Aid Society, of Utica; of the North German Society of Long Island; of the Turn Verein of Buffalo; of the Geistendorfer Club, of New York City; of the Turn Verein of Mica; of the Geistendorfer Lodge, of New York City; of the Badische Volksfest Verein, of New York City; of the William F. Grell Association, of New York City; of Guttenberg Lodge, No. 112, of Troy; of Humboldt Lodge, of Syracuse, and of the Swiss Grutli Society, of New York City, all in the State of New York; of the Turn Verein of Cleveland; of the Turn Verein of Cincinnati; of Steuben Lodge, of Dayton; of the Liederkranz of Cleveland; of Teutonia Lodge, No. 21, of Dayton; of the Allemania Verein, of Cleveland; of Harmonie Lodge, No. 117, of Dayton; of Hermann Encampment, No. 66, of Cincinnati; of the Harugari Singing Society, of Dayton; of the Turn Verein of Akron; of the Liederkranz Singing Society, of East Liverpool; of the Workmen's Sick and Death Benefit Fund of Dayton; of the Deutscher Schumacher Verein, of Cincinnati, and of the Liberal Bayerischen Verein, of Cincinnati, all in the State of Ohio; of the Deutsche Gesellschaft of Providence, R. I.; of Concordia Lodge, No. 2035, of Austin; of the Shooting Company of San Antonio; of the Deutsche Sterbe Kasse, of Austin; of Wilhelm Tell Lodge, No. 175, of Gonzales, and of the Frohsinn Maennerchor Singing Society, of San Antonio, all in the State of Texas; of the Singing Society of Salt Lake City, Utah; of Lodge No. 2, of Seattle; of the German Club of Seattle, all in the State of Washington; of Lodge No. 803, of Milwaukee; of the Apollo Male Choir, of Milwaukee; of the Gesang Verein of Milwaukee; of the Orpheus Club, of Milwaukee; of the Syra Male Choir, of Milwaukee; of the Euterpe Men's Choir, of Milwaukee; of the South Side Gymnastic Association, of Milwaukee, and of the Incorporated German Society, of Marinette, all in the State of Wisconsin; of the German Beneficial Society, of Pitcairn; of the Danish Society of Philadelphia; of the East Pittsburg Turn Verein, of East Pittsburg; of the Upholsterers' Relief Association, of Philadelphia; of German Beneficial Union No. 2, of Pittsburg; of German Beneficial Union No. 18, of McKeesport; of the Turn Verein of Pittsburg; of German Beneficial Union No. 45, of Altoona; of the Schiller Turn Verein, of Pittsburg; of the German Military Society, of South Pittsburg; of the Schwaben Relief Society, of Allegheny County; of the German Beneficial Union of North Braddock; of Lodge No. 464, of Homestead; of District No. 46, of Homestead, and of the Baker Arbeiter Verein, of Philadelphia, all in the State of Pennsylvania, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BURROWS presented a petition of the Young People's Society of Christian Endeavor of the Jefferson Avenue Presbyterian Church, of Detroit, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. FOSTER of Washington presented a memorial of the Washington State Grange, Patrons of Husbandry, of La Center, Wash., remonstrating against the passage of the so-called ship-subsidy bill; which was referred to the Committee on Commerce.

He also presented the petition of Mrs. Ella Higginson, of Whatcom, Wash., praying for the enactment of legislation permitting the manuscripts of authors to be carried at third-class mail rates; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Washington State Grange, Patrons of Husbandry, of La Center, Wash., praying that an appropriation be made for the construction of State and county roads; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the Central Methodist Episcopal Church, of Tacoma, Wash., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Chamber of Commerce of Everett, Wash., praying that an appropriation be made in aid of the Indian school at Tulalip Indian Reservation, in that State; which was referred to the Committee on Indian Affairs.

Mr. GAMBLE presented the petition of Norman A. Nelsen, of Yankton County, S. Dak., praying for the establishment of a post-check currency; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 153, Cigar Makers International Union, of Sioux Falls, S. Dak., remonstrating against any change being made in the duty on tobacco imported from Cuba; which was referred to the Committee on Finance.

Mr. CULLOM presented petitions of Williams Post, No. 25, of Watseka; of Phil Sheridan Post, No. 615, of Oak Park; of T. B. Lee Post, No. 692, of Orchardville; of Washington Post, No. 573, of Chicago; of Dick Gilmer Post, No. 515, of Pittsfield, and of Farragut Post, No. 602, of Chicago, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. CULBERSON presented a telegram in the nature of a petition from the Ministerial Association of Galveston, Tex., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. CLAY. I present a petition from the mayor and general council of the city of Atlanta, Ga., relative to the construction of an interoceanic canal across the Isthmus of Panama. The petition is short, and I ask that it may be read and referred to the Committee on Interoceanic Canals.

There being no objection, the petition was read, and referred to the Committee on Interoceanic Canals, as follows:

Whereas for many years the people of our entire country have been greatly interested in the building of an interocean canal across the Isthmus of Panama; and

Whereas the Government of the United States has been unable to negotiate a treaty with the Government of Colombia for the building of such canal; and

Whereas the State of Panama has recently seceded from the Colombian Government and has established an independent government under the name of the Republic of Panama; which independent government is an accomplished fact, and has been recognized by the United States and many other nations; and

Whereas there is now pending before the United States Senate for ratification a treaty negotiated with said newly established Republic, the ratification of which would enable the United States Government to speedily commence the building of said canal:

Resolved by the mayor and general council of the city of Atlanta:

1. That we believe the building of said canal by our Government is one of the greatest needs of the age, that it will be of vast importance to the commerce of the world, and will do much to strengthen the position of the United States Government as one of the great nations of the earth, and will be of great benefit to the city of Atlanta, the State of Georgia, and the entire South.

2. That we respectfully but earnestly urge the Hon. A. O. BACON and the Hon. A. S. CLAY, members of the United States Senate from Georgia, to do all in their power to speedily reconcile the differences existing in the Senate relative to said treaty, and that we respectfully but earnestly urge each of them to vote for the ratification of said treaty when it comes to a vote in the United States Senate.

3. That a copy of these resolutions under the seal of the city be mailed to each of said Senators by the clerk of this council.

GEORGIA, FULTON COUNTY, *City of Atlanta:*

I, W. J. Campbell, clerk of council of the city of Atlanta, do certify that the foregoing is a true copy of a resolution adopted by the general council on January 20, 1904, and approved by the mayor of said city on January 22, 1904.

In testimony whereof witness my signature and seal of office this January 25, 1904.

[SEAL.] W. J. CAMPBELL, *Clerk of Council.*

Mr. BARD presented a petition of the Manufacturers and Producers' Association of California, praying for the adoption of the metric system of weights and measures; which was referred to the Select Committee on Standard Weights and Measures.

He also presented a petition of the board of trustees of Alameda, Cal., praying that an appropriation be made for the improvement of Oakland Harbor, in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Manufacturers and Producers' Association of California, praying for a revival of the American merchant marine; which was referred to the Committee on Commerce.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation approving the proposition for an Anglo-American treaty of arbitration and conciliation for the settlement of all questions between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Universal Peace Union of Philadelphia, Pa., praying for the enactment of legislation authorizing the President of the United States to invite the governments of the world to join in establishing a regular international congress; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the upbuilding of the American merchant marine; which was referred to the Committee on Commerce.

Mr. HALE presented a petition of the Central Labor Union of Portland, Me., praying for the enactment of legislation to modify the present immigration law so that it shall apply only to such persons as believe in and advocate violence; which was referred to the Committee on Immigration.

He also presented a petition of the president and faculty of the University of Maine, Orono, Me., praying for the enactment of legislation converting the big-tree groves into national parks; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SIMMONS presented petitions of the Rehobeth Woman's Christian Temperance Union of Skinnersville; of the Rehobeth Woman's Christian Temperance Union of Creswell; of the Woman's Christian Temperance Union of Elizabeth City; of the congregation of the Methodist Episcopal Church South, of Summerfield; of sundry citizens of Winston, and of the Woman's Christian Temperance Union of Belvidere, all in the State of North Carolina, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. KEAN presented a petition of General William S. Truex Post, No. 118, Department of New Jersey, Grand Army of the Republic, in the State of New Jersey, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Presbyterian Church of Laurel Springs, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the congregation of the Reformed Church of Paramus, of Ridgewood, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Reformed Church of Paramus, of Ridgewood, N. J., praying for the enactment of legislation to prevent nullification of State liquor laws and no-license ordinances by so-called "original packages" and other "interstate-commerce" tricks; which was referred to the Committee on the Judiciary.

Mr. SPOONER presented petitions of the Woman's Missionary Society of the Presbyterian Church of Racine; of the Coterie Club, of Darlington; of sundry citizens of Barrow, and of the Young Woman's Christian Association of Platteville, all in the State of Wisconsin, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of J. B. McPherson Post, No. 27, Department of Wisconsin, Grand Army of the Republic, of Lake Geneva, Wis., and a petition of George D. Eggleston Post, No. 133, Department of Wisconsin, Grand Army of the Republic, of Appleton, Wis., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. LONG (for Mr. BURTON) presented a memorial of the Grain Dealers' Association of Topeka, Kans., remonstrating against the enactment of legislation providing for the inspection of grain by the National Government at terminal markets; which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. BURTON) presented a petition of Local Council No. 76, United Commercial Travelers, of Leavenworth, Kans., praying for the adoption of an amendment to section 64 of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also (for Mr. BURTON) presented a petition of Farragut Post, No. 602, Department of Illinois, Grand Army of the Republic, of Chicago, Ill., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also (for Mr. BURTON) presented a petition of the Woman's Christian Temperance Union of Kansas City, Kans., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. PATTERSON presented a petition of the congregation of the Capitol Hill Baptist Church, of Denver, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Military Affairs.

He also presented a petition of the Christian Citizenship Union of Denver, Colo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Mesa Woman's Christian Temperance Union, of Pueblo, Colo., and a petition of sundry citizens of Philadelphia, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Butler Post, No. 91; of Post No.

13; of Post No. 54, and of Post No. 85, all of the Department of Colorado and Wyoming, Grand Army of the Republic, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. McLAURIN presented sundry papers to accompany the bill (S. 1195) for the relief of the estate of A. W. McAllister, deceased; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 3187) for the relief of the heirs of William Hunt, deceased; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 25th instant, proposing to appropriate $10,000 for inspection of consulates, intended to be proposed to the urgent deficiency appropriation bill, reported favorably thereon and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the message from the President of the United States transmitting a report from the Acting Secretary of State relating to the claim of Messrs. Sivewright, Bacon & Co., of Manchester, England, British subjects, for compensation for damages sustained by their vessel, the British steamship *Eastry*, in consequence of collisions in June, 1901, at Manila, with certain coal hulks belonging to the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on the Philippines; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. SCOTT on the 25th instant, proposing to change the grade of the consulate at Buenos Ayres, Argentine Republic, from Class IV, Schedule B, at $2,500 a year, to the grade of consulate-general, at $3,500 a year, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. NELSON on the 25th instant, proposing to increase the salary of the consul-general at Rotterdam, Netherlands, from $2,500 to $3,000, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. NELSON on the 20th instant, proposing to change the grade of the consulate at Odessa, Russia, from Class IV, Schedule B, to Class III, of the same schedule, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate $40,000 for the erection of new buildings for legation purposes at Seoul, Korea, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 677) for the relief of the legal representatives of A. G. Boone, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1779) for the relief of Caroline Murtagh, widow of the late William J. Murtagh, formerly proprietor of the National Republican, of Washington, D. C., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 176) for the relief of Jewett W. Adams, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 1941) for the relief of W. R. Austin & Co., reported it with an amendment, and submitted a report thereon.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (S. 2223) providing a means of acquiring title to two groves of Sequoia gigantea, in the State of California, with a view to making national parks thereof, reported it with an amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 579) to regulate the use by the public of reservoir sites located upon the public lands of the United States, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Education and Labor, to whom was referred the bill (S. 3479) making provision for conveying in fee certain public grounds in the city of St. Augustine, Fla., for school purposes, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the amendment submitted by Mr. NELSON on the 20th instant, proposing to appropriate $4,926.67 for compensation to the owners of the Norwegian steamship *Nicaragua* for damage to said owners by reason of the rescue of an American citizen, John McCafferty, and the consequent quarantine of said ship at Mobile, Ala., in 1894, intended to be proposed to the general deficiency appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 483) for the relief of the owners and officers of the brig *Olive Frances*, and others on board said brig, reported it without amendment.

PROTECTION OF FUR-SEAL HERD OF ALASKA.

Mr. FORAKER, from the Committee on Foreign Relations, to whom was referred the resolution submitted by Mr. DILLINGHAM November 20, 1903, and referred to that committee, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Whereas the concurrent regulations ordered by the tribunal of arbitration and published August 16, 1893, for the protection and preservation of the fur-seal herd of Alaska, under authority of the treaty of Washington, February 29, 1892, have been found after ten years of faithful enforcement and trial wholly insufficient to serve the purpose for which they were created; and

Whereas this failure of these concurrent regulations, if not corrected at once, will result in the immediate and complete extermination of the fur-seal species in Alaska: Therefore, be it

Resolved, That it is the sense of the Senate of the United States that the Government of Great Britain be requested by the Secretary of State to unite with the Government of the United States, without undue delay, in a revision and amendment of the concurrent regulations now in force for the protection and preservation of the fur seals of Alaska, duly established and known as the award of the tribunal of arbitration at Paris, August 15, 1893; and be it further

Resolved, That this request of our Government for the revision of said regulations shall be made at once, so that the British Government shall have a reasonable length of time in which to consider the same before the next pelagic-sealing season opens in February, 1904.

UTAH SENATORIAL INVESTIGATION.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported on the 25th instant by the Senator from Michigan [Mr. BURROWS] from the Committee on Privileges and Elections, to report it with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the committee was, in line 6, after the word "Senate," to strike out the words "and during the recess of Congress;" so as to make the resolution read:

Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate the right and title of REED SMOOT to a seat in the Senate as Senator from the State of Utah; and said committee, or any subcommittee thereof, is authorized to sit during the sessions of the Senate, to employ a stenographer, to send for persons and papers, and to administer oaths; and that the expense of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 3869) for the extension of Albemarle street; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3870) granting a pension to George W. Lewton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 3871) for the relief of the estate of David Crowell, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3872) granting an increase of pension to Narcissa Tait; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 3873) granting a pension to C. R. Beardslee, alias Charles P. Barclay; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3874) for the relief of Calvin J. Cowles;

A bill (S. 3875) for the relief of Sidney Maxwell;

A bill (S. 3876) for the relief of Thomas Monteith; and

A bill (S. 3877) for the relief of Sylvester Dibble.

Mr. SIMMONS introduced a bill (S. 3878) granting an increase of pension to George Coffee; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3879) granting an increase of pension to C. Q. Lemmond; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 3880) granting an increase of pension to Michael Sheehy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3881) granting an increase of pension to James B. Judson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 3882) granting an increase of pension to Armour W. Patterson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 3883) for the construction of a conduit for the waters of Rock Creek, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a bill (S. 3884) granting an increase of pension to Thomas J. Young; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3885) granting a pension to Robert J. Campbell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON (by request) introduced a bill (S. 3886) to establish a national military park at Fort Reno, D. C., and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3887) granting an increase of pension to Charles J. Clark; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3888) granting an increase of pension to George W. Neely; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 3889) for the relief of the heirs of William L. Waddy, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3890) granting an increase of pension to J. N. Culton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3891) for the relief of Georgie A. Williams; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. HALE introduced a bill (S. 3892) to authorize the President to appoint Gen. A. S. Daggett to the grade of major-general in the United States Army on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3893) granting an increase of pension to John L. Rogers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE (by request) introduced a bill (S. 3894) granting a pension to W. H. Fitzgerald; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3895) granting a pension to W. E. Sharp; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG (for Mr. BURTON) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3896) granting an increase of pension to R. F. Nugent;

A bill (S. 3897) granting an increase of pension to G. H. Adams (with accompanying papers);

A bill (S. 3898) granting an increase of pension to Noah C. Standiford;

A bill (S. 3899) granting an increase of pension to Michael McKenzie;

A bill (S. 3900) granting an increase of pension to P. P. Brady; and

A bill (S. 3901) granting pensions to officers and enlisted men of the Eighteenth Battalion and Nineteenth Regiment Kansas Volunteer Cavalry who served thirty days or more in the Sioux Indian war in 1867, 1868, and 1869, and for other purposes.

Mr. BALL introduced a bill (S. 3902) granting a pension to George F. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 3903) for the relief of the Lower band of Chinook Indians of the State of Washington and the Kathlamet band of Chinook Indians of the State of Oregon; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MARTIN introduced a bill (S. 3904) for the relief of Walter H. Taylor, administrator of Richard Taylor, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PROCTOR introduced a joint resolution (S. R. 34) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Alfonso Zelaya, of Nicaragua; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a joint resolution (S. R. 35) to incorporate the American National Institute (Prix de Paris) at Paris, France; which was read twice by its title, and, with the accompanying papers, which were ordered to be printed, referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to amend section 3857 of the Revised Statutes of the United States, relating to the designation of post-offices at the intersection of mail routes and termini of rural free-delivery routes as distributing or separating offices, intended to be proposed by him to the post-office appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL submitted an amendment proposing to appropriate $1,700 to pay Charles Smith, late deputy collector of customs at Circle City, Alaska, compensation as such from October 1, 1898, to March 31, 1899, and for traveling expenses incurred during said period, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CORRESPONDENCE RELATIVE TO PANAMA TREATY.

Mr. MORGAN submitted the following resolution, which was read:

Resolved, That the Secretary of State is directed to send to the Senate a copy of a dispatch or letter, dated January 22, 1904, relating to the withdrawal or abandonment of all amendments to the Hay-Varilla treaty, which was sent by the minister of the United States at Panama to John Hay, Secretary of State, in which the reasons for withdrawing the same are stated by Mr. Buchanan, minister to Panama.

The PRESIDENT pro tempore. Does the Senator from Alabama desire action upon the resolution?

Mr. MORGAN. I prefer that the resolution should be printed and lie over until to-morrow.

The PRESIDENT pro tempore. The resolution will be printed and go over.

HYGIENIC CONDITIONS, ETC., ON ISTHMUS OF PANAMA.

Mr. MORGAN submitted the following resolution, which was read:

Resolved, That the following official documents, and the hearings before the Committee on Interoceanic Canals in 1902, and the statements of Merrill A. Teague, special correspondent of the Montgomery Advertiser, herein set forth, are referred to the Committee on Public Health and National Quarantine, with the instructions that said committee inquire into the verity of said statements as to the hygienic conditions of the region between Colon and the city of Panama and in said cities, especially with reference to the regulation and control of labor on the canal proposed to be constructed across the Isthmus of Panama by the United States, namely:

The following extract from the report of the Isthmian Canal Commission of the 16th of November, 1901, on pages 170 and 171 thereof:

"The climate of the isthmian canal regions is generally damp and enervating. The temperature is not extreme, rarely rising as high as 95° or falling below 70°, but the excessive humidity greatly restricts the capacity for physical exertion. The lowlands near the coast have long been known as insalubrious, and the seaports are subject to fevers. Perhaps the greatest difficulty to be encountered in the construction of the canal will be the procurement of an adequate force of laborers and the preservation of their health and efficiency.

"In this respect the Panama route has a lugubrious history from which the Nicaragua route is free. The notorious mortality which attended the construction of the Panama Railroad and later the operation of the Panama Canal Company has taught a lesson which will not soon be forgotten for that route. Among the white employees of this Commission sent to Nicaragua there were fewer cases of sickness than there would probably have been among the same number of men employed in some parts of the United States. Among those sent to Panama the proportion of sickness was greater.

"On the Nicaragua line during the operations of the Maritime Canal Company the health of the force was reported to be good. These operations, however, were of a preliminary character, employing but a limited number of men. It is probable that when ten or twenty thousand men are assembled and the rank soil is being turned up over a widely developed line of works the experience will be different.

"There are some slight differences of climate. In Nicaragua the trade winds are more regular than at Panama, tempering the heat and removing miasma more effectively; but, on the other hand, the rainfall is greater at Nicaragua, at least for the east side, and the resulting humidity is greater. Both are covered with the rank vegetation peculiar to the Tropics, and swamps abound in both. The lessons taught at Panama should be heeded for Nicaragua also.

"It is stated by Mr. Bunau-Varilla, at one time chief engineer of the old Panama Canal Company, that out of 100 individuals sent to the Isthmus not more than 20, as an average, could remain there, and even these lost a part of their value. The negro alone could perform manual labor; the white man must supervise and direct. After costly and fatal experiments with other races the company ceased sending to the Isthmus as laborers any but native Colombians and negroes from the British Antilles, particularly Jamaica. The Panama Railroad Company grants to its white employees from the United States two months' leave of absence each year, with transportation to their homes.

"Careful selection, including physical examination, of persons sent to the Isthmus, a well-organized hospital service, an efficient sanitary supervision of camps and barracks, a rigid quarantine service, a liberal water supply and sewerage system, with the authority and the police force necessary to enforce the rules, and regular leaves of absence to white employees, are among the requirements for a successful prosecution of the work, and will probably be found necessary at either place."

And the following extract from Senate Document No. 48, being a part of the report of Consul-General Gudger to the Department of State, and incorporated in a report to Surgeon-General Lyman, dated November 23, 1903:

PANAMA.

Deaths in the city of Panama during the years 1901, 1902, and 1903.

Consul-General Gudger reports, November 23, to the Department of State as follows:

In obedience to a verbal request made by Surgeon-General Wyman, of the United States Public Health and Marine-Hospital Service, while I was in Washington City a few weeks ago, I have the honor to transmit through the Department for him a report of the deaths and the diseases causing same in the city of Panama for the years 1901, 1902, and 1903.

[Inclosure.]

Synopsis of deaths occurring in the city of Panama during the years 1901 to 1903.

Disease.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Deaths during the year 1901	81	48	64	72	70	95	108	119	125	115	150	153	1,201
Yellow fever	4	1	2	2	----	1	1	----	----	----	----	----	11
Smallpox	----	----	1	4	4	3	13	15	19	17	25	20	121
Typhoid fever	9	7	8	6	6	7	7	12	18	15	12	14	121
Tuberculosis	13	3	6	6	6	9	12	9	11	14	17	14	120
Beriberi	2	3	1	2	2	----	1	----	4	6	5	10	36
Dysentery	10	2	2	5	5	4	13	7	8	2	7	10	75
Deaths during the year 1902	138	127	136	126	133	232	281	202	215	202	240	247	2,379
Yellow fever	----	----	----	4	2	14	33	28	14	38	30	19	182
Smallpox	40	43	46	20	17	3	4	2	----	----	----	1	176
Typhoid fever	7	8	9	5	6	10	15	10	12	20	12	4	118
Tuberculosis	5	18	10	12	12	14	12	16	15	15	15	10	154
Beriberi	2	2	1	5	1	3	1	2	2	14	11	8	52
Dysentery	9	3	9	15	29	47	49	31	37	26	13	22	290
Deaths during the year 1903	201	123	118	62	94	98	107	117	99	125	----	----	1,144
Yellow fever	10	7	5	1	3	3	4	11	3	1	----	----	48
Tuberculosis	1	----	----	----	1	3	----	----	1	1	----	----	7
Beriberi	4	4	3	2	----	5	3	4	3	3	----	----	31
Dysentery	20	16	8	4	11	8	10	11	12	10	----	----	110
	3	1	5	1	2	----	4	4	6	19	----	----	45
	12	13	11	3	11	8	7	6	2	3	----	----	76

It will be remembered that during the period comprised in this report there has been in progress an internal war. The soldiers, many in number, sent from higher altitudes have died. This has greatly swelled the death rate.

Extract from the report of health officers to the Bureau of Marine-Hospital Service in June, 1901:

"PANAMA.

"The city of Panama, a town of 15,000 inhabitants, is situated upon an elevated point of land jutting into Panama Bay. The town is irregularly laid out, with narrow, crooked streets, cobblestoned, and filthy. The houses are Spanish in architecture in the least bad part of the city, and the rest of the town is made up of wooden shacks in all stages of decay. There are two small sewers in the place, but they are connected with only a few of the best houses. There is an insufficient water supply of inferior water, piped in from a river some distance back in the country.

"The population is a cosmopolitan set, the leavings of the old canal construction. Sixty per cent being Jamaica negroes accounts for most of the filth in the town.

"The harbor is situated at the head of the bay, about 2 miles from the town, and is protected by several small islands. The sanitary condition of the anchorage is naturally perfect, being swept by a 16-foot tide daily. The island nearest the shipping is inhabited by the employees of the steamship companies—laborers, stevedores, and coal passers.

"There is constant communication between this island and Panama, and daily intercourse with the shipping. Yellow fever is endemic in Panama, sporadic cases occurring at intervals, and becoming epidemic whenever there is an immigration of nonimmunes during favorable atmospheric conditions.

"Panama is the point of distribution and collection of all passengers and freight of the Pacific coast destined across the Isthmus. It is the key to the quarantine situation of the west coast, and if it was not a focus of infection itself many epidemics on the Atlantic side could be averted by proper quarantine regulations.

"The houses of Panama are so constructed and of such material and so filthy that a general conflagration would be the only safe means of disinfection. I can not conceive of any other means by which the infection could be eradicated.

"COLON.

"Colon, the northern terminus of the Panama Railroad, is built in a swamp on made ground, and is populated by 8,000 people, 70 per cent being Jamaica and other kinds of negroes. The property of the railroad and canal company is drained and sewered and is situated on the water front. Everything about the company's property looks clean and well kept, but the rest of the town is not so clean nor well kept.

"The houses are of wood and generally dirty. There are no sanitary arrangements of any kind, and the population is crowded into small rooms, as only Jamaica negroes can live.

"The streets are in fair condition, macadamized, and are on a higher plane than the adjoining lots. In the wet seasons pools are formed under the houses, and serve as breeding places for frogs, if nothing else. Rain water is collected in barrels and cisterns, and during the wet season the water supply is good and sufficient. During the dry season many of the cisterns run dry, and the water supply is hauled in from Monkey Hill in tank cars by the railroad. This supply is not good.

"No history of the sanitary condition or the mortality of Colon can be had. Some of the old inhabitants tell blood-curdling tales of the death rate during the flush days of the canal construction, but the old inhabitants will not do for statistical purposes. It was well known that the death rate was enormous, but it would be interesting to know just what it was."

And the statement of Merrill A. Teague, as follows:

"THE PROBLEM OF SECURING LABOR—COOLIES ARE OBNOXIOUS TO PANAMA'S CITIZENS AND WEST INDIANS ARE UNRELIABLE AS WORKERS.

[By Merrill A. Teague, special correspondent of the Advertiser.]

"COLON, *December 29, 1903.*

"If the American plans for an interoceanic canal offer no serious or forbidding engineering difficulties, there are other problems grave in character that we shall have to solve. Foremost among these is that of applying the laws of sanitation to the Isthmus and of forcing obedience to these laws. Of that problem I have already written exhaustively. The other most serious one deals with the question of labor.

"There has been, ever since the Republic was established, a very determined agitation against the importation of Chinese coolies for the canal work. The argument is advanced that the Isthmus and the West India islands can furnish all the labor necessary. This is, of course, fatuous. It does not, however, deter the leading spirits in the Republic from very vigorously insisting upon the passage at an early date of a Chinese exclusion act. The Star and Herald, official organs of the Republic, have demanded editorially the passage of such an act, and Doctor Amador is understood to strongly favor the proposition.

"This opposition is purely selfish. There is no labor on the Isthmus that would be deprived of opportunity through the presence of Chinese; there is no society here that would be contaminated more than contamination has already been spread by the coolies. They are, however, a serious menace to merchants, large and small. The French canal company brought coolie labor in large quantities to the Isthmus. Those that survived the pestilence which raged in those days have gone into business and so developed that they now control in a large measure both retail and wholesale vending at Panama, Colon, and between these two cities. Here in Colon they almost entirely monopolize the regular local trade, and at Panama they have come to be a powerful factor. In the 47 miles across the Isthmus their command upon trade is practically complete.

"The ability of these people to live cheaply is more pronounced here than it is in any other country outside of China. The item of clothing is almost entirely eliminated from their expense accounts. Here, as in China, they conduct their little 'pigeons' in the front of the buildings they occupy as residences. Fuel, except for small charcoal fires for cooking, is never required, and an able-bodied Chinaman can feed himself on the Isthmus at the expense of a few pennies a day. In consequence they can undersell any of the other merchants on the Isthmus, especially as they import largely and directly from China.

"These advantages, with that clannishness characteristic of the yellow race, strike terror to the hearts of the Caucasian merchants. They know that millions of dollars will be disbursed here in wages, to flow later through the regular channels of trade. They are afraid that if coolies are brought here to form a majority of the wage-earners they will patronize the Chinese merchants exclusively, thereby depriving local Caucasian merchants of the riches they hope to accumulate. This fear is, of course, well founded, but what alternative offers?

"WEST INDIANS POOR LABORERS.

"The Panamaians say the United States should employ native and West Indian negro labor. That sounds like a sensible proposition, but unfortunately the negative contention weighs down the affirmative. In the first place, the native labor, if such a thing can be said to exist, is absolutely worthless. The native laborer is lazy, shiftless, irresponsible, and generally of no account. Why should he toil in sun-baked or rain-flooded trenches for eight hours a day when he can live as well as he wishes to live by idling all the time, trapping his meat and going into the forest and jungle for vegetable supplies?

"That is a question the opponents of cooly labor do not answer. It is a question they can not answer, for the natives, during the score of years since the canal work was started, have answered it so effectively that none save the locally selfish longer consider the native element. Even if the natives' tendency was in the direction of good service in return for a fair wage, they could not be considered, for there are not enough of them available to constitute a small division of the immense corps of laborers that will be required to complete the canal within a reasonable time.

"As for the other plan—that of bringing West Indian negroes to the Isthmus—it is advanced without any intelligent idea as to its practicability. The stock argument used by its champions and the opponents of coolie importation is that these negroes stand the climate better than does any other class. That is true. During the period of active work by the French every class of labor known to large employers was called into service, and the West Indian negro proved more efficient and better adapted to the climate than did any other—that is, for a season. He did then, and will now, live longer on the Isthmus than will the Chinese, Maylayans, Africans, Syrians, or any other.

"For a little while he will work steadier and accomplish more than will the other classes, but his inherent shiftlessness soon overcomes him in this enervating climate, and he lapses into an idleness from which it is almost impossible to arouse him. Add to this the fact that he is naturally most immoral, courting rather than shunning the most loathsome afflictions, prone to debilitating excesses and especially fond of dedicating his nights to wild revelry and the worst carouses, and it will be seen that the temporary advantages resulting from his labor is more than offset by the harm he does himself and to society in general. The Isthmus has as many of these idle and improvident West Indians as it has any use for. To bring more would only increase the sociological problem that will sooner or later have to be solved.

"NEGROES NOT PROCURABLE.

"Besides this phase of the West Indian negro problem there is that one of securing this class of laborers. The former efforts to construct this canal resulted in a heavy depopulation of the West Indian Islands. Should we determine to use these negroes in our attempt we could easily exhaust those islands of able-bodied men. Their champions say they can be secured in limitless quantities. That is entirely false. When we have grappled with the task of building the canal and gotten it under full swing, we shall need almost innumerable thousands of laborers.

"The most optimistic estimates are that with 20,000 men we can complete the waterway in eight years. It is more reasonable to presume that 50,000 men will have it ready to open in ten years, for if there is one thing we must avoid, if we would succeed where the French failed, it is the undue optimism which cursed the whole French effort. Should we determine to prosecute the work steadily through every twenty-four hours of the day by using electric lights at night—a thing which, by the way, engineers and sanitary experts recommend—the time required for building the canal might be reduced one-half, but the corps of laborers required would be trebled in size.

"If we estimate the number in this corps by taking the mean of the estimates given, respectively, by the optimistic and the pessimistic, we shall probably hit about the figure fact will demonstrate as necessary. This will be 35,000 men, with constant recruits to fill the vacancies left by disease and death, with the forces working an eight-hour shift a day. One hundred thousand will be the number if the working day is divided into three eight-hour shifts. The West Indian Islands could not supply the smaller number, to say nothing of the larger.

"Only those West Indians to whom the wages offered would prove a magnet could be employed for this work; those who now earn more on their native islands than the canal contractors will pay could not be imported. Now, the standard rate of wages for ordinary manual labor on the Isthmus is $2.20 (Colombian silver) a day. It will probably never be any higher, for should the Republic fix an arbitrary rate of exchange at two for one, as is now

proposed, this wage will be equal to $1.10 gold a day. Certainly the contractors on the canal will not pay more than this sum.

"Persons who have studied the problem of labor supply in the West Indies from the standpoint of the wage likely to be paid say that, even if the governments of these islands interpose no objection, it will not be possible to obtain more than 15,000 men from this source. That paucity of supply would seem to settle the West Indian negro as a factor in the labor to be required by the digging the canal, and conditions may be even worse than I have given them, for since the estimate of 15,000 men was made railroad construction in South and Central America has taken many hundreds, possibly thousands, of negroes from the West Indies, especially from Jamaica.

"How really serious this question is likely to become may be gathered from the fact that even now, with hordes of negroes on the Isthmus living in idleness, the Panama Railroad steamships are frequently compelled during rush seasons to stop at Fortune Island, halfway between Colon and New York, and take aboard hundreds of negroes to augment the stevedore gangs at this terminal.

"COOLY LABOR MOST PREFERRED.

"This brings the labor problem back to the Chinese cooly, as no other class is available in numbers sufficient to meet the requirements of the undertaking. The most intelligent and best-informed students of this problem agree almost unanimously in the judgment that before we shall have progressed very far in digging the canal we shall, no matter what our first intentions, be compelled to resort to the coolies. The Panamanian advocate of Chinese exclusion retorts that if we proceed upon this line disease will balk our effort, and points defiantly to the record under the French. Then the Chinamen died in appalling numbers, even in the higher and healthier sections of the work, and the village of Matachin—dead Chinaman—on the line of the railway, midway between this city and Panama, is a monument to death's wholesale depletion of the coolies' ranks.

"But the student has his rejoinder ready. The French displayed culpable ignorance in selecting Chinese for importation. They picked up the coolies wherever those willing to come here could be found, whereas little trouble would have been experienced had they gone—as our agents will do—into the Chinese rice fields, where coolies thoroughly inured to wet climates and accustomed to working more than knee-deep in water may be found in countless and inexhaustible numbers. This class of cooly labor would, it is contended, be immune to the Isthmian's climatic terrors, and by resorting to its employment the contractors under the United States would never be confronted or impeded by a scarcity of labor.

"There are, however, other advantages to result from the employment of this class of labor, equal in their importance with that of supply. The employment of coolies will be an almost positive guaranty against any delay in completing the canal because of wage and other ephemeral labor troubles. For the wage scale which will be paid on this work the Chinese cooly will labor industriously and earnestly. He will require careful management, and possibly some driving; but he will be satisfied with his remuneration, and the chances of strikes will be reduced to the minimum. This fact is to be carefully considered, for with thousands of laborers susceptible to wage agitation and long periods of idleness due to strikes made probable, the work would not only be greatly impeded, but the expense of it enormously increased; this latter because during strike periods violence would surely occur, anarchy be introduced on the Isthmus, and the cost of properly policing the canal zone and protecting the work done multiplied. Troubles of this nature would undoubtedly occur in case the labor employed is from the ranks of the West Indian negroes, or even of the negroes from our own country, for either is naturally a turbulent element, and for its turbulence there would be no lack of encouragement on the Isthmus during the flush times of active canal work.

"THE COOLY A STEADY WORKER.

"Another thing which inclines experts to favor the employment of coolies is their general tractability. It was the experience of the French that it was almost impossible to exercise control over other classes of laborers. The cooly works steadily, regularly, contentedly, and in his hours off, while an inveterate fantan player, is little addicted to boisterous living and excessive drinking. Exactly the reverse was found to be the case with other laborers during the period of French activity. The West Indian negroes were absolutely uncontrollable. They would work in their lazy, shiftless way, requiring the services of veritable taskmasters for overseers, and then in their hours off they would indulge in the wildest orgies.

"Night after night they would devote to dissipation in all the forms common on the Isthmus, gradually weakening their system until they were wholly unable to resist the approach of fatal disease. And then there were their regular seasons of idleness, during which all work stopped. The French practice was to pay on alternate Saturdays, and the major portion of the pay roll was computed on the basis of piecework. Early on Friday afternoon before pay day these negroes would invariably quit work and, in anticipation of receiving their biweekly wages, begin drinking. On Saturdays, when the money was handed over to them, there was no work at all.

"On Monday a few who had quickly exhausted their store of cash would straggle back to work. Tuesday a few more would appear, but not until Wednesday would the work be in full swing again, the intervening days having been spent by the great majority in drunken revelry, totally unfitting them to return even on Wednesday to render full and efficient service.

"No such difficulty as this, which we should have to expect with the West Indian negroes employed, would be experienced with cooly labor. The coolies place too much value on money and are naturally too provident to deplete their earnings on account of lost time.

"LABOR MUST BE DEPORTED.

"The last argument advanced by the champions of cooly labor is one we must not overlook. An immense population will be brought to the Isthmus and maintained here during the eight or ten years that will be covered by the construction work. When that work shall have been completed it will be necessary for us to reduce the local population by removing the greater number of these laborers. With the canal in operation the railroad traffic will drop to almost nothing, and there will be scant opportunity for any body of laborers, beside that the native population will be able to provide, to find employment. We must, therefore, contemplate the necessity of expatriating this labor after its usefulness has departed.

"Some of the laborers will, if West Indian negroes are employed, go into the wilderness, take up claims, and settle down to be self-supporting citizens of the Republic. Our experience with the greater number would, however, almost inevitably be the experience of the French—an experience which has crowded the line of the Isthmus with an idle, dissolute horde that contributes nothing whatever to the productivity of the country.

"Should coolies be employed we could make it a stipulation of the contracts under which they would be brought here that upon the completion of the canal the survivors should be returned to China; nor would we encounter any serious trouble or resistance from the coolies when it came to the task of deporting them. With the West Indian negroes deportation would be a practical impossibility, and the ultimate effect of their employment would be to burden the isthmian Republic with a population of no earthly account in the long run.

"Such are the general aspects of the labor problem as it will be presented by the ratification of the canal treaty. This problem we shall have to face the moment that treaty becomes operative and our interests assume a vested nature. The advantages to result from the employment of cooly labor are as positive as are the disadvantages that would follow the engagement of any other class of workers. The patent inability of our Government to use either Caucasian or negro laborers from the States on the actual work of excavation places the cooly proposition in a light entirely different from that in which it appears when the consideration is one of Chinamen going to the States.

"Without, therefore, in any way compromising the stand it has taken on the question of excluding the Chinese from our own country, our Government should sit down very hard upon the suggestion that this new Republic pass a Chinese-exclusion act. This might as well be done now as at any time, for even if we should start out with another idea, we shall sooner or later be driven to realization of the fact that the cooly alone can solve the labor problem, as it will appear in the construction of the canal."

And that said committee will consider and report such other facts relating to this inquiry that they may ascertain and may consider important and reliable.

And, in view of the provisions of the Hay-Varilla treaty, now pending in the Senate, that said committee will report to the Senate their conclusions and recommendations as to any measure that is necessary for the proper government of the canal zone proposed to be established by said treaty, and the region adjacent thereto, and any other part of the State of Panama, in respect of the improvement and future security of the health of said canal zone, and the persons to be employed therein by the United States, or by any contractor on said canal.

And that said committee consider and report especially as to such measures as the health and sanitary conditions of said canal zone as are necessary to provide for the regulation of immigration thereto, or the temporary residence therein, of persons whose presence there or in the country adjacent thereto, and in the cities of Panama and Colon, will endanger the health of the soldiers, marines, and seamen that it may be found necessary to employ in and about said canal zone; and what powers of government will be needed and will be adequate for the regulation or protection of intemperance, gambling, and violence, or other vices in said zone, and for the compulsory removal of persons engaged in or addicted to such violations of law and morals; and as are necessary to prevent their access to such canal zone, or to any place in the Republic of Panama where our military or police forces, or the laborers on the proposed canal may be employed in connection with its construction, or in connection with the Panama Railroad.

During the reading of the foregoing resolution,

Mr. HOPKINS. Mr. President, I suggest that the subject-matter of that resolution would carry it to the Committee on Interoceanic Canals, but if there is any doubt about that question I should like to have the resolution lie over until the chairman of that committee is present.

Mr. MORGAN. The reading of the resolution has not been completed, Mr. President.

Mr. HOPKINS. I beg pardon of the Senator, I thought the reading had been concluded.

The Secretary resumed and concluded the reading of the resolution.

Mr. MORGAN. I ask that the resolution be printed and go over until to-morrow.

The PRESIDENT pro tempore. The resolution will be printed and go over.

REPUBLICS OF NICARAGUA AND COSTA RICA.

The PRESIDENT pro tempore. Are there further resolutions, concurrent or other? If not, the morning business is concluded, and the Chair lays before the Senate a resolution, to which he calls the attention of the Senator from Alabama [Mr. MORGAN].

The SECRETARY. Senate concurrent resolution No. 32, submitted by Mr. MORGAN January 11, 1904, declaring it to be the duty of the United States to open negotiations with the Governments of Nicaragua and Costa Rica as required under the act of June 28, 1902, providing for the construction of an interoceanic canal.

Mr. MORGAN. That resolution, Mr. President, has been substituted by one of a later date, which has been referred to the Committee on Foreign Relations. I therefore withdraw the resolution.

The PRESIDENT pro tempore. The resolution is withdrawn.

RELATIONS WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution submitted by the Senator from Georgia [Mr. BACON] on the 12th instant, which will be stated.

The SECRETARY. Senate resolution 82, informing the President that the Senate favor and advise the negotiation of a treaty with the Republic of Colombia to satisfactorily determine and adjust all differences between the United States and Colombia growing out of the recent revolution in Panama, etc.

Mr. BACON. Mr. President, by the courtesy of the Senate, on account of my necessary absence from the Chamber for some time past, that resolution has been permitted to lie upon the table subject, I understood, to my call. I desire to say that if my physical condition to-morrow shall permit, I will ask the leave of the Senate to address to it some remarks relative to the resolution.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent that the resolution lie on the table, subject to his call?

Mr. BACON. Yes, sir.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order is made.

CORRESPONDENCE WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution heretofore submitted by the Senator from Virginia [Mr. DANIEL], which will be read.

The Secretary read the resolution submitted by Mr. DANIEL on the 12th instant, as follows:

Resolved by the Senate, That the President of the United States be, and he is hereby, requested, if in his opinion consistent with the public interest, to transmit to the Senate all correspondence between the Secretary of State and the representatives of the Government of Colombia which has taken place concerning our relations with that country since the revolution of November 4 in Panama and which has not been heretofore transmitted.

Mr. SIMMONS. Mr. President, I desire to make some remarks on that resolution.

The PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. SIMMONS. Mr. President, it is my purpose in the remarks which I shall submit upon the pending resolutions to make a statement of the facts of this Panama situation as I see them and my conclusions drawn from those facts.

When the Fifty-seventh Congress met there was an apparently universal demand coming from all parts of the country for the construction of the canal by the Nicaraguan route. The national conventions of both parties had declared for that route. The Canal Commission had unanimously reported in its favor, and the alternative route by way of the Isthmus of Panama, on account of the exorbitant, if not impossible, price asked by the Panama Canal Company for its concessions, had, so far as the public mind and sentiment of the country were concerned, been eliminated from discussion and consideration.

In these conditions the Panama Canal Company, realizing that its only chance of selling its property on the Isthmus to this Government, its only possible purchaser, was about to be lost, reduced its demand from one hundred and nine to forty millions of dollars. Thereupon the Canal Commission was promptly reconvened and changed its recommendation from a unanimous report in favor of the Nicaragua to a unanimous report in favor of tLe Panama route.

As the result of this changed situation the old controversy between the two routes, which had slumbered for years, was revived and reopened, and the relative merits of the two routes again became the subject of earnest investigation and heated discussion. The discussion in this Chamber was long and exhaustive. Every phase of the question was debated. In consequence of this debate and the discussions through the press and by the people there occurred one of the most remarkable changes in public sentiment ever witnessed in this country. The Senate, following the recommendation of the Canal Commission, adopted the so-called Spooner Act, expressing its preference for the Panama route.

The House, which had already passed a bill authorizing the construction of the canal by the Nicaraguan route, reversed itself and followed the footsteps of the Senate, and the people acquiesced, as is shown by the fact that in States where the demand for the Nicaraguan route was once the strongest, notwithstanding their disapproval of the methods by which the Hay-Varilla treaty was made possible, the people are now demanding that that treaty shall be ratified.

I will not undertake to say what arguments, or reasons, or facts, in addition to the reduction by the canal company of its price, and the demonstrated feasibility of the Panama route, brought about this sudden and extraordinary change of opinion.

It may have been the fact that a canal by the Panama route may be made a sea-level canal, while a sea-level canal can never be constructed by the Nicaragua route.

It may have been the fact that it will require two nights and a whole day for a ship to pass through a canal at Nicaragua, while a ship can enter and pass out of a canal by the Panama route within the light of a single day. For the purpose of this statement and argument, suffice it to say that this change was not brought about by artifice or trickery, but that it was undoubtedly the result of a real change of opinion respecting the relative merits of these two routes.

In view, Mr. President, of these circumstances, in reaching a right conclusion as to the duties of the President under the Spooner Act, in locating the canal, the preference expressed in that act for the Panama over the Nicaragua route can not be considered as a mere perfunctory declaration by Congress or by the people. Undoubtedly the lawmakers by that declaration of preference meant more than simply to say to the President, as between the two routes, "While we somewhat prefer the Panama route, it does not matter much which you select so we get the canal, and get it quickly."

On the contrary, Mr. President, they meant to say to him, and to say it with unmistakable emphasis: "Panama is decidedly the best route. We have selected it after long and mature consideration. We therefore direct you to construct the canal by that route, if possible to acquire title thereto within reasonable time." The circumstances antecedent to and contemporaneous with this expression of preference show that it was intended that this preference should be treated as vital, the only condition of defeasance being the failure to acquire title in reasonable time.

Manifestly, Mr. President, by "reasonable time," as used in this act, is not meant the reasonable time of the court-house. That phrase when used in litigation, in civil controversies and transactions between man and man has to do with the recurring terms of the courts and must be interpreted in the light of the universal principle of swift justice and its corollary, a speedy trial.

The phrase "reasonable time" used in connection with this great transaction, which considered in relation to the great transactions of the world to-day is easily the greatest, the consummation of which after half a century negotiation is still in the future in which all civilized mankind are profoundly interested, must be interpreted in view of the supreme importance of the subject-matter and the slowness with which nations move in matters of such high import.

So interpreted, I can not believe there was such lapse of "reasonable time" as would have made it the President's duty to turn to the alternative route designated in the statute. I think that no one will contend that the President should have abandoned hope—broken off negotiations and gone to Nicaragua—while the Colombian Congress was yet in session and in any manner whatever considering the treaty, and this did not happen, as I understand, until the latter part of October.

But, putting aside and out of consideration the fact that a call had then been issued for an early extra session of Congress, and putting aside and out of consideration the President's claim that he thought, in view of this fact, it was his duty to wait and refer the whole matter back to Congress, the President knew, as everyone knew, that Colombia really and earnestly wanted the canal; that, if anything, she was more anxious that it should be constructed across the Isthmus instead of Nicaragua than we ourselves. He knew that the secret motive of Colombia's tortuous and dilatory diplomacy toward the treaty was directed to coercing the canal company into paying her for consenting to the sale of its concessions to this Government. He knew that the property of that company would become utterly worthless if the canal went elsewhere, and in these circumstances he might reasonably have concluded that mutual interest in the spoils would bring these traffickers together, and that either Colombia, with the canal and ten millions at stake, would abate her demand against the canal company or the canal company, rather than lose its only possible purchaser, would yield to the demands of Colombia, and that in this manner and within "reasonable time" the way might be made clear to give effect to the preference expressed in the Spooner law for the isthmian route.

But, Mr. President, let me return to the recital of the facts of the case.

Some time during the month of March, 1903, the President presented to the Senate a convention known as the Hay-Herran treaty, duly signed by the accredited representatives of this Government and Colombia, granting to the United States, on certain conditions and terms not inconsistent with the Spooner law, an easement to build a canal across the Isthmus. That convention was ratified by the Senate, although if all the Senators who voted for the Nicaraguan route had voted against it, it would have failed of the two-thirds vote necessary for ratification.

I assume that those Senators who preferred the Nicaraguan route voted to ratify the Hay-Herran treaty not because they liked it, not because its terms were satisfactory to them, for to many of them some of these terms were notoriously objectionable, but because they thought it was their duty to aid the President in carrying out the law and will of the majority as it was written in that law. This convention was rejected by Colombia and for that reason became inoperative.

The President now presents to the Senate another treaty, known as the Hay-Varilla treaty, accomplishing the same purpose as the one with Colombia, which has already been ratified by the other contracting party, and therefore only needs our ratification to make it effective. With this ratification the hostile interests both in this country and abroad which have so often circumvented our efforts to secure a canal in the past, which perhaps brought to naught our recent negotiations at Bogota; which, if they had had sufficient time and warning, might have defeated the negotiation which eventuated in the treaty now under consideration; which, should we repudiate this treaty and go to Nicaragua, might indefinitely delay and ultimately defeat our necessary negotiations with that country or Costa Rica, one or both; which sought, with sinister designs, to lure us to Nicaragua when we were about to go to Panama, and which now, should we start to Nicaragua, would with like motive seek to lure us back to Panama; which, in divers and sundry ways, through many and long years, have succeeded in

confusing and dividing our councils and bringing to naught our negotiations for the construction of this great enterprise, will have finally met irretrievable defeat, and the last obstacle in the way of the accomplishment of the long-cherished aspirations of our people for a canal connecting the two oceans will have been removed.

Shall we refuse to ratify this treaty and enter again upon the long and weary struggle, with all its vexations, difficulties, and uncertainties?

Mr. President, I do not intend to discuss the provisions of this treaty. I am prohibited from doing that in open session of the Senate, but the treaty has been ordered published and I think it is not improper for me to say, generally, in passing that in nearly every way this treaty is much more favorable to the people of the United States than the one negotiated with Colombia and which we ratified, but which failed of ratification by the Congress of that country.

I have heard of no contention nor intimation that Panama did not have the legal right to make this treaty. Some question has been made about the authority of the President, under the Spooner Act, to make it on behalf of this Government, but none has been made, and, in my judgment, none can be made, to Panama's right in the premises, for when we recognized the independence of Panama, and shortly thereafter practically all of the other great nations of the world, including Nicaragua, her competitor for the canal, joined us in that recognition, whether that recognition was rightful or wrongful, whether in accordance with international law or in contravention of it, Panama became an independent and sovereign State, with all the rights and powers which sovereignty implies, including, of course, the treaty-making power.

But, Mr. President, the opponents of this treaty, admitting that it is highly favorable to us and that Panama is a free State possessed with full right to make it, still contend that it should not be ratified—first, because, they say, the President had no right under the Spooner Act to contract with Panama for the right of way across the Isthmus, the language of that law restricting his authority to negotiations for that purpose to Colombia; secondly, because, they say, the President unlawfully and in violation of our treaty obligations with Colombia incited and promoted the revolution in Panama, and recognized her independence in violation of the principles of international law.

Mr. President, I can not agree, in view of the present ownership by Panama of the territory to be acquired, with the contentions that the Spooner law does not confer upon the President full authority to acquire the right across the Isthmus from Panama. In the construction of every legislative act the intent of the lawmakers and the objects and purposes of the law furnish the rule for determining its meaning.

If it had been any part of the intention and purpose of the Spooner Act to indirectly confer a bounty upon Colombia by buying from her a "specific thing" at a greater price than its actual value, then the President undoubtedly would not have had, by virtue of the powers vested in him by this act, authority to buy that "specific thing" from another who had in the meantime succeeded to its ownership, because that would have contravened and defeated a material purpose of the law.

But it was no part of the purpose of the Spooner Act to confer a bounty upon Colombia; the sole object of that law was to authorize this Government to acquire the right of way to construct a canal across the Isthmus, and Colombia was named as the nation with which the President should negotiate for this right solely because at that time she was the owner of the territory over which we sought to acquire this right of way.

To deny to the President authority under this act to acquire this right of way from Panama, its present owner, would be to hold that the letter of the law respecting a nonessential is of more importance than its letter respecting its main object. It would be to defeat the main intention of the lawmakers, as well as the only object and purpose of the law itself. And in that event, Mr. President, who would be benefited; what object would be accomplished; what public policy would be promoted by this strained construction of that statute?

Surely we would not be benefited. Surely no policy of this country would be advanced, for we have declared our preference for the Panama route. Colombia would not be benefited, because she no longer owns the territory, and can not, therefore, cede it to us. The only effect, if this strained construction should prevail, would be to force the canal to Nicaragua, which would in turn defeat that provision of the act preferring Panama. Thus, in sticking to the letter of the law regarding a nonessential, not only the purpose, but one of the most important provisions of the law would be defeated.

If, however, the President had no authority to make this treaty under the Spooner Act, he unquestionably had that authority under his general power to negotiate treaties with foreign nations. Whether this treaty was made by the President under his general powers or by authority of the Spooner Act is immaterial, except as it affects the question of an appropriation to satisfy its money stipulations.

President McKinley, without legislative initiative, made the treaty of Paris, whereby Spain ceded to us the Philippine Islands for $20,000,000, and the appropriation was made afterwards. In this view it is simply a question of whether the appropriations provided in the Spooner Act would be available to satisfy the money stipulations of this treaty, and the doubt about that, if there be any, can be removed by amending that act by inserting Panama for Colombia wherever it appears.

I do not myself think there is any necessity for any amendment of that act. But to remove all possible question of doubt I had hoped that an amendment to this effect would be made before the vote on the treaty was taken, although I presume it would answer the purpose if done afterwards. I suppose such an amendment would meet with no serious opposition anywhere.

I do not think, therefore, Mr. President, that the Hay-Varilla treaty can be assailed on the ground of lack of power in the President to contract as he has contracted in this treaty with Panama. Neither do I think what the President may have done so far as present information discloses in connection with the revolution in or the recognition of Panama is sufficient reason, in law or in conscience, for the defeat of this treaty, otherwise altogether satisfactory.

I do not want nor do I intend to discuss this treaty from a partisan standpoint. The people have made the canal a nonpartisan question, and we should not drag it into politics.

On this side of the Chamber we have not made it a partisan question. We will vote on it according to our individual judgment. If it has been brought into politics at all, that has been done by the other side of this Chamber, which is solidly lined up in favor of it. Therefore the statement I am about to make I shall make in no partisan spirit, but simply as a statement of fact.

Mr. President, what has been done in Panama has been done, and it can not be undone. It was not done by the authority or under the auspices of the Democratic party, neither could that party have prevented its doing, and therefore it is in no way responsible for its doing. If what has been done in Panama can be undone at all by this Government, it can only be undone by doing a greater wrong to Panama than has already been done to Colombia. Surely in any event the defeat of this treaty will not either undo or remedy that wrong.

I am not here, Mr. President, to defend the actions of the President, either in connection with the revolution in or recognition of the independence of Panama. There is much in his conduct in these connections of which I wholly disapprove, which I regard as improvident and unwise; as rash and dangerous to the peace and welfare of this country; as contrary to the traditional policy of this Government in its dealings with other nations, especially those on this hemisphere, and as not calculated to advance us in the affections and esteem of other nations.

I do not think, however, that everything the President did in these connections was wrong. From the bottom of my heart I would be glad, for the honor of my country I would be glad, if I could reconcile all of his acts in these connections with my notions of right and law, but I can not and be honest with myself.

When the revolution was announced to the world, it seemed to me that the President, to use the expressive term of the Senator from Maine [Mr. HALE], showed too much prevision, and I will add preparation for what that prevision enabled him to see would happen in Panama. But the President has assured us in a formal message to this Senate in the most emphatic manner that he did not, consciously and intentionally, in any way, direct or indirect, incite, encourage, or promote this revolution.

The fact, Mr. President, that as long ago as last August, when the Colombian Congress had begun to show an unfriendly disposition toward the treaty, there were mutterings of secession; that later, when it became apparent that the treaty would not be ratified, there were thinly veiled threats of separation uttered upon the very floors of the Colombian Congress, which later broke out into bold, open, and defiant threats of secession, both at Panama and at Bogota; the fact that there was at Panama, long anterior to the revolt, an organized band actively engaged in the organization of the insurrection; that these conspirators had, under the pretense of organizing a fire department, organized a military force of over 400 picked men in the city of Panama and arranged for the cooperation of the Colombian general and the forces under his command stationed in that city, as well as with the commander and the marines under him of one of the two Colombian gunboats then stationed in that harbor, tends to show that in their desperation the Isthmians, acting on their own initiative, had made up their minds to seek remedy for their wrongs in revolution.

It may be—in fact, it is almost certain—the Panaman conspirators knew what course this Government would pursue in the event of insurrection in the Isthmus and that they counted on

that action to make their revolution successful. If they had such information—and, as I said, I think they did—I do not know how they obtained it, but I can see how it might have been acquired without the actual or guilty knowledge or complicity of either the President or the Secretaries of State, War, or the Navy.

Such secrets are notoriously hard to keep. The possession of this information should not, in my judgment, be accepted as contradicting or discrediting the positive statement of the President. In entire deference to the views of others on this side of the Chamber who may differ with me in this opinion, I think that the statement of the President in this respect should be accepted, and for myself I do accept it. Undoubtedly the President knew of the forthcoming revolution in Panama, and so knowing it was his duty, in view of the imminence of insurrection there, to have on the ground a sufficient force to protect the lives and property of American citizens.

This he did; and if he had done no more than this he would have done no more than his duty under the law or the treaty. But, Mr. President, that was not all that he did, or ordered to be done, if necessary to carry out the purpose of those orders. In specific terms he ordered the commanders of our naval forces, both at Colon and at Panama, to prevent the landing of troops, including the troops of Colombia, not only upon the transit and at its termini, but anywhere in the Isthmus of Panama.

I admit that under the guaranty of neutrality contained in the treaty of 1846 it was not only the right but the duty of this Government to prevent interference or hostile military operation by any foreign nation everywhere upon the Isthmus. But we did not have the right, Mr. President, in my judgment, under any rational construction of that treaty, to prevent Colombia from landing and occupying the Isthmus and its waters with its naval and military forces for the purpose of suppressing domestic disorders or subduing her refractory and rebellious subjects.

We had the right and it was our duty, under that clause of the treaty, to say to Colombia, in the event of insurrection in Panama, "You must so order and conduct your necessary military operations as not to actually interrupt or embarrass the transit across the Isthmus;" and that I believe is the extent of our right to interfere with military operations conducted by her in enforcing obedience to her laws and sovereignty. We did not have the right to say to her, "You shall not conduct hostile operations at all along the transit," for it is unreasonable to suppose that Colombia intended by that treaty, in any contingency whatever, to part with her right to maintain her sovereignty anywhere on the Isthmus.

Therefore I can not escape the conclusion that when the President directed the commanders of our naval forces to prevent the landing of troops, including Colombian troops, with hostile intentions upon any part of the Isthmus, or within 50 miles of the transit, he exceeded our rights under the treaty.

It is no answer to this position to say that the President merely gave orders to this effect, and that as a matter of fact no Colombian troops were prevented by these orders from landing on the Isthmus with the purpose of suppressing rebellion. These orders were received by the persons to whom they were sent, and undoubtedly measures were taken by them to carry them into effect in case of necessity.

The purport of these orders and the intention of the commanders of our forces at Colon and Panama with respect to them must have manifested itself and become a matter of common knowledge, both at Bogota and on the Isthmus; and the known purpose of this Government to prevent the landing of Colombian troops, in case such landing should be attempted, no doubt had the effect of overawing and preventing any attempt on the part of Colombia to take such measures as she had a right to take and would otherwise probably have taken to suppress the insurrection.

If Colombia was intimidated and deterred by these orders of the President or the known attitude of this Government in the premises from attempting to land her forces and from taking such measures as she had a right to take, the effect was the same as if she had been forcibly prevented by us from asserting her rights in this behalf. Such orders and the resulting attitude of our commanders there, whether so intended or not, was an unauthorized interference on our part with her sovereignty, if not an act of war.

I admit that the recognition of belligerency or independence is an Executive act, which has always, so far as I know, been left by us to the executive branch of the Government. And the fact that it may involve us in war with friendly nations interposes no objection to its exclusive exercise by the Chief Executive. I admit, also, that in granting recognition it has been our practice to be governed by considerations of public policy; that is, that we have made our recognitions speedy, or we have procrastinated, as the one or the other course of action has been thought by us to be conducive to our national interest.

But whether our recognition has been hasty or tardy we have, always, heretofore, regarded it as a condition precedent to recognition that there should be a government, de facto at least, reasonably capable of maintaining itself.

The President in his message seems to admit this principle of international law, but he contends that Panama, on account of our treaty rights and duties and because he conceives that in the matter of the construction of a canal connecting the two oceans we have received a mandate from collective civilization, that Panama is excepted from its application.

This is a plea in confession and avoidance which, in my judgment, can not be admitted, but which when taken in connection with the statement in the President's message to the effect that when the Colombian Congress adjourned without ratifying the treaty, and before the revolution occurred in Panama, he was considering referring the whole matter to Congress for instruction whether he should proceed to construct the canal across the Isthmus without further authority from Colombia, shows not only an excess of zeal on his part for the canal, but a painful disregard of the rights of other nations.

I am bound to say, and I have no pleasure in saying it, that the course of the President, both in connection with the revolution in Panama and the recognition of its independence, was, to say the least, hasty, rash, improvident, and dangerous to the peace and welfare of this country, and justifies the feeling of many of his political friends as well as his political opponents that he lacks that conservatism which considerations of national stability and safety make necessary and desirable in the Chief Executive of the nation.

Mr. President, it is contended and vehemently asserted by some of the opponents of this treaty that a vote for its ratification is, under the circumstances, tantamount to condoning the action of the Administration, both as to the revolution and to the recognition. If I thought that, as favorable as I regard this treaty, as deeply important to us as is the immediate construction of the canal, and as vexatious as I am sure will be the delays in the commencement of that great work if this treaty should be defeated, I do not think I could vote for it.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from North Carolina yield to the Senator from South Carolina?

Mr. SIMMONS. Certainly.

Mr. TILLMAN. The Senator from North Carolina is too good a lawyer, I judge, not to know that it is good law that the receiver of stolen goods is as guilty as the man who steals them.

Mr. SIMMONS. Oh, I do not think the President has stolen anything over there. I do not think there is any question of stolen goods and thievery involved in this matter.

Mr. President, as I was about to say when interrupted by the Senator from South Carolina, if Senators, however much they desire the canal, believe that that will be the effect of a vote for this treaty, while I dissent from that conclusion, I can not and will not criticise their opposition to it and their refusal to support it.

To my mind, Mr. President, the revolution in and the recognition of Panama and the ratification of the treaty with Panama as an independent State are two separate and distinct propositions. And I think to refuse to ratify the treaty because we can not approve of the way in which Panama acquired her independence, would be to unnecessarily confuse these two separate propositions. Josh Billings said: "I never argue against a success." The great humorist probably only meant by this saying to emphasize the truth that it is hard to argue against a success.

Mr. President, if it is hard to argue against success, it is impossible to argue against a fact. You may deal effectively, you may even punish the agents and instrumentalities which have brought a fact into existence, but you can do nothing with the fact itself except to recognize it. No amount of disapproval, criticism or denunciation will destroy it or modify its existence as a subsisting thing.

I join my colleagues on this side of the Chamber in condemning whatever wrong the President and the Administration may have done in connection with bringing about the independence of Panama, but in my vote upon the treaty I propose to recognize and act upon the fact that Panama is an independent State, possessed of equal rights and powers to make this treaty as we ourselves possess, not only with our consent, but the practically unanimous consent of all the civilized nations of the world.

I do not suppose that many Democrats approved of the action of this Government in connection with the revolution and annexation of Hawaii. The charges made against the action in this matter of the Administration then in power were not far different from those now made against the President.

Surely it can not be said that those Democrats who voted to give Hawaii representation in the House of Representatives, and those who have before and since voted for laws to give to the

people of that island good government and administration, by those votes condoned the wrongful and illegal acts of this Government which led to and made successful that revolution and annexation. Certain it is they did not intend by those votes to condone these things, but only to recognize a subsisting fact and act upon it.

The same is true with reference to the acts of the Administration toward the Philippine Islands after we had wrested that country from the dominion of Spain. It was then said that we had used the power of the Army to take from these people, whom we had found fighting for country and liberty, not only their country, but their freedom, and that, too, in violation of our plighted faith to them and of the essential principles of our own Constitution, and that when they resisted we had forced them to submit at the point of the bayonet and the mouth of the cannon.

I confess that I felt this way about that business myself; but can it be said that those Democrats, who a few days ago voted for Mr. Luke Wright to be governor of the Philippine Islands, by that act condoned those acts of spoliations, usurpations, and outrages against the Constitution of our fathers and the laws of civilization? Certainly they did not intend to do any such thing. They intended only to recognize an accomplished fact and to make the best of it, and that is all that vote or any other vote to give to the people of those islands good laws and administration means.

The people of the South voted for the thirteenth, fourteenth, and sixteenth amendments to the Constitution of the United States, but they did not mean by those votes to indorse the war that had been waged against the South to prevent her withdrawing, as they thought she had a right to do, peacefully from the Union. They did not mean to indorse the forcible abolition of slavery. They simply recognized the fact that the sword had forever put an end to the right of slavery and secession in this country and to act upon these facts without approving the way in which they had been brought about.

Mr. President, to my mind, you might as well say that I can not administer on the estate of a dead man without approving of his death as to say that I can not act upon the admitted fact that Panama is an independent nation without approving of the means by which that independence was achieved.

Mr. President, I can not find it in my heart to blame the Panamaians for seceding from Colombia. If oppression, if tyranny, if despotism ever justified revolutions, they were justified in revolution. They were bound to a State which had never felt or shown any interest in them or in their welfare. They were forced to pay ruinous taxes with only nominal representation, without receiving in return any of the benefits of taxation in government or administration, in public improvements or in the education of the people.

The canal was their only hope for relief from the miserable and wretched conditions to which Colombia's greed and tyranny had reduced them, and even that the Government at Bogota denied them.

Perhaps their aspirations for freedom were wrong, but our forefathers under like conditions did not think so. Perhaps they should have submitted supinely to oppression, but our forefathers under similar conditions struck for liberty and with the help of France achieved it.

On the other hand, Mr. President, I can not enthuse over the alleged wrongs of Colombia. The treaty we made with her was of her own seeking. It was signed by her authorized agents, with full knowledge of its contents. It provided for the construction upon her own territory of the greatest work of internal and international improvement and development ever essayed by man.

By duplicity and treachery she defeated that treaty, not because she did not want the canal, and would not have gladly taken it upon the terms provided therein, but because she wanted in an indirect way to extort more money from us or the Panama Canal Company, or perhaps from both.

Her treachery toward Panama and toward us in this canal matter illustrates both her traditional policy toward Panama and her standard of diplomacy. In all of her history I know of nothing to excite the admiration of any humane man or any patriotic liberty-loving American citizen.

Mr. President, when I consider the wrongs Colombia has perpetrated against Panama, and when I consider this last great act of indifference to the welfare of that long-suffering people, the conclusion forces itself upon me that when Colombia lost the canal, when Panama succeeded in establishing her independence, the eternal principles of right and righteousness once again prevailed.

Mr. President, I shall vote for these several resolutions of inquiry, the general purpose of which is to place the Senate in possession of the same information when it votes upon the ratification of the treaty that the President had when he made the treaty. That is right. The construction of the canal is a matter of the greatest importance to all of our people. It is of supreme importance to the section from which I come.

The people of the State which I in part represent feel deeply concerned, not only in having the canal, but in securing it as speedily as possible. They are impatient of delays; they want to see negotiations ended and the work begun. They preferred the Nicaraguan route, but they do not think that the defeat of this treaty makes the canal at Nicaragua, either in the near or remote future, at all certain.

They see in its defeat only vexatious delays, dangerous procrastinations, and perhaps the ultimate defeat of their hopes. They do not wish to see this great enterprise become the football of partisan politics. They wish me to vote for this treaty if I can do so without violating my conscience. If for reasons of conscience I can not vote for it they will be sorely disappointed, but they will not condemn me.

I shall wait for the forthcoming of the information asked for in the pending resolutions. I shall hold my mind open until all the facts are laid before us. If they shall disclose a condition of things which, in my judgment, would make the ratification of this treaty improper or make it impossible for me to vote for it without doing violence to my conscience, I will not vote for it.

Mr. President, while, as I have tried to make plain, I have no sympathy with Colombia, I think she has suffered wrong at our hands, and I trust that some proper way may be found to compensate her in some way as far as it is possible for us to compensate her for these wrongs, and that the outcome of all this matter may be the speedy construction of the canal upon terms, not only satisfactory to us and to Panama, but reasonably so to Colombia; and I am glad the Democratic party has taken the initiative in bringing before Congress measures looking to that end.

REVOLUTION IN PANAMA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution which will be stated.

The SECRETARY. Senate resolution 84, by Mr. STONE, directing the Committee on Foreign Relations to ascertain whether Bunau-Varilla and others residing in the United States, etc., did aid an insurrection in Panama against the Republic of Colombia.

Mr. SPOONER. I move the reference of the resolution to the Committee on Foreign Relations.

Mr. GORMAN. The Senator from Missouri [Mr. STONE] is absent at this moment.

Mr. SPOONER. I have, of course, no desire to press the motion in his absence.

Mr. GORMAN. I trust the motion will not be pressed. The purport of the resolution is to require the Committee on Foreign Relations to make this investigation. The reasons therefor were very ably presented by the Senator from Missouri who offered the resolution. It is a matter which it strikes me must be determined by the Senate.

Mr. SPOONER. Is this the same resolution? I did not so understand it.

Mr. GORMAN. It is the Stone resolution, directing the Committee on Foreign Relations to make the investigation.

Mr. SPOONER. The resolution on which the Senator from Missouri [Mr. STONE] addressed the Senate yesterday I understood went to the table subject to his call later.

Mr. GORMAN. I may be wrong, but I ask the Secretary to kindly read the resolution and let us see what it is.

The PRESIDENT pro tempore. It is the resolution which the Senator from Missouri modified yesterday.

Mr. SPOONER. I did not so understand it as it was stated.

The PRESIDENT pro tempore. The original proposition of the Senator from Missouri was that it might lie on the table subject to his call. Then the docket shows, "January 26, modified," and it shows nothing further. Perhaps a fair construction would be that the modified resolution shall lie on the table subject to his call.

Mr. GORMAN. I trust it may be so considered.

Mr. SPOONER. Certainly. I did not suppose it was the same resolution.

Mr. GORMAN. It is the same resolution.

Mr. SPOONER. I remember the Senator from Missouri asked that it might lie on the table subject to his call.

Mr. GORMAN. That was the original resolution, but I trust that the Chair will hold that the same order applies to the modified resolution.

The PRESIDENT pro tempore. The Chair will consider that the resolution lies on the table subject to the call of the Senator from Missouri. Does the Senator from Wisconsin withdraw the motion to refer?

Mr. SPOONER. My motion can go with it.

The PRESIDENT pro tempore. Yes; the motion can go with the resolution.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be stated.

The SECRETARY. A resolution by Mr. PATTERSON, calling on the Interstate Commerce Commission to send to the Senate copies of all petitions, etc., received relative to relieving common carriers by railroad from any of the provisions of safety-appliance acts, etc.

Mr. PATTERSON. Mr. President, I have an understanding with one or two Senators that I would not call up the resolution unless they were here. Neither of the Senators to whom I made the promise is present. So I hope the resolution will go to the Calendar, subject to call by me.

The PRESIDENT pro tempore. The Senator means that it shall go to the table subject to his call?

Mr. PATTERSON. Yes; let it go to the table.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado that the resolution shall lie on the table subject to his call? The Chair hears none, and that order is made.

RELATIONS WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be stated.

The SECRETARY. Senate resolution No. 88, by Mr. HALE, requesting the President to tender his best offices toward the adjustment of differences between Colombia and Panama.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. This was to accompany the resolution offered by the Senator from Georgia [Mr. BACON] and is supposed to be offered as a substitute for it. The Senator from Georgia yesterday had his resolution laid on the table subject to call. If there be no objection the resolution will be regarded by the Chair as laid on the table, subject to call.

POST-OFFICE DEPARTMENT INVESTIGATION.

Mr. GORMAN. I request that all of the resolutions relating to the investigation of the Post-Office Department may be taken up and referred. We have agreed on all sides (and I understand that no further debate is desired in the Senate on them) that they shall be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore. They have all been referred to the Committee on Post-Offices and Post-Roads, together with the pending amendments.

Mr. GORMAN. I am very glad to hear it. I was not aware of it.

PAWNEE INDIAN SCHOOL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be stated.

The SECRETARY. Senate resolution 93, by Mr. CARMACK, directing the Secretary of the Interior to transmit to the Senate the originals or copies of all charges, etc., relating to the superintendent and other employees of the Pawnee Indian School.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution, submitted by Mr. CARMACK on the 15th instant, was agreed to, as follows:

Resolved, That the Secretary of the Interior be, and hereby is, directed to transmit forthwith to the Senate the originals or copies of all charges, reports, and other documents on file in his Department relating to the superintendent and other employees of the Pawnee Indian School, Pawnee, Okla., together with such other information as will show the action of his Department in relation to such superintendent during the twelve months last past.

RELATIONS WITH NEW GRANADA OR COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution which will be stated.

The SECRETARY. Senate resolution 102, by Mr. NEWLANDS, requesting the President to negotiate a new treaty with the United States of Colombia providing for the cession of all rights it may claim to have in connection with the Isthmus of Panama or the treaty of 1846.

Mr. GORMAN. I ask that this resolution may go over also.

Mr. SPOONER. Let it go over, Mr. President.

The PRESIDENT pro tempore. The Senator from Maryland asks unanimous consent that the resolution shall go over without prejudice. The Chair hears no objection.

DIPLOMATIC CORRESPONDENCE RELATIVE TO PANAMA, ETC.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution which will be stated.

The SECRETARY. Senate resolution 104, by Mr. CULBERSON, requesting the President to inform the Senate whether all the correspondence, etc., between the Department of State and the legation of the United States at Bogota, etc., has been sent to the Senate.

The PRESIDENT pro tempore. The Senator from Texas [Mr. CULBERSON], as he was to be necessarily absent from the Chamber, asked the Chair that this resolution might go over without prejudice.

Mr. GORMAN. Subject to his call?

The PRESIDENT pro tempore. No; that it shall remain on the table without prejudice. That would leave it in its present condition.

Mr. TILLMAN. To come up in the morning.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas? The Chair hears none, and that order is made.

MEMORIAL OF BATTLE AT POINT PLEASANT, W. VA.

Mr. SCOTT. I ask unanimous consent to have taken up out of its order the bill (S. 792) to authorize the erection of a monument at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774.

The PRESIDENT pro tempore. The bill will be read to the Senate in full for its information.

The SECRETARY. The Committee on the Library report to amend the bill by striking out all after the enacting clause and substituting the following:

That the sum of $10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, to aid in the erection and completion of a monument or memorial at Point Pleasant, West Virginia, to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774: *Provided*, That no part of said appropriation shall be expended until the site and plans for said monument or memorial shall be approved by the Secretary of War, and the grounds on which said monument or memorial is to be located shall be dedicated to the use of the public, and provision is made for opening and maintaining an open highway thereto.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to aid in the erection of a monument or memorial at Point Pleasant, West Virginia, to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774."

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his Secretaries, announced that the President had on the 23d instant approved and signed the following acts:

An act (S. 6) granting a pension to Cora M. Converse;

An act (S. 7) granting an increase of pension to Alfred Woodman;

An act (S. 8) granting an increase of pension to Perry Kittredge;

An act (S. 11) granting a pension to John L. Sullivan;

An act (S. 65) granting an increase of pension to Charles R. Allen;

An act (S. 112) granting an increase of pension to Henry G. Hammond;

An act (S. 172) granting an increase of pension to Elizabeth McClaren;

An act (S. 338) granting an increase of pension to Jane M. Watt;

An act (S. 339) granting an increase of pension to Ebenezer H. Richardson;

An act (S. 367) granting an increase of pension to George W. Richardson;

An act (S. 1604) granting an increase of pension to Mary A. Bishop;

An act (S. 1652) granting an increase of pension to Minerva A. McMillan;

An act (S. 1704) granting an increase of pension to Lucretia Ritchhart;

An act (S. 1755) granting an increase of pension to Thomas Banks;

An act (S. 1756) granting an increase of pension to Zebedee M. Cushman;

An act (S. 1772) granting an increase of pension to Louise K. Bard;

An act (S. 1819) granting an increase of pension to Charles P. Skinner;

An act (S. 1832) granting an increase of pension to George W. Herron;

An act (S. 1913) granting an increase of pension to Lorenzo E. Harrison;

An act (S. 1929) granting an increase of pension to George W. Spahr;

An act (S. 1952) granting an increase of pension to John Monahan;

An act (S. 1984) granting an increase of pension to Levi Roberts;

An act (S. 1985) granting an increase of pension to Jonathan Hites;

An act (S. 2078) granting an increase of pension to Hampton C. Watson;

An act (S. 2125) granting an increase of pension to Marcus T. Caswell;

An act (S. 2218) granting an increase of pension to Amanda B. Tisdel; and

An act (S. 1496) supplemental to the act of February 9, 1821, incorporating the Columbian College in the District of Columbia, and the acts amendatory thereof.

The message also announced that the President of the United States had on the 25th instant approved and signed the following acts and joint resolution:

An act (S. 465) to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896;

An act (S. 652) making Chester, Pa., a subport of entry; and

A joint resolution (S. R. 31) authorizing the erection and maintenance of a monument in memory of the late President Benjamin Harrison, upon land owned by the United States in the city of Indianapolis, State of Indiana.

The message further announced that the President of the United States had on this day approved the joint resolution (S. R. 32) to fill vacancies in the Board of Regents of the Smithsonian Institution.

ALASKA SALMON COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read and referred to the Committee on Fisheries, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of Commerce and Labor submitting a preliminary report of the Alaska Salmon Commission, appointed in accordance with the instructions in my letter of November 8, 1902.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 27, 1904.*

NOTE.—The report accompanied a similar message to the House of Representatives.

A. R. CRUZEN.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

In response to the resolution of the Senate of January 18, 1904, requesting the President, "if not in his opinion incompatible with the public interest, to inform the Senate whether any report has been made to the Treasury Department by L. Cullom, special agent of the Treasury, with respect to the conduct of A. R. Cruzen, collector of customs in Porto Rico, and if so, to transmit the same to the Senate with a statement of what action, if any, has been taken thereon," I send herewith the accompanying letter from the Secretary of the Treasury. For the reasons therein given I deem it incompatible with the public interest to forward the report by the special agent of the Treasury in question.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 27, 1904.*

Mr. BATE. My colleague [Mr. CARMACK], who offered the resolution, is not in the Chamber. I do not know what disposition he would desire to have made of the message. He was here a minute ago. I have sent for him.

The PRESIDENT pro tempore. The message will be printed and lie on the table.

Mr. BATE. Very well.

NATIONAL APPALACHIAN FOREST RESERVE.

The PRESIDENT pro tempore. The Chair lays before the Senate the Calendar of General Orders.

The bill (S. 887) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," was announced as first in order on the Calendar.

Mr. COCKRELL. The Senator in charge of that bill is absent, and the Senator from Colorado [Mr. TELLER] also specially requested that it should be passed over without losing its place.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri, that the bill be passed over for the present without prejudice? The Chair hears none.

RELIEF OF CERTAIN SETTLERS.

Mr. MITCHELL. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 278.

Mr. COCKRELL. Let us go on with the Calendar regularly for a little while and then we can take up that bill.

Mr. MITCHELL. I hope the Senator will not object to my request. After this bill is passed I shall consent to the course he suggests. A similar bill has passed the Senate two or three times heretofore.

Mr. COCKRELL. Let us see what it is.

The SECRETARY. A bill (S. 278) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands."

The PRESIDENT pro tempore. The bill will be read to the Senate in full.

The Secretary proceeded to read the bill.

Mr. MITCHELL. I have been advised by the Senator from Arkansas [Mr. BERRY], who is a member of the Committee on Public Lands, that he would like to look into the bill. I supposed the report was unanimous, but he tells me he was not present when it was considered, so I ask that the bill may go over.

Mr. SPOONER. Is there a printed report?

Mr. MITCHELL. There is.

Mr. SPOONER. It is not in my file.

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. MITCHELL. Without prejudice.

RELIEF OF CERTAIN DESERT-LAND ENTRYMEN.

The bill (S. 147) for the relief of persons who made the first payment for desert lands under the act of March 3, 1877, but who were unable to perfect entry thereof, was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT pro tempore. The bill was considered yesterday, and is before the Senate as in Committee of the Whole and open to amendment.

Mr. BERRY. Mr. President, I wish to move an amendment to the bill. On page 2 of the bill, line 1, after the word "thereof," I move to insert the words "where the claim has not been assigned." Further along I move to strike out, in line 3, the words "or assigns," and to strike out, beginning after the word "aforesaid," in line 5, down to line 8, including the word "repayment," and also to strike out the second proviso, beginning in line 11.

The PRESIDENT pro tempore. The Senator from Arkansas moves an amendment which will be stated.

The SECRETARY. On page 2, line 1, after the word "thereof," insert the words "where the claim has not been assigned."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. WARREN. Mr. President, while I agree with what I think the Senator from Arkansas wishes to accomplish—i. e., avoid paying fraudulent claims—yet I want to call his attention to one feature of the case.

The original act, in contradistinction, perhaps, with others, seemed to be based upon the expectation of assignment in many cases, and the equity in such cases is often with the assignee. I wish to call the Senator's attention to the fact that none of these claims will be paid unless the Department is satisfied that they are legal and proper, and, of course, they have proofs as to every case on file in the Department.

Take a case where an assignment was properly made. The party has proceeded under it and expended his money, but is debarred from title on account of something beyond his control. Then I assume the Senator would not care that such an assignee, who proceeded in good faith, should lose his money just from the bare fact that he was an assignee, and properly so, under the law.

All these entries and proofs offered are matters of record. Not a case has been refused by the land offices without assigning the reasons therefor.

Mr. BERRY. Mr. President, the bill, as I stated yesterday, is not in its entirety a bill that I think appeals very strongly to either the sense of justice or equity which ought to control the Senate. Nevertheless, I would not have so much objection to refunding to the original entryman or his heirs, where he is dead, who had made no assignment, who had been prevented, and without fraud on his part, from consummating his entry. I would have no special objection to the money that he paid into the Treasury, 25 cents per acre, being refunded to him or to his heirs. But where he made an assignment, he, of course, can have no claim, because the assignee no doubt paid him the amount of 25 cents an acre and in many cases perhaps more than that. Therefore, he could have no claim whatever where he had assigned the claim.

Mr. MITCHELL. Will the Senator from Arkansas allow me a moment?

Mr. BERRY. Certainly.

Mr. MITCHELL. I wish to call the attention of the Senator from Arkansas to the fact that neither the chairman of the Committee on Public Lands [Mr. HANSBROUGH] nor the Senator from Wyoming [Mr. CLARK], also a member of the committee who reported this bill, is present. It seems to me that the measure ought not to be proceeded with in their absence. I submit it to the consideration of the Senate.

Mr. BERRY. I will say to the Senator that the bill was discussed something like an hour yesterday, the Senator from Wyoming [Mr. WARREN], who sits on my right, seeming to be in charge of the bill. If anyone desires, the bill may go over. It has come up on regular call. I am not pressing the matter. But I would like to conclude what I was saying and then the Senate can take such action as it chooses. I have not called it up. It came up in regular order. The Senator from Wyoming made no objection on account of the absence of his colleague, and, of course, I could not object.

Mr. President, I have already stated that where the original entryman made an assignment he could have, of course, no claim, because he was paid back his money by the party to whom he assigned.

Now, where some one else purchased his right, went into the market, made the contract with him, he certainly can have no claim against this Government. He bought the land from the other party upon the theory that it would pay him to buy it and that it was a matter to his interest. If he failed in that, if he was mistaken, if he was unable from any cause to carry out the provisions of the law and make the balance of the payments, certainly the assignee, I think, has no claim, either legal or equitable, against the Government that it should be paid back to him.

If the amendments I have offered prevail, then the bill will simply stand that where the original entryman made this entry, paid the Government 25 cents an acre, and was unable to carry out the provisions of the law, and there was no fraud or unlawful act upon his part, then, under the bill, he shall receive back his money. But I insist that the assignee has no kind of claim against this Government. He purchased it on speculation from the original entryman. If his speculation failed, he can not claim that it is the duty of the Government to pay him back money that he had never paid to the Government, but which he paid to another individual.

Now, that seems clear to my mind. I would not, as was charged by the Senator from Colorado [Mr. TELLER] yesterday, do the settlers in the West, or in any other part of this country, an injustice if I knew it, but it does seem utterly unreasonable that these assignees should be paid. How many of these claims they have collected, from whom they have purchased, or in whose hands they are I do not know; nor is it shown here how many of these claims there are, or probably will be, except by a general statement.

I insist, therefore, that before this bill is passed, if it is to be passed, it ought to be amended as I have suggested.

The Senator from Colorado [Mr. TELLER] yesterday said a great deal about these entries, and the hardships, etc., of settlers. He said something, in reply to what I had said, about men of wealth and corporations and combinations procuring others to take up lands and that then they would get the benefit of them. I am told, and the Secretary of the Interior so stated in his report a year ago, if not in the last, that thousands of acres have been procured in that way, by inducing persons to enter under the desert-land act, where there was never an attempt made even to put water upon the land; and in many cases individual cattle and sheep holders to-day own thousands of acres of land, procuring title from the Government, when the law was never complied with, and there was never any water put on the land, as the law required.

Of course those parties do not come under this bill, because they have title to the land, but I make this statement in answer to much that has been said by the Senator from Colorado. To-day the Secretary of the Interior says that the frauds which have been perpetrated in some of the Western States under the desert-land act, under the timber and stone act, and under the commutation clause of the homestead act are perfectly appalling.

The Senator from Montana [Mr. GIBSON], who made a report in favor of the repeal of these laws during the last Congress, recites case after case where lands have been procured from this Government by the means which I have named, and where thousands of acres are held by single individuals or by corporations, upon which they are grazing sheep and cattle to-day, and the provisions of the desert-land act have never been complied with in a great many hundreds of those cases.

Mr. SPOONER. Mr. President, I move that the pending bill with the amendments be referred to the Committee on Public Lands. I make this motion for the reason, mainly, that I am unwilling to vote for a measure involving an appropriation of a million dollars possibly, but of a quarter of a million dollars anyway, without some report from the Department of the Government which is charged with the administration of the affairs out of which the liability grows. I think this bill should be accompanied by a report of the Secretary of the Interior, and it should doubtless also be accompanied by a report from the Commissioner of the General Land Office, a very able man, who comes from the far West and who has had experience and observation of the class of cases which are covered by this bill. There is more than one class of cases covered by it.

How many Senators here know anything about what this bill carries in the way of appropriations or the distinction in merit between the two classes of cases, or the three or four classes; between language which will protect a man who, perhaps we all might say, ought to be protected and the speculator, the trafficker? I have listened to the debate and I can not tell, though it may be because of my dullness.

I now make this motion, and I shall generally make it in matters of this kind. I think such bills, where they involve anything of consequence, ought to go to the proper Department for report to the Senate, so that we shall have the Government's side of the matter as well as the claimants' side of the matter.

Mr. WARREN. Mr. President, I do not wish to antagonize the motion made by the Senator from Wisconsin [Mr. SPOONER], but I feel moved to say a word in connection with what the Senator from Arkansas [Mr. BERRY] has stated about confusion in the land laws.

The Senator, either purposely or not, has seemed to convey the idea that it was the desert-land law under which most of the fraudulent entries have been made and fraudulent practices had arisen. I think he will find, if he will reexamine the report of the Secretary of the Interior, to which he refers, that the same complaint is made as to all the land laws.

Mr. BERRY. I so stated, if the Senator will permit me.

Mr. WARREN. Very well. If the Senator so stated, as he says he did, what is he going to do about it? Is he going to say, because there have been some fraudulent proofs, and because there have been abuses of the law, that all of the land laws have been failures?

I should like to have him look for a moment at the country which is covered through the reclamation service under the desert-land law, see what it was before the desert-land law was passed and what it is now, and see what it has since contributed to the wealth of this nation. I contend that there is no law upon the statute book, aside from the original homestead law itself, which, as a whole, has been of as much benefit to this nation as the desert-land law. I know in my State and in the States of Idaho, Utah, Colorado, and others there would hardly have been enough reclaimed land to support one county in each State, perhaps, had it not been for this law. I know, and the Senator from Arkansas should know, the great progress there has been because of the operation of the desert-land law.

Now, as to the assignments, I will admit all the Senator says as to really fraudulent assignments. But there have been many other cases. For instance, I recall a town where there are probably fifteen hundred persons now living, a happy community. How came they there? Not many years ago it was as desolate a piece of land as existed in the State. There were a few public-spirited men who knew that water enough passed by it and that a large amount of money expended there would render available enough water to make that a large and valuable settlement. Half a dozen men clubbed together in the first instance, and later on a greater number contributed. Their own rights had been previously exhausted by desert-land claims, but there were others, some of whom wished to take desert-land claims, to go along with this aggregation, this association, and prove up upon their individual claims. There were still others who were willing to use their claim rights for the association, because they were living in the East and did not want to live upon the land, but were willing to help reclaim the waste places, and under the law they had the right to assign to somebody who could step into their places and go on. The men who went into it and entered first, six of them, expended from $30,000 to $50,000 apiece, which they have never since seen. Others expended smaller sums in trying to carry out the scheme of making the desert bloom and of locating there a happy colony.

Orders of the Department relating to proofs under the desert-land laws underwent so many changes that the original capital put in was all wiped out. The settlers had to go back and start anew.

Fortunately changes occurred which again brought the Department to a more liberal view of the matter. So we have there to-day some 75,000 acres of land under intense cultivation, producing great crops, cultivated by happy people; and yet, back of it all lies the wreck and ruin of several men—for the money they had invested was invested in just as good faith as though they had succeeded—because the Government, under various officials and orders, made it impossible for them to prove up.

Now, the suggestion of the Senator from Arkansas is to reimburse the original entry fee. That is good so far as it goes; but

there are a very great many of the assignees who should be treated with the same degree of liberality, because they were able to expend, and did expend at the time, much larger amounts of money than the usual first settlers could or would expend.

As to the matter of the recommitment of this bill, I am perfectly willing that it shall be recommitted, for this bill has not been sneaked in here against the wish and knowledge of the Interior Department. The Department was consulted regarding it, as were the members of the committee who have had it in charge. I have not the slightest objection to its recommitment for the purpose mentioned, although of course it will delay its passage and perhaps conduce to its defeat by reason of delay only. A precisely similar bill has been passed here three times while the same Senators who are now opposing it were members of this body. I also regret that it should not have had the earlier attention of the Senator from Arkansas, who is a member of the Committee on Public Lands, because that committee has favorably reported it three or more times, and never adversely.

Mr. SPOONER. I should like to inquire if the report of this bill has ever been accompanied by a report from the Interior Department?

Mr. WARREN. I think the report which is now before us is the only one that has come from the committee.

Mr. BERRY. Mr. President, I will say, in answer to the Senator from Wisconsin, that the matter was discussed in the Committee on Public Lands this morning. The clerk of the committee did not have time to make a very careful examination, but he stated that there was nothing on file with the committee to show that the Interior Department had ever made any report upon this bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wisconsin [Mr. SPOONER], to recommit the bill, with the pending amendments, to the Committee on Public Lands.

The motion was agreed to.

W. J. KOUNTZ.

The bill (S. 421) for the relief of W. J. Kountz was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to W. J. Kountz, his heirs or legal representatives, $12,487.14, that being the amount found due him by the Third Auditor, and approved by the Second Comptroller of the Treasury, on vouchers properly presented and on file, for services actually rendered by him in transporting troops and supplies on the Yellowstone River, under a contract dated March 12, 1878, between W. J. Kountz and the Quartermaster's Department of the United States Army, at St. Paul, Minn., but which was withheld by the accounting officers of the Government pending a suit by the United States to recover from said Kountz $22,845.51, from the payment of which sum he was released and discharged by act of Congress of February 19, 1895, and the order of the Secretary of War of March 24, 1897, carrying the act of Congress into effect.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SADIE THOME.

The bill (S. 1585) for the relief of Sadie Thome was considered as in Committee of the Whole.

Mr. GALLINGER. Mr. President, it strikes me that this bill is not in very good form. It has a preamble that can not be stricken out and leave the bill perfect in itself, and so I offer what I send to the desk as a substitute.

The PRESIDENT pro tempore. The amendment in the nature of a substitute submitted by the Senator from New Hampshire will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sadie Thome, the widow of S. W. Thome, late consul of the United States at Asuncion, Paraguay, South America, who died at his post of duty on the 19th day of March, 1897, the sum of $1,500, being the amount of salary for one year.

Mr. COCKRELL. That does not relieve it. The only way to relieve it is to let the bill be passed and then to strike out the preamble.

Mr. GALLINGER. That would not leave a perfect bill, I will say to the Senator, as he will see if he will read it.

Mr. COCKRELL. Then the Senator proposes to leave the preamble stand? When the Senator's substitute is agreed to the preamble will still be in the bill.

Mr. GALLINGER. Yes; but I shall move to strike that out later on.

Mr. COCKRELL. All right.

Mr. SPOONER. Mr. President, I want to say a word about this bill. I am not certain that I am opposed to it, and I dislike to say a word which seems adverse to a bill which proposes to give money to the widow of a consular officer; but is it to become the rule that whenever a consul or an officer of the United States dies in a foreign land in the diplomatic service at his post of duty his widow is to be given a year's salary? I want to ask the Senator who reported this bill if that is regarded by the committee as a proper rule to adopt in all cases, or whether there is some peculiarity about this case which would make it fairly an exception to the rule?

Mr. KEAN. For the information of the Senator, I will state that the Committee on Foreign Relations thought there was a peculiarity about this case, and they therefore ordered it to be reported favorably.

Mr. SPOONER. I was not present at the meeting when this bill was considered, though I am on the Committee on Foreign Relations.

Mr. PENROSE. I should like to state, for the information of the Senator from Wisconsin, that a bill similar to this has, I think, passed the Senate twice in preceding Congresses, and I understand it is the custom to pay the balance of a year's salary where a consul dies at his post of duty.

Mr. SPOONER. I have known of cases that were passed——

Mr. KEAN. If the Senator from Wisconsin will look at the letter of the Department of State, dated December 31, 1891, contained in the report of the committee, he will find a reference to the widows of consuls who have been paid in this way where the consuls have died at their posts of duty; but there have been very few instances of the kind.

Mr. SPOONER. Well, Mr. President, it will soon get to be a rule, and I think the Senate ought to consider whether it ought to become a rule.

Mr. WARREN. May I ask the Senator a question?

Mr. SPOONER. Yes.

Mr. WARREN. Does the Senator not think it would be a safe rule to adopt that, with the small salaries which this Government pays its consular agents, there might be some security to the widow and children, so that they might at least have money enough to get them home to the United States in case of the death of the consul?

Mr. SPOONER. Certainly; but how are you going to grade it as to salary?

Mr. WARREN. I want to ask, on the line of principle, if the Senator does not think that as a rule this Government ought at least to bring home its own, whether dead or living, from the consular service without regard to salary, in cases of the death of consuls while on duty abroad? The various cases may be considered as they come up, each by itself, for there is no general rule; but in this case there seems to be a modest sum appropriated—only a matter of $1,500.

Mr. SPOONER. It is a year's salary. They always begin with modest sums, but the amounts are gradually increased.

Mr. WARREN. Yes, and the time to stop it is when the sums get large.

Mr. SPOONER. When the sums get large we will not stop them. Precedent, precedent, precedent will be appealed to.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from New Hampshire [Mr. GALLINGER].

The amendment was agreed to.

Mr. PLATT of Connecticut. The precedents alluded to in the report do not seem to be uniform.

Mr. KEAN. Mr. President, if the Senator from Connecticut will read the letter from the Department of State, he will see the instances in which widows of consuls were paid. The cases cited at the beginning of the report refer to ministers who died at their posts.

Mr. PLATT of Connecticut. I wish, first, to read the very able report of the Senator from New Jersey [Mr. KEAN] citing the precedents. The first one is that of the widow of Bayard Taylor, who was paid $7,000, which, I think, was not a year's salary. The payment was made, the report says—

to compensate his estate for the extraordinary expenses and losses incurred by it in consequence of his death so soon after reaching his post.

That was a special case. Then—

The joint resolution approved July 28, 1882, gave to Mrs. Hurlbut, widow of General Hurlbut (Captain Phelps's immediate predecessor), General Hurlbut having died while minister to Peru, one year's salary and legal allowances, after necessary deductions of salary paid.

I suppose that was his salary for the balance of the year. The same action was taken in the case of Mrs. Kilpatrick, widow of General Kilpatrick, who died while minister to Chile.

The report then gives the case of Mrs. Garnet, as follows:

The joint resolution approved August 1, 1882, gave to Mrs. Garnet, widow of the Rev. Henry Highland Garnet, who died while minister to Liberia, one year's salary and legal allowances, after deducting the amount received up to his death. Mr. Garnet had only been in Liberia a few weeks.

That was similar to the case of Bayard Taylor. The report continues:

The deficiency bill approved March 3, 1883, gave to Mrs. Marsh, widow of George P. Marsh, esq., who died while minister to Italy, the balance of one year's salary.

Then:

The act approved December 23, 1884, gave to Mrs. Jane Venable, widow of William E. Venable, esq., who died as minister to Guatemala, the sum of $5,630.87, being the balance of one year's salary. In this case Mr. Venable was commissioned March 14, 1857, and died at Guatemala August 22 of that year, before presenting his credentials. Consequently the action of Congress dates twenty-seven years after the minister's death.

The next case cited in the report is as follows:

The deficiency bill approved March 3, 1885, gave to Mrs. Wing, widow of E. Rumsey Wing, esq., who died while minister to Ecuador, and to Mrs. Hunt, widow of William H. Hunt, esq., who died while minister to Russia, a sum equal to six months' salary in each case. Mr. Wing was commissioned minister-resident November 16, 1869. Shortly afterwards, however, Congress discontinued the mission to Ecuador.

Now, with regard to consuls. The letter of the Secretary of State, after a reference to Senate report No. 238 of the Forty-ninth Congress, first session, where a list of the diplomatic officers who died in the service and whose families have received various sums, from six months' salary to one year's compensation, says:

Since then Congress has provided for Mrs. Verona E. Pollock, widow of Alexander L. Pollock, who died while consul of the United States at San Salvador, the sum of $6,840, which included a claim for the loss of private property, and her late husband's compensation.

Then, on April 17, 1900, Congress provided—

for the payment to Mrs. Clare M. Ashby, widow of William W. Ashby, who was drowned while consul of the United States at Colon, the sum of $2,866, which represented the balance of one year's salary.

Again, in 1901—

Congress provided for the payment to Ella Lowery Moseley, widow of Robert E. Moseley, who died while consul-general at Singapore, a sum equal to three months' salary, or $750.

These are the only cases of payment of this nature to widows of consular officers that the Department recalls at present.

So that the precedents have not been uniform in the amount which has been paid.

As the Senator from Wisconsin [Mr. SPOONER] says, I think this bill becomes important from the fact that, if we pass it, it will be considered as setting a precedent for paying a year's salary to the widow of any consul who may die in the service.

Mr. President, why should we pay such sums to the widows of consuls and not pay them to the widows of other Government officials, wherever serving, whether in Washington or any of the States of our Republic? I know that we pay a year's salary to the widow of a Senator who dies; I know that we pay a sum equal to six months' salary to the widows of the officers of the Senate who die in the service, which sum is to include all the expenses of the funerals; but what is there about a consul's office which entitles his widow to a year's salary when he dies any more than that of an Auditor of the Treasury Department, a Cabinet officer, or one of the assistant secretaries?

Mr. BEVERIDGE. May I ask the Senator a question?

Mr. PLATT of Connecticut. Yes.

Mr. BEVERIDGE. If one of our ministers or ambassadors or any other officer of the diplomatic corps stationed abroad dies, is the salary of such officer for that year paid to his widow?

Mr. PLATT of Connecticut. In some cases that has been done by Congress. The practice, however, has not been uniform, I think.

Mr. CULLOM. It is not the rule.

Mr. BEVERIDGE. For example, the ambassador to Germany, I think, gets a salary of $17,500; and if he died his widow would be paid that amount. Is that the idea?

Mr. PLATT of Connecticut. It seems to me, Mr. President, we can not stop very well with consuls. A consul is an officer of no higher grade than a Cabinet officer, or an Assistant Secretary of one of the Departments, or a judge of the district court in the District of Columbia, or a United States attorney in any of the districts of the United States, or a district judge. I know that in one or two instances we have made appropriations for the widows of deceased officials. I remember we did make an appropriation in the case of Mrs. Miller, the widow of Justice Miller, of the Supreme Court, but if we pass this bill I do not see why the widow of every consul who may die at his post should not feel that she has a claim, under the practice of the Government, to one year's salary.

If in the case of a consul of the United States dying at his post a year's salary is to be paid to his widow, why should not the same practice be followed if the Commissioner of Pensions should die? Why would not his widow be entitled to the same favor, as well as the widow of the Commissioner of Education or of the Commissioner of Labor or of any of the Assistant Secretaries? The principle would be extended to cover the families of the deceased; and if the widows of the officers I have named are entitled to this bounty, why not the widow or family of every person employed in the service of the Government of the United States? Is there any reason why we should do this in the case of a consul dying at his post which does not apply with equal force to every person in the employment of the Government?

There has been a good deal of talk about a civil pension—that is, a pension for civil officers after having served the Government and having become too old to be efficient. But that proposition has not been carried out; and the appropriation carried in the bill under discussion is in the nature of a pension.

Right here I wish to speak of a matter which was suggested by the Senator from Pennsylvania [Mr. PENROSE]. He said this bill or similar bills had twice passed the Senate. I know that is so, Mr. President, but bills of this character pass the Senate without any consideration, without discussion, without question, usually in the hurry of business when there is no time for discussion. I do not think that action by the Senate settles the principle at all. I think, as the Senator from Wisconsin has said, it is a very grave question whether we ought, by passing this bill, to establish the principle that whenever a person in the service of the Government dies his widow is to receive a year's salary. I think there is no special reason in this case why the bill should be passed. If it were a bill to bring home the remains of a deceased consul——

Mr. GALLINGER. The Government always does that.

Mr. PLATT of Connecticut. I think that is already provided for by the Government. This bill is not to reimburse the widow for any expense connected with the bringing home of the remains or the funeral expenses; it is simply saying that where a consul dies away from this country his widow shall have a year's salary voted to her by Congress. I can not see why, if that is to be done, there should not be voted to the widow or family of every person holding office under the Government a year's salary.

Mr. GALLINGER. Mr. President, first I want to make a parliamentary inquiry, and that is as to whether it has not heretofore been the custom that in proceeding to the Calendar we have acted under Rule VIII, and not under Rule IX, so that we could take up unobjected cases?

The PRESIDENT pro tempore. When the Calendar is taken up before 2 o'clock, it is under Rule VIII; but when the Calendar of General Orders is taken up after 2 o'clock, it is under Rule IX.

Mr. GALLINGER. I have heretofore noticed that we have had two Calendars; that proceeding under Rule VIII certain objected cases went to the Calendar which was said to be under Rule IX, and I had thought our custom had been, regardless of the hour, to proceed under Rule VIII. If I am wrong, of course I submit.

Mr. HALE. It can easily be settled at any time by asking unanimous consent when we take up the Calendar that we proceed under Rule VIII.

Mr. GALLINGER. Yes.

Mr. HALE. That is the Calendar under which we pass a great many cases that are satisfactory to Senators. Under Rule IX we get the fighting cases.

Mr. GALLINGER. I had it in mind, if the ruling of the Chair should be against me, to ask unanimous consent now that we consider the Calendar under Rule VIII.

The PRESIDENT pro tempore. The Chair would be obliged to rule against the proposition of the Senator. If the Calendar was commenced at any time before 2 o'clock, the Chair would hold that it was under Rule VIII, with the limitations of debate and all that sort of thing, but when it reaches 2 o'clock and the Chair lays before the Senate the Calendar of General Orders, the Chair would rule then that it is proceeded with under the general rule of the Senate.

Mr. GALLINGER. Has the Chair ruled that unanimous consent can not be given that we proceed under Rule VIII?

The PRESIDENT pro tempore. Unanimous consent will do anything except amend the Constitution of the United States.

Mr. GALLINGER. Precisely. That is what I thought, Mr. President, and for that reason I now ask unanimous consent that we proceed under Rule VIII in the further consideration of the Calendar to-day.

The PRESIDENT pro tempore. Does the Senator intend to have it apply to the pending bill?

Mr. COCKRELL. Let it apply to everything.

Mr. GALLINGER. I should think so, sir. I am quite willing that this bill should go over.

I will say in this connection that I this morning introduced a bill to make an allowance of $1,500 to the widow of a consul who died recently, and who was from my own State. I do not believe in the principle at all, but if this bill is to be paid, I want the New Hampshire bill to be paid.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the further consideration of the Calendar to-day shall be under Rule VIII. Under Rule VIII there is a limitation of the time of debate; there is a limitation as to how many times a Senator may address himself to the same

question; there is also a provision that if objection is made the case must go over, unless on motion it is determined by the Senate that it shall be considered. If it is so considered, then the ordinary rules prevail and not the provisions of Rule VIII. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

Mr. COCKRELL. Let the bill which has been under consideration go over.

The PRESIDENT pro tempore. Objection being made, the bill will go over. When objection is made, a measure simply goes over, retaining its place.

Mr. COCKRELL. Certainly; retaining its place.

CERTIFICATION OF LAND OFFICE RECORDS.

The bill (S. 372) authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers was considered as in Committee of the Whole. It provides that copies of any patents, records, books, or papers in the General Land Office, authenticated by the seal and certified by the recorder of such Office, shall be evidence equally with the originals thereof, to the same force and effect as when certified by the Commissioner of that Office.

Mr. COCKRELL. I should like to ask the Senator in charge of the bill why it is necessary to dispense with the signature of the head of a bureau and simply allow the chief of a division practically to certify to official papers? I should like to know of some reason for it. Heretofore we have required the Commissioner of the General Land Office to certify. Now, here is the recorder, a chief of a division in the Land Office, who is to certify to papers with the same effect as if the Commissioner of the General Land Office had done it.

Mr. LODGE. The bill requires the certification by the Commissioner.

Mr. BEVERIDGE. No.

Mr. LODGE. I think it is a mistake in the bill.

Mr. COCKRELL. No; I think not. I think it is just the reverse.

Mr. LODGE. No; the bill says, in the last line—oh, yes; I see.

Mr. COCKRELL. It is to do away with the certification by the Commissioner.

Mr. LODGE. The Senator is correct.

Mr. COCKRELL. I do not think it ought to be agreed to. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. COCKRELL subsequently said: I wish to have the Senate recur to Senate bill 372. I requested that it might go over.

I find that it does not provide for the certification of all papers by this officer, but simply that he shall certify copies of patents which have already been issued and which are in the recorder's office. I find that the Commissioner of the General Land Office wants the bill to pass. That being the object of it, I think it ought to be passed.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESERVOIR RESERVATIONS.

The bill (S. 122) authorizing the Secretary of the Interior to restore to public entry lands embraced in whole or in part within segregations for reservoirs was considered as in Committee of the Whole. It provides that any or all of the lands heretofore included within reservations for reservoir purposes may, in the discretion of the Secretary, be thrown open to entry and settlement under the land laws as though such reservation had never been made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINOR COINS.

The bill (S. 903) providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins was considered as in Committee of the Whole.

Mr. BERRY. I should like to ask the Senator from Rhode Island whether the bill affects adversely or in any way the mint at New Orleans?

Mr. ALDRICH. Under the law as it now stands minor coins are coined only at the mint in Philadelphia. This proposes to extend the same privileges to the mints at New Orleans, San Francisco, and Denver.

Mr. BERRY. To New Orleans?

Mr. ALDRICH. To New Orleans; to give them privileges which they do not now have.

Mr. BERRY. I did not observe the word there, and I was not sure about it. Is it a unanimous report from the Committee on Finance?

Mr. ALDRICH. Yes.

The bill had been reported from the Committee on Finance with amendments. The first amendment of the Committee on Finance was, to insert after the enacting clause the following:

That sections 3528 and 3529 of the Revised Statutes be, and the same are hereby, amended so as to read as follows.

The amendment was agreed to.

The next amendment was, on page 1, line 6, before the word "that," to insert "Sec. 3528;" in line 10, after the word "may," to strike out "direct" and insert "designate, with the approval of the Secretary of the Treasury;" in line 11, after the word "transferred," to strike out "by the Secretary of the Treasury;" and on page 2, line 2, after the words "San Francisco," to insert "Denver;" so as to read:

SEC. 3528. That for the purchase of metal for the minor coinage authorized by this act a sum not exceeding $200,000 in lawful money of the United States shall, upon the recommendation of the Director of the Mint and in such sums as he may designate, with the approval of the Secretary of the Treasury, be transferred to the credit of the superintendents of the mints at Philadelphia, San Francisco, Denver, and New Orleans, at which establishments, until otherwise provided by law, such coinage shall be carried on, etc.

The amendment was agreed to.

The next amendment was, on page 2, line 19, to strike out "Sec. 2" and insert "Sec. 3529."

The amendment was agreed to.

The next amendment was, on page 3, after line 11, to strike out the following:

SEC. 3. That sections 29 and 30 of an act entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States," approved February 12, 1873, are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF NAPOLEON B. GIDDINGS.

The bill (S. 56) for the relief of the legal representatives of Napoleon B. Giddings was considered as in Committee of the Whole. It directs the Secretary of War to cause to be investigated the circumstances of the alleged taking from Napoleon B. Giddings, in January, 1847, at Santa Fe, N. Mex., and deposit with A. B. Dyer, lieutenant of ordnance, United States Army, by order of Sterling Price, colonel commanding the army in New Mexico at that time, of 140 kegs of gunpowder; and if the powder was never returned to Giddings, then the Secretary of the Treasury is authorized to cause to be paid to the legal representatives of Giddings the reasonable market value of the powder.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. E. SAVILLE.

The bill (S. 61) for the relief of M. E. Saville was considered as in Committee of the Whole. It directs the Secretary of War to cause to be investigated embezzlement of quartermaster and commissary funds and stores at Fort Gill, Okla., discovered while M. E. Saville, first lieutenant, Tenth Regiment United States Infantry, was quartermaster and commissary at that post; and if upon such examination the Secretary is satisfied that Saville exercised due diligence and care in the discharge of his duties he is directed to release and discharge Saville from any further liability.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SHIPPING BETWEEN UNITED STATES AND PHILIPPINE PORTS.

The bill (S. 2259) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes, was announced as the next business in order on the Calendar.

Mr. LODGE. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. It will go over.

RUDOLF HERBST.

The bill (S. 126) for the relief of Rudolf Herbst was considered as in Committee of the Whole. It directs the accounting officers of the Treasury to reopen the claim of Rudolf Herbst, as acting hospital steward of the United States Army and hospital steward of the First Montana Volunteer Infantry, and allow him the pay, allowances, and extra pay of a hospital steward from August 18, 1898, to the date of the muster out of the First Montana Volunteer Infantry, less the pay, allowances, and extra pay received by him for that period.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COUNTY OF WHITE PINE, NEV.

The bill (S. 1741) for the relief of the county of White Pine, State of Nevada, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the county of White Pine, Nev., $769.67, to reimburse the county for money expended in caring for certain Indians who contracted smallpox during the smallpox epidemic from February 26 to July 1, 1901.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUST OF GENERAL LAFAYETTE.

The joint resolution (S. R. 21) authorizing the purchase of a marble bust of General Lafayette, executed by David D'Angers, was considered as in Committee of the Whole. It proposes to appropriate the sum of $2,000 to enable the Joint Committee on the Library to purchase from Hawkins K. Jenkins, executor of the will of the late Dr. Gabriel F. Manigault, a marble bust of General Lafayette, executed by David D'Angers.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF HENRY WADSWORTH LONGFELLOW.

The joint resolution (S. R. 20) authorizing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow was considered as in Committee of the Whole. It proposes that the chairman of the Senate Committee on the Library, the chairman of the House Committee on the Library, and the Secretary of War shall be appointed a commission to select a site upon property belonging to the United States in the city of Washington, other than the Capitol or Library grounds, for the erection of a statue in bronze of the late Henry Wadsworth Longfellow, to be provided by the Longfellow Memorial Association.

For the preparation of the site so selected and the erection of a pedestal upon which to place the statue, etc., $4,000 is appropriated.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARKING OF GETTYSBURG BATTLEFIELD.

The bill (S. 2697) to amend an act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army was considered as in Committee or the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SECOND LIEUTENANTS, MARINE CORPS.

The bill (S. 2114) to fix the rank of certain officers in the Army was considered as in Committee of the Whole. It proposes that any second lieutenant of the United States Marine Corps who may have been appointed second lieutenant of artillery since the 2d day of February, 1901, shall, in determining his lineal and relative rank, be entitled to the same credit for prior commissioned service as a lieutenant of volunteers appointed under the act entitled "An act to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD L. DIETRICK.

The bill (S. 146) for the relief of Leonard L. Dietrick was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 12, after the word "Dietrick," to strike out "repaid" and insert "accounted for and paid;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leonard L. Dietrick, late first lieutenant, Thirty-fourth Infantry United States Volunteers, the sum of $120, said sum having been United States funds stolen from his safe at Penaranda, Nueva Ecija, P. I., at some time between December 3, 1900, and December 24, 1900, while he was acting commissary officer; and which sum the said Leonard L. Dietrick accounted for and paid to the proper officer of the United States from his own private funds.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COUNTY GOVERNMENT IN HAWAII.

The bill (S. 2400) to approve act No. 31 of the session of 1903 of the legislature of the Territory of Hawaii, approved April 22, 1903, entitled "An act providing for the organization and government of counties and districts, and the management and control of public works and public institutions therein," was announced as the next business in order on the Calendar.

Mr. HALE. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

REMOVAL OF DERELICTS.

The bill (S. 2263) to provide for the removal or destruction of derelicts was considered as in Committee of the Whole. It proposes that the President may detail any public vessel to remove or destroy any derelict from the course of vessels at sea. Any public vessel when so detailed shall be under the direction of the Secretary of Commerce and Labor.

One hundred and seventy-five thousand dollars is appropriated for the construction, under the direction of the Secretary of Commerce and Labor, of a steam vessel especially fitted for and adapted to the purpose of removing or destroying derelicts from the course of vessels at sea.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING STATION AT NOME, ALASKA.

The bill (S. 2692) to establish a life-saving station at Cape Nome, Alaska, was considered as in Committee of the Whole. It proposes to establish a life-saving station at Cape Nome, Alaska, at such point as the General Superintendent of the Life-Saving Service may recommend, the life-saving boats and apparatus placed there under the authority of the act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1902, to form a part of the equipment of said station.

Mr. PERKINS. I move to amend the bill by striking out, in line 4, before "Nome" the word "Cape."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a life-saving station at Nome, Alaska."

NATIONAL CEMETERY, PENSACOLA, FLA.

The bill (S. 619) making an appropriation for completing the construction of the road to the national cemetery near Pensacola, Fla., was considered as in Committee of the Whole. It proposes to appropriate $32,000 for the purpose of completing the construction of the roadway from Pensacola, Fla., to the national cemetery near that city.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELECTRIC LIGHT AT HONOLULU.

The bill (S. 2401) to approve a special act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the manufacture, distribution, and supply of electric light and power on the island of Oahu, Territory of Hawaii, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

REPUBLIC OF PANAMA.

The resolution, submitted by Mr. HOAR December 10, 1903, requesting the President to communicate to the Senate such facts as may be in his possession or in that of any of the Executive Departments as will show whether, at the time of the ratification of the treaty with the Republic of Panama, that province had successfully established its independence, etc., was announced as next in order.

Mr. GALLINGER. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will go over.

STATUE OF GEN. JAMES MILLER.

The bill (S. 1634) for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H., was considered as in Committee of the Whole. It proposes to appropriate $5,000 for the erection of a statue, in bronze or granite, to the memory of Gen. James Miller, the hero of Lundys Lane, at Peterboro, N. H., which sum shall be expended under the direction of the Secretary of War, or such officer as he may designate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. WESTON.

The bill (S. 2696) authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.60, etc., was considered as in Committee of the Whole. It proposes to pay to John F. Weston the sum of $241.60, being compensation for loss, in 1877, of his professional books and clothing while changing station, under orders, from the cantonment on Tongue River, Montana, to Helena, Mont., as captain and commissary of subsistence, United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER BOOK OF GEN. ARTHUR ST. CLAIR.

The joint resolution (S. R. 8) authorizing the Secretary of War to negotiate with John T. Dolan, of Portland, Oreg., for purchase of original manuscript copy of "Order book of Gen. Arthur St. Clair," was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The joint resolution goes over.

HEIRS OF JOSEPH W. ETHERIDGE AND JOHN M. RICHARDSON.

The bill (S. 468) for the relief of the widow and children of the late Joseph W. Etheridge and the widow of the late John M. Richardson was considered as in Committee of the Whole. It proposes to pay to the widow and children (in equal proportions) of the late Joseph W. Etheridge, late superintendent of the sixth life-saving district, who died February 15, 1893, from pneumonia, contracted by him from exposure in the line of his duty in the Life-Saving Service, a sum equal to two years' pay of a district superintendent of the Life-Saving Service, and to pay the same amount to the widow of the late John M. Richardson, late superintendent of the first life-saving district, who died the 13th day of June, 1896, from the effects of a trip of inspection through his district, in the line of his duty in the Life-Saving Service, made by him while in an enfeebled condition, against the advice of his physicians and at the cost of his life.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IDAHO SOLDIERS AND SAILORS' HOME.

The bill (S. 250) granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho Soldiers and Sailors' Home was considered as in Committee of the Whole. It grants 50,000 acres of the unappropriated nonmineral public lands within the State of Idaho to that State, the same to be selected by the proper authorities thereof, to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home, and such portion as may not be necessary for the purpose specified shall be applied to the support of such public, benevolent, reformatory, or other educational institution as the legislature of the State may designate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN SETTLERS.

The bill (S. 278) to amend an act entitled "An act for the relief of certain settlers on the public lands and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands" was announced as next in order.

Mr. PLATT of Connecticut. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

NATURALIZATION OF PORTO RICANS.

The bill (S. 2345) to make applicable the provisions of the naturalization laws of the United States to Porto Rico, and for other purposes, was considered as in Committee of the Whole.

Mr. KEAN. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. COCKRELL (for Mr. FORAKER) December 19, 1903, as follows:

The Committee on Pacific Islands and Porto Rico have had under consideration the following bill:

"A bill to make applicable the provisions of the naturalization laws of the United States to Porto Rico, and for other purposes.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least one year prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

"SEC. 2. That the provisions of the act approved March 2, 1887, entitled 'An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto,' and the provisions of the act approved August 30, 1890, being 'An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July 2, 1862,' be, and the same are hereby, extended to Porto Rico.

"SEC. 3. That the Secretary of War be, and he is hereby, empowered to authorize the construction or extension of any wharf, pier, dolphin, boom, weir, breakwater, sea wall, bulkhead, jetty, or other structure on any of the lands belonging to the United States which underlie the harbor areas and navigable waters and streams lying in or surrounding the island of Porto Rico and the islands lying adjacent thereto, and to authorize the filling in or dredging of such lands, and to authorize any of the above obstructions in the said harbor areas and navigable waters and streams: *Provided, however*, That the plans for such work be first recommended by the Chief of Engineers."

The passage of the measure is recommended. The following brief analysis of the sections of the bill shows the scope and purpose of the proposed legislation.

Section 1, authorizing the naturalization of citizens of Porto Rico, was favorably reported from the Committee on Pacific Islands and Porto Rico at the last session in the same form in which it appears in this measure. The committee now simply repeats what it said at that time in support of the provision, namely:

"The naturalization laws of the United States now in force contemplate the admission to citizenship by naturalization of only aliens who prior to naturalization owe allegiance to some foreign sovereignty. The inhabitants of Porto Rico and the Philippines, Guam, Tutuila, and other insular possessions have not been made citizens of the United States. They have, however, passed under our jurisdiction, and are under our sovereignty, and owe allegiance to the United States, and do not owe allegiance to anybody else; and still they are neither aliens nor citizens. Not being aliens, they can not be naturalized, and for that reason citizenship is to them impossible; their situation in that respect is worse, therefore, than that of aliens. Such an anomalous result was not intended by the legislation that has been enacted affecting the civil and political status of the inhabitants of our recently acquired insular possessions. The section provides a remedy."

This section was contained in the bill (H. R. 17546) to provide a Delegate to the House of Representatives of the United States from Porto Rico, which passed the Senate March 3, 1903. It failed to become law, however, by reason of the lack of time on the part of the House to consider and agree to the Senate amendments.

Section 2 of the bill extends the provisions of the Hatch and Morrill laws, so called, to the island of Porto Rico. The effect of this section will be to entitle Porto Rico to be paid the sum of $40,000 annually for the support of a college for the benefit of agriculture and the mechanic arts. Every other Territory of the United States, as well as every State in this Union, now has the benefits of these laws. There is no place where such an educational help is more needed or where it will be better appreciated. This section, without the incorporation of the Hatch law, was also included in the bill heretofore mentioned (H. R. 17546), which passed the Senate at the second session of the last Congress.

Section 3 of the bill is drawn in the interest of improved harbor facilities for the island, the necessity for which has been brought to the attention of this committee through numerous petitions, memorials, etc., praying for the legislation proposed, received from time to time, the latest being one from the municipal council of the city of Ponce and one from the executive council of Porto Rico. The bill H. R. 17546, above referred to as having passed the Senate at the second session of the Fifty-seventh Congress contained this section also.

Mr. SPOONER. I wish to make an inquiry of the Senator who reports the bill.

Mr. FORAKER. It was reported during my absence by the Senator from Missouri [Mr. COCKRELL], but it was reported, as it states here, for me.

Mr. SPOONER. I listened to the report or a portion of it.

Mr. FORAKER. It was reported in that way, I suppose, simply because I am the chairman of the committee.

Mr. SPOONER. Does the bill make any change in the political status of the Porto Ricans?

Mr. FORAKER. No; it makes no change whatever.

Mr. SPOONER. Does it provide for a Delegate?

Mr. FORAKER. It does not.

Mr. BEVERIDGE. It provides the machinery for naturalization.

Mr. FORAKER. It simply provides for their naturalization. It is evident from the provisions of the law, and it has been so held by the courts, that they are not aliens. It has not been settled yet that they are not citizens, but the language of the law is such as to preclude that idea, as we think, and it has been held that in order to become citizens they must be naturalized. Under the law as it now stands they can not be naturalized, because the first requirement of the law is that they shall forswear allegiance to some foreign potentate or power. They do not owe any such allegiance. They owe allegiance only to us. Their condition is worse than the condition of the Spaniard who elected to remain loyal to Spain and continued to live in Porto Rico, because he can become naturalized and the Porto Rican can not.

Mr. NELSON. May I ask the Senator a question?

Mr. FORAKER. Certainly.

Mr. NELSON. Has any court decided that the Porto Ricans are not citizens of the United States?

Mr. FORAKER. No; no court has so decided.

Mr. QUARLES. It was decided that they are not aliens.

Mr. FORAKER. The Supreme Court has recently decided that they are not aliens, and the point made in the report is that they are not aliens owing allegiance to some foreign Government or power, and for that reason the naturalization laws as they now stand do not apply to these people to enable naturalization.

Mr. SPOONER. Under the operation of this bill do they become naturalized?

Mr. FORAKER. They do not. They have to become naturalized.

Mr. SPOONER. When they come to this country?

Mr. FORAKER. They become naturalized when they come into this country, and not until they come in.

Mr. BEVERIDGE. I should like to ask the Senator, on that very point, the meaning of this language:

And residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States.

Mr. FORAKER. That is as to the time when they can be admitted as citizens by the court; but the first provision, as the Senator will see, is that the applicable provisions of the laws of the United States shall apply to these Porto Ricans. They have to appear before a court of the United States or of some State.

Mr. BEVERIDGE. I did not so understand it. I only noticed an apparent conflict between the provision which I read and the prior provision.

Mr. FORAKER. That simply means that when they shall have resided under our jurisdiction, in Porto Rico or elsewhere, for a period of five years, they may when they come into this country, showing that fact, be eligible to naturalization.

Mr. HALE. The Senator from Wisconsin asked if there was anything in this bill that changes the status of these people, to

which the Senator from Ohio, the chairman of the committee, I think, replied that there is not. It seems to me the Senator can not go quite so far as that. It appears to me that it does change the status considerably; whether desirable or not is another question.

I should like to have that part of the bill read which touches the consideration at the moment in the Senator's mind, about where these Porto Ricans must be naturalized and whether a five years' residence in Porto Rico heretofore is adequate to entitle them to apply for citizenship. Let that be read.

Mr. FORAKER. If the Senator from Maine will pardon me, before it is read I will say to him that I did not intend to answer in the broad way he seems to have understood me. The effect of this bill is not to change the status, but it is to afford to Porto Ricans means of changing their status; that is, the effect of the bill is to give them some way in which to become naturalized citizens of the United States. They have no such way now. That is the only purpose of it. It is provided in the bill that if they have lived five years under the jurisdiction of the United States, under the laws of the United States, whether that be in Porto Rico or in the Philippines or elsewhere, they shall, when applying for naturalization in accordance with the laws now in force, be admitted to naturalization.

Mr. HALE. The clause in lines 6 and 7, perhaps, covers what was in my mind, but here is the whole provision:

That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States—

That is intended, of course, to cover Porto Rico—

and who may become residents of any State or organized Territory of the United States.

That, the Senator would say, excludes Porto Rico from that part of it.

Mr. FORAKER. What I said awhile ago, and repeat, is that under the provisions of this law a Porto Rican can not become naturalized in Porto Rico, in the courts of Porto Rico; he must come here.

Mr. HALE. The language is—

and who may become residents of any State or organized Territory.

That would not include Porto Rico?

Mr. FORAKER. No.

Mr. HALE. So that no Porto Rican, after this bill passes, can be naturalized unless he becomes a resident of the United States.

Mr. BEVERIDGE. And makes his declaration.

Mr. HALE. Or who may become a resident of any State or Territory, just as if he came from Ireland or Italy or Germany.

Mr. FORAKER. Precisely the same, except that he is allowed credit for the time he has lived under our jurisdiction, whether that be in Porto Rico——

Mr. HALE. Where is that provision?

The applicant shall not be required to renounce allegiance to any foreign sovereignty—

That is right—

he shall make his declaration of intention to become a citizen of the United States at least one year prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five-years' residence clause of the existing law.

That is, he must count up five years either of residence since the passage of the Foraker Act or in the United States.

Mr. FORAKER. Yes.

Mr. BEVERIDGE. If a citizen of the Philippines comes over here and under the provisions of this proposed act becomes naturalized and then goes back there, he is no longer a citizen of the Philippine Islands, but a citizen of the United States, is he not?

Mr. FORAKER. He is no longer what?

Mr. BEVERIDGE. He is a citizen of the United States. He comes over here and becomes naturalized, and when he goes back he goes back as a citizen of the United States like anybody else who goes from the United States. Would not that be the effect of this bill?

There are two or three propositions embraced in the bill which present some confusion, at least in my mind. It raises rather an anomalous condition of things.

Mr. LODGE. The bill does not touch the Philippine Islands at all.

Mr. BEVERIDGE. It does not? I do not know.

Mr. LODGE. It refers only to citizens of Porto Rico.

Mr. GALLINGER. It does not in the text.

Mr. FORAKER. It does only in the title.

Mr. GALLINGER. That is all.

Mr. FORAKER. I do not know but that it would be construed to apply to anybody living anywhere under the jurisdiction of the United States.

Mr. BEVERIDGE. Yes; under the jurisdiction of the United States.

Mr. FORAKER. The point I would make in answer to the Senator's suggestion is, if that be true, what harm can come from it? People do not come here in considerable number merely for the sake of becoming naturalized and then going back.

Mr. BEVERIDGE. I agree with the Senator. I do not know that there would be any harm in it, but it will at once occur to every Senator that there is at the moment confusion in that statement and it raises a questionable situation.

I have no disposition to object, of course, to the consideration of the bill, but does it not occur to the Senator that there are two or three matters of confusion suggested here by the queries of Senators, and that it might well go over?

Mr. FORAKER. No; I do not see any confusion, if the Senator will pardon me for saying that. It is probably due to the fact that we have given a good deal of study to this subject. We had it before our committee at the last session of the last Congress and the bill was then reported. It was considered in the Senate, and the Senate passed unanimously a bill in these exact words. There is no change whatever.

Mr. BEVERIDGE. Of course this bill does apply to the Philippines as well as to Porto Rico.

Mr. FORAKER. I do not think there should be any trouble about it. I do not know why——

Mr. SPOONER. Will the Senator from Ohio allow me?

Mr. FORAKER. In a minute. I do not know why it should not apply to a citizen of the Philippines living there, an inhabitant there, and owing allegiance to us, owing permanent allegiance to us as a people. That expression was furnished us by the State Department. This measure was referred to the State Department and very carefully considered there. If my memory does not serve me incorrectly, it originated with the State Department. They communicated to us in regard to it, saying that this trouble constantly arises. The citizens of Porto Rico and the citizens of the Philippines also, for I think it would have equal application to them, owe us permanent allegiance; and yet if they see fit to come here and reside in good faith and for all time they never can become naturalized. Their condition is worse than the condition of their fellow-citizens who, under the terms of the treaty of peace, elected to retain their allegiance to Spain.

Mr. BEVERIDGE. The Senator will observe——

The PRESIDENT pro tempore. Under Rule VIII no Senator is entitled to speak more than once.

Mr. BEVERIDGE. I was going to put a query to the Senator. However, I will not insist upon it.

Mr. SPOONER. I do not intend to speak on the bill. I only wish to ask the Senator from Ohio whether, in view of its importance, it would not be better that it should go over and not be considered under the five-minute rule?

Mr. FORAKER. I am willing that it shall go over, if Senators think they want to discuss it; but it seems to me to be a very simple proposition. It appears to me that these Porto Ricans, who have been under our jurisdiction and who have been good and loyal people, ought to be put on at least as good footing as the Spaniard who elected to retain his allegiance to Spain.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. FORAKER. Certainly.

Mr. PETTUS. I desire to ask a question of the Senator in charge of the bill. Would it not be better to make the island of Porto Rico a Territory and thereby solve the question as to citizenship?

Mr. FORAKER. Well, that is a different kind of a question. I have not as much objection to that as some of my colleagues in the Senate have expressed. I think the Porto Ricans have a good government now. I think they have a very fortunate position under the law under which they are living and by which they are being governed. I doubt if a Territorial government would be of any advantage to them or, at the present time, of any advantage to us. But whether they are to have the one or the other, it seems to me that at once they ought to be given the right to become naturalized citizens of the United States if they so desire.

Mr. HALE. This will not apply to many people. Very few of those people will come here.

Mr. FORAKER. Very few.

Mr. BEVERIDGE. They will come over and go back there.

Mr. FORAKER. If they do go back, they go back as citizens, and that will be all the better for us.

Mr. FAIRBANKS. Mr. President, I rise simply to observe that I think the bill is certainly a very meritorious one. It seems to me to be the merest act of justice to give the people of Porto Rico citizenship here. As it is, they are not citizens of the United States, nor are they capable of becoming citizens. Certainly there will be comparatively few of them who will come here; but if they do come, they ought to have the right to become naturalized.

Mr. FORAKER. In other words, owing us permanent allegiance ought not to put them in a worse situation than is the alien; their state ought not to be worse than that of aliens. I hope the bill will pass without amendment.

Mr. HEYBURN. I should like to inquire, through the Chair, of the Senator having the bill in charge what is meant by the phrase in the last line on page 1, "residence within the jurisdiction of the United States?" Are not those people now within the jurisdiction of the United States?

Mr. FORAKER. Certainly they are; but the purpose is to give them credit for the five years required to entitle them to naturalization, although they are living in Porto Rico.

Mr. HEYBURN. Would they not be within the jurisdiction of the United States if they lived in the Philippine Islands?

Mr. FORAKER. Certainly they would.

Mr. HEYBURN. Then, it seems to me, the question of residence is not really material to be expressed in the bill, inasmuch as they now reside within the jurisdiction of the United States.

Mr. FORAKER. If the Senator will permit me, under the naturalization laws as they now exist, those people must reside here within the United States for five years. And the purpose of the committee in framing the bill in this case was to let those people have credit for the time they have lived under our jurisdiction, whether here or in Porto Rico, owing us allegiance.

Mr. HEYBURN. Is it the intention that they shall live within the jurisdiction of the United States for the period named in the bill, even though they may have lived within that jurisdiction in the island of Porto Rico?

Mr. FORAKER. When we come to consider whether they have been five years residing within the jurisdiction of the United States, the purpose of the bill is to give them credit for all the time that they have lived under our jurisdiction and have been owing us allegiance.

Mr. HEYBURN. Do I understand that they will be entitled, upon application for citizenship, to have credit for the time that they have resided in Porto Rico since it has been under our jurisdiction?

Mr. FORAKER. They would be entitled to whatever time they can show they have lived here or in Porto Rico since the island has been under our jurisdiction and subject to our laws.

Mr. NELSON. Mr. President, so far as I am concerned my mind is entirely clear that the bill is a perfectly harmless one. The people of Porto Rico are citizens of the United States in that general sense that all persons who are subject to our jurisdiction are citizens. There are two classes of citizenship. One is a citizenship by which we understand a man to be a voter. That right can only be acquired through legislation. But there is another citizenship, as to which the word is used in the same sense as is the term "subject" in monarchical countries.

If Senators will examine the reports they will see that the Supreme Court has decided that under our immigration laws the people of Porto Rico are not aliens, and I think, under the fourteenth amendment, they are clearly citizens of the United States in the broad general sense. If Senators will examine the case of Governor Boyd, of Nebraska, I think they will find the principles laid down in that case which will cover this case. There is such a thing as naturalization by the incorporation of one country as a part of another country. Where we incorporate a country and make it a part of our own we make the people of that country citizens of our own.

Having this view of the case, I regard the bill as perfectly harmless. I have not any doubt at all that if this matter should be brought before the court the people of Porto Rico would be deemed citizens of the United States in the general sense; not as voters, but as citizens in the same sense that the term "subject" is used in monarchial countries.

Mr. FORAKER. That is, the term "citizen" in the international sense is equivalent to the term "subject" in a monarchy, where they owe us allegiance and we owe them protection.

Mr. NELSON. In that sense they are citizens, but in respect to the right of suffrage that is a matter regulated wholly by local law.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. BEVERIDGE. I think the bill ought to go over, Mr. President.

Mr. FORAKER. I hope not. I want the bill to pass.

Mr. BEVERIDGE. If the Senator is anxious about it, I will withdraw my request. Otherwise I should like to have the bill go over, in order that I may have an opportunity to examine it.

The PRESIDENT pro tempore. No objection has been made, because no Senator has risen in his place to make an objection.

Mr. BEVERIDGE. Does the Chair rule that asking a Senator a question is speaking within the rule?

Mr. FORAKER. No; there is no objection to that.

The PRESIDENT pro tempore. The Senator from Ohio [Mr. FORAKER] has exhausted his five minutes two or three times over. [Laughter.]

Mr. FORAKER. Very well.

Mr. BEVERIDGE. The Senator from Ohio has himself admitted that the bill makes the naturalization laws apply to Porto Rico.

Mr. FORAKER. Oh, no; I did not admit that.

Mr. BEVERIDGE. I think the RECORD will so show; and now he admits it does apply to the Philippines. It is a pretty broad division. I think that I shall have no objection, so far as I am concerned, to the bill; but however much has been said here, it is perfectly clear that Senators have had new thoughts suggested to them as the discussion of the matter has proceeded. If, however, the Senator from Ohio is anxious that the bill shall pass, I have no objection. Otherwise I should like the bill to go over.

Mr. LODGE. I have not spoken, I believe, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Massachusetts.

Mr. LODGE. Mr. President, the title of the bill is faulty, but the bill itself is perfectly correct. There is no misunderstanding possible about it. The title simply needs to be made commensurate with the bill—that is all—and that can be done when that stage in the consideration of the bill is reached. The bill is not from my committee, but I sincerely hope it may pass, as it contains provisions which I am certain are extremely important to the welfare of the people of that island.

Mr. FORAKER. I will move an amendment to the title at the proper time.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. FORAKER, the title was amended so as to read: "A bill to amend the provisions of the naturalization laws of the United States, and for other purposes."

Mr. SPOONER. I move to reconsider the vote by which the bill has been passed, and I ask that my motion may go over until to-morrow.

The PRESIDENT pro tempore. The Senator from Wisconsin enters a motion to reconsider the vote by which the bill has been passed.

ALABAMA RIVER BRIDGE NEAR MONTGOMERY, ALA.

The bill (S. 2465) to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That the act approved March 3, 1901, entitled "An act to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala.," which act has expired by limitation, be, and is hereby, revived and reenacted.

SEC. 2. That section 5 of the said act be amended so as to read as follows:

"SEC. 5. That all street-railway companies desiring to use said bridge shall be allowed to do so upon paying a reasonable compensation for such use, and all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge; and if actual construction of the bridge herein authorized shall not be commenced within one year and be completed within three years from March 3, 1904, the rights and privileges hereby granted shall cease and be determined."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to revive and amend an act entitled 'An act to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala.'"

WYOMING STATE SOLDIERS AND SAILORS' HOME.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Will the Senator withhold that motion for a moment?

Mr. GALLINGER. I will, with pleasure.

Mr. WARREN. I desire to ask unanimous consent for the consideration of a small bill, which will leave me under some embarrassment unless it is taken care of. There were two bills, identical in import, one referring to the State of Idaho and the other to Wyoming, which were reported from the Committee on Public Lands or ordered to be reported at the same time. Through an error—the Senator who made the report is not now present—one was placed on the Calendar far removed from the other. I should like to ask unanimous consent that at this time Senate bill 921 may be taken up and considered.

Mr. GALLINGER. I will yield for that purpose, but give notice that I will renew my motion for an executive session immediately after the bill shall have been disposed of.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 921) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It grants 50,000 acres of the unappropriated nonmineral public lands within the State of Wyoming to that State, to be selected by the proper authorities thereof, to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home, but such portion of the granted lands as may not be found necessary for the purpose specified shall be applied to the support of such public, benevolent, reformatory, or other educational institution as the legislature of the State may designate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 28, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 27, 1904.

COLLECTORS OF CUSTOMS.

George F. Bartlett, of Massachusetts, to be collector of customs for the district of New Bedford, in the State of Massachusetts. (Reappointment.)

James Brady, of Massachusetts, to be collector of customs for the district of Fall River, in the State of Massachusetts. (Reappointment.)

Obed G. Smith, of Massachusetts, to be collector of customs for the district of Nantucket, in the State of Massachusetts. (Reappointment.)

APPRAISER OF MERCHANDISE.

John Linzee Snelling to be appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts, vice Alfred W. Brown. (Resigned.)

PROMOTIONS IN THE ARMY OF THE UNITED STATES.

QUARTERMASTER'S DEPARTMENT.

To be assistant quartermaster-general with the rank of colonel.

Lieut. Col. George E. Pond, deputy quartermaster-general, January 20, 1904, vice Hathaway, appointed brigadier-general.

To be deputy quartermasters-general with the rank of lieutenant-colonel.

Maj. William W. Robinson, jr., quartermaster, January 20, 1904, vice Pond, promoted.

Maj. Medad C. Martin, quartermaster, January 22, 1904, vice True, appointed brigadier-general.

PAY DEPARTMENT.

To be assistant paymaster-general with the rank of colonel.

Lieut. Col. Charles H. Whipple, deputy paymaster-general, January 25, 1904, vice Dodge, appointed Paymaster-General.

To be deputy paymasters-general with the rank of lieutenant-colonel.

Maj. John C. Muhlenberg, paymaster, January 23, 1904, vice Dodge, promoted.

Maj. George R. Smith, paymaster, January 25, 1904, vice Whipple, promoted.

To be paymaster with the rank of major.

Capt. William G. Gambrill, paymaster, January 23, 1904, vice Muhlenberg, promoted.

CORPS OF ENGINEERS.

To be colonel.

Lieut. Col. Charles W. Raymond, Corps of Engineers, January 23, 1904, vice Mackenzie, appointed Chief of Engineers.

To be lieutenant-colonels.

Maj. Charles F. Powell, Corps of Engineers, January 22, 1904, vice Allen, appointed brigadier-general.

Maj. John G. D. Knight, Corps of Engineers, January 23, 1904, vice Raymond, promoted.

To be majors.

Capt. James C. Sanford, Corps of Engineers, January 22, 1904, vice Powell, promoted.

Capt. Hiram M. Chittenden, Corps of Engineers, January 23, 1904, vice Knight, promoted.

To be captains.

First Lieut. Edward H. Schulz, Corps of Engineers, January 22, 1904, vice Sanford, promoted.

First. Lieut. Harry Burgess, Corps of Engineers, January 23, 1904, vice Chittenden, promoted.

To be first lieutenants.

Second Lieut. William G. Caples, Corps of Engineers, January 22, 1904, vice Schulz, promoted.

Second Lieut. Henry C. Jewett, Corps of Engineers, January 23, 1904, vice Burgess, promoted.

ORDNANCE DEPARTMENT.

To be colonels.

Lieut. Col. John E. Greer, Ordnance Department, January 19, 1904, vice Mordecai, appointed brigadier-general.

Lieut. Col. John Pitman, Ordnance Department, January 21, 1904, vice Butler, appointed brigadier-general.

To be lieutenant-colonels.

Maj. Daniel M. Taylor, Ordnance Department, January 19, 1904, vice Greer, promoted.

Maj. David A. Lyle, Ordnance Department, January 21, 1904, vice Pitman, promoted.

To be major.

Capt. J. Walker Benét, Ordnance Department, January 19, 1904, vice Taylor, promoted.

To be captain.

First Lieut. Edward P. O'Hern, Ordnance Department, January 19, 1904, vice Benét, promoted.

ARTILLERY CORPS.

To be colonels.

Lieut. Col. Frank Thorp, Artillery Corps, January 21, 1904, vice Taylor, appointed brigadier-general.

Lieut. Col. Louis V. Caziarc, Artillery Corps, January 23, 1904, vice Story, appointed chief of artillery.

To be lieutenant-colonels.

Maj. Oliver E. Wood, Artillery Corps, January 21, 1904, vice Thorp, promoted.

Maj. Edward Davis, Artillery Corps, assistant adjutant-general, January 23, 1904, vice Caziarc, promoted.

To be major.

Capt. David Price, Artillery Corps, January 21, 1904, vice Wood, promoted.

INFANTRY ARM.

To be colonels.

Lieut. Col. George A. Cornish, Twenty-sixth Infantry, January 20, 1904, vice Haskell, Third Infantry, appointed brigadier-general.

Lieut. Col. Charles A. Williams, United States Infantry, inspector-general, January 23, 1904, vice Kline, Twenty-first Infantry, appointed brigadier-general.

Lieut. Col. Marion P. Maus, Twenty-second Infantry, January 24, 1904, vice McCaskey, Twentieth Infantry, appointed brigadier-general.

Lieut. Col. Frederick A. Smith, United States Infantry, inspector-general, January 24, 1904, vice Dougherty, Eighth Infantry, appointed brigadier-general.

To be lieutenant-colonels.

Maj. William Paulding, Eighteenth Infantry, January 20, 1904, vice Cornish, Twenty-sixth Infantry, promoted.

Maj. Lorenzo W. Cooke, Twenty-sixth Infantry, January 24, 1904, vice Maus, Twenty-second Infantry, promoted.

POSTMASTERS.

CALIFORNIA.

Lucetta Wood to be postmaster at Point Richmond, in the county of Contra Costa and State of California. Office became Presidential April 1, 1903.

IDAHO.

John Larson to be postmaster at Hope, in the county of Kootenai and State of Idaho. Office became Presidential January 1, 1904.

ILLINOIS.

Daniel McArthur to be postmaster at Glencoe, in the county of Cook and State of Illinois. Office became Presidential April 1, 1903.

INDIANA.

John G. Lowry to be postmaster at Montezuma, in the county of Parke and State of Indiana. Office became Presidential January 1, 1904.

KANSAS.

June B. Smith to be postmaster at Cottonwood Falls, in the county of Chase and State of Kansas, in place of William Norton, resigned.

MARYLAND.

Samuel Hambleton to be postmaster at Rising Sun, in the county of Cecil and State of Maryland, in place of Samuel Hambleton. Incumbent's commission expired January 17, 1904.

Walton C. Orrell to be postmaster at Centerville, in the county of Queen Anne and State of Maryland, in place of John E. Wilson. Incumbent's commission expired December 19, 1903.

MINNESOTA.

Ira C. Richardson to be postmaster at Thief River Falls, in the county of Red Lake and State of Minnesota, in place of Ira C. Richardson. Incumbent's commission expired January 23, 1904.

MISSISSIPPI.

William B. Martin to be postmaster at Indianola, in the county of Sunflower and State of Mississippi, in the place of Minnie M. Cox. Incumbent's commission expired January 25, 1904.

MISSOURI.

Samuel R. Durham to be postmaster at Piedmont, in the county of Wayne and State of Missouri. Office became Presidential January 1, 1904.

Thomas L. Howden to be postmaster at Skidmore, in the county of Nodaway and State of Missouri. Office became Presidential January 1, 1904.

NEW HAMPSHIRE.

Frank S. Huckins to be postmaster at Ashland, in the county of Grafton and State of New Hampshire, in place of Frank S. Huckins. Incumbent's commission expires February 2, 1904.

NEW YORK.

Delano D. Cottrell to be postmaster at North Cohocton, in the county of Steuben and State of New York, in place of Delano D. Cottrell. Incumbent's commission expires February 2, 1904.

Charles H. Griffin to be postmaster at Oakfield, in the county of Genessee and State of New York, in place of Charles H. Griffin. Incumbent's commission expired January 18, 1904.

Henry P. Wilcox to be postmaster at Cohocton, in the county of Steuben and State of New York, in place of Henry P. Wilcox. Incumbent's commission expires February 2, 1904.

Peter H. Zimmerman to be postmaster at Wayland, in the county of Steuben and State of New York, in place of Peter H. Zimmerman. Incumbent's commission expires February 2, 1904.

NORTH CAROLINA.

William P. King to be postmaster at Windsor, in the county of Bertie and State of North Carolina. Office became Presidential January 1, 1904.

OHIO.

Lee L. Cassady to be postmaster at Dresden, in the county of Muskingum and State of Ohio, in place of Lee L. Cassady. Incumbent's commission expired December 19, 1903.

John C. Douglass to be postmaster at College Corner, in the county of Butler and State of Ohio. Office became Presidential January 1, 1904.

SOUTH DAKOTA.

John Longstaff to be postmaster at Huron, in the county of Beadle and State of South Dakota, in place of Charles N. Cooper. Incumbent's commission expired January 3, 1904.

Abram E. Van Camp to be postmaster at Highmore, in the county of Hyde and State of South Dakota. Office became Presidential January 1, 1904.

TEXAS.

Charles R. Bone to be postmaster at Beaumont, in the county of Jefferson and State of Texas, in place of Charles R. Bone. Incumbent's commission expired January 23, 1904.

Crockett Campbell to be postmaster at Lufkin, in the county of Angelina and State of Texas, in place of Joshua W. Shotwell. Incumbent's commission expired January 23, 1904.

Frankie Houssels to be postmaster at Childress, in the county of Childress and State of Texas, in place of Frankie Houssels. Incumbent's commission expired January 23, 1904.

B. M. Sheldon to be postmaster at Rockport, in the county of Aransas and State of Texas. Office became Presidential October 1, 1903.

WISCONSIN.

Dean J. Hotchkiss to be postmaster at Foxlake, in the county of Dodge and State of Wisconsin, in place of Moses E. Williams, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 27, 1904.

POSTMASTERS.

ALABAMA.

Charles Valentine to be postmaster at Clayton, in the county of Barbour and State of Alabama.

DELAWARE.

Charles C. Tomlinson to be postmaster at Delmar, in the county of Sussex and State of Delaware.

ILLINOIS.

Joseph H. Hunt to be postmaster at Byron, in the county of Ogle and State of Illinois.

William A. McKnight to be postmaster at Alexis, in the county of Warren and State of Illinois.

MICHIGAN.

Frank A. Peavey to be postmaster at Upton Works, in the county of St. Clair and State of Michigan.

MISSOURI.

John N. Bishop to be postmaster at Ironton, in the county of Iron and State of Missouri.

George E. Muns to be postmaster at Montgomery City, in the county of Montgomery and State of Missouri.

William C. Gardner to be postmaster at Billings, in the county of Christian and State of Missouri.

OHIO.

Harlow N. Aldrich to be postmaster at Elmore, in the county of Ottawa and State of Ohio.

TEXAS.

John B. Baker to be postmaster at Haskell, in the county of Haskell and State of Texas.

David W. Barnhill to be postmaster at Uvalde, in the county of Uvalde and State of Texas.

William H. Bradley to be postmaster at Groveton, in the county of Trinity and State of Texas.

Wesley J. Clarke to be postmaster at Dalhart, in the county of Dallam and State of Texas.

David Doole, jr., to be postmaster at Brady, in the county of McCulloch and State of Texas.

Carl E. Ericson to be postmaster at El Campo, in the county of Wharton and State of Texas.

Alice S. Farmer to be postmaster at De Leon, in the county of Comanche and State of Texas.

Henry C. Ford to be postmaster at Whitney, in the county of Hill and State of Texas.

James Gipson to be postmaster at Coleman, in the county of Coleman and State of Texas.

Andrew J. Harrison to be postmaster at Goldthwaite, in the county of Mills and State of Texas.

C. M. Hughs to be postmaster at Wharton, in the county of Wharton and State of Texas.

William C. Hurley to be postmaster at Sulphur Springs, in the county of Hopkins and State of Texas.

William H. King to be postmaster at Whitewright, in the county of Grayson and State of Texas.

Julius Laux to be postmaster at Flatonia, in the county of Fayette and State of Texas.

William N. Merritt to be postmaster at Nocona, in the county of Montague and State of Texas.

Orion L. Niccolls to be postmaster at Marfa, in the county of Presidio and State of Texas.

Frank H. Pierce to be postmaster at Laredo, in the county of Webb and State of Texas.

Clarence V. Rattan to be postmaster at Cooper, in the county of Delta and State of Texas.

Isham Russell to be postmaster at Winnsboro, in the county of Wood and State of Texas.

Joel B. Sharpe to be postmaster at Brownsville, in the county of Cameron and State of Texas.

Harper Simpson to be postmaster at Edna, in the county of Jackson and State of Texas.

John S. Snook to be postmaster at Caldwell, in the county of Burleson and State of Texas.

George H. Sparenberg to be postmaster at Big Spring, in the county of Howard and State of Texas.

Charlie B. Starkie to be postmaster at Holland, in the county of Bell and State of Texas.

George F. Taylor to be postmaster at Royse City, in the county of Rockwall and State of Texas.

WEST VIRGINIA.

James F. Strother to be postmaster at Welch, in the county of McDowell and State of West Virginia.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 27, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on War Claims was discharged from consideration of the bill (H. R. 9313) to pay all Federal soldiers honorably discharged $2 per day while confined in Confederate military prisons thirty days or more; and the same was referred to the Committee on Invalid Pensions.

POSTAL CARS.

Mr. OVERSTREET. Mr. Speaker, I submit the following privileged report.

The Clerk read as follows:

Resolved, That the Postmaster-General be, and he is hereby, requested to furnish to the House of Representatives information showing the serial number of all postal cars for which the Post-Office Department is paying rental in addition to the amount paid for carrying the mails therein, the name of the railroad company owning the same, and the time of service of each car from date of original construction and first use, together with all changes of serial number of car and ownership.

The Clerk read the report, as follows:

The Committee on the Post-Office and Post-Roads, to which has been referred House resolution No. 121, calling upon the Postmaster-General for certain information relative to the service performed by railway post-office cars, has had the same under consideration, and begs to report the same to the House, and with the recommendation that as amended the same do pass.

Amend as follows: Strike out all of the preamble. Add after the word "ownership," in line 9, the following: "and the condition of said cars on June 30, 1903."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were considered, and agreed to.

The resolution as amended was agreed to.

On motion of Mr. OVERSTREET, a motion to reconsider the last vote was laid on the table.

FLYING-MACHINE EXPERIMENTS AND CONSTRUCTION.

Mr. HEMENWAY. Mr. Speaker, I present the following privileged report from the Committee on Appropriations.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish the House of Representatives at his earliest convenience with a statement showing the amount of money disbursed by his Department in the promotion of flying-machine experiments and construction, whether under the direction of Prof. S. P. Langley or otherwise, together with the dates when said disbursements were made and funds from which they were drawn.

The SPEAKER. Has the gentleman from Indiana any motion to submit?

Mr. HEMENWAY. I move the adoption of the report and that the resolution lie on the table.

The SPEAKER. That is the first intimation the Chair has had of any motion to lay on the table. The gentleman from Indiana moves that the report lie on the table.

Mr. ROBINSON of Indiana. Mr. Speaker, I ask the gentleman to have the resolution again reported.

The SPEAKER. Without objection, the Clerk will again read the resolution.

The Clerk again reported the resolution.

The SPEAKER. Does the gentleman from Indiana desire to have the report read in his time?

Mr. HEMENWAY. I do.

The Clerk read as follows:

Mr. HEMENWAY, from the Committee on Appropriations, submitted the following report:

The Committee on Appropriations, to whom was referred House resolution No. 160, requesting the Secretary of War to furnish a statement of the amount of money disbursed by his Department in the promotion of flying-machine experiments and construction, together with the dates when said disbursements were made and funds from which they were drawn, report as follows:

Inasmuch as the information called for by the resolution is fully set forth on page 6 of the Thirteenth Report of the Board of Ordnance and Fortification, under date of October 1, 1903, the committee recommend that the resolution be laid upon the table.

Mr. HEMENWAY. Now, Mr. Speaker, I ask in my time that the law be read and then that the report of the Board of Ordnance and Fortification relating to this matter be also read.

The SPEAKER. The Clerk will read as requested.

The Clerk read as follows:

BOARD OF ORDNANCE AND FORTIFICATION.

To enable the Board to make all needful and proper purchases, experiments, and tests to ascertain, with a view to their utilization by the Government, the most effective guns, small arms, cartridges, projectiles, fuses, explosives, torpedoes, armor plates, and other implements and engines of war, and to purchase or cause to be manufactured, under authority of the Secretary of War, such guns, carriages, armor plates, and other war material as may, in the judgment of the Board, be necessary in the proper discharge of the duty devolved upon it by the act approved September 22, 1888; to pay the salary of the civilian member of the Board of Ordnance and Fortification provided by the act of February 24, 1891, and for the necessary traveling expenses of said member when traveling on duty as contemplated in said act; for the payment of the necessary expenses of the Board, including a per diem allowance to each officer detailed to serve thereon, when employed on duty away from his permanent station, of $2.50 a day; and for the test of experimental guns, carriages, and other devices procured in accordance with the recommendation of the Board of Ordnance and Fortification, $100,000, the expenditure of which shall be made by the several bureaus of the War Department heretofore having jurisdiction of the same, or by the Board itself, as the Secretary of War may direct: *Provided*, That before any money shall be expended in the construction or test of any gun, gun carriage, ammunition, or implements under the supervision of the said Board, the Board shall be satisfied, after due inquiry, that the Government of the United States has a lawful right to use the inventions involved in the construction of such gun, gun carriage, ammunition, or implements, or that the construction or test is made at the request of a person either having such lawful right or authorized to convey the same to the Government.

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

The Clerk read the following from the Board of Ordnance and Fortification:

THE LANGLEY AERODROME.

Early in the year 1898 a board composed of officers of the Army and Navy was appointed to examine the models and principles of the aerodrome devised by Dr. S. P. Langley, Secretary of the Smithsonian Institution, and to report whether or not, in its opinion, a large machine of this design could be built; and if so, whether it would be of practical value.

The report of this board was referred to the Board of Ordnance and Fortification for action, and Doctor Langley was invited to appear before the Board and further explain the proposed construction.

In view of the great utility of such a device, if a practical success, the Board, on November 9, 1898, made an allotment of $25,000 for the construction, development, and test of an aerodrome to be made under the direction of Doctor Langley, with the understanding that an additional allotment of the same amount would be made later. On December 18, 1899, the additional allotment of $25,000 was made.

The construction of the machine was delayed by Doctor Langley's inability to procure a suitable motor, which he was finally obliged to design. The aerodrome was completed about July 15, 1903, and its test is in progress.

Mr. HEMENWAY. Mr. Speaker, in view of the fact that this report furnishes the information desired by the gentleman who introduced the resolution, the Committee on Appropriations recommend that the resolution lie on the table. Years ago there was great complaint that the citizens of the United States, who had some invention that they wanted tested by the Government, could not be recognized; that only army officers and those connected with the Government service had any chance of having their inventions tested. So a new board was created, known as the "Board of Ordnance and Fortification," and a civilian member ordered to that Board, Congress having in view that this civilian member would take care of the rights of the citizen who wanted to have matters tested. A hundred thousand dollars has been set aside each year for the purpose of these investigations. It is evident from the report that this Board first set aside $25,000 for the purpose of investigating flying machines. Later they set aside $25,000 more, the first $25,000 having been expended. That is the history of it, and no doubt the Board acted within the law when they set aside that money for that investigation. Whether or not it was a proper thing to do of course is to be determined by this Board of Ordnance and Fortification. But, as all the information the Department has in regard to the matter is contained in this report, we see no reason why the resolution should not lie on the table.

Mr. HITCHCOCK. Will the gentleman permit me to ask him a question?

Mr. HEMENWAY. Yes.

Mr. HITCHCOCK. Does this $50,000 which has been set aside from the funds appropriated for ordnance and fortifications represent all the expenditure of Government money for this flying-machine experiment?

Mr. HEMENWAY. It does.

Mr. HITCHCOCK. There has been no money taken from other funds?

Mr. HEMENWAY. I understand not. I don't think there is any fund available in the Government.

Mr. HITCHCOCK. Now, I am informed from the Smithsonian Institution itself, in an indirect way, that there is an additional $23,000 of money which has been drawn from other funds after the exhaustion of either the first or second appropriation, and I would like to ask the gentleman what objection there can possibly be to getting the fullest information on this subject? This is a problem worse than the problem of Ann's age, and if it is going to cost us $73,000 to construct a mud duck that will not fly 50 feet, how much is it going to cost to construct a real flying machine?

Mr. HEMENWAY. I want to say, leaving out any question about a mud duck, that the twenty-three or twenty-four thousand dollars that has been expended in addition to the Government money is money that in no way belongs to the Government. It is money that belongs to the Smithsonian Institution. When that Institution was founded, Mr. Smithson donated a large sum of money, and from time to time since that citizens of the United States have donated money to the Smithsonian Institution. That money is under the control of the Regents of the Institution. It

is not Government money in any sense and the Government has no control whatever over that money. Out of that fund, I understand, some $23,000, or something in that neighborhood, has been expended on this flying machine.

Mr. HITCHCOCK. So that this $23,000 that has been referred to is taken from the appropriation for curios?

Mr. HEMENWAY. It is not an appropriation. The gentleman ought to listen to my answer. It is not an appropriation at all. The Government has no control whatever over the money of the Smithsonian Institution. It is money that belongs to that Institution. It is simply private funds that belong to that Institution and that are controlled by the Regents of that Institution.

Mr. HITCHCOCK. To whom does that Institution belong?

Mr. HEMENWAY. It is the Smithsonian Institution, aided by the Government in many ways, but having a large fund of its own, which the Regents control themselves.

Mr. HITCHCOCK. It is an institution which belongs to the public, is it not?

Mr. GROSVENOR. No.

Mr. HEMENWAY. Oh, no; the Government aids the Smithsonian Institution in many ways.

Mr. HITCHCOCK. Is it a private institution?

Mr. HEMENWAY. They have a large fund that is purely a private fund, which has been donated to that institution by private individuals, and that the Government in no way controls except that we, I believe, have something to do with the appointment of the Regents of the Smithsonian Institution. I believe the House appoints three, and those three are now Mr. HITT of Illinois, Mr. ADAMS of Pennsylvania, and Mr. DINSMORE of Arkansas, Members of this body.

Mr. HITCHCOCK. I would like to ask the chairman of the committee whether a reasonable amount of time will be allowed to discuss this resolution under the rules? I should like to make a talk on this extravagance.

Mr. HEMENWAY. I will yield the gentleman five minutes' time, if he desires it.

Mr. ROBINSON of Indiana. I will ask the gentleman for ten minutes.

Mr. HEMENWAY. I yield to the gentleman from Nebraska [Mr. HITCHCOCK] for five minutes.

Mr. TAWNEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TAWNEY. A parliamentary inquiry. I understand that this is a report that the resolution lie on the table. If it is, I make the point of order that a motion to lay on the table is not debatable.

The SPEAKER. That motion has not yet been entered. The resolution is reported back, and it would require a motion to be entered before a point of order would lie.

Mr. TAWNEY. I understood that the report of the committee was that the resolution do lie on the table, and that has been presented.

The SPEAKER. The report was read within the time of the gentleman from Indiana [Mr. HEMENWAY], no doubt, for the information of the House; but the reading of the report does not make the motion to lie upon the table. Now, the gentleman from Indiana [Mr. HEMENWAY] is recognized for an hour and has already addressed the House, and from his time yields to the gentleman from Nebraska [Mr. HITCHCOCK] five minutes. When the gentleman from Indiana or anybody else having the floor, with the right to make a motion to lie upon the table, makes that motion, then that motion is not debatable.

Mr. HEMENWAY. Mr. Speaker, I do not desire to make the motion until there can be reasonable debate. The gentleman from Nebraska ought to be heard.

The SPEAKER. The Chair recognizes the gentleman from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. Mr. Speaker, I am unable to understand why a legitimate inquiry for information—detailed information—should be met by these various committees with an effort to keep the information from the House. If there is any possible evil which the newcomer in Washington discovers before he discovers any other, it is the overwhelming and tremendous extravagance of this Government. We are now expending of the people's money over $2,000,000 a day. That is twice as much as was required for the Government expenditures twenty years ago. We are expending this vast sum of money in a time of absolute peace. We are approaching, as the chairman of the Committee on Appropriations [Mr. HEMENWAY] himself has said, a period in which the national finances will be involved in a large deficit. And yet any effort, however small, to curb extravagance and investigate ridiculous and unwarranted expenditures is met by the leaders on the Republican side of this House with an effort to cut it off and shield the extravagance.

I realize, Mr. Speaker, that Professor Langley, Curator of the Smithsonian Institution, is a learned man. He is erudite in scientific matters. He knows a vast amount about extinct animals and stuffed birds. He is at home with the *Pterodactyl ornithostoma*, and for such reasons he has a valuable part in the work of the Institution. But I see no reason, and the taxpayers of the country can see no reason, Mr. Speaker, why at national expense he should be constituted and established a modern Darius Green. Certainly the traditional Darius Green met with no more complete failure in his attempted flight from the New England barn than this modern imitator at national expense has attained.

There is a reason, Mr. Speaker, for economy in our national finances which does not apply to expenditures in this country with the same force. It is because our national revenues are derived from the people not in proportion to their ability to pay, not in proportion to the benefits which they derive from this National Government, but practically on the basis of a per capita tax. The poor man with a family of ten persons pays much more national taxation than the wealthy bachelor. Our national laws lay no taxes on wealth. The great accumulations of wealth make no contributions to our national revenues.

Our national finances are organized altogether upon the theory of taxing the consumer. He bears the burden. Even the income tax, passed by a Democratic Congress, was killed by the Supreme Court.

This is the fact. It is a bad system. It puts the burdens of government on the people without any regard to their ability to pay. This being so, the least we can do is not to squander the money. This vast revenue taken from the people at the rate of $2,000,000 a day should be regarded as a trust fund, and the chairman of the Committee on Appropriations owes it to the people to see that all these ridiculous fads and foibles, these experiments and wastes of public money, are checked and stopped. It is not the duty of the chairman of that committee, or any other chairman, when an inquiry is proposed seeking information as to how much is being expended, to interpose objections and obstacles. He refers to some vague and incomplete report which I have never seen and which was made last year, but not to this House nor in any detail. That report should come to this House, and we should know when and how much money was expended in this matter.

Now, Mr. Speaker, I realize that it is not possible to get this information if the chairman of the committee refuses to give us his aid. I realize my unpopular position in Washington. I realize fully that in coming here as an advocate of economy in national affairs I expose myself to attack. As the chairman of the Committee on the Post-Office and Post-Roads said yesterday, I "incur mere notoriety." I know that a demand for economy is not the path to popularity in Washington.

But I tell you gentlemen on the Republican side that in the next campaign, the campaign that we are approaching, you will find the Democratic party appealing to the people of the country on several vital issues. One of the most important and incontrovertible influences for Democratic success will be the charge that you have been running this Government into a degree of extravagance unheard of in the history of the world. Compared to other great nations of the world, you have made ours reckless and wasteful. You have squandered the people's money, and the party in power at the present time is charged with full responsibility. [Loud applause on the Democratic side.]

Mr. ROBINSON of Indiana. I ask the gentleman from Indiana [Mr. HEMENWAY] to yield me ten minutes.

Mr. HEMENWAY. I wish the gentleman would take his time when we come to the urgent deficiency bill.

Mr. ROBINSON of Indiana. It will not take any more time now, and I hope the gentleman will not interpose objection.

Mr. HEMENWAY. I should like to dispose of this matter and get to the urgent deficiency bill.

Mr. ROBINSON of Indiana. I think the gentleman recognizes that this is not going to precipitate any considerable debate. I think that my remarks will practically be all there is of discussion.

Mr. HEMENWAY. Well, I yield ten minutes to the gentleman.

Mr. ROBINSON of Indiana. Mr. Speaker, evidence is multiplying daily to show that every plan proposed for the expenditure of money, though it be fantastic and extravagant, receives support from some officer, bureau, or department, and we must design means to restrain impetuosity and curb this lavish waste. No extravagant scheme should be ventured on by a board or bureau till expressly sanctioned by Congress.

The chairman of the Committee on the Merchant Marine and Fisheries, Mr. GROSVENOR, of Ohio, in his recent report, said:

> There is no legitimate expenditure possible within the wide scope of national jurisdiction that the American people do not rush lavishly into, even to the extent of promoting experiments in aerial navigation.

This, I think, is diplomatic censure of extravagance where found, and intended for the officers who represent and should stand for the people, and does not imply that the people approve it.

The gentleman stands afar off and points in the right direction

of the target and hits around its edges. He is a prominent actor in the shooting match and a friend of the proprietors of the show. Some of the owners are not vigilant, others are sleeping, but he hesitates to ring the gong to wake them up. I am a little closer than my friend, and will try to hit the bull's-eye if I can.

We should strike directly at that queer scheme of aerial navigation whereby a scientific promoter, encouraged by executive officers, if not by Congress, raised the high expectation of the public and his demands for money, only to have the venture fall flat and the money sunk at the first opportunity to test his apparatus. We should stay the hand of wasteful adventure and strike down such costly bubbles as Langley's air ships and air castles and rescue the innocent public from such dreams.

I would do the professor no injustice. I admit his ability and power, but I do not concede it in the field of aerial navigation, but in the domain of hypnotism, and to that stands as a shining mark his ability to get many thousands of dollars from officers not in the care of their friends, not under charges, in high official position, or from their subordinates, who should be men of sound business wisdom. Such he influenced in his aerodrome device, so visionary that to the ordinary mind it would seem that wisdom would have shown its futility.

Congress must protect itself or be charged with the folly. If Congress pass appropriaton bills in general language and executive officers pursue this course, there is no protection against any Don Quixote extravagances that belong to the realms of fable or fiction.

In the language of the last fortification appropriation bill—and it was not broader or more limited than the act of September, 1888, creating the Board of Ordnance and Fortification, which spends this money—we provided for "investigations, experiments, and tests," and used the words "other implements and engines of war." Within these words is the only authority for this reckless expenditure. Is Langley's air ship an "implement" or "engine of war?" I think not. Did the experts think so? I would not so charge them. A regiment of them would not conquer the Fiji Islands, except, perhaps, by scaring their people to death.

Mr. HEMENWAY. Does the gentleman say that an effective air ship would not be an instrument of war?

Mr. ROBINSON of Indiana. I say that Langley's air ship is not an instrument of war.

Mr. HEMENWAY. Not Langley's air ship, but an effective air ship.

Mr. ROBINSON of Indiana. I am referring to this particular one.

Mr. HEMENWAY. If they could sail up over the enemy's camp and see what he had there in the way of men and fortifications, and ascertain all about him, and still be out of danger themselves, that would be an instrument of war that would be more valuable and more formidable than any that the world has ever yet seen.

Mr. ROBINSON of Indiana. I am sure that the gentleman will never see any such thing done by Langley's air ship. We must stop this or some bureau under the guide of some professor will be projecting a railroad to the moon.

If we do not, who can tell how soon some one will influence some Department to test the principle of erecting buildings beginning with the roof, with no foundation; who knows how soon some scientist will be promoting with Government aid a plan to feed spiders on glue and bluebottle flies to make it weave a fabric of strength and color; who knows but that some dreamer will be encouraged to test the efficacy of hermetically sealing up hot air in bottles in summer to let it loose in cold, inclement weather?

We should frame our appropriation bills so that unsuspecting Government officials susceptible to hypnotic influence of scientific dreamers may not be led away. Give them a Congressional jolt to awaken them from the spell cast by impractical scientific enthusiasts, to disenchant them, to the end that the public shall be protected, that the Government pay roll shall not open to dreamers, and to emphasize that official position is not a "private snap," that the avenues to the Treasury shall not open to scientific explorers or exploiters either of the earth or heavens, except as the public needs require it.

Is the Board of Ordnance and Fortification by its adventures to become known as holding out invitation to those who honestly believe that the world owes them a living and who can not make connection to get it outside of Government shelter? This Board is a creation of Congress sixteen years old. It has been fed by blanket appropriations. We are warned to be specific.

What became of Langley's air-ship plan that cost so much money? It was referred to the Board and the public knows the result.

At the breaking out of the Spanish war a gentleman wrote to me that he had an idea that he thought humanitarian and that would tend to shorten hostilities. He had great confidence in the War Department, but he was desirous of securing credit if his plan was adopted. It was for our soldiers to carry with them metal plates, highly polished, or mirrors, and reflect the sun in the eyes of the enemy on the firing line.

I did not at that time know that this Board was investigating these subjects, and I responded to him that I had perfect confidence in the War Department, as he could have. I never heard that his matter was a subject of investigation or expense; but I make no complaint, not even though there may have been a discrimination in favor of Langley's project.

I have no disposition to criticise Professor Langley or his scientific theory, except in the manner he scored every other plan of aerial navigation. He was caustic and unsparing. What became of the pet hobby of the scientific specialist? He fitted up his ship with great secrecy, and withal elaborately and at great expense; it was well oiled and polished; in all its appointments it was delicately balanced; in all its mechanism it was measured to the scientific scale; it was prepared for flight, resting on terra firma on an ark of safety, head forward, and overlooking the Potomac River; external force was applied to give it momentum, and it started on its flight in the air over the river; it flew 2 or 3 inches beyond its base (there is some dispute as to the distance), and leaving its firm base it gravitated straight down to the earth in the bottom of the river.

There it lay, a jumble of tangled wreckage; a tangled mass that looked like old scrap iron; a mixed assortment of wings and tails and fans; a tangled mass of scientific destruction, swept by the sleepy tide of the Potomac, resting in its watery grave, a monument—to Langley and of administrative folly. This fruit of "investigation, experiments, and tests" of "implements and engines of war" did not have the virtue of a flying machine invented centuries ago. When the promoter of that took his position on a promontory over a river and jumped off, flopping his wings, he fell into the water, but it was found that the wings that would not sustain him in the air saved him from drowning when he reached the river.

Langley's last and final collapse almost resulted in the death of Mr. Manly, and this misfortune was only averted by the vigilant newspaper correspondents, who had waited so long in their boats for the final test that, according to the press accounts, their beards had grown long and shaggy.

This was the end of the scientific exploration, but the absurd development of this impractical theory had been going on for years, and was on the Government pay roll, wasting thousands of dollars in salary fund and for experimentation. Obstacles, failure, and collapse only seemed to sharpen the appetite for more money.

Is it not time for Congressional dissent? The last army fortification bill, following former acts, provided "that before any money shall be expended in the construction or test of * * * implements * * * the board shall be satisfied after due inquiry that the Government of the United States has a lawful right to use the inventions." Did the War Department think that this was an invention? Charity forbids that thought.

The published accounts state that all devices claimed as inventions are not necessarily such; that the Patent Office drew the line on a freak invention claimed, and refused a patent to one who claimed the priority of right in the scheme of drawing a chalk line around a molasses barrel to keep ants from walking up.

What we are interested in now is, who is responsible for this folly? Is Congress? Will not some Member having the appropriation bill in hand tell us? Can he not make it clear that Congress never authorized the propagation of such vagaries by showing that it was a misconstruction or a violent abuse of discretion that caused it? This must be done or Congress stands charged with the abuse.

One good will come from investigation and explanation. It will open light on how far Congress has been misled, how far misconstruction of our acts and appropriations have obtained in this and other Departments of the Government. I think we can clear our skirts and show that the offices and bureaus and Departments alone are responsible, and we should be swift to apply the remedy.

Mr. HEMENWAY. Mr. Speaker, the question before the House is on the resolution of the gentleman from Nebraska [Mr. HITCHCOCK]. His resolution requests certain information. The Committee on Appropriations report back the resolution with the recommendation that it lie on the table, for the reason that the information requested by him is given in a report which has been read at the Clerk's desk and given exactly, showing that so much money has been set aside by the Board of Ordnance and Fortification for this purpose; that $25,000 was first set aside; that that sum has been expended; that $25,000 more was set aside, and that that sum has been partially expended.

It further develops that from the funds of the Smithsonian Institution some $23,000 has been expended. So that gives the information that the gentleman from Nebraska sought to secure, and there is no occasion for the resolution being sent to any of the

Departments of the Government, and no reason why the resolution should not lie upon the table.

Now as to the merits. If you read the records of Congress you will find that years ago, between 6 o'clock and 12 o'clock one night, when it was said that a telegraph line could be constructed, and that we could send messages by wire from here to Baltimore, many men in this House got up and laughed at the idea and said it was a ridiculous waste of public money to appropriate anything for that purpose. Yet the appropriation was made, and we not only send telegrams by wire to Baltimore but we can send them all over the world.

When the telephone was proposed they said you could not talk from here to some one in New York; yet they are talking to-day from New York to Nebraska through the telephone. When investigations of this kind are being made we always find gentlemen who come here and say these things are impossible.

The sole question before the House now is to secure the information requested by the gentleman in his resolution. That information has been furnished and placed before the House. That is all we are determining on this vote. It is not a question whether money ought or ought not to be expended for flying machines. That question is not here.

The sole question is, Has the information requested by the resolution been furnished? It has been furnished in the report that has been read to the House, and there is nothing else to do with the resolution but to lay it on the table. Therefore I move, Mr. Speaker, that the resolution of the gentleman from Nebraska be laid on the table.

Mr. HITCHCOCK. I would like to ask the gentleman a question.

Mr. HEMENWAY. I do not care to yield now. The gentleman has had his time.

The SPEAKER. The gentleman from Indiana moves to lay the resolution on the table.

The question was taken, and the resolution was ordered to lie on the table.

URGENT DEFICIENCY BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10954.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. TAWNEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10954.

Mr. HEMENWAY. Mr. Chairman, I yield twenty minutes to my colleague on the committee [Mr. BURKETT].

Mr. BURKETT. Mr. Chairman, on last evening we all went home late to dinner. The Journal, as just read, shows that we did not adjourn until 5.47. We remained here, all of us, long after the usual hour of adjournment, weary as we were and hungry, listening to the gentleman from Mississippi [Mr. WILLIAMS], the distinguished leader of the Democracy of the House and the leader of the Democratic party of the United States.

You upon that side of the aisle were anxious to hear what was to be inscribed upon your banner in the coming campaign, anxiously longing that he might drop out some keynote and give to you perhaps the paramount issue, as it were, and with it some hope for the campaign before you. We upon this side of the House were anxious to know what excuse there might be for the longer existence of the Democratic party.

I want to say, in beginning, to our Democratic friends that I have always had a good deal of deference for a Democrat, individually speaking; I have always believed that a Democrat was as honest and as courageous and as patriotic as anybody else. I have always conceded to the Democrats, individually, that they were just as devoted to humanity, their flag, and their country as anybody else; but I have always believed, as I believe to-day, and my belief grows stronger every time I hear a speech on that side of the House, that the Democratic party is absolutely wrong upon every question of government in this country; and from all I can observe there is no hope for anything better from it in the future.

Now, the discussion yesterday suggested to me to make a few remarks, and I may say that I had not asked for any time and did not expect until last night, in fact, that I should speak.

The gentleman from Illinois [Mr. BOUTELL] asked the gentleman from Mississippi, the leader of the Democratic party, the direct question: "Are you or are you not in favor of the free coinage of silver?" It should have required but one word to answer. The gentleman from Mississippi said he would answer frankly, and then he took fourteen minutes and thirty-seven seconds of time to do it [laughter], and said what will be a column of the RECORD in that "frank expression" of his position. And when he got through there was not a man in the House who knew any better than he did when he began where he stood and where the Democratic party was going to stand on the free coinage of silver, and the RECORD will show that there was loud applause on the Democratic side of the House. [Laughter.]

Now, let me say to the Democratic party: Do any of you know where you stand upon the silver question? Do you know where you stand upon the revenue question of this country—whether you are going to be for free trade or for revenue tariff or for a moderate reduction of the present tariff system? I will tell you when you will answer that question directly—after the convention meets at St. Louis on the 6th day of next July. Then we will all know where the Democratic party will stand so far as this campaign is concerned—when you find out whether my distinguished constituent from Nebraska is going to lead the hosts of the Democracy and control that convention or whether the reorganizers of your party are going to control and repudiate everything you have stood for in past campaigns.

Mr. THAYER. We understand what we are doing now.

Mr. BURKETT. I undertake to say that there is not a Democrat in the House who knows whether he is going to talk for free silver or for the gold standard after the coming St. Louis convention. There is not one of you that knows whether you will talk for free trade or for revenue tariff or whether in accord with the doctrines of a distinguished gentleman from the State of Maryland, who says, I believe, that the Democratic party only wants to revise in a very limited degree the present revenue system.

Mr. BENNY. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from New Jersey?

Mr. BURKETT. I do.

Mr. BENNY. Did the Republican party in 1896 know where it was going to stand on that question until it was told by TOM PLATT, who told them after the convention was assembled?

Mr. BURKETT. I do not know what the gentleman knew about what TOM PLATT told the convention of 1896; so far as the gentleman who is talking is concerned he knew very well where he would stand and where the Republican party of Nebraska would stand a good many months before the convention of 1896. [Applause.] I will say to the gentleman that the Republican party of Nebraska had crossed that bridge so far as they and their platform were concerned many weeks ahead of the suggested direction of THOMAS PLATT, of New York, or of any other gentleman.

Mr. BAKER. Will the gentleman yield to another question?

Mr. BURKETT. Yes.

Mr. BAKER. Do I understand the gentleman to say now that the Republican party in the next campaign is going to declare for a vigorous criminal prosecution of the officials of the trusts which have violated the Sherman antitrust law?

Mr. BURKETT. I will say to the gentleman that nobody ever doubts, as I will undertake to show before I get through, where the Republican party stands at all times on all questions, and let me say further to the gentleman that every law that was ever put upon the statute books of the United States for the suppression of capitalistic greed was placed there by the Republican party against the combined opposition of Democracy. [Applause.] And further let me say that every single law that has ever been enforced has been enforced by the Republican Administrations of this country.

Mr. SMITH of Kentucky. Will the gentleman permit me a question?

Mr. BURKETT. Certainly.

Mr. SMITH of Kentucky. I have heard the statement made so repeatedly that what is known as the Sherman antitrust law is a production of the Republican party that I want to ask the gentleman from Nebraska if it is not a fact that in the United States Senate, when that issue was pending before that body, the distinguished Senator from Wisconsin, Mr. SPOONER, declared that Senator Vest, of Missouri, had more to do with the framing of that act than any other one man in either branch of Congress?

Mr. BURKETT. Let me say to the gentleman now I do not know what that has got to do with my speech or what that has got to do——

Mr. SMITH of Kentucky. The gentleman from Nebraska is claiming all the credit for the Republican party for antitrust legislation. That's what it has to do with it.

Mr. COCHRAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Missouri?

Mr. BURKETT. I would like to get through with one of these men at a time.

Mr. COCHRAN. The gentleman looked so complacent that I thought he had got through with the whole earth.

Mr. BURKETT. Go ahead, then, and ask your question.

Mr. COCHRAN. You say the Nebraska Republicans had solved the financial problem and had taken their position in favor of the gold standard long before the convention——

Mr. BURKETT. Before the St. Louis convention.

Mr. COCHRAN. Was that about the time the late President McKinley made his famous swing around the circle and made silver speeches all over Ohio——

Mr. BURKETT. I did not hear him in Ohio, but Major McKinley made no silver speeches in Nebraska.

Mr. COCHRAN. You only know what took place in Nebraska?

Mr. BURKETT. Let me say to the gentleman I have read every speech of his that the Democratic party circulated in the campaign of 1896, and I defy anybody on the Democratic side to get up and say that President McKinley ever advocated the unlimited free coinage of silver in the sense that the Democratic party did in that campaign, or that Blaine did, or any of the rest of the list of great statesmen whose speeches you circulated in your effort to show that they at some time had stood for free silver.

Mr. COCHRAN. But did they advocate the gold standard prior to 1896?

Mr. BURKETT. There was no particular contest on that subject prior to 1896.

Mr. COCHRAN. Did you ever hear of any political party in this country framing a platform declaring in favor of the gold standard prior to 1896?

Mr. BURKETT. Let me say to the gentleman from Missouri that that is a question that has been thrust at us a good many times. I have heard you upon that side say a good many times that the Republican party was the first party that ever dared to advocate the "pernicious gold standard." Let me say to the gentleman, I thank God it was.

The Republican party has been the first party that has dared to advocate a good many things in this country against the opposition of Democracy. The Republican party was the first party that ever dared to say 4,000,000 black men should no longer be slaves in this country, and that they would go to war, if necessary, to carry out that position.

The Republican party was the first party that ever dared to advocate cheap postage in this country and free homesteads. They were the first who dared to advocate the resumption of specie payment, and we have had them all because the Republican party had the nerve to declare for them. All along the line the history of the Republican party shows that it has been the party that has taken the lead in the progress, the development, and the upbuilding of this country against the opposition of the Democracy of the United States. [Applause on the Republican side.]

Mr. COCHRAN. The gentleman has had fourteen minutes and thirty-seven seconds, and he has not answered at all. [Laughter.] I ask you the question again: Is it not true that every party, Republicans, Democrats, Populists, Greenbackers, Prohibitionists, and every political party in this country prior to 1896, had made solemn declarations in favor of the coinage of silver?

Mr. BURKETT. The Republican party never, in any platform, in any convention, either State or national or county, so far as I know, not even in Missouri, advocated the free and unlimited coinage of silver.

Mr. COCHRAN. In 1892 did not the platform adopted at Minneapolis merely becloud the subject and carry the impression that it was in favor of it, and did not the orators on the stump claim that they were more in favor of silver coinage than the Democrats?

Mr. BURKETT. So far as the records of the parties go, the Republican platform was almost as clear as the platform of the Democratic party. The gentleman must recognize this, that in the campaign of 1892 neither your party nor the Republican party made any issue at all upon the money question. You went before the country on an entirely different issue. The question was not raised, and perhaps not one man in ten heard the money question spoken of in 1892.

Mr. COCHRAN. Did not whole State delegations—notably the California delegation—go to St. Louis on a special train, bearing on it a pledge of the party to the unlimited coinage of silver and gold?

Mr. BURKETT. That I do not know, for I did not see the train.

Mr. COCHRAN. Now, then——

Mr. THAYER rose.

Mr. BURKETT. Mr. Chairman, in view of the fact that there are so many wanting to interrupt me, and they can not determine among themselves who shall be recognized, I decline to yield further.

Mr. THAYER. The question that I want to ask the gentleman, and the question to which I think the country wants an answer, is, Do you propose to go back to 1896 for your issues, or do you propose to face the conditions of 1904?

Mr. BURKETT. Let me say to the gentleman from Massachusetts that the Republican party never looks backward upon any question at any time or on anything. [Applause on Republican side.] The Republican party will keep its face to the front. It will handle the issues in the campaign of 1904, as it has handled them in the past, for the best interests of all the people of the whole country.

Now, let me go on, for I do not know but that my speech may be "deflected," to use the term of the gentleman from Mississippi. I will say in response to the gentleman from Massachusetts that there is no probability of our discussing 1896 issues this year. The Democratic party never stood still that long upon any question. You will have to have a different issue than you have ever had before if you expect to establish yourselves in the confidence of the American people. And I do not blame the gentleman for wanting to get away from 1896.

Now, this calls to my mind the fact that every four years, and sometimes oftener in the past, our Democratic friends have had to change their paramount issue and have a new excuse for existing longer as a party.

We Republicans are never in that unfortunate condition. Our positions and our policies are enduring.

I remember the first time I ran for Congress, in 1898, the paramount issue of your party out in my district was the McCleary bill. I do not know whether any of you had to run up against it or not. Probably it was a good bill, for it bore the name of my distinguished colleague and coworker in the committee from Minnesota. I never happened to hear particularly about that bill until some gentleman came from the East and declared it was the paramount issue. For sixty days we had to go over the district talking about the McCleary bill, and nobody has ever heard of it since. In 1896 the paramount issue of the Democratic party was "the free and unlimited coinage of silver at the ratio of 16 to 1, without the aid or consent of any other nation on earth." There is not one of you who can say that as smoothly as I did.

You have not tried it since 1896, yet in 1896 every Democrat of you was authority on 16 to 1. You went out of that convention in Chicago, every mother's son of you, and you got a piece of white metal sixteen times as big as a piece of brass, and you hung it on your coat lapel and strutted up and down the streets and the lanes of this country swearing you stood for 16 to 1 or bust, and every one of you busted. [Laughter on the Republican side.]

Now, let us go back further, as the gentleman from Missouri [Mr. COCHRAN] said, to 1892. Your paramount issue then was free trade. When Garfield was the candidate, it was the force bill. When Hayes was the candidate you said if he was elected he was going to turn the temples of liberty over into the hands of the money changers, or something of that kind. When Grant was a candidate it was militarism, and when Lincoln was a candidate it was imperialism. Every four years you have had a new paramount issue.

Now, this is the question that confronts us, and it confronts the people, and that embarrasses the Democracy of the country. Why is it that every four years you have not only got to have a paramount issue, a new excuse for nominating candidates, but in no two successive campaigns have you ever dared to take the same position that you took in the previous campaign upon any question?

Now let us go back, if the gentleman from Missouri [Mr. COCHRAN] will, to that campaign of 1896 and see why and whither comes these divers and sundry paramount issues. When that convention met in Chicago in 1896 there was not a Democrat here that had any idea that they could nominate a candidate for President with any hope of electing him. We had had four years of Democracy in this country, four years of free trade. We had had four years of the hardest times that the American people had ever gone through, and I pray God that we will never be called upon to go through four more such years as we went through from 1892 to 1896. When your convention met in 1896 not one of you thought it was worth while to nominate a candidate for President. From that convention came forth the proposition of the free and unlimited coinage of silver at the ratio of 16 to 1, etc. You went before the people, and I must say you made considerable stir.

Now, I am going to make a confession. I never wonder why so many people voted for free silver when I think of the conditions of those times and the environments. There are three things in connection with that campaign of 1896 that, when I think of them, I never wonder why so many people voted for free silver. When I think of the conditions of those times, when I think of the abuse that a man had to go through in 1896 if he advocated the gold standard, and, further, when I think of the prophecies and the predictions and the promises that your party made in 1896, every single one of which you would be ashamed to make

to-day, I do not wonder that so many people were misled in the campaign as there were, and let me say right now in the beginning that of all the speeches that you all made there is not one of you that dares stand up on the floor to-day and make the speech as you made it in 1896.

There is not one of you who will dare to stand up in this House or stand up on a platform before enlightened American citizens in all the length and breadth of this land and make the arguments and prophecies and promises and predictions that you made in 1896. Think of the conditions of those times. You remember how hard times were. You know of the want and hunger and idleness of those four dark years. I remember that old story that had not been used, as campaigners told me, since Buchanan's time, but which was gotten out and used at that time—that old story of a man shearing his sheep. I think the story must have come from Missouri or from Ohio, because we did not have any sheep out our way at that early day. This man said that when he thought how low the price of sheep was and how cheap wool was he never dared shear a sheep in those Democratic days in the old accustomed way, by shearing it from the head toward the tail; but he grabbed the sheep by the tail and sheared him toward his head, because he was ashamed to look a sheep in the face. [Laughter.]

I remember the great armies of American laboring men all over this country that were marching on to Washington. I was not here at the time, but I remember the great armies under Kelley and Coxey and their captains and colonels and lieutenants that gathered from all over this country and marched on to Washington. They came from the Rocky Mountains and the Alleghenies, from the North and South. They passed through the town I live in, as they passed through the towns that every one of you lives in. They came here to Washington, and some people called them hoboes. But they were not. They were loyal, patriotic, and industrious American citizens, who with all their brain and all their brawn and muscle could not find work enough to do in this country to employ their hands with which to furnish the necessaries of life for the wives and children they had sworn to protect at home. They came here to Washington. They never asked Uncle Sam for a dollar, not one. What was it they asked? What was their petition? It was this:

"Uncle Sam, here we are, your children, 3,000,000 of us, idle American laboring men, who are walking the streets by day in search of work and are following our shadows home at night to a crust of bread and a pallet of straw. Here we are, Uncle Sam.

"We want you—the United States Government—to undertake some great public work; we want you to dig canals, to build highways; we want you to do something or other that will give our idle hands employment."

[Here the hammer fell.]

Mr. HEMENWAY. I yield the gentleman sufficient additional time to continue his remarks.

Mr. BURKETT. I am sorry I have overrun my time; but it was not altogether my fault. I did not seem to be able to control that matter.

That was the condition that confronted the people at that time—in 1896.

Another thing. A man could not advocate the gold standard in 1896 without being abused. It took nerve to be a Republican in 1896. You could not go down the streets of this town or the different towns in your districts throughout the length and breadth of the land without being abused; without being called a "Hannacrat," a "goldbug;" without being accused of trying to get your feet on the neck of the "poor, helpless people," as they said, and stamp the life right out of them. It took nerve in 1896 to be a Republican as was never before required of men in civil affairs.

One other thing in passing. I do not know that I have the ammunition here to-day for all that I should like to say, but the trend that the earlier part of this debate has taken leads me to go into this point. You remember that in 1896 you people went into the field of prophecy; you prophesied what was going to happen. You said that if the people did not vote for the free and unlimited coinage of silver terrible things would happen. Now, there is not one of you who to-day would stand up before an intelligent audience and say those same things over again.

I have not here all the matter to which I should like to refer, but fortunately I happen to have at hand some memoranda showing some of the things which were said at that time by your great, peerless leader, and I am going to read some of these things. As I read them I want to see whether any of you will stand up and affirm that any of the dreadful things that were then predicted to happen have occurred in any alarming extent.

Soon after the campaign of 1896 was over Mr. Bryan wrote a book, and he collected together in that book the speeches he had made in that hippodrome chase over the country for election to the Presidency. The book has his name on the title page, so we may be sure that it is authoritative as to what he said.

I have not that book here. If I had known the turn which this debate would take, I would have brought here the original document. But I have here, luckily, some extracts from that publication of Mr. Bryan, and I have the pages noted, so that the quotations which I make may readily be verified. I repeat, as I read these predictions, if any of you are ready to say that any of these predictions have proved correct, I should be glad to have you stand up and say so. When Mr. Bryan was saying these things in that campaign, every one of you were repeating them; every one of you insisted that what he said was true; every one of you was ready to bow down at his altar and worship.

Among the things which Mr. Bryan said, and which I ask you now particularly to notice, was this:

If you elect the gold-standard candidate, it will increase the purchasing power of a dollar and make falling prices.
It will increase the debts of the people, lessen ability to pay debts, make hard times.

In another speech he said:

If you elect the gold-standard candidate, it will starve everybody but the money changers.

The gentleman from Mississippi [Mr. WILLIAMS], in his remarks yesterday not only continued in that same miserable strain of prophecy but he said, if I remember rightly—unfortunately for me his speech is not in the RECORD, but if I misquote him he will be good enough to say so—he said the Republican party was now continuing the process as it had in the past, continuing more and more to starve the people of this country.

Now, as I heard the gentleman from Mississippi say that, I remembered the statement of Mr. Bryan four years ago—the statement which he then proclaimed all over this country. Now, either it was not true, as Mr. Bryan said, that if the people elected the gold-standard candidate they would starve everybody but the money changers, or else all the people of this country have become money changers; for our people, all of them, all classes and everywhere, are the slickest, fattest, most prosperous people of all the world and of all times.

Now, I quote from page 485 of this book:

If you elect the gold-standard candidate it will take the bread out of one man's mouth and put it into another man's mouth.

Think of it! What a pathetic thing! A regular surgical operation! [Laughter.] Do you wonder that so many people voted for Mr. Bryan in 1896, when you recall the predictions and prophecies which were then made?

If you elect the gold-standard candidate it will make the rich richer and the poor poorer, decrease happiness, increase distress, destroy opportunity to work.

There is where they almost caught me. I always like to work; and when I read that declaration that if the gold-standard candidate was elected "it would destroy opportunity to work," I must say it almost caught me.

Now, I read from page 540:

If you elect the gold-standard candidate it will encourage hoarding of money.

In other speeches such statements as these were made: The election of the gold-standard candidates will—

Ruin the farmer.
Injure the wage-earner.
Reduce employment.
Discourage enterprise.
Paralyze industry.
Bust the savings banks.
Ruin the depositor.
Decrease salaries.
Destroy manufactures.
Make impossible for husbands and wives to pay mortgages.
Close public schools.
Make dearer money.
Cheaper property.
Harder times.
More crime.

Yet McKinley was elected, and we adopted the gold standard, and not a single prophecy or prediction of our opponents has come true.

Why, I remember within six months after that campaign corn went up out in Nebraska, and our opposition friends still denied that we had any prosperity. Corn went up more, and then the Democrats said, "Why, certainly corn has gone up, but don't you know they have a famine over in Europe somewhere, and that is what has made corn go up?" Then horses went up, and they said, "That is because horseflesh is used as meat, and it has found a new market." But the people of this country do not eat mules, so mules went up, and kicked the wind out of their argument. Apparently everything in this country went up except free silver, and I might add Cervera's fleet.

Mr. BENNY. Will the gentleman permit a question?

Mr. BURKETT. Yes; certainly.

Mr. BENNY. Do you believe that the rich have grown richer and the poor have grown poorer, or not?

Mr. BURKETT. I do not believe it. I believe they have all

grown richer. I believe the rich have grown richer and the poor have grown richer, too. The whole country has grown richer.

Mr. SCUDDER. In equal proportion?

Mr. BURKETT. The gentleman knows that could not be true. They should grow richer in the same ratio, but not in equal amounts. The man who starts out with twice the advantage is certain to grow rich faster than the other man.

Now, I want to follow this thing up. Four years later the Democratic party met in Kansas City. The people of this country understood free trade after the campaign of 1892. They understood free silver after the campaign of 1896, and when your convention met in Kansas City you had to have a new issue, a new excuse for going before the American people. I will tell you why.

Every one of you can remember when you were a boy and your mother washed and dressed you and kissed you good-by and started you to school, and instead of going to school you went fishing or swimming. Then, do you remember that when you appeared in school the teacher called you up in front and wanted to know why you had been late or absent? Do you remember that? You gave her some kind of an excuse. You got caught the second morning if you gave the same excuse. So you never offered her the same excuse the third morning, after you had been caught. The Democratic party in this country got caught on free trade in 1892. You got caught on free silver in 1896, and just ordinary schoolboy common sense told you to get a new excuse.

Now, when you went into that convention in Kansas City you adopted free silver, it is true, but you proceeded from that moment absolutely to refuse to say a word upon the money question throughout all that campaign. You did adopt free silver, but you had to go away out into the Pacific Ocean, two or three thousand miles away from home, to get the deciding vote that put that money plank into your platform. Why? Had you changed your judgment on it? Had your consciences had an awakening in the meantime? Did you know more than you did four years ago? That was not the proposition. You had been defeated on that issue four years before, and you did not have the nerve, so far as the Democratic party on the continent—in the United States—was concerned, you did not have the courage, you did not have the faith in your convictions of 1896 to put them into your platform, and if it had not been for that delegate from Hawaii you never would have referred to free silver in 1900 even in your platform.

Mr. SCUDDER. Is not that one of the misfortunes of expansion?

Mr. BURKETT. That may be true to your party. But you did not stop there. I will tell you what your paramount issue was then. Your paramount issue was then, as you brought it out there, three things, if I remember right: Imperialism, militarism, and trusts—triplets of the political family of graveyard walkers, imaginary horrors, reared at that time, for what? To cover up the egregious blunders of the past, to make the American people forget, if it was possible, your false argument on free trade in 1892, and your ridiculous prophesies on free silver in 1896.

Mr. SCUDDER. Will the gentleman yield for a question?

Mr. BURKETT. Yes.

Mr. SCUDDER. Does the gentleman contend that the trust issue is an imaginary issue at this time?

Mr. BURKETT. It will be an imaginary issue so far as the Democratic party is concerned, I am quite confident of that. It always has been imaginary, so far as the Democratic party was concerned.

Mr. THAYER. And so far as the Republican party has been concerned, too.

Mr. BURKETT. It has not been in the past.

Mr. SCUDDER. How much of the appropriation of $500,000 is it understood they have expended for executing the laws against trusts?

Mr. BURKETT. I will say to the gentleman that the expenditure of money is not necessarily a measure of the degree of the enforcement of the laws so far as the Republican party is concerned.

Mr. SCUDDER. The President asked for it, and said it was essential.

Mr. BURKETT. He spent all that was necessary.

Mr. SCUDDER. Twenty-five thousand dollars. Does the gentleman think that is sufficient to suppress the trusts?

Mr. CHARLES B. LANDIS. That was $25,000 more than the Democratic party expended for the same purpose.

Mr. BURKETT. Now, I am not going into a trust speech today. It has been heretofore handled by those who sat in this House at the time the Democratic party had complete power, and they certainly have shown that the Democratic party can take unto themselves no particular glory for what they did in reference to the trust matter during the time they were in control of this Government. So far as the people of this country are concerned, they have never had any more confidence in your party to deal with the trust question successfully than they have upon any other question that has come before them to determine.

Mr. DALZELL. Will the gentleman allow me a suggestion?

Mr. BURKETT. Certainly.

Mr. DALZELL. Mr. Bryan says that the Democratic Administration, the only Democratic Administration we know anything about, was the most plutocratic that this Government ever knew [laughter and applause on the Republican side], and that the party spent a million dollars in the States of New York and New Jersey in order to put that plutocratic party into power.

Mr. CAMPBELL. And got that out of Wall street.

Mr. BARTLETT. And that was not as plutocratic as the Republican party.

Mr. SCUDDER. I was going to say, in answer to the suggestion of the gentleman from Pennsylvania, that it would seem, judging from the applause in the House, that Mr. Bryan has to look to the Republican party just now for his support. [Laughter on the Democratic side.]

Mr. BURKETT. I want to take up this discussion where the gentleman from Mississippi left it yesterday.

After the gentleman from Illinois had gone from Missouri clear around through Texas and Alabama to the Atlantic Ocean with his newspaper clippings, singing as they did the great battle hymn of the Republican party, "Good times and good cheer and prosperity," the gentleman from Mississippi arose at that point to interject into the debate what we all expected to be the paramount issue of the Democratic party for the coming campaign. But we were all disappointed. He only scolded. There is not a man on that side of the House but knows that every paper published in his district is teeming to-day with statements of the great prosperity that the people are enjoying.

The people never were so well fed, so well clothed, and so well housed as during this series of Republican years. There never was a time in the history of this country of such prosperity, and those newspapers, as read by the gentleman from Illinois, only confirmed what every one of us know, that there has been universal prosperity since 1897. Now, let me tell you what is going to be the paramount issue in the next campaign.

Mr. SCUDDER. Is that due entirely to the Republican party or has God Almighty had something to do with that prosperity?

Mr. BURKETT. Now, let me answer that, and also answer the question whether or not God Almighty or the Republican party is responsible for the boll weevil and for the high price of cotton, which has been asked so many times from that side of the House during this debate. Let me tell the gentleman from New York, and all the rest of you who have asked the question, that I have no hesitancy in saying that the Republican party is not only responsible for the price of cotton, but we are responsible for the fact that the people in New York and all over this country are able to buy cotton at 15 cents a pound, a rate that you have to sell it for to be profitable when the boll weevil has destroyed half of it. We are not responsible for the boll weevil, and we are trying to do with the boll weevil exactly what we have been trying to do with the Democratic party, the chinch bug, and every other pest in this country—we are trying to exterminate it. [Laughter on the Republican side.]

Mr. BARTLETT. Will the gentleman allow me to ask him a question?

Mr. BURKETT. I am trying to make my speech, if I am not interrupted.

Mr. BARTLETT. I do not want to interrupt the gentleman, if it is not agreeable to him.

Mr. BURKETT. I yield to the gentleman always.

Mr. BARTLETT. You said the Republican party made the manufacturers in the East able to buy our cotton at 15 cents a pound. Does not the gentleman know it to be a fact that the manufacturers in the South buy as much cotton as the manufacturers of the North, and that we sell three-fourths of our cotton crop abroad?

Mr. BURKETT. Well, let me say to the gentleman from Georgia in that particular that he fails to grasp——

Mr. BARTLETT. That is the truth.

Mr. BURKETT (continuing). He fails to grasp the real position of the Republican party not only upon the proposition of home markets, but on foreign markets as well. We have sold—and the Republicans are glad to admit it—more goods abroad since Major McKinley was made President and the Dingley tariff bill was passed than before in ten times as many years.

Mr. BARTLETT. Will the gentleman tell this House and the country what tariff there is upon raw cotton that is sold, and

which is the chief product of the South, and how the Dingley tariff bill has affected the price of raw cotton——

Mr. SCUDDER. And sold in competition with the pauper labor of China and Manchuria.

Mr. BARTLETT. Will the gentleman tell me how much that has affected that?

Mr. CHARLES B. LANDIS. Did I understand the gentleman from Georgia to say that three-fourths of that product of the South is sold abroad?

Mr. BARTLETT. I do; yes, sir.

Mr. CHARLES B. LANDIS. Will the gentleman tell me how he reconciles that with the Democratic prophecy made when the Dingley tariff bill was up that if we passed that bill it would absolutely destroy our foreign markets? [Laughter and applause on the Republican side.]

Mr. BARTLETT. I do not know that anyone ever made such statement, as far as cotton is concerned, for it is not protected by the tariff.

Mr. CHARLES B. LANDIS. Will the gentleman answer that question? You said we would build a stone wall around America and that we could not sell goods abroad any longer.

Mr. BARTLETT. I do not understand that any such argument was made by anybody.

Mr. CHARLES B. LANDIS. Now, the gentleman says that three-fourths of our product of cotton is sold abroad.

Mr. BARTLETT. And always has been under all tariffs.

Mr. CHARLES B. LANDIS. But they said it would cease if the Dingley bill became a law.

Mr. BARTLETT. I do not know of any man who made any such assertion that I have ever heard of.

Mr. BURKETT. Now, Mr. Chairman, let me take my time and make my speech.

Mr. BARTLETT. I thought I had the gentleman's permission.

Mr. BURKETT. I am always delighted to have the gentleman from Georgia say almost anything to me he feels like saying, as it does him so much good and it does not hurt me. Let me say to the gentleman from Georgia that there is a tariff on some sort of cotton goods; but that is not the proposition——

Mr. BARTLETT. I said raw cotton.

Mr. BURKETT. The Democratic party has taken the position here that because the boll weevil got into the cotton down South and made it scarcer by half that cotton has gone up in price. Now, tell me how high cotton would have gone in 1894 and 1895 and 1896? There was no sale for it then at any price; cheap as it was then it was a drug upon the market. It would not have gone up then under the same circumstances, because there was nobody who had any money to buy cotton with in those days. The laboring men were out of work and business men were out of business.

The prosperity in the cotton industry has been brought about, not by the scarcity of the article increasing the demand, commonly speaking, but through the ability of the people of New England and all over the United States to buy that cotton even at two or three times as high a price as it was during the free-trade times which the gentleman from Georgia is pining to reintroduce into this country. That ability to buy is because the people have all been employed on full time and at good wages, and good times and good wages is a Republican product.

Now, let me get back to my speech. Here is a question that bothers you all: Why is it that every four years you Democrats have to have a new paramount issue? Why is it that the Republican party never changes its paramount issue? The same paramount issue that the Republican party has to-day it had four years ago, it had in 1896, it had when Lincoln was a candidate, and Grant was a candidate, and Garfield was a candidate, and it has had it all along the line. Now, I might go further and say that a Republican never has to change his campaign speech because he always has the same doctrine to talk, he always has the same goal to attain, the same object to accomplish.

It is more embarrassing for you upon that side, for every year you must have a new issue. You never take a position that you can stand by for more than one campaign. On the other hand, we Republicans go tramping along the same old road, going in the same direction, to do the same thing. And the oldest Republican here to-day will bear me out in saying that you are making the same kind of speeches that you made forty years ago.

Mr. SCUDDER. Will the gentleman yield?

Mr. BURKETT. I wish the gentleman would not inject so many questions, but I will yield for this one.

Mr. BARTLETT. Mr. Chairman——

Mr. BURKETT. I can only yield to one at a time. Very well.

Mr. SCUDDER. The same position to do nothing at all to cut off your base of supplies.

Mr. BURKETT. I decline to answer that, Mr. Chairman. I refer the gentleman to the history of this country for the fifty years of Republicanism as an answer as to whether or not we have been a do-nothing party. I suggest that the gentleman read the history of this country for the last half century.

Mr. DINSMORE. Mr. Chairman, I dislike to interrupt the gentleman very much, for he is making a good speech. He was saying that the Republican party is advocating the same principles to-day that they have advocated for years and that he can make the same speech that he has made all the time. I would like to ask him if they are still, as in the platform of 1888, denouncing Grover Cleveland for trying to demonetize silver. [Applause on the Democratic side.]

Mr. BURKETT. Oh, Mr. Chairman, we have every hope that the Democrats will take care of Grover Cleveland. [Laughter.] Let me say that while your people every four years have had to change your position and have had to have a new issue, the Republican party has never had but one issue, and it will be the same in this campaign. It is the welfare and happiness of the American people, the progress and development of the American nation. [Applause on the Republican side.]

It doesn't make any difference whether free silver shall be acute in the Democratic party at that time, whether free trade shall be acute in the Democratic party, or whether the way we are going to handle the Philippine Islands shall be acute in the Democratic party, or whether Panama shall be acute, the Republican party will keep its face constantly to the front and advocate the one proposition—to do that thing at all times that will bring the greatest happiness to the American people, that will be for the welfare and prosperity of this great American nation. [Applause on the Republican side.]

Here is where the people are interested. Let me tell my friends on the other side that this is what concerns the people of this country, and before you enter upon the coming contest, with your theories and your hackneyed policies, you would do well first to consider how will they affect the welfare and happiness of the American people, the progress and development of the American nation. Only a few years ago you went before the country and stated that the most important question was the way we were going to take care of 5,000,000 people in the Philippine Islands. But the people, by the greatest majority we have ever had, insisted that a more important question to them was the way you were going to take care of 77,000,000 people right here in the United States. That is the question that comes home to every man and will be the paramount issue in the next campaign. When a man goes into the ballot booth to cast his vote he will say, "Which party, which one of these policies, which one of these theories when carried out will be for the highest interest for me and for my wife and for those that I have sworn to take care of at home?" That is the paramount issue of the Republican party, always to do that thing which will make light hearts and happy faces, good homes and pleasant places.

As I said before, everybody in this country wants good times. We are having good times, and the people want to know how long these good times are going to last. Out in eastern Nebraska in 1896 land was worth about $25 an acre and slow sale at any price. To-day you can not buy that land for less than fifty or a hundred dollars an acre. The people want to know how long these good times are going to continue. The people will want to know what assurance you can give them not only that you will continue these conditions, but that you will not visit upon them the same disasters that you did from 1893 to 1896. Let me tell the gentleman from Mississippi the difference between the real conditions and what he appeared to conceive them to be in his argument of yesterday.

Let me tell him how long these good times are going to last, whether his party gets into power or whether my party gets into power. I will tell you when the good times will stop—when we quit doing business on correct business principles. You Democrats never did conduct the affairs of this Government in my judgment, on any strictly business basis. There are two rules for doing business successfully. These two rules, if followed, will make individuals successful and will make a nation prosperous. In my judgment, you never would comply with them in the future, as you never have in the past.

The first of those rules is "spend less than your income." You have to do it as an individual if you expect to get ahead in the world. It makes no difference whether your income is 10 cents a week or 40 cents a minute, you must spend less than your income if you would get rich.

Secondly, if you expect to get on in this world and prosper as an individual you have to "sell more than you buy." You have to do it. You can not buy more than you sell and ever succeed. No farmer could sell $600 worth of corn and buy $700 worth of goods and prosper. Just so is it with national affairs, and no nation will ever prosper that spends more than its income or that sells less than it buys. The trouble with the Democratic party is you don't recognize these rules. You spend more than your

income and you buy more than you sell. Let me tell you what you did during the four years of the Administration of Grover Cleveland.

I have here, from the Statistical Abstracts, the receipts and expenditures of this Government during the four years beginning with 1894 and ending in 1897, when the Republican party came into power. I am not going to read them all, but I will put them in the RECORD, with the permission of the House. Let me say that in 1893 we had a surplus of $2,341,674. In 1894 you expended $442,605,759, and your receipts were only $372,802,498. You had a deficiency of $69,803,261. In 1895, the next year, you had a deficiency of $42,805,223. In 1896 you had a deficiency of $25,203,246. In 1897 you had a deficiency of $18,052,454. Every year you had a deficiency in times of profound peace in this country, simply because you spent more than your income.

Mr. MADDOX. Will the gentleman permit me to interrupt him for a moment?

Mr. BURKETT. Well, I should like to have the gentlemen defer for a time, for I wish to finish this matter.

Mr. MADDOX. Will the gentleman just step back now and tell us how much of a surplus Harrison had on hand and how much he expended and how he came out, and whether the Republicans spent more than their income at that time? [Applause on the Democratic side.] When he was inaugurated he had over a hundred millions of dollars in the Treasury, and when he turned the reins of government over to Mr. Cleveland there was not over two millions in the Treasury.

Mr. SMITH of Iowa. He paid off two hundred millions of bonds in the meantime.

Mr. PAYNE. He paid off two hundred and sixty-two millions of bonds in the meantime.

Mr. BURKETT. If you will go back and take the North American Review——

Mr. MADDOX. Oh, not the North American Review, but just take the United States Treasurer's reports.

Mr. BURKETT. I hope the gentleman will not get excited. We will try to debate this matter in decorum.

Mr. MADDOX. I want you to take the reports of the Treasury.

Mr. BURKETT. I think the gentleman will take my answer just as I give it, as long as I control the time. If you will go back and read the Forum and the North American Review——

Mr. MADDOX. But let us take the official records.

Mr. BURKETT. Mr. Chairman, I wish the Chair would try to keep the gentleman quiet. I am trying to answer all questions with proper decorum and courtesy.

Mr. MADDOX. Oh, I will withdraw the question if it embarrasses the gentleman at all. [Laughter on the Democratic side.]

Mr. BURKETT. No; it does not embarrass me in the slightest.

Mr. MADDOX. I will say that I indorse entirely the gentleman's idea of what the Government should do and what an individual should do, but I want to say to the gentleman that his party has not practiced what he is preaching and that the official records show it.

Mr. BURKETT. Now, let me tell the gentleman there never was an hour from the time that the civil war closed, on an average, down to the beginning of the Administration of Grover Cleveland when the Republican party did not pay off $174,000 of the indebtedness of this country—every blessed hour that you and I have lived since the civil war. [Applause on the Republican side.] They paid that indebtedness because they had a surplus, and they had a surplus only because they did follow those rules. If the gentleman will go back six months previous to the time of the election of Grover Cleveland, he will find the North American Review and the Forum and the financial journals of the country with this sort of articles in them: "What shall we do with the surplus in the United States Treasury?" "What shall we base bank notes upon when the national debt is paid?" That was the problem during all those later years of the Harrison Administration—what was to be done with the enormous surplus that was accumulating in the Treasury? I do not ask the gentleman to take my word, but let him go to the files of the North American Review or any of the great magazines of the country at that time and see for himself.

Grover Cleveland was nominated and he was elected, and between that time and the 4th of March the income of this country was absolutely shut off, and why? Because business stopped. The people of this country understood, or thought they did, at least, the conditions under which they could bring goods into this country as soon as Grover Cleveland should be inaugurated and Democratic policies put into operation, and they absolutely stopped importations into the country, as the records show. As the importations were decreased the revenues were decreased, the surplus decreased, and in that last year, instead of having an enormous surplus, just as we had had every year before, in 1893 our income was cut down to within two and a half millions of our expenses.

It was a close call, I admit, for a Republican Administration, but it was a surplus. It was a pretty thin margin to skate on, but, sirs, thin as it was, close to the line as it was, it was miles and miles better than your sixty-nine millions of deficiency the very next year. Let me go on, and I will tell the gentleman something else along this line of Democratic incompetency.

After you had had control of affairs four years you handed them back to us, glad to escape the responsibility, and the very first thing that the Republican party had to do when it came into power after that Democratic Congress and that Democratic Administration was to appropriate in deficiencies, to pay the debts of this Government that your party did not have the money to pay, to an amount of $347,165,001.82. Not only that, but during those four years you went four times to the money markets of the world and you borrowed $113,000,000, specifically to pay running expenses, and issued bonds for it. You issued more bonds during that time, but this amount is absolutely traceable to running expenses of the Government. In short, you borrowed $113,000,000 on the bonds of the country and three hundred and forty-seven millions on oral account and then left the Treasury empty and official salaries unpaid.

Now, that was the management of the Democratic party during the time they had the reins of government in their hands in this country. Why should we expect you to do better in the future than you have in the past when you adhere to the same old free-trade heresy?

Now let me continue where I left off when interrupted. The last year I gave you was 1897, when you Democrats in time of peace had a deficiency of more than $18,000,000. The next fiscal year, or that of 1898, was the first year under the McKinley Administration. It took us a little while to get our machinery started, and then the Spanish war came upon us, and then the Philippine war, and they made millions of extra expense.

The first year of that Administration, or 1898, we had a deficiency of thirty-eight millions. In 1899 we spent eighty-nine millions more than our income. But there the story changed. In 1900 our surplus was nineteen millions; in 1901 it was seventy-seven millions; in 1902 ninety-one millions, and in 1903 our surplus was fifty-four millions. With that stupendous amount of surplus we have been paying our debts. We always do. That is also Republican policy. When the Republican party turned the Government over into the hands of Democracy in 1893 the public debt, less cash in the Treasury, was exactly $838,969,475.75. When you Democrats went out of office in 1897, after four years of peace, that public debt was $986,656,086.14.

I happen to have here a Treasury statement for September 1 last, and that shows the debt to be only $917,752,545. Thus, since 1897, when we came into power, we have conducted the Spanish war and the Philippine war, have paid every cent of the cost, and have reduced the national debt $68,903,541.14. We have not done it by any legerdemain process, but by following the simple rule of business of spending less than our income.

Receipts and expenditures of the Government from 1893 to 1903.

Year.	Receipts.	Expenses.	Surplus.	Deficiency.
1893 a	$461,716,562	$459,374,888	$2,341,674	
1894 b	372,802,498	442,605,759		$69,803,261
1895 b	390,373,203	433,178,426		42,805,223
1896 b	409,475,408	434,678,654		25,203,246
1897 b	430,387,168	448,439,622		18,052,454
1898 a c	494,383,954	532,381,201		38,047,247
1899 c	610,982,004	700,093,564		89,111,560
1900	669,595,431	590,068,371	79,527,060	
1901	699,316,531	621,598,546	77,717,985	
1902	684,336,280	593,038,903	91,287,377	
1903	560,396,674	506,090,007	54,297,067	

a Republican year. b Democratic year. c Spanish and Philippine wars.

The gentleman from Mississippi, in his remarks last evening, said that he thought the free-silver question would be relegated to the rear, and he undertook to tell us why. Perhaps his language was stronger than that; I do not wish to risk misquoting him by making it any stronger than that, but it implied that he is going to tell my distinguished constituent out at Lincoln to "go way back and sit down;" that he was going to place him in cold storage, so to speak, in this next campaign; that he had decided that Mr. Bryan was no longer an inspired promulgator of paramount issues. Let me say to the gentleman that he has not known my distinguished constituent as long, nor I believe as well, as I have; he has not run up against him as many times as I have. If he had known him as I have, he would know that no ukase issued by any one man in the Democratic party will ever impress Mr. Bryan with the idea that he has passed his day of usefulness or that he should abandon his rank in party circles or give up his ideas at any time on any proposition. [Laughter.]

The gentleman from Mississippi said that conditions have changed; that gold has been pouring into this country; that the accidental discovery of new supplies of gold—and, perhaps, to be exact, he mentioned some of the different mines which have been discovered. I think he spoke of those mines that have been uncovered in Alaska, from which we have brought large quantities of gold into the United States, and the new mines that have been developed in Colorado. And he reasoned that because new mines had been discovered that, therefore, we have more gold in this country, and, therefore, the silver question has been relegated to the rear.

I always admit a fact when it is brought to my attention. I admit that there have been great gold discoveries out in Cripple Creek; that large quantities of gold have been and are being mined in Alaska; that gold has also come to us from other quarters that were not expected. I admit all that.

But let me tell the gentleman something that he will find out if he studies the statistics of this country. For every dollar in gold that we have gotten in the way of increase to our circulating medium out of the gold mines of Cripple Creek and Alaska and all the world, for every dollar in gold that has been added to our money product on that account we have gotten $10 more in gold from foreign nations in the world simply by selling them more than we bought and getting the difference in cash. [Applause on the Republican side.] It is the old story, let me say to the gentleman from Mississippi. It is by following the two little rules that his father gave him when he was a boy—to spend less than his income, and to sell more than he bought. Ah, go back and trace the history of your country in connection with our consular service.

Mr. WILLIAMS of Mississippi rose.

Mr. BURKETT. I would rather not yield until I finish my train of thought, and then I will be glad to yield to the gentleman. Let me tell the gentlemen on that side to go back and study the history of their party in connection with our consular service. I have heard some of the older Members of the House tell about that, and I have gone into it somewhat, and I find that every time a proposition has been made in this House to increase the efficiency of our consular service, to broaden and extend that magnificent system, there has always been a Democrat somewhere ready to hop up and obstruct that increase and that upbuilding.

The Republican party has not only advocated the protection of the home markets, but it has also said, "We want to go out and capture the markets of the world." And since 1897 we have sold to foreign nations more than $3,000,000,000 worth more of goods than we have bought of these countries, and we have gotten that $3,000,000,000 in cash. I read last week of a great ship——

Mr. WILLIAMS of Mississippi again rose.

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Mississippi?

Mr. WILLIAMS of Mississippi. It is right on the point that the gentleman is talking about.

Mr. BURKETT. Not till I get through.

Mr. WILLIAMS of Mississippi. The gentleman is getting away from the point I want to ask him about.

Mr. BURKETT. I will go back to it whenever the gentleman suggests his question.

I read only two or three days ago of a great ship that started out of New York with 10,000 tons of American-manufactured goods on board. I remember also when it was announced six months or a year ago that a ship started out with 8,000 tons of American-made farm machinery—reapers, harvesters, binders and threshers, wagons, corn planters—all made in this country with American money, with American muscle, out of American material; and that ship went clear around the world over to Russia with that cargo.

I read the speech of a distinguished gentleman the other day who had traveled in Europe, and he said he saw on almost every road in Europe engines that were made in the United States. What a wonderful fact that is! What a sermon that is to the gospel of Republicanism! How that must thrill the heart of every American citizen, to feel that we are sending our products into every market on the face of the earth! How have we done it? Because we have not been satisfied simply to protect our own markets for the things that we produce in this country, but the Republican party has gone on with an even greater determination into the larger field of conquering foreign markets. It has gone out to capture the markets of the world and make them respond for the welfare and happiness of the American people, the progress and development of the American nation. [Applause on the Republican side.]

Now I will yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I should like to ask the gentleman three questions in one.

Mr. BURKETT. I hope so, because I am ready to stop. I am becoming somewhat fatigued.

Mr. WILLIAMS of Mississippi. I am sorry the gentleman did not let me ask the questions while he was talking on those particular points.

Mr. BURKETT. We will get right back to the points.

Mr. WILLIAMS of Mississippi. Now, I will have to repeat the statement somewhat.

Mr. BURKETT. Ask the question.

Mr. WILLIAMS of Mississippi. The gentleman said that for every dollar that came from the mines of the world to increase the American supply of gold $10 had come from other nations of the world.

Mr. BURKETT. I estimated it at that; yes. I have not figured it accurately. I made the statement approximately, as the result of some figures I got this morning.

Mr. WILLIAMS of Mississippi. I did not suppose the gentleman intended to do anything more than to approximate it. I do not hold him to an absolutely accurate statement.

Mr. BURKETT. It is somewhere about that.

Mr. WILLIAMS of Mississippi. Now, I wish to ask these three questions——

Mr. BURKETT. All right.

Mr. WILLIAMS of Mississippi. Did not this gold that came from the gold mines in other parts of the world come to us chiefly in return for the export of our cotton, wheat, corn, and meat, none of which either are or can be protected? That is one question.

Then I want to ask the gentleman this: Has not the gold supply increased not only here but in Great Britain and Germany and all over Christendom, and has there not been in consequence of that a rise in the scale of world's prices during the time that he is speaking of? That is the second question.

Then I want to ask him, in the third place, if these engines, about which he talks as being sent to all parts of the world and sold in competition there with pauper labor, are not now highly protected under the Dingley bill against competition on the part of foreigners in the American market? I would like the gentleman to answer those questions.

Mr. BURKETT. I will say to the gentleman in response to all three of them that so far as whether or not each of these articles is protected in all forms I do not know that I can tell. I do not suppose the gentleman can. I know in a general way, as he does, but do not carry all the schedules in my mind. Practically, however, I do not see what difference it makes, so far as the amount of what we export is concerned, whether it was protected or not. And I might say in response also that the Democratic party has always insisted that the protective tariff was bound to destroy all our foreign trade. Now, the way that come about at this particular point was, I was showing where the money, the great increase of money, was from. It was $24 per capita when you made your speeches in 1896 and said we needed more money. It is now $30.48 per capita, as is shown from the report of the Secretary of the Treasury made yesterday.

Now, you attribute that all to the discovery of mines. We attribute it, as Republicans, also to the fact that we have increased our exports, and that as we have been able to sell more goods to foreign countries than we were ever able to sell before, that in return we have received more money than ever before.

Now, let me go on and state one more proposition, and then I will be through. I want to see if we can find the real difference between the Republican party and the Democratic party, and why your policy does not bring as good times as Republican policies do. I mean now the general trend of your policies. I do not refer to details of carrying those policies out. The difference as I have always conceived it is this, and I do not know that anybody else will agree with me, but the difference is in the way we work and the objects that we seek to gain and the class of people we seek to benefit. The Republican party always works for the benefit of the producer; the Democratic party works for the benefit of the consumer.

Now, that is the difference between the two parties, in my judgment, in a few words. The Republican party works for the benefit of the producer and the Democratic party helps the consumer. A man must be a producer to be benefited by Republican policy. It does not make any difference whether he produces steam engines or ax handles or a bushel of corn or an hour's work or what it is. If he is a producer, he is helped when the Republican party is in power. The Democratic party, on the other hand, gives little concern to the producer, but seeks to make things cheap for the consumer.

Mr. Chairman, I remember very well the first time that I ever heard my distinguished constituent, Mr. Bryan, speak in the campaign for election to Congress in 1892. I remember that he carried an old hat, a butcher knife, a bolt of red flannel, and a tin pan around with him, and he said that that terrible high protective tariff was robbing the people.

He would hold up that bolt of red flannel and in a manner that

brought tears to the eyes of the people would tell them that by the action of the Republican party that every yard of that flannel that went into the poor man's shirt cost him half a cent a yard more than it ought to cost him as a result of that terrible McKinley protective tariff. After getting the people to agonizing over their terrible condition he then proposed that if they would elect him and Grover Cleveland that they would knock off that half a cent a yard and restore it to the poor laboring man. The people accepted his proposition. They let him and Grover Cleveland in, and within six months they had stolen the whole shirt. [Laughter and applause on the Republican side.]

There was not a laboring man in this country in the four years that followed that ever thought of having a flannel shirt. They did not wear flannel shirts in those good old Democratic days. Now, I will admit that you believe in making things cheap, and I admit you do make things cheap, but you do not make them easier to get. I remember that when Cleveland was President, in 1894, 1895, and 1896, horses were cheaper in this country than they were ever before or since. That is a question we know of, because we produce horses in Nebraska, and they got so cheap that we used to can them and send them back East here to you people to eat. [Laughter.] Horses were cheaper than ever before, but more people went on foot than had ever walked since the flood. House rent was cheaper than ever before, and there were more people without homes than ever before. I admit that bread was cheaper than ever before. It got down to 2 or 3 cents a loaf, and yet in every town in this country the people had to take up collections to buy bread for the laboring men of this country who could not provide for their wives and families at home.

I remember that all these things were cheaper, but let me say you did not make any of them easier to get. The Republican party helps the producer, and whenever I find a man who is not a producer I can not believe he is helped much in Republican times. I am frank to admit it. Whenever you see one of those men complaining about the times, you can set him down as a nonproducer, and usually as a Democrat, too. Whenever you see a man sitting on a goods box whittling and spitting and criticising the Government, complaining of the times, set him down as a nonproducer, and usually a Democrat.

Now, a man came into my office whom I knew very well a year or so ago, and he began to find fault with the times. He said that he could not see that they were any better than they were before, and that it was just as hard to live as it ever had been. Now, I knew his business; he was a collector. He collected the money that his wife made taking in washing. So, when he insisted that he could not see any of our good times, I said to him, "Have you sold any corn?" He said, "No; I haven't had any corn to sell." I said, "Have you sold any horses?" He replied, "No; I haven't had any to sell." I then said, "Have you done any work?" "No," he replied; "I am not able to work."

Now, he had not produced a thing, not a bushel of corn nor an hour's work or a thing in the world, and yet he was kicking at the Republican party because it did not fan prosperity into his face. It never will, because he is not a producer. I remember one day last summer a hailstorm came through our county, and the next day a friend of mine came in and said, "We had a hailstorm out our way last night that wiped me off the face of the earth. I have not left standing a hill of corn or a spear of wheat. Everything that I had has gone." Five minutes of hailstorm changed that man from a producer into a consumer. I admit that 30-cent corn did not help him, because he had to buy it. I admit that high prices did not help my friend, because he was a consumer. But it did help every other man in that county and State who did produce something. There is more production than consumption in this country. Every man expects to produce more of something than he consumes. Therefore the Republican party helps the larger end of this industrial proposition.

In concluding let me urge you Democrats to consider the paramount issue of the Republican party. There may be this or that particular thing put to the front, as the exigencies of the times may necessitate. I mean that this thing or that thing may be acute in the coming campaign. But the Republican party on the tariff question, on the money question, on every other question, on schedules and ratios, will continue in the future, just as it has in the past, to press forward to attain the one goal—"the welfare and the happiness of the American people, the progress and the development of the American nation." [Applause.]

Mr. LIVINGSTON. Mr. Chairman, I yield ten minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I can do but scant justice to the extended remarks of the gentleman from Nebraska [Mr. BURKETT] in the brief time at my disposal. It is true that in 1896 the Democratic party favored the immediate restoration of bimetallism. Its newspapers and orators were bitter in their denunciation of the gold standard. Some of them may have used the identical language of the late President McKinley, who looked with concern upon the financial policy inaugurated by Grover Cleveland and denounced it and the gold standard in extravagant terms.

Mr. Cleveland's policy was opposed by a majority of the Democrats in this Chamber and at the other end of the Capitol. It was supported by the Republican press and the Republican membership of the American Congress. It was denounced by many Republicans and by nearly all Democrats as a menace to the welfare of the country.

It was distinctly the policy of the great bankers of two continents and was inaugurated by Grover Cleveland. In so far as a mere instrument may lay claim to a work performed under direction of a master, it may be called Mr. Cleveland's policy. It was a policy which no other man holding high position had previously espoused, one that emanated from no political party.

Although the dearest object to a coterie of gentlemen, millionaire speculators and stockjobbers, who since 1893 have been the advisers of Presidents, it found no outspoken champion holding a position of authority until 1893. Its enforcement, effected as it was by the institution of a reign of terror, caused by a shopmade panic, brought upon this great continent the desolation of a desert and the gloom of the grave. It may be observed in passing that since then its real author has been caught, red-handed, in a financial scheme of plunder, by which a multitude of small investors have been robbed by means as criminal as those resorted to by Canada Bill, the notorious king of confidence men, in fleecing his numerous victims.

The financial policy of Grover Cleveland, which has become the corner stone of the Republican creed, was promoted by J. Pierpont Morgan, who was recently unmasked as a coarse swindler, and so sinks from the position of adviser of Presidents and inventor of financial legislation to the level of the man with a gold brick to sell or the fakir with three cunning little shells at a county fair. [Laughter.]

But, Mr. Chairman, it is pertinent to inquire what answer was made by the Republicans to the arguments made by the Democrats in 1896. Did they say that the gold standard was to be established? No. Did they say that in seven or eight years the addition of five or six hundred million dollars in gold to the volume of money would cause a rise in prices and better times? Nay, verily. They said we didn't need any more money; that we only needed confidence. They said they didn't want higher prices for the products of labor.

The Republican literature of that period urged the workingmen to vote against Bryan as a means of preventing a rise in prices. Republican orators told the workingman that by enforcing the gold standard the purchasing power of a dollar had been enhanced, and that this was a benefit to the wage-earners. They said that what was wanted was a dollar of enhanced purchasing power. For, said they, this would enable the workingman to obtain more for the fruits of his labor.

Again, I inquire of gentlemen on the other side of the Chamber, did you predict that the gold supply of this country would be recruited to the extent of five or six hundred million of dollars during the ensuing eight years? No. You said there was money enough. You insisted that confidence in the ability to secure credit and not more money was needed. You ridiculed the contention of the Democrats that the country needed a larger supply of specie. In the teeth of all writers on political economy, you ridiculed the quantitative theory of money and insisted that there was little or no relation between the volume of money and prices.

I challenge the gentleman from Nebraska to produce here a single Republican speech made at that time in either House of Congress which looked forward to the future and predicted or suggested an early solution of the financial question, as far as coinage was concerned, by a tremendous increase in the output of the gold mines.

Mr. Chairman, some of the gentleman's figures almost took my breath away. It is common for gentlemen to use figures trippingly—thousands, millions, billions. Why, he said that in a few years past we had exported three billions' worth of produce in excess of our imports, and that thereby for every dollar obtained from American gold mines we have drawn $10 from abroad.

Does the gentleman know that the production of American gold mines during the past eight years aggregates a sum almost equal to that which has been added to our gold supply during the same period?

Mr. Chairman, I am as firmly convinced as I was in 1896 that the world needs bimetallism. It is not true—it never will be true—that the world's commerce can be based upon a single metallic standard with safety to civilization.

Consult statistics and you will discover that the coinage question has not been finally settled, and you will also be convinced that, while it may not excite popular interest now, sooner or later it will become again a prominent theme of political discussion in all parts of the world. While we have been recruiting our specie

we have imported over one hundred millions in excess of our exports of gold from European countries. It is advisable to take some account of how far they have recruited their supply and what has been the effect of our imports of gold upon business conditions abroad.

Just before Secretary Gage retired from the Treasury Department I requested him to have prepared for me a table showing the balances in the public and private depositories of each of the great continental powers of Europe, including Russia, on the first of the fiscal year of the preceding eight years. In that period, remarkable as it may seem, the aggregate addition to the visible supply of gold in all these countries, with a population of 400,000,000, during this period was less than $100,000,000. Instead of gaining, some had suffered a diminution in their stock of gold.

Russia to-day has over $100,000,000 less gold than she had at the beginning of the era of increased gold production. Germany, for the seven or eight years, has stood still, neither gaining or losing. France increased her supply very little. England added seventy millions to her gold supply by loans during the war with the Boers. And in all these countries hard times and business depressions prevailed throughout the period in which their supply of specie was diminishing, or at least not increasing appreciably.

Gentlemen, do not imagine that the people are ready to swallow such oratory as we have been listening to. They know that added to the product of our mines for seven or eight years there has been a steady flow of gold to this country, adding to our money supply five or six hundred millions of dollars of specie. Do not imagine that because we are on the tidal wave resulting from this unexpected providential addition to our money supply you can induce the country to believe that your campaign of 1896 led up to or caused it.

The Democrats did not expect this large increase in the gold supply. No more did the Republicans. The country was in despair. The Democrats demanded the coinage of silver, claiming that more money of redemption was indispensable. The Republicans demanded more confidence; declared that credit, not money, was needed. The Democratic remedy has been applied. The Republican remedy could not have restored prosperity.

The gentleman from Nebraska [Mr. BURKETT] says that Nebraska had adjusted itself to the new creed adopted by the Republican party for the first time in 1896, months and months before the St. Louis convention. Well, if it had, an adjustment must have been necessary. At best, this is an admission that until a little while before the campaign of 1896 the Republicans in Nebraska, as elsewhere, were out-and-out bimetallists, and if they changed front a little earlier than the rest it matters not. Before changing front they must have been in agreement with the Democratic heretics of '96 and in favor of just what we contended for at that time.

Why, the distinguished gentleman from Ohio [Mr. GROSVENOR] and the distinguished gentleman from Iowa [Mr. HEPBURN] as late as the short session of 1896–97 stood upon this floor and said then that their party was still struggling for bimetallism—that they wanted bimetalism—and the gentleman from Ohio [Mr. GROSVENOR] was accused by the gentleman from New York, Mr. Quigg, of "reading a man out of the party" because he did not believe in bimetallism.

This would go to show that even after the election in 1897 you still adhered to what you knew was a hypocritical makeshift—that part of your party platform which pledged you to labor for an international agreement for the coinage of silver. Until now you have not dared to say to the people that you are for the single gold standard.

Now, what is the truth as to monetary conditions throughout the world to-day? Why, history is simply repeating itself. Gold is, for the time being, more abundant than silver. The gold mines have become exceedingly productive. Hence, money has become more accessible. The supply is becoming larger. As long as this continues, prosperity will continue. When it ceases, dry rot will ensue in the business world. Monometallism will be responsible for the disaster to mankind. When this continent was discovered the world had little silver in circulation.

It had all gone to the Orient in the course of trade, and gold was the money of commerce in western nations. Why? Because it was most abundant. The discovery of great deposits and accumulations of silver in Mexico and South America resulted in the substitution of the more abundant metal. The treasure ships of the Spaniard carried to every part of the world vast sums of silver, and the channels of commerce were filled with it.

[Here the hammer fell.]

Mr. COCHRAN. Mr. Chairman, can I have two minutes more? There does not seem to be anybody here who has charge of the time.

Mr. HARDWICK. Mr. Chairman, I will yield the gentleman two minutes of my time.

Mr. COCHRAN. The result was that for a lengthened period silver was almost the only money of commerce throughout the world. Almost the whole world was using the Spanish milled dollar. Then came the discoveries of gold in 1848, 1849, and 1850 in California and Australia, and again the world did business with gold. The discovery of the Bonanza mines in 1868 and 1869 in Nevada promised another era in which silver would reappear. Then for the first time in modern history monometallism was made effective by hostile legislation. Inevitably the world suffered disaster by this new departure. It is unnecessary and would not be desirable, even if I had time, to rehearse the evidences that this new policy visited dry rot upon the business world everywhere. Business depression, falling prices, insolvency, and ruin were at our doors. We demanded more money and the free coinage of silver as a means of supplying it. You said we needed only confidence.

You would hold us to our contention literally. Then stand by your own. How would you like to trade off the great supply of money unexpectedly furnished by the gold mines for the "confidence" which you said in 1896 was all that was needed? Have we any money to spare? Why, notwithstanding the addition of five or six hundred millions of specie in the years that have followed your assertion that no more was needed, let fifty millions take wings tomorrow, leaving your gold supply four or five hundred millions greater than it was in 1896, and financial chaos would shake the continent.

You know that we could not export $50,000,000 of the gold supply in the coming six months without serious embarrassment to business. What, then, becomes of your doctrine of "confidence?"

Is it true that the Republican theory was put in practice after the election of Mr. McKinley as President in 1896 there ensued an era of renewed confidence, and that renewed confidence has caused higher prices, and with higher prices, consequently, good times? No. More money has saved the country from greater losses. Your remedy was never applied. It was an impossible remedy.

You know and I know that the change in the conditions in the financial world is not the result of Republican policies. It has been brought about, as my friend from Mississippi [Mr. WILLIAMS] said yesterday, by two things—by an enormous production of gold in the world, and, in so far as we have been especially benefited by it, by a large balance of trade in our favor, which has enabled us to appropriate the lion's share of the gold. The farmers of the West and South have helped most, for, after all, the exports of this country have been and ever will be more largely composed of agricultural products than anything else. [Applause.]

The CHAIRMAN. The gentleman from Georgia [Mr. HARDWICK] is now entitled to the floor for fifty-eight minutes.

Mr. HARDWICK. Mr. Chairman, under date of January 2, 1904, the secretary of the Union League Club of New York City addressed a letter to the various members of the Fifty-eighth Congress. Accompanying this letter was a copy of the report of the committee of the club on political reform, dated April 9, 1903, and a copy of certain resolutions adopted by the club on December 10, 1903.

The resolutions referred to read as follows:

Resolved, That the Government be requested to instruct the district attorneys in the various States where an illegal suppression of votes is alleged to prosecute every case where there has been a violation of the laws of the United States in reference to suffrage, if adequate evidence can be obtained to justify a submission of such case to the grand jury.

Resolved, (1) That Congress be requested and be respectfully urged to investigate with thoroughness and impartiality the charges of a suppression of votes contrary to the fourteenth and fifteenth amendments to the Constitution of the United States; and in every case where such restriction is accomplished by a limitation of the franchise for any reason the representation of such State in Congress be reduced; and also to see that the fifteenth amendment be in no way violated either directly or by subterfuge; and (2) that where the decisions of the courts or the practices at elections disclose the fact that the statutes are inadequate, amendatory acts be passed remedying the defects disclosed.

This resolution, referring as it does to what is undoubtedly the greatest problem in the domestic life of the Republic, forcibly emphasizes the fact that there is in the present Congress, as evidenced by bills and resolutions already introduced by individual Members of the House, a radical, and apparently an irreconcilable, difference of opinion.

On November 10, 1903, the gentleman from Indiana [Mr. CRUMPACKER] offered a resolution providing for the appointment of a committee by this House to investigate the election laws of the several States of the Union, with a view to ascertaining whether or not any State was violating the provisions of the Constitution in reference to suffrage, and if so, to what extent, and with the ulterior purpose of finally imposing upon such States as may restrict the suffrage the penalty of reduced representation in this House and in the electoral college.

On November 13, 1903, the gentleman from Ohio [Mr. DICK] offered a resolution providing that the standing Committee on

Election of the President, Vice-President, and Representatives in Congress should be empowered to investigate the question of the denial of the elective franchise, in violation of the Constitution, the ulterior purpose of this resolution being identical with that of the preceding measure.

On November 11, 1903, the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] offered a joint resolution proposing the repeal of the fifteenth amendment to the Constitution, and on November 16, 1903, the gentleman from Alabama [Mr. UNDERWOOD] offered a similar resolution.

On the last-named day, to wit, November 16, 1903, I had the honor of proposing two joint resolutions on this general subject—one providing for the repeal of the fifteenth amendment and the other providing that all of section 2 of the fourteenth amendment, save the first sentence thereof, should be repealed.

While none of these resolutions have yet been reported, and none of them may ever emerge, during the present session at least, from the caterpillar stage of committeeism into the butterfly life of House existence, yet the fact that they have already been introduced is significant of the difference of opinion to which I have already alluded.

It will be readily observed that these resolutions, all involving the same great question, are capable of one general subdivision; those of the gentlemen from Ohio and Indiana treating of the Constitution as it is now written and proposing an investigation of its alleged violation, and the last four resolutions—those introduced by the gentlemen from North Carolina, Alabama, and myself—dealing with the broader and greater question as to whether the Constitution is right or wrong and ought or ought not to be changed.

The first class of these resolutions involves, primarily, the determination of a great question of fact; the second involves solely the consideration of an even greater question of public policy and statesmanship. Although the two questions are closely allied and the same great fundamental principles of government underlie them both, yet I can not, in the course of the limited time at my command to-day, undertake to discuss them both; and being confined to the discussion of one branch of the matter only, I shall discuss the broader and deeper question of right and wrong, rather than the narrower and more restricted question as to whether or not, in point of fact, there exists in any State of the Union such a condition of affairs as requires or justifies the introduction and passage of the resolutions proposed by the distinguished gentlemen from Indiana and Ohio.

If on some future occasion the necessity should arise, I propose to submit a few remarks upon those resolutions, but for the present I shall pass the specific question involved in them with the remark in passing, that if the same tests are applied to all the States, it will be discovered that the limitation of the elective franchise in various ways has not been confined to the South alone, that by Australian ballot laws, of varying provisions, the right to vote has been abridged in every State of the Union, except North Carolina, South Carolina, and Georgia; that in ten States of the Union there are educational or property qualifications for voting, or both, and that only six of those States are in the South; that in Oregon, California, Idaho, and Nevada Chinese are expressly excluded from voting by State constitutions, although they may be citizens of the United States; that by the organic law of Idaho male citizens of the United States 21 years of age, who have never violated any law are debarred from voting if they believe in or countenance the Mormon religion—whether they are polygamists or not.

I call the especial attention of the distinguished gentleman from Ohio to the fact that there is to-day in the organic law of his State, as well as in that of Oregon, an express provision that only white men shall vote, and that while it is true that these provisions were both adopted before the ratification of the fifteenth amendment, and are of course unconstitutional because in express conflict with that amendment, yet they were written in the organic law by the votes of the people of those States, and are upon the statute books of those States to-day—unrepealed by them—where they stand, ghostly but eloquent witnesses of the Caucasianism of their people.

I respectfully invite the attention of the distinguished gentleman and of the Union League Club to the constitution and laws of the State of Vermont, by which citizens who are of quiet and peaceable behavior, and who have the approbation of the board of civil authority, shall alone be permitted to vote: the most far-reaching provision that was ever adopted in any State, North or South.

And in concluding these passing remarks I would respectfully suggest to the esteemed Union League Club that it re-refer this great question to its committee on political reform, with instructions to investigate laws and conditions in every one of the States, and particularly in the States of Maine, Connecticut, Massachusetts, Ohio, Oregon, California, Idaho, Wyoming, Nevada, and Vermont, in addition to the Southern States that it has honored with its especial and particular attention.

Subterfuge, indirection, and evasion, always disgusting, would, in this presence and on this occasion, be doubly so; on the contrary, candor is the highest compliment courage can pay to intelligence, and adopting that as my rule of conduct on this occasion, I will speak to you candidly and plainly on this question of negro suffrage, for that, as we all know, is the sole question that lies at the bottom of all these resolutions and of all this clamor for the enforcement of constitutional provisions. While I intend to be candid in the discussion of the matter, yet I do not wish to state my arguments and conclusions offensively or bitterly or to voice the sentiment of my people in a sectional or partisan manner; my object is not to excite sectional prejudice or party bitterness, but to allay them; not to offend, but to conciliate; not to denounce gentlemen who may not agree with me, but to reason with them: but, gentlemen, because I use the language of conciliation, of friendship, and of brotherhood, let no man misunderstand my motives or mistake my spirit.

I thank God that we are at peace again and have once more a reunited and prosperous country; that the South is back once more in the house of her fathers and is there to stay forever, but I also thank Him, sir, that she is not here debased and humiliated and ashamed, with sackcloth on her back or with ashes on her head. She is here, yielding to no section in love for this splendid nation, whose glory is the marvel of the earth, or in loyalty to that flag of the Republic whose every star has been brightened by the valor of her sons and whose every stripe has been bathed in her noblest blood. She is here in a generous, manly spirit, with her great heart throbbing with love and patriotism for our common country and with her every hill and valley sending back an echo of that magnanimous spirit that not six years ago prompted our last martyred President, the great McKinley, standing in the State capitol of my own State and addressing its general assembly, to lay his tribute of love and respect upon the bier of her immortal dead.

This, then, is the spirit in which she invokes your consideration of her greatest problem, without bitterness or hate, and yet, without truckling or debasement, an equal among equals, claiming the right to present in candor and in fairness her views upon that mighty problem in which is bound up her very existence, and demanding that they shall be received with a patriotism that scorns sectionalism and with a statesmanship that will not stoop to make possible political capital out of the travail of brethren.

On January 1, 1861, there were only four out of the thirty-one States that then constituted the Union in which negroes were permitted to vote—namely, the States of Vermont, New Hampshire, Massachusetts, and New York. In the first three of these States the right existed by virtue of the broad language used in their earlier constitutions, and in the last-named State it existed by express enactment; but there were at this time in Vermont only 194 possible negro voters to 87,462 possible white voters; in New Hampshire, only 149 negroes of voting age to 91,954 whites of voting age, and in Massachusetts only 2,502 male negroes of voting age to 339,085 whites; and it must be remembered that even at this time all voters in Massachusetts were subject to an educational qualification.

In New York negroes were expressly admitted to the suffrage, but there were at this time in that State only 12,989 negroes of voting age to 1,027,895 whites, and yet, with even this insignificant proportion, the laws of New York required of the negro voter a property qualification of $250 that it did not exact of the white voter—a restriction which probably excluded fully 90 per cent of the possible negro voters in New York, as is pointed out by Mr. Curtis in his admirable Constitutional History of the United States. It will thus be observed that even in these four States the gift was, in three cases out of four, accidental; that in every case it was a theoretical rather than a practical gift, and that in the case in which it was expressly conferred it was hedged about by partial conditions.

Up to January 1, 1861, while the country had for some years literally blazed with antislavery agitation, yet there was no respectable or considerable sentiment anywhere or in any party in favor of negro enfranchisement—certainly no political party in its national platform had ever espoused it. Mr. Lincoln himself, at that time the President-elect—the most illustrious statesman his party has ever produced and certainly the one man above all others entitled to speak for it where its platform was silent—had denounced the doctrine as a heresy and had proclaimed his emphatic and irrevocable opposition to it on more than one occasion.

During the year 1861 the people of Missouri amended their constitution and during this same year the people of West Virginia formed a constitution upon which they were finally admitted to the Union, but in neither State was the suffrage extended to the negro.

In 1862 Michigan amended her constitution, but again was the

"colored man and brother" ignored. In 1863 there were no constitutional changes by the States, but in 1864 new constitutions were adopted or old ones amended in Arkansas, Connecticut, Kansas, Louisiana, Maryland, Nevada, New York, Rhode Island, Pennsylvania, and Virginia, and yet in not one of all this great array of States was negro suffrage even hinted at.

In 1865 constitutional amendments providing for negro suffrage were submitted by the legislatures of Connecticut, Colorado, Wisconsin, and Minnesota, but when these provisions were submitted to the people in the fall elections of 1865, negro suffrage was rejected in each and every one of these States by decisive majorities.

Mr. HILL of Connecticut. Why, they vote now and have been voting for years in my State.

Mr. HARDWICK. What State does the gentleman refer to?

Mr. HILL of Connecticut. Connecticut.

Mr. HARDWICK. You have an educational qualification?

Mr. HILL of Connecticut. And always have had.

Mr. HARDWICK. So that at the close of 1865, while the emancipation of the negro was an accomplished fact, his enfranchisement was apparently as distant as on the day the war began.

In tracing the history of the negro suffrage movement, I come next to that period in the history of our country known as "reconstruction," memories of which, I hope, are unpleasant to the people of every State and section. Certainly the word recalls to the entire South, and especially, possibly, to my own State of Georgia, the bitterest and saddest period of her history, when her cup of humiliation was indeed full and her people drank of the very dregs of despair. During its progress her people suffered agonies a thousand fold more bitter to a spirited, high-strung people than even the untold miseries of war; but with a courage that might have been expected of the most homogeneous of all the American people they went to work to restore their shattered fortunes, and upon the ruins of their old civilization they built the South of to-day—that marvelous edifice of material wealth and industrial independence that is now challenging the admiration of the world.

Painful as are the memories of reconstruction to us all, yet I believe the time has at last come when we can discuss some of its events without prejudice or bitterness, and in that spirit I shall undertake it.

On December 8, 1863, President Lincoln issued a proclamation offering general amnesty to the people of the South and outlining his plan of reconstruction, which has been truly termed "most liberal and humane," but as it was made at a time when the South was undefeated in the field and hopeful of the final result of the appeal to arms, it had no practical effect and is chiefly significant now to show what Mr. Lincoln's plan was. While Mr. Lincoln demanded freedom for the slaves of the South and insisted upon their education, he demanded nothing more than these two things, and expressly stated that with these modifications when a State government was reconstructed "its constitution and laws prior to the rebellion" should be respected. Nowhere did he expressly or impliedly demand or suggest that the right to vote should be bestowed upon the negro.

It has, however, been contended that Mr. Lincoln modified this position in the Hahn letter of March 13, 1864, in which he suggested for the "private consideration" of Hon. Michael Hahn, the provisional governor of Louisiana, whether or not the constitutional convention about to assemble in Louisiana might with safety extend the elective franchise to the very intelligent negroes, and especially to those who had fought in the Union Army. The letter does not indicate that Mr. Lincoln had modified his oft-repeated views in opposition to negro suffrage, even to the very moderate extent suggested in the letter, although it is true that he was considering the modification of them to that extent only, and it is significant to note that six weeks after this letter, Wendell Phillips, one of the ablest and most earnest advocates of negro suffrage, indorsed the movement of the radical wing of the Republican party to nominate in 1864 an independent Republican candidate against Mr. Lincoln, the alleged cause of the schism in the dominant party being what was termed Mr. Lincoln's weak and vacillating war policy and his too mild and ineffectual policy of southern reconstruction.

Mr. Phillips not only indorsed this radical movement, but on May 27, 1864, he wrote a letter to Edward Gilbert, esq., of New York, which was read before the Fremont Convention, at Cleveland, Ohio, in May, 1864, in which letter Mr. Phillips used this among other expressions:

> There is no plan of reconstruction possible within twenty years unless we admit the black to citizenship and the ballot and use him with the white as the basis of States. * * * Against such recognition Mr. Lincoln stands pledged by prejudice and avowal.

In the next place, in December, 1864, after his overwhelming reelection, Mr. Lincoln stated in his annual message to the Thirty-eighth Congress that his views on southern reconstruction had undergone no change, and those views as will be remembered, did not include negro suffrage for the South.

It is true that in the last speech of his life, on April 11, 1865, only a few days before his assassination, Mr. Lincoln publicly expressed in somewhat more positive terms the idea he had suggested for the "private consideration" of Governor Hahn the year before. He said:

> It is also unsatisfactory to some that the elective franchise is not given to the colored man. I would myself now prefer that it were conferred on the very intelligent, and those who serve our cause as soldiers.

The phraseology of the great war President is significant. He classes himself apart, in another class, from those who were "dissatisfied." He favored and upheld the Louisiana government, while those who were "dissatisfied" opposed it. He personally favored negro suffrage in these exceptional cases he mentioned, principally no doubt out of gratitude to the negroes who had served as Union soldiers; and yet he did not abandon his fixed and announced reconstruction policy or even suggest that negro suffrage ought to be forced upon any State, even if such State was in the process of reconstruction.

President Lincoln's contention was that it was the right of the Executive to reconstruct the State governments of the South. This doctrine, however, was not agreed to by the Congress, and the result of this difference of opinion was the passage of the first Congressional reconstruction act of July 2, 1864. This act may fairly be assumed to represent the sentiment of that wing of the Republican party that was opposed to Presidential reconstruction, and it is therefore particularly worthy of note that in this act the elective franchise was limited to "white males of 21 years of age."

From this act Mr. Lincoln withheld his approval, and it therefore failed to become a law, for which he was roundly abused in the Davis and Wade manifesto of August 5, 1864.

The political effect of this difference between the Congress and the President was a political schism in the Republican party, the more radical members of that party, who disagreed with the President's war policy and reconstruction plan, nominating John C. Fremont for President at Cleveland, Ohio, on May 31, 1864, on a platform radical enough in all truth, but which, while demanding equal civil rights for the negro, did not demand the elective franchise for him, although that it should do so was expressly suggested by Wendell Phillips and others. On September 21, 1864, Fremont withdrew, and in the election of November, 1864, Mr. Lincoln triumphed over the Democratic nominee, Gen. George B. McClellan, by a popular majority of more than 400,000 votes and by the enormous electoral majority of 191 votes.

Hon. A. C. Braxton, a distinguished lawyer of Staunton, Va., whose able paper, read at the last meeting of the Virginia Bar Association, is one of the most valuable contributions to the legal and political literature of this great subject, has well suggested that the "senseless and dastardly assassination of Mr. Lincoln in April, 1865, greatly exasperated the Northern people against the South, and added to the flames of sectional hatred already burning brightly." I fully agree with him. It was a double misfortune. Mr. Lincoln, although much misunderstood by the people of the South at the time, had already given indisputable evidences of a patriotism too sincere and of a statesmanship too lofty to deal harshly with the stricken people of the South, and if he had lived to complete the work of reconstruction that he began, his kindly heart and magnanimous spirit would have completely won the South, while his unswerving hand and unbending will would have held steady the helm of the ship of state and steered it at a much earlier period into the peaceful waters of sectional reconciliation and of patriotic nationalism.

His successor, President Johnson, attempted to carry out the reconstruction policy of his illustrious predecessor; but, although undoubtedly devoted to great constitutional principles, he was not without his faults and weaknesses, and besides was hardly placed—a Southern man, yet hated at the South because of what was regarded as his apostasy, and hated at the North because he was suspected of an undue leaning to the people of the section of his birth. His weaker hand could not guide the tossing ship, and Executive reconstruction rapidly gave way to Congressional reconstruction.

The first evidence of this change was the passage over the President's veto, on June 8, 1867, of a bill introduced in 1865 establishing negro suffrage in the District of Columbia. Before its passage provision had been made by Congress for the submission of the question to the voters of the District, and the result had been that, in one of the largest votes ever cast in the District of Columbia, negro suffrage had been overwhelmingly rejected by its people, 35 votes being polled for it in Washington City and 6,521 against it; 1 vote for it in Georgetown and 812 against it—an aggregate of 36 votes for it and 7,333 against it—and yet, in spite of this overwhelming expression of the popular will and in defiance of every principle of local self-government, the Thirty-

ninth Congress ordained negro suffrage for the District of Columbia, being actuated by two motives; first, because the leaders of the Republican party in that Congress felt impelled to make some concession, however trifling, to the growing sentiment in their own ranks in favor of the general enfranchisement of the negro in the South and in the Territories, and, next, because they wished to make an experiment on a small scale as to the results of the system.

If the times had not been so turbulent, and they had been willing to patiently await the result of the experiment, it is only fair to conclude that they would not have inflicted either subsequent reconstruction acts upon the people of the South or the fourteenth and fifteenth amendments upon the people of the Republic, for so unsatisfactory did the experiment of negro suffrage in the District of Columbia prove that by the act of February 21, 1871, a Territorial form of government was given the District, and by the act of June 20, 1874, as finally amended by the act of 1878, the present system of District government was established, so that while white manhood suffrage had proven satisfactory in the District of Columbia for the sixty-five years intervening between 1802 and 1867, impartial manhood suffrage only survived four years, that much of the experiment entirely reconciling the people of the District to a total deprivation of all voting rights in preference to a continued endurance of existing conditions.

In the meantime the Congress had not been slow in extending the experiment of negro suffrage to the Territories of the United States and to the States of the South, who, exhausted by the most bloody and devastating war that the world had ever witnessed, lay helpless and powerless at its feet.

In May, 1866, Congress, again disregarding the same principles of local self-government, and acting in the very teeth of a contrary expression from the people of Colorado, not eight months old, had peremptorily established negro suffrage in Colorado and in all the Territories of the United States.

In 1866 Nebraska sought admission into the Union, with a constitution that limited the elective franchise to white males 21 years of age, adopted by a popular vote, and yet, in February, 1866, Congress imposed the celebrated "fundamental condition" that Nebraska should be admitted with the understanding that she should not limit the elective franchise because of race, color, or previous condition of servitude, and that this recognition should be made by the legislature of Nebraska in a "solemn act" passed for that purpose. It will be observed that the acceptance of this condition was not left to the people of Nebraska, who could alone make or unmake their constitution, but to its legislature, which had no more power under the rules of constitutional law to change its constitution than the legislature of Georgia would have had to make or amend a constitution for Nebraska.

On March 2, 1867, Congress passed its celebrated, far-reaching, reconstruction act, by which it immediately forced temporary negro suffrage upon the people of the South, and ultimately forced a ratification of the fourteenth amendment.

Under the original Constitution of the United States the representation of the States, both in the House of Representatives and in the electoral college, was based on population, except that representation was only allowed for three-fifths of the slaves. This basis of representation was the result of a compromise between the contending forces of the North and South, effected in the convention that framed the Constitution. It was considered advisable, however, that with emancipation there should be a readjustment of the basis of representation, for the practical politicians of the dominant power viewed with no little alarm the prospect that with population as still the basis of representation, with every freedman counted the States of the South would gain from thirty to forty votes in the electoral college and the House of Representatives, and it was feared that this increased southern power—cooperating with the powerful Democratic party of the North, which had been able to poll 1,800,000 votes in the last Presidential election (1864)—would control the Senate at once and would win the Presidency and the House in the election of 1868.

In the West, which had much to gain from such a change, the remedy suggested was that Federal representation should be based upon the number of qualified voters, rather than on population. This was the remedy suggested by the Republican State convention of Wisconsin in its platform of September, 1865, which was probably the earliest expression of the idea.

On December 5, 1865, Mr. Thaddeus Stevens, of Pennsylvania, voiced this demand by proposing in the House a resolution to amend the Constitution so that "representation shall be apportioned among the States that may be within the Union according to their respective legal voters." When this question came up for debate in January, 1866, Mr. Blaine, of Maine, opposed the proposition embodied in Mr. Stevens's resolution, citing the census reports of 1860 to show that the change from total population to voting population would be manifestly unfair to New England and the Northern States, who had sent so many of their sons to the great West, and thereby largely decreased their relative voting strength.

Among the many illustrations that he gave of the injustice that would be worked by the change was a comparison between Vermont and California, which States were substantially equal in population and had the same number of Representatives; but California had 207,000 voters to Vermont's 87,000, and under Mr. Stevens's plan would have eight Representatives if Vermont should have three. A compromise between these two ideas, effected first in the Committee on Reconstruction and afterwards perfected in conference between the House and Senate, resulted in the fourteenth amendment as it was proposed to the States and as it stands to-day. It reads as follows:

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in proportion which the number of such male citizens bears to the whole number of male citizens 21 years of age in such State.

Sections 3 and 4 of the amendment are not pertinent to this discussion, while section 5 simply provides that Congress shall have the power by appropriate legislation to enforce the provisions of the article.

The Thirty-ninth Congress finally adopted this amendment on June 16, 1866, and sent it out to the several States for their adoption or rejection.

It is worthy of note that many of the more radical Republicans thought and stated, while the amendment was being discussed, particularly in the Senate, that the first section of the amendment protected political as well as civil rights, this view being expressed in the Senate debate by Senators Ross of Kansas and Edmunds of Vermont; but in the case of Minor *v.* Happersett (21 Wallace, 162) the Supreme Court held that the right to vote was not a "privilege or immunity" within the meaning of this section, and in that case and many others has uniformly held that this section does not add to the privileges and immunities of citizens, but simply prohibits the States from denying or abridging existing privileges or immunities.

The second section of the proposed amendment was considered by the Republican leaders as a most happy solution of the difficult problem presented in readjusting the basis of representation, for by it the New England and Northern States would lose no part of their representation or comparative power, as they must necessarily have done had the voting population been made the basis of representation, while under its provisions the Southern States could only make the dreaded gains in power in the event they enfranchised the negro—a result that thoughtful Republicans did not seriously fear, as they felt that the people of the South would not pay so dear a price for increased Federal power, and if they did not pay that price, her power could be reduced by a scaled reduction, the most far-reaching and effectual that could be contrived. For these reasons this hybrid, mongrel plan, "neither fish nor fowl," based neither on population or voting strength, but on a crafty combination of both, welded together the controlling elements of the dominant power and was received with glad acclaim by the rank and file as "heaven-sent inspiration."

On June 21, 1866, this amendment was proposed by Congress to the States. At this time, in every respect save that of Congressional representation, the States of the South were back in the Union. Presidential reconstruction had been proclaimed and recognized in them—the appointment of Federal judges and attorneys for them had been confirmed by the Senate, and finally, as the crowning act of recognition, this very amendment submitted to them by the Congress itself for ratification or rejection. At this time there were thirty-six States in the Union. Beginning with Connecticut on June 30, 1866, eighteen States of the North and West and one in the South ratified the amendment prior to March 2, 1867. But in the meantime, while the amendment was pending and before it had either been accepted or rejected, one of those nineteen States—namely, the State of New Jersey—withdrew her assent in September, 1868, as did another of them—namely, Ohio—in January, 1868.

During this same period, beginning with Texas on October 13, 1866, and ending on March 2, 1867, the amendment had been rejected by ten Southern States and the two border States of Kentucky and Delaware, a total of twelve States voting in the negative.

Massachusetts, Iowa, California, Nebraska, and Maryland were

yet to act upon it, and of those States it was reasonably certain that the first four would accept it and the last reject it, as the event subsequently proved; which would make twenty-three States voting for the amendment and thirteen against it, even if the affirmative vote of New Jersey should be allowed to stand unchanged. If not, it appeared that the result would be twenty-two votes for it and fourteen against it, and as the amendment required the assent of three-fourths of the States, or twenty-seven affirmative votes, it was apparent that in either event it was irretrievably defeated.

The Thirty-ninth Congress was not to be easily outdone. The situation was desperate, and a desperate remedy was needed. The result was the reconstruction act of March 2, 1867, by which the eleven Southern States, recognized by the President as reconstructed and invited by the Congress itself to vote as sovereign States on a solemn proposition to amend the Constitution of the Republic, were reduced to the condition of conquered provinces and placed under a grinding military rule, simply because they would not vote on this amendment as the Congress desired.

With the history of the gestation that followed we are all too familiar. It is a matter of record that the whites of the South were largely disfranchised and that the negroes of those States, supported and upheld by the military power of the Government, sat in solemn—nay, in farcical—judgment on the great amendment which was the beginning of their enfranchisement, and thus by a most marvelous proceeding voted themselves voters, and gave the so-called subsequent "ratification" of the various Southern States to these two war amendments.

Now that we have arrived at a time when reason has assumed her sway and we can consider this question on both sides fairly and without prejudice, I will venture the assertion that there is no man who is both sane and sensible who will be daring enough to controvert the statement once made by Georgia's greatest commoner, the Hon. Alexander H. Stephens, that this amendment, and the fifteenth as well, was literally pinned to the National Constitution by the bayonets of Federal soldiers.

The fourteenth amendment did not in any way enfranchise the negro. It left in the custody of each State the right that it had from the very beginning of the Government, guaranteed to it by the Constitution, of regulating for itself the qualifications of its electors. For the reason that it did not enfranchise the negro it had not been satisfactory to the more radical Republicans of the Thirty-ninth Congress in both the Senate and House, and the debates of that Congress disclose the fact that in the House Mr. Shellabarger of Ohio, Mr. Elliott of Massachusetts, Mr. Pike of Maine, and Mr. Jenks of Rhode Island all thought that the amendment did not go far enough, and that it ought to prohibit the abridgment of the elective franchise by any State on account of race and color.

Senator Sumner, of Massachusetts, also urged this view in the Senate at length and with eloquence, asserting that the recognition by the fourteenth amendment of the right of any State to disfranchise any of its citizens was "another compromise of human rights."

But these protests in the House and Senate were without avail, for the practical leaders of the Republican party did not feel strong enough in 1866 or 1867 to attempt such a change in the Constitution, nor had current political events strengthened their courage.

In October, 1867, the people of Ohio rejected an amendment to their constitution proposing negro suffrage by 50,629 majority. In November, 1867, Kansas rejected a similar proposition by a majority of 8,938 votes, and in the same month Minnesota rejected a similar proposition by a majority of 1,298 votes.

Indeed, it can not be doubted that the people of every State who had ever voted on this question seemed irreconcilably opposed to negro suffrage. So great was the storm of opposition to it in the North and West, and so afraid were the people of those sections that negro suffrage, which might be good enough for the South, might be forced upon them also, that the Republican party was forced to make the following pledge in its platform of 1868:

> 2. The guaranty by Congress of equal suffrage to all loyal men of the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal States properly belongs to the people of those States.

Upon this pledge the Republican party went to the people and carried the country, electing not only a President and Congress, but obtaining control of both branches of the legislatures of a great majority of the States.

In February, 1869, Mr. Sumner said in the United States Senate that Mr. Thaddeus Stevens had protested against the adoption of the platform declaration I have cited above, as a weak, vacillating, and unworthy surrender of principle, and in his Twenty Years in Congress Mr. Blaine characterized it as "evasive and discreditable." How evasive he did not stop to explain. It could only be discreditable in the view that it proposed to force upon the South something that the North and West were not willing to accept for themselves. It is worthy of comment that none of the criticisms to which I have referred were made publicly until after the election.

The Fortieth Congress met for its last session in December, 1868. It had hardly assembled before the leaders of the dominant party in both Senate and House, with their campaign speeches hardly unmemorized, if I may coin a word, and, with the shouts of victory still ringing in their ears, rushed over each other in their wild efforts to be the first to violate the solemn pledge of their party, which had just given them a new lease of national power and the control of twenty-five State legislatures, by proposing to take from "the loyal States to whom it properly belonged" the right to control the suffrage.

Insensible of shame at this barefaced fraud, they boldly denounced the platform upon which they were successful and yet retained the fruits of their perfidy. I challenge the political history of any republican government for an example of perfidy so bold and complete. Afraid to trust the incoming Congress, although more than two-thirds of each House was Republican, fearful that Senators and Representatives, fresh from the people, might have more regard for the solemn pledges upon which they were elected, they rushed this suffrage amendment through with indecent haste, its final passage being announced on February 26, 1869, just six days before the Congress expired by law.

Up to 1868, as we have already seen, the people of no State in all the Union except New York had ever expressly extended to the negro the right to vote, and every State that had ever acted on the question had expressly declined to do so except New York, and even there the gift was not impartial, as already shown.

But in 1868 the radical wing of the Republican party took some encouragement from the action of Iowa and Minnesota. In 1868 there were in Iowa approximately 1,000 male negroes of voting age to 290,000 whites of voting age, and yet on an issue between the two parties on the proposition to extend the suffrage impartially to the negro the Republicans only succeeded in securing the ratification of such an amendment by a majority of 22,000, less than that given the Republican ticket, and Iowa thus became the first State in the Union to voluntarily extend the suffrage on impartial terms to the negro. The only other encouragement was from Minnesota, where negro suffrage had already twice been rejected by the people, once in 1865 and again in 1867; but in 1868 the undaunted leaders of the radical Republicans returned to the charge and succeeded in inducing the 110,000 white voters of that State to extend the suffrage impartially to the 200 negro voters with its borders.

It can not be contended that the action of any of the Southern States, coerced as they all were by the military and legislative powers of the Government, was voluntary. So that the two States of Iowa and Minnesota are the only States in this Union who ever voluntarily extended the elective franchise to the negro on impartial terms prior to the ratification of the fifteenth amendment, and in each of those States, as I have just demonstrated, there were such an insignificant number of negro voters that the question was more of a theoretical than a practical one.

In 1868 Missouri rejected negro suffrage by 18,000 majority, and during the same year another attempt to enfranchise the negro in Michigan was defeated by 32,000 majority, although Michigan was one of the stanchest of Republican States.

That in proposing the fifteenth amendment the leaders of the Republican party were acting contrary to public sentiment everywhere was boldly admitted during the debate upon it in the Senate by Senator Wilson, of Massachusetts, who said:

> The Senator from Kentucky [Mr. Davis] knows, and I know, that this whole struggle to secure equal rights and equal privileges to all citizens of the United States has been an unpopular one; that we have been forced to struggle against passion and prejudice, engendered by generations of oppression and wrong; that we have been compelled to struggle against great interests and powerful political organizations. I say to the Senator from Kentucky that the struggle of the last eight years to give freedom to four and a half million men who were in slavery, to make them citizens of the United States, to clothe them with the suffrage, to make them in all respects equal to the white citizens of the United States, has cost the Republican party a quarter of a million votes.

This assertion was approved by Mr. Blaine, who quotes it in his Twenty Years in Congress, and he further remarks that—

> The Democratic criticisms as to the time and the method of presenting the amendment were well aimed and remained practically unanswered for the simple reason that no adequate or logical response could be made to them.

Why, then, this measure? There were undoubtedly many honest and earnest men in the Fortieth Congress who believed so thoroughly in the principle at stake that they were willing to make any political sacrifice upon its altar. Mistaken and misguided, as I firmly believe this class of men to have been, and harmful as I know their work was, I can not withhold from them that admiration that devotion to principle, even to mistaken principle, always merits. But it must be remembered that the real leaders of the Fortieth Congress were nothing if not practi-

cal. The States of the South were helpless under military domination; for the present they need be neither feared nor considered. The people of the North were so grateful to the Republican party, and as yet so unreconciled to the South, that the leaders of the radical wing of the dominant party believed that they could for a while longer hold the North, even if one of their prescriptions should be the nauseating and often-rejected dose of negro suffrage. They were wise men. In any event they had a fresh lease of power, and they knew that then was the proper time to inaugurate a permanent constitutional plan to take the place of the temporary statutory plan of reconstruction, and to deliver over the States of the South to the freedmen and their allies "in fee simple forever," and thus insure perpetuation of their political power.

On February 5, 1869, Mr. Sumner, debating the fifteenth amendment, exclaimed in the Senate:

I do not part from the proprieties of this occasion when I show how completely the course I propose harmonizes with the requirements of the political party to which I belong. Believing most sincerely that the Republican party in its object is identical with the country and mankind, so that in sustaining it I sustain these comprehensive charities, I can not willingly see this agency lose the opportunity of confirming its supremacy. You need votes in Connecticut, do you not? There are 3,000 fellow-citizens in that State, ready at the call of Congress to take their place at the ballot box. You need them also in Pennsylvania, do you not? There are at least 15,000 of them in that great State waiting for your summons. Wherever you most need them, there they are; and be assured that they will all vote for those that stand by them in the assertion of equal rights.

The amendment as finally proposed to the States reads as follows:

ARTICLE XV.

SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

On February 26, 1869, the final vote was taken in both Houses. The total number of Representatives to which the States actually admitted to representation in Congress were entitled was 226. There were 3 vacancies, thus reducing the total membership to 223, two-thirds of which would be 149. The record shows that in the House the vote on the passage of the resolution proposing the amendment was—yeas 145, nays 44, not voting 35.

In the Senate there were at the time the vote was taken 66 votes, excluding the 8 Senators from the States of Virginia, Mississippi, Texas, and Georgia, who had not been admitted to the Senate, of which two-thirds was 44; yet the vote in the Senate on the passage of the resolution proposing the fifteenth amendment was—yeas 39, nays 13, not voting 14. So that, while the resolution received in both Houses two-thirds of the votes actually cast, it did not receive two-thirds of the votes of the total membership of either House.

Article V of the Constitution provides:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution.

A comparison of the language used in Article V with similar constitutional provisions is not unimportant in order to arrive at the real meaning of Article V.

Article II, section 2, clause 2, provides that the President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

Article I, section 3, clause 6, provides that no person tried by the Senate as a court of impeachment shall be convicted without "the concurrence of two-thirds of the members present."

It is undoubtedly a grave question as to whether or not, giving due weight to these comparisons, the broader language used in Article V does not require the assent of two-thirds of the total membership of each House in proposing a constitutional amendment. Our Supreme Court has never as yet passed upon that question. Indeed, it has never been presented to it for its adjudication, and I know of no court that has even attempted to pass upon it, except, possibly, the supreme court of Oregon, which in the case of Wood *v.* Fitzgerald, 3 Oregon, 579, sustained the fifteenth amendment and declared that the clause in the Oregon constitution providing that no negro, mulatto, or Chinaman be allowed to vote was unconstitutional because in conflict with it; but in its opinion the court refuses to go into the objections suggested by counsel as to the validity of the fifteenth amendment, complaining that this was more properly the function of the courts of the United States, and that in the partisan bitterness and excitement then prevailing it would be dangerous for the court to hold the fifteenth amendment unconstitutional.

I apprehend, however, that these reasons will not appear weighty, and that the opinion of this court will not be regarded as very respectable authority by any court, State or Federal, that is true to that greatest principle of judicial ethics among English-speaking people, that it is the solemn duty of the courts to decide the law without regard to the popularity or unpopularity of their decisions.

The amendment was submitted to the people in spite of the protests made in the Senate that the resolution proposing it had not received the requisite constitutional majority, and was rushed to waiting legislatures. In the North and West Republican legislators, impressed with that same dream of perpetual power that had so charmed their party colleagues in Congress, hastened to disregard their instructions from the people and to force negro suffrage upon them by ratifying the amendment, and in their unseemly haste to enter upon the promised heritage of political power they had the effrontery in several States to pass their resolutions of ratification upon the receipt of the telegraphic advices from political friends and associates in Washington, without awaiting official notification from the Department of State that such a resolution was proposed to them or what its terms were. "Carpet baggers," placed in power by Congressional reconstruction, hastened to ratify for the Southern States; and in Virginia, Texas and Mississippi, which were still unreconstructed, ratification was forced by Congress, such ratification being once again made a "fundamental condition" of readmission, at the suggestion of General Butler, of Massachusetts.

On March 30, 1870, the ratification of the amendment was proclaimed by the Secretary of State, and thus the great drama of reconstruction was complete, and there was written in our organic law the last of the great war amendments.

The first of these amendments, the thirteenth, by which slavery was abolished, was accepted by the people of all sections, and by none more loyally and sincerely than the people of the South, as the necessary and logical result of the war, but the last two, the fourteenth and fifteenth, were adopted, if adopted at all, against the will of a majority of all the people in the Union, by trickery and treachery in the North and by force and violence in the South.

Whatever may have been the purpose of the second section of the fourteenth amendment and the fifteenth amendment, yet, construing these two sections in pari materia and giving full force to the provisions of each, the only fair construction of them is that no State may deny or abridge the right to vote of any citizen of the United States simply because of race, color, or previous condition of servitude; but, with this single exception, a State may establish any qualification for voting that its people may ordain—whether that qualification be based on education, on the possession of property, or the prepayment of taxes, or upon any other basis whatsoever, except race, color, or previous condition of servitude—provided that if, in so doing, it shall in any way deny or abridge the right to vote of any of its male inhabitants 21 years of age and citizens of the United States, except for participation in rebellion or other crime, then such State is subject to the proportionate reduction imposed by the fourteenth amendment, if the Congress shall deem it wise and proper to enforce that penalty.

If this be a fair and correct statement of the law, as I believe it to be, two corollaries necessarily follow:

First. That all provisions in State laws, whether constitutional or statutory, that disfranchise citizens of the United States because of race, color, or previous condition of servitude are void ab initio, and have not now, and have never had, any binding force in law, and can not ever be made the basis of indictment under section 2 of Article XIV.

Second. With the above limitation, any State may withhold the franchise from any of its citizens for any reason that may seem good to it, but *when, for any reason whatsoever*, it shall deny or in any way abridge the right to vote of any of its male inhabitants 21 years of age and citizens of the United States, except for rebellion or participation in crime, its representation may be reduced by Congress.

What condition of affairs do we find within three decades after these amendments were adopted? An examination of the laws of the various States of the Union will disclose the fact that there is not a single State in all this Republic in which the right to vote of male inhabitants of such State, 21 years of age and citizens of the United States, who are not guilty of rebellion or other crime, is not denied or in *some way "abridged"* by one or more of the following classes of qualifications:

1. Educational or property qualifications, or both.
2. Prepayment of taxes.
3. Religious belief, or nativity.
4. Australian ballot laws, requiring varying degrees of intelligence and education.

So that, when particular reference is made to the Southern States, we answer that if the charge is made that they violate the fifteenth amendment, that can not be the basis of indictment under the second section of the fourteenth amendment, but it must be a question for the courts alone, in which forum our constitutions and laws have stood every test hitherto imposed upon them or likely to be hereafter made.

If however, you take the other horn of the dilemma and assert

that we are subject to the second section of the fourteenth amendment, then I rejoin that every State in the North and West is likewise subject to the same penalty, and that if Congress should be unwise enough to elect to exercise the discretionary power vested in it by section 5 of Article XIV, it will not only be a most serious strain of the present cordial relations so happily existing between the sections, but it will require a readjustment of the basis of representation that will not start at the Potomac and end at the Rio Grande, but will stretch from Hatteras to the Golden Gate, from Maine to Florida, and will embrace in its majestic sweep every State and Territory in the Union, and even our new islands of the sea—for Hawaii has an educational qualification for voting, and is seeking admission to the Union.

So that we would implore the valiant Don Quixotes of this body not to embark on their windmill-crusade, but rather as honest men, who see and know the futility and folly of the law as it is written, and are opposed to keeping among the organic provisions of our national law one that is impossible of enforcement, to join with us in advocating its repeal.

According to the census reports of 1900, there were in the entire Union, at the time the census was taken, almost 9,000,000 negroes, constituting nearly 10 per cent of the total population. Of these 9,000,000 negroes, considerably more than 7,000,000 live in the eleven States that once constituted the Southern Confederacy—namely, the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, Texas, and Arkansas—where they constituted in the aggregate about one-third of the entire population, varying from 58.7 per cent of the population in Mississippi to 20.4 per cent in Texas.

Nearly a million more negroes live in the four border States of Kentucky, Maryland, Missouri, and Pennsylvania, constituting 13.3 per cent of the population in Kentucky, 19.8 per cent of it in Maryland, 5.2 per cent of it in Missouri, and 2.5 per cent of it in Pennsylvania. The remainder of them—a little less than a million in number—are scattered through the balance of the Union among the other thirty States and seven Territories, in numbers varying from nearly 100,000 in New York to 134 in Nevada, but not constituting in the aggregate more than an average of about 2 per cent of the total population of these States and Territories.

In males of voting age the negroes number a little more than 2,000,000 in the entire Union, which is not quite 10 per cent of the total number of males of voting age in the Republic. In the eleven Southern States which I have named they number in the aggregate of voting age over 1,500,000, varying from 223,000 in Georgia to 61,000 in Florida, and constituting in the aggregate 36 per cent of the entire voting strength of these States, varying from 57 per cent in Mississippi to 19 per cent in Texas.

These enormous figures and percentages can not fail to impress any thoughtful man with the magnitude of the problem that they suggest and with the colossal interests involved in it. The 12,000,000 white people of the eleven Southern States named have irrevocably, finally, and almost unanimously determined that they will prevent, by every constitutional means in their power, these people from exercising the elective franchise, and within the last few years this determination has crystallized into action, and to-day throughout the South the great bulk of them are not permitted to vote, being debarred by provisions and qualifications varying in the different States—in some by property or educational qualifications, in others by requiring the prepayment of taxes prior to voting, and in still others by Australian ballot laws that require varying degrees of intelligence, while in some of the States two or more of these methods are adopted.

So far as the fifteenth amendment is concerned, it is not believed by the great majority of our best-informed lawyers and jurists who have given careful thought to the subject that any of these provisions violate the fifteenth amendment, and it is undoubtedly true that they have so far stood every test of the courts. If they do not violate the fifteenth amendment, they can never be held unconstitutional by any court, and if they do violate the second clause of the fourteenth amendment, the States in question have merely subjected themselves to a possible application of the penalty imposed in that amendment, a penalty almost impossible of enforcement, for the reasons I have already suggested, and as I believe any Congress will discover that should be unwise and impolitic enough to attempt to exercise the *discretionary* and not *mandatory* power of Article XIV, section 5, by enforcing the penalty prescribed in the second section of the amendment.

In this peculiar situation it is not improper that we should appeal to you to undo the mistakes of the past. Let us repeal laws which permit by indirection that which they were intended to prohibit. Let us return once more to the old constitutional doctrine of our fathers, that representation should be based solely upon population, and that each State should regulate it own election laws, and in the discussion of these great questions in this high tribunal in which the representatives of the whole people ought to sit in solemn impartiality, and in that higher court in which public opinion sits as the final and supreme earthly judge, we submit our contention that the negro can no longer pose as the special ward of the nation or expect partial treatment, but must stand or fall on his merit or demerit as a citizen and voter.

What, then, are the objections to negro suffrage? In the first place, the same objection that applies to all hopeless ignorance, especially when that ignorance is the possession of a people not accustomed to participate in representative government, unacquainted with its institutions, and uninspired by its traditions.

Of the more than a million and a half negro males of voting age, three-fourths of a million of them can neither read nor write. Of Alabama's 181,000, 55.8 per cent are totally illiterate; of Arkansas's 88,000, 40.3 per cent are totally illiterate; of Florida's 61,000, 35.9 per cent are totally illiterate; of Georgia's 223,000, 51.4 per cent are totally illiterate; of Louisiana's 147,000, 58.7 per cent are totally illiterate; of Mississippi's 198,000, 47.5 per cent are totally illiterate; of North Carolina's 127,000, 46.4 per cent are totally illiterate; of South Carolina's 153,000, 50.5 per cent are totally illiterate; of Tennessee's 112,000, 41.4 per cent are totally illiterate; of Texas's 137,000, 37 per cent are totally illiterate, and of Virginia's 146,000, 45 per cent are totally illiterate.

These figures speak to you more eloquently than any words I can utter, and when you remember that the test of literacy and illiteracy, upon which these figures are based, is *bare ability to read and write*, you can get an inkling as to what the true condition of this race in the South is on this subject; and when you recall that these are statistics taken after more than thirty years of freedom and education, after the States of the South have taxed themselves to exhaustion, and millions of money have been poured out by generous northern philanthropists, for negro education, you will be no longer amazed that the South has at last rid itself to a large extent of this black mass of density and ignorance, who, in the words of one of the recent governors of my State "neither recognize the sanctity of the ballot or realize the responsibilities of citizenship."

But it may be contended that, appalling as is the present illiteracy of the negro, he has made wonderful progress in education, considering his comparatively short opportunity, and is every day more rapidly and more thoroughly fitting himself for his duties as a citizen and voter. I concede the premise that he is reducing his illiteracy at a rapid rate, but the conclusion that he is therefore and thereby fitting himself for his duties and responsibilities as a citizen and voter I flatly dispute and believe I can successfully controvert. Let us examine the census reports as to his educational progress, beginning with 1880, so as to give him a full decade of preparation before any test is applied. In 1880 70 per cent of all the negroes in the Republic were illiterate. In 1890 only 56.8 per cent were illiterate, and in 1900 only 44.6 per cent. In the eleven Southern States the figures are not greatly different from those for the entire nation, the percentage of illiteracy for the negro in those States being 77 per cent in 1880, 63 per cent in 1890, and 49 per cent in 1900. This seems to indicate rapid and gratifying progress. It does undoubtedly indicate progress along educational lines, but does it follow that with his increased education the negro has in like proportion progressed in the acquirement and attainment of those civic and moral qualifications that will render him a better citizen and voter?

Let us see. Let us look into that question. From 1880 to 1890 his illiteracy in the South had decreased from 77 per cent to 63 per cent—a marvelous gain, an absolute decrease of 14 per cent and a relative decrease of 18 per cent. Yet during this same period his criminality increased in more rapid ratio than his illiteracy decreased.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman let me ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. HARDWICK. No; not at this time. I will ask the gentleman to wait for a moment, and if I have time I will be very glad to answer any question he may propound. I am not at all afraid of the gentleman's question, but I have a certain ground to cover, and then I will take up any question that any gentleman may ask and answer it.

In 1880 there were in these Southern States 2,480 negro prisoners to the million of negro population. In 1890 there were in these States 3,275 negro prisoners to every 1,000,000 of negro population, an absolute increase of 31 per cent in criminality. Still his illiteracy had in this same decade decreased 14 per cent absolutely and 18 per cent relatively. Again in 1880 relative to the white race, and calculating each race upon the basis of population reduced to equality as between each other, the white constituted 27 per cent of the criminal classes of the South and the blacks 73 per cent. Yet in 1890, calculated on this same basis, the whites fell from 27 per cent to 16 per cent, while the negroes advanced from 73 per cent to 84 per cent of the total criminal classes, an absolute increase in criminality on this equalized basis of 11 per cent for the negro and a relative increase of 15 per cent. Yet it

must not be forgotten that during this same decade the negro had reduced his illiteracy 14 per cent absolutely and 18 per cent relatively. The Census Bureau has not its criminal statistics compiled for the year 1900, but from 1890 to 1900 the last State reports from the eleven Southern States I have named indicate that these same figures are holding good in that decade.

The conclusion is irresistible that the more you educate the negro the more criminal he becomes. But it may be urged that the negro is unfairly treated in these Southern States; that courts and juries are too prone to look seriously on his faults and to condemn him too hastily and to deal with him too harshly. Let us see. Now, if you will take the criminal statistics from the entire Union and from the different States of the North and different sections of the North and West, you will find that the negro has been punished to a very much greater degree—in other words, is very much more criminal—in the North and West than he has been in the South.

Number of negro prisoners to million of negro inhabitants.a

	1870.	1880.	1890.
United States	1,621	2,480	3,275
Southern States	1,277	2,142	2,810
Highest Southern State	b1,757	c4,000	c4,673
Connecticut	6,360	4,861	5,304
Massachusetts	9,792	5,336	7,213
New-York	6,375	7,704	9,783
Illinois	4,966	5,415	7,948
Indiana	2,581	4,683	5,847
Iowa	2,408	2,896	6,475
Ohio	1,990	3,481	5,645
Minnesota	5,521	3,086	6,000
Michigan	3,696	7,195	7,474
Nebraska	10,274	10,235	5,490

a From Eleventh Census, Crime, Pauperism, and Benevolence, part 2, pages 4 to 10, inclusive.
b Virginia.
c Texas.

Now, what conclusions are you bound to draw from these figures? There are two. First, that he has not been treated unfairly in the South; and, second, that in the North and West, where he is more educated and less illiterate, he is more criminal. Therefore, as I say, you see everywhere the marvelous spectacle of increased negro criminality and of decreasing negro illiteracy linked together, like Siamese twins, all over this Union. Now, I want to ask this question, and I propound it to every thoughtful, candid man: If it is true that education will not keep the negro from crime, if it is true that decreasing illiteracy does not seem to deter him from criminality, by what extraordinary process of reasoning is the conclusion arrived at that it will make him a better citizen or a better voter?

In this connection let me call to your attention briefly some significant facts and conclusions stated by President Winston, of the Agricultural and Mechanical College of North Carolina, in an exceedingly able paper on this subject, read, I think, before the National Prison Association. The statistics referred to by him are from the census of 1890. Professor Winston discovered the following facts from these reports:

1. The colored element is more criminal than any other in our population.
2. From 1880 to 1890 there was an increase of 33¼ per cent in the ratio of colored criminals to the colored population. In other words, the colored population was one-third more criminal in 1890 than in 1880.
3. While 57 per cent of the colored population are illiterate, only 54 per cent of colored criminals are illiterate. The colored population that can read and write is more criminal than the illiterate. This is not true of any other element in the American population, where the illiterate criminals are in excess of those who can read and write.
4. The ratio of negro criminals and negro paupers is greater in the Northern than in the Southern States. * * * The negro is nearly three times as criminal in the North Atlantic as in the South Atlantic States; over twice as criminal in the North Central as in the South Central, and three and a half times as criminal in the Western as in the South Atlantic States.

Mr. WATSON. Is there anything in those statistics to show what per cent of the Southern——

Mr. HARDWICK. If the gentleman will wait a moment, I will be glad to answer any question when I get through.

Mr. GROSVENOR. But I will state to the gentleman that his time is not nearly up.

Mr. HARDWICK. If I can get a little more time, I will be glad to answer these questions.

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Indiana?

Mr. HARDWICK. If the gentleman will waive his question for a moment or two, I will answer it with pleasure later on. I prefer to go on now.

Mr. GROSVENOR. Of course, I do not wish to do anything at all if it will disconcert the gentleman.

Mr. HARDWICK. Not at all; but for the present I prefer to proceed in my own way.

The next objection I urge to negro suffrage is the almost universal corruptibility of the negro as a voter. There may be exceptions to the rule, more or less numerous in the North and West, and, indeed, a few rare ones in the South, but the rule is that any negro, rich or poor, educated or uneducated, will sell his vote, his chief concern being to obtain the highest possible price for it. I have no statistics to demonstrate this truth, but it needs no demonstration. It is a matter of common knowledge among the people of the South, and I believe this truth is known to people everywhere among whom there are any considerable numbers of negroes, and while I do not positively know it, and hence do not assert it, I surmise very strongly that the gentlemen who have controlled the various national Republican conventions since the negro became a political factor could, if they would, give eloquent evidence in corroboration of it.

The negro, of course, is not solely to blame for this; indeed, he is not even equally to blame with others, for where there is a seller there must be a buyer, and the buyer can not surely be held blameless for his part in such a transaction. But although it is true that the vote buyer ought to be severely punished, it is equally true that the vote seller should be forever disfranchised. Indeed, the disfranchisement of those voters whom we know do sell out is the only effectual cure for this great cancer on the national body politic. From the very nature of the transaction, from its secrecy, from the penalties attached to it, and from the opprobrium incurred by it, it is a transaction rarely susceptible, under ordinary circumstances, of proof, and hence the ordinary penalties usually provided by law can rarely be enforced.

I contend that certain truths that I now propose to state are axiomatic and undeniable. What are these truths? They are these: That the right to vote is not an absolute natural right that exists for the benefit of the individual, but a great civil and political privilege, conferred or withheld for the benefit of and in the interest of society and good government, and that men who so little appreciate their votes as to sell them ought to be deprived of them forever; and from these propositions I draw the necessary conclusion, in the light of the South's unvarying experience with the negro vote, that the negro ought to be disfranchised.

There is another and, if possible, a still more weighty reason why I oppose negro suffrage. The natural, indeed the irresistible, tendency of political equality is toward social equality. No two races have ever yet lived side by side in anything like equal numbers on terms of political and social equality without amalgamation. All history proclaims the truth of this doctrine, without an exception in any age or in any clime.

Amalgamation being impossible so long as there is a single drop of blood in the veins of a single southern white man, it follows that there can be neither social nor political equality between the races; that so long as they live together there must be the positions of superior and inferior, and that the white race will demand and take the superior position is beyond controversy. Six thousand years of history proclaim his right to it. Superior mental and moral force assert it. Justice and equity unite in confirming his title to it in this land that his adventurous ancestors discovered and conquered from its savage inhabitants, wrested from foreign tyranny, and in which they have founded and preserved that Government that is to-day the richest, the most powerful, and the most glorious on earth.

And who is the negro that he should dispute this demand? A race that never yet founded a government or built a state that did not soon lapse into barbarism; a race that never yet made a single step toward civilization, except under the fostering care and guidance of the white man; a race into whose care was committed one of the three great continents, and who has made it ever since the remotest times a land of utter darkness, until to-day the nations of Europe, in the onward march of irresistible civilization, are dividing his heritage, the greatest of the continents, among themselves. But why multiply words? It may be thought that because I am from the South and intensely southern I have an undue amount of race prejudice. I will therefore for the moment suspend my own argument and summon to my aid an illustrious advocate, one of the most illustrious, living or dead, that this country ever produced. Hear his argument, for he presents the argument I fain would make to-day, and voices with a terseness and strength I can never hope to equal the sentiments of my people.

On October 16, 1854, in a speech at Freeport, Ill., Abraham Lincoln said:

> What next? Free them [referring to the negroes] and make them politically and socially our equals? My own feelings will not admit of this, and if they would we all know that those of the great mass of the whites will not. Whether this feeling accords with justice and sound doctrine is not the sole question, if indeed it is any part of it. A universal feeling, whether well or ill founded, can not be disregarded.

During this same Freeport speech Mr. Lincoln also said:

> Let it not be said that I am contending for the establishment of political and social equality between the whites and blacks. I have already said the contrary.

that we are subject to the second section of the fourteenth amendment, then I rejoin that every State in the North and West is likewise subject to the same penalty, and that if Congress should be unwise enough to elect to exercise the discretionary power vested in it by section 5 of Article XIV, it will not only be a most serious strain of the present cordial relations so happily existing between the sections, but it will require a readjustment of the basis of representation that will not start at the Potomac and end at the Rio Grande, but will stretch from Hatteras to the Golden Gate, from Maine to Florida, and will embrace in its majestic sweep every State and Territory in the Union, and even our new islands of the sea—for Hawaii has an educational qualification for voting, and is seeking admission to the Union.

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According to the census reports of 1900, there were in the entire Union, at the time the census was taken, almost 9,000,000 negroes, constituting nearly 10 per cent of the total population. Of these 9,000,000 negroes, considerably more than 7,000,000 live in the eleven States that once constituted the Southern Confederacy—namely, the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, Texas, and Arkansas—where they constituted in the aggregate about one-third of the entire population, varying from 58.7 per cent of the population in Mississippi to 20.4 per cent in Texas.

Nearly a million more negroes live in the four border States of Kentucky, Maryland, Missouri, and Pennsylvania, constituting 13.3 per cent of the population in Kentucky, 19.8 per cent of it in Maryland, 5.2 per cent of it in Missouri, and 2.5 per cent of it in Pennsylvania. The remainder of them—a little less than a million in number—are scattered through the balance of the Union among the other thirty States and seven Territories, in numbers varying from nearly 100,000 in New York to 134 in Nevada, but not constituting in the aggregate more than an average of about 2 per cent of the total population of these States and Territories.

In males of voting age the negroes number a little more than 2,000,000 in the entire Union, which is not quite 10 per cent of the total number of males of voting age in the Republic. In the eleven Southern States which I have named they number in the aggregate of voting age over 1,500,000, varying from 223,000 in Georgia to 61,000 in Florida, and constituting in the aggregate 36 per cent of the entire voting strength of these States, varying from 57 per cent in Mississippi to 19 per cent in Texas.

These enormous figures and percentages can not fail to impress any thoughtful man with the magnitude of the problem that they suggest and with the colossal interests involved in it. The 12,000,000 white people of the eleven Southern States named have irrevocably, finally, and almost unanimously determined that they will prevent, by every constitutional means in their power, these people from exercising the elective franchise, and within the last few years this determination has crystallized into action, and to-day throughout the South the great bulk of them are not permitted to vote, being debarred by provisions and qualifications varying in the different States—in some by property or educational qualifications, in others by requiring the prepayment of taxes prior to voting, and in still others by Australian ballot laws that require varying degrees of intelligence, while in some of the States two or more of these methods are adopted.

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What, then, are the objections to negro suffrage? In the first place, the same objection that applies to all hopeless ignorance, especially when that ignorance is the possession of a people not accustomed to participate in representative government, unacquainted with its institutions, and uninspired by its traditions.

Of the more than a million and a half negro males of voting age, three-fourths of a million of them can neither read nor write. Of Alabama's 181,000, 55.8 per cent are totally illiterate; of Arkansas's 88,000, 40.3 per cent are totally illiterate; of Florida's 61,000, 35.9 per cent are totally illiterate; of Georgia's 223,000, 51.4 per cent are totally illiterate; of Louisiana's 147,000, 58.7 per cent are totally illiterate; of Mississippi's 198,000, 47.5 per cent are totally illiterate; of North Carolina's 127,000, 46.4 per cent are totally illiterate; of South Carolina's 153,000, 50.5 per cent are totally illiterate; of Tennessee's 112,000, 41.4 per cent are totally illiterate; of Texas's 137,000, 37 per cent are totally illiterate, and of Virginia's 146,000, 45 per cent are totally illiterate.

These figures speak to you more eloquently than any words I can utter, and when you remember that the test of literacy and illiteracy, upon which these figures are based, is *bare ability to read and write*, you can get an inkling as to what the true condition of this race in the South is on this subject; and when you recall that these are statistics taken after more than thirty years of freedom and education, after the States of the South have taxed themselves to exhaustion, and millions of money have been poured out by generous northern philanthropists, for negro education, you will be no longer amazed that the South has at last rid itself to a large extent of this black mass of density and ignorance, who, in the words of one of the recent governors of my State "neither recognize the sanctity of the ballot or realize the responsibilities of citizenship."

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Let us see. Let us look into that question. From 1880 to 1890 his illiteracy in the South had decreased from 77 per cent to 63 per cent—a marvelous gain, an absolute decrease of 14 per cent and a relative decrease of 18 per cent. Yet during this same period his criminality increased in more rapid ratio than his illiteracy decreased.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman let me ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. HARDWICK. No; not at this time. I will ask the gentleman to wait for a moment, and if I have time I will be very glad to answer any question he may propound. I am not at all afraid of the gentleman's question, but I have a certain ground to cover, and then I will take up any question that any gentleman may ask and answer it.

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must not be forgotten that during this same decade the negro had reduced his illiteracy 14 per cent absolutely and 18 per cent relatively. The Census Bureau has not its criminal statistics compiled for the year 1900, but from 1890 to 1900 the last State reports from the eleven Southern States I have named indicate that these same figures are holding good in that decade.

The conclusion is irresistible that the more you educate the negro the more criminal he becomes. But it may be urged that the negro is unfairly treated in these Southern States; that courts and juries are too prone to look seriously on his faults and to condemn him too hastily and to deal with him too harshly. Let us see. Now, if you will take the criminal statistics from the entire Union and from the different States of the North and different sections of the North and West, you will find that the negro has been punished to a very much greater degree—in other words, is very much more criminal—in the North and West than he has been in the South.

Number of negro prisoners to million of negro inhabitants.[a]

	1870.	1880.	1890.
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Southern States	1,277	2,142	2,810
Highest Southern State	[b]1,757	[c]4,000	[c]4,673
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Massachusetts	9,792	5,336	7,213
New-York	6,375	7,704	9,783
Illinois	4,906	5,415	7,948
Indiana	2,581	4,683	5,847
Iowa	2,408	2,896	6,475
Ohio	1,990	3,481	5,645
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[a] From Eleventh Census, Crime, Pauperism, and Benevolence, part 2, pages 4 to 10, inclusive.
[b] Virginia.
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Now, what conclusions are you bound to draw from these figures? There are two. First, that he has not been treated unfairly in the South; and, second, that in the North and West, where he is more educated and less illiterate, he is more criminal. Therefore, as I say, you see everywhere the marvelous spectacle of increased negro criminality and of decreasing negro illiteracy linked together, like Siamese twins, all over this Union. Now, I want to ask this question, and I propound it to every thoughtful, candid man: If it is true that education will not keep the negro from crime, if it is true that decreasing illiteracy does not seem to deter him from criminality, by what extraordinary process of reasoning is the conclusion arrived at that it will make him a better citizen or a better voter?

In this connection let me call to your attention briefly some significant facts and conclusions stated by President Winston, of the Agricultural and Mechanical College of North Carolina, in an exceedingly able paper on this subject, read, I think, before the National Prison Association. The statistics referred to by him are from the census of 1890. Professor Winston discovered the following facts from these reports:

1. The colored element is more criminal than any other in our population.
2. From 1880 to 1890 there was an increase of 33½ per cent in the ratio of colored criminals to the colored population. In other words, the colored population was one-third more criminal in 1890 than in 1880.
3. While 57 per cent of the colored population are illiterate, only 54 per cent of colored criminals are illiterate. The colored population that can read and write is more criminal than the illiterate. This is not true of any other element in the American population, where the illiterate criminals are in excess of those who can read and write.
4. The ratio of negro criminals and negro paupers is greater in the Northern than in the Southern States. * * * The negro is nearly three times as criminal in the North Atlantic as in the South Atlantic States; over twice as criminal in the North Central as in the South Central, and three and a half times as criminal in the Western as in the South Atlantic States.

Mr. WATSON. Is there anything in those statistics to show what per cent of the Southern——

Mr. HARDWICK. If the gentleman will wait a moment, I will be glad to answer any question when I get through.

Mr. GROSVENOR. But I will state to the gentleman that his time is not nearly up.

Mr. HARDWICK. If I can get a little more time, I will be glad to answer these questions.

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Indiana?

Mr. HARDWICK. If the gentleman will waive his question for a moment or two, I will answer it with pleasure later on. I prefer to go on now.

Mr. GROSVENOR. Of course, I do not wish to do anything at all if it will disconcert the gentleman.

Mr. HARDWICK. Not at all; but for the present I prefer to proceed in my own way.

The next objection I urge to negro suffrage is the almost universal corruptibility of the negro as a voter. There may be exceptions to the rule, more or less numerous in the North and West, and, indeed, a few rare ones in the South, but the rule is that any negro, rich or poor, educated or uneducated, will sell his vote, his chief concern being to obtain the highest possible price for it. I have no statistics to demonstrate this truth, but it needs no demonstration. It is a matter of common knowledge among the people of the South, and I believe this truth is known to people everywhere among whom there are any considerable numbers of negroes, and while I do not positively know it, and hence do not assert it, I surmise very strongly that the gentlemen who have controlled the various national Republican conventions since the negro became a political factor could, if they would, give eloquent evidence in corroboration of it.

The negro, of course, is not solely to blame for this; indeed, he is not even equally to blame with others, for where there is a seller there must be a buyer, and the buyer can not surely be held blameless for his part in such a transaction. But although it is true that the vote buyer ought to be severely punished, it is equally true that the vote seller should be forever disfranchised. Indeed, the disfranchisement of those voters whom we know do sell out is the only effectual cure for this great cancer on the national body politic. From the very nature of the transaction, from its secrecy, from the penalties attached to it, and from the opprobrium incurred by it, it is a transaction rarely susceptible, under ordinary circumstances, of proof, and hence the ordinary penalties usually provided by law can rarely be enforced.

I contend that certain truths that I now propose to state are axiomatic and undeniable. What are these truths? They are these: That the right to vote is not an absolute natural right that exists for the benefit of the individual, but a great civil and political privilege, conferred or withheld for the benefit of and in the interest of society and good government, and that men who so little appreciate their votes as to sell them ought to be deprived of them forever; and from these propositions I draw the necessary conclusion, in the light of the South's unvarying experience with the negro vote, that the negro ought to be disfranchised.

There is another and, if possible, a still more weighty reason why I oppose negro suffrage. The natural, indeed the irresistible, tendency of political equality is toward social equality. No two races have ever yet lived side by side in anything like equal numbers on terms of political and social equality without amalgamation. All history proclaims the truth of this doctrine, without an exception in any age or in any clime.

Amalgamation being impossible so long as there is a single drop of blood in the veins of a single southern white man, it follows that there can be neither social nor political equality between the races; that so long as they live together there must be the positions of superior and inferior, and that the white race will demand and take the superior position is beyond controversy. Six thousand years of history proclaim his right to it. Superior mental and moral force assert it. Justice and equity unite in confirming his title to it in this land that his adventurous ancestors discovered and conquered from its savage inhabitants, wrested from foreign tyranny, and in which they have founded and preserved that Government that is to-day the richest, the most powerful, and the most glorious on earth.

And who is the negro that he should dispute this demand? A race that never yet founded a government or built a state that did not soon lapse into barbarism; a race that never yet made a single step toward civilization, except under the fostering care and guidance of the white man; a race into whose care was committed one of the three great continents, and who has made it ever since the remotest times a land of utter darkness, until to-day the nations of Europe, in the onward march of irresistible civilization, are dividing his heritage, the greatest of the continents, among themselves. But why multiply words? It may be thought that because I am from the South and intensely southern I have an undue amount of race prejudice. I will therefore for the moment suspend my own argument and summon to my aid an illustrious advocate, one of the most illustrious, living or dead, that this country ever produced. Hear his argument, for he presents the argument I fain would make to-day, and voices with a terseness and strength I can never hope to equal the sentiments of my people.

On October 16, 1854, in a speech at Freeport, Ill., Abraham Lincoln said:

> What next? Free them [referring to the negroes] and make them politically and socially our equals? My own feelings will not admit of this, and if they would we all know that those of the great mass of the whites will not. Whether this feeling accords with justice and sound doctrine is not the sole question, if indeed it is any part of it. A universal feeling, whether well or ill founded, can not be disregarded.

During this same Freeport speech Mr. Lincoln also said:

> Let it not be said that I am contending for the establishment of political and social equality between the whites and blacks. I have already said the contrary.

During the same speech he also used these words:

Senator Douglas remarked in substance that he had always considered this Government made for the white people and not for the negroes. Why, in point of fact, I think so, too.

It will thus be observed that on three separate occasions during this one speech Mr. Lincoln impressed upon the people his opposition to social and political equality between the races.

In 1858 Mr. Lincoln and Judge Douglas engaged in that memorable contest for the Illinois Senatorship that attracted the attention of the nation; memorable because of the magnificent abilities of the two mighty gladiators, as well as the tremendous issues involved. During this joint discussion Mr. Lincoln took pains on two separate occasions to express and emphasize his irrevocable opposition to negro suffrage.

In the Ottawa discussion, August 21, 1858, Mr. Lincoln said:

I have no purpose to introduce political and social equality between the white and black races. There is a physical difference between the two, which, in my judgment, will probably forbid their ever living together on terms of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position.

Again, in the Charleston debate, September 18, 1858, Mr. Lincoln used these words:

I will say, then, that I am not, nor ever have been, in favor of bringing about the political and social equality of the white and black races; that I am not, nor ever have been, in favor of making voters or jurors out of negroes, or of qualifying them to hold office, or to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races, which will, I believe, forever forbid the two races from living together on terms of social and political equality, and inasmuch as they can not so live, while they do live together there must be the position of superior and inferior, and I, as much as any other man, am in favor of having the superior position assigned to the white race.

Who can add to the force, simplicity, and strength of this language? I can not hope to do so; I can only commend it to the thoughtful consideration of all the people of the Union, and especially would I commend the words of this great statesman, who came out of the great Middle West, to these latter-day statesmen, who come to-day out of the great Middle West with lances in rest, to take a tilt at the South.

But it may be asked, what then of the negro; you take from him the ballot that was conferred upon him for the preservation of his freedom and the protection of his civil rights—what substitute do you propose?

The answer is simple. His civil rights are forever secured to him by section 1 of the fourteenth amendment, and so far as the South is concerned I wish to say this, that with his political inferiority established and his social ambition checked he will quietly and peaceably assume that inferior position for which nature and training have fitted him, and so long as he is in their midst the people of the South, who understand him better and treat him more fairly than any other people on earth, and who have for him, in his proper place, a real regard, will see to it that his civil rights are safeguarded and protected—those civil rights that they have never been disposed to deny him since his emancipation, the right to have a fair and impartial trial in the courts, to labor when and where he pleases without abuse or molestation, the security of personal liberty, and the preservation of private property, as well as assistance to material progress and encouragement to the cultivation of those civic virtues that adorn every good citizen, high or low, and whose absence is a reproach to the mightiest.

The objection may be made that this system proposes to tax him without giving him a voice in the Government. The answer is that taxation and the right to vote have never been coincident in any government, and have never been in this Government. Is a negro man better than a white woman? Yet you tax the woman who owns property and in only two or three States out of forty-five do you permit her to vote.

The objection may be made that this system denies the elective franchise to the negro, and yet military service may be required of him. The answer is that military service and the right to vote have never gone hand in hand, even in this Government. Boys between 18 and 21 years of age are subject to military service, and yet they are not permitted to vote, and men over 45 years of age are exempt from military service, and yet they are permitted to vote.

More than twenty years ago the Hon. James G. Blaine predicted that there could be no further amendment to the national Constitution, except, possibly, in the event of a "political convulsion." This is probably the true rule, and the probability is that there will be no amendment on the suffrage question, unless race friction should in the future produce some horrible "convulsion" that will shake the nation and shock the world. In that event I do not doubt that a Caucasianism that will know no North, East, West, or South, but will bind all the white people of the Union together in bonds of blood and brotherhood, will spring into instant life, brush from its path all opposing forces, and sweep these amendments from our Constitution by unanimous vote.

I am not without hope, even under ordinary conditions, as to the ultimate success of the cause I advocate to-day. I can not despair when I recall that not many months have passed since the Republican Secretary of War, Mr. Root, addressing this same Union League Club in New York City, admitted that the experiment of negro suffrage had failed and that the country must realize its failure and prepare to consider next what new remedy could be proposed for existing conditions.

I can not despair when not many months have elapsed since the New York Sun, one of the greatest and most influential papers in the nation, Republican in its politics, but a brave, independent paper, with convictions of its own—and it is not afraid to express them—admits the tremendous mistake that was made in 1869 and 1870, and plainly says that "sooner or later the country will have to face the question of the repeal of the fifteenth amendment, and perhaps the sooner the better for the dignity of the instrument, which exhibits as a fundamental principle of the American system a theory of suffrage impossible of practical application with safety to the vital interests of the States chiefly concerned;" when this view of the matter seems to be indorsed by such widely read journals as Harper's Weekly, the Public Ledger of Philadelphia, the Providence Journal, and a large number of other northern and western papers and magazines; when this view is advocated and supported by such well-known sociologists as Prof. Leon Prince, Prof. Jerome Dowd, Prof. Goldwin Smith, Mr. A. R. Colquhoun, Rev. Dr. Parkhurst, and others.

Well has it been suggested that it is the most brazen of inconsistencies for the National Government to guarantee the suffrage to black men in the South while it denies it to brown men in the Philippines and to white men in Porto Rico.

These amendments were adopted at a time when party feeling ran high, when sectional bitterness filled the land, when almost every family both at the North and the South was mourning some loved one lost in the civil war, and men therefore were not prepared to speak or vote calmly and reasonably. They were adopted at a time when the leaders of the radical wing of the Republican party had the bleeding and prostrate South under foot and the balance of the nation at their beck and call, and, intoxicated with success and drunk with power, sought to perpetuate their party in control of the National Government, and yet, even under all these circumstances, the adoption of these amendments was accomplished against the express will of the majority of the people of the Union by treachery in the North and by force in the South.

If the people of the Union, even in those days when passions were hot, were unwilling to revolutionize their constitutional system by taking from the States the right to control this suffrage question, can it be possible that now, when the soothing hand of time has healed the wounds that were then smarting, when the people of the South have demonstrated once more in blood and fire their loyalty to the Union and her sons have marched side by side with the sons of the North, of the East, and of the West against a common foe, the fight against these iniquitous amendments is more hopeless than it was in the days of their adoption? I must confess I can not so view it.

The North and East are struggling to-day with mighty suffrage problems of their own. The great West has its burdens. The Chinese are swarming to the Pacific slope; every day is bringing thoughtful men of all parties, of all sections, and of all States closer together in the belief that North, East, West, and South must all have protection from the dangers that menace each section from ignorance and corruption at the polls; that the kind of protection that each Commonwealth requires is varied by many local conditions peculiar to itself, and that for these reasons there ought to be a return to the old compact of our fathers—to the ancient landmarks of the Republic. [Applause on the Democratic side.]

Mr. GROSVENOR. I want to call the attention of the gentleman from Georgia to a statement he made in regard to the word "white" in the constitution of the State of Ohio.

Mr. HARDWICK. Yes.

Mr. GROSVENOR. I will put it in the form of a question, if the gentleman will permit me.

Mr. HARDWICK. Yes.

Mr. GROSVENOR. And of course the gentleman can answer it or let my statement go for the answer.

Mr. HARDWICK. I will answer, if I can and have the time, any question that is propounded.

Mr. GROSVENOR. In 1867 the word "white" was in the constitution of Ohio, fixing the qualification of the voter. It had been put there in the constitution of 1851.

Mr. HARDWICK. That is right, sir.

Mr. GROSVENOR. That constitution was adopted by a Democratic convention. In 1867 a constitutional amendment was submitted to the people of Ohio to strike out the word "white" from the constitution.

Mr. HARDWICK. Yes.

Mr. GROSVENOR. The Democratic party denounced that proposition in its platform and nominated Judge Thurman for governor. The Republican party advocated that proposition and nominated President Hayes, then a citizen of Ohio, for governor of the State. The fight was made very bitterly all over the State, and the proposition was defeated, although Hayes was elected governor by a small majority. Thurman was afterwards elected to the United States Senate by the legislature, which was Democratic. Then came the fifteenth amendment to the Constitution, which rendered it unnecessary to agitate the question of striking out the word "white," and hence it has stood there ever since. Is that a correct statement of history, as the gentleman finds it?

Mr. HARDWICK. It is a correct statement with one exception, that in the same year that the white people of the State of Ohio elected the Republican candidate for governor, instead of giving a small majority against striking out the word "white" they gave a majority of 50,629 against it. [Applause on the Democratic side.]

Mr. GROSVENOR. I did not say anything about the size of the majority.

Mr. HARDWICK. I thought you said a small majority.

Mr. GROSVENOR. I said Hayes was elected governor by only a very small majority—about a thousand.

Mr. CLARK. Fifteen hundred.

Mr. GROSVENOR. Quite true.

Mr. HARDWICK. Answering the gentleman's question, the majority against striking out that one word "white," on the last vote ever taken by the people of the State of Ohio, was 50,629.

Mr. GROSVENOR. That was not the last vote ever taken.

Mr. HARDWICK. On that subject.

Mr. GROSVENOR. Not the last vote, because they submitted a new constitution in 1874.

Mr. HARDWICK. It did not have anything about that, though.

Mr. GROSVENOR. It did not have the word "white" in it.

Mr. HARDWICK. No; but has not the organic law of your State the word "white" in it now? Is not that in the Ohio constitution which is now in force?

Mr. GROSVENOR. We were submitting a constitution then.

Mr. HARDWICK. It was rejected.

Mr. GROSVENOR. The whole Constitution was rejected. That is all. I only wanted to get that much in as to the fact. I did not want to disturb the current of your speech——

Mr. HARDWICK. Not at all.

Mr. GROSVENOR (continuing). Which I will say I think is the best presentation of a bad cause that I have ever heard. [Applause.]

Mr. HARDWICK. I very much appreciate the gentleman's compliment. Now, just one other word. Of course the gentleman will claim that the Democrats did it, but as a matter of fact——

Mr. GROSVENOR. Oh, no; I do not claim it——

Mr. HARDWICK. But about this statement I am now going to make, which the gentleman has not heard.

Mr. GROSVENOR. I will hear your statement.

Mr. HARDWICK. I say I know you will claim that the Democrats did it, because I think it is true that they did it. It is a matter of fact that according to the records the State of Ohio, by the action of its legislature, attempted to reject or to reconsider—they said it could not be done—its agreement to the fifteenth amendment.

Mr. GROSVENOR. The fourteenth. I think they rejected the fifteenth amendment.

Mr. HARDWICK. Yes; and you withdrew your assent to the fourteenth.

Mr. GROSVENOR. That was Democratic politics.

Mr. HARDWICK. Yes; I knew you would say that. I think it was very good politics.

Mr. WILLIAMS of Mississippi. It was the will of the people of the State of Ohio.

Mr. WATSON. I should like to ask the gentleman a question or two.

Mr. HARDWICK. If I have the time.

Mr. WATSON. The gentleman spoke of the criminal classes among the negroes, and discussed the question whether the persons who committed the crimes were educated or illiterate negroes.

Mr. HARDWICK. The report published by the president of the Agricultural and Mechanical College of North Carolina is the only report I have been able to find that gives the number of educated and the number of uneducated negro criminals. You will find it in that report.

Mr. WATSON. But in no other State?

Mr. HARDWICK. It gives it for the entire Union and every State in it.

Mr. WATSON. Now, I should like to ask this further question: The gentleman has stated that increasing education among the negroes makes an increasing tendency to crime?

Mr. HARDWICK. Yes.

Mr. WATSON. And an increasing number of criminals.

Mr. HARDWICK. Yes.

Mr. WATSON. Does the gentleman as a necessary sequitur to that statement believe in the discontinuance of all schools for the education of the colored people of the South? Does he believe in the discontinuance of the institute at Tuscogee, Ala., and does he believe in the discontinuance of the publication of all magazines and newspapers by and for the colored people?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDWICK. If I had time I would like to answer the gentleman.

Mr. LIVINGSTON. I yield the gentleman two minutes more.

Mr. HARDWICK. I will answer the gentleman—certainly not. But here is what I do say: The ordinary education of the negro, and certainly the higher education of the negro—I mean the college education, Greek and Latin, and the higher education—at least unfits him for work. It discontents him with conditions. It makes him ambitious to do things that he can not do in the South or in any other part of this country and to gratify aspirations that no white people will ever permit him to gratify, and for that reason education of that character is not beneficial to him, in my humble judgment.

Mr. LIVINGSTON. I now yield thirty minutes to the gentleman from Arkansas.

Mr. HARDWICK. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 588. An act granting an increase of pension to Wilber F. Little;

S. 3452. An act granting an increase of pension to Charles Male;

S. 2237. An act granting an increase of pension to Louise Chandler;

S. 386. An act granting an increase of pension to Homer D. Wells;

S. 3408. An act granting a pension to Lizzie Breen;

S. 2596. An act granting a pension to Frances S. Hopkins;

S. 3645. An act granting an increase of pension to Frances Hall;

S. 962. An act granting an increase of pension to Jennet Thoits;

S. 3130. An act granting an increase of pension to Nathan P. Bowman;

S. 2965. An act granting a pension to John Herzinger;

S. 3274. An act granting an increase of pension to Jennie Long;

S. 2215. An act granting a pension to Sallie H. Hoffecker;

S. 3038. An act granting an increase of pension to Joseph H. Kennedy;

S. 2688. An act granting an increase of pension to George M. Linch;

S. 2889. An act granting an increase of pension to John Beaird;

S. 2940. An act granting an increase of pension to Margaret Liddie;

S. 2560. An act for the relief of G. G. Martin;

S. 2177. An act for the relief of Daniel H. Snyder;

S. 2433. An act to amend the military record of John H. Skinner;

S. 228. An act for the relief of William H. Hugo;

S. 2357. An act to correct the military record of Samuel F. Hall;

S. 1330. An act granting a pension to Jerry S. Fish;

S. 3054. An act granting an increase of pension to Kate M. Strange;

S. 2198. An act granting a pension to Thomas Ivin;

S. 1597. An act granting a pension to Rosa D. Mayhew;

S. 1937. An act granting a pension to Samuel Richards;

S. 2103. An act granting an increase of pension to John L. McVey;

S. 2924. An act granting an increase of pension to Samuel E. Cormany;

S. 2955. An act granting an increase of pension to John Hogarth Lozier;

S. 3291. An act granting an increase of pension to John Olson Bakken, alias John Olson;

S. 3400. An act to amend the act entitled "An act granting a pension to Flora Stanton Kalk," approved February 25, 1899;

S. 3423. An act granting an increase of pension to Joseph H. Ottey;

S. 2441. An act granting an increase of pension to Frank Lee;
S. 2561. An act granting an increase of pension to Mathias S. Friend;
S. 2289. An act granting a pension to Louisa R. Chitwood;
S. 2239. An act granting an increase of pension to Theodore E. Chatfield;
S. 2445. An act granting an increase of pension to George M. Waters;
S. 1627. An act granting an increase of pension to Alonzo R. Kibbe;
S. 1532. An act granting an increase of pension to Electa Allen;
S. 846. An act granting an increase of pension to Catharine W. Collins;
S. 2557. An act granting a pension to Johniken L. Mynatt;
S. 2558. An act granting an increase of pension to Sallie H. Kincaid;
S. 70. An act granting an increase of pension to John G. Brown;
S. 89. An act granting an increase of pension to James M. Markham;
S. 693. An act granting an increase of pension to Charles W. De Rocher;
S. 2948. An act granting an increase of pension to George Hyde;
S. 2087. An act granting an increase of pension to George Rilea;
S. 312. An act granting an increase of pension to John F. Oviatt;
S. 317. An act granting an increase of pension to Mortimer Hallett;
S. 2841. An act granting a pension to Jane Patterson;
S. 148. An act granting an increase of pension to Benjamin H. Smalley;
S. 154. An act granting an increase of pension to Hugh T. Crockett;
S. 2216. An act granting an increase of pension to Charles Reed;
S. 153. An act granting an increase of pension to William W. Turk;
S. 156. An act granting an increase of pension to Harriet L. Ford;
S. 2217. An act granting an increase of pension to Henry C. Riggs;
S. 133. An act granting an increase of pension to Elizabeth B. Sarson;
S. 893. An act granting an increase of pension to William W. Angelo;
S. 968. An act to grant an honorable discharge from the military service to Robert C. Gregg;
S. 446. An act granting an honorable discharge to William S. Dunn;
S. 2999. An act granting an increase of pension to Melvina C. Buzzell;
S. 1678. An act granting an increase of pension to Rudolph Reinhart;
S. 900. An act granting an increase of pension to Daniel M. Smith;
S. 2429. An act granting an increase of pension to John Dow;
S. 59. An act for the relief of Charles W. Howard;
S. 54. An act for the relief of William B. Barnes;
S. 57. An act for the relief of Laura S. Gillingwaters;
S. 58. An act for the relief of James W. Howell;
S. 62. An act for the relief of Richard C. Silence;
S. 63. An act for the relief of Charles Stierlin;
S. 60. An act for the relief of Gottlieb C. Rose;
S. 64. An act to correct the military record of William B. Thompson;
S. 746. An act to remove the charge of desertion from the military record of Charles K. Bolster;
S. 970. An act to authorize the President to revoke the order dismissing William T. Godwin, late first lieutenant, Tenth Infantry, United States Army, and to place the said William T. Godwin on the retired list with the rank of first lieutenant;
S. 2688. An act granting an increase of pension to George M. Linch;
S. 2870. An act granting an honorable discharge to John W. Tiffany;
S. 820. An act to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property;
S. 1842. An act to provide for compensation for certain employees of the Treasury, War, and Navy Departments;
S. 3373. An act granting a pension to Eliza Williams;

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 5841. An act granting an increase of pension to Abram Wilson;
H. R. 4200. An act granting an increase of pension to Milton H. Sweet;
H. R. 864. An act granting an increase of pension to Albert Moulton;
H. R. 1856. An act granting an increase of pension to Alexander H. Covert;
H. R. 2108. An act granting an increase of pension to Henry D. Wright;
H. R. 5559. An act granting an increase of pension to Josephine C. Chase;
H. R. 3472. An act granting an increase of pension to Marcus E. Amsden;
H. R. 5464. An act granting an increase of pension to Francis M. Northern;
H. R. 6975. An act granting an increase of pension to George W. Lawson;
H. R. 2690. An act granting an increase of pension to Thomas Kelly;
H. R. 7002. An act granting an increase of pension to James S. Rearden;
H. R. 2139. An act granting an increase of pension to James W. Knight;
H. R. 1908. An act granting an increase of pension to Harvey D. Barr;
H. R. 895. An act granting an increase of pension to Margaret M. Walker;
H. R. 2472. An act granting an increase of pension to David F. Lewis;
H. R. 2188. An act granting an increase of pension to Richard L. Cook;
H. R. 6932. An act granting an increase of pension to Harvey R. King;
H. R. 2042. An act granting an increase of pension to Alvin B. Hubbard;
H. R. 6830. An act granting an increase of pension to Charles E. Likes;
H. R. 3013. An act granting an increase of pension to John A. Mavity;
H. R. 6619. An act granting an increase of pension to Benjamin R. Little;
H. R. 3778. An act granting an increase of pension to Juliaetta Rowling;
H. R. 4916. An act granting an increase of pension to Allen M. Pierce;
H. R. 5043. An act granting a pension to William H. Harrison;
H. R. 3001. An act granting an increase of pension to Alpheus Converse;
H. R. 4115. An act granting an increase of pension to Joseph S. Young;
H. R. 3000. An act granting an increase of pension to William C. Best;
H. R. 942. An act granting an increase of pension to James F. Hardy;
H. R. 616. An act granting an increase of pension to Sarah S. Chrysler;
H. R. 957. An act granting an increase of pension to Alonzo Carpenter;
H. R. 5177. An act granting an increase of pension to William H. Clark;
H. R. 661. An act granting an increase of pension to Elizabeth E. Meckly;
H. R. 2155. An act granting an increase of pension to Charles W. Bechstedt;
H. R. 6004. An act granting an increase of pension to William C. Lyon;
H. R. 5197. An act granting an increase of pension to William C. Brown;
H. R. 2991. An act granting an increase of pension to Lydia A. Topping;
H. R. 1288. An act granting an increase of pension to Jason Stevens;
H. R. 196. An act granting an increase of pension to Grace E. Carson;
H. R. 4319. An act granting an increase of pension to John Sexton;
H. R. 6441. An act granting an increase of pension to Peter Fillion;
H. R. 3821. An act granting an increase of pension to Hannah Padgett;
H. R. 5010. An act granting a pension to Mary F. Hamilton;
H. R. 2616. An act granting an increase of pension to Joseph K. Welt;
H. R. 5521. An act granting an increase of pension to Charles S. Clark;
H. R. 5246. An act granting an increase of pension to Sebastian B. Elliott;
H. R. 1517. An act granting an increase of pension to George W. Hutchison;
H. R. 5005. An act granting an increase of pension to Worthington S. Lock;

H. R. 1184. An act granting an increase of pension to William F. Longenhagen;
H. R. 7370. An act granting an increase of pension to Andrew Ivory;
H. R. 930. An act granting an increase of pension to Thomas M. Parkison;
H. R. 227. An act granting a pension to Margaret Cotter;
H. R. 7666. An act granting an increase of pension to Laura F. Hine;
H. R. 4726. An act granting an increase of pension to Samuel B. Brightman;
H. R. 907. An act granting an increase of pension to De Witt C. Parker;
H. R. 722. An act granting an increase of pension to Zechariah B. Stuart;
H. R. 4935. An act granting an increase of pension to Edward T. Miller; and
H. R. 990. An act granting an increase of pension to Harrison W. Fox.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House of Representatives is requested:

H. R. 5176. An act granting an increase of pension to Alonzo Dutch;
H. R. 6022. An act granting an increase of pension to George W. Travis;
H. R. 6331. An act granting an increase of pension to James M. Dickey;
H. R. 3776. An act granting an increase of pension to Alfred I. Judy;
H. R. 892. An act granting an increase of pension to Abram H. Hunt;
H. R. 958. An act granting an increase of pension to Alfred H. Rogers;
H. R. 468. An act granting an increase of pension to Henry Christy; and
H. R. 3903. An act granting an increase of pension to George C. Sherman.

URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. MACON. Mr. Chairman, it is not my purpose in the thirty minutes kindly allotted me by the gentleman in charge of this bill to make a political speech. In other words, I do not think political speeches amount to much here. They are made upon one side and answered upon the other, and it is virtually a throwing backward and forward of something that has no material effect upon this body. Evidently they are made for the purpose of distribution at home, for the purpose of vote getting there; but as I understand it, the Members who have been elected to this Congress are here for the purpose of doing business, for the purpose of legislating for their country, and as they fulfill that measure their works will stand or fall. If they have legislated in a way that is contrary to the wishes of the people, as I understand it, the people, when they have an opportunity to express themselves at the polls, will, by their ballots, condemn their conduct here and will pay no special attention to any speech which has been made for political purposes only.

But, sir, a few things have been said along political lines that I beg the pardon of the committee for alluding to. This morning the gentleman from Nebraska [Mr. BURKETT] said the Democratic party while in possession of the affairs of the Government conducted them in such a manner that it did not have money enough to do the business of the country and hence failed as an Administration. Sir, I understand from the history of the country that when Mr. Cleveland was elected President in 1884, the first Democratic President that the country had seen since Mr. Buchanan yielded to Abraham Lincoln in 1861, the Treasury of the Government was depleted to a point that greatly embarrassed it in the discharge of the duties devolving upon it, and that Mr. Cleveland took charge of it in that condition and during his four years of service as President of the Union he accumulated quite a large amount of revenue, called "the surplus." I remember full well that during the campaign of 1888 the question was often asked, "What shall we do with the surplus?"

Mr. WILLIAMS of Mississippi. I understand the gentleman to say that that was the cry at the end of Cleveland's Administration—that he had accumulated a revenue. It was really the cry at the end of Cleveland's first Administration.

Mr. MACON. Yes, that was the cry even before the end of Cleveland's first Administration. Mr. Harrison then came into office as a Republican President and at a time when the whole country was wondering what was to be done with the surplus that the Democratic President had, by an economical and honest administration, accumulated within the period of four years. But the question as to the disposition of it was settled as soon as it was known that Mr. Harrison had been elected. The cry that went up was, "God save the surplus!" We all remember that. It had gone into the hands of the Republican party. Therefore the expression so universally heard, "God save the surplus!" During the Administration of Mr. Harrison we know that the surplus was exhausted and that when he went out of office he had directed that plates be prepared with which to print bonds for the purpose of getting money to run the affairs of the Government upon, and we all know that Mr. Harrison attributed his defeat for a second term to the depressed times, the hard conditions of our country, and the scarcity of money to do the business of the country upon. That was what he was defeated on by Mr. Cleveland in 1892.

Therefore I say, gentlemen, that the charges made upon the other side of the House to the effect that when Democracy was in power we wasted the surplus of the country and so administered the affairs of the Government that it did not have money enough to do the business of the country upon is contrary to the history of the country as it existed at the time.

If I am wrong in my declarations I specifically invite some one upon the Republican side to correct me in regard thereto. Mr. Cleveland then came into office on March 4, 1893, for a second Administration. He again found the Treasury in a depleted condition, with stamps already made for the purpose of issuing bonds to be sold to get money to administer the affairs of the Government upon, and that, too, during a period of absolute peace.

But, sirs, I do not want to dwell upon the subject of politics. I am simply repeating some of the arguments offered by the gentleman from Nebraska this morning, and offering such refutations thereto as are warranted by the facts in the case; and, sirs, I now repeat that if I am incorrect in my statements about conditions that existed during the periods mentioned, you now and here have opportunity to show that I am not stating the facts as shown by the records of our country. It is not my purpose to deceive—to argue against facts as they existed at the time and as they are expressed upon the pages of history.

I heard the gentleman from Illinois [Mr. BOUTELL] deliver a speech on yesterday that I enjoyed from the moment he parted his lips until he closed them, and just here I want to say I have heard a great many good things come from the Republican side of this Congress since I have been a Member of it, and if you will pardon me and not consider that I am speaking for personal purposes, I will say that my estimate of the Members who sit on the Republican side of the House has been considerably elevated since I have had the pleasure of associating with them. [Applause from the Republican side.] I believe, sirs, that you intend to do right, and that if you do wrong, in the main, it is because of erroneous ideas and faulty judgment. But now and then we find an individual Member upon that side who, for "Cheap John" political purposes, makes declarations that are not borne out by the facts, and hence it becomes necessary for us who occupy the minority side to resist such things in so far as to deny them and to furnish facts to refute them, and that far it pleases me to go, but no further.

As I said, I enjoyed the speech of the gentleman from Illinois yesterday, and I especially enjoyed that part of it that referred to the great prosperity of Arkansas. Arkansas, in my judgment, is one of the greatest States in the matter of natural resources and good citizenship that the world has ever known. She is only lacking in development, but the time has come when her superior resources are being made known everywhere, and men of means and sense are flocking to her plains and peaks to take advantage of the wonderful opportunities she is unfolding to eager humanity. She is beckoning men from every land and every clime to come to her rich fields and splendid mines and dwell among her happy people. I want to say to the gentleman from Illinois, however, that the prosperous condition that he spoke of as existing in Arkansas does not result from the high protective tariff of the Republican party.

I defy him to point to a single community in the State of Arkansas that has been benefited, to the extent that he contends, by reason of the Dingley tariff act. Our prosperity has been produced by the strong and willing arms of those who hold the plow, pick the cotton, husk the corn, and dig deep into the mines. We have increased that prosperity by reason of the fact that we have an economical people—a people who are willing to struggle and to strive in order to benefit their condition—and all they ask in this world is that you keep your hands off of them and allow them to run the race of life as God Almighty intended them to run it, untrammeled by interference from the outside. In regard to the question of which the gentleman from Georgia [Mr. HARDWICK] has just spoken—the negro question—I will say that if you will let Arkansas alone she will take care of the negro question, and she will do it without prejudice to the negro. Nobody can say here or elsewhere that Arkansas has ever enacted a law that

denies the negro an equal right with me in the worship of God, the pursuit of happiness, or the acquisition of property.

Her election law provides that the negro who pays his poll tax as I do has the same right to go to the polls and vote that I have, and, sirs, the amount paid as a poll tax goes to the common school fund, for the purpose of educating his children along with mine, and therefore I say that nothing that has been said upon the floor of this House concerning election laws or the negro question can possibly be turned upon my great State. Her policy is to do right along all lines, and all she asks is, as I said a moment ago, that you let her alone and let her administer her own affairs in her own way, and she will do it without prejudice to any of the peoples of the earth. She allows you to proceed in your own way about all matters and things that concern your own States and is not impudent enough to make suggestions to you or offer interference in connection therewith.

We have had the negro among us all of our days, and you can not find a true southern man in that State that will not fight for him when he sees that his rights are being imposed upon. When free from the influences of "long-haired men and short-haired women," the negro is happy and contented, and they go to their worship or their toil with a song upon their lips and a smile upon their faces. Let the colored people of Arkansas alone, and they will never rise up and complain of the conduct of a truly southern soul.

Mr. Chairman, I beg pardon for the digression that I have made in my speech. I did not rise to make a political speech or a speech upon the negro question. My purpose is to present a question to the House that I consider of much greater consequence, of a much higher and more holy character than either of the questions that I have just touched upon. I introduced a bill in this Congress, the title of which reads as follows:

To prohibit the granting or issuing of revenue license for the sale or giving away of intoxicating liquors, wines, spirits, etc., in any district or territory of any of the several States or Territories of the United States of America where the sale or giving away of such intoxicating liquors, wines, spirits, etc., are prohibited by the laws of said States or Territories.

Various States in this Union have enacted laws governing the question of issuing a license to sell intoxicating liquors. In the State of Arkansas, that I speak for directly, it is provided by State enactment that where a majority of the voters of a township or county express themselves against license none shall be issued in said township or county. It is provided further that where a majority of the adult residents in a given locality petition the county court against the issuing of license for the sale of liquors within 3 miles of a given schoolhouse or church that none shall be issued. About one-half of the counties of the State have said by their votes that they are opposed to the issuing of a license to sell liquors in their respective communities. Many of the counties that have not so expressed themselves at the polls have within their borders churches and schoolhouses, a majority of whose adult attendants and patrons have signed a petition against the issuing of license to sell liquor within the 3-mile territory, and the various county courts have entered orders prohibiting the sale thereof in accordance therewith.

If the States are left to themselves they can be very effective in the matter of enforcing their local-option laws, but when interferred with by the issuing of a national license by the Government to sell liquor in the prohibited territory they have an uphill pull along that line. In morals, when the Government issues a license to sell liquors in territory that is prohibited by State law it becomes an accessory before the fact to a crime, so to speak, because it is a crime against the State whenever a person sells liquor contrary to the laws of the State. Therefore, as I see it, the Government is to-day an accessory before the fact in every community in the United States where it issues a license to some one to commit a crime against the laws of a State by selling intoxicating liquors in communities where it is specifically declared by State law that it shall be unlawful to sell them. I do not believe that it is the desire of the legislators of this great nation that our Government shall occupy such an unenviable attitude.

Ah, but you say, gentlemen, why do these people sell it in defiance of law—State law? I say, in answer to that, for the simple reason that they are encouraged to do so by the issuing of a license to them by the Government. It is upon the same principle that a child will become reckless and uncontrollable and absolutely defy the authorities of communities if it is encouraged to do so by a thoughtless parent. The child thinks the parent more powerful and of greater consequence than the rest of the world combined, and so the "blind-tiger" man thinks that when his parent government authorizes him to commit certain acts, no matter how much in violation of the law of the community in which he lives, that he is measurably justified in so violating the local laws. He feels that the power behind him is greater than that against him, and hence he shuts his eyes to local laws and local influences and becomes a "blind tiger" in defiance of local authorities.

Mr. GROSVENOR. Will the gentleman yield to me for a question?

Mr. MACON. With pleasure.

Mr. GROSVENOR. Will the gentleman from Arkansas have the special tax on liquor sellers repealed?

Mr. MACON. No, sir; I would not.

Mr. GROSVENOR. The gentleman would continue the license, then?

Mr. MACON. I would not continue it in prohibited territory, where States and Territories prohibited the sale of it.

Mr. GROSVENOR. But suppose some day the local option should terminate by the action of the people in that locality.

Mr. MACON. Then the Government would be at liberty, under the law, to issue a license the very next hour.

Mr. GROSVENOR. Does not the gentleman use the wrong word when he speaks of a "license?"

Mr. MACON. I understand that anything that gives a person the privilege to sell liquor is a license to do so.

Mr. GROSVENOR. But does it give a person the privilege to do anything of the kind? It simply taxes him if he does sell it, but it gives him no authority.

Mr. MACON. In our State we call it a license.

Mr. GROSVENOR. I know, but the courts have said that it did not authorize him to sell in violation of law. The gentleman having been a law officer knows that there is no immunity for doing a thing under a license if the government that issues the license is incompetent to do so, and that the liquor seller is not thereby protected by the payment of the special tax imposed upon him by the government in any locality where he is forbidden by law to sell.

Mr. MACON. Not from the penalties of the State law.

Mr. GROSVENOR. And the United States statute expressly provides that the certificate of the fact that he has paid his tax shall not be a license to sell. The receipt itself so reads, and he is notified when he pays his tax that it is not a license and gives him no authority anywhere.

Mr. MACON. Will the gentleman from Ohio say that the courts of the United States will interfere with his selling it in prohibited territory after it has furnished him with a certificate?

Mr. GROSVENOR. They will not interfere with it, nor will they protect it.

Mr. MACON. But does not the Government say to him in terms, "We will be hands off; we hand you this certificate for so much; we are hands off; now go and sell when and where you please?"

Mr. GROSVENOR. Wherever the Government of the United States has jurisdiction it will punish a man. It will punish him in this city and it will punish him in the Territories, and it will punish him anywhere in the United States if he sells without paying the license.

Mr. MACON. That is exactly what I am trying to get this Congress to do—to provide by law that no license shall be issued to anyone to sell liquors in prohibited territory, so that when they do sell the Government will prosecute them for so doing.

Mr. GROSVENOR. Or tax.

Mr. MACON. Well, call it tax, if you please.

Mr. GROSVENOR. He commits one crime by selling without having paid the tax.

Mr. MACON. Yes.

Mr. GROSVENOR. He commits another crime against another jurisdiction if he violates the law of a State, and he can, therefore, as it has been held over and over again, be twice tried for a single act. That is one of the anomalies of our criminal statutes.

Mr. MACON. I understand that, and that is just what I have introduced this bill for—to stop that sort of anomaly.

Mr. GROSVENOR. I am not complaining of the bill. I am complaining only of the gentleman's charging that this great Government is licensing a man to sell liquor.

Mr. MACON. I will take that back, if it would please the gentleman from Ohio.

Mr. GROSVENOR. It would please me very much.

Mr. MACON. And say that it is allowing him, by reason of the fact that he pays a tax to it, to go into prohibited territory and violate State and Territorial laws with the distinct understanding that he will not be interfered with on the part of the Government, no matter how vicious and debauching his business becomes.

Mr. GROSVENOR. The Government does not allow him to sell, and the Government notifies him that it is not an allowance to sell. When he pays the money for taxation, the Government says to the man: "This shall not be an authority to you to violate the local statute of a State or city or town." It says so in distinct terms, just exactly as when the government of Arkansas puts a tax on your horse it still allows you to run that horse in a race, and you may violate the law of Arkansas by betting on that horse, but it gives you a receipt for the tax that you have paid on your

horse. The State of Arkansas taxes your house, but it does not allow you to keep a gambling institution in that house. That is the distinction I am trying to draw, that the government that taxes property or an occupation by no means licenses or countenances or authorizes the continuation or doing of an act in violation of a local statute of the State or municipality, nor yet of the United States Government.

Mr. MACON. In response to what the distinguished gentleman from Ohio has said, I will say that whenever the strong arm of this Government issues to anyone a certificate saying that it will not interfere with his transactions when he violates a State or Territorial law in the business that he is engaged in, such as the selling of liquor, then and there it puts an instrument in his hands to do a thing that is in violation of local law. In other words, I contend most earnestly that such a proceeding is an inducement to him to engage in an illegitimate business. He feels that the Government of the United States is behind him, to the extent at least that he has its sanction to engage in the business and an assurance from it that it will keep the hands of its officers off of him.

Mr. GROSVENOR. But the Government has notified the taker of that certificate that it will not protect him.

Mr. MACON. I think I will be able to satisfy the gentleman in my argument before I get through. I recognize the fact that the Government does not notify him that it will protect him against the State law, but it says, "You have my permission to sell in defiance of State law."

Mr. GROSVENOR. It does not say anything of the kind, if the gentleman will allow me. It utters no word to him except that he has paid the money and that the payment of the money is not a protection to him against the violation of law.

Mr. MACON. That is a quibble upon words.

Mr. GROSVENOR. It is the receipt for the tax.

Mr. MACON. I insist that it is a quibble upon words, pure and simple.

Mr. GROSVENOR. Is a receipt for the tax on your revolver, if you have one, an encouragement to you to go and shoot somebody with that revolver?

Mr. MACON. If the Government, for the payment of a tax, were to give me a certificate or receipt for the money that justified me in its estimation in going and killing people with my revolver, I say to you that, as an ordinary man, I would be much more likely to kill people than I would if I had no authorization from so great an institution to commit such diabolic offenses. Anything that is sanctioned or condoned by a strong power like our Government is an inducement to ordinary mortals to do that which they would not otherwise think of doing.

If the Government of the United States had a law saying that unless I paid a special tax I could not carry a pistol, and I was more afraid of the courts of the United States than I was of the local courts, I would, when the tax was paid and the certificate authorizing me to carry it given, be stimulated to a degree to put the pistol in my pocket and take my chances with the local courts. Upon the same principle, when the Government of the United States says to its citizens, "If you will pay a certain amount of money the Government will allow you, so far as it is concerned, to engage in the 'blind-tiger' traffic in violation of local law," it is necessarily an encouragement to them in their nefarious and illicit practice. Again, gentlemen of the House know that every man who violates law in this country would rather violate the local than the national law, especially where there is a punishment fixed for the violation of the law, he not being a corporation prince or a trust king.

Mr. GROSVENOR. Will the gentleman allow me a moment? As I understand his proposition, the officer whose duty it is to collect the tax may refuse to give the certificate.

Mr. MACON. Yes, sir. I not only want him to refuse to give the certificate, but I want him to be denied the right to give it to anyone and collect money therefor, call it tax money or what you will, in prohibited territory.

Mr. GROSVENOR. But if the man goes into that kind of territory and sells in violation of the United States statute, then he may be punished for it.

Mr. MACON. Of course he will be punished for it by the United States courts, if the Government officials have not granted him the right by reason of the collection of a tax to go into it and violate the law. I hope the gentleman will allow me to finish my argument, and if when I have completed it there is anything I have left out that he wants to know about the bill I will thank him for calling my attention to it.

Mr. GROSVENOR. It is not what you "left out" that I am complaining of, but what you put in.

Mr. MACON. Well, I want to "put in" a little more. [Laughter.] The gentleman has interfered with the thread of my argument to the extent that I have not been able to connect the links so as to make a complete chain. The gentleman from Ohio has taken up so much of my time that I will have to ask the House to be patient with me.

[Here the hammer fell.]

Mr. MACON. I understood I was to have thirty minutes.

The CHAIRMAN. The gentleman has occupied thirty minutes.

Mr. MACON. I have been interrupted so much that I have not had the opportunity to make the speech I would have liked to make upon this subject, and I would be glad to have a little more time. I want the gentlemen of the House to hear every phase of this question, as I believe it is one of great moment and ought to appeal to every head and heart in the United States.

Mr. LIVINGSTON. I yield the gentleman ten minutes more.

Mr. MACON. Mr. Chairman, it is not my purpose to abuse the men that engage in the "blind-tiger" business or to accuse them all of being bad at heart. I have known some of them who would travel through sunshine or shadow, through fair weather or through storm, in order to do a good deed; but for some unknowable reason some men will engage in that kind of business. Usually they are what are termed "good fellows," and are ready to divide their last piece of bread with the foot-sore wayfarer. Hence there is always some one, and justly so, to say a kind word for them as individuals, no matter how much they decry their business.

Always having adherents in the communities in which they live, they feel that if they can get the sanction of their National Government to engage in the illicit sale of liquor they will take chances as against the local law. They know that they are to be tried by men of their immediate locality, and they think that when they face the jury they will see some one on it, perhaps, for whom they have performed some personal service and who they believe will give them the benefit of any sort of doubt, and it is a fact that in many cases, just because the accused is a "good fellow," some one will be found on a local jury who will hang it or force an acquittal. Or, suppose he is convicted. The offender and his friends can go to the governor and appeal to him in a pathetic way with great hope of success in getting him a pardon. These same men know very well that when they are tried under the laws of the United States the marshal is not elected by them and is under no obligation to them; they know that they are tried by persons who come from all over a large district and who are not in personal sympathy with them or their local conditions—for whom they have performed no service of any kind or character, and therefore have no reasons to look to them for any sort of favor. They also know that when convicted they have to go a long, long way to reach the President's ear, and they know, further, that his time is so employed by great questions of state that he can not afford to pay any attention to those who knock at the White House door seeking pardons for having violated the revenue laws of the country. The knowledge of such facts deters them from engaging in the "blind-tiger" business. In other words, they are afraid of the United States courts. Under the present practice of the Government these parties often defeat justice, even in the United States courts, and laugh about it after it is done.

For instance, they buy a license, or pay a tax, as the gentleman from Ohio [Mr. GROSVENOR] would have it called, for three months, and they sell the year round under that special privilege. When a witness is brought before the grand jury and informs upon them and the party that he appears against is indicted and brought to trial, the witness is put upon the stand, and during the course of the examination he is asked to specifically name the time that he bought intoxicating liquors from the accused. He may reply that he bought it in July, but is not positive as to the time. Then he will be pressed to know if the purchase might not have been made in April, May, or June, or some other time than the month of July. He usually has some doubt about whether it was in July, as he thought, or at some other time, and in that condition he is dismissed. The accused is then put upon the stand, and he says that he remembers well that he sold the liquor to the prosecuting witness at a specific time, being sure to name a time that is covered by his tax receipt, as the gentleman from Ohio would call it, and he then exhibits his receipt, showing that he has paid the revenue for the quarter beginning with April and ending with June. That leaves the matter in such condition as that the court would not allow a conviction to stand in his case. Hence the prosecution has been a farce, and the accused can well afford to go out and laugh.

Mr. Chairman, I assert with all the seriousness of my nature that the enforcement of the local-option laws of this country is a mere farce and will be so long as the Government issues a tax receipt, certificate, license, or anything else the gentleman from Ohio cares to call it, that clothes them with immunity from the Federal courts, no matter how flagrantly they may violate the local-option laws of the various States and Territories. Pass the kind of law that I now propose and "blind tigers" will take to the woods. They will "hunt tall timber," as the old say-

ing is, and the social conditions of every community in this fair land will be cleared up and made manifestly better by reason thereof. The "blind-tiger" man does no good for himself, for if he persists in his business he usually reaches an untimely grave and leaves a homeless and poverty-stricken family behind him. He poisons the social atmosphere of every community in which he exists. He debauches manhood and makes perjurers of some of our best young men, young men who, if left free from such baneful influences, would adorn society and fill the high places of our country. He causes salty tears to trickle down the wrinkled cheeks of devoted old mothers. He sticks daggers into the hearts of loving wives and sisters. He causes children to shiver with cold and to suffer with the pangs of hunger. He brings sorrow, but no joy. He makes criminals, but no Christians. He can not thrive in any community where the States or Territories authorize by license the sale of liquors, and he can not thrive in prohibited territory if the Government will take from him the authority that it gives him to invade the sanctity of those communities and to violate the sacredness of local laws. He is an enemy to himself, his family, and his country, and hence there is no reason that I can conceive of for his existence upon the face of the earth.

I am not talking against the individual, but I want to do and say everything I can against his illegitimate business. This is not a Democratic or a Republican question. It is one that concerns every man alike, whether he be white, black, red, or of other complexion. It concerns every mother, wife, sister, and babe in the broad land, and no one will have the temerity to say that if enacted into law it will not be beneficial to every community within these United States. The only argument that I have heard against the passage of the bill is that it will cut off a portion of our revenue. Gentlemen, you have heard of the cry of blood money all your lives. In my judgment no money was ever stained with redder blood than that which comes to the Treasury of the United States through the "blind-tiger" channel. Every dollar of it is dyed with the red blood that is wrung from the hearts of the women and children of this country, and no matter how deep they may sink it in the "till," the stain will not be removed, and it can not escape the sound of the heart-rending wails that inveigh against it.

I have taken up too much of your time in talking about this matter, I know, and yet I have not said half that I would like to say upon the subject. I ask you to investigate every phase of the question; to sound the communities in which you live and see whether or not it is the wish of your people to have the United States Government grant a privilege to persons to sell liquors in the various communities contrary to the laws of the State or Territory in which they are situated. If you find that the bill is in the interest of humanity; if you believe it is to the interest of social conditions and happy homes, I beseech you to pass it, and all the people who live in communities where the blind-tiger pest now abides will rise up and call you blessed. [Applause.]

Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none, and the request is granted.

Mr. HEMENWAY. Mr. Chairman, the time so far taken has been about equally divided. The gentleman from Georgia [Mr. LIVINGSTON] used ten minutes more time than has been used on this side. I am going to ask that the committee rise temporarily, so that I may obtain unanimous consent for an extension of time. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the urgent deficiency bill, and had come to no resolution thereon.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. CHARLES B. LANDIS] be given time in which to address the Committee of the Whole, and that the amount of time occupied by him be granted to the gentleman from Georgia [Mr. LIVINGSTON], to distribute as he desires, after the gentleman from Indiana [Mr. CHARLES B. LANDIS] has concluded.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that an extension of time be given to the gentleman from Indiana [Mr. CHARLES B. LANDIS] to address the Committee of the Whole House on the state of the Union on the pending bill, and that an equal amount of time be given to the gentleman from Georgia [Mr. LIVINGSTON], to be disposed of as he may see fit. Is there objection?

Mr. HEMENWAY. And I will ask to add to that the request that upon the conclusion of that time the general debate shall close.

The SPEAKER pro tempore. And that at the conclusion of that length of time the general debate upon the measure shall be closed. Is there objection?

There was no objection.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LACEY in the chair.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved bills and joint resolutions of the following titles:

January 21, 1904:

H. R. 7273. An act to enable the city of Phoenix, the town of Tempe, and the town of Mesa, all in Maricopa County, Ariz., severally to issue the bonds of said municipalities for the purpose of aiding in the construction of a freighting and wagon road from any convenient point in the Salt River Valley to the Salt River reservoir dam site in Maricopa County, Ariz.

January 23, 1904:

S. 6. An act granting a pension to Cora M. Converse;

S. 7. An act granting an increase of pension to Alfred Woodman;

S. 8. An act granting an increase of pension to Perry Kittredge;

S. 11. An act granting a pension to John L. Sullivan;

S. 65. An act granting an increase of pension to Charles R. Allen;

S. 112. An act granting an increase of pension to Henry G. Hammond;

S. 172. An act granting an increase of pension to Elizabeth McClaren;

S. 338. An act granting an increase of pension to Jane M. Watt;

S. 339. An act granting an increase of pension to Ebenezer H. Richardson;

S. 367. An act granting an increase of pension to George W. Richardson;

S. 1604. An act granting an increase of pension to Mary A. Bishop;

S. 1652. An act granting an increase of pension to Minerva A. McMillan;

S. 1704. An act granting an increase of pension to Lucretia Ritchhart;

S. 1755. An act granting an increase of pension to Thomas Banks;

S. 1756. An act granting an increase of pension to Zebedee M. Cushman;

S. 1772. An act granting an increase of pension to Louise K. Bard;

S. 1819. An act granting an increase of pension to Charles P. Skinner;

S. 1832. An act granting an increase of pension to George W. Herron;

S. 1913. An act granting an increase of pension to Lorenzo E. Harrison;

S. 1929. An act granting an increase of pension to George W. Spahr;

S. 1952. An act granting an increase of pension to John Monahan;

S. 1984. An act granting an increase of pension to Levi Roberts;

S. 1985. An act granting an increase of pension to Jonathan Hites;

S. 2078. An act granting an increase of pension to Hampton C. Watson;

S. 2125. An act granting an increase of pension to Marcus T. Caswell;

S. 2218. An act granting an increase of pension to Amanda B. Tisdel; and

S. 1496. An act supplemental to the act of February 9, 1821, incorporating the Columbian College in the District of Columbia, and the acts amendatory thereof.

January 25, 1904:

S. R. 31. Joint resolution authorizing the erection and maintenance of a monument in memory of the late President, Benjamin Harrison, upon land owned by the United States in the city of Indianapolis, State of Indiana;

S. 652. An act making Chester, Pa., a subport of entry; and

S. 465. An act to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896.

January 27, 1904:

S. R. 32. Joint resolution to fill vacancies in the Board of Regents of the Smithsonian Institution.

URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. CHARLES B. LANDIS. Mr. Chairman, I have been very much interested in the line that this debate has taken, political in its character. Beyond everything else we are a political people. The very nature of our institutions makes us such. Political parties in their birth were coincident with the birth of our Constitution, and since that instrument was adopted we have always had two great political parties in this country. I sincerely trust that the time may never come when there will not be two great political parties, the one to keep watch on the other; but if ever there was a time that it seemed as though there were really but one political party, that time is the present.

Back on the Wabash, where I live, there was a farmer who employed at one time an Irishman fresh from across the water. The farmer had come in possession of a water turtle, and he asked Pat the next morning after he arrived to go out in the barn lot and kill the water turtle. I do not know whether all Members of this body are acquainted with the habits, manners, and customs of that creature or not; but it possesses the peculiar ability to walk about after its head is cut off. Pat went out and cut off the head of the turtle. The farmer in the course of a few hours saw the turtle walking around in the barn lot. He said to Pat, "I thought I told you to kill that turtle?" "Yes," said Pat, "you did, and I killed the turtle, and the turtle is dead, but it does not realize it." [Laughter.] I take it that this is the position of the Democratic party largely to-day. It is dead, but it does not realize its condition. But it will realize its condition unless some method be adopted by which the "peerless leader" from Nebraska can be muzzled and taken off the public platform.

Mr. Chairman, if there is any one political proposition that has been established beyond another in this country in the last ten years, it is that the hope of power and the failure to possess power are absolutely essential to cohesion in the Democratic party. Success at the polls is absolutely fatal to the Democratic party. Those were splendid legions that followed Tilden in 1876; those were splendid legions that followed Hancock in 1880; and those that followed Cleveland in 1884, 1888, and 1892. Where are they now? The success of 1892 scattered them——

Mr. LIVINGSTON. Getting together.

Mr. CHARLES B. LANDIS (continuing). And to-day the Democratic party finds itself in the midst of demoralization and humiliation, without a leader and without a man. I was very much impressed by a statement made a short time ago by Mr. William C. Whitney, a well-known Democrat, who lives in New York. He said that at the present time the Democratic party was absolutely without a measure and without a man. By that he did not mean that there were not in the various elements that make up the Democratic party able men; what he did mean was that there was no man who could stand for all the fads and isms represented by the various factions of the Democratic party.

On the other hand, the Republican party is rich in men and it is rich in measures. The Republican party has always been rich in men and it has always been rich in measures.

Mr. LIVINGSTON. Got any money?

Mr. CHARLES B. LANDIS. We always have money under a Republican Administration, even down in the distinguished gentleman's State. [Applause on the Republican side.] And, speaking of men, Mr. Chairman, recalls the fact that there have been great changes in this body since some of us came here in the Fifty-fifth Congress.

We recall the days of that Congress with pride not unmixed with sorrow and can never revert to them with other than feelings of reverence. The four men most conspicuous in our party and most potential in the affairs of government at that time now belong to the ages. William McKinley, our President; Garret A. Hobart, our Vice-President; Thomas B. Reed, our Speaker; Nelson Dingley, our leader. I doubt if four men ever contemporaneously served this Republic who were better fitted to perform their parts than were these four men. They had a great work before them. They were to lead in the work of the restoration of business, which meant the prosperity, the comfort, and the happiness of 70,000,000 people.

How well they performed their work the world knows, and when we laid them away not the slightest stain tarnished the shield of any one of them. McKinley, Hobart, Reed, and Dingley! Certainly even our political opponents ought to concede some virtue to a party which in a few brief months can give to immortality such a quartet as that and still stand with its face to the future more hopeful, more ambitious, more courageous, more nearly invincible than ever before. [Applause.]

What a tribute to the reserve strength of the Republican party! Our leaders go and others step forward to take their places. It has been thus since the days of Abraham Lincoln, and is true because the principles for which these men have stood have been grounded in truth and political righteousness.

A gentleman who addressed this House a few days ago stated that he could never understand why the people of this country had turned their backs on the Harrison Administration in 1892 and gone over to the Democratic party and changed the policies of the Government. The gentleman's memory must be exceedingly short, for were he to go back and call up the incidents of that campaign it would all seem perfectly plain to him.

Benjamin Harrison and his Administration from 1888 to 1892! Up to that time there was nothing like it in the history of the American Republic; there was more wealth in more homes in 1892 than there had ever been before; there were more people owning their own homes that ever before. Wages were higher then than ever before; there were more young men and young women going away to college from the country, from the small towns, and from the cities than ever before; more carpets were on more floors and more pictures were on more walls and more pianos were in more parlors than there had ever been at any time in any country since the stars sang together on the morning of the creation.

But for some unaccountable reason a majority of the American people went to the polls and voted the Democratic ticket. Why did they do it? It was because they were deceived and misled; they did it, Mr. Chairman, because our friends on the other side who led in that campaign falsified and took the people away from the truth. I remember distinctly——

Mr. LIVINGSTON. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Georgia?

Mr. LIVINGSTON. May I ask the gentleman a question?

Mr. CHARLES B. LANDIS. Yes, sir.

Mr. LIVINGSTON. Is it not true, my dear sir, that every Presidential election has been decided in the last twelve years by what is called the "independent" or "floating" vote in this country? Is that not true? Is it not true of Indiana? Is it not true of Illinois? Is it not true of New York State and many other States that the independent or "floating" vote controls the State?

Mr. CHARLES B. LANDIS. The independent vote controls the election in all the States north of Mason and Dixon's line, but I want to say to the distinguished gentleman it does not control any votes on the other side of Mason and Dixon's line.

Mr. LIVINGSTON. Do you make any distinction between that independent vote and the regular Republican vote?

Mr. CHARLES B. LANDIS. Why, there is some distinction; yes.

Mr. LIVINGSTON. You are asking the question why Mr. Harrison was defeated and why Mr. Cleveland got an overwhelming majority and why Mr. McKinley got an overwhelming majority.

Mr. CHARLES B. LANDIS. Yes.

Mr. LIVINGSTON. Was it not from this floating or independent vote?

Mr. CHARLES B. LANDIS. It was from the independent vote which the Democratic leaders misled.

Mr. LIVINGSTON. And it is the independent vote you sometimes lose that would beat you.

Mr. CHARLES B. LANDIS. That is true, but I want to say to the gentleman that the independent vote does not come from his section of the country.

Mr. LIVINGSTON. I understand; and it will never come from there, as we have no such vote there.

Mr. CHARLES B. LANDIS. We will never get it from there until we have a minority representation on election boards.

Mr. BOWIE. You have got them.

Mr. CHARLES B. LANDIS. You appoint them.

Mr. BOWIE. No, sir.

Mr. CHARLES B. LANDIS. I would rather have a Democrat on an election board than a Republican appointed by a Democrat. [Applause on the Republican side.] Right in line with that——

Mr. WILLIAMS of Mississippi. Let me ask the gentleman, Have you election boards in Indiana?

Mr. CHARLES B. LANDIS. There is no election board in the State of Indiana upon which there is not a minority representation, and upon which the Democratic party does not name the Democratic member.

Mr. WILLIAMS of Mississippi. Who appoints them?

Mr. CHARLES B. LANDIS. They are selected by the chairmen of the two leading political parties.

Mr. WILLIAMS of Mississippi. Yes; but what officer appoints them?

Mr. CHARLES B. LANDIS. The clerk.

Mr. WILLIAMS of Mississippi. The clerk is either a Democrat or a Republican?

Mr. CHARLES B. LANDIS. Yes.

Mr. WILLIAMS of Mississippi. They are appointed the same

way down South, and any statement that is made that in Mississippi, at any rate, the minority representative is not always upon a board of that sort, is a very erroneous statement.

Mr. LIVINGSTON. Now, as to the State of Georgia——

Mr. CHARLES B. LANDIS I want to say to the gentleman from Mississippi that that wasn't done in the South before the colored vote was disfranchised.

Mr. BOWIE. In Alabama, at the last election, the Republicans had an even division; the election board was their own selection. That is now a part of the law of the State of Alabama.

Mr. CHARLES B. LANDIS. That was after the amendment to the Constitution was passed. I was much impressed by an interview with a gentleman from Tennessee, published in one of the local papers a short time ago. He had been up in New York. He returned to Washington and was interviewed by a local reporter as to the political outlook generally. He said he was not prepared to speak for New England or any Northern State, but as far as Tennessee was concerned it did not matter who was nominated or upon what sort of a platform he stood, Tennessee would give the Democratic party a majority of 30,000. [Laughter on the Republican side.] He might as well have said 100,000.

Mr. WILLIAM W. KITCHIN. Will the gentleman yield for an interruption?

Mr. CHARLES B. LANDIS. For a question.

Mr. WILLIAM W. KITCHIN. As the gentleman from Indiana is evidently not acquainted with the Southern election boards, I wish to remind him that in North Carolina, which we think is a fairly Democratic State, the election boards are composed of members of both parties and that the Republican members of these boards are appointed under the law upon the recommendation of Republican organizations.

Mr. CHARLES B. LANDIS. That is since the adoption of the grandfather clause.

Mr. WILLIAM W. KITCHIN. No, sir; we have had a law similar to that for years and years, and for many years in our State a majority of the election officers were hostile to the Democratic party, and under such circumstances as these, when the majority of the election officers were against us, we have elected our candidate by overwhelming majorities. [Applause on the Democratic side.]

Mr. CHARLES B. LANDIS. I served as a member of an election committee, and I saw samples of the fair elections in South Carolina, and the gentleman from North Carolina can not change my impression. Those elections were conducted by Democrats clad in red shirts and armed with shotguns.

Mr. STEPHENS of Texas. I want to say to the gentleman that the boards are selected by the chairmen of the two different parties in Texas exactly as has been explained by the gentleman from North Carolina. The Republican party has a fair representation upon that board selected by their own chairman of that State, and I believe Texas is a Democratic State.

Mr. FINLEY rose.

Mr. SCUDDER. Mr. Chairman——

Mr. CHARLES B. LANDIS. Oh, I can not yield to all; my time is going very rapidly. There is not time for all the States.

Mr. CURRIER. Mr. Chairman, if the gentleman from Indiana will allow me, I want to say that in an election case just heard before the House committee it appeared that in one Southern State the Republican judges that were appointed were men that could not read or write.

Mr. WILLIAMS of Mississippi. In very many of the places there are no Republicans that can read or write. [Laughter on the Democratic side.] Would you have them cut them out entirely?

Mr. PAYNE. Why don't you let them in under the grandfather clause? [Laughter.]

Mr. CHARLES B. LANDIS. Mr. Chairman, I will say to the gentleman from Mississippi that if my memory serves me right, there were only about eleven hundred and some odd votes in his district altogether at the last election.

Mr. WILLIAMS of Mississippi. Does the gentleman mean in my district?

Mr. CHARLES B. LANDIS. Yes; in the gentleman's district.

Mr. WILLIAMS of Mississippi. Why, there wasn't any Republican vote. [Laughter.] There wasn't any opposition to me. There was no nomination by the other party.

Mr. CHARLES B. LANDIS. Why?

Mr. WILLIAMS of Mississippi. Because no one was idiot enough to imagine that he could be elected in that most intelligent district of the United States of America, where nobody can vote unless he can read and write the English language. [Great laughter.]

Mr. CHARLES B. LANDIS. It would seem, then, from the returns that there were only about 1,400 who could read and write the English language. [Laughter.]

Mr. WILLIAMS of Mississippi. There the gentleman is mistaken, as usual, for the old familiar Republican reason, that half knowledge is so much worse than no knowledge at all. I ran through a very exciting Democratic primary election just prior to that general election, and if the gentleman would look at the primary returns he would find the vote was a very large one, considering that the voters are restricted to men who can read and write, and that 62 per cent of the population are negroes, and of that negro population 58 per cent can not read and write; and the balance would rather bribe themselves with $3 a piece not to vote than to vote, coupled with the condition of paying a $3 tax.

Mr. CHARLES B. LANDIS. Who bribes them?

Mr. WILLIAMS of Mississippi. Why, they bribe themselves. [Laughter.] I will tell you how.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Mississippi that I have heard of a man who robbed his own trunk, but I have never heard of a man who bribed himself. [Laughter.]

Mr. WILLIAMS of Mississippi. Well, this is a most remarkable statement, and yet a plain story will enable a gentleman of the intelligence of the gentleman from Indiana [Mr. CHARLES B. LANDIS] to comprehend it perfectly. The white people of the State of Mississippi, understanding race traits and tendencies, put upon the statute books a poll tax and said that before anybody could vote he must have paid that poll tax the February previous to the election.

Then we went a step further and provided no machinery to collect that tax except from taxable property. I can be made to pay it, but a poor nigger without taxable property or a white man without it can not be made to pay it. The sheriff can not go and arrest him; he can not take any steps to collect the tax, and the only penalty is that if a man does not pay it he can not vote, and Mr. Sambo prefers to bribe himself not to vote. [Applause on the Democratic side.]

Mr. CHARLES B. LANDIS. And the result in Mississippi is just exactly as it has always been—there was no difference before these new qualifications were established.

Mr. WILLIAMS of Mississippi. Oh, yes; there was.

Mr. CHARLES B. LANDIS. You selected a solid delegation then by a no larger vote than you cast now.

Mr. WILLIAMS of Mississippi. Oh, yes; we cast a very much larger vote, and had very exciting elections—sometimes far beyond in excitement any that the gentleman and his colleagues hold up in his country. Sometimes we went to the point of bloodshed.

Mr. CHARLES B. LANDIS. At the primaries?

Mr. WILLIAMS of Mississippi. No; at the general elections; and up to the time of the adoption of the constitution we had Republican nominees, and I will say further that I have run against two Populists in my time as Populist nominees for Congress, and in those cases the full vote was brought out.

Mr. PAYNE. I will state that Mr. Allen—John Allen; we all remember him—used to explain how they did in those days. He said that early in the morning they used to fire a gun so the niggers might know there was going to be an election—simply to call their attention to it. [Laughter.]

Mr. CHARLES B. LANDIS. Mr. Chairman, I would like very much to submit——

Mr. LACEY. Mr. Chairman, I would like my friend to permit me to offer him a suggestion by saying that we are at this time suffering from the absence of the gentleman from Texas, who has had to go home in order to pay his poll tax in order to vote at the next election.

Mr. WILLIAMS of Mississippi. That shows what a good citizen he is. He would not surrender the sacred function of citizenship.

Mr. MARTIN. Will the gentleman from Indiana yield?

Mr. CHARLES B. LANDIS. I will yield this one time, but no more.

Mr. MARTIN. I should like, in the interest of information, in the time of the gentleman from Indiana [Mr. CHARLES B. LANDIS] to ask the gentleman from Mississippi [Mr. WILLIAMS] how many qualified voters there are in his district?

Mr. WILLIAMS of Mississippi. I do not know how many there are in the district which I now represent. In the Fifth district, which I represented before I was thrown into this new one, there were some 20,000. In this one I have not had them counted as yet.

Mr. MARTIN. The Eighth is the district of the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. That is the district I represent. The Fifth was the district I represented before I was elected this last time, and I have not the figures of the number of qualified voters in the present district.

Mr. MARTIN. I see the gentleman is now from the Eighth district.

Mr. WILLIAMS of Mississippi. Yes.

Mr. MARTIN. I would ask the gentleman what his best judgment is as to the number of qualified voters in his district?

Mr. WILLIAMS of Mississippi. In this district, which is mostly composed of black counties, I do not think that there are over 10,000 qualified electors.

Mr. MARTIN. I notice the number of votes cast in the election in the district represented by the gentleman from Mississippi [Mr. WILLIAMS] at the last election, as given in his biographical sketch, is 1,433.

Mr. WILLIAMS of Mississippi. And so careless were we about it that I will say that the gentleman from Mississippi did not even go to the polls and vote for himself. There was no opposition.

Mr. CHARLES B. LANDIS. I understand arrangements are now being made to so amend your constitution as to elect you for four years. [Laughter.]

Mr. WILLIAMS of Mississippi. Oh, no.

Mr. PAYNE. Was the gentleman from Mississippi [Mr. WILLIAMS] saving his $3—is that the reason he did not go to vote? [Prolonged laughter.]

Mr. WILLIAMS of Mississippi. "The gentleman" could not save his $3, because he had taxable property in the State, and the tax could have been made out of that property. It is only the poor man, without taxable property, who can save his $3. And the poll tax goes to the support of the public schools—over half of it to the education of the negroes.

Mr. PAYNE. And only the poor man who can not raise the $3 can be successfully deprived of his vote.

Mr. CHARLES B. LANDIS. Mr. Chairman, a short time ago I had occasion to look over the election returns from Mississippi, and I discovered that the eight Members from that State received about 18,000 votes. That is not half the number of Republican voters there were in my district at the last election. In other words, in Mississippi you elect your entire delegation——

Mr. WILLIAMS of Mississippi. My friend from Indiana wants to be fair, of course.

Mr. CHARLES B. LANDIS. Always.

Mr. WILLIAMS of Mississippi. I know that, because I know him well enough to know that, as "Uncle Joe Cannon" once said, "He is as fair as political exigencies admit of." [Laughter.]

Now, then, suppose in your district, and in all the other districts of the State of Indiana, there were no Democratic nominees running against any of the Republican candidates for Congress; and suppose that had been going on for three terms——

Mr. CHARLES B. LANDIS. That is a supposition contrary to reality.

Mr. WILLIAMS of Mississippi. Suppose it, however; we can suppose anything.

Mr. CHARLES B. LANDIS. In Mississippi! [Laughter.]

Mr. WILLIAMS of Mississippi. Especially men with so brilliant an imagination in regard to facts as that possessed by my friend from Indiana. [Laughter.]

Now, suppose that to have been the case; how many voters do you think would have turned out in your Congressional district to vote for you as a perfunctory act when they had already nominated you?

Mr. CHARLES B. LANDIS. That is absolutely an unsupposable case in my district.

Mr. WILLIAMS of Mississippi. Suppose, furthermore, that the law provided, as I doubt not it does in your State, that the names of the persons to be voted for must be upon the ticket two weeks, or some other specified time, before the election; and suppose that the period of two weeks before the election had arrived and partly expired and no other nominations had been made, that the name of nobody else had been put upon the ticket, even by petition, and nobody else could possibly be voted for under the law. How many voters does the gentleman suppose would have turned out and voted for him when there was no possibility whatever of his being defeated?

Mr. CHARLES B. LANDIS. That is not a supposable case.

Mr. ADAMS of Pennsylvania. May I be allowed to answer the suggestion of the gentleman from Mississippi?

Mr. CHARLES B. LANDIS. I must insist that my time shall not be all occupied by other gentlemen.

Mr. ADAMS of Pennsylvania. I will say to the gentleman from Mississippi that in my district there was no nomination made by the Democrats, yet 45,000 votes were cast.

Mr. WILLIAMS of Mississippi. Ah, but in Philadelphia they vote by machinery. [Laughter and applause on the Democratic side.]

Mr. ADAMS of Pennsylvania. No; we do not——

Mr. WILLIAMS of Mississippi. You have a labor-saving device.

Mr. ADAMS of Pennsylvania. We do not have to disfranchise people to whom the Constitution of the United States has granted the ballot in order to elect our candidates.

Mr. WILLIAMS of Mississippi. Nor do we; nor have we ever done so, and anybody who says that we have undertakes to be a better lawyer than the judges of the Supreme Court of the United States.

Mr. ADAMS of Pennsylvania. I know what the Constitution says——

The CHAIRMAN. Has the gentleman from Indiana [Mr. CHARLES B. LANDIS] yielded the floor to anyone; and if so, will he kindly indicate to whom?

Mr. CHARLES B. LANDIS. I must decline to yield further to anybody.

The CHAIRMAN. The gentleman from Indiana declines to yield further.

Mr. ROBINSON of Indiana. I want to remind the gentleman from Indiana that his time is unlimited.

The CHAIRMAN. The gentleman from Indiana declines to yield.

Mr. ROBINSON of Indiana. I want to bring the gentleman nearer home—to some matters concerning the fairness of elections which I am sure he desires to hear.

Mr. CHARLES B. LANDIS. I must decline to yield for the present.

Mr. ROBINSON of Indiana. In the matter of redistricting——

The CHAIRMAN. The gentleman from Indiana declines to yield.

Mr. CHARLES B. LANDIS. In response to the gentleman from Mississippi, who said that in Philadelphia they vote by machinery, I would suggest that it does not seem to be as effective in Philadelphia as voting by the shotgun down in Mississippi. [Derisive cries on the Democratic side.]

And in this connection I want to call attention to the fact that the gentleman from Pennsylvania [Mr. DALZELL] had no contestant in the recent election, yet there were cast for him 19,000 votes. General BINGHAM had no contestant against him, and there were cast for him 32,000 votes. [Applause on the Republican side.]

Mr. WILLIAMS of Mississippi. Were there not other officers voted for at the same election?

The CHAIRMAN. The gentleman from Indiana declines to yield. The gentleman from Mississippi is not in order.

Mr. WILLIAMS of Mississippi. Just one more question.

The CHAIRMAN. The gentleman has declined to yield.

Mr. WILLIAMS of Mississippi. The gentleman has not declined to yield. I am asking him now.

Mr. CHARLES B. LANDIS. I must decline to yield, Mr. Chairman.

Mr. LIVINGSTON. You did have a gubernatorial election. Why don't you admit it?

Mr. WILLIAMS of Mississippi. There were other officers voted for at the same time, Mr. Chairman.

Mr. CHARLES B. LANDIS. I regret, Mr. Chairman, that this discussion has been drawn into this particular line. [Laughter.] I had intended simply addressing myself to the reason why the people of this country abandoned Republicanism in 1892, and went over to Democracy. That was my intention at the time I was interrupted. The reason why the people of this country did so in 1892 was because they were misled, because they were deceived.

You remember how political orators went through the country in that campaign and succeeded in impressing upon the people as a fact the fiction that they were being robbed; that they were being oppressed by the mill bosses and the factory lords, and that the heel of the plutocrat was upon their necks; that the rich were growing richer and the poor were growing poorer. I remember hearing a prominent Member of this House who spoke in Indiana in that campaign going over a rigmarole that was very popular in 1892.

He would pick out some poorly dressed man in the audience and say to him: "John, do you know that you are being robbed? Do you know that you are being victimized by the mill bosses and factory lords? Do you know that you are taxed from the day you are born until the hour you die?"

"Why," he would say, "John, you arise in the morning by turning down a coverlid that is taxed 60 per cent. You put your feet out on a carpet that is taxed 90 per cent. You put on a hat that is taxed 100 per cent. You put on a pair of pantaloons that is taxed 300 per cent; a pair of suspenders that is taxed 40 per cent. You lift a latch on the door that is taxed 80 per cent; wash your face in a basin that is taxed 90 per cent, and then go in and sit down at the breakfast table and eat your poor, God-forsaken breakfast with a knife and fork taxed 666⅔ per cent."

He would repeat that until that man would think, after he had heard it all, that it would cost him from $150 to $200 to get ready for breakfast every morning. [Laughter.]

Hired peddlers were sent out by the national Democratic committee, who went through Indiana offering tin cups for sale at a dollar apiece, and every time the housewife would shake her head and marvel at the price, the hired peddler would shake his head and say, "Well, it is high, but it is all on account of the infamous McKinley bill." And in some parts of Indiana they sent men

through the country peddling gourd seed, offering it for nothing, and saying to the farmer, "They have robbed you of your tin cup and your tin pail, but thank God they can not take from you the gourds of your fathers." [Laughter.]

That is the way you did it in 1892, and you won. Grover Cleveland was elected. You secured control of both branches of this Government, and I contend that that was the greatest mistake the Democratic party ever made. They found themselves facing the people of this country in the midst of a domestic prosperity never before equalled. They were pledged to improve it. Capital was employed; they promised to employ it better. Wages were high; they promised to make them higher. Labor! There was not an idle man in the United States of America unless he was idle from choice; and you are acquainted with the result. Scarce three months passed until the idle men commenced roaming over the country.

Bankruptcy became an epidemic. Idleness got to be a profession, and hard-times festivals became popular social functions. You did that, gentlemen. You brought about that condition of affairs—you prophets, you promisers, you arraigners. You packed the side tracks of the railroads of this country with empty cars. You sent the price of corn so low it was burned as fuel. The farmer fed 30-cent wheat to 2-cent hogs, and horses were not worth wintering, and sheep shivered and died on the range because they were not worth sheltering, and as many as 100 idle men were found on single trains roaming this country in search of work.

At the end of four years everybody in the United States admitted that everything was wrong and that it was simply a question as to the best policy to bring us back where we were when Benjamin Harrison was President of the United States. Our friends on the other side said that the panacea was free silver. They said we did not have enough money with which to carry on the business of the country. We must have had very little money, because we did not have any business. They said that the only way to get more money was to have free silver; that the only way to get good times was through the ratio of 16 to 1.

The Republican party said, "The money is all right. We have enough money. The trouble is with this policy of tariff for revenue only, or free trade. If we can elect a President and a Congress that will kill the free-trade Wilson bill and reenthrone the policy of protection, prosperity will return."

The two parties went before the country, one headed by Mr. Bryan and the other by Mr. McKinley. In November the verdict was rendered, and by an overwhelming majority the people of this country declared in favor of sound money and a protective tariff, and elected William McKinley President of the United States.

I say is there anybody in the sound of my voice who voted for William McKinley that has ever regretted it?

> If such there be, go mark him well;
> For him no minstrel rapture will ever swell.

And you knew that times would get better. You gentlemen on the other side of the aisle expected it. I remember walking down the street of the little town in which I live the second morning after the election, and a well-known Democrat said to me, "You have elected your President." I said, "Yes." "You have secured control of both branches of Congress." "Yes." "Well," said he, "where is your prosperity?" [Laughter.]

They expected us to set the national hen in the evening and serve the Democrats with fried chicken out of the same nest the very next morning. [Laughter.] A special session of Congress was called. You remember just as soon as we met they asked us, "Where is your prosperity?" Then the Dingley bill passed the House, and they kept asking us, "Where is your prosperity?" I remember that after the bill went over to the Senate and came back here to receive the approbation of this body they would come up to us and ask, "Have you seen the General?" We would ask, "General who?" And then they would say, "General Prosperity," and then they would laugh; they would laugh until their sides would ache; but it was no trouble for their sides to ache, because their stomachs had been empty for four years. [Laughter.]

Then the bill passed through conference and became a law, and after that bill became law did any Republican ever hear any Democrat in this land who would ask, "Have you seen the General?" The way had been prepared for the General to come, and straightway he came. Avenues for prosperity had opened, and prosperity came. And it did not come solely from New England and Pennsylvania, which have frequently been said to be the sole beneficiaries of a protective tariff.

It came from the South, whose States, from the Carolinas to the broad fields of Texas, have been pouring into the world's commerce an annual contribution worthy of a mighty empire. It came from the far West: from Kansas and Nebraska and their sister States with their black soil; from those States that wear mountains on their bosoms—mountains grim in their ruggedness and haughty in their wealth of hidden ore. It came from California, from Oregon, from Washington. It came from the broad sweep of the Mississippi Valley, whose farms and whose cities, whose soil and whose wealth, and whose people and whose progress are at once the marvel and the hope of American civilization, embodying as they do the spirit, the ambition, and the conservatism that are the surest guaranty of the growth and stability of the Republic.

From everywhere it came, showering its blessings on the children of men. And this prosperity will stay, if Democrats will simply keep their hands off. It would go to pieces to-morrow if there should be absolute evidence that Democratic ascendency were assured within the next twelve months. Business would be blighted, confidence would become a coward, and we would find ourselves where our fathers found themselves under the Administrations of Martin Van Buren and James Buchanan, and where we found ourselves under the last Administration of Grover Cleveland. [Applause.]

But the American people will not repeat the mistake of 1892. The present generation will not soon forget those four years.

The Republican party came into power in 1897. A special session of Congress was called, and the Republican party proceeded to keep its promises and redeem its pledges. The first thing we did was to take a club and kill that free-trade Gorman-Wilson tariff bill. Then the next thing we did was to pass a bankruptcy law—a general bankruptcy law. Such a law is as essential after a Democratic Administration as a hospital corps is with an army that fights battles. [Laughter.]

Then after that we passed a law establishing the gold standard, and while we were doing all these things we were giving attention to Spain. That war was fought, Cuba was freed, Porto Rico was taken, Hawaii annexed, and the Philippine Islands taken care of, and to-day the American people stand and challenge the world on the record that the Republican party has made. We will go into the next campaign and we will fight that battle on this record; and, Mr. Chairman, I am not afraid of the result.

To-day, under the Republican party, the country is still moving forward. Busy men have employment; happiness is in the home. We imported from abroad last year more than a billion dollars' worth—several millions of dollars more than ever before. We sent abroad last year in the neighborhood of $1,400,000,000 worth—millions of dollars more than ever before.

We sold abroad in the neighborhood of $350,000,000 more than we bought abroad. Our domestic trade amounted to $30,000,000,000. We can scarcely find figures in which to express it, but our friends on the other side of the Chamber say they are going to make the next campaign by contrasting the conditions under Mr. Roosevelt's Administration with conditions under Mr. McKinley's Administration.

No; no! We will fight this next campaign on the conditions existing under the McKinley and Roosevelt Administrations as contrasted with the conditions existing under the last Cleveland Administration. [Applause on the Republican side.] You can not get away from it.

I was very much impressed with the speech made by my friend from Illinois yesterday, in which he called attention to the prosperity that marked the South—a great and natural prosperity. It was doubtless astonishing to a number of the Members on the other side of this Chamber——

Mr. LIVINGSTON. Not at all.

Mr. CHARLES B. LANDIS. Then I can not understand why you continue to vote the Democratic ticket. I have made up my mind that my friend from Georgia can not be surprised by anything——

Mr. LIVINGSTON. It is because those States under Democratic administration are prosperous, and we continue to vote that ticket for that reason.

Mr. CHARLES B. LANDIS. That is ridiculous. That country on the other side of Mason and Dixon's line—those States—increased in population, since 1880, 50 per cent and in wealth 200 per cent.

Mr. LIVINGSTON. That is native population, not foreign. The increase is native population.

Mr. CHARLES B. LANDIS. Think of it! In 1880 you produced 6,000,000 tons of bituminous coal. Last year you produced 60,000,000 tons.

Mr. LIVINGSTON. The Secretary of Agriculture stated a few days ago, in a public speech, that it was not the Republican party or the Democratic party, but the farmers who had saved the country. What do you say to that?

Mr. CHARLES B. LANDIS. Well, I will not take issue with the Secretary of Agriculture on that question. One thing I will contend for, and that is that the Democratic party has never saved it, and if the farmers have saved it they have saved it under Republican policies.

Mr. LIVINGSTON. Not in the South.

Mr. CHARLES B. LANDIS. The prosperity brought about by our policies. Its blessings are visited upon you as well as upon us. In other words, we have saved you from yourselves. You are prosperous in the South in spite of your political bigotry. [Applause on the Republican side.] Another thing, Mr. Chairman, with reference to the South. There has been poured into the South during the last five years for cotton and its products alone $2,652,000,000.

Mr. LIVINGSTON. Our cotton crop amounted last year to $700,000,000.

Mr. CHARLES B. LANDIS. Yes, your cotton and cotton products amounted to $900,000,000.

Eight hundred and seventy-three million dollars more for southern cotton than during the previous five years, that $873,000,000 representing more than the capital of all the national banks in the United States. You consumed during this last year more cotton by a million pounds than all the mills of New England. Six million additional spindles came to you during the last twelve years; only 1,800,000 went to Great Britain, and New England increased only 2,000,000. You had 40 cotton-seed oil mills in 1880. To-day you have 700.

In 1880 you had in the South 20,000 miles of railway. To-day you have 60,000 miles. In 1880 your lumber products amounted to $39,000,000. To-day it is $188,000,000. The total output of pig iron in the South to-day is four times the total output of the United States in 1860. Since 1890 the number of your national banks has increased from 521 to 928, and the deposits have more than doubled—have increased from $126,000,000 to $318,000,000.

Mr. BOWIE. Why not come down, then, and visit us?

Mr. CHARLES B. LANDIS. Now, Mr. Chairman, these statistics refute the Democratic contention for sixty years past; these statistics are enough to make John C. Calhoun, Bob Toombs, and Jefferson Davis turn over in their caskets. In New Orleans every time there is a meeting of the board of trade it is almost like a Fourth of July celebration—felicitations are passed around. New Orleans has regained her lost prestige under the policies of the Republican party, and Galveston has risen until it is the third export and import city in the United States.

Fifty-three lines of steamships head out from Galveston. I saw the other day there had been 832 industrial establishments located along the Southern Railroad during the last year; 30 cotton mills are in course of construction along the line of that road.

From the Southern Farm Magazine I get the information that during the last ten years 75,000 northern farmers have settled between New Orleans and Corpus Christi.

This southern industrial farming has brought under cultivation 3,000,000 acres of southern farm land. Eight hundred thousand acres of this land are devoted to the cultivation of rice, for which a large area of the South has recently been discovered to be particularly adapted. I received a letter the other day stating that 1,000 home seekers had visited the rice-growing district of Louisiana in a single week.

Mr. LIVINGSTON. I want to say to the gentleman that our stocks have all doubled up by the natural increase.

Mr. CHARLES B. LANDIS. That natural increase did not characterize that section of the country under the last Cleveland Administration. [Applause.] Your cotton was a drug on the market. North and south, east and west, prosperity has been general, and nowhere has it been as great as in the Southern States. Your railroad bonds during the last year have paid a greater dividend than bonds of any railroads in the United States.

Mr. LIVINGSTON. Up to a few years ago the price of cotton was fixed in Liverpool and Wall street. For the last two years we have fixed it in the city of New Orleans, and have got double for our cotton what we ever did before. We intend to make the price hereafter in New Orleans and not in Liverpool or Wall street.

Mr. CHARLES B. LANDIS. Why didn't you do it under the Democratic Administration? [Laughter and applause on the Republican side.]

Mr. LIVINGSTON. We happened to have but little Democratic Administration; it did not last long. Out of forty-two years you charge us with eight years of Democratic Administration, with four years of Republican Administration in between the eight, and then you undertake to compare that with forty years of Republican hold upon this country, and ask us why we haven't done what you did. My dear man, you know that is an unfair comparison. [Laughter.]

Mr. CHARLES B. LANDIS. Now, Mr. Chairman, my friend from Mississippi, in a speech delivered on the floor of the House a short time ago, used these words:

> You will remember that Harrison himself said in a newspaper interview which I read, and have never seen denied, that the reason he was thrown out of power and Cleveland was elected was because of the unprecedented hard times and suffering for which the people of the South and West, without due reason, held his Administration responsible.

Mr. Chairman, I would say that General Harrison, while he was President of the United States, did not make it a business to go on record in newspaper interviews. If he had anything to say he said it in his state papers. And it happens that he spoke to this Congress a short time after the election of 1892, and this is what he said, as contrasted with the words put in his mouth by my friend from Mississippi. I quote from his annual message of December 6, 1892:

> In submitting my annual message to Congress I have great satisfaction in being able to say that the general conditions affecting the commercial and industrial interests of the United States are in the highest degree favorable. A comparison of the existing conditions with those of the most-favored period in the history of the country will, I believe, show that so high a degree of prosperity and so general a diffusion of the comforts of life were never before enjoyed by our people.
>
> The total wealth of the country in 1860 was $16,159,616,068. In 1890 it amounted to $62,610,000,000 an increase of 287 per cent. * * * There has never been a time in our history when work was so abundant or when wages were as high, whether measured by the currency in which they are paid or by their power to supply the necessaries and comforts of life. It is true that the market prices of cotton and wheat have been low. It is one of the unfavorable incidents of agriculture that the farmer can not produce upon orders. He must sow and reap in ignorance of the aggregate production of the year, and is peculiarly subject to the depreciation which follows overproduction. But while the fact I have stated is true as to the crops mentioned, the general average of prices has been such as give to agriculture a fair participation in the general prosperity. * * *
>
> I believe that the protective system, which has now for something more than thirty years continuously prevailed in our legislation, has been a mighty instrument for the development of our national wealth and a most powerful agency in protecting the homes of our workingmen from the invasion of want. * * * It is not my purpose to renew here the argument in favor of a protective tariff.
>
> The result of the recent election must be accepted as having introduced a new policy. We must assume that the present tariff, constructed upon the lines of protection, is to be repealed and that there is to be substituted for it a tariff law constructed solely with reference to revenue; that no duty is to be higher because the increase will keep open an American mill or keep up the wages of an American workman, but that in every case such a rate of duty is to be imposed as will bring to the Treasury of the United States the largest returns of revenue.
>
> The contention has not been between schedules, but between principles, and it would be offensive to suggest that the prevailing party will not carry into legislation the principles advocated by it and the pledges given to the people. * * * I recommend that the whole subject of tariff revision be left to the incoming Congress. * * * Those who have advocated a protective tariff can well afford to have their disastrous forecasts of a change of policy disappointed.
>
> If a system of customs duties can be framed that will set the idle wheels and looms of Europe in motion and crowd our warehouses with foreign-made goods and at the same time keep our own mills busy; that will give us an increased participation in the "markets of the world" of greater value than the home market we surrender; that will give increased work to foreign workmen upon products to be consumed by our people without diminishing the amount of work to be done here; that will enable the American manufacturer to pay his workmen from 50 to 100 per cent more in wages than is paid in the foreign mill, and yet to compete in our market and in foreign markets with the foreign producer; that will further reduce the cost of articles of wear and food without reducing the wages of those who produce them; that can be celebrated, after its effects have been realized, as its expectation has been in European as well as in American cities, the authors and promoters of it will be entitled to the highest praise.
>
> We have had in our history several experiences of the contrasted effects of a revenue and of a protective tariff, but this generation has not felt them, and the experience of one generation is not highly instructive to the next. The friends of the protective system, with undiminished confidence in the principles they have advocated, will await the results of the new experiment.

Mr. WILLIAMS of Mississippi. What is the date of that message?

Mr. CHARLES B. LANDIS. December 6, 1892; that was his last message to Congress.

I want to place that in answer to the words placed in his mouth from a late newspaper interview by my friend from Mississippi. I want to call attention to another thing at this time. In an address delivered before this House a short time ago my friend from Mississippi elucidated from a Southern standpoint the protection proposition, in the course of which he said:

> That brings me, Mr. Chairman, to my favorite banana theory. There is in the United States, I suppose, 100 acres of land where bananas can be grown in the open air, and yet I could, were I the legislating body of this country, or were I the Czar with absolute power and disposed to make the people pay the price for it, create a "great American banana industry." I could put a tax of $1 apiece on bananas which are now selling in the streets three for a nickel, and inside of five years I could, with a good custom-house service, have created and exploited a vast banana industry.
>
> It is true that a great many people who formerly ate bananas could not buy any bananas at all, and some people would have to buy fewer bananas; but it is also true that a great many people, who are plutocrats and aristocrats, would eat them because the common people—dagoes, Jerseymen, and Mississippians—could not. [Laughter and applause.]
>
> If I continued that system of taxation in existence for twenty years, at the end of that time there would have come to the front a new generation that "knew not Joseph" nor cheap bananas; and the moment sensible people came into power with the idea of revising the banana schedule these gentlemen who "knew not Joseph" and had gone into the American banana business and perhaps formed a banana trust would come to the committee room of the National Legislature, knocking upon the doors all the time, and giving utterance to cries of unutterable woe:
>
> "Are you going to strike down the great American banana industry? Are you going to reduce the duty from a dollar apiece on bananas to 80 cents? We can't stand it. It will ruin us. Are you going to make the people engaged in banana raising go to the soup houses? Are you going to discriminate

in favor of pauper tropical sunshine against self-respecting American hothouse laborers?" [Laughter on the Democratic side.]

Let us stop a moment and follow the banana theory a little further, because I am fond of bananas. [Laughter.] What would have been the result of establishing that industry? Merely this, that you would have deflected a certain amount of American capital and a certain amount of American labor engaged in the general hothouse industry into a different channel of hothouse proceedings, and instead of having their hothouses for the purpose they have them now they would have converted them into banana nurseries, and the consumers would be paying a dollar a piece, or perhaps 90 cents a piece, for bananas, because the protected interest would have to undersell somewhat the foreign markets.

After fifteen or twenty years "home competition" would have reduced the price of bananas in the American market to, let us say, 40 cents apiece, and then Republican orators and politicians would say privately, in newspapers, and on the stump, and within these walls, with due solemnity and without a mutual smile: "Lo, and behold! See how a protective tariff has reduced the price of bananas from 90 cents apiece in 1950 to 40 cents apiece in 1965—nearly 50 per cent decrease in price to the consumer! Protection did it!"

Yes! A reduction from superlative extortion to comparative extortion!

But in all this picture keep in mind one thing: While protectionism lasted bananas would never reach three for a nickel, because if they did, that public enemy—tropical sunshine—would be master.

* * * Now, my friends, I have given you the whole definition and an illustration of the manner of working of the protective tariff wherever it is needed.

I would like to know if that is the sort of protection illustration my friend from Mississippi uses in his biennial campaign. If that is a sample, I do not wonder that there were only eleven hundred and some odd votes cast in his Congressional district at the last election, because I say, if there ever was an unfair illustration, it is the favorite banana theory of the gentleman from Mississippi.

As a matter of fact, the gentleman can not point to a single article manufactured in this country on which there is a protective tariff that is not cheaper to-day than it was the day the protective tariff was placed on the article, and he establishes the reverse by his illustration.

I have here an illustration that I desire to submit in contrast with the gentleman's "favorite banana theory," illustrating, as it does so well, the practical workings of the protective tariff.

In 1883 there were no wire nails produced in this country. They were then selling at $6 a keg. We manufactured that year 50,000 kegs, when a tariff of $4 a keg was placed upon wire nails. In 1884 we manufactured 75,000 kegs, and the price dropped to $5 a keg. In 1885 we manufactured 200,000 kegs, and the price dropped to $4 a keg, which was exactly the tariff duty. In 1886 we manufactured 500,000 kegs, and the price dropped to $3.40 a keg. In 1887 we manufactured 700,000 kegs, and the price dropped to $3.30 a keg. In 1888 we manufactured 2,000,000 kegs, and the price dropped to $2.60 a keg. In 1889 we made over 2,500,000 kegs, and the price dropped to $2.10 a keg. And all this time the duty was $4 per keg. The average price in 1902, the latest available report, was $2.15.

That is the way the Republican policy of protection works. It does not work the banana way. [Applause on the Republican side.] And it has worked this way with reference to steel rails, and with reference to tin, and with reference to every other manufactured article produced in this country upon which there is a protective tariff. [Applause.]

Those within the sound of my voice will remember how, in 1890, when it was proposed to put a tariff on tin plate, some one in this House arose and said that he would take a contract to eat all the tin plate manufactured in this country during the next ten years.

Well, the Democratic stomach is equal to almost anything, but it was not equal to that proposition, because we are manufacturing almost a billion pounds of tin plate in this country every year, and the price of tin plate within three years after the tariff was placed upon it was lower than tin plate had ever been before in the United States. That is the way it works with all these articles. And that is not in harmony with this banana illustration.

Mr. WILLIAMS of Mississippi. Would the gentleman from Indiana mind continuing those figures in regard to wire nails down to the present?

Mr. CHARLES B. LANDIS. Yes; I will give the gentleman those figures. They will be in my remarks.

Mr. WILLIAMS of Mississippi. Would the gentleman mind reading them now?

Mr. CHARLES B. LANDIS. Well, I do not care to repeat my speech at this time. Time is short, and I do not feel that I should go over it.

Mr. WILLIAMS of Mississippi. I will give the gentleman unlimited time, I will say.

Mr. CHARLES B. LANDIS. I will give them to the gentleman at the conclusion of my remarks.

Mr. BENNY. Mr. Chairman, will the gentleman yield?

Mr. CHARLES B. LANDIS. No; I would like to very much, but I have not the time now.

The CHAIRMAN. The gentleman declines to yield.

Mr. CHARLES B. LANDIS. And the triumphs that followed in the wake of the restoration of the tariff in the increase of our wealth here at home are paralleled by the triumphs that have followed in every other avenue in which the Republican party has exerted itself since 1897.

The Spanish war came on, and I contend now, Mr. Chairman, that the brightest page that has been written by the Republican party in the last seven years has been written with reference to those questions that followed our war with Spain. That war lasted only ninety days, but the problems that came with it are with us to-day, and they will remain with us until our children are in their graves.

You remember, how after that war came to an end, our friends on the other side of the Chamber insisted that Cuba should immediately be given her freedom and independence. The man in the White House said no, they are not ready. You said, "You have lied to Cuba; you do not intend to give Cuba her independence." We said, "She is not ready for it; we want time to prepare her for her independence."

We brought a carload of school-teachers from Cuba and educated them. We sent scores of Americans down there to teach them the principles of self-government. We went down there and cleaned her cities and towns and put in sewerage systems, and on the 20th of May a year ago Columbia presented Cuba with a pure white parchment of human freedom, and she has been able to take care of that freedom and is happy and independent to-day. Had we done as you wanted us to do, yellow fever would be thriving in Cuba to-day. Revolution would follow revolution, as in Central America, South America, Santo Domingo, and other Spanish-American republics until we would have been involved with other nations of the world.

Not a twelvemonth in the forty years last past when the people of the Southern States have not been anxious almost to the point of hysteria over the threat of the spread of yellow fever, and yet during the last three years there has not been a single case of yellow fever in all Cuba. Why? We remained there long enough to destroy the germs.

Take Porto Rico. Well-informed gentlemen from the island of Porto Rico state that prior to our occupation of that island smallpox had infested parts of it for three hundred years. One of the first things we did when we went there was to take 900,000 people and vaccinate every one of them, and for the last four years there has not been a single case of smallpox in all Porto Rico.

Over in the Philippine Islands when our soldiers went over there it was prophesied that it would take an army of 100,000 men twenty years to establish conditions in those islands so that there would be peace and order and good government.

Those islands have been pacified; law and order have been established, and the army has been reduced to 18,000 men. We have spent vast sums on their docks; we have spent millions on their roads; 15,000 people are working to-day on one road leading up into the mountains from Manila. We have established libraries; we sent a ship loaded with 1,000 school teachers over there to light the torch. Last month 100 Filipino boys came to this country to be educated. They will go back to educate their fellows.

We have started normal schools over there. We have organized trade schools, and we have reorganized their courts in accordance with the dictates of Anglo-Saxon justice. We have given them religious liberty. We have given the farmers of the Philippines primers, translated into their own language, so that they may intelligently cultivate the soil. They have homes now in place of huts over in the Philippine Islands. Those islands are blossoming as a rose. And every dollar expended comes from the revenues of those islands.

Have we done right? If we have not, then civilization is a fraud, enlightenment is a lie, and the Christian church is a whited sepulcher. Cuba, Porto Rico, and the Philippine Islands in their condition to-day speak volumes for the constructive policy and ability of the Republican party. We have given the nations of the earth new ideas relative to the control of colonial governments.

Where did the Administration of Theodore Roosevelt begin and that of William McKinley end? No one could tell. One merged into the other naturally; the same policy has been carried out under Theodore Roosevelt that was followed under William McKinley. And that is the reason I am for Theodore Roosevelt as our next nominee for President of the United States.

And, Mr. Chairman, I want to say that I am not one of those who lay claim to being the original Roosevelt man. Years ago I antagonized Mr. Roosevelt and the theories he then espoused. I accused him in my own newspaper. It came to be a habit with me to say hard things against him. I questioned his honesty. I said in my own newspaper that he was a sham reformer and a pretender. But, Mr. Chairman, I have changed my mind with reference to Theodore Roosevelt.

Mr. FITZGERALD. You have got on the band wagon. [Laughter on the Democratic side.]

Mr. CHARLES B. LANDIS. No, sir; but if I have, I am riding on a wagon that the gentleman's degree of good judgment would not enable him to select a seat in. [Applause on the Republican side.] There is not any such thing as a band wagon in the Democratic party.

Mr. FITZGERALD. There is no pie wagon in our party either. [Applause on the Democratic side.]

Mr. CHARLES B. LANDIS. I take that with a good deal of question, noting the avidity with which the gentleman welcomes the candidacy of a distinguished rich man from New York City.

Mr. FITZGERALD. I have a candidate for President, and I hope the party will nominate him.

Mr. CHARLES B. LANDIS. Grover Cleveland?

Mr. FITZGERALD. No, sir; Judge Parker, of New York.

Mr. CHARLES B. LANDIS. Will the gentleman kindly give me his post-office address? [Laughter and applause on the Republican side.] Mr. Chairman, I would like to ask the gentleman what the first name of his candidate is?

Mr. FITZGERALD. Is the gentleman a lawyer?

Mr. CHARLES B. LANDIS. I trust not. [Laughter.]

Mr. FITZGERALD. If he were, he would know that Judge Parker is the chief justice of the greatest court, next to the Supreme Court of the United States, in the world. I refer to the court of appeals of the State of New York.

Mr. CHARLES B. LANDIS. He is secure in his place, and he had better remain where he is.

No, Mr. Chairman, neither patronage nor selfish policy led me to change my mind with reference to Theodore Roosevelt. He won me, as he won millions of other of his countrymen, by his zeal, by his forcefulness, by his patriotism.

I began to appreciate how I had misjudged him when I saw him, in the face of threatening war, infuse into one of the great departments of this Government, stagnant with the monotonous routine and dry rot of a third of a century, the red blood of activity and timely preparation. I realized what an erroneous estimate I had placed upon him when I saw the announcement that he had decided to resign a place of honor and responsibility and power, which insured conspicuous performance in the very theater of war, to raise a regiment to lead to the front.

It seemed to me this was the supremest test, for it involved goodbye, if not farewell, to little children and their mother. Later I knew how fearfully I had wronged him when, with my colleagues on the floor of this House, I read bulletins which told how he, at the head of his regiment, under a blistering sky, the target for a hundred sharpshooters, had given a modern exhibition of that courage, that daring, that heroic valor which for more than one hundred years had compelled all nations to subscribe to the verdict that the American volunteer soldier is the greatest soldier in the world.

We are told that he mixed up in the Northern Securities affair. Yes; he did. With hundreds of thousands of his countrymen he realized that conservatism had lost its head and that capital had gone mad. He invoked the law passed by this Congress and he called a stop on combination and speculation that was running wild in the Republic. That law was passed by this Congress at the earnest solicitation of the American people.

One of the richest men in New York told me that the country would never know what a service Theodore Roosevelt had rendered when he started the machinery of that litigation. He stated that had matters been permitted to go on unchecked we would have had a panic that would have been without parallel in the history of American financial devastation. The men who are criticising him most severely now are those whom he saved from the consequences of their own rapacious folly.

We are told that he injected himself into the anthracite coal strike. He did. And who is there who will say that he erred?

Mr. BAKER. Will the gentleman yield for a question?

Mr. CHARLES B. LANDIS. No, sir.

Mr. BAKER. Has he taken any steps to prosecute——

Mr. CHARLES B. LANDIS. Mr. Chairman, I decline to yield further. As I was saying when interrupted, in that anthracite coal strike the President saw passion and greed facing each other, hostile and uncompromising, and he said to them: "Come, let us reason together." He brought about a settlement of that strike, and he did it without sacrificing, in any manner, the dignity of his office.

We must not forget the situation as it existed then. Millions of people were without fuel. Disease was claiming its victims and the chill of death was in many a cottage. Right here in the city of Washington people were burning their furniture to keep warm. This Capitol building was running on twenty-four hours of coal rations, and we knew not at what hour we would have to suspend business. Men who were known as conservative citizens all over the Union were heading delegations which would stop trains loaded with coal and confiscate the cargo.

Do you not think it was time for some one to speak? A coward in the White House would have remained silent. But there was a brave man in the White House, and he acted, and that strike was settled, and the nation was saved from a series of riots that might have ripened into a revolution. His conduct in the Northern Securities case and in the anthracite coal situation elevated him in the confidence and esteem of the American people, and his course in the Panama achievement has placed him so securely in the affections of his countrymen as to protect him absolutely from the plotting of Democracy and assure his vindication next November.

Theodore Roosevelt will occupy a unique place in our history. Admittedly he has won the greatest victory that it is possible to win in this Republic, a victory over ease, a victory over leisure. It is not difficult for a poor boy to climb and conquer in this Republic—that is the rule; that is the natural thing. Ask those captains of industry, who from places of power and responsibility issue their orders, whence came the original inspiration that ripened into their success, and they will point to the days when want and adversity forced the industry that won the victory.

That one who is born in the lap of luxury has the real struggle to make in this country to win for himself a name. It is so much easier to fight poverty than riches, for riches wears the shield of leisure, and leisure is such a gentle foe. Its bonds of imprisonment are silken bonds. It caresses and lulls and soothes into a contentment and complacency that is at once sweet and fatal.

That youth who can despise ease, which has come as a gratuity; who can place the proper stamp on luxury, which is the gift of others; who can mock at every invitation to idleness, which is the chief patrimony of the rich, and who can go out into the world with a clear head, an honest heart, and a passion for toil and achievement and win the laurels of success—sir, I lift my hat to such a man and am willing that his name shall be inscribed on the portals of Columbia's proudest temple.

I claim that by every standard fixed by fair and honest men Theodore Roosevelt has made a great President. A tragedy placed him in the White House. He went there while bells were tolling and at a time when grief had washed politics away. Sorrow consecrated his oath, and, turning from that sepulcher in northern Ohio, a nation in tears gave him its confidence. Responsibility and power did not dwarf him; they made him broad and great. He has faced unflinchingly every critical situation. He has solved every difficult problem.

The people believe in him; the people trust him. The people associate his life and work with the life and work of that good man whom he succeeded, and when the Republican party meets in national convention next June it will make his Administration its platform. It will inscribe his name upon its banner, and then the ranks will close up and the Republican party will march to another glorious victory. [Prolonged applause on the Republican side.]

Mr. LIVINGSTON. Mr. Chairman, I believe that under the arrangement made in the House I have the same length of time that the gentleman from Indiana has occupied.

The CHAIRMAN. The gentleman from Georgia has one hour and seventeen minutes.

Mr. LIVINGSTON. I want to ask the other side of the House to submit to an adjournment now, as that one hour and seventeen minutes will keep us here entirely too long this evening.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10954, the urgent deficiency bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 588. An act granting an increase of pension to Wilber F. Little—to the Committee on Invalid Pensions.

S. 2237. An act granting an increase of pension to Louise Chandler—to the Committee on Invalid Pensions.

S. 386. An act granting an increase of pension to Homer D. Wells—to the Committee on Invalid Pensions.

S. 2596. An act granting a pension to Frances S. Hopkins—to the Committee on Pensions.

S. 3645. An act granting an increase of pension to Francis Hall—to the Committee on Invalid Pensions.

S. 962. An act granting an increase of pension to Jennet Thoits—to the Committee on Invalid Pensions.

S. 2215. An act granting a pension to Sallie H. Hoffecker—to the Committee on Invalid Pensions.

S. 3038. An act granting an increase of pension to Joseph H. Kennedy—to the Committee on Invalid Pensions.

S. 2688. An act granting an increase of pension to George M. Linch—to the Committee on Invalid Pensions.

S. 2889. An act granting an increase of pension to John Beaird—to the Committee on Invalid Pensions.

S. 2940. An act granting an increase of pension to Margaret Liddie—to the Committee on Invalid Pensions.

S. 2560. An act for the relief of G. G. Martin—to the Committee on Military Affairs.

S. 2177. An act for the relief of Daniel H. Snyder—to the Committee on Military Affairs.

S. 2433. An act to amend the military record of John H. Skinner—to the Committee on Military Affairs.

S. 228. An act for the relief of William H. Hugo—to the Committee on Military Affairs.

S. 2357. An act to correct the military record of Samuel F. Hall—to the Committee on Military Affairs.

S. 1330. An act granting a pension to Jerry S. Fish—to the Committee on Invalid Pensions.

S. 3054. An act granting an increase of pension to Kate M. Strange—to the Committee on Pensions.

S. 2198. An act granting a pension to Thomas Irvin—to the Committee on Invalid Pensions.

S. 1937. An act granting a pension to Samuel Richards—to the Committee on Invalid Pensions.

S. 2103. An act granting an increase of pension to John L. McVey—to the Committee on Invalid Pensions.

S. 2924. An act granting an increase of pension to Samuel E. Cormany—to the Committee on Invalid Pensions.

S. 2955. An act granting an increase of pension to John Hogarth Lozier—to the Committee on Invalid Pensions.

S. 3291. An act granting an increase of pension to John Olson Bakken, alias John Olson—to the Committee on Invalid Pensions.

S. 3423. An act granting an increase of pension to Joseph H. Ottey—to the Committee on Invalid Pensions.

S. 2441. An act granting an increase of pension to Frank Lee—to the Committee on Invalid Pensions.

S. 2561. An act granting an increase of pension to Mathias S. Friend—to the Committee on Invalid Pensions.

S. 2289. An act granting a pension to Louisa R. Chitwood—to the Committee on Invalid Pensions.

S. 2239. An act granting an increase of pension to Theodore E. Chatfield—to the Committee on Invalid Pensions.

S. 2445. An act granting an increase of pension to George M. Wates—to the Committee on Invalid Pensions.

S. 1627. An act granting an increase of pension to Alonzo R. Kibbe—to the Committee on Invalid Pensions.

S. 1532. An act granting an increase of pension to Electa Allen—to the Committee on Invalid Pensions.

S. 846. An act granting an increase of pension to Catharine W. Collins—to the Committee on Invalid Pensions.

S. 2557. An act granting a pension to Johniken L. Mynatt—to the Committee on Invalid Pensions.

S. 2558. An act granting an increase of pension to Sallie H. Kincaid—to the Committee on Invalid Pensions.

S. 70. An act granting an increase of pension to John G. Brown—to the Committee on Invalid Pensions.

S. 89. An act granting an increase of pension to James M. Markham—to the Committee on Invalid Pensions.

S. 693. An act granting an increase of pension to Charles W. De Rocher—to the Committee on Invalid Pensions.

S. 2948. An act granting an increase of pension to George Hyde—to the Committee on Invalid Pensions.

S. 2087. An act granting an increase of pension to George Rilea—to the Committee on Invalid Pensions.

S. 312. An act granting an increase of pension to John F. Oviatt—to the Committee on Invalid Pensions.

S. 317. An act granting an increase of pension to Mortimer Hallett—to the Committee on Invalid Pensions.

S. 2841. An act granting a pension to Jane Patterson—to the Committee on Invalid Pensions.

S. 148. An act granting an increase of pension to Benjamin H. Smalley—to the Committee on Invalid Pensions.

S. 154. An act granting an increase of pension to Hugh T. Crockett—to the Committee on Invalid Pensions.

S. 2216. An act granting an increase of pension to Charles Reed—to the Committee on Invalid Pensions.

S. 153. An act granting an increase of pension to William W. Turk—to the Committee on Invalid Pensions.

S. 156. An act granting an increase of pension to Harriet L. Ford—to the Committee on Invalid Pensions.

S. 2217. An act granting an increase of pension to Henry C. Riggs—to the Committee on Invalid Pensions.

S. 893. An act granting an increase of pension to William W. Angelo—to the Committee on Invalid Pensions.

S. 968. An act to grant an honorable discharge from the military service to Robert C. Gregg—to the Committee on Military Affairs.

S. 446. An act granting an honorable discharge to William S. Dunn—to the Committee on Military Affairs.

S. 2999. An act granting an increase of pension to Melvina C. Buzzell—to the Committee on Military Affairs.

S. 1678. An act granting an increase of pension to Rudolph Reinhart—to the Committee on Invalid Pensions.

S. 900. An act granting an increase of pension to Daniel M. Smith—to the Committee on Invalid Pensions.

S. 2429. An act granting an increase of pension to John Dow—to the Committee on Invalid Pensions.

S. 59. An act for the relief of Charles W. Howard—to the Committee on Military Affairs.

S. 54. An act for the relief of William B. Barnes—to the Committee on Military Affairs.

S. 57. An act for the relief of Laura S. Gillingwaters—to the Committee on Military Affairs.

S. 58. An act for the relief of James W. Howell—to the Committee on Military Affairs.

S. 62. An act for the relief of Richard C. Silence—to the Committee on Military Affairs.

S. 63. An act for the relief of Charles Stierlin—to the Committee on Military Affairs.

S. 60. An act for the relief of Gottlieb C. Rose—to the Committee on Military Affairs.

S. 64. An act to correct the military record of William B. Thompson—to the Committee on Military Affairs.

S. 746. An act to remove the charge of desertion from the military record of Charles K. Bolster—to the Committee on Military Affairs.

S. 970. An act to authorize the President to revoke the order dismissing William T. Godwin, late first lieutenant, Tenth Infantry, United States Army, and to place the said William T. Godwin on the retired list with the rank of first lieutenant—to the Committee on Military Affairs.

S. 2870. An act granting an honorable discharge to John W. Tiffany—to the Committee on Military Affairs.

S. 2995. An act granting an increase of pension to Edwin B. Lufkin—to the Committee on Pensions.

S. 1842. An act to provide for compensation for certain employees of the Treasury, War, and Navy Departments—to the Committee on War Claims.

S. 820. An act to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property—to the Committee on Interstate and Foreign Commerce.

ALASKA SALMON COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of Commerce and Labor submitting a preliminary report of the Alaska Salmon Commission, appointed in accordance with the instructions in my letter of November 8, 1902.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 27, 1904.*

The message and accompanying documents were ordered to be printed, and referred to the Committee on the Merchant Marine and Fisheries.

SIOUX INDIANS IN SOUTH DAKOTA.

Mr. BURKE. Mr. Speaker, I ask unanimous consent that upon the disposition of the bill now before the House, namely, the urgent deficiency bill, the bill (H. R. 10418) to ratify and amend an agreement with the Sioux Indians of the Rosebud Reservation, in South Dakota, be made the special order and that it continue to be the special order until disposed of, this order not to interfere with revenue or appropriation bills, or bills upon the Private Calendar, or with any business that is privileged under the rules, and that the bill be considered in the House.

Mr. WILLIAMS of Mississippi. This, I understand, is a bill to open up the reservation in South Dakota.

Mr. BURKE. It is.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the bill H. R. 10418 be considered in the House immediately after the completion of the urgent deficiency

bill, and to remain a continuing order, not to interfere with revenue or appropriation bills, the Private Calendar, private business, or other privileged matters. Is there objection? [After a pause.] The Chair hears none.

ASSISTANT CLERKS TO THE COMMITTEE ON ENROLLED BILLS.

Mr. GRAFF. Mr. Speaker, I offer the following privileged report.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 141.

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an assistant clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $6 per day during the remainder of the present session.

The amendments recommended by the committee were read, as follows:

In lines 2 and 3 strike out the words "an assistant clerk" and insert the words "two assistant clerks."

In line 5, after the word "day," insert the word "each."

Mr. GRAFF. Mr. Speaker, I will say by way of explanation of this resolution that it was considered in our committee this morning, and that the resolution is to authorize the employment of these clerks during the balance of the present session only, and it does not continue them at the next session of the present term. These two clerks were shown to the committee to be needed for facilitating the business in the House. It was found that the enrolled bills are being delayed, and there was considerable complaint on the part of the Senate regarding the matter. It is for these reasons solely that these additional clerks are required—purely and solely for the purpose of facilitating the business of the House. It is the custom of the House at the long session to employ additional clerks for this work from time to time, as the work grows greater and as the session advances.

Mr. WILLIAMS of Mississippi. What committee is that?

Mr. GRAFF. The Committee on Enrolled Bills.

Mr. BARTLETT. Do I understand the gentleman to say that it was considered this morning in the committee?

Mr. GRAFF. Yes, sir.

Mr. BARTLETT. I had no notice of any meeting to-day.

Mr. GRAFF. I will say that the meeting of the committee was called, and that a page was sent around, and it was supposed that he saw all the members of the committee that it was possible for him to see, and if he did not notify the gentleman, it was because he was not accessible at that time.

Mr. BARTLETT. I was accessible at all times after the House met. I had no notice that the committee was to meet.

Mr. LIVINGSTON. Were any of the minority members of the committee present?

Mr. GRAFF. Yes, sir.

Mr. LIVINGSTON. This is reported unanimously?

Mr. GRAFF. Yes, sir. Mr. EMERICH of Illinois was present.

Mr. BARTLETT. I want to say this: The committee was to meet on yesterday, and I was present at the time the committee was called to meet and there was no one there. The chairman of the committee was unwell or sick.

Mr. GRAFF. That was true.

Mr. BARTLETT. I inquired whether there would be a committee meeting to-day, or any regular time, and I was informed by the clerk there would be none. I received no notice of this meeting, and therefore I am unable to give the House, so far as I am concerned, any information about the resolution.

Mr. GRAFF. I will say to the gentleman that I had the same experience yesterday. I had received a written notice of a meeting on yesterday, and I was then informed that the chairman was sick, and afterwards, this morning, I received notice of the meeting of the committee orally.

Mr. BARTLETT. I received no such notice myself, and was not present for that reason.

Mr. GRAFF. I understand it was before the gentleman came to the Capitol this morning.

Mr. GAINES of Tennessee. What is it, Mr. Speaker?

The SPEAKER. The question is on agreeing to the amendments.

Mr. GAINES of Tennessee. I would like to ask the gentleman what it is?

Mr. GRAFF. The resolution is to authorize two assistant clerks for the Committee on Enrolled Bills, for the purpose of facilitating the business of the House. The committee took the matter up for the reason that there was an immediate exigency for the employment of these people.

Mr. GAINES of Tennessee. How many people?

Mr. GRAFF. Two.

Mr. GAINES of Tennessee. For whom—for what committee?

Mr. GRAFF. Assistant clerks to the Committee on Enrolled Bills.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The resolution as amended was agreed to.

BRIDGE ACROSS TOMBIGBEE RIVER BETWEEN CLARKE AND CHOCTAW COUNTIES, ALA.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the present consideration of two bridge bills.

The Clerk read as follows:

A bill (H. R. 7287) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Clarke and Choctaw, Ala., in section 7, township 9, range 1 west of St. Stephens meridian.

The bill was read at length.

The amendments recommended by the committee were read.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS WARRIOR RIVER IN TUSCALOOSA COUNTY, ALA.

Mr. TAYLOR. Mr. Speaker, I have another bill similar to that on the Tombigbee.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7288) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River in Tuscaloosa County, Ala., in section 3, township 21 south, range 9 west of Huntsville meridian.

The bill was read at length.

The amendments recommended by the committee were read, and agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was read the third time, and passed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MILLER, indefinitely, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 8038) to provide for the improvement in breeding of horses for general-purpose uses, and to enable the United States to procure better remounts for the cavalry and artillery service, and the same was referred to the Committee on Agriculture.

Mr. HEMENWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Attorney-General, transmitting, in response to the inquiry of the House, a statement as to the horses and carriages maintained at public expense for use of officials in his Department—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Navy, submitting a report of the cost of the battle ships *Connecticut* and *Louisiana* to September 30, 1903—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a report from the Commissioner of Indian Affairs in relation to purchases during the fiscal year ended June 30, 1903, made in open market and otherwise, for necessaries for Indians—to the Committee on Expenditures in the Interior Department, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for public schools—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, public bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1344) to quiet certain land titles in the State of Mississippi, reported the same without amendment, accompanied by a report (No. 599); which said bill and report were referred to the House Calendar.

Mr. LITTLE, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10136) authorizing bail in criminal cases upon appeal in the courts of Indian Territory, reported the same with amendment, accompanied by a report (No. 600); which said bill and report were referred to the House Calendar.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19) establishing a United States court at Marietta, Ind. T., reported the same without amendment, accompanied by report (No. 603); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8699) to amend section 5409 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 604); which said bill and report were referred to the House Calendar.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1558) to grant to the State of Minnesota certain vacant lands in said State for forestry purposes, reported the same without amendment, accompanied by a report (No. 605); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3895) for the relief of the trustees of the Presbyterian Church of Straw Plains, Tenn., reported the same with amendment, accompanied by a report (No. 560); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5603) granting an increase of pension to William C. McCormick, reported the same with amendment, accompanied by a report (No. 561); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9064) granting an increase of pension to Edwin Tidd, reported the same with amendment, accompanied by a report (No. 562); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7444) granting a pension to Washington Dutcher, reported the same with amendment, accompanied by a report (No. 563); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8231) granting an increase of pension to John Gangwisch, reported the same without amendment, accompanied by a report (No. 564); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7737) granting an increase of pension to Howard McGuire, reported the same with amendment, accompanied by a report (No. 565); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred to the bill of the Senate (S. 2544) granting an increase of pension to Albert T. Severance, reported the same without amendment, accompanied by a report (No. 566); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7992) granting a pension to Isadore F. Chamberlin, reported the same with amendment, accompanied by a report (No. 567); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7805) granting an increase of pension to William N. Hall, reported the same with amendment, accompanied by a report (No. 568); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7083) granting an increase of pension to Albert P. Jackson, reported the same with amendment, accompanied by a report (No. 569); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8124) granting a pension to Elizabeth Hatfield, reported the same with amendment, accompanied by a report (No. 570); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8733) granting an increase of pension to Benjamin F. McGraw, reported the same with amendment, accompanied by a report (No. 571); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7063) granting a pension to Ellen F. Lynch, reported the same with amendment, accompanied by a report (No. 572); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4179) granting an increase of pension to Martha C. Kuhn, reported the same with amendment, accompanied by a report (No. 573); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5149) granting an increase of pension to John W. Erwin, reported the same without amendment, accompanied by a report (No. 574); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4119) granting an increase of pension to William Mercer, reported the same with amendment, accompanied by a report (No. 575); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4466) granting a pension to William R. Boston, reported the same with amendment, accompanied by a report (No. 576); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6038) granting an increase of pension to Benjamin George, reported the same without amendment, accompanied by a report (No. 577); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3670) granting an increase of pension to Benjamin F. Barrett, reported the same with amendment, accompanied by a report (No. 578); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5479) granting an increase of pension to William H. Anderson, reported the same with amendment, accompanied by a report (No. 579); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4391) granting an increase of pension to Nicholas Schwemler, reported the same with amendment, accompanied by a report (No. 580); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5868) granting an increase of pension to William Simmons, reported the same with amendment, accompanied by a report (No. 581); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3027) granting an increase of pension to William H. Vickers, reported the same without amendment, accompanied by a report (No. 582); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4642) granting an increase of pension to William L. Wheeler, reported the same without amendment, accompanied by a report (No. 583); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4702) granting an increase of pension to John T. Collins, reported the same

with amendment, accompanied by a report (No. 584); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4314) granting an increase of pension to J. F. Slade, reported the same with amendment, accompanied by a report (No. 585); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5006) granting a pension to Sarah Ulshafer, reported the same with amendment, accompanied by a report (No. 586); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 789) granting an increase of pension to Eli Lachman, reported the same with amendment, accompanied by a report (No. 587); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committeeon Invalid Pensions, to which was referred the bill of the House (H. R. 1287) granting an increase of pension to Cyrus B. Dopp, reported the same with amendment, accompanied by a report (No. 588); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9778) granting a pension to Lauriston W. Adkins, reported the same with amendment, accompanied by a report (No. 589); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9835) to pension Maggie E. Fitzpatrick, reported the same with amendment, accompanied by a report (No. 590); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10706) granting an increase of pension to Alfred J. West, reported the same with amendment, accompanied by a report (No. 591); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 783) granting an increase of pension to Nicholas Reinhart, reported the same with amendment, accompanied by a report (No. 592); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2572) granting an increase of pension to George W. Steffey, reported the same with amendment, accompanied by a report (No. 593); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9421) granting an increase of pension to Thomas P. Marshall, reported the same with amendment, accompanied by a report (No. 594); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9695) granting an increase of pension to Frank M. Spears, reported the same with amendment, accompanied by a report (No. 595); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10192) granting a pension to Martha Mullins, reported the same without amendment, accompanied by a report (No. 596); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8022) granting an increase of pension to Hiram Flint, reported the same with amendment, accompanied by a report (No. 597); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2416) granting an increase of pension to Mary Joanna Adams, reported the same without amendment, accompanied by a report (No. 598); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. HEMENWAY, from the Committee on Appropriations, to which was referred the House resolution (H. Res. 160) concerning disbursements on account of flying-machine experiments and constructions, reported the same, accompanied by an adverse report (No. 602); which said resolution and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 5822) granting an increase of pension to Eveline V. Ferguson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6056) granting an increase of pension to Blanche L. Chunn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6756) granting a pension to John Hughes—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7411) granting an increase of pension to Matthew Caldwell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9735) granting an increase of pension to Harry Bachrach—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9313) to pay all Federal soldiers honorably discharged $2 per day while confined in Confederate military prisons thirty days or more—Committee on War Claims discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5682) granting an increase of pension to Charles B. Hunt—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULLOWAY: A bill (H. R. 11199) granting pensions to certain soldiers and sailors who served in the war of the rebellion and their widows—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 11200) to provide for the retirement of enlisted men of the Marine Corps and Army—to the Committee on Naval Affairs.

By Mr. BEDE: A bill (H. R. 11201) to provide for the purchase of an additional site for the enlargement of the Federal building at Duluth, in the State of Minnesota—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 11202) to remove restrictions on the sale of certain lands in the Creek Nation, Ind. T., to be used for town-site purposes—to the Committee on Indian Affairs.

By Mr. HILL of Connecticut: A bill (H. R. 11203) authorizing the Secretary of the Navy, in his discretion, to contract for submarine boats at a cost not to exceed $1,000,000—to the Committee on Naval Affairs.

By Mr. DRESSER: A bill (H. R. 11204) to ratify and confirm a lease made by the Seneca Nation of New York Indians to John Quilter—to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 11205) to establish probate courts in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. SCUDDER: A bill (H. R. 11206) to provide for the improvement of certain waterways on the north side of Long Island, in the State of New York, opening into Long Island Sound—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11207) to provide for the improvement of certain waterways in New York State on the southern shore and the eastern end of Long Island—to the Committee on Rivers and Harbors.

By Mr. SMITH of New York: A bill (H. R. 11208) for the erection of a public building at Oneonta, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. POWERS of Massachusetts: A bill (H. R. 11209) to repeal the act providing for the sale of timber and stone lands, the desert-land act, and the commutation provision of the homestead act—to the Committee on the Public Lands.

By Mr. SMITH of New York: A bill (H. R. 11210) to increase the limit of cost of the United States post-office at Kingston, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 11211) providing for the marking and the protection of the battlefield known as "Dade's massacre," in Sumter County, Fla., and for the erection of a monument thereon—to the Committee on Military Affairs.

By Mr. BELL of California: A bill (H. R. 11212) amending section 4747 of the Revised Statutes of the United States—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 11213) to extend the privilege of immediate transportation of dutiable merchandise to various

subports in the customs collection district of Puget Sound, and for other purposes—to the Committee on Ways and Means.

By Mr. RUSSELL: A bill (H. R. 11214) to amend and construe existing pension laws—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 11215) to ratify and amend an agreement with the Indians located upon the Grande Ronde Reservation, in the State of Oregon, and to make an appropriation to carry the same into effect—to the Committee on Indian Affairs.

By Mr. LITTLEFIELD: A joint resolution (H. J. Res. 90) for the erection of a monument to the memory of Dorothea Lynde Dix—to the Committee on the Library.

By Mr. RUSSELL: A joint resolution (H. J. Res. 91) proposing an amendment to the Constitution of the United States providing that Congress shall not be permitted to pass any private bill where general laws relating to the same subject-matter are then in force—to the Committee on the Judiciary.

Also, a joint resolution (H. J. Res. 92) proposing an amendment to the Constitution of the United States prescribing the judicial power to be exercised by courts of the United States in certain cases—to the Committee on the Judiciary.

Also, a joint resolution (H. J. Res. 93) proposing an amendment to the Constitution of the United States providing for the election of certain judges of the United States courts and district attorneys by the people of the several States, and for the tenure of office of certain judges—to the Committee on the Judiciary.

By Mr. SPARKMAN: A concurrent resolution (H. C. Res. 36) authorizing and directing the Secretary of War to cause a survey to be made of Charlotte Harbor—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 11216) to correct the military record of Joshua L. Sawyer—to the Committee on Military Affairs.

By Mr. BADGER: A bill (H. R. 11217) appropriating $550 to pay for medical services rendered to Thomas Finley while arresting two United States Army deserters—to the Committee on Appropriations.

By Mr. BEDE: A bill (H. R. 11218) setting aside a certain island in Bartlett Lake, Minnesota, as a park and forest reserve—to the Committee on the Public Lands.

By Mr. BROWNLOW: A bill (H. R. 11219) for the relief of Joseph McGuigan—to the Committee on Invalid Pensions.

By Mr. DAVIS of Florida: A bill (H. R. 11220) granting an increase of pension to P. McCort—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11221) granting an increase of pension to William H. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11222) granting an increase of pension to Orville E. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11223) granting an increase of pension to Joseph H. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11224) to remove the charge of desertion from the record of James E. Dickerson and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. DAYTON: A bill (H. R. 11225) granting a pension to George W. Webb—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 11226) granting a pension to Socrates Moore—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 11227) granting an increase of pension to George W. Walls—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 11228) granting an increase of pension to Edson K. Chapell—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 11229) granting a pension to Francis M. Good—to the Committee on Pensions.

By Mr. HILDEBRANT: A bill (H. R. 11230) granting an increase of pension to Levi Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11231) granting a pension to Samuel Kincaid—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 11232) granting a pension to Josiah B. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11233) for the relief of Benjamin T. Hooper and Marcellus Aaron—to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 11234) granting an increase of pension to Frederick Shanabrough—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 11235) for the relief of Clarissa E. McCormick—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11236) granting an increase of pension to George Wininger—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 11237) granting an increase of pension to Robert W. Keen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11238) granting an increase of pension to Julius C. Aitken—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 11239) granting an increase of pension to Ezra W. Merrill—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 11240) to pay claim of Samuel O. Randall, administrator of the personal estate of Richard Ralph Randall, deceased—to the Committee on Claims.

By Mr. NORRIS: A bill (H. R. 11241) granting a pension to Myrtle Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11242) granting a medal to George W. Churchill—to the Committee on Military Affairs.

By Mr. POWERS of Massachusetts: A bill (H. R. 11243) granting a pension to Laura S. Ware—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 11244) to remove the findings of a court-martial by which Charles Held was discharged from the military service of the United States—to the Committee on Military Affairs.

By Mr. REEDER: A bill (H. R. 11245) granting an increase of pension to William H. Mize—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11246) granting a pension to S. A. Burges—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11247) granting an increase of pension to William Gilmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11248) granting an increase of pension to Samuel Likins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11249) granting an increase of pension to Simeon D. Chelf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11250) granting an increase of pension to J. W. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11251) granting an increase of pension to David Essick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11252) granting an increase of pension to Archie P. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11253) granting an increase of pension to Joel F. Terry—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 11254) for the relief of Anthony McAndrews—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 11255) granting an increase of pension to Catherine L. Benteen—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 11256) for the relief of the estate of D. L. Pritchard, deceased, late of Camden County, N. C.—to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 11257) granting an increase of pension to Andrew H. Hazlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11258) granting an increase of pension to James L. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11259) granting a pension to George W. Stennett—to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 11260) granting a pension to Alberti Ross—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 11261) to authorize the Secretary of War to correct the military record of I. N. Nance—to the Committee on Military Affairs.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 11262) granting a pension to John Hegarty—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 11263) for the relief of the heirs of John Smith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11264) for the relief of James L. Carpenter—to the Committee on War Claims.

Also, a bill (H. R. 11265) granting an increase of pension to Wilder D. Easlick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11266) granting a pension to Jane Van Wey—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 11267) for the relief of the legal representatives of William P. Custis—to the Committee on War Claims.

By Mr. WYNN: A bill (H. R. 11268) to reimburse the city and county of San Francisco, State of California, for money paid by said city and county to Adolph L. Rehfeld upon a judgment recovered by him against said city and county for damages to his

property inflicted by soldiers of the United States Army—to the Committee on Claims.

Also, a bill (H. R. 11269) granting a pension to Frank Klein—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Antietam Post, No. 64, Grand Army of the Republic, of Parsons, Kans., praying for national aid for a cemetery for interment of former soldiers—to the Committee on Military Affairs.

Also, memorial of National Convocation of Prayer convened at Baltimore, in favor of legislation to prevent nullification of State liquor laws—to the Committee on the Judiciary.

Also, memorial of Williams Post, No. 25, Grand Army of the Republic, Watseka, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ADAMS of Pennsylvania: Resolution of George G. Meade Post, No. 1, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of Tower Grove Lodge, No. 429, of St. Louis, Mo., Brotherhood of Railroad Trainmen, in favor of bills H. R. 7041 and 89—to the Committee on the Judiciary.

Also, petition of the Anheuser-Busch Brewing Association, in favor of the bill providing for bonds in appealed criminal cases in Indian Territory—to the Committee on the Judiciary.

Also, petition of Typographical Union No. 80, of Kansas City, Mo., in favor of an eight-hour law and anti-injunction bill—to the Committee on Labor.

Also, petition of Missouri State Federation of Labor, in favor of an eight-hour law—to the Committee on Labor.

By Mr. BUTLER of Pennsylvania: Resolutions of Lieutenant Josiah White Post, No. 45; Brandywine Post, No. 54, and Post No. 255, Grand Army of the Republic, Department of Pennsylvania, in favor of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of East Whiteland Presbyterian Church, of Frazer, Pa., for closing Lewis and Clark Exposition on Sunday—to the Committee on Industrial Arts and Expositions.

By Mr. CLARK: Petition of C. B. Faulconer and 64 others, of Montgomery City, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Resolution of William T. Campbell Post, No. 375, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committtee on Invalid Pensions.

By Mr. CURTIS: Papers to accompany bill H. R. 5880, granting a pension to Dennis Dunn—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolutions of Farragut Post, No. 602, Chicago, Ill., and Major W. G. Lowry Post, No. 548, Department of Pennsylvania, Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid pensions.

By Mr. DANIELS: Resolution of the Manufacturers and Producers' Association of California, relative to the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Manufacturers and Producers' Association of California, relative to the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Manufacturers and Producers' Association of California, relative to the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolution of the Board of Trade of Kern County, Cal., relative to a trail up Mount Whitney—to the Committee on Military Affairs.

By Mr. DAYTON: Paper to accompany bill granting a pension to George W. Webb—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Papers to accompany bill H. R. 11153, for the relief of Mary Leary—to the Committee on Claims.

By Mr. FRENCH: Resolution of E. D. Baker Post, No. 6, Grand Army of the Republic, of Hailey, Idaho, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. FULLER: Resolution of McCulloch Post, No. 475, Grand Army of the Republic, of Earlville, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Retail Merchants' Association of Ottawa, Ill., in favor of passage of McCumber-Hepburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of Quincy, Ill., in favor of the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. GOLDFOGLE: Petition of Joseph Loth & Co., of New York, in favor of the passage of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, resolution of the Merchants and Manufacturers' Association of Baltimore, relative to the improvement of the main ship channel—to the Committee on Rivers and Harbors.

By Mr. GOULDEN: Letters of Gas Engine and Power Company and Charles L. Seaburg & Co., in opposition to bill H. R. 7033—to the Committee on the Merchant Marine and Fisheries.

By Mr. HERMANN: Resolution of the National Good Roads Association, relative to the Lewis and Clark Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. HILL of Connecticut: Petition of the Lake Torpedo Boat Company, relative to the construction of submarine boats—to the Committee on Naval Affairs.

By Mr. HUGHES of New Jersey: Petition of Soldiers' Patriotic Alliance of the United States, in favor of establishing a museum of war at Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAM W. KITCHIN: Petition of R. A. Wommack and 29 others, of Winston-Salem, N. C., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of residents of Winston-Salem, N. C., relative to the interstate liquor traffic—to the Committee on the Judiciary.

By Mr. KLINE: Resolution of E. B. Young Post, No. 87, Department of Pennsylvania, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Cigar Makers' Union, No. 236, of Reading, Pa., favoring the passage of bill H. R. 6, relative to amending section 3394 of the Revised Statutes, relating to tobacco—to the Committee on Ways and Means.

By Mr. LACEY: Resolution of the Everett Chamber of Commerce, in favor of an appropriation for Tulalip Reservation—to the Committee on Indian Affairs.

Also, resolution of Farragut Post, No. 602, Grand Army of the Republic, Chicago, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Resolutions of Major Jenkins Post, No. 99, of Hanover; Corporal Skelly Post, No. 9, of Gettysburg, and General John Sedgwick Post, No. 37, of York, Pa., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LITTLE: Papers to accompany claim of Edward C. Brogan, administrator—to the Committee on War Claims.

By Mr. LITTLEFIELD: Petition of the Christian Civic League of Farmington, Me., for the passage of a bill to prevent nullification of State liquor laws—to the Committee on the Judiciary.

Also, petitions of the Christian Civic League of Farmington, Me., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Prof. Harold S. Boardman and other officers of the University of Maine, for protection of the California big trees—to the Committee on the Public Lands.

Also, petitions of Frank O. Marten and others, in favor of the McCumber and Hepburn-Dolliver bills, and of citizens of Craftonville, Cal., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of the National Society, Daughters of the American Revolution, of Milwaukee, Wis., in favor of bill H. R. 4699, to prevent the desecration of the national flag—to the Committee on the Judiciary.

Also, resolutions of Pueblo (Colo.) Citizens' Alliance, favoring the passage of bills H. R. 89 and 8136—to the Committee on the Judiciary.

By Mr. LIVINGSTON: Petition of Commissioners of Pilotage and Chamber of Commerce of Savannah, Ga., against passage of bill S. 2260—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: Resolutions of Enterprise Harbor, No. 2, A. A. of M. and P. of S. B., relative to maintaining entrance to harbor of refuge at Cape May, N. J.—to the Committee on Rivers and Harbors.

By Mr. McCLEARY of Minnesota: Resolutions of Alexander Wilkins Post, No. 9, of Mankato, Minn., and James Clabaugh Post, No. 54, of Winnebago City, Minn., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Resolutions of the Manufacturers and Producers' Association of California, relative to the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolution of the Manufacturers and Producers' Associa-

tion of California, relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Manufacturers and Producers' Association of California, relative to the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. NEVIN: Resolutions of Caleb Marker Post, No. 646, of New Paris, Ohio; Al. Mason Post, No. 598, of Miamisburg, Ohio; Hiram Strong Post, No. 79, of Dayton, Ohio; Harrison Whight Post, No. 497, of Gratis, Ohio; Reese Mitchell Post, No. 361, of Camden, Ohio; Veteran Post No. 5, of National Military Home, Ohio; Wetzel-Compton Post, No. 96, of Hamilton, Ohio; Duster Post, No. 446, of Dayton, Ohio, and The Old Guard Post, No. 23, of Dayton, Ohio, Grand Army of the Republic, in favor of the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. PORTER: Papers to accompany bill H. R. 10925, directing the issue of a check in lieu of lost check drawn in favor of the Pittsburg Shear, Knife, and Machine Company—to the Committee on Claims.

By Mr. ROBINSON of Indiana: Petition of La Due & Carmer, of Auburn, Ind., in favor of increasing powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Resolution of the Buffalo Lumber Exchange, in favor of enlarging powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WM. ALDEN SMITH: Resolution of Champlain Post, No. 29, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WACHTER: Petitions of John C. Thomas and 30 others, Rev. C. T. House and 16 others, William E. Curley and 24 others, H. C. Risner and 20 others, John W. Dorsey and 20 others, and Delmer W. Lander and 20 others, all of Baltimore, Md., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Providence (R. I.) Chamber of Commerce, relative to the completion of the Point Judith harbor of refuge—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS of Illinois: Resolutions of James Mayes Post, No. 480, of Mount Erie, Ill., and Z. B. Lee Post, No. 692, of Orchardville, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WOODYARD: Petition of J. B. McGregor and 37 others, of Pennsboro, W. Va., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

SENATE.

THURSDAY, *January 28, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

JUDGMENTS IN INDIAN DEPREDATION CASES.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th instant, a list of all judgments rendered by the Court of Claims in Indian depredation cases since December 5, 1903; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

INTERNATIONAL CONGRESS OF HYGIENE AND DEMOGRAPHY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, requesting authority to extend to the Twelfth International Congress of Hygiene and Demography a formal invitation to hold the thirteenth congress at the city of Washington in 1909; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7287) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Clarke and Choctaw, Ala., in section 7, township 9, range 1 west of St. Stephen's meridian; and

A bill (H. R. 7288) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Black Warrior River, in Tuscaloosa County, Ala., in section 3, township 21 south, range 9 west of Huntsville meridian.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of R. B. Hays Post, No. 120, of Plano; of Veteran Post, No. 49, of Elgin; of Streator Post, No. 68, of Streator, and of General W. B. Hazen Post, No. 7, of Chicago, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. HANSBROUGH presented a memorial of sundry citizens of North Dakota, remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented a memorial of sundry citizens of Reading, Pa., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Reading, Pa., remonstrating against the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the ratification of the treaty between the United States and the Republic of Panama; which was referred to the Committee on Foreign Relations.

He also presented petitions of Colonel Ulric Dahlgren Post, No. 14, of Philadelphia; of Lieutenant William A. Bruner Post, No. 335, of Sunbury; of Perkins Post, No. 202, of Athens; of Post No. 145, of Richland Center; of Post No. 114, of Philadelphia; of Brandywine Post, No. 54, of Coatesville; of George Smith Post, No. 79, of Conshohocken; of Lieutenant James M. Lysle Post, No. 123, of Allegheny; of Robert Oldham Post, No. 527, of South Bethlehem; of General D. B. Birney Post, No. 63, of Philadelphia; of Lafayette Post, No. 217, of Easton; of General Phil Kearney Post, No. 55, of Philadelphia; of Colonel James Cameron Post, No. 185, of Dalmatia; of Larimer Post, No. 179, of Clearfield, and of Hiram Warner Post, No. 594, of Wilcox, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of Jacob Maynard Post, No. 377, of Mehoopany; of Captain John Whitney Post, No. 368, of Laceyville; of J. W. Reynolds Post, No. 98, of Tunkhannock; of Captain E. J. Rice Post, No. 211, of Factoryville, and of Captain Rufus Freas Post, No. 323, of Beaumont, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to $12 per month; which were referred to the Committee on Pensions.

Mr. DOLLIVER presented petitions of the Hawthorne Club, of Wyoming; of the Ladies' Missionary Society of Wyoming, and of the Home Missionary Society of Wyoming, all in the State of Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Lenox Post, No. 316, of Lenox; of Richmond Post, No. 230, of Richmond; of Pitzer Post, No. 55, of Winterset; of Mulligan Post, No. 102, of Sheffield; of J. C. Sumners Post, No. 296, of Shellsburg; of S. S. Dillman Post, No. 343, of Toledo; of Captain Alex Dowd Post, No. 375, of Iowa; of Rice Post, No. 283, of Conway; of Weldon Post, No. 426, of Weldon; of Eaton Post, No. 86, of Woodbine; of Colonel Mills Post, No. 45, of Adel; of Maxwell Post, No. 14, of Stuart; of Charles Payne Post, No. 141, of Iowa Falls; of Robert F. Lowe Post, No. 167, of Sigourney; of Post No. 367, of Fairbank; of A. M. Taylor Post, No. 153, of Wapello; of John B. Hancox Post, No. 314, of Belle Plaine; of Albert Winchels Post, No. 327, of Lyons, and of P. M. Corder Post, No. 98, of Vinton, all of the Department of Iowa, Grand Army of the Republic, in the State of Iowa, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. NELSON presented a petition of the Minnesota Society, Sons of the American Revolution, praying for the enactment of legislation to prevent the desecration of the American flag; which was referred to the Committee on Military Affairs.

He also presented a petition of George N. Morgan Post, No. 4, Department of Minnesota, Grand Army of the Republic, of Minneapolis, Minn., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. PROCTOR presented a petition of John T. Sennott Post, No. 12, Department of Vermont, Grand Army of the Republic, of West Rutland, Vt., and a petition of Jarvis Post, No. 43, De-

partment of Vermont, Grand Army of the Republic, of Springfield, Vt., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. CLAY presented a petition of the board of directors of the Cotton Exchange of Savannah, Ga., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Brunswick, Ga., praying that an appropriation be made for deepening the inner harbor and outer bar at that place; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Brunswick, Ga., praying for the enactment of legislation providing for the construction of a canal connecting the waters of the Atlantic and Pacific oceans; which was referred to the Committee on Commerce.

Mr. BEVERIDGE presented a petition of Local Post No. 86, Department of Indiana, Grand Army of the Republic, of Jeffersonville, Ind., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of the congregation of the First Methodist Church of Brazil, of the congregation of the Christian Church of Brazil, and of the congregation of the First Baptist Church of Brazil, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FAIRBANKS presented a memorial of J. S. Farrell & Co., of Indianapolis, Ind., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented the memorial of Risch & Heller and sundry other citizens of Vincennes, Ind., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of R. J. Hall and sundry other citizens of Craftonville, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Missionary Society of the Methodist Episcopal Church, of the Woman's Foreign Missionary Society of the First Methodist Episcopal Church, of the Woman's Home Missionary Society of the First Methodist Episcopal Church, of the Irving Circle, and of the National Reading Club, all of Terre Haute; of the Missionary Society of the Indiana Conference of the Methodist Episcopal Church, and of the congregation of the Methodist Episcopal Church, all of New Paris, and of William Ball and sundry other citizens of Logansport, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FRYE presented a petition of the executive council of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the appointment of a commission to inquire into the condition of the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the New York Zoological Society, of New York City, praying for the enactment of legislation providing for the protection of the Calaveras grove of big trees in California; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Stafford Castle, No. 26, Knights of the Golden Eagle, of Manahawkin, N. J., and a petition of the congregation of the University Methodist Episcopal Church, of Los Angeles, Cal., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

PAYMENT OF DAMAGES FOR PERSONAL INJURY.

Mr. WARREN. I present a letter from the Secretary of the Navy and accompanying papers, that I ask to have printed as a miscellaneous document and referred to the Committee on Claims. It is with reference to a bill referred to that Department, which bill provided for the payment of damages for personal injury. As the committee is besought continually for information as to the attitude of the committee and the Department, I move that these papers be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (S. 2172) for establishing further aids to navigation in Delaware Bay and River, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report accompanied by a bill (S. 3905) to establish aids to navigation in Delaware Bay and River; which was read twice by its title.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 2818) permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn., reported it with amendments, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Commerce, to whom was referred the bill (S. 1734) to provide for the modification of the project for the improvement of the harbor of New Haven, Conn., reported it with an amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Commerce, to whom was referred the bill (S. 2936) for the establishment of a depot for the engineer of the ninth light-house district at or near the city of Milwaukee, Wis., reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 9308) permitting the building of a dam across the Mississippi River between the counties of Wright and Sherburne, in the State of Minnesota, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3530) to provide for the construction of a light-house and buoy tender for the inspector of the eleventh light-house district, reported it with amendments, and submitted a report thereon.

Mr. STEWART, from the Committee on Indian Affairs, to whom was referred the bill (S. 2860) to further amend an act to amend an act approved January 21, 1903, entitled "An act to amend an act entitled 'An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory,' approved June 6, 1900," reported it with amendments, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 3621) for the relief of Rufus Neal, reported it with an amendment, and submitted a report thereon.

Mr. BARD, from the Committee on Indian Affairs, to whom was referred the memorial of the Northern California Indian Association, praying that lands be allotted to the landless Indians of the northern part of the State of California, moved that it be printed as a document; which was agreed to.

D'ANGERS'S BUST OF WASHINGTON.

Mr. CULLOM. I report from the Committee on Foreign Relations a joint resolution, for which I ask present consideration.

The joint resolution (S. R. 36) accepting a reproduction of the bust of Washington from certain citizens of the Republic of France, and tendering the thanks of Congress to the donors therefor, was read the first time by its title, and the second time at length, as follows:

Whereas Count de Rochambeau, Marquis de Lafayette, Marquis de Grasse, Mr. Henry Jouin, and other citizens of France have tendered to the Government of the United States a reproduction of the bust of Washington by David d'Angers, which was destroyed in the fire at the Capitol in 1851, to be placed in the Capitol of the United States: Therefore,

Resolved, etc., That said gift is hereby accepted in the name of the people of the United States, and the thanks of Congress are tendered to the donors therefor.

SEC. 2. That the Joint Committee on the Library are hereby instructed to make arrangements for the formal presentation of said gift to Congress on a day to be hereafter fixed by said committee, and that said committee shall cause said bust to be placed in an appropriate and conspicuous place in the Capitol building.

SEC. 3. That the Secretary of State be directed to transmit a copy of this joint resolution to the donors, through the Government of the French Republic.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. CULLOM. I have a letter from the Secretary of State, also one from M. Jusserand, the ambassador from France, one from our ambassador at Paris, and some other papers connected with this question. I think I ought to ask that the Senate print them as a document, so that there may be some record of this gift. On examination I find that when the original bust was accepted by this Government there seems to be no record of it in the Library or anywhere else.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent for the printing of certain letters and papers touching this matter which he sends to the desk. The Chair hears no objection, and the order is made.

HEARINGS BEFORE COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 26th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Agriculture and Forestry be, and it is hereby, authorized to employ a stenographer to report hearings on bills coming before said committee, the expense thereof to be paid from the contingent fund of the Senate, and that the committee be authorized to have said hearings printed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3906) granting an increase of pension to James H. V. Voldo, alias James H. Venier (with an accompanying paper);

A bill (S. 3907) granting an increase of pension to Charles S. Keniston;

A bill (S. 3908) granting an increase of pension to Hugh M. Stevenson (with an accompanying paper); and

A bill (S. 3909) granting a pension to Angeline Allen (with accompanying papers).

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3910) directing the issue of a check in lieu of a lost check drawn in favor of the Pittsburg Shear, Knife and Machine Company, now the Heppenstall Forge and Knife Company, of Pittsburg, Pa.; and

A bill (S. 3911) for the relief of Mary Cairney.

Mr. LODGE introduced a bill (S. 3912) to authorize the President of the United States to appoint John Gibbon captain and quartermaster in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3913) to equalize the pay of retired officers of the line, Engineer, Medical, and Pay Corps of the Navy with officers of corresponding rank on the retired list of the Army; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BEVERIDGE introduced a bill (S. 3914) granting an increase of pension to John W. Branch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 3915) granting an increase of pension to Benjamin F. Bollinger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3916) to fix the salary of the collector of customs at Portsmouth, N. H.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3917) to define the term "registered nurse" and to provide for the registration of nurses in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3918) granting a pension to Abbie A. Straw; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LATIMER introduced a bill (S. 3919) granting a pension to Florence E. Foster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 3920) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine certain claims for compensation for carrying the mails and pay for the discontinuance of postal service; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3921) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all claims for the use and occupation of church and school buildings and grounds for Government purposes by the United States military authorities during the late war, and all claims for damages resulting from the appropriation to Government use of any of the furnishings or materials in said class of buildings; which was read twice by its title, and referred to the Committee on Claims.

Mr. SIMMONS introduced a bill (S. 3922) for the relief of the estate of D. L. Pritchard, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 3923) for the extension of Wyoming avenue, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLAY introduced a bill (S. 3924) for survey and estimate of cost of deepening Brunswick (Ga.) inner harbor and outer bar; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3925) for the relief of T. Alonzo Walker and Augusta C. Todd;

A bill (S. 3926) for the relief of James Goodwin (with an accompanying paper); and

A bill (S. 3927) for the relief of the estates of Celeste Belanger Tanner and Lemuel Tanner, deceased (with an accompanying paper).

Mr. KITTREDGE introduced a bill (S. 3928) to provide an American register for the steam yacht *Waturus;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. SCOTT introduced a bill (S. 3929) for the relief of the estate of H. F. Cocke, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3930) to provide for the payment of a bounty to District of Columbia Volunteers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 3931) to acquire certain ground in Hall and Elvan's subdivision of Meridian Hill for a Government reservation; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLATT of Connecticut introduced a bill (S. 3932) to establish a light and fog signal at or near Black Ledge, New London Harbor, entrance to New London Harbor, Long Island Sound, Connecticut; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HANSBROUGH introduced a joint resolution (S. R. 37) providing for the editions to be printed of the annual and special reports of the Librarian of Congress; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PROCTOR submitted an amendment proposing to appropriate $135,000 for the enlargement of the post at Willetts Point, Long Island, New York, intended to be proposed by him to the army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to increase the salary of the first assistant in the Senate document room from $1,800 to $2,100, and to increase the salaries of two assistants in the Senate document room from $1,400 to $1,800, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FOSTER of Washington (for Mr. ANKENY) submitted an amendment proposing to appropriate $50,000 for the construction of bachelor officers' quarters, storehouse for officers' and troop property when ordered to distant stations, and for reconstruction and necessary repairs to present officers' quarters and barracks at Fort Walla Walla, Wash., intended to be proposed by Mr. ANKENY to the army appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

HEARINGS BEFORE COMMITTEE ON INDIAN AFFAIRS.

Mr. STEWART submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs be, and the same is hereby, authorized to employ during the Fifty-eighth Congress a stenographer, from time to time as may be necessary, to report such hearings as may be had by the committee or its subcommittees in connection with any matter which may be before the committee, and to have the same printed for its use; that it may sit during the sessions of the Senate or during the periods of its adjournment; that it may summon such witnesses as may be necessary to appear before the committee, and that any expense in connection with the foregoing shall be paid out of the contingent fund of the Senate.

A. C. HAWLEY.

Mr. CULLOM submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to place upon the messenger roll the name of A. C. Hawley, at an annual salary of $1,440, to be paid from the contingent fund until otherwise provided for, he having been dropped through the reorganization of the committees.

JOURNAL OF CONFEDERATE STATES CONGRESS.

Mr. FORAKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate a copy of the Journal of the Provisional and the First and Second Congresses of the Confederate States of America, now in the custody of the War Department.

ABSTRACT OF TWELFTH CENSUS.

Mr. QUARLES. I submit a concurrent resolution and ask unanimous consent for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 30,000 copies of the Abstract of the Twelfth Census, 4,500 for the use of the Senate, 7,800 for the use of the House, and 17,700 to be distributed by the Director of the Census.

The PRESIDENT pro tempore. The Chair is inclined to think that the resolution ought to go to the Committee on Printing, as the cost will be more than $500.

Mr. QUARLES. Very well, let it go to the committee.

The PRESIDENT pro tempore. The concurrent resolution will be referred to the Committee on Printing.

PROCEEDINGS OF NEW PANAMA CANAL COMPANY.

Mr. MORGAN. I present the official proceedings of the New Panama Canal Company at its meeting in Paris—its ordinary meeting, it is styled here in French—on the 30th day of December, 1903, accompanied by a report of the council of administration of that company and also of the commissionaires or auditors.

The document is in French. It is authentic. I have attempted to have it translated at the Library and also at the Bureau of American Republics, but without success, unless I would pay money for it. I ask that the paper be printed as a document for the use of the Senate, and that the Secretary of the Senate be instructed to have it translated into English.

The PRESIDENT pro tempore. The Senator from Alabama asks that the paper which he sends to the desk be printed as a Senate document, and that the Secretary be instructed to have it translated.

Mr. CULLOM. May I inquire of the Senator what it is? I did not hear his remarks.

Mr. MORGAN. It is the official proceedings of the New Panama Canal Company at Paris on the 30th day of December last.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama? The Chair hears none, and the order is made.

STATUES OF CHARLES CARROLL AND JOHN HANSON.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the Senate providing for the printing of 16,500 copies of the proceedings in Congress upon the acceptance of the statues of Charles Carroll of Carrollton and John Hanson, presented by the State of Maryland, which were, in line 7, to strike out "five" and insert "three;" and in line 8 to strike out "ten" and insert "twelve."

Mr. McCOMAS. In the absence of the chairman of the Committee on Printing, I move that the Senate nonconcur in the amendments of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PLATT of New York, Mr. McCOMAS, and Mr. GORMAN were appointed.

TREATIES, LAWS, ETC., RELATING TO INDIAN AFFAIRS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate providing for the printing of 3,000 copies of Senate Document No. 452, Fifty-seventh Congress, first session, of the "Treaties, Laws, Executive Orders, etc., Relating to Indian Affairs," which was, in line 14, after the words "one thousand," to insert "five hundred."

Mr. STEWART. I move that the Senate agree to the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

The bill (H. R. 7287) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Clarke and Choctaw, Ala., in section 7, township 9, range 1 west of St. Stephens meridian; and

A bill (H. R. 7288) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Black Warrior River, in Tuscaloosa County, Ala., in section 3, township 21 south, range 9 west of Huntsville meridian.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 661) granting an increase of pension to Elizabeth E. Meckly;

A bill (H. R. 722) granting an increase of pension to Zechariah B. Stuart;

A bill (H. R. 864) granting an increase of pension to Albert Moulton;

A bill (H. R. 907) granting an increase of pension to De Witt C. Parker, alias Clinton J. Parker;

A bill (H. R. 930) granting an increase of pension to Thomas M. Parkison;

A bill (H. R. 942) granting an increase of pension to James F. Hardy;

A bill (H. R. 957) granting an increase of pension to Alonzo Carpenter;

A bill (H. R. 990) granting an increase of pension to Harrison W. Fox;

A bill (H. R. 1184) granting an increase of pension to William F. Longenhagen;

A bill (H. R. 1288) granting an increase of pension to Jason Stevens;

A bill (H. R. 1517) granting an increase of pension to George W. Hutchison;

A bill (H. R. 1856) granting an increase of pension to Alexander H. Covert;

A bill (H. R. 2042) granting an increase of pension to Alvin B. Hubbard;

A bill (H. R. 2108) granting an increase of pension to Henry D. Wright;

A bill (H. R. 2155) granting an increase of pension to Charles W. Bechstedt;

A bill (H. R. 2188) granting an increase of pension to Richard L. Cook;

A bill (H. R. 2472) granting an increase of pension to David F. Lewis;

A bill (H. R. 2616) granting an increase of pension to Joseph K. Welt;

A bill (H. R. 2690) granting an increase of pension to Thomas Kelly;

A bill (H. R. 2991) granting an increase of pension to Lydia A. Topping;

A bill (H. R. 3000) granting an increase of pension to William C. Best;

A bill (H. R. 3001) granting an increase of pension to Alpheus Converse;

A bill (H. R. 3013) granting an increase of pension to John A. Mavity;

A bill (H. R. 3472) granting an increase of pension to Marcus E. Amsden;

A bill (H. R. 3743) granting an increase of pension to Charles E. Foley;

A bill (H. R. 3778) granting an increase of pension to Juliaetta Rowling;

A bill (H. R. 3821) granting an increase of pension to Hannah Padgett, now Riley;

A bill (H. R. 4115) granting an increase of pension to Joseph S. Young;

A bill (H. R. 4319) granting an increase of pension to John Sexton;

A bill (H. R. 4726) granting an increase of pension to Samuel B. Brightman;

A bill (H. R. 4935) granting an increase of pension to Edward T. Miller;

A bill (H. R. 5005) granting an increase of pension to Worthington S. Lock;

A bill (H. R. 5177) granting an increase of pension to William H. Clark;

A bill (H. R. 5197) granting an increase of pension to William C. Brown;

A bill (H. R. 5246) granting an increase of pension to Sebastian B. Elliott;

A bill (H. R. 5521) granting an increase of pension to Charles S. Clark;

A bill (H. R. 5719) granting an increase of pension to Forbes Homiston;

A bill (H. R. 6004) granting an increase of pension to William C. Lyon;

A bill (H. R. 6441) granting an increase of pension to Peter Fillion;

A bill (H. R. 6619) granting an increase of pension to Benjamin R. Little;

A bill (H. R. 6830) granting an increase of pension to Charles E. Likes;

A bill (H. R. 6975) granting an increase of pension to George W. Lawson;

A bill (H. R. 7002) granting an increase of pension to James S. Rearden;

A bill (H. R. 7370) granting an increase of pension to Andrew Ivory; and

A bill (H. R. 7666) granting an increase of pension to Laura F. Hine.

STATUE OF KOSCIUSKO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on the Library, and ordered to be printed:

To the Senate and House of Representatives:

I herewith lay before the Congress a letter from the Polish organizations of the United States, and the report thereon from Col. Thomas W. Symons, Superintendent of Public Buildings and Grounds. In view of the recommendation of Colonel Symons I advise that the very patriotic offer of the Polish organizations be accepted, and that instead of the statue of Pulaski (which, in the judgment of his Polish compatriots should be an equestrian statue, and which it is now proposed to place in reservation 33, on the north side of Pennsylvania avenue, between Thirteenth and Fourteenth streets), there be a pedestrian statue of Kosciusko accepted by the Government, to be placed on one of the four corners of Lafayette Square. These four corners would thus ultimately be occupied by statues of Lafayette, Rochambeau, Von Steuben, and Kosciusko, all of whom in the stormy days which saw the birth of the Republic rendered service which can never be forgotten by our people.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 28, 1904.*

NOTE.—The papers accompanied a similar message to the House of Representatives.

W. D. CRUM.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, which will be read:

The Secretary read as follows:

OFFICE OF THE SECRETARY,
TREASURY DEPARTMENT,
Washington, January 27, 1904.

MY DEAR SIR: Replying to Senate's resolution of January 25, 1904, I beg to advise, William D. Crum was appointed collector at the port of Charleston, S. C., March 20, 1903, and a temporary commission issued. Mr. Crum qualified by executing bond for $50,000 and took oath of office March 30, 1903. Mr. Crum was again appointed December 7, 1903, and has given bond in the sum of $50,000 and took the oath of office on January 9, 1904. There has been no third appointment and no fourth appointment. The same information is contained in a letter to Hon. B. R. TILLMAN, under date of January 8, 1904, and which appears in the CONGRESSIONAL RECORD of January 25, 1904.

The resolution also asks: "Is Mr. Crum now in office; and if so, under what authority of law?" William D. Crum is de facto collector at the port of Charleston, S. C. Whether he holds his position under authority of law is determinable not by the executive department of the Government, but by the judiciary, and by that only. He is not receiving pay, because of the provisions of section 1761.

Very truly, yours,

L. M. SHAW.

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

The PRESIDENT pro tempore. The communication will lie on the table and be printed.

PIPE LINE THROUGH INDIAN LANDS.

Mr. STEWART. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3317) authorizing the Secretary of the Interior to grant right of way for pipe lines through Indian lands, to report it favorably without amendment. There can not be any objection to the bill. It proposes to lay pipe lines which will do nobody any harm. There are parties who are ready to do the work and are waiting to go ahead with it. I ask unanimous consent that the bill be put upon its passage.

Mr. ALLISON. What is the bill?

Mr. STEWART. It allows the Secretary of the Interior to authorize pipe lines to convey oil and gas through Indian lands in the Indian Territory.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent for the present consideration of the bill just reported by him. It will be read.

The Secretary read the bill.

Mr. ALLISON. How long is the easement to continue under the bill? For all time? I think it ought to be pretty well regulated.

Mr. STEWART. Just pipe lines underground will not do anybody much harm.

Mr. ALLISON. I do not know. Some one else might want to put pipe lines there.

Mr. STEWART. There is no exclusive right given by the bill.

Mr. SPOONER. Is there a reservation in it? Is the right reserved to Congress to amend the act?

Mr. STEWART. I do not think there is. There should be such a reservation.

Mr. ALLISON. There is no limitation on the power of the Secretary of the Interior.

Mr. STEWART. Let that be put in the bill.

Mr. SPOONER. Reserving the right to alter and amend.

Mr. COCKRELL. I have just looked at the bill. I had occasion to examine it a little more fully a few days ago, as I had introduced a bill which is now pending on the Calendar reported favorably. That bill proposed to insert "oil and pipe lines" in section 3 of the Indian appropriation act, which I have here on my desk.

Mr. STEWART. I have no objection to the bill going over.

Mr. COCKRELL. I have compared that bill with this. Practically the only difference between them is that in the bill I presented after the word "telegraph" the words "oil and gas pipe" were inserted. As I understand this bill it reenacts section 3 and puts in all the provisions that were in section 3, just as they were in the bill. So practically it is only inserting those words. However, I have no objection to its lying over. I have the original act and all the other acts. I happened to look at this bill, finding that it was on the same subject. I have not had time to read the two, but so far as I have been able to discover the only difference in the world is that this bill reenacts the old law, so that it will be an independent law.

Mr. STEWART. There is no objection to the bill going over if any Senator wishes to look at it further. I think that it had better lie over, because if the one already reported answers the purpose it can be called up and passed. There is no objection to its lying over to see whether it does.

Mr. COCKRELL. I do not object. Section 3 of the act of March 3, 1901, is the section that is practically reenacted by the bill. The bill I introduced is Senate bill 2302, and it is on the Calendar now. It just provided for the insertion after the word "telegraph" of the words "oil and gas pipe;" so that it would read "telegraph, oil and gas pipe lines." This bill puts those words in and reenacts the provision. There ought to be a provision in the bill to alter, amend, and repeal, as a matter of course.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. COCKRELL. I move as an amendment, "that Congress reserves the right to alter, amend, or repeal this act."

Mr. STEWART. Let it come in as a separate section.

The PRESIDENT pro tempore. The amendment of the Senator from Missouri will be stated.

The SECRETARY. It is proposed to add at the end of the bill, as a new section:

SEC. —. Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELATIONS WITH NEW GRANADA OR COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. Senate resolution 102, by Mr. NEWLANDS, requesting the President to negotiate a new treaty with the United States of Colombia, providing for the cession of all rights that they may claim to have in the Isthmus of Panama.

Mr. CULLOM. I move that the resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

HYGIENIC CONDITIONS, ETC., ON ISTHMUS OF PANAMA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be stated.

The SECRETARY. Senate resolution 109, by Mr. MORGAN, directing that certain official documents, hearings before the Committee on Interoceanic Canals in 1902 and statements of Merrill A. Teague, shall be referred to the Committee on Public Health and National Quarantine.

Mr. HOPKINS. I suggest that the Committee on Interoceanic Canals has jurisdiction of the subject-matter of the resolution. If agreeable to the Senator from Alabama, I should like to have the resolution lie over until the chairman of that committee, the junior Senator from Ohio [Mr. HANNA], is present. It may be that he will not share in my views, but I wish to have such action taken as will be agreeable to the chairman of the committee.

Mr. MORGAN. I have no objection to that course, if the resolution goes over subject to call.

The PRESIDENT pro tempore. The Senator from Alabama asks that the resolution shall lie on the table subject to call. It will remain on the table without prejudice. It holds its former position.

CORRESPONDENCE RELATIVE TO PANAMA TREATY.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be stated.

The SECRETARY. Senate resolution 110, by Mr. MORGAN, directing the Secretary of State to send to the Senate a copy of a dispatch or letter dated January 22, 1904, relating to the withdrawal or abandonment of all amendments to the Hay-Varilla treaty, etc.

Mr. MORGAN. I am informed that that paper will be laid before the Senate in executive session, and being under that engagement, I withdraw the resolution.

The PRESIDENT pro tempore. The resolution is withdrawn.

DIPLOMATIC CORRESPONDENCE RELATIVE TO PANAMA, ETC.

The PRESIDENT pro tempore. The Chair lays before the Senate the Calendar under Rule VIII.

Mr. CULBERSON. I call the attention of the Chair to the fact that resolution 104 ought to be laid before the Senate now. If not, I ask that it be done.

The PRESIDENT pro tempore. The trouble is that some resolutions have been laid on the table subject to call, and others have been laid on the table under the rule. This resolution was laid on the table subject to call.

Mr. CULBERSON. I call it up at this time.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution which will be stated.

The SECRETARY. Senate resolution 104, by Mr. CULBERSON, requesting the President to inform the Senate whether all correspondence, etc., between the Department of State and the legation of the United States at Bogota, has been sent to the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. CULLOM. Mr. President, I do not agree, so far as I am concerned, to the resolution as it now stands. In the first place, the resolution goes back fifty or sixty years probably, if it is the purpose to go back as far as the canal question has been before the country, and there is no evidence that it does not. If the resolution passes, I desire that it shall be amended so as to fix a date behind which the Department may not have to investigate, because we would not get an answer within two months unless we furnished them clerks.

Mr. CULBERSON. Mr. President, in answer to the suggestion of the Senator from Illinois, I will state that it is not the purpose of the resolution, of course, to go beyond the correspondence in reference to the Hay-Herran treaty.

Mr. SPOONER. Then let the resolution say so.

Mr. ALLISON. Then say so.

Mr. CULBERSON. It does, I think, say so in effect, without using that expression.

Mr. CULLOM. I suggest that after the word "notes," in line 10, the words "beginning with March, 1903," be inserted. That is the date of the ratification of the Hay-Herran treaty by the Senate. Then I would also suggest——

Mr. CULBERSON. What is the suggestion of the Senator from Illinois?

Mr. CULLOM. That the resolution shall be so amended as to limit it to March, 1903, which is the date of the ratification of the Hay-Herran treaty by the Senate.

Mr. CULBERSON. I understand there is a great deal of correspondence on this general subject leading up to the negotiation of the treaty, and we ought not to be bound by the date of the ratification by the Senate.

Mr. CULLOM. It is the Hay-Herran treaty that I am talking about. If you fix the date I state you certainly will get everything that anyone has any special interest in in connection with the subject. If the Senator wants an answer at some time it seems to me that it is in the interest of a prompt answer that the Department shall not be required to go back so far as the resolution would seem to require.

Mr. CULBERSON. I have stated that the resolution is not intended to go back beyond the negotiations leading up to the Hay-Herran treaty. With that understanding, I have no objection to any amendment that will make that purpose clearer than the resolution now does.

Mr. CULLOM. I think the words "beginning with March 17, 1903," which is the date of ratification here, should be inserted, and the question had not been discussed much, if at all, except between the Secretary of State and the minister or chargé d'affaires, who is here.

Mr. CULBERSON. Mr. President, a great deal of correspondence has already been sent to the Senate, as I understand it, between the Secretary of State and the representative of Colombia, leading to the negotiation of the Hay-Herran treaty. We think there are other papers relating to the same subject which have not yet been sent; and what we desire is to have the correspondence sent here covering the negotiation of this treaty up to the time of its ratification by the Senate on the 22d of January, 1903, and any subsequent correspondence leading to its attempted ratification by the Republic of Colombia. The suggestion of the Senator from Illinois will not accomplish that purpose.

Mr. CULLOM. What I desire is that the resolution shall be so framed as that when it is adopted—if it shall be adopted—there will be some point of time beyond which the Department shall not have to go in order to furnish the documents.

Mr. CULBERSON. We are willing, Mr. President, that it may not go back beyond June 28, 1902—the date on which the President approved the Spooner Act—if that will be satisfactory.

Mr. CULLOM. I am willing for that, but I want some date by which the Department can be governed.

Mr. CULBERSON. I will modify the resolution by inserting after the word "canal," in line 5, the words "since June 28, 1902."

The PRESIDENT pro tempore. The resolution will be so modified.

Mr. CULLOM. I have no objection to that modification. All I want is to get the information sent in here at some time or other, and give the Department a chance to know what they have got to furnish.

The PRESIDENT pro tempore. Will the Senate agree to the resolution as modified?

Mr. CULLOM. I am not willing to agree to the resolution as it now stands. I propose to amend by adding at the end of the resolution the words "if not in his judgment incompatible with the public interest;" and I insist on that amendment being adopted.

Mr. CULBERSON. I ask that the Secretary will now read the resolution as I have modified it and as it would stand if the amendment suggested by the Senator from Illinois should be adopted.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Resolved, That the President be requested to inform the Senate whether all the correspondence and notes between the Department of State and the legation of the United States at Bogota, and between either of these and the Government of Colombia for the construction of an isthmian canal since June 28, 1902, and all the correspondence and notes between the United States and any of its officials or representatives or the Government of Panama, concerning the separation of Panama from Colombia, have been sent to the Senate and, if not, that he be requested to send the remaining correspondence and notes to the Senate in executive session, if not in his judgment incompatible with the public interest.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Illinois [Mr. CULLOM].

Mr. CULBERSON. Mr. President, it is not my purpose to enter into a discussion of the general subject of the Panama question, but to confine myself strictly to the pending resolution, and particularly to the amendment offered by the Senator from Illinois.

The resolution is not intended to call, and does not call, for any personal correspondence on the part of any official of the Government of the United States, nor does it seek any information of an extraneous character. It is confined distinctly and expressly to a request to send to the Senate official correspondence, and official correspondence only, relating to the negotiation and subsequent conduct of the Hay-Herran treaty and the incidents connected with Panama.

Mr. President, as an original proposition, I do not believe that it can be successfully refuted that the Senate is entitled to this correspondence. The President is not authorized by the Constitution to negotiate a treaty wholly by himself, but treaties must be negotiated by the President with the advice and consent of the Senate, and certainly, Mr. President, the Senate is entitled to all the official information which the President has in his possession upon which its judgment and advice is asked to the ratification of a treaty. Certainly the President can not retain in his possession matters of an official character included in correspondence between himself and the other contracting government which would lead him to negotiate a treaty which he is entitled to withhold from the Senate upon which it shall pass its judgment as to whether it shall advise and consent to such a treaty.

Not only is that true as an original proposition, Mr. President, but, as I understand it, this resolution accords with precedents on the subject; and the amendment proposed by the Senator from Illinois ought not to be adopted. I have not devoted all the time, perhaps, that I should devote to an examination of this question; but, so far as I have been able to discover from diligent inquiry and search among the precedents of our Government, and so far as others have been able to ascertain who have investigated this matter for me, no resolution has ever been adopted by the Senate, particularly when any point was made upon it, that when the Senate was asking for information relating to the negotiation of a treaty to be submitted to it in confidence by the President, it should be left to his judgment and discretion whether that information should be sent here.

This resolution does not ask the President to send this information in open session; it does not ask him to send this correspondence for the purpose of publication; but it expressly requests him to send it to the Senate in executive session, with all the secrecy and with all the confidence those terms at least ought to import in this body.

While I will not, Mr. President, undertake to recite at length the precedents on this subject, I do ask leave to call attention to certain transactions in our history which bear strongly upon this proposition.

In the message of President Washington March 30, 1796, sent to the House of Representatives, he declined to send information requested by the House upon the distinct ground that the treaty

which he was then discussing was not one in which the concurrence of the House of Representatives was required, or upon which the House of Representatives was entitled, under the Constitution, to express an opinion, indicating most clearly the opinion of President Washington that, if it had been a request from the Senate for this information pending the ratification of a treaty, the information would have been sent.

In a message of President Polk, dated January 12, 1848, answering a resolution of the House of Representatives, President Polk quotes from this message of President Washington in 1796, insisting under the rule laid down there and for the reason given there, that the House of Representatives was not entitled to the information, but clearly indicating in the argument that, if the request had been made by the Senate, the information would have been sent. In a message of President Polk, dated February 29, 1849, he uses this language:

In compliance with the resolution of the Senate passed in "executive session" on yesterday, requesting the President "to communicate to the Senate, in confidence, the entire correspondence between Mr. Trist and the Mexican commissioners from the time of his arrival in Mexico until the time of the negotiation of the treaty submitted to the Senate, and also the entire correspondence between Mr. Trist and the Secretary of State in relation to his negotiations with the Mexican commissioners, also all the correspondence between General Scott and the Government and between General Scott and Mr. Trist since the arrival of Mr. Trist in Mexico which may be in the possession of the Government," I transmit herewith the correspondence called for.

Mr. President, that was a resolution which passed, it is true, in executive session, calling upon the President to submit to the Senate, in confidence, the correspondence in question; but I take it that there is no special force in the fact that the information was called for while the Senate was sitting in executive session rather than in open session, because the information was to be sent to the Senate in confidence, as called for in the resolution now under consideration.

In another message of President Polk to the Senate February 9, 1849, this appears:

In compliance with the resolution of the Senate of the 6th instant, requesting the President to cause to be laid before that body, in "executive or open session, in his discretion, any instructions given to Ambrose H. Sevier and Nathan Clifford, commissioned as ministers plenipotentiary on the part of the United States to the Government of Mexico, or to either of said ministers, prior to the ratification by the Government of Mexico of the treaty of peace between the United States and that Republic," and certain correspondence and other papers specified in the said resolution, I communicate herewith a report from the Secretary of State, together with copies of the documents called for.

Mr. SPOONER. Was that a Senate resolution?
Mr. CULBERSON. Yes; a Senate resolution.
Mr. ALLISON. Will not the Senator read the resolution?
Mr. CULBERSON. Certainly. It is as follows:

Requesting the President to cause to be laid before that body, in "executive or open session, in his discretion, any instructions given to Ambrose H. Sevier and Nathan Clifford," etc.

In that resolution of the Senate the President was requested to give the information to the Senate either in open session or in secret session, as his judgment might dictate.

Mr. SPOONER. Will the Senator allow me to ask him a question only for information?
Mr. CULBERSON. Certainly.
Mr. SPOONER. Was that resolution introduced in legislative session or in executive session?
Mr. CULBERSON. It appears to have been introduced in legislative session. At least, the contrary does not appear, and I take it it was introduced in legislative session of the Senate. I should not think, however, that that would be of any special consequence; but if that is a matter of any particular importance, I presume the one I am now about to read will answer the suggestion of the Senator from Wisconsin.
Mr. SPOONER. I did not make any suggestion. I asked for information.
Mr. CULBERSON. I think the question was suggestive.

On March 8, 1848, President Polk sent a short message to the Senate, as follows:

In answer to the resolution of the Senate of this date, requesting the President to communicate to that body "confidentially, any additional dispatches which may have been received from Mr. Trist, and especially those which are promised by him in his letter to Mr. Buchanan of the 2d of February last, if the same have been received," I have to state that all the dispatches which have been received from Mr. Trist have been heretofore communicated to the Senate.

Mr. President, that is a resolution in perfect consonance with the one which is being considered by the Senate at this time. It was passed in open session, and the information was requested to be sent to the Senate confidentially, as is the information requested to be sent to the Senate in confidence or in executive session in the resolution we are now considering.

I therefore submit that in no case, so far as I have been able to discover, either by examination myself or through the aid of others, particularly when the question is called to the attention of the Senate, has any resolution ever been adopted by the Senate asking the President to communicate information in confidence to the Senate for the purpose of considering a treaty in which it has ever been left to his judgment and discretion as to whether that information shall be sent, and it occurs to us that it ought not to be done in this case.

The information is important, no doubt. We have information—we have direct information—that some documents and some official correspondence which have passed between our Government and the officials of Colombia bearing upon this general question have not been sent to the Senate heretofore in communications of a voluntary character made by the President, and we ask that it be done now, in order that we may have the full information here when we are called upon to advise and consent to the ratification of this treaty.

Mr. CULLOM. I want to assure the Senator, whether those words are in or out, that if the resolution shall be passed, he will get all the information there is in the Department which is pertinent to the general subject.

The thing which I am inclined to complain of is that there is, on the part of some Senators, a disposition or want of confidence that the President of the United States is willing to give information that is in possession of the executive department, that therefore there is something behind, and that the Senate ought to pass a resolution directing and insisting upon the President furnishing further information, which certain Senators seem to think is lying back in some secret corner.

Mr. President, it is a very common thing for the Senate of the United States in executive session and in legislative session to pass resolutions referring to treaties with the words inserted, "if in the judgment of the President it be not incompatible with the public interest to furnish the information;" and when I insist upon those words going into this resolution, I want the Senator from Texas and everybody else to understand that I am just as anxious as anyone can be that every single particle of information that is in the Department which is pertinent to the subject shall be furnished by the President, and I have no more doubt that it will be done than I have that I stand here in the presence of this Senate.

Now, I want to call the attention of the Senate for a moment to the very first resolution which my eye lights upon, that has been passed by this body only recently, and during the life of the late distinguished Senator Sherman:

Resolved, That the President is requested, if it is not in his opinion incompatible with the public interest, to send to the Senate all the correspondence between the United States and Great Britain, and other papers relating to the treaty of arbitration now pending in the Senate.

This resolution calling for information which was adopted in executive session, was introduced by the late Senator Sherman, and it was answered. I do not know what the answer was, for I have not had time to look it up.

That is one resolution, and I believe the Senator from Texas intimated to me the other day that if I could find one such resolution he would be very much gratified if I would show it to him. I did not happen to have the time to do the latter, but there is the resolution.

Mr. CULBERSON. What is the date of the resolution?
Mr. CULLOM. The date is 1897, only a few years ago, and the resolution was introduced in this body by the late Senator Sherman.
Mr. CULBERSON. Has the Senator a copy of the resolution?
Mr. CULLOM. Here is the thing itself. I had it copied from the Journal of the Senate.
Mr. CULBERSON. I did not understand from the reading whether or not the resolution was adopted in executive session.
Mr. CULLOM. Here is another. I do not know whether this resolution refers to a treaty, but I have taken the pains, Mr. President, by the aid of my clerk, to go over the records and see whether anything could be found on this subject generally. I do not know, as I said, whether this resolution has reference to a treaty or not, but I will read it:

Resolved, That the President be requested, if not incompatible with the public interest, to inform the Senate whether Great Britain or any other nation has protested against or objected to the making of the treaty with the Republic of Cuba which is now before the Senate, and if any such protest or objection has been made, the character thereof.

That resolution, which was introduced by the Senator from Colorado [Mr. TELLER], was agreed to. It does not refer directly to inquiries as to what the President did about the matter, but asked for other information.

Mr. LODGE. May I ask the Senator if these are executive resolutions?
Mr. CULLOM. Yes; executive resolutions.
Mr. LODGE. Taken from the Executive Journals of the Senate?
Mr. CULLOM. Yes; they are taken from the Journals of the executive sessions of the Senate. And I wish to say that anything

which was introduced in legislative session would not appear in the Journals of the executive sessions of the Senate.

Mr. COCKRELL. I want to ask the Senator if any point is made that this resolution is not in executive session? It does not make any difference, it seems to me, whether such a resolution is passed in executive session or not if it asks that the information be sent to the Senate in executive session.

Mr. CULLOM. That is true. I think, myself, however, while I make no point upon it, it would have been more apt and appropriate, as the resolution asks for an answer in executive session, that the resolution should have been introduced in executive session.

Mr. CLAY. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Illinois yield to the Senator from Georgia?

Mr. CULLOM. I do.

Mr. CLAY. Is it not true that the Senate is a part of the treaty-making power, and participates with the Executive in making treaties, and that the Executive can not make a treaty without the consent of the Senate?

Mr. CULLOM. Most assuredly.

Mr. CLAY. Then, is it not true that the Senate in executive session would be entitled to all the information the President himself had, and all that aided him in making the treaty—every fact and circumstance connected with it—especially if we desired it in executive session?

Mr. CULLOM. Everybody knows that the Constitution makes the Senate a part of the treaty-making power.

There is no purpose on the part of the President to withhold information, but I take it that he does—though I do not know whether he does or not—insist that the usual courtesy which has been extended to other Presidents shall be extended to him. He will furnish every scrap of information that is in possession of the executive department, but I insist that the words I have suggested shall go into the resolution as the usual expression of later days when calling upon the President for information.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from South Carolina?

Mr. CULLOM. I do.

Mr. TILLMAN. Suppose the President does not.

Mr. CULLOM. Then we can deal with the subject when that time comes.

Mr. TILLMAN. But as part of the treaty-making power it seems to me we have to guard against the precedent of a surrender of the right, even in calling for these things, of demanding them rather than begging for them. No one wants to treat the President with any discourtesy; there is not the slightest intention to cast any imputation upon his honesty or his loyalty or his truthfulness or anything of that sort, but it is merely to give notice that certain papers are wanted, and that we, as part of the treaty-making power, have a right to those things. It is not any discourtesy to let the President understand that we have the right and to let him understand that we understand our rights.

Mr. CULLOM. The President of the United States has the right—and I insist upon it—to refuse or to comply, as he sees proper, whether you put the words in the resolution or not.

Mr. TILLMAN. Does the Senator say that the President has a right to refuse to send papers of this sort to the Senate in executive session?

Mr. CULLOM. I do say so.

Mr. TILLMAN. The Senator of course has a right to his opinion; but I should be very sorry to see the Senate of the United States surrender one of its prerogatives and constitutional rights to anybody at any time or anywhere.

Mr. HALE. Let me make a suggestion.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. CULLOM. Yes, sir.

Mr. HALE. I wish to ask the Senator if he does not recall, as other Senators will recall, the circumstances taking place here when, upon nominations which must be confirmed by the Senate before commissions issue, the Senate under the leadership of the then veteran Senator from Vermont, Mr. Edmunds, insisted that the Senate had a right, as a part of the appointing power, to ask the President, and to compel him if need be, to send in all papers relating to nominations and the reason for the nominations, or for removal in case of a nomination in place of a removal? Some of us stood here for days waging that contest. President Cleveland declined, and stated squarely that he could not and would not send to the Senate such papers; and we on this side of the Chamber backed out of the controversy upon the presumption, the theory, that there was a discretion underlying in the President, and that we could not compel him.

Mr. COCKRELL. May I ask the Senator a question?

Mr. HALE. If the Senator will wait a moment, I will yield.

Mr. CULLOM. I have yielded to the Senator from Maine [Mr. HALE].

Mr. HALE. Now, in these cases—and that is the practical view of it, though there is great force in the contention of the Senator from Texas [Mr. CULBERSON] that upon a treaty the Senate should receive all possible information in the hands of the President—the universal courtesy has always obtained of granting the discretionary power to the President in the requests which are made by the Senate. I never knew it otherwise. It is no use in talking about the difficulty of crossing a stream until you reach it.

There never was, and never will be, a President who will decline upon a treaty to send to the Senate, a part of the treaty-making power, information upon the subject, unless it happens to be of that intricate and subtle kind that ought not to be communicated to anybody, and we shall never find a President declining to answer, if we send the customary message, including the courtesy that has always obtained, and the answer will satisfy us. If it does not, then we can deal with that situation; but we need not anticipate such a case by leaving out of the resolution the customary phrase.

I am sorry the Senator from Texas, who is a conservative man in his instincts, wants to violate the precedents. I am sorry that he has precipitated this question upon the Senate now, when there really never will be any occasion, when the answer is returned, for us to complain.

If there is we can deal with it; I do not know just how, but we can then express ourselves and can exhaust whatever power there is in the Senate. But I should hope that it would not be insisted upon now. Let us wait and see if the President in any way will even take the ground that President Cleveland did, that he would not send to the Senate certain information he had.

Mr. COCKRELL. Will the Senator from Maine yield for a question?

Mr. HALE. Certainly.

Mr. COCKRELL. Did not the demand there go beyond asking for papers relating to appointments and call for those relating to removals?

Mr. HALE. The Senator from Missouri probably did not notice it, but I said in my remarks that it involved the question not only of an appointment, but of removal, where an appointment was based upon a removal, and the President declined.

Mr. COCKRELL. I remember the discussion very distinctly——

Mr. HALE. As the Senator knows, we were here for weeks on it.

Mr. COCKRELL. I remember distinctly that I was very much opposed to the course of the President, and that the then Senator from Tennessee, Mr. Harris, and I both protested to the President against refusing to send in the papers relating to appointments. We did not think the Senate had any right to ask in regard to removals.

Mr. HALE. And the President maintained his attitude.

Mr. COCKRELL. He substantially maintained it, and yet, I understand, finally sent in all the papers relating to appointments, but not those relating to removals.

Mr. CULLOM. Of course. He would have done it anyway.

Mr. HALE. And the Senate abandoned its contention—abandoned its resolution.

Mr. COCKRELL. I do not think it might be considered an abandonment. There were only two or three speeches made on the Democratic side sustaining the President in his position. I know that. Finally the majority then, as now, acted upon all the nominations and were satisfied with the papers that he sent and did not call for additional ones.

Mr. HALE. "Times change and we change with them," and it is worth while to remember that as issues shift one side takes a position to-day and the other side the same position to-morrow; and it ought to be a monition to us not to be very forward in seeking to innovate in these cases.

Mr. MITCHELL. I wish to call the attention of the Senator from Maine to the fact that there were three resolutions——

Mr. CULLOM. Mr. President——

Mr. MITCHELL. I believe I have the floor.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. CULLOM. I am inclined to yield to anybody who wants to speak.

The PRESIDING OFFICER. The Senator from Illinois has the floor, and he yielded to the Senator from Maine.

Mr. MITCHELL. I wish to call the attention of the Senator from Maine to the fact that there were three resolutions, embodied all in one paper, bearing upon the general question discussed at that time. One of the resolutions, the last one, is the one to which the Senator refers, and my recollection is that the two former resolutions were adopted while the latter one was rejected.

Mr. TILLMAN. Will the Senator from Illinois yield to me?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from South Carolina?

Mr. CULLOM. Briefly.

Mr. TILLMAN. It seems to me we are contending here from different points of view, and as the Senator from Maine intimated a moment ago as to the whirligig of time and the ups and downs of politics change majorities we might swap positions very easily. But there is a principle involved here which was not involved in the Cleveland case. A treaty is a law of the land. An appointment is not a law of the land. It is not binding upon anybody.

Mr. ALDRICH. Oh, yes; it is.

Mr. TILLMAN. If the Senate agrees to an appointment, the appointee becomes a part of the machinery of government, it is true, but somebody else could take his place very readily, and it would not make any difference.

If Senators on the other side are merely contending for courtesy to the President, without the Senate surrendering any of its rights, I do not think any man on this side would hesitate for a moment to pay the President all proper courtesy and respect. But the whole question, as it appears to me, is whether or not in the matter of a treaty the Senate should ever consent to the view that it is within the discretion of the President to refuse information which would throw light on the treaty and enable Senators to pass upon it intelligently.

Mr. CULLOM. Mr. President, I think there is a principle involved in the insertion of those words, because the President of the United States is the head of one branch of the Government, and he has a right to his view of his duty under the Constitution as well as we have. But I say that in fact the resolution will be answered fully and completely and as truthfully as any executive officer ever answered a resolution in his life and as truthfully as anybody can answer anything.

Mr. HALE. And everybody will be satisfied.

Mr. CULLOM. And everybody will be satisfied, as the Senator from Maine says. This is an effort, apparently, on the part of some of our friends to get an advantage. After they had caucused on this matter, if I may be allowed to say so, for a week or two, this was the result. Mr. President, there never was a President in the White House in the history of the Government who would be further from prevaricating upon any question, whether it affected him or otherwise, than the present President of the United States. But I did not rise to discuss the resolution at very great length.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Texas?

Mr. CULLOM. Certainly.

Mr. CULBERSON. I do not think I ought to allow the opportunity to pass without suggesting to the Senator that the inference he would seem to draw from the introduction of this resolution in its present form is entirely unjustified.

Mr. CULLOM. I withdraw any suggestion of that sort which I may have made.

Mr. CULBERSON. There is no indication that in presenting this resolution there is any hope on the part of anybody to catch the President in an untruth, or anything of the kind. The resolution simply purposes, Mr. President, what it imports on its face, that if there is any other official correspondence on this subject——

Mr. CULLOM. If there is, you will get it.

Mr. CULBERSON. That the President is requested to sent it. The President has never said in any message to this body that he has sent all the correspondence, and as soon as he says, if he does, that he has sent all the correspondence on the subject, of course everybody on this side of the Chamber as well as on the other will accept his statement as entirely correct.

Mr. CULLOM. I was proceeding to give instances as to what we had done heretofore, so as to show to the Senator and all Senators that the insertion of the words which I suggested should be put in the resolution is the most common thing to be done when we are asking the President for information. For instance, I read a resolution introduced by the Senator from Maine [Mr. HALE] who has just been speaking:

Resolved, That the President be, and hereby is, requested, if not in his judgment incompatible with the public interest, to send to the Senate all official correspondence not heretofore communicated with the British Government since October, 1891, relative to the Bering Sea controversy.

[Agreed to March 25, 1892.]

Those words were in that resolution. The resolution was adopted, and I have no doubt, though I did not follow it far enough to speak with certainty, that the resolution was answered fully.

Again, on June 21, 1893, Mr. Vilas—this was during the Administration of Mr. Cleveland—offered the following resolution:

Resolved, That the President of the United States be requested, if in his opinion compatible with the public interests, to furnish to the Senate the correspondence between the Department of State and the Government of France relative to the pending extradition treaty between the two Governments, and any information in his possession relative to such treaty acquired since it was first submitted to the Senate.

I have my hands full of references to such resolutions, many of them exactly like that.

Mr. COCKRELL. Have you the resolution which was passed in 1886 calling on President Cleveland for information about offices?

Mr. CULLOM. No; I do not think I have it.

Mr. LODGE. That was an executive resolution.

Mr. CULLOM. It was an executive resolution?

Mr. LODGE. Yes.

Mr. FAIRBANKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. CULLOM. Certainly.

Mr. FAIRBANKS. I should like to ask the Senator whether in the research which has been made of precedents any resolution has been found that does not leave to the President discretionary power?

Mr. CULLOM. Yes; there have been such resolutions. I will read such a one, which I believe I have in my hand at this moment. The following resolution was submitted in executive session January 9, 1844:

Resolved, That the President be requested to lay before the Senate confidentially, the Senate being in executive session, a copy of any instructions which may have been given by the Executive to the American minister in England on the subject of the title to and occupation of the Territory of Oregon since the 4th of March, 1841; also a copy of any correspondence which may have passed between this Government and that of Great Britain in relation to that subject since that time.

It turned out, I believe, that the President declined to comply with the resolution. There was a resolution in which there was no incompatibility phrase and yet the President declined to answer it.

Mr. FAIRBANKS. Will the Senator state the time when that resolution was adopted?

Mr. CULLOM. In 1844.

Mr. FAIRBANKS. 1844?

Mr. CULLOM. January 9, 1844.

Mr. MALLORY. Does the Senator know why the President declined?

Mr. CULLOM. I have not had time to run down the question.

Mr. MALLORY. It was not because he construed the absence of the incompatibility clause as a discourtesy to him or anything of that kind?

Mr. CULLOM. I have not had time to look up the question of the reason.

Mr. MALLORY. I think not.

Mr. CULLOM. I have not had time to look up the reason in any case. But in the time I had I ran over, with the help of my clerks, the journals of the executive sessions to see just exactly what had taken place in dealing with such resolutions.

Mr. ALLISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Iowa?

Mr. CULLOM. Certainly.

Mr. ALLISON. I want to suggest to the Senator from Illinois that he is now reading from the proceedings in executive session.

Mr. GORMAN. It has all been made public since then.

Mr. ALLISON. I do not think those proceedings have been made public, although I do not know. I merely call attention to it.

Mr. GORMAN. They have all been made public.

Mr. ALLISON. They are all public? I would like to know whether that is the fact.

Mr. CULLOM. I think the point the Senator from Iowa makes is well taken as to some of these resolutions, although it did not occur to me at the moment.

Mr. ALLISON. The resolution of 1844 undoubtedly has been made public.

Mr. LODGE. They have been made public down to 1890.

Mr. GORMAN. Yes.

Mr. LODGE. Down to 1890 and not since; and there have been resolutions read dated 1897.

Mr. CULLOM. Yes. The first one I read ought not to have been read. It did not occur to me at the moment, however.

Mr. COCKRELL. They have all been made public up to 1890.

Mr. CULLOM. Senator Weller, on June 19, 1852, submitted the following resolution, which was agreed to:

Resolved, That the President of the United States be requested to inform the Senate, if not incompatible with the public interest, whether any propositions have been made by the King of the Sandwich Islands to cede or convey the sovereignty of said islands to the United States, and, if so, to communicate to the Senate all official information in his possession touching said subject.

On June 26 the President replied that he had taken the request into consideration, "But the conclusion which I have arrived at

is that the public interest would not be promoted, but, on the contrary, might, under circumstances of possible occurrence, be seriously endangered if it were now to be complied with."

The President answered that frankly and stated the reason why he was not disposed to comply with it, and so would any other President if there was anything which he could not, in his judgment, lay before the Senate either in executive session or in legislative session. This was in executive session.

Mr. COCKRELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. CULLOM. Certainly.

Mr. COCKRELL. There was no treaty pending to which that related?

Mr. CULLOM. Does the Senator refer to the Weller resolution? No; I think there was not.

Mr. COCKRELL. There was no action of the Executive pending for consideration at the time when the request for information was refused.

Mr. CULLOM. "Whether any propositions have been made by the King of the Sandwich Islands to cede or convey any portion of the territory of said islands to the United States; and if so, to communicate to the Senate," etc., I do not know.

Mr. COCKRELL. But there was no treaty pending——

Mr. CULLOM. No treaty was pending.

Mr. COCKRELL. About which the Senate had any right to call upon him for correspondence.

Mr. CULLOM. He declined to answer, and gave the reasons why.

Mr. CULBERSON. And very properly. It had not been consummated.

Mr. COCKRELL. Certainly.

Mr. CULLOM. Mr. Mason, on June 25, 1852, introduced the following resolution, which was agreed to:

Resolved, That the President of the United States be requested to inform the Senate, if not in his opinion incompatible with the public interest, whether any convention or compact has been entered into on the part of the United States and Great Britain whereby the two Governments jointly recommend or advise Nicaragua and the Mosquito Indians on matters affecting their several and respective boundaries, etc.

That comes as near a treaty as you could possibly come and not actually be making one in terms.

President Fillmore declined to furnish the information, stating:

Any information which may be in the possession of the Executive on these subjects shall in due time be laid before the Senate, but it is apprehended that it would not comport with the public interests to communicate it under existing circumstances.

Mr. COCKRELL. The treaty had not been negotiated.

Mr. CULLOM. I do not know whether it had or not. They were dealing with the Mosquito Indians of Nicaragua.

Mr. COCKRELL. Nothing was completed.

Mr. CULLOM. Nothing was completed, and he declined to give any further information at that time.

Now, here is one from the late Senator Bayard.

The following resolution was submitted by Mr. Bayard on January 16, 1856, was agreed to, and the President complied with it:

Resolved, That the President be requested to communicate to the Senate, if it be not incompatible with the public interest, the correspondence between the Secretary of State and Edward Howell, while the latter was acting as consul to Matanzas, in relation to the estates of decedent American citizens in the island of Cuba.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Now, I will not take up the time of the Senate in running over these resolutions longer, because there are so many of them. I desire to say in perfect frankness that Webster introduced the words "if not incompatible with the public interest" in the first resolution calling upon the President in executive session for information that I have found. Of course in the early history of the Government, when meager records were kept, it is difficult to get full information, but Webster seems to have been the first man to introduce those words into such resolutions in executive session, calling upon the President for information of whatever nature.

Mr. President, I think the Senator having charge of this resolution ought to allow it to pass with those words in it, if he wants the information he is calling for; and I assure him that if we pass it in that way, limiting it in point of time so that the Government can answer it within a reasonable period, he will get a full and complete answer in a very few days.

I do not care to say anything more.

Mr. GORMAN. Mr. President, I feel that I ought to assure the Senator from Illinois [Mr. CULLOM], chairman of the Committee on Foreign Relations, in addition to what the Senator from Texas [Mr. CULBERSON], the author of this resolution, has said, that so far as I know—and I think I know that much—there has not been, there is not now, and there is not likely to be at any time a disposition on this side of the Chamber, in framing communications to the President of the United States, to couch them otherwise than in the most respectful language, and that the matter of the resolution itself shall be such that it can not be tortured into a desire to reflect upon the President of the United States. We have too much respect for that office. That, however, will not and ought not to prevent us from criticising the acts of the President of the United States with frankness, but always within proper bounds.

In the matter of the resolution which is pending, I am quite certain that the words "within the discretion of the President" were left out purposely and properly. I know the records show that the action of this body has been in both forms. The President of the United States has frequently been requested to send to this body all the information that he might have in the Departments when a treaty was pending in the Senate. It is true that in later years, I think in nearly every case, the words "within his discretion" or "if not incompatible with the public interest" have been inserted. In every case the President has responded frankly, sometimes telling the Senate he has furnished all the correspondence and all the information.

In some cases, in one great case particularly, the President of the United States said it would not do, in the then condition, to furnish the Senate with all the information, but that the Senate and each Senator who was compelled to deal with the question should have the information at the Department, and that he would furnish every facility for them to see the original documents. But, Mr. President, there has never been any hesitation on the part of the Senate, under any Administration, in requesting every single item of information within the possession of the President or of the Secretary of State.

During President Polk's Administration Mr. Webster offered and had passed a resolution in this body while the treaty with Mexico was pending and while the armies were facing each other, only divided by a river. At that time the question of further conflict was pending, and the statement had been made in the public press, through the attacks upon Mr. Polk's Administration, that methods were used to bring about a result, and that for that purpose $3,000,000 had been placed in the hands of an agent of the Government, the secret service of the United States. No more delicate position could be occupied by a President than President Polk occupied at that time, and yet Mr. Webster in this body offered the following resolution:

Resolved, That the President of the United States be requested to inform the Senate of the terms of the authority given to Nathaniel P. Trist to draw for the $3,000,000 authorized by the act of the 2d of March, 1847.

President Polk did not refuse to furnish it to the Senate. The treaty was pending, as this treaty is pending now, and the call was made for the specific document. The reply came, and came in confidence. It does not appear in any document printed by the Senate.

Again, as the Senator from Illinois has referred to a resolution requesting the President of the United States to send to the Senate all the correspondence relating to the great controversy with Great Britain as to the northern boundary, which threatened war at any time, I will say a word on that subject. He sent in not only the suggestions as to the treaty that was proposed to be made, but, the Senate of the United States in 1846 having asked for specific information as to the correspondence with Mr. McLane, the agent or minister of the United States, in his reply, which will be found in the Presidents' Messages and Documents, between 1841 and 1849, on page 455, he said:

WASHINGTON, *July 21, 1846.*

To the Senate of the United States:

I herewith transmit, in compliance with the request of the Senate in their resolution of the 17th of June, 1846, a report of the Secretary of State, together with a copy of all "the dispatches and instructions relative to the Oregon treaty" forwarded to our minister—Mr. McLane—"not heretofore communicated to the Senate," including a statement of the propositions for the adjustment of the Oregon question previously made and rejected by the respective Governments. This statement was furnished to Mr. McLane before his departure from the country, and is dated on the 12th July, 1845, the day on which the note was addressed by the Secretary of State to Mr. Pakenham offering to settle the controversy by the forty-ninth parallel of latitude, which was rejected by that minister on the 29th July following.

The Senate will perceive that extracts from but two of Mr. McLane's "dispatches and communications to this Government" are transmitted, and these only because they were necessary to explain the answers given to them by the Secretary of State.

These dispatches are both numerous and voluminous, and from their confidential character their publication it is believed would be highly prejudicial to the public interests.

Public considerations alone have induced me to withhold the dispatches of Mr. McLane addressed to the Secretary of State. I concur with the Secretary of State in the views presented in his report herewith transmitted, against the publication of these dispatches.

Mr. McLane has performed his whole duty to his country, and I am not only willing, but anxious, that every Senator who may desire it shall have an opportunity of perusing these dispatches at the Department of State. The Secretary of State has been instructed to afford every facility for this purpose.

JAMES K. POLK.

But that was while the matter was pending between this Gov-

ernment and another great nation, when the premature publication might produce disastrous results.

In this case we are dealing with a small and insignificant country compared to ours, where the transaction, so far as the executive branch is concerned, is at an end; where there can be no document the publication of which would disturb the peace of the two countries. It is only the light we desire—all the information relating to a transaction that has passed from the hands of the President and has come to us.

Mr. LODGE. May I ask the Senator from Maryland a question?

Mr. GORMAN. Certainly.

Mr. LODGE. Do I understand the Senator to say that when we ratify the treaty the matter is at an end?

Mr. GORMAN. I mean to say that so far as concerns the negotiations leading up to the point where the treaty has been completed by the executive branch and has been transmitted to us——

Mr. LODGE. The Senator, of course, is aware that the treaty is not completed.

Mr. GORMAN. I am aware of that, and it can not be completed until it has been acted upon by this body.

Mr. LODGE. I mean after it is acted upon by this body it is not complete.

Mr. GORMAN. And it ought not to be acted upon here until we have every single item of information that the President had when he negotiated it.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Rhode Island?

Mr. GORMAN. Certainly.

Mr. ALDRICH. I suppose Senators on the other side are desirous of obtaining information to be used in executive session in the consideration of the treaty?

Mr. GORMAN. Yes, sir.

Mr. LODGE. And they desire information upon all matters pertaining to it?

Mr. GORMAN. Yes, sir.

Mr. ALDRICH. And not upon negotiations of a difficult and delicate character, perhaps, which are now going on between some of these governments in regard to matters which have grown up since the treaty was negotiated. If that is their purpose, I suggest that an amendment or modification be made in the resolution, so that the correspondence called for shall be such as was exchanged prior to the negotiation of or has reference to the treaty now pending.

I think the Senator from Maryland himself would hardly feel like asking the President of the United States, who is charged with this work of carrying on diplomatic negotiations, to send here information in regard to what is now being done, if anything, as to matters between Colombia and the United States or between Panama and Colombia. I trust that that is not the purpose of this resolution.

Mr. GORMAN. I do not think the Senator from Rhode Island could put such a construction upon the resolution. Certainly it is not the intention.

I was not aware that other negotiations are pending. I hope, for the honor of the country, that they are, and that we may find some way out of it, so that every Senator, no matter whether on this or the other side, may feel and know that by sound judgment a wise public policy may be inaugurated which will bring back to us the good feeling of the people south of us on this continent. This is the first public intimation I have had that such a thought may have entered the minds of another branch of this Government.

No, Mr. President, I answer the Senator from Rhode Island frankly and say to him that if the President of the United States and his Secretary of State should say to the Senate of the United States in response to this resolution, as did President Polk to his great Secretary of State, there are communications in connection with this matter that ought not to be made public, but that Senators shall have every facility for informing themselves, we would all be content. It is due to him and due to his office, I beg Senators on the other side to understand perfectly, that while there is intense feeling it is not a feeling of hostility to the President of the United States himself, but there is intense feeling that this matter is beyond party lines, and while the motive, as stated by the President himself in his message, has been to advance civilization and commerce, the manner of doing it, the methods which have been employed, in the judgment of many of us put in jeopardy, if they do not entirely destroy, the work that has been begun for so many years and which has been followed by Republican as well as by Democratic statesmen.

It being the great purpose of our Government to promote commercial prosperity on honorable terms, in view of the great volume of trade that should come to us, greater from the states on the American continent than all that you are struggling for in the Orient, it is the wise policy of the Government to attach those people to us, not by the Monroe doctrine, by which we were to protect them from foreign power, but to bring them in the closest possible commercial relations. And hence we have had commissions and congresses, and there has been a railroad constructed down the backbone from the farthest limit of our northern possessions, to the end that that trade might be brought to us. Look at the trade we have gained because of the American money that has entered into the construction of internal improvements in Mexico which have brought that great nation closer to us, and thereby our prosperity has been greatly increased.

What we desire is a policy of fair and honorable dealing, a policy which will bring them to us instead of taking their trade to Germany. That country, systematically and with great force, by planting its people upon the territory south of us, and by the inauguration of lines of transportation and banking facilities, is absorbing the commerce which belongs to us and which our present course is driving away.

That is the motive which prompts us, when you treat it alone from the commercial standpoint; but more than that we feel seriously and earnestly that the method of doing it is a blot upon our diplomatic relations which will never be wiped out.

That is the idea which has suggested all these inquiries, and I beg the Senator in charge of the great Committee on Foreign Relations not to be so sensitive. The President's honor will be taken care of, and the President's rights are perfectly guarded. There is no disposition to reflect upon him by any inquiry.

But we are bound, Mr. President, to guard the perfect right of the Senate of the United States. You and I are a part of this treaty-making power. The claim that any fact connected with the transactions shall be suppressed from you and me ought not to have a single advocate for a moment in this body.

Look at the documents sent here by President McKinley in the Fifty-sixth Congress, at the second session, in relation to the treaty, in the negotiation of which you, Mr. President [Mr. FRYE in the chair], bore a conspicuous part as well as in its consideration here. Not a line in regard to that treaty, so far as is known, was kept from the Senate, and documents of the most confidential character were sent without hesitation. Asking the President for them by the Senate was not a reflection upon him. He was too well versed in the conduct of the affairs of the nation to hesitate for a moment. He knew, as the present President knows, that it was not unusual for this body to advise the President pending negotiations, and that a resolution or an intimation that a course should be pursued was always followed by the President.

In the treaty-making power this is the first time, I think, where a majority being with the President have hesitated to give the information. It is proper to assume that all that has been done is honorable, is fair, and would not reflect upon the honor of the Government from the view point of the Executive. Then why be so sensitive? Why hesitate about the passage of any one of these resolutions? Will you force the treaty through before you give the information to us? I scarcely think, Mr. President, that the most intense partisan, the Senator most anxious simply to ratify the acts at the other end of the Avenue, will go quite so far. No Senator on this floor can point to a single proposition in the shape of a resolution that is not proper in itself, in every letter of it, and if, when they have been offered, a suggestion has been made on the other side that the phraseology should be changed, as in the case of the resolution I offered, the suggestion was promptly accepted.

I insist there is nothing in this resolution that is not in conformity with precedent, and when we have followed so distinguished a statesman as Mr. Webster, surely my friend from Illinois can not object.

Mr. SPOONER. Mr. President, this resolution is understood to represent "collective wisdom" of the other side.

Mr. GORMAN. "The best thought."

Mr. SPOONER. "The best thought" of the other side of the Senate. I do not adopt the suggestion made by the Senator from Illinois [Mr. CULLOM], that there could have been in its introduction in the open and legislative session of the Senate any ulterior purpose, because I know how absolutely guileless the Senator from Maryland [Mr. GORMAN] and the Senator from Texas [Mr. CULBERSON] are in all matters which could by any possibility even have a political aspect. I hope it will not be offensive, however, for me to say that after the speech of the Senator from Maryland I have a suspicion that this resolution, drawn as it was and introduced in legislative session, has already partly subserved the purpose which led to its introduction in this form.

Of course the Senators, I suppose, assumed that some one on this side of the Chamber would probably, as has been the custom, seek to insert in the resolution the amendment which has been moved by the Senator from Illinois, qualifying the resolution so as to leave it, as it would be probably without it, to the President

to determine whether the public interest would be subserved by withholding any document or correspondence. From that might be derived the inference, not of course for any partisan purpose, I would not suggest that for the world, that the Republican Senators would not pass this resolution without putting into it a shelter behind which something which ought to be published was to be kept private.

The PRESIDENT pro tempore. The Senator from Wisconsin will suspend while the Chair lays before the Senate the Calendar of General Orders.

The SECRETARY. Order of Business No. 13, Senate bill 887.

Mr. LODGE. I hope the Senator from Wisconsin will be allowed to proceed.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the Senator from Wisconsin may proceed.

Mr. ALDRICH. I ask that the resolution may be considered as being before the Senate until it is disposed of.

Mr. CULLOM. Yes; let us get it out of the way.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the resolution may proceed. Is there objection?

Mr. LODGE. Until disposed of.

The PRESIDENT pro tempore. Until disposed of.

Mr. ALDRICH. Until disposed of, making it the unfinished business.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. SPOONER. The Senator from Maryland made a very eloquent protest in connection with the amendment proposed here and by way of argument against it. He said, "Why shall anything be concealed which the Senate and the public ought to have?" Does the Senator think that the purpose of concealment is necessarily or naturally involved in making the language of this resolution in harmony with the custom of the Senate? The other day a resolution was introduced here calling for certain papers, the report of a special agent of the Treasury Department, confidential in its nature. The Senate incorporated in it, "if, in the judgment of the President, not incompatible with the public interest."

Mr. GORMAN. There was a special reason.

Mr. SPOONER. There was a special reason because it was confidential, because papers like the reports of the secret-service agents and many other documents which are in the archives of the Government are in their nature confidential, and because it is obvious to everyone that it might be detrimental to the public interest that they should be given to the public.

I suggest to the Senator from Maryland that this area here [indicating the aisle] never has divided the members of the Senate on any lines of national honor or of Senatorial honor, and that there is no one in this Chamber who may properly arrogate to himself the claim that some of the Senate care more for national honor than others. We are all as sensitive upon that subject, I take it, without regard to party, as any member of this body can be. But all that will be discussed later.

Now, Mr. President, I protest that the better practice, notwithstanding the precedents which have been referred to—and diligent search has produced but few and most of them of long ago—is that resolutions relating to executive or confidential business should be introduced in executive session. Since I have been a member of this body that has been the rule, although now and then there has been a departure from it.

This resolution recognizes the fact that there may be in the documents called for, and doubtless will be, papers which should not, in the interest of the Government, be given to the world, because the Senate, acting in a legislative capacity, is asking the President of the United States to send to the Senate, acting in an entirely different capacity, certain papers in *the confidence of the executive session.*

I can easily conceive of a situation in which it would be impossible to *argue* in the open session properly in antagonism to the passage of such a resolution. The chairman of the Committee on Foreign Relations might know that in a correspondence there were references to another government which, if given to the world, would be offensive. He could not so state in the open session.

There are many reasons, Mr. President, why the practice of recent years should be adhered to in confining executive business to the executive session of the Senate.

Now, I know of no papers which have not been sent to the Senate. If there is anything to be concealed about this business, I know nothing of it. I am speaking upon the theory that there is no scrap of paper which the President will not be willing to send to the Senate in executive session. But that is for him to determine.

The negotiation of treaties is a function conferred by the Constitution entirely upon the President. The Senate is not a participant in that function. He may negotiate treaties through such agencies as he may choose. It may be done through the minister or ambassador, or whoever it may be, resident at the court of the country with which the treaty is to be made. It may be done upon oral negotiation; it may be done by the Secretary of State here at home in conversation with the representative of a foreign power.

The President, in the very nature of things, in negotiating treaties of vital consequence to the country, must have the utmost liberty of frankness in the instructions, the arguments, the strategy which he desires the agent whose service he is employing to pursue; and I am not willing to admit that the Senate, even in executive session, may command the President to lay before it all the negotiations, the letters of instruction, the correspondence, the conversations, the motives which led to this move or that, to this argument or that, when the treaty is laid before the Senate for consideration.

I do not know how it may have been, but I assume that in the old days Senators to whom papers were sent in confidence or who listened in executive session to frank speech under the seal of secrecy always maintained inviolable the faith.

Mr. President, I see a resolution here introduced January 5, 1899, I think in legislative session, by the Senator from Massachusetts [Mr. HOAR]:

Resolved, That the President of the United States, so far as in his judgment not inconsistent with the public interest, be requested to communicate to the Senate all instructions given by him to the commissioners for negotiating the pending treaty with Spain, and all correspondence between the Executive or the Department of State with such commissioners, and all reports made by them to him or to the Department.

I do not know whether the resolution was adopted or not.

Mr. LODGE. It was adopted.

Mr. SPOONER. I do remember that the correspondence, the protocols, were sent by the President to the Senate in executive session.

Mr. LODGE. And not printed.

Mr. SPOONER. No, not printed; but after the treaty had been ratified and when the time came to legislate as to certain phases of the matter, they were made public by the Senate.

Mr. BERRY. Not all of them, I think, if the Senator will permit me.

Mr. SPOONER. I think the Senator is right.

Mr. BERRY. I think some of them were never made public.

Mr. SPOONER. I think the Senator may be right about it.

Mr. LODGE. Some of them were not made public.

Mr. SPOONER. Some of them were not made public. I remember now one item in that correspondence which it would not have been in the interest of this country to have made public, although entirely proper and wise to be used by this Government.

Now, Mr. President, our relation to the President in legislative session we all understand. He is not the servant of Congress. He is not the servant of the Senate. It is not for the Senate to direct him or command him except within certain lines of legislation, within his oath to see that the laws are faithfully executed; and although we are a part of the treaty-making power, he is still the head, under the Constitution, of a coordinate and independent branch of this Government. He is not subject to the command of the Senate in executive session.

It is perfectly proper for the President, in executive session or in responding to a resolution adopted in executive session, to declare that he withholds certain papers because in his judgment the public interest requires it. No one disputes that.

Mr. TILLMAN. Does the Senator mean in regard to treaties, too?

Mr. SPOONER. Yes, I mean in regard to treaties. I think it is true as to treaties especially.

Mr. TILLMAN. Does the Senator forget that two-thirds of the Senate can pass a law over his veto and make him obey it?

Mr. SPOONER. If I forgot that I ought to go home. I do not forget.

Mr. TILLMAN. But the Senator is arguing apparently, to my mind, an absurdity. We have as much power in our sphere as the President.

Mr. SPOONER. Ah! That is just what I say; no more.

Mr. TILLMAN. No more. But as one part of the treaty-making body he can not keep secret from the other part of it any of the facts connected with that treaty and then have them all equal.

Mr. SPOONER. He can.

Mr. TILLMAN. Well, of course, he can; but the Senate ought not to permit it.

Mr. SPOONER. Oh, we will debate that in executive session. I am talking about one thing, and the Senator is talking about another. He was talking about our legislative power to veto under the Constitution. That is an entirely different subject.

Mr. TILLMAN. If the Senator will pardon me, I though we were discussing the relative powers of the executive and legislative branches of the Government, we being a part of the latter.

The Senator seemed about to surrender to the Executive everything under certain circumstances; which is a contention I can not agree to at all.

Mr. BERRY. Will the Senator from Wisconsin permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. SPOONER. Certainly.

Mr. BERRY. If a treaty can only be made by the President and the Senate, and the President has possession of documents and papers bearing on the question as to whether that treaty ought to have been made or ought to be ratified, will the Senator say why the President ought not to send to the Senate, in executive session, every paper—I do not mean for publication—which bears on the question as to whether or not that treaty should or should not be ratified?

Mr. SPOONER. Who is to be the judge as to whether or not a paper or document bears on the question?

Mr. BERRY. The Senate, which calls for it, thinks that it does bear upon it. I do not know how we could make it more specific. We can make the request that the papers be furnished, and I can not see how it can be compatible with the public interest that the President should withhold from the Senate, in executive session, any matter that bears upon the question as to whether or not a treaty shall be ratified.

Mr. McLAURIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. SPOONER. Yes, sir.

Mr. McLAURIN. I was just going to make the suggestion that he who has to pass upon the question would be the judge of whether the document and the evidence would be material and relevant to the question under consideration.

Mr. SPOONER. Oh, this question is an abstraction anyway. No President ever refused to send to the Senate, I take it, or ever will, when the Senate is considering a treaty, all information that would afford aid to the Senate in determining one way or another as to its action; and I say that the Senate in executive session, in my judgment, has no right to demand of the President, if it is, for any reason, against his judgment, every phase and chapter of the negotiations which led to the signing of the treaty; but we can take care of that later.

As to this resolution, I wish to say further—and I wish to hurry, because another Senator desires to be heard—I have myself no doubt that all the papers which the President has will come to the Senate. I have no doubt whatever of that. I am simply contending for a principle, for an attitude which I think should be maintained steadfastly by the Senate toward the head of a coordinate and independent branch of the Government.

But this resolution is broader than any argument made in support of it maintains. It is not simply a resolution calling upon the President to send to the Senate all correspondence which led to the negotiation of the treaty which is now pending before the Senate and which the Senate is called upon to ratify or reject, but it also calls upon the President to send to the Senate correspondence which the Senate did not call for when the treaty to which it refers was pending before the Senate and acted upon by the Senate. I refer to the correspondence which led up to the signing of the Hay-Herran treaty. We had almost unlimited debate upon that treaty. It was ratified by the Senate.

It did not occur to any Senator at that time that the President should be called upon, in order to enable the Senate to discharge intelligently its duty in acting upon that treaty, to lay before the Senate all the correspondence or any of the correspondence which pertained to the negotiation. That treaty is dead, Mr. President. It died at Bogota; and now the President is asked to send to the Senate correspondence which led to a treaty which has never become the law of the land——

Mr. CULBERSON. Mr. President——

Mr. SPOONER. And which Senators did not ask for, as I recollect, while that treaty was pending——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. In order that they may use it *in acting upon another treaty* made with a different government.

Now, I yield to the Senator from Texas.

Mr. CULBERSON. I call the Senator's attention to the fact that the amendment to which he refers was put into the resolution in the form suggested by the Senator from Illinois [Mr. CULLOM].

Mr. SPOONER. Very well; what change does that make? That simply relieves the President from sending to the Senate all the correspondence that ever existed in the history of this Government between this Government and Colombia in regard to a canal. That would call upon the President to send to the Senate in confidence the correspondence relating to the treaty of 1846 so far as it related to a canal, and it distinctly mentions a canal.

Mr. CULBERSON. I invite the Senator's attention now to the fact that any such construction as that was expressly disclaimed by the mover of the resolution.

Mr. SPOONER. I am not talking about the mental operation or the oral disclaimer of the Senator from Texas. I am talking about the resolution.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. I call the Senator's attention to the fact that the pending treaty is made with the successor of Colombia, and that the President himself in his message has taken the position that whether we made a treaty in regard to the canal with New Granada, or Colombia, or Panama made no difference. It seems that the question of the honor of the Government is involved. I acknowledge that is as dear to the Senator from Wisconsin as it is to me or anyone else on this side. We are not the only guardians of the honor of the United States, and we do not claim to be.

But I want to call the Senator's attention to the fact that this whole subject relates to a canal; that the question of the honesty or dishonesty, the honor or dishonor of this Government in relation to this canal transaction is under discussion, and that, therefore, any correspondence which relates to a canal or a treaty about a canal with either of these three entities—New Granada, Colombia, or Panama—might properly be brought in as a part of this document. Of course, nobody wants to go back to the treaty of 1846. We are dealing immediately with the two treaties, one of which has been rejected and one of which is now pending; the one negotiated with an actual government, and the other negotiated with—well, I suppose, the de facto government, though the question as to how it became so is under discussion.

I ask the Senator's attention in that phase of the subject as to whether or not his contention that the correspondence leading up to the Hay-Herran treaty is legitimately a part of the documents which might be considered in dealing with the successor of Colombia or the present status? That is rather a long question, but I imitate my friend sometimes in doing a little more than asking a question.

Mr. SPOONER. It is a long question, Mr. President, and, in my humble judgment, it has no more to do with the matter that I am immediately discussing than "the flowers that bloom in the spring." [Laughter.]

Mr. TILLMAN. I expected that.

Mr. SPOONER. But I am anxious to get through. I intend to vote, not only now, but always while I am a member of this body, no matter who is President—because it is in the interest of the country, and it is respectful and decent to any President—for the proposition or amendment which shall leave it to the discretion of the President to withhold any papers which, in his judgment, ought not to be made public.

I shall do it on principle; I shall do it because I think it is wise that it should be done; and I shall do it also in the full belief that in response to a resolution so worded there will not be a scrap of paper which refers to this subject or to the Hay-Herran treaty which will not be promptly communicated to the Senate by the President.

That is all I wish to say.

Mr. LODGE. Mr. President, the famous message in which Washington refused to send papers relating to the Jay treaty to the House of Representatives, although they had been already furnished to the Senate, relates, as is well known, chiefly to the power of the House to demand such documents, which Washington absolutely denied. I do not think there is any case in which the demand for papers relating to a treaty has led to a dispute between the Executive and the Senate.

But, Mr. President, I think there is a distinction to be drawn, in the first place, between what we may lawfully ask for and what we can not lawfully ask for. I do not think, for example—although the case has been much contested in the past—that the Senate has any right to ask the President to give his reasons for removing an officer from the public service. I think that is clearly beyond the right of the Senate.

I do not consider that the Senate—to take another example—has any right to ask the President to submit to it the credentials which led him to receive a foreign minister or an ambassador, because the right of receiving a foreign minister or an ambassador is vested in the President exclusively by the Constitution. On the other hand, I think the Senate may lawfully call for papers which will cast light upon an appointment to office, and I think the Senate may lawfully call, on the same principle, for any papers relating to a treaty. But the fact that we may lawfully call for papers does not deprive the President of the right to with-

hold papers in either case, if he thinks it is for the best public interest.

Andrew Jackson stated this distinction, I think, very well in 1835. The Senate sent a resolution asking for certain papers in regard to the removal of Gideon Fitz, late surveyor-general south of the State of Tennessee. The President said:

This is another of those calls for information made upon me by the Senate which have, in my judgment, either related to the subjects exclusively belonging to the executive department, or otherwise encroached on the constitutional powers of the Executive. Without conceding the right of the Senate to make either of these requests, I have yet, for the various reasons heretofore assigned in my several replies, deemed it expedient to comply with several of them. It is now, however, my solemn conviction that I ought no longer, from any motive nor in any degree, to yield to these unconstitutional demands. Their continued repetition imposes on me as the representative and trustee of the American people the painful but imperious duty of resisting to the utmost any further encroachment on the rights of the Executive.

Then at the end he says:

I therefore decline a compliance with so much of the resolution of the Senate as requests "copies of the charges, if any," in relation to Mr. Fitz, and in doing so must be distinctly understood as neither affirming nor denying that any such charges were made; but as the Senate may lawfully call upon the President for information properly appertaining to nominations submitted to them, I have the honor, in this respect, to reply that I have none to give them in the case of the person nominated as successor to Mr. Fitz.

Drawing the distinction which I have attempted to make.

Mr. ALDRICH. Would it interrupt the Senator if I should read from another Democratic authority, if the Senator is through quoting from Jackson?

Mr. LODGE. I was going to read further from Jackson.

Mr. ALDRICH. It is another Democratic authority from which I should like to read.

Mr. LODGE. I was going to show how he interpreted the right of the Senate to call for papers relating to an appointment. In 1834 he was asked for his reasons for appointing certain gentlemen directors of the Bank of the United States. He said:

I disclaim all pretension of right on the part of the President officially to inquire into or call in question the reasons of the Senate for rejecting any nomination whatsoever. As the President is not responsible to them for the reasons which induce him to make a nomination, so they are not responsible to him for the reasons which induce them to reject it. In these respects each is independent of the other and both responsible to their respective constituents. Nevertheless the attitude in which certain vital interests of the country are placed by the rejection of the gentlemen now renominated require of me frankly to communicate my views of the consequences which must necessarily follow this act of the Senate if it be not reconsidered.

Then, on June 13, 1834, he was asked for a paper relating to the nomination—not to the removal, but to the nomination—of the minister to Great Britain; and it is very interesting to see how he interpreted his powers in a case of that kind, where he admitted that the Senate might lawfully call for papers. He said:

I have this day received a resolution of the 12th instant requesting me to communicate to the Senate a copy of the first official communication which was made to Andrew Stevenson of the intention of the President to nominate him as a minister plenipotentiary and envoy extraordinary to the United Kingdom of Great Britain and Ireland and his answer thereto.

As a compliance with this resolution might be deemed an admission of the right of the Senate to call upon the President for confidential correspondence of this description, I consider it proper on this occasion to remark that I do not acknowledge such a right.

From these extracts it will be seen that the opinions of President Jackson were very definite, and that not only where he thought the Senate could not lawfully call for papers, but where he thought they had a lawful right to demand them, in both cases he was quite ready to refuse them. I now yield to the Senator from Rhode Island.

Mr. ALDRICH. Mr. President——

Mr. LODGE. I yield to the Senator. I have just a word more to say.

Mr. ALDRICH. If it will not interrupt the Senator——

Mr. LODGE. It does not interrupt me at all.

Mr. ALDRICH. I should like to read a statement made by another Democratic authority, whose party standing is perhaps more or less in doubt. I will read an extract from a message of President Cleveland, sent to the Senate in March, 1886. He said:

The requests and demands which by the score have for nearly three months been presented to the different departments of the Government, whatever may be their form, have but one complexion. They assume the right of the Senate to sit in judgment upon the exercise of my exclusive discretion and Executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office. My oath to support and defend the Constitution, my duty to the people who have chosen me to execute the powers of their great office and not to relinquish them, and my duty to the Chief Magistracy, which I must preserve unimpaired in all its dignity and vigor, compel me to refuse compliance with these demands.

Mr. LODGE. Mr. President, I think the statement just read by the Senator from Rhode Island sustains the view of President Jackson.

I only want to say a single word more in conclusion about this matter. This is a case where we can lawfully call for certain papers, and the President can as lawfully, in my judgment, withhold them if he thinks it is for the public interest that he should do so. It is proposed in this resolution to adopt the language of command. I do not think it is ever a good thing to adopt the language of command unless you can enforce your command, and there is no power that can enable us to enforce our command against any President of the United States in a case like this. Even if we were to pass it unanimously, we should be quite helpless unless the House of Representatives happened to agree with us.

It seems to me, Mr. President, that to indulge in the language of command, which I do not think we have any right to indulge in, legally speaking, and at the same time to indulge in a wanton discourtesy, which the almost uniform practice of this body utterly discountenances, would be a very great and grave mistake.

Mr. President, I have no doubt that this resolution is wholly destitute of any party significance, because the Senator from Maryland [Mr. GORMAN] has told us so. The only thing that made me suspect for a moment that the resolution could have any political object was the extreme nobility and purity of the motives which the Senator set forward. They seemed to me almost superhuman, they were so lofty and so good.

I only wish to say further that, inasmuch as the Senator from Maryland referred to our being sensitive about all these resolutions, there is not one of them which this side would not be delighted to vote upon at any moment. We should be very glad to dispose of them all at the earliest possible day. Our only source of complaint in this whole matter is that we are not allowed to vote on anything, not even on these resolutions. If we could be permitted to vote on them, they at least could be disposed of.

Mr. BACON. Mr. President, I am not especially concerned about this resolution or the particular action which may be taken under it by the President, because I feel quite sure, from the statements which have been made by Senators, that a full response is going to be made by the President whatever may be the language of the resolution. But, Mr. President, the positions taken by honorable Senators here to-day upon the question which is involved make this a very important matter, and I am unwilling, under the statements which have been made by Senators as to their views of the rights of the President and the rights of the Senate, that the occasion should pass without my putting upon record, not simply what I may think upon it, but what has heretofore been uttered in this Chamber by learned and distinguished Senators, the weight of whose opinion I am sure will not be disregarded by those of us who now occupy places which they then so greatly honored and distinguished.

I am the more induced not to permit this occasion to pass from the fact that on yesterday we had a reply from the executive department, in response to a resolution sent by the Senate directing one of the officers of one of the Departments to communicate certain information to this Senate, and in that reply, sent by the President of the United States, we were shortly informed that, in his opinion, it was not compatible with the public interest that the Senate of the United States should have the information which was sought.

The debate which has been had here to-day raises clearly this issue: Is it within the province of the President of the United States in his discretion, his sole judgment, to communicate to Congress what may be desired of information within any of the Departments, or equally within his discretion and at his will to withhold the same? That it is thus within the powers of the President is the bold avowal, as I understand it, of Senators on the other side of the Chamber.

It has just been reiterated by the Senator from Massachusetts [Mr. LODGE] and previously stated by the Senator from Illinois [Mr. CULLOM] and other Senators that while it was within the power of the Senate and the province of the Senate to call for any information which it might desire it was equally within the power and the province of the President of the United States, in his judgment, to say that it was not compatible with the public interest that the Senate should have the information. That, the Senate will note, brings clearly the point in issue, which is this: While it is the right of the Senate to make the request, in whose judgment shall rest the determination of the question whether or not the information desired shall be communicated to the Senate? Shall it rest in the judgment of the President or shall it rest in the judgment of the Senate? That is the clear-cut question. The Senator from Wisconsin smiles, because I know his mind runs back to what I am now about to cite to the Senate.

Mr. President, there was once a great debate in this Senate on that question, and I think that when we come to sift it there could be no more serious question propounded to the Senate of the United States than that, because in its determination may rest, and would rest, questions of the gravest import; and if determined in favor of the right of the President to withhold at his discretion, the consequences which would flow from such a determination and from action thereunder it is difficult to overestimate. The question is fundamental in its nature and scope.

I felicitate myself and the country that in that great debate—

for it was a great debate, a debate participated in by Senators whose superiors, considered collectively, never sat in this Chamber since the foundation of the Government—I felicitate myself and the country upon the fact that in that great debate the Republican Senators took the position, and maintained it, that it was a matter for the determination of the Senate as to the information which it required, and that the President had no right to reply that he was the judge of that question.

Senators have read here to-day utterances of Democratic Presidents. I pin my faith to the utterance of no man when it is in derogation of the rights and the prerogatives of the Senate, be he of my party or against it. I am free to say two things—that I utterly disapprove of the contention of the Democratic Presidents whose utterances have been read here, who assumed to themselves the right to determine whether certain information should be given to the Senate upon its demand; and the other thing, which I am more than glad to say, is that in that great debate, in which the Republicans were upon one side in this Chamber and the Democrats upon the other side—not only do I concede it now, but I have conceded it heretofore in reference to this debate—the Republicans were in my opinion right and the Democrats were wrong as to the question of constitutional power.

It was a very narrow line of division between Democratic and Republican Senators in that debate. Upon both sides it was conceded that wherever the matter out of which the call proceeded rested confessedly within the jurisdiction of the Senate the Senate had the right to call for the papers and for themselves to determine whether or not they should be called for. On the side of the Republicans it was contended that when the question was in dispute whether or not the subject-matter was within the jurisdiction of the Senate it was then a question for the determination of the Senate. The Democrats, on the other hand, contended that in that case it was for the Executive to say whether or not it was within the jurisdiction of the Senate or without their jurisdiction.

That was the narrow line of division, and I am frank to say—and I have said so heretofore in the Senate—that the Republicans were then right in their contention. They went to the utmost limit, Mr. President, in the assertion of the power of the Senate not only to call for whatever was within the jurisdiction of the Senate, but to determine what was the jurisdiction of the Senate, and to deny to the President the right to assume that a certain demand was as to a matter outside the jurisdiction of the Senate.

Now, in passing I will call the attention of the learned Senator from Wisconsin to the fact, in view of his suggestion that questions of this kind should always originate in resolutions adopted or offered, if you please, in executive session, that the resolution out of which that great debate grew was one which related to executive business, and that it was offered in open session by the Judiciary Committee, then a Republican committee, headed by the Hon. George F. Edmunds. And that distinguished committee on the Republican side was composed of these Members: George F. Edmunds, John J. Ingalls, S. J. R. McMillan, GEORGE F. HOAR, James F. Wilson, and William M. Evarts.

Am I justified, after reading that list of names, in the statement which I made that there were men then here whose superiors collectively considered never sat in this Chamber?

Mr. ALDRICH. Who signed the minority report?

Mr. BACON. I have not the minority report before me, but I can state it pretty well from memory—Mr. Pugh, of Alabama; Mr. Vest, of Missouri, and two others whose names I do not now recall.

Mr. SPOONER. George, of Mississippi.

Mr. BACON. Yes; George, of Mississippi, if you please. I think he was undoubtedly one of them. Their names are not here.

This document which I hold in my hand contains the report of the majority. There was a minority report filed. But I want to call the attention of Senators to the fact that even as to the minority there was no possible dispute or contention denying to the Senate the right to call peremptorily for anything which related to a matter within the jurisdiction of the Senate, and, even according to their contention, this report now called for would be a legitimate call, and one not vested in the discretion of the President to refuse to furnish, because it relates to a treaty, which is a matter distinctly within the jurisdiction of the Senate.

In that particular case Senators, some of whom are now here and who were then here, will remember that the issue grew out of the fact that the President of the United States sent in a certain nomination for appointment to an office, and the question was raised as to whether or not there was legitimately a vacancy, in the fact that the President had removed the party who had theretofore held the office, and the Senate wanted to know the cause for which he had removed him. That was the contention upon which the debate rose.

Mr. SPOONER. That whole debate was predicated largely on the tenure-of-office act.

Mr. BACON. I understand that; there is no doubt about that fact. But that fact in no manner affected the merits of the question of constitutional power which was involved between the President and the Senate.

Mr. ALDRICH. Will the Senator from Georgia allow me to call his attention to a fact?

Mr. BACON. Certainly.

Mr. ALDRICH. The pending resolution has no reference whatever in terms to the pending treaty.

Mr. BACON. Well.

Mr. ALDRICH. The resolution does not ask for any correspondence or notes relative to the treaty in any form.

Mr. BACON. I will not stop to discuss that, because, as I stated in the beginning, my purpose in rising is not so much as to any particular interest in this particular resolution, but because of the position taken by Senators here, which I am unwilling shall pass unchallenged; and I wish to challenge it, not upon the strength of my convictions or my arguments, but upon the most elaborate and learned arguments that were made here by Republican Senators, then members of this body.

Mr. SPOONER. Will the Senator from Georgia allow me to ask him a question for information, not for debate?

The PRESIDING OFFICER (Mr. DEPEW in the chair). Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. Certainly.

Mr. SPOONER. Do I understand the Senator is contending that in no case the President is to be the judge of what information he or the executive department of the Government will send to either House?

Mr. BACON. If the learned Senator will allow me to pretermit an immediate answer to that question, I will endeavor, before I conclude, to answer the Senator in his own language which he has uttered in this Chamber. That will be the most satisfactory reply, I presume, that I can make to him.

Mr. SPOONER. I would rather have your opinion than my own.

Mr. BACON. I will endeavor to express it before I get through, if my physical condition permits.

There was sent to the Senate on that occasion a most elaborate report, signed by all the Republican members of the Judiciary Committee of the Senate, whose names I have already read to the Senate, headed by the Hon. George F. Edmunds, as chairman. The report is too long to be read now, but I will ask, if I may be excused, because I am not in the most robust physical condition at present, the Secretary to read on pages 4 and 5 where it is marked in this report. I will say to the Senate that it is Senate Report 135, Forty-ninth Congress, first session. I would prefer to read it myself, but under the circumstances I will ask the Secretary to read it. I hope it may have the attention of the Senate.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

The important question, then, is whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves. It may be fully admitted that except in respect of the Department of the Treasury there is no statute which commands the head of any Department to transmit to either House of Congress on its demand any information whatever concerning the administration of his Department, but the committee believes it to be clear that from the very nature of the powers intrusted by the Constitution to the two Houses of Congress it is a necessary incident that either House must have at all times the right to know all that officially exists or takes place in any of the Departments of the Government.

So perfectly was this proposition understood before and at the time of the formation of the Constitution that the Continental Congress, before the adoption of the present Constitution, in establishing a department of foreign affairs and providing for a principal officer thereof, thought it fit to enact that all books, records, and other papers in that office should be open to the inspection of any Member of Congress, provided that no copy should be taken of matters of secret nature without special leave of Congress. It was not thought necessary to enact that the Congress itself should be entitled to the production and inspection of such papers, for that right was supposed to exist in the very nature of things, and when, under the Constitution, the department came to be created, although the provision that each individual Member of Congress should have access to the papers was omitted (evidently for reasons that can now be quite well understood), it was not thought necessary that an affirmative provision should be inserted, giving to the Houses of Congress the right to know the contents of the public papers and records in the public offices of the country whose laws and whose offices they were to assist in creating.

It is believed that there is no instance of civilized governments having bodies representative of the people or of States in which the right and the power of those representative bodies to obtain in one form or another complete information as to every paper and transaction in any of the executive departments thereof does not exist, even though such papers might relate to what is ordinarily an executive function, if that function impinged upon any duty of function of the representative bodies.

A qualification of this general right may under our Constitution exist in case of calls by the House of Representatives for papers relating to treaties, etc., under consideration and not yet disposed of by the President and Senate.

The committee feels authorized to state, after a somewhat careful research,

that within the foregoing limits there is scarcely in the history of this Government until now any instance of a refusal by a head of a Department, or even of the President himself, to communicate official facts and information, as distinguished from private and unofficial papers, motions, views, reasons, and opinions, to either House of Congress when unconditionally demanded. Indeed, the early journals of the Senate show great numbers of instances of directions to the heads of Departments, as of course, to furnish papers and reports upon all sorts of affairs, both legislative and executive.

The instances of requests to the President and commands to the heads of Departments by each House of Congress from those days until now for papers and information on every conceivable subject of public affairs are almost innumerable, for it appears to have been thought by all the Presidents who have carried on the Government now for almost a century that, even in respect of requests to them, an independent and coordinate branch of the Government, they were under a constitutional duty and obligation to furnish to either House the papers called for, unless, as has happened in very rare instances, when the request was coupled with an appeal to the discretion of the President in respect of the danger of publicity, to send the papers if, in his judgment, it should not be incompatible with the public welfare.

Even in times of the highest party excitement and stress, as in 1826 and 1844, it did not seem to occur to the Chief Executive of the United States that it was possible that any official facts or information existing, either in the Departments created by law or within its own possession, could, save as before stated, be withheld from either of the Houses of Congress, although such facts or information sometimes involved very intricate and delicate matters of foreign affairs as well as sometimes the history and conduct of officers connected with the administration of affairs.

Mr. BACON. That is as strong a statement, I think, as could be made upon the question, and I desire to repeat in this connection, as Senators have asked who were the Senators who signed the minority report, evidently thereby intending to place in opposition to the utterances in this report the opinions of such eminent men as George, and Pugh, and Vest, and others whose names I do not now recall——

Mr. MITCHELL. I will give the Senators the names.

Mr. BACON. Very well.

Mr. MITCHELL. James L. Pugh, Richard Coke, George G. Vest, and Howell E. Jackson.

Mr. BACON. Yes; Jackson, afterwards judge of the Supreme Court.

Mr. MITCHELL. Afterwards judge of the Supreme Court.

Mr. BACON. As their names are invoked, I repeat the statement, amply verified by inspection of their report, that they most fully and completely recognize the right of the Senate to call for any paper or document, peremptorily and not within the discretion of the President to refuse, which related to a matter within the jurisdiction of the Senate. The only question made between the minority report and the majority report was whether or not the discretion was in the President to say that it was not in the jurisdiction of the Senate, or whether the Senate must determine for itself whether it was in the jurisdiction of the Senate.

Mr. BEVERIDGE. Mr. President——

Mr. BACON. Will the Senator from Indiana pardon me for a moment?

Mr. BEVERIDGE. Certainly.

Mr. BACON. The Republicans contended that the question as to whether or not a matter was within the jurisdiction of the Senate was for the determination of the Senate. The Democrats contended, on the other hand, that the question whether the matter was within the jurisdiction of the Senate or without the jurisdiction of the Senate was a matter for the determination of the President. That was the narrow line of division between them, and I will read, when I reply to whatever the Senator from Indiana [Mr. BEVERIDGE] may desire to say, from the minority report to that effect.

Mr. BEVERIDGE. The close of the extract which the Senator just had read I understood incorporated the provision concerning compatibility with the public interest. Do I understand the Senator to say that that committee's report supported the proposition that the Senate had the right, as of right, to ask for any papers, whether or no the sending of them was compatible with the public interest?

Mr. BACON. Yes, sir; I do. I mean to say this: That in the report and the debate from which I am going to read—and I am glad the Senator will be present to hear it read——

Mr. BEVERIDGE. I will, if I can be.

Mr. BACON. The position is distinctly taken that the question as to whether or not it is a matter proper for Congress to ask for or for the Senate to ask for is a matter for the Senate to determine, and not a matter for the President.

Mr. BEVERIDGE. Would it interrupt the course of the Senator's argument if at this particular point I suggested a question or two? If so, I will defer them.

Mr. BACON. I will endeavor to answer them now, unless I am going to answer them in the course of my argument. I will hear the question, however.

Mr. BEVERIDGE. I will ask the Senator whether it is his opinion that the President ought in any case to send papers to the Senate the sending of which is not compatible with the public interest?

Mr. BACON. The reply which I will make now, although I intended to advert to it later, is this: It is not to be assumed that the Senate of the United States, whenever its attention is called, with proper reasons given, in response to an inquiry, that there would be objection to the communication, would insist upon it. But to recognize the proposition that the President must determine it and simply end the matter by the reply that it is incompatible with the public interest to communicate the desired information is to yield the whole question and give the whole power to the President.

Mr. BEVERIDGE. Mr. President——

Mr. BACON. And, if the Senator will permit me, the debate from which I am going to read is one in which that was the distinct proposition negatived by George F. Edmunds, GEORGE F. HOAR, William M. Evarts, Mr. Logan, the distinguished Senator from Wisconsin now present, and others.

Mr. BEVERIDGE. I shall not ask the Senator any further questions, because I want to listen to his argument, but I call his attention now, so that perhaps he may elucidate the point, to this fact: The proposition he has now arrived at and the dilemma into which it seems to me the Senator is drifting is that it is a question for the Senate to judge and not for the President to judge whether or not papers asked for are compatible with the public interest, and if that proposition be admitted it sends all papers of every kind to the Senate.

Mr. BACON. Yes.

Mr. BEVERIDGE. And therefore destroys in advance the question of their compatibility or incompatibility with the public interest.

Mr. BACON. Absolutely.

Mr. BEVERIDGE. Then the question does not exist.

Mr. BACON. In other words, the power is in the Senate to see any paper which it may determine it should see, if it relates to a matter which——

Mr. BEVERIDGE rose.

Mr. BACON. The Senator will pardon me.

Mr. BEVERIDGE. Yes.

Mr. BACON. If it relates to a matter of which the Senate has properly jurisdiction. The practical operation of it is not that there shall be any exposure of papers which the public interest might not justify the exposure of, but that in a proper way the matter will be brought to its attention, and the assumption being that when reasons are given to the Senate it will not insist upon it. But the President himself can not shut the door to any Department and say that the Senate, or the House either, shall not have access to any paper which relates to a governmental matter.

Mr. BEVERIDGE. Mr. President——

Mr. BACON. If the Senator will pardon me, I stated in the beginning that I was going to base the contention I made here not upon what I personally would say, but upon the elaborate arguments in a previous debate. I can only read a part of them, and I commend to the Senator the careful reading of the entire debate, because it is a most able and instructive one by men among the ablest who ever sat in this Chamber. Therefore I proceed with the reading of what learned Senators on that occasion said in this Chamber.

I will begin with what my learned and distinguished friend, the Senator from Wisconsin, said on that occasion, because he bore no insignificant part in that debate among the Titans, and there is no word uttered by the learned and distinguished Senator in that debate which he should wish to retract and no word uttered by him of which he should not now be proud; and, I will say further, no word uttered by him—I am speaking now as to arguments; I do not mean as to any personal references which may have been indulged in—of which I do not personally approve and to which approval I have not heretofore given utterance in this Chamber when a similar question was under debate.

Mr. President, in the beginning I desire, in order that what the Senator has said to-day semifacetiously as to the ingenuousness and candor of Senators on this side of the Chamber, may be recognized as having been uttered by him in the utmost seriousness, to ask that we may be accorded on this occasion the same credit for sincerity which he claimed for himself upon that occasion. That was a time when there was a Democrat in the White House and when there was a Republican majority in this Chamber, and in the outset the learned and distinguished Senator from Wisconsin used the language I will quote from the seventeenth volume of the CONGRESSIONAL RECORD, part 3, Forty-ninth Congress, first session, page 2487. The Senator from Wisconsin said——

Mr. TILLMAN. The present Senator from Wisconsin—the sitting Senator from Wisconsin?

Mr. BACON. The present very learned, able, and distinguished Senator whom we all so delight to honor; and as we admire and delight to honor both of the Senators from Wisconsin, I will say

the senior Senator from Wisconsin. He began his speech in this way:

I make no attempt to disguise the fact, or to apologize for it, that the fortunes of the Republican party are very dear to me and that I wish that party, here and elsewhere, to reap every fair partisan advantage which may be taken from the blunders and from the shortcomings, if any such there are or shall be, of this Administration. But I trust I do not forget, and shall not forget, that I am a Senator of the United States as well as a Republican, and that as a Senator my first duty always is to the people, and that I have no right to take action here to subserve a party interest which would be harmful to the interests of the people.

Therefore the very learned and able argument of the distinguished Senator upon that occasion is not in any manner to be imputed to him as one influenced by a desire for partisan advantage, but as an argument delivered by him then, as now, recognized as one of the foremost constitutional lawyers of the United States, and therefore, delivered under such circumstances, the more entitled to consideration and approval by those who now have occasion to advert to it. The particular thing I had in mind in reading that is to ask that we also in the present debate may be acquitted of partisan purposes.

The Senator from Wisconsin proceeded to say:

I deny for myself, and I have authority to deny for every Senator upon this side of the Chamber, the statement so often made on the other side that we desire, or are willing, to harass, hamper, or embarrass the President in the proper exercise of Executive functions.

Will Senators accord to us at this time such equality of sincerity of purpose as that which was then claimed for himself by the honorable and distinguished Senator from Wisconsin?

Such a motive would be unworthy and should not be so lightly imputed.

I commend the language to the Senators on the other side, not to the Senator from Wisconsin, because he has not imputed, in so far as I have heard, but others have.

The principle involved in this controversy—

And it is this principle and the gradual recognition of the gravity of it that cause me to address the Senate at this time—

The principle involved in this controversy to my mind is far above the question as to who shall hold the offices in the country.

Mr. President, with that very high platform erected by the Senator and with himself thus voluntarily placed upon it, he addressed himself to the argument of this great constitutional question, because while it may seem to be a comparatively slight matter, so far as the pending resolution is concerned, it is a great constitutional question whether or not any officer of the Government, be he President or a subordinate, has a right to shut the doors in the face of Congress as to any information desired by it in the discharge of its duties. In the practical workings of the departments of this Government and in the proper and efficient performance of duties by Congress and in the exercise of the legitimate powers of Congress there can be no greater constitutional question than that; and once conceded as a power belonging to the Executive, there is no limitation to the extent to which that power can be carried and exercised.

Now, the Senator from Wisconsin knows I can not read the whole of his speech. I wish I could. I will say that it would not be necessary that I should myself say another word if I could, in support of my contention, read the whole of it. In the course of it he uses this language:

Look at the bald case as it stands before the Senate and before the people, unaided by the message which the President sent upon the same subject and which is in some sense an additional statement of fact. The Senate calls for certain papers, filed within a given period in a public department, touching the management of a public office. An executive officer of the United States, recognizing the fact that the papers are in his custody, not denying for a moment their existence, says to the Senate, by direction of the President, that "it is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session."

Mr. President, I will suspend the reading parts of the Senator's speech for a moment for the purpose of reading the resolution which was reported by the Judiciary Committee of the Senate, and also reading the reply which was sent by the executive department to the Senate, in order that the Senate may have distinctly the issue before it which was made. On January 25, 1886, the Judiciary Committee reported to the Senate the following resolution for its adoption. Now, here is the resolution:

Resolved, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, A. D. 1885—

And not theretofore—

in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama.

That being called for because of the fact that the President had sent in the name as a nominee to fill an office and had removed the district attorney, and the Senate desired to know whether or not he had removed him for good cause before they would proceed to the consideration of the nomination. Therefore they called for all the papers which had been there for a year before the occurrence, and on the following day that resolution was adopted, to wit, on the 26th day of January. On the 1st day of February thereafter the Senate received the following communication in response thereto:

DEPARTMENT OF JUSTICE,
January 28, 1886.

It seems that was the date of the communication, and the document was received here on the 1st day of February.

DEPARTMENT OF JUSTICE,
January 28, 1886.

The President pro tempore of the Senate of the United States:

I acknowledge the receipt of a resolution of the Senate adopted on the 25th instant in executive session, as follows:

"*Resolved*, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, A. D. 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama."

It thus quotes the resolution and then proceeds:

In response to the said resolution the President of the United States—

This is not the reply of the Attorney-General. He is speaking for the President of the United States—

In response to the said resolution the President of the United States directs me to say that the papers which were in this Department relating to the fitness of John D. Burnett, recently nominated to said office, having been already sent to the Judiciary Committee of the Senate, and the papers and documents which are mentioned in the said resolution, and still remaining in the custody of this Department, having exclusive reference to the suspension by the President of George M. Duskin, the late incumbent of the office of district attorney of the United States for the southern district of Alabama, it is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

Very respectfully, your obedient servant,

A. H. GARLAND,
Attorney-General.

Now, Mr. President, there was the square issue made, not by the Attorney-General but by the President of the United States, that in his judgment the public interest would not be promoted by having the Attorney-General comply with the resolution. In other words, the President of the United States assumed to judge, and did judge, that it was not incumbent upon him to comply with the demand of the Senate, and the square issue made by the majority of the Senate, in which I say now and I have said heretofore I think they were right, was this: Shall the President have a right to judge whether or not it is to the public interest that the Senate shall have the papers, or shall the Senate judge, and shall the President have the right under that judgment, if exercised by him, to close the door of the Department of Justice or of any other Department and say to the Senate, "In my judgment you have no right to enter and to know what is here?"

Mr. President, I am tempted to proceed with that line of argument, but I will not, because I started to read the argument of the Senator from Wisconsin, which is far superior to anything I can say. I repeat the last sentence which I read in order to have the connection of the Senator's speech:

An executive officer—

This is the speech of the Senator from Wisconsin from which I read—

An executive officer of the United States, recognizing the fact that the papers are in his custody, not denying for a moment their existence, says to the Senate, by direction of the President, that "it is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session."

Quoting the reply. Then the Senator proceeds:

Is it to be admitted that a Cabinet officer, even by direction of the President, shall be at liberty to refuse to transmit any papers to the Senate in executive session unless satisfied that the purpose for which the Senate desires them is one which in his opinion is wise and proper? Is it to be assumed by an executive officer or by the President that because a nomination is pending in the Senate of a person to fill an office that the Senate may not in executive session lawfully call for the papers filed in a Department touching the conduct of that office?

If Burnett had been confirmed and Duskin had been thereby removed, could the Senate be denied the production of the papers mentioned in the resolution? Even though called for in executive session, who will so contend? Does the fact that the nomination was pending change the character of the papers or the Senate's power to demand and its right to receive and inspect them?

If George M. Duskin were still in office, discharging the duties and functions of the position, and the Senate in open session or in executive session should pass this resolution calling for those papers, would the Attorney-General or would the President hesitate for one moment to transmit them? Suppose the House of Representatives had passed the resolution instead of the Senate, upon what theory could the Attorney-General, either of his own motion or upon the direction of the President, refuse to transmit them?

It has always been supposed that either the House of Representatives or the Senate had plenary power to investigate the Departments, had abundant authority to examine the Cabinet officers, even to bring them before the committee, with all papers in the office which would tend to show its condition, and the manner in which it had been conducted. It may be done in order to expose corruption; it may be done in order to uncover defects in the organization of a Department; it may be done in order that Congress obtain the information essential to the application of a corrective by new legislation. Such power in great fullness must of necessity exist, to be exercised under varied conditions and circumstances and with many different purposes.

Is this not the attitude? The President, not denying that there may be circumstances under which either the House or the Senate would be entitled

to such papers, to demand them and compel their production, assumes that they are wanted for a purpose which in his judgment is not within the jurisdiction of the Senate.

The Senate will mark that the Senator comes directly to the issue as to whether or not the President has the right to assume that.

If for any purpose within the power of the Senate it can direct under any circumstances the Attorney-General, or any other Cabinet officer, to transmit to the Senate papers touching the conduct of a particular office, then it is essential to the orderly conduct of the Government that the executive officer should assume that the papers are desired for a legitimate purpose. Or has it come to this, that the Senate or the House demanding the production of papers, which either may rightfully demand for some purpose, must go with Eastern salaam to the Department door, bound to disclose, first, to the Attorney-General or the President, the precise purpose for which the papers are desired, under penalty of not receiving them at all?

How would it look, in response to a resolution adopted by the Senate asking that the Attorney-General or the Secretary of the Interior transmit to the Senate papers like these, in their very nature official, relating to the transaction of the public business, for the President to transmit to the Senate a message of this nature: "If you desire these papers you must first indicate to me the purpose for which you desire them, and if after having disclosed that purpose I think they are within your jurisdiction, and that the purpose to be subserved is a legitimate purpose, I shall transmit them; otherwise not?"

The Senator asks how it would do for the President to transmit such a message as that, and he continues:

Would that be in effect any different from this response of the Attorney-General? Would it not be humiliating? Would it be anything less than a one-man government? Would it do anything less than enable the President of the United States to shut out at his will the sunlight of investigation from all the public offices? Must the Senate, must the House—because if he may require the performance of that precedent condition of the Senate he may of the House—first advise him of the purpose and submit to his judgment as to whether it is a legitimate one?

The resolution interprets itself, and relates upon its face to papers which no man can deny are in their nature public. The President by a message, as to the propriety of which I have nothing to say, tells us, not that there are no such papers on the files, but that there were other papers filed during that period which he considers private and confidential papers.

I shall spend little time in discussing the question in the abstract as to what constitute private and confidential papers in distinction from public papers to which the Senate or House has the right of inspection. I concede, of course, that there may be addressed to the President, and doubtless are, many papers which are confidential.

No one questions that; but I deny that papers addressed to a head of a Department or to the President of the United States touching the conduct of an officer of such a character that they may be properly acted upon by either the head of the Department or the President, proper to be placed on the files of the Department, relating to the transaction of the people's business in one of the people's offices, can by any magic become the private and confidential and secret papers of the President himself.

Now, Mr. President, it is true that there the distinct question was as to whether Congress or the Senate should judge whether its motive was a legitimate one or whether the President should judge whether it was a legitimate one. But it matters not as to what question is raised, under the argument and under the reasoning of the argument, whenever there is any objection on the part of the President as to the disclosure of information which is desired, the question is one to be determined by the Senate and not by the President, because if the President can in the one case say, "In my opinion you have no right to have this information," he can say it in all cases, and it is within the power of the President of the United States, in his discretion and for any reason deemed by him to be sufficient, to absolutely shut up and hermetically seal every door of every Department of the Government.

The Senator continues, and I am sorry to have to omit any of it, because it is all strong and directly to the point. On the same page from which I last read—and I call the attention of my learned friend——

Mr. SPOONER. Will the Senator kindly give me the page?

Mr. BACON. Yes, sir; I have given it already, and I will give it again. Page 2488, March 18, 1886. The Senator said as the conclusion of that branch of his argument:

I assert now the proposition that the Senate has a right to obtain of a Cabinet officer upon demand, and of the President upon request, such information to enable it to act intelligently upon the question as to whether it will advise and consent to a proposed removal.

And yet it is sought to differentiate such a power from the other power of the Senate as to whether or not it has, in the language of the learned Senator, the right to obtain from the President, upon request, information to enable it to act intelligently upon the question as to whether or not it would advise and consent to the ratification of a treaty. If he can differentiate as to the two it will be but another evidence of the versatility and ability of the distinguished Senator.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield?

Mr. BACON. I yield to the Senator.

Mr. TILLMAN. I wish to suggest to the Senator from Georgia that the history which he has been reading is so interesting that it recalls the old fable about the bull and the ox.

Mr. BACON. I will say to the Senator that I have had that in mind, but not being a happy raconteur I did not venture upon its narration. I will allow him to go ahead.

Mr. TILLMAN. It appears to be very clearly proven that if a Democratic President gets up a tree the Democratic dogs bark at all intruders, and when a Republican President gets up a tree it is the same old thing; and we appear to occupy positions on constitutional questions of this character according to the exigencies and necessities of our parties.

Our friends on the other side undoubtedly voted for the contention of the Senator from Wisconsin. Then it would be unreasonable for us to expect them to vote that way now. Would it not? In other words, consistency is a jewel.

Mr. BACON. If the Senator takes issue with me on any point I shall be happy to hear from him. If he is on my side, let me go on.

Mr. TILLMAN. I was trying to illuminate the question. I could not do it as well as the Senator from Georgia or the Senator from Wisconsin; but I was trying to ease my friend from Wisconsin out of the unpleasant attitude of being on both sides of this question.

Mr. BACON. Mr. President, I had not finished what I propose to read from the speech of my distinguished friend. I resume at the particular place where I was reading when the Senator from South Carolina interrupted me.

I hope I may be allowed, in order that the connection may be kept, to read that sentence over again, because the next sentence directly relates to it. I read again that sentence from the Senator's speech:

I assert now the proposition that the Senate has a right to obtain of a Cabinet officer upon demand, and of the President upon request, such information to enable it to act intelligently upon the question as to whether it will advise and consent to a proposed removal.

The Senate will mark that that is not qualified. It is a right to have it, when requested, not conditionally; and the Senator, in full recognition of the fact that that was his meaning, turns to the Democratic Senators and asks this question, referring to the utterance which he has just made:

The Senators on the other side will not, I think, charge that the issue, so far as I am concerned, is not broad enough.

The Senator states it in as emphatic language as his great command of language would permit him, and then emphasizes it by turning to his opponents and challenging them to his statement, that it is as broad as it can be made, and that nobody can find fault with it by reason of its failure to be broad enough.

In other words, Mr. President, the Senator lays down, as broadly as his language will permit him, the proposition that as to anything which relates to the business of the Senate and within the jurisdiction of the Senate the Senate has the right to have it on a request addressed to the President, not a qualified right; and he emphasizes it by the statement that no one can find fault with that statement on the ground that it is not broad enough; and if anybody had challenged him to make it still broader, if he had had it in his power he would have done so, because it was his intention to make it as broad as language would permit.

The Senator then goes on as a lawyer and says this:

Is the proposition sound in law?

That is the great question here to-day.

Is the proposition sound in law? I want no other principle of law to guide me to a conclusion in favor of the right of the Senate to the information upon that theory than is found in the report submitted by the minority of the committee and the message which the President has seen fit to transmit. I call the attention of the Senate to the statement of the law in the report submitted by the minority of the Judiciary Committee. It is very guarded and very advisedly made, and is sufficiently broad and accurate for the purposes for which I desire to use it.

Then the Senator proceeds to quote from the minority report:

"The minority admit"—

Reading now from the minority report—

"The minority admit, once for all, that any and every public document, paper, or record"—

The Senator from Wisconsin then reading that report interjects this language:

Note this, if you please—

"on the files of any Department, or in the possession of the President, relating to any subject whatever over which either House of Congress has any grant of power, jurisdiction, or control under the Constitution, is subject to the call or inspection of either House for use in the exercise of its constitutional powers and jurisdiction."

There spoke Pugh, and George, and Jackson, and Vest, and Coke. Continuing to read from the minority report:

"It is on this clearly defined and well-founded constitutional principle that, wherever any power is lodged by the Constitution, all incidents follow such power that are necessary and proper to enable the custodian of it to carry it into execution. Whether the power is granted to Congress, or either House, or to the President, or any Department or officer of the Government, or to the President by and with the advice and consent of the Senate, the principle is as fundamental as the Constitution itself that all the necessary incidents of such grants accompany the grants and belong to and can be exercised by the custodians of such powers, jointly or severally, as they may be vested by the Constitution.

"It is on the application and enforcement of this unquestioned rule of construction that either House of Congress has the right inherent in the power

itself to direct the head of any Department or request the President to transmit any information in the knowledge of either—"

Then the Senator from Wisconsin again interjects the words:

Note that—

"or any public or official papers or documents, or their contents, on the files or in the keeping of either, provided such papers or documents relate to subjects, matters, or things in the consideration of which the House making the call can use such information, papers, or documents in the exercise of any right, power, jurisdiction, or privilege granted to Congress, or either House, or to the President by and with the advice and consent of the Senate."

That is the end of the part of the minority report which was then read in that speech by the distinguished Senator from Wisconsin, and then he resumed. The Senator from Wisconsin said:

Here, in a lawyer-like way, and in a bold way as lawyers ought to state their case, the minority, without shuffling or technicality, place the question upon this proposition: If the Senate of the United States has any jurisdiction over the subject-matter to which papers relate, or to which information in the hands of a Department officer or in the hands of the President relates, then they say unqualifiedly, and it would seem to be unmistakable law, the Senate has a right to the inspection of such documents and a right to elicit such information. The President, placing it upon a little different ground, recognizes the same principle, and in doing this he only follows the example of Washington in somewhat the same language upon the same subject, and of every Executive from Washington down, thus—

Quoting now from Mr. Cleveland—

"To the end that the service may be improved, the Senate is invited to the fullest scrutiny of the persons submitted to them for public office, in recognition of the constitutional power of that body to advise and consent to their appointment. I shall continue, as I have thus far done, to furnish, at the request of the confirming body, all the information I possess touching the fitness of the nominees placed before them for their action, both when they are proposed to fill vacancies and to take the place of suspended officials."

After reading that the Senator from Wisconsin said:

Why? Because under the Constitution the Senate is a factor in the act constituting, on the whole, the appointment of the officer; because, in the language of the minority of the committee, the Senate, under the Constitution, has jurisdiction over "the subject-matter."

Mr. President, as I say, I regret very much that I can not read the whole speech of the Senator; but on a subsequent occasion, on the 19th of March, the next day, as will be found on page 2529 of the CONGRESSIONAL RECORD, the Senator from Wisconsin, in a discussion of the same resolution, uses this language:

Possessing, therefore, the right to call for papers and information from the executive department of the Government necessary to enable the Senate to discharge with fidelity and intelligence its duty under the law in the matter of removals, it can not forego that right when in its opinion its exercise is necessary.

There is the distinct issue made, and there is the distinct proposition so clearly announced by the Senator from Wisconsin. In other words, it can not submit to the statement of the President of the United States that, in his judgment, it is not a matter for the Senate but a matter for him to determine; that the Senate "can not forego the exercise of this right;" that it will not admit and can not acknowledge the right of the President to say that it is not entitled to the papers; but that the Senate will insist upon and maintain its rights. That is the language, or rather the substance, the meaning, of the language of the Senator from Wisconsin.

He continues:

It can not suffer, by its acquiescence, the principle as to papers, now asserted by the executive department, to grow into precedent. It is not a question of etiquette, nor is it a question of politics. It is very far above either.

The Senate has no right to trench upon the prerogative or powers of the Executive. The maintenance, sacred and inviolate, of the prerogatives of the three great coordinate departments of the system under which we live, as the fathers framed it, is essential to the permanency and success of our Government. Neither should be permitted to trench upon the other, and neither may permit any impairment, through aggression or concession, of its constitutional faculties and prerogatives.

By which the Senator certainly meant to say that one of the prerogatives of the Senate was to determine for itself what papers it required, and that it would not forego or surrender that prerogative to the Executive.

The Senator from Wisconsin continued:

The Senate can not yield the principle that in any case or under any circumstances the files of the Departments, evidencing the conduct of public offices, shall be secret from the inspection, or that any paper or letter bearing upon the conduct of a public office, placed upon the files of any Department, or in custody of any executive officer, and which ought to be placed upon the file of any Department, can, at the will of anybody, even though it be the President, become personal and subject to removal or destruction.

Mr. President, the language of the Senator there was directed to the particular subject-matter under consideration, but the reasoning and the language will embrace all matters in an Executive Department, and asserts, as the prerogative of the Senate, and also of the House of Representatives—not the Senate exclusively, except as to matters within its exclusive or peculiar jurisdiction—asserts the right of either House of Congress in a matter in which it has jurisdiction to enter into any executive office; to see anything that is in it; to ask no man's permission to do so, and to receive from no man a denial.

Mr. President, I am glad this question has come up. I sat here yesterday and heard the message from the executive department responding to a resolution introduced by the Senator from Tennessee [Mr. CARMACK] calling for certain information, in which the Senate was told that, in the opinion of the Executive, it was not a proper matter to be sent to the Senate.

Mr. KEAN. Has the Senator from Georgia read the message of the President of the United States?

Mr. BACON. I only heard it read.

Mr. KEAN. If the Senator would read the letter of the Secretary of the Treasury accompanying the message, I think he would find a very good reason given for the declination to furnish the information.

Mr. BACON. I do not care what the reason is.

Mr. KEAN. It is a very good one.

Mr. BACON. If the request by the Senate was not qualified, and was made in the discretion of the Department or of the President, it matters not what the reason is which is assigned for refusal. The reason can properly be conveyed to the Senate before final action is taken upon the demand of the Senate. If there is a good reason, it is perfectly proper that the President should send to the Senate a communication in confidence, that for such and such reasons he asks that the demand shall not be insisted upon. Can anybody doubt that, if any proper reason is given in such a case, the Senate will not respect a suggestion of that kind?

But to refuse is to deny; it matters not whether it be for a good or a bad reason, the power to refuse is the thing; and if the President has the power to refuse, he has the power to refuse for a bad reason as well as for a good one; and when he refuses, it matters not what is the reason, good or bad, he has, in my opinion, violated the law and invaded one of the highest prerogatives of Congress, which is to know everything that relates to this Government—everything; and if there was another word that was more comprehensive than that, I would use it. So it matters not, Mr. President, whether the reason be good or bad. If there was a good reason why the information should not be given to the Senate, the proper course would have been, through the proper officer, to have communicated to the Senate that such a demand had been made, and then——

Mr. KEAN. But, Mr. President, that is just what the President did; and if the Senator from Georgia will read what the President says, he will find it out.

Mr. BACON. But the Senator did not hear me through. I say that the proper action to take was to communicate in a proper way to the Senate that such a demand had been made, and to say that for such and such reasons, whatever they may be, in the opinion of the President it would be unwise to furnish the information, and to ask the Senate not to insist upon it; but when he assumes that, in his judgment, that reason is sufficient, and refuses without more, it matters not whether it is good or bad, sufficient or insufficient, he can control it. So I say, Mr. President, that if you admit his right in his judgment, upon what he may consider to be a good reason, to shut the door of a Department, the power is unlimited to shut that door upon any judgment or any reason which he may deem to be sufficient.

Mr. President, that is the exact point that was involved in the great debate of 1886 in this Chamber; that was the exact point at issue, and the only point at issue. It was maintained with great power and ability, and I think with conclusiveness of argument on the part of the Republicans, that the President did not have that right; and in the language of the Senator from Wisconsin, which I have read, it was vigorously contended that it was the high prerogative of the Senate and that the Senate would not forego it at the behest of any man, be he even the President.

Mr. MITCHELL. May I ask the Senator a question?

Mr. BACON. Certainly.

Mr. MITCHELL. Does the Senator from Georgia draw any distinction between the two cases: In one case where papers are called for bearing upon the question of the removal of a man from office and, in the other case, where papers are called for in connection with the consideration of a treaty?

Mr. BACON. None whatever, because the principle is absolutely the same.

Mr. MITCHELL. Then the Senator does not agree with the position taken by President Cleveland.

Mr. BACON. I certainly do not, and I am unqualified in agreeing with what was said on that occasion by distinguished Republicans in the debate.

Mr. MITCHELL. One other question. The Senator has stated that that was the only question discussed at that time. There was another question, and a still more important one in my judgment, which was reported by the Judiciary Committee, discussed at length, and passed upon, and that was what action should be taken in the event of the Senate of the United States calling upon the President of the United States to send papers to the Senate—for instance, it may have been in the consideration of an appointment—and the President refused to send the papers. The posi-

tion of the Republican party at that time was that it was the duty of the Senate to stop business, to refuse to consider appointments, and there was quite an extensive controversy over that matter. Now, I want to ask the Senator from Georgia: Suppose the President is called upon for papers and declines to submit them, what is the remedy?

Mr. BACON. There is none.

Mr. MITCHELL. Is there any remedy except by impeachment?

Mr. BACON. None whatever; nor is there any remedy for any dereliction of duty by the President save only that. But that does not answer the question; that does not meet my proposition at all.

Mr. GALLINGER. Mr. President, the Senator, I think through inadvertence, has twice said within the last few minutes that the Senate had made a demand on the President. The Senate always requests the President.

Mr. BACON. In this case I will state to the Senator that I am not incorrect in the use of language, for the reason that I was discussing a resolution which had been adopted by the Senate, which was a direction to the Attorney-General, and which was replied to by the Attorney-General in the name of the President, so that it was a demand in that case. But in all of the debate to which I have referred all the Senators spoke of it as a right to demand or direct a subordinate officer, and a right to receive information on a request to the President, and a right which they would not forego.

Mr. GALLINGER. What has puzzled me somewhat as a layman is to differentiate between the demand upon a Cabinet officer and a request made to the President. It has seemed to me that the fact that we request the President carries with it the presumption that he may decline to accede to our request.

Mr. BACON. Not at all. The Senator will pardon me if I reply in the language of the Senator from Wisconsin [Mr. SPOONER] in that regard.

I should like to quote him as to all these matters, and I will return to what I have already read, in order that I may reply, in much more felicitous language than I can command, to the inquiry of the Senator from New Hampshire [Mr. GALLINGER]. The Senator from Wisconsin had been discussing what is the right of the Senate; and he said it is the right of the Senate to receive this information upon the request of any officer, even if it be the President.

Now, if it is right, of course it is not a matter subject to qualification; it is a right which the Senator says it "can not forego"—using that language. I will now read again the last sentence which I read from the speech of the Senator from Wisconsin:

> The Senate can not yield the principle that in any case or under any circumstances—

That is certainly pretty broad language—

> The Senate can not yield the principle that in any case or under any circumstances the files of the Departments, evidencing the conduct of public offices, shall be secret from the inspection, or that any paper or letter bearing upon the conduct of a public office, placed upon the files of any Department, or in custody of any executive officer, and which ought to be placed upon the files of any Department, can, at the will of anybody, even though it be the President, become personal and subject to removal or destruction.

Or subject evidently, according to the context, to the refusal of the President to communicate it to Congress.

Mr. GALLINGER. If the Senator will permit me, that is certainly very strong and direct language; and if we are to accept that as the correct doctrine, then I apprehend that the phraseology that we request the President, "if not incompatible with the public interest," is a mere matter of courtesy. Is it?

Mr. BACON. Not altogether so. There are many instances where the Senate has used that language because they did not think it of vital importance that they should obtain the information; but I think, as a matter of courtesy, it should always be introduced except in a case of extreme urgency.

I do not know that the Senator from New Hampshire heard what I said in the outset of my remarks, that I am not discussing this question so much with reference to this particular resolution, because I have no doubt that, under the assurances already given, the President will furnish us with all that is required, but that the announcement had been made on the other side of the Chamber to-day that as to whether or not the President should respond to any request the Senate might make of him was a matter within his discretion, and I cited the Senate to the fact that on yesterday, in response to a resolution previously sent by the Senate directing one of the officers or the head of one of the Departments to send certain information here, we had had a communication from the President that, in his judgment, it was a matter which ought not to be communicated to the Senate.

As I just said in replying to the Senator from New Jersey [Mr. KEAN], it matters not whether the reason which the President gave was a good one or a bad one, if he has got the right to exercise his judgment as to whether it is good or bad, and to act upon that right when a direction is thus given by the Senate to the head of a Department, then he has the right unqualifiedly in every case to say "no" to any request that may be made for the communication of any information needed by the Senate. That is the proposition which I make, and which I say has been so ably maintained, not by me, but by the distinguished Republican Senators whose names I read. I do not think the Senator from New Hampshire was in the Chamber at the time, but I mentioned the names of George F. Edmunds, GEORGE F. HOAR, William M. Evarts, John J. Ingalls, and Samuel J. R. McMillan, of Minnesota.

Mr. GALLINGER. I will say to the Senator, if he will permit me, that I have been listening with great interest to his very able address, but I was unavoidably called from the Chamber in the transaction of public business and did miss a portion of his speech, which I regret.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I should like to proceed with my remarks, but I yield.

Mr. TILLMAN. I want to suggest to the Senator from Georgia, who has illuminated this subject so fully, an inquiry along this line: Whether there is not a difference between a request for information conveyed in the usual courteous language—"if in his judgment not incompatible," etc.—calling for relatively unimportant information, and a resolution calling for information of much moment. Might there not be some things which the President would feel warranted in sending to us to go into the RECORD or to become public property, and some which he would not feel warranted in sending to us unless it was in the nature of a secret communication, which would be for our information alone?

Does the Senator not differentiate in that particular? Then, if in the judgment of the Senate it was still desirable and necessary that it should have the information, I agree with him entirely—it would have the right to demand that it be sent in confidence. But does not the Senator differentiate between the ordinary courteous resolution of inquiry on matters that are not of very serious moment and those that are vital?

Mr. BACON. I endeavored to suggest that same idea in response to the inquiry of the Senator from New Hampshire.

Now, let me illustrate the orderly way in which this can be done and ought to be done. I will illustrate it by an occurrence during the Spanish war. I introduced a resolution directing the then Secretary of War, the present junior Senator from Michigan [Mr. ALGER], to communicate to the Senate certain information—I have forgotten now exactly what it was—relative to the defenses of the southern coast, where people were apprehensive that they were not prepared to meet the onset which they anticipated. That resolution was sent to the Secretary of War.

If the proceeding for which the Senators on the other side now contend had been adopted the Secretary of War would have gone to Mr. McKinley, and Mr. McKinley would have sent in a message saying that in his opinion it was incompatible with the public interests that that information should be given. That would have been a good reason, but still it would have been an infringement of the prerogatives of the Senate. Instead of that, the proper course was taken. The Secretary of War sent for the chairman of the Military Committee of the Senate, General HAWLEY, and communicated to General HAWLEY the facts which in his opinion would make it improvident and unwise to communicate that information to the Senate, even in executive session, because it might get to the enemy.

General HAWLEY came to me and explained what the Secretary had said. I recognized at once that his reason was a good one; and as soon as the Senate met I myself moved that the Senate withdraw the request, and it was withdrawn. Can anybody doubt that in any case where there is a good reason for it a similar course would not be taken?

But, Mr. President, while that course is practicable and works no harm, whenever you once set up as a law the right of the President to say peremptorily, "I will not give the information," you give him the right in all cases and under all circumstances to close the door to the inquiries of the Senate; because if he has the power in one case, he has it in all, and the question of its exercise is a question solely in his discretion.

Mr. President, I had no expectation when I rose of occupying so much of the time of the Senate, because I really did not feel physically able to do so, but I want to read a little more of the debate from which I have been quoting.

While the Senator from Wisconsin [Mr. SPOONER] made an argument in that case which is not surpassed in its ability and soundness by that made by any other Senator, arguments upon the same line were made by others of the distinguished men whose names I have mentioned and by some others whom I have not mentioned.

I will read now what Mr. Logan, then a member of the Senate from Illinois, said. He may not have been as distinguished a lawyer as some others whose names I have mentioned, but still I

think he enjoyed the confidence of the people as a man of strong mentality and as a lawyer of ability. Said Mr. Logan, then a Senator from Illinois—and I read from page 2799 of the same volume from which I have been reading:

If the people through their representatives can not have access to the records of the country, on the general theory that they are the source of power, when such records or documents are requested to aid in the performance of a duty incumbent upon them in their coordinate capacity, where is such a theory to carry us if it is followed up?

And that is the important inquiry.

We have been told for years by our opponents that the concentration of power was one of our objects; that our theories as well as the character of our legislation proved this to be the design of our party—

Referring to the Republican party—

that this had been increasing and growing from year to year; that the power of the Government was being placed in the hands of the few; that the people were being stripped of their power day by day.

I should like for any Senator to tell me—

I hope Senators will listen to this language—

I should like for any Senator to tell me what greater concentration of power has been shown during the existence of this Government than the attempt made by the President of the United States to take into his own hands the right to allow or not the people of this country through their representatives to examine public records, documents, and papers as he sees proper. Suppose the man guilty of fraud; suppose he has been guilty of embezzlement; suppose he is charged with any offense; will the President of the United States say, when we send for the papers to examine into the conduct of his office to see how it has been managed because he has suspended this man, the Congress of the United States shall not examine the papers?

Will you say that? Suppose the Senate of the United States organizes a committee of investigation to-day and calls upon the President of the United States, the Attorney-General, the Secretary of the Treasury, the Postmaster-General, or any other head of a Department, for papers in connection with the case either for or against the man accused, will it be said that the Senate of the United States can not have those papers? If so, why refused? Would it be on the ground that they are private documents? Is that the ground?

But, Mr. President, the same argument might be used as to any other information which Congress might need in the conduct of its business. There is no argument which could be used in favor of the right of the Senate to see any paper connected with the question of an office where the incumbent was under investigation, or where inquiry was to be made concerning him, which does not apply with equal force and conclusiveness as to any other subject-matter relating to the Government about which Congress asks information, and there is no reason why the President should be clothed with a power to shut the door for one purpose which would not give him an equal power, if he saw fit to exercise it, for another purpose, and it may be either in the same Department or another Department of the Government.

I will read further from Senator Logan.

Mr. PLATT of Connecticut. What page?

Mr. BACON. Page 2799 of the same volume:

If this theory is to be carried out—

That is, the right of the President to deny access to any paper or any document or any information in one of the Departments—

If this theory is to be carried out, the head of a Department might suppress papers that would convict his friends; he might suppress papers that would convict criminals; he might suppress papers that would convict himself if he be corrupt enough, and this merely upon the ground that they were private papers and could not be given out. Suppose papers charging men with violations of law, charging them with robbery, with theft, with murder, with arson, no matter what crime, came to the Secretary of the Treasury as a letter directed to him making these charges, because the letter is written to him and not officially, but is filed with the papers in the archives of the Government, when the Senate calls on him for those papers he says, "It is a private letter. I shall not give it to the Senate or the Congress of the United States," though on the files.

Would not that be covering up crime under the guise of private papers on the ground that they will not deliver documents to the Congress of the United States that might involve in criminal proceedings some individual who happens to be an official of the Government and friend of the Secretary?

Of course, Mr. President, the same illustration can be used as to any other information which Congress may desire as to any subject-matter about which it wishes information in the disharge of its great and high duty.

There are numbers of other quotations I might make, but I will read from Mr. Evarts, a great constitutional lawyer. This is to be found on page 2742 of the same volume. I will not read the whole of it. I should like to do so, but I will only read the most pertinent part.

That great lawyer, Mr. President, comes down to this distinct question, and it is a great question in the case, as in the case of the difference between the Senate and the President upon the question of the communication of information to the Senate. In that case of difference who is to determine it, the Senate or the President? That is the question which was in that great debate, and one upon which that eminent man made these utterances which I am now to read:

It is said in the first place—

That is, by the opponents—

It is said in the first place, and thus the proposition of the committee is sought to be avoided, that the papers called for can by no means touch any matter subject to the public action of the Senate. Let us look a moment at that proposition. Who is to determine in the first place that on a topic which the Senate has to do with it has a right to the inspection and use of papers in the Departments, but it has no such right when the Senate can not possibly touch or deal with any subject-matter to which those papers relate? Who is to determine in the first instance that the Senate may or may not explore and make use of papers that are on file? Certainly the Senate is the judge of that.

What does he mean? The question at issue was whether the Senate was the judge when the President desired that information should not be given or whether the President was in that case the judge; and Mr. Evarts says:

Certainly the Senate is the judge of that.

The Senate, as a component part of the legislature represented in Congress, is not of limited jurisdiction. It is not confined to this or that topic. Whatever touches, in the language of one of the clauses of the Constitution, the common defense and the general welfare belongs to the two Houses of Congress. When, therefore, either House under its responsibilities and under the determination of a constitutional majority of votes on any subject in either of these Houses undertakes itself to deal with public documents and papers in the Departments, it deals with what belongs to the Government of the United States for use by the Congress of the United States, and upon its judgment of what its duties, its faculties, and its proposed actions relate to.

Mr. President, could language be more explicit and more comprehensive than that? I repeat it. He says that it acts—

upon its judgment of what its duties, its faculties, and its proposed actions relate to.

In other words, it does not act upon what the President may think its duties, its faculties, and its powers may be, but that the Senate is the one to judge what are its faculties, it duties, and its powers, and that all these documents are not the documents of the President of the United States, but of the Government of the United States, and the Senate was entitled to the inspection of each and all, and that it is for it to determine whether the inspection of any paper or the getting of any information is in accordance with the proper discharge of its duties under its faculties and under its powers.

Thus spoke the great lawyer, and I rest upon him and not upon what I may feebly say:

And now for the first time is it found that a preliminary question arises, when the Houses of Congress, one or both of them, have asked for papers on file, that there is a preliminary judgment to be exercised and to be final, and to be under the unlimited range of discretion and of personal judgment of the President, whether or not these papers that are described and exist as on the files or on deposit in the Departments are on the face of them papers that belong to the uses and for the purposes of the duty of the Houses of Congress.

He announces that as a great and startling proposition, and it is a great and startling proposition, and dark will be the day whenever it comes to be recognized as the law of this land that the President of the United States is vested with power to say what papers or what information Congress shall have, and that if the reason, in his judgment, is sufficient he can close the door to that information and say "no" to the demand of Congress.

The learned Senator and great lawyer, Mr. Evarts, continues:

Where is this preliminary line to be drawn? Who is to be patient under it? Who is to look in the face the two Houses of Congress in the illimitable range of their duty, dealing in the matters of the Departments, dealing with the matters there deposited and there preserved for the Government for its uses, for action in reference to the Government, and for no other purpose whatever?

Who is at liberty to sift and cull out of these papers thus deposited, and to be accorded this prejudgment of the action of the two Houses of Congress? Who is to be this arbiter between the Government and the Congress to determine what shall be given and what shall be withheld?

I should like to find votes cast here on the other side of this alley upon that preliminary question.

I will say to the Senator that if I had been here undoubtedly I would have voted with the Republicans on that issue; and, Mr. President, I desire to say, so far as it has been within my power, I have always contended for the prerogatives of the Senate. The first speech I ever made in this Chamber upon that subject was taking issue with a Democratic President when, in my opinion, his action invaded the prerogatives of the Senate. I will read that sentence again:

I should like to find votes cast here on the other side of this alley upon that preliminary question.

He proceeds:

Give us the premises of the powers of the two Houses of Congress under the Constitution that are not disputed here—I mean the general powers—give us the constitution of the Departments; give us the arrangements of law regulating the action of these Departments; give us the fact that the papers we seek for are in the possession of the Department of Justice and the Attorney-General can lay his hand upon them, and then after that a peremptory instruction of the President can follow out these deposits and select from them those that are suitable for the inspection of the Houses; let it be conceded that it is not thus to be arbitrarily, thus capriciously, thus undutifully discharged by the President in this preliminary authority; let it be agreed that he means to send to the two Houses all that are useful and pertinent to every public use, how do you by that proposition but advance the most monstrous doctrine under the Constitution—

Listen to this, Senators!—

advance the most monstrous doctrine under the Constitution that the President is the judge of what the duty of the two Houses of Congress relates to, and the further question of what the papers would have to say and to show and to decide whether they were or were not important and interesting to the two Houses of Congress on the very matters that the Congress has authority over.

I could continue those quotations to a very great extent, but I have read enough to show what was the attitude of the Republican party upon that question and what was the constitutional view of these great lawyers who then ornamented this Chamber. I do not feel that I can add to it.

But, Mr. President, there is one matter that this question closely relates to, and that is the power of the Executive and the unlimited power which such a concession would make to him.

Now, as illustrative of that, I want to say that that learned coterie of Senators who made the report of the committee, signed by them individually—George F. Edmunds, John J. Ingalls, William M. Evarts, GEORGE F. HOAR, S. J. R. McMillan, and James F. Wilson—were so impressed with the fact that it was the claim of a power which would be most dangerous to the institutions of this Government, that if conceded there was no limit to be set to the Executive power—so impressed were they with that that they not only made this most elaborate and able and luminous report, but they set out as an exhibit the report made to the House of Representatives in the Twenty-seventh Congress, when a similar question was up.

It is called Appendix B. House Report 945, Twenty-seventh Congress, second session. That related to the removal from office of Henry H. Sylvester.

I myself would not as an illustration of the danger of Executive power now bring this report to the attention of the Senate as a warning against the encroachments of Executive power, because, while I might consider it pertinent, I recognize that if I did so, it might be construed as an extreme action on my part and my motive might be misconstrued into an intention to give offense to the Executive.

That purpose I not only disclaim, but say that I would not even venture to have it read, but that it is the report of these eminent Republicans when they were resisting the claim of power by a Democratic President, and in which they were so impressed with the dangers to this Government in the absorption of all power by the Executive that they solemnly set out, as a part of their report, this report made to the House of Representatives in the Twenty-seventh Congress.

I will not burden the RECORD with reading all of it, but I am going to read, not as applicable, I distinctly say, not by inference, but emphatically, in any manner to the present Executive, but simply as the utterance of these great and conservative Republicans as to the danger of unlimited power when wielded by the Executive.

Mr. President, it is a long report, and the whole of it is decidedly interesting, quoting Mr. Webster and others on that subject, but I will read simply an extract from page 17, and I will state that it is in this same document, Report 135, Forty-ninth Congress. I will read an extract on page 17, in which is quoted an extract from a report made by Mr. Benton to the Senate of the United States embracing in part this subject—the question of the absorption of power by the Executive. And I repeat that what I have said to-day is in no manner personal.

I have no special interest in this particular resolution, and if the matter had been limited to this particular resolution I would not have uttered a word, and all that I say is in upholding to the extent of my feeble power the prerogative of the Senate and the House and the denial of the right of the Executive, I care not whether he be a Democrat or a Republican, to say "No," peremptorily and finally, to any demand which may be made upon him by either House of Congress for information as to any matter properly within their jurisdiction and to be used in the discharge of their duty.

Now, with that disclaimer of course I can not be misunderstood in reading this extract. It is simply upon the general question, and in my opinion relates as much to the danger to this Government when one party is in power as when the other is in power:

In 1826 Mr. Benton made a report to the Senate, embracing, in part, this subject, which ought to be carefully read by every American. In that paper we find this powerful passage:

Now I quote from the report of Mr. Benton:

"The King of England is 'the fountain of honor;' the President of the United States is the source of patronage. He presides over the entire system of Federal appointments, jobs, and contracts. He has power over the 'support' of the individuals who administer the system. He makes and unmakes them. He chooses from the circle of his friends and supporters, and may dismiss them, and, upon all the principles of human actions, he will dismiss them as often as they disappoint his expectations.

"There may be exceptions, but the truth of the general rule is proved by the exception. The intended check and control of the Senate, without new constitutional or statutory provisions, will cease to operate. Patronage will penetrate this body, subdue its capacity of resistance, chain it to the car of power, and enable the President to rule as easily and much more securely with than without the nominal check of the Senate.

"If the President himself was the officer of the people, elected by them and responsible to them, there would be less danger from this concentration of all power in his hands; but it is the business of statesmen to act upon things as they are and not as they would wish them to be. We must look forward to the time when the public revenue will be doubled"—

This was in 1826, and of course that proportion has been very largely exceeded—

"when the civil and military officers of the Government will be quadrupled; when its influence over individuals will be multiplied to an indefinite extent; when the nomination of the President can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress; when the principle of public action will be open and avowed—the President wants my vote, and I want his patronage: I will vote as he wishes, and he will give me the office I wish for. What will this be but the government of one man? And what is the government of one man but a monarchy?

"Names are nothing. The nature of a thing is in its substance, and the name soon accommodates itself to the substance. Those who make the President must support him. Their political fate becomes identified, and they must stand or fall together. Right or wrong, they must support him, etc."

Then this report goes on to say:

All this was prophecy then. It is now history.

Mr. President, I must apologize to the Senate, for I recognize that it is due it for having occupied so much of its time; but I agree with what was said by the Senator from Wisconsin in the former debate, that it is a most serious and grave question, one, according as it may be finally determined, very fundamental and far-reaching in its consequences, and for these reasons I have ventured, while taking some part of the time in my own argument, to call the attention of the Senate and the country somewhat at length to the arguments of the distinguished Republican Senators whose speeches I have read in part out of the RECORD.

Mr. SPOONER. Mr. President, the Senator from Georgia [Mr. BACON] has addressed so much of his observations to me and to what I have said——

Mr. BACON. I hope the Senator from Wisconsin will pardon me for correcting him.

Mr. SPOONER. Yes.

Mr. BACON. I have not directed any of my arguments to him. I simply used what he had said on a former occasion as presenting the argument more strongly than I could.

Mr. SPOONER. I wish to make a brief reply to the Senator from Georgia.

The statesman of the old day who prophesied that this would get to be a one-man Government made a prophecy which has not been fulfilled and which, I think, never will be fulfilled. I have no fear of any Executive encroachment upon the Senate or the House. So far as my knowledge of public affairs goes, the Executive has always, with perhaps here and there an exception, treated Congress, and each branch of Congress, with respect and courtesy.

If there has been at any time any want of courtesy in—I will not say by, but in—one branch of the Government toward another, it has been in the Congress toward the President, not in any utterance of the President concerning Congress or any of its Members.

Mr. BACON. Will the Senator pardon me?

Mr. SPOONER. Yes.

Mr. BACON. The Senator uses the words "the President." I do not know whether he refers to any particular President.

Mr. SPOONER. No; I refer to any President.

Mr. BACON. I want to say, and I call the Senate to witness, that what I have had to say has been in no sense personal——

Mr. SPOONER. I know that.

Mr. BACON. As to any President.

Mr. SPOONER. I never knew the Senator from Georgia to utter a discourteous word of any President, or of anybody. I did not have the slightest reference to him.

Mr. BACON. But others who did not hear all I have said might construe the Senator's words as implying that he thought I had.

Mr. SPOONER. I did not have the slightest reference to the Senator from Georgia.

I have heard in the Senate within a week observations about the President of the United States and his supposed personal characteristics which if uttered by the President of the United States as to any member of this body would be resented from one end of the country to the other. No President in his official acts is entitled to immunity from criticism. He is entitled to respectful criticism, and in the Senate more than anywhere else on earth, because under the Constitution of the United States this is the body which in the last analysis tries Presidents, and sits in judgment upon them and their right to continue in office.

So I do not hesitate to say (and I have had the same feeling as to remarks which in the past I have heard here about the Supreme Court of the United States) that in the Senate no word ought to be uttered in spirit or manner which could be personal or offensive either to the tribunal which sits in the Capitol or to whomever happens, for the time being, to discharge the duties of President.

Now, the Senator from Georgia has read elaborately from a speech which I had the honor to make when I first entered this body many years ago. I have not read it for fifteen years.

Mr. BACON. I am sure the Senator can not improve on it.

Mr. SPOONER. The Senator is always complimentary to me.

Mr. BACON. And justly so.

Mr. SPOONER. I thank him for that; but I notice that when he reads some speech of mine which he thinks is inconsistent with some other speech or position which I am taking he emphasizes quite as much as he compliments. That is his right. I thought that speech, when I made it, was the best speech I ever could make.

I am surprised on listening to it to discover that it was as good as it seems to me now to be. Nor do I find anything in it, save one thing, which is inconsistent, in my judgment, with the attitude which I take to-day. I should be very sorry if in all the years which have passed since then I had not learned some things about the law and about the usages and necessities of government.

That debate was predicated upon the tenure-of-office act, by which Congress had undertaken to limit the President's power of removal from office. I think I stated in that speech the opinion that that act was not constitutional. At any rate, it had always been a subject of doubt. It provided that the President might suspend a man from office, but the officeholder was to continue in office where his term was fixed until the Senate had made of that suspension a removal by confirming the nomination of a successor.

I can not now look at the speech, but from some things which the Senator read and in accord with my recollection, I criticised the action of the Attorney-General in declining to furnish the information because we did not wish it for use in the discharge of a constitutional duty, but wished it for some other purpose. That I took to be insulting. I have not changed my mind at all about that. If the Senate has a right in its legislative capacity or in any capacity to information, it is not for the President to say whether it is wanted for a legitimate purpose or what he deems an illegitimate purpose.

The proposition I made there, and enforced, of the power of either House of Congress to investigate the Departments and to call for information, for letters, papers of all descriptions, for everything tending to disclose the conduct of the Government, I do not altogether agree to now; but as a general proposition I insist upon it to-day as strongly as I did then.

I always have regarded that controversy with Mr. Cleveland as not only a fruitless one, but one hardly worthy the great struggle which was made over it.

I am not willing to say to-day, as language I used in that speech would seem to indicate I thought then, that upon every request the President is bound to furnish in the first instance a specific answer; that he is obliged to send to the Senate any document from the Interior Department, the Treasury Department, the Department of Justice, or the War Department which Congress, or either House of Congress, may see fit to call for.

Mr. PLATT of Connecticut. Or from his own correspondence.

Mr. SPOONER. I will get to that. I think there are exceptions to that rule. I think if the House or the Senate should adopt a resolution calling upon the President to transmit the reports of the secret service of the Treasury Department, the President would be in the highest degree subject to criticism if he transmitted them.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. SPOONER. Yes.

Mr. BACON. In such a case which does the Senator think would be the proper attitude for the President to occupy and the proper course for him to pursue, to send a peremptory refusal to Congress—or to the Senate rather, I should say—or that he should address to it a communication setting forth reasons why it ought not to make the request?

Mr. SPOONER. I thank the Senator from Georgia for his question, for it brings me to an observation which I wish to make. The President first, let me say, ought not to transmit it. It would not be in the public interest that he should comply with that request. They are detectives. They are exploring the country to discover frauds upon the Treasury, upon the Government, counterfeiting, forgeries, conspiracies against the life of the President in more cases than one.

Upon their reports and their investigations depend, perhaps, life—certainly great financial loss and certainly the apprehension and conviction of criminals. There is not a man, woman, or child in the United States who would not say that documents of the kind indicated are confidential and that the public interest from every standpoint requires that they should remain confidential.

Now, what is the decent thing to do? Where Congress desires information which in its nature may be confidential, should it be a request or a demand that it be furnished, putting the President in the attitude in reply of a peremptory refusal, putting him where it may be said of him that he has defied the Congress, or is it the polite and the fair position that the Senate or the House should recognize the character of the document, should recognize the fact that it is confidential in its nature, and that a public interest might or might not be injured by a refusal to transmit it, and to incorporate in the resolution the qualification, "if in his judgment not incompatible with the public interest?"

Mr. BACON. Will the Senator permit me?

Mr. SPOONER. Yes.

Mr. BACON. I entirely agree with the Senator. I think the latter is the proper course.

Mr. SPOONER. That is all we have been contending for as to this resolution.

Mr. BACON. Oh, no; I beg pardon. I am not discussing this resolution.

Mr. SPOONER. I am.

Mr. BACON. I am discussing the general statement made by the Senator and others, the question as to whether or not information required by Congress shall be the ultimate decision of the President or of Congress.

Mr. SPOONER. We have not got to that.

Mr. BACON. If the Senator will pardon me a moment——

Mr. SPOONER. Yes.

Mr. BACON. I distinctly stated—I do not know whether the Senator was in his seat at the time I made the statement or not—that I thought in all cases except in a case of great urgency it is entirely proper to put the language in, and that it is only where Congress should come to the conclusion that it is of paramount importance and peremptory in its nature that it should not put in the qualification.

I think that in nine hundred and ninety-nine cases out of a thousand that language should be used; and I think that wherever the language is not used it is perfectly consistent with propriety and a proper respect to the Senate that the President should communicate to the Senate respectfully the fact that in his opinion it ought not to be communicated, and give his reasons; and it is not to be assumed for a moment that under such circumstances the Senate would ever insist.

But I am simply on the abstract question which was discussed in the great debate in 1886, as to whether the President has the final power to say to Congress, whenever it calls for a paper or for information, "I will not give it, because in my judgment it ought not to be given."

Mr. SPOONER. We never got to the final question in that transaction, nor have we approached it now as to this transaction. I am attempting to reply——

Mr. CULBERSON. Mr. President——

Mr. SPOONER. If my friend will allow me, for I do not wish to take any time to-morrow——

Mr. CULBERSON. I simply want to ask the Senator one question.

Mr. SPOONER. Well.

Mr. CULBERSON. The Senator has been illustrating with the subject of secret service, men clothed by the different Departments with duties to execute the law of the United States. By the Constitution of the United States it is made the duty of the President to see that the laws are faithfully executed. Neither House of Congress is associated with him in that requirement. On the contrary——

Mr. SPOONER. I thought the Senator wanted to ask me a question.

Mr. CULBERSON. I will ask it. On the contrary, in the matter at hand, the President and the Senate are clothed with the duty which we are seeking to perform, and I ask the Senator if there is not a broad and well-defined distinction between the right of the Senate to inquire into the execution of the law by the President, and to inquire into the correspondence between him and foreign governments with respect to our joint duty to make treaties?

Mr. SPOONER. Yes, Mr. President, there is a distinction, but the distinction is not in the line which the Senator attempts to draw it, in my judgment. I think that as a rule as to the Departments, which Congress creates and which Congress can abolish, and which are administered under laws enacted by Congress, in nine hundred and ninety-nine out of a thousand cases we should do what we have done. We should, when we wish information, direct the head of the Department to send it. I think it is in few cases, relatively, that this qualification should be inserted.

The Senator from Georgia criticises the President for the response to the resolution of a day or two ago as if it invaded some prerogative of the Senate. My friend had not read the message which embodies the resolution sent to the President, nor, I think, had he read the reply. And that brings me back to the distinction which I was attempting to make and the qualification which experience leads me to make in the remarks which I made many years ago on this subject.

This was known by the Senate, and the point was raised here, to be a confidential communication, as a rule, for which the Senate was asking, and there was included in the resolution these words: "If not in his opinion incompatible with the public interest" to

inform the Senate so and so. The Secretary of the Treasury writes a letter to the President giving the reasons why in his opinion that report should not be made public, and the President adopts it.

Mr. BACON. Mr. President, will the Senator permit me?

Mr. SPOONER. Yes.

Mr. BACON. I never do a wrong but what I am ready to correct it. I did not notice that that provision was in the resolution.

Mr. SPOONER. I said you did not notice it.

Mr. BACON. I simply heard it read from the desk.

Mr. SPOONER. I said you did not notice it.

Mr. BACON. I thought it did not contain that provision and that it was addressed to one of the heads of Department. Is it not?

Mr. SPOONER. Yes.

Mr. BACON. I think the resolution was changed after it was introduced. Am I not correct in that?

Mr. SPOONER. Yes.

Mr. KEAN. The resolution was changed.

Mr. BACON. I was not familiar with that fact. I heard the resolution as it was introduced, and it was addressed to the Secretary of the Treasury.

Mr. SPOONER. Yes.

Mr. BACON. If the Senator will permit me——

Mr. SPOONER. Yes.

Mr. BACON. I recognize the fact that in this particular instance the response of the President was entirely proper.

Mr. SPOONER. Very good. Now——

Mr. BACON. I am speaking of the general proposition. If it had been otherwise, the Senator will contend it would be proper in the absence of that language.

Mr. SPOONER. The Senator from Georgia admits my contention by his interruption. I knew he must do so. I did not impute to him any willingness at all to be unjust to the President. He admits my contention, Mr. President, that where the paper for which the Senate desires to make request is in its nature a confidential paper, and if it is left by the resolution to the judgment of the President as to whether it can with due regard to the public interest be made public, and he withholds it upon the ground that the public interest would be injured by publicity, he is respectful to the Senate.

Mr. BACON. Nobody has ever contended otherwise.

Mr. SPOONER. If, on the other hand, that is omitted from the resolution and the President, with the same opinion as to the public interest, sends back a message that in his judgment the public interest requires that it should not be made public, he would be liable to the criticism which the Senator from Georgia, in ignorance of the true character of this resolution, passed upon this very message.

That is one reason why I have thought that the Senate always, in legislative session and in executive session, in requesting the President by resolution to send to this body a paper in its nature confidential, should insert in it this qualification, so as thereby to protect the President, whatever his politics may be, from criticism as to having sharply closed the door without reason to an inquiry of this body.

Mr. GORMAN. Will the Senator from Wisconsin permit me to interrupt him for a moment?

Mr. SPOONER. Yes.

Mr. GORMAN. Does the Senator from Wisconsin hold that under the act organizing the Treasury Department, where Congress has reserved the exclusive power, without passing through the office of the Executive, the same rule applies to that Department which he is now arguing as to other Departments and as to the President himself?

Mr. SPOONER. The Treasury Department?

Mr. GORMAN. Yes, the Treasury Department.

Mr. SPOONER. Yes.

Mr. GORMAN. Under the act organizing that Department we have distinctly and broadly provided——

Mr. SPOONER. That they shall report to Congress.

Mr. GORMAN. The right to bring the Secretary of the Treasury direct before either House of Congress. Does the Senator think that this rule should apply to that Department?

Mr. SPOONER. Does the Senator contend that we have not the right to bring any of the Secretaries, except the Secretary of State, within certain limits——

Mr. GORMAN. No.

Mr. SPOONER. Before our committees to answer questions?

Mr. GORMAN. No; I do not.

Mr. SPOONER. No; nor do I.

Mr. GORMAN. The Senator will remember, as well as I do, that special provision was made regarding the one who holds the purse strings, and that he was made directly amenable to Congress and required to report directly to this body.

Mr. SPOONER. Oh, that is his annual report?

Mr. GORMAN. Yes.

Mr. SPOONER. He reports to Congress; but what has that to do, if I may ask, with deference to the Senator from Maryland, with the question which I am discussing? He is an administrative officer. He is executing the laws of the United States which relate to the Treasury, and he has to do with a great many transactions which in the interest of the public are secret, and as to which the public interest would be destroyed if he were obliged upon the demand of either House to transmit them to Congress.

Mr. GORMAN. It never has been held so.

Mr. SPOONER. It always ought to be held so. In other words, Mr. President, I maintain only this, that where the nature of the communication or the report which is called for is confidential, inherently confidential, the President, who under the Constitution is charged with the general administration of the law, who selects his Cabinet officers, who is held responsible for the manner in which they discharge their duties, ought to have an opportunity, in response to a demand from Congress, without being subject to animadversion as contemning a prerogative of either House, to say in reply, in my judgment, "this is not compatible with the public interest." That is all there is to it.

I will take the War Department, which the Senator from Georgia referred to a while ago. Suppose we had reason to apprehend trouble with some foreign government, and we passed a resolution directing the Secretary of War to inform the Senate, or the House, if it passed such a resolution, how much ammunition the Government of the United States had in store and how much could from day to day be supplied; would not the President of the United States, be justified, if, in his judgment—and he would know better, for it is his business to conduct our foreign relations, and his alone under the Constitution; he would know better than either House of Congress could know whether that information given to the public would not be detrimental to the public interests—in declining to furnish, because to make it public would, in his judgment, be incompatible with the public interest?

Suppose he were called upon to inform the Senate or the House in a public way as to the condition of our coast defenses, would not the same observation be true as to that? Suppose the Secretary of the Navy were called upon to inform the world of the location of every ship in our fleet. All I say about that is, not that Congress may not properly ask for the information, but it is that the President, in his judgment—and he must be the judge, primarily, at least—has the power to say from his larger knowledge of the situation: "It is, in my opinion, incompatible with the public interests that this information be given to the world."

Now, tell me whether in such case it is not the polite, the fair, and the decent thing to put that qualification in the resolution, in order that the President may, without criticism, just or unjust, in compliance with the resolution itself, say: "It is, in my judgment, incompatible with the public interests."

Take the Department of Justice, which is charged with all the lawsuits in the United States. In the speech from which the Senator from Georgia quoted I spoke too broadly, in my judgment. I know it now better than I knew it before, for I know more about the Government.

Could we, although we created the Department and we may abolish it by law if we choose to do so, drag out from the Department of Justice all the papers, reports, and documents which the Senate or the House of Representatives might wish to inspect?

Mr. BACON. If the Senator will pardon me, the question of policy is one thing and the question of right is another.

Mr. SPOONER. I am talking, Mr. President, about the question of decency.

Mr. BACON. Ah, that is all very well; but that does not answer the argument, Mr. President, and the Senator knows that as well as anyone.

Mr. SPOONER. I know this, Mr. President, that the President of the United States who was asked by either House of Congress to make public papers which, under his oath and from his better knowledge, he knew would injure those public interests would be unfit for his place if he did not decline to do so.

Mr. BACON. Does the Senator think that the President ought to peremptorily decline?

Mr. SPOONER. Ah——

Mr. BACON. If the Senator will pardon me, I hope he will let me ask my question.

Mr. SPOONER. Very well.

Mr. BACON. Does the Senator think the President ought to peremptorily decline, or ought he not to communicate to the House asking for the information his reasons why the request should not be preferred or insisted upon?

Mr. SPOONER. I think he ought to be put in a position where he is not obliged to peremptorily decline. I think Congress ought to recognize the fact that the public interests may be served only by his declining and so word its resolution as that he may do his duty without having the word "peremptorily" applied to him.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes.

Mr. TILLMAN. Does the Senator think that the President can legitimately or properly or decently claim that he has the public welfare more at heart than has the Senate when he communicates with us in secret?

Mr. SPOONER. No, sir; I do not claim that any branch of the Government has the public welfare more at heart than another branch of the Government. But I do claim this; that so far as the duties of the President are concerned, he knows more about the public interests within his domain than the other branches of the Government may know as to those things that are confidential.

Mr. TILLMAN. Well, then——

Mr. SPOONER. He knows better, Mr. President, what are the conditions of our foreign relations than the world may know. One reason why the Confederation was found to be weak was that the Congress was the organ of communication with foreign governments. One reason, Mr. President, that the sole conduct of our foreign relations, when the Constitution was adopted, was placed in the President was that it should be deposited in one source because of the secrecy and the quickness of action which might be necessary in order to subserve the public interests.

Mr. TILLMAN. Mr. President——

Mr. SPOONER. We might just as well say, Mr. President, if we called upon the President when war was approaching to report to Congress what his plans of campaign were or when the war should be declared, that he would not be justified in declining to transmit such information. I do not favor any more than does the Senator from Georgia the relinquishment by this body of one, however small it may be, of its prerogatives.

I do not think that any Department of the Government should be permitted in anywise to invade another—judicial, legislative, or executive—but I do repudiate the notion that there may not be in the conduct of public affairs transactions and information which, for the safety of the country—and that was the purpose of the Constitution—may not be kept close in the mind of the Executive.

Mr. TILLMAN. Mr. President——

Mr. SPOONER. I hope my friend will permit me to get through. However, I do not know how I can refuse to yield to him.

Mr. TILLMAN. Mr. President, I was trying to bring the Senator, if I could, to the question at issue——

Mr. SPOONER. I have been getting there. [Laughter.]

Mr. TILLMAN. And that is, the right of the Executive to deny to the Senate, which is the coordinate branch of the treaty-making power, information which will enable it to determine whether or not it will ratify his action as Executive in having negotiated a treaty. That is the point, and that is the only point here.

Mr. SPOONER. That is not the point.

Mr. TILLMAN. And all of this high-flown—I do not want to use any offensive word, but the Senator is so eloquent, is so earnest, is so adroit, and can so persuade us as to "make the worse appear the better reason," that I like to get him back to the ground——

Mr. SPOONER. I wish I could only persuade you once in a while.

Mr. TILLMAN. Whenever you are right you can persuade me without the least trouble.

Mr. SPOONER. No, Mr. President, the Senator does not state the point that is at issue in this debate. It is not a question of what the Senate has the right to demand of the President. That is not the point in debate, although we have been debating it. The point in debate is this: What form shall a resolution take in the Senate which calls upon the President for information inherently confidential? That is the point.

Mr. BACON. I hope the Senator will pardon me for saying that has not been the point which I discussed.

Mr. SPOONER. It has not been. I agree to that.

Mr. BACON. It has not been. I expressly disclaimed that I had sole reference to this particular resolution.

Mr. TILLMAN. If the Senator will permit me, I want to say that I myself have expressly disclaimed, not only for myself, but for all of us on this side of the Chamber, any purpose or intention to insinuate or to do anything which would reflect on the President's integrity of purpose or his patriotism. We merely want certain facts.

Mr. SPOONER. I am not belittling or insulting the President of the United States by defending his patriotism or his integrity. He needs no defense as to either. That is not the question.

Mr. TILLMAN. Then the question is whether we on this side have endeavored to treat him with discourtesy.

Mr. SPOONER. I am not talking about you. I am talking about the general proposition.

Mr. TILLMAN. I am talking about the resolution which was presented from this side, on which we are asking the action of the Senate, which calls for certain information in regard to this treaty—that and nothing more. If I understand the Senator from Wisconsin, he contends that there is a discourtesy here. We disclaim it; we deny it.

Mr. SPOONER. I did not contend that. This is an abstraction. That is the truth about it.

My proposition is this: It is not made simply to this matter, for this resolution ought not to have been here, in my judgment, in the open Senate, it is made upon the principle—and it is intended to be addressed to this Senate not only as to this resolution, but as to all similar resolutions emanating from the Senate—that the proper form of resolution is that to which we have adhered so long as I have known anything about the Senate, to ask the President, if not in his judgment incompatible with the public interests, to send such papers to the Senate.

There never has been a President in the White House who has been more frank, Mr. President, more utterly free from concealment of public matters, than the present occupant of the Presidential mansion—not one—and I have no more doubt than I have of my existence that the President will send, however the resolution may be worded, every shred of paper which the resolution calls for. I know of nothing that need be concealed; I want nothing concealed, and it is safe to say that the President has nothing which he desires to have concealed. It is only what is the proper attitude as to such matters for the Senate to take, not simply as to this President, but as to all Presidents.

Now, Mr. President, I want to go just one step further and I shall finish. I think there is a distinction between the State Department in respect of its relation to the Senate and the other Departments of the Government. That Department was not required to report to Congress. The Secretary of State has been called, I think, in one opinion of the Supreme Court, "the right hand of the President."

There are undoubtedly matters in that Department which the Senate has a right to call for; but when the Senator from Georgia claims, if he does claim it, that the Senate has a right to call for and to inspect all the documents at all times in the State Department, I think he makes a proposition which can not be sustained; I think he makes a proposition, Mr. President, which would nullify the clear purpose of the original act of Congress creating that Department and would defeat the proper execution of a power which, by the Constitution, is conferred upon the President alone.

I suppose it can not be denied that under the Constitution the conduct of our foreign relations is solely in the Executive. The Supreme Court has repeatedly so decided. It is apparent from the minutes of debates in the Constitutional Convention, and I have never heard it disputed until recently. The President is given the power to negotiate treaties. Suppose you repeal the law creating the State Department. You do not minimize at all, nor can you, the power of the President to conduct our foreign relations—his power to negotiate treaties.

He can not *make* a treaty without the intervention of the Senate; but his negotiation of it, as to the manner of it, as to the form of it, as to the agency by which it shall be carried on, is absolutely, under the Constitution, his prerogative, with which neither the Senate nor the House of Representatives nor the Congress has anything whatever to do or in relation to which it has anything to say.

Mr. CULBERSON. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Yes.

Mr. CULBERSON. When the Senator states that the President negotiates treaties, if he means to confine it to the practice of the Government, well and good. If he means to say, however, that the Constitution expressly clothes the President with any such power, I think, upon reflection, he will not insist upon it, because the only phrase in the Constitution upon this subject is this——

Mr. SPOONER. I know what the Constitution says.

Mr. CULBERSON. Still, I should like to get it in the RECORD.

Mr. SPOONER. Very well.

Mr. CULBERSON. "He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties."

Mr. SPOONER. Yes; I know that.

Mr. CULBERSON. And of course the Senator, I do not believe, will insist that there is any special authority given in the Constitution clothing the President with power to negotiate treaties. It is the practice of the Government, and the correct practice.

Mr. SPOONER. Oh, Mr. President, it is not the practice of

the Government. The President does not exercise that power by the sufferance of Congress. He does not exercise that power by any prescriptive right; neither is it to be spelled out of the Constitution. It is there.

Who is to negotiate a treaty? Can the Senate negotiate a treaty under the Constitution? The Constitution says the President may, by and with the advice and consent of the Senate, make treaties, but a treaty has to be negotiated before it can be made by and with the advice and consent of the Senate. Who is to negotiate it? In the old country, from which we took our institutions in part, the King negotiates treaties.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Yes.

Mr. CULBERSON. I want to ask the Senator how he accounts for the early practice and custom of the President to confer openly with the Senate as to the making of treaties?

Mr. SPOONER. What does the Senator mean by "confer openly?"

Mr. CULBERSON. I mean conferring personally with the Senate in the Senate Chamber about the terms of a treaty before it was ever entered into or ratified.

Mr. SPOONER. Well, Mr. President, it hardly grew into a practice, and it never was open.

Mr. LODGE. It never happened but once.

Mr. SPOONER. Once, Mr. President, Washington, I think, consulted the Senate privately, not openly, as to some treaty which he proposed to make.

Mr. LODGE. A treaty with an Indian tribe.

Mr. SPOONER. I do not remember. Perhaps it was with an Indian tribe. He was not compelled to do that. I suppose President Roosevelt could come down here, consult with us, and take our advice in advance if he chose to do so, but it would be only advisory. He would be entitled to entirely disregard it and make a treaty on entirely different lines. Such action would not be a ratification of the treaty. The Senator from Texas [Mr. CULBERSON] shakes his head.

Mr. BACON rose.

Mr. SPOONER. I did not mean the Senator from Georgia.

Mr. BACON. But I shook my head. I refer to the Senator using the word "make" when he should have said "negotiate."

Mr. SPOONER. I said that would not make a treaty; that would not preclude the necessity that the Senate, after the treaty was negotiated, should help the President *make* it by ratifying it.

But there is only that one instance in the history of the country. Is it pretended here by any lawyer in this body that it is not the sole function of the President to negotiate treaties? The other Departments execute laws which we pass; they owe their creation to Congress, and their duties are defined by Congress. The President's power to negotiate treaties comes from the power to which we owe our existence—the Constitution. We can not confer added power in that respect upon him by law, nor can any law enacted by Congress impair in the slightest degree his constitutional power in respect of treaties.

Suppose you abolished the State Department and there was no longer a Secretary of State. The President could still as completely as now, although not as conveniently, negotiate treaties. To-day he can bring the ambassador from Great Britain into the White House and negotiate a treaty with him. Could the Senate call upon him for the conversation or the memoranda upon which it was based? I mean would the Senate have a right to do so? It could request it.

Suppose it were a treaty of alliance, if you please, which involved the relation of both Governments to the world, so that to give it publicity would be fatal to the interests of this Republic. Will any man claim here that the Senate would have the right—they would have the right to request; but would they have a right so that the President would be violating his duty or invading the prerogative of the Senate if he refused to accede to its request?

All I said in the speech from which the Senator from Georgia quoted and all the Senator from Georgia [Mr. BACON] has said in his speech as applied to the Departments of this Government might be admitted for the sake of argument, and still it be true, Mr. President, that, so far as the negotiation of treaties is concerned—the negotiation, mind you, of treaties is concerned—we may ask the President to send us all information pertinent to the treaty, or which would aid the Senate in an intelligent consideration of it; but that we have a right to demand of the President that all his instructions, that every step in the progress of the negotiations, shall be sent to the Senate without his right, involving no disrespect to the Senate, to decline to send it to us, I am not prepared to admit.

Now, Mr. President, after all, we all want to do the right thing. Senators want these papers. I want to see the resolution put in the usual form. I expect the President to send in everything. The Senator from Texas said that in no paper yet had the President stated he had sent all of the papers.

Mr. CULBERSON. I think he has not.

Mr. SPOONER. I suppose, in answer to this resolution, worded as such resolutions ought to be, the President will say that he has sent all the papers, or he will say that he has withheld some, because, in his opinion, the public interest requires it. I do not anticipate anything of that kind, but suppose there were. I am not speaking about this particular transaction; I am speaking upon that subject generally.

I am sorry to have taken the time of the Senate. I speak earnestly about the matter. I want the dignity of the Senate maintained; I want the relations between the Senate and the President to be what the Constitution intended and what the public interest requires.

The only difference between us is not in the result—it is not only for this case, either—but it is as to what is the proper course, whether we shall pass this resolution in the form introduced here, so that if the President should withhold any paper in this case or any other for reasons which he thinks are good he shall be subject to animadversion and criticism to the statement that, "Ah, there is something here that is mysterious," or whether we should not, accomplishing the same result, put in this qualification, so that whatever his answer may be nobody can say that it is anything but courteous to the Senate.

That is all there is to it; and the other talk, the debate of my friend from Georgia and a part of mine, is an abstraction. If the President of the United States in a case where we have a right to obtain information should refuse to accord it, and the Senate should still demand it and he should still refuse, giving no reason for it, we could not enforce it. No President will ever do that, I think, and our intercourse with the President as to these matters ought to be such as to minimize all possibility of feeling or friction.

If I know my heart, and I think I do, what I feel and think upon this subject does not apply simply to a Republican President, but to any man who shall occupy that chair. While I have a place in the Senate I shall vote, where the document called for is in its nature confidential, to include in the resolution this qualification.

Mr. McLAURIN. Mr. President, it is getting late and I desire to discuss this resolution briefly. If it is the desire of the Senator who has charge of the matter——

Mr. CULLOM. Does the Senator from Mississippi desire to make a long speech?

Mr. McLAURIN. I should like to make a speech——

Mr. CULLOM. It is only half past 5.

Mr. McLAURIN. It will take some time, and I should prefer to go on to-morrow.

Mr. CULLOM. I had expected to get a vote on the resolution to-night, and I should like very much to do so.

Mr. SPOONER. The Senator from Mississippi can discuss this subject later.

Mr. ALDRICH. There are plenty of other resolutions.

Mr. CULLOM. The Senator can make his speech on almost any of the resolutions, if he wants to speak generally on the subject of the treaty.

Mr. SPOONER. Or on this subject.

Mr. CULLOM. Or on this subject.

Mr. McLAURIN. No, sir; I want to address myself to the pending resolution. I supposed this would be about the adjourning hour and that the discussion would not go on until to-morrow. However, if it is the desire of the Senate that I shall go on with what I have to say, I can say it now.

Mr. CULLOM. I should like very much if the Senator could do so, unless he desires to speak longer than he ordinarily does. It is only half past 5. The time is coming, I think, when we ought to sit longer each day than we have been doing heretofore. We have been in session now nearly three months, and we are making very little progress.

Mr. McLAURIN. I prefer to speak to-morrow on the resolution, but if the Senator or the Senate insists, I will go on now with what little I have to say.

Mr. CULLOM. I should like to dispose of this resolution this evening.

Mr. ALDRICH. I suggest to the Senator from Mississippi that there are a series of resolutions upon the President's table in relation to this and lateral matters. If it is the desire of the Senate to secure information, if there is any correspondence to be sent, this resolution ought to be passed now, in order that, if there is any such correspondence, it may be used in connection with the treaty. I understand it is the desire of the Senator from Texas that the information shall be secured for use in connection with the treaty. Therefore let us pass the resolution, and if the Senator from Mississippi wants to make a speech on the canal question or any collateral question——

Mr. SPOONER. Or upon this question.

Mr. ALDRICH. Or upon this question, he can just as well make it to-morrow.

Mr. McLAURIN. After this resolution shall have been adopted?

Mr. ALDRICH. After this resolution shall have been disposed of, as he can to-night.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. McLAURIN. Certainly.

Mr. TILLMAN. I confess I am a little astonished that what is the common custom of the Senate it is proposed shall be denied to the Senator from Mississippi.

Mr. McLAURIN. I hope the Senator from South Carolina will not make any appeal on my behalf.

Mr. TILLMAN. I do not think the importance of this matter justifies the adoption of drastic measures and the driving of things. It is not courteous. I hope we will have an executive session now or an adjournment, I have never known anything to be gained here by undertaking to drive anybody.

Mr. ALDRICH. If the Senator from South Carolina regards my request as an effort to drive anybody, he is very much mistaken.

Mr. TILLMAN. I hope the Senate will do what we have always done, and allow the Senator from Mississippi to go on to-morrow, as he wants to do.

Mr. McLAURIN. I assure the Senate——

Mr. ALDRICH. I appeal to Senators to gratify the great desire on the part of the Senator from Texas and other Senators on the other side to secure information by letting this resolution pass at once, and then if later the Senator from Mississippi desires to speak upon this subject he can do so.

Mr. TILLMAN. But the Senator from Mississippi has expressly declared that he does not want to go on to-night and that he does not want to speak on a resolution that has passed the Senate and gone. I do not think, with all due deference to the Senator from Rhode Island, that it is courteous——

Mr. CULLOM. Allow me to make a suggestion.

Mr. CULBERSON. I rise for the purpose of calling the attention of the Senator from Rhode Island to the fact that the Senator from Mississippi expressly stated he desires to debate this particular resolution.

Mr. CULLOM. What I was going to suggest is that if no other Senator desires to speak on this resolution, let us agree that after the Senator from Mississippi makes his speech to-morrow we shall vote upon it.

Mr. ALLISON. That is a good suggestion.

Mr. CULLOM. I do not feel like pressing him into service this evening.

Mr. TILLMAN. Suppose somebody else wants to continue the discussion of it to-morrow. We do not propose to hammer this wind bag, so to speak, just for amusement. We want information. I do not think we ought to be forced to shut off any other Senator who may feel interested enough to take it up.

Mr. CULLOM. If this is nothing but a wind bag, we ought not to spend months on it. We have listened to debate on this question all day to-day and part of yesterday, and it seems to me that a little resolution like this, calling upon the President for information which all of you seem so much to desire, and I do myself, should be disposed of. I want to see the resolution answered. Let us not spend a month on this little resolution. If the Senator from Mississippi desires to speak to-morrow morning, let us allow him to do so, and then vote upon the resolution. I ask unanimous consent that that shall be done.

Mr. CULBERSON. I suggest to the Senator from Illinois that there are very few Senators present—at least a large number are absent—and there might be hesitancy in agreeing or refusing to agree to a request for unanimous consent under the circumstances. It is my judgment that in all probability no one will desire to speak on the resolution to-morrow except the Senator from Mississippi.

Mr. CULLOM. I do not want to cut him off. I ask unanimous consent that we may vote on the resolution to-morrow after the Senator from Mississippi shall have spoken.

Mr. TILLMAN. I would have to object to that request on the general proposition that it is not fair to Senators to undertake to get a unanimous-consent agreement on a matter of this kind. We all agree to the request for unanimous consent that we shall vote to-morrow. I do not want to speak and I do not know of anybody else who wants to speak, but I am opposed to this kind of proceeding. That is all.

Mr. McLAURIN. Just one word in explanation of my desire to wait until to-morrow morning

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. McLAURIN. The Senator from Illinois kindly asked me if I intended to make a speech, and I told him that I preferred to speak to-morrow, as the time was getting late. I understood, although I may have misunderstood him, that he would, upon my getting the floor, make a motion to go into executive session or adjourn, and give me an opportunity to take the floor to-morrow morning after the morning business was transacted and go on with what I have to say. For that reason I had dismissed from my mind the line of thought I intended to pursue, and preferred not to go on, though I can proceed now if it is the desire of the Senate that I shall do so.

Mr. ALLISON. Nobody wants the Senator to do that.

Mr. CULLOM. I am not asking that the Senator shall go on to-night.

Mr. COCKRELL. I suggest that the resolution be taken up at half after 12 o'clock to-morrow and proceeded with, and we will dispose of it to-morrow readily enough.

Mr. CULLOM. Suppose we say "dispose of it before 3 o'clock" or "at 3 o'clock?"

Mr. BACON. I am sure there will be no trouble in disposing of it.

Mr. CULLOM. Let us say 5 o'clock. I want to get something done here and not be talking all the time.

Mr. COCKRELL. We will dispose of it to-morrow, and I think we will adjourn before 5 o'clock.

Mr. McLAURIN. I have no desire to speak longer than fifteen or twenty minutes.

Mr. CULLOM. I have no idea the Senator from Mississippi is going to make a long speech.

Mr. McLAURIN. No.

Mr. CULLOM. He is not in the habit of doing that.

Mr. COCKRELL. We will dispose of the resolution to-morrow.

Mr. CULLOM. I agree to that.

Mr. McLAURIN. Is it understood that I have the floor?

Mr. CULLOM. Yes.

The PRESIDING OFFICER. That is the understanding.

Mr. PLATT of Connecticut. I understand the unanimous-consent agreement is that we are to vote on the resolution to-morrow?

Mr. ALLISON. That is it.

Mr. CULLOM. Undoubtedly.

Mr. ALLISON. Let it be put by the Chair.

The PRESIDING OFFICER. The Chair will state that no such request has been put by the Chair.

Mr. TILLMAN. Then I now ask unanimous consent that we may vote on the resolution to-morrow.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that a vote shall be taken on the pending resolution to-morrow. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 29, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 28, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CONVICT-LABOR CONTRACTS FOR THE ARMY.

Mr. VAN DUZER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. VAN DUZER. I rise for the purpose of offering a resolution for present consideration.

The SPEAKER. Is the resolution a privileged one? The Clerk will read.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish to this House at his earliest convenience a statement showing whether or not and to what extent and for what articles any officer or employee of the War Department, with authority to enter into any contract on behalf of the Government of the United States, has entered into any contract of purchase for any article, whatsoever nature or kind, to be used by the army service, manufactured or made by contract labor.

The SPEAKER. The resolution is not a privileged resolution.

Mr. PAYNE. Mr. Speaker, there is so much confusion that we can not hear what he says.

The SPEAKER. What does the gentleman desire—to have the resolution considered now or referred?

Mr. VAN DUZER. I desire to have it considered now.

Mr. PAYNE. I make the point of order that the resolution should go to committee. I object to its present consideration.

The SPEAKER. Objection is made to its present consideration.

Mr. VAN DUZER. Mr Speaker, I have another resolution——

The SPEAKER. The gentleman can withdraw the resolution

if he desires and introduce it under the rule by which it would go through the box and receive proper assignment.

Mr. VAN DUZER. I desire also, Mr. Speaker, to introduce another resolution on the same line.

The SPEAKER. Well, the gentleman can not take the time of the House unless he has a question of privilege.

Mr. VAN DUZER. Well, Mr. Speaker, certainly if there is objection the matter will go over. I simply desired to have the resolution introduced, and if there is objection made of course it will go over.

The SPEAKER. The rules provide how memorials and resolutions shall be introduced, and there is no trouble about the proper reference of them under the rules.

CONTESTED-ELECTION CASE—CONNELL V. HOWELL.

Mr. DRISCOLL. Mr. Speaker, by direction of the Committee on Elections No. 3, I wish to announce that the contested-election case of Connell *v.* Howell will be called up for consideration one week from next Tuesday, February 9.

Mr. McLAIN. I would like to ask the gentleman in reference to the time to be allowed for debate. Do we agree on that now or do we agree upon it when the case is called up?

Mr. DRISCOLL. I presume we will agree as to time when the case is called up.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the time for general debate on the urgent deficiency bill be extended until 5 o'clock to-day, provided that if there is no one desiring to speak we can commence the reading of the bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent that general debate may be closed upon the deficiency appropriation bill at 5 o'clock to-day, provided that if no one desires to discuss it then the reading of the bill under the five-minute rule shall begin.

ORDER OF BUSINESS.

Mr. MAHON. Mr. Speaker, to-morrow is the day for the Committee on War Claims. I do not want to get in the way of this bill, and I ask unanimous consent that the Committee on War Claims may have next Tuesday in place of to-morrow, so that this bill can be finished.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that Tuesday next, in lieu of Friday, be devoted to private business under the rules. Is there objection?

Mr. HEMENWAY. Mr. Speaker, I wish the gentleman would add to his request, "provided it does not interfere with privileged matters."

The SPEAKER. As the Chair understands it, if consent is given it places Tuesday next precisely in the same position as Friday next—that is, in lieu of Friday, with no more rights than the private bills would have on Friday.

Mr. HEMENWAY. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none. Is there objection to the request of the gentleman from Indiana?

There was no objection.

URGENT DEFICIENCY BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TAWNEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House bill 10954, the urgent deficiency bill, and the gentleman from Georgia is recognized.

Mr. LIVINGSTON. Mr. Chairman, I now yield twenty minutes to the gentleman from New Jersey [Mr. BENNY].

Mr. BENNY. Mr. Chairman, a few days ago I had occasion to say on the floor of this House that if the old Pharisee who used to stand on the street corner in Jerusalem and thank his Maker that he was not like other men should suddenly come into this Chamber and listen to three ordinary Republican speeches, he would hide his face in shame, and admit that in comparison with the latter-day Republican saints here he, in the old days in Jerusalem, knew absolutely nothing about his business. [Laughter.] I want to say that I understand the old fellow in Jerusalem was a drinking man, and if that be the fact I am very glad that he did not come in here yesterday, or the afternoon of the day before, because if he had I am afraid that he would have gone out of this Chamber and straightway drank himself to death. [Laughter.]

I listened yesterday afternoon to two speeches, and to one on the afternoon of the day before, and it seems to me that the three of them, taken together, show this: Egotism grown so that it is now at least hysteria, and very nearly insanity; claims of power in and credit to the Republican party approaching blasphemy; and braggadocio altogether foolish. I wondered after the last of the three speeches was made last night if there was anything good in the United States of America that the Republican party did not claim credit for, or anything bad that they did not blame the Democratic party for or lay to Almighty God.

I listened with a good deal of interest to the gentleman from Illinois [Mr. BOUTELL] on day before yesterday, and when reading from his speech I noticed this: He says that the Democrats, in the election of 1896 and 1900, groveled before a silver image and wore out the knees of their intellectual trousers.

Mr. Chairman, if there can not be better order in the House than there is, may I have unanimous consent to sing the rest of mine instead of speaking it? [Laughter.]

Mr. PALMER. All right, sing it.

Mr. BENNY. I'm such a powerfully poor singer that I have not the heart to inflict myself in that way upon even my friend the enemy.

The CHAIRMAN. The gentleman's point is well taken. The committee will be in order, and gentlemen in the aisles will take their seats.

Mr. BENNY. That was an interesting speech the gentleman made; so pathetic it brought tears to our eyes, and so humorous that it filled the House with laughter, not only on your side, but on ours, and so harsh on the last Democratic candidate that it raised the resentment of every Democrat in the Chamber. I am sorry he spoiled a speech otherwise good by abusing the man who was our standard bearer in the last two campaigns. But I do not think that Mr. Bryan need feel in any way hurt; he is in good company. It so happens that every man who amounted to anything in the United States was abused, and two men who were abused more than any others in the country were the two who stand first and second in United States history—George Washington, number one, and Abraham Lincoln, number two.

In the company of those men, in the abuse that he is receiving from the other side, Mr. Bryan may feel quite comfortable, and I would like to call the attention of the gentlemen on the other side who like to throw things at Mr. Bryan to this fact: A year ago I attended an annual banquet of the board of trade in the city of Newark, in my State, and at that banquet Senator DOLLIVER made a great speech. While the Senator was talking at the banquet he mentioned the name of Mr. Bryan. That brought from the rear of the hall a hiss. Senator DOLLIVER stopped short, and his face grew white and then red. He pictured then and there Mr. Bryan as one of the foremost men of the United States, and he wound up his remarks by saying that there lived in the United States to-day no man who had right or license to hiss at the name of William Jennings Bryan.

I commend the speech of Senator DOLLIVER to the careful attention of those gentlemen on the other side who are perhaps not so great in the country as is the Senator, with the hope that they will profit by it. There seems to be a great deal of joy expressed in these speeches because of the alleged fact that the Democratic party is in bad shape. Let me suggest to my friends over there that it is the Republican party that is to-day sick. It is the Republican party that needs a doctor, and you have not been able as yet to get Doctor HANNA to say a word that is going to help you. Let me also suggest that when the election is over next fall perhaps the gentlemen who have been so loud in their announcements that the Republican party is sure to win may be disappointed; and if it turns out, as we hope it will, that the next election will be a Republican burial, I hope you will have engraved on the side of the tombstone this inscription:

"Here lies the Republican party, once the party of Abraham Lincoln, but long since strayed away from his teachings; the party that helped to abolish black slavery, but a few years later became itself the slave of the great American trusts.

"Let it Rest in Peace.

"Immediate cause of death, these policies:

"1901, Let Well Enough Alone.

"1902, Keep on Letting Well Enough Alone.

"1903, Stand Pat.

"1904, We Hold the Ace.

"P. S.—If that reporter had not written 'ace' when I said 'edge,' we would have been all right.—HANNA.

"P. P. S.—HANNA does not know the game. If he had said 'age,' and not 'ace' or 'edge,' we would have been hunky-dory.—GROSVENOR." [Laughter.]

But I want to say, Mr. Chairman, that in the campaigns of 1896 and 1900 I supported Mr. Bryan. I do not know what kind of an instrument the gentleman from Illinois [Mr. BOUTELL] would say I played on, perhaps a 2-cent tooter; I can not tell. But no man who supported that candidate in those two campaigns need

feel any shame about it or feel uncomfortable about it. He was perfectly right in supporting him. I want to ask why it is that men on the other side take so much time and get so much fun out of abusing the man. The gentleman from Nebraska [Mr. BURKETT] yesterday said that the Democratic party to-day did not know where it stood on silver. Isn't it a fact that when the Republican convention of 1896 assembled the intention then and there of the majority of those delegates was to put in their platform the same declaration as to the free and unlimited coinage of silver that the Democratic platform contained?

Was it not only because of the argument of the Senator from New York [Mr. PLATT], who told the members of that convention that Wall street and the moneyed interests of the land would be against the Republican party if they adopted that declaration, that the Republican party turned to the other side and adopted the gold plank instead of the silver plank? And isn't it a fact that from the day of his birth until this day Mr. Bryan has always been absolutely honest, and haven't you admitted it? Did you not go over his life as with a fine-tooth comb and find him absolutely blameless? Hasn't he been just as courageous and perhaps more so than any candidate you have ever had?

Why, you brag and blow here about the great courage of the man who is now President of the United States. The man who is a courageous man is the man who dares to do right. The man who shoots a lion or a Spaniard in the back does not necessarily have to be courageous, and I want to ask you if the man who is now President of the United States dares to-day to do what he thinks is right, as Mr. Bryan has always dared to do what he believes to be right?

Mr. Bryan believed, with the leaders of your party, with McKinley, with Blaine, with Sherman, and every man who has amounted to anything in your party in the last twenty-five years, that the free and unlimited coinage of silver was right. I always had my doubts about it. I believed then and now about as Theodore Roosevelt did when he wrote in the Forum for January, 1897, these words:

> There is no doubt whatever that a nation is profoundly affected by the character of its currency, but there seems to be equally little doubt that the currency is only one, and by no means the most important, among a hundred causes which profoundly affect it. The United States has been on a gold basis and on a silver basis; it has been on a paper basis, and on a basis of what might be called the scraps and odds and ends of the currency of a dozen other nations, but it has kept on developing along the same lines no matter what its currency has been.

He believes to-day that he is right. Hasn't he a right to believe that? Isn't he entitled to the same credit for his belief that you have now for your belief? At one time you believed that free silver was right. Now you believe that you were wrong in that and that gold is right. Did not Mr. Bryan show his courage in 1900, when the Democratic convention was assembled, and it was presented in this way to Mr. Bryan by Mr. Hill and the other leaders of the party: "If you, Mr. Bryan, will adopt in your platform a gold plank and let go of the silver, the election is at your mercy—the Presidency is yours." What was his answer? Was it not the same that Clay gave years ago: "I would rather be right than be President." Did he then give way for policy's sake and adopt something he did not believe in and let go something he believed in as he believes in his religion?

What does Mr. Roosevelt do? Does he dare to come forward and do what he believes to be right? I give Mr. Roosevelt the credit of believing in his heart that the trusts are a menace to the prosperity of this country, and that they ought to be controlled in some way. I believe that if he dared he would take that stand. I believe that were it not for the sake of policy, were it not for the fear that he would not be nominated and elected, he would do that. But he has before him to-day the hope of a second term. That is a thing he can not lose sight of. He wants to be elected President of the United States; he wants to occupy that position, not by accident or by the act of God, but by the election of the people, and he knows if he is to succeed he must have for his party the backing of Wall street and the money interests of this country, and therefore he does not dare to do right.

Let me call attention to the President's message in order to prove that proposition. He had an appropriation of half a million of dollars last year to assist the legal department of the Government in prosecuting the trusts. The Administration had that money at its command. It could hire all the extra help it wanted; there was no halt about it; there was no limit to what might be done with that money; it was theirs to do with what they pleased. What have they done? They tell us now that they have spent some $25,000; but where it has been spent, for what purpose, what effect it has had, no one can find out, with the aid even of a microscope.

Now, do you think—does the gentleman from Illinois, or the gentleman from Nebraska, or the gentleman from Indiana who spoke yesterday—does any one of those gentlemen, or all of them, think that Mr. Roosevelt intends this year to prosecute the trusts or begin to do so? That half million of dollars might be compared to a quart of good cream that the doctor had ordered to be given by the nurse to the patient. And this is how Mr. Roosevelt, acting for the nation, now ill by reason of the exactions of the trusts, is going to use his cream. He is going to dump into it two or three gallons of water to help out the quality of the cream.

Listen to his statement of affairs. Here is his message of this year, and on page 8, after reciting the fact that in his last annual message he had asked for this money, which was given to him by Congress, he goes on to say:

> I now recommend, as a matter of the utmost importance and urgency, the extension of the purposes of this appropriation, so that it may be available, under the direction of the Attorney-General, and until used, for the due enforcement of the laws of the United States in general and especially of the civil and criminal laws relating to public lands and the laws relating to postal crimes and offenses and the subject of naturalization.

Now, do you mean to say that President Roosevelt is going to use a half million of dollars to prosecute the trusts? He has asked you in this message to permit him to divert this great sum of money from the purpose for which it was originally appropriated—viz, the prosecution of the trusts—and to scatter that money all over the United States in the enforcement of all the general laws of the country.

Mr. THAYER. Will the gentleman yield to me for a moment?

Mr. BENNY. Certainly.

Mr. THAYER. Can the gentleman tell me how it happens that the Administration, after securing the assistance of additional prosecuting attorneys, indicted Driggs, a Democrat, in New York, under a statute on which they could convict him and prosecuted DIETRICH under a statute on which they knew they could not convict? Can the gentleman explain how that happened?

Mr. BENNY. Certainly. They wanted to catch the Democrat and they wanted to miss the Republican. [Laughter and applause on the Democratic side.] That is an old expedient; they do it right along; they do it to-day, and they always will. They preach in season and out of season about the great reforms they are going to inaugurate. They are going to stop the use of carriages in the city of Washington by various officers of the Departments, but do they do a thing toward stopping the President of the United States using free trains all over the country by the favor of the railroad companies, amounting, I am told, on his great western trip to at least $65,000? Oh, yes; they are going to stop some Assistant Secretary down here from using a carriage at the public expense, but the President of the United States may still go on using free trains at the expense of the railroad companies.

Now, Mr. Chairman, they undertake to tell us why Mr. Bryan was defeated in 1896 and in 1900. They say that it was the aroused public sentiment that smote the silver image, etc. Let me tell you why Mr. Bryan was beaten in 1896 and 1900. He was beaten by the worst use of money that was ever resorted to in any campaign. He was beaten by the meanest kind of coercion and intimidation that was ever witnessed. During those campaigns in going along by railroad in any of the States of the Union you could see displayed on the side of manufacturing establishments placards with such proclamations as this: "If Mr. Bryan is elected this factory will shut down." The mill owners, or whoever else put up those placards, knew when they placed them there that they were absolutely false, that they had no intention of shutting down those mills. The object was to coerce men to vote their way. And do we not know that all over the United States straw votes were taken in the mills and the factories to find out beforehand how the employees were going to vote? And the Lord's pity was necessary to save the man that they found indicating his preference for William Jennings Byran over their candidate on the other side.

And then they tell you that another reason why the Democrats should be "licked out of their boots" in the next campaign is because Bryan's prophecies were all wrong. I have not a great deal of faith in a prophet from either side. Some of Mr. Bryan's prophecies may have been wrong. One of them was not. The prophecy he made—and that was called to the attention of the House yesterday by some gentleman on the other side—that in case of the success of the Republican ticket in 1896 and in 1900 the wealth of the country would be concentrated in the hands of a few, has been absolutely carried out, and to-day, according to all the statistics, all of the wealth of the country is in the hands of a few men, and when the board of directors of the United States Steel Corporation sit down in conference the twenty-three men there present own one-twelfth of the wealth of the United States. That prophecy was not wrong. Any prophecy he made was not any further wrong than the prophecy that THOMAS C. PLATT, of New York, made to the Republican convention in 1900, when he went there and asked Senator QUAY and his other friends there "for God's sake" to take Theodore Roosevelt out of New York politics by making him Vice-President of the United States. Did they take him out of New York politics? That prophecy went wrong, too.

And then they tell us on the other side, Mr. Chairman, that wages have increased 12 per cent during the Republican Administration and that the cost of living has actually gone down. Now, I do not think that there ever was a more erroneous statement made on this floor than that same one. The gentleman from Illinois [Mr. BOUTELL] was very careful when speaking not to give us any figures on the cost of living. Let me give you some figures from Dun's Review, which I suppose every man here will take to have some weight at least.

The figures, based upon quotations of 350 articles, with due allowance for the relative importance of each, are as follows:

	Jan. 1, 1890.	July 1, 1897.	Jan. 1, 1900.	May 1, 1902.	July 1, 1903.	Oct. 1, 1903.	Jan. 1, 1904.
Breadstuffs	$13,765	$10,587	$13,254	$19,954	$17,473	$16,696	.....
Meats	7,620	7,529	7,258	10,968	9,269	8,830	.....
Dairy and garden	12,675	8,714	13,702	14,737	13,083	12,609	.....
Other food	9,955	7,887	9,200	8,742	9,186	9,171	.....
Clothing	14,845	13,808	17,484	15,527	17,136	16,816	.....
Metals	16,240	11,642	18,085	15,702	16,544	16,396	.....
Miscellaneous	15,111	12,286	16,312	16,654	16,765	16,890	.....
Total	99,191	72,455	95,295	102,289	99,456	97,378	$100,142

These figures indicate that the cost of living was 6 per cent higher in 1900 than in 1890, and 31 per cent greater in 1900 than in 1897; 41 per cent more in 1902 than in 1897, and 34.4 per cent more on October 1, 1903, than on July 1, 1897, and about 39 per cent greater on the first day of this year than on the 1st day of July, 1897; 39 per cent increase in the cost of living and 12 per cent increase, taking the figures of gentlemen on the other side, in wages; and yet they say every laboring man in the country and every citizen of the land ought to be thankful that the Republican party has done so much for the laboring man.

There was one thing, Mr. Chairman, that I did like in the speech of the gentleman from Illinois [Mr. BOUTELL], and that was his statement that he did give some credit to Almighty God for the prosperity which he claims exists in the country. He was the first Republican that I ever heard on this floor admit that; but even he did not dare tell this House what percentage he claimed of the prosperity of the country was due to the Republican party and what percentage was due to the goodness of the Almighty. I assume that the percentage he was going to credit to the Almighty was so small that he was ashamed to state it.

And then the gentleman from Illinois looked around the room and demanded of some Democrat to contradict his statement that the country was prosperous. Well, I wonder, Mr. Chairman, what condition any man here would expect the United States to be in. Would not our country under natural conditions be expected to be prosperous? Does the gentleman marvel that the United States is prosperous? Why, they remind me a good deal of the log of a ship that came into New York some time ago. The captain one day during the voyage was on watch, and he wrote in the log, "Mate drunk to-day." The mate did not like it very well, and the next day when he was on watch he wrote in the log, "Captain sober to-day." So the Republican party comes here and declares that the United States is prosperous, as though it was an unusual thing.

Why, if you on the other side would let us alone—would not by your laws on the one hand help a certain few people at the expense of many others, and by your failure on the other hand to enforce the laws of the land designed to give all men an even chance—and would not divert the prosperity into certain channels and the money from the prosperity into a few pockets, the country would always be prosperous. [Applause on the Democratic side.] It is only because of that kind of work on your side that the country is ever in any other condition; and yet to-day you marvel that we are prosperous, as though it was natural to expect anything else in our country. I expect it always to be in that condition, and it always will be if you will only give it a fair chance, and let the country and the people in it develop the resources of this, the greatest land in the world, and go along on their way in peace, free from your miserable manipulations.

And then they announce that President Roosevelt is so sure of reelection that there is no use bothering at all; that there is no sense in the Democrats putting up a candidate.

Well, let me suggest to you gentlemen on the other side if you think that is so, why are you making all this fuss? What difference does it make to you whom we nominate or what the platform is? And if you are going to beat us anyway, why not keep quiet? You remind me of the boy going through the graveyard, who whistled at the top of his lungs all the time, not because he wanted to whistle, but just for the purpose of keeping his courage up. That is why you talk so loud on the other side now. [Laughter.]

Mr. JAMES. Is it not true that these laboring men at this time are only able to keep up their wages by reason of their organizations, and not by reason of anything which has been done for their benefit by the Republican party?

Mr. BENNY. I will answer that question for the gentleman. In answer, Mr. Chairman, to the gentleman's question, I desire to say this: I firmly believe that, except in a very few instances, just enough to be the exceptions that prove the rule, no laboring man ever had his wages increased except as the result of united action of his fellows and himself in a union for their mutual advantage. The organization of labor into unions has increased the wages of all these men.

Mr. JAMES. Is it not further true if it were not for these organizations that the monopolies and trusts that have been created and fostered by the Republican party would have crushed the wages of the laboring men far below what they are now?

Mr. BENNY. It would have been so exactly; and I will give you for that the statement of Vice-President Warren of the Central Railroad Company of New Jersey. He was vice-president a few years ago. I was in the New Jersey legislature at the time when the railroad men of the State of New Jersey had a bill in that body similar to a bill which I am told was before Congress, and which was side tracked, for the purpose of compelling the railroad companies of the State to properly safeguard the passengers and employees on their railroads. The delegation from the union went over to see Vice-President Warren and ascertain what he was going to do about it, and this was his answer: "You fellows are getting too fresh. You always want something; if it isn't a raise in pay, then it is some improvement on the road. Now, let me tell you something. Inside of four years from now there will only be half a dozen railroad companies in this country, and inside of ten years from that time there will only be one. Then we will have you fellows by the short hair, where we ought to have had you long ago." That meant simply this: When all railroads are combined and owned by one company, that company with its great power would crush out the unions and have them at its mercy; but the time will never come when a company embracing all the railroads of the country can get the better of a union comprising all the men in its employ. The monopolies would do away with labor unions, and when you do away with the labor unions you will have no American labor, just a lot of white slaves to take the place of the black slaves.

Mr. BAKER. Does the gentleman forget that the policy of protection, as announced by its advocates, is for the purpose, the primary purpose, of enabling the manufacturers of this country, protected by the tariff, to pay high wages?

Mr. BENNY. I know that is the "announced" object of the tariff, but they do not do it, and let me show you how that works on the poor innocents. Here is a knife that I bought in New York at Christmas time for $3.25. I can buy the same identical kind of a knife, imported from Germany, down in the room below here—in the stationery room—for $1.86. I wanted to find out how it was that I could buy it there for $1.86 when I had to pay $3.25 for it in New York, and the answer was, "Uncle Sam does not have to pay any tariff."

Of course the object, as given to us by gentlemen on the other side, is to raise the wages of the employee. But it does not do that. The employee gets his wages raised when his union is strong and when the finances of the union are in good shape, and are lowered just as quickly as his union gets weak or the finances get low. [Loud applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNY. I would like to get about ten minutes more.

The CHAIRMAN. It is not in the power of the Chair to give the gentleman more time.

Mr. BENNY. Is the gentleman in charge of the bill on the Democratic side on the floor?

Mr. LIVINGSTON. I yield ten minutes more to the gentleman.

Mr. BENNY. The gentleman from Nebraska made a statement yesterday that every four years the Democrats have a new paramount issue, and that they do not dare to have the same issue that they stood on in any previous campaign. Let me ask the gentleman from Nebraska if there is not a different issue every day in this House? Is there not a different issue in every war? The issue in the war of 1776 was different from the issue in that of 1812, and by the war of 1846 another issue was decided, and again an entirely different one in the civil war, and a new one again in the war with Spain. There is nothing at all about that difference. Do not different issues come up? Different questions come up to-day from the issues that came up four years, eight years, or twelve years ago.

There will always be different issues, and let me suggest that you on your side can not say what the issues are to be, nor can we on this side reply that we will give you some other issue. The issues of any campaign are the questions which are most profoundly affecting the people at the time of the campaign, and this time you are going to have, perhaps, a different issue than you

ever had before, because the situation is more acute. You point out to us here, day after day, the tremendous business done in the United States, both in imports and exports.

You are as proud of the fact as we are that the United States now has raised itself to the position of number one among the nations in the amount of its exports. We are delighted with that situation. But let me ask you this, who is getting the benefit of it? Do the laboring men who produce these things get it? Do the ordinary citizens receive it, or does it nearly all go into the pockets of a few men who have control, not only of the railroad lines of the country, but every great industry in the land? And there is another question in that connection that is going to come up in the next campaign. You can not keep it down. Neither could we if we wanted to do so.

This is the question: Are the railroad companies of the United States going to be permitted to go on as they have been doing for years past in their miserable freight discrimination, driving out of business one lot of men to make millionaires out of some others, favoring the Standard Oil Company and concerns of that kind, discriminating in favor of one set of men at the expense of other men who want to do business in opposition? You can no more dodge that issue in the next campaign than you can conduct your canvass in a flying machine. We are going to present that to the people of the land. Do you think you can escape discussing that as an issue by shouting "Hurrah for prosperity?"

And, in connection with that, the people of the country are asking to-day why the railroad companies in their freight discriminations are not hauled up by the President or by the legal department of the Government. Why is it not done? The answer which most of our people get is this: That the railroad companies "grease the ways" as they go. You get hurt anywhere by a railroad car or a trolley car, and you proceed to compel the company operating it to give damages for your injuries. The first thing you are apt to find is a judge on the bench with a pass from that company or some other company in his pocket. The man who serves the papers in the case often has a pass also, and some of the jurymen, perhaps, have passes in their pockets. Then how are you going to get equal and exact justice there?

The subsidizing of men in official station by railroad, telephone, telegraph, and other companies is now almost a national scandal, and you on the other side can not escape consideration of that when it is before the people by shouting "Down with free silver!"

Now, the point is made on the other side that in 1896 there were 3,000,000 men out of work. Do you not know that the man who makes up the statistics for this Administration and who favors it in every way he can, Mr. Carroll D. Wright, has said that there are a million men out of work now, and the number is increasing daily. The country right now is one-third as badly off, as far as the laboring men are concerned, as in the very worst time under President Cleveland.

Mr. LACEY. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New Jersey yield?

Mr. BENNY. Certainly; I am always glad to do so.

Mr. LACEY. Did I understand the gentleman to claim that material in the way of stationery for the House is bought abroad and imported free of duty and sold to the Members free of duty?

Mr. BENNY. That is what I am told.

Mr. LACEY. The gentleman is certainly misinformed about that. No such arrangement has ever been made, and it is a proposition impossible on its face. The fact is we buy at wholesale and give the Members the benefit of the wholesale prices; but the goods are bought here, not abroad, and duties are paid on them if they are of foreign manufacture.

Mr. BENNY. I will say in answer that the knife I have here is a foreign-made knife. I priced it downstairs in the stationery room and was told that they could sell the same knife for $1.86, for the reason, as they said, that Uncle Sam did not pay duty. I want to say further that I do not think the United States Government, or whoever buys the material for the stationery room, buys one one-hundredth part as many knives as does the firm of John Curley in New York, where I bought this knife, one of the greatest cutlery concerns in the United States, if not the largest one.

Mr. BAKER. Does not the gentleman know that the foreigner pays the tax?

Mr. BENNY. Oh, no; I do not know that. Now, I would like to ask the gentleman from Iowa if he thinks there could be a difference of $1.39 between the price of a knife in New York and the knife here if the tariff did not enter into it?

Mr. LACEY. Evidently the gentleman must have helped to pay the rent of the store in New York when he bought his knife. The expenses of operation there are a good deal more, and perhaps the retail rates are higher.

Mr. BENNY. Well, if the gentleman thinks that is a sufficient answer I am satisfied.

Mr. LACEY. I want to say this: Of course if you buy at retail you pay more than you would at wholesale, and if you buy in New York you perhaps pay more at retail than in other places. New York is not the cheapest place in the United States to buy goods at retail.

Mr. BENNY. One other question.

Mr. GROSVENOR. Let me say to the gentleman that in regard to the purchase of articles in the stationery room I have taken the pains to inquire, and they say that they not only never imported an article free, but that they never said that they did. On the contrary, the knives which the gentleman refers to and which they sell to Members I am told are all bought of an American trader who imports them. Now, I want to say to the gentleman from New Jersey that we are to-day selling a great many more knives and cutlery abroad than we are importing from abroad.

Mr. BENNY. That may be. Let me say to the gentleman from Ohio that I never said that the knife was bought abroad. It was made abroad and imported from abroad. The knife that I hold in my hand was bought in New York, but it was made abroad, and the same knife you can buy downstairs for $1.86 is made in the same place on the other side of the ocean.

Mr. GROSVENOR. But the gentleman gave as a reason that the price of the knife was so low in the stationery room was that Uncle Sam did not have to pay any duty.

Mr. BENNY. All I said was that I was told so. I do not know what Uncle Sam does; what I know is what the man told me. I was told that I could buy it cheaper downstairs, and when I asked how much I could buy a duplicate for he said $1.86. I said, "Why?" and he said, "Because Uncle Sam does not have to pay any duty."

Mr. GROSVENOR. Who said that?

Mr. BENNY. I do not know his name; I do not know the name of any man down there.

Mr. GROSVENOR. Is not this what the gentleman said, that "Uncle Sam charges no profit?"

Mr. BENNY. No; there was nothing said about Uncle Sam's profit. That is a good suggestion; the gentleman is an ingenious lawyer, and that is well put in.

Mr. GROSVENOR. I am ingenious enough to say that when a young man makes a statement that I know is not true I would like to relieve him from the responsibility of it.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BENNY. Will the gentleman yield me two more minutes?

Mr. LIVINGSTON. I will provided the gentleman will not give it away to the other side. [Laughter.]

Mr. BENNY. Well, I think they need it. [Laughter.] Do not go away, General.

Mr. GROSVENOR. Oh, no; the gentleman need not worry; I am not going away. [Laughter.]

The CHAIRMAN. The gentleman from New Jersey is out of order in addressing a Member in that way.

Mr. BENNY. I am sorry, Mr. Chairman, if I was out of order; but I saw that the gentleman from Ohio was going away, and I did not know any other way to stop him. If I was out of order in calling him "General," I will withdraw it. Now, what I want to know is if the gentleman from Ohio means that I said anything that I knew was not true?

Mr. GROSVENOR. Certainly not; I think the gentleman was misled.

Mr. BENNY. Does the gentleman not believe the statement was made to me downstairs?

Mr. GROSVENOR. Why, the word of the gentleman is unquestionably to be taken.

Mr. BENNY. Thank you. The gentleman is delightful. Now, Mr. Chairman, as I can not close in two minutes, I will ask that I may have permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNY. The gentlemen on the other side aver that there were more pianos, more carpets, more pictures in more homes in the United States last year than ever before—because of the Dingley tariff. I answer there were more babies born in this country last year and more deaths, too, than ever before. Is the Republican party responsible for the deaths and entitled to the credit of the babies?

Said the gentleman from Indiana: Just look at the increase in the production of nails in this country during the seven years of prosperity we have contributed. Year after year the quantity has increased tremendously and the price has fallen. When we stop to consider that an American workman turns out twenty-eight times as many nails per day as does the workman on the other side of the ocean, it is not to be wondered at that the number of kegs produced yearly has increased. This, of course, is due largely to improved machinery and better methods here. But who saw

the American nail makers' wages go up to keep pace with the increased production?

But we are told that the bravery of Mr. Roosevelt is so great that all men should vote for him; that he "reached in" and settled the coal strike that threatened disaster to the land. When Mr. Baer, of "divine-right" notoriety, visited the President at the White House and roundly insulted him and told him to mind his own business and keep his hands out of the railroad and coal companies' affairs, why didn't he handle that president as Andrew Jackson did the United States Bank president who threatened him? Jackson's reply was, "By the Eternal, if you do, I'll hang you to yonder branch." Why didn't our President immediately cause proceedings, civil and criminal, to be taken against Mr. Baer for violation of the laws of the nation?

Mr. Chairman, your party can yell "Down with free silver!" and "Away with Bryan!" till it gets blue in the face without in the least altering the situation next November. You can not cry "Stop thief!" and have the people in the rôle of the policeman run away on a false trail. You can dodge and squirm all you please, but you must return again and again to these questions which the people insist shall be discussed and disposed of in this year of grace 1904, viz:

1. What of your stewardship? How have you exercised the responsibilities of power placed with you seven years ago?
2. Wherein is your candidate better or worse than he on the Democratic ticket?
3. What of the trusts? Are they to go on eating up the people and the fat of the land?
4. What of railroad freight discriminations and their effect upon our business men?
5. How about a proper modification of the tariff and the passage of laws so that our people may buy their own manufactures at home as cheap as the foreigner may purchase them abroad and may obtain the necessaries of life at a much lower figure?
6. Why have the wages of our workingmen been increased (your own Republican figures) only 12 per cent under this great prosperity you claim, while the cost of the workingmen's living has increased from 30 to 40 per cent?

And to these and other questions you must give answer, and that direct.

Mr. BEDE. Mr. Chairman, I had not intended to make any remarks at this time or to occupy the attention of Congress at this session. I am altogether too modest to think that the country needs my counsel, but some of my friends have insisted that the world has been waiting too long to hear from me and that I should speak at this time. [Laughter.]

First, in reply—and all the reply I shall make—to the gentleman from New Jersey [Mr. BENNY] is to pledge him that if he will get the Democrats to stop abusing Grover Cleveland I will induce the Republicans to stop abusing Bryan. They are both working for the interest of the Republican party and we can afford to make that promise.

I wish now formally to invite the Democratic party through its leaders in Congress to disband. I have been studying the interests of that grand organization for a long time. I find that as the factions of that party are lined up now neither can have a two-thirds vote in the next convention, and that therefore they can not nominate a candidate, and that the only safety for them is to disband and to come into the Republican ranks—to come in with the party that is doing things. Then at the end of four years they can go back without any rules, for if there is anything that ought to be unruled it is the Democratic party.

Thus they will get rid of their two-thirds rule by dissolution and can nominate a Presidential candidate in 1908, but to-day they are so torn with factions that they could not nominate a candidate if they went into a convention. Therefore, in their own interests, I ask them to come into our party, for they believe in everything that we believe in. I see Democrats looking in my face now who believe in the gold standard, who believe in expansion, who believe in the Panama Canal, who believe in everything that the Republican party is doing. Yet because of their environment or association or inheritance they are still voting the Democratic ticket, and they know not why.

Therefore, I repeat, I invite them to come into the Republican party and share in the blessings that we are scattering broadcast over the whole land. I think that more than 50 per cent of the Democrats in Minnesota believe in Theodore Roosevelt. I believe that the next election in Minnesota will give him at least 100,000 majority, and many of the votes cast for him will be Democratic votes.

I believe that if the Democrats should nominate Mr. Cleveland, or Mr. GORMAN, or some man representing that faction that even Mr. Bryan himself would cast his vote for Theodore Roosevelt. Why not, then, come in and make it an era of good feeling? These eras of good feeling, like panics, come and go at certain periods, and as we have not had one for about eighty years, I think it is the Democratic party's turn to come in with us this time and make another such an era, and also make my prophecies come true. Then, after another four years, they can segregate themselves, if they see fit, and organize their party anew.

I realize that we need two political parties in a great republic, and for that reason I am not here to say one word in censure of a man because he is a Democrat. If we were all Republicans or all Democrats to-day we would soon separate, because one element would be radical and the other conservative. And so it is quite the same thing to me if you call one man a "Republican" and another a "Democrat," as it would if you called one man a "conservative" and the other a "radical," though they belong to the same party.

Therefore, there is no quarrel between us, and as I have been teaching the doctrine of good will throughout the West I have come here now to teach it to you gentlemen on the other side. I wish to say that the only opposition I have heard to President Roosevelt is that which comes from a little bunch of Populists down in Wall street. [Laughter.] By Populists I mean people who deal in fiat. We contended against fiat in the West until we wiped it out. We went out when we saw a Populist and threw salt on his whiskers and caught him and brought him into the Republican ranks. [Laughter.]

We have wiped out Populism in the West, and it will soon be determined that this little bunch of Populists in Wall street can not dictate the nomination of either party. We have put 100 cents in every dollar of our money, and it is now time for them to put 100 cents of assets behind every dollar of the securities they are selling to the people. These men, I think, may be properly designated as pontoon patriots, who float their little paper ventures on unmeandered and boundless waters to nameless ports, and they may as well know now as at any other time that they can not defeat the renomination of Theodore Roosevelt next June.

They are making an effort to-day to create a sentiment throughout the West and make the people there believe that there is such opposition here that he will be defeated if renominated. They are trying to get an echo from the West, but the echo refuses to come back, and so the West will do its duty and the East will do its duty, and he will be triumphantly reelected. Therefore, I invite the Democrats, who are hopeless in this campaign, to come in and join us and make it unanimous, and make this campaign one grand sweet song throughout a happy land.

Mr. Bryan asks, "Why do you want to reorganize? What are you going to do when you get reorganized?" It is quite clear that neither one faction nor the other is going to win, and thus you will be torn with dissensions until you resolve to dissolve. It is a great deal better just to disband at once and come in and be a part of us. You will be far better off when you get through with the campaign if you will come in and vote the Republican ticket this year. You will get rid of all the isms that have been distracting your party so long. You have Johnsonism down in Ohio, though they got pretty well rid of that this year, and the only way to get rid of it is to do as the Ohio folks did last November, and do it plenty.

As you have done with Johnsonism in Ohio so you should do with Bryanism and all these other "isms" throughout the whole country, and when you have wiped them all out you can start in on the old basis, for we need the Democratic party in our business. No man ever made a harness without a hame strap and a hold-back strap. You need a breeching on your harness, especially when you are going down hill, and, as some cruel wit has said, the country is nearly always going down hill when you Democrats are in power. But we want you to reorganize on old lines and get together again, for nothing tends more to the safety of the country than to have two strong parties contending for supremacy.

And let me ask, Who is the leader of the Democracy to-day? No one on the other side of the House can tell. There is no recognized leader of that party. The distinguished gentleman from Mississippi [Mr. WILLIAMS], I admit, leads, and ably leads, his party in Congress. But his modesty as well as his geography prevents him from grasping the seats of the mighty and becoming a candidate for the Presidency at this time. So there is no leader; and because there is no recognized leader and you are rent in factions we urge you to come to us in your grief and let us solve your problems for you and bind up your wounds.

We have heard a great deal from pessimistic speakers on this floor about some organizations of wealth. No man, whether Republican or Democrat, believes in monopolies. But what are these great aggregations of wealth that we have to-day? What are they doing? Are they destroying the country, or are they adding to its happiness? Could you do the manufacturing business of

the world to-day without these aggregations? Why, sir, fifty or a hundred years ago manufacturing was a simple thing.

At every crossroads was a shoemaker who made boots and shoes for the neighborhood; at the same crossroads was the blacksmith and the wagon maker who made the wagons and the farm implements for that community. They had no railroads then, and but little water transportation. The country was divided up into little communities, each working for itself. But now the world is changed. You have reached out. The old firm of Jones & Smith, or whatever it may have been, is not able to-day to do the business of the world. If you should cut down the aggregations of wealth which are conducting the great manufactures to-day, you would cut off all our foreign trade, because then we could not compete with the other nations of the earth.

I was in a great shoe factory up in New York State the other day. More than a hundred different people, aided by as many different machines, were each doing some little part of the work. No one was making a whole shoe. The old shoemaker, it is true, has been thrown out of employment and is perhaps not so happy as he was, for he may have been too old to learn a new trade. But shall the world stop while some fellow is learning how to "catch on?" Shall we not rather help him to "catch on" elsewhere while we go on building up these centers of wealth that are engaged in manufacturing, not alone for our own people, but for all the nations of the earth? Does any man believe that you could have the great locomotive that to-day aids in the transportation of the world if there were not millions of dollars somewhere engaged in the manufacture of that wonderful machine.

Can you go back to the conditions of fifty years ago and still have the blessings that you enjoy now? Why, sir, at that time $100 at a country crossroads was sufficient capital for the little manufacturing establishment. But now the same implements and many more—the fruits of American genius—are made at less cost on an infinitely larger scale, which requires a vast capital under a single roof with thousands of men. If you are going to have the civilization that we enjoy to-day, you must have aggregations of wealth conducting the manufactures of our country.

Fifty years ago there was none of the modern machinery that is used on the farm to-day. The cotton compresser was unknown at that time. You could not have that great machine if you had not large capital somewhere manufacturing it. The great farm implements that we use in the North were not known then because American genius had not invented them. But to-day they are known and are needed. If you cut off these aggregations of wealth and destroy them by means of the drastic legislation that I have heard suggested, you would do away with all the progress that has been identified with the past generation.

We have heard a great deal during the last few years—and I am not going back of 1896—on this silver question. In the campaign of 1896 a great many people told us that wheat and silver went together. They have not been going together very much since. I doubt very much whether they are going together anywhere.

Certain things have happened in the world that have affected both wheat and silver, things that had no necessary connection with each other. When we built the Pacific railroads through the Rocky Mountains we reduced the cost of producing silver and forever knocked out the previous ratio between the two metals. If you are ever going to get "sixteen to one" again, which Mr. Bryan asks to have reaffirmed in your platform, you will have to withdraw the railroads from the Rocky Mountains and repeal a generation of civilization. Whenever you do that you can have the old conditions, but not until then.

Why do I say that? Because 80 per cent of all the gold produced in the world requires no smelting—only 15 or 20 per cent requires smelting, and transportation has not seriously affected that question. But all the silver produced does require smelting, and therefore transportation has affected it. You have destroyed the ratio by the progress of civilization, and you can not get it back unless you give up the civilization you now enjoy.

About the same time you were building those railroads which have crossed the continent and reduced the cost of producing silver they were doing something over in Africa. They dug a canal—the Suez Canal down in Africa—that brought the Indian wheat fields 4,000 miles nearer to the markets of the world. The product of India was dumped upon the markets of Liverpool and thus brought into competition with the products of Minnesota.

Those two facts—the building of railroads in America and the building of canals in Africa—had a bearing upon the ratio between gold and silver and between wheat and silver that was not calculated on in the campaigns recently passed. A little study of history will tell you what it was that disturbed the ratio, and point out the only way that you can bring it back.

I have said that most of the Democrats were in favor of the Panama Canal, and I believe that with the digging of that canal and the development of waterways in the Southern States that the old South in the next generation will have a progress that it has never dreamed of. If we continue along the lines we have followed in the last generation the South will be the greatest beneficiary of Republican policies in the generation to come. Why, then, should you not accept my invitation to disband and help this good work on?

A great many people think, as some of our friends on the opposite side would have us believe, that the rich men own all the money of the world. Let me merely suggest that the poor men own the money and the rich men own the collateral, and that if you can frighten the poor men of the United States you can make hard times in ninety days. Ninety per cent of all the business men in the country are doing business on credit. They handle money, but they owe it. The poor man draws his wages and puts them in a bank, and he owns the money and it is his.

I was in the city of Cleveland last fall, and I found that one single savings bank had $46,000,000 in deposits; $46,000,000 in a single city in a single savings bank, and not the money of the rich, but the money of the toilers of that metropolis of Ohio. So it is all over our broad land. In every city you find in the banks the hoards of the poor, and not the hoards of the rich. And in ninety days, by disturbing the confidence of the poor and making them withdraw and hide their cash, you can bring a taste of the hard times that you had in 1893 and 1894 and 1895.

And let me say in passing that it does not make so much difference whether the tariff is high or low as it does whether it is stable. Stability makes business secure and the wages of the poor certain. Tariff agitation for a year or two in a political campaign, another agitation for a year or so before Congress meets and takes action, disturbs business beyond all description, and it seems to me that if the two political parties are wise in the future they will never make a national campaign on a question that is so closely connected with the business interests of the country. I believe the Republican party itself is wise enough to see when corrections are needed and to make them without agitation and with the full approval of the American people.

It may be that the people of my State in a little time will ask for some modification. There are some good people in Minnesota to-day who think that Canadian wheat ought to come "across lots" on its way to Europe. They feel that the tariff of 25 cents on wheat does not bring anything to our Treasury, and it keeps a great deal of business out of Minneapolis and Duluth. There is a great deal of that feeling in the North and West. Whether it will assert itself so formidably that it will ask action of the Republican party or not I can not surely say, but I believe it will do so very forcibly and very soon.

Because of our delay the Canadian people have builded within the last few years elevators with a capacity of 20,000,000 bushels on the north shore of Lake Superior, and are taking grain to Liverpool through Canadian territory that would naturally pass through our ports, and by the cost of transportation and the handling and insurance would leave millions of dollars among our people.

Let me say also that the State of Minnesota is changing from wheat growing to diversified farming. To-day we have more than 800 creameries within our State, and in another generation, unless through our agricultural experiments we can raise the yield of wheat from 15 to 25 bushels per acre, we shall cease to be a wheat-producing State. We hope to increase that average yield, but if we do not wheat will pass away from Minnesota as its principal product, for we can make more money at something else, and in another generation it will be a State of diversified farming; and if we shut out Canadian wheat the great flouring center that you have known at Minneapolis will have passed away forever.

In a very few years her mills will need the harder wheat of Canada to mix with the softer wheats grown farther south if we are going to make that a great flour-manufacturing center and let it have the supremacy that it has held for a generation. The handling of a hundred million bushels of Canadian wheat would mean at least $15,000,000 for the railroads; it would mean much more in the other industries that would be built up by the side of the great grain business in Minneapolis and Duluth, and, it is a subject worthy the serious consideration of the Republican party for the Canadian product will soon exceed those figures.

But I am not here to start an agitation upon the question. I feel that the tariff should not be a campaign issue; that it should be an issue among the party leaders; that they should know what is wisest and best for our country, and do it without long agitation and the disturbance of the business interests of our people.

I do not know what the leaders think about that because I have not consulted with them, but I believe that they will hear from the West upon that question, and when they do hear I think they will yield to the reasonable demands of our people. They can, at least, correct the present law, which requires our mills when grinding Canadian wheat in bond to ship the bran and all the other refuse out of the country. This is impracticable, and be-

sides we need these by-products for feed for our stock in the West. But enough of this for the present.

A great many Democrats—and I see some facing me that I think a great deal of—are afraid of what is going to happen in this country. Let me assure them that nothing is going to happen very serious very soon. I want to congratulate the Democratic party itself on some improvements that it has made. I was glad to find when I entered Congress for the first time this year that the Democrats of Ohio had made a vast improvement in exchanging the honorable Mr. Lentz for Judge BADGER of that State. [Laughter.] That seems to me one of the greatest improvements their party has made within my memory.

A great many Democrats are afraid that we are going to have an empire here. They are going to try to make that one of the issues of the next campaign. They tried to make it one before. Mr. Bryan said, in his speech in New York the day before yesterday, that he greatly regretted the people did not take to that issue, and he will strive to keep that as a party issue. But, gentlemen, we have been getting rid of empires ever since we were a Government. One by one we have driven them off the continent.

You remember that we had a dispute with the King of England for a few years, and he let go of this part of the world and went away. Then we are soon to celebrate the purchase of Louisiana Territory from the first consul and soon-to-be Emperor of France. We got rid of his dominion upon this continent. It has been the policy of our people that they do not want an empire here. We bought Florida, and got rid of more empire. We took Texas as a slice of Mexico, and got California and all that territory to the westward, and gradually got rid of the Spanish Empire. Then we continued by purchasing Alaska from Russia, and got rid of another empire.

And again, looking out across the Pacific, we saw Queen Lil on her throne. We told her to "come off," and we took her little country in and have given liberty to her people. So, one by one, we have been getting rid of empires, and we are not going to make one of our country. Why, when our Government was formed our fathers hardly dared to leave the selection of President, Senators, and Representatives to the people. For many years the Congressmen fixed the nominations for President. The people would not permit that to-day.

In all our history we have been steadily tending toward a government immediately in the hands of the people. Out in the State of Minnesota we are coming, through our educational system of uplifting the common people, to the point that they understand quite as well as you or I what is the best interests of this country. We are now beginning there what I think our southern brethren should begin soon—the consolidation of the country schools. We are taking half a dozen country districts and uniting them into graded schools, and we shall soon be teaching agriculture in them also.

The man who teaches a graded school in the country can have his little farm by the side of the schoolhouse, and agriculture can be taught while he is teaching the literary branches. And soon it will be possible for every boy and girl in Minnesota to secure a graded school education without leaving the parental roof. When this system is adopted by the whole country, North and South, East and West, you will find there will be no danger of making an empire of our country, and every Democratic fear will be allayed.

But instead of making an empire we shall set, as we have ever set, an example to the other peoples of the earth in the building of republics. I know that some object even to that. Gentlemen on the other side have said that the President acted a little too quickly on the Isthmus, in doing what everybody wanted done, and incidentally giving aid and comfort to a Republic. Yet there is not a Democrat on this floor who, if he had the casting vote, would not give that vote for the approval of the Panama treaty and the building of the canal. The only objection I have ever heard raised to it was that by digging a canal we would let the two oceans into a combine, but that is not a very serious objection. [Laughter.]

I realize that it is pretty hard work for a Democrat to leave his party, and in extending this formal invitation to him to come into the Republican party and be one of us, I know how hard it is for him to do it. There is a little railroad down in southern Minnesota, in a district represented by one of my colleagues, a few miles long, with a daily mixed train that always gets to its destination too late for a connection.

A lady who was riding on this train one day complained to the conductor that the train was going too slow, and, finally, after many importunities, asserted that she could walk faster than the train was going. The conductor retorted by asking her why she did not get off and walk, and she said that she would do so, but her people would not be looking for her until the train got in. [Laughter and applause.] So I realize how hard it is for the Democrats to get out and walk faster than their party is going, as nobody will be looking for them; but nevertheless I extend the invitation in the kindliest spirit and with no feeling of hate.

I was indeed a little sorry that we could not have leaders in this House upon the different sides both from one section of the country. In my reading of history I remember that a gentleman from the South has always been pitted against a gentleman from the North, and my only regret is that the leader on the Republican side and the leader on the Democratic side were not both from the North or both from the South, that we might wipe out these old sectional differences and forget them for evermore. Sometimes, unfortunately, the mere fact that the leaders live in these sections arrays the people behind them against each other, and I would gladly remove even this seeming hostility.

And now, in spite of all the pessimistic speeches we have heard, I wish to suggest that the world is getting better and brighter all the time. The conditions which existed a generation ago would not be tolerable now. You are raising more cotton in the South than you did with slave labor before the war, and you do not want to go back to that. The conditions in the South are happier to-day than ever before.

We heard some debate upon that yesterday, and while there may be some difference of opinion, I think if we throw all partisanship aside everyone will admit that the South is happier and more prosperous and her joy fires burning brighter to-day than ever before under any condition or under any party.

Surely the North is more prosperous than it was ever before; the volume of our manufactures is greater, our consumption at home is greater, our exports abroad are greater than they were ever before, and the people are happier because everybody is prosperous, thus bringing equality of condition, and the real secret of happiness is, in my judgment, this equality of all the people; and one of the reasons why the people of the North are a little happier than the people of the South is that there is more feeling of equality between all the people and less distinction, due, perhaps, to a more universal prosperity, and you can never have true happiness except where there is that feeling of equality toward the fellows with whom you associate.

This feeling of equality is the sweetest happiness, and through the prosperity that we have experienced in the last six or eight years we have lifted up the laboring man until he has sufficient means to be on an equality with all of his fellows, even with his employer, and——

Mr. SCUDDER. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BEDE. Certainly.

Mr. SCUDDER. I would like to ask the gentleman whether that feeling of equality could possibly prevail where the races are different?

Mr. BEDE. I could not hear the gentleman.

Mr. SCUDDER. I would like to ask the gentleman whether that feeling of equality to which he has made reference is possible where the races are different? I ask whether it could, in his opinion?

Mr. BEDE. Well, I would hardly try to settle the race problem here to-day.

Mr. SCUDDER. I thought the gentleman was touching upon it.

Mr. BEDE. No, no; I did not. While my words might seem to refer to that, I did not mean to do so. I realize the South has certain troubles of her own. We know that peculiar institutions make peculiar burdens. For a few hundred years a certain part of our country had a peculiar institution that has brought its own peculiar burdens which they of that section must needs bear. I for my part will never add one feather weight to the burden which is resting upon them. [Applause on the Democratic side.] And I have only invited you into the Republican party that we might help you to solve that problem along with all the rest. [Applause on the Republican side.]

I think I have been in every Southern State. I have met a great many Southern people. I know they are good people; and if they were not, I would not invite them into the Republican party. The very fact that I invite them is an assurance that I believe they are the right kind of folks.

Mr. THAYER. Our good friend has been inviting the Democrats to join the Republican party. I want to ask him if he is led to that desire from fear that a large part of the Republicans will vote against the stagnant party, the "stand pat" party, in the next Presidential election and come over with the progressive Democratic party?

Mr. BEDE. I would ask the gentleman from Massachusetts whom he is going to nominate? [Laughter on the Republican side.]

Mr. SCUDDER. That is going to be decided by the Democratic convention.

Mr. THAYER. I should be pleased to answer the gentleman if I had the power in my hands to nominate, but in the Demo-

cratic party we have no bosses; we have no one man who nominates the President.

Mr. BEDE. Mr. Chairman, I live in a State in which they nominate Congressmen by primaries, where all the people have a vote as to who shall be Congressman. I understand there is a certain section of the Democratic party in New York where Congressmen are sent to Washington by appointment. [Laughter on the Republican side.] I understand there are certain others of this House that would try to exclude a great many people from the right of suffrage. I never heard of a Republican introducing a bill to repeal the thirteenth, fourteenth, or fifteenth amendment.

Now, I am not going to say whether these amendments were right or wrong when they were passed. I am merely going to say to you that we elected a President that was taken away from us in 1865, and we might have done differently or have done the same thing in a better way had he lived; but the Republican party believes that even if mistakes have been made the best way to right them is to go ahead and not to back up.

As I have already intimated, it is far from my heart to say one word that would be a burden to gentlemen from the Southern States. I know we have had a great many people in Minnesota from the South, not alone from Southern States like Virginia—my predecessor in this House was from that State. We have had good friends from Missouri, too. We had friends from Missouri who came up there and introduced the Missouri system of finance. [Laughter.]

They distributed money on horseback, and we kept them there for twenty-five years. [Renewed laughter.] We do not let any Missourians get away when they come to us with malice aforethought. We have a sort of hospitality and try to keep them there, and try to reciprocate the kindness that we know would be extended to us in that great Commonwealth, one of the best and one of the most abused States in the Union.

Mr. GAINES of Tennessee. Will the gentleman yield to me?

Mr. BEDE. Certainly.

Mr. GAINES of Tennessee. What did you do with the mayor of one of your great cities in Minnesota? Is he in for twenty-five years or for life? [Laughter.]

Mr. BEDE. He is not in yet, and I hope he is innocent. He was recently a Democrat and had been a Republican only for six months when he was convicted. [Laughter on the Republican side.]

Mr. GAINES of Tennessee. That shows what a good man does when he gets into bad company. [Laughter.]

Mr. BEDE. We hadn't had time to reform him.

Mr. WILLIAMS of Mississippi. Will the gentleman yield in a good-natured way?

Mr. BEDE. Certainly.

Mr. WILLIAMS of Mississippi. How much advantage has the gentleman over this mayor that he refers to?

Mr. BEDE. Let me say to the gentleman, and to this side of the House as well, that the gentleman from Iowa, Mr. HEPBURN, received my first vote in the campaign of 1880. I want to admit frankly, and you will see it in my biography in the Directory, that I voted the Democratic ticket a few times, and I know how hard it is. [Laughter.] My first vote and my last vote were Republican, but in the meantime I voted the Democratic ticket, and it is necessarily the mean time when you do a thing like that. [Great laughter.]

Mr. WILLIAMS of Mississippi. Instead of that being a mean time for the gentleman, wasn't it a tolerably good time? Wasn't he United States marshal during that time?

Mr. BEDE. I was United States marshal for a very few months. I served during the war of the strikes in 1894, and then resigned, a thing which proves that I was not a real Democrat. [Laughter and applause on the Republican side.]

Now, Mr. Chairman, I have been saying a great many things. I came here with no set talk to make, and had not intended to take up the time of the House. But let me add that the Democratic party has been reaching out for the Populist vote of the West, while often ridiculing the Populists, and yet they speak, as the gentleman recently did speak on this floor, of our abusing Mr. Bryan. I read in a Democratic paper in St. Louis not many years ago of a Populist convention, and that paper described the Populists as "an aimless and useless caterwampus of nincompoopic gabsquirts and rapscallions." [Laughter.]

We have never said anything so mean against anybody that we have been trying to get into our party, and I shall not say anything so mean against any gentleman on that side of the House or any man that you may seek to nominate as a Presidential candidate for your party. I know Mr. Bryan personally and well, and have the highest regard for him. I believe that he is sincere, and all the more dangerous because he is sincere. I know Mr. Cleveland fairly well. I think he is one of the great men of the country.

I believe that ultimately his Administration will be looked upon as one of the best in our history, though it is one that the Democrats themselves now abuse the most. Now, if I am willing to forgive both Mr. Cleveland and Mr. Bryan, will you Democrats do as much? [Laughter on the Republican side.] I want this to be an era of good feeling. I want you to love one another and to love us, and stop sitting up nights hating each other in your own party. We do not do that out in Minnesota. To be sure, we have pretty long days in the summer, and the sun sits up nights to shine for the farmers up there and does help a little bit in the prosperity, I admit; but it is due largely to the Republican policies that help the sunshine. [Laughter.]

Besides, we have got improved machinery out there. I remember distinctly as a boy on the Western Reserve in Ohio that they used to cut their grain with a scythe and with an old-fashioned cradle and a sickle. We do not do that now. You can not sell anything to a farmer in Minnesota that he can not sit down on. [Laughter.] Things are coming our way.

I saw a farmer in the district of the chairman of this committee [Mr. TAWNEY], in the southern portion of Minnesota, a year or so ago, who was out cultivating his corn along the roadside, and one of the rural mail carriers, on a route the gentleman from Minnesota had had established, came along and handed the farmer his morning paper and his letters as he was cultivating his crop. He had an umbrella or a sort of canopy over his cultivator, and he went along reading his newspaper and cultivating his mind while he was cultivating the soil, and that is why you get that sort of a gentleman from that sort of a district. [Laughter and applause.]

I am only asking you Democrats to be full-fledged Americans; just to come in out of the wet while you wait, and be like us. Out in the West I saw a few years ago a little party of gentlemen talking of their different nationalities, for we have everything there, and among the gentlemen was a Scotchman, an Englishman, a German, an Italian, and finally they came to one fellow who said that he was a Norwegian, but that he had been "neutralized." [Prolonged laughter.]

I am willing you should be Democrats if you will just be "neutralized," just be full-fledged Americans and belong to the whole country. Once upon a time I know there was a little difference between the North and the South, and then every relative I had on earth over 18 years of age was in the Union Army. My good old father is sleeping over here in Arlington to-day, but that does not make me hate any man that comes from the South.

The statute of limitations has run on that business, so far as I am concerned, and I am willing to take you into full fellowship just to let you disband and get rid of your two-thirds rule, and in four years come out and elect for President the gentleman from Mississippi [Mr. WILLIAMS], if you can. I want to find some way to promote him. [Laughter and applause.] And the world is not so bad as it has been pictured by some of those boys who were talking recently. When they have lived longer they will see things differently.

I used to think sometimes myself that things were not just right, and I have not the slightest doubt now that I could run this country better than it ever was run, but there are a lot of you fellows who will not let me have my own way, so I have to compromise with about 80,000,000 people, and it is pretty hard to lead the country exactly right when one is compromising with so many. But there will be no danger to the country while I am here in Congress. I won't let anything happen on this side. [Applause and laughter.]

So throw away your fears and throw away all those old socialistic doctrines that you can not put in practice here. We have got to run the Government, and to do so we must have five or six hundred millions of dollars a year, or else we can not go down South and scoop out the rivers that are too shallow and bank up those that are too deep. We are doing everything that you want us to do, and we can not do it without an abundant revenue, and while you are putting on that abundant revenue let us put it on where it will do the American laborer the most good. [Applause on the Republican side.]

The world in a sense is smaller than it ever was. Did you ever stop to think of that? I see a gentleman here from Louisiana. Now, when the battle of New Orleans was fought down in his State in 1815 peace had been declared for two weeks in Europe, and the world had not heard of it this side of the Atlantic, and we could have gone on killing Englishmen for a couple of months before the news got here. It does not travel that way now.

In 1898, when Dewey lined up his ships for battle in Manila harbor, I am told that fact traversed 20,000 miles, over continents and under seas, and was ticked into the White House here in Washington in just thirty-five minutes. The world in one way is getting smaller, and we are getting closer together, and our country is becoming a world power with interests common to all mankind. Just at the close of the Spanish war a friend of mine, who was rather opposed to expansion, was going from Paris to Rome on a modern railroad train—made in America, under our

Republican industrial system, by the way, and shipped across the ocean—and on that train he fell in with General Garibaldi, of Italy, a gentleman he thought was a Scotchman at first by his conversation; and in talking over American affairs and our victory Garibaldi asked what America was going to do now.

My friend did not know. He was pretty modest, as every American was before the Spanish war. But General Garibaldi said, "You have become a world power, whether you will or not." Said he, "There is not a meeting of a cabinet in a capital of Europe but the first question asked on any subject that arises is, What will the United States of America say about it?" They can not do business unless they know what our opinion is. The thought of America is to-day dictating the political thought of the world. We have lifted our standard higher than any other nation, and we are teaching other nations how to lift theirs. [Applause.]

We erected a Republic here; and Mexico followed; and the States of Central and South America followed Mexico. Then we threw the Monroe doctrine around them; and Monroe was a pretty good Democrat. And as we had "an era of good feeling" under Monroe, why can you not come in now and make "an era of good feeling" under Roosevelt? Just make it unanimous this year for once! [Laughter.] You have not done anything so remarkable or significant in a long while. It will rid you of all your bitterness and save you a lot of medicine.

Get all this vinegar out of you. Come in, and we shall have the jolliest time in this Congress that you ever knew. And then four years from now you can segregate yourselves and select a leader that is a leader. Let us not have any dispute over the silver or gold standard, because that question is academic. The world has moved along. The gold standard is here to stay, whether Mr. Bryan wills it or not.

Just come in and be good natured about it. Do not make any more of these bitter speeches. It does not pay. They may read well down in the South, just as some bitter speeches on our side may read well in the North. But they will not read well after a while. They may be "a good enough Morgan for the campaign," but that is not the kind of stuff to educate young America on.

It seems to me that the interests of this country are too great to permit us to give up our time to these petty wrangles, and I look forward with impatient joy to that good time coming when all these little whirlpools of earthly hate shall be lost in the great ocean of God's love. There are other points that I would like to raise, but I see my time has been exhausted.

Mr. HEMENWAY. Go ahead, you can have all the time you want.

Mr. BEDE. Thank you. I would like to suggest to this House, not alone to one side of it, that the Monroe doctrine to which I have referred is just as big as the United States Navy, and no bigger. [Applause on the Republican side.] If you should destroy our Navy to-day you would have no Monroe doctrine to-morrow. If you build up the Navy you extend the Monroe doctrine, and you can do as you will with it.

I believe that the policy of this nation, if we are to be a great nation among the others of the world, is to have such a Navy as will enforce those laws that we have laid down, or else withdraw the law and not pretend to its enforcement. I am not pretending to say how much this House or any House shall spend for that purpose; but I am here to say that the people of the West stand for that thought; that they are willing you should do whatever is reasonable to help to make this the greatest nation in the world, as we think our State is the best, if not the greatest, in this Union.

I may be excused if I tell some of my friends here that we have a school fund of $15,000,000 in our State that we use in the manufacture of citizens; $15,000,000 with which we are buying the bonds of other States, invested in a permanent school fund. I would that every State of the South had as simple a problem in the education of its youth, black and white, as we have in our great Commonwealth. I know that you have the double standard of schools down there, and must needs have it. I would that your burdens were lighter than they are, and that your progress might be greater; but I urge again that the next quarter century under Republican policies will give to the South more progress than it has known in the last hundred years.

You were devastated by a civil war; you have had the burden of two races to educate and to uplift. One generation has passed away, and you are only now coming into your inheritance. We want to build the Panama Canal to help you, and yet your party at the other end of the Capitol is holding it back. Why not pass the treaty and have the work begun? When we first talked of that canal it was to be built so that the Pacific coast States could get to Europe; but the Senate has been talking, and now we are going to dig the canal so that the Atlantic States and the South can get to the Orient. The world has turned around while the Senate has been talking about these things. [Laughter.]

We have been trying to help you for a long time, but you refused to be helped. Now, go to your friends and tell them to pass that treaty. Tell them to let the work begin, to let Republican progress march on, and it will be for the uplifting of your States more than it will for mine. The South has more at stake in the Panama Canal than any other part of the Union. The city of New York, the city of Baltimore, and a few Atlantic coast towns are the only ones that have any great interest in it, and we are doing it because we believe that it is necessary for the progress of the nation, and incidentally for the uplifting of the commerce of the South.

I look for that time when New Orleans will be one of the great cities of our continent, perhaps the greatest exporter upon our continent. I look for Mobile to have a marvelous growth, and the building of that canal and the development of the Mississippi may reach in its blessings to St. Louis, and perhaps through the drainage canal even to Chicago itself. And when all these plans for progress have been carried out the South will then approve of Republican policies, and it might just as well come in and vote for them now. [Laughter.]

Oh, we have heard some very pessimistic talk from the other side, but the world is not very bad after all. I have heard fellows find fault before. I met a friend of mine once who was kicking very hard. He had just came out of a saloon. He told me he had been buying some lining for his underclothes. [Laughter.] Why, he said:

That his horse went dead and his mule went lame,
And he lost six cows in a poker game;
Then a hurricane came on a summer day
And blew the house where he lived away;

And an earthquake came when that was gone
And swallowed the land that the house stood on.
Then the tax collector, he came 'round,
And charged him up with the hole in the ground.

[Laughter.]

He thought that was carrying the single tax a little too far. [Laughter.] But if you could analyze his case, and analyze the case of all complainers and kickers, you would find that out of a hundred of them at least ninety ought to go out and kick themselves. They do not improve the opportunities they have, the opportunities that lie at their doors.

I have had occasion to go out in my State to induce the farmers to build creameries. It is sometimes the hardest thing in the world to induce people to do the thing that is for their own interest. I have gone into little places in the backwoods where they kept two or three cows, and set the milk on a shelf in the living room, where they discussed Democratic politics and chewed tobacco, and did a lot of things. And when they brought their butter into town you could taste every member of the family. [Great laughter.]

They did not meet halfway the opportunities that they had. That is the complaint I have against you Democrats over there. You have now an opportunity and a cordial invitation to vote the Republican ticket, and you refuse. You have an opportunity to upbuild the South and make it as prosperous as Pennsylvania and Ohio, and you decline to do so. I sincerely hope that in another generation there will be more spindles in the Southern States than in all the rest of the world. I want to see every waterfall in Dixie turning spindles and giving employment to blacks and whites alike. [Loud applause.]

I want to see you so prosperous that you will indorse what I am saying now. [Laughter.] Why, when I hear one of those Democratic speeches it reminds me of an incident that occurred once in a little western town where a "Mr. Day" was wedded to a "Miss Week," and a great many people regretted the loss of time. [Laughter.] But a country editor who had a penchant for poetry removed all sorrow, if he did not dry every eye, with the lines:

A Week is lost; a Day is gained, but why should we complain,
For soon there will be Days enough to make the Week again.

[Great laughter.]

Mr. WILLIAMS of Mississippi. May I interrupt the gentleman?

Mr. BEDE. Certainly.

Mr. WILLIAMS of Mississippi. On behalf of the history of literature, I would like to have it go into the RECORD that George D. Prentice was the author of those immortal lines.

Mr. BEDE. I am glad to pay any tribute to the memory of George D. Prentice, and may every Democrat be as happy as he. I know that the Democratic party needs a good deal of my advice. [Laughter.] I have given it a great deal in my own State when I belonged to it [laughter] and when I did not. And I think I can speak more convincingly, as I can more impartially, than if I did not know the burden of its song.

It is hard for the Southern people to vote the Democratic ticket and at the same time to believe in the gold standard; to believe in the Monroe doctrine that we are carrying out; to believe in the Panama Canal; to believe in our expansion policy in

the Philippines, and to believe in protection, as many of them do. I have talked with business men in New Orleans and in Mobile who believe on all these questions as I do, but when it comes to election they do not vote as I do. This, I think, is due to their environment, and I am willing to go down there and help them to change things. I would that the South might enjoy every blessing known to the people of my State. You, gentlemen, are bearing your own peculiar burdens, and it is perhaps not practical for the Federal Government to do anything to aid you in this.

That progress is most secure which we achieve for ourselves. But I do feel, as one of our writers has said, that "he serves his country best who joins the tide that bears her nobly on," and it is the Republican party that bears it on to-day. Without bitterness, without upbraiding, without condemning you for the past, or blighting your hopes for the future, I merely ask you to come in to the enlarged blessing that we so richly enjoy and avoid the useless expense of a campaign this year. [Laughter,]

You can not elect anything. [Laughter.] It is no use trying that. There are a few people, as I said in New York, who want a President that will let them "do" folks, but we insist upon a President that will let us do things. We are going to get our kind of a President and are willing you should share in the triumph. We are going to carry the Eastern States, as we have always done. We are going to carry the West, because we can not help it. The election there will be nothing but a supplementary census. [Laughter.] That Bureau, you know, has become permanent now. So there is no use of all the expense and worry and trouble on your part without any results, and therefore I close as I began, by extending to you this sincere and formal invitation to disband and come into our ranks.

I do not wish to say one word that would give you sorrow. I feel that the stars and bars of the old Confederacy, justly preserved as the fondest heirloom of a proud and gallant people, to be kissed and caressed by loving generations yet unborn, became a thousand times more sweet when, as an emblem of earthly power, baptized in flame and embalmed in pathetic story, it was furled forever.

And now another and more beautiful flag floats over every foot of our broad land and over a myriad islands of the sea. Beginning with thirteen feeble colonies, it has extended its domain to forty-five great and powerful States, and Old Glory grows brighter and brighter in the sweet radiance of its own gathering stars. [Applause.]

We invite you to share its blessings with us in the fullest measure, and to—

> Stand by the flag, all doubts and dangers scorning;
> Believe, with courage firm and faith sublime,
> That it shall float until the eternal morning
> Pales in its glories all the lights of time.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. LIVINGSTON. Mr. Chairman, I yield thirty minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Chairman, I shall claim the attention of the committee but a few minutes, and that on a certain line of thought. I am unwilling, Mr. Chairman, for the opportunity to pass and fail to put on record the facts and the incidents connected with the prosperity of the South that made it possible for the distinguished gentleman from Illinois [Mr. BOUTELL] to tell the beautiful tale, as he poetically names it, "The story of the South." Mr. Chairman, I concur in every word that the gentleman from Illinois said relative to the prosperity of the South, taken, though, as he said it was, and made up by the work of the "scissors and the paste pot." I believe, Mr. Chairman, that this prosperity had better be told by the facts and incidents that come from the growth of the great manufacturing, agricultural, mineral, and timber interests of the South.

I say I believe that those facts can better be told and understood by referring to these matters than taken from editorials in newspapers. No man on this floor responds more cheerfully and more cordially than I do to the liberal, noble, and patriotic sentiments that the accomplished gentleman so sincerely uttered when he said that he was glad to know that the bitterness and acrimony that were produced years ago by our great civil conflict had passed away. That sentiment finds a hearty response with the people of the South. I stood not many months since upon that bloodiest battlefield of the South—the battlefield of Chickamauga—and I read there the beautiful and patriotic inscriptions that the different States of the North and South had made, commemorative of the magnificent and glorious deeds of their noble sons, and I wondered if there was a patriotic American who could read those inscriptions and not feel a proud inspiration that it was a splendid tribute to American courage.

I believe in that sentiment, and I say now to the distinguished gentleman from Illinois that the "story" of the prosperity of the South has been whispered for years into the hearts of the watchful, patient, and long-suffering people of the South and given to them a gladness, courage, and hope that they have never realized before. Mr. Chairman, I am not going to discuss the hackneyed and worn subject of the race problem, save as logically connected with the industrial growth of the South. I believe even now that too much has been said on that subject of a sectional partisan character. "Let us alone" in the South, and so far as the logic of our industrial progress and improvement and development is concerned we will settle peaceably, quietly, that great question. I hope there is no gentleman on either side of this Chamber who feels otherwise than that this question, called the "negro problem," ought to be settled peaceably, quietly, and with due regard to the material interests of the South and the peace of the country at large. That which I will mention first leads me to believe that the progress, development, and growing industrial interests of the South is fast settling that question.

No man doubts the fact that when the negro becomes a very small minority in the South and white people take his place in the workshops, the mines, and the cultivation of the lands, that that is a long step in the direction of settling the so-called "negro problem." Now, what are the facts about this? What is it that has contributed an important part to this wonderful prosperity, present and future, in the South? I am glad, Mr. Chairman, yes, I rejoice, to be able to stand here and say that in my humble opinion the South to-day stands upon the threshold of a greater growth and prosperity than the most favored section of the world has ever realized. We feel it in the atmosphere. We see it in the unequaled opportunities and advantages that the South holds out to the world for profitable investment. The attention of the whole country—yes, even of the world—is fixed on our section. This means immigration will follow, and has now set in. All of this points to commercial supremacy. The first significant fact that I call the attention of the committee to is this: Go to the last census, and what startling fact do you find there? There were 24,500,000 acres of tillable land in the South that was cultivated in the twelve months preceding the publication of the census.

How was it cultivated? Who did it? It speaks more than volumes can tell of the wonderful changes that are going on in our industrial interests in the South. Out of that 24,500,000 acres of tillable cotton land, white men cultivated and raised cotton on 14,000,000 acres of it; 5,000,000 were cultivated by what were known as "managers" who employed negro labor. Is not that a significant fact? Is it not more than a whisper in the ear as to the progress and development of the South, a wholesome change in our condition, and a certain solution of this vexed question of the negro problem? The idea and theory that worthy, good, intelligent and respectable white people will not and can not cultivate and make cotton and that negro labor alone can make cotton cultivation a success is forever exploded. The South is tired and wearied with the continued agitation of domestic questions calculated and intended to disturb the friendly relations between the white people of the South and the negro. We welcome this movement so auspiciously commenced to have white people cultivate the farming lands of the South. We say this in no spirit of hostility.

It is a change the significance of which ought to attract the attention and approval of every patriotic man, North and South. And, as suggested just now, we of the South have that question in our own hands. We are more interested in the peaceable and quiet solution of it than any other section of the Union. In that connection I will take occasion to read a few clippings from great and influential northern newspapers that indicates what the trend of public opinion in the North is in this great matter. It shows how public opinion is working on it. I read from the Philadelphia Record, a conservative, able, and leading newspaper, published in the great "city of brotherly love"—Philadelphia—and no sail catches more quickly and thoroughly the sentiment of the people than a great leading newspaper. Listen:

> The move in Maryland to disfranchise negroes, following upon disfranchisement in Virginia, is not without peril to the people of Pennsylvania if, as a result of it, there shall be a further African invasion of this State. Our heavy negro vote is already a political misfortune, contributing potentially toward the continuance of misgovernment. It is also an undeniable fact that the safety of life and property has been put at greater hazard in the southern and eastern counties of Pennsylvania by the drift northward of an undesirable negro element. It is quite possible that in the near future the people of this State may be obliged to take measures to protect themselves against further African intrusion.

That is ominous, yet how true! "Take measures to protect themselves against African intrusion," says the Record. I do not say in any spirit of levity that the trouble heretofore on this subject with northern people is that distance gave enchantment

to the negro. The question is drawing near to them now; and when it does they will solve it in the best way for the interests of themselves, their families, and their States, just like the South is doing to-day.

Why, then, should the gentleman from Indiana [Mr. LANDIS] complain so lustily, as he did in his remarks on the floor yesterday, about the constitutions of the different States in the South in seeking to protect themselves from that very element of citizens of which the Record says, "Our heavy negro vote is already a political misfortune, contributing potentially toward the continuance of misgovernment." Learn first to pluck the beam from your own eye, and then you can see more clearly to pluck the mote out of your brother's eyes. I say this in the kindliest spirit. This is a question that we ought to discuss free from partisanship or prejudice.

Now I will read another paragraph. I admit, Mr. Chairman, that the people of the South owe a debt of gratitude to the negro that we can never fully repay until the last old antebellum negro in the South has disappeared. We feel that and recognize it. Here is another item from the Pittsburg Dispatch. This, too, is a powerful public organ in shaping public opinion and in reflecting it:

> The vast majority of the negroes, especially those raised in the North, are law-abiding and honest; but it does seem when, whether through lack of training or for some other deficiency, a negro goes wrong his temperament leads him into a recklessness and flagrancy of crime that has few parallels, and suggests a reversion to savagery. We emancipated the negroes over a generation ago; but we are confronted with the question whether as a nation we were careful enough to provide them with the moral education necessary to preserve them from relapse into ignorance of all moral laws.

"His temperament leads him into a recklessness and flagrancy of crime that has few parallels," etc.

Why, Mr. Chairman, what severer criticism could I make on the negro than that? I refer to it simply to show that there is a drift of public opinion on this subject that will soon relegate the negro question to the shades of the rear.

These are the sentiments coming from the leading newspapers of the North, and my judgment is that to-day we recognize that the conservative public sentiment of the North stands strongly disposed to let this question alone, and let the South solve its own problem for itself. They realize that they have in the North a problem to settle far greater than the South has in the settlement of the negro problem.

Mr. BOUTELL. Will the gentleman yield for a moment?

Mr. RICHARDSON of Alabama. With pleasure.

Mr. BOUTELL. I would like to ask whether in the opinion of the gentleman the tide of European immigration that almost always follows great prosperity in any section of the land will not naturally tend to the South, and perhaps, as we all hope, in a few years settle this question naturally?

Mr. RICHARDSON of Alabama. I say that it not only tends to go there, but it is actually going there now; and I am here to-day speaking more as an immigration agent for the South than in any other capacity. I believe that when the white people commence to raise cotton and explode the old idea that nobody but a negro can raise it—that when that takes place the negroes will necessarily be scattered throughout the whole country and immigration will come bountifully into the South.

Mr. WILLIAMS of Mississippi. Will the gentleman yield to me?

Mr. RICHARDSON of Alabama. Certainly.

Mr. WILLIAMS of Mississippi. There is an immigration coming into the South, but it is coming mainly from the Middle West and the Northwestern States. In Louisiana there has been some immigration of Italians, mainly from middle Italy. They have made certain parts of Louisiana in the sugar belt bloom like a rose garden, cultivating the very ditches and banks, and getting much more out of the land for everybody, as well as for themselves, than the incompetent negro population has ever been able to do. We do not apprehend very much from the European immigration generally. We expect that other immigration agents from other sections frighten them off with statements about the negro population. But we are getting a magnificent class of men from Iowa, Michigan, Wisconsin, Illinois, Indiana, and Ohio, and these men, I am glad to say, within two or three years after they get there, whether Democrats or Republicans, are Southerners to the backbone, and more ultra than are our own people in the Southern States to-day.

Mr. BOUTELL. May we not hope to encourage the European immigration?

Mr. RICHARDSON of Alabama. So that we get honest, good, patriotic, intelligent citizens for our country, let them come from wherever they may. I will tell you the fact, Mr. Chairman, in reference to these white men cultivating 14,500,000 of tillable acres in the South, has been to drive the negro to the cities and towns and there to become vagrants and criminals. No man will understand me as including all negroes in that class. It would be untrue and unjust for me to do so. We have a large number of worthy, intelligent, respectable negroes who spurn and condemn the vagrant and criminal class of their own race and do not associate with them. This class of negroes are respected by all the people of the South.

It is for that reason that the South has taken such a strenuous position on the subject of vagrants being allowed to vote.

Mr. GROSVENOR. Now, does not the gentleman from Alabama [Mr. RICHARDSON] believe that the holding of a large per cent of the population in the position of serfs rather than of citizens drives away, in point of fact, the intelligence and valuable emigration from Europe? Is it not a fact that the discrimination by law against the citizenship of the colored man is one of the strong obstacles in the way of the coming to the South of the immigration that has been coming to this country that is valuable—the German, and especially the Scandinavian? Now, one other thing. These people who are going from Ohio and Michigan and so forth into the South are going there, are they not, simply to develop your resources with their money; and is it not a fact that the population coming from these States, which the gentleman has enumerated, into the Southern States, are going there by reason of the purchase of timber, as in the State of Arkansas, and of many things—timber, coal, and iron—as in the State of Alabama, and all that?

Mr. RICHARDSON of Alabama. Oh, no; not at all.

Mr. GROSVENOR. Do they not go as laborers for the northern capitalists who are developing that country?

Mr. RICHARDSON of Alabama. They come there, the great majority of them, for the purpose of buying small farms and cultivating them themselves. That is preeminently the case in the Tennessee Valley, that I have the honor to represent on the floor of this House; and not only that, but these men that come there from Ohio and from North and South Dakota and from other Northern States, almost to a man of the number that were there, voted for the new constitution of Alabama which disfranchises, as you say, the negro.

Mr. WILLIAMS of Mississippi. If the gentleman from Alabama [Mr. RICHARDSON] will excuse me, in further answer to the question of the gentleman from Ohio [Mr. GROSVENOR], I would state that there are whole towns of these people. They are forming colonies, like, for instance, Hammond, La., and Richland, Miss., and several others; and that the people go there to live, not merely to invest capital.

Mr. RICHARDSON of Alabama. Yes; they are forming colonies in some of the counties in my district. They have a magnificent colony in Cullman, in the district just below me, and that is taking place all over that section of the South. They are purchasing farms, and our own native white population are buying and cultivating small farms.

Mr. WILEY of Alabama. If the gentleman will excuse me, I would like to make a statement.

Mr. RICHARDSON of Alabama. Certainly.

Mr. WILEY of Alabama. I want to say that in my district, in Baldwin County, there is a large colony of gentlemen, composed almost exclusively of people from Ohio and Illinois. They say that the atmosphere of that county is very similar to that of California. They have small farms, and they constitute one of the best parts and a splendid part of our citizenship, and we welcome them to our borders.

Mr. GROSVENOR. If the gentleman will allow me, I want to say that I ask these questions only for information. I have no opinion on the subject.

Mr. RICHARDSON of Alabama. Certainly; and if I can answer any questions I will do so cheerfully.

Mr. GROSVENOR. I have been answered, and I am delighted, and it is the most hopeful lifting of the curtain that I have experienced in many days. Just let that immigration go on.

Mr. RICHARDSON of Alabama. And it settles the race question—just what we say it will do. Let us alone. Do not criticise us when you are complaining and stand in dread of the same class of people invading the State of Pennsylvania and other Northern States. That is what I contend for, and nothing more than that. I say that I would hate to find a man upon the floor of the House of Representatives of the American Congress who wants the race question settled otherwise than peaceably and without sectional friction. Take the South to-day. What section of this Union is more interested in the maintenance of law and order than that section? We are just budding into a growth and prosperity that challenges the admiration and wonder of the world. Why is it, then, that people think we want disturbance and conflict? Let us alone and we will settle the question and settle it to the strength and glory of the American Union. [Applause.]

Mr. BOUTELL. Mr. Chairman, I will ask the gentleman to yield just one more time. I dislike very much to interrupt him.

Mr. RICHARDSON of Alabama. Not at all; I am glad to be interrupted by the gentleman.

Mr. BOUTELL. I want to revert just one moment to something that seemed to be intimated in the remark made by the gentleman from Mississippi [Mr. WILLIAMS], that there was some sinister opposition in some way to European immigration into the South. Now, we all know that immigration, if unrestrained, flows along isothermal lines. I would like to have both sides of this House join hands to-day in sending word to the people of northern Italy and southern Germany and southern France that they will find no better spot on earth, with climate similar to their own, to go to than the Southern States of this Republic.

Mr. RICHARDSON of Alabama. I think that to be the truth.

Mr. BOUTELL. And if there is any factor that is preventing that sort of immigration—if there is any influence at work to discourage it—I should like to have it disclosed here on the floor of the House that an end may be put to it.

Mr. RICHARDSON of Alabama. What we need is vigorous action against anything that would operate in that way as a discouragement. I believe that the sentiments expressed by the gentleman from Illinois [Mr. BOUTELL] are the genuine sentiments of his heart; that he believes that whenever white men take the place of the negro and the negroes are scattered in minorities throughout the Union it will make a settlement of the negro problem, and make it in a proper way. We do not object to that disposition. It will help matters powerfully for the Northern States to take some of our negro population. The subject will then be understood. More opposed to a wholesale colonization of the negroes of the South.

Now I go one step further in reference to the beautiful "story" that my friend from Illinois so splendidly and in such chaste and beautiful words related on the floor of the House the day before yesterday—a story to which I listened with a great deal of interest.

Let us look and see what the South is really doing. It is a marvel to a man who will study it; it creates the profoundest surprise when he takes hold of the question and presents it to his mind in a comparative manner. I have taken occasion, in the short time that I have had to look into this matter, to hunt up some of the facts. Of course, I can only refer in a limited way to statistics. In considering this question no fair-minded man will pretend to deny that the South only got on its feet, was only in a position to do something for itself about the year 1880—I will not go back, because it would look as if I was seeking political purposes; I will not go back to compare Democratic administration in Alabama or any other Southern State with Republican administration after the war and during reconstruction. Is there a man on the floor of this House on either side who would say for a moment that the South to-day would be realizing this prosperity and hoping for a continuance and increase in the future if negro votes controlled in any of the Southern States? Not a man in the South would invest a dollar in either of those States; not a dollar from the North would be invested there. The fact that the white people, conservative, patriotic, and intelligent, are administering the laws of those States is what has brought about our improved condition and guarantees and insures an unlimited prosperity in the early future.

Twenty years ago the South manufactured in her mills but little more than 10 per cent of the cotton that she raised. What does she do now? In that short space of time in the life of our Republic, she to-day manufactures in her own mills more than 50 per cent of the cotton that she raises. What does that mean? What does it signify? Nothing hostile, nothing unkind, nothing unfriendly. The northern man, like the southern man, is seeking his best advantage and opportunity to realize upon the money that he invests. We have the climate, we have opportunities and advantages superior to the North for the manufacture of our cotton. That is all that it means. Listen to this. It tells the story better than the gentleman from Illinois can tell it and far better than I can. I take it from the Manufacturers' Record:

> In industrial interests the progress of the South has been even more striking. In 1880 that section had $257,244,561 invested in manufacturing; by 1900 this had increased to $1,153,202,368, a gain of $895,757,804, or 348 per cent. For the same period the capital invested in manufacturing in the whole country had increased from $2,790,272,606 to $9,891,486,500, equal to a gain of 252 per cent. The value of the products of southern factories advanced from $457,454,777 in 1880 to $1,463,643,177 in 1900, a gain of $1,006,188,400, or 219 per cent. During the same period the value of the products of manufacture for the whole country increased only 142 per cent. In 1880 the South had $21,976,000 invested in cotton manufacturing, with 180 mills having 667,000 spindles; this industry now counts more than 750 mills with a total of 7,500,000 spindles and a capital of about $175,000,000.
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> In 1891 the consumption of cotton in northern mills was 2,027,362 bales and in southern mills 604,661 bales. In 1902 the consumption in northern mills was 2,050,774 bales, practically the same as in 1891, and in southern mills 1,937,891 bales, or three times as much as in 1891. The increase in capital invested in cotton manufacturing interests in the United States was from $208,000,000 in 1880 to $460,000,000 in 1900, a gain of 120 per cent. For the same period the increase in the South was 413 per cent. Since 1900 the increase has been so rapid in the South that this difference has been still more marked.
>
> In 1880 the South made 397,000 tons of pig iron. In 1902 it made over 3,000,000 tons. From a production of 6,000,000 tons of coal in 1880 the South's output advanced to over 60,000,000 tons in 1902. The lumber industry increased from 6,623 establishments in 1880, with a capital of $23,546,076, to 14,062 establishments, with a capital of $181,702,526, in 1900.

It is just such facts as these that will enable the North to better understand the South. That is what we need. These are the facts that will break down the walls of sectional feeling and misunderstanding.

Take the town where I have the pleasure to live and a few years since we had but one cotton mill. To-day there are nine. One of those, the largest of the South, established by capital from Lowell, Mass., will, when it completes its plant, bring there, as has been conservatively estimated, a population of 14,000 people. I just received the news this morning that the tenth factory was to be erected there, at Huntsville, Ala. Home capital is invested there also in large amounts. All the mills are doing well and prospering.

Just before I left home an estimate was made of the annual value of the products of the cotton mills at that place. What do you suppose it was? Four million seven hundred and fifty thousand dollars. Do you think that people who are prosperous in that way want to be disturbed in their ordinary life transactions and business by arousing the population on some inflammable project and destroying the peace and quietude that capital demands wherever it is interested?

Why, Mr. Chairman, we have more reason or inducement in the South to observe the law and do what is right—to observe the statutes of the Government and follow a wise business and prudent public policy—than any other section of this Union. Not in humiliation, not in recognition of anything that is unbecoming to us as men of honor and courage, but to advance our own interests, to advance our pecuniary welfare; and in doing that we shall find, if you let us alone, a solution of this vexatious problem about the negro. We shall find it peacefully and quietly settled.

Now, Mr. Chairman, let us go a little further. What is the South doing in addition in regard to this cotton question? Why, sir, there are 110,000,000 spindles in the world, and the Southern States furnish 75 per cent of the cotton that runs those 110,000,000 spindles.

[Here the hammer fell.]

Mr. WILLIAMS of Mississippi. Does the gentleman desire further time?

Mr. RICHARDSON of Alabama. Yes, sir.

Mr. WILLIAMS of Mississippi. Will five minutes be sufficient?

Mr. RICHARDSON of Alabama. I should like longer time than that.

Mr. WILLIAMS of Mississippi. Mr. Chairman, how much time is left to our side?

The CHAIRMAN (Mr. POWERS of Massachusetts in the chair). One hundred and eleven minutes.

Mr. WILLIAMS of Mississippi. Very well; I yield fifteen minutes more to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. I am much obliged to the gentleman.

As I was about to say, of those 110,000,000 spindles, the South to-day has 8,500,000. Does any man think we are going to fold our arms, sit still, and use no further energy to advance the progress which has begun? Do you think that the men who have put their money in these enterprises will sit supinely down and fold their arms? No, sir.

We stand to-day on the threshold of the most remarkable prosperity of any, even the most favored, parts of the world. It will be only a few years—mark my words—when the South will manufacture in its own mills every bale of cotton that is raised there. Why, that time is coming. We feel it in our veins. The southern people are encouraged. They feel hopeful, and they know that they are going to prosper. When that takes place what is going to be the result? The South consumes in her own mills the cotton that is produced in her own fields. The world will be demanding then not less than 15,000,000 bales of cotton for the supply, because the demand for cotton goods and cotton is increasing throughout the world. What wealth it will bring to us! When that day comes these white laborers that I am talking about that will occupy or cultivate nearly the entire acreage of the South will be the men who will build up the cotton crop to 15,000,000 of bales a year. I believe that with the price fixed at 10 cents a pound—and I do not believe it is going to fall below that for years to come—Texas itself would produce probably 5,000,000 or 6,000,000 bales of cotton regardless of the boll weevil, and we hope to exterminate him.

Now, let us go a little further in these facts, because, as I said, I am here to-day in the nature of an immigration agent for the South. I believe as a practical common-sense matter that the solution of this question that has vexed us so long lies in the occupation and cultivation of lands of the South mostly by white people.

Mr. BAKER. May I ask the gentleman a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. BAKER. The gentleman has announced that he is speaking as an immigration agent for the South.

Mr. RICHARDSON of Alabama. Oh, yes; figuratively speaking.

Mr. BAKER. I understand.

Mr. RICHARDSON of Alabama. I am not paid for it, except as a Congressman, and that is not hardly pay enough.

Mr. BAKER. Oh, well, I merely made that remark as introductory. Will the gentleman let me put this question? Supposing that instead of the present laws which obtain in the South as well as in the North on the question of taxation you had a system of taxation which placed all the burden upon the value of land—that is, land according to its value—and relieved from taxation all improvements of every kind, all forms of personal property, would that not result in such an enormous influx of population into your section of the country that not only would the immigration from Europe all go there, but you would practically denude the Northern States?

Mr. RICHARDSON of Alabama. My answer to the gentleman from New York is that I believe a single tax on land in the South would destroy the farm interests in that country. [Applause.]

Mr. BAKER. Let me ask one other question. Does the gentleman say it would destroy the farming industry—that is, it would destroy the land—or does he say it would destroy the farming industry because it would destroy the farming of farmers?

Mr. RICHARDSON of Alabama. I say it because it would put such a burden upon the farmers of that country that it would take all the profit out of farming and make them pay the whole taxes practically.

Mr. BAKER. If the single tax were put in operation, I want to say to the gentleman from Alabama that where the farmers of his State are now paying $100 in taxes they would not have to pay $20. How the removal of four-fifths of the taxes they are now paying is going to ruin the farmers of the South is beyond my comprehension.

Mr. RICHARDSON of Alabama. I have given what I believe to be the correct answer to the gentleman's question.

Mr. BAKER. And I have made a substantially correct statement as to the operation of the single tax, so far as it would affect the farmer.

Mr. RICHARDSON of Alabama. Now, I want to go one step further, and I must do it hurriedly. In 1880 the South made 397,000 tons of pig iron. In 1902 the South made over 300,000,000 tons of pig iron. In 1880 the coal output of the South was 6,000,000 tons; in 1902 it was over 60,000,000 tons of coal, 11,000,000 tons of which came from the Birmingham district of Alabama, and the total was 20,000,000 tons more than the whole United States produced in 1880. That tells the tale of southern prosperity. God Almighty placed that coal in the ground, but it takes energy and money and industry to develop it.

Let us look at another fact. I am here to say that enterprising railroads have been of as much benefit to the development of the South as anything else. Let us take the four great States of the North and the South and compare them as to the increase of railroad mileage in the last decade. What is it? Take New York, Connecticut, New Jersey, and Massachusetts and compare them with Alabama, Georgia, North Carolina, and Arkansas. Men do not build railroads for pleasure or for fun. They build them for the purpose of making money. They build them to certain objective points where they know there is something to be found and something that will pay them for the expenditure of money in what they develop out of the ground and in the growth of cities and towns along its line.

Alabama, which has only about one-fourth of the population of New York, increased her railroad mileage one-half more than the great State of New York did in the last ten years. That is a fact that is shown by the statistics. What else? Arkansas has increased her railroad mileage two and a half times more than Connecticut. Georgia has increased her railroad mileage twice as much as Massachusetts. North Carolina has increased its railroad mileage one and a half times more than New Jersey. Is not that an indication of the growth and prosperity of the South? I do not mean to be understood as saying that we are equal in our industries to the North and Central Western States. But I say these facts and figures, which I hope to be allowed to elaborate in the RECORD, give a hint as to what the commercial strength and power in the industrial interests of this country the South will be in the near future. It tells a tale of growth and development. I will not now extend the comparison any further for fear that my motives might be misconstrued.

I believe that the great trouble that we are talking about here so much on the floor and about which so much is said in the papers, about the negroes, will find a happy and peaceful solution in this very development. I can not, Mr. Chairman, extend my remarks by reference to the development and growth of our agricultural interests, but this industry has kept pace fairly well with the other improvements of the South. We are getting along well now. I referred in the beginning of my remarks to the criticisms that the gentleman from Indiana [Mr. LANDIS] made on the different constitutions of the Southern States regulating suffrage. I have this to say, that when the representation of the Southern States is reduced on the floor of this House the same law will cut deep and hard into several Northern States. I have not the time, Mr. Chairman, to call attention to the limitations on the right of suffrage in several Northern States.

The South is ready for the investigation and comparison. We think in Alabama, as other Southern States think, that we have the right, when we are conditioned as we are, to regulate and limit the right of suffrage without discrimination. I think when the conservative people of the North read the constitution of Alabama on the question of suffrage they are bound to say that it is a fair and good law. Much misrepresentation has been made by designing persons to the North on this subject. I here give the provisions of the Alabama constitution on the question of suffrage:

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

177. Every male citizen of this State who is a citizen of the United States, and every male resident of foreign birth who, before the ratification of this constitution, shall have legally declared his intention to become a citizen of the United States, 21 years old or upward, not laboring under any of the disabilities named in this article, and possessing the qualifications required by it, shall be an elector, and shall be entitled to vote at any election by the people: *Provided*, That all foreigners who have legally declared their intention to become citizens of the United States shall, if they fail to become citizens thereof at the time they are entitled to become such, cease to have the right to vote until they become such citizens.

178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the 1st day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year 1901, and for each subsequent year: *Provided*, That any elector who within three months next preceding the date of the election at which he offers to vote has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal.

179. All elections by the people shall be by ballot, and all elections by persons in a representative capacity shall be viva voce.

180. The following male citizens of this State who are citizens of the United States and every male resident of foreign birth who, before the ratification of this constitution, shall have legally declared his intention to become a citizen of the United States, and who shall not have had an opportunity to perfect his citizenship prior to the 20th day of December, 1902, 21 years old or upward, who, if their place of residence shall remain unchanged, will have at the date of the next general election the qualifications as to residence prescribed in section 178 of this constitution, and who are not disqualified under section 182 of this constitution, shall, upon application, be entitled to register as electors prior to the 20th day of December, 1902, namely:

First. All who have honorably served in the land or naval forces of the United States in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the war with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or,

Second. The lawful descendants of persons who honorably served in the land or naval forces of the United States in the war of the American Revolution, or in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or,

Third. All persons who are of good character and who understand the duties and obligations of citizenship under a republican form of government.

181. After the 1st day of January, 1903, the following persons, and no others, who, if their place of residence shall remain unchanged, will have, at the date of the next general election, the qualifications as to residence prescribed in section 178 of this article shall be qualified to register as electors: *Provided*, They shall not be disqualified under section 182 of this constitution:

First. Those who can read and write any article of the Constitution of the United States in the English language, and who are physically unable to work; and those who can read and write any article of the Constitution of the United States in the English language, and who have worked or been regularly engaged in some lawful employment, business or occupation, trade or calling for the greater part of the twelve months next preceding the time they offer to register; and those who are unable to read and write, if such inability is due solely to physical disability; or,

Second. The owner in good faith in his own right, or the husband of a woman who is the owner in good faith in her own right, of 40 acres of land situate in this State, upon which they reside; or the owner in good faith in his own right, or the husband of any woman who is the owner in good faith in her own right, of real estate situate in this State assessed for taxation at the value of $300 or more; or the owner in good faith in his own right, or the husband of a woman who is the owner in good faith in her own right, of personal property in this State assessed for taxation at $300 or more: *Provided*, That the taxes due upon such real or personal property for the year next preceding the year in which he offers to register shall have been paid, unless the assessment shall have been legally contested and is undetermined.

182. The following persons shall be disqualified both from registering and from voting, namely:

All idiots and insane persons; those who shall by reason of conviction of crime be disqualified from voting at the time of the ratification of this constitution; those who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude; also, any person who shall be convicted as a vagrant or tramp, or of selling or offering to sell his vote or the vote of another, or of making or offering to make false return in any election by the people or in any primary election to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector.

There is one thing else that I desire to call attention to and express my views upon. I have often said that I do not believe that Congressmen were paid enough; and I heard a distinguished gentleman from Maine, whom I do not see on the floor now, not long since make a very truthful remark. He said when he was at home he could touch a bell and one or two bell boys would answer it; but here, in his representative capacity of Congressman, they touch the bell, and he had to answer; showing the trouble and the difficulties and the burdens that we labor under as Congressmen.

The question of mileage is what I refer to. While I say that I do not believe that we are as well paid as probably we ought to be, I believed that the Federal judges were not paid enough, and under the act of the last Congress I voted to increase their pay, but I do not want to touch or take anything connected with money that has about it the taint of suspicion. Now, I am governed in my opinion, as every other lawyer will be, according to his own construction of the statute. I would not have mentioned it, because I never would have known of it if it had not been brought up on the floor of the House. I only give it as my own opinion, upon my own responsibility, to guide no other Member of the House; my responsibility is only to my constituents, who, I think, would give me full credit for honesty in any vote I would cast here. Section 17 of the Statutes at Large of the United States, Thirty-ninth Congress, volume 14, page 323, reads as follows:

SEC. 17. *And be it further enacted*, That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session.

Now, I admit, Mr. Chairman, that I lay great stress upon the word "regular." I understand that it has been done in the extra session called by President McKinley, as well as in the extra session called by President Cleveland. Those sessions adjourned before the regular session commenced. Where the Constitution says that at least one term of Congress shall meet each year, the implication is very strong, as a matter of course, that another session can meet, and when it meets and adjourns before the regular session shall commence the Members would be entitled to mileage. But when they meet, as we did on the 9th day of November, and glide quietly and softly out of that, without any line of demarcation or distinction, into the "regular" session, in my humble view, I do not believe that I am entitled to the mileage provided for in the urgent deficiency bill.

Mr. MOON of Tennessee. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. MOON of Tennessee. There are two methods of meeting by Congress.

Mr. RICHARDSON of Alabama. Yes.

Mr. MOON of Tennessee. Both are fixed by the Constitution. The Constitution provides that Congress shall meet on the first Monday of December.

Mr. RICHARDSON of Alabama. Yes.

Mr. MOON of Tennessee. Then there is another provision of the Constitution providing that on extraordinary occasions the President may convene Congress. Now, both of these methods of meeting are by virtue of the Constitution itself. How can we construe any session of Congress called by the President in pursuance of that constitutional power, or meeting itself in pursuance of the Constitution, anything but a regular session?

Mr. RICHARDSON of Alabama. I admit that there is a hazy line right along there, and the fact that controls the matter, in my opinion, is that we did not meet. It was a continuous session. We did not adjourn.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. I ask the privilege of extending my remarks in the RECORD.

Mr. MOON of Tennessee. I will ask that the gentleman have five minutes more.

The CHAIRMAN. The time is under the control of the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. I think two minutes more will be sufficient to complete the inquiry, and I yield the gentleman two minutes more.

Mr. RICHARDSON of Alabama. I was cut off in my answer. I believe that there is a hazy line right along that, and under the ordinary construction of statutes there is a doubt existing, and I propose under this condition of circumstances to solve that doubt against myself and in favor of my constituents.

Mr. MOON of Tennessee. While I fully agree with the gentleman that, under the present conditions existing in reference to this question, this Congress would be wise in not voting the mileage, I have not the slightest doubt that these sessions of Congress are regular and by law technically we have the right to make the appropriation.

Mr. RICHARDSON of Alabama. Then you believe it is the law for us to get that mileage?

Mr. MOON of Tennessee. I believe we would be entitled to it technically under the law, but under existing conditions I think it would be unwise for us to vote it, and I would rather forego it than pass the allowance under those conditions.

Mr. RICHARDSON of Alabama. I do not intend, Mr. Chairman, to take money that I would have to accept technically.

Mr. MOON of Tennessee. I do not either.

Mr. RICHARDSON of Alabama. I want to get it absolutely legally, but I am not criticising anybody's views or opinions. I have as much respect for the gentleman's opinion of law as any man on the floor of the House, but I am giving my own construction of it.

Mr. MOON of Tennessee. I have not any doubt about that, but there are gentlemen who think we are entitled to this as a matter of law, of right, and of morals. I agree with those gentlemen that we have the right to take this mileage under the law, that we have the right to take it morally. But it is a delicate question to vote money to ourselves. I think, under the existing circumstances, that in the interest of economy and to avoid the suspicion of wrong, that it is best to resolve the doubts and all equities in favor of our constituents and not vote for the mileage. I am simply disagreeing with the gentleman's legal reasoning.

Mr. RICHARDSON of Alabama. I frankly say to my friend from Tennessee that if I believed that I had a right to it legally I should vote for it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMAR of Missouri. Mr. Chairman, I have listened with considerable interest and with profound attention to the discussions on this floor for the past three months, and especially did I listen with interest to the gentlemen this morning on the other side of the House. But they need not worry about the decadence of the Democratic party; neither need they worry themselves with invitations to us to come over and join their ranks. The death of the Democratic party was predicted a century ago: Federalism was to dispatch it, but Federalism died and was buried with the elder Adams.

After that the Whig party, perhaps the purist and best opponent the Democratic party ever had, was its decreed executioner; but the Whig party did not survive its great leader, Henry Clay. For a century the Democratic party in this land has been the champion of individual liberty and personal rights and has stood as a bulwark between the aggressions of concentrated wealth and power and the rights of the people, and when those principles which the gentleman espouses and that party of which he proudly boasts have been relegated to oblivion and are only remembered among the reminiscences of what once had an existence the Democratic party will still live. Democracy contains within itself the indestructible elements of perpetuity, and so long as free government and free institutions live the Democratic party will continue to exist. [Applause on the Democratic side.]

I did not intend to and would not have referred to this but for the fact that the gentleman from Minnesota appeared so much troubled over our impending political dissolution, and the invitation so many times repeated by him for us to disband and join the Republicans.

You ridicule us because we exercise individual opinions; because the Democracy is made up of men who choose to think for themselves; because no one man among us can usurp to himself the power and authority in advance of a convention of the people representing all our party to name a candidate for the Presidency or to make a platform in all its details. The Democratic party is not the subservient tool of any one man or coterie of men. And I say to the gentleman now that out of this conflict of individual opinions and clash of ideas of independent manhood the combined wisdom and the intelligence of the Democratic party will construct a platform and nominate a man which will before next November lead him to change his ideas as to the decadence of the Democratic party.

I have listened attentively to the discussions and debates of the House, and have been much interested; but the reasoning and logic employed by the gentlemen on the other side of the Chamber have failed to make clear to me the exact position they occupy. They strenuously insist that the sacred schedules of the present tariff law must not be interfered with; that any modification of existing rates would imperil the prospects, and perhaps the existence, of many of our industrial concerns; would close the furnaces, shut down our factories, stop the wheels of our mills, and bring in its train of concomitant misfortunes all the evils their imaginations can conceive or their rhetoric describe; and especially they tell us would result in throwing out of employment or reduce the wages of the poor laborer, for whom they manifest such apparent concern. When any reduction or modification of duties on the necessaries of life is mentioned, they prate much of "competition with the pauper labor of Europe," and tell us such a condition would ruin us, and that our manufactories are unable to meet such competition. I quote here from an article from the American Econo-

mist of December 25, 1903, the organ of the American Protective Tariff League, in reply to an editorial in the Springfield Republican. The editorial is as follows:

Protectionism of a reasonably moderate sort, applied to a country situated as ours has been during a century past, may be said to have demonstrated its right to respectful consideration in any opposing school of thought.

The reply to that from the Economist is this:

Really we should like to know what "protectionism of a reasonably moderate sort" is. Such statements as the above appear frequently in our free-trade journals that profess to know what they are talking about, and yet how empty are such assertions. There can be no such thing as "moderate" protection any more than there is such a thing as partly locking the door. If the door is not sufficiently bolted to keep out the intruder, it is not locked at all. If an industry in the United States needs a 50 per cent duty to overcome the inequality of wages between those given the American workingmen and the foreign competitor, then a duty of 49 per cent is not protection at all, nor would a duty of 51 per cent or more be any higher protection.

And this is the burden of the argument of the other side on this floor, that without protection, solely for protection's sake, without reference to any consideration of the revenues of the Government, our industrial system could not stand; that it can not, unaided by legislation, unsheltered by prohibitive tariff, withstand the flood of cheap goods from foreign factories with which our markets would be overwhelmed, and we are told they are "too wise to revise the tariff on the eve of a Presidential election," and that they are "standing pat," and that they "hold the ace," whatever those terms may mean.

Some time since, during the debate on the Cuban bill, I was surprised at some of the admissions made by the distinguished gentleman from New York [Mr. PAYNE], the leader of the majority on this floor. Ever since I can remember Republicans have been trying to teach the people in my State, first, that "the tariff is not a tax at all," and, secondly, that "if it is a tax, the foreigner pays it," and to intimate that it is a tax, which the consumer must and does pay, would there be considered by all good Republicans the rankest kind of heresy, and for a Republican to admit it, treason even of a worse sort than the "Iowa idea."

Yet the distinguished gentleman from New York said in the course of the debate, to which I have referred—alluding to the tariff on sugar, "and so it is we put the rate of duty higher on sugar than was absolutely necessary, because we could get this splendid revenue from the sugar duty; a revenue that came from the people of the United States, who used it in their households." Verily, it is then true, as we have so long contended, that the consumers of this country pay, in the increased cost to them, the duty on the almost innumerable articles of daily necessity and consumption, and which in most instances does not go to the Government to enhance its revenue, but into the coffers of some trust to enable it to declare a larger dividend on its watered stock, while at the same time reducing the wages of its employees. You admit that the increased cost, by reason of the tariff, on reapers and mowers, and plows, and hoes, and rakes, and harness, and wagons; on wire and nails, and sewing machines, and cutlery; on shoes and clothing, and china and stone ware, and on the thousands of articles of necessity which enter into the millions of homes throughout this land, is paid by the consumers, and that this species of toll—for it is a toll—is collected from all, for all use and consume some of these articles; is taken from the earnings of one class, by virtue of this species of legislation, and given to another class.

Our Republican friends are remarkable for the modesty of their claims. The CONGRESSIONAL RECORD is full of figures and statistical tables and comparisons of the present condition of the country as contrasted with that of ten, twenty, and thirty years ago. If they find more people here now, it is due to the Dingley law. If they find more mines and farms and factories and railroads than we had two or three decades back, it is, according to their logic, due to protection. If a beneficent Providence has sent the sunshine and showers and seasons to bless the industry of our farmers with good crops, they sing praises to the Dingley bill and not to the Almighty. If our population has increased and multiplied, they, by some system of reasoning satisfactory, I suppose, to themselves, give credit to the Republican party and not to that blessed class of American women who prefer rearing children to leading a poodle dog by a string. [Applause.] Neither supply and demand, nor failure of crops, nor foreign wars, nor famine, as they reason, have any effect on prices. If mules raise in price on account of foreign wars, blessed is the Dingley law. To them it is the source from which all blessings flow.

In a circulation statement issued by the Treasury Department January 1, 1904, the average circulation per capita for the United States on that date is given at $30.38. And because the average per capita circulation is greater than at some period in the past, because there is more wealth in the nation to-day than there was a decade ago, we are to lose sight of its distribution, lose sight of the question of whether the people who produce that wealth receive their just share of it, but are told we must "stand pat" and "keep on letting well enough alone" on the simple proposition "that because the country as a whole is increasing in wealth we must assume that the laws are just and equitable and need no alteration or modification." No one denies that the country is increasing in population, in wealth, and in power, but the vice in this line of reasoning lies in averaging the wealth.

By the same system of reasoning it can be demonstrated that a pauper and a multimillionaire, on an "average," are both millionaires, but the one is several times a millionaire, while the other has nothing. The trouble is it is only an imaginary average, and it requires quite a stretch of the imaginative faculties, even of a Republican, to imagine the equitable distribution among the people who produce it and from whose pockets it has been extorted of the millions and billions of dollars owned and controlled by these tariff-fostered and tariff-sheltered trusts and which go into the average of the wealth of the country. These "average" circulation statistics and "average" property statistics are perhaps all right as "averages" on paper; but the truth is the wealth has been diverted by class legislation from those who produced it to the favored class, many of whom "toil not, neither do they spin, yet Solomon in all his glory was not arrayed like one of these."

Their modesty is remarkable. If the price of an article is increased—under their logic—it is the Dingley law; if wages are higher there is no possible explanation or reason to be given for it than the protective system. A year ago, when stocks and securities were high, all this prosperity was the outgrowth of Republican policies; but when the bubble bursts—when stocks go down, when wages are cut, and men are thrown out of employment—then we are gravely told that the Dingley law has nothing to do with it.

I desire here to read an editorial from the Springfield Republican, and a reply from that same paper to which I referred a moment ago; the American Economist. The Springfield Republican says this:

Mr. HANNA stood up before the Republican national committee yesterday and repeated his familiar injunction to "stand pat." All that is necessary to bring about the continued success of the Republican party, he declared, "is to stand pat upon the principles and policies of that party."

When Mr. HANNA repeats his well-worn injunction, he is fairly exposed to some answering questions coming up from the people. Are the 100,000 and more cotton workers whose wages have been cut asked to stand pat on the reduction? Is the steel industry to stand pat on the collapse, which is admitted to be one of the worst ever experienced? Are the commercial interests to stand pat on such reaction from prosperity as is reflected in the heavy record of business failures shown for two or three months past? Is the country to stand pat on the shrinkage in the market value of securities, which, according to the Secretary of the Treasury, equals the cost of four years of destructive war?

Replying to that editorial, the Economist has this to say:

What, we should like to know, has the Dingley law got to do with the price of cotton, which is the sole cause of the reduction of wages of the thousands of cotton workers in New England? What, we should like to know, has the Dingley law to do with the labor troubles aggravated by such men as Sam Parks, which has resulted in idleness of a hundred thousand men and the cessation of building and construction, having so great an effect upon the consumption of iron and steel products? What, we should like to know, has the Dingley law to do with the leveling of quotations of industrial and railroad securities caused by abnormal inflation of values and the great watering of stocks?

Here the great champion of protection, the most ultra "stand-patter," the organ of the tariff league, the paper that strenuously opposed the Cuban reciprocity bill as a breach in the protective fortifications, the ne plus ultra of protection, informs us that the Dingley law has nothing to do with the price of cotton, nothing to do with the reduction in wages of the thousands of cotton workers in the mills of New England, nothing to do with the conditions which have resulted in idleness of a hundred thousand men, nothing to do with the consumption of iron and steel products, nothing to do with the decline of industrial and railroad securities. Had the opposite occurred our friends would have loudly proclaimed that their policies and laws caused it all.

We have been trying for years to combat this theory—that "the tariff is not a tax," and "the foreigner pays it," and that it costs the consumer nothing, and have toiled hard and long and patiently to convince people otherwise on many occasions; and now it is rather gratifying to hear the distinguished gentleman admit it. That statement, that the tariff is a tax, which the consumer pays, coming from the distinguished leader of the other side admits a fact which Republicans have denied and Democrats asserted for so long "that the memory of man runneth not to the contrary." This interesting admission condenses the whole protective theory into the simple doctrine of taxation of all the consumers for the benefit of a few protected interests. But without conceding the soundness of this doctrine, even if protection were necessary for the profitable employment of our mills and factories, let us examine the admitted facts, and ascertain if, without the tariff, or at least with a material modification of many of its schedules, they could not still operate at a profit, and if the shelter it affords by preventing competition does not enable them to practice extortion upon the great body of American consumers.

I quote here from pages 15, 16, 17, and 18 of the last Republican campaign text-book:

AMERICAN INVASION OF EUROPE—THE UNITED STATES COMPETING WITH EUROPEAN MANUFACTURERS IN THEIR HOME MARKETS.

In the last two years there has been much agitation in Austria and other continental countries of Europe against "the American peril" and "the American danger." This agitation was due to the American invasion of European markets with American manufactures as well as American produce.

Heretofore our sales have been made up almost wholly of food stuffs and raw material. Europe was the workshop. But that has changed, and we find, year after year, an astonishing increase in our exports of manufactured articles, an increase that in the last two or three years reached totals which give ample basis for the popular talk of invasion of the European industrial fields. Our exports of manufactured articles in the decade prior to 1897 averaged $165,000,000 annually. In 1898 our sales of manufactured articles to foreign customers jumped to $290,000,000, the next year to $339,000,000, the next to $434,000,000.

Imports decline.—These figures, showing a steady invasion by our manufacturers of foreign industrial fields, have a natural corollary. As exports of manufactures increased our imports of the handiwork of foreign shops showed an even more rapid decline. Our manufactures were not only invading the foreigner's own markets, meeting him at his threshold with a new competition, but they were taking away from him his greatest market—the United States. We have in the last dozen years been manufacturing for ourselves a vast amount of goods such as we have been accustomed to buy abroad.

One can turn from the contemplation of these great totals to an examination of the records made in recent years by individual industries and find, in detail, facts upon which to base a belief that the United States has acquired or is acquiring supremacy in the world's markets. So many industries have been sending rapidly increasing contributions to swell the rising tide of our foreign commerce that it is difficult to tell any detailed story of American commercial expansion without making it read like a trade catalogue.

The increase in our exports of manufactured articles can, in the main, be traced to advances made in the manufacture of iron and steel and to the display of inventive talent in the making of machinery. The development of our grasp on the world's markets for articles manufactured from iron and steel has been no surprise to those who early recognized the position of America in respect to the raw materials from which those articles are produced. America unquestionably possesses advantages in respect to her iron ore and coal mines far superior to those of any other country and, based solely upon that superiority, has already become the greatest producer of iron and steel in the world.

American locomotives in Europe.—American locomotives running on American rails now whistle past the Pyramids and across the long Siberian steppes. They carry the Hindoo pilgrims from all parts of their Empire to the sacred waters of the Ganges. Three years ago there was but one American locomotive in the United Kingdom; to-day there is not a railroad of importance there on which trains are not being pulled by American engines. The American locomotive has successfully invaded France. The Manchurian Railway, which is the beginning of oriental railway building, bought all its rails and rolling stock in the United States. American bridges span rivers on every continent. American cranes are swinging over many foreign moles. Wherever there are extensive harvests there may be found American machinery to gather the grain. In every market of the world tools can have no better recommendation than the mark, "Made in America."

American windmills are working east of the Jordan and in the land of Bashan. Phonographs are making a conquest of all tongues. The chrysanthemum banner of Japan floats from the palace of the Mikado on a flagstaff cut from a Washington forest, as does the banner of St. George from Winsdor Castle. The American typesetting machines are used by foreign newspapers, and our cash registers keep accounts for scores of nations. America makes sewing machines for the world. Our bicycles are standards of excellence everywhere.

Our typewriters.—Our typewriters are winning their way wherever a written language is used. In all kinds of electrical appliances we have become the foremost producers. In many European cities American dynamos light streets and operate railways. Much of the machinery that is to electrify London tram lines is now being built in Pittsburg. The American shoe has captured the favor of all Europe, and the foreign makers are hastening to import our machinery that they may compete with our makers. In the Far East, in the capital of Korea, the hermit nation, there was recently inaugurated, with music and flying banners, an electric railway, built of American materials by a San Francisco engineer, and now is operated by American motormen.

One might go on without end, telling in detail the story of American industrial growth and commercial expansion. In the list of our triumphs we would find that American exports have not been confined to specialties nor limited as to markets. We have been successfully meeting competition everywhere. America has sent coal to Newcastle, cotton to Manchester, cutlery to Sheffield, potatoes to Ireland, champagnes to France, watches to Switzerland, and "Rhine wine" to Germany.

This statement also was used almost verbatim by the gentleman from Ohio [Mr. DICK] in a speech found in the CONGRESSIONAL RECORD of December 16, 1903. On December 20, 1903, an article appeared in the St. Louis Republic, written by the correspondent of that paper from Sydney, Australia—I think Mr. Frank G. Carpenter—and I desire to copy that article in my remarks at this point.

[Special correspondence of the Sunday Republic.]

WASHINGTON, *December 18, 1903.*

The prospect is that the United States will push their foreign trade during the coming year as never before.

The home market is almost glutted, and if our factories are to keep busy they must make goods for the world outside.

I have described the markets of Europe, where our trade amounts to about a billion dollars a year, and I have also written of our invasion of South America.

In this letter I will point out our possibilities on the other side of the globe.

In the first place, take Australasia.

* * * * * * *

Sydney has already 500,000 people, and it grows like the bean stalk up which little Jack climbed to fight the giants.

Sydney stands about third among the great British cities in trade.

It is only exceeded by London and Liverpool, and it does more business than Havre, the chief port of France.

Several American firms have houses in Sydney and transship our goods from there to all parts of Australia.

But what do we sell away down there below the equator?

A recent shipment of one of the big San Francisco steamers included 400 tons of sewing machines, 1,000 tons of fencing wire, 400 tons of roll paper, and 80,000 cases and 1,500 barrels of kerosene.

There were also rifles, guns, and revolvers, tons of Philadelphia lawn mowers, Chicago reapers, wagons knocked down, coffee mills, and all sorts of patent medicines.

Another cargo arrived about the same time, bringing 24 locomotives from Wilmington, Del.; 700 tons of paper, and 4,000 tons of other manufactured goods.

This last shipment weighed 10,000 tons and was valued at $1,000,000.

About two years ago I traveled over the greater part of eastern Australia.

I found our reapers and mowers for sale in every town and was told that the Australians liked our farm tools.

So far only the heavy agricultural machinery is being properly pushed.

The McCormicks, the Deerings, and others of our implement firms work Australia as carefully as they do their home territory, and they have to fight for every inch of the ground with the Canadian and European exporters. Nevertheless, they have the bulk of the business and make a good profit.

The same should be the case with the lighter farm tools.

All sorts of farm implements, plows, hoes, forks, and rakes might be sold in large quantities, as well as every class of American goods made of iron and steel.

Our carpenter tools are popular. Seven-tenths of all the saws used in that part of the world come from the United States, and the American ax is considered the best in the market.

Among the biggest purchasers of Australasia are the colonial and municipal governments.

They control the railroads and buy in quantity for both the electric and the steam roads, so that our steel trust drummers can make big sales if they know how to work the officials. As it is now, American engines are used on many of the lines, and some tracks are laid with American rails.

There are a few Pullman cars and other kinds of American rolling stock. Australasia has now about 13,000 miles of tracks and the governments are pushing the roads in different directions to develop the country.

Only the other day the gentleman on the other side from Connecticut [Mr. HILL], in a burst of eloquence on this floor, told us that—

Two years ago I stood on the deck of a Japanese liner in the harbor of Vladivostok, Siberia. In the hold of that ship were 700 tons of American agricultural implements that had come across the Pacific Ocean from America for the use of the peasants of Siberia. They came under the Dingley tariff law.

Right across the other side of the harbor was an English tramp ship loaded with American steel rails from Pennsylvania, that had been shipped there to be used by the Siberian Railroad, and shipped there under the Dingley tariff bill.

That day I went ashore, and at night, at the hotel in Vladivostok, I was introduced to a gentleman who told me that he represented the Baldwin Locomotive Works, of Philadelphia, and had just finished a contract by which he had put into operation on the Siberian Railroad 150 Baldwin locomotives, shipped there under the Dingley tariff bill.

The next day I rode 500 miles up to the Amur River over American steel rails shipped there under the Dingley tariff bill. The day following I got aboard the steamer to go up the Amur River 1,500 miles. It was a steel steamer and had in tow two steel barges, both made in Pittsburg, Pa., sent there—12,000 miles, to the other side of the world—and shipped there under the Dingley tariff bill.

The first night out we wrecked one of these barges and the freight had to be unloaded. There were all sorts of American products in that cargo of freight. Ten thousand miles from here, gentlemen, in the little Siberian village of Gorbitza, consisting of a dozen log houses, in a little store not over 8 by 10, we bought packages of candy wrapped up in paper on which was printed the picture of William McKinley to popularize that candy among the peasants of Siberia, all shipped there under the Dingley tariff bill. All the way across Asia my journey on the cars was made safe and pleasant by the Westinghouse air brake, made in Pittsburg, Pa., and shipped over there under the Dingley tariff bill. The finest stores in Europe—in Vienna, in Berlin, in Paris, and in London—are those which are selling American shoes shipped there under the Dingley tariff bill.

In a colloquy on this floor, I think between the gentleman from New Jersey [Mr. BENNY] and the gentleman from Ohio [Mr. GROSVENOR], a newspaper item from the New York American was read. It is as follows:

BERLIN, *November 15, 1903.*

The Frankfurten Zeitung's Constantinople correspondent says the Pennsylvania Steel Company has been awarded the contract for 20,000 tons of steel rails for the Mecca Railway, in competition with the Krupps and several other German and Belgian establishments. The price is $22.88 per ton in Beirut. The price of steel rails in the United States is $28 per ton, which is the highest average price in ten years.

The gentleman from Ohio [Mr. GROSVENOR], replying to a statement of the gentleman from New Jersey [Mr. BENNY] in this connection, said that it was the first time he had ever heard a Democrat solicitous about railroads in the purchase of steel rails, which reply was applauded on the Republican side.

Ah, gentleman, that statement may serve as a temporary evasion of the question. It may be all right as repartee, but it will not satisfy the voters of this country. They know that they pay for this increased cost in increased freight and passenger rates. Railroads are not benevolent or charitable institutions, and when it costs more to construct, repair, and operate railroads, they must of necessity, and do, charge the people more who use them. You tell us one moment that the industries of the country can not exist without protection, and boast in the next that "They are meeting competition everywhere." You say in one sentence that imported free-trade goods would close our mills and throw our laborers out of employment, and in the next tell us these same manufacturers are shipping their goods everywhere, paying freights, and selling them in open competition with the products of the world.

The soil of South Africa, Australia, and Japan is turned by American plows, shipped there under the Dingley law, and sold, after paying the freight, in competition with the trade of the

world. Yet the American, over whose field perhaps floats the smoke from the very factory making those plows, must pay 20 per cent, or one-fifth, more, not to the Government, but to the implement trust, for the plow he follows. The clatter of American harvesters shipped there, you tell us, under the Dingley law, and sold, after paying freights, in competition with the world, may be heard in Europe and in Asia and wherever there are harvests to gather. Yet the Missouri or Illinois or Iowa farmer who buys a mower or reaper or binder must pay 20 per cent, or one-fifth, more into the till of the "international harvester" trust.

The hum of the American sewing machine may be heard along the banks of the Bosporus, the Danube, and the Rhine, and is found in the palace of the oriental, shipped there and sold in open competition with the trade of the world. Yet the poor American seamstress who lives under the very shadow of the factory where they are made must, when she buys a machine, if she is so fortunate as to be able to own one, pay a higher price than is paid by the German peasant on the banks of the Rhine.

You boast that locomotives made in Philadelphia draw the crowned heads of royalty over European hills, and that the echoes from the silent solitudes of the Siberian desert are awakened by the shrill whistle of the American engine, running over American steel rails, shipped there from Pittsburg and sold for $5 less per ton than they are sold in America to build roads to carry the grain and live stock of America's farmers to market on; that these American manufacturers are building railways and bridges for the oriental potentates cheaper and better and quicker than anybody else on earth can do it; and yet you say these same manufacturers can not exist in competition with European manufacturers and that the American who consumes their products must be taxed for their benefit.

You tell us "American shoes have captured the favor of Europe, and the foreign makers are hastening to import our machinery that they may compete with our makers;" that "the finest stores in Vienna, in Paris, in Berlin, and in London are those which are selling American shoes, shipped there under the Dingley law," and yet the American shoe manufacturers must, by legislation, be permitted to extort from the earnings of the American purchaser of shoes from 25 per cent to 45 per cent increase in cost to protect these same manufacturers from competition with the European shoe manufacturers, and the very man who drives a peg or stitches a seam in the shoe in the factory where they are made must contribute his share of this bonus, or tribute, to the shoe trust, under this unholy schedule. Such are the blessings of protection.

"We are shipping cutlery to Sheffield," yet the American housewife must pay from 40 to 60 per cent more for her table cutlery—her knives and forks—her dishes, her china and glass and earthen ware, that the tariff barons may enjoy the beneficient results of protection. You say, in your campaign book, and I assume it was prepared after deliberation and with consideration, and you ratify and confirm it on the floor of this House, "In the list of our triumphs we would find that American exports have not been confined to specialties nor limited as to markets. We have been successfully meeting competition everywhere." If you can pay the freight 10,000 miles and meet competition there, why can't you do it here, with such incidental protection as a strictly revenue tariff would afford, when the burden of the item of freight rates would be lifted from you and added to the selling price of that competitor who can't meet your prices on his own ground. If he can't meet your prices when you pay the freight, how under heaven can he undersell you when he pays the freight?

I want to insert at this point a table showing domestic and foreign prices on a number of articles:

Export and home prices.

Article and description.	Quantity quoted.	Export price.	Home price.	Per cent of difference.
Acetylene-gas generator, Colt, 10-light.	Each	$40.00	$55.00	37
Ammunition caps:				
BB round	1,000	1.03	1.49	43
Central fire, 32 long, Colt's.	1,000	6.48	9.00	40
Rim fire, 22 long	1,000	2.16	3.00	39
Primed shells, 22 short	1,000	.72	1.53	112
Axle grease, Snow Flake (gallon cans).	Dozen	4.50	5.40	20
Borax, city refined	Pound	.02½	.07½	210
Carbide, lump	Ton	55.00	70.00	27
Chucks:				
Skinner's standard drill, No. 100.		3.09	4.90	58
Skinner's ind. lathe, F, 12 inches.	Each	15.86	24.00	51
Union Mfg. Co., ind., No. 18, 10 inches.	do	10.20	16.60	63
Union Mfg. Co., face-plate jaws, No. 48, 8 inches.	4 sets	23.52	39.00	66
Coffee and spice mills, Enterprise.	Each	$40 and 2 per cent.	25 to 30 per cent.	20
Fruit presses, Enterprise No. 46.		$8.82	$11.00	25
Harness snaps, Covert's:				
"Trojan" loop, 1¼ inches	Gross	2.40	3.23	35
"Derby" loop, 1 inch		1.68	2.24	33
"Yankee" roller, 1¼ inches, XC breast strap.		1.00	1.37	37
Lead, pig	100 pounds	2.00 to 2.50	3.97½	58 to 98
Meat choppers:				
Enterprise No. 5	Each	.75	1.04	39
Enterprise No. 10	do	1.14	1.56	37
Enterprise No. 22	do	1.51	2.08	38
Enterprise No. 32	do	2.25	3.12	38
Nails, cut—20d. to 60d	100 pounds	1.80	2.05	13
Nails, wire—Base price	do	1.30	2.05	58
Oil-well supplies[a]				
Pianos—				
Bradbury	Each	300.00	375.00	25
Bradbury	do	275.00	325.00	18
Playing cards:				
United States Playing Card Co.				
Bicycle	Gross	12.35	25.65	108
Powder:				
Duck, in canister, pound	Pound	.37½	.45	20
Duck, in 25-pound kegs	do	.24½	.32	30
Indian rifle, in 25-pound kegs, FFFg, etc.	do	.11½	.16	37
Smokeless, in 25-pound kegs.	do	.37½	.48	27
Seeders, raisin and grape, Enterprise.		$40 and 5 per cent.	25 to 30 per cent.	30
Rakes, malleable iron shanks:				
10-inch	Dozen	1.18	1.50	27
12-inch	do	1.28	1.60	25
14-inch	do	1.39	1.75	26
16-inch	do	1.50	1.85	23
Sad irons, BB, in cases	Per pound	2½ to 3½ cents.	3½ to 4 cents.	25
Sausage stuffers, Enterprise		$40 and 2 per cent.	$25 to $25 and 7½ per cent.	20
Saws, Disston & Sons:				
Band—				
2½ inch, gauge 18	Foot	.21	.34	62
10 inch, gauge 18	do	1.25	1.54	23
Butchers'—				
No. 7, 24 inches	Dozen	8.50	10.22	20
Hand—				
No. 12, 24 inches	do	14.82	18.04	22
No. 16, 24 inches	do	11.97	14.57	22
No. 107, 24 inches	do	10.83	12.30	13
Sewing machines:				
Domestic No. 1	Each	13.25	20.00	50
Domestic No. 4 or 9	do	17.48	25.00	43
Shovels:				
Barter, socket strap	Dozen	5.83 to 6.52	7.50 to 8.40	29
Rowland, plain back	do	5.12 to 5.83	6.75 to 7.00	29
Thomas, cast-steel back straps.	do	4.19 to 4.95	5.40 to 6.30	29
Tin plates, Bessemer	100 pounds	3.19	4.19	31
Typewriters, Remington and others.	Each	55.00 to 65.00	100.00	54 to 82
Wire, barb:				
Galvanized	100 pounds	2.25	2.90	29
Painted or varnished	do	1.86	2.60	40
Wire, plain fencing	do	1.37½	2.00	45
Wire, plain galvanized:				
Gauge 4 to 9	100 pounds	1.54	2.70	75
Gauge 10 to 12	do	1.62	2.97	83
Gauge 12	do	1.76	3.10	76
Gauge 13 to 14	do	1.81	3.37	85
Gauge 15 to 16	do	2.08	3.78	81
Gauge 17	do	2.46	4.05	65
Gauge 18	do	2.63	4.33	64
Rubber insulated		[b]		
Steel armor, for cables	Pound	3.75	4.15	11
Wire rope:				
Galvanized, 2½ inches circumference.	100 feet	3.13	9.70	211
1 inch circumference	do	.72	2.60	261

[a] Cheaper in Russia than in United States.
[b] 25 per cent off for export.

In explanation of a few items in the above table it may be said that some of the American prices are taken from the Iron Age of May 22, 1902. Not all of the prices quoted are for May, but all or nearly all are for the year 1902, and there is every reason for supposing that similar prices and differences existed in May.

The export prices on heavy steel goods, like rails, billets, structural materials, etc., are not contained in the table, partly for the reason that exact prices are not known and partly for the reason that the present home demand in these lines is such that our manufacturers are not just now bidding for export business. They are, however, filling orders at prices from 20 per cent to 40 per cent below home prices and are undoubtedly securing some new orders, especially in bridge material. It should be remembered that the pools and price agreements on rails, billets, sheets, plates, structural work, etc., are not in force on export goods, and our manufacturers usually compete freely in foreign countries. The blessings of competition are still enjoyed by foreigners even when dealing with protected manufacturers.

Facts in regard to the export prices of lead were given in the Oil, Paint, and Drug Reporter of December 30, 1901, and in the testimony of Mr. John M. Peters before the Ways and Means Committee on April 2, 1902.

Figures and schedules are to most people very dry reading. My

deliberate judgment is that it is only because of the insidious and deceptive methods by which this system of legalized extortion is carried on that it has been tolerated this long. No man knows or can tell at the end of the year the precise amount he has been forced to pay by reason of it in increased cost to him of the articles he purchased during the year, and it would require a vast amount of study and labor to find this out. On some things there is a specific duty, on some an ad valorem, on others both, and on others a graduated rate, varying on different classes of the same article.

The Spanish war revenue tax suggested a thought to me. If under the revenue laws articles were priced at what the cost would be without the tariff, and then the purchaser had to buy a revenue stamp representing the increased cost by reason of the duty; if the farmer could buy his plow, his mower, his reaper, his fencing wire, his nails, his harness, his shoes, his clothing, and his furniture at what they would cost him if there were no duty, and then were forced each time he made a purchase to expend from one-third to one-half more for a revenue stamp to paste on the article; if the good housewife could buy her cutlery, her china, and household necessities for what they would cost less the duty, and then had to expend one-third more for a revenue stamp representing the tariff duty, each knowing when they did it that this added cost for the stamp did not reach the Government Treasury, but went into the maw of some tariff-nurtured trust; if this or any other system existed by which the people would fully know just when, how often, and how much was being extorted from them that the manufacturing parasites might fatten at their expense, there would not be but one election thereafter until the whole pernicious system of legalized robbery would be revised and reconstructed along the lines of a strictly revenue basis.

You talk about the laborer and the workingman, and even while you are talking thousands are being thrown out of employment, and the cost of living, as shown by Dun's Review for January 9 of this year, has increased since January 1, 1897, more than 30 per cent. Here is that statement in detail:

PRICES PROPORTIONED TO CONSUMPTION.

[Dun's Index Number from Dun's Review.]

In the following table the course of prices of commodities is shown with due allowance for the relative importance of each. Quotations of all the necessaries of life are taken, including whisky and tobacco, and in each case the price is multiplied by the annual per capita consumption, which precludes any one commodity having more than its proper weight in the aggregate. For example, the price of a bushel of wheat is multiplied by 5.55, representing the annual per capita consumption of 4½ bushels for food, and the remainder as allowance for seed. The price per pound of coffee is taken 9 times, of cheese 2.3, of chemicals only fractions of an ounce in some cases. Thus, wide fluctuations in the price of an article little used do not materially affect the index, but changes in the great staples have a large influence in advancing or depressing the total.

For convenience of comparison and economy of space the prices are grouped in seven classes: Breadstuffs include many quotations of wheat, corn, oats, rye, barley, beans, and pease; meats include live hogs, beef, sheep, and many provisions, lard, tallow, etc.; dairy and garden products embrace eggs, vegetables, fruits, milk, butter, cheese, etc.; other food includes fish, liquors, condiments, sugar, rice, tobacco, etc.; clothing covers the raw material of each industry, and many quotations of woolen, cotton, silk, and rubber goods, as well as hides, leather, boots, and shoes; metals include various quotations of pig iron and partially manufactured and finished products, as well as the minor metals, tin, lead, copper, etc., and coal and petroleum; miscellaneous include many grades of hard and soft lumber, lath, brick, lime, glass, turpentine, hemp, linseed oil, paints, fertilizers, and drugs. The third decimal is given for accuracy of comparison; thus, $101.587 representing $101.58 and seven-tenths of a cent. This figure does not purport to show the exact average annual cost of living on January 1, 1902, because wholesale prices are taken and all luxuries omitted. Its economic value is in showing the percentage of advance or decline from month to month.

In the following table the latest index-number figures are compared with earlier records:

Date.	Breadstuffs.	Meats.	Dairy and garden	Other food.	Clothing.	Metals.	Miscellaneous.	Total.
1897.								
January 1	11.729	7.327	10.456	8.170	12.407	13.014	12.399	75.502
July 1 (low)	10.587	7.529	8.714	7.887	13.808	11.642	12.288	72.455
1898.								
January 1	13.511	7.336	12.371	8.312	14.654	11.572	12.184	79.940
February 1	13.651	7.516	12.481	8.251	14.805	11.635	12.266	80.605
March 1	14.242	7.860	11.745	8.408	14.892	11.708	12.188	81.133
April 1	13.619	7.881	11.848	8.366	14.715	11.435	12.235	80.091
May 1	15.833	7.836	12.312	8.656	14.627	11.658	12.031	83.403
June 1	16.388	7.786	11.946	8.554	14.783	11.857	12.614	82.928
July 1	12.783	7.694	9.437	8.826	14.663	11.843	12.522	77.768
August 1	12.191	7.825	9.625	8.795	14.634	11.397	12.519	76.986
September 1	11.791	7.893	9.548	8.879	14.533	11.697	12.467	76.808
October 1	11.759	7.628	9.021	8.812	14.350	11.796	12.604	75.970
November 1	12.877	7.547	10.427	8.805	14.161	11.505	12.577	77.899
December 1	13.186	7.215	11.388	8.902	14.105	11.892	12.491	79.179
1899.								
January 1	13.816	7.520	11.458	9.096	14.150	11.843	12.540	80.423
February 1	14.410	7.823	10.897	9.084	14.257	12.731	12.552	81.754
March 1	14.709	7.927	11.825	9.086	14.530	13.540	12.545	84.162
April 1	14.099	7.790	11.680	9.052	14.615	14.314	12.650	84.200
May 1	14.073	7.853	11.893	9.179	14.804	14.102	12.625	84.529
June 1	13.610	7.726	11.703	9.183	15.051	15.008	12.914	85.795
July 1	13.483	7.988	10.974	9.157	15.021	15.035	12.969	85.227
August 1	12.403	8.274	9.936	9.086	15.318	16.016	14.364	85.997
September 1	12.431	8.200	11.005	9.165	15.502	17.413	14.435	88.151
October 1	13.315	8.378	11.663	9.009	15.865	18.042	14.965	91.297
November 1	13.282	8.312	11.746	9.000	16.243	18.372	15.158	92.173
December 1	12.990	7.984	12.782	9.076	17.314	18.053	16.232	94.431
1900.								
January 1	13.254	7.258	13.702	9.200	17.484	18.085	16.312	95.295
February 1	13.486	8.612	12.580	9.401	17.572	18.112	16.413	96.176
March 1	13.512	8.571	12.319	9.389	17.750	18.149	16.911	96.601
April 1	14.380	8.893	12.604	9.349	17.633	17.793	16.796	97.578
May 1	14.288	8.932	11.930	9.341	17.648	16.188	16.748	95.075
June 1	13.289	8.687	11.409	9.324	16.746	15.799	16.575	91.829
July 1	14.898	8.906	10.901	9.482	16.324	14.834	16.070	91.415
August 1	13.880	9.068	11.532	9.618	16.106	15.151	16.170	91.525
September 1	13.917	9.014	11.251	9.650	15.843	14.870	16.169	90.714
October 1	14.255	9.105	12.231	9.803	15.980	15.574	15.696	92.614
November 1	13.853	8.669	12.383	9.640	16.012	15.077	15.663	91.297
December 1	13.843	8.269	13.887	9.544	15.744	15.235	15.872	92.304
1901.								
January 1	14.486	8.407	15.556	9.504	16.024	15.810	15.881	95.668
February 1	15.062	8.592	13.866	9.418	16.271	15.845	15.956	95.010
March 1	15.070	8.696	13.898	9.396	15.460	15.875	16.471	94.866
April 1	15.221	9.294	13.519	9.208	14.901	16.048	16.629	94.910
May 1	16.112	9.251	14.983	9.154	14.945	15.179	16.506	96.220
June 1	15.635	9.224	13.181	9.116	14.882	15.249	16.582	93.799
July 1	14.904	9.430	11.030	9.086	15.098	15.344	16.617	91.509
August 1	16.668	9.151	13.261	9.253	15.027	15.345	16.625	95.330
September 1	17.369	9.530	13.009	9.153	15.234	16 091	16.525	96.911
October 1	17.146	9.517	13.164	9.190	15.279	15.760	16.835	96.891
November 1	17.840	8.929	13.622	9.157	15.342	15.876	16.977	97.743
December 1	19.528	9.259	15.675	9.081	15.331	15.722	16.782	101.378
1902.								
January 1	20.002	9.670	15.248	8.952	15.547	15.375	16.793	101.587
February 1	19.505	9.494	14.384	8.961	15.460	15.494	16.278	99.576
March 1	19.868	9.884	15.611	8.910	15.498	15.563	16.259	101.593
April 1	19.232	10.479	13.832	8.827	15.145	15.153	16.554	99.222
May 1	19.959	10.968	14.737	8.742	15.527	15.702	16.654	102.289
June 1	19.241	11.289	13.657	8.744	15.539	15.903	16.815	101.168
July 1	20.534	11.628	12.557	8.748	15.533	16.084	16.826	101.910
August 1	19.983	11.679	11.347	8.821	15.582	16.239	16.526	100.177
September 1	17.579	10.402	10.930	8.811	15 773	16.655	16.532	96.682
October 1	17.494	10.279	12.931	8.890	15.771	18.736	16.637	100.648
November 1	17.564	10.020	13.408	8.868	15.785	17.383	16.551	99.579
December 1	17.449	9.935	14.656	8.913	15.781	17.178	16.537	100.449
1903.								
January 1	17.104	9.522	14.613	9.418	15.938	17.185	16.576	100.356
February 1	17.660	9.180	14.337	9.365	16.268	17.085	17.015	100.920
March 1	17.868	9.607	13.539	9.405	16.504	17.085	17.059	101.067
April 1	16.724	9.659	13.512	9.348	16.406	16.564	17.054	99.267
May 1	16.380	9.755	13.164	9.234	16.543	16.585	16.900	98.561
June 1	17.034	9.216	13.248	9.216	16.793	16.542	16.887	98.936
July 1	17.473	9.269	13.083	9.186	17.136	16.544	16.705	99.456
August 1	17.375	8.977	11.800	9.266	17.177	16.489	16.807	97.891
September 1	17.477	8.921	12.351	9.242	17.137	16.543	16.870	98.541
October 1	16.696	8.830	12.609	9.171	16.816	16.366	16.890	97.378
November 1	16.617	7.994	13.584	9.724	16.680	16.170	17.056	97.825
December 1	16.348	7.956	14.573	9.648	16.822	16.031	16.845	98.223
1904.								
January 1	17.102	8.138	15.287	9.653	17.316	15.887	16.759	100.142

NOTE.—Breadstuffs include many quotations of wheat, corn, oats, rye, and barley, besides beans and peas; meats include live hogs, beef, sheep, and many provisions, lard, tallow, etc.; dairy and garden products include eggs, vegetables, and fruits; other foods include fish, liquors, condiments, sugar, rice, tobacco, etc.; clothing includes the raw material of each industry, and many quotations of woolen, cotton, and other textile goods, as well as hides, leather, boots and shoes; metals include various quotations of pig iron, and partially manufactured and finished products, as well as minor metals, coal, and and petroleum. The miscellaneous class embraces many grades of hard and soft lumber, lath, brick, lime, glass, turpentine, hemp, linseed oil, paints, fertilizers, and drugs.

In the way of decreasing the amount of living and increasing the amount of work, protection has proven a success; but most men desire as much living for as little work as possible, and not the greatest possible amount of work and the least possible amount of living. We do not live that we may work, but work that we may live. You grow almost pathetic about conditions in 1893, and almost shed tears as you talk of Coxey's army, and describe "the fire dying out in the furnaces," and "wheels ceasing to turn," and "the empty dinner pail," and the general stagnation which prevailed; but you fail to remember that every law on the statute books when that panic came, and when it went, was a Republican law. We had the McKinley tariff law and the Sherman financial law.

You are "standing pat." You say, representing the Government: "I do not need and do not want this additional revenue, but I will lay the tax so that you, the selected and favored ones, may collect it. I do not need to tax the consumer for myself, but I will hold while you tax him."

Every tax, in mathematical language, is a quantity affected by a minus sign. Yet you are standing pat on the theory that we can tax ourselves into prosperity; that it is the duty of an obedient

and subservient peasantry and artisan class to pay the taxes and support the other part of the political and industrial and economic structure; that the lower class should pay upward and the upper ranks bless downward.

We were right in 1896, and we were right in 1900. We were asking for more money with which to do the business of the country, and the subsequent additions to our stock of metallic money from an unforeseen and unexpected source has only vindicated the principles for which we then contended and to which we still adhere.

The gentleman from Connecticut [Mr. HILL] boasts that in the district which he represents there are more manufacturing industries than are in all the districts of all the Democratic Members who sit at the table of the Ways and Means Committee of this House. We, at least some of us, proudly say to him that we represent more than any other one class that class of American citizens upon whom all other classes are dependent; that great class who constitute about one-half the population of this country; that class the fruits of whose industry have given to us those magnificent balances of trade of which you boast and brought to the country from abroad the greater part of that wealth the enjoyment of much of which is denied them by your unjust exactions that your favored class may fatten; that class who more than all others sustain the country in peace and are its bravest defenders in time of danger; that great class of brawny, vigorous American farmers in whose humble homes and around whose firesides honor and patriotism and all the virtues which make up the best type of American citizenship find their abode. [Applause on the Democratic side.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I wish the gentleman on the other side would consume some time.

Mr. HILL of Connecticut. Mr. Chairman, I understood a few moments ago that there was spare time on this side of the House, and I thought that I would take advantage of it. I desire to discuss very briefly the financial proposition embraced in the article prepared by the honorable gentleman from Mississippi [Mr. WILLIAMS] and published in Everybody's Magazine. I wish I were better prepared to discuss it and had known that I was going to speak. The article is headed, "What Democracy now stands for."

Mr. WILLIAMS of Mississippi. In that connection——

Mr. HILL of Connecticut. Of course I assume that the gentleman is not responsible for that heading.

Mr. WILLIAMS of Mississippi. I am not responsible for the heading.

Mr. HILL of Connecticut. Nor for the introductory paragraph, which states that it is an authoritative statement.

Mr. WILLIAMS of Mississippi. No.

Mr. HILL of Connecticut. I did not assume that, because I know the gentleman too well to suppose for a moment that he would put a heading of that kind above an article of which he was the author; but for the statements in the article the gentleman is responsible. I desire to read so much of that article as relates to the probable future views of the Democratic party in the opinion of the leader of the minority.

The article reads as follows:

> The same old principle of Democratic equality, or approximate equality of benefit and of burden, ought to show that the Democratic party could not very well stand in finance for the Aldrich bill or the Fowler bill—certainly not for any proposition looking toward the giving out for circulation of Government-guaranteed currency upon the deposit of the bonds of private corporations, thus making the Government a partner in the affairs and in the maintenance of the credit of a few selected, and therefore favored, bond-issuing corporations.

If that means anything, gentlemen, it means that the Democratic party in the future is to be absolutely opposed to the national-banking system. I am not overstating that, am I?

Mr. WILLIAMS of Mississippi. I should think you are overstating it a great deal, if you are confining yourself to the construction of those words in my article.

Mr. HILL of Connecticut (reading):

> The same principle, when applied to the present system of Government deposits with national banks would teach, or ought to teach, that the Government ought not virtually to lend its money free—would teach, or ought to teach, that if Government money is to be deposited in banks at all (and with a revenue far beyond the needs of an economical or even of the present extravagant Government, that seems a present necessity in order not to starve commerce and industry by lack of cash), then the deposits ought to be made upon some system whereby there could be secured, first, undoubted, gilt-edged, and infallible security for the return of the principle deposited, and, secondly, in such banks as, having given that security, should, by competitive bid, offer for the deposit the highest rate of interest.
>
> Nor is there any Democratic reason why Government deposits, amply secured in some such way as I have indicated, should be confined to national banks alone, it being apparent that the security which ought to be deposited in the Government vaults in return for the money deposited in the bank vaults would be, as above indicated, a self-sufficing security, totally independent of the bank's future solvency or insolvency.
>
> Talking about depositaries and their security, except the miraculous construction by the President and his Administration of the treaty with Colombia, whereby the pledge of the United States to "guarantee the sovereignty of Colombia" over the transisthmian strip was construed to mean a promise to upset that sovereignty by preventing Colombia from enforcing it, there is nothing quite so marvelous as the construction which the Secretary of the Treasury gave to section 5153 of the Revised Statutes. The language of that section is this—

And this is what I would wish to call to the attention of both sides of the House, the language of this statute as I read it, and the construction which the gentleman from Mississippi himself has put upon it and upon the action of the Secretary of the Treasury—

> "The Secretary of the Treasury shall require the associations thus designated" (meaning the depositaries) "to give satisfactory security by the deposit of United States bonds and otherwise * * *." The Secretary of the Treasury simply and calmly scratched out the word "and" and inserted the word "or" in lieu thereof.

The language of that statute is this:

> The Secretary of the Treasury shall require the associations thus designated—
>
> Meaning the depositaries—
>
> to give satisfactory security by the deposit of United States bonds and otherwise.

The gentleman says the Secretary of the Treasury simply, calmly scratched out the word "and" and inserted the word "or" in lieu thereof.

I take the ground, gentlemen, there is absolutely no difference in the meaning of the statute as it is and its meaning as revised by the gentleman from Mississippi in criticising the action of the Secretary of the Treasury in the change of the word "and" and "or," if it had been so changed, as it was not, and as this article would seem to imply. But if it had been, it would have made no difference whatever in the power conferred upon the Secretary of the Treasury.

Now I go further. I hold in my hand the report of the Treasurer of the United States for the present year, just issued, and I call the attention of the gentleman from Mississippi to the fact that the policy and action of the Secretary of the Treasury to-day are in accord with Democratic policy from 1784 down to now; that there has not been a minute, except from 1846 to 1860, when this policy has not been pursued in precisely the same way that it now is; that again and again in the early history of the Government and under Democratic administration investigations were made, reports were made by select committees of Congress and by the Secretary of the Treasury himself, and invariably that action was sustained and continued for fifty years under Democratic administration.

Mr. WILLIAMS of Mississippi. Does the gentleman contend that it was under that statute?

Mr. HILL of Connecticut. That statute did not exist. It was done before this law was enacted. Let me call the attention of the gentleman to the Treasurer's report, on page 20, where it commences with the history of the transactions of the Treasury. It shows that down to 1836 all of the money of the Government was deposited in banks and no interest paid upon it, and all under Democratic Administrations, and all without interest; and that is the true policy under which the Treasury of the United States should be conducted. I find that the transfer of deposits by President Jackson was only from one bank to other banks, and that his "pet banks" troubled him exactly the same under a Democratic Administration as they are liable to give trouble under Republican Administrations.

Mr. SMITH of Kentucky. Will the gentleman allow me to ask him a question?

Mr. HILL of Connecticut. Certainly.

Mr. SMITH of Kentucky. I would like to ask the gentleman if it is not a fact that President Harrison condemned this practice in one of his annual messages to Congress?

Mr. HILL of Connecticut. And every business man will condemn a practice by which the money of the people of the United States is taken from them, if taken unnecessarily and placed out at interest and put up at auction, as proposed by the leader of the Democratic minority upon the floor of this House.

Mr. SMITH of Kentucky. But does the gentleman deny that President Harrison condemned the policy of placing the money of the United States in the banks without compensation?

Mr. HILL of Connecticut. Very likely he might have done so. I do not know whether he did or not.

Mr. SMITH of Kentucky. But he did do so.

Mr. HILL of Connecticut. It has been the practice since the beginning of the Government down to now; and if the gentleman will turn to the report of the Treasurer of the United States, at page 140, he will find a statement showing for every year from the beginning of the Government the amount of money that has been held in the Treasury and the amount of money which was found in the public depositories; he will find that clear down to 1836 there was none held in the Treasury of the United States, but that it was all in banks, as States, cities, and corporations hold it to-day, and as we ought to do now, keeping the money in circulation rather than withdrawing it. He will find that from 1836 to 1846 it was divided, partly between the banks and partly

in the Treasury, and during this decade an occasional interest charge. From 1846 to 1860 he will find it all in the Treasury of the United States, and from 1860 he will find it partly in the banks and partly in the Treasury.

Now, then, personally I believe it ought to be all put in the banks, and not withdrawn from circulation, so that it might be used and not locked up.

I believe it would be wise to change the law and permit that to be done. But I challenge any man to find any real distinction between the statute as it is to-day with the word "and" in it and the statute as it would be with the word "or" in it, which seems to be the crime which the gentleman from Mississippi has laid at the door of the Secretary of the Treasury. Now, Mr. Chairman, I am glad for one that the country has a leader on the Democratic side who is not only willing to criticise but is glad to suggest. I think it is a distinct step upward in the policy of the Democratic party when as a minority party they are willing to become a constructive party, or at least make suggestions as to legislation, and we are not at a loss to-day to know just exactly what the Democratic party would do, if it had the power, with regard to the finances of the country. The gentleman states his unwillingness to comply with the terms of the Aldrich bill and has introduced into the House of Representatives and had referred to the Ways and Means Committee a bill of his own as an alternative proposition.

Mr. WILLIAMS of Mississippi. Not as an alternative proposition to the Aldrich bill.

Mr. HILL of Connecticut. Well, as a substitute proposition for the present condition of things, and I ask the gentleman what is the purpose——

Mr. WILLIAMS of Mississippi. It is simply to strike down one of the evils—and not one of the least—that is now existing, that is all. It does not pretend to be a comprehensive banking and currency measure at all.

Mr. HILL of Connecticut. It was certainly introduced for some purpose. Now, what is the purpose and object of this bill? That once in three months the surplus funds of the United States should be put up at auction to the highest bidder, either to be placed on call or to be placed on time. I deprecate, either on the Republican or Democratic side, any policy looking to such a dangerous use of the Government funds. I deprecated the introduction of the Aldrich bill into Congress for that reason. I was opposed to it. Our funds are now secured by United States bonds. A proposition was introduced at the last session of Congress to have them secured by miscellaneous securities.

Now, I want to show you the retrograde steps we have taken since that came in. Under that bill Government deposits could be secured by State bonds which had not defaulted on their interest, the bonds of certain dividend-paying railroads, and the bonds of certain cities of a hundred thousand population. What happened? Certain gentlemen rose up and stated that the bonds of their cities were just as good as if they had a hundred thousand population, and down went the limit of population to 50,000. Another gentleman rose and said: "I live in a city where the population is only 15,000, but our bonds are absolutely good, as good as those of the city of New York," and down went the limit again. Down went the limit on railroad bonds.

Then it came to county bonds, and nobody knows where it will end if the door is once opened. And that is not all. I see a very distinguished gentleman sitting here right before me whose acquaintance I enjoy and appreciate, yet in this session of Congress he has introduced a bill by which he proposes to permit the United States to make an absolute investment of its surplus money in miscellaneous bonds, county bonds, State bonds, etc., to be bought and sold in the markets. The United States Treasury on Wall street; think of it. That is not all. In another end of the Capitol we have got a bill for the use of these same miscellaneous bonds to secure national-bank circulation, and that is the way we have gone since that original proposition of the Aldrich bill was introduced. There is where we have gone and there is the tendency; and, gentlemen, I must confess that this proposition is still more dangerous than anything I have seen.

Now, could it be accomplished? No. It is absolutely impossible, with safety to the country. And if anything was accomplished it would be wholly in the opposite direction from that which the distinguished gentleman expected. Now, why? The Aldrich bill possessed the same imperfections that this bill does. That had been carefully examined and objected to here, but one day a telegram came from Chicago—a "round robin," signed by the officers of every bank in the city—protesting against its passage. Why? Because the effect of it, gentlemen, would have been exactly the same as this would produce, namely, to strip every Government deposit from every country bank throughout the United States and concentrate them in Wall street; and I do not believe that is what the gentleman from Mississippi intends. Now, let me demonstrate it. In making a proposition of this kind he overlooks one thing—that it becomes necessary to invest in bonds for security. I will show you what the effect would be under the terms of this bill if the plan of the gentleman from Mississippi was carried out. Under the present law it would be necessary to buy $100,000 of 2 per cent bonds in order to put up the security, at 105½, the price at which they stand to-day, and this, in a community where the market rate for money was 6 per cent, would take $105,500, with an annual loss of interest of $5,330, when that purchase was made.

Now, you would get back from that $2,000 interest on your bonds, so that as far as you have now gone you would be out of pocket $4,330. To buy your 2 per cent bonds in a 6 per cent section of the country you have got to take 6 per cent money and invest it at a 2 per cent rate, so you have lost 4 per cent on your principal and an equal rate on the premium. The next step is to pledge your bonds with the Government and get a deposit of $100,000. If no reserve was required you would have $100,000 to loan and you would receive from that as interest $6,000, and deducting what was lost annually in the bond investment you would be making by the transaction $1,670 profit on your deposit. Now, about a 2 per cent community.

You must bear in mind that there is but one 2 per cent market in the United States, and that is Wall Street, with money on call. There is only one. How would the Wall street banker figure this proposition? He would buy a 2 per cent bond with 2 per cent money and would lose only $110 because of his bond investment, and would receive $2,000 interest on his loan, and consequently he would be $1,890 ahead. So that the highest bid that a country bank could make with a 2 per cent bond, without reserve, would be 1.67 per cent, and the Wall street banker with a 2 per cent market could bid 1.89 per cent.

Now, figure that out in the same way with the reserve required and you will find that a 6 per cent banker in the country could only bid at the auction which you would hold once every three months seventy-seven one hundredths of 1 per cent, while the Wall street banker, with a required reserve of 25 per cent instead of 15 per cent, with a 2 per cent money market could bid 1.39, and he could strip the whole country of these deposits and put them all in Wall street.

Now, how does this bill differ from the Aldrich bill? In this respect, that the Aldrich bill made a minimum limit at which the Secretary without receiving bids could put out the money at 1½ per cent, and you make no minimum at all. The Aldrich bill provided for any amount the Treasurer could loan and for any rate of interest above 1½ per cent, and you put it up at auction in amounts not exceeding the capital of a bank. There is the difference between your bill and the Aldrich bill. They would work absolutely in the same way and to the same end by stripping the country banks of the United States and centering that money in Wall street. Therefore it was not strange that every bond speculator and broker in the United States looked forward with delight and gleeful anticipations to the passage of that bill.

Now, take a miscellaneous bond. I know gentlemen here are apt to think that this could not be so with a 4 or 5 or 6 per cent bond. There is a profit in it unquestionably, but the profit is the greatest in the lowest rate of interest market. There is an apparent fallacy there; but yet, when you come to figure it up, you find it is absoluetly so, because you start on the proposition of the higher your rate of interest the more you have got to lose in the bond purchased for security, and that loss must be deducted from the interest received from loaning the Government deposit.

The higher the rate of premium, the more still you will lose. Let me show you how that works out on a miscellaneous bond. Take, for instance, Columbus, Ohio, and compare the 6 per cent and 2 per cent rates:

Investment in a Columbus, Ohio, bond at 110¼ and paying 4 per cent interest, $110,750; at 6 per cent annual interest, $6,645, loss; deduct coupons, $4,000, gain; net loss, $2,645. Deposit, less 25 per cent margin required by the Secretary on miscellaneous bonds, $75,000; less 15 per cent reserve, $11,250; net loanable fund, $63,750; at 6 per cent interest, $3,825; net gain on transaction, $1,180.

The same deposit on the same bond, with a reserve of 25 per cent required instead of 15 per cent, would show, at a 2 per cent interest rate, a net profit of $2,910.

Now, who could afford to make the highest bid? The country banker or the Wall street one?

Mr. PRINCE. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. HILL of Connecticut. Certainly.

Mr. PRINCE. I think in the gentleman's remarks he referred to a bill that I had introduced, wanting to invest one hundred millions of the one hundred and sixty-eight millions now in

national depositories, for which the Government is getting no interest.

Mr. HILL of Connecticut. Yes.

Mr. PRINCE. The Secretary of the Treasury placed that money in the hands of the national depositories, did he not?

Mr. HILL of Connecticut. Yes.

Mr. PRINCE. Now, let me read, if you please, for a moment, what the Secretary of War has done with reference to money that has come into his hands as a result of the sale of the Philippine certificates.

Mr. HILL of Connecticut. I understand, and I will state now that the case is not a parallel one at all. That is money which the Philippine Islands have got to keep as a gold reserve to maintain the parity of their silver currency. They must keep it. It is a permanent fund, subject only to drafts in case there is a demand for gold. The parallel does not exist at all between that case and our condition. We ought not to have a surplus in the banks of the United States. I am free to say that I admit it. But if we are to have it, and so long as it continues, it ought to be there on business principles, ready to be drawn on at sight, not loaned out, for governments borrow, but do not lend.

Mr. PRINCE. Just let the gentleman answer this, after I have read it. It is on page 15 of the report of the Chief of the Bureau of Insular Affairs. It is as follows:

The 3,000 $1,000 certificates were sent to New York by two representatives of this Bureau to save the large cost of expressage, and on May 1, as promised, they were turned over by the Guaranty Trust Company of New York, insular depository for Philippine funds in New York, to the successful bidders, who deposited therefor with said insular depository $3,075,390. If this amount could have remained at the agreed rate of interest, 3½ per cent on daily balances, there would have been a profit of $63,028.65 on this issue at the end of the year.

Proposals to bidders under date of July 9, 1903, and similar to the first proposals, gave the information that the certificates would be dated September 1, 1903, and that bids would be opened in this Bureau in the presence of bidders on August 25, 1903, at which time it was found that the bid of Harvey Fisk & Sons, of New York, $102.24 per $100 for the entire issue, was the most advantageous, and the award was made accordingly. The Guaranty Trust Company, of New York, had previously agreed to give the same rate of interest on daily balances—3½ per cent—on the proceeds of this second sale.

Mr. HILL of Connecticut. I will ask the gentleman this question, whether he believes it is the function of government to take money from the people by taxation and then to loan it out to them at interest?

Mr. PRINCE. I do not.

Mr. HILL of Connecticut. Well, that is the fundamental principle of the whole thing.

Mr. PRINCE. But let me suggest to the gentleman that we have to-day one hundred and sixty-odd millions of dollars with which we can not pay the bonded indebtedness for some twenty-three or twenty-five years to come. We tried within the last year to purchase the face value of some sixteen millions of bonds and we had to pay for them something like twenty-two millions. In other words, we paid a premium of 37½ per cent.

Mr. HILL of Connecticut. I admit all that the gentleman says. I simply repeat again that it is not the function of the Government to take money from the people by taxation and loan it out at interest.

Mr. WILLIAMS of Mississippi. Is it the function of the Government to take the money away from the people and then give it to them, or, rather, lend it to capitalists without interest?

Mr. HILL of Connecticut. It is the function of government to collect money by taxation, for its expenses. The effect of your proposition, and of all of these kindred propositions, whether they are Republican or Democratic in source, will be to lower the standard until finally we will get back to where we were in the tale recited so efficiently some time ago by the gentleman from Illinois [Mr. BOUTELL], when the United States Government took its money and divided it up among the States pro rata.

Mr. WILLIAMS of Mississippi. Now, I want to ask the gentleman this question: The gentleman says it is not a part of the function of government to lend its money at interest on call.

Mr. HILL of Connecticut. Not to.

Mr. WILLIAMS of Mississippi. But he admits it is quite excusable to give its money away on call. Now, then, as I understand it——

Mr. HILL of Connecticut. Of course I do not admit anything of the kind.

Mr. WILLIAMS of Mississippi. The gentleman admits that the present system is quite excusable.

Mr. HILL of Connecticut. I admit that the present system is on a business basis, just exactly as the gentleman himself would take his surplus money and deposit it in a bank subject to his own check, and would not loan it out at interest.

Mr. WILLIAMS of Mississippi. Let me go ahead a moment further. I want to ask the gentleman if money deposited at interest on call is not just as much subject to the gentleman's check, or, in this particular case, to the Government's check, as money *given away* on call or deposited without interest on call?

Mr. HILL of Connecticut. Perhaps so.

Mr. WILLIAMS of Mississippi. Are the deposits on call not subject to exactly the same power to check whenever you please, whether at interest or not?

Mr. HILL of Connecticut. Unquestionably, in theory.

Mr. WILLIAMS of Mississippi. Now, one further question. The Government has now, I believe, about $150,000,000, in round numbers, deposited in the national banks.

Mr. HILL of Connecticut. One hundred and sixty-five million dollars, I believe.

Mr. WILLIAMS of Mississippi. Well, then, we are about to build a Panama canal; we can pay for it by checking upon those banks. Suppose the United States Government should to-morrow want to check out that $165,000,000 all at once for some purpose. I ask the gentleman whether it would not produce a panic in this country?

Mr. HILL of Connecticut. I think it would; and that would be precisely the result which would be accomplished under the terms of the bill if you shifted those deposits once in three months to the highest bidder.

Mr. WILLIAMS of Mississippi. It being true, then, that if we should check for the whole of those deposits, now bearing no interest, it would produce a panic in this country, it must be true also that the Government can not practically check for that amount to-morrow if it is wise as a Government; it must be true also that it will not do so; and then it must be true also that this is a sort of permanent loan; and if it is, why should not the Government receive whatever rate of interest the money is worth to the parties who have the use of it and are using it?

And if that be true, why is it not Republican and Democratic doctrine that this way of doing business should not be confined to the national banks, or to banks of any sort for that matter, provided the man who borrows those deposits has absolutely self-sufficing and independent securities, putting it beyond the peradventure of doubt that he will pay the principal?

Mr. HILL of Connecticut. I thank the gentleman for that suggestion, for it only shows the downward course we would be pursuing if this policy should be followed by the Secretary of the Treasury and the Treasury should become a one-man bank to loan out the funds of the Government, he alone under the statutes being the judge of the collateral.

Mr. WILLIAMS of Mississippi. Now, will the gentlemen tell me a single evil about this system—and there are evils about it, I admit, evils necessary to extravagant government which overtaxes the people, because there ought not in a good government be any surplus at all, except a working margin, and that surplus ought to be in the subtreasuries of the Government—I am meeting a condition, not trying to establish a new order of things—will the gentleman point out a single evil that could come about from depositing this money on call in banks on interest that does not exist where you deposit that money on call in the banks without interest?

Mr. HILL of Connecticut. I have been trying to explain to the gentleman that under the present law, with Government security—and I am willing to take no other; I am willing to accept no other than Government bonds as security for Government money—it is impossible to do it, unless you concentrate all your deposits in a 2 per cent money market, and there is but one such in the United States—Wall street.

Mr. WILLIAMS of Mississippi. I do not wish to take too much of the gentleman's time. But the question I have asked and the question I should like the gentleman to answer is this: Under a system of keeping Government money outside the vaults of the Government, in banks, on interest, where could there be a single evil that would not also exist under a system of keeping the Government money outside the vaults of the Government, in banks, without interest?

Mr. HILL of Connecticut. I think the difference is in the method. As I said before, there is not a bank in the United States, even one with only $25,000 capital, that is not required by the statutes to have a board of at least five directors to consult and advise with its president. Any man familiar with banking business knows that the most vicious thing in the whole banking system is what is called a "one-man bank"—where the president does the whole business, makes the loans and certifies them, without the advice of the board. The almost inevitable end of such practice is ruin.

Now, by this process of loaning out Government funds on promiscuous securities, you are making the Treasury of the United States a one-man bank, with the largest fund of any bank in the world, to be loaned out on promiscuous security at the discretion of one man. I say it is absolutely vicious. Rather than adopt

such a system I would abandon any interest for a century; and no man can deny the correctness of this principle.

Mr. WILLIAMS of Mississippi. One other question. How is the present system of leaving it to the discretion of the Secretary of the Treasury to select the banks to serve as Government depositories, without interest, to be any less a "one-man" banking scheme than a system which would leave him to select—not in his discretion, but according to their bids—the persons or institutions who should receive these deposits on interest?

Mr. HILL of Connecticut. Why, simply for this reason that Congress has prescribed the security and that it shall be Government bonds.

Mr. WILLIAMS of Mississippi. But this bill does not change the security now provided by law. On the contrary, it leaves the security just as it is to-day.

Mr. HILL of Connecticut. I admit it; but I have tried to tell the gentleman a half a dozen times that it is financially impossible to bring about the result that he expects, for the result of his bill with the present system of security maintained——

Mr. WILLIAMS of Mississippi. That is another question.

Mr. HILL of Connecticut (continuing). Would be to strip the whole country of the deposits and would not result as he expects it would, because——

Mr. WILLIAMS of Mississippi. The gentleman disagrees with me there, but that is another question. That is not what I am on now. The thing I am on now is, will you tell the House now, if the Secretary of the Treasury had to dispose of the deposits in banks under a law requiring him to give the deposits to the banks which with equal security—being the security now required by law—should bid the highest interest, why that would be any more open to the charge of being a one-man-bank scheme than the present system, whereby the Secretary of the Treasury, without any guiding law, within his own discretion, selects banks wherever he chooses and leaves the money without interest?

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HILL of Connecticut. I understood I had forty-five minutes.

The CHAIRMAN. There are only five minutes remaining to that side of the House, and the gentleman from Indiana [Mr. HEMENWAY] said he wanted five minutes.

Mr. LIVINGSTON. How much time has this side of the House?

The CHAIRMAN. That side of the House has fifty-nine minutes.

Mr. HILL of Connecticut. Do I understand that I have the courtesy of the gentleman to proceed? Do I have any more time?

The CHAIRMAN. Not on the Republican side.

Mr. LIVINGSTON. I ask unanimous consent that the gentleman be allowed ten minutes.

The CHAIRMAN. The House by unanimous consent has fixed the time at which this debate is to close.

Mr. HILL of Connecticut. Mr. Chairman, I will pursue this line at some other time. There are some few things in regard to it that I would like to bring to the attention of the House, but I will take advantage of some other occasion.

Mr. HEMENWAY. I have but five minutes remaining, and I yield that to the gentleman from Vermont [Mr. HASKINS].

Mr. HITT. Will the gentleman move that the committee rise for a moment?

On motion of Mr. HEMENWAY, the committee rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10954, the urgent deficiency bill, and had come to no resolution thereon.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT, from the Committee on Foreign Affairs, reported a bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905; which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. All points of order are reserved.

URGENT DEFICIENCY APPROPRIATION BILL.

On motion of Mr. HEMENWAY, the House again resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency appropriation bill, with Mr. TAWNEY in the chair.

Mr. HEMENWAY. I yield five minutes to the gentleman from Vermont [Mr. HASKINS].

Mr. HASKINS. Mr. Chairman, owing to the fact that yesterday I was engaged in committee I was not present during the remarks of the gentleman from Georgia [Mr. HARDWICK]. This morning, however, my attention was called to what he stated with reference to the constitution and laws of Vermont touching the question of suffrage. I read from his remarks:

> I respectfully invite the attention of the distinguished gentleman and of the Union League Club to the constitution and laws of the State of Vermont, by which citizens who are of quiet and peaceable behavior, and who have the approbation of the board of civil authorities, shall alone be permitted to vote; the most far-reaching provision that was ever adopted in any State, North or South.

Mr. Chairman, the original constitution of the State of Vermont was adopted in 1777. Its framework was the constitution of Pennsylvania of 1776. However, in this particular they did not agree. Pennsylvania placed her suffrage provisions upon taxpaying; Vermont based her suffrage upon manhood only, supplemented by an oath, which we designate as the "freeman's oath," which is taken by the "first voter." Now, that there may be no misunderstanding or misapprehension hereafter as to the constitution and laws of Vermont, I desire to have them incorporated in the RECORD. They are very brief. I read first from the "Declaration of rights of the inhabitants of the State of Vermont," chapter 1:

> ART. 8. That all elections ought to be free and without corruption, and that all freemen, having a sufficient, evident common interest with, and attachment to, the community have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution.

I now read the plan or frame of government, chapter 2, section 21; and this was the provision of 1777:

> SEC. 21. Every man of the full age of 21 years, having resided in this State for the space of one whole year next before the election of Representative, and is of a quiet and peaceable behavior and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this State.

Then follows the freeman's oath:

> You solemnly swear (or affirm) that whenever you give your vote or suffrage touching any matter that concerns the State of Vermont you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man.

Then comes section 42:

> SEC. 42. The declaration of the political rights and privileges of the inhabitants of this State is hereby declared to be a part of the constitution of this Commonwealth and ought not to be violated on any pretense whatsoever.

These are the provisions only in the constitution. I now read from the law, the statute of Vermont, fixing the rights and the qualifications of voters:

> SEC. 60. Citizens of the United States and persons who have become citizens of this State by virtue of the constitution or laws are, while residing in the State, citizens thereof.
>
> SEC. 61. Every male citizen, 21 years of age or more, having resided in the State one year next preceding a general election, shall have a right to vote at such election for the officers to be elected therein in the town where he resides on the day of the election. But he shall not vote for town representative or justices of the peace at such election unless he resided during the three months next preceding the election in the town in which is his residence on the day of the election.

Now, the election officers under our law are the justices of the peace and the selectmen and the town clerks of the several towns, and in the cities they are the mayor and aldermen and justices of the peace. Our town officers are elected annually; our justices of the peace are elected biennially. The question as to a man's politics, to be elected a justice of the peace or a selectman, never enters into the election at all.

Now, so far as the approbation of the board of civil authority to a claimed voter taking the freeman's oath is concerned, the inquiry is simply confined to the question of citizenship, residence, and age. The provision of the statute in this respect is to guard against fraudulent registration and voting by persons who have never taken the freeman's oath, and who are known as "first voters."

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. I yield one minute to the gentleman from Georgia to read the Vermont law.

Mr. HARDWICK. Section 66 of the Vermont law, code of 1894, reads:

> No person shall be admitted to take the freeman's oath or to vote at an election until he has obtained the approbation of the board of civil authority of the town in which he resides.

Exactly what I stated yesterday. [Loud applause on the Democratic side.]

Mr. HASKINS. If the gentleman will allow me——

Mr. WILLIAMS of Mississippi. He has only a minute, and that has expired.

Mr. HASKINS. He has only occupied half a minute.

Mr. HARDWICK. I am willing.

Mr. WILLIAMS of Mississippi. His minute has expired, and if it has not, we must go on.

Mr. HEMENWAY. I think in view of the fact——

The CHAIRMAN. The minute has not expired. [Laughter.]

Mr. HASKINS. For forty years I have been one of the election officers in my town, and I never heard the question as to a man's

politics or as to his good behavior raised whenever he had offered to register or to present his vote.

Mr. HARDWICK. I have made a statement about the law and not about the practice.

Mr. HASKINS. That is the practice.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I will not have time nor do I desire to reply to the gentleman from Connecticut in extenso. After I shall have used five minutes, please "call me down." Now, Mr. Chairman, that the gentleman from Connecticut does not understand the difference between the word "and" and the word "or" in the construction of a statute is totally beyond my comprehension.

Mr. HILL of Connecticut. That may be.

Mr. WILLIAMS of Mississippi. Now, what would the difference be as to these words when put in this statute: "The Secretary of the Treasury shall require the associations thus designated to give satisfactory security by the deposit of United States bonds 'and' otherwise?" It means, with the word "and" there, that in part the security has got to be in United States bonds, and with that out, and if the statute should read, with the "security by the deposit of United States bonds 'or' otherwise," that would mean that no part of it would be required to be in bonds of the United States.

Mr. HILL of Connecticut. Could it be all United States bonds; under your construction of the language could it be United States bonds?

Mr. WILLIAMS of Mississippi. It could be all or part, either one; it could not possibly be all of anything else and no United States bonds. Now, Mr. Chairman, the gentleman has attempted laboriously to prove, through some arrangement of figures which I could not follow in my head, that in a country where money lends for 8 per cent the people could not afford to bid as much for United States deposits as in a country where money loans for 3 per cent——

Mr. HILL of Connecticut. Will the gentleman allow me——

Mr. WILLIAMS of Mississippi. My five minutes will not allow me to yield. And the only thing I caught when you were explaining it was this, that you said that a man would have to sacrifice 8 per cent money in the purchase of United States bonds, but you forgot that after the man had sacrificed 8 per cent money in the purchase of United States bonds upon which he would draw 2 or 3 per cent, then he would begin to use the money, and use it in an 8 per cent money market.

Mr. HILL of Connecticut. Certainly, I agree with you.

Mr. WILLIAMS of Mississippi (continuing). And that is absolutely what the gentleman did not mention, or at least failed to mention——

Mr. HILL of Connecticut. Will the gentleman yield——

Mr. WILLIAMS of Mississippi. No, I can not. Now, the gentleman says that I would have a "public auction" take place "once in three months" for people to bid for United States deposits. Well, under the present system, you have a public auction "once in three months" for people to bid to the Secretary of the Treasury to be given United States deposits, because I have quoted in the bill the language of the present statute when I say that "it is hereby made the duty of the Secretary of the Treasury on the 1st day of July, on the 1st day of October, on the 1st day of January, and on the 1st day of April of each year" to do certain things, namely, to deposit the money on interest in a certain manner.

The present law is that it shall be deposited at those times in the discretion of the Secretary of the Treasury with a perfect right to select his personal or political friends, if he chooses to do it, all over this broad country, and to give that immense amount of money which they could use in either a 4 per cent or a 6 per cent or an 8 per cent market without their paying a cent. The word "auction" means nothing; the law now simply gives an "auction" once in three months under the present system without anybody having to pay anything except compliments, flattery, good graces, and perhaps promises to the powers that be, whereas under my system they would have to pay some cash.

The gentleman forgets when he makes that comparison, too, that under the ruling of the Secretary of the Treasury, where he calmly wiped out the word "and" and puts in the word "or," that the security would not have to be confined to United States bonds any more than now. The bill provides that the security given shall be the same security as is now required by law, and of course it is subject to the same regulations and construction under the present Administration.

Mr. HILL of Connecticut. Will the gentleman pardon just a word? That rule that provided there should be a margin of 25 per cent puts the financial transaction on the same basis as Government 2 per cent bonds, and consequently makes my mathematical calculations exactly correct.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the mathematics which can convince me that a man who can use money at 8 per cent can not pay as much to get money as the man who can not use it at over 3 per cent will never be discovered. The mathematics can not be found that can convince me of that proposition. Now, Mr. Chairman, United States banks throughout this country deposit their reserve up in New York banks and the New York banks pay 2 per cent for it. Why can not the United States Government be paid 2 per cent?

Now, I am a good-natured fellow, and instead of making that a public bid and giving it to the highest bidder, I think it would be an improvement over the present plan if you would require them to pay, say, 2 per cent, and make it fixed. But let the Government cease gratuitously to favor certain banks over others. To put out to highest bidder among banks, State and national, first furnishing absolutely self-sufficing security for repayment, would be better. Why? Because that would carry the money to those parts of the country which need it most for productive enterprises and home development, and not to the great centers where small interest prevails and where it is used chiefly for speculative purposes on 'change.

Now, Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. WILEY].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 421. An act for the relief of W. J. Kountz;

S. 372. An act authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers;

S. 250. An act granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home;

S. 146. An act for the relief of Leonard L. Deitrick;

S. 126. An act for the relief of Rudolf Herbst;

S. 122. An act authorizing the Secretary of the Interior to restore to public entry lands embraced in whole or in part within segregations for reservoirs;

S. 61. An act for the relief of M. E. Saville;

S. 56. An act for the relief of the legal representatives of Napoleon B. Giddings;

S. 619. An act making an appropriation for completing the construction of the road to the national cemetery near Pensacola, Fla.;

S. 468. An act for the relief of the widow and children of the late Joseph W. Etheridge and the widow of the late John M. Richardson;

S. R. 21. Joint resolution authorizing the purchase of a marble bust of General Lafayette, executed by David d'Angers;

S. R. 20. Joint resolution authorizing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow;

S. 2697. An act to amend an act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army;

S. 2696. An act authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.60, and so forth;

S. 2692. An act to establish a life-saving station at Nome, Alaska;

S. 2465. An act to revive and amend an act entitled "An act to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala.;

S. 2262. An act to provide for the removal or destruction of derelicts;

S. 2114. An act to fix the rank of certain officers in the Army;

S. 1741. An act for the relief of the county of White Pine, State of Nevada;

S. 1634. An act for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H.;

S. 921. An act granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home;

S. 903. An act providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins; and

S. 792. An act to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians, October 10, 1774.

URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. WILEY of Alabama. Mr. Chairman, at an early day of the present session I had the honor to introduce into this House a bill (H. R. 10429) for the erection of a monument, in the city of

Washington, to the memory of Jeremiah O'Brien, upon which shall be inscribed the words:

Erected to the memory of
The heroic Irish-American,
Jeremiah O'Brien,
Who captured and sank
In the first sea fight of
The Revolutionary War
The British schooner *Margaretta*.

Commodore John Barry has justly been characterized as the father of the American Navy. I am pleased to be advised that a similar bill has already been introduced in this House, authorizing the erection of a monument, at our beautiful national capital, to keep fresh in our remembrances the illustrious services he rendered his country, both in peace and in war, and to make luminous and glorious the growth and development of the American Navy, in the rapid march of the most marvelous century that ever chronicled the brilliant achievements of the human race. All honor to his memory!

But while we are rendering a just tribute to the man whose genius and brains created our Navy, let us not forget to do honor to another patriot, Jeremiah O'Brien, who fought the first naval battle in our contest for freedom and struggle for independence from the British Crown, nor fail to perpetuate the virtues and the valor of the thirty-five brave, free, and independent men who, under his leadership, did a deed so grand and enduring as to excite the wonder and challenge the admiration of the civilized world. History does not record the name of a hero who has excelled in dauntless courage and in unconquerable patriotism the immortal Irish-American sailor of whom I speak.

These intrepid men from sawmill and shipyard have glorified our nation's flag and ornamented the brightest page of the annals in which are inscribed the brilliant events that have transpired during the past one hundred years in this "Union of our fathers and sires." The white angel of peace has descended upon the village of Machias, in the State of Maine, and now abides within her gates. But not so in the memorable month of May, 1775. Then the tocsin of war was heard on her streets and excitement ran high in every household. A wondrous change has come over the spirits of her inhabitants and hangs above the face of the mighty waters. The sweet flowers of hope and faith are climbing and blooming over the ruined and deserted cannon, which once belched forth the fires of carnage and death in the first sea fight of the Revolutionary war.

The story runs like this:

The news of the battle of Lexington reached Machias early one Sunday morning. It was the 10th of May, 1775, and just then there was an armed Government schooner in front of the town waiting to convoy a couple of lumber-loaded sloops to Halifax.

The young men of the little village, fired by the story of the deeds of their kinsmen, gathered and plotted to lend their mite to the cause; but what could be done? The guns of the schooner covered the town; there were other guns in the little old blockhouse, and there were a few muskets; but the village authorities were Tories, and all the gunpowder was locked fast in the magazine beyond their reach. There was powder in Jonesboro, 10 miles away; but no man dared go to get it for fear of being missed.

And so it happened that Mary Chandler, a young girl of 17, slipped quietly from the little meetinghouse during the sermon, walked over the rough trail to Jonesboro, and that night carried on her shoulders 25 pounds of powder back through the woods to Machias.

This blockading craft was His Majesty's schooner *Margaretta*, manned with a crew recruited from the hardy seafarers of Nova Scotia, and full of the brawn and muscle and grit which had contributed so essentially to make true the boast, "Britannia rules the waves."

When the shadows of evening came down upon both land and sea the commander of the *Margaretta*, as a precautionary measure and in order to guard against a possible covert attack at night, moved the schooner down the river to the bay a few miles away, where he thought he would be in a safe position to hold the rebellious village in his relentless grip; but no sooner was he out of sight than Jeremiah O'Brien, himself a lumberman, a gentleman of judgment and discretion, of cool nerve and indomitable will, "born to command," organized at once for offensive warfare.

His force consisted of thirty-five picked men, selected from among the shipbuilders and sailors of Machias. Full of mettle and ardor, young in years, keen of eye, strong of limb, and compact of body; brave and generous, every soul of them, with the health of salt air in their cheeks and the love of country in their hearts; "disdaining fortune," buoyant in hope, and proud in their own self-esteem; each a veritable Hotspur, putting on the "dauntless spirit of resolution," impatient of wrong and weary of oppression; daring to do all that mortal man could do to redress their grievances, this Spartan band, under the skillful generalship of the gallant O'Brien, rushed, as it were, from the very summit of the mount of defiance and quickly seized and unloaded one of the lumber-laden sloops and equipped her for battle, arming her with the old guns dragged from the blockhouse, and stowing away in her hull the powder which Mary Chandler had brought to them through the mazes of a thick forest.

Sailing into the bay as the rays of the early morning light gilded the eastern sky, "dire was the clang" as the two crafts ranged alongside one another and exchanged dreadful broadside shots. Soon the schooner's foresail rattled to the deck and all was over with her, for closing in upon her and holding her fast, Jeremiah O'Brien, at the head of his thirty-five "Down Easters," boarded, captured, and sank her. Thus we perceive that this insignificant little sloop was the babe which has grown into the full proportions of the white fleet of our superb Navy. The splendid courage which O'Brien and his men, true and tried, exhibited on this memorable occasion gave our Navy, strange to relate, its first start. It is now the magnificent arm of the greatest Government the world ever saw—a navy power, invincible upon all the navigable waters of the globe, engaged everywhere and at all times in the laudable endeavor to protect our citizens at home and abroad, to conserve the public peace, to defend popular rights and preserve constitutional liberty.

There is something that irresistibly touches our noblest sensibilities in the heroism of duty fearlessly performed—a heroism which is willing to sacrifice self in a righteous cause, even though the atonement can not make it victorious. In this instance, success crowned the efforts of our hero, Jeremiah O'Brien. He counted it a crime "no tear could ere efface, to purchase safety with compliance base." He was

In his honor impregnable,
In his simplicity sublime.

In him was truth and nobleness—man's fidelity with woman's tenderness. He was tried in the furnace and proved true. He was "weighed in the balance" and not found wanting. He has been "declared sterling by the general consent of mankind."

If there be one country upon the map of nations which challenges our sympathy more than all the rest that country is Ireland. This lovely island, rising from the bosom of her own beautiful waters, staggering under a governmental policy which brought poverty and gloom to the people, was for many long and dreary years neither cheered by the songs of her native bards nor stirred by the eloquence of her impassioned orators. The blighting hand of English tyranny had laid her low, stripped her of her verdure, and she stood forth like a lone waste in a flowery land, but, thank God, the daybreak of the sun of freedom from oppression, of liberty of thought, of speech, and of religious and political action for the downtrodden children of Erin is beginning to appear in the east and to flood with light of gold the earth and skies and seas.

Prosperity is at last coming to their homes. "A hewer of wood and a drawer of water" on his own soil, the Irishman, under every sun and in every clime, outside of his own country, whenever and wherever the door of hope and opportunity has not been closed against him, has demonstrated a genius for work and a patience in the conquest of details, a loyalty to principle, a devotion to truth and love of country which have forged him to the very forefront in every profession, vocation, occupation, and calling in life.

Jeremiah O'Brien was an Irishman by birth, but an American by adoption.

The Irish-American citizen, what shall I say of him? Loyal to the "old flag" and faithful to the country of his adoption, true to his friends, generous in nature, magnanimous in disposition, liberal in his views, and public spirited always, he is not only preeminently qualified for self-governing citizenship, but frequently sets us an example of industry, economy, and morality, the influence of which is felt as a potential factor in the intelligence, thrift, and law-abiding qualities which characterize the communities in which he lives.

With loving impulse we gladly spend large sums of money from year to year out of a national fund raised by common taxation to protect and beautify the graves of those who died in defense of the Union. We make liberal appropriations in order to mark by some enduring structure the particular spots where Federal soldiers and sailors fought and fell for their country's sake.

We are wont to erect monuments to those whose careers have illustrated courage, fortitude, patriotism, self-sacrifice, and fidelity to principle; to those who have become renowned in the public service; to those who have been benefactors to the human race; to those whose endeavors in the arts and sciences, letters and learning have exalted them among the nations of the earth. We have built magnificent cemeteries at Vicksburg, Chattanooga, Gettysburg, Nashville, Murfreesboro, Culpeper Court House, Manassas, Arlington, Winchester, and on a score of other fields. These silent cities of the dead are surrounded by costly stone fences, adorned with trees and parks, and everywhere ornamented

with headstones of marble or monuments of granite to point out the last resting places or to mark the green graves of those who "died on the perilous edge of battle."

Washington is a city of monuments; and it is meet that these memorials should arrest our gaze in every park and common, on every street, along every highway, and in every public ground of the nation's capital. Father Ryan expressed words as sweet as celestial fruits or the breath of flowers from Paradise when he penned these radiant lines:

> Yes, give me the land of the wreck and the tomb;
> There's grandeur in graves, there's glory in gloom;
> For out of the gloom future brightness is born,
> As after the night looms the sunrise of morn.

But it may be asked, Why should I from the far South feel such an interest in a New England patriot as to be prompted to introduce a measure in this Chamber looking to the erection of a monument to his memory? The answer is easy. The only real liberator is Truth, and she makes none free save those who strive to break their own fetters.

Heroism derives its courage from the motive which prompts men to display courage and fortitude. "Know ye the truth; for the truth will make ye free." The fratricidal war between the two sections of our common country is over. Our swords have been broken into plowshares and our spears into pruning hooks. The North and the South alike will hold their dead in tender memory forever. The South is proud of the men who wore the gray, charging up the frowning heights of Gettysburg, on Lookout Mountain, on the banks of the Potomac, in the gloom of the Wilderness, on the fiery trail from Dalton to Atlanta, on the rolling Rappahannock, on the red hills of Georgia, and in the valleys of Virginia and Tennessee. The North very justly feels a like pride in the fortitude and valor of the men who wore the blue. On every battle plain, from the mountains to the sea, monuments more enduring than brass have been erected to preserve the fame and to tell posterity the glorious deeds of her patriotic dead. Lee and Grant, Jackson and Thomas, Stuart and Hancock, on both sides generals of unblemished character, belong to no section, but to the whole country. They "are immortal names that were not born to die," and their fame is the common heritage of us all.

The surviving veterans of the South returned to their homes to begin anew the battle of life. They understood the situation, and accepted it in good faith; and majestic as they were in war, they were grander and more glorious still in the busy pursuits of peace. We are loyal citizens of the nation. From the past we have derived wisdom and drawn inspiration. By the Constitution, as it now is, we intend to stand. Let that book of the organic law be read by the people never too often, as the book of the laws of Moses was brought forth and explained to the children of Israel in Jerusalem near the shrines of their ancient altars.

The adversities of the South have stirred her manhood, stimulated her energies, and prepared her to work out for herself and posterity a far greater and more fruitful progress than she ever attained when the tide of her fortune ran at its flood. Her stricken fields have ripened once more and her gardens are sending out the fragrance of their flowers. "The violets still bloom in the depths of her valleys," while the stars sit, each upon his "ruby throne," and watch with sleepless eye a golden land of beauty and sunshine, from which even in the disruption of southern institutions the old romance has never departed.

We are banded together, as never before, in the common bonds of union, loyalty, fraternal love, and civil liberty. Sectional lines have been obliterated. After a third of a century of peace and prosperity we are all kneeling side by side at the altar of a reunited faith. We have but one flag in the skies. The melodious tunes of Dixie and Yankee Doodle have blended together into one national air.

The dagger of Spain was unsheathed. Innocence, helpless age, and infirmity were falling beneath its perfidious blows. In the midst of the fires of the *Maine* the heavens cried aloud for vengeance. The men and the sons of the men who had faced each other under two flags in battle's stern array now felt the elbow touch, fighting as brothers under "the Stars and Stripes" to free a new world from the barbarity of a merciless despotism. Wearing the same uniform, whether on land or sea, Lawton and Wheeler, Dewey and Schley, Bagley and Capron, now living and dead, under the folds of "Old Glory" fought for God and humanity. They have emblazoned their names upon the loftiest entablatures in the temple of fame. They will live forever in song and story, and add luster to the glory of the nation which gave them birth.

Let us build the monument which the bill under consideration provides for. It will commemorate the glory achieved by American valor and do honor to one "whose remembrance will, to ears and tongues, be theme and hearing ever." [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I now yield thirty minutes to the gentleman from New York [Mr. RIDER].

Mr. RIDER. Mr. Chairman, since the beginning of this session of Congress, to the delight and entertainment of its Members, we have heard discussions concerning Canadian reciprocity, good roads, currency, the tariff, the race question, and, indeed, a résumé of the civil war by one of the distinguished Members on the other side has been offered for our consideration and edification. The Republican Members have put forth the claim that the present prosperity of these United States is due solely and entirely to the Dingley tariff, and the more deeply religious Members on the Democratic side have had the temerity to say that Almighty God had something to do with the present prosperous condition of this great land of ours. [Laughter.]

Now, Mr. Chairman, I desire to say a few words in relation to the construction of the canals of this country.

While there has been much discussion concerning the violation of the treaty rights, the amity of nations, the policy of the Government, and international law concerning the recognition of the new Republic of Panama, it is nevertheless true that the recognition of this Republic has brought us to a point where we can realize the hope and ambition of the United States for many years and unite the East and the West as they have never been united before. The canal is now an assured fact, and will be constructed along the route already selected by Congress. It is too late to discuss the practicability or feasibility of any other route. The present Administration may be subjected to severe criticism in recognizing the new Republic of Panama. But to him who rises above all partisan ties and looks to the welfare and benefit of this great nation it is, "My country—may she ever be right; but right or wrong, my country!"

For four hundred years men have dreamed of piercing this wall, thus saving one-third the distance in circumnavigating the globe. It was in 1551 that the Spanish historian, Gomara, urged on Philip II the importance of piercing this Isthmus, and two hundred years ago one of the most celebrated freebooters said: "The spoils of Granada I count for naught beside the knowledge of the great Lake Nicaragua and the route between the north and south seas, which depend upon it." In 1805 Nelson attempted to gain possession of this route by aid of a land force, but was prevented by the power of the Spanish. At the time that the question was discussed of the cession of Louisiana to the United States by France Decrès replied to Napoleon that "if the Isthmus of Panama is cut through some day it will occasion an immense revolution in navigation, so that a voyage around the world will be easier than the longest cruise to-day. Louisiana will be on the line of this new route, and its possession will be of inestimable value. Don't give it up."

The subject of this interoceanic canal is of world-wide importance. Many nations have interested themselves in it; many men have given themselves to the study of it; many volumes have been written on it; many lives have been sacrificed to it, and many millions of gold have been spent on it. Over no portion of the earth's surface has the engineer's level been so repeatedly run, and now what ages have waited for the new century is about to witness. What the genius of Columbus failed to find that of modern science is about to create. It is beyond the range of possibilities to follow the important results—geographical, commercial, and political—from this New-World condition. The cutting of the new isthmian canal will be the most important event since the discovery of Australasia, and will reduce the size of the earth at the equator by one-third. No other ship canal ever constructed—not even the Suez—can compare with it in economy in sailing distances.

From London to Canton the Suez saves 3,300 miles, and to Bombay 4,325 miles, while the Panama Canal will save from 5,000 to 6,000 miles for most ships sailing through it; between London and San Francisco it saves nearly 7,200 miles; between New York and San Francisco, 10,080 miles. President Hayes said: "An interoceanic canal will essentially change the geographical relation between the Atlantic and Pacific coasts of the United States, and between the United States and the rest of the world." This canal will project the Pacific coast into the heart of the continent and make it possible to steam from Pittsburg to Hongkong and from Omaha to Sydney. The Mississippi Valley, with its 1,244,000 square miles of area, is considerably larger than the whole of central Europe. On account of its magnitude, its inexhaustible fertility, its great variety of production, the energy of its people, its 5,000 miles of waterways navigable for steamers, and southerly flow of its great artery, it is commercially and politically the most important valley in the world, and its connection with the most important ocean of the future is a great geographical change of the first importance. Seagoing vessels will soon be passing from Chicago and Duluth down the Mississippi to the Pacific.

In 1825 Henry Clay, then Secretary of State, said: "The execution of this work will form a great epoch of the affairs of the whole world." From New York to San Francisco by way of Cape Horn it is 14,840 miles; by way of the Panama Canal it will

be only 4,760 miles, a saving of over 10,000 miles and over fifty days' time by freight steamers between those two points, with a corresponding economy to other points on the two coasts. Where two-thirds of the time and distance is saved, there is a corresponding saving of value of repairs, insurance on vessels and cargo, of interest on investment, wages and provisions, and also a two-third cost in saving of transportation; but its saving to existing commerce is by no means all. It will create a vast amount of new commerce. It is impossible, commercially speaking, to transport freight of any sort beyond a point where the cost of transportation exceeds the value of the cargo to a point where it is brought.

ARTICLES OF COMMERCE.

The canal, therefore, by reducing the distance increases the number of articles of commerce. The exports from the Pacific coast are for the most part raw material and will not bear long carriage—for example, lumber, in which the far Northwest is so rich, and the supply of the Eastern States being practically exhausted. Cuba has attempted to import Pacific coast lumber, but found it too expensive. As soon as the canal is cut lumber for building purposes will become an exceedingly important article of commerce between the two coasts. It is estimated by lumbermen that the opening of the canal will add $2 to every thousand feet of lumber standing around Puget Sound. The forests of Washington alone contain 175,000,000,000 feet of uncut yellow and red fir.

LUMBER.

The estimate referred to being a reasonable one, the value of the forests of Washington alone will be enhanced about $350,000,000. The supply in Oregon, British Columbia, and Alaska is much greater. W. H. Seward said of this region: "It seems destined to become a shipyard of supply for all nations."

WHEAT.

When the limit for transportation of wheat from the Pacific coast is reduced twenty-five days' steaming, it will become a mercantile transaction with daily assured profits. At the present time, with a voyage of four or five months around the Horn, taken in relation as to the possible rise and fall of prices which make trade, it is as much a gamble as any hazardous game of chance. Distances on the Pacific coast around Cape Horn are somewhat greater to New York than to Liverpool, and the rich trader of the west coast of Central and South America chiefly goes to Great Britain and Germany, but with the opening of the isthmian canal all this will be changed. The distance will be then from twenty-seven hundred to thirty-five hundred miles in favor of New York, which, with our facilities for manufacture, will give us the market of that coast.

Distances via the Panama Canal.

From—	To New York.	To Liverpool.
	Miles.	*Miles.*
San Francisco	4,760	7,508
Acapulco	3,122	5,870
Mazatlan	3,682	6,432
Guayaquil	2,340	5,890
Callao	3,713	6,461
Valparaiso	4,700	7,448

THE SOUTHERN STATES.

The Southern States will have a much greater advantage, as New Orleans is 713 miles nearer than New York to the canal, and the almost inexhaustible coal mines of Alabama, so easily worked, can be landed on shipboard at Mobile at $1.25 a ton.

COAL.

Attention is called to the fact that there is but very little coal, and that of inferior quality, on the Pacific coast, and steamers passing through this canal will require 2,000,000 tons per annum, and that will be furnished by Alabama.

PIG IRON.

In Alabama and Tennessee pig iron is produced more cheaply than anywhere else, and in all the markets of the Pacific iron will be in increasing demand for many years to come.

COTTON.

Japan, the greatest manufacturing nation in the Far East, imported some $55,000,000 worth of raw cotton during the past year, and in the same year China imported cotton goods valued at $80,000,000. When the canal is cut ocean steamships can load cotton at the river and gulf docks and sail direct to the Orient, which will enable us to successfully compete with Indian cotton.

FOOD.

Statistics show that with 5 per cent of the world's population we produce 32 per cent of the world's food. The Mississippi Valley is our great granary, and the new waterway will connect it with more than half the population of the globe. Thus the Panama Canal will give the Pacific coast access to the European markets, and our Atlantic and Gulf coasts access to the Asiatic markets. New York is 150 miles farther than Liverpool from Cape Horn. This fact, of course, makes Liverpool 150 miles nearer than New York to all the ports on the eastern shore of the Pacific. Liverpool is as much nearer to all points on the west Pacific coast as Liverpool is nearer than New York to Gibraltar, which is about 2,000 miles; that is to say, that the Pacific, commercially speaking, is now an English ocean. The effect of cutting through the Panama Canal will be to bring New York 2,748 miles nearer than Liverpool to its eastern entrance.

The advantage to the commerce of New York City via the Panama Canal over that of Liverpool via the Suez Canal is best illustrated by the following table of distances:

From—	To New York.	To Liverpool.
	Miles.	*Miles.*
Shanghai	10,212	10,330
Yokohama	9,227	11,060
Manila	10,662	11,534
Honolulu	6,417	9,167
Auckland	8,462	11,212
Melbourne	10,000	11,000

The Panama Canal is the gateway to the Pacific, and opens upon 500,000,000 of people, whose imports last year were approximately one billion and a half of dollars. The commerce of the Pacific will increase indefinitely and the United States will command a greater part of it.

The Hon. Archibald Colquhoun, an engineer and traveler, in speaking of the canal wrote that—

It will render greater service to the New World than the Suez does to the Old, it will bring Japan, north China, Australasia, and a part of Malaysia nearer to the Atlantic cities of the United States than they are now to England. It will give an immense impulse to the United States manufacturers, especially cotton and iron, and will greatly stimulate the shipbuilding industry and develop the naval power of the United States. Finally, I believe it will, taken in connection with the vast changes occurring in the Far East, bring about the most severe rivalry to the commercial supremacy of England which she has ever yet encountered.

Our entrance into competition for the world's markets, access to those markets, makes it imperative that this canal should be completed in the earliest possible time. With the United States, washed by two great oceans, directly connected by this waterway, the nation will be midway between the markets of the world.

POLITICAL BEARING.

The political effect, obvious of the construction of this canal, will be in uniting our coast lines and bringing the most remote portions of our territory into closer relations. Mr. Colquhoun says:

It will bind together the remote sections of that country, assimilate its diverse interests, and go far toward solving many difficult problems and make the United States still more united.

President Hayes said in one of his messages:

"A part of the coast line of the United States," and a portion in which we shall be vitally concerned. The United States Government ought to control and protect it. The canal must be ours, and we must have a navy strong enough to protect it. By closing it, a foreign power with a single blow would cleave our two coasts 10,000 miles asunder.

In the utilization of the mobile defenses of the United States—

Says Commodore George W. Melville, of the Navy—

there is no waterway which approaches the isthmian canal. Without it the fleet of one coast is unavailable to the other; with it every naval gun may be turned upon the foe, whether he shall come from the east or the west.

The building of this canal will bring the western coast of South America, which has for a long time seemed very much out of the world, into closer relation with the eastern coast of North America. The principal ports on the western coast of South America will be from sixteen hundred to seventeen hundred miles nearer to New York than San Francisco. These regions of South America have rich undeveloped natural resources and a sparse population, but they will be brought by the canal into close relation with the richest and most densely populated portions of the United States. A large part of the superfluous and rapidly increasing capital of the latter country will find opportunity there. The isthmian canal will give to the West Indies a commercial importance which will involve great political consequences. For hundreds of years these islands were a source of the tropical products, and during the Napoleonic wars furnished Great Britain with one-half of her commerce; but misrule, vicious and tyrannical, and other causes have paralyzed their industries and depleted their commerce, until now it is insignificant. The canal will focus the commerce of the world in the Caribbean Sea. Toward it flow three great rivers, the Hudson, the Mississippi, and the Amazon, and as tributaries to the canal they will pour their commerce through this sea, whose islands will become ports of call.

Capt. A. T. Mahan says:

In the cluster of island fortresses of the Caribbean is one of the great nerve centers of the whole body of European civilization; and I refer to the archipelago as the very domains of the sea power, if ever a region could be called so.

He continues:

Control of a maritime region is insured primarily by a navy, secondly by positions, suitably chosen and spaced one from another, upon which one the navy rests and from which it can exert its strength.

It is important, therefore, in this respect that we should consider the extension of our possessions in the Caribbean Sea, provided they come to us by righteous means. If through an expression of the majority of the people of Cuba that the island should come to be a part of our nation in the future in its relation to the construction of the canal, it will prove of incalculable benefit to us. But let that new Republic be bound to us only by the strongest of bonds—the ties of obligation, respect, and love.

INLAND CANALS.

Bearing a direct relationship with the construction of the Panama Canal there is the improvement and extension of the inland waterways of this great nation. Inland waterways tend to cheapen the cost of carriage and to develop industry, and ought to emphasize strongly the economic importance of inland navigation. They cheapen the rate of transportation not only for the products of the farmer, but to the manufacturer as well. Since 1882 there have been biennial appropriations made for improving our inland waterways. As this is a matter of such vital importance to the people, this policy should be changed and annual appropriations made. These water routes have to a large extent made possible the development of our iron industries. The richest iron regions of the United States, those of northern Michigan and Wisconsin, are nearly 1,000 miles distant from the great coal fields of Pennsylvania, but with a waterway connecting them, on which freight rates are a little over 1 mill a ton-mile, the two mining regions are brought closer together.

The distribution and consumption of coal, both for manufacturing and boating purposes, have been largely increased on account of inland transportation through the Ohio River and the Great Lakes. The improvement and extension of the water routes of the Great Lakes, the Mississippi River system, the Missouri, the construction of the ship canal between the Mississippi River and Lake Michigan, of a lake ship canal from Pittsburg to Lake Erie, of a lake ship canal to St. Paul and Minneapolis, will tend to further distribute coal at a cheaper rate and greatly widen the present marketable limits. The inland waterways are likewise of great importance to the consumer and producer of lumber in the United States. Thus far railroads have been able to transport east from Washington only high-grade shingles to the Mississippi Valley. Farther inland, waterways enable home industries to compete more easily with foreign producers, not only by decreased cost of transportation on articles destined for export, but also by making raw material cheaper. The development of the inland navigation of the United States will assist us in maintaining a high standard of life in competition with Europe.

THE FLORIDA CANAL.

In this connection I desire to call the attention of the House to a measure—House bill 9487, now in the hands of the Committee on Rivers and Harbors—providing for a survey or surveys to be made to determine the feasibility of a canal between the waters of the St. Johns River and the Gulf of Mexico. The construction of this canal is not only of vital importance to the State of Florida, but to the nation at large as well. It means the lessening of distance for freight traffic by coasting and steam vessels between all points on the eastern coast and those on the Gulf and Pacific by over 600 miles. To the shipping interests it would mean a saving of two days in point of time, 600 tons of coal for steamers, lessening freight rates; to the shipper the decrease in both freight and insurance rates, and quicker delivery. Seventy-five per cent of the manufacturing interests shipping their goods to Pensacola, Mobile, New Orleans, and Galveston at present do not insure, for the reason that the insurance exceeds the freight rates.

To the consumer the construction of the canal means a lessening of the cost. One line of steamers operating between the ports of New York, New Orleans, and Galveston during the year 1903 shipped 18,000,000 tons of freight. The importance of this measure may well be understood when this is taken into consideration. Every southern city, as well as all the ports along the eastern coast of the United States, should be vitally concerned in regard to this matter. The wreck coast of the United States for years has been the southerly part of Florida and the tortuous channels of the Florida Keys. No private or corporate interests should be permitted to interfere with the passage of such a measure. The line of the canal suggested would be through the St. Johns River, Doctors Lake, and the Waccassie River on the Gulf side. The cost of construction is comparatively small when the fact is taken into consideration that valuable deposits of phosphates, which are salable as fertilizer, are to be found along the proposed line, and also that the lands are heavily timbered. This is one of the many projects of a similar nature which should receive the attention of the National Legislature.

THE WATERWAYS IN AND ABOUT NEW YORK CITY.

The improvement of the waterways in and about New York City, the commercial center of the country, means to a great degree enhancing the prosperity of the entire nation. The commerce of New York, as given by the Bureau of Statistics, Department of Commerce and Labor, show imports, $574,066,854; all other ports in the United States, $409,507,602; aggregate exports, New York, $558,388,935; all others, $889,625,613. This expressed in tons, foreign commerce, New York, 17,398,058; coasting trade, 20,000,000; making a total of 37,564,108 tons. The customs revenue in the city of New York is 65.01 per cent of the total collected in the United States. The improvement of the Harlem River Ship Canal and the Harlem River and Bronx Kills to the deep waters of the Sound and the ocean mean much toward increasing the commerce of the metropolis.

Not only these improvements, but the measure, House bill 9486, providing for a survey or surveys to be made to determine the feasibility of a canal between Flushing Bay and Newtown Creek, county of Queens, State of New York, has an important bearing on the development of the various channels in and about New York. The fabulous sums expended in blowing out Hell Gate in order to open up a channel for passing vessels have not as yet achieved the object sought, and the money spent at Hell Gate would have been more than sufficient to construct the Newtown Creek and Flushing Bay Canal, and provide a broad and clear channel for vessels from the East River and the Sound. All Long Island and the East River section would be immensely benefited by this canal, and it is for this reason that it possesses a national character and that Congress may rightly and properly authorize an expenditure for its construction.

New York is the greatest seaboard terminus and port for international trade for the world, and any project which gives increased value to this port materially benefits every section of the United States. This canal is a scheme which originated with DeWitt Clinton, who saw in the future that the trend of population in this great center of the western world would be toward what are now known as the boroughs of the Bronx and Queens, and that the food supply and material for the well-being of the people would necessarily be delivered at a cheaper rate by the construction of such a waterway. The cost of this work is comparatively small, as the Geological Survey shows an alluvial soil along the entire route and that no blasting will be required.

Enormous sums have been expended by the United States Government in dredging Newtown Creek in the endeavor to maintain an 18-foot channel for a distance of about 2¾ miles. With every recurring tide, débris and refuse are deposited and the channel becomes rapidly shallower, and it is now estimated that the work done by the Department of War, and declared practically completed by that Department, June 30, 1903, has failed of its object to such an extent that the channel is only 14 feet at the present time. There is no stream of its size in the United States where such a quantity of freight is handled as in Newtown Creek. The estimated amount is in excess of 3,000,000 tons annually and consists mainly of coal, building materials, oils, and chemicals.

The construction of this canal would mean the constant flushing of the creek and the maintenance of a channel of proper depth with little or no cost to the United States Government, and at the same time would greatly enhance the value of the commerce of New York City.

The project proposed is analogous to that of the canal or waterway across Keweenaw Point from Keweenaw Bay to Lake Superior. This canal was purchased by the United States September 19, 1890, and deepened from 13 feet to 20 feet at an outlay of $1,243,996.56 up to June 30, 1902. During the season of navigation in 1901, 2,114,385 net tons of freight were carried through this canal, valued at $57,876,480. This waterway, uniting Portage Lake and Lake Superior, is under Government control. The increasing congestion of traffic on the East River, causing an increase in loss by collision and accidents occurring from crowding of the waterway, will ultimately compel the deepening and extension of every outlet, including the Newtown Creek. The damage done by the sinking of a vessel or two every week or so in the course of a short time amounts to far more than the total expense necessary to construct this canal and to make and maintain this channel. A farsighted policy would, therefore, dictate steps which would prevent a recurrence of such losses to commerce.

While considering this particularly interesting subject, I desire to call the attention of the House to the fact that, despite the statement that has recently been made that "the United States Government is not in the canal-building business," the following canals are directly maintained or were constructed by the United States Government, and the gross amount of tonnage compares in no wise to that which would pass through the canals mentioned in the preceding parts of this address.

Government-built canals.

Name.	Length.	Tonnage.
Bee Tree Shoals, Alabama	8 miles	210,264
Cascades, Oregon	3,462 feet	19,710
Duluth (Duluth-Superior)		12,973,373
Illinois and Mississippi Canal (Illinois)	4¼ miles	1,473
Keweenaw Point, Mich. (Portage Lake)		2,114,385
Louisville and Portland, Mosquito Creek, South Carolina.	2 miles	847,710
Seattle, Wash		210,565
St. Marys Falls Canal (Michigan)	1¾ miles	34,674,437

All of these projects are worthy of the most careful and earnest consideration of the National Government. The improvement of our waterways is a matter of the gravest concern, not only to the producers, but to the consumers as well. It means a lessening of the cost of marketing products and cheapening prices. In the words of the Cullom Commission:

> The manufacturing destiny of our country points unerringly to the emancipation of the waters as its next great work, a fitting sequel to the emancipation of the slave, a destiny not of war, but of beneficence and peace to which the heart of the nation turns as spontaneously and resistlessly as the waters of its great river flow to the Gulf.

Already in every part of the world the commercial supremacy of the United States is being recognized, and every effort which is made on the part of the National Government to increase its commerce without artificial means tends toward the well-being of the entire people. The building of canals—the Panama Canal, the Florida Canal, improving the Harlem Ship Canal and the Bronx Kills Canal, the Newtown Creek and Flushing Bay Canal, the construction of a canal south of Cape Cod, of a canal connecting the waters of the Delaware River with the Chesapeake Bay, the improvement and extension of all our great inland waterways—means much to our people in that they act as a check on the greed of corporate interests in railways, lessen the cost of freight, and be of great and lasting benefit.

Signs of the times indicate that this nation is about to play a part which it has never taken before in the life of the people of the entire world, and that its usefulness will be greater and greater. Every effort tending toward furthering the interests of the people will increase the power of the nation. Through its commerce, not by force of arms, there will be carried to the nations of the world a message of liberty and freedom that will prove an incentive toward a higher and better world life. Our flag will then represent in government what the cross of Christ represents in religion—all that is highest and noblest and best. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, does any gentleman on that side desire to consume any time now?

The CHAIRMAN. The gentleman from Indiana [Mr. HEMENWAY] has consumed all of his time.

Mr. WILLIAMS of Mississippi. Then I yield such time as remains to this side to the gentleman from New York [Mr. BAKER]. I believe it is fourteen minutes.

The CHAIRMAN. The gentleman from New York [Mr. BAKER] is recognized for fourteen minutes.

Mr. BAKER. Mr. Chairman, a few days ago, on one of the three occasions when gentlemen from the great State of Ohio annihilated the present speaker, in response to the second of those speeches, that of Judge GOEBEL, of Cincinnati, I made an impromptu statement, because my reply to the gentleman's remarks was offhand and entirely unpremeditated. I said then that in the city of Cincinnati, governed by George B. Cox, that impeccable gentleman who has been so highly extolled three times upon this floor during the last few weeks, that in that city and under his administration—because he is the real mayor despite all the laudation on this floor of Mr. Fleischmann—that there were sixty-four men registered from one room in which sixty-four men could not stand erect.

It appears that I have overstated the case, and as I have no desire to place the matter in any other light than is warranted by the facts, because we are always told when these charges are made that it is an attack upon the fair fame of Cincinnati. You never must say anything about corruption; you never must say anything about wrong; you never must say anything about misgovernment; you must not discuss the question of illegal or fraudulent registration, because if you do the fair fame of that city has been attacked.

It appears from the statement that I hold in my hand that so far from sixty-four men being registered from 13 Gano alley, as I then said, there were forty-five men registered on the first registration day in last October. Investigation reveals the fact that 13 Gano alley consists of two rooms, one 14 feet square and the other somewhat smaller. The only pieces of furniture in these two rooms were two chairs without any backs and an old cannon stove. So that even under the correction of the statement made here, it is probable it was true when I said it was not possible for sixty-four men to stand erect in that room.

Now, Mr. Chairman, I have no desire to take up the time of the House. It is of no interest, I am sure, to my Republican friends, for they will ignore it; but I shall ask unanimous consent to insert as a part of my remarks a letter from Mr. Benton S. Oppenheimer, of that city, a statement by him about the illegal registering in Cincinnati and the great difficulty that has been placed in the way of the men who attempted to purge the registration lists by the boards of election in Cincinnati, composed of Republicans and so-called Democrats.

I also ask permission to insert two speeches delivered by the gentleman from Cincinnati [Mr. GOEBEL], one on the 12th of October, 1897, and the other on May 29, 1899, in which in as scathing language as any man could use he denounced George B. Cox, then, as now, the boss of the Republican city of Cincinnati.

I also wish to incorporate in my remarks part of an article which appeared in Frank Leslie's Monthly, written by a gentleman who is well known here as a correspondent of one of the Cincinnati papers, in which he describes in very lucid language the power of this private gentleman, George B. Cox, who rules the city of Cincinnati. For illustration: He asked him a question on one occasion as to what reason he ascribed his success. He replied: "I use my own judgment as to the class of candidates most acceptable to the people."

George B. Cox thus asserts that he determines who shall be candidates upon the Republican ticket in the city of Cincinnati. A little later on a State convention is held, and from this report, among other officers, candidates for attorney-general were to be nominated. Mr. Daugherty was to be a candidate, and this gentleman says to Mr. Cox, "How many votes are you going to give to Daugherty?" "Not any," says Mr. Cox in a gruff voice. The gentleman says he protested against that and told Mr. Cox, "Daugherty and I are friends and I wanted to have a vote cast for him." Another gentleman said he was in the same condition of mind. Mr. Cox then said, "I will give him eight votes." This governor of the city of Cincinnati to these assembled gentlemen said, "I will give him eight votes." Without consulting any of the members, without consulting any of the men who had seats in that convention from Cincinnati, he gave eight votes to Daugherty.

A gentleman, Mr. Bellamy Storer, was once a Member of this House. He desired to be renominated by the Republican party and Mr. Cox's statement as to this is also given. He was asked this question: "Why did you turn out Mr. Bellamy Storer?" "Bellamy Storer served two terms," says Mr. Cox. "After his first campaign he gave me no credit whatever for his nomination."

Then he gives some details unnecessary to repeat. He then says Mr. Storer came to him and explained, and he told Storer, "No matter what differences there are between you and me, it is the custom to give a Congressman a second term and I shall not depart from that custom."

That's George B. Cox, the boss of the Republican party, the party that boasts of being the party of Abraham Lincoln. All right. Mr. Storer goes away. Mr. Cox complained that he (Storer) had presided over the State convention, but did not come to see him (Cox). Mr. Storer's friends saw him berore the convention and told him it was all right—he would be nominated. He took the advice of those friends and did not again call upon Cox, showing, as Cox says, "that he was willing to ignore me." What did George B. Cox do? He then sent to Charles P. Taft and asked him to accept the nomination, and next day he was nominated by acclamation. That is the act of the real governor of the great Republican city of Cincinnati.

Mr. Chairman, I ask permission to insert these in the RECORD.

Mr. PALMER. I object.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert the matter named in the RECORD. Is there objection?

Mr. PALMER. I object.

Mr. BAKER. Mr. Chairman, I give notice right here and now that hereafter there will be no unanimous consents for extension of remarks in the RECORD. [Applause.]

Mr. ROBINSON of Indiana. Mr. Chairman, I raise the point of order against the objection that the gentleman did not object by rising in his seat.

The CHAIRMAN. If the gentleman insists on that point of order the Chair will have to sustain it. The gentleman did not rise and address the Chair.

Mr. BAKER. Is my time used up, Mr. Chairman?

The CHAIRMAN. The time has not expired. The gentleman has seven minutes remaining. The Chair will again put the request of the gentleman from New York. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by inserting the matter to which he has referred. Is there objection?

Mr. PALMER. I object.

The CHAIRMAN. The gentleman from Pennsylvania objects.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, the gentleman from Missouri [Mr. LAMAR] neglected before he sat down to ask permission to extend his remarks in the RECORD. I wish to ask unanimous consent that he may have that leave.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Missouri may have leave to extend his remarks in the RECORD. Is there objection?

Mr. LIVINGSTON. I wish to ask that permission for all gentlemen who have addressed the House on this bill.

Mr. HEMENWAY. Within what time?

Mr. LIVINGSTON. About five days.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that it is not the rule to grant general leave to those who have addressed the House to extend their remarks in the RECORD. The rule is to recognize individual requests.

Mr. LIVINGSTON. I beg to say that it has been done ever since I have been in the House—for twelve or fourteen years.

The CHAIRMAN. The Chair desires to say to the gentleman that that is never done in Committee of the Whole.

Mr. LIVINGSTON. Very well; I withdraw the request.

The CHAIRMAN. As a matter of fact, under the rule it is questionable whether the Committee of the Whole has power to grant unanimous consent for extensions by individual Members.

Mr. WILLIAMS of Mississippi. I now renew my request.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Missouri [Mr. LAMAR] be permitted to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BAKER. Now, Mr. Chairman, I want to ask, as a parliamentary inquiry, whether it will be in order for me to move that I may be allowed to extend my remarks in the RECORD, so as to include a portion of the article I have not read?

The CHAIRMAN. In answer to the gentleman from New York the Chair will state that it will not be in order for him to move that he be permitted to extend his remarks in the RECORD, as requested.

Mr. BAKER. Then I ask unanimous consent that I be permitted to extend my remarks in the RECORD.

Mr. PALMER. My objection was to putting in two speeches made by somebody or other and a magazine article. That is what I objected to. I did not object to the gentleman extending his own remarks in the RECORD.

The CHAIRMAN. The request for unanimous consent has been made before the committee twice, and objection has been made.

Mr. BAKER. I have no desire to incorporate this article in my remarks, but simply to incorporate two paragraphs which I did not inflict upon the House. That is all. I commenced the article about four-fifths of the way through.

The CHAIRMAN. The gentleman from New York has yielded the floor and is not in order unless speaking on some other subject.

Mr. HEMENWAY. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Indiana moves that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 10954, the urgent deficiency bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 61. An act for the relief of M. E. Saville—to the Committee on Claims.

S. 56. An act for the relief of the legal representatives of Napoleon B. Giddings—to the Committee on War Claims.

S. 619. An act making appropriation for completing the construction of the road to the national cemetery near Pensacola, Fla.—to the Committee on Military Affairs.

S. 468. An act for the relief of the widow and children of the late Joseph W. Etheridge and the widow of the late John M. Richardson—to the Committee on Interstate and Foreign Commerce.

S. R. 21. Joint resolution authorizing the purchase of a marble bust of General Lafayette, executed by David D'Angers—to the Committee on the Library.

S. 2262. An act to provide for the removal or destruction of derelicts—to the Committee on Interstate and Foreign Commerce.

S. R. 20. Joint resolution authorizing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow—to the Committee on the Library.

S. 2697. An act to amend an act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army—to the Committee on Military Affairs.

S. 2696. An act authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.60, etc.—to the Committee on Claims.

S. 2692. An act to establish a life-saving station at Nome, Alaska—to the Committee on Interstate and Foreign Commerce.

S. 2465. An act to revive and amend an act entitled "An act to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala.—to the Committee on Interstate and Foreign Commerce.

S. 2114. An act to fix the rank of certain officers in the Army—to the Committee on Naval Affairs.

S. 1741. An act for the relief of the county of White Pine, State of Nevada—to the Committee on Claims.

S. 1634. An act for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H.—to the Committee on the Library.

S. 921. An act granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home—to the Committee on the Public Lands.

S. 903. An act providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins—to the Committee on Coinage, Weights, and Measures.

S. 792. An act to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774—to the Committee on the Library.

S. 421. An act for the relief of W. J. Kountz—to the Committee on Claims.

S. 372. An act authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers—to the Committee on the Public Lands.

S. 250. An act granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home—to the Committee on the Public Lands.

S. 146. An act for the relief of Leonard L. Dietrick—to the Committee on Claims.

S. 126. An act for the relief of Rudolf Herbst—to the Committee on War Claims.

S. 122. An act authorizing the Secretary of the Interior to restore to public entry lands embraced in whole or in part within segregations for reservoirs—to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 4115. An act granting an increase of pension to Joseph S. Young;

H. R. 3472. An act granting an increase of pension to Marcus E. Amsden;

H. R. 2991. An act granting an increase of pension to Lydia A. Topping;

H. R. 3001. An act granting an increase of pension to Alpheus Converse;

H. R. 5719. An act granting an increase of pension to Forbes Homiston;

H. R. 6830. An act granting an increase of pension to Charles E. Likes;

H. R. 4726. An act granting an increase of pension to Samuel B. Brightman;

H. R. 1288. An act granting an increase of pension to Jason Stevens;

H. R. 907. An act granting an increase of pension to De Witt C. Parker, alias Clinton J. Parker;

H. R. 1184. An act granting an increase of pension to William F. Longenhagen;

H. R. 990. An act granting an increase of pension to Harrison W. Fox;

H. R. 7666. An act granting an increase of pension to Laura F. Hine;

H. R. 3743. An act granting an increase of pension to Charles E. Foley;

H. R. 942. An act granting an increase of pension to James F. Hardy;

H. R. 957. An act granting an increase of pension to Alonzo Carpenter;

H. R. 1517. An act granting an increase of pension to George W. Hutchison;

H. R. 5246. An act granting an increase of pension to Sebastian B. Elliott;

H. R. 7370. An act granting an increase of pension to Andrew Ivory;
H. R. 2188. An act granting an increase of pension to Richard L. Cook;
H. R. 2155. An act granting an increase of pension to Charles W. Bechstedt;
H. R. 3000. An act granting an increase of pension to William C. Best;
H. R. 4935. An act granting an increase of pension to Edward T. Miller;
H. R. 5197. An act granting an increase of pension to William C. Brown;
H. R. 2472. An act granting an increase of pension to David F. Lewis;
H. R. 661. An act granting an increase of pension to Elizabeth E. Meckly;
H. R. 2108. An act granting an increase of pension to Henry D. Wright;
H. R. 3778. An act granting an increase of pension to Juliaetta Rowling;
H. R. 864. An act granting an increase of pension to Albert Moulton;
H. R. 3821. An act granting an increase of pension to Hannah Padgett, now Riley;
H. R. 1856. An act granting an increase of pension to Alexander H. Covert;
H. R. 5521. An act granting an increase of pension to Charles S. Clark;
H. R. 3013. An act granting an increase of pension to John A. Mavity;
H. R. 722. An act granting an increase of pension to Zechariah B. Stuart;
H. R. 6975. An act granting an increase of pension George W. Lawson;
H. R. 2042. An act granting an increase of pension to Alvin B. Hubbard;
H. R. 2690. An act granting an increase of pension to Thomas Kelly;
H. R. 6441. An act granting an increase of pension to Peter Fillion;
H. R. 2616. An act granting an increase of pension to Joseph K. Welt;
H. R. 5005. An act granting an increase of pension to Worthington S. Lock;
H. R. 7002. An act granting an increase of pension to James S. Rearden;
H. R. 5177. An act granting an increase of pension to William H. Clark;
H. R. 4319. An act granting an increase of pension to John Sexton;
H. R. 930. An act granting an increase of pension to Thomas M. Parkison;
H. R. 6619. An act granting an increase of pension to Benjamin R. Little;
H. R. 4200. An act granting an increase of pension to Milton H. Sweet;
H. R. 1908. An act granting an increase of pension to Harvey D. Barr;
H. R. 5841. An act granting an increase of pension to Abraham Wilson;
H. R. 6932. An act granting an increase of pension to Harvey R. King;
H. R. 9292. An act in relation to business streets in the District of Columbia;
H. R. 5559. An act granting an increase of pension to Josephine C. Chase;
H. R. 196. An act granting a pension to Grace E. Carson;
H. R. 2139. An act granting an increase of pension to James W. Kight;
H. R. 616. An act granting an increase of pension to Sarah S. Chrysler;
H. R. 895. An act granting an increase of pension to Margaret M. Walker;
H. R. 2424. An act granting a pension to Emma Butler;
H. R. 5464. An act granting an increase of pension to Francis M. Northern;
H. R. 227. An act granting a pension to Margaret Cotter;
H. R. 5010. An act granting a pension to Mary F. Hamilton;
H. R. 5043. An act granting a pension to William H. Harrison;
H. R. 4916. An act granting an increase of pension to Allen M. Pierce; and
H. R. 7849. An act to authorize the county of Poinsett, in the State of Arkansas, to construct a bridge across the St. Francis River at or near the town of Marked Tree, in said county and State.

The SPEAKER also announced his signature to enrolled bill of the following title:

S. 2121. An act to amend an act entitled "An act providing for public printing and binding and distribution of public documents."

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on the Library, and ordered to be printed:

To the Senate and House of Representatives:

I herewith lay before the Congress a letter from the Polish organizations of the United States and the report thereon from Col. Thomas W. Symons, superintendent of public buildings and grounds. In view of the recommendation of Colonel Symons, I advise that the very patriotic offer of the Polish organizations be accepted, and that instead of the statue of Pulaski (which, in the judgment of his Polish compatriots, should be an equestrian statue, and which it is now proposed to place in reservation 33, on the north side of Pennsylvania avenue, between Thirteenth and Fourteenth streets) there be a pedestrian statue of Kosciusko accepted by the Government, to be placed on one of the four corners of Lafayette square. These four corners would thus ultimately be occupied by statues of Lafayette, Rochambeau, Von Steuben, and Kosciusko, all of whom in the stormy days which saw the birth of the Republic rendered service which can never be forgotten by our people.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 28, 1904.*

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. WEEMS was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of William Welsh, Fifty-seventh Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CUSHMAN for three days, on account of important business.

Mr. HEMENWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, submitting a report on the expenditures of recent appropriations for construction, equipment, and maintenance of buildings at military posts and stations for the conduct of post exchange, school, library, amusements, etc.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for a highway bridge across the Potomac—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting a revised estimate of appropriation for naval station at Olongapo, P. I.—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Civil Service Commission submitting an estimate of appropriation for traveling expenses—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, submitting papers relating to the claim of the Mitsui Bussan Kaisha, a Japanese corporation—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Willamette River opposite Albany, Oreg.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of State, transmitting, with inclosures, a recommendation that authority be given to invite the International Congress of Hygiene and Demography to meet in Washington in 1909—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9648) to amend the first section of an act providing that the circuit court of appeals for the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, approved January 30, 1903, reported the same without amendment, accompanied by a report (No. 608); which said bill and report were referred to the House Calendar.

Mr. PEARRE, from the Committee on the Judiciary, to which

was referred the bill of the House (H. R. 8335) to amend an act entitled "An act to determine the sessions of the circuit and district courts of the United States for the eastern district of Wisconsin," approved March 31, 1892, chapter 28, reported the same without amendment, accompanied by a report (No. 609); which said bill and report were referred to the House Calendar.

Mr. THOMAS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10142) authorizing the examination as a witness of the husband or wife of the defendant in criminal cases, reported the same without amendment, accompanied by a report (No. 610); which said bill and report were referred to the House Calendar.

Mr. ALLEN, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9331) to extend the time for completion of the East Washington Heights Traction Railroad Company, reported the same with amendment, accompanied by a report (No. 611); which said bill and report were referred to the House Calendar.

Mr. POWERS of Massachusetts, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 2871) to incorporate the Mutual Investment Fire Insurance Company of the District of Columbia, reported the same with amendment, accompanied by a report (No. 612); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10669) to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia, reported the same with amendment, accompanied by a report (No. 613); which said bill and report were referred to the House Calendar.

Mr. POWERS of Massachusetts, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10417) to prevent cruelty to certain animals in the District of Columbia, reported the same without amendment, accompanied by a report (No. 614); which said bill and report were referred to the House Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8686) to amend section 895 of the Code of Law for the District of Columbia, reported the same without amendment, accompanied by a report (No. 615); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10421) to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 616); which said bill and report were referred to the House Calendar.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. J. Res. 82) to extend the invitation of Congress to the Interparliamentary Union, and making an appropriation for the entertainment of its members, reported the same without amendment, accompanied by a report (No. 619); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 895) granting an increase of pension to Charles Disbrow, reported the same without amendment, accompanied by a report (No. 607); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 4344) for the relief of Vincenzo Gerardi, of Washington, D. C., reported the same with amendment, accompanied by a report (No. 617); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 2 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERLEY: A bill (H. R. 11270) to provide for the construction of a dam on the Ohio River at the head of the falls at Louisville, and so forth—to the Committee on Rivers and Harbors.

By Mr. SMALL: A bill (H. R. 11271) to amend section 2513, Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. MORRELL: A bill (H. R. 11272) for the erection of a monumental statue in the city of Washington D. C., to Rear-Admiral John A. Dahlgren—to the Committee on the Library.

By Mr. KINKAID: A bill (H. R. 11273) to amend the homestead laws as to certain unappropriated lands in Nebraska—to the Committee on the Public Lands.

By Mr. DANIELS: A bill (H. R. 11274) to establish four permanent military camp grounds in the States of Texas, Wisconsin, Pennsylvania, and California—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 11275) for opening Thirteenth street, and so forth—to the Committee on the District of Columbia.

Also, a bill (H. R. 11276) for opening Fourteenth street—to the Committee on the District of Columbia.

By Mr. BENNY: A bill (H. R. 11277) to extend the lien for mariners' wages to the masters of vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. LAMB: A bill (H. R. 11278) appropriating $1,200,000 to the Negro Development and Exposition Company of the United States of America—to the Committee on Appropriations.

By Mr. HAMILTON: A bill (H. R. 11279) to legalize and permit the maintenance of certain dams in and bridges over the St. Joseph River in the States of Indiana and Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERS: A bill (H. R. 11280) to provide for a survey of the mouth of Jordan River where the same empties into the Bay of St. Louis, in the State of Mississippi—to the Committee on Rivers and Harbors.

By Mr. SCARBOROUGH: A bill (H. R. 11281) to amend an act entitled "An act making appropriations for construction, repair, and preservation of public works on rivers and harbors, and for other purposes," approved June 13, 1902—to the Committee on Rivers and Harbors.

By Mr. GILLETT of Massachusetts (by request): A bill (H. R. 11282) providing for conditional retirement of employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 11283) providing for the erection of a statue of Abraham Lincoln at Washington, D. C.—to the Committee on the Library.

By Mr. SAMUEL W. SMITH: A bill (H. R. 11284) to transfer to the Secretary of the Interior such supervision of the Government Hospital for the Insane, Freedmen's Hospital and Asylum, and the Washington Hospital for Foundlings as may have been conferred upon the Board of Charities of the District of Columbia under the act approved June 6, 1900, creating such board—to the Committee on the District of Columbia.

By Mr. BABCOCK: A bill (H. R. 11285) to define the term "registered nurse" and to regulate the use thereof in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ALLEN: A bill (H. R. 11286) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations—to the Committee on the District of Columbia.

By Mr. HITT, from the Committee on Foreign Affairs: A bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905—to the Union Calendar.

By Mr. LOUDENSLAGER: A bill (H. R. 11288) granting pensions to certain soldiers and sailors who served in the war of the rebellion, and their widows—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 11289) to establish a fish-hatching and fish station in the State of Minnesota—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHIRLEY: A bill (H. R. 11290) to establish a permanent military camp ground in the counties of Bullitt, Meade, and Hardin, in the State of Kentucky—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 11291) to regulate the hours of service and compensation of attendants and nurses at the Government Hospital for the Insane, in the District of Columbia—to the Committee on Appropriations.

By Mr. McDERMOTT: A joint resolution (H. J. Res. 94) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SCUDDER: A joint resolution (H. J. Res. 95) directing the Secretary of War to submit plans and estimates for a breakwater off and to the west of Hortons Point, Long Island Sound, in the county of Suffolk and State of New York, for establishment at said point of a harbor of refuge for the protection of shipping and the promotion of commerce—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 96) directing the Secretary of War to submit plans and estimates for dredging Greenport

Harbor and Sterling Basin, all in the county of Suffolk and State of New York—to the Committee on Rivers and Harbors.

By Mr. ACHESON: A joint resolution (H. J. Res. 97) proposing an amendment to the Constitution of the United States granting to Congress the power to establish uniform laws on the subject of divorces throughout the United States—to the Committee on the Judiciary.

By Mr. TAYLOR: A concurrent resolution (H. C. Res. 37) directing the Secretary of War to make survey of channel at Mobile Harbor, Alabama, from its entrance to the head of Spanish River and submitting an estimate of the cost of obtaining a channel—to the Committee on Rivers and Harbors.

By Mr. OTJEN: A concurrent resolution (H. C. Res. 38) accepting statue of James Marquette and giving thanks to the people of Wisconsin therefor—to the Committee on the Library.

By Mr. VAN DUZER: A resolution (H. Res. 192) requesting the Secretary of War to furnish a statement showing whether or not and to what extent and for what articles any officer or employee of the War Department, with authority to enter into any contract on behalf of the Government of the United States, has entered into any contract of purchase for any article of whatsoever nature or kind to be used by the army service, manufactured or made by contract labor—to the Committee on Military Affairs.

Also, a resolution (H. Res. 193) requesting the Postmaster-General to furnish a statement showing whether or not and to what extent and for what articles any officer or employee of the Post-Office Department, with authority to enter into any contract on behalf of the Government of the United States, has entered into any contract of purchase for any articles of whatsoever nature or kind to be used by the Post-Office Department, manufactured or made by contract labor—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Texas: A resolution (H. Res. 194) requesting the Attorney-General of the United States to send to the House for its information a full report showing, respectively, the dates when various suits were instituted—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 11292) granting a pension to Mesura A. Graham—to the Committee on Pensions.

By Mr. ALEXANDER: A bill (H. R. 11293) granting an increase of pension to Frank Fuchs—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 11294) granting an increase of pension to Mary Eaton Livingston—to the Committee on Pensions.

By Mr. BOWERSOCK: A bill (H. R. 11295) granting an increase of pension to James W. Cheney—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 11296) granting a pension to Henry K. Genschar—to the Committee on Invalid Pensions.

By Mr. BROOKS: A bill (H. R. 11297) granting an increase of pension to Charles H. Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11298) granting an increase of pension to George W. Taylor—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 11299) granting an increase of pension to Earl B. French—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 11300) granting pensions to officers and enlisted men of the Eighteenth Battalion and Nineteenth Regiment Kansas Volunteer Cavalry who served thirty days or more in the Sioux Indian war in 1867, 1868, and 1869, and for other purposes—to the Committee on Pensions.

By Mr. CANDLER: A bill (H. R. 11301) granting an increase of pension to Ellen Caroline Steele—to the Committee on Pensions.

By Mr. CASSEL: A bill (H. R. 11302) granting an increase of pension to Jacob Garner—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 11303) granting an increase of pension to Robert Balsking—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 11304) granting an increase of pension to James Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11305) granting an increase of pension to John E. Kingsbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11306) granting an increase of pension to William P. Stone—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 11307) granting a pension to W. W. Shock—to the Committee on Invalid Pensions.

By Mr. DAVIS of Florida: A bill (H. R. 11308) granting an increase of pension to Silas T. Overstreet—to the Committee on Pensions.

By Mr. DENNY: A bill (H. R. 11309) to grant an honorable discharge to Jacob Hahn, of the Navy—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 11310) granting a pension to John W. Swisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11311) granting a pension to Squire H. Stuck—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 11312) granting an increase of pension to Malana W. Brant—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 11313) for the relief of Anna C. Ray—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 11314) granting a pension to Margaret Flynn—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 11315) granting an increase of pension to Christian Mott—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 11316) granting an increase of pension to Daniel J. Nennemaker—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 11317) granting a pension to Samuel M. Coleman—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 11318) granting an increase of pension to Andrew J. McPike—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 11319) granting an increase of pension to Mary C. Arnold—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 11320) for the relief of Martha E. Conklin—to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 11321) granting a pension to Pauline W. Stuckey—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 11322) granting an increase of pension to John A. Stevens—to the Committee on Invalid Pensions.

By Mr. WILSON of Arizona: A bill (H. R. 11323) granting a pension to Isabella J. Wray—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 11324) granting an increase of pension to Charles Alfred De Arnaud—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 11325) granting an increase of pension to Jane S. Minor—to the Committee on Pensions.

By Mr. MORRELL: A bill (H. R. 11326) removing the charge of desertion from the military record of Jules Remmlein—to the Committee on Military Affairs.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 11327) granting a pension to Eliza C. Fink—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 11328) for the relief of Henry La Croix, of Algonac, Mich.—to the Committee on Claims.

By Mr. PORTER: A bill (H. R. 11329) granting an increase of pension to George Wineland—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 11330) granting a pension to William L. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11331) granting a pension to Peter M. Jumper—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11332) granting an increase of pension to Theodore S. Gillis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11333) to confer jurisdiction on the Court of Claims to hear and determine the claims of churches, lodges, and so forth—to the Committee on War Claims.

By Mr. SHAFROTH: A bill (H. R. 11334) for the relief of the estate of Hugh Davis, deceased, of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. SHIRAS: A bill (H. R. 11335) granting an increase of pension to John Trader—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 11336) granting an increase of pension to Samuel R. Hazen—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 11337) for the relief of G. H. Dearen—to the Committee on Claims.

By Mr. SMITH of New York: A bill (H. R. 11338) granting an increase of pension to Lewis B. Hook—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 11339) granting an increase of pension to Vatchel Carman—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 11340) granting a pension to Eliza Clune—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 11341) granting a pension to John H. Sumner—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 11342) granting an in-

crease of pension to Alfred S. Wood—to the Committee on Invalid Pensions.

By Mr. WEEMS: A bill (H. R. 11343) granting an increase of pension to Matthew S. Priest—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11344) granting a pension to Emma Bingham Pearce—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 11345) granting a pension to Joseph H. Huie—to the Committee on Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 11346) for the relief of Mrs. M. O. King—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the New York Zoological Society, praying for national protection for the Calaveras groves of big trees—to the Committee on the Public Lands.

Also, resolutions of Vennum Post, No. 471, of Milford, Ill., and L. B. Brown Post, No. 151, of Sheldon, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of the Savannah Cotton Exchange, praying for legislation to enable the Interstate Commerce Commission to fix freight rates in certain cases—to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: Resolution of James Ayer Post, No. 202, Grand Army of the Republic, of Angola, N. Y., in favor of the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Resolution of the Board of Trade of Brunswick, Ga., favoring bill H. R. 7637, for deepening the harbor at Brunswick, Ga.—to the Committee on Rivers and Harbors.

Also, resolution of the Chamber of Commerce and Commissioners of Pilotage of Savannah, Ga., protesting against passage of bill S. 2260—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Savannah Cotton Exchange, relative to enlarging power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Board of Trade of the city of Milledgeville, Ga., relative to legislation for good roads—to the Committee on Agriculture.

By Mr. BENNY: Papers to accompany bill H. R. 8918, to correct the military record of John Hunter—to the Committee on Military Affairs.

Also, paper to accompany bill granting increase of pension to Benjamin Manning—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: Petition of the pastors and 46 others, of Tallapoosa, Ga., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Brunswick (Ga.) Board of Trade, relative to improvement of inner harbor at Brunswick, Ga.—to the Committee on Rivers and Harbors.

Also, resolution of Brunswick (Ga.) Board of Trade, in favor of an isthmian canal—to the Committee on Interstate and Foreign Commerce.

Also, resolution of mayor and aldermen of the city of Brunswick, Ga., relative to improvement of inner harbor and ocean bar at Brunswick, Ga.—to the Committee on Rivers and Harbors.

By Mr. BURKETT: Petition of residents of Nebraska, against sale of liquor in Government buildings and Soldiers' Homes—to the Committee on Alcoholic Liquor Traffic.

By Mr. BUTLER of Pennsylvania: Resolution of Grand Army of the Republic Post No. 130, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CLARK: Petition of J. W. Hulse and 42 others, of Wellsville, Mo., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of W. H. Brown and 26 others, of Bangor; Ernest Brewer and 49 others, of Gladbrook, and Rev. C. E. Foster and 23 others, of Toledo, all in Iowa, in favor of the enactment of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DANIELS: Petition of residents of the County of Inyo, Cal., relative to a trail up Mount Whitney, California—to the Committee on Military Affairs.

Also, papers to accompany bill granting an increase of pension to William P. Stone—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolution of General Alexander Hays Post, No. 3, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DINSMORE: Papers to accompany bill granting a pension to Mary Begly—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Samuel P. Smith—to the Committee on Invalid Pensions.

By Mr. DOVENER: Affidavits in support of a bill for a pension for Squire H. Stuck—to the Committee on Invalid Pensions.

Also, petition of John W. Swisher for a special-act pension—to the Committee on Invalid Pensions.

By Mr. FULLER: Resolutions of Francis M. Lane Post, No. 247, of Ransom, Ill., and Barnes Post, No. 395, of Kingston, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAMLIN: Papers to accompany a bill granting a pension to Samuel M. Coleman—to the Committee on Invalid Pensions.

By Mr. HARDWICK: Papers to accompany bill H. R. 4926—to the Committee on Claims.

Also, resolutions of Board of Trade of Brunswick, Ga., in support of bill H. R. 7637—to the Committee on Rivers and Harbors.

Also, resolutions of the Cotton Exchange of Savannah, Ga., as to unjust discriminations in tariff rates between different sections and localities—to the Committee on Interstate and Foreign Commerce.

Also, petition of certain commercial bodies of Savannah, Ga., protesting against bill S. 2260—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill H. R. 5998—to the Committee on Claims.

By Mr. HAUGEN: Petition of citizens of Decorah, Iowa, protesting against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HEDGE: Resolution of McFarland Post, No. 20, Grand Army of the Republic, of Mount Pleasant, Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petition of Joel Wolfe Post, No. 81, Grand Army of the Republic, of Rushville, Ind., urging passage of Hemenway service-pension bill—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Resolution of Burnside Post, No. 56, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Rev. C. E. Pomeroy and 47 others, of Murray, Iowa, in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HUFF: Resolution of Colonel Joseph H. Wilson Post, No. 496, Grand Army of the Republic, Department of Pennsylvania in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LAMB: Petition of the Negro Development and Exposition Company of the United States, relative to an exhibition of the achievements of the negroes of this country—to the Committee on Industrial Arts and Expositions.

By Mr. LINDSAY: Letter of Rev. Lindsay Parker, D. D., of Brooklyn, N. Y., and others, in favor of bill relative to the recognition and promotion of army chaplains—to the Committee on Military Affairs.

By Mr. LIVINGSTON: Resolution of Savannah Cotton Exchange, in favor of enlarging the powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. McCARTHY: Resolution of the Fremont Commercial Club, of Fremont, Nebr., relative to the reorganization of the consular system—to the Committee on Foreign Affairs.

By Mr. OLMSTED: Resolution of Captain William Tice Post, No. 471, and Colonel Simmons Post, No. 116, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of the B. Y. P. U. Society of Downs, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RICHARDSON of Alabama: Papers to accompany bill H. R. 10099, granting a pension to Harrison Cook—to the Committee on Pensions.

By Mr. RIXEY: Petition of William T. Smith and 6 others, of Lincoln, Va., and Rev. W. H. Ballenger and 43 others, of Warrenton, Va., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of A. L. Randall and 75 members of the Automobile Club of Fort Wayne, Ind., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. SMITH of Kentucky: Papers to accompany bill H. R. 10079, granting an increase of pension to Francis Marion Hatter—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 7507, to correct military record of Daniel F. Tracey—to the Committee on Military Affairs.

By Mr. SPALDING: Petition of citizens of Morton County,

N. Dak., relative to the division of the Bismarck land district—to the Committee on the Public Lands.

By Mr. SPIGHT: Papers to accompany bill H. R. 10745, for relief of heirs of Mrs. Polly Callahan—to the Committee on War Claims.

By Mr. THOMAS of Iowa: Papers to accompany bill granting an increase of pension to Clark Robinson—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Papers to accompany bill granting an increase of pension to Silas Soules—to the Committee on Invalid Pensions.

By Mr. WEEMS: Papers to accompany bill H. R. 9289, granting a pension to Theodore T. Bruce—to the Committee on Invalid Pensions.

By Mr. WOODYARD: Petition of E. J. Woofter and 41 others, of Harrisville, W. Va., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

SENATE.

FRIDAY, *January 29, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consant, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, there being no objection.

REPORT OF COMMISSIONER OF PATENTS.

The PRESIDENT pro tempore laid before the Senate the annual report of the Commissioner of Patents for the fiscal year ended December 31, 1903; which was referred to the Committee on Printing.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 196) granting a pension to Grace E. Carson;

A bill (H. R. 227) granting a pension to Margaret Cotter;

A bill (H. R. 616) granting an increase of pension to Sarah S. Chrysler;

A bill (H. R. 895) granting an increase of pension to Margaret M. Walker;

A bill (H. R. 1908) granting an increase of pension to Harvey D. Barr;

A bill (H. R. 2139) granting an increase of pension to James W. Kight;

A bill (H. R. 2424) granting a pension to Emma Butler;

A bill (H. R. 4200) granting an increase of pension to Milton H. Sweet;

A bill (H. R. 4916) granting an increase of pension to Allen M. Pierce;

A bill (H. R. 5010) granting a pension to Mary F. Hamilton;

A bill (H. R. 5048) granting a pension to William H. Harrison;

A bill (H. R. 5464) granting an increase of pension to Francis M. Northern;

A bill (H. R. 5559) granting an increase of pension to Josephine C. Chase;

A bill (H. R. 5841) granting an increase of pension to Abraham Wilson;

A bill (H. R. 6932) granting an increase of pension to Harvey R. King;

A bill (H. R. 7849) to authorize the county of Poinsett, in the State of Arkansas, to construct a bridge across the St. Francis River at or near the town of Marked Tree, in said county and State;

A bill (H. R. 9292) in relation to business streets in the District of Columbia; and

A bill (S. 2121) to amend an act entitled "An act providing for public printing and binding and distribution of public documents."

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of David A. Russell Post, No. 78, Department of Massachusetts, Grand Army of the Republic, of Whitman, Mass., and a petition of E. V. Sumner Post, No. 19, Department of Massachusetts, Grand Army of the Republic, of Fitchburg, Mass., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the Alden Club, of Franklin; of the Woman's Club of Worcester, and of the Woman's Christian Temperance Union of Dorchester, all in the State of Massachusetts, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BURROWS presented a petition of the city council of Detroit, Mich., praying that an appropriation be made for the construction of a bridge over the Detroit River; which was referred to the Committee on Commerce.

Mr. HOAR presented a memorial of the national executive committee of the National German-American Alliance of the United States and a memorial of sundry German-American citizens of Montgomery County, Ohio, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Methodist Episcopal Church of Long Lake, N. Y., and of the congregations of the Methodist Episcopal, Presbyterian, and First Baptist churches of Vineland, in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Methodist Episcopal Church, of the Epworth League, and of the Woman's Christian Temperance Union, all of Blackstone, in the State of Massachusetts, praying for the enactment of legislation to prevent the nullification of State liquor laws by original packages and other "interstate-commerce tricks;" which were referred to the Committee on the Judiciary.

He also presented a petition of Lodge No. 88, Brotherhood of Railroad Trainmen, of Worcester, Mass., praying for the passage of the so-called Grosvenor anti-injunction and conspiracy bill; which was referred to the Committee on the Judiciary.

He also presented the memorial of F. H. Gibson, of Wellesley, Mass., remonstrating against the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented the memorial of F. H. Gibson, of Wellesley, Mass., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Boston, Mass., and a petition of the Board of Trade of Gloucester, Mass., praying for the enactment of legislation providing for the destruction of derelicts in the North Atlantic Ocean; which were referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Boston, Mass., and a petition of the Board of Trade of Gloucester, Mass., praying for the establishment of a permanent treaty of arbitration between the United States and the United Kindom of Great Britain and Ireland; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Boston, Mass., and a petition of the Board of Trade of Gloucester, Mass., praying for the enactment of legislation to reorganize the consular service of the United States; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Boston, Mass.; praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Gloucester, Mass., praying for the enactment of legislation to create a commission to consider and recommend legislation for the development of the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Merchants' Association of Boston, Mass., praying for the enactment of legislation to place coal permanently on the free list; which was referred to the Committee on Finance.

He also presented the petition of Mrs. Moore Murdock, national commandant of the Dames of 1846, praying for the enactment of legislation to increase the pensions of veterans of the Mexican war; which was referred to the Committee on Pensions.

He also presented petitions of H. M. Warren Post, No. 12, of Wakefield; of E. V. Sumner Post, No. 19, of Fitchburg, and of David A. Russell Post, No. 78, of Whitman, all of the Department of Massachusetts, Grand Army of the Republic, in the State of Massachusetts, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of W. L. Nye and 24 other citizens of Berkshire County; of the Worcester Woman's Club, of Worcester; of the Woman's Christian Temperance Union of Westfield, and of the Waltham Woman's Club, of Waltham, all in the State of Massachusetts, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented the petition of J. B. Ireland and 10 other citizens of Athol, Mass., and a petition of the Woman's Christian Temperance Union of Blackstone, Mass., praying for the enact-

ment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of New Haven, Conn., praying that before the final ratification of the Hay-Varilla treaty the action of the United States may be subjected to a careful and deliberate investigation; which was referred to the Committee on Foreign Relations.

Mr. McCOMAS presented a petition of Local Division No. 5, Ancient Order of Hibernians, of Baltimore, Md., praying for the enactment of legislation providing for the erection of a statue at Washington, D. C., to Commodore Barry, "Father of the American Navy;" which was referred to the Committee on the Library.

He also presented a petition of the Chamber of Commerce of Baltimore, Md., praying for the establishment of the principle of arbitration and securing treaties with all foreign nations and to submit differences which may arise to arbitration when they have failed of settlement through diplomatic channels; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Missionary Society of the Buckingham Presbyterian Church, of Berlin, Md., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. BERRY presented sundry papers to accompany the bill (S. 3642) for the relief of the trustees of the Baptist Church, Pine Bluff, Ark.; which were referred to the Committee on Claims.

Mr. DEPEW presented sundry papers to accompany the bill (S. 3384) for the relief of the heirs and legal representatives of those civilian employees of the Government who were killed by the explosion of gunpowder and 13-inch shell at the United States naval magazine, Iona Island, N. Y.; which were referred to the Committee on Claims.

Mr. CULLOM presented a petition of the Delavan Woman's Club, of Delavan, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of L. B. Brown Post, No. 151, of Sheldon; of Hiram McClintock Post, No. 667, of La Grange; of Robert Hale Post, No. 556, of Fulton; of Brewer Post, No. 577, of Walnut; of Rochelle Post, No. 546, of Rochelle; of Vennum Post, No. 796, of Milford, and of Pulaski Post, No. 796, of Pulaski, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. FOSTER of Washington presented a petition of the Good Roads' Association of Island County, Wash., praying for the enactment of legislation providing for the construction of good roads in the country; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the German Methodist Episcopal Church, of Walla Walla, Wash., and a petition of the congregation of the First Cumberland Presbyterian Church, of Walla Walla, Wash., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. STONE presented a petition of the Ministerial Association of Springfield, Mo., praying for the enactment of legislation to prevent nullification of State liquor laws and no-license ordinances by so-called "original-package" and other "interstate-commerce" tricks; which was referred to the Committee on the Judiciary.

He also presented a petition of Mound City Council, No. 207, United Commercial Travelers, of St. Louis, Mo., praying for the adoption of an amendment to section 64 of the present bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. S OTT presented a petition of the congregation of the Methodist Episcopal Church and the Woman's Christian Temperance Union of Amos, W. Va., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 3788) to provide for an examination to determine the feasibility of reclaiming the overflowed lands of the Kootenai River in northern Idaho and Montana; which were referred to the Committee on the Geological Survey.

Mr. PLATT of Connecticut. I present a petition of about 150 leading citizens of New Haven, comprising business men, professional men, and professors of Yale College, praying for a ratification of the Hay-Varilla treaty. I suppose it is really a matter for executive session, but as the treaty has been made public I think I may present it in the open session. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. FRYE presented petitions of the Woman's Christian Temperance Union of Fairfield and of the congregation of the First Baptist Church of Fairfield, in the State of Maine, and of the Woman's Christian Temperance Union of Enfield, N. C., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

PRESERVATION OF FRIGATE CONSTITUTION.

Mr. HOAR. I present a memorial of the Massachusetts Historical Society, Charles F. Adams, president, and others, relative to the preservation of the U. S. frigate *Constitution*. The memorial relates to a matter of great historical interest. I understand that it was written by Mr. Charles F. Adams. It states the case in his accustomed admirable fashion. I ask that it be printed in the RECORD.

There being no objection, the memorial was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, as follows:

Memorial.

To the Senate and House of Representatives of the United States:

Your memorialists, the Council of the Massachusetts Historical Society, acting under its instructions, would respectfully call the attention of your honorable bodies to certain facts connected with the United States frigate *Constitution*.

That vessel is now lying at Charlestown, Mass., in a dock also used by the steamships of the so-called White Star Line; she is dismantled, out of repair, and liable at any time to injury from carelessness or accident, if not to destruction. Your memorialists further represent that in the American mind an historical interest attaches to the *Constitution* such as attaches to no other ship in maritime annals except, possibly, the *Santa Maria*, the flagship of Columbus, and the *Mayflower*, both of which disappeared centuries ago. The *Constitution* still remains; and it was the *Constitution* which, in the gloomiest hour of the war of 1812-1814, appeared "like a bright gleam in the darkness." On the 16th of August of that year Detroit, with all its garrisons, munitions, and defenses, was surrendered to the British forces; on the same day Fort Dearborn, at what is now Chicago, was in flames, and with it "the last vestige of American authority on the Western Lakes disappeared." The discouragement was universal, and the sense of national humiliation extreme; for it seemed doubtful if even the interior line of the Wabash could be successfully held against an enemy flushed with success. The prophet of yet other disasters immediately impending was abroad, and, according to his wont, further depressed the already disheartened land. It was in this hour of deepest gloom that, on the morning of Sunday, August 30, the Sabbath silence of Boston was broken and the town stirred to unwonted excitement "as the news passed through the quiet streets that the *Constitution* was below, in the outer harbor, with Dacres," of the *Guerriere*, "and his crew of prisoners on board." Thus it so chanced that the journal which the next morning informed Bostonians of the Detroit humiliation in another column of the same issue announced that naval action which, "however small the affair might appear on the general scale of the world's battles, raised the United States in one-half hour to the rank of a first-class power in the world." The jealousy of the Navy, which had until then characterized the more recent national policy, vanished forever "in the flash of Hull's first broadside." The victory, moreover, was most dramatic—a naval duel. The adversaries—not only commanders, but ship's companies to a man—had sought each other out for a test of seamanship, discipline, and gunnery; arrogance and the confidence of prestige on the one side, a passionate sense of wrong on the other. They met in mid-Atlantic—frigate to frigate. It was on the afternoon of August 19, the wind blowing fresh, the sea running high. For about an hour the two ships maneuvered for position; but at last, a few minutes before 6 o'clock, "they came together side by side, within pistol shot, the wind almost astern, and, running before it, they pounded each other with all their strength. As rapidly as the guns could be worked the *Constitution* poured in broadside after broadside, double-shotted with round and grape; and, without exaggeration, the echo of those guns startled the world." Of her first broadside in that action the master of an American brig, then a captive on board the British ship, afterwards wrote: "About 6 o'clock I heard a tremendous explosion from the opposing frigate. The effect of her shot seemed to make the *Guerriere* reel and tremble as though she had received the shock of an earthquake." "In less than 30 minutes from the time we got alongside of the enemy," reported Captain Hull to the Secretary of the Navy, "she was left without a spar standing and the hull cut to pieces in such a manner as to make it difficult to keep her above water."

The historian has truly said of that conflict: "Isaac Hull was nephew to the unhappy General [who, three days before the *Constitution* overcame the *Guerriere*, had capitulated at Detroit], and perhaps the shattered hulk of the *Guerriere*, which the nephew left at the bottom of the Atlantic Ocean, 800 miles east of Boston, was worth for the moment the whole province which the uncle had lost, 800 miles to the westward. * * * No experience of history ever went to the heart of New England more directly than this victory, so peculiarly its own; but the delight was not confined to New England, and extreme though it seemed, it was still not extravagant."

Therefore it is that the Massachusetts Historical Society, already in 1812 an organization more than twenty years in existence, now directs this memorial to be submitted, she, the oldest among them, speaking through her council for all other similar societies throughout New England. In so doing, it is needless to enter into the earlier and later history of what was essentially the "fighting frigate" of the first American Navy; for, in the memory of the people of the United States, the *Constitution* is, throughout her long record, inseparably associated with feats of daring and seamanship—devotion and dash—than which none in all naval history are more skillful, more stirring, or more deserving of commemoration. How can they be so effectively commemorated as by the pious and lasting preservation of the ancient ship, now slowly rotting at the wharf opposite to which she was launched six years more than a century ago?

And while the name of the *Constitution* is thus not only synonymous with courage, seamanship, patriotism, and unbroken triumph, the ship herself is typical of a maritime architecture as extinct as the galley or the trireme. She slid from the ways at what is still known in her honor as Constitution Wharf, in Boston Harbor, ten months before Nelson won the battle of the Nile and eight years to a day before his famous flagship, the *Victory*, bore his broad pennant in triumph through the Franco-Spanish line off Trafalgar; and your memorialists hold that, in the eyes and minds of the people of the United States, no less an interest and sentiment attach to the *Constitution* than in Great Britain attach to the *Victory*. The *Constitution* in the days of

our deep tribulation did more for us than ever even the flagship of Nelson did for England, and thenceforth she has been to Americans as a sentient being, to whom gratitude is due.

Yet by Great Britain the *Victory* ever has been and now is tenderly cared for and jealously preserved among the most precious of national memorials. As such, it is yearly visited by thousands, among whom Americans are not least in number. The same care has not been extended over the *Constitution*, and yet your memorialists would not for a moment suggest, nor do they believe, that the people, the Parliament, or the Government of Great Britain are more grateful, more patriotic, or endowed with a keener sense of pride than the people, the Congress, or the Administration of the United States. As for the people, the contrary is, in case of the *Constitution*, incontrovertibly proven by the names of the thousands of pilgrims from all sections of the country annually inscribed on her register. So far as the Government is concerned, its failure to take measures for the lasting preservation of the old ship has been due, in the opinion of your memorialists, neither to indifference nor to an unworthy spirit of thrift, but to the fact that, amid the multifarious matters calling for immediate action, the preserving of an old-time frigate, even though freighted with glorious memories, has been somewhat unduly, though not perhaps unnaturally, deferred to a more opportune occasion.

None the less, the *Constitution* "is the yet living monument not alone of her own victories, but of the men behind the guns who won them. She speaks to us of patriotism and courage, of the devotion to an idea and to a sentiment for which men laid down their lives." Therefore your memorialists would respectfully ask that immediate provision be made to the end that the course pursued by the British Admiralty in the case of the *Victory* may be pursued by our Navy Department in the case of the *Constitution*. We accordingly pray your honorable bodies that the necessary steps forthwith be taken for preserving the "fighting frigate" of 1812; that she be renewed, put in commission as a training ship, and at suitable seasons be in future stationed at points along our coast where she may be easily accessible to that large and ever-increasing number of American citizens who, retaining a sense of affection as well as deep gratitude to her, feel also a patriotic and an abiding interest in the associations she will never cease to recall.

And your memorialists will ever pray, etc.

REPORTS OF COMMITTEES.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 2547) for the relief of the owners and crew of the schooner *Ella M. Doughty*, reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 3626) to regulate the employment of officers of the Army on the retired list, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 803) for the relief of John Stewart, reported it with an amendment, and submitted a report thereon.

Mr. STONE, from the Committee on Commerce, to whom was referred the bill (H. R. 7620) defining the limit of navigation of the Osage River in the State of Missouri, reported it without amendment, and submitted a report thereon.

Mr. LONG, from the Committee on Indian Affairs, to whom was referred the bill (S. 713) for the relief of Rev. Charles Wright, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1633) permitting the Kiowa, Chickasha and Fort Smith Railway Company to sell and convey their railroads and other property in the Indian Territory to the Atchison, Topeka and Santa Fe Railway Company, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2268) to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (S. 1426) to prevent the desecration of the American flag, reported it with amendments, and submitted a report thereon.

He also, from the Committee on the Census, to whom was referred the bill (S. 3292) amendatory of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, reported it without amendment, and submitted a report thereon.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3842) to amend an act entitled "An act amending the civil code of Alaska providing for the organization of private corporations, and for other purposes," approved March 2, 1903, to ask to be discharged from its further consideration, and that it be referred to the Committee on Territories. The civil code of Alaska was considered and reported by the Committee on Territories, which committee also had under consideration this subject of corporations in the last Congress.

The PRESIDENT pro tempore. The Committee on the Judiciary will be discharged from the further consideration of the bill, and it will be referred to the Committee on Territories, there being no objection.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3597) for the relief of Vincenzo Gerardi, of Washington, D. C., reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Indian Affairs, to whom was referred the bill (S. 1974) amending the act of Congress approved January 26, 1895, entitled "An act authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes," reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (S. 2434) providing for a superintendent of the fire department of the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. FOSTER of Washington, from the Committee on the District of Columbia, to whom was referred the bill (S. 2884) to amend section 895 of the code of law for the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8748) for the relief of Serenus Kilbourne, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 3828) to provide for the settlement of certain claims of officers and enlisted men of the Army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 2021) for the relief of John Wesley Hoyt, reported it without amendment, and submitted a report thereon.

ALFONSO ZELAYA.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 34) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Alfonso Zelaya, of Nicaragua, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISIANA PURCHASE EXPOSITION.

Mr. BURNHAM. In the absence of the chairman of the Committee on Printing, I report for him with a favorable recommendation the amendment of the House of Representatives to the concurrent resolution providing for the printing of copies of the statement of receipts and expenditures of the Louisiana Purchase Exposition, and I ask for its present consideration.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

The amendment of the House was, to strike out all after the resolving clause and to insert:

That the Public Printer be authorized and directed to print and bind in paper covers 15,000 additional copies of the statement of the receipts and expenditures of the Louisiana Purchase Exposition from the date of incorporation to September 30, 1903, with the accompanying report submitted by the national commission of said exposition, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

Mr. BURNHAM. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BURNHAM introduced a bill (S. 3933) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3934) granting a pension to Susan E. Bellows; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 3935) granting a pension to Mary Cornelia Hays Ross; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 3936) granting an increase of pension to Sylvania S. Cheney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3937) to relieve foreign commerce and acts and contracts in reasonable restraint of trade and commerce among the several States from the provisions of the act to regulate commerce, approved February 4, 1887, and the act to protect trade and commerce against unlawful restraints and monop-

olies, approved July 2, 1890; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. BURROWS introduced a bill (S. 3938) for the relief of George H. White; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. NELSON introduced a bill (S. 3939) granting an increase of pension to James Miller; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 3940) for the relief of the trustees of the Old School Presbyterian Church, of Helena, Ark.; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 3941) for the relief of James W. Watson, captain in Tenth Cavalry, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTUS introduced a bill (S. 3942) to carry into effect the findings of the Court of Claims in the matter of the claim of John A. Johnson, administrator of the estates of Maria Johnson and Sarah E. Ware, deceased; which was read twice by its title, and, with the findings of the Court of Claims, referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 3943) to encourage telegraph communication between the United States, Alaska, the Aleutian Islands, Siberia, Manchuria, China, the Japanese Empire, and the Philippine Islands; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. LODGE introduced a bill (S. 3944) for the relief of G. F. Tarbell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. FOSTER of Washington introduced a bill (S. 3945) granting an increase of pension to Lewis Lewis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3946) granting an increase of pension to Jesse Bright; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3947) granting an increase of pension to A. L. Kneeland;

A bill (S. 3948) granting a pension to Thomas O'Connor;

A bill (S. 3949) granting an increase of pension to Benjamin F. Spear; and

A bill (S. 3950) granting an increase of pension to Edward Blaisdell.

Mr. HOAR introduced a bill (S. 3951) to correct the military record of Michael J. Kelley; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DEPEW introduced a bill (S. 3952) for the relief of James E. Simpson, jr., Alfred H. Simpson, and Willie E. Simpson, surviving copartners of the firm of J. E. Simpson & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3953) granting an increase of pension to Thomas L. Sanborn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 3954) providing for the deposit of a model of any vessel of war of the United States Navy bearing the name of a State or city of the United States in the capitol building or city hall of said State or city; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3955) granting a pension to Amelia Xandry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 3956) granting an increase of pension to Patrick Fleming; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3957) granting a pension to Isabel F. Easum; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 3958) granting an increase of pension to Julia A. Daily; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FORAKER submitted an amendment proposing to appropriate $2,000 to pay the superintendent of insurance of the District of Columbia the balance of his salary due from July 1, 1902, and from July 1, 1903, as fixed by the amended code of law of the District of Columbia, approved June 30, 1902, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

HEARINGS BEFORE COMMITTEE ON PUBLIC LANDS.

Mr. HANSBROUGH submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands be, and the same is hereby, authorized to employ during the Fifty-eighth Congress a stenographer, from time to time as may be necessary, to report such hearings as may be had by the committee or its subcommittees in connection with any matter which may be before the committee, the expense thereof to be paid out of the contingent fund of the Senate, and that the committee be authorized to have such hearings printed.

LAND IN ST. AUGUSTINE, FLA., FOR SCHOOL PURPOSES.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 3479) making provision for conveying in fee certain public grounds in the city of St. Augustine, Fla., for school purposes.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Education and Labor with an amendment, to strike out all after the enacting clause and insert:

That any conveyance heretofore or hereafter made by the mayor of St. Augustine, Fla., to the board of public instruction of St. John County, Fla., of that certain tract or parcel of ground situate in the said city of St. Augustine, Fla., known as the "old burnt hospital lot," heretofore conveyed by the United States Government to the mayor of St. Augustine, Fla., in trust for school purposes, be, and the same is hereby, authorized, ratified, and confirmed; and the title in and to said lot, upon such conveyance being made, shall vest the title to said ground in fee in the board of public instruction of St. John County, Fla., aforesaid. And the said board of public instruction of St. John County, Fla., is hereby authorized to sell and convey said lot of ground, and to use and appropriate the proceeds thereof in the erection and construction of a public school building in said city of St. Augustine, Fla.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DIPLOMATIC CORRESPONDENCE RELATIVE TO PANAMA, ETC.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution submitted by the Senator from Texas [Mr. CULBERSON], which will be stated.

The SECRETARY. Senate resolution 104, by Mr. CULBERSON, requesting the President to inform the Senate whether all correspondence, etc., between the Department of State and the legation of the United States at Bogota has been sent to the Senate.

Mr. CULLOM. The Senator from Mississippi [Mr. McLAURIN] is entitled to the floor.

Mr. COCKRELL. The Senator from Mississippi has yielded to me for a few moments.

Mr. President, in the discussion yesterday something was said in regard to what occurred in the Administration of President Cleveland, and it was attempted to make that a precedent for a refusal to pass this resolution. That was an entirely different case. I read from the Journal of the Senate, which shows the view, and what was the subject-matter of the controversy there. Here is a resolution that was passed by the Senate on the 18th of February, 1886. It was reported by Senator Edmunds:

Resolved, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

That shows the gist of the contention at that time. Now, I read from Mr. Cleveland's message of March 1, 1886, on page 350 of the Journal of that time. I will read only a few extracts, simply to show what was the contention:

While, therefore, I am constrained to deny the right of the Senate to the papers and documents described, so far as the right to the same is based upon the claim that they are in any view of the subject official, I am also led unequivocally to dispute the right of the Senate, by the aid of any documents whatever, or in any way save through the judicial process of trial on impeachment, to review or reverse the acts of the Executive in the suspension, during the recess of the Senate, of Federal officials.

I believe the power to remove or suspend such officials is vested in the President alone by the Constitution, which in express terms provides that "the executive power shall be vested in a President of the United States of America," and that "he shall take care that the laws be faithfully executed."

The Senate belongs to the legislative branch of the Government. When the Constitution by express provision superadded to its legislative duties the right to advise and consent to appointments to office and to sit as a court of impeachment, it conferred upon that body all the control and regulation of Executive action supposed to be necessary for the safety of the people; and this express and special grant of such extraordinary powers, not in any way related to or growing out of general Senatorial duty, and in itself a departure from the general plan of our Government, should be held, under a familiar maxim of construction, to exclude every other right of interference with Executive functions.

In the first Congress which assembled after the adoption of the Constitution, comprising many who aided in its preparation, a legislative construction was given to that instrument in which the independence of the Executive in the matter of removals from office was fully sustained.

Now, about the law of 1867, Mr. Cleveland said:

> The first enactment of this description was passed under a stress of partisanship and political bitterness which culminated in the President's impeachment.
>
> This law provided that the Federal officers to which it applied could only be suspended during the recess of the Senate when shown by evidence satisfactory to the President to be guilty of misconduct in office, or crime, or when incapable or disqualified to perform their duties, and that within twenty day's after the next meeting of the Senate it should be the duty of the President "to report to the Senate such suspension, with the evidence and reasons for his action in the case."
>
> This statute, passed in 1867, when Congress was overwhelmingly and bitterly opposed politically to the President, may be regarded as an indication that even then it was thought necessary by a Congress determined upon the subjugation of the Executive to legislative will to furnish itself a law for that purpose, instead of attempting to reach the object intended by an invocation of any pretended constitutional right.
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> The requests and demands which by the score have for nearly three months been presented to the different Departments of the Government, whatever may be their form, have but one complexion. They assume the right of the Senate to sit in judgment upon the exercise of my exclusive discretion and executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office. My oath to support and defend the Constitution, my duty to the people who have chosen me to execute the powers of their great office and not to relinquish them, and my duty to the Chief Magistracy, which I must preserve unimpaired in all its dignity and vigor, compel me to refuse compliance with these demands.

Mr. President, this is not that case. There is no parallel between them. That was in regard to removals from office. That was the main contention. I am far from any desire to encroach upon the constitutional prerogatives of the President. I believe that the perpetuity of our institutions and of our Government will depend upon keeping the different branches of the Government separate and distinct, that the legislative branch should not encroach upon the executive branch nor upon the judiciary, nor should either of them encroach upon the rights of the legislative branch.

Mr. President, under our Constitution the President has the right to remove an incumbent from office, and we can ask him no questions about it. That has been determined from the beginning. But when it comes to a finished act, in which the concurrence of the Senate is necessary, the Senate has a right, a constitutional right, to all the papers and documents relating to that question. I do not think there can be any doubt of this.

I was very much astonished that the distinguished Senator from Wisconsin [Mr. SPOONER] took such a broad position in regard to it. I say we have no right whatever to inquire of the President, to demand of him anything in regard to an unfinished matter. If he is about to negotiate a treaty, we have no right to inquire what he is doing. We have no right to do anything of the kind. But when he has negotiated a treaty and that treaty has to be ratified by the Senate before it becomes effective, and we have to advise and consent to its ratification, we then have a right to know why he did it and what are the papers in regard to it. That, I say, is a clear right, and I do not believe there is any President who will refuse it.

This resolution is not for the purpose of casting any reflections upon the present Executive. There is no such intention. It is simply that we ask what are all the papers now in regard to this transaction. There is nothing upon the record which shows that the President has transmitted all of them. He has not said so. We do not know whether there are any not transmitted or not. If there are any, we should like to see them. Such a request never has been refused, I believe, in a solitary instance. The information can be given to us, and it must be confidential. This resolution asks that it be given to us in confidence—that it be given to the Senate in executive session.

Now, where is the instance when such a request has been refused? Suppose it is a very important matter; have we not had precedents in the past? Have we not had them here? Have not Senators now upon this floor seen a case in which a paper was sent here confidentially and exhibited, and that paper is not to be found upon any record? It is not upon our records here. It is not in any printed publication. It is not in any one of the numerous communications that were made to the Senate in regard to the transaction about which it was furnished us. There are other instances in the history of the country.

If there is anything that the President does not think at this time it would be judicious to make public, still he ought to communicate it to us. He can send the original paper here and we will treat it, as it always has been treated when such communications have been made to us, in the strictest confidence, and no record will be made of it.

This is not an encroachment, in my judgment, upon the rights of the Executive in any shape, manner, or form. If it were I would not support it. I believe the distinction is clear and must be apparent to anyone who will examine it. We have no right to make inquiries when it is a matter that is being negotiated—when we are not called upon to do or say anything about it.

But when the act is consummated, when the treaty is agreed upon, and it can not become effective until we have advised and consented to it by the requisite vote in this body, we have the right, then, before we give our advice, before we give our consent, to know the whole transaction in regard to it; and if any of the papers are of such a character that it might not be wise and prudent just at this time that they should be made public, let them be communicated to us in confidence, as has been done heretofore in matters of very great importance and of a very confidential nature.

Therefore, I shall support this resolution without the words the Senator from Illinois has proposed to insert in it. I do not think that they are at all necessary.

Mr. MITCHELL. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. MITCHELL. Conceding that this is not a parallel case to that under the Cleveland Administration, and I concede that it is entirely different so far as that is concerned, conceding that it is a different case, can not the Senator from Missouri conceive of a case where we have a right to call upon the President to furnish papers wherein it might not be consistent with the public interest to furnish the papers?

Mr. COCKRELL. I will say that probably in nine-tenths of the cases in which Congress might call upon him it would be eminently proper to insert the words "if not incompatible with the public interest." But this is not one of those cases. We are not discussing that kind of a case.

Mr. MITCHELL. Can not the Senator see that even in the consideration of a treaty in reference to which the papers are called for, as in this case, there might be certain papers covered by the resolution that it might not be proper to furnish?

Mr. COCKRELL. I have said that there might be such a case, and I have shown the Senate two cases, practically—I have not named them, but you are all familiar with them—where information was called for, and it was thought by the Executive proper to give it out, and yet the paper itself was sent here. We had it here for inspection, and no record was ever made of it.

Mr. MITCHELL. The Senator from Missouri admits that we have a right to call for these papers, and he admits further that there might be a case where it would be improper and not consistent with the public interest to furnish certain papers.

Mr. COCKRELL. No.

Mr. MITCHELL. Why not then insert the amendment of the Senator from Illinois?

Mr. COCKRELL. No; I did not say it would be improper to furnish them. I say it is right that he should furnish them; but he can furnish them as has been done heretofore. He can send a paper here to the Senate and let the Senate examine it, though he does not want to commit it to a record which may be made for future reference. Let it be sent here and examined and be considered confidential if there is anything in it which is of a confidential nature. We have a right, I say, as a part of the executive authority in completing our part of this treaty, to the information which the President has, and if he does not want to communicate it to us in a public way he has precedents—several of them—for sending the information to us here in a confidential way and letting us examine it.

Mr. MITCHELL. But would it not be the more courteous and appropriate way to first insert in the resolution "if not inconsistent with the public interest;" and then if the President——

Mr. COCKRELL. No; I do not think it would.

Mr. MITCHELL. If he then replies that there are certain papers, there could be a further communication from the Executive.

Mr. COCKRELL. I do not think it is discourteous at all to pass a resolution calling for such information as we have a right to have. If it were anything that was not completed, if it was not a finished matter, if it was not something that we have to ratify or reject, I would say put that clause in, as a matter of course. But there is no necessity for the language to be inserted here. It is tweedledum and tweedledee so far as the practical effect of it is concerned. Why are Senators stickling so over this matter? Whatever the facts are, we should have them, simply because it is a constitutional right the Senate enjoys and it ought to assert it. It is no disrespect to the President when we do assert it and pass something that is clearly within our constitutional power, without any intention to reflect, directly or indirectly or remotely, in any shape, manner, or form upon the President of the United States.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. COCKRELL. Certainly.

Mr. SPOONER. If this is a mere matter of tweedledum and tweedledee, I can not understand why such strenuous objection should be made to putting in the resolution the phraseology we usually do.

Mr. COCKRELL. This is our resolution, and you are trying to force this amendment upon us.

Mr. SPOONER. Your resolution!

Mr. COCKRELL. And this is your amendment. If the resolution goes through it will be a resolution of the Senate.

Mr. SPOONER. I supposed it was a Senate resolution; that it was no more yours than ours.

Mr. COCKRELL. You say "yours" and "ours." This is not a political question.

Mr. SPOONER. No.

Mr. COCKRELL. There is no politics in it in any shape, manner, or form; but we of the minority have been recognized as offering the resolution, and although we have the right, the constitutional right, and when we have told you that it is no reflection on anybody, that it is in pursuance of that constitutional right, yet you try to force an amendment here, for which I see no occasion in the world.

Mr. MCLAURIN. Mr. President, I shall endeavor to put the ideas I have in reference to this resolution in as few words as possible, in order to make myself intelligible to the Senate. I must submit at the outset, however, that I am not familiar with precedents which have been discussed by Senators during the consideration of this resolution. I have gotten more information as to those precedents from this discussion than I have from any reading of the precedents themselves.

I will say further that I do not think it proper for a Senator, in discussing any resolution in open Senate, to give expression as to how he is going to vote on the treaty when it comes to its final action in the Senate. That is a matter for executive session, and as much one of the secrets of executive session as anything else.

Before proceeding to a discussion of what I consider the real question contained in this resolution, I want to make an observation in reference to what was said yesterday by the Senator from Illinois [Mr. CULLOM], that this resolution was submitted apparently for the purpose of obtaining some party advantage. It was not introduced for that purpose. I am free to confess that, so far as I am concerned, I am glad when any transaction in the Senate, or in the other House of Congress, or in the executive department redounds to the benefit of the party to which I belong—the Democratic party—but I subordinate all considerations of party interest to my official duty to the entire country.

I can not conceive how there can be anything obtained of advantage to the Democratic party by this resolution, unless there is something behind, as the Senator says has been intimated—I do not think it has been intimated—unless there is something behind that the executive department is not willing for the Senate to know. Assuming, as I do, that there is nothing of that kind in any secret corner, I assert that the best service that can be rendered to the executive department is to give the President the opportunity to make public everything that has been done in reference to the establishment of the Panama Republic if there has not been anything improper done between the officers of this Government and the alleged officers of the so-called Panama Republic, and I assume that there has not been any improper thing done by any officer of our Government.

If the effort were on the part of the Democratic caucus to obtain advantage, the best way to thwart that effort, if there is nothing wrong in the conduct of the Administration in this matter, which I assume to be true, is to make everything public, without reference to the judgment of anybody, and that would be the best answer to any suggestion by anybody or any imputation upon the conduct of any officer of the Administration in connection with either the Panama or the Colombian Government or the Panama or Colombian authorities.

I want to make some observations in reference to the statement that was made yesterday by the junior Senator from Massachusetts [Mr. LODGE] that this resolution was a command to the President. It is not a command, but is cast in most respectful language, and in order to show that I will read the resolution entire:

Resolved, That the President be requested to inform the Senate whether all the correspondence and notes between the Department of State and the legation of the United States at Bogota, and between either of these and the Government of Colombia for the construction of an isthmian canal since June 28, 1902, and all the correspondence and notes between the United States and any of its officials or representatives or the Government of Panama, concerning the separation of Panama from Colombia, have been sent to the Senate; and if not, that he be requested to send the remaining correspondence and notes to the Senate in executive session.

So there is no suggestion of a command, but a request. If our position is correct, we request the President to grant to the Senate not a concession, but that to which the Senate is entitled. There can be no suggestion of discourtesy in the Senate's passing its judgment upon whether it wants that to which it is entitled or not; whether it ought to be sent or not, and not leaving it to the President to decide, because he is not asked to make public information that is in possession of the executive department of the Government, not asked to make any document or anything that has transpired between the executive department and any of its officers either in Colombia or Panama public, but to send it to the Senate in confidence, because when it is sent to the Senate in executive session it means to send it in confidence.

I resent the imputation of the Senator from Wisconsin [Mr. SPOONER] that the chairman of the Committee on Foreign Relations should have possession of any information from the executive department to which every Senator in this body is not equally entitled. It is the Senate and every member of it that is entitled to the information that is contained in the archives of the executive department. Every Senator is as much entitled to the information—in confidence, to be sure—as is the chairman of the Committee on Foreign Relations or any other Senator. The chairman of the Committee on Foreign Relations, when it comes to advising and consenting to the ratification of a treaty or the making of a treaty, has no more power and no more authority in this body than any other Senator.

The suggestion was made yesterday—I have not read the RECORD this morning—by the Senator from Rhode Island [Mr. ALDRICH] that probably there are some things transpiring now that we should not have, as they would throw no light on the situation. If they would not, no harm would be done, because nobody would know of it except Senators. But it is a familiar principle of law that circumstances and transactions transpiring after may shed light upon the real matter in question, as much so as antecedent and contemporaneous transactions and circumstances.

The desire of the Senate is, or ought to be—it surely is the desire of the Senator who introduced this resolution and a number of others of us—that we should have all the documents and information in reference to this matter that were before the President and which may have operated upon his mind in the negotiation of this treaty.

The question is not, as was stated by the Senator from Wisconsin, whether the President would be justifiable in denying to the Senate, or at least in denying to make public, transactions of the secret service of the executive department of the Government, or whether the President would be justifiable in denying to the Senate, and denying to the public, his plan of military campaign in case of war. That is not the question. It may be granted that in case of anything of that kind the President would judge whether it would operate against the interests of the public service for him to make the matter public; but the question here is whether or not in this case the Senate of the United States is entitled, in passing upon the question as to whether it will advise and consent to the treaty which has been made, to the information which the President had and which operated upon his mind. If the Senate is entitled to this information—in confidence, as the resolution requests—although the Senate has no power to enforce its request, as has been suggested, it ought to make the request predicated on its own judgment. It is impossible, if the Senate keeps faith by holding the communication in confidence, for any harm to thereby come to the public interest. To put the amendment, therefore, is not only idle, but implies that the Senate may divulge that it receives in confidence. It can not be claimed with reason that it would operate against the public good to send any information to the Senate in confidence, and that is what this resolution requests.

I say the simple question is whether the Senate is entitled, in confidence, to all the information the President had, and which may have operated upon his mind, so that the Senate can determine whether it was wise for him to negotiate the treaty and whether, therefore, the Senate will consent to it.

There is no question of the exposure of the secrets of the secret service of the executive department. Nobody proposes to do that. The question is whether the Senate is entitled to this information in confidence. If this body is entitled to this information, and this body, which is to pass upon the treaty, says it wants it, it is no discourtesy to the President to request him to send in here that which we are entitled to have in passing judgment upon the treaty. That is the question, and the entire question. As I have said, it is dissociated from any proposition to expose to the public the secret service; it is dissociated from the proposition to expose to the public a plan of military campaign of the President of the United States.

The President has the power to make treaties by and with the advice and consent of the Senate. Whenever the Constitution confers upon the President of the United States any power, it carries with it a duty of that officer. When it devolves upon the Senate of the United States a duty it implies the means and power to intelligently discharge that duty. It is the duty of the President of the United States, as much as it is in his power, to make treaties by and with the advice and consent of the Senate of the United States. It was understood by the framers of the Constitution that it would be in the interest of the Government of the United States that treaties should be made with foreign

governments, and it conferred that power upon the President, and that power infers the duty of the President to make treaties.

While that is so, it limited the power, and therefore limited the duty, to the advice and consent of the Senate. When it did that, it made it his duty, this confidential relation existing between him and the Senate, in making a treaty, to confide all the information that he has which this body desires. But it is not to be supposed that this body would desire any information that was not pertinent to the matter in hand. It was, then, the duty of the President to furnish his advisers, who are to advise and consent to a treaty he has negotiated, all the information he had, in order that the Senate may judge of the wisdom or fallacy of the treaty presented, having, therefore, all the opportunity he had for judging of the treaty. Where the propriety of the treaty is to be the joint judgment of two persons of identical interests it seems to me to be the acme of sophistry to argue that one of them is entitled to information denied to the other. If the Senate is entitled to this information and desires it, as is admitted, it seems to me to be a lowering of its dignity to defer its judgment, as to whether it ought to have it, to anybody, even the President.

The Senate is compelled to pass its judgment upon this treaty, and can not delegate that authority to any other power or any other authority. The Senate may make a treaty, dependent upon a subsequent contingency; but the Senate itself must judge of the wisdom or the fallacy of that subsequent contingency. It can not make that contingency depend upon the judgment of any other body, whether the House of Representatives, the Supreme Court of the United States, the President of the United States, or anybody else. It must itself judge of the wisdom or the impropriety of the treaty. The wisdom or impropriety of a treaty upon the happening of a future contingency must be left to the judgment of the Senate. How can the Senate judge of the wisdom of it when the President has asked for its advice—not only the consent, but the advice, of the Senate—when the President refuses to confide in this body, whose advice and consent he asks, the information that is in his possession which this body desires for deliberation on the treaty?

I am not going to discuss the treaty. I am not going further than to say that the very first article of this treaty is a declaration of war against Colombia, if Colombia sees proper or feels able to assert its authority, even in the face of the United States. That being so, this Senate may want information which will enable it to judge whether anything has been done in the establishment of this embryo Republic that would justify us in taking that responsibility upon the Government of the United States or denying that responsibility of the Government of the United States.

We have a right to know everything that the President knows about this treaty. Our authority and our power are coordinate with his authority and his power, coupled with the condition that the Senate advises him to exercise that power and consents to his exercise of that power.

It is said here in advocacy of the position that has been taken by the Administration that Colombia has been a despotic Government over the people of Panama. Mr. President, it does not lie in our mouth to say anything of that kind. We are the last people who ought to assert anything of the despotism of the Colombian Government over Panama in judging of this treaty. That seems to be the argument—that is the argument, I believe—of the Assistant Secretary of State. We are shut off from that because last year we offered a treaty to the Colombian Government whereby we undertook to maintain their authority and their sovereignty over Panama. This Administration undertook to guarantee, less than a year ago, so far as its property was concerned and so far as this territory about which we were treating was concerned, the sovereignty of Colombia and make stronger its hold—its perpetual hold—upon that territory. That was the Hay-Herran treaty. So, as I have said, it does not lie in our mouth to say anything against Colombia for any oppression of Panama.

I am not arguing and I am not going to argue that Panama has not grounds for complaint. I do not know. It is not pertinent or germane to this discussion. If the people of Panama have cause for complaint, it does not lie in the mouth of this Administration to say anything to justify itself because of any tyranny on the part of the Colombian Government over Panama.

It seems that the Administration was willing less than a year ago to fasten the hold of Colombia upon those people if we could only get Colombia to treat with us for control over the Panama Canal and the Panama Canal property. But there is a little intimation contained in the President's message of January 4, on pages 23 and 24, that the time when this Administration wanted to call a halt was when the New Panama Canal Company, not composed of citizens of the United States, but a company in which the Government of the United States is not interested, was about to lose its alleged rights in Colombia by lapse of the statute of limitations, and not when the people of Panama were oppressed by the tyranny of Colombia.

If it is not true that this Administration intended to make this effort for the protection of the New Panama Canal Company, in which the citizens of this Government are not interested, what is the suggestion in the message for? Why is it there? What is its significance? Why should we risk a war for the protection of real or supposed rights of citizens of France or any other country?

One word in reference to international eminent domain, a term that has been suggested in the discussion of this resolution. If there is such a thing in international law, it ought to apply to all governments alike, great and small, because there ought not to be one law to be applied to the weak and another to the strong government; and if this Government has a right to assert the doctrine of international eminent domain, then it would be similar to the doctrine of national eminent domain; and if so, it would be the duty of this Government, in asserting that right, to pay to the real owner of the soil an amount that the property taken was reasonably worth.

That is about all I intended to say, Mr. President.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The question is on the amendment offered by the Senator from Illinois [Mr. CULLOM].

Mr. CULLOM. I hope we shall have a vote, Mr. President.

Mr. GORMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PETTUS. Mr. President, I desire to know whether the vote is to be taken on the resolution or on the amendment?

The PRESIDING OFFICER. On the amendment proposed by the Senator from Illinois.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. BAILEY'S name was called). My colleague [Mr. BAILEY] is unavoidably absent. If he were present, he would vote "nay."

Mr. ELKINS (when his name was called). I inquire if the junior Senator from Texas [Mr. BAILEY] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator from Texas is absent.

Mr. ELKINS. I am paired with that Senator, but I transfer that pair to the Senator from Connecticut [Mr. HAWLEY], and vote. I vote "yea."

Mr. HANSBROUGH (when his name was called). I have a general pair with the Senator from Virginia [Mr. DANIEL]. I presume he would vote "nay," if present. I should vote "yea." In his absence I withhold my vote.

Mr. MCLAURIN (when Mr. MONEY'S name was called). My colleague [Mr. MONEY] is detained from the Senate by reason of sickness. I believe he has a pair with the Senator from Wyoming [Mr. WARREN]. If my colleague were present, he would vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY], who is detained from the Chamber by illness. If he were present, he would vote "nay" and I would vote "yea."

The roll call was concluded.

Mr. BEVERIDGE. I have a general pair with the senior Senator from Montana [Mr. CLARK]. The junior Senator from Kentucky [Mr. MCCREARY] has a general pair with the junior Senator from Ohio [Mr. HANNA]. I therefore transfer my pair with the Senator from Montana to the Senator from Ohio, which will enable the Senator from Kentucky and myself to vote. I vote "yea."

Mr. MCCREARY. I vote "nay."

Mr. WARREN. It has been suggested that I transfer my pair with the Senator from Mississippi [Mr. MONEY] to the Senator from Washington [Mr. ANKENY], so that I may vote. I vote "yea."

Mr. CLAY (after having voted in the negative.) I desire to ask if the junior Senator from Massachusetts [Mr. LODGE] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator from Massachusetts has not voted.

Mr. CLAY. I have a general pair with that Senator, and therefore withdraw my vote. If he were present, he would vote "yea" and I should vote "nay."

Mr. LATIMER (after having voted in the negative). I have a general pair with the junior Senator from Illinois [Mr. HOPKINS]. I do not see him in the Chamber and do not know how he would vote, but I presume he would vote "yea." As I have voted, I desire to withdraw my vote.

Mr. PETTUS. I desire to inquire if the senior Senator from Alabama [Mr. MORGAN] is recorded as voting?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. PETTUS. I thought I heard his name read as having voted.

Mr. SPOONER (after having voted in the affirmative). I in-

advertently voted without looking to see if the Senator from Tennessee [Mr. CARMACK], with whom I have a general pair, was present.

Mr. GORMAN (after having voted in the negative). I suggest to the Senator that he and I transfer our pairs. I also voted inadvertently. I have a general pair with the President pro tempore, the junior Senator from Maine [Mr. FRYE]. I suggest to the Senator from Wisconsin that we transfer our pairs and let our votes stand.

Mr. SPOONER. Very well.

Mr. CLAY. I will transfer my pair to the senior Senator from Tennessee [Mr. BATE], so that the senior Senator from Tennessee will stand paired with the junior Senator from Massachusetts [Mr. LODGE]. I vote "nay."

The result was announced—yeas 39, nays 20, as follows:

YEAS—39.

Aldrich,	Cullom,	Gallinger,	Perkins,
Alger,	Depew,	Gamble,	Platt, Conn.
Allison,	Dillingham,	Heyburn,	Proctor,
Ball,	Dolliver,	Hoar,	Quarles,
Bard,	Dryden,	Kean,	Scott,
Beveridge,	Elkins,	Kittredge,	Smoot,
Burnham,	Fairbanks,	Long,	Spooner,
Burrows,	Foraker,	McComas,	Stewart,
Clapp,	Foster, Wash.	McEnery,	Warren
Clark, Wyo.	Fulton,	Nelson,	

NAYS—20.

Bacon,	Culberson,	Mallory,	Pettus,
Berry,	Gibson,	Martin,	Simmons,
Blackburn,	Gorman,	Newlands,	Stone,
Clay,	McCreary,	Overman,	Taliaferro,
Cockrell,	McLaurin,	Patterson,	Tillman.

NOT VOTING—31.

Allee,	Daniel,	Hawley,	Money,
Ankeny,	Dietrich,	Hopkins,	Morgan,
Bailey,	Dubois,	Kearns,	Penrose,
Bate,	Foster, La.	Latimer,	Platt, N. Y.
Burton,	Frye,	Lodge,	Quay,
Carmack,	Hale,	McCumber,	Teller,
Clark, Mont.	Hanna,	Millard,	Wetmore.
Clark, Ark.	Hansbrough,	Mitchell,	

So the amendment of Mr. CULLOM was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

Mr. HOAR. I should like to suggest to the Senator on the other side having charge of this resolution that its phraseology is not exactly what we should have in an important state paper going from the Senate. There are two clauses in it. The first clause asks for the correspondence and notes "for the construction of an isthmian canal." I suppose the mover of the resolution would prefer to have it "relating to" instead of "for."

Mr. CULBERSON. There is no objection to that modification.

Mr. HOAR. The other clause is "all the correspondence and notes between the United States and any of its officials." The United States does not correspond with its officials in any proper sense of that phrase. It should be "the Department of State and any official or representative." The United States does not in its own name correspond with any of its servants. One servant corresponds with another. I would suggest instead of "between the United States," the words "between the Department of State and any of the officials or representatives of the United States."

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. HOAR. Certainly. I have finished what I had to say.

Mr. CULBERSON. While I think the criticism of the distinguished Senator—and I say it with due deference—is hypercritical, there is no objection to any alteration which may make the resolution clearer to others than it seems to be. If it is satisfactory, it may read:

And notes between the Government——

Mr. HOAR. Will the Senator allow me to suggest what has just been suggested to me? The resolution itself in the first clause uses the phrase which I think is the preferable one, that is, "between the Department of State." If that can be used in the second clause it would remove the criticism.

Mr. CULBERSON. The last paragraph of the resolution is intended to be broader than the first. We want any communication of an official character between any Department of the Government in the last instance and any of its officials or representatives or with the Government of Panama. We have no objection to adding before the words "United States" the words "the Government of." In order to meet the suggestion——

Mr. HOAR. Suppose the Senator should say "and all the correspondence and notes between any Department of the Government."

Mr. CULBERSON. I was about to suggest, after the word "between," in line 7, the insertion of the words "any Department of."

Mr. SPOONER. That is all right.

Mr. ALLISON. "The Government of the United States."

Mr. CULBERSON. Let the Secretary read the resolution, or that part of it as proposed to be amended.

The SECRETARY. In line 6, after the word "between," it is proposed to insert "any Department of the Government of."

Mr. HOAR. That makes it clear.

Mr. CULLOM. Let it be read as the resolution will now read.

The PRESIDING OFFICER. The Secretary will read the resolution as it is proposed to be amended.

The Secretary read as follows:

Resolved, That the President be requested to inform the Senate whether all the correspondence and notes between the Department of State and the legation of the United States at Bogota, and between either of these and the Government of Colombia for the construction of an isthmian canal——

Mr. HOAR. That was amended by consent, substituting the words "in relation to" instead of "for."

The Secretary resumed and concluded the reading of the resolution, as follows:

and the Government of Colombia in relation to the construction of an isthmian canal, since June 28, 1902, and all the correspondence and notes between any Department of the Government of the United States and any of its officials or representatives or the Government of Panama, concerning the separation of Panama from Colombia, have been sent to the Senate, and, if not, that he be requested to send the remaining correspondence and notes to the Senate in executive session, if not, in his judgment, incompatible with the public interest.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

Mr. BATE. Mr. President, I will thank you to state what the proposition is. I have just entered the Chamber.

The PRESIDING OFFICER. The question is on agreeing to the resolution offered by the Senator from Texas [Mr. CULBERSON].

Mr. STONE. As amended.

The PRESIDING OFFICER. Which has been amended.

The resolution as amended was agreed to.

WILLIAM D. CRUM.

Mr. TILLMAN. I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The PRESIDING OFFICER. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, instructed to send to the Senate information in regard to the appointment of William D. Crum as collector of the port of Charleston, S. C., and that he answer specifically the following questions:

First. Is William D. Crum now holding a commission as collector? If so, give date, and send to the Senate a verbatim copy thereof.

Second. Was his second appointment made in accordance with law; and if so, what law?

Third. Is there any law or precedent for the holding of an office of this kind by a "de facto" official?

Fourth. Is it the contention or intention to claim and exercise the authority to make such appointments during a constructive recess, as this appears to be?

Mr. ALDRICH. Mr. President——

Mr. TILLMAN. Will the Senator from Rhode Island give me one minute in which to explain the resolution?

Mr. ALDRICH. Yes.

Mr. TILLMAN. Mr. President, yesterday we received from the Secretary of the Treasury an answer to a resolution passed on the 25th of January, endeavoring to get this same information. I will read that letter, as it is very remarkable:

OFFICE OF THE SECRETARY, TREASURY DEPARTMENT,
Washington, January 27, 1904.

MY DEAR SIR: Replying to Senate's resolution of January 25, 1904, I beg to advise, William D. Crum was appointed collector at the port of of Charleston, S. C., March 20, 1903, and a temporary commission issued. Mr. Crum qualified by executing bond for $50,000 and took oath of office March 30, 1903. Mr. Crum was again appointed December 7, 1903, and has given bond in the sum of $50,000 and took the oath of office on January 9, 1904. There has been no third appointment and no fourth appointment. The same information is contained in a letter to Hon. B. R. TILLMAN, under date of January 8, 1904, and which appears in the CONGRESSIONAL RECORD of January 25, 1904.

The resolution also asks: "Is Mr. Crum now in office; and if so, under what authority of law?" William D. Crum is de facto collector at the port of Charleston, S. C. Whether he holds his position under authority of law is determinable not by the executive department of the Government, but by the judiciary, and by that only. He is not receiving pay, because of the provisions of section 1761.

Very truly, yours,

L. M. SHAW.

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

Mr. President, the trouble with this letter is that it is again ambiguous. I ask that the resolution which I have just offered may be read, so that Senators can see just what points are left out or are left in an ambiguous or uncertain and nebulous condition here.

The PRESIDING OFFICER. The Secretary will again read the resolution.

The Secretary again read the resolution.

Mr. TILLMAN. Does the Senator from Rhode Island wish any additional discussion?

Mr. ALDRICH. I will ask that the resolution may go over until to-morrow.

Mr. TILLMAN. Oh, Mr. President, it takes us so long to get this information when we start that I hope the Senator will not do that. I will not say another word. The resolution is very clear on its face. It simply endeavors to get the Secretary to tell us what a de facto official is.

Mr. KEAN. Consult the law books.

Mr. TILLMAN. We are not supposed to go to the law books, if the Senator from New Jersey will permit me. We are Senators here in the discharge of certain functions, and I am trying to get the Treasury Department to tell us just where this man is and how he got there.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. I can not help but yield, because the resolution is not yet before the Senate for consideration, and if he insists upon its going over it will have to go over. But I submit to him that the letter of the Secretary of the Treasury warrants the inquiries which I have presented. It does not appear that we are going to get this information in any other way, and I do not know whether we are going to get it now.

Mr. ALDRICH. I will not object to the first part of the resolution, which simply directs the Secretary to send here the papers in the case. Then we ourselves can judge whether the appointment is in accordance with the law. It is not fair to ask the Secretary of the Treasury a lot of legal questions.

Mr. HALE. Strike out the last two clauses.

Mr. TILLMAN. The Secretary says Crum is a de facto official. I want to know where the Secretary of the Treasury or any other official of this Government gets the authority to say to the Senate, which has a right to confirm or reject a nomination, "This man is in office, and nobody can determine his status but the judiciary."

Mr. ALDRICH. When the Senate is in possession of the information——

Mr. TILLMAN. I am trying to get it, and the Senator from Rhode Island will not allow me.

Mr. ALDRICH. The Senator from South Carolina goes further. He asks for opinions, and not facts.

Mr. TILLMAN. Opinions? I ask what a de facto official is? If the Secretary will not send his own opinion here, I would not ask him for the opinions of others.

Mr. ALDRICH. I think it is better, and that the Senator will reach his purpose more promptly and efficaciously by asking for facts rather than for opinions.

Mr. HALE. Strike out the last two clauses.

Mr. ALDRICH. Strike out the last two clauses of the resolution.

Mr. TILLMAN. Please read the resolution again and let me see what it is proposed to leave out, and let me see if they propose to cut it off right behind the ears.

The PRESIDENT pro tempore. The Secretary will again read the resolution.

The Secretary read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, instructed to send to the Senate information in regard to the appointment of William D. Crum as collector of the port of Charleston, S. C., and that he answer specifically the following questions:

First. Is William D. Crum now holding a commission as collector? If so, give date and send to the Senate a verbatim copy thereof.

Mr. ALDRICH. That is all right.

The Secretary resumed and concluded the reading of the resolution, as follows:

Second. Was his second appointment made in accordance with law; and if so, what law?

Third. Is there any law or precedent for the holding of an office of this kind by a "de facto" official?

Fourth. Is it the contention or intention to claim and exercise the authority to make such appointments during a constructive recess, as this appears to be?

Mr. TILLMAN. If the Senator from Rhode Island will indulge me for one moment, I will call his attention to the fact that on two previous occasions, once by me through a personal letter, and the other by the Senate in the form of a resolution, we have tried to get this very information, and that the Secretary has, apparently, with great adroitness, dodged it.

Mr. SPOONER. What has he done?

Mr. TILLMAN. He has dodged the inquiry as to whether or not this man is lawfully in office.

Mr. SPOONER. Oh, well——

Mr. TILLMAN. And he says he is a de facto official.

Mr. SPOONER. He has stated the facts. He was asked whether this man was in office, and he informs the Senate that he was commissioned in March. That was in the recess.

Mr. TILLMAN. Yes; which was lawful.

Mr. SPOONER. Which was lawful. He informs the Senate also that he was appointed on December 7.

Mr. TILLMAN. "Appointed," mind you. The usual form is nominated again.

Mr. SPOONER. No; appointed on December 7.

Mr. TILLMAN. That is what he states.

Mr. SPOONER. That is what he says.

Mr. TILLMAN. Yes.

Mr. SPOONER. Commissioned December 7.

Mr. TILLMAN. No; he does not say he has a commission now.

Mr. SPOONER. Oh, well; he was appointed December 7. He is still in office, he says, and has given bond. Now he says he is a de facto officer. That is a question of law; and does not the Senator think that as he is asking the Senate to take the deposition of the Secretary of the Treasury and as he has framed several direct interrogatories, as the lawyers call it, he had better let the resolution go over until to-morrow to see if there be not some cross-interrogatories to be proposed?

Mr. TILLMAN. This is a very important matter. It is very much more important, to my mind, than the matter which we have just disposed of.

Mr. SPOONER. I, too, think it is important.

Mr. TILLMAN. It is too important to be laughed at and slurred over.

Mr. SPOONER. I am not laughing at it. I think the Senator knows on the facts whether or not Crum was lawfully appointed.

Mr. TILLMAN. I have my opinion.

Mr. CULLOM. The difficulty is that it goes further than is necessary, in speaking about a de facto officer.

Mr. SPOONER. Yes.

Mr. TILLMAN. The other inquiry asks under what authority of law the appointment was made, and instead of telling us where he got any authority or where there is a precedent or any statute allowing the President or the Secretary to appoint an official and issue a commission which is subject to the approval of the Senate, he goes forward and says, "Now he is de facto." That is a brand-new phrase in this connection.

Mr. SPOONER. Oh, no.

Mr. TILLMAN. I understand that. There are de facto governments, like the one at Panama, and there are de jure governments, and all that kind of thing, but I am endeavoring to locate the contention of the executive department in this connection. If they contend that there is a constructive recess, which occurred between 12 o'clock and 12 o'clock on the 7th of December, let them say so. I do not want them to go and do the thing and then try to hide out in the bushes.

Mr. SPOONER. The truth is——

Mr. TILLMAN. Another question I will ask my friend is this: He says this is a question for the decision of the judicial department. I want to know who can bring a case in court to test it if we surrender our right and our duty to pass upon the question of appointments?

I want to ask my friend also: Suppose this was in Milwaukee or New York, instead of Charleston?

Mr. SPOONER. It would not change the case at all.

Mr. TILLMAN. It would not change the case at all, except it would not be attempted, and you know it. No President would dare attempt it.

Mr. SPOONER. I am not feeling very well this morning, and I think the Senator ought not to be so threatening.

Mr. TILLMAN. I feel very deeply and strongly, but I do not intend to threaten my friend. I speak emphatically, and if he is so thin-skinned that he objects to Senators displaying earnestness such as he sometimes manifests, I will apologize.

Mr. SPOONER. The truth is, this resolution ought to go over until to-morrow.

The PRESIDENT pro tempore. The resolution will go over under the rule.

RELATIONS WITH COLOMBIA.

Mr. BACON. I desire to ask permission of the Senate, under the order which has previously been made, to call up Senate resolution 82, in order that I may submit some remarks in reference thereto.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution indicated by the Senator from Georgia.

The SECRETARY. Senate resolution No. 82, by Mr. BACON, favoring the negotiation by the President of a treaty with Colombia for the adjustment of all differences between the United States and that country growing out of the recent revolution in Panama.

Mr. BACON. I ask that the resolution may be read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted by Mr. BACON on the 12th instant, as follows:

Resolved, That the President be respectfully informed that the Senate favor and advise the negotiation, with a view to its ratification, of a treaty with the Republic of Colombia, to the end that there may be peacefully and satisfactorily determined and adjusted all differences between the United States and the Republic of Colombia growing out of the recent revolution in Panama and the consequent secession of Panama from Colombia, and the alleged aid and assistance by the land and naval power of the United States in the successful accomplishment of said revolution and secession, through the alleged forcible prevention by said land or naval forces of the assertion and maintenance by Colombia of her sovereignty and authority in Panama; and that full and complete compensation may be made by the United States to the Republic of Colombia for the loss of her sovereignty and property rights in Panama, so far as the same may be shown to be due to any act of the United States through the land or naval forces of the same.

Resolved further, That the President be respectfully informed that if it should prove to be impracticable for the United States and the Republic of Colombia to agree through a convention upon the question of the said alleged responsibility on the part of the United States, or upon the question of the amount of compensation to be made when such responsibility shall be established, the Senate in that case favor and advise the negotiation, with a view to its ratification, of a treaty with the Republic of Colombia submitting to the Permanent Court of Arbitration at The Hague or to some other tribunal to be agreed upon, for impartial arbitrament and peaceful determination, all questions between the United States and the Republic of Colombia growing out of the matters herein recited.

Mr. BACON. Mr. President, most of the resolutions which have been offered on the Panama question, if not all of them, except those which relate to this particular phase of the question, naturally provoke a discussion of the questions relating to the advisability and propriety of the ratification of the Panama treaty. This particular resolution, however, has no such relation to the discussion which is now in progress. It does not in any manner involve the question as to whether the treaty should or should not be ratified. One might be in favor of the ratification of the treaty and at the same time be opposed to the adoption of the pending resolution. On the other hand, he might favor the adoption of the resolution and be opposed to the ratification of the treaty; or he might be opposed both to the treaty and the resolution, or he might favor both the resolution and the treaty. So the consideration of this question need not in any manner enlist either opposition or approval, according as a Senator may or may not be in favor of the ratification of the treaty.

The sole purpose of the resolution is to endeavor to place the Senate and the Government of the United States, through its treaty-making power, in a position which may avert hostilities, violence of any kind which otherwise may ensue, and at the same time put the Government in a position where it may have advantages in the future in its peaceful relations with Colombia which might otherwise be denied to it.

When the resolution was introduced it was most vigorously and vehemently assailed by Senators on the opposite side of the Chamber. It was assailed in terms little short of indignation as being utterly beyond the possibility of approval by the Senate, and of a character so objectionable that it could not even have the consideration which would result from a reference to a committee.

The junior Senator from Massachusetts [Mr. LODGE], immediately upon the introduction of the resolution, denounced it in most unsparing terms, and endeavored to deny to it the opportunity even of a reference to a committee by a motion to make immediate disposition of it by laying it on the table, and the general consensus, so far as might be judged by utterances upon that occasion by the Senators on the other side of the Chamber, was in accord with that position taken by the Senator from Massachusetts.

It was not until later in the day, during the debate, that the resolution had the recognition of any kindly word from any Republican Senator, although it is a resolution addressed to the conscience of the Senate and of the Government, and an appeal not for strife, but an appeal for peace and concord. Later in the day, I repeat, there was one kindly word of recognition which came from the senior Senator from Maine [Mr. HALE], and the original suggestion of the Senator from Maine was one which I was prepared and disposed to be in accord with, although it did not go, as I stated then, as far as I desired it to do. The original suggestion of the Senator from Maine looked to a negotiation with Colombia direct by the United States Government with a view to an agreement for a settlement of differences between the United States and Colombia, and I was disposed to accept the same, and I even then invited him to frame a resolution upon that line.

Unfortunately, however, upon reflection the Senator from Maine did not go so far in the resolution which he proposed as a substitute as was originally suggested by him, and therefore, when it was introduced, I said to him, in recognition of what had passed the day before, that I must not be considered as accepting the resolution as a substitute, which he recognized as entirely proper.

Mr. HALE. Mr. President, if the Senator will allow me, I did not consider what the Senator said when upon his feet at that time as binding him in any way to accept my amendment. In fact, I afterwards introduced my proposition separately and distinctly from the Senator's and had it referred to the committee. I do not consider the Senator as in the slightest degree bound to accept what I offered.

Mr. BACON. I do not know that the Senator heard what I said previously, which was to the effect that if the resolution had been in accord with the first statement of the Senator in the colloquy which we had I would have been disposed to have accepted it, but the resolution as introduced by the Senator, first as a substitute and afterwards, I understand, as an independent measure, did not go as far as he first suggested at the time when I signified my disposition to assent to the proposition suggested by him.

Now, Mr. President, the attitude of the Senators on the other side of the Chamber with reference to the resolution is, or was at that time, that it was utterly inappropriate and inadmissible, and that it was not even to be considered by the Senate with a view to concurrence therein. The attitude of Senators on the other side of the Chamber was that the proposition to enter into any negotiations with Colombia with a view to a peaceful settlement of our differences with her was monstrous, obnoxious, and not entitled to the decent and respectful consideration of the Senate. The object which I have to-day in addressing the Senate is to call attention to the fact that that resolution is in direct accord with and in direct pursuance of the declared policy of the United States Government, as manifested in actions innumerable in which the Government has committed itself in the most emphatic and solemn manner to the proposition that it is opposed to war; that it is opposed to violence as a remedy for disagreements with other nations; that it will treat with other nations with a view to agreement as to differences, and that if in the pursuance of such negotiations and treaties it is impossible to come to an agreement, rather than resort to violence or to attempt to have settlement by the assertion of might, it will in all cases, speaking generally, of course, endeavor, by reference to a third party, to arbitration of some kind, to avoid a resort to force and violence.

Then I propose, in the second place, to show that this is one of the direct classes of cases which properly fall within those thus recognized as properly to be settled either by treaty negotiation or by arbitration, and that unless there can be shown to be some defect in that statement this Government is bound by its pledges, bound by its repeated utterances of all kinds, by treaties, acts of Congress, resolutions, utterances of our Presidents and our Secretaries of State, bound by the most solemn of obligations, of plighted faith, to recognize it in this instance. Mr. President, I wish to cite the Senate to the record that the United States Government has made on this subject, not beginning at the beginning, but at a point where the action and declared attitude of the United States Government, or rather of the legislative department of the Government, became more pronounced possibly than at any previous time. I call attention to Senate Document No. 141, Fiftieth Congress, first session. In that Congress there appeared before the Foreign Relations Committee a committee appointed and sent by a large public meeting in the city of New York. This committee was composed of eminent men—Mr. David Dudley Field, Mr. Andrew Carnegie, Mr. Morris K. Jesup, Mr. Charles A. Peabody, Mr. Dorman B. Eaton, and Mr. Abram S. Hewitt, of which committee Mr. Field, Mr. Carnegie, and Mr. Peabody appeared in person before the Senate Committee on Foreign Relations.

The memorial presented there by these citizens of New York was one in which there was a specific application for the negotiation and making of a treaty between the United States Government and the Government of Great Britain, the particular occasion for that application and memorial being the result of a large public meeting held in New York to receive an address which had been made by some two hundred and thirty-odd members of the British House of Commons asking that such a negotiation should be had for the purpose of making such a treaty.

That committee appeared, as I said, before the Committee on Foreign Relations and personal addresses were made to the committtee by each of the three gentlemen whom I have mentioned as present, and they presented a written memorial, which is included in this Senate document. They set out the fact, a most remarkable fact, that there had been within recent years, speaking relatively, of course—that is, within the years of the nineteenth century following the general pacification in 1815—about sixty treaties submitting differences to arbitration, and that of those treaties some thirty-odd had been made by the Government of the United States with different governments. That was stated by them to be an incomplete statement of the number of treaties made by the United States Government, and it is true that some were omitted. Counting those that were thus omitted and adding to them such as have been made since that date, it is a fact very much to the credit of the Government of the United States and very much in point in the present consideration that the United States Government has entered since its organization

into about fifty different treaties for arbitration of differences with other governments.

Of course it is not necessary to enumerate them. Senators are familiar with them, and there are some thirty-odd of them set out in this document. I wish to read only one of them. At the conclusion of the Mexican war, when we made the treaty of peace with Mexico—I only use this as an illustration, one of many—the following article was included:

ARTICLE XXI.

If unhappily any disagreement should hereafter arise between the Governments of the two Republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said Governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves, using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one Republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

I only read that as a sample, as one of many, as I said, nearly fifty of them, forty-nine possibly may be the accurate number of treaties which have been made by the United States Government, each of them recognizing the principle of agreeing with a country, if possible, when there is a difference existing between the two, and, in case of an impossibility of agreement, for a reference of that matter to the arbitration and settlement of some friendly and neutral power or tribunal.

The PRESIDENT pro tempore. The Senator from Georgia will please suspend one moment while the Chair lays before the Senate the Calendar of General Orders.

The SECRETARY. Order of Business, Senate bill 887.

Mr. CULLOM. I ask unanimous consent that that be laid aside for the balance of the day.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the Senator from Georgia be allowed to proceed. The Chair hears no objection, and the Senator will proceed.

Mr. BACON. The memorial thus presented, to which I have alluded and which represented a large meeting in the State of New York, concludes in this language:

We beg, therefore, most respectfully to ask from Congress the passage of a joint resolution requesting the President to propose to the Government of Great Britain the making of a treaty between the two nations, for a limited period at least, providing in substance that in case a difference should arise between them respecting the interpretation of any treaty which they have made or may hereafter make with each other, or any claim of either under the established law of nations, or respecting the boundary of any of their respective possessions, or respecting any wrong alleged to have been committed by either nation upon the other or its members, or any duty omitted, it shall be the earnest endeavor of both the contracting parties to accommodate the difference by conciliatory negotiation; and that in no event shall either nation begin a war against the other without first offering to submit the difference between them to arbitrators, chosen as may be then agreed, or if there be no different agreement, then by three arbitrators, one to be chosen by each party and an umpire by those so chosen; it being understood, however, that arbitration as thus provided for shall not extend to any question respecting the independence or sovereignty of either nation, its equality with other nations, its form of government, its internal affairs, or its continental policy.

Mr. SPOONER. Will the Senator be kind enough to read again the number of that document?

Mr. BACON. Yes, sir. Its number is 141, miscellaneous document of the Senate, Fiftieth Congress, first session.

The presentation of that memorial under the very impressing circumstances which gave rise to it had such influence upon the Senate, and at about the same time there were so many other memorials upon the subject of the peaceful settlement of international disputes, and so many bills and resolutions introduced into the Senate, that the following order was passed by the Senate:

Resolved, That the several memorials, statements, interviews, bills, and resolutions on international arbitration, presented to the Senate or to the Committee on Foreign Relations during the present session, be printed for the use of the Senate.

And in response to that order this document which I hold in my hand was compiled and printed.

The presentation by that committee was a very small part of the general public movement which was made at that time to commit this Government by direct action to the principles sought to be established, to wit, conciliatory and peaceful agreement, if possible; arbitration, if such agreement should be found to be impracticable. I want to call the attention of the Senate to some of the numerous memorials addressed at that time to the Senate of the United States, and to various proceedings of the Senate in pursuance of that general wish, which are to be found in this document. They are from people all over the United States, regardless of section. The first one to which I call the attention of the Senate is a petition from citizens of California. The presentation to the Senate of the memorial was January 10, 1888, at least that is the date of the memorial, and it was within a few days after that that the committee appeared before the Senate Foreign Relations Committee.

Mr. FAIRBANKS. May I ask the Senator what memorial he refers to? I did not hear his earlier statement.

Mr. BACON. I refer to the memorial which was presented to the Senate through the Foreign Relations Committee by a committee of eminent citizens of New York, appointed by a large mass meeting in the city of New York, the immediate convocation of which was due to an address which had been presented by two hundred and thirty-odd members of the British House of Commons urging upon the citizens of the United States that steps should be taken by which a treaty should be had between Great Britain and the United States which should provide for conciliatory negotiations in case of any differences, and in the absence of any practical agreement to provide in such a case for a court of arbitration. I will not go further in the repetition of what I had stated before the Senator was in his seat in the Senate. I presume that will be sufficient to connect what I am now saying with what I had previously said.

I called the attention of the Senate to the fact that that proceeding had enlisted the attention of the Senate to such an extent that it ordered that there should be compiled and printed for the use of the Senate the memorials and addresses from different parts of the country which were during that session of Congress presented in advocacy of this general idea and desire for conciliatory agreement and for practical arbitration in the absence of a satisfactory result in an attempt for conciliatory negotiation. I was about to read, at the time the honorable Senator from Indiana interrupted me, the short petition, as it is here designated, from the citizens of California, signed by a great many of them:

To the honorable Senate and House of Representatives in Congress assembled:

The undersigned, citizens of the United States and of the State of California, profoundly impressed with the evils of war, and rejoicing that our own country is at peace, and not, like so many other nations, staggering under immense armaments as costly as war itself, would earnestly pray your honorable body either to enact as a law one of the ten bills intended to promote international arbitration, already introduced and referred to appropriate committees of Congress, or to provide in some way for a convention of American and other nations, the object of which shall be to discuss and agree upon a permanent high court of arbitration in which the civilized world may be represented, and to which may be referred those disputes that have usually led to war.

Till such a permanent court is established, we would urge the insertion of a clause in every treaty providing that differences arising under it should be referred to disinterested arbitrators.

I do not read all of these memorials and petitions; but I skip to different sections of the Union in order that it may be seen there was this general and widespread desire on the part of our people that the Government of the United States should, in its most authoritative and solemn utterances, provide measures which would make the possibility of war least and provide the machinery by which the possibility of war might be avoided.

I read one now from New Hampshire, and I do not think that I will unduly occupy the time of the Senate if I put upon record in consecutive form that which shall indicate the high and honorable and solemn purpose of the people of the United States under all circumstances and on all occasions to put itself in the attitude of a peacemaker and a peace observer, a deprecator of war, and one ready to submit differences to a tribunal of arbitration rather than stand out with the attitude of one who asserts he is right and can not be wrong and will not admit the adjudication of that question by anyone.

I will not read all of the memorial from the citizens of New Hampshire, because I want to read several from other States, and I would unduly burden the RECORD if I read each in full; but in speaking about the desirability that there should be this arrangement made between the United States Government and the Government of Great Britain the citizens of New Hampshire, large numbers of whom signed the paper, go on to express the view which indicates that their desire was not one simply for peace between this Government and the Government of Great Britain, but that it was a desire that the United States Government should occupy the position of desiring peace with all peoples. It concludes in this language, speaking of the desirability of the proposed treaty between Great Britain and the United States:

That it would induce other governments to join in efforts to supplant by the methods of reason the unjust, rude, and cruel ways of war, of which the masses of mankind are weary, and that the definite inauguration of a policy thus aiming at perpetual peace and universal law would constitute one of the greatest services and greatest glories of the American Republic.

Next I read one from the State of Ohio. This, also referring to the immediate proposition for a treaty between Great Britain and the United States, concludes:

Respectfully pray that you will take such proceedings as may be necessary to propose such a treaty, believing as we do that the United States of America are peculiarly fitted to take such a step in the interest of humanity and universal peace and good will among men.

Not simply peace between the United States and Great Britain, but in the interest of humanity and universal peace and good will among men.

Now, the memorial from the State of Maine uses similar language, signed by a large number, filling half a page on this printed document, of the citizens of Maine, referring particularly to the proposed British treaty, and then recognizing that that is not the sole idea, but that the idea is that the United States Government shall take a position which shall plant it upon the side of those who favor peace, not only with Great Britain, not only with the strong, but with the weak and with all peoples.

That it would induce other governments to join in efforts to supplant by the methods of reason the unjust, rude, and cruel ways of war, of which the masses of mankind are weary, and that the definite inauguration of a policy thus aiming at perpetual peace and universal law would constitute one of the greatest services and greatest glories of the American Republic.

Before I finish I desire to show not only that the people of Maine were imbued by such a desire, but that some of the most eminent men from Maine, who have illustrated their State and the citizenry of this country, have in the most pronounced manner committed this Government, so far as they were able to do it by their voice and by their influence, to this most benign and beneficent policy.

Mr. President, I have here a large petition, printed in this document, from the State of Massachusetts. I shall not stop to read it. I am sorry that the junior Senator from Massachusetts [Mr. LODGE], who was so exceedingly indignant at the bare idea that the Government of the United States, the great, strong Government of the United States, should for a moment contemplate a submission to arbitration or contemplate the attempt at conciliatory negotiation with the weak, feeble power of Colombia, is not now present, in order that he might hear me read the resolutions of the legislature of Massachusetts upon that subject, also found in this same document.

Mr. MCCREARY. Will the Senator be kind enough to tell the date of those resolutions?

Mr. BACON. I have already stated it; it is in 1888, during the first session of the Fiftieth Congress, when the Senate of the United States by order had this document compiled, showing the memorials which had been presented to that session of Congress. I have read a number of them, but I presume the Senator was not in his seat at the time.

This is a resolution by the legislature of Massachusetts, signed by all of its officers, both of the senate and the house:

Resolved, That the senate and house of representatives in general court assembled approve of the efforts being made relating to the ultimate ratification of treaties which shall provide for the settlement by arbitration of any difference or disputes arising between the Governments of Great Britain or other civilized nations and the United States which can not be adjusted by diplomatic agency, and thereby providing for the settlement of all international difficulties which may arise without resorting to cruel methods of war and bloodshed.

Mr. President, in the same document there is printed a resolution which was reported from the Committee on Foreign Relations as the result of all those memorials and of this particular hearing before the Committee on Foreign Relations of the Senate of this New York committee. It is a resolution which Mr. Sherman, the chairman of the committee, reported as the action of the Foreign Relations Committee in consequence of the appeals which had been made to it and to the Senate:

IN THE SENATE OF THE UNITED STATES,
June 13, 1888.

Mr. Sherman, from the Committee on Foreign Relations, reported the following concurrent resolution to invite international arbitration as to differences between nations—

Not simply betweeen this nation and Great Britain—

Resolved by the Senate (the House of Representatives concurring), That the President be, and is hereby, requested to invite, from time to time, as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two governments which can not be adjusted by diplomatic agency may be referred to arbitration, and be peaceably adjusted by such means.

Before I get through I intend to briefly discuss whether or not this particular proposed negotiation will fall within the terms of that resolution thus reported from the Committee on Foreign Relations, but I pretermit that for the present.

It also sets out two bills which were introduced in that session, each of them by a Senator from the State of Iowa. Under date of December 12, 1887, all in the same session of Congress, Mr. Wilson, of Iowa, introduced this bill:

IN THE SENATE OF THE UNITED STATES,
December 12, 1887.

Be it enacted, etc., That the President be, and hereby is, authorized and requested to institute negotiations with other governments for the creation of a tribunal for international arbitration, or other appropriate means whereby all difficulties and disputes between nations may be peaceably settled and wars prevented.

SEC. 2. That the President be, and hereby is, authorized to invite the several governments of North, Central, and South America, and such other governments as he in his discretion may determine, to send delegates to an international convention to be held in Washington, at such time as he may designate, for the purpose of considering and agreeing upon measures for the promotion of peace and amity among nations.

A proposition which afterwards materialized, to which I shall call more specifically the attention of the Senate.

The other Senator from Iowa, the present senior Senator [Mr. ALLISON], introduced a bill, which I shall now read. I should like very much if Senators would note, in view of our recent discussions here, the language which the Senator from Iowa used in the bill which he introduced. He goes further than his colleague, who simply requested the President. His bill reads:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized and directed to institute negotiations with the Governments of Great Britain and France for the purpose of creating a permanent tribunal for international arbitration, whereby all difficulties, differences, and disputes between the United States and these nations may be promptly, peaceably, and amicably settled.

But, Mr. President, while all of these to which I have called attention were in that particular session of Congress—and I have not called attention to all of them, by any means, but only selected some of the most prominent—that was not the origin of the pacific policy of the Government of the United States and of the people of the United States.

It is a remarkable fact that before the present Government of the United States was ever formed, in a treaty made by the old Confederation with one of the Barbary States—I have forgotten which one it was, but it was made in 1787—even with that distant and semicivilized people, there was inserted a clause which provided for peaceful negotiations between us and them in regard to any disputes that might thereafter arise in order that thereby war might be averted. But it is true that the most pronounced and decided attitude of the United States Government upon that subject was not assumed until after the period known as the period of the great pacification in 1815, at the end of the Napoleonic wars and of the war between this country and Great Britain.

But beginning, if I recollect correctly, with the year 1816 up to the year 1902 there has been an almost unbroken series not simply of utterances in Congress, not simply of resolutions introduced or of acts passed looking to such settlement, but of actual treaty negotiations entered into between the Government of the United States and almost all other governments, either making some general provision for arbitration whenever the necessity for it might arise or providing for some particular arbitration to settle some particular dispute. I desire, Mr. President, to express what must be a cause of pride to every American when I state that within that term more than half of all the arbitration treaties which have been entered into by all the nations of all the world have been entered into by the Government of the United States with other nations for the purpose of avoiding war and for the purpose of settling disputes by friendly negotiation, if possible, and then, if not possible, by submission to the determination of some impartial tribunal.

I am going, sir, simply to touch along at different points and not endeavor to present the whole record to the Senate, because I think I am within the bounds of moderation when I say that if the archives of this Government could be searched, if all the records that are beneath the Dome of this Capitol could be produced, there would be found absolutely tons and wagon loads of memorials which have come to Congress from the people of the United States, all praying for the accomplishment of this great, benign, and beneficent purpose and end.

If there is one thing that is more absolutely settled as the purpose and desire of the people of the United States than another, it is that; and, sir, it is not limited to that honorable sect which is opposed to war under any and all circumstances, but it pervades all classes of our people who thus generally deprecate war, bloodshed, and violence, and who desire that there should be an appeal to reason and a settlement, if you please, by concession rather than a determination by brute force.

As I have said, I am simply going to skip along and note at different times what have been the utterances of this Government, either by acts or resolutions or by the expressions of the committees of either House of Congress and otherwise. Away back in 1851 the resolution which I shall now read was reported from the Committee on Foreign Relations of the Senate, and will be found in Senate Report No. 270, Thirty-first Congress, second session. I will read the resolution. There is nothing new in it, but I will read it just to show what has been the uniform manifestation and utterance by the Senate of the United States.

Whereas appeals to the sword for the determination of national controversies are always productive of immense evils; and whereas the spirit and enterprises of the age, but more especially the genius of our own Government, the habits of our people, and the highest permanent prosperity of our Republic, as well as the claims of humanity, the dictates of enlightened reason, and the precepts of our holy religion, all require the adoption of every feasible measure consistent with the national honor and the security of our rights, to prevent as far as possible the recurrence of war hereafter: Therefore,

Resolved, That in the judgment of this body it would be proper and desir-

able for the Government of these United States, wherever practicable, to secure in its treaties with other nations a provision for referring to the decision of umpires all future misunderstandings that can not be satisfactorily adjusted by amicable negotiation in the first instance before a resort to hostilities shall be had.

In 1853, in the very next Congress, the Senate Committee on Foreign Relations makes a most elaborate report of many pages in advocacy of the same idea. This was in response to peace memorials which had been referred by the Senate to that committee. Without stopping to read the report, which is quite lengthy, after reciting the evils of war and alluding to the various difficulties which are encountered in the effort to provide for peaceful arbitration, the committee say:

All that the committee are willing to advise and recommend for the present is that in the treaties which are hereafter made with foreign nations it shall be stipulated between the contracting parties that all differences which may arise shall be referred to arbitrators for adjustment.

And in the same report—I will read now what I may have occasion to use subsequently in some things which I may have to submit to the Senate, replying to the contention we now have that the United States can not submit to arbitration any question involving a question of our honor—the committee say:

It sometimes happens that "the point of honor" between nations seems to demand immediate action and a blow is given without time for deliberation. The nation struck resents, and war is the consequence. Treaty stipulations requiring arbitration would be a salutary remedy in such cases. The "point of honor" would then consist in adhering to the treaty.

In 1872 Mr. Sumner, then a Senator from the State of Massachusetts, introduced a series of resolutions with preambles setting out the evils of war, etc. I will read two of the resolutions. I read from the Journal of the Senate, May 31, 1872:

Resolved, That any withdrawal from a treaty recognizing arbitration or any refusal to abide the judgment of the accepted tribunal or any interposition of technicalities to limit the proceedings is to this extent a disparagement of the tribunal as a substitute for war and therefore hostile to civilization.

Resolved, That the United States, having at heart the cause of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations.

In 1874 the Committee on Foreign Relations of the Senate again, through Mr. Hamlin, a member of the committee—Simon Cameron, of Pennsylvania, then being its chairman—responsive to the petitions and memorials which had come to it, as stated in the report, from all over the United States, submitted the following resolution:

Resolved, That the United States, having at heart the cause of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations.

During these periods, Mr. President, unnumbered resolutions of a similar kind were pending in the House of Representatives, responsive to similar appeals made by people from all over the United States. I have not followed all of these resolutions to see what was the ultimate action taken in each case, but I have followed one, which is a resolution reported from the Committee on Foreign Relations of the Senate, in this language:

IN THE SENATE OF THE UNITED STATES,
February 14, 1890.

Resolved by the Senate (the House of Representatives concurring), That the President be, and is hereby, requested to invite, from time to time, as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which can not be adjusted by diplomatic agency may be referred to arbitration, and be peaceably adjusted by such means.

The Senate resolution went to the House of Representatives and was passed by the House on the 3d day of April, 1890. So that outside of the unnumbered utterances, only comparatively a few of which I have even alluded to, through committees of this body and of the other House, here there was at last, if not before that time, finally enacted by the concurrent action of the two Houses the solemn enunciation by the Congress of the United States of the declared policy of the United States that in all cases—and the word "all" is comprehensive and admits of no limitation of meaning—that in all cases it should be the effort and the desire of the people of the United States to agree by friendly negotiation for the settlement of all differences, and in the absence of the practicability of such an agreement to submit those differences to the determination of an impartial tribunal.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. With pleasure.

Mr. FAIRBANKS. If the Senator will allow me, if I understand his resolution, it really is predicated upon the assumption that the United States did actually lend aid and assistance through its land and naval powers to accomplish revolution. Is not that so?

Mr. BACON. I desire to say, with all respect to the Senator, that I shall at a future point in my remarks give particular attention to that inquiry. I simply ask now that he may pretermit it until I come to that part. I will not overlook it.

Mr. FAIRBANKS. That is satisfactory.

Mr. BACON. I will only say now, without stopping to discuss that—and asking that the Senator will not require me to do so now—that I do not agree with him as to the proper construction of the resolution, and I will endeavor to show why at the proper time.

Mr. FAIRBANKS. That will be perfectly satisfactory to me. I only wish the Senator to explain fully the scope and meaning of the resolution before he concludes.

Mr. BACON. I shall endeavor to do so.

Mr. President, not only by such action by Congress, but by the utterances of every President of the United States elected since the close of the civil war, there has been the most emphatic and cordial approval and recommendation and advocacy of the pursuance of that pacificatory policy by the United States, without limitation as to the character of the government with which we are to deal in a case of difference other than that they shall be civilized nations.

The first one to which I call attention is an utterance of President Grant, which I find in this same document from which I have been reading. In the memorial which was presented by the New York committee to the Senate through the Committee on Foreign Relations there is this statement:

President Grant, by example and by precept, recommended such a course to his countrymen. In an address to a Philadelphia society, after his return from a voyage around the world, he said:

"Though I have been trained as a soldier and have participated in many battles, there never was a time when, in my opinion, some way could not have been found of preventing the drawing of the sword. I look forward to an epoch when a court recognized by all nations will settle international differences, instead of keeping large standing armies, as they do in Europe."

That was the statement of the great soldier. This memorial, embraced in this document, goes on to say:

Presidents Hayes and Garfield did not hesitate to declare their concurrence in the same views.

We all know the distinguished part played by that most distinguished man from the State of Maine, Mr. Blaine, in the effort to accomplish this result, not only with the nations of the world at large, but particularly with the states of Central and South America. It would be very instructive if I could read all of the circular letter of Mr. Blaine of the date of November 29, 1881, in which he sets out the attitude of the Government of the United States upon this important question and in which he endeavors to inaugurate a congress of all the Central and South American states, together with those of North America, for the purpose of a solemn league and covenant that in any difference which might arise between either of them or between this great and powerful and overshadowing nation and the least of them there should be extended the hand of conciliation, that there should be put behind the thought of force and power and war and bloodshed as the result of such differences, and that there should be an effort by conciliatory means to agree where such differences should arise and in case such agreement could not be had that they would solemnly pledge themselves that such differences should be settled by the determination of a disinterested party and that there should be no appeal to the sword.

I will read some from that famous letter.

I beg to say possibly I am not altogether a good judge of what is most creditable and distinguishing in one who was preeminently a Republican, and, I will add, no less preeminently an American, but I will venture to say that while there may be some things and are many things in his history and career which will challenge more admiration for the brilliancy and ability and power he possessed and displayed, there is no utterance that ever fell from the lips of that distinguished man which will more distinguish him, and properly and rightfully distinguish him, than the sentiments uttered in this famous circular letter and the great movement he sought thereby to inaugurate. If it were not that I felt it would be a trespass, I would read all of it. But I will read only a part. It is a letter addressed to the representatives of the United States in the different countries which he sought to reach:

For some years past—

I am not reading from the beginning of it; I am reading from page 98 of the eighth volume of the Messages and Papers of the Presidents—

For some years past a growing disposition has been manifested by certain states of Central and South America to refer disputes affecting grave questions in international relationship and boundaries to arbitration rather than to the sword. It has been on several such occasions a source of profound satisfaction to the Government of the United States to see that this country is in a large measure looked to by all the American powers as their friend and mediator.

Words to be remembered, I respectfully suggest, when it is not simply a question of friendship and mediation as between two disagreeing Central or South American countries, but when the

thing comes closer home to us, and it is a question between this great country and one of those countries, however weak and feeble it may be.

Mr. Arthur was then President, and Mr. Blaine goes on, being then his Secretary of State, as follows:

The just and impartial counsel of the President in such cases has never been withheld, and his efforts have been rewarded by the prevention of sanguinary strife or angry contentions between peoples whom we regard as brethren.

The existence of this growing tendency convinces the President that the time is ripe for a proposal that shall enlist the good will and active cooperation of all the States of the Western Hemisphere, both North and South, in the interest of humanity and for the common weal of nations.

He conceives that none of the governments of America can be less alive than our own to the dangers and horrors of a state of war, and especially of war between kinsmen. He is sure that none of the chiefs of government on the continent can be less sensitive than he is to the sacred duty of making every endeavor to do away with the chances of fratricidal strife, and he looks with hopeful confidence to such active assistance from them as will serve to show the broadness of our common humanity and the strength of the ties which bind us all together as a great and harmonious system of American commonwealths.

Impressed by these views, the President extends to all the independent countries of North and South America an earnest invitation to participate in a general congress to be held in the city of Washington on the 24th day of November, 1882, for the purpose of considering and discussing the methods of preventing war between the nations of America. He desires that the attention of the congress shall be strictly confined to this one great object; that its sole aim shall be to seek a way of permanently averting the horrors of cruel and bloody combat between countries, oftenest of one blood and speech, or the even worse calamity of internal commotion and civil strife; that it shall regard the burdensome and far-reaching consequences of such struggles, the legacies of exhausted finances, of oppressive debt, of onerous taxation, of ruined cities, of paralyzed industries, of devastated fields, of ruthless conscription, of the slaughter of men, of the grief of the widow and the orphan, of embittered resentments that long survive those who provoked them and heavily afflict the innocent generations that come after.

Those are the thrice memorable words of James G. Blaine, Secretary of State, when he held aloft in the name of the great American Republic the ensign of peace and asked all the nations of the Western Hemisphere to rally beneath its folds.

Mr. President, I concede that there was but little thought then in the mind of that great man—this great man entitled in the light of those words to be denominated as the great philanthropist—that his words would be read in the Senate of the United States at a time when the question was not one of conflict between two feeble powers of Central or South America, but when it would be a question of difference between this great and all-powerful Government and one of the weakest of the peoples whom he then conjured to the ways of peace.

But, sir, can any Senator or any citizen of the United States take to himself for a moment the conclusion that while it was proper for the great Government of the United States thus to intercede and counsel the weak nations of this hemisphere that there should be peace among and between them, and that they should settle their differences by agreement, and if not by agreement then by the determination of some impartial tribunal—can the conclusion be taken, I say, by any Senator or citizen of the United States that while that was a legitimate desire and end to be accomplished, it did not relate to a case where the interests of the United States might come in conflict with the interest of one of those nations, or where there might be a controversy between it and one of the feeblest of those peoples?

Mr. QUARLES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. With pleasure.

Mr. QUARLES. I have been very much interested in the discussion of the distinguished Senator. He always illuminates any subject he touches. But I should like to see if we can at this stage of his discussion arrive at something practical.

Mr. BACON. I will endeavor to be practical in my application before I get through. I hope the Senator will allow me to arrive at it by my own course.

Mr. QUARLES. Most assuredly. I would not ask to anticipate any of his discussion, but I was going to ask the learned Senator whether, notwithstanding all he has read and said, he looks upon the question raised by his resolution as belonging to that class of questions which great nations, or small ones either, are in the habit of submitting to arbitration?

Mr. BACON. If the Senator will pardon me, if he had been in the Senate all of the time he would have heard me say that I intended, as a corollary to the proposition which I am now endeavoring to submit to the Senate, to discuss that very question, and I propose to do so. If I can not succeed in showing that these differences do belong to this class, of course

The rest is all but leather or prunella.

Mr. QUARLES. That being so, I will not——

Mr. BACON. I do not object to any interruption, the Senator will understand, but I simply beg that he will allow me to answer his question at the point in my argument where I had designed to give attention to that particular inquiry.

Mr. President, the President of the United States, at that time Mr. Arthur, in his annual message of December, 1882, immediately succeeding the date of the circular letter of Mr. Blaine, used this language:

I am unwilling to dismiss this subject—

He was speaking then of the proposition that there should be convoked a congress of all the Central and South American and North American republics for the purpose of agreeing upon the pacific policy which was advocated by Mr. Blaine in the circular letter, and then he adds this:

I am unwilling to dismiss this subject without assuring you of my support of any measures the wisdom of Congress may devise for the promotion of peace on this continent and throughout the world, and I trust that the time is nigh when, with the universal assent of civilized peoples, all international differences shall be determined without resort to arms by the benignant processes of arbitration.

Mr. Harrison, the signally distinguished patriotic man who came from the State of the present occupant of the chair [Mr. BEVERIDGE in the chair], in transmitting to the Senate and House of Representatives the letter of the Secretary of State and the reports adopted by the conference of the American republics in the congress which had theretofore had its sessions in Washington uses this language:

EXECUTIVE MANSION, *September 5, 1890.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, which is accompanied by three reports adopted by the conference of American nations recently in session at Washington, relating to the subject of international arbitration. The ratification of the treaties contemplated by these reports will constitute one of the happiest and most hopeful incidents in the history of the Western Hemisphere.

BENJ. HARRISON.

That was all there was in the message.

Then comes Mr. Cleveland. I said that almost all of the Presidents since the civil war had advocated this policy. I have thus far given the utterances of every President since the civil war, other than Mr. Johnson, who was elected as Vice-President during the civil war and then succeeded to the office, but on the part of every President elected since the civil war there has been this most emphatic commendation and advocacy of this policy. I have cited from Grant, Hayes, Garfield, and Harrison, and now come to Mr. Cleveland. In the annual message of Mr. Cleveland, December 4, 1893, he uses this language:

By a concurrent resolution passed by the Senate February 14, 1890, and by the House of Representatives on the 3d of April following—

That is the resolution I have already read to the Senate and called attention to the fact that it had been passed by each House—

By a concurrent resolution passed by the Senate February 14, 1890, and by the House of Representatives on the 3d of April following, the President was requested to "invite from time to time, as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two governments which can not be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means."

That is a quotation from the resolution. The President continues:

April 18, 1890, the international American conference at Washington by resolution expressed the wish that all controversies between the republics of America and the nations of Europe might be settled by arbitration, and recommended that the government of each nation represented in that conference should communicate this wish to all friendly powers. A favorable response has been received from Great Britain in the shape of a resolution adopted by Parliament July 16 last, cordially sympathizing with the purpose in view and expressing the hope that Her Majesty's Government will lend ready cooperation to the Government of the United States upon the basis of the concurrent resolution above quoted.

That is simply introductory to the utterance I now read. He continues:

It affords me signal pleasure to lay this parliamentary resolution before Congress, and to express my sincere gratification that the sentiment of two great and kindred nations is thus authoritatively manifested in favor of the rational and peaceable settlement of international quarrels by honorable resort to arbitration.

And again in 1897, January 11, in transmitting to the Senate the proposed treaty of international arbitration between the United States and Great Britain, President Cleveland uses this language, speaking of the proposed treaty:

Though the result reached may not meet the views of the advocates of immediate, unlimited, and irrevocable arbitration of all international controversies, it is nevertheless confidently believed that the treaty can not fail to be everywhere recognized as making a long step in the right direction, and as embodying a practical working plan by which disputes between the two countries will reach a peaceful adjustment as matter of course and in ordinary routine.

In the initiation of such an important movement—

I omit part of it which does not relate exactly to the point I am after. Further on he says:

The experiment of substituting civilized methods for brute force as the means of settling international questions of right will thus be tried under the happiest auspices. Its success ought not to be doubtful, and the fact that its ultimate ensuing benefits are not likely to be limited to the two countries immediately concerned should cause it to be promoted all the more eagerly. The example set and the lesson furnished by the successful operation of this treaty are sure to be felt and taken to heart sooner or later by other nations, and will thus mark the beginning of a new epoch in civilization.

Profoundly impressed as I am, therefore, by the promise of transcendent

good which this treaty affords, I do not hesitate to accompany its transmission with an expression of my earnest hope that it may commend itself to the favorable consideration of the Senate.

Mr. President, that brings us down to the utterances of the ever and universally lamented McKinley. I will say that this is not a sole utterance which I am about to read. When Mr. McKinley was a Member of the House he was one of the foremost advocates of peaceful negotiation for the settlement of differences rather than a resort to war or violence, and, in the failure of peaceful negotiations, to submit all those differences to the determination of an impartial tribunal. When he first took upon himself the great office, when he stood in front of this Capitol to take the oath of office, that first utterance from him contained the declaration of his adherence to this policy. He referred in his inaugural address to the proposed treaty with Great Britain and used this language:

Arbitration is the true method of settlement of international as well as local or individual differences. It was recognized as the best means of adjustment of differences * * * and its application was extended to our diplomatic relations by the unanimous concurrence of the Senate and House of the Fifty-first Congress in 1890. The latter resolution was accepted as the basis of negotiation with us by the British House of Commons in 1893, and upon our invitation a treaty of arbitration between the United States and Great Britain was signed at Washington and transmitted to the Senate for its ratification in January last. Since this treaty is clearly the result of our own initiative; since it has been recognized as the leading feature of our foreign policy throughout our entire national history—

In this statement Mr. McKinley gives affirmation to what I have endeavored to present as the fact to the Senate to-day regarding the settled policy of the United States—

the adjustment of difficulties by judicial methods rather than by force of arms; and since it presents to the world the glorious example of reason and peace, not passion and war, controlling the relations between two of the greatest nations in the world, an example certain to be followed by others, I respectfully urge the early action of the Senate thereon, not merely as a matter of policy, but as a duty to mankind. The importance and moral influence of the ratification of such a treaty can hardly be overestimated in the cause of advancing civilization. It may well engage the best thought of the statesmen and people of every country, and I can not but consider it fortunate that it was reserved to the United States to have the leadership in so grand a work.

Mr. President, if Mr. McKinley had been less impressed than he was with the great desire that peaceful negotiations should be the means by which differences should be settled, he might have pretermitted that utterance upon that occasion. He might have reserved it for a direct communication to the Senate, because the Senate was the power which was to deal with the question whether the treaty should be ratified. But, sir, Mr. McKinley, not content with that, took occasion upon the most eventful occasion of his life to say, not only to the Senate, but to all the people of the United States and to all the people of the world, that he was the apostle and the advocate of this benign policy.

Mr. President, I have taken a great deal of time in the effort to present the fact which I might have stated in a sentence, and that is that the people of the United States through memorials without number presented to Congress, and through the utterances of Congress, by direct enactment, and through the utterances through its committees and through unnumbered treaties has been and is most thoroughly committed to the proposition that without exception and without qualification, in proper cases, I will say, in order that I may not overstep the bounds—in all proper cases, with any country, great or small, the policy of this country favored this conciliatory action, involved concessions, if you please, and of arbitration in the failure of such effort through peaceful conciliatory measures. I say I might have stated that in a sentence and gone on, but I desired to put here in consecutive form, not all or by any means a hundredth part of what could be produced here, but enough to show that what Mr. McKinley said in his first inaugural is the truth, that it has been from the foundation of this Government the well-defined, loudly advocated, and persistently pressed policy of the Government and people of the United States that there should be peace between ourselves and other peoples, and that by peaceful means differences between this and other governments should be arranged and settled.

But I preferred, in order that emphasis might be given to it, thus to bring to the attention of the Senate these various utterances. I want to give emphasis to them in order that I might with the more earnestness invoke the conclusion which I will seek to present, that, bound as we are by this solemn plighted faith, repeated innumerable times, this is an occasion where we can not honorably refuse to abide by the rule which we have laid down, which we have so often reiterated, and which we have so uniformly practiced in all cases properly coming within the purview and jurisdiction of such negotiations. I shall endeavor hereafter to show whether this particular controversy does or does not so come within the class of those that should thus be dealt with. Before proceeding I desire to call the attention of the Senate to the fact that in pursuance of all these efforts, of all these utterances, of all these expressions of desire, of all this plighted faith, there was assembled in this city, as the result and under the provisions of an act of the Congress of the United States, a congress of all the Central and South American republics, and also including the Government of Mexico and the Government of the United States.

As a result of that congress there was framed a plan of international arbitration, and that was agreed to by all the representatives of those various governments, and was transmitted by the President of the United States, then Mr. Harrison, to the Congress of the United States. I have already read—and as it is short I will repeat it—the message of President Harrison transmitting the letter of the Secretary of State and the draft of the proposed agreement, in which the President so forcibly gave his adhesion to the general desire and intention of the work of that congress:

EXECUTIVE MANSION, *September 2, 1890.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, which is accompanied by three reports adopted by the conference of American nations recently in session at Washington, relating to the subject of international arbitration. The ratification of the treaties contemplated by these reports will constitute one of the happiest and most hopeful incidents in the history of the Western Hemisphere.

BENJAMIN HARRISON.

I can not read all of that agreement between all the representatives of the various countries, but here are the first two articles:

The delegates from North, Central, and South America—

Constituting what Mr. Blaine in his circular letter so happily termed "the great and harmonious system of American commonwealths"—

The delegates from North, Central, and South America in conference assembled: Believing that war is the most cruel, the most fruitless, and the most dangerous expedient for the settlement of international differences;

Recognizing that the growth of the moral principles which govern political societies has created an earnest desire in favor of the amicable adjustment of such differences;

Animated by the conviction of the great moral and material benefits that peace offers to mankind, and trusting that the existing conditions of the respective nations are especially propitious for the adoption of arbitration as a substitute for armed struggles;

Convinced by reason of their friendly and cordial meeting in the present conference that the American republics, controlled alike by the principles, duties, and responsibilities of popular government, and bound together by vast and increasing mutual interests, can, within the sphere of their own action, maintain the peace of the continent and the good will of all its inhabitants;

And considering it their duty to lend their assent to the lofty principles of peace, which the most enlightened public sentiment of the world approves;

Do solemnly recommend all the governments by which they are accredited to conclude a uniform treaty of arbitration in the articles following:

ARTICLE I.

The republics of North, Central, and South America hereby adopt arbitration as a principle of American international law for the settlement of the differences, disputes, or controversies that may arise between two or more of them.

ARTICLE II.

Arbitration—

I call attention to this particularly because it is, in a sense, a reply to the inquiry of the junior Senator from Wisconsin:

Arbitration shall be obligatory in all controversies concerning diplomatic and consular privileges, boundaries, territories, indemnities, the right of navigation, and the validity, construction, and enforcement of treaties.

It will be noted that in this Congress of all the American republics, including the United States, there is a distinct recognition that arbitration is obligatory for the settlement of all controversies growing out of the construction of treaties. This will be specially applicable to a subsequent portion of my remarks.

The proposed agreement, or, rather, the proposed treaty which was agreed to, goes on making all the provisions necessary for a complete agreement for arbitration providing the machinery, etc., and I only omit reading the whole of it because of my reluctance to take so much time of the Senate and my unwillingness to unduly encumber the RECORD.

I had here, but I have misplaced it—I hope to get it before I conclude—the statement of Mr. Blaine as to his estimate of that work thus done by that Congress. I desire to state in this connection that there were a number of bills introduced into either House of Congress for the purpose of bringing about this result. One of them was introduced by Mr. McKinley, another one was introduced by the present presiding officer of the Senate, Mr. FRYE, and another one was introduced by our distinguished colleague from Kentucky, now Senator MCCREARY, but then, like Mr. McKinley, an honored member of the House of Representatives, and, by the way, it was that bill introduced by Mr. MCCREARY which passed. It came to the Senate, some alterations were made, and upon a conference the bill was finally passed, which brought about this happy result.

Now, it is true that that treaty has never been enacted as a treaty. It has never been made the law; but it is nevertheless the truth that it expresses the desire and wishes and professed faith of the American people. It had the sanction of the Congress in the proposal for the legislation which brought it about. It had the sanction of more than one President—President Arthur, and President Cleveland, and President Harrison, and President McKinley. There can be no question that, so far as the moral, binding force of it is concerned, it thoroughly committed the

American people to the proposition that in all cases of difference between any one of the governments of North, Central, or South America and any other government of those two continents there should be peaceful arrangement, and, if necessary, arbitration.

I may have to read it out of its order when I get it, but I will nevertheless read the estimate of Mr. Blaine of the scope and importance and the great value of the work of that convention or congress in its effort to accomplish the design, to do away with wars or violences of any kind between the governments of North, Central, and South America, and the substitution therefor of peaceful negotiation, and of arbitration in the event of the failure of such negotiation.

Ten years thereafter, under the same authority, by the initiation of the President of the United States, another congress of the North American and Central and South American republics was convened in the City of Mexico; and while they formulated no treaty, in the report which I have before me, and which is entitled "Second International Congress of American States, held at the City of Mexico from October 22, 1901, to January 22, 1902," on pages 10 and 11 in the report made by the commissioners of the United States to the President, of which former Senator Davis, of West Virginia, was chairman, the statement is made that after prolonged effort in the attempt to bring certain Central American States to a consent to arbitration, and in some instances compulsory arbitration, the final outcome of the whole matter was that they agreed they would become signatories to The Hague convention, and in that way put themselves under the terms of that convention and declare it, as they termed it, a part of the international law to be controlling with the governments of North, Central, and South America.

Mr. President, after all the century of effort on the part of the people and Government of the United States to bring about this arrangement for peaceful negotiation and for international arbitration, as a conclusion and as a culmination we had the great Hague treaty, in which the Government of the United States solemnly pledged itself—and not only by the presence of its commissioners, but by the formal ratification of the treaty—that in all proper cases, certain exceptions being made, it would resort to peaceful measures for the settlement of difficulties and not resort to war for their determination.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Georgia yield?

Mr. SPOONER. I am only asking the Senator for information.

Mr. BACON. Certainly.

Mr. SPOONER. Has the Senator in mind the exceptions to which he referred this morning?

Mr. BACON. I have them right here, and I can read them. I will do so. I wish to read first another matter.

Mr. SPOONER. At your leisure.

Mr. BACON. I will read it in this connection directly, but here is a matter I passed over. I did not have before me the statement by Mr. Blaine of his estimate of the action of the first American conference, which assembled in Washington in the autumn of 1889. Mr. Blaine, then Secretary of State, said of it:

> If in this closing hour the conference had but one deed to celebrate, we should dare call the world's attention to the deliberate, confident, solemn dedication of two great continents to peace, and to the prosperity which has peace for its foundation.

Alluding to the agreement which had just been executed.

Now, I will endeavor to read from The Hague treaty. I have so many papers here that I find it difficult to refer to them readily. Here it is. It is quite a voluminous document and I do not know that I can refer promptly to the particular part concerning which the Senator from Wisconsin makes inquiry. Does the Senator refer to the particular saving clause which was made in favor of the United States? Possibly the Senator will take the document while I proceed and call my attention to that particular part of it.

Mr. SPOONER. I did not refer to that. I referred to the New York memorial. There were some qualifications.

Mr. BACON. There were some.

Mr. SPOONER. There were some exceptions.

Mr. BACON. Is this what the Senator wished to see [handing document]?

Mr. SPOONER. Yes. I did not hear distinctly the qualifications.

Mr. BACON. Now, if the Senator will pardon me, I am coming to a direct discussion of that a little later, and I will then read it, if that will answer his purpose as well.

Mr. SPOONER. I only asked for information. I will look it up.

Mr. BACON. I regard that as quite important, and I intended to use it in a discussion of the question as to whether or not the assumed controversy between this country and Colombia——

Mr. SPOONER. Here is what I referred to [indicating].

Mr. BACON. I am glad the Senator calls my attention to it, because that brings me to say what I possibly should have said before.

Mr. SPOONER. That is not what I directed my inquiry to.

Mr. BACON. I understand; but I am glad my attention has been called to it for this reason: Much that I have quoted from documents and utterances relates to arbitration. The Senate will easily mark the fact that a commission of the Government to the policy of arbitration necessarily involves an adherence to the policy of agreement by treaty, if that is practicable. In other words, the one is connected in the other. There is no possibility of successful contention that a government could be in favor of the submission of a difference to the determination of a neutral and impartial tribunal and not at the same time be thoroughly committed to the proposition that if, without such submission, they can agree among themselves they should do so. I do not suppose there can be any question about that fact. So I have not stopped, as I have gone along, drawing attention to the various utterances in the one case for conciliation and in the other case for arbitration, to call attention to the fact that the advocacy of arbitration necessarily recognizes the advocacy of a conciliatory agreement, if that were possible, as a precedent to any submission to arbitration.

Mr. FAIRBANKS. Mr. President, may I interrupt the Senator?

Mr. BACON. Certainly.

Mr. FAIRBANKS. I do not understand, if the Senator please, that there is any very great divergence of view among Senators, or in the country for that matter, with respect to the wisdom of arbitration between countries in proper cases.

Mr. BACON. I am coming to that question.

Mr. FAIRBANKS. That seems to me to be the material question.

Mr. BACON. If the Senator will pardon me, I have already given assurance that I intended to discuss that question when I reached it in its proper order.

Mr. FAIRBANKS. I did not know whether the Senator was ready to touch upon that question or not.

Mr. BACON. If I do not do that, any man who knows the relation of a predicate to a conclusion must, of course, recognize the fact that all I have said goes for nothing. Senators on the other side do not realize that fact and are not more alive to it than I am. I recognize that, and if I do not succeed in doing that, then I have failed; but I want to get at it in the proper way.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I do.

Mr. SPOONER. Of course, as to everything the Senator has said in favor of international conciliation, no one will dispute that that ought to be the attitude of nations—peculiarly, perhaps, of this. We will have no antagonism about it on this side of the Chamber, or I think anywhere in the country; and that means, as the Senator well says, a preliminary effort at conciliation.

Mr. BACON. A preliminary effort at conciliation.

Mr. SPOONER. A preliminary effort at adjustment without resort to war.

Mr. BACON. Yes.

Mr. SPOONER. In other words, arbitration before war.

Mr. BACON. Yes; if conciliatory conferences between the parties fail to accomplish an agreement, which will make arbitration unnecessary.

Mr. SPOONER. That is the general result of The Hague treaty. That is happily the trend of the sentiment in the world at this time. But I suppose the Senator will admit that no government yet, however——

Mr. BACON. I hope the Senator will let me proceed with that argument. I am coming to that very question.

Mr. SPOONER. However far it may have gone in the way of conciliation and arbitration, no government has ever been willing to submit to foreign arbitrament a question of national honor——

Mr. BACON. I am coming to all those questions.

Mr. SPOONER. Or political rights.

Mr. BACON. Well, yes; that, too.

Now, Mr. President, I am coming to what, of course, is the crucial question in the case, and possibly the long time I have consumed in presenting the evidence of the attitude of the people of this country and its Government for a hundred years has done nothing more than emphasize, as I have stated, what I might have said in a sentence.

At the same time I think it well that there should be presented in this consecutive form somewhat of the history, because I do not want it simply recognized, as it is by all Senators and by the people, that such is the fact. But I want the realization strong, complete, overwhelming, to be in every man's mind and heart that if this is in its nature a proper case for conciliation, if it is a proper case for submission to an impartial tribunal in the event of failure of attempted conciliatory measures, then there is no

escape from the conclusion that the United States are, through the utterances and pledges and practice of an hundred years, bound by every sentiment of honor and plighted faith to accord it to Colombia in this instance. I say I do not want it simply recognized as an independent, abstract fact that such has been the pledge and covenant, but I want it home in the heart and conscience of every Senator, which can only be impressed upon them by a review of these unnumbered utterances, both by the people and their government, their Congress, their Presidents, leaving no question whatever as to their settled conviction and purpose. As I have said, I have barely touched upon the record, but enough to indicate what has been for a century the unbroken and most solemnly uttered plighted faith of the people and of the Government in that regard.

Now, Mr. President, I come to the question: Is this a case where the plighted faith of this people and Government for a hundred years places them under obligations to endeavor to settle whatever differences there may be between the United States and Colombia by conciliatory negotiation if possible, and if that is impossible then by impartial arbitration? Are the differences which exist between the two countries and the issues which are presented by them of the character which devolve it as a duty upon this country to attempt their peaceful settlement either by negotiation or by arbitration?

Before I proceed to that I want to answer the question which my learned friend, the Senator from Indiana [Mr. FAIRBANKS], propounded to me as to the terms of this pending resolution, as to whether or not it assumes that any liability exists to Colombia on the part of the United States. I said to the Senator not only that I would endeavor to show that it did not, but that I would answer him then that it did not. An examination of the words of the resolution shows that there is no assumption of any liability on the part of the United States. The resolution simply states the grounds of difference which should be adjusted either by agreement or by arbitration.

I will again say to the Senator, however, what I said to the Senate when I addressed it upon this subject some considerable time ago, and of the resumption of which I have been denied the opportunity by a personal illness of some duration, that that is not the intention of the resolution; that I am not wedded to the phraseology, and that I am perfectly content that there should be taken out of the resolution anything which could be properly construed to assume that. And not only so, but that I am willing that there should be incorporated in the resolution language which shall distinctly negative it, just as was done by Great Britain in the Washington treaty. I certainly can not go further than that.

Mr. FAIRBANKS. Would the Senator so far modify it as to exclude the consideration of political questions?

Mr. BACON. Yes; so far as the submission of that class to arbitration. I am content with anything which shall commit the Government of the United States in the face of the world to the proposition that, whatever there may be of difference between the United States and Colombia, the United States, as a great overshadowing power which can not be compelled by this feeble power to do anything, will voluntarily endeavor to agree with it in the settlement of existing differences; and that if it can not come to an agreement by peaceful negotiations it will not assert its great and resistless power, but that it will endeavor to have a determination of such differences and the claims growing out thereof by some impartial tribunal.

Now, in further answer to the question of the Senator from Indiana, I again call his attention to the fact that this resolution contains two propositions—first, that there shall be an effort by negotiations directly between the parties to accomplish by agreement a peaceful settlement; and second, if an agreement can not thus be accomplished, that the questions of difference in that case shall be submitted to some impartial tribunal for determination and settlement. Now, it will be conceded that there are some classes of questions so closely affecting a nation that it would be unwilling to leave their determination to the judgment and will of any third party. But it must also be conceded that there should be no kind of difference that a nation would not be willing to itself endeavor to settle by agreement with the other nation. So all must recognize this as a correct proposition, that never mind what is the cause of difference, whether it relates to the honor of a country or to its internal policy or to anything else, there is no impropriety in the effort by negotiation to agree with the adversary, even though they may be questions which should not be submitted to the arbitration and determination of a third party. In the case of the direct negotiation between the parties there could be no conclusion which was not satisfactory to each party and agreed to by each party. There is no possible escape. So that if I should accede to the suggestion of the Senator from Indiana and have incorporated in this resolution words which would exclude the particular class of questions which he suggests, that exclusion ought not to relate to that part of the resolution which seeks to adjust such differences by negotiation between the parties. That exclusion in such case ought only to extend to the part of the resolution which proposes to submit any questions of difference to arbitration of a third party or tribunal.

And thus it is perfectly apparent that the character of the questions which may be involved can not be urged as an objection to that part of the pending resolution which advises negotiation between the United States and Colombia for the purpose of accomplishing an agreement between them and a peaceful settlement based on such agreement. Senators who oppose that feature of the resolution will have to seek for some other ground on which to base their objections.

Mr. FAIRBANKS. If the Senator will allow me——

Mr. BACON. Certainly.

Mr. FAIRBANKS. It appears by the note of the Secretary of State to General Reyes of the 5th instant——

Mr. BACON. I am coming to the discussion of that, if the Senator will permit me.

Mr. FAIRBANKS. Indicates that the questions they proposed for submission to The Hague tribunal were political in their nature.

Mr. BACON. I am coming to that; but I hope the Senator will keep in mind the suggestion which I have just made that, while the exclusion of a question of that kind might properly be made from any agreement providing for arbitration, there is no kind of difference that one party can not honorably talk to another about and settle by a satisfactory agreement between them.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. Certainly.

Mr. SPOONER. Not for debate.

Mr. BACON. I am willing to yield to the Senator.

Mr. SPOONER. While the Senator is expressing his willingness to accept a modification of the language of the resolution——

Mr. BACON. Anything which preserves the principle of arbitration or conciliatory agreement.

Mr. SPOONER. I want to ask him if he would not be willing to strike out all after the word "*Resolved*" in the resolution——

Mr. BACON. No.

Mr. SPOONER. And insert: "The approval of the Senate or of Congress, to the tender by the Secretary of State or by the President to Colombia of the good offices of the United States to adjust all matters of difference between the Republic of Panama and the Republic of Colombia, to the end that good fellowship"——

Mr. BACON. I will come later to a discussion of that particular question——

Mr. SPOONER. The Senator is not willing to accept that amendment?

Mr. BACON. I will come to a discussion of that particular amendment before I get through, but I prefer to do it in a regular way, and if I fail to remember it, I hope the Senator from Wisconsin will call my attention to it.

Mr. SPOONER. I had no thought of discussion, but only asked the Senator a question.

Mr. BACON. Yes; but if I do not answer the question before I get through I hope the Senator will do me the kindness to call my attention to it, because, if I fail to do so, it will be through inadvertence. I am coming to that particular discussion, but that is behind this. I am now on the discussion of the vital question in the case: Whether, in view of their plighted faith, their unnumbered asseverations, their league and covenant, existing conditions do not make such a case as calls upon the United States for an attempted agreement for the settlement of any differences between the United States and Colombia, and whether, if such effort at agreement fails, the existing conditions do not, under their unnumbered professions and promises, demand of the United States an agreement for the settlement of these differences by arbitration.

Mr. President, before proceeding with that discussion and adverting to the particular phraseology of the resolution, and without stopping further to analyze it, I wish to again say that if the language of this resolution is susceptible of the construction which the Senator put upon it, to wit, that it assumes liability on the part of the United States Government, I am willing that the language to that extent shall be changed. Not only so, but I am willing that any recognition on the part of the United States Government shall be expressly negatived, just as it was in the case of the Washington treaty at the time when Great Britain entered into a treaty with the United States Government in 1871 or 1872 for submission to a tribunal at Geneva for the adjudication of claims of the latter against the former. There was an express denial by Great Britain of any recognition of liability, and

there is no impropriety in the insertion of such words here if desired. There would certainly then be no possibility of the construction to which the honorable Senator from Indiana thinks the resolution is open.

I do not, however, wish to be misunderstood relative to this matter. I think the resolution is all right as it stands and that it is not legitimately subject to the criticism made upon it. Nevertheless I am willing to the change suggested if that will secure the support of Senators on the other side. If, however, such changes will not secure the support of Senators, I prefer that the resolution shall stand as it now is.

I come now to the question as to what is the nature of the difference between the United States and Colombia for the purpose of seeing whether or not such difference is of a kind that this Government in the first place could recognize as a difference on account of which it could treat, not for the purpose of arbitration, but for the purpose of agreement with Colombia.

And first I submit this proposition as a sound one, that it matters not what the differences are or what their nature may be, those differences can be legitimately the subject-matter of conciliatory negotiations between the parties with a view to agreement, because that such negotiations do not submit the determination of any question to a third party, which the Government might not be willing to have anybody else decide for it. It keeps that decision to itself when it does not provide for arbitration by a third party as to those particular questions.

When the Government says, "I will treat with you, I will confer with you, I will negotiate with you as to this, that, or the other question," the Government reserves to itself the power to agree or not to agree to any proposition which the other side may make. Consequently there is no danger that its honor may be in the keeping of somebody else and that a question affecting its honor may be decided adversely by some one else.

When it comes to the question of submission to arbitration, then the case presented is different, and it is important to see whether or not the difference and the claim based thereon are of the class which can properly be submitted by the Government to the determination of some other party.

Mr. President, when this question was before the Senate for discussion upon a former occasion, we had had no communication which indicated what was the character of the claim made by Colombia and what was the character of the issue which the United States Government made upon those claims. We were limited in that consideration simply to the information which we gathered from the public press and from the utterances of parties in an unofficial way by which the public could gather conclusions as to what were the distinct matters in controversy. We knew the fact that Colombia had a representative here; we knew the fact that that representative was in conference with the Secretary of State; and we had the general information that propositions and counter propositions or presentation of claims on the one hand and a denial of the justice and correctness of those claims on the other hand were passing between the parties; but what they were we then did not have the specific information concerning.

Since that time the President of the United States has sent a message, in which he has communicated to Congress the distinct demand made by the representative of Colombia and the distinct reply of the representative of this Government, the Secretary of State. So that we do now know what the controversy is and what the issues are. Senators on the other side, at the time the matter was heretofore before the Senate, said that they did not know—I certainly did not—what was the character of the demands which were made; but we do know now. Here, in the communication sent to us by the President, is a long letter, in the first place, from the Colombian special minister (General Reyes) to Mr. Hay, which I will not stop to read in full; but on page 25 there is a distinct statement by General Reyes of the grounds of complaint against the United States Government and of the demands which he makes in consequence thereof. In the letter from General Reyes to Mr. Hay of January 6 he uses the language which I am about to read.

Whatever may be my personal opinion, I beg the Senate, before I read the language, to bear in mind that I am in no manner in this presentation asserting that any single thing that General Reyes says is correct or that any single proposition he makes is maintainable. I am simply trying to show what the controversy is, so that whatever may be the personal views of any Senator relative to the merits of the controversy he may still recognize the propriety of providing a means for the peaceful settlement of that controversy. I read it simply as his assumption, without, for the purpose of this argument, any recognition whatever of the correctness of any fact stated or any conclusion drawn; and then I propose to read the issue made thereon by Mr. Hay in his reply; and those two things join the issue. Then the question is presented whether that issue is of a character which could, in the first place, be properly dealt with by friendly negotiation without any reference to arbitration, and, in the second place, whether or not, in the absence of an agreement, it furnishes a legitimate subject-matter for arbitration under the recognized policy of this Government in that regard.

I will not read all of General Reyes's contentions nor all of the claims he makes, but simply the clear-cut proposition, on page 25, of the grievances of Colombia, as he alleges them to be, against the United States. He says in his letter of January 6:

> Mr. SECRETARY: I have received the note which your excellency did me the honor to address to me under date of the 30th of December last, in answer to mine of the 29th of the same month. I transmitted it by cable to my Government and have received from it instructions to make to your excellency's Government the following declarations:
>
> First. That the said note of the 30th of December from your excellency is regarded by my Government as an intimation that the Colombian forces will be attacked by those of the United States on their entering the territory of Panama for the purpose of subduing the rebellion, and that for that reason, and owing to its inability to cope with the powerful American squadron that watches over the coasts of the Isthmus of Panama, it holds the Government of the United States responsible for all damages caused to it by the loss of that national territory.

There is the distinct statement of the claim and the grounds upon which it is based.

> Second. That since the 3d of November last the revolution of Panama would have yielded, or would not have taken place, if the American sailors and the agents of the Panama Canal had not prevented the Colombian forces from proceeding on their march toward Panama, and that I, as commander in chief of the army of Colombia, would have succeeded in suppressing the revolution of Panama as early as the 20th of the same month if Admiral Coghlan had not notified me in an official note that he had orders from his Government to prevent the landing of Colombian forces throughout the territory of the Isthmus.

Then, on page 26, he says:

> Ninth. That on the grounds above stated the Government of Colombia believes that it has been despoiled by that of the United States of its rights and sovereignty on the Isthmus of Panama, and not being possessed of the material strength sufficient to prevent this by the means of arms (although it does not forego this method, which it will use to the best of its ability), solemnly declares to the Government of the United States:
>
> First. That the Government of the United States is responsible to that of Colombia for the dismemberment that has been made of its territory by the separation of Panama, by reason of the attitude that the said Government assumed there as soon as the revolution of the 3d of November broke out.

I repeat that, even if for the purpose of the argument that is recognized by us as an utterly unfounded claim, it is nevertheless the claim made, and that is on the one side. Now, Mr. Hay takes issue with General Reyes, and makes the statement which is found on pages 23 and 24 of the same document. It is true that Mr. Hay's contention is stated in a letter written prior to that time, but it is made by Secretary Hay in response to a letter previously written to him by General Reyes, in which practically the same contention was made, so that the issue is joined in that way. I only read from the subsequent letter of General Reyes to Mr. Hay, because he therein more concisely states the proposition than he did in the previous letter. Here is the contention of the United States on those issues:

> By the declaration of independence of the Republic of Panama a new situation was created. On the one hand stood the Government of Colombia invoking in the name of the treaty of 1846 the aid of this Government in its efforts to suppress the revolution; on the other hand stood the Republic of Panama that had come into being in order that the great design of that treaty might not be forever frustrated, but might be fulfilled. The Isthmus was threatened with desolation by another civil war, nor were the rights and interests of the United States alone at stake, the interests of the whole civilized world were involved. The Republic of Panama stood for those interests; the Government of Colombia opposed them. Compelled to choose between these two alternatives, the Government of the United States, in no wise responsible for the situation that had arisen, did not hesitate. It recognized the independence of the Republic of Panama, and upon its judgment and action in the emergency the powers of the world have set the seal of their approval.
>
> In recognizing the independence of the Republic of Panama the United States necessarily assumed toward that Republic the obligations of the treaty of 1846. Intended, as the treaty was, to assure the protection of the sovereign of the Isthmus, whether the government of that sovereign ruled from Bogota or from Panama, the Republic of Panama, as the successor in sovereignty of Colombia, became entitled to the rights and subject to the obligations of the treaty.

Mr. FAIRBANKS rose.

Mr. BACON. The Senator will pardon me. I think I can anticipate what he wants to ask. He will let me state it before he asks anything in regard to it, if he pleases.

Mr. FAIRBANKS. I will not interrupt the Senator if he is going to answer the question.

Mr. BACON. I will answer straight away. If I do not, I hope the Senator will interrupt me.

Now, if we assume for the purposes of this argument that every word that the Secretary of State says is true and that every word and conclusion drawn is correct, and if, on the other hand, we assume for the purposes of the argument that every word that the Colombian minister says is untrue and that every conclusion that he draws is unwarranted, nevertheless these conflicting claims and contentions make the issue. As to what the issue is, in part, I apprehend that the question the Senator was about to ask me is

this, Whether or not the question of the right of our Government to recognize another government should be submitted to arbitration?

Mr. FAIRBANKS. The Senator has anticipated the question I was going to ask.

Mr. BACON. Of course; and I most unhesitatingly say it should not be. I agree with the utterance of the Department of State that that is not a proper subject-matter of arbitration. But that is not the whole of the issue by a great deal. There is another important issue involved here that is entitled to consideration, and I am coming to specifics about it. Before proceeding to discuss that I will say to the Senator from Indiana that while the question of recognition, rightful or wrongful, of the independence of Panama could not be deemed a proper subject-matter of negotiation for arbitration, that question could be a matter for conference and agreement between the parties. However impossible it might be that the United States would ever concede any liability on account of such recognition, there could be no difficulty or impropriety in treating with Colombia with the view of removing irritation and hostile feelings which have been caused thereby.

But there is another point at issue raised between the two Governments by these conflicting claims and denials. On the one hand, it is contended by the Colombian minister that the United States Government has incurred a liability by reason of the fact that it prohibited, by the use of its armed forces, the Colombian Government from asserting its authority and thereby prevented Colombia from quelling rebellion. What is the reply that the Secretary of State makes to that? The Secretary of State admits it.

Mr. PLATT of Connecticut. Admits what?

Mr. BACON. Probably it will be better that I read what the Secretary of State says. The Secretary of State, in replying to the statement that Colombia has been wronged in that regard, says that when the United States had recognized the Government of Panama the treaty obligations which they had previously undertaken with Colombia inured to Panama, and that instantly, as soon as the recognition was made, the Government of the United States, by reason of the obligations of that treaty, was in a position where it was justified and required to use force to prevent any hostile demonstration by Colombia for the reassertion of its sovereignty in Panama, because so soon as Panama became by the recognition of the United States the sovereign of the Isthmus the obligation was instantly imposed upon the United States by the treaty of 1846 to protect the sovereignty of Panama in the Isthmus against all the world, including Colombia herself.

Mr. SPOONER. Right there let me ask, Does the Senator propose to submit that contention to arbitration?

Mr. BACON. If the Senator will allow me to proceed, I will state what it is. I do not think any Senator can think from what I am saying that I am trying to evade the question.

Mr. SPOONER. I do not think that.

Mr. BACON. Before proceeding to answer that question I wish to state with somewhat more of elaboration what I understand from this correspondence to be the claim of the Colombian Government on the one hand and the contention of the United States in reply thereto on the other hand.

The Colombian Government, through General Reyes, says that the United States, by use of their powerful squadron and by the use of their armed forces, prevented Colombia from using her forces to suppress the rebellion in Panama, and that in the absence of such intervention on the part of the United States and the protection thus given to the Panama revolution the rebellion would have been speedily suppressed, and that, in fact, it would never have taken place; and that by reason of such forcible action by the United States in aiding and protecting the revolutionists in Panama the Colombian Government has been despoiled by that of the United States of its rights and sovereignty on the Isthmus of Panama, and that the United States are responsible for the dismemberment of the territory of Colombia.

Our Secretary of State in his reply admits that the United States protected the sovereignty of the Republic of Panama as against Colombia by armed force, and justifies the action under the treaty of 1846 with Colombia, or New Granada, which is the same thing. The contention of the Secretary is that whereas in the treaty of 1846 the United States guaranteed the rights of sovereignty and property of Colombia in the Isthmus of Panama, so soon as Panama seceded and her independence was acknowledged all the rights of Colombia under that treaty inured to Panama, and that on the instant the United States became obligated by the treaty to protect the sovereignty of Panama in the entire Isthmus, even as against Colombia, with whom the treaty was originally made; that therefore the United States were justified in protecting the revolutionary government in Panama and in preventing by armed force Colombia from using her forces in suppressing the rebellion.

The clause in the treaty of 1846 upon which the Secretary of State bases this contention is found in the thirty-fifth article, and is as follows:

> And in consequence the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada (Colombia) has and possesses over said territory.

Under that clause of the treaty of 1846 the Secretary contends that the United States were right in protecting the new Panama Republic against the effort of Colombia to suppress the rebellion which set it up. The statement made by him to this effect in the extract already quoted is as follows:

> In recognizing the independence of the Republic of Panama the United States necessarily assumed toward that Republic the obligations of the treaty of 1846. Intended, as the treaty was, to assure the protection of the sovereign of the Isthmus, whether the government of that sovereign rules from Bogota or from Panama, the Republic of Panama, as the successor in sovereignty of Colombia, became entitled to the rights and subject to the obligations of the treaty.

From this it is seen that Colombia claims that the United States, by forcibly preventing Colombia from suppressing the rebellion, caused the dismemberment of her territory. The United States admit the protection of the Republic of Panama as against Colombia, and assert their duty so to do under the treaty of 1846, and thus the issue is clearly joined between the two.

Upon this issue thus presented the question whether or not the contention of the Secretary of State is correct is a question as to the correct interpretation of the treaty of 1846.

Now, the point I am coming to is this: The Senator from Wisconsin asked me whether that claim of Colombia on the one hand, and the contention of the United States on the other hand, constitute an issue which is a proper subject-matter of arbitration. I lay down this as a proposition, that the question of the proper construction of a treaty, including the question of whether there has been wrong done in the violation of a treaty, is a question which, above all questions, is recognized as the simplest and most natural question for treaty negotiation, for agreement, if possible, and for submission to other parties for decision, if such agreement can not be had. If there can be any successful dispute of that as a correct proposition I do not know where to find the basis upon which to rest the argument.

Mr. President, the Government of the United States makes no claim of any right in Colombia, makes no argument in justification of anything which has been done there, which is not based on rights, duties, and powers under the treaty of 1846. The whole question at controversy is one which grows out of the question of the construction of that treaty. The message of the President of the United States is one which bases the action of the Government of the United States upon the construction of that treaty; every argument which has been made in this Chamber in defense of what has been done has been necessarily based upon the question of the construction of that treaty; every argument which assails or disputes the propriety of the action which has taken place is based on the question of the construction of that treaty, and the question of the construction of a treaty is of all questions one which is a proper subject-matter of adjudication and arrangement either by agreement of the parties or by arbitration where such agreement can not be reached.

But in order that there may be no mistake about this matter——

Mr. SPOONER. Will the Senator permit me to ask him a question?—for I want to get at his position.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. Yes.

Mr. SPOONER. What is the real dispute?

Mr. BACON. I am sorry the Senator was not in the Chamber when I stated it.

Mr. SPOONER. I am always sorry if I am out of the Chamber when the Senator is addressing the Senate. The Senator knows we can not be here all the time.

Mr. BACON. I understand that.

Mr. SPOONER. I should like, in a word, if the Senator will point out the precise basis of his observation that all that is in dispute here involves the construction of a treaty.

Mr. BACON. I have just stated it. I will state to the Senator—he has this document before him, and I do not want to read it over again.

Mr. SPOONER. But the Senator can state to me his contention.

Mr. BACON. I am endeavoring to do it.

Mr. SPOONER. I know that Secretary Hay contends that article 35 of the treaty of 1846, in its obligations as well as in its grant, upon the independence of the Republic of Panama, being a local obligation, became transferred to the Republic of Panama.

Mr. BACON. Yes.

Mr. SPOONER. And it is claimed, and I think correctly, that the corollary of that is that our corresponding correlative obligations that once had run to the Republic of Colombia were transferred to the Republic of Panama. Now, is it that dispute on

that question which the Senator proposes to submit to some foreign tribunal?

Mr. BACON. Not necessarily, if it can be arranged through friendly and conciliatory negotiations between the two Governments.

Mr. SPOONER. I want to remind the Senator, if that be true, that there are three parties now, if Colombia be one, interested in that subject—the United States, the Republic of Panama, and Colombia.

I should like, if I can, to get at precisely what the Senator proposes.

Mr. BACON. The Senator would get at it very much more quickly if he would let me proceed.

Mr. SPOONER. All right. I think that is true.

Mr. BACON. I repeat the proposition in brief. My proposition is that these documents, contained in the communication sent to us by the President, show that there is a controversy between the United States and Colombia, and that even if for the purposes of the argument we admit that there is no sound basis for the claim of Colombia it is nevertheless a controversy, and the fact is plain that that controversy grows out of the construction of the treaty of 1846.

Mr. SPOONER. If that is to become the rule, it will any day rest in the power of any government with which we have a treaty to force us into a position where we must submit the interpretation of that treaty to some foreign tribunal. If the merits of the controversy are not to be considered at all, if it is only that one party asserts it, however silly it may be, and the other denies it, and then this great principle of conciliation requires the submission of it to arbitration, I do not know what would become of treaties.

Mr. BACON. While I do not wish to discuss the merits of the controversy, I scarcely think that the denial of the remarkable contention of the Secretary of State will be pronounced to be "silly." Without discussing that, I simply repeat the proposition which I think the Senator will find it very difficult to controvert upon authority, that a controversy which grows out of a dispute as to the construction of a treaty and acts done under that treaty are recognized as proper matters of negotiation for arbitration. Now, if the Senator can produce any authority contrary to that, I should be very glad to see it. But I was about to say when the Senator interrupted me——

Mr. SPOONER. I beg pardon.

Mr. BACON. The Senator need not beg my pardon, because he is always at liberty to interrupt me, and he knows it. I only desire, in the interest of time, when I am trying to elucidate a certain point, that the Senator will let me proceed to do it, and if I fail, at the end of my effort in that regard, I shall be more than happy to have his suggestion to that effect.

The question of submission to arbitration is not the first or the main question in the resolution. It is the secondary question and the minor consideration. The main proposition and the one of greatest importance is that we will in a conciliatory spirit endeavor to agree with Colombia.

So, Mr. President, all I have said in reference to the committing of this great people and Government to the policy of arbitration is with the view of the recognition of the fundamental proposition, with which the Senator himself has already expressed his agreement, that every word said in favor of arbitration necessarily involves and implies the prior willingness of the governments to agree between themselves if they can do so. If that is the block in the way, if Senators are willing to say they are ready to adopt a resolution which shall simply advise the President that it is the sense of the Senate that there shall be negotiations opened with a view to negotiating a treaty for the settlement of all the differences between the two countries, without specifying what they are, I will accept that and be glad to have it done. It meets the great object that I have in view.

Sir, I have said that the purpose I had was to manifest a proper friendly spirit to this people and arrange for a peaceful settlement of our differences, and that we should not plant ourselves upon our strength and our might and say to those people: "While you think you have been wronged we know you have not been wronged, and as we know it we do not propose even to talk to you about it, and we will not treat with you or hear your complaint." That was the attitude of some here two weeks ago when the discussion was had. Senators on the other side of the Chamber then waxed indignant at the bare suggestion that the United States should even entertain or consider the proposition to treat with Colombia. They scoffed at and spurned it. The great and all powerful United States were not to even discuss the matter with this weak and feeble nation. That is what I object to.

It is excellent
To have a giant's strength; but it is tyrannous
To use it like a giant.

Mr. President, the Senator from Wisconsin [Mr. SPOONER] asks me to read the closing part of the memorial presented to the Senate in 1888 by David Dudley Field and others of the committee from New York, in which there was a specification of the class of cases which properly would be included in a treaty providing for a court of arbitration. I now read, for the purpose of my argument, and also in response to the request of the Senator previously made, as follows:

> We beg therefore most respectfully to ask from Congress the passage of a joint resolution requesting the President to propose to the Government of Great Britain the making of a treaty between the two nations, for a limited period at least, providing in substance that in case a difference should arise between them respecting the interpretation of any treaty—

That is the first specification—

> which they have made or may hereafter make with each other, or any claim of either under the established law of nations, or respecting the boundary of any of their respective possessions, or respecting any wrong alleged to have been committed by either nation upon the other or its members, or any duty omitted, it shall be the earnest endeavor of both the contracting parties to accommodate the difference by conciliatory negotiation—

That is the first thing, and that is what we want in this case—

> and that in no event shall either nation begin a war against the other without first offering to submit the difference between them to arbitrators, chosen as may be then agreed, or if there be no different agreement, then by three arbitrators, one to be chosen by each party and an umpire by those so chosen; it being understood, however, that arbitration as thus provided for shall not extend to any question respecting the independence or sovereignty of either nation, its equality with other nations, its form of government, its internal affairs, or its continental policy.

It will be noted that the very first dispute mentioned as furnishing properly a subject-matter for negotiation is any difference arising "respecting the interpretation of any treaty." It is really difficult to argue concerning a proposition so self-evident as that of difference respecting the interpretation of a treaty. If such a difference is to be excluded, what possible dispute of a serious nature between nations could be included? As reflective of American sentiment, I read to the Senate two editorial utterances of recent date which have appeared in prominent newspapers.

The first is from the Courier-Journal, as follows:

> There is nothing in the Bacon resolution which should so palpitate the honest heart. That resolution does not say that we shall pay Colombia for lost sovereignty over Panama. It merely proposes that we pay her if we have done her any wrong, and if we and Colombia are unable to agree whether we have done her any wrong, it leaves that, with other points on which we may differ, to arbitration. What is there in that which should cause clean hands to clench with rage, a clear conscience to seethe with commotion? If the Administration has not wronged Colombia, then, under the terms of the resolution, we should not have to pay Colombia.
>
> If negotiation or arbitration should prove that no such wrong was done by the Administration, then surely the Administration's innocence of such allegations would stand more clearly established before the world than it is by the Administration's mere word of assertion and protestation. And if negotiation or arbitration should show that we wronged Colombia, then why should we not pay her for what we have taken and propose to keep, without resorting to the Administration's roundabout and disingenuous method of paying for it by guaranteeing Panama's promises to pay.

The second is from the Independent, which, while approving of the action taken by the United States in Panama, advocates arbitration of the differences with Colombia growing out of such action. The editorial is as follows:

> Senator BACON has offered a resolution in the Senate proposing to refer to the Court of The Hague the question whether the United States owes reparation to Colombia for damage to her done by our action in securing or protecting the independence of Panama. We see no objection to that, for we want to make the most of arbitration, whether as a preventive to war or as a means to secure international justice—but, provided that Colombia first accepts the independence of Panama. That is an accomplished fact, achieved by the people of Panama, and having our full sympathy, recognized but not inaugurated by us. But as to this there is a sharp difference of view between Colombia and the United States.
>
> We declare that we have done absolutely nothing that is not justified by the law of nations and the treaty of 1846, while Colombia declares that we have unjustly prevented her from maintaining her supremacy over the Isthmus, to her serious loss and injury, such as she is entitled to go to war to assert her right. This is a question of fact and interpretation. If our officers have really done what Colombia asserts, we ought to pay damages; and if they have not done wrong, our innocence will be made clear to the world by such a reference, and we shall be on better terms with Colombia and all South America for such a decision. Accordingly, under proper provisions, we should favor such a reference to The Hague Court of the main question between Colombia and this country. Whether our officers were right or wrong, we ought to be equally ready to abide by the verdict of such an august tribunal of the nations.

There is to my mind no possible escape from the proposition that the controversy arises out of the construction of a treaty. We claim no right in Colombia or in Panama except under that treaty; they claim no right against us except as they claim a violation of that treaty; and, so far as the books can show, I do not think the industry of the Senator from Wisconsin or any other Senator can find anything which controverts the proposition that so far as a difference arising out of a treaty is concerned it is a proper subject-matter of arbitration; but, whether a proper subject-matter of arbitration or not, it is in the language of this memorial a proper subject-matter for "conciliatory negotiation."

If Senators desire to meet this proposition upon grounds that

they can approve, I am perfectly willing that this resolution shall be limited to the matter of conciliatory negotiations as to all differences between the parties. I do not think it can possibly be subject to any criticism there, that the Government would in any manner imperil its honor, or that a matter would be in negotiation between them about which nations ought not to negotiate with each other with a view to the prevention of differences.

The Senator from Wisconsin has asked me a question, to which I will now endeavor to reply, to wit, whether or not I would be willing that the resolution should simply provide that this Government would tender its good offices for the purpose of reconciling any differences between Colombia and Panama. I have two answers to that. In the first place, such a resolution would not touch the question as to the differences between Colombia and the United States. However much we may deny the correctness of any position taken by Colombia, we must recognize the fact that there is a contention on her part which, even if we deny its correctness, we should in a friendly spirit endeavor to settle and arrange by conciliatory negotiation. Therefore the suggestion of the Senator from Wisconsin would not in any manner cover that phase of the case.

Another thing which I desire to say, in all respect to the Senator, is this: If a guardian held an infant in his arms, and there was a cause of controversy between that guardian and a grown man, another grown man, relative to some property interest of that infant, the guardian might as well say: "I will exercise my good offices to arrange amicably the differences between this baby in my arms and yourself." We know, Mr. President, that so far as Panama is concerned she is there simply to do what we say about this whole matter.

We know another thing, that if this is an accomplished revolution Colombia has no claim against Panama. There might be some question about prorating the preexisting debt or something of that sort, but when a country achieves its independence and its independence is an accomplished fact, the country from which it has been wrested has no claim against the country which thus achieves its independence.

What is the claim that Colombia has against Panama? None whatever except the claim of a right to sovereignty over it. Is that a matter for negotiation? Is that a matter for settlement? Here is Colombia, whatever else the balance of the world has done, denying that its sovereignty has been rightfully wrested from it. If its denial is untrue, if its sovereignty has been wrested from it, then Colombia has no claim against Panama which Panama can for a moment consider. To consider it would be to admit that her independence had not been achieved.

Did the Government of Great Britain have any claim against the thirteen colonies when they achieved their independence? What they had won by the sword left no obligation from them to the Government from which they had won it. If Panama independence has been achieved, it is idle to talk about the claim of Colombia against Panama. Are we here to waste words?

Colombia contends that she has been aggrieved and damaged by the United States, and under the suggestion of the honorable Senator from Wisconsin we are to answer that contention by saying to her, "We will try to settle the difference between you and Panama and make Panama comply with the obligations that she has to you," when we know, when every man in the Senate, who is necessarily familiar with international law to that effect, knows that when Panama has achieved her independence there is no obligation left on the part of Panama to Colombia. And yet we are to answer the question as to whether or not there is a grievance on the part of Colombia against the United States by saying to her in that empty way, "We will try to see that whatever Panama owes you is paid," or words to that effect, when we know it does not owe her anything.

Nobody disputes the right of the Senate to address this communication to the President if it is a proper subject-matter, if the circumstances warrant it. It is recognized in numerous precedents that it is proper for the Senate to advise the President in advance of what it conceives to be a proper subject-matter for a treaty.

Senators contended on the 12th of January, the day when this resolution was presented and debated in the Senate, that it was improper to suggest that there should be any negotiations. That, at that time, was their opinion—on the 12th. It seems on the very next day after this resolution was thus presented and debated, the 13th, however, the Secretary himself, as is shown by this communication which has been sent here by the President, did suggest negotiations. On page 32 of this document is the statement by Mr. Hay that he is willing to the following:

> First. To submit to a plebiscite the question whether the people of the Isthmus prefer allegiance to the Republic of Panama or to the Republic of Colombia.
>
> Second. To submit to a special court of arbitration the settlement of those claims of a material order which either Colombia or Panama by mutual agreement may reasonably bring forward against the other, as a consequence of facts preceding or following the declaration of independence of Panama.

I think those submissions would be entirely ineffectual—I mean they would accomplish no good; and at the same time it is a step in the direction of negotiations with Panama. If the introduction of this resolution on the 12th and the debate in the Senate on that day stimulated the Secretary to his action on the 13th, as much as that action fell short of the requirements of the situation, the resolution has nevertheless not been entirely fruitless in the initiation of negotiations between the United States and Panama.

Mr. FAIRBANKS. The offices were to be extended in order to bring about proper relations between Panama and Colombia.

Mr. BACON. Yes, I understand. But it is evident that Panama is only used as a buffer in a transaction to which she is not a party.

Mr. FAIRBANKS. The Secretary says:

> This Government is now, as it always has been, and as I have frequently had the honor to inform your excellency, most desirous to lend its good offices for the establishment of friendly relations between the Republic of Colombia and that of Panama.

Mr. BACON. I understand that, and he also suggested that the United States would be willing to submit to a court of arbitration the settlement of claims between Colombia and Panama, which, as I have already endeavored to show, replying to the Senator from Wisconsin, would amount to nothing. It looks very much like the case I have just put, as an illustration, of a guardian with a baby in his arms offering his good offices to settle differences between another man and that baby. The only practical thought connected with the suggestion of the Secretary is that the United States feel constrained to make reparation to Colombia, but prefer to do it in the name of Panama. Which is the manlier, nobler method—that one, or the open, frank method of negotiating directly with Colombia and coming to an agreement with her without masquerading behind little Panama?

But I want to call the attention of Senators to the statement of the Senator from Rhode Island [Mr. ALDRICH] yesterday, made in this Chamber. In speaking about this very question of the relations between Colombia and the United States, the Senator said this:

> And not upon negotiations—

Speaking about the question of information to be had from the State Department or from the President—

> And not upon negotiations of a difficult and delicate character, perhaps, which are now going on between some of these governments in regard to matters which have grown up since the treaty was negotiated.

Mr. FAIRBANKS. From what page of the RECORD does the Senator read?

Mr. BACON. Page 1308.

Mr. PLATT of Connecticut. The Senator from Rhode Island is absent from the Chamber. If he were here, I do not think he would admit that he stated upon his knowledge that negotiations were now pending.

Mr. BACON. No; he said "perhaps."

Mr. PLATT of Connecticut. Yes.

Mr. BACON. He said "perhaps." I have read his language.

Mr. PLATT of Connecticut. It was by way of illustration, as I understood it.

Mr. BACON. Of course those of us who are not on the inner circle have not definite information, and it is to be regretted that we are now told by some who are on the inner circle that he did not mean what we understood him to mean.

I repeat what I said upon a former occasion—that I recognize as a concluded fact the revolution in Panama, and that it is not going to be undone. I want to add to that another fact which I recognize as an undoubted one, and that is that there is to be no more controversy as to where the canal is to be dug. I recognize that it is going to be built at Panama.

These are two recognized facts, to my mind, and out of them there grows to me this conclusion: That viewed from a selfish standpoint there is no more important duty resting upon the Government of the United States now than to remove whatever cause of friction or of ill feeling there may be between the Government of the United States and the Government of Colombia; and I think that being an accomplished fact, the revolution being an accomplished fact, the Government of Colombia having no possible opportunity in the future to be recompensed for whatever it may claim to have suffered by any restoration of this territory, the only possibility being that she may be recompensed in some other way, I am strongly of the opinion that the very best investment we could make in connection with this matter would be a liberal concession to that country which would remove the present feeling of hostility and make those people our friends in the future.

There is one feature of this controversy about which there can be a conciliatory negotiation without compromising any honor or

any suggestion of it, and that is this: There is no question about the fact that Colombia denies the loss of her sovereignty in Panama: that she denies the independence of that country. In other words, that she still claims it as a part of her territory, and will again subject it to her authority if she can ever do so.

We, on the other hand, say that the title of Panama to her independence is complete; but nevertheless there is the claim of Colombia, out of which controversy will grow and future difficulty will grow. Is there any dishonor in our negotiating with Colombia that she shall make a quitclaim to that title? I would be willing to pay to Colombia ten times as much as I think her claim is worth, or a hundred times, if you please, if thereby peace is going to be had between Colombia and the United States.

It matters not that it may be, as suggested by the Senator from Connecticut [Mr. PLATT] the other day, that there is no danger of an outbreak of war.

If there are hostile relations between that country and this country, we are necessarily committed for an indefinite time to a condition of predatory or guerrilla warfare, if no other. We are thereby necessarily put into a position where we must maintain a suitable army there. We are necessarily put in a position where even though there is no open declaration of war we will have to protect that property against the predatory bands of an unfriendly people and protect those who are there engaged either in the construction of the canal or its operation, and what that will cost will outweigh a dozen times the amount of money that we would pay to that country and thereby get friendly relations between us. And, sir, this condition of hostility with the Colombian people will not only cost us treasure; it will during long-continued years cost us the lives of our soldiers, officers, and men—lives compared with the value of which the money necessary to make these people again our friends is as dust in the balance.

Mr. President, another suggestion. I have no doubt that the time is coming—in what way or when, I do not know—when the United States Government is going to secure the possession of that Isthmus and own it. When that comes I do not wish that Colombia shall have this unsettled claim with which to harass us. If we are to construct the canal successfully and without undue cost and without the loss unnecessarily of life and treasure, it is important that we should have the friendship of that people.

If we are to operate the canal and protect it successfully thereafter, without undue cost and sacrifice, it is necessary that we should have their friendship and cooperation, and the only way to have their friendship is to agree with them, by the way, before it is too late. We should, as his constitutional advisers, say to the President: "We advise that there shall be such conciliatory negotiations between this country and Colombia as will bring about, as soon as practicable, a friendly condition of affairs."

Mr. President, another thing. Does any man doubt that even if that country is——

Mr. SPOONER. That is a very different thing from your resolution.

Mr. BACON. No; it is not. The first part of the resolution refers exclusively to negotiations looking to an agreement between the two nations and will include all kinds and subjects of friendly and conciliatory negotiations.

Mr. SPOONER. But, Mr. President, if I may take just a moment, the first part of the resolution refers to the negotiation of a treaty. I never heard before of the Senate advising the President to negotiate a treaty for ratification by the Senate unless the Senate was of opinion that there was some substantial and honest difference whereby we became equitably indebted or beholden to the other government.

Mr. BACON. If the Senator will pardon me, exactly the opposite of that was the case on the part of Great Britain in the Washington treaty. The United States claimed that the Government of Great Britain was indebted to citizens of the United States by reason of the fact that the Government of Great Britain had not restrained war vessels which were to be used by the Confederate government from departing from their ports; that by reason of that neglect on the part of Great Britain those vessels did depart from their ports and preyed upon the commerce of the United States, and that therefore the British Government was under liability and obligation to make good the losses.

Now, when it came to the negotiation of that treaty, the British Government, while it agreed to the treaty for arbitration, expressly said in the body of the treaty that it did not recognize that there was any liability on its part. So that is a case exactly in point with the suggestion of the honorable Senator and fully answers his criticism.

It is entirely competent, if there is a controversy between two nations, for a nation which utterly disowns and disavows any liability to say: "For the purpose of the settlement of this controversy, wherein we deny our liability, we will enter into a treaty with you looking to its determination and settlement in some way, either by conciliatory negotiation or by arbitration." In every case the controversy is due to the fact that one party makes a claim which is denied by the other party. That makes the issue, and it is the existence of that issue which calls for adjudication by arbitration. So the Senator, I think, is entirely wrong in that contention.

Another thought not unworthy of our consideration, Mr. President, is that even if Colombia is too feeble to go to war with us, even if she recognizes her feebleness to the extent that she makes no declaration of war and attempts to wage no war, the very fact that she permits the accomplishment of the revolution in Panama without an attempt to prevent it will certainly throw that country into the throes of civil war.

Mr. President, in view of all our professions concerning our care and regard for the American republics, are we under no moral obligation, in the presence of such a situation as that? Are we under no moral obligation even to treat with a country with a view to arriving at some agreement which will soothe their wounded and angry pride and which will prevent these internal commotions among her people?

I confess, sir, that there was pity stirred within me when I read the extract from the letter of General Reyes to Secretary Hay of December 23, 1903, which is found on page 9 of the communication sent in to us by the President of the United States. It is as follows:

> Sad indeed is the fate of my country, condemned at times to suffer calamities from its own revolutions and at others to witness the unexpected attacks of a powerful but friendly State, which for the first time breaks its honored traditions of respect for right—especially the right of the weak—to deliver us pitilessly to the unhappy hazards of fortune.

Then another thing, Mr. President, we have American citizens in that country who own property, and they are jeopardized by this condition.

I have a letter now from a citizen in my own town, whose brother resides in Colombia. This brother, whose business and property are in the interior of that country, has gone to Cartagena because he is afraid to stay in the interior. He writes to his brother that he fears and apprehends the loss of all his property on account of the unfriendly nature of the feelings of the people of that country to the people of the United States, growing out of this proposition. This is doubtless only one of many similar instances.

I am, sir, willing for one, and I believe the American people are willing, that we should deal liberally with the Colombians, because, I repeat, what are a few paltry millions to this great Government compared with the great advantage to this Government of making a friendly, satisfactory arrangement with that people?

I have heard it said—I do not know whether truly or not, I do not pretend to say now that it is true, but it is repeated around—that the Government of Colombia has proposed to the United States that it will be entirely satisfied, that it will produce a restoration of good feeling, that it will surrender all claims on Panama and on the canal if this Government will devote $10,000,000 to the building of a railroad from a point on that canal to the city of Bogota.

I do not know whether there is a particle of foundation in that report, but if there is I do not think there is anything which this Government could do which would be more to the interest of the Government in connection with that enterprise than to do it, for two reasons.

In the first place, it would bring about that condition of friendly feeling which is so important, and, in the second place, it would really very largely add to the value of the canal when constructed to have such a railroad leading into a country filled with minerals and especially abounding in the coal which will be needed by the ships traversing the canal.

Mr. President, why should we hesitate or delay in inaugurating these negotiations for a settlement so consonant with justice and with our professions of a century and so important to our future interests? Delay is fruitful of evil. Each day adds to the ill feeling of the Colombians. The seeds of popular prejudice and hate, when they once germinate in a national soil, are most difficult of eradication.

Do we delay because the great United States are too proud, too vainglorious, to offer conciliation to a feeble people powerless to cope with it? I am sure, sir, that this is not the wish of the American people, but that, on the contrary, it is their wish that examination be made and that whatever is due to Colombia from us shall be paid in liberal measure.

Mr. PLATT of Connecticut. Mr. President, I do not rise to make a speech in reply to the Senator from Georgia, but simply to suggest that if it is to be the understood policy of the United States that whenever another country makes a claim against us, or whenever there is a controversy between us and another country, in which we do not acknowledge the ground of the claim or

that we have done any wrong, we are to buy our peace at the rate of $10,000,000 or more, we shall have plenty of claims made against the country and plenty of controversies on our hands.

Mr. CULLOM. Are there any in sight? I should like to have the Senator state whether he knows of any movement already in reference to claims of that sort.

Mr. PLATT of Connecticut. We shall hear from them. If, admitting that we have done no wrong to Colombia, we buy our peace of her for the sum of $10,000,000 we shall hear of claims, and hear of them again from Colombia. If when we have done no wrong and if when we do not for a moment admit the justice of her claim, we put ourselves in the position of saying we will pay $10,000,000 rather than have any trouble with you, she will be able in six months' time to have another claim and another controversy with us; and so with other nations. This bill would make us enter on an interminable policy of buying our peace whenever any other nation concludes to make a claim against us.

ADJOURNMENT TO MONDAY.

Mr. CULLOM. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, February 1, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 29, 1904.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Walker W. Joynes, a second lieutenant, to be a first lieutenant in the Revenue-Cutter Service of the United States, in place of Percy W. Thompson, promoted.

Percy W. Thompson, a first lieutenant, to be a captain in the Revenue-Cutter Service of the United States, in place of John W. Howison, retired.

Horatio N. Wood, a first assistant engineer, to be a chief engineer with the rank of first lieutenant in the Revenue-Cutter Service of the United States, in place of James A. Severns, retired.

John Q. Walton, a first assistant engineer, to be a chief engineer with the rank of first lieutenant in the Revenue-Cutter Service of the United States, in place of John E. Jefferis, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1904.

APPRAISER OF MERCHANDISE.

John Linzee Snelling to be appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts.

POSTMASTERS.

ARIZONA.

George W. Dietz to be postmaster at Congress, in the county of Yavapai and Territory of Arizona.

CALIFORNIA.

Martin C. Beem to be postmaster at Fort Jones, in the county of Siskiyou and State of California.

Percy B. Fulton to be postmaster at Dinuba, in the county of Tulare and State of California.

E. T. Ketcham to be postmaster at Santa Maria, in the county of Santa Barbara and State of California.

John W. Wood to be postmaster at Pasadena, in the county of Los Angeles and State of California.

IOWA.

Walter M. Cousins to be postmaster at Alden, in the county of Hardin and State of Iowa.

KANSAS.

June B. Smith to be postmaster at Cottonwood Falls, in the county of Chase and State of Kansas.

MAINE.

Rufus C. Reed to be postmaster at Damariscotta, in the county of Lincoln and State of Maine.

MASSACHUSETTS.

George P. Bliss to be postmaster at Florence, in the county of Hampshire and State of Massachusetts.

MONTANA.

Louis V. Bogy to be postmaster at Chinook, in the county of Choteau and State of Montana.

J. E. Sheridan to be postmaster at Bigtimber, in the county of Sweet Grass and State of Montana.

NEBRASKA.

Joshua H. Evans to be postmaster at Callaway, in the county of Custer and State of Nebraska.

SOUTH DAKOTA.

John Longstaff to be postmaster at Huron, in the county of Beadle and State of South Dakota.

UTAH.

Edwin R. Booth to be postmaster at Nephi, in the county of Juab and State of Utah.

Lars O. Lawrence to be postmaster at Spanish Fork, in the county of Utah and State of Utah.

Joseph Odell to be postmaster at Logan, in the county of Cache and State Utah.

John Peters to be postmaster at American Fork, in the county of Utah and State of Utah.

WASHINGTON.

Harry C. Bilger to be postmaster at Clealum, in the county of Kittitas and State of Washington.

William M. Clemenson to be postmaster at Clarkston, in the county of Asotin and State of Washington.

Richard Connell to be postmaster at Odessa, in the county of Lincoln and State of Washington.

Oscar C. Truax to be postmaster at Tekoa, in the county of Whitman and State of Washington.

William P. Ward to be postmaster at Rosalia, in the county of Whitman and State of Washington.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 29, 1904.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Almighty and most merciful God, our Heavenly Father, we thank Thee for the good, the pure, the true, the noble whom Thou has raised up in every age of the world's history to be leaders among men, the trend of whose lives have ever been toward the ideal. So we thank Thee, Heavenly Father, for the beautiful character of our beloved McKinley, whom we remember with grateful hearts to-day for the things that he did, and for the example of Christian character and fortitude he left to us in his life and death. So move, we beseech Thee, upon the hearts of Thy children that truth and righteousness and good will shall reign everywhere, in and through the spirit of the Lord Jesus Christ. Amen.

The Journal of yesterday's proceedings was read.

CORRECTION.

Mr. THAYER. Mr. Speaker, on January 21 I introduced a joint resolution proposing an amendment to the Constitution of the United States of America to keep its land always equally divided among all its people. I introduced that resolution by request and had no personal responsibility for it. This morning I was shown an editorial in the New York Sun, in which, among other things, criticising the resolution, it says: "Mr. THAYER takes full responsibility for his resolution and does not label it 'by request.'"

I at once undertook to write a letter to the New York Sun, dictating it to my secretary, when he said: "Mr. THAYER, I saw the printed resolution, and it did not say upon it that it was introduced by request." Whereupon I came to the House and found the resolution already printed and that it was in keeping with the assertion of the New York Sun in its editorial that it was not done by request.

When the resolution was presented to me I went to the file clerk's office, three of the clerks of whom are sitting here now and will bear testimony to the truth of what I am saying, and asked what was a Representative to do when asked to introduce a bill or resolution that he did not wish to be responsible for—what was the proper thing to do? I was told by them that they did not know what the custom was, but when a resolution was introduced if the Member stated it was done by request that relieved him from personal responsibility. I took this precaution in introducing the resolution in order that my action might correspond to that of the regular custom. Now, Mr. Speaker, in justice to myself, and in justice as well to those who believe in the resolution, I ask that the resolutions as printed may be suppressed and that others may be printed in their stead in accordance with the

fact and in accordance with the records of the House. This is apparently a mistake of the printer and not of those who keep the records in the House, as the books here show that the resolution was introduced by request.

The SPEAKER. The Journal seems to be correct. What is the gentleman's request?

Mr. THAYER. That the resolutions already printed be suppressed and that others be printed in their stead, containing a record of the fact.

Mr. PAYNE. Did the gentleman write the words on the back of the resolution that it was introduced by request?

Mr. THAYER. I did; and I hold the original resolution in my hand with those words indorsed thereon.

The SPEAKER. Without objection, the printed bills in existence will be suppressed, so far as it relates to the House document room, and a new print will be ordered in accordance with the gentleman's suggestion. The Chair hears no objection.

The Journal was then approved.

URGENT DEFICIENCY BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TAWNEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10954, the urgent deficiency appropriation bill. General debate having been exhausted, the Clerk will proceed with the reading of the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

For expenses of the Commission on International Exchange, appointed under the provisions of the sundry civil act of March 3, 1903, to bring about a fixed relationship between gold-standard and silver-using countries, $100,000.

Mr. HILL of Connecticut. Mr. Chairman, I desire to make a point of order against the provision just read.

The CHAIRMAN. The gentleman will state it.

Mr. HILL of Connecticut. That it is new legislation and has no authorization by any act of Congress and has never been considered by Congress. I make the point of order with the full expectation that it will be recognized, and, if it is, I do not care to take the time of the House in discussing it. I will ask the gentleman from Indiana, in charge of the bill, if he does not recognize the fact that the point of order is well taken?

Mr. HEMENWAY. No; Mr. Chairman, I insist that it is not subject to a point of order.

Mr. HILL of Connecticut. Mr. Chairman, I desire to state that this matter has never been before Congress in any way, shape, or manner, except an item of $25,000 in the sundry civil bill of last year. I call the attention of the Chairman to repeated decisions by the chairmen of committees in this House that such an item inserted in an appropriation bill in one year does not constitute an authority in such a way as to permit it in the shape of new legislation to be put on another appropriation bill. I call the attention of the Chairman especially to page 346 of the Digest, which reads:

An appropriation for an object in an annual appropriation bill makes law only for that year, and does not become "existing law" to justify a continuance of the appropriation.

That would absolutely throw this item out of this bill. I also call attention of the chairman to page 349 of the Digest, relating to salaries, which reads as follows:

In the absence of a general law fixing the salary, the amount appropriated in the last appropriation bill has sometimes been held to be the legal salary, although in violation of the general rule that the appropriation bill makes law only for the year.

I call attention now to the next citation:

The mere appropriation for a salary does not thereby create an office, so as to justify appropriations in succeeding years.

I now call the attention of the chairman to the item itself to which I am referring, as found in the sundry civil bill of last year, and which reads as follows:

To enable the President to cooperate through diplomatic channels with the Governments of Mexico, China, Japan, and other countries for the purpose set forth in the message of the President and accompanying notes submitted to Congress January 29, 1903, and printed as Senate Document No. 119, second session Fifty-seventh Congress, $25,000.

Now, Mr. Chairman, there was absolutely no authority whatever for that appropriation at that time. It never was in the House in any way, shape, or manner prior to its being put onto this bill as an amendment by the Senate. It was not only in violation of the rules of this House, but it was in violation of the rules of the Senate itself.

The CHAIRMAN. Will the gentleman from Connecticut inform the Chair the page on which the original law authorizing this commission is to be found?

Mr. HILL of Connecticut. I will take great pleasure in submitting the law itself to the Chair. That amendment never was in this House. It was not an original item in the sundry civil bill last year. It was an amendment put on of $100,000 in the Senate, in violation of its own rules as well as in violation of the rules of the House, and came over here when the bill was brought back from the Senate. It was reduced in conference from $100,000 to $25,000, and I think I may say, and that I knew at the time, that that was to be the end of that proposition. The $25,000 inserted in violation of the rules in both bodies last year, it is now claimed becomes an authorization for all future time.

Mr. PAYNE. May I ask the gentleman a question? What difference does it make whether it was against the rules or not, if it became a law finally?

Mr. HILL of Connecticut. It makes no difference as a legal proposition, I suppose, but it makes a very great difference in another way, and it seems to me it is time that the House of Representatives asserted its own dignity and began to put a stop to that kind of procedure.

Mr. PAYNE. The House can not prescribe rules for the Senate. I wish it could.

Mr. HILL of Connecticut. Now, Mr. Chairman, I make this claim, that the appropriation, as inserted in the sundry civil bill last year, without any previous authorization, terminated with that appropriation, in accordance with decisions made over and over again, and that putting it on here in a new appropriation bill is new legislation, and that point of order has been sustained over and over again by past decisions of the House.

Mr. HEMENWAY. Mr. Chairman, this question substantially was determined the other day in respect to an item on the army appropriation bill, where, by amendment of the Senate, $400,000 was appropriated for the construction of a building at Washington Barracks. I made the point of order that its not being authorized by law, an additional appropriation for that work was not in order, and that the fixing of $400,000 in the bill was a limit, and that no appropriation in addition to the $100,000 could be made. The item went upon the bill just exactly as this item went upon the sundry civil bill in the last Congress. It was a Senate amendment, which was agreed to in conference, and of course passed the House, as all of the provisions have to pass the House before they become law.

The Chair then held that, being a public work in progress, the item of $300,000 on the army appropriation bill was in order. I think the Chair was correct in that holding. Here is a provision of law:

To enable the President to cooperate through diplomatic channels with the Governments of Mexico, China, Japan, and other countries, for the purpose set forth in the message of the President and accompanying notes, submitted to Congress January 29, 1903, and printed as Senate Document No. 119, second session, Fifty-seventh Congress, $25,000.

There is authority authorizing this appropriation and authorizing the Government to enter upon this public work—to wit, the bringing about through diplomatic channels and otherwise certain agreements with Mexico, China, and Japan. Now, that work is in progress. A Commission has been appointed. That Commission is now at work under authority of this law.

On this bill we report a provision for $100,000 more of appropriation to continue this work which is now in progress, and which was authorized by law passed in the last session of the Fifty-seventh Congress. It is exactly the case which was decided by the Chair five or six days ago, where I contended on the other side of the proposition that where an appropriation of $400,000 was made the work was limited to the $400,000. The Chair held I was not right in my contention and that the gentleman from Iowa [Mr. HULL] was right in his, and that that being a public work in progress the additional appropriation could be made. It is exactly the same case, and I have no doubt the Chair will rule in the same way.

Mr. LIND. Will the gentleman permit me a question? Do I understand the tenor of his argument to be that our Government is committed to the proposition of international bimetallism?

Mr. HEMENWAY. Oh, not at all.

Mr. HILL of Connecticut. That is the effect of it.

Mr. HEMENWAY. Oh, no; there is absolutely nothing in this provision that gives anybody the right to commit the Government to any proposition. Congress alone can commit the Government.

Mr. LIND. There is no law authorizing it?

Mr. HEMENWAY. Here is the law:

To enable the President——

Mr. LIND. Will the gentleman permit another question?

Mr. HEMENWAY. I hope the gentleman will allow me to answer the one he has already submitted.

To enable the President to cooperate through diplomatic channels with the Governments of Mexico, China, Japan, and other countries for the pur-

pose set forth in the message of the President and accompanying notes submitted to Congress January 29, 1903, and printed as Senate Document No. 119, second session Fifty-seventh Congress, $25,000.

Now, as I understand that provision, it authorized the President to appoint a commission to try to bring about a fixed rate of exchange between Mexico, China, Japan, and other countries and the United States——

Mr. LIND. A fixed rate of exchange for gold and silver.

Mr. HEMENWAY. Giving to that Commission no power in any shape or manner to commit the Government, but simply to try to bring about some arrangement which should afterwards be submitted for approval to the Congress of the United States and to the legislative body of the country or countries joining in the agreement.

Mr. LIND. Then does not the gentleman contend that the point of order is not well taken, because this Government by prior legislation is committed to the proposition of securing stability of international exchange as to gold and silver?

Mr. HEMENWAY. The Government is not committed to it in any way. We are simply trying to bring about, through our diplomatic corps and through this Commission, fixed rates of exchange. When such an agreement has been brought about by negotiation, then Congress will have to legislate upon the question. The Government can only be committed by legislation—not by any agreement which this Commission may be able to arrive at with other countries.

Mr. LIND. The question to which I desire to get a specific answer is this: If, as I understand, existing law commits the Government to these negotiations, then the point of order is not well taken. If it does not, the point of order is well taken, it seems to me.

Mr. HEMENWAY. I do not think the gentleman is correct in his statement. Of course, the Government will not be committed to any agreement made by this Commission. The object of the Commission is to bring about fixed rates of exchange between this country and other countries. For instance, in the dealings between citizens of this country and citizens of Mexico—I may not be exactly accurate, but I understand the fact to be that the price of exchange in Mexico ranged last year from about $2.16 to $2.85.

So a merchant in Mexico buying, we will say, an engine and a boiler from some manufacturer in the United States to-day contracts to have the engine and boiler delivered sixty days from now. It may be that exchange to-day is $2.20, but on the day of the delivery of that machinery it may have run up to $2.50. There is no fixed basis on which business can be done as between the two countries.

Now, this Commission hopes to bring about a fixed rate of exchange, so that when the Mexican merchant undertakes to deal with a merchant of the United States he will know on what basis payment is to be made. Whether or not such an arrangement can be brought about between this country and Mexico, China, Japan, and others, is a great question. It can not be solved in a day or a year. It means long diplomatic negotiations between the different countries. But if it can be brought about all agree it would be of great benefit to the United States.

Now, it is proposed to continue the services of this Commission that is trying to bring about that condition of affairs, and when they have progressed to such a point that they think they have something to report to Congress they will make report, and we shall have the opportunity to determine whether we are willing to commit the Government to any scheme which the Commission may suggest.

Mr. OVERSTREET. Mr. Chairman, I should be glad to be heard a moment on the point of order, directly. I simply wish to call the attention of the Chair to the history of the legislation for which this particular item seeks to make provision by an additional appropriation. In the latter days of December, 1902, or, perhaps, the early days of January, 1903, the Chinese and Mexican Governments——

The CHAIRMAN. The gentleman will suspend until order is restored. The Committee of the Whole will come to order. [A pause.] The gentleman will now proceed.

Mr. OVERSTREET. It is not my purpose, Mr. Chairman, to address myself to the merits of this item, but directly to the question of order which is raised, and in doing so to call the attention of the Chair briefly to the history of the legislation relating to this subject, which, I believe, throws some material light on the solution of the point of order.

In January, 1903, the Mexican and Chinese Governments, through their accredited representatives to the United States, made written request of the President of the United States for some plan through which the three Governments might cooperate in arriving at a system of international exchange for the benefit of the merchants of gold-standard countries dealing with countries which used silver. Those communications were, through the Secretary of State, made to the President, and on the 29th day of January, 1903, by message to Congress, addressed to both Houses thereof, the President called that proposition to the attention of Congress and asked for legislation which would enable him to put in operation some such plan. In his message of January 29 he used this language:

I recommend that the Executive be given sufficient powers to lend the support of the United States in such manner and to such degree as he may deem expedient to the purposes of the two Governments.

Those purposes I briefly referred to. In keeping with that request and recommendation of the Executive, the Congress, on the 3d of March, enacted into law on the sundry civil bill the item giving that power, carrying with it an appropriation of $25,000, to the President.

Acting under that law the President designated a commission of three men, and through his Secretary of State gave instructions to them, and by those instructions they are to-day bound. They have no other power, in law or equity, to bind this Government to any proposition, but under the law under which they are operating must report back through the Executive to the Congress. That Commission has pursued its order of business under those instructions and has made report through the President to the Congress, and at this session the President transmitted that report to the Congress, with a message recommending the further appropriation provided for in this bill.

The CHAIRMAN. Will the gentleman from Indiana permit the Chair to ask him a question?

Mr. OVERSTREET. Certainly.

The CHAIRMAN. The Chair takes it that the gentleman will not contend that this item can be sustained under any other rule than that relating to public works and objects already in progress.

Mr. OVERSTREET. I was going to say, Mr. Chairman——

The CHAIRMAN. Now, does the gentleman consider, under the rulings of the Chair heretofore, that this is a public work or object such as is contemplated by the rule allowing appropriations of this kind?

Mr. OVERSTREET. I certainly believe that it does come within that, and I was just upon the point of stating to the Chair that this very Commission, carrying out the instructions given it through the Secretary of State, is now at work. It is a continuing project, and this item of appropriation is to provide for that continuance by an additional appropriation.

All of this, Mr. Chairman, is a part of the records of this body. Every step of its progress has been made public through the messages of the President, and the last one I refer to is the one in which he refers specifically to this very item, stating in that message the necessity and importance of continuing this project or investigation, because they have only begun in the first investigation by visits to European capitals, and are now progressing with their work at the Japanese and Chinese courts. It comes directly within the purview of the authority of this House, shown by its rules, where a project has been authorized the necessity of its continuance has been demonstrated, and the importance of an additional appropriation made plain in order to complete it. I think the point of order is not well taken, for the very reason referred to by the Chair, that it is a project not yet completed, which has already been authorized and for which a partial provision of expenditure has been made.

Mr. HILL of Connecticut. Mr. Chairman, I do not wish to discuss the merits of the proposition. I am ready to make a proposition to the chairman of the Committee on Appropriations. I distinctly tried to avoid discussing the merits of this bill. The gentlemen on the other side have now taken about half an hour, referring largely to the merits of the bill. The gentleman from Indiana in discussing the point of order has referred to the history of the matter. Well, it depends a good deal on who writes history. I will give a history of this thing entirely different from that which the gentleman from Indiana has given, and will submit the whole facts to the House, if that becomes necessary. I do not want to do it. I am perfectly willing to leave this matter on the point of order right now with the Chairman of the Committee of the Whole, with the understanding that if his decision is against the point of order, I shall have the same amount of time that the gentlemen have already taken to discuss the merits of the proposition on an amendment that I shall offer.

Mr. HEMENWAY. I have no objection to that.

Mr. HILL of Connecticut. Very well; I am ready to submit the point of order without another word.

The CHAIRMAN. The Chair desires to call to the attention of the committee the language of this paragraph against which the point of order has been made; for it seems to the Chair from that language that the appropriation is not in continuation of such a public work or object in progress as the second clause of Rule XXI contemplates:

For expenses of the Commission on International Exchange, appointed under the provisions of the sundry civil act of March 3, 1903, to bring about a fixed relationship between gold-standard and silver-using countries, $100,000.

The paragraph does not state specifically what these expenses are; but in view of the language of the act, which the Chair has before it, creating or authorizing the President to create the Commission referred to, it is reasonable to infer that this appropriation is for the payment of salaries and other expenses of employees of the Government—that is, employees at large, as contradistinguished from employees of the Departments, and duties, too, that are not defined by law. In the opinion of the Chair it is difficult to see how the paragraph can be sustained under the provision of Rule XXI, to which the Chair has referred. That rule reads as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The question is whether this Commission, the purpose of its creation and the continuation of its duties, is such a public object already in progress as this rule intends. On this question the uniform ruling or holding of previous Chairmen has been that public works or objects already in progress authorizing appropriations not provided for by law had to be of a tangible, substantial nature, like the erection of buildings, construction of roads, etc.

The Chair finds in the Book of Precedents a decision on a very similar state of facts; the decision was made by Mr. Payson, of Illinois, who then occupied the chair:

On April 25, 1890, the House was in Committee of the Whole House on the state of the Union, considering the legislative, executive, and judicial appropriation bill.

The Clerk having read the paragraph relating to salaries in the Interior Department, Mr. Joseph D. Sayers, of Texas, made a point of order that there was a provision for nine members of a Board of Pension Appeals, to be appointed by the Secretary of the Interior, at a salary of $2,000 each, whereas the law constituting the Board provided for three members only.

After debate, on the succeeding day the Chairman gave his ruling. He said that legislation of like character had been adopted on the bill for the past five years, but it appeared from the RECORD that no point of order was urged against the provision. The existing law was found in the Revised Statutes, pages 26 and 27. "Four classes of clerks and three salaries are provided for," continued the Chairman.

After reciting the law providing for a less number on the Board of Pension Appeals, the Chair said:

If this provision is properly in this bill at all, the point of order being raised against it, it must be, in the judgment of the Chair, because it is connected with an "object already in progress" under the statutes of the United States. Now, it is urged in behalf of those opposing the point of order that because an appeal is allowed from the Commissioner of Pensions to the Secretary of the Interior, and because it is a physical impossibility for the Secretary of the Interior to personally perform all of the duties devolving upon the office he holds, and because it has been thought advantageous, in the performance of the duties devolving upon the head of that Department, to render the assistance in the direction indicated by this provision by a board of pension appeals in his office, as a part of the executive force of the office, that therefore it is one of the "objects" contemplated by the rule "as already in progress." The Chair was inclined to think, on the adjournment of the House yesterday, that that point was well taken; but upon consideration, and upon such reflection as the Chair has been able to give to the matter later, the Chair is inclined to think that it can not be so held.

The rule imposes this limitation on the power of the House as to legislation on appropriation bills: That no appropriations shall be made thereby for any expenditure not previously authorized by law, unless such proposed expenditure is in continuation of a public work or an object already in progress; that is, a public work or object previously authorized by statute and not yet completed.

"Public works" contemplated, in the judgment of the Chair, clearly contemplates tangible matters, as buildings, roads, and such other matters as readily suggest themselves.

So the question only remains, Does the expression "objects already in progress" include the duties to be performed by this board during the ensuing year? The Chair held it did not, and sustained the point of order.

This decision has been repeatedly cited and followed in like and similar cases, and since the provision against which the gentleman from Connecticut [Mr. HILL] has made the point of order merely provides for continuing the duties of this Commission for another year, it does not, in the opinion of the Chair, appropriate for the continuation of such an "object already in progress" as the rule contemplates. Therefore the Chair sustains the point of order.

The Clerk read as follows:

To enable the Secretary of State to mark the boundary, and make the surveys incidental thereto, between the Territory of Alaska and the Dominion of Canada in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, $100,000, to remain available until the close of the fiscal year 1905.

Mr. HAY. Mr. Chairman, I raise the point of order on the paragraph which has just been read, on the ground that it is new legislation.

Mr. HEMENWAY. If the Chair is in doubt, I want to be heard upon it.

The CHAIRMAN. To what part of the bill does the gentleman refer?

Mr. HAY. Page 2, beginning of line 9.

The CHAIRMAN. The Chair desires to ask the gentleman from Virginia if he will cite to the Chair the law authorizing this Commission?

Mr. HAY. I can not hear the Chair.

The CHAIRMAN. The Chair desires to know if the gentleman from Virginia can cite to the Chair the law authorizing the Commission appointed for the purpose of fixing the boundary line between Alaska and the United States?

Mr. HAY. No; I can not. I do not know of any such law.

The CHAIRMAN. In the opinion of the Chair, there was some legislative authority for the existence of the Commission that has settled the boundary question between the United States and Great Britain in respect to the boundary between the United States and Alaska.

Mr. HAY. That was a treaty; there was not a law, as I understand it. The point I make is——

Mr. HEMENWAY. I suggest to the Chair that a treaty is about the highest law known.

Mr. HAY. I submit to the Chair that this is entirely new; there is no law heretofore, and it is certainly not in order upon an urgent deficiency bill.

The CHAIRMAN. The Chair is of the opinion that this appropriation, which is to defray the expense of marking the boundary and making the necessary surveys between the Territory of Alaska and the Dominion of Canada, is in continuation of a tangible public work already begun. The Commission was created by authority of law for the purpose of defining that boundary line in accordance with a treaty between the United States and Great Britain, and an appropriation was made for the purpose of ascertaining the exact boundary. Volume 32, page 1138, Statutes at Large, provides for or authorizes the beginning of the work of marking this boundary. The paragraph against which the gentleman has made the point of order is in continuation of that public work which is to mark the boundary line as ascertained by the Commission, and the Chair therefore overrules the point of order.

The Clerk read as follows:

Consular service in Manchuria: For the balance of the fiscal year 1904: Consul-general at Mukden, Manchuria, at the rate of $4,000 per annum; consul at An-tung, Manchuria, at the rate of $4,000 per annum; in all, $3,318.68, or so much thereof as may be necessary.

Mr. HITT. Mr. Chairman, I move to amend page 4, in line 21, by striking out the words "four thousand," before the word "dollars," and insert in lieu thereof the words "three thousand five hundred;" so it will read "$3,500."

The CHAIRMAN. The gentleman from Illinois offers the following amendment, which the Clerk will report.

The Clerk read as follows:

In line 21 strike out the words "four thousand" and insert "three thousand five hundred."

Mr. HEMENWAY. Mr. Chairman, we have no objection to the adoption of the amendment.

Mr. HITT. This is done in order to make the two consulates of similar salary by reducing this one, the Committee on Foreign Affairs having fixed that salary permanently, to begin in the next fiscal year, at $3,500, and it ought not to be $4,000 here.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The Chair calls the attention of the gentleman from Illinois to the fact that the total will have to be changed.

Mr. HEMENWAY. I ask unanimous consent that the total be corrected.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the total be corrected in accordance with the amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

TREASURY DEPARTMENT.

Office of the Secretary: For two clerks of class 4, to be engaged during the remainder of the fiscal year 1904 in revising the customs regulations, $1,496.82, or so much thereof as may be necessary.

Mr. HAY. Mr. Chairman, I raise the point of order on that paragraph that it creates or authorizes the employment of two new clerks.

Mr. HEMENWAY. I do not care to discuss it; but I simply call the attention of the Chair to the fact that I think if the Chair will read section 161 of the Revised Statutes he will see that it authorizes Congress to provide from time to time such number of clerks as they think necessary for the proper conduct of the business of the Government, and from time to time the Chair has held that items of this kind are in order.

The CHAIRMAN. Does the Chair understand that the Revised Statutes provide and authorize the employment of clerks?

Mr. HEMENWAY. Why, certainly; such number of clerks as Congress shall provide from time to time for the public service.

The CHAIRMAN. To what section of the Revised Statutes does the gentleman refer?

Mr. HEMENWAY. I think it is section 161. If we are mistaken about that we will look it up.

Mr. HAY. That objection does not meet the rule of the House. Congress has not provided for these two clerks. It is now providing for the clerks and appropriating for them, and no such expenditure has been previously authorized by law.

The CHAIRMAN. The Chair finds, upon examining the Revised Statutes, that it is section 169 instead of 161 that authorizes this appropriation. The section reads as follows:

The head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Now, in the opinion of the Chair, this statute authorizes the employment of the clerks provided for in this paragraph, against which the gentleman from Virginia has made the point of order. These clerks are described as "clerks of class 4;" and that being one of the classes recognized by law, the point of order is overruled.

Mr. HAY. Mr. Chairman, do I understand the Chair to say that under that ruling the various heads of Departments have the right to employ any number of clerks they choose and that Congress will therefore be obliged to appropriate for them?

The CHAIRMAN. No; that is not the ruling of the Chair. The appropriation must precede the appointment, and the Chair therefore overrules the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

Office of Auditor for the Post-Office Department: For twenty-five skilled laborers, at the rate of $720 per annum each, for the balance of the fiscal year 1904, $7,500, or so much thereof as may be necessary.

Mr. HAY. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the Committee on Appropriations why the twenty-five skilled laborers are provided for in this bill, whether or not they have been heretofore appropriated for, and why they are needed at this particular time?

Mr. HEMENWAY. I will say to the gentleman from Virginia that the work of the Post-Office Department is behind, and call his attention to page 14 of the hearings. He will see that in order to bring the work up these clerks are provided for. On the legislative bill a number are provided for, quite a number more than are provided for here.

Mr. HAY. They are skilled workmen?

Mr. HEMENWAY. Skilled laborers to count the money orders, of which there are about 500 pounds a day, that come in and have to be sorted out. It is done by skilled laborers much cheaper than it could be done by clerks, and these are provided for in this bill, so that the work can be brought up.

Mr. HAY. I withdraw my pro forma amendment.

The Clerk read as follows:

The President is hereby authorized to establish convenient districts for the collection of revenue from customs, and for that purpose may subdivide any State or Territory within or appurtenant to the United States, or may unite two or more States or Territories within or appurtenant to the United States, or any part or parts thereof, into one district, and may, from time to time, alter said districts: *Provided*, That there shall be no more than 123 collection districts.

Mr. POWERS of Maine. Mr. Chairman, I make the point of order against the paragraph commencing at line 14 on page 13, and ending with line 22, that it is new legislation, and, in my judgment, not very wise legislation, or in the interest of economy. It changes existing law, and not only one existing law, but a good many existing laws.

Mr. JONES of Washington. Mr. Chairman, I would like to ask if the point of order was made to the whole paragraph?

The CHAIRMAN. The Chair understood the gentleman from Maine to make the point of order to that part of the bill on page 13, from line 14 to 22, inclusive.

Mr. POWERS of Maine. Yes; to the whole paragraph.

Mr. HEMENWAY. Mr. Chairman, while I believe the paragraph, if enacted into law, would bring about a great reform, resulting in great saving of money to the Government, I have no doubt that the point of order is well taken.

The CHAIRMAN. The point of order made by the gentleman from Maine is sustained.

Mr. HEMENWAY. Now, Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 13 insert the following:

"The President is authorized to inquire and report to Congress, at the beginning of its next session, what reorganization and consolidation of existing districts for the collection of revenue from customs can and should be made, so as to reduce the same to not exceeding 123 in number; whether such reorganization and consolidation would be in the interest of better administration and reduction of expenditures; and if so, in what particulars and to what extent."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. THOMAS of North Carolina. Mr. Chairman, I make the point of order that this proposed amendment is subject to the same rule; that it is a change of existing law and new legislation on an appropriation bill.

Mr. HEMENWAY. I hope the gentleman will not make the point of order, as this only seeks information by which a great reform can be brought about.

Mr. THOMAS of North Carolina. If I should withdraw the point of order, I think it would be renewed by some other gentleman.

Mr. HEMENWAY. It does not in any way bind Congress. It simply secures the information necessary by which the reform can be brought about.

Mr. THOMAS of North Carolina. Mr. Chairman, as I have said, if I withdraw the point of order, I have no doubt it will be renewed. This whole legislation is evidently a sweeping change in existing law.

Mr. HEMENWAY. There is no doubt but that the gentleman's point of order is well taken if he insists upon it; but I urge the fact that this will furnish information by which a great reform can be brought about and large sums of money saved to the Government.

Mr. THOMAS of North Carolina. According to the gentleman's own statement in the RECORD a day or two ago, it will save the Government about $100,000 a year.

Mr. HEMENWAY. About a hundred and thirty-five thousand dollars each year.

Mr. THOMAS of North Carolina. Well, Mr. Chairman, the statement made in the RECORD was that it was about $100,000. Now, this is the initial step toward the abolition of a large number of customs districts from Maine to Florida and along the Pacific coast, and we think that this legislation is too sweeping upon an appropriation bill; that if it is desirable to reorganize, or take steps to do so, by this proposed inquiry, the custom-house districts, there ought to be a separate bill for that purpose.

Mr. GAINES of Tennessee. Mr. Chairman, I have this to say in reply to the chairman of the committee: He says this is a reform that is needed. Where is the proof? The gentleman from New York [Mr. PAYNE] well said the other day that the laws need overhauling; that there ought to be reform in the customs laws. But we should have a full hearing, proof, and a full report; then act.

Mr. HEMENWAY. The Secretary of the Treasury points out the condition, and estimates that $135,000 a year, I think it is, will be paid. It is very clear, if the gentleman will take the report of the Secretary of the Treasury, that in some instances we are paying as high as $600 for the collection of $1. If we can stop that, it will be a great reform.

Mr. GAINES of Tennessee. Notwithstanding the Treasury report, it has not been called to the attention of the House until two days ago, when the gentleman from New York, whose committee—Ways and Means—has had charge of the customs laws, rose in this House and said that they ought to be overhauled.

Now, certainly an appropriation bill is not the place to overhaul general laws. If there should be a reformation in this matter, not simply information, then let it come in by general legislation, as is suggested by the gentleman from North Carolina [Mr. THOMAS] and as the gentleman from New York [Mr. PAYNE] wisely intimated to the distinguished chairman who reports this bill. Instead of that, we are undertaking a reformation here without any information about it. Why was not the particular matter referred to in the report of the Treasury referred to the Ways and Means Committee for that committee to report on it?

Mr. Chairman, I have no seaports in my district. This is simply a question of policy as to whether or not we should rip up our laws here all at once and get to be very frugal and penurious over saving the money in the Treasury on little matters and letting millions and millions of dollars slide through our hands here in appropriation bills, as we have for the last five or six years, without being challenged at all by gentlemen on the other side. I am for this reform, but let it come regularly, fully, completely, so we can see ourselves where we should use the pruning knife.

The CHAIRMAN. Does the gentleman from North Carolina withdraw his point of order?

Mr. THOMAS of North Carolina. Mr. Chairman, I do not think I ought to withdraw it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Supplies furnished destitute natives of Alaska during an epidemic in 1900: To pay amounts found due by the accounting officers of the Treasury under the provisions of the deficiency act of March 3, 1903, on account of supplies furnished to destitute natives of Alaska during an epidemic in the year 1900, as follows: Alaska Exploration Company, San Francisco, Cal., $33; Alaska Commercial Company, San Francisco, Cal., $25,328.15; North American Transportation and Trading Company, Seattle, Wash., $1,552.25; in all, $26,913.40.

Mr. JONES of Washington. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of the committee if the information called for in the proposed amendment which he submitted a few moments ago can not be furnished now by the President and officers of the Government.

Mr. HEMENWAY. Why, I suppose a resolution could be passed asking for the information, and I think if the chairman of the proper committee would make the request for information it could be secured in that way.

Mr. JONES of Washington. I should certainly think so.

Mr. COWHERD. Mr. Chairman, I would like to ask the chairman what was the authorization for the expenditure of this money by these companies—whether they were authorized to expend it in any bill; and, if so, how much.

Mr. HEMENWAY. As I remember it, at the last session of Congress the Senate put on an appropriation for these items by amendment; the Departments were instructed to ascertain what, if anything, was due from the Government to these different companies, and to have the amounts reported to Congress.

Mr. COWHERD. Due from the Government to those companies for assistance furnished the Indians? Or was it for supplies, or what was it?

Mr. HEMENWAY. They were furnished in the regular way, following the law, were sent down for payment, but there was some lack of information at the last session of Congress as to whether or not they were accurate.

Mr. COWHERD. What I am getting at and what I want to know is if there is any law now on the statute books providing for the furnishing of supplies to the destitute Indians in Alaska.

Mr. HEMENWAY. I think not. The gentleman will remember that this was the result of the famine which occurred up there some four years ago.

Mr. COWHERD. Mr. Chairman, I think the gentleman will remember—I don't know whether he will or not—that two or three of us attempted—I think when the last sundry civil bill was before the House—to have an amendment made to that bill, providing for an appropriation to furnish supplies to those Indians who at that time the evidence showed were dying by the thousands from famine. If I remember correctly, the gentleman from Indiana [Mr. HEMENWAY]—at least I am certain the chairman of the committee at that time—opposed the appropriation, and we were unable to get the relief we sought. I want to know now whether this is payment for that relief furnished without law?

Mr. HEMENWAY. I think these supplies were furnished prior to that time; but I will state that the chairman of the Committee on Appropriations would still oppose legislation of that kind to permanently appropriate a sum for the care of those Indians. When it becomes absolutely necessary and there is danger of famine, they will be taken care of, and Congress will find a way to ascertain the amounts that ought to be paid. Here is the legislation under which these amounts are paid:

The Secretary of the Treasury is hereby authorized and required to examine and adjust the accounts of the Alaska Commercial Company, the North American Transportation and Trading Company, and the Alaska Exploration Company for supplies furnished and services rendered to the sick, destitute, and starving natives of Alaska during an epidemic of disease over that country in the year 1900.

Now, under that legislation these amounts were ascertained and are now appropriated for, and I have no doubt if there is occasion in the future for aid up there it will be furnished; but I do not believe it to be good policy to put on an appropriation bill an annual sum, so that those people will depend upon receiving so much of Government aid each year of their lives and thereby quit trying to support themselves, because that has been the history of all such things.

Mr. COWHERD. But does the gentleman believe it is better to let these companies furnish such aid as they please in such places as they please rather than that it should be furnished through Government officers, if the Government in the end is to pay for it?

Mr. HEMENWAY. As the gentleman will see, this appropriation is not for deficiencies for the year 1904, but is to take care of an item for 1900. I understand there has been no difficulty of this kind since these supplies were furnished at that time.

Mr. COWHERD. On the contrary, if the gentleman will permit me, I will read from a report showing that 20 per cent of those people have died at that time from epidemic, without any assistance practically having been furnished from the Government.

Mr. HEMENWAY. Well, I do not——

[Here the hammer fell.]

Mr. COWHERD. As long as the gentleman from Indiana [Mr. HEMENWAY] has occupied most of my time, I ask an additional five minutes.

Mr. HEMENWAY. I hope it will be granted.

The CHAIRMAN. Is there objection to allowing the gentleman from Missouri [Mr. COWHERD] five minutes more? The Chair hears none.

Mr. COWHERD. I want to call the attention of the gentleman from Indiana and of the House to the deplorable condition of the native people in certain portions of Alaska. We have gone there in search of gold and have absolutely changed the conditions that surrounded those people. Why, sir, we have passed game laws that have taken away from them their last hope of subsistence. Our game laws have even protected the ferocious bears in the mountainous country at the very time that we are attempting to stock that country with sheep and cattle, and by a Senate report we find those bears are so numerous that explorers have to defend themselves from their attacks. We have passed game laws to protect the bears and have left the Indians to die from starvation. We have passed game laws to protect the walrus, and we have made a closed season that prohibits the Indians from obtaining at the one time that he can obtain it what was formerly for them a great source of food supply. And these people are the only Indians in all the world that never raised their hands against the white man—the only Indians whose houses have been open to every stranger that came knocking at the door.

These are Indians who, the Government officers say, have absolutely deprived their families of the means of subsistence in order to feed the white man. These Indians we are leaving to die there from epidemic and starvation, in order to protect the game of the country for the casual hunter that may come there.

I submit, Mr. Chairman, that this is a blotch upon the legislation of the country—it is a reproach upon the humanity of our legislation that we sit here and permit it. I submit it would be much better for our own race, as well for the Indians, that we should legislate to preserve the Indian rather than to preserve the game, and I remember when this legislation was before the House we were told that the purpose of the law was to preserve the game for the Indian and not from him.

We are spending millions of dollars in introducing civilization, as we say, to the people out yonder in the Philippines, thousands of miles, and getting back little or nothing in return. Here is a piece of territory from which we are drawing millions of dollars in gold production; yet we are refusing year after year to furnish the Government officers there with the pittance which would enable them to take care of this last remnant of a most interesting people—a people, too, who, as reports show, have always extended to us the utmost friendliness and who to-day are perishing from the face of the earth because of the conditions that we have thrown around them.

Let me read you from a report made by a Senate committee that has investigated this subject:

They are hunters by nature and habit, and before the influx of the whites were able and willing to care for themselves, but through the game laws they are wholly deprived of their chief means of maintenance. Why they should be deprived of their immemorial right to hunt at will passes the comprehension of the committee. In a territory so vast as that of Alaska, many sections of which have never been trodden by the foot of a white man, where the mountains are lofty, rugged, inaccessible, and almost impenetrable, it is folly to claim that danger of extermination or even depletion of the amount of valuable game exists at the hands of the natives.

The sea lion and the walrus are protected by their natural habitat from danger of extermination at their hands. The decrease in the number of walrus has come through their systematic slaughter by whalers, who, having failed to secure enough monsters of the deep, at one time sought the walrus for their oil. The Kodiak bear is found on Kodiak Island and on the mainland from the southern coast to the far north. They are protected by innumerable mountains not yet explored. They are large, savage, and so numerous that explorers have to defend themselves against attacks. Why they should be protected against either whites or natives is not apparent, particularly in view of the fact that attempts are being made to stock Kodiak Island with sheep and cattle, 10,000 of the former and 200 of the latter having been placed there during the last two years.

The deplorable condition of these classes is such as to demand other and further relief at the hands of Congress. Their care, oversight, and whatever assistance may be required should be assumed at once. In the opinion of the committee the Secretary of the Interior should be authorized to appoint as many agents as may be found necessary to inquire into their conditions and needs and to administer relief. Appropriations should be made for this purpose.

The business of Alaska is carried on by citizens of the United States. It is claimed by them to now be a "white man's country." To all intents and purposes such is the fact. In every contest for gain the white man has been the gainer. Poverty, extreme and pitiful, prevails among these classes and develops their tendency to disease. Death is ever present at their doors. Justice and humanity alike demand legislation for their relief.

They say in this report—I think this was two or three years ago—that 30 per cent of those people have died from starvation and from an epidemic of measles that appeared amongst them.

We may not be able to remedy this condition of things at the present time; but I am seeking to call the attention of the chairman of this great committee to this important subject that he may investigate it, and that something may be done for those people in the regular appropriation bill—done through the officers of the Government and in proper channels—not by making appropriations to these companies after famine and pestilence have destroyed the race.

[Here the hammer fell.]

Mr. HEMENWAY. I suggest to the gentleman that the Committee on Appropriations has no jurisdiction and has nothing to do with the question. The question belongs to the Committee on Territories, and if the gentleman believes there ought to be legislation it should be presented through the Committee on Territories.

Mr. COWHERD. Has not the Committee on Appropriations in the sundry civil bill carried an item——

Mr. HEMENWAY. We have carried an item for reindeer—I think an item of $25,000—that has resulted in great benefit to those people; but the gentleman knows that the minute you go to issuing rations to the Indians in Alaska or in the United States or anywhere else you make paupers of them. They immediately

begin to wait for the rations to come around in place of going ahead to try to make their own living. In addition to that they have a local government recently provided by Congress, by which they collect their own taxes as you collect yours in Missouri, and they ought to take care of their poor people through their local funds. But in any event the Committee on Appropriations has nothing whatever to do with this item, and it belongs to the Committee on Territories.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Owners of British steamship Mogul: To pay the amount found due by the accounting officers of the Treasury, under the provisions of the deficiency act of March 3, 1903, to Gallatly, Hankey & Co., of London, England, owners of the British steamship Mogul, for damages by reason of the collision between said steamship and the United States transport Warren, in Manila Bay, December 30, 1900, $15,303.07.

Mr. FITZGERALD. Mr. Chairman, I desire to reserve the point of order under the item just read.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FITZGERALD. That it is legislation.

The CHAIRMAN. The Chair will say that on page 1048 of the Statutes at Large, volume 32, is found the following provision:

That the Secretary of War be, and he is hereby, authorized and directed to examine the claim of Messrs. Gallatly, Hankey & Co., of London, England, owners of the British steamship Mogul, for damages alleged to be due said owners by reason of the collision between said steamship Mogul and the United States transport Warren in Manila Bay on December 30, 1900, and determine what damages, if any, are due thereby to said owners of said steamship Mogul, and to certify the amount of such damages, if any are found to be due, to the Secretary of the Treasury; and the Secretary of the Treasury is hereby authorized and directed to report the same to Congress for its action.

Thus it has been held to be a special auditing authorized by law, and the appropriation of money for the purpose of paying the amount found to be due is in order under the Rules of the House. The Chair therefore overrules the point of order.

Mr. FITZGERALD. I submit that it is no deficiency in any sense, but that the Secretary was merely authorized to ascertain and report upon a claim. This is an item to pay a specific sum.

The CHAIRMAN. In reply to the gentleman from New York the Chair will read from the Manual:

It is in order to provide on an appropriation bill, as a deficiency, for the payment of an account audited under authority of law.

This account was audited under express authority of law, and is clearly in order.

Mr. FITZGERALD. Mr. Chairman, then I move to strike out the item.

The CHAIRMAN. The gentleman from New York moves to strike out the paragraph just read.

Mr. FITZGERALD. I do that, Mr. Chairman, for this reason: There have been a number of claims of this character made against the Government of the United States, some by citizens of the United States and some by citizens of other nations, and it has been the unvarying practice to compel the claimants to submit their claims to the Committee on Claims of this House, so that by legislation some court might pass upon the question of negligence, and if negligence on the part of Government officials was found, then to have the court pass upon the question of damages. Here we simply have some executive officer of one of the Departments reporting to Congress that in the opinion of that Department this collision in Manila Bay was due to the negligence of servants of the United States, and that the damage occasioned by that collision amounted to so much money.

It seems to me that there should be a uniform practice in these cases. I recollect well that a constituent of mine was compelled to submit its claim, arising out of a collision between one of the war vessels of the United States and a vessel having passengers on board, in the East River, in New York, to the district court of the United States sitting as a court of admiralty; and I say that if the Government is to recognize a claim of this sort at all, that is the proper way to do it. I am utterly opposed to giving to executive officers either the powers or duties that properly devolve upon the Congress, or to constitute them as courts to pass upon claims of this character, and I believe that this claimant, like all other claimants, should be relegated to the remedy given to citizens of the United States and citizens of other countries in the past.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Refund of duties to North American Transportation and Trading Company: To refund to the North American Transportation and Trading Company, of Seattle, Wash., the sum of $1,075, being the amount of duties unlawfully collected from said company on account of cost of repairs of the barge New York, it appearing that said vessel was not enrolled and licensed under the laws of the United States within the meaning of section 3114 of the Revised Statutes.

Mr. OLMSTED. Reserving the point of order, I would like to ask the chairman of the Committee on Appropriations why this appropriation should be made in this bill and this claim not sent, like other claims of like character, to the Committee on Claims for proper action?

Mr. HEMENWAY. It is to refund the amount found due this company; and of course it does not go to the Committee on Claims, because the amount has been ascertained, and it is agreed by the Government that this amount of money was collected from this company in violation of law.

Mr. OLMSTED. Under what particular law and by what officer has that finding of fact been made?

Mr. HEMENWAY. The Secretary of the Treasury is the officer.

Mr. OLMSTED. Where has the Secretary reported it?

Mr. HEMENWAY. He reports it down in a document which comes to Congress here, recommending that the amount be appropriated.

Mr. OLMSTED. There is nothing in the paragraph that indicates that the amount has been passed upon by any officer of the Government.

Mr. HEMENWAY. This is an account that has been passed on. It has been audited by the Secretary of the Treasury and certified down for appropriation. I can find the document after a while.

Mr. OLMSTED. Then, assuming that to be the case, there is hardly a Member upon this floor who has not constituents who have some equally just claim upon the Government, but they can not get them in these general appropriation bills.

Mr. HEMENWAY. This class of claims is always paid in appropriation bills. Here it is:

To refund to the North American Transportation and Trading Company, of Seattle, Wash., the sum of $1,075, being the amount of duties unlawfully collected from said company on account of cost of repairs of the barge New York, it appearing that said vessel was not enrolled and licensed under the laws of the United States within the meaning of section 3114 of the Revised Statutes.

This is one of the class of claims that is always paid in this bill.

Mr. OLMSTED. What did you read from?

Mr. HEMENWAY. I read from the estimates submitted by the Secretary of the Treasury.

Mr. FITZGERALD. It took me three years or more to get through a similar claim for a constituent, where the duties had been paid and where the United States Supreme Court decided they were illegally collected; and I could not get that claim put in an appropriation bill.

Mr. HEMENWAY. If the gentleman had got his claim properly allowed and certified down to us for an appropriation, it would have been carried in this bill. Nearly every bill of this kind carries quite a number of these claims.

Mr. FITZGERALD. This went through in a private bill, and it had superior merit or it would not have gone through.

Mr. HEMENWAY. I do not know anything of the form under which the gentleman's claim comes, but in these the Secretary of the Treasury certifies the ascertained amount illegally collected from this company, and he certifies the amount down for appropriation.

Mr. OLMSTED. Mr. Chairman, upon the statement of the gentleman from Indiana, that this account has been adjudicated by the Treasury Department and payment recommended by the Department, I will make no point of order.

The Clerk read as follows:

Payment to the Pacific Coast Steamship Company: To pay the account of the Pacific Coast Steamship Company for damages to their steamer Ramona, caused by collision with the United States revenue steamer McCulloch off Martinez, Cal., April 28, 1903, $50.13.

Mr. OLMSTED. Mr. Chairman, I make the point of order against that paragraph. I do not think that this claim, which is nothing more than a claim upon the Government, is of any higher class than thousands of claims pending before Congress and I do not think we ought to pay the claim of a great steamship company while we are not ready to pay these smaller claimants whose claims are just as good. I make the point of order that that paragraph is in violation of clause 2 of Rule XXI.

Mr. HEMENWAY. If the Chair is in doubt that this is authorized by law——

The CHAIRMAN. If it has been adjudicated by the Department the Chair has no doubt that the item is under authority of law.

Mr. HEMENWAY. The law authorizes it and provides that in cases of this kind a board shall be convened to investigate the matter. Under that law the board has been convened. This item has been investigated. It found that the United States was at fault, that the United States revenue cutter *McCulloch* was at fault in this collision, and the board takes up the matter under the law and assesses the damage and reports it to Congress, and Congress appropriates under the law.

The CHAIRMAN. Has this claim been adjudicated under that law?

Mr. HEMENWAY. It has been adjudicated. The board convened and certified it for appropriation.

Mr. OLMSTED. I would like to ask the chairman of the committee—the gentleman from Indiana—in what better position does this claim stand than the claims of my constituents for damages sustained at the hands of the Army when they occupied Fort Meade, near Harrisburg? The claims were passed upon by the War Department and recommended to Congress, but we had to get special authority to pay them.

If my friend can point me to any authority of law for the payment of this claim I will be glad to withdraw the point of order.

Mr. HEMENWAY. The authority is this: That the statutes authorize and direct and require, in every case of collision, that this board be convened, that an investigation be held, that after the investigation has been held that they certify the amount of damages, if any, and whether or not the United States is liable; and when that is done and the amount fixed and audited it goes through the proper Department and is certified down here under the law for appropriation; the difference being in this class of claims and the class of claims suggested by the gentleman that there is no statute for that class of claims suggested by the gentleman authorizing this procedure, while in this case there is a statute authorizing and directing how these amounts shall be ascertained.

Mr. OLMSTED. Well, I will say that in the case to which I referred there was especial authority of law by statute for an investigation by the War Department and an ascertainment of the amount justly due by the Government to those parties, but after that was had there had to be authorization of law before the money could be appropriated to pay them the money. Some of them have not been paid yet.

Mr. MAHON. Will the gentleman allow me a question?

Mr. OLMSTED. Certainly.

Mr. MAHON. Under the general law all claims which are war claims and are adjudicated by the Treasury Department are, under the rule, sent to the Committee on War Claims, where they are appropriated for and paid. This is not a claim for damages in time of war. This action probably happened in time of peace, and therefore it came properly to the Committee on Appropriations. I simply suggest this to the gentleman who complains that he did not get this kind of a bill passed to introduce the legislation and you will know next time what corner to turn to get it acted upon.

Mr. OLMSTED. I was not finding any fault with the Committee on War Claims. The Camp Meade claims, so far as paid, were paid upon a bill coming through the Committee on War Claims, a regular bill for the payment of the claims; but this kind of a claim would go before the Committee on Claims—not War Claims, but Claims—and there are plenty of bills there now. I had one myself reported from that committee last year for the refund of money for revenue stamps collected improperly from a dealer in tobacco, but it required special authority of Congress to repay that money, and unless the gentleman from Indiana can point to some statute authorizing this appropriation I shall insist upon my point of order. If he shows me the statute I shall be glad to withdraw it, as of course it can not stand.

Mr. HEMENWAY. Does the gentleman contend that this is not authorized by law? I think I can find the statute in a minute or two.

The CHAIRMAN. The Chair understands the gentleman from Indiana to say that the adjudication of these claims has been by authority of law.

Mr. HEMENWAY. There is no doubt about it.

The CHAIRMAN (continuing). And it has been held repeatedly that the adjudication authorizes an appropriation for the payment of the amount adjudicated or found to be due parties in those special cases. The Chair therefore overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, I suggest that there is no law authorizing this. The item has been audited under a special provision of the deficiency act last year and there is no general law authorizing the auditing of these claims.

The CHAIRMAN. The Chair understood the gentleman from Indiana to read the law——

Mr. FITZGERALD. I suggest that the gentleman from Indiana did not read any law. He stated on general authority what he believes the law to be, but there is no such provision of law upon the books.

Mr. HEMENWAY. Does the gentleman make the statement that there is no such general statute authorizing this?

Mr. FITZGERALD. Unquestionably.

Mr. HEMENWAY. Well, we will find it.

Mr. MAHON. Regular order.

The Clerk read as follows:

Centerville, Iowa, post-office: For completion of building under present limit, $16,250.

Mr. SULZER. Mr. Chairman, I desire to inquire from the chairman of the Committee on Appropriations why this bill does not carry an appropriation for the purchase of the site for the new post-office in the city of New York, as heretofore recommended by the commission appointed for that purpose?

Mr. HEMENWAY. No recommendation has come to the committee coming from a Department.

Mr. SULZER. As I understand it, Congress heretofore passed a law for a commission to select a suitable site for the New York City post-office—a commission consisting of the Postmaster-General, the Secretary of the Treasury, and the Attorney-General. And the law provided that they should select the location in New York City, and make a report to Congress as to the cost of the same, with addititional specified particulars. That report and the recommendations of the commission, as I understand it, have been made to the Congress and are now before your committee.

Mr. HEMENWAY. There is nothing on the subject before the Committee on Appropriations.

Mr. SULZER. I will read the law. It was passed June 6, 1902, and is as follows:

That a commission hereby created, consisting of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General of the United States, be, and is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site in the city of New York, borough of Manhattan, and State of New York, upon which to erect a fireproof building for the use and accommodation of the United States post-office in said city: *Provided*, That the site selected shall be bounded on each side by a street. When said commission has acquired a site in said city, as herein provided, the commission shall make a report to Congress, stating the location, dimensions, and cost of the same, and recommend to Congress the character and size of a building that should be erected upon said site and state the probable cost of such a building, including fireproof vaults, heating and ventilating apparatus, and approaches.

Mr. Chairman, the report of the commission was duly made to the Congress and is now before the House. The site was selected, and it will cost about $2,000,000. This bill should appropriate the money. I would like to ask the gentleman from Indiana [Mr. HEMENWAY] if he has any objection now to my offering an amendment that the sum recommended by the commission, $2,000,000, to purchase this site be incorporated in this bill?

Mr. HEMENWAY. I have, and I will make the point of order against it, because the Committee on Appropriations confines itself to the estimates received from the different Departments of the Government.

Mr. SULZER. Well, this is an estimate; this is in the nature of a contract to purchase the site, and the estimates are made by the Secretaries of three different Departments of the Government.

Mr. HEMENWAY. I do not think the gentleman understands me. There has been no estimate coming to the Committee on Appropriations for the item which the gentleman has mentioned.

Mr. SULZER. But, sir, a commission has been duly appointed under the statutes of Congress, and the commission has recommended an appropriation of $2,000,000 for this site. What better recommendation do you want than that? The money to buy the site must be appropriated by Congress, and nothing more can be done until the money is appropriated.

Mr. HEMENWAY. There has been no recommendation sent to the Committee on Appropriations with regard to the item at all and no one has appeared before the committee to advocate the placing of the item in the bill, and I would say to the gentleman, if any such person had appeared, we would not have heard him until it had been recommended by a Department.

Mr. SULZER. Well, then, I now ask the gentleman if he will raise a point of order against an amendment to this bill that the sum of $2,000,000 be appropriated for the purpose of acquiring the site in the city of New York for a new post-office?

Mr. HEMENWAY. The chairman of the Committee on Appropriations would feel it to be his duty to make the point of order against it.

Mr. SULZER. Then I will ask the Chair how the Chair will rule on that point? Will the Chairman sustain the point of order?

The CHAIRMAN (Mr. OLMSTED). The Chair will meet that when it arises.

Mr. SULZER. Then I move, Mr. Chairman, to amend the bill, after line 17, on page 18, by inserting:

That the sum of $2,000,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to purchase the site in the city of New York heretofore recommended by the commission for the new post-office.

And I hope the gentleman from Indiana will not make a point of order against it. This is the urgent deficiency bill, and I know of no appropriation more urgently demanded than this appropriation to purchase the site for the new post-office in the city of New York. The money should have been appropriated by the last Congress. It must be appropriated by this Congress.

Mr. HEMENWAY. I make the point of order, Mr. Chairman, that it is not authorized by law.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 18, after line 17, add: "That the sum of $2,000,000 or so much thereof as may be necessary be, and the same is hereby, appropriated, out of any

money in the Treasury not otherwise appropriated, to purchase the site in the city of New York heretofore recommended by the commission for the new post-office.

Mr. HEMENWAY. The point of order, Mr. Chairman, is that it is not authorized by law.

Mr. SULZER. Mr. Chairman, I want to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HEMENWAY. I suggest, if the gentleman from New York will permit, that these items for public buildings as a rule are all carried in the sundry civil bill. It may be that the item the gentleman refers to will come in in the sundry civil appropriation bill. The items carried here are where there was not a sufficient amount appropriated for the construction of public buildings that were in the course of construction during the last Congress.

Mr. SULZER. Mr. Chairman, if I understand the gentleman from Indiana correctly, the point of order he makes is simply that this is not the appropriate bill to carry this appropriation: that my amendment should be offered to the sundry civil bill when that bill comes up in this House.

Mr. HEMENWAY. No; I make the point of order that it was not authorized by law. I will be candid with the gentleman. I am not familiar with the law that the gentleman refers to.

Mr. SULZER. Mr. Chairman, under the law of 1902, passed by Congress, a commission consisting of the Postmaster-General, the Secretary of the Treasury, and the Attorney-General was appointed to select and locate a site in the city of New York for a new post-office. That commission met, organized, went to New York City, investigated the matter, finally selected a site, and made a report to Congress recommending the appropriation of $2,000,000 to purchase this site. That report is a public document and is before this House. Most of the Members of the House are familiar with the law appointing this commission, and it seems to me the point of order is not well taken and it should not be sustained.

It seems to me that where there is a law to acquire the site the appropriation ought to be made, otherwise the site can not be acquired. The commission recommended the appropriation of $2,000,000. I think the objections of the gentleman from Indiana are untenable. I think it has been held by the present Chairman of the committee and other Chairmen of the Committee of the Whole House that where a law has been passed appointing a commission to acquire a site for a public building and they enter into a contract to purchase the site it is incumbent upon the House of Representatives to appropriate the money. It is immaterial whether the appropriation is carried in the urgent deficiency bill or in the sundry civil bill. The situation in New York City regarding this post-office is to-day a shame—a crying shame.

The present post-office building in the city of New York is a disgrace to the Federal Government. It is old, damp, worn out, overcrowded, and dilapidated. It is totally unfit to properly transact its immense postal business. It was built many years ago, and its usefulness is now practically a thing of the past. New York City to-day is more in need of better post-office facilities than any other city in the United States. This old post-office building away down town is wholly inadequate, and has been so for years, to properly handle and distribute the vast amount of mail that comes in and goes out of the great metropolis. It is damp and dirty and dingy. It is cramped and clammy and unhealthy. The Government employees there, compelled to work underground, are daily endangering their health and risking their lives, and are so crowded for lack of space and necessary room that it is impossible to expedite the distribution of important mail matter; and this deplorable situation affects, I say, not only the people in the city of New York, but the people all over the country, because it is well known that New York City is our greatest postal distributer.

Mr. Chairman, the post-office of New York City pays the Government an immense revenue profit every year; more, I believe, than any other three cities in the land, and more than many States of the Union. The net annual revenue from the New York City post-office is about $6,000,000, and increasing more and more every year. With these apparent facts staring us in the face, it is a shame, in my judgment, that for this reason or that excuse it has been absolutely impossible for the people of New York City, or their representatives in Congress, to get Congress to remedy the postal evils in New York City and give the people there a post-office that will reflect credit on the Federal Government and facilitate the distribution of the mails.

It is well known, Mr. Chairman, to those Members familiar with this question that after several years of weary effort and arduous struggle we finally succeeded in getting the Committee on Public Buildings and Grounds of this House to pass a law merely appointing a commission composed of the Postmaster-General, the Secretary of the Treasury, and the Attorney-General to go to New York City and select a suitable site for the new post-office building. No appropriation to pay for the site was made in this law, because we were told such a proposition was unheard of and contrary to precedent, and that no appropriation was ever made by Congress until the site was selected, and that just so soon as the site was selected Congress would forthwith appropriate all necessary money to pay for the same and to begin the construction of the building.

That is all, Mr. Chairman, I care to say at this time. I trust you will overrule the point of order. It should be immaterial what bill carries this appropriation so long as it is made—and it ought to be made now.

The CHAIRMAN (Mr. OLMSTED). Accepting the statement of the gentleman from New York as to the condition of the law, the Chair is of the opinion that it is not such as would authorize this appropriation. The mere appointment of a board for the purpose of selecting a site, but with no authority to purchase the site when selected, does not constitute such a beginning of a public work that the appropriation involved in this proposed amendment can be considered as in continuation of an appropriation for a public work; but, in any event, such an appropriation would be in order, if at all, upon the sundry civil bill, and not upon this, which is an urgent deficiency bill to supply deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years. The Chair, therefore, sustains the point of order.

Mr. SULZER. Very well, Mr. Chairman, I shall offer the amendment to the sundry civil bill, and if it is objected to I hope you will be in the chair to rule it in order on that bill.

The Clerk, proceeding with the reading of the bill, read as follows:

Heating apparatus for public buildings: For heating, hoisting, and ventilating apparatus, $25,000.

Mr. LIND. Mr. Chairman, I desire to offer an amendment to the paragraph which has just been read.

The Clerk read as follows:

At the end of line 9, on page 20, amend by adding "providing so much of this appropriation as shall be necessary shall be devoted to the construction and installation of necessary elevators in the public building at Minneapolis, Minn."

Mr. HEMENWAY. Mr. Chairman, I suggest to the gentleman from Minnesota that that item of $25,000 was placed in the bill for the purpose of constructing an elevator in a public building in the city of Minneapolis; that the Chief Architect stated to the committee that if this appropriation was made they could immediately commence the construction. It has not been the policy of the House to appropriate specifically for different elevators in different buildings, and I believe it would be bad policy to commence now. For that reason I am opposed to the amendment offered by the gentleman from Minnesota, and I hope he will not insist upon his amendment.

Mr. LIND. Mr. Chairman, if this were not an exceptional case I would very gladly accept the explanation of the chairman, but the situation is very peculiar. A contract is now being executed for the addition of two upper stories to the post-office building at Minneapolis—which is confessedly inadequate—and unless this appropriation is made at this time, it will necessitate the making of two jobs of the improvements now in progress, and that are absolutely essential to enable the postmaster to carry on the Government business. The architect says that unless this designation is had he will not feel justified in spending this amount of money designed for Minneapolis at that place. If I did not feel that this were an exceptional case, and that the point of order is not well taken as applied to this case——

Mr. HEMENWAY. Let me say to the gentleman that no point of order has been made.

Mr. LIND. Well, then, I ask for a vote on my amendment.

Mr. HEMENWAY. Before voting, I want to insist that this amendment ought to be defeated. If the gentleman from Minnesota is entitled to have placed on the bill a provision directing that a certain portion of this money shall be appropriated for Minneapolis, then Baltimore and eight or ten other cities of the United States which are claiming that they ought to have elevators in public buildings are entitled to a like provision. Before the committee we were fair with the gentleman from Minnesota [Mr. LIND], and we suggested the importance of this work to the architect in charge. He advised it and it appears in the hearings that if the additional sum of $25,000 be appropriated work could begin immediately at the Minneapolis building, and I insist that this amendment—which is in violation of the rule heretofore adopted, namely, not to appropriate specifically for this, that, or the other elevator, but leave it with the architect to take the lump sum and put elevators where they are most needed—should not prevail. The architect agrees that an elevator is needed in this building, and I do not believe we ought to fix a precedent here which will afterwards come back to embarrass the House, and I hope the amendment will be defeated.

Mr. LIND. Will the chairman of the committee permit a question?

Mr. HEMENWAY. Certainly.

Mr. LIND. Does the chairman have the assurance and the abiding confidence that this money will be disposed of just as he has indicated, if appropriated?

Mr. HEMENWAY. I have no doubt it will. The architect before the committee, in reply to the question as to whether or not if this money were appropriated work could begin on this elevator, said it could begin immediately.

Mr. LIND. And it was made specifically for this purpose, to meet the emergency at Minneapolis?

Mr. HEMENWAY. That was the object of the committee increasing the appropriation to $25,000.

Mr. LIND. Under those circumstances, Mr. Chairman, I withdraw the amendment.

The Clerk read as follows:

NAVY DEPARTMENT—OFFICE OF THE SECRETARY.

Salaries, office of Secretary of the Navy: For one clerk at the rate of $2,250 per annum for the balance of the fiscal year 1904, $933.10, or so much thereof as may be necessary.

Mr. HAY. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what the occasion is for the appointment of this $2,250 clerk?

Mr. HEMENWAY. I will say that an appropriation for the appointment of a new clerk is carried in the legislative bill for the next year, and at the urgent request of the Secretary of the Navy it was put in the deficiency bill so that he could have the use of the clerk right away.

Mr. HAY. It is an increase, however, of clerks, is it not?

Mr. HEMENWAY. Yes. The Secretary of the Navy wanted an increase of help and wanted it right away, so we gave it to him on the deficiency bill as well as on the legislative.

The Clerk read as follows:

NAVAL ESTABLISHMENT.

Emergency fund, Navy Department: To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, for the fiscal year 1904, $10,000.

Mr. HAY. Mr. Chairman, I would like to ask the chairman of the committee what the need is for this fund?

Mr. HEMENWAY. Well, it is a fund that has been provided for many years.

Mr. HAY. Is it not added to what has already been provided?

Mr. HEMENWAY. This item here of $10,000 is of course additional. It is a deficiency.

Mr. HAY. What extraordinary expenses have occurred?

Mr. HEMENWAY. I will read what the Secretary says:

The "emergency fund" is an outgrowth of the war with Spain. It is a constantly decreasing fund, and in a sense it is a contingent fund with the additional security that exists under it, requiring the approval of the President. There are constantly large contingencies arising in the Navy all over the world. We have expended the whole of our emergency fund for this year, and it is very clear that we shall have other emergencies before the 1st of July, and it would be a very great convenience, arising almost to a necessity, that we should have this increase in our emergency fund.

Mr. HAY. How much was the fund for the year?

Mr. RIXEY. Twenty-five thousand dollars.

Mr. HEMENWAY. Twenty-five thousand dollars.

Mr. HAY. So that this fund is by this appropriation increased to $35,000?

Mr. HEMENWAY. Just for this year.

Mr. RIXEY. I would like to state to the chairman that, instead of its being a decreasing fund, it is an increasing fund, because the Secretary in his statement before the committee——

Mr. HEMENWAY. Oh, no. I will call the attention of the gentleman to the fact that in 1903 there was appropriated for this fund $100,000, and in 1904 we reduced the amount to $25,000. Adding this $10,000 will make it only $35,000, as against $100,000 in 1903.

Mr. RIXEY. I merely want to call attention to the fact that the Secretary was before the committee this week and asked to have that fund increased to $50,000.

Mr. HEMENWAY. Then it would still be a great reduction from the fund appropriated in 1903.

Mr. RIXEY. The beginning of this fund was with the Spanish war, I would state to the chairman, and if he will look at the debates on the naval bill during the last session of Congress I think he will find the statement made that this emergency fund should go out of the bill at the present time.

Mr. HEMENWAY. Of course, following the suggestion of the Secretary of the Navy, this item is placed in the bill. Any one thinking that the item is not necessary could move to strike it out. I have great faith in the judgment of the Secretary of the Navy, and he states that the sum is necessary.

Mr. RIXEY. I also have great confidence in the opinion of the Secretary of the Navy. That is the only reason I do not move to strike out the paragraph.

The Clerk read as follows:

Bringing home remains of officers and men, Navy and Marine Corps, who die abroad: To enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of officers and enlisted men of the Navy and Marine Corps who die or are killed in action, ashore or afloat, outside of the continental limits of the United States, $15,000: *Provided*, That the sum herein appropriated shall be available for transportation of the remains of officers and men who have died or who have been killed while on duty at any time since April 21, 1898, and shall be available until used, and applicable to past as well as future obligations.

Mr. RIXEY. I suggest to the chairman of the Committee on Appropriations whether it would not be proper to enlarge the provisions of this paragraph so as to apply not only to the remains of officers and enlisted men, but to those of civil employees who have been sent from this country to the Philippine Islands. In support of that suggestion I will say that the naval bill for this year——

Mr. HEMENWAY. I think that on the sundry civil appropriation bill we provide for bringing home the bodies of civil employees. I think the provision in that bill is sufficient.

Mr. RIXEY. I was about to state that in the appropriation bill for the naval establishment, which is now being considered in the committee, provision is made for 1905 for bringing home the remains of civil employees as well as those of officers and men.

Mr. HEMENWAY. I think, then, the matter is fully covered, because the item on the sundry civil bill provides for bringing home the remains of civil employees.

The Clerk read as follows:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Bringing home remains of officers and men, Navy and Marine Corps, who die abroad," $237.08.

Mr. HEMENWAY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after line 10, on page 30, the following:

"To reimburse to owner the expense of repairing damages sustained by tug Hustler, run down from astern and sunk by U. S. S. Yankton, $5,301.81."

The amendment was agreed to.

The Clerk read as follows:

Naval Training Station, Rhode Island: For installation of ventilating system, $9,098.68; for installation of urinals, $700; for construction of frame building for detention of recruits and moving of sterilizing plant, $4,500; in all, $14,298.68.

Mr. RIXEY. I make a point of order against that paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. RIXEY. This provides for new work at the Naval Training Station, Rhode Island. It provides in part for "installation of ventilating system," for "construction of frame building for detention of recruits," etc. It seems to me that matters of this kind belong properly to the Committee on Naval Affairs.

Mr. HEMENWAY. As I understand, this item is for work already done and not paid for. In the hearings the Secretary of the Navy said:

The Naval Training Station in Rhode Island arises out of this condition: We have a training station on Coasters Island, where apprentice boys are taken when they first enlist and kept for a period of six months before they are sent to sea. An epidemic of pneumonia and diseases of that character broke out. The conditions became very serious indeed. We had to take a part of our boys away, and it became a matter of humanity to remove the cause as quickly as possible.

I had a medical board appointed and they reported that the ventilation system, the urinals, and the frame building for the detention of recruits should be constructed, at a cost altogether of $14,298. We did it from the general appropriation for the maintenance of that station, which, as I recall it, is $55,000. That, of course, was an unexpected burden upon that appropriation, which is now almost exhausted, and therefore I ask that this special appropriation may be provided, leaving our general appropriation to do its work in a normal way.

Mr. RIXEY. It seems to me that the language of the provision is unfortunate, but the explanation, I think, brings the matter within the rules. I withdraw the point of order.

The Clerk read as follows:

Navy-yard, Boston, Mass.: For extensions and modifications, yards and docks power plant, $188,700.

Mr. RIXEY. I ask the chairman of the committee whether this is not an entirely new item, not simply a deficiency?

Mr. HEMENWAY. The Secretary of the Navy said in regard to this item:

The item in regard to Boston was submitted to me originally for the regular bill. I said that it should go into the urgent deficiency bill. It arose out of this condition: The new dry dock at Boston will be completed in the spring. It is a very important dry dock for us. We are just hanging by one button on dry-dock facilities and they may break down at any moment. We want this dock for use in the spring. The power house for which this is designed is about completed. There is installed in it a lot of plant that was constructed when electric power was in its infancy. This should be put in that new power house at the earliest date, not only for lighting the yard and lighting the ships that are under repair, but for power for the operation of this new dock. I consider it as important an item as there is in the bill.

Mr. RIXEY. The Committee on Naval Affairs had under consideration the advisability of consolidating these plants, and it does seem to me that this matter ought to be considered by that committee and reported upon by it. If the plants should be consolidated, the impression is that the work of consolidation will go to the

Bureau of Yards and Docks. But the naval bill has not been reported by the committee, and I think this provision ought to wait until that bill shall be reported. I therefore make a point of order against the paragraph.

Mr. HEMENWAY. This matter having been discussed, I think the point of order comes too late. Of course I have no feeling about the matter one way or the other, except that I am assured by the statement of the Secretary of the Navy that this is a deficiency. The appropriation for work at that navy-yard has been exhausted, and the Secretary says that he considers this one of the most important items in the bill. He gives his reasons that, as he puts it, they are hanging there on one button; that the dry-dock facilities may break down at any moment, and they want this dock for use in the spring.

Of course if they have it for use in the spring they must get the money on this bill. The money provided on the bill reported from the gentleman's committee would not be available until July 1; so if the Secretary has this dry dock for use in the spring he must have this appropriation now. I do not think it is subject to a point of order, but——

Mr. RIXEY. The chairman of the committee is entirely familiar with the fact that different committees frequently make portions of appropriations immediately available.

Mr. HEMENWAY. That provision on an appropriation bill is subject to a point of order.

Mr. RIXEY. It is very frequently done. If this is a matter of importance it could be done in that way.

Mr. HEMENWAY. That is not the proper way to legislate. It is subject to a point of order to make an item immediately available, and that is further evidence that the item is in order on this bill. I do not undertake to say that I know as much about the necessity for it as the gentleman himself. I only have before me the information given by the Secretary of the Navy, in which he states that it is very important; that the Navy Department, as he puts it, is now hanging on one button; their dry dock is liable to break down.

The CHAIRMAN. Does the gentleman from Indiana insist on his point of order?

Mr. HEMENWAY. The point of order, I understood, was not made.

Mr. RIXEY. I made the point of order.

The CHAIRMAN. The Chair understood the gentleman from Virginia to make the point of order, but he understood the gentleman from Indiana to make the point that it came too late.

Mr. HEMENWAY. Oh, yes; we had been discussing it for ten minutes.

The CHAIRMAN. The Chair then sustains the point of order made by the gentleman from Indiana, that the point made by the gentleman from Virginia, not having been made until after there had been debate, came too late.

Mr. HEMENWAY. I ask the Clerk to read.

The Clerk read as follows:

UNDER THE SECRETARY OF THE NAVY.

For necessary expenditures incident to the occupation and utilization of the naval station at Guantanamo, Cuba, to be used for such purposes as the Secretary of the Navy may direct, $200,000.

Mr. RIXEY. I should like to have some explanation of the paragraph at the foot of page 33, the sum of $200,000. I should like to know what that is to be expended for. In order that I may be in time, I reserve the point of order.

Mr. HEMENWAY. On page 60 I quote from the statement of Secretary Moody, in the hearing before the committee:

NAVAL STATION, GUANTANAMO, CUBA.

The next item is Guantanamo, which I consider is of the highest importance.

Mr. HEMENWAY. Give us fully the reason?

Secretary MOODY. I will give it to you as briefly as I can. As you know, the law which has been called the Platt amendment provided that Cuba should sell or lease to the United States land necessary for coaling or naval stations at certain specific points to be agreed upon between the President of the United States and the Government of Cuba. A year ago the coming February an agreement was entered into between the two Governments, specifying the points where the naval stations should be, one at Bahia Honda, which is about 60 miles west of Habana, and the other at Guantanamo, which is about 40 miles west of Santiago.

It is not the purpose of the Department to do anything at the present time at Bahia Honda, but at Guantanamo it is proposed to build up a naval station of the first class. Our interests in the West Indies now are so important that nothing will serve them except the establishment of such a station. We have made a subsequent agreement with Cuba which provides the rental which we shall pay for the land which has been leased to us at Guantanamo. Those lands contain about 18,000 acres. They are to be bought by the United States Government, and the estimated cost is $137,000—not an unreasonable cost. We had a general appropriation, to be expended under my direction, of $100,000 last year. I ask for $200,000 this year. The $300,000 are to be expended for the acquisition of the lands, the price to be paid for the land, the leveling of the land and preparing it for future use, some little dredging, the survey of the land, the fencing of the land, and other general work of that character, which in detail amounts to about $300,000.

We need that money now. We, of course, want to pay for the land and we want to begin to prepare this station for occupancy. Of course I do not intend to ask any further general appropriation. There has been an estimate sent to the Naval Committee for the construction of certain buildings and works there—a dry dock, among other things—specifying in detail the purposes of the expenditures; but at this time I want the $200,000 for this preliminary work, and it is impracticable to specify it. It will be the last general appropriation I shall ask.

The Secretary simply wants added to the $100,000 he now has the sum of $200,000 more, to enable the Department to purchase the lands and prepare them for the buildings, so as to be ready to go ahead.

The Clerk read as follows:

UNDER BUREAU OF NAVIGATION.

For pay of inspector engaged upon work in connection with extension to Naval War College at Newport, R. I., $650.

Mr. HAY. On the paragraph beginning with line 1, on page 34, I reserve the point of order, and ask the chairman what this inspector is for. I desire to know whether this is adding to somebody's salary or whether it is an independent inspector, who he is, and what he does? I reserve the point of order.

Mr. HEMENWAY. In reply to the gentleman's question, I find the answer of the Secretary of the Navy, who says:

The next item is for the pay of an inspector, simply because of the delay on the building at Newport, which requires the inspector to be employed a few months longer than he would have been.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For clerk hire, rent, and other incidental expenses of the district land offices: *Provided*, That this appropriation shall be available for the payment of per diem, in lieu of subsistence, not exceeding $3 per day, of clerks detailed to examine the books of and assist in opening new land offices and reservations while on such duty and for actual necessary traveling expenses of said clerks, including necessary sleeping-car fares: *Provided further*, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office, $35,000.

Mr. MONDELL. Mr. Chairman, I move to strike out of line 14, page 39, the word "thirty-five," and insert in lieu thereof the word "fifty."

The CHAIRMAN. The gentleman from Wyoming offers the following amendment, which the Clerk will report.

The Clerk read as follows:

In line 14, page 39, strike out "thirty-five" and insert in lieu thereof "fifty;" so that it will read "fifty thousand dollars."

Mr. MONDELL. Mr. Chairman, my reason for offering this amendment is that the sum of $50,000 and more is urgently required by the General Land Office for the purposes specified in this item. The General Land Office last year asked for $220,000 for this class of work. An appropriation of $200,000 was made. We all know the work of the local land offices has very largely increased in the past year, and the amount asked for would not have been sufficient to pay the necessary expenditures. Twenty thousand dollars less than was asked was appropriated, and the deficiency therefore becomes greater than it otherwise would have been.

It will be remembered that this appropriation is not for the purpose of carrying on new work or investigations which can be waived or left undone. It is for the purpose of carrying on the work of the people in connection with the entry of public lands. There is no local land office in the country that has a single solitary clerk more than is needed for the dispatch of the public business; and the Commissioner of the General Land Office, in a memorandum that I hold in my hand, says that if the amount now asked is not allowed it will be necessary to discharge over forty clerks at the various land offices. This being true, I hope the gentleman on the committee will not offer any objection to the increase asked for.

Mr. HEMENWAY. Mr. Chairman, the Secretary of the Interior for the fiscal year 1904 estimated for $220,000. We gave $200,000. Later on the Secretary comes in and asks for a deficiency, I think, of $55,000. We gave this $35,000, or $15,000 more than they asked for originally. The original amount we appropriated was $200,000, and $35,000 makes $235,000, against the $220,000 originally requested by the Secretary of the Interior.

Mr. MONDELL. I want to call the gentleman's attention to the fact that it is utterly impossible for the Secretary of the Interior or anyone to accurately determine in advance how much business will be done at the local land offices. The business in the local land offices has trebled in the last two years. The income from the sale of public lands in the last fiscal year amounted to something like $11,000,000, or an increase of about $4,000,000 in round numbers over the year before, and the receipts for that year was nearly double the receipts of the year preceding. So that the business coming before the registers and receivers has increased by leaps and bounds.

It is absolutely necessary that the registers and receivers shall have clerical help enough to take care of the business coming before their offices. I am confident that neither the chairman of this committee nor any member of this committee wishes to have entrymen and intending entrymen on the public lands and those proposing to make final proof on their lands turned away from the land office because, forsooth, we refuse to appropriate a niggardly $25,000 or $30,000 for this necessary work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON of Indiana. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the gentleman if it is not true that the large increase in the business of the Land Office, the demand for the larger number of clerks provided for, and the additional appropriation necessitating a large sum for that purpose have been due to the large number of fraudulent entries of land?

Mr. MONDELL. Well, I will say to the gentleman that I do not think so at all. I have no knowledge that it is due to that.

Mr. ROBINSON of Indiana. It is a fact, is is not, that many millions of acres have thus been fraudulently entered in the last year or two?

Mr. MONDELL. I do not believe that is true. I believe that nine-tenths of the allegations of land fraud that have been made have been made by people who had a purpose in making such statements, and did it to serve their own personal ends, and that they are largely the paid agents of the transcontinental land-owning railways, who would like to have all the land laws repealed in order that the thirty or forty million acres which they own may find a better market.

Mr. ROBINSON of Indiana. Does not the gentleman acknowledge the fact, which has been stated in the report of the Secretary and also through the press, that millions of acres of public lands have gone astray by reason of fraudulent land entries?

Mr. MONDELL. Well, I think the gentleman rather exaggerates the statements of the Secretary of the Interior.

Mr. ROBINSON of Indiana. Then does the gentleman deny that millions of acres have gone astray by reason of fraudulent land entries, that the system through which it was done has been suspended by the Secretary, and this for the reason that the condition exists in regard to fraudulent land entries?

Mr. MONDELL. I do not pretend to know all about the land business of the Government, but I live in a State and have lived all my life in regions where public land was being entered. I live in a State where 85 per cent of the land is still public land, and I will say to the gentleman, so far as my personal knowledge is concerned, and I have taken some pains to investigate, my opinion is that in this year of grace there is less fraud in connection with public lands in the United States in proportion to the acres entered than there ever was before.

Mr. ROBINSON of Indiana. But the gentleman is not oblivious to the fact and he has evidently read the current public news which states that the Secretary of the Interior has repeatedly stated that there is a great amount of fraudulent land entries out in the western country; has he not?

Mr. MONDELL. The gentleman has not carefully read the Secretary's reports. I think the gentleman has read——

Mr. ROBINSON of Indiana. I refer to newspapers and such information——

Mr. MONDELL. The gentleman has probably read the land repeal bureau's edition of the Secretary's suggestions.

Mr. ROBINSON of Indiana. I have read the Secretary's statement and the newspaper interviews which were accredited at the time of the arrest of a gentleman engaged largely in it, but a few weeks ago, and the scandal that was ventilated in the newspapers. Surely the gentleman read that, and he knows, evidently, that some——

Mr. MONDELL. There is no question but what there has been some scandal in connection with the public lands, particularly as regards entries under timber and stone acts, in some parts of the country.

Mr. ROBINSON of Indiana. Then is it not in the interest of the public service to keep down the appropriations until these matters are regulated by the Secretary of the Interior?

Mr. MONDELL. Well, I do not follow the gentleman's philosophy or agree with his reasoning.

Mr. ROBINSON of Indiana. That is my judgment, Mr. Chairman.

Mr. MONDELL. It seems to me if he takes——

Mr. ROBINSON of Indiana. In view of the fact that the gentleman is not responding to any of the inquiries which I have put to him——

Mr. MONDELL. How is that?

Mr. ROBINSON of Indiana. The gentleman is not responding to any inquiries I have put to him. I disagree entirely with the gentleman——

Mr. MONDELL. I beg the gentleman's pardon if I am taking his time; I did not intend to do so.

Mr. ROBINSON of Indiana. No, the gentleman is not taking my time, but as he is not responding to any of my inquries here I will go on. I desire to emphasize the fact, Mr. Chairman, that that condition prevails not only with reference to this land, but the Secretary of the Interior, with the assistance of Congress, is trying to put it down, and therefore I would not at this time increase the appropriations over the head of the Appropriation Committee, which has carefully made its inquiry and presented its conclusion to this House, because, perchance, they might affect irrigation land out West or in other parts of the country in which there is public land.

Mr. LACEY. Mr. Chairman, I move to strike out the last word. I was out in the hall for a few minutes, and as I understand the amendment proposed increases the appropriation for the land offices. I want to call the attention of the committee to a memorandum that was made by the Land Department on the 27th of January, which states the situation exactly.

Either a large force of clerks must be furloughed or there must be an additional appropriation. The amount appropriated was, for clerk hire, $210,189.77; for rent of offices, $31,878.66; for incidental expenses, furniture, etc., $8,425.06. I should not say the amount appropriated, but the amount of expenditures authorized. That was what was authorized to be expended. The amount of appropriation is inadequate by $50,493.49, and to cover this deficiency an item was submitted to the committee for the urgent deficiency bill of $55,000. The amount appropriated in the bill is $35,000, which would still leave a deficit of $20,000. There are 116 land offices, in which 191 clerks are employed. These clerks receive salaries from $900 to $1,200. If only $35,000 is appropriated, this would still leave a deficit of $15,000, in order to meet which 33 clerks will have to be dismissed on February 1, but as it will require $5,000 for emergency purposes for the balance of the year it would be necessary to dismiss 44 clerks.

The situation is the same as it is in other Departments of the Government which have anything to do with the general condition of the country. The growth of the business of the country has met with a response in the business of the Land Office. The amount of land taken, the amount of business in this department has been greater than the year before, just as the business of disposing of private land by private owners has increased in the last year, and the year before, and the year before that, and for a number of years. So it is necessary that this work should proceed. If the department is embarrassed by inadequate funds, the business must be suspended to that extent, and the request for an appropriation of $55,000 is a moderate one. The income to the Government land offices is enormously in excess of the expenditure in carrying on the business of the department, which is, in fact, the largest ever known within the present generation for the past year.

Now, this requires that instead of discharging or furloughing clerks they should be kept at work. The Department is not demanding an increase of force, but they do not think this is a proper time to furlough clerks in order to keep inside of an appropriation. They have asked for $55,000. This is a reasonable request, covering the actual deficit, and they are only given $35,000. Why give them anything? Why give them $35,000? Because it is needed, and $55,000 is just as much needed as $35,000. I ask the chairman of the committee to accept this amendment. It is a very moderate request—a reasonable one—and one that is necessary in order to properly carry on the Government business.

Mr. ROBINSON of Indiana. I know the gentleman from Iowa will be frank with us. I would like to ask him if the Secretary of the Interior does not ask for this larger appropriation for the purpose of having more inspectors to discover fraudulent land entries?

Mr. LACEY. That is not involved in this appropriation.

Mr. ROBINSON of Indiana. Is not this appropriation available for that purpose?

Mr. LACEY. This proposition does not cover that question.

Mr. ROBINSON of Indiana. I ask if it is not available for that purpose?

Mr. LACEY. Not at all; it is for the ordinary business of the Department for the various clerks in the employ of the Department. The Secretary asked for this as a deficiency for carrying on the business for the remainder of this fiscal year.

Mr. ROBINSON of Indiana. Does the gentleman from Iowa agree with the gentleman from Wyoming as to the extent of the land frauds by which the business of the various Departments has largely increased within the last two years?

Mr. LACEY. I do not care to discuss the question of land frauds in this connection, because it is a long subject that I could not discuss in the time that I have and make it intelligent to the committee. At some future time I desire to take the House into the confidence of the Committee on Public Lands and give them all the information that the committee has.

Mr. ROBINSON of Indiana. The gentleman can tell us whether the Secretary has not suspended the rules by which the fraudulent land entries were encouraged and under which the operators operated.

Mr. LACEY. Oh, there have been land frauds ever since the ordinance of 1785, and there will be land frauds as long as there is a public domain. The Department will endeavor to eliminate and prevent as many of them as is possible. There are land

frauds no doubt now in cases pending before the Department. The Department of the Interior is not only trying to put them down with all the power it has, but it is doing it with vigor.

Mr. ROBINSON of Indiana. Was not the large business which makes it necessary to call for this additional appropriation caused by the land frauds, and has not the Secretary of the Interior suspended the rules under which they operated?

Mr. LACEY. No; I think not. You take the State of North Dakota, and the homestead entries there for last year were over 16,900 quarter sections, and I will venture to say there is not 1 per cent that were fraudulent. There are 16,900 quarter sections in a locality that up to within a few years was not generally sought by the public. The rainfall for the last three years has extended over that region and given them abundant harvests in a region that was regarded as arid five years ago. For the last three years it has produced an abundance of crops. You take that single State of North Dakota as an example, perhaps the most striking one, and the homestead entries of 16,900 quarter sections show the marvelous and wondrous growth. The receipts from the land office at Minot and the receipts from the land office at Bismarck have been enormous, enough to a good deal more than pay this additional appropriation, I think, twice over, so that while there have been frauds the amount of legitimate business has been enormously increased. People are moving to the West and occupying every foot of available land for homestead entries.

Mr. SHAFROTH. Mr. Chairman, I move to strike out the last words. I would like to say a word in relation to this. This appropriation, as I understand it, is called for by the Secretary of the Interior in order to keep in employment of the Government the number of clerks that are now doing land-office business in the various land offices of the United States. To curtail that appropriation to $35,000 would of necessity dispense with a great many of those clerks, as they are not getting a large amount of salary. The gentleman from Indiana [Mr. ROBINSON] has asked whether or not these men do anything in the way of ferreting out frauds. I will state to the gentleman from Indiana that if you were to curtail this force you would of necessity curtail to some extent at least the examination of frauds, because inquiries are continually made in the various local land offices as to what has been preempted and what has been located on. Consequently, if you diminish the force there, you will of necessity delay the replies of the register and receiver to the Secretary of the Interior.

Now, it seems to me that from every standpoint this appropriation ought to be passed—from the standpoint of efficiency of administration, from the standpoint of not impeding the location upon lands by honest settlers in the West, and also from the standpoint of the very purpose which the gentleman from Indiana [Mr. ROBINSON] seeks, namely, that whatever inquiries may be made with relation to actual fraudulent entry the various registers and receivers can give them speedily.

Mr. ROBINSON of Indiana. But the gentleman differs from the gentleman from Iowa [Mr. LACEY] as to the availability of the funds to the end of protecting the public lands against frauds.

Mr. SHAFROTH. It is not available for certain kinds, but you can see, if an inspector or if any person is ferreting out these frauds and makes inquiries of these local officers, they have got to have a sufficient force to answer them and answer them quickly. If that force is diminished to a point where it is necessary only to do the ordinary business, anyone can see that of necessity it would diminish the efficiency of the force, because it would take a longer time to get replies.

Mr. ROBINSON of Indiana. Why not be fair to the House, and state that the reason for it is to ferret out the gross frauds that have obtained in the last two years, if such be the purpose?

Mr. SHAFROTH. No; I think the reason for it is to have a due administration of the laws, as far as it can be given. These clerks are necessary. They are not large-salaried clerks. They do the work in these offices, and to discharge them now would impede the work and a reply to every inquiry that is made of these officers. It seems to me that this appropriation should pass.

Mr. ROBINSON of Indiana. Mr. Chairman, I move to strike out the last word and send to the Clerk's desk to be read a synopsis of the report of the Secretary of the Interior.

Mr. TAWNEY. The first question to be taken will be on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

Mr. ROBINSON of Indiana. But I move to strike out the last word for the purpose of getting the floor. I ask for recognition to have the Clerk read a brief synopsis of the report of the Secretary bearing on this section.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

With respect to the necessity of an increased appropriation for the protection of the public domain, it can truly be said that the need of a field force was never greater. From every section of the country there comes to this office complaints of the disposition of the public lands in violation of law, and in the despoliation of the timber and the maintenance of unlawful inclosures upon the lands. These complaints cite cases where it is found upon investigation that speculators, cattle companies, corporations, and individuals are all engaged in an effort to plunder the public domain. Entries are being made without residence or improvement, timber lands are being taken for speculation, and fictitious proofs are being made, especially before officers other than registers and receivers, as to the compliance of the claimants with the laws.

The present appropriation furnishes scanty support to scarcely sixty agents, and it is only necessary to state it in order to emphasize the impotency of the present force to reach out over the vast area of public lands and protect them from the wholesale frauds that are now being attempted. Not only is the present field force required to cover the large area of lands and prepare the cases for prosecution, but they are required to assist in the prosecution of those cases at hearings before the local officers and in suits before the courts. This and many incidental matters necessarily consume a large portion of the time of the special agents, and prevent them from giving their entire time and attention to the investigation of cases in the field.

The amount of work done by the field force during the past year in all classes of cases has been such as to call loudly for recognition in the form of increased appropriation, in order that the work in which they have been engaged may be made effective by securing the cancellation of fraudulent entries and settlements for timber unlawfully taken from the lands, and in compelling the removal of inclosures unlawfully maintained.

If the purposes for which the public domain was originally opened to the home builders are to be kept in mind, there should be a determined effort made to secure a rigorous enforcement of the beneficent laws which have been enacted in pursuance of that purpose.

The developments of the past six months have satisfied me that the present appropriations are wholly inadequate to enable the office to secure anything like an effective execution of the laws and to clear the records of any considerable portion of the large number of alleged fraudulent entries now awaiting action.

There can be no doubt of the great necessity for the increased appropriation. This is demonstrated by the fact that there are now nearly 20,000 entries which are suspended on the charge of fraud. About half of this number are in the different stages of adjustment. Many have been relieved from suspension, and many have been canceled upon Government proceedings. About 6,000 entries under the timber-land law of June 3, 1878, have been suspended on a showing satisfactory to this office that they have not been made in compliance with law, but in the interest of other persons and corporations. So specific and comprehensive are the complaints, that by departmental order of November 18, 1902, all entries heretofore made or hereafter to be made under that act are suspended pending investigation by a special agent into the bona fides of the entrymen. There are about 2,500 entries which have been commuted under the homestead law without sufficient showing of residence or improvements. Nearly 1,000 soldiers' additional applications under section 2306 and a large number of soldiers' widows' applications under section 2307 are also shown to have been made in violation of the laws. To this must be added the large number of cases involved in timber trespass and unlawful inclosures.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON of Indiana. Mr. Chairman, I ask unanimous consent to be permitted to continue for three minutes.

Mr. LIVINGSTON. Mr. Chairman, I suggest that the limitation has run on this paragraph.

The CHAIRMAN. Does the gentleman make the point of order that debate has been exhausted on this paragraph?

Mr. ROBINSON of Indiana. I ask for only three minutes.

Mr. LIVINGSTON. I withdraw the point of order.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that he may be permitted to proceed for three minutes. Is there objection?

There was no objection.

Mr. ROBINSON of Indiana. Mr. Chairman, that is the statement of the Secretary of the Interior, made in his report. This proposition to increase the appropriation over the head of the recommendation of the Committee on Appropriations, I think, ought not to be granted, even though it be for a purpose stated by the gentleman from Iowa [Mr. LACEY] and the gentleman from Wyoming [Mr. MONDELL] and also the gentleman from Colorado [Mr. SHAFROTH].

Mr. LACEY. Is not the gentleman mistaken? This is a deficiency appropriation. The request he makes is for the permanent annual appropriation.

Mr. ROBINSON of Indiana. Then the gentleman who says this makes no difference is mistaken. This appropriation, he says, is not available for the purpose. The Secretary desires it in the line of the investigation of the great fraudulent land entries. I commend those statements of the Secretary of the Interior. The only other reason why this should be granted, outside of the one mentioned by the gentleman from Iowa and the one I have mentioned—the ferreting out of fraud—is because the irrigation communities desire again to appeal to the United States Treasury, although they promised on this floor that if we would pass the irrigation act they would not come back again to ask for a general appropriation. Yet by every avenue they can enter, by every means that they can devise, they come here trooping along, asking in some sense or in some way for an additional appropriation for the great ventures out in the irrigable land region.

I would have frankness from gentlemen on this floor. If they desire this money for the purpose of ferreting out frauds, I hope they will say so and not stand on the floor here and make statements which would seem to imply otherwise. The gentleman from Colorado [Mr. SHAFROTH] was very frank about this matter, and said he thought the appropriation would in some slight way be available for that purpose.

Mr. SHAFROTH. The irrigation act, as I understand——

Mr. ROBINSON of Indiana. I withdraw my pro forma amendment.

Mr. LIVINGSTON. I now renew the point of order that the debate on the paragraph is exhausted.

The CHAIRMAN. The point of order is sustained. The question is on agreeing to the amendment of the gentleman from Wyoming [Mr. MONDELL].

The question being taken, there were on a division (called for by Mr. ROBINSON of Indiana)—ayes 58, noes 26.

So the amendment was agreed to.

The Clerk read as follows:

For furnishing transcripts of records and plats, to be expended under the direction of the Secretary of the Interior, $4,500: *Provided*, That copyists employed under this appropriation shall be selected by the Secretary of the Interior at a compensation of $2 per day while actually employed, at such times and for such periods as the exigencies of the work may demand.

Mr. LACEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

For per diem in lieu of subsistence of inspectors and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of misconduct, $1,500.

The Chairman proceeded to put the question on agreeing to the amendment, and said, "The ayes seem to have it."

Mr. HEMENWAY. I want to discuss that amendment. I supposed that the gentleman from Iowa had some explanation to offer. I call for a division, if necessary.

Mr. LACEY. I hope this matter will be left open, by unanimous consent, until it can be explained.

The CHAIRMAN. If there be no objection, the vote will be withheld until the amendment has been explained.

Mr. HAY. I object. I call for the regular order.

The question being again taken, there were—ayes 8, noes 30.

So the amendment of Mr. LACEY was rejected.

The Clerk read as follows:

Removal of intruders, Five Civilized Tribes: For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, $15,000.

Mr. STEPHENS of Texas. I raise a point of order on the paragraph just read. I submit that it is not in accordance with the existing law, but is a new provision. I will state very frankly that in the Fifty-sixth Congress a provision of this kind was passed, but it was omitted in the Fifty-seventh Congress. No similar provision was adopted in that Congress; consequently it is not existing law.

Mr. UNDERWOOD. Mr. Chairman, I understand that there is a provision of law that when necessary the Commissioners of the Five Civilized Tribes, constituting what is called the "Dawes Commission," shall put these Indians in actual possession of their land after it has been apportioned to them. The testimony of the Indian Commissioner before the committee was to that effect; and as an appropriation heretofore made for this purpose has been exhausted, this provision has been inserted in the bill to carry out that proposition of the law. I understand that there is already an enactment of law to this effect so far as the Dawes Commission is concerned.

The CHAIRMAN. Does the Chair understand the gentleman from Alabama [Mr. UNDERWOOD] to state that the law now requires the Dawes Commission to place these Indians in possession of their lands?

Mr. UNDERWOOD. In actual possession of their lands. The appropriation to pay the agent to put them in possession of their lands has been exhausted.

Mr. STEPHENS of Texas. I was not aware of any law of that kind now existing.

The CHAIRMAN. Can the gentleman from Alabama cite the law?

Mr. UNDERWOOD. I have not the volume at hand, but I think the chairman of the committee [Mr. HEMENWAY] can probably do so.

Mr. HEMENWAY. In the treaties with the different tribes of Indians we have a provision that the Indians shall be put in possession of their allotments.

Mr. STEPHENS of Texas. What law is that?

Mr. HEMENWAY. In all these treaties with the different Indian tribes there is that provision that where the land is allotted the Indians shall be placed in possession of their allotments. Now let me state the necessity for this appropriation as shown in the hearings. In one case, we will suppose, a man has a pasture of 75,000 acres. The land is allotted. An Indian comes and claims possession of the piece of land allotted to him. The man in charge, the occupant of the land, bluffs him off and says, "You can not have it."

The CHAIRMAN. Can the gentleman from Indiana cite for the information of the Chair the statute referred to?

Mr. HEMENWAY. We can secure one of these treaties so as to show it to the Chair later on. I ask unanimous consent that we pass the item and go ahead with the reading of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. STEPHENS of Texas. I have other objections to the section. I desire to move to strike it out, and also to amend it, when we return to it.

The CHAIRMAN. Without objection, it will be passed.

Mr. HEMENWAY. If the gentleman desires to move to strike it out, we can pass on the motion to strike it out now.

Mr. STEPHENS of Texas. I desire a ruling as to whether or not it is germane or whether it is new legislation.

Mr. HEMENWAY. Reserve the right, if it is not stricken out, to raise the point of order.

The CHAIRMAN. The request is that the paragraph be passed, reserving to the gentleman from Texas the right to move to strike it out or to amend it. Is there objection?

There was no objection.

The Clerk read as follows:

Contingent expenses: For all necessary contingent and miscellaneous expenses of the office of the Secretary of Commerce and Labor, the Bureaus of Manufactures and Corporations, and the bureaus and offices transferred to the Department of Commerce and Labor, including the purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,500), stationery, furniture and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, lighting and heating; for the purchase, exchange, and care of horses and vehicles, to be used only for official purposes, and for rent of stable therefor from July 15, 1903, to June 30, 1904; freight and express charges, postage, telegraph and telephone service, typewriters, and adding machines, and all other miscellaneous items and necessary expenses not included in the foregoing, $35,000.

Mr. HAY. Mr. Chairman, on page 45, line 3, I move to strike out the word "newspapers."

The amendment was read by the Clerk, as follows:

Page 45, line 3, strike out the word "newspapers."

Mr. HAY. I should like to inquire of the chairman of the committee why there should be an appropriation made for the office of the Secretary of Commerce and Labor for newspapers? The gentleman made a very sharp criticism on the Committee on Military Affairs the other day because they were making appropriations to buy what he called "French novels." Now, I do not know why we should appropriate for newspapers for the Department of Commerce and Labor.

Mr. HEMENWAY. The gentleman evidently misunderstood the gentleman from Indiana the other day. I was not opposing the item of newspapers or any necessary item. What I was seeking to do was to limit the amount that could be expended for these purposes, and if the gentleman will notice, in this bill we do exactly what I was seeking to do on the military bill. Of this item of $35,000 we provide that not to exceed $2,500 shall be expended for—

Professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, and newspapers.

Mr. HAY. Why should we appropriate for newspapers?

Mr. HEMENWAY. The Department of Commerce and Labor have to advertise in newspapers for all the supplies they buy, and in many instances under the law are required to advertise in certain newspapers. Now, in order that they may know that the advertisements have been inserted, they must subscribe for a limited number of newspapers. The item, of course, in this bill, as in all other bills coming from the Committee on Appropriations, is now limited to a certain amount of money that can be expended for the purchase of books, newspapers, and periodicals.

Mr. HAY. But you do not limit the amount that may be expended for periodicals and newspapers.

Mr. HEMENWAY. This is a part of the appropriation for professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, and newspapers. All of those items shall not exceed $2,500, out of the total appropriation of $35,000.

Mr. PAYNE. May I suggest to the gentleman that the Bureau of Statistics is in this Department of Commerce and Labor?

Mr. HEMENWAY. Yes.

Mr. PAYNE. Does it not necessarily have to take a number of newspapers?

Mr. HEMENWAY. Oh, yes; there is the Bureau of Statistics, the Bureau of Navigation, and a whole lot of other bureaus.

Mr. PAYNE. They have to subscribe to technical newspapers and other newspapers.

Mr. HEMENWAY. Certainly.

Mr. HAY. Do they have to subscribe for periodicals?

Mr. HEMENWAY. Yes; many of them.

Mr. HAY. For Ainslee's Magazine and Harper's, etc.?

Mr. HEMENWAY. No.

Mr. HAY. You provide for it here. They can buy them.

Mr. HEMENWAY. No.

Mr. HAY. The gentleman said the other day in debate that the head of a Department was buying all sorts of books and periodicals and magazines.

Mr. HEMENWAY. Yes.

Mr. HAY. Now, I want to know why they could not buy any periodical they please under this appropriation?

Mr. HEMENWAY. No, sir; because we ascertain the amount of money necessary to buy the actual papers and periodicals that they need for their professional use and limit the amount that can be used to that sum.

Mr. HAY. Why can not they take part of the $2,500 to which you limit them and subscribe for any periodical they choose?

Mr. HEMENWAY. Because they are prohibited, first, by law from doing that.

Mr. HAY. Where is the law that prohibits them?

Mr. HEMENWAY. And next, because the amount of money authorized in this item is not sufficient. The gentleman ought to be fair. Under the item in the army bill you have a large lump sum appropriated, running into the thousands of dollars, as we have here. Now, all I asked of the gentleman was to limit the amount that should be authorized to be used to buy books and buy periodicals and newspapers, etc., just as we limit it in this bill.

Mr. HAY. Why, it was limited there.

Mr. HEMENWAY. Oh, no; it was not.

Mr. HAY. Why, the contention of the gentleman——

Mr. HEMENWAY. It was by the amendment that was put on.

Mr. HAY. Why, the contention of the gentleman from Indiana was that the periodicals and newspapers provided for in that item, as in this, had no limitation upon it.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HEMENWAY. I ask that the gentleman have three minutes additional time.

The CHAIRMAN. Without objection, the time of the gentleman will be extended for five minutes.

There was no objection.

Mr. HAY. The point made by the gentleman from Indiana was that under that appropriation the money could be expended for any book the head of the Department desired. So now, I say, under "periodicals" you can expend that or as much as you please in subscriptions to magazines. That was the contention that the gentleman from Indiana made, and an amendment was agreed to providing that it should be "professional periodicals," dealing with subjects pertaining to its own particular branch. I think the same ought to be done here.

Mr. HEMENWAY. Well, the gentleman will remember that the amendment offered by "the gentleman from Indiana" was to limit the amount that could be expended for periodicals, books, etc., to $200.

Mr. HAY. Periodicals and newspapers, $200.

Mr. HEMENWAY. I said then to the gentleman from Virginia if $200 was not sufficient amount, not being sufficiently familiar with it myself to fix the amount, they might fix the amount at a sufficient amount—just exactly what has been done by the Committee on Appropriations. Why, here is an appropriation for $35,000 for contingent expenses. We put in here a limit of $2,500 that can be expended out of this $35,000 item. Just exactly what I asked the gentleman to do on the army bill. Now, prior to the time limits were placed in the bills they could take any sum out of the lump sum appropriated and buy any book that they considered necessary, and thus build up libraries of fiction in the Departments. As soon as limitations were put upon it they have confined themselves to the items absolutely necessary, and there have been no more purchases of books of fiction in consequence.

Mr. HAY. Is it not a fact that under this provision of $2,500 for books of reference, etc., they can expend out of that $2,500 any amount they please for any kind of books they please?

Mr. HEMENWAY. No.

Mr. HAY. Why not?

Mr. HEMENWAY. Will the gentleman read the item?

Mr. HAY. You do not limit them?

Mr. HEMENWAY. It is evident that the gentleman has not read the bill.

Mr. HAY. I have read the bill.

Mr. HEMENWAY (reading). "Including the purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers."

Mr. HAY. Does that mean "professional" periodicals?

Mr. HEMENWAY. Why, certainly.

Mr. HAY. Why not say so?

Mr. HEMENWAY. Why, we do it.

Mr. HAY. Oh, no.

Mr. HULL. Does not the gentleman from Indiana want to conform to the army bill and put in the word "technical?"

Mr. HEMENWAY. I did not put in that amendment; it was put in by a member of your own committee.

Mr. HAY. I suggest that you comply with your own suggestion and say that so much money will be expended for newspapers and periodicals, and comply with the suggestion that you insisted we should make in the army bill.

Mr. HEMENWAY. I do not say that they shall not have the right to subscribe for newspapers.

Mr. HAY. The gentleman says that they have got to do that, because they have advertisements in the newspapers and have got to take them in order to see that the advertisements appear in those newspapers.

Mr. HEMENWAY. And for the other reasons that I gave. The Bureau of Statistics is in this Department, and the Bureau of Navigation is there, and there are thirteen or fourteen divisions——

Mr. HAY. You say that the Bureau of Navigation is there?

Mr. HEMENWAY. The Bureau of Navigation is there, and there are thirteen or fourteen divisions covered by the Bureau of Labor.

Mr. HAY. I did not know that the Bureau of Navigation was there.

Mr. BOUTELL. Will the gentleman from Indiana yield?

Mr. HEMENWAY. Yes.

Mr. HAY. I thought I had the floor.

Mr. HEMENWAY. I had the floor and yielded to the gentleman from Virginia.

Mr. BOUTELL. Will the gentleman from Virginia kindly yield?

Mr. HAY. Certainly.

Mr. BOUTELL. In order, perhaps, to put as speedy an end as possible to this controversy and satisfy the gentleman from Virginia, I would like to call attention to this one expression of Thomas Jefferson——

Mr. HAY. I did not suppose that the gentleman could call attention to anything more after what he said the other day.

Mr. BOUTELL. Thomas Jefferson said, in writing to Edward Carrington:

> The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.

I think that is good Democratic doctrine.

Mr. HAY. If that throws any light, it can only throw light upon the mind of the gentleman from Illinois.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. HAY. Well, Mr. Chairman, I move to strike out the last two words.

Mr. PAYNE. If the gentleman will allow, I will move to strike out the last word and will take but a minute or two and then yield the balance of the time to him. Mr. Chairman, I want to suggest to the chairman of the Committee on Appropriations there is a strong question as to whether his provision of the twenty-five hundred dollar limit applies to anything more than newspapers. I suggest that he amend by adding, after the word "dollars," "for all the foregoing."

Mr. HEMENWAY. I will say to the gentleman from New York that the Comptroller has passed upon this two or three times and holds that it applies to all these.

Mr. PAYNE. I suppose that makes the law for the present Comptroller, but it is not a sensible construction of the language.

Mr. HEMENWAY. I think it is.

Mr. PAYNE. Then, I want to ask the gentleman whether "professional and scientific" applies to anything more than the word "books," or whether it goes on down through the item?

Mr. HAY. That is a point I suggested all the time.

Mr. PAYNE. It will hardly apply to blank books.

Mr. HEMENWAY. You can not apply that to the newspapers and possibly not to periodicals, because there is the Bureau of Statistics, the Bureau of Labor; they can not conduct the business of those great bureaus without reading the newspapers of the country.

Mr. PAYNE. I agree with the gentleman; I think it is utterly impossible.

Mr. HEMENWAY. It is a wholly different proposition for the War Department, the Navy Department, or some other Department which does not need them for their official purposes.

Mr. PAYNE. That is the reason I asked the question. I did not know but what the Comptroller had decided that it applied also to the newspapers.

Mr. HAY. I would like to ask the gentleman from New York if the Bureau of Statistics relies upon newspapers for their statistics?

Mr. PAYNE. I suppose for market prices, yes. I do not see where they can get them elsewhere. The Bureau of Labor relies for information upon strikes and matters of that kind upon newspapers as well as other information they can get.

Mr. HAY. I am surprised to know it.

Mr. PAYNE. I suppose it is impossible for them to get along without having a large number of newspapers to gather their statistics from, such as may be of use to them. They must do that.

Mr. HAY. Of newspapers?

Mr. PAYNE. Certainly.

Mr. HAY. The same argument would apply as to the Navy or the Army or any other Department of the Government, that they rely for their information upon what appears in the newspapers.

Mr. PAYNE. I do not think so; but we will cross that bridge when we come to it on the naval bill.

Now, Mr. Chairman, I yield the balance of my time to the gentleman from Virginia, as I agreed to do.

Mr. HAY. Well, I was going to get it in my own right.

I withdraw the amendment to strike out the word "newspapers," and move to insert, in line 3, page 45, before the word "newspapers," the word "professional."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 45, line 3, before the word "newspapers" insert the word "professional."

Mr. HEMENWAY. Will the gentleman yield for a question?

Mr. HAY. Certainly.

Mr. HEMENWAY. I want to ask the gentleman, with the word "professional" before the word "newspapers," what newspapers they can buy?

Mr. HAY. Any newspapers of that character.

Mr. HEMENWAY. What is a professional newspaper as applied to this Department of Commerce and Labor?

Mr. HAY. You might call the Scientific American a professional newspaper.

Mr. HEMENWAY. Well, as applied to the labor item?

Mr. HAY. Labor organizations have a great many publications.

Mr. HEMENWAY. As applied to the Bureau of Corporations, what would be professional?

Mr. HAY. I do not know that corporations have any professional newspapers. They seem to have control of a great many newspapers. [Laughter.]

Mr. HEMENWAY. If your amendment is adopted, what newspapers could the Bureau of Corporations buy?

Mr. HAY. What would they want of the newspapers? What statistics could they get from them generally about corporations?

Mr. HEMENWAY. Mr. Chairman, I want to be recognized a minute in opposition to this amendment.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. HEMENWAY. The House can see how—I was going to say how ridiculous this amendment would be. Here is a Department of Commerce and Labor, which has its different bureaus—the Bureau of Statistics, the Bureau of Labor, the Bureau of Navigation, the Bureau of Corporations, and all these great bureaus that must have daily newspapers. It is absolutely necessary for them to have the current news. Under the amendment which the gentleman has offered they could not buy them. I think the amendment offered by the gentleman ought to be defeated.

Mr. LIND. Mr. Chairman, I feel very much as does the chairman of the Committee on Appropriations. It seems to me that we are quibbling a good deal about matters of not much consequence. We are dealing here with a Department the head of which has had the candor to ask the Appropriations Committee for just what he wanted. He is the only one, as I understand it from the members of the committee, who asked for coachmen specifically, and the head of a Department who goes before the House with so much candor ought certainly to be trusted in the matter of buying newspapers, and who knows but that he may want the newspapers to advertise for the trusts? [Laughter.]

The enforcement of the trust legislation is committed to his Department. I think he ought to be afforded every facility, every opportunity to execute the law as he says he will. He appeared the other evening at the banquet given to the boards of trade in this city, I think, as the spokesman of the President, to present the President's greetings, and in discussing this question of the execution of trust legislation committed to him he said that he wanted the gentlemen before him to understand that these laws would be sanely and conservatively executed.

Now, a man who shows so much discretion, so much care and candor in public affairs, ought to be trusted with a few dollars to expend for newspapers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and the amendment was rejected.

Mr. GARDNER of Massachusetts. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 45, line 15, insert "for rent and necessary expenses of the United States shipping commissioners' offices, $6,000."

Mr. UNDERWOOD. To that, Mr. Chairman, I reserve a point of order.

Mr. GARDNER of Massachusetts. Mr. Chairman, the point of order in this case, which I suppose the gentleman from Alabama intends to reserve, is that the appropriation is not in accordance with existing law. It is precisely because this appropriation is in accordance with existing law that I offer the amendment. The law specifically requires that the rent and necessary office expenses of United States shipping commissioners shall be paid out of the Treasury. That requirement has been confirmed by the Supreme Court in an opinion handed down by Justice Shiras in the case of The United States against James C. Reed. It has subsequently been confirmed by special statutory requirement to the effect that these expenses should be paid by the United States Government.

And yet year after year the Commissioner of Navigation has sent in these expenses in his estimates, and year after year the Committee on Appropriations has simply refused to appropriate the money. Now, I am perfectly aware that it is by no means unusual for the Committee on Appropriations to override the law and refuse to appropriate for expenses provided for in existing law; but in this case there is no economy whatever in such a course, because year after year these shipping commissioners go to the Court of Claims and get judgment in their favor for the necessary and legal expenses of their offices. Not one cent is gained by the Government, and a great deal is lost in defending these cases in the Court of Claims, while the shipping commissioners are put to unnecessary expense to get their money. Now, if it was a question of salary it would be one thing. The officer who has less money appropriated for his salary than the law entitles him to has no remedy, but when it is a case of expenses incurred for the Government he can go before the Court of Claims and get his judgment.

Now, Mr. Chairman, I want to call the attention of this committee to page 59 of the bill that we are considering. Under the heading "Judgments, Court of Claims," a certain sum is appropriated to pay for judgments in the Court of Claims, as specified in two documents, one of which I hold in my hand, Document No. 275. Three of the claims that are being paid in this very bill under that paragraph are the claims of Robert F. Morse, shipping commissioner at Bath, Me., Joseph M. Dickey, now railroad commissioner of the State of New York and formerly shipping commissioner of the port of New York, and the estate of Ellwood Becker, deceased, the three claims amounting in all to about $7,000. They were adjudged on December 14 last, and we are paying for them in this very bill. Every shipping commissioner whose expenses we cut off will go before the Court of Claims under the decision in the case of The United States *v.* Reed, and he is going to get this very amount which I ask you to put into the bill.

We shall have to pay it in the long run, and in addition we must go to all the expense of defending those suits. We shall take right out of the pockets of our shipping commissioners their necessary expenses for the litigation in our Court of Claims.

Mr. UNDERWOOD. Mr. Chairman, one of the reasons why I shall insist upon the point of order is that the gentleman from Massachusetts [Mr. GARDNER] did not appear before this committee to make any attempt to procure this appropriation or give an explanation why it should be made. My point of order against the appropriation coming now is that this is an urgent deficiency bill, and the item he contends for would not properly be an item on this bill, even if he had appeared before this committee and attempted to have it put on. This is not an urgency item, and it would naturally go on the sundry civil bill and not on this bill if the appropriation committee appropriated it.

Mr. GARDNER of Massachusetts. Mr. Chairman, my item covers a deficiency already accrued. As a matter of fact, I went to the Committee on Appropriations——

Mr. HEMENWAY. Will the gentleman yield for a minute? I will ask the Chair if the point of order has been passed upon?

The CHAIRMAN. It has not. The gentleman from Alabama reserved the point of order, but the Chair understands now that he makes the point that this is not a deficiency appropriation.

Mr. UNDERWOOD. And especially an urgent deficiency appropriation.

Mr. GARDNER of Massachusetts. Mr. Chairman, I submit that it is a deficiency appropriation. Those expenses have all been incurred and have not been taken care of by law.

The CHAIRMAN. The Chair calls the attention of the gentleman from Massachusetts to the fact that his amendment does not state for what nor the time these expenses were incurred and for which this $6,000 is to be appropriated. The amendment says simply for expenses of United States shipping commissioners' offices, $6,000.

Mr. GARDNER of Massachusetts. Mr. Chairman, if necessary I will insert the words "existing deficiencies;" but I submit

that the amendment when read in connection with the whole bill renders no such wording necessary. I will, however, make that addition to my amendment and request that the Clerk add it.

The CHAIRMAN. Does the Chair understand the gentleman from Massachusetts to ask that this amendment be inserted in line 15, page 45, as indicated on the amendment?

Mr. GARDNER of Massachusetts. Under "Contingent expenses," at the end of line 14.

The CHAIRMAN. The gentleman has indicated it was at the end of line 15.

Mr. GARDNER of Massachusetts. Well, at the beginning of line 15.

The CHAIRMAN. The Clerk will again report the amendment as modified.

The Clerk read as follows:

Page 45, line 14, insert, "for rent and necessary expenses of United States shipping commissioners' offices, $6,000, for existing deficiencies."

Mr. UNDERWOOD. Mr. Chairman, as that amendment now reads it is not germane to the paragraph where it is inserted, and I also make that point of order.

The CHAIRMAN. The Chair would call the attention of the gentleman from Alabama [Mr. UNDERWOOD] to the fact that this is not offered as a new paragraph, but that it is a continuation of the paragraph just read, after the word "dollars" in line 14.

Mr. UNDERWOOD. Well, it is not germane, Mr. Chairman, to that portion of the bill that we are reading. That paragraph and that section of the bill relate to the contingent expenses in the office of the Secretary of Labor, if I have the right place in the bill. It does not relate to either rent or to the payment of salaries of officials.

Mr. GARDNER of Massachusetts. I was not aware that I had offered it as an amendment to any particular paragraph of the bill. I offered it as an independent provision.

The CHAIRMAN. The Chair understood the gentleman to offer it as an addition to the paragraph ending on line 14, page 45. The gentleman now offers it as an additional paragraph to come in after line 14. The Chair is of the opinion that the amendment as modified by the gentleman is in order. The point of order is overruled.

Mr. HEMENWAY. Mr. Chairman, this amendment ought not to be adopted for the reason that it has not been considered by any committee of the House. There is nothing in the amendment to inform the House as to whom this money is to be paid to, or what for, or why. In addition to that, here are judgments, as the gentleman states, of the Court of Claims, arising out of this same transaction. We do not know whether the judgments included in this item are the same judgments that we appropriate for here in the bill or not. No item of this kind ought to go upon an appropriation bill without first being considered by some committee of this House. This item has not been considered. It has not been referred in the regular way for consideration by the Committee on Appropriations. There was no estimate for it considered by the committee in making up this bill.

Mr. GARDNER of Massachusetts. Do I understand the chairman of the committee to say that this was not included in the estimate of the United States shipping commissioners?

Mr. HEMENWAY. For the next fiscal year there are some estimates; but nothing at all on this bill.

Mr. GARDNER of Massachusetts. I submit that in the last estimate this matter which this amendment of mine covers was specifically estimated, and I think that the former chairman of the Committee on Appropriations, now sitting on my right [Mr. CANNON], will bear me out in that statement.

Mr. HEMENWAY. That may be true, but that was at the last Congress. At this session there was no estimate on this subject submitted to the committee having in charge the urgent deficiency bill.

I repeat that the amendment offered by the gentleman has not been considered by any committee. There is nothing in the amendment indicating what it is for, except that it is to cover certain indefinite deficiencies not set out in the amendment and which Congress does not know anything about, and does not know whether or not they are included in items of appropriation in this bill for judgments of the Court of Claims. Certainly it would not be wise for Congress to adopt any proposition of this kind without knowing something about it. I sincerely hope that the amendment will be rejected and that the item will go to the proper committee to be regularly considered and reported upon before being adopted.

Mr. GARDNER of Massachusetts. Do I understand the gentleman to suppose that the proceedings in our Court of Claims are so rapid that any of the shipping commissioners' expenses of last year can possibly be included in the judgments of the court in the cases of Morse and Dickey and Baker?

The question being taken on the amendment of Mr. GARDNER of Massachusetts, it was rejected.

Mr. OVERSTREET. I desire to offer an amendment to insert, after the word "homes," in line 21, page 45, the following words: "and designated headquarters."

Mr. HEMENWAY. I make the point of order that this is a change of law.

Mr. OVERSTREET. Will the gentleman reserve that point for a moment?

Mr. HEMENWAY. I reserve it if the gentleman wishes to be heard.

Mr. OVERSTREET. The point to which I desire to call the attention of the committee is that without these words of limitation this provision will clearly grant to these inspectors $4 additional pay for every day in the year. I do not think that such is the intention of the Committee on Appropriations nor of the Committee of the Whole.

These men will always be away from their homes as soon as appointed; but they will be at headquarters most of the time, and as this is a per diem in lieu of an expense incurred, I think that a limitation ought to be fixed in the law.

I confess that I am not familiar just now with what the law is; but I believe it is the clear intention of the law that the $4 a day in lieu of subsistence is not additional salary, unless the person is away from both his home and his headquarters in the discharge of his duties.

Mr. HEMENWAY. I am not quite sure, Mr. Chairman, discussing the merits of this proposition, whether or not this would be a good provision; but certainly it ought to be considered very carefully before being placed on this bill; and as this is only a deficiency bill, and this item will come up on the regular appropriation bill, I shall insist on my point of order until I can investigate more fully as to what the effect of this change would be. It is certainly a change of existing law.

The CHAIRMAN. The Chair desires to ask the gentleman whether there is any law at present specifying these salaries?

Mr. HEMENWAY. No law except such as is enacted in the appropriation bill. The current appropriation law has the language which appears in the deficiency bill. I know of no law other than the law fixed by the current appropriation law.

The CHAIRMAN. The Chair is of the opinion that this amendment is in order. It is merely descriptive of the purpose for which the money is to be appropriated. It does not create any new duties or any new offices. It merely amplifies what is already required under this provision. The Chair overrules the point of order. The question is on the amendment offered by the gentleman from Indiana [Mr. OVERSTREET].

The question being taken, on a division (demanded by Mr. OVERSTREET) there were—ayes 47, noes 33.

Mr. HEMENWAY asked for tellers.

Tellers were ordered; and the Chairman appointed Mr. HEMENWAY and Mr. OVERSTREET.

The committee again divided; and the tellers reported—ayes 78, noes 41.

Accordingly the amendment was agreed to.

The Clerk read as follows:

Hereafter the clerk of the supreme court of the District of Columbia shall account for official emoluments in the same manner as clerks of the United States circuit and district courts.

Mr. ROBINSON of Indiana. Mr. Chairman, at the request of my colleague [Mr. CRUMPACKER], who is unavoidably detained, and for him, I make the point of order against lines 9, 10, 11, and 12 of page 50 as being contrary to existing law. I am ready to cite to the Chair the provisions of the District code passed in 1901, and the provisions of the law of 1875 governing the conduct of the clerks with reference to their emoluments.

The CHAIRMAN. Does the gentleman make the point that this changes existing law?

Mr. ROBINSON of Indiana. That it changes existing law, and I have for the inspection of the Chair, or will read to the Chair, the code provisions which were passed in 1901 which govern the conduct of clerks with reference to their emoluments. The purpose of these lines in this bill is to have them governed by the general law of 1875. I will send a marked copy to the Chair. The purpose of this act is to make the provision of the general law applicable to the clerks, instead of the special law that was passed in the District Code of 1901.

The CHAIRMAN. It seems to the Chair that on the face of the paragraph it is legislation involving an accounting for official emoluments different from what the law now contemplates, and from the statute which the gentleman has sent to the desk it is evident that it is a change of existing law. The Chair therefore sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill and

joint resolution of the following titles; in which the concurrence of the House was requested:

S. 3317. An act authorizing the Secretary of the Interior to grant right of way for pipe lines through Indian lands; and

S. R. 36. Joint resolution accepting a reproduction of the bust of Washington from certain citizens of the Republic of France, and tendering the thanks of Congress to the donors therefor.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to concurrent resolution No. 13.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to Senate concurrent resolution No. 21, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT of New York, Mr. MCCOMAS, and Mr. GORMAN as the conferees on the part of the Senate.

URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

To pay amount found due on account of canceling machines, fiscal year 1902, as certified in House Document No. 366, of this session, $225.

Mr. OVERSTREET. Mr. Chairman, reserving the point of order, I should like to ask the gentleman in charge of the bill to explain that item just read.

Mr. HEMENWAY. For canceling machines?

Mr. OVERSTREET. To pay some one for canceling machines, lines 15 to 18, inclusive. What I desire to know is whether that is a clear deficiency or whether the item has been passed upon by any Auditor.

Mr. HEMENWAY. I suggest to the gentleman that the item is an amount found due by the Auditor for the Post-Office Department, an audited account, and so certified.

Mr. OVERSTREET. Is it a certification, or simply a report from the Auditor?

Mr. HEMENWAY. It is a certification of an amount found due by the accounting officers of the Post-Office Department. If the gentleman thinks it ought not to be paid, a motion to strike it out is in order.

Mr. OVERSTREET. I do not want it stricken out if it is a proper item; but I should like to inquire of the gentleman whether or not the hearings before his committee disclosed the fact that this property was actually purchased at a proper price and is now in use?

Mr. HEMENWAY. I refer the gentleman to Document No. 236, and can only say that the Auditor certifies that the amount is due. As to whether the item was purchased at a proper price or not I do not know. We simply have that certificate of the Auditor of an audited account sent down for appropriation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Railway Mail Service: That the number of clerks appropriated for in the Railway Mail Service for the current fiscal year is modified so as to allow 1,185 clerks of class 5, at $1,400 each; 1,671 clerks of class 4, at $1,200 each; 857 clerks of class 4, at $1,100 each; and 3,928 clerks of class 3, at $1,000 each: *Provided*, That this change shall be made without increasing the aggregate sum of money appropriated for clerks of the several classes of the Railway Mail Service in the post-office appropriation act of March 3, 1903.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 52, line 21, strike out all after the word "allow" down to and including the word "each," in line 3, page 53, and insert in lieu thereof the following:

"Two thousand six hundred and fifty-six clerks of class 2, at not exceeding $900 a year each, and 780 clerks of class 1, at not exceeding $800 each.

The amendment was agreed to.

The Clerk read as follows:

Pay of laborers at division headquarters, rural free-delivery service, $206.44.

Mr. OVERSTREET. Mr. Chairman, I would like to ask the gentleman in charge of the bill to give some explanation in reference to the pay of laborers at these division headquarters.

Mr. HEMENWAY. Why, it was by some oversight in the classification of the employees of the Department. I will give Mr. Bristow's explanation. You will find this on page 163 of these hearings:

In the last post-office bill there was an appropriation for six clerks, at $700. Formerly they had been laborers, at $700. I suppose in the provision that it was just intended to make them clerks instead of laborers, but the Comptroller has decided differently, and the Civil Service Commission would not classify them. So they were dropped out and new clerks had to be put in their places. These clerks had worked until this much money was due them before we knew that.

In other words, this appropriation bill provides for the pay of these laborers who were used as clerks. The laborers went ahead and did the work, and it was ascertained that they were not allowed the salary until the bill was passed by Congress or is reported by the Post-Office Committee. So we pay these clerks for the time they did the work. This appropriation is necessary.

The Clerk read as follows:

To pay amounts found due by the accounting officers of the Treasury and certified in House Document No. 366 of this session on account of the rural free-delivery service for fiscal years, as follows:

For the fiscal year 1902, $346.75.

For the fiscal year 1903, $21,026.37.

Mr. OVERSTREET. Reserving the point of order, I would like to inquire of the gentleman in charge of the bill if these items have been certified by the Auditor?

Mr. HEMENWAY. I call the gentleman's attention to the reading of the bill.

Mr. OVERSTREET. I know the bill says they have been certified.

Mr. HEMENWAY. You will find that they have been audited by the accounting officers of the Treasury and certified in House Document 366 of this session, on account of free rural-delivery service for the fiscal year. I refer the gentleman to the document for the information.

Mr. OVERSTREET. The gentleman has the document in his hand. What I want to know is whether or not Document 366 says that they have been certified by the proper accounting officers who have passed on the facts and know the facts, or whether it is simply the report of an officer that they need the money? If it is a certification then I have no objection.

Mr. HEMENWAY. The bill so states.

Mr. OVERSTREET. The bill so states, but what does the report say?

Mr. HEMENWAY. Well, I suggest to the gentleman that it would not so state in the bill unless it was found that it was true as was stated, and if the gentleman still makes further inquiry I refer him to the document to which I have heretofore called attention. It is Document 366. Mr. Chairman——

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For mileage of Members of the House of Representatives and Delegates from Territories for the second session of the Fifty-eighth Congress, $145,000.

Mr. HEMENWAY. Before that is read——

Mr. MADDOX. I make the point of order on that.

Mr. HEMENWAY. I tried to stop the Clerk in the reading of the paragraph before we got to it.

Mr. MADDOX. It is understood that I reserve the point of order.

Mr. HEMENWAY. I tried to stop the reading, but did not succeed in doing it. I would like to have the attention of the House. Before the words "House of Representatives," on page 58, before line 1, I ask unanimous consent that the following be inserted, simply to correct the bill before we come to this item.

By an oversight in preparing the bill, or printing the bill, the mileage for the Senate was left out. Now, that ought to go into the bill, so that the point of order can be made against the whole item—the two items taken together—and any discussion that may occur may be made on the whole item under consideration.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the amendment which he sends to the Clerk's desk may be inserted before line 1.

The Clerk read as follows:

On page 58, before line 1, insert the following:

"SENATE.

"For mileage of Senators for the second session of the Fifty-eighth Congress, $45,000."

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. I move to strike out the entire paragraph.

The CHAIRMAN. The gentleman from Georgia made the point of order against this paragraph.

Mr. LITTLEFIELD. I had risen for the same purpose. Does the Chair recognize the gentleman from Georgia?

The CHAIRMAN. The Chair had recognized the gentleman from Georgia upon the conclusion of the reading of the paragraph to make the point of order against the paragraph.

Mr. MADDOX. Mr. Chairman, I am aware of the fact that this point of order was raised to a similar section in an appropriation bill in the Fifty-third Congress.

The CHAIRMAN. Will the gentleman from Georgia answer the Chair a question for information? The Chair understands the gentleman's point of order includes the amendment offered by the gentleman from Indiana, and also the paragraph that has just been read.

Mr. MADDOX. Yes, sir.

The CHAIRMAN. The paragraph as amended with the provision for mileage for the Senate.

Mr. MADDOX. I say, Mr. Chairman, I am aware of the fact that a decision was made by the Chairman of the Committee of the Whole in the Fifty-third Congress holding that this same pro-

vision was in order at that time. I, Mr. Chairman, am not satisfied with that decision—at least, with the reasons given when the decision was rendered.

It may be that it is not subject to the point of order, but certainly the reasoning given there, or, in other words, the begging or dodging the question, as it seems to me, does not carry conviction to my mind or to anybody else, I think, who has given due consideration to this ruling, that it is at all conclusive and that this could stand as a precedent. I would like for some chairman to give a better reasoning for it. Now, the reason given in that opinion was simply this: Mr. Hayes, I believe, of Iowa, at that time argued against this point of order that was made by Mr. Lynch. The Chair, ruling upon that point, said that inasmuch as we had diverted the sum originally appropriated for the regular session of Congress to be used, or, in other words, had made it available in the extra session, therefore that there being no question about the present session being a regular session, just as in this present instance a regular session, that we were entitled to the mileage of that regular session.

Thereupon the Chairman decided that point—the point of order not well taken. He did not take into consideration when he decided the point as to whether the amount or the sum that had been appropriated for the regular session had been diverted to the extra session for which we were not entitled. They proposed to bolster up the decision by getting a letter from the Auditor at that time. The Auditor also dodges the question and says this thing being a regular session that they are entitled to the mileage. We all know that. The statute is perfectly plain upon that subject, that each regular session we are entitled to the mileage. The question is, though, are we, when we divert the regular mileage for the payment of a special or extraordinary session, to be allowed to come in here now and appropriate for a regular session when we have taken the mileage from the regular session, put it in our pockets, and have spent it.

Now, that is the question I want to hear the Chair rule on. I apprehend that the Chair probably will have some trouble upon this point—that is, the question as to whether the extraordinary session merged into the regular session and made one continuous session, or, in other words, whether there was any length of time between the extraordinary session and the regular session by which we can claim that there have been two sessions of Congress. Now, so much for that point of order. Now the question is, if I may be permitted to go forward on this line, Is it expedient, gentlemen, to pass this resolution giving to ourselves this extra money?

Mr. GROSVENOR. Mr. Chairman, if the gentleman will yield to me for a moment, I want to ask unanimous consent to offer an amendment to the item under consideration.

Mr. MADDOX. All right.

Mr. GROSVENOR. And let it be pending to the proposition which the gentleman is now discussing.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to have pending, subject to the point of order——

Mr. GROSVENOR. Certainly.

The CHAIRMAN. An amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That any Member of the Congress so desiring may cover any money due to him as a part of this appropriation into the Treasury, and it shall be received by the Secretary of the Treasury as a miscellaneous item.

[Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? The Chair hears none.

This question does not involve the merits of the proposition, and the Chair hopes that gentlemen will confine themselves to a discussion of the point of order.

Mr. MADDOX. I would like to be heard on the merits, too.

The CHAIRMAN. There will be an opportunity for that, possibly, if the paragraph is retained in the bill.

Mr. MADDOX. I have often, not only in this House, but in other legislative bodies, heard that cheap amendment offered, such as has been offered by the gentleman from Ohio, before. I know I need not draw this money without the amendment, so far as that is concerned. I can exercise that right without any advice from the gentleman from Ohio or even of this House. That is my privilege to do, and it is my privilege to take it if I wish after this House has determined that it is legal. I am not proposing to set myself up here as better than any other Member of this House or that my judgment is better than anybody else's.

I want to say to the Chair that the Fifty-third Congress was not the first time that this question has been presented to the Congress of the United States. On more than two occasions that I know of—in which the records will bear me out—this proposition was voted down. As I say, the point is whether this is a regular session or an extraordinary session, or whether the extra session is merged into the regular session.

The CHAIRMAN. Does the Chair understand the gentleman from Georgia that if this is a regular session—the second session of the Fifty-eighth Congress—then there is authority of law for the appropriation carried by this paragraph?

Mr. MADDOX. The point I make to the Chair is simply this, that the appropriation made for the regular session was diverted to the special session, and the question now is as to whether this clause in the bill making a new appropriation for mileage for the regular session when we have already received that sum which was appropriated for the regular session. In other words, can we draw mileage for an extra session which was appropriated for the regular session and then vote ourselves another mileage for the regular session?

Mr. LITTLEFIELD said: Mr. Chairman, if in order, I would like to make a few suggestions in support of the point of order. I wish to state at the outset, Mr. Chairman, that I have not a word to say about the propriety or the impropriety of the pending proposition. Whether, if it reaches that stage, Members vote to pass the bill as it stands or vote to strike out the proposition is a question for every single individual Member, and I do not think he is to be criticised or reflected upon, either directly or indirectly, by any Member of the House. It is purely a personal proposition. I shall not spend a moment on the merits, or morality, or equity of the appropriation. In my judgment—of course I may be wrong—the appropriation is not authorized by existing law.

The appropriation provides for mileage for the second session of the Fifty-eighth Congress, and, in my opinion, the only question raised by the point of order, or that can properly be raised or debated in committee is whether or not this is a second session of the Fifty-eighth Congress, or whether we are now in the first session of the Fifty-eighth Congress.

The history of the situation is simply this: During the last term of Congress an appropriation was made for mileage for the Congress that would meet on the first Monday of December, 1903. Congress met on the 9th day of November, 1903, under a call of the President for what may be termed and sometimes is termed a "special session," or an "extraordinary session"—and I may say right here that the Constitution does not recognize any distinction between sessions; it does not refer to a regular session or a special session or an extraordinary session.

What is termed popularly a "regular" session, to be sure, begins on the first Monday of December of each year, because, unless otherwise provided, that is when Congress assembles. Congress is assembled when an extraordinary occasion exists under the proclamation of the President, and Congress did then assemble as the Fifty-eighth Congress. It is not mentioned in the Constitution as an "extraordinary" or "special" or "extra" session. It simply says "he may, on extraordinary occasions, convene both Houses, or either of them."

When this Congress met on the 9th day of November, or shortly after, by joint resolution, very properly it diverted the appropriation for mileage made for the Congress that was to meet on the first Monday of December, 1903, to the payment of the mileage of the Congress that met on the 9th day of November, 1903. But it left no appropriation for mileage for this Congress, assuming now that there is a distinction between the two sessions.

The precedent referred to in the Fifty-third Congress is not in the slightest degree in point. It hasn't anything to do with the case pending here, because there was in that case two separate and independent sessions. The law now provides that an appropriation for mileage can be made for each regular session, and the only question is whether the session we are now engaged in is a regular session. It does not make any difference how many days of the session we have had or how short the interregnum was, if there was an interregnum, we are entitled to mileage for the regular session, in my judgment, nor if that is the fact do I see any legal reason why a man should be criticised for voting for it.

There is no question but that Congress has the power to appropriate or divert the mileage appropriated for a session beginning on the first Monday of December to one beginning on the 9th day of November.

Then the question recurs, there being no appropriation for mileage in addition thereto, will it now appropriate for mileage for the session that is alleged to have begun on the first Monday of December?

That raises the specific question as to whether or not we are now in a continuous session or whether there are clearly two sessions. If two sessions, this appropriation is correct; it is authorized by existing law and it ought to be made, and every man can properly receive it. Now, if there is a continuous session, then there is only one session, then there is no law that authorizes the appropriation of two mileages for any one session. What is mileage for a session? Mileage, I take it, is the sum that enables a Member of Congress to attend at the beginning and return to his home at the end of a session of Congress. Everybody concedes, no matter what the other facts may be, that in this case

this Congress, or, at least, Congress, did meet on the 9th day of November, 1903, and continued its session, in any event, until 12 o'clock noon on the 7th day of December, 1903, so that, of course, as a matter of fact, the mileage extended until that time.

We were paid for coming here on the 9th day of November, and we were paid for returning on the 7th day of December at 12 o'clock, and if there is an interregnum we would equally be entitled to pay under existing law for returning at the same 12 o'clock to attend the regular session. In my judgment the only question is, Is there one continuous session or, under the circumstances, are there two? In other words, is there an interregnum? In my opinion, and I may be wrong about it, there was no interregnum. Under what circumstances does Congress meet? What calls it together? Well, the provisions of the Constitution: and what are they? In the first place, this provision, which provides:

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different date.

In this case Congress has not by law appointed any different date, so that, so far as the discussion at this stage is concerned, that does not disturb us; but there is another way by which Congress can constitutionally meet. That is provided for in section 3 of Article II, prescribing the duties of the President:

> He may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper.

That is not a final adjournment, but simply an adjournment "to such time as he shall think proper." On extraordinary occasions he can call Congress in session. It is not an extraordinary session by the language of the Constitution, it is not an extra session by the language of the Constitution, but the extraordinary occasion intervening, then the President can exercise the power to call, for instance, the Fifty-eighth Congress into session. Congress having been constitutionally called to meet on the 9th day of November, 1903, and being in session, its session can not be terminated and ended except in one of two ways. What are they? First, by adjournment of the body itself; second, by operation of law.

The only question here is, then, whether after the 9th day of November, 1903, Congress had adjourned, in the first instance, on its own motion. Everybody concedes that it had not. There has not been any attempt to adjourn without day finally from that time until to-day. The only other question left is, Was Congress terminated by operation of law? because that is the only other way by which it can be terminated, and that brings us to this proposition: Does the fact that the Constitution requires Congress, if it is not in session, to meet on the first Monday in December of itself terminate a Congress that is then in session? In my judgment, it does not. What is the purpose, object, and intent of that provision of the Constitution, and its only purpose, object, and intent? Simply to call Congress together in order that it may be in session as a Congress. It is simply for the purpose of calling it together.

The Constitution designates a specific day in order that Congress may "assemble *at least once in every year.*" The assembling "*at least once* in every year" is the real essential and sole purpose of the specific constitutional day of meeting.

Now, Congress was already together and in session when that time intervened. It met on the 9th day of November, 1903, and it continued in session, and there was no occasion for it to meet in order to begin session, because it was here in session. The only purpose that can be accomplished by this provision of the Constitution as to the time of meeting is to cause Congress to meet and begin a session. That is its only purpose and object. In this instance, on the 7th day of December, 1903, this provision had nothing upon which to operate, as the Fifty-eighth Congress had already met and was then in session. The object of this provision had already been accomplished. The Fifty-eighth Congress had already assembled "*at least once*" in the year 1903, and the only essential mandate of the Constitution had been obeyed. It is a familiar legal principle that when the reason for a law fails, the law fails and the rule ceases to operate. If the Fifty-eighth Congress had not been in session when the hour of 12 o'clock noon, December 7, 1903, arrived, it would have been its duty to meet and begin its session; but it had no occasion to meet for that purpose, either constructively or actually, because it had already met and was in session.

How can it with any propriety be said that it is the duty of Congress to meet when it has already met? It is a legal absurdity to say that a body that is in session, must meet either constructively or actually, in order to be in session. In order to hold that the session of the Fifty-eighth Congress, which began on November 9, 1903, terminated by operation of law at 12 o'clock noon December 7, 1903, it must be held that although the Fifty-eighth Congress was in full constitutional session at 12 o'clock noon on that day, it was terminated and the session ended in order that, at the same instant of time, the same Congress should be in like full constitutional session—being in session, by operation of law, by one act, and at the same moment of time a session is ended and begun in order that it may be in session when, as a matter of fact, the session is actually continuous. What is there to justify the assertion of this extremely finical and attenuated technical legal proposition? This constructive termination of a session hardly approaches the dignity of a legal fiction, and the law abhors a fiction. It may perhaps tolerate a fiction in order to accomplish some substantial purpose that can not be attained in any other way, but not otherwise. Here the fiction was entirely unnecessary, as the essential result, a session "at least once in every year," had been already achieved. What is there about the Fifty-eighth Congress, that would have assembled at 12 o'clock noon December 7, if it had not already been assembled, that differentiates it from the same Fifty-eighth Congress that met November 9? Absolutely nothing. Has the latter any constitutional power not possessed by the former? None. Can it do anything that the other could not do? Nothing. Is there any legal reason why one is superior to or supersedes the other; why the former should give way to the latter? Absolutely none.

It must be borne in mind that these provisions of the Constitution relating to calling sessions of Congress are in no sense analogous to the by-laws of a corporation providing for the calling of meetings of the corporation. If they were, the provisions requiring Congress to meet on the first Monday of December might be thought parallel to the by-law providing for the annual meeting of the corporation at which officers are to be elected, and such other business transacted as may be specified in the call. Unless so specified, no other business can be transacted. The call for a special meeting of a corporation must specify the business to be transacted at the meeting, and the usual business of the annual meeting, such as the election of officers, could not be transacted at such meeting, because such business is by the by-laws to be considered at a specific meeting, and notice thereof would not be given in the call.

In the case of Congress, however, whether called by the President under the Constitution or meeting at the time specified in the Constitution or at the time appointed by Congress under the Constitution, it meets with the same plenary powers, and is in no sense limited or restrained as to the acts which it can do, by the time when, or the manner in which, it is called together, and there is, therefore, no legal reason why the Fifty-eighth Congress, meeting at the time fixed by the Constitution, in session at noon on December 7, can be held to displace or supersede the Fifty-eighth Congress in session at and prior to that time, meeting equally at the time fixed by the Constitution by virtue of the President's call. In order to overrule the point of order some such legal reason must be given. How is it that Congress, that has the power to change the time fixed for meeting by the Constitution, has not the power to continue its own session beyond the time thus fixed? It has elected to so continue it in this instance.

For the purpose of testing the principle, let us assume that the legislative day of December 5 extended without any recess until 12 o'clock noon on the 7th, at which time a roll call was in progress. Would the roll call be stopped and the session ended because if Congress had not met and was not in session it would have met at that time? If continuing after 12 o'clock, must Congress stop its business and, although it continues to sit, begin anew the consideration of the measure pending, or at least begin a new roll call? This would be the result if the session ended, as that would end the consideration of business pending. Will the Chair hold that a roll call could not be completed under such circumstances, and would not such a holding involve a palpable legal absurdity? The assumed condition might easily occur and is clearly involved in the operation of the proposition, and the Chair must so hold, I submit, in order to overrule the point of order.

So far as the action of Congress is concerned upon this question, the records disclose the following facts: The second session of the First Congress adjourned to meet on the first Monday of December next, which was the constitutional day. The Journal of the session that met on that day shows, however, that they met "on the day appointed by the two Houses for the meeting of the present session," instead of on the day appointed by the Constitution therefor.

In the following instances Congress met in session by virtue of the date fixed by it, by law, under the provision of the Constitution allowing them "to appoint a different day," and continued in session beyond the day that Congress would otherwise have met, as provided in the Constitution, on the first Monday of December:

The first session of the Second Congress;
The second session of the Second Congress;
The second session of the Third Congress;
The second session of the Fifth Congress;
The second session of the Sixth Congress;

The second session of the Eighth Congress;
The second session of the Tenth Congress;
The second session of the Eleventh Congress;
The second session of the Twelfth Congress;
The second session of the Fifteenth Congress; and
The second session of the Sixteenth Congress.

I do not contend, may it please the Chair, that these meetings of Congress under these circumstances are precisely in point upon my present contention, because Congress met then at the time fixed by law, which eliminated, under the terms of the Constitution, the constitutional time fixed for the meeting. But there are other instances that are precisely in point. In the following instances Congress was called in session by a proclamation earlier than the day fixed by the Constitution, and continued in session on that day and beyond that day without making any reference to that date or taking any notice of it, and there was no intimation that Congress was instantaneously adjourned and convened by operation of law:

The first session of the Eighth Congress, the first session of the Tenth Congress, the first session of the Twelfth Congress, and the third session of the Thirteenth Congress. Here are four cases in which Congress, if it may please the Chair, in the early history of the Republic gave a contemporaneous construction of this constitutional provision, and every one of them in the line of, and in harmony with, our contention sustaining the point of order. It is well settled that early and practically contemporaneous construction by legislative action is entitled to much greater weight than action that is remote.

The CHAIRMAN. Will the gentleman from Maine state whether or not any question whatever was raised in the cases he refers to as to the termination of the sessions preceding the regular sessions?

Mr. LITTLEFIELD. Not as the records disclose. In those cases the question was not even raised. The men in the early days of the Republic assumed that when Congress, called in session by the proclamation of the President, continued beyond the constitutional time otherwise fixed, that it was a continuous session and made one session, and the question was not even raised or suggested.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman from Maine permit one question?

The CHAIRMAN. Does the gentleman from Maine submit to an interruption?

Mr. LITTLEFIELD. Certainly.

Mr. COOPER of Wisconsin. I have not heard all of the gentleman's argument, but this occurs to me as being a pertinent question: All of the bills, all of the resolutions of this session, all of the Journals, are as of the second session?

Mr. LITTLEFIELD. Yes.

Mr. COOPER of Wisconsin. The second session of the Fifty-eighth Congress. How can there be a second session of a body which has not had a first session completed?

Mr. LITTLEFIELD. I will answer that question by asking another one. How can the clerks of the House or the officers of the House change a principle of constitutional law by labeling the bills or the records or the Journals of the House? Of course it tends to show what their opinion was, but in my judgment they can not thus change the constitutional law.

Mr. LIVINGSTON. On the line of your argument I want to bring this to your attention: Suppose this Congress now in session should continue until the first Monday in next December, up until 12 o'clock, and then proceed on until the 4th day of next March. Mileage being a sessional appropriation and not an annual appropriation, what would be your opinion as to the mileage for the next session?

Mr. LITTLEFIELD. The same proposition would apply to it. There would not be any next session so long as this session continues in session, without an adjournment or without a termination by operation of law.

Mr. GAINES of Tennessee. I should like to ask the gentleman——

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Tennessee?

Mr. LITTLEFIELD. I should be glad to do this, if the gentleman will allow me: I should like to conclude the suggestions that I have to make and then I will answer any questions.

The CHAIRMAN. The gentleman declines to yield.

Mr. LITTLEFIELD. Now, I want to call the attention of the Chair to the fact that we not only have four Congresses between the Eighth and the Thirteenth where the construction that is now suggested was adopted, I concede without question or controversy—and I certainly have no desire to mislead any Member on this proposition—we not only have four Congresses in the early history of Congress, but we have two cases where Congress has substantially by its action adopted this proposition. The first is the Fortieth Congress. The first session of the Fortieth Congress met as appointed by law on the 4th day of March, 1867, and was in session on November 26, 1867, when the following resolution was presented in the Senate by Senator Grimes, of Iowa:

Resolved by the Senate (the House concurring), That the President of the Senate and the Speaker of the House do adjourn their respective Houses without day on Monday, the 2d of December next, at half past 11 o'clock a. m.

Senator Sumner moved to amend the resolution by making the hour 12 o'clock, giving as a reason that Congress might not safely adjourn, for even so small a time, lest the President, who was thought by him to be unpatriotic, should improve the intervening time to issue commissions. He thought, therefore, that one session should come close up to the other, and that one should end when the other began.

His amendment was agreed to and the resolution as amended was adopted, and in pursuance thereof on Monday, the 2d of December, the presiding officers of the two Houses declared the Houses adjourned without day at 12 o'clock, and immediately thereafter they were called to order in the second session, and the roll was called by States.

Now, I ask the Chair to note this: If it had been true that by operation of law that Congress would have expired at 12 o'clock noon, was it necessary to adopt a concurrent resolution providing for adjournment at that time? Clearly not. Evidently the men who were in the Senate, Senator Sumner and Senator Grimes, assumed that without such action on the part of the Houses adjourning at that time Congress would have continued by operation of law, because otherwise there would have been no occasion for the adoption of the resolution.

Now let me go a little further, because it assumes the correctness of the legal proposition on which we rely. On October 15, 1877, the Forty-fifth Congress met in special session on the call of the President and remained in session until the first Monday in December, the day appointed by the Constitution for the regular assembling thereof. On Saturday, December 1, Mr. Fernando Wood, of New York, offered the following resolution, which was adopted by the House:

Resolved (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day at 3 o'clock p. m. this day.

Thereafter on that day the House took a recess until 10 o'clock a. m. of the calendar day of Monday, December 3, the day prescribed by the Constitution for the meeting of the regular session of Congress. The Senate took a recess on the same day to the same hour on December 3. At that time—December 3, at 10 a. m.—immediately on the approval of the Journal of the Senate, Mr. George F. Edmunds, of Vermont, offered this resolution, which was agreed to without debate:

Resolved by the Senate (the House of Representatives concurring), That it is the judgment of the two Houses that the present session of Congress expires by operation of law at 12 o'clock meridian this day.

That resolution, I state frankly to the Chair, is precisely in point against our contention. It was adopted in the Senate without debate; it was concurred in by the House without debate, and so far as the record discloses without the slightest consideration, investigation, or deliberation. It was, at the most, purely academic. Although Senator Edmunds was a great lawyer, in the hurry and turmoil of that stage of a session, so far as we know, the resolution may have been drawn on the spur of the moment, and may not express his well-considered opinion. But there is other action taken in the same Congress that is absolutely inconsistent with this academic declaration upon the law relating to the ending of the session of Congress.

The Senate went on after that, after this resolution had been agreed to, the resolution in relation to the declaration of the law—after that resolution had been agreed to the Senate took up the former resolution of the House as to adjournment, disagreed to it, and adopted an amendment striking out "3 o'clock p. m. this day" and inserting "11.50 a. m. the 3d of December instant," and the House concurred in the amendment. Then the Houses agreed to the usual resolution authorizing the appointment of a committee to notify the President of the United States that Congress had adjourned, and the Speaker then declared the House adjourned.

Now, I ask the Chair to note this when he comes to rule upon this question. Here is an academic resolution that passed the Senate and passed the House without debate, without deliberation, a resolution that accomplished nothing, resulted in no action of any kind; and after the passage of that resolution, although that resolution declared that Congress would expire by constitutional limitation by virtue of law, after the adoption of this resolution the two Houses, placing no confidence in their own declaration, not relying upon their legal proposition, passed the joint resolution adjourning Congress, and then adjourned in pursuance of the resolution without day and met in the next session after ten minutes. But if their academic resolution had been sound law, they would have adjourned, or the session would have terminated by opera-

tion of law, without their last resolution. If their first resolution was sound, why clearly the second was unnecessary and entirely a work of superogation. While their dictum is against us their decisive legal action the only precedent established, is by obvious construction, precisely in point in our favor.

So I call the attention of the Chair to the fact that there is no adverse legal precedent in the history of the Congress of the United States, and I challenge the production of one that can in any sense militate against the proposition suggested in behalf of this point of order. On the other hand, every precedent sustains it. These two cases to which I have called the attention of the Chair by necessary implication adopt the legal proposition relied upon to sustain this point of order. The action of Congress during four Congresses during the early part of its history adopted this theory without any question.

As I have said, Mr. Chairman, I simply present this as a legal proposition. I have not the slightest feeling about it one way or the other. I believe, my own judgment is, that as a matter of law this appropriation for this session, one appropriation already having been made for this session, is not authorized by any existing law. I do not believe, inasmuch as this Congress never has undertaken to adjourn, that it has been terminated by the operation of any such finical, attenuated, unsubstantial, technical legal proposition as that suggested, and which must be relied upon in order to establish the alleged interim, and therefore I believe, Mr. Chairman, that the point of order should be sustained.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Tennessee?

Mr. LITTLEFIELD. Certainly.

Mr. GAINES of Tennessee. I have been very much interested in the gentleman's argument and now will ask him if an "end" to a session of Congress is not contemplated by this provision of the Constitution. I read from the Constitutional Manual, page 23:

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session.

The word "end" is here used—"end of their next session"—that is, the Senate at least.

Now, suppose the President during the interim made a temporary appointment during the "recess," and the Senate refused (I do not allude to any particular case) to ratify the nominations thus made—two-thirds not voting, but a majority of the Senate or a majority of the Congress should force a continuous session—does the Constitution allow the Senate or Congress to do this? This would allow the President to foist upon the country temporary appointees whom the Senate—two-thirds—refuse to indorse, ratify.

Couple this provision of the Constitution with the other, "Congress shall meet once every year," are we not forced to conclude that sessions of Congress are ended by the Constitution and must in law at least begin and end sessions, and that Congress must meet "once every year" and must therefore end its sessions at least once "every" year, otherwise great confusion would follow.

Mr. LITTLEFIELD. That is assuming that Congress continues in session during the whole two years.

Mr. GAINES of Tennessee. Yes; that it just continues along.

Mr. LITTLEFIELD. Of course that would be a very violent assumption. Now, I am very glad to hear the gentleman state that he does not understand that there is any particular case to be affected by his interrogation.

Mr. GAINES of Tennessee. No; not at all, I assure the gentleman.

Mr. LITTLEFIELD. I have perhaps an indefinite impression there may be other cases pending elsewhere that might be affected by any suggestion we might make, and far be it from me to make any suggestion or reflection——

Mr. GAINES of Tennessee. Oh, no; I do not desire that at all.

Mr. LITTLEFIELD. As I was saying, far be it from me to express any opinion upon a hypothetical proposition which might be construed directly or indirectly as a reflection upon another branch of Congress—a coordinate branch of this great body.

Mr. GAINES of Tennessee. I am afraid that if that remained as the law of the land and Congress were opposed to the President it could go along and refuse to confirm nominations of the President until many public and high offices would be filled by temporary or recess appointments, condemned by two-thirds of the Senate refusing to confirm them. This would be deplorable, but continuous sessions would do this very thing, it seems to me.

Mr. LITTLEFIELD. That is just exactly what Congress did in 1867, when they adjourned at 12 o'clock noon. They did adjourn by their own action, and they accomplished the very purpose which seems to fill my friend with apprehension. I say it is possible for Congress to do it in that way also. I have no doubt of its power to accomplish the result in that way.

Mr. GAINES of Tennessee. The President has certain rights under the Constitution, and this is one of them, and Congress, by acting in the way you say, might rob the President of his Executive prerogative.

Mr. LITTLEFIELD. That was a matter for that Congress which sat then, and I will not waste time commenting upon that or expressing an opinion as to the propriety of the action. That is what it did, and it is what they could do again.

Mr. SHERLEY. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Kentucky?

Mr. LITTLEFIELD. Certainly.

Mr. SHERLEY. The gentleman cites the Forty-fourth Congress. Was it necessary for that Congress to adjourn by joint resolution because it could not continue, owing to the fact that so far as some Members of both Houses were concerned their term of office had expired?

Mr. LITTLEFIELD. Well, your question might apply to the Senate, because the term of a Member of the House could not expire at irregular periods, of course.

Mr. SHERLEY. Say the 4th of March.

Mr. LITTLEFIELD. That might apply to the Senate. Well, the 4th of March would not involve the proposition so far as the first Monday in December is concerned, because it is too far removed from it.

Mr. SHERLEY. But it might apply so far as the Senate was concerned.

Mr. LITTLEFIELD. Well, you would hardly have a continuous session of the Fifty-eighth Congress after it had expired by constitutional limitation and the Fifty-ninth had come in. You could not get together the Fifty-ninth Congress by calling it during the period of the Fifty-eighth.

Mr. SHOBER. Mr. Chairman, will the gentleman yield to me?

Mr. LITTLEFIELD. Certainly.

Mr. SHOBER. Suppose by any chance—this being a hypothetical question also—suppose the President of the United States should call or had called, as he did, the Senate in special session, and had called the whole Congress of the United States together on March 5, and this Fifty-eighth Congress had remained in special session for two whole years, until the terms of the Members of the Congress had expired. I would like to ask the gentleman in that case what sort of a session it would be, and how it could be reconciled with the provision of the Constitution that there shall be two regular sessions, beginning on the first Monday of December?

Mr. LITTLEFIELD. I think when the Constitution of the United States requires that Congress shall assemble at least once in every year, that if it is assembled on every one of the 365 days it has assembled at least once in that year. Three hundred and sixty-five days would be 365 times once.

Mr. SHOBER. Then, Mr. Chairman, I would like to ask, in that event, how could you have two sessions when there is a continuous session from one end to the other?

Mr. LITTLEFIELD. I beg the gentleman's pardon; I do not think that necessarily follows.

Mr. McDERMOTT. Will the gentleman from Maine yield to me for a question?

Mr. LITTLEFIELD. With pleasure.

Mr. McDERMOTT. I understand the contention of the gentleman from Maine to be that we are now in the same session that we were in in November?

Mr. LITTLEFIELD. Yes.

Mr. McDERMOTT. My understanding of the Constitution is that there are two kinds of sessions of Congress. One what might be called the President's session, the other the constitutional session. The constitutional session has this provision in the Constitution, that neither House shall adjourn for more than three days without the consent of the other. Now, the session of Congress which I may designate as the Presidential session is under the control of the Executive. I call the gentleman's attention to page 23, section 3, of the book that he has in his hand.

On extraordinary occasion on which the President may convene both Houses in case of disagreement between them in respect to the time of adjournment, he may adjourn them to such time as he shall think proper. Now, if there has not been in its relation to the Executive any change in the session—in other words, if it is not another sitting as contemplated by the Constitution—then the President can adjourn Congress to-day to such time as he think fit, if there be a disagreement.

Mr. LITTLEFIELD. I will say this, because I think it is a pertinent and proper question. I will say that I do not think that clause has special reference, or is confined, to an extraordinary session, so called. It certainly is not confined to the special or extraordinary session in terms. I see no reason why it should

be confined to the special session. A deadlock in what may be termed a regular session is attended by the same inconveniences as a deadlock in a special session; and if it is important to remove it in one case it is equally important in the other.

If it was within the power of the President to adjourn the special session without day, and thus produce a recess or an interregnum between what you may call his session and the so-called regular session, I can see force in confining it to the special session. But this power is not conferred upon him. In that case it would be applicable to the special session, because it might be said that he had in that event the power to destroy what he had created. But he has no such power, and therefore no such reason applies.

There is no such thing as an extraordinary session. The Fifty-eighth Congress meets when an extraordinary occasion exists upon which the President bases his call. But if the contention of the gentleman from New Jersey applies, unless it creates a constitutional distinction between the two sessions it does not affect the proposition pending before the House. Why? Because it does not give him the power to adjourn Congress without day, and that is the question involved here, whether this Congress has ever adjourned without day. It is a matter of very little consequence whether he would still have the power in case of a disagreement between the two Houses to adjourn us from time to time. Does the gentleman get my idea?

Mr. McDERMOTT. I get the gentleman's idea, but it seems to me that it does not advance the argument. The President has no power to intervene unless the session is an extraordinary one. In other words, the President's session is to be held until they agree to adjourn, or until he tells them to adjourn. The question can not arise at a regular session. The President of the United States can not adjourn Congress as it is now constituted. We can remain in session for two years, from one session to another, and he can not adjourn it. Therefore the session which is called by the President of the United States has a constitutional distinction from that session which is called by the Constitution itself.

Mr. LITTLEFIELD. Where does the gentleman find in the Constitution that provision that undertakes to take care of the disagreement between the two Houses in a regular session, or isn't there any such provision?

Mr. McDERMOTT. Simply this, that you shall not adjourn for more than three days unless by agreement. It is not that you shall not adjourn for more than three days unless by agreement, provided that if you do not agree and the Executive thinks you should have agreed, he can fix the date of adjournment.

Mr. LITTLEFIELD. Does that apply to the regular session?

Mr. McDERMOTT. Why, no; but it does to the President's or extraordinary session.

Mr. LITTLEFIELD. Well, in the special session does the other provision apply to it?

Mr. McDERMOTT. In the special session you can not adjourn for more than three days without an agreement between the Houses. That would seem to apply; but if you do not agree to adjourn and the Executive desires to interfere, it being his session, he may interfere. Therefore, in the relation that we bear to the Constitution, there is an entirely different aspect between what is known as an extraordinary session and the session called by the Constitution. This was recognized last December by the President of the Senate when he adjourned the Senate. He declared that the Senate was adjourned by lapse of time. In other words, the Constitution having demanded that Congress shall meet on a certain Monday in December, that then meeting in accordance with that demand of the Constitution, Congress was then under the Constitution and not in a Presideutial session under the direction and power of the Executive. That is the difference between the two propositions, in my view.

Mr. LITTLEFIELD. That is the difference between the two Congresses in the gentleman's view, as I understand it.

Mr. McDERMOTT. Yes.

Mr. LITTLEFIELD. Inasmuch as your suggestions involve the whole question I do not see how it tends to militate against the proposition, if I am correct in my reasoning.

Mr. THOMAS of Iowa. Mr. Chairman, I would like to ask the gentleman from Maine a question. Are we now in session on the call of the President or under the provision of the Constitution requiring us to convene on the first Monday in December?

Mr. LITTLEFIELD. I think we are in session, Mr. Chairman, by virtue of the provision of the Constitution that authorizes the President to call Congress in session on an extraordinary occasion.

Mr. THOMAS of Iowa. We are not in session under the authority of both. We must be in session either under the call of the President or under the constitutional provision.

Mr. LITTLEFIELD. Each has constitutional authority.

Mr. THOMAS of Iowa. Certainly; but we are not now in session under both, are we?

Mr. LITTLEFIELD. Oh, no; I do not think we are.

Mr. GROSVENOR. Well, which is it, then?

Mr. LITTLEFIELD. I think we are in session under the call of the President.

Mr. GROSVENOR. What became of the duty put upon us by the Constitution? Have we violated it?

Mr. LITTLEFIELD. No; that duty was already performed, and it was unnecessary to again perform it. Now, the law does not require a man to do an absurd or an impossible or an unnecessary thing.

Mr. THOMAS of Iowa. One further question. I apprehend, as we are proceeding now, unless the two Houses agree on a resolution to adjourn, we would continue in session until the 4th of March, next year, would we not?

Mr. LITTLEFIELD. Most certainly we would, either under a regular or a special session.

Mr. THOMAS of Iowa. If we could not agree on a time to adjourn in a special session, the President could adjourn us to some day in the future, could he not?

Mr. LITTLEFIELD. He may possibly adjourn us, under that provision of the Constitution, from time to time.

Mr. THOMAS of Iowa. Can he do it as we are now proceeding?

Mr. LITTLEFIELD. I do not see why not if we do not agree.

Mr. THOMAS of Iowa. Where is the constitutional power for that? I do not think there is any.

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10954, the urgent deficiency bill, and had come to no resolution thereon.

REMOVAL OF SNOW AND ICE FROM THE STREETS.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Joint resolution (H. J. Res. —) to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia.

Resolved, etc., That the sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the removal of snow and ice from the streets, cross walks, and gutters in the District of Columbia; one half of said sum to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the resolution which the Clerk has just read. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I wish to inquire whether this resolution has been referred to any standing committee?

Mr. McCLEARY of Minnesota. The resolution was considered by the subcommittee of the Committee on Appropriations having charge of the appropriations for the District of Columbia. I also conferred with a number of other members of the general committee, and hope that under the circumstances the measure will meet the prompt concurrence of the House.

Mr. UNDERWOOD. I will ask the gentleman whether the full subcommittee was in attendance and whether the report was unanimous?

Mr. McCLEARY of Minnesota. The subcommittee was present in its entire membership, except one; and the report was unanimous, both sides being represented.

Mr. UNDERWOOD. I should like to inquire whether this is the amount usually appropriated under these circumstances, or is it in excess of that?

Mr. McCLEARY of Minnesota. The amounts have varied all the way from $1,000 to $20,000. The Commissioners in this case asked for $10,000; but inasmuch as Congress is in session and can meet any succeeding emergency as it may arise, we concluded to recommend an appropriation of $5,000.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. COWHERD. I should like to ask the gentleman from Minnesota whether there has not been a similar appropriation made this session?

Mr. McCLEARY of Minnesota. There has been.

Mr. COWHERD. Has that appropriation been spent? As I remember, the bill making the appropriation did not get through until after the snow had, to a large extent, melted.

Mr. McCLEARY of Minnesota. The gentleman is in error. That is very rare for him, and hence I take the liberty of mentioning it.

Mr. COWHERD. Has that appropriation been spent?

Mr. McCLEARY of Minnesota. I am advised by the president of the Board of Commissioners that the last of that money will

be expended this afternoon. It is for to-morrow and succeeding days that this money is needed.

The SPEAKER. Is there objection to the present consideration of this joint resolution? The Chair hears none.

The House accordingly proceeded to the consideration of the joint resolution, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McCLEARY of Minnesota, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 4115. An act granting an increase of pension to Joseph S. Young;

H. R. 2991. An act granting an increase of pension to Lydia A. Topping;

H. R. 5177. An act granting an increase of pension to William H. Clark;

H. R. 5005. An act granting an increase of pension to Worthington S. Lock;

H. R. 7002. An act granting an increase of pension to James S. Rearden;

H. R. 2616. An act granting an increase of pension to Joseph K. Welt;

H. R. 2640. An act granting an increase of pension to Thomas Kelly;

H. R. 2042. An act granting an increase of pension to Alvin B. Hubbard;

H. R. 1856. An act granting an increase of pension to Alexander H. Covert;

H. R. 3743. An act granting an increase of pension to Charles E. Foley;

H. R. 864. An act granting an increase of pension to Albert Moulton;

H. R. 2108. An act granting an increase of pension to Henry D. Wright;

H. R. 3000. An act granting an increase of pension to William C. Best;

H. R. 5197. An act granting an increase of pension to William C. Brown;

H. R. 661. An act granting an increase of pension to Elizabeth E. Meckly;

H. R. 3778. An act granting an increase of pension to Juliaetta Rowling;

H. R. 3821. An act granting an increase of pension to Hannah Padgett, now Riley;

H. R. 6975. An act granting an increase of pension to George W. Lawson;

H. R. 942. An act granting an increase of pension to James F. Hardy;

H. R. 1517. An act granting an increase of pension to George W. Hutchison;

H. R. 2188. An act granting an increase of pension to Richard L. Cook;

H. R. 2155. An act granting an increase of pension to Charles W. Bechstedt;

H. R. 4935. An act granting an increase of pension to Edward T. Miller;

H. R. 7370. An act granting an increase of pension to Andrew Ivory;

H. R. 5719. An act granting an increase of pension to Forbes Homiston;

H. R. 3001. An act granting an increase of pension to Alpheus Converse;

H. R. 5521. An act granting an increase of pension to Charles S. Clark;

H. R. 3013. An act granting an increase of pension to John A. Mavity;

H. R. 722. An act granting an increase of pension to Zechariah B. Stuart;

H. R. 6004. An act granting an increase of pension to William C. Lyon;

H. R. 6619. An act granting an increase of pension to Benjamin R. Little;

H. R. 6441. An act granting an increase of pension to Peter Fillion;

H. R. 3472. An act granting an increase of pension to Marcus E. Amsden;

H. R. 930. An act granting an increase of pension to Thomas M. Parkison;

H. R. 2472. An act granting an increase of pension to David F. Lewis;

H. R. 6830. An act granting an increase of pension to Charles E. Likes;

H. R. 4726. An act granting an increase of pension to Samuel B. Brightman;

H. R. 1184. An act granting an increase of pension to William F. Longenhagen;

H. R. 990. An act granting an increase of pension to Harrison W. Fox;

H. R. 1288. An act granting an increase of pension to Jason Stevens;

H. R. 907. An act granting an increase of pension to De Witt C. Parker, alias Clinton J. Parker;

H. R. 5246. An act granting an increase of pension to Sebastian B. Elliott;

H. R. 957. An act granting an increase of pension to Alonzo Carpenter;

H. R. 7666. An act granting an increase of pension to Laura F. Hine;

H. R. 4319. An act granting an increase of pension to John Sexton;

H. R. 895. An act granting an increase of pension to Margaret M. Walker;

H. R. 616. An act granting an increase of pension to Sarah S. Chrysler;

H. R. 2139. An act granting an increase of pension to James W. Kight;

H. R. 5841. An act granting an increase of pension to Abram Wilson;

H. R. 1908. An act granting an increase of pension to Harvey D. Barr;

H. R. 4200. An act granting an increase of pension to Milton H. Sweet;

H. R. 5464. An act granting an increase of pension to Francis M. Northern;

H. R. 5559. An act granting an increase of pension to Josephine C. Chase;

H. R. 4916. An act granting an increase of pension to Allen M. Pierce;

H. R. 6932. An act granting an increase of pension to Harvey R. King;

H. R. 5043. An act granting a pension to William H. Harrison;

H. R. 5010. An act granting a pension to Mary F. Hamilton;

H. R. 227. An act granting a pension to Margaret Cotter;

H. R. 2424. An act granting a pension to Emma Butler;

H. R. 196. An act granting a pension to Grace E. Carson;

H. R. 9292. An act in relation to business streets in the District of Columbia;

H. R. 7849. An act to authorize the county of Poinsett, in the State of Arkansas, to construct a bridge across the St. Francis River at or near the town of Marked Tree, in said county and State; and

H. R. 6804. An act providing for the appointment of a customs appraiser at Pittsburg, Pa.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3317. An act authorizing the Secretary of the Interior to grant right of way for pipe lines through Indian lands—to the Committee on Indian Affairs.

S. R. 36. Joint resolution accepting a reproduction of the bust of Washington from certain citizens of the Republic of France and tendering the thanks of Congress to the donors therefor—to the Committee on the Library.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Foreign Affairs was discharged from the further consideration of so much of House Document No. 354 as refers to the claims of Ramon O. Williams and Joseph A. Springer; and the same was referred to the Committee on Claims.

LEAVE OF ABSENCE.

Mr. HULL, by unanimous consent, obtained indefinite leave of absence, on account of important business.

ADJOURNMENT.

And then, on motion of Mr. HEMENWAY (at 5.30 o'clock p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Commissioner of Patents, submitting his annual report—to the Committee on Patents.

A letter from the Secretary of War, submitting a reply to the inquiries of the House relative to the use of horses and carriages in the War Department—to the Committee on Expenditures in the War Department, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11128) to modify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, to accept and ratify the same as amended and making appropriation and provision to carry the same into effect, reported the same with amendment, accompanied by a report (No. 637); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 1935) providing for the holding of an additional term of court in the northern district of West Virginia at Martinsburg, W. Va., reported the same without amendment, accompanied by a report (No. 638); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9640) to amend an act granting to the Keokuk and Hamilton Water Power Company right to construct and maintain a dam, etc., approved February 8, 1901, reported the same without amendment, accompanied by a report (No. 640); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1909) to authorize the conveyance to the town of Winthrop, Mass., for perpetual use as a public road, of a certain tract of land, reported the same with amendment, accompanied by a report (No. 641); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLEARY of Minnesota, from the Committee on the Library, to which was referred the concurrent resolution of the House (H. C. Res. 38) that the thanks of Congress be given to the people of Wisconsin for the statue of James Marquette, the renowned missionary and explorer, reported the same without amendment, accompanied by a report (No. 642); which said concurrent resolution and report were referred to the House Calendar.

Mr. JENKINS from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9056) to permit United States marshals to delegate authority to sign official checks, reported the same without amendment, accompanied by a report (No. 643); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 486) granting a pension to Green B. Yawn, reported the same without amendment, accompanied by a report (No. 620); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2559) granting a pension to James Graham, reported the same without amendment, accompanied by a report (No. 621); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2809) granting an increase of pension to Jesse J. Finley, reported the same with amendment, accompanied by a report (No. 622); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2418) granting a pension to Marit Johnson, reported the same without amendment, accompanied by a report (No. 623); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9999) granting an increase of pension to William Edgar, reported the same without amendment, accompanied by a report (No. 624); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8185) granting a pension to Herman Lemmerman, reported the same with amendment, accompanied by a report (No. 625); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8648) granting a pension to Shadrach D. Bardin, reported the same without amendment, accompanied by a report (No. 626); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8173) granting an increase of pension to Anna Waters, reported the same without amendment, accompanied by a report (No. 627); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6951) granting an increase of pension to Charles G. Corr, reported the same with amendment, accompanied by a report (No. 628); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7680) granting an increase of pension to De Witt C. Folsom, reported the same with amendment, accompanied by a report (No. 629); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5030) granting a pension to William H. Mount, reported the same with amendment, accompanied by a report (No. 630); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5879) granting an increase of pension to Bennett Putnam, reported the same with amendment, accompanied by a report (No. 631); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3402) granting an increase of pension to Daniel Nagle, reported the same with amendment, accompanied by a report (No. 632); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4750) to place W. I. Jackson on the pension roll, reported the same with amendment, accompanied by a report (No. 633); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1005) granting a pension to Marat E. Powell, reported the same with amendment, accompanied by a report (No. 634); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 880) granting a pension to Caroline S. Winn, reported the same with amendment, accompanied by a report (No. 635); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 877) granting a pension to Ann M. Driggars, reported the same with amendment, accompanied by a report (No. 636); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 2769) granting an increase of pension to William E. Armstrong, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AMD MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SNAPP: A bill (H. R. 11347) to provide for enlarging and improving the United States building at Aurora, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. MARTIN: A bill (H. R. (11348) to set apart certain lands in the State of South Dakota as a public park, to be known as the Battle Mountain Sanitarium Park—to the Committee on the Public Lands.

By Mr. DIXON: A bill (H. R. 11349) for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment—to the Committee on Indian Affairs.

Also, a bill (H. R. 11350) to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

By Mr. PRINCE: A bill (H. R. 11351) granting bounty to certain soldiers of the war of the rebellion—to the Committee on War Claims.

By Mr. LINDSAY: A bill (H. R. 11352) in addition to the acts creating the office and defining the duties of the supervisor of the harbor of New York, and to regulate towing within the limits of said harbor and adjacent waters—to the Committee on the Merchant Marine and Fisheries.

By Mr. MADDOX: A bill (H. R. 11353) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: A bill (H. R. 11354) to authorize the Secretary of the Navy to cede certain lands to the city of New York—to the Committee on Naval Affairs.

By Mr. HERMANN: A bill (H. R. 11355) to ratify and amend an agreement with the Indians located upon the Grande Ronde Reservation, in the State of Oregon, and to make an appropriation to carry the same into effect—to the Committee on Indian Affairs.

By Mr. FITZGERALD: A bill (H. R. 11356) to prevent the unauthorized use of the names or pictures of persons for the purposes of trade—to the Committee on the Judiciary.

By Mr. McDERMOTT: A bill (H. R. 11357) to amend section 4452 of the Revised Statutes of the United States, relating to appeals from decisions of supervising inspectors of steamboats—to the Committee on the Merchant Marine and Fisheries.

Also (by request), a bill (H. R. 11358) to amend an act entitled "An act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses"—to the Committee on Rivers and Harbors.

By Mr. HERMANN: A bill (H. R. 11359) to provide for the payment of a bounty to District of Columbia volunteers—to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 11360) for the erection of a public building at Gaffney, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. BRICK: A bill (H. R. 11361) to legalize and permit the maintenance of certain dams in and bridges over the St. Joseph River, in the States of Indiana and Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. SHOBER: A bill (H. R. 11362) authorizing the President of the United States to establish free depots or manufacturing colonies—to the Committee on Ways and Means.

By Mr. SIBLEY: A bill (H. R. 11433) to prevent Sunday banking in post-offices in the handling of money orders and registered letters—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 11434) to empower the Interstate Commerce Commission to fix transportation rates in certain contingencies—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 11363) correcting the military record of James W. Byrd—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A bill (H. R. 11364) for the relief of the St. Louis Hay and Grain Company—to the Committee on War Claims.

By Mr. BEIDLER: A bill (H. R. 11365) granting an increase of pension to Henry Rottman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11366) granting an increase of pension to Virginia Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11367) granting an increase of pension to George Reese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11368) to correct the naval record of Alfred Burgess—to the Committee on Naval Affairs.

Also, a bill (H. R. 11369) to correct the naval record of John Rohrer—to the Committee on Naval Affairs.

By Mr. BELL of California: A bill (H. R. 11370) to relieve the Italian-Swiss Agricultural Colony from the internal-revenue tax on certain spirits destroyed by fire—to the Committtee on Claims.

By Mr. BRICK: A bill (H. R. 11371) for the relief of William H. Anderson—to the Committee on the Post-Office and Post-Roads.

By Mr. BROOKS: A bill (H. R. 11372) for the relief of David K. Wall and the heirs of John A. Whitter, deceased—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 11373) making appropriation to pay the estate of Samuel Lee, deceased, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein—to the Committee on Claims.

By Mr. CALDERHEAD: A bill (H. R. 11374) granting an increase of pension to William Wells—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 11375) for the relief of William Gregory—to the Committee on Military Affairs.

By Mr. DAVIS of Florida: A bill (H. R. 11376) granting an increase of pension to Milton A. Smith—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 11377) granting an increase of pension to Mahala J. Price—to the Committee on Pensions.

Also, a bill (H. R. 11378) granting a pension to William Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11379) granting a pension to H. R. Crecelins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11380) removing charge of desertion from the military record of George W. Hann—to the Committee on Military Affairs.

Also, a bill (H. R. 11381) granting an increase of pension to Marion H. Motsinger—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 11382) granting an increase of pension to Mary Petermann—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 11383) to correct the military record of Nathaniel Leonard—to the Committee on Military Affairs.

Also, a bill (H. R. 11384) granting a pension to Julia A. Wysong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11385) granting a pension to Ella S. Plank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11386) granting a pension to Annie S. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11387) granting a pension to Patrick Kinney—to the Committee on Pensions.

Also, a bill (H. R. 11388) granting an increase of pension to Calvin Tobias—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11389) granting an increase of pension to Henry C. Penrod—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11390) granting an increase of pension to Daniel Shock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11391) granting an increase of pension to George Weight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11392) granting an increase of pension to Levi Kegg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11393) granting an increase of pension to Adam Leonard—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 11394) for the relief of Frank P. Hayes—to the Committee on Military Affairs.

Also, a bill (H. R. 11395) removing the charge of desertion from the naval record of Patrick Naddy—to the Committee on Naval Affairs.

By Mr. FLACK: A bill (H. R. 11396) granting a pension to Winifred Casey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11397) granting a pension to William Leonard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11398) granting an increase of pension to Joseph E. Cobb—to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 11399) granting an increase of pension to James Sleeth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11400) granting an increase of pension to Lambert Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11401) granting an increase of pension to James C. Neff—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 11402) granting an increase of pension to Agnes B. Hesler—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 11403) granting a pension to John M. Bailey—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 11404) granting an increase of pension to William H. Wood—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 11405) for the relief of the legal representatives of Joseph White, deceased—to the Committee on War Claims.

By Mr. HASKINS: A bill (H. R. 11406) granting an increase of pension to Horace B. Stetson—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 11407) for the relief of George F. Ormsby—to the Committee on Claims.

Also, a bill (H. R. 11408) granting an increase of pension to Michael Brunner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11409) granting an increase of pension to William Grant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11410) granting an increase of pension to Almon Bradford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11411) granting a pension to Mary Johnson—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 11412) to remove the charge of desertion from record of Jefferson Mullins—to the Committee on Military Affairs.

By Mr. HUNTER: A bill (H. R. 11413) granting an increase of pension to Jasper F. Morton—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 11414) to correct the military record of Thomas McAvoy—to the Committee on Military Affairs.

By Mr. LEGARE: A bill (H. R. 11415) for the relief of estate of Rudolph Lobsiger, deceased, late of Charleston County, S. C.—to the Committee on War Claims.

By Mr. LINDSAY: A bill (H. R. 11416) granting a pension to Mary E. Morris Houghton—to the Committee on Pensions.

By Mr. LITTAUER: A bill (H. R. 11417) granting a pension to Ada Collins—to the Committee on Invalid Pensions.

By Mr. RHEA: A bill (H. R. 11418) for the relief of the heirs at law of Robert D. Salmons, deceased—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11419) for the relief of John W. McAfee—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 11420) granting an increase of pension to William Hogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11421) granting an increase of pension to M. Champlain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11422) for the relief of George Barron—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 11423) granting a pension to Evelyn S. Beardslee—to the Committee on Pensions.

By Mr. TALBOTT: A bill (H. R. 11424) granting an increase of pension to William W. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11425) granting an increase of pension to Henry Bostick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11426) for the relief of the heirs and representatives of William G. Burke, deceased, late of Harford County, Md.—to the Committee on War Claims.

By Mr. THOMPSON: A bill (H. R. 11427) for the relief of the legal representatives of the estate of Henry C. Sills, deceased—to the Committee on War Claims.

By Mr. WILLIAMSON: A bill (H. R. 11428) for the relief of Augustus Fellows—to the Committee on Invalid Pensions.

By Mr. WYNN: A bill (H. R. 11429) to reimburse the city and county of San Francisco, State of California, for money paid by said city and county to Mary Powers upon a judgment recovered by her against said city and county for damages to her property inflicted by soldiers of the United States Army—to the Committee on Claims.

Also, a bill (H. R. 11430) to reimburse the city and county of San Francisco, State of California, for money paid by said city and county to R. Goldberg upon a judgment recovered by him against said city and county for damages to his property inflicted by soldiers of the United States Army—to the Committee on Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 11431) granting an increase of pension to Henry O'Neal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11432) granting an increase of pension to Jacob Weaver—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Ira Stephens and other citizens of Watseka, Ill., against sale of liquors in Soldiers' Homes and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ADAMS of Pennsylvania: Resolution of General Thomas C. Devin Post, No. 363, Grand Army of the Republic, of Philadelphia, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BABCOCK: Resolution of Williamson Post, No. 109, Grand Army of the Republic, of Dodgeville, Wis., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Papers to accompany House bill for the relief of the St. Louis Hay and Grain Company—to the Committee on War Claims.

By Mr. BARTLETT: Resolution of the city council of Brunswick, Ga., relative to improvement of inner harbor and outer bar at Brunswick, Ga.—to the Committee on Rivers and Harbors.

By Mr. BEIDLER: Petition of C. D. Weightman and 35 others, of Medina, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BENNY: Paper to accompany claim of Ferdinand W. Rave—to the Committee on Claims.

By Mr. CLAYTON: Petition of residents of Bullock County, Ala., relative to the passage of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. CASSINGHAM: Resolution of Wayne Post, No. 296, Grand Army of the Republic, of Orrville, Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. EMERICH: Letter of E. G. Stearns, of Chicago, protesting against bill H. R. 7033, relative to licensing engineers for all kinds of craft—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of Grain Dealers' National Convention at Minneapolis, relative to interstate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Farragut Post, No. 602, and General W. B. Hazen Post, No. 7, of Chicago, Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, resolutions of National Business League of Chicago, favoring larger Navy—to the Committee on Naval Affairs.

Also, telegram of Hibbard, Spencer, Bartlett & Co., of Chicago, advocating permanent Indian-supply warehouse in Chicago—to the Committee on Indian Affairs.

Also, resolutions of Chamber of Commerce of Quincy, Ill., and Aermotor Company, of Chicago, favoring Lodge bill for reorganization of the consular service—to the Committee on Foreign Affairs.

Also, memorial of Five Civilized Tribes, favoring independent statehood for Indian Territory—to the Committee on the Territories.

Also, resolutions of Illinois River Association, favoring deep waterway from the Great Lakes to the Gulf of Mexico—to the Committee on Rivers and Harbors.

By Mr. EVANS: Resolutions of Lieutenant W. H. Lower Post, No. 82, and Emery Fisher Post, No. 30, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Altoona Ministerial Association, in favor of the Hepburn interstate liquor bill—to the Committee on the Judiciary.

By Mr. FLACK: Papers to accompany House bill granting a pension to Winifred Casey—to the Committee on Invalid Pensions.

By Mr. FULLER: Resolution of Resaca Post, No. 478, Grand Army of the Republic, of Genoa, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Eleventh Ward Improvement Club of Chicago, relative to lowering tunnels under Chicago River—to the Committee on Rivers and Harbors.

By Mr. GARDNER of New Jersey: Resolutions of Lyon Post, No. 10; Joe Hooker Post, No. 32, and Martin Delaney Post, No. 53, Grand Army of the Republic, Department of New Jersey, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of pastor and congregation of Chelsea Presbyterian Church, Atlantic City, N. J., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GREENE: Resolution of Massachusetts State Board of Trade, favoring merit system in appointment of consuls—to the Committee on Foreign Affairs.

Also, resolution of the Philadelphia Board of Trade, favoring bill H. R. 7056, relative to merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Massachusetts State Board of Trade, relative to destroying derelicts on the Atlantic Ocean—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Massachusetts State Board of Trade, favoring arbitration treaties between United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Papers to accompany claim of the heirs of Joseph White—to the Committee on War Claims.

Also, papers to accompany bill H. R. 5996, granting an increase of pension to Alfred Howser—to the Committee on Invalid Pensions.

Also, paper to accompany bill granting increase of pension to Daniel J. Nunnemaker—to the Committee on Invalid Pensions.

By Mr. HARDWICK: Resolution of the mayor and council of Brunswick, Ga., relative to the improvement of inner harbor and outer bar at Brunswick, Ga.—to the Committee on Rivers and Harbors.

By Mr. HEMENWAY: Petition of J. M. Zimmerman & Son and others, of Lynnville, Ind., urging defeat of parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. G. Rees and others, citizens of Mount Vernon, Ind., urging defeat of parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of the official representatives of the Ancient Order of Hibernians of Connecticut, relative to the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. HILDEBRANT: Papers to accompany bill granting a pension to Michael Brunner—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: Resolution of the State and county officers of the Ancient Order of Hibernians of Connecticut, in favor of the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. HINSHAW: Petition of citizens of Nebraska, in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the postmaster of Geneva, Nebr., relative to clerk hire in third-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Resolutions of Robert Hale Post, No. 556, of Fulton, Ill., and Rochelle Post, No. 546, of Rochelle, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolution of Tom Connor Post, No. 399, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Resolution of Joseph E. Colby Post, Grand Army of the Republic, Department of Maine, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MAHON: Resolutions of Colonel Peter B. Housum Post, No. 309; Captain John E. Walker Post, No. 287, and John C. Arnold Post, No. 407, Department of Pennsylvania, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of G. B. Smith and 18 others, of Cogswell, N. Dak., and F. R. Shaw and 37 others, of Pembina, N. Dak., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Petition of citizens of Monroe City, Ind., protesting against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PRINCE: Resolutions of John Wood Post, No. 96, of Quincy, Ill., and Joseph P. Jasley Post, No. 542, of Camp Point, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RAINEY: Resolutions of W. W. H. Lawton Post, No. 438, of Griggsville, Ill.; Dick Gilmer Post, No. 515, of Pittsfield, Ill., and J. Q. A. Jones Post, No. 526, of Havana, Ill., Grand Army of the Republic., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Resolution of H. M. Warren Post, No. 12, Grand Army of the Republic, of Wakefield, Mass., in favor of a service-pension bill—to the Commitee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of S. Bash & Co., of Fort Wayne, Ind., in favor of bill H. R. 6273, to define the duties of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Papers to accompany bill H. R. 8078, to pension William J. Mosier—to the Committee on Invalid Pensions.

Also, petition of Cigar Makers' Union No. 2, of Buffalo, N. Y., favoring passage of bill H. R. 6—to the Committee on Ways and Means.

Also, petition of Greater New York District Council, United Brotherhood of Carpenters and Joiners of America, against employment of enlisted men as carpenters—to the Committee on Military Affairs.

By Mr. SHERMAN: Resolution of Little Falls (N. Y.) State Grange, relative to legislation for good roads—to the Committee on Agriculture.

By Mr. SHOBER: Resolutions of William G. Mitchell Post, No. 559, Grand Army of the Republic, Department of New York, and General W. S. Hancock Regiment, No. 15, Union Veterans' Union, Department of New York and New Jersey, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Resolution of the Board of Trade of Fernandina, Fla., relative to the treaty between the United States and the Republic of Panama—to the Committee on Foreign Affairs.

By Mr. SPERRY: Resolution of the Ancient Order of Hibernians of Connecticut, favoring the erection of a monument to the memory of John Barry—to the Committee on the Library.

By Mr. STEPHENS of Texas: Petition of Rev. J. H. Gambrell and others, of Tyler, Tex., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SULZER: Petition of vessel owners, fishermen, and others, relative to paying bounty on dogfish to insure their extermination—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Greater New York District Council, United Brotherhood of Carpenters and Joiners of America, against employment of enlisted men as carpenters—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: Papers to accompany bill granting an increase of pension to Alfred S. Wood—to the Committee on Invalid Pensions.

By Mr. WANGER: Resolutions of Lieutenant John W. Fisher Post, No. 101; T. H. Wynkoop Post, No. 427, and George Smith Post, No. 79, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Joseph T. Fitzpatrick, of Norristown, Pa., for the erection of a monument to Commodore John Barry—to the Committee on the Library.

By Mr. WARNOCK: Resolution of Boggs Post, No. 518, Grand Army of the Republic, of Huntsville, Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WEEMS: Papers to accompany House bill granting an increase of pension to Mathew S. Priest—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 30, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

URGENT DEFICIENCY BILL.

On motion of Mr. HEMENWAY, the House resolved itself into Committee of the Whole on the state of the Union (Mr. TAWNEY in the chair) and resumed the consideration of the bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

Mr. FULLER. Mr. Chairman, I listened with a great deal of interest yesterday to the learned and able discussion by the gentleman from Maine [Mr. LITTLEFIELD] on the point of order now before the committee. I recognize the fact that he is a great lawyer and that his opinion is entitled to much weight with this committee. But I must differ with him in the conclusion he reaches upon the point before the committee. I agree with him fully as to his first statement, that the only question that can be raised upon this point of order or before this committee is whether or not this is the second session of the Fifty-eighth Congress or whether we are now in the first session, because that session was as much a regular session as any session of Congress that could be held.

If we are now in the second or so-called "regular" session of the Fifty-eighth Congress, then I agree with him that there can be no question that it was the duty of the Committee on Appropriations to include in the bill reported by that committee this appropriation for the mileage of Members at this session.

But I differ with him on the other proposition, that we are now in the first session of the Fifty-eighth Congress. My opinion is that that session, called by the President, upon an extraordinary occasion, came to an end at the hour of 12 o'clock noon on the 7th day of December, when we were, under the Constitution, and have ever since been in another, the regular or second session of the Fifty-eighth Congress.

This so-called "regular" session is provided for by the Constitution of the United States, which declares that the Congress shall meet on the first Monday in December. We did meet upon that day in the regular or constitutional session; and no matter how the extraordinary session ended, it had come to an end; and that is not a matter of argument simply, but it is a matter of judicial decision, I think, in every State of this Union.

I will cite an illustration which seems to me to be absolutely conclusive upon that question. Every lawyer in this House knows, as to the proceedings of courts, that there may be a special session of court, for instance, or it may be a regular session of court, and that session may run up to the very moment when another session of that court, provided for by law, must be held.

Would the gentleman say that processes returnable to the regular term of court could be held to be void because there was no such term; and when the time came would not that court be in session for the regular term as provided by law? Would not jurors be compelled to appear there at and for that regular term as summoned; and would not all the proceedings of that term of court be as of the regular term of court sitting for that time? And would not the first term have lapsed by operation of law?

That, I think, is so held everywhere. In all of the great cities one term of court runs right up to the very time when another term of court, provided for by law, is to commence. And when that term arrives—the January term, for instance—from that moment the court is in session as of the January term, and all the rules of the court apply as of that term. Jurors come there to that term. Suppose, for instance, that one man, or more than one, had been upon the jury of the term before and was also summoned to appear there as of that term. He would be bound again to appear at the January term, for instance, commencing upon the day fixed by law. He would be entitled to his mileage for

that term, and the whole proceedings, from the time that the regular term must convene under the law, would be as of that term. There would be two separate and distinct terms of court. The term which lapsed by law would be the first and not the subsequent term.

So with legislative bodies. It matters not how a former session may have come to an end. I contend that, so far as this House at least was concerned, the extraordinary session came to an end when we adjourned on Saturday, the 5th day of December, without day; and when we met here on Monday, the 7th day of December, we met in the regular or constitutional session of Congress, provided for by the Constitution of the United States, and from that day and from that hour all proceedings of this Congress have been as of the second session of the Fifty-eighth Congress, the regular session provided for by the Constitution.

Suppose, for instance, that under the power granted to the President of the United States, upon a disagreement between the two Houses as to the adjournment of that session, he had adjourned Congress until the 15th day of December, as he might have done, and suppose that Congress then came together here, as we were bound to do under the Constitution, on the 7th day of December at noon. What session of this Congress would it have been? Manifestly the regular or constitutional session, as distinguished from the extraordinary session, which had adjourned to a time beyond the constitutional date for the convening of the regular session.

As a legal proposition, and without interest or feeling in the matter in any other way, I contend that there can be no doubt, upon the argument made by the gentleman from Maine himself, that we are now in the second session of the Fifty-eighth Congress, and the Committee on Appropriations had no discretion but to provide for this appropriation. [Loud applause.]

Mr. PARKER. Mr. Chairman, this is a question which is addressed to the legal conscience of the Chairman of this committee and of each one of its members. It is to be governed by law. The law is to be expounded by common sense, by its reason, and its purpose, and, expounding that law in that way, I believe that there has been but one session of this Congress and that this appropriation is not authorized by law.

The law, in addition to $5,000 a year, gives to each Member mileage coming to and returning from each regular session. I find no difficulty in the word "regular." It is not confined, in my judgment, to the annual session. "Regular" means governed by rules; and whether we come here on the call of the President or by reason of the annual meeting, we come here in pursuance of the rules of the Constitution, and therefore the session is regular. It is easy, however, to see why that word was placed in the statute. Congress itself, without the consent of the President, by concurrent resolution, can adjourn now for one month and go home. It would not be a regular session when we came back again; it would be an adjourned session, taking its force not from the rules established by the Constitution, which make it regular and force attendance, but from the action of the House, which can by no means confer upon itself mileage.

I therefore dismiss, so far as my mind is concerned, the suggestion that there can be no mileage for a session called upon an extraordinary occasion. But——

Mr. GILLETT of Massachusetts. Will the gentleman allow a question there?

Mr. PARKER. Yes.

Mr. GILLETT of Massachusetts. Has the gentleman examined the history of this statute at all?

Mr. PARKER. No, sir.

Mr. GILLETT of Massachusetts. I think if the gentleman would he would find—I looked at it this morning—that in 1852 the word "regular" was used, and it was used in contradistinction to the word "extra." It said:

> No mileage shall be allowed for an extra session.

And then used the word "regular," thus showing that when it began the word "regular" was used in contradistinction to the word "extra."

Mr. PARKER. It seems to me, however, and I submit to the gentleman that when they left out the provision in the new statute that no mileage should be allowed for an extra session they meant to avoid that construction and meant to allow mileage for any session which we were forced to attend, because mileage is for compulsory attendance and for nothing else.

Now, in common sense, however, and in a common-sense construction of the statute, we have been in continuous session since the 9th day of November.

Mr. THAYER. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from Massachusetts?

Mr. PARKER. For a question, yes, with pleasure.

Mr. THAYER. I would like to ask the gentleman from New Jersey how he explains this position on the theory that we are now in continuous session? The first article of the Constitution, section 4, in the last clause, provides:

> The Congress shall assemble at least once every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Does that give any authority to the President of the United States, or place any authority anywhere, to say that we shall be relieved from gathering here on the first Monday in December, unless we appoint another day? And if so, are we not now in the session provided for by the Constitution?

Mr. PARKER. The gentleman is simply anticipating what I am coming to. There is no difficulty whatever upon that score in my mind, and if the gentleman will listen to the end of what I have to say, if I have not answered, I will then answer.

We met in a regular session, although upon an extraordinary occasion, on the 9th day of November. We assembled, and there was a meeting of Congress. From day to day, by ordinary adjournment of not exceeding three days, we assembled and met until the 7th day of December, and the 8th day of December, and until the present time.

Mr. THAYER again rose.

Mr. PARKER. Will the gentleman pardon me? I do not wish to be interrupted in the middle of my statement. I thought the gentleman understood my position, that I wished him to wait until I finish what I have to say. I would like to answer him then.

The CHAIRMAN. The gentleman from New Jersey declines to yield.

Mr. PARKER. We assembled and met from day to day. On the Saturday previous we adjourned to assemble and meet upon the 7th day of December. We met on the morning of the 7th day of December. When we assembled and met on that 7th day of December we did it in pursuance of that adjournment. We did it also in pursuance of a duty imposed by the Constitution to meet on that day. The fact that we had a new sanction for meeting upon that day did not destroy the fact that we had adjourned to that day and continued our session. We had performed our duty by the adjournment to that day. The sanction of the Constitution confirms our action. That adjournment was in accordance with the statute that we should assemble and meet upon that day, and that continuance was that to which we were bound by law.

Mr. LIVINGSTON. I want to ask the gentleman to explain this action on the part of the House: When we met on the first Monday in December we notified the Senate that we were now organized and ready for business; we notified the President that we were now organized and ready for business. If that was a continuous session, why did we do that?

Mr. PARKER. I understand the gentleman's question, and I can give him an answer that is perfectly complete. We did it to take every precaution. We could not adjourn the session that existed, except by the joint, concurrent action of both Houses. It could not be adjourned without day.

Mr. SMITH of Kentucky rose.

Mr. PARKER. I ask the gentleman to please wait until I am done. I have asked not to be interrupted. I told one gentleman I wished him to wait, and I shall have to ask the gentleman from Kentucky to wait.

The CHAIRMAN. The gentleman declines to yield.

Mr. PARKER. I say we adjourned by the simple action of this House. The Senate adjourned at the same time. There was no concurrent resolution by both Houses such as would have made an adjournment of Congress without day. It was simply the adjournment of each House to that day on which they had to assemble and meet, and in which they did assemble and meet, with two sanctions for such an assemblage—one the adjournment, the other the order of the Constitution that we should meet on that day—two sanctions which were not inconsistent the one with the other.

The Constitution simply confirmed the action that we had taken. Now, I will go one step further. It is not merely a question of money or of mileage. I know nothing about existing conditions, but I will say, as a matter of principle, that the Constitution orders that all appointments to office made by the President, when Congress is not in session—and in this great Government there are many—shall remain until the adjournment of the Senate. It was intended that that body should have full time and that in its discretion it should take such time as it thought necessary for the consideration of such nominations. It would be a very bad construction of the Constitution, so far as results are concerned, if by a mere technicality of law, after less than one month, the Senate is to be held adjourned against its will as the clock struck 12, making it impossible for nominations to be sent in during any vacation except by a rush, and making it necessary to renominate, instead of going on with deliberation on the nomi-

nations already in their hands until concluded. I submit that the fact that they met on the next day or on the same day, by warrant of a new sanction in pursuance of a new duty, did not vacate the fact that they met in pursuance of the adjournment. I will go one step further and am ready to contend, though without so much certainty——

Mr. GAINES of West Virginia. Will the gentleman yield to me for one moment?

Mr. PARKER. Not now. I am ready to contend, though without so much certainty in that connection, that when the law spoke of the session it meant a session in fact; it means a sitting; it means a continuous sitting; it does not involve the question whether it is authorized in one way or in another; it means such a sitting as forces a man to come from his home and forces him to stay here until he goes back again. I submit that to allow mileage for the time that the clock was striking 12, to go 3,000 miles to the other side of the continent and to come back, was not intended by the law, which spoke of the reality of a regular session or sitting and not of a fictitious interval between two sessions or sittings, and that the law therefore must be construed by its purpose, which was to provide for possible travel, the movement of a man with his family and belongings during a real vacation of Congress, and not a fictitious move during the time of that adjournment. We have talked of horses and carriages for official use, Mr. Chairman. I submit that no ruling should be made which will allow a mileage for fictitious travel, for it is only a fiction if it be done.

It is brought before us that at one time in our history there was a concurrent resolution for adjournment without day for only a few minutes. The gentleman from Maine, who has been over the records, may be able to tell me whether mileage was allowed for the hours of the adjournment at that time; but whether there was or no, that adjournment at that time, as everyone in the House knows and as stated in the debate, was taken under circumstances of great public urgency, where the Senate and the House were not in agreement with the President, and where it was feared that something wrong might happen during the time of the adjournment. That is not the sort of precedent that should govern. The precedents that should govern this House are the precedents of which there are so many, absolutely uncontradicted—precedents following what I consider to be the absolute governing law.

Now, Mr. Chairman, I appeal to the gentlemen of the committee to pardon anything that I have said that seems too earnest. Each man's conscience, each man's opinion, is his own, and he has a right to it. I am only urging considerations which have governed me and have led me, with great reluctance, fearing that I might say something that might offend the honest judgment of my fellows, to believe that this point of order is well taken; and now, Mr. Chairman, I am ready to answer any questions that gentlemen may desire to ask of me.

Mr. PAYNE. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. PARKER. I will answer the gentleman from New York.

Mr. PAYNE. In view of the fact that the President of the Senate adjourned the Senate at 12 o'clock on the 7th day of December, with the remark that the special or extraordinary or called session, whatever it may be designated, had expired, because Congress now assembled under the clause of the Constitution requiring it to assemble on Monday; and in view of the fact that both Houses had a regular call of the Members of the respective Houses, in this House by States and a roll call in the Senate, to ascertain if a quorum was present, and the fact that the present presiding officers of each House, and especially this House, because we are more concerned in this House than the other, declared that a quorum had assembled; and in view still further of the fact that the House adopted a resolution notifying the Senate that a quorum of the House had appeared, and also appointed a committee to join a committee from the Senate to inform the President of the United States that the two Houses had assembled and a quorum was present, and asking if he had any communication to make, and receiving the message; and in view of the fact that the Journal of the House, the files of the House, have recognized every day since the 7th of December that this was the second session of the Fifty-eighth Congress, is it not rather late now to ask the Chairman of the Committee of the Whole House to rule that the House in its determination has been all wrong since the 7th day of December, and that now we must go back and hold that this is the called session and not the constitutionally provided date session of the Fifty-eighth Congress?

Mr. PARKER. Mr. Chairman, I find no difficulty in the question propounded. The statement of the President of the Senate was a statement of his individual opinion at that time, and it binds neither the Senate nor ourselves. I know from the debates since then, and especially from a careful argument upon another subject by the Senator from Maine, that many other Senators do not agree with him in that construction.

The other matters mentioned—the calling of the roll, the sending to the President, the keeping of the Journals of the House—are all matters which may very well be done every day. There are many legislative bodies in which the roll is called every day, and when we have much business here we have it called a good deal. The roll was called on the day upon which we had to be here, and upon which it was essential that we should be here, and was proper in order to show that a quorum was present, because on that day we began to act under a second sanction and under a second duty, as well as by the duty imposed upon us by the adjournment of the previous session. The message to the President was to show that that duty had been especially performed on that particular day, but it was no less a continuance of the previous session that assembled and met on that day.

Mr. PAYNE. It signified nothing that we notified the President that the two Houses had assembled on that day?

Mr. PARKER. It signified this: That we notified him that we had assembled, according to our duty under the law, and it was also an assembling made necessary by the adjournment on the previous day.

Mr. PAYNE. How about the Journal, which says this is the second session?

Mr. PARKER. The Journal of this House does not have the force of a concurrent resolution, and the statement as to whether this is the first or second session is one of those things which is simply a matter of formality.

Mr. PAYNE. Is it not the only evidence that the court looks at to see what the action of the House was?

Mr. PARKER. Yes; but it is merely a designation.

Mr. OLMSTED. Will the gentleman from New Jersey yield to me?

Mr. PARKER. Certainly.

Mr. OLMSTED. I would like to ask the gentleman from New Jersey if it is not the fact, as he understands it, that when Congress is in session, regular or extraordinary session, either House may, under the Constitution, without the consent of the other, adjourn for a period not exceeding three days?

Mr. PARKER. Yes.

Mr. OLMSTED. Would you say that this House on the 5th of December could have lawfully adjourned until the 8th of December, notwithstanding the constitutional mandate that Congress should assemble on the 7th of December, which was the first Monday?

Mr. PARKER. No; we could not adjourn to the 8th of December, because we were ordered to assemble on the 7th. I said that we had a double sanction for assembling—one the adjournment, and the other by the Constitution. We assembled to meet on that day as we did on all previous days, but with a new sanction, and, as matter of fact, the session was continuous.

Mr. THAYER. Mr. Chairman, will the gentleman yield?

Mr. PARKER. I will.

Mr. THAYER. I want to ask a question, but perhaps in this conversation that has taken place on the other side the point may have been brought out. I want to set the gentleman right when he said that we had adjourned from time to time until 12 o'clock, December 7, the extraordinary session. The record of this House shows that on December 5 the Speaker declared this House adjourned—not until 12 o'clock on Monday, not sine die, not to any time or any particular time, but he declared it adjourned, and there is no record that it ever reconvened. The record of the Senate shows that upon December 7 they adjourned sine die before they commenced the regular session, which began on the 7th of December.

I merely wanted to set him right on that, and then, if he has time, I would like to go back and ask him the question I first asked relative to the Constitution in this matter, a subject upon which, if he spoke, I did not hear one word.

Mr. LITTLEFIELD. The RECORD shows the same thing in reference to every day.

Mr. PARKER. I am told that the RECORD shows the same thing with reference to adjournment on every day; but I want to say that we know perfectly well ourselves that the session of December 5 was continued to the 7th of December.

Mr. THAYER. I want to ask the gentleman if, so far as was in the power of this House, on Saturday, December 5, we did not adjourn and never reconvene?

Mr. PARKER. We adjourned, as we did on every Saturday, which carries us over to the next Monday at 12 o'clock.

Mr. SMITH of Kentucky. Mr. Chairman, the question that I desire to ask has been substantially asked by some other gentlemen. Now, I agree with the gentleman from New Jersey [Mr.

PARKER] that by the terms of the Constitution Congress was required to convene at 12 o'clock on Monday, December 7. My question is this: Was not our adjournment on the previous Saturday, the 5th of December, to an impossible time? And is not an adjournment to an impossible time tantamount to an adjournment sine die? For instance, if we should adjourn——

Mr. PARKER. One moment. We adjourned to a possible date, a legal date, and a necessary date, namely, December 7.

Mr. SMITH of Kentucky. No, sir. The proposition I make is this, that the Constitution fixed Monday, December 7, as the time when a session of Congress should begin.

Mr. PARKER. No.

Mr. SMITH of Kentucky. It does not?

Mr. PARKER. No; it says we shall assemble and meet on that day, and we adjourned so as to assemble and meet on that day; but it does not say we shall begin on that day.

Mr. SMITH of Kentucky. That is the difference between "tweedledum and tweedledee." The proposition may be illustrated more clearly in this statement: Suppose that on the 2d day of March, before the expiration of our term, the Congress should undertake to adjourn to the 5th of March. Would not that operate as an adjournment sine die.

Mr. PARKER. We can not make an adjournment sine die without the concurrent action of the Senate.

Mr. SMITH of Kentucky. If the House were to adjourn under its power to adjourn three days at a time on the 2d day of March to the 5th of March, would not that then operate as a sine die adjournment of the House?

Mr. PARKER. We would have no power to meet on the 5th of March, after our term of office should expire, and therefore it would be sine die.

Mr. SMITH of Kentucky. That is the point I make.

Mr. PARKER. We would have power to meet on the 7th day of December, as we did, and when we adjourned to that time we simply fulfilled our duty under the law to meet on that day, and the adjournment was valid, because it was in pursuance of law.

Mr. COOPER of Wisconsin. Mr. Chairman, as has been many times said during this debate, the only question involved here is as to the proper construction to be put upon these two provisions of the Constitution, one regulating the convening of an extraordinary or special session of Congress and the other providing for the annual or regular session of Congress to meet on the first Monday in December. As to the taking of the mileage, that is a question for each man to answer for himself. I have not been at my home since the convening of the special session, and I have therefore made up my mind what to do if the mileage is voted.

Mr. GROSVENOR. Does the gentleman from Wisconsin [Mr. COOPER] understand that under the statute this sum of money called "mileage" has anything to do with the traveling of the member? Or is it a part of the compensation added to the $5,000 a year?

Mr. COOPER of Wisconsin. I presume that may be so.

Mr. GROSVENOR. Will the gentleman just permit me to read the words of the statute of 1866, section 17:

And be it further enacted, That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the date of the present Congress, and in addition thereto, mileage at the rate of 20 cents per mile, etc.

Mr. COOPER of Wisconsin. Mr. Chairman, I desire briefly to refer to the argument made by the distinguished gentleman and lawyer from Maine [Mr. LITTLEFIELD], in which he said that the Constitution does not provide for an extraordinary session of Congress, nor for a regular session, and that there is no distinction between sessions; that they are all alike. Mr. Chairman, I beg to differ with the gentleman from Maine on that proposition. The word "extraordinary" is used in the Constitution in this connection:

He (the President) may on extraordinary occasions convene both Houses or either of them.

If the President "on an extraordinary occasion" convenes both Houses, it is an extraordinary session of Congress.

In Webster's Unabridged Dictionary he defines the word "extraordinary" as "not usual, not regular." An extraordinary session is therefore a session which is not a regular session. And would it not be a most remarkable thing, Mr. Chairman, if Alexander Hamilton and James Madison and Benjamin Franklin and George Washington and their compatriots had assembled at Philadelphia in that wonderful Constitutional Convention and forgot to provide for a regular session of Congress? If they had not provided in the Constitution for a regular session of Congress, then all would have been left to the discretion of the President, and should he chance to be a man of the ideas and of the disposition of Charles I, Congress would not assemble during his term of office. Not to have provided in the Constitution for a regular session of Congress would have been to open the way to tyranny in the United States. Did that Constitutional Convention then fail to make provision for a regular session of Congress? No language could be plainer than this phraseology in the Constitution:

Congress shall assemble at least once in every year—

That is, Congress shall assemble at least annually—

and such meeting—

That is, such annual meeting—

shall be on the first Monday in December, unless they—

Congress—

shall by law appoint a different day.

The language is mandatory. The meeting must be on the first Monday in December, and the first Monday in December comes as regularly as the world revolves around the sun or turns upon its axis.

Under the Constitution, as regularly as comes the first Monday in December, Congress must assemble, unless a different day is appointed by law.

The gentleman from Pennsylvania [Mr. OLMSTED] hit the point in this case. I had intended to present and to elaborate it before he put the question to the gentleman from New Jersey [Mr. PARKER]. I will put it in a little different form: On Saturday (the 5th day of December) preceding the first Monday (the 7th day of that month) could the House and the Senate by concurrent resolution have adjourned over the holidays, as they subsequently did during the regular session? Clearly, no; because such an adjournment would have been in direct disregard of this mandatory requirement of the Constitution that Congress "shall assemble on the first Monday in December" in every year, unless Congress itself has enacted a law appointing a different day, and there is no such law.

Such a law might have been either a statute, or a joint resolution signed by the President; but on Saturday, the 5th day of last December, Congress was still in the special session, called by proclamation of the President. This special session had begun on the 9th day of November. Having met on the 9th day of November, we were in special session until the special session ended; and it ended when the mandate of the Constitution that we shall meet in regular annual session on the first Monday of December took effect.

The argument of the gentleman from New Jersey that we met on the first Monday of December with two sanctions—that is, with the sanction of the Constitution and the sanction of the resolution of adjournment on the preceding Saturday—seems to me, with all respect to him, and he is a distinguished lawyer, to be of very little weight. How could a mere concurrent resolution, if one were passed, effect in any way whatever this absolute command of the Constitution of the United States? Does anybody pretend to say that a mere concurrent resolution of Congress adds sanction to a mandate of the Constitution? Not at all. It might just as well not have been passed; nor should it weigh an iota in determining the duty of Congress. We met on the first Monday of last December in obedience to a requirement of the Constitution of the United States, not in obedience to a resolution of adjournment.

It is said that there has never been a precedent against the contention of the distinguished gentleman from Maine [Mr. LITTLEFIELD], and that early Congresses went directly from a special session into a regular session and treated it as one session.

Mr. MARTIN. Mr. Chairman——

Mr. COOPER of Wisconsin. Just one moment. But later he did cite a precedent in which Senator George F. Edmunds, one of the greatest of our constitutional lawyers, introduced in the Senate a resolution declaring that a special session ended by operation of law when the regular session began. The gentleman from Maine [Mr. LITTLEFIELD] acknowledged that that resolution, which, he said, was purely academic, inasmuch as it was passed without any discussion, was directly opposed to his contention. He therefore thought it of little importance. But the fact that Senator Edmunds introduced that resolution and that it received the unanimous vote of the Senate are facts entitled to great weight in this discussion.

But, Mr. Chairman, if it were true that there is no precedent contrary to the gentleman's contention, that, in and of itself, would not be conclusive. Congress had uniformly held that a quorum, as defined by the Constitution, meant a voting quorum and not a present quorum in this House. For generations Congress had clung to that absurd doctrine. Suddenly, in the twinkling of an eye, it was overthrown in this Chamber, and this destruction of that time-honored precedent has been given the sanction of law by the Supreme Court of the United States. A bad precedent does not make good law.

There is a constitutional provision for an extraordinary, as there is also one for a regular session of Congress. If there were no constitutional provision for a regular session, we should be at the mercy of the President of the United States, as the people of

England were at the mercy of the Stuarts when they refused to assemble the British Parliament. And I am unwilling to believe that the great statesmen in that Convention, presided over by the grandest of all men, George Washington, forgot so vitally important a duty as the appointing of a date for the regular meeting of Congress.

Mr. MARTIN. Will the gentleman yield for a question? The gentleman has, I think, very clearly demonstrated that a regular session of Congress convenes on the first Monday of each December by operation of law. I should like to ask if it does not follow necessarily and logically that if a regular session convenes by operation of law, defined in the Constitution, at a particular time, that any other session in force theretofore must conclude by operation of law at the same instant?

Mr. COOPER of Wisconsin. I do not think that there can be any question about it. The answer, in my judgment, is yes.

Mr. LITTLEFIELD rose.

The CHAIRMAN. The Chair is ready to rule, but the Chair will hear the gentleman from Maine.

Mr. LITTLEFIELD. I do not rise, Mr. Chairman, for the purpose of continuing the discussion, but I will say just a word with reference to the suggestion made by the distinguished gentleman from Illinois [Mr. FULLER], who relies, with a great deal of force and ingenuity of argument, upon the analogy between a session of court and a session of Congress. I would concede that if the analogy is sound, his argument is entitled to great weight and might, perhaps, be conclusive; but I wish to submit that the analogy fails, because to a session of court, among other things, process is returnable; motions are to be made within a certain time and pleas in abatement are to be filed. The court has no power to change the day fixed for its meeting. None of these things are true of Congress. No process is returnable to a session of Congress. Nothing is to be done by virtue of the law or the Constitution on the specific day of meeting, or within a particular time from that day; therefore the elements involved in a session of court are entirely absent in connection with a session of Congress, and the analogy is not complete.

I wish to say just a word with reference to the suggestion very pertinently and forcefully made last evening by the distinguished gentleman from New Jersey [Mr. MCDERMOTT], and that is with reference to the question as to whether the clause providing that the President may adjourn Congress from time to time is limited in its operations to a special or extraordinary or Presidential session, so called. If so limited, beyond any question it would create a constitutional distinction between the two sessions, which undoubtedly would settle the question pending.

Since the adjournment last evening I have taken occasion to examine Madison's Journal of the Constitutional Convention, and the Federalist, upon that precise point, for the purpose of ascertaining what light, if any, might be derived from that source, and I should be glad to give the committee the benefit of the investigation.

I find in the report of the committee on detail, made on August 6, 1787, that the clause in question appears in Article X, section 2, which reads as follows:

SEC. 2. He shall from time to time give information to the Legislature of the state of the Union. He may recommend to their consideration such measures as he shall judge necessary and expedient. He may convene them on extraordinary occasions. In case of disagreement between the two Houses with regard to the time of adjournment he may adjourn them to such time as he thinks proper. He shall take care that the laws of the United States be duly and faithfully executed. He shall commission all the officers of the United States, and shall appoint officers in all cases not otherwise provided for by this Constitution. He shall receive ambassadors, and may correspond with the supreme executives of the several States. He shall have power to grant reprieves and pardons, but his pardons shall not be pleadable in bar of an impeachment. He shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States.

He shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during his continuance in office. Before he shall enter on the duties of his Department he shall take the following oath of affirmation: "I, ——, solemnly swear (or affirm) that I will faithfully execute the office of President of the United States of America." He shall be removed from his office on impeachment by the House of Representatives, and conviction in the Supreme Court of treason, bribery, or corruption. In case of his removal, as aforesaid, death, resignation, or disability to discharge the powers and duties of his office, the President of the Senate shall exercise those powers and duties until another President of the United States be chosen, or until the disability of the President be removed. (Journal of Constitutional Convention (Madison). Scott, Foresman & Co. Ed., vol. ii, p. 457.)

This is the first time the clause appears in the proceedings of the Convention. It appears in a section defining the powers and duties of the President with the clause authorizing the convening of Congress in an extraordinary session, where they would naturally be expected to appear. It will be observed that the two propositions are found in separate and distinct sentences. One sentence reads:

He may convene them on extraordinary occasions.

And the other—

In case of disagreement between the two Houses with regard to the time of adjournment, he may adjourn them to such time as he thinks proper.

In this section the argument of juxtaposition as a reason why the clause in question is a limitation upon the so-called "Presidential session" clearly fails.

In the report of the committee on style, which had no power to change any substantive provision of the Constitution and only had the power to perfect the language and arrangement, made on September 12, 1787, these two independent sentences are grouped together, making two clauses of one sentence in Article II, section 3 (ibid., 709), reading as follows:

He may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, etc.—

transposing the first sentence and slightly varying the second. Article X, section 2, down to and including the clause "He shall commission all officers of the United States," in the report of the committee on detail, appears in the report of the committee on style, in Article II, as section 3. The substance of the remainder of section 2, considerably transposed and with considerable change of verbiage, is found in sections 1 and 2 of Article II, in the report of the committee on style.

Under these conditions the argument of juxtaposition seems entitled to but little weight. There is nothing said, so far as I can find in the debates in the Convention, upon the construction of this clause—simply the report of the committee on detail, and later on the report of the committee on style.

In the Federalist, in No. 68, written by Mr. Alexander Hamilton, who was also a member of the committee on style, reporting the Constitution in the language in which it now stands, this clause is referred to and construed. This is the great paper in which Mr. Hamilton is defining the powers and the limitations upon the power of the President of the United States, and with reference to this specific point he says:

Fourthly. The President can only adjourn the National Legislature in the single case of disagreement about the time of the adjournment.

I ask the Chair to note this. If this clause is limited to a special session, it is a very important and significant limitation. Mr. Hamilton is undertaking to define in this paper the limitations upon the Presidential power, and he fails to cite this important and significant limitation. Therefore it is a fair inference that in his judgment—he having made the report or taken a part in the report of the committee on style, and being responsible for the language as it now stands—it was not limited in its operation to a special session, but applied generally. His first illustration of an analogous power is that "The British monarch may prorogue or even dissolve Parliament." This illustration, of course, can not be confined to special sessions, but applies to all sessions. Further, by way of illustration, he says:

The governor of New York may also prorogue the legislature of this State for a limited time; a power which, in certain situations, may be employed to very important purposes—

Applicable, apparently, to every session.

Of course it is not conclusive, but it is significant, and if the Chair please, I point to the fact that while Hamilton elaborates the proposition, he, in no sense intimates that it is confined in its application to a special session of Congress. If it is true that this clause is confined to special sessions, it is a most important limitation, and should have been emphasized rather than omitted by Hamilton. To hold that Hamilton omitted it is to impeach either his intelligence or candor, neither of which can be done successfully.

The CHAIRMAN. The Chair is ready to rule.

Mr. MCDERMOTT. Mr. Chairman, the Madison Papers, as I recollect them, are correctly stated by the gentleman from Maine. In the first draft of the Constitution the power, similar to the power of the King to prorogue Parliament, was indicated in a separate sentence. When the Constitution was adopted, the conjunction was inserted, "He might convene them on extraordinary occasions and." Now, the introduction of the conjunction, in my judgment, shows the relation between the power of proroguing and the convening of the extraordinary session.

You must also read it, it seems to me, in view of the entire text of the Constitution. It is impossible to believe that a Constitution providing that neither House can adjourn without the consent of the other for more than three days, and that provides that there shall be a division of the Government of the United States into executive, judicial, and legislative departments, and that the power of neither shall be exercised by any other, intended to convey to the President of the United States, or vest in him rather, the power given by the unwritten constitution of England to the King of Great Britain to prorogue Parliament.

That power had been exercised by the King of England to the point of revolution. The exercise of it was one of the causes of complaint that led to the Cromwellian era. Our forefathers were well acquainted with it, and they were in a remedial frame of mind, and when they inserted that conjunction they intended to limit the power of the President as to the practical dissolution, as

proroguing is and always was when exercised by the King of England, in a case where he as President called them to carry out his views on legislation, demanding an extraordinary session. I do not know that it is at all important as affecting this bill, but I look at it as raising the question whether a President in partisan affiliation and sympathy with one House of a divided Congress—divided in a partisan aspect—may prorogue Congress if they disagree.

Hence we come to the fact that there is one joint resolution, and only one, that the President of the United States can not pass upon. Every law and every joint resolution must be certified to the President and receive his action, or in case of nonaction become effective as the voice of Congress independent of his view, with one exception. We preserve the right to Congress to adjourn. The joint resolution of the House and Senate to adjourn is the only resolution that the President of the United States is not called to pass upon when passed by Congress. It seems to me, therefore, that the framers of the Constitution did not intend that the President and one House of Congress acting in sympathy could prorogue Congress as the King had been accustomed, in fear or otherwise, to prorogue Parliament. However, as to the relation of this question to this bill, I am not entirely clear that it is governing. It is an interesting point, and I shall ask the leave of the House to continue the discussion of the question in print.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to continue his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEFIELD. Mr. Chairman, one suggestion only. I simply wish to say this——

The CHAIRMAN. The Chair desires to state to the committee that the Chair is ready to rule.

Mr. LITTLEFIELD. I would, perhaps, like to make this additional suggestion.

Mr. McDERMOTT. I would like to call the attention of the gentleman from Maine to one thing—that occasion has arisen under this section where the President may act. The Senate adjourned without day. The Senate adjourned by the declaration of its presiding officer sine die. This House has never adjourned sine die, therefore the Senate is not in session under the extraordinary call, while, if the view of the gentleman from Maine as to the continuous session is correct, we are in session under that call, and therefore a disagreement has arisen between the House and the Senate, and the duty or power of the President to act is conferred by the Senate, and he could invoke it and prorogue us to meet some other time.

Mr. LITTLEFIELD. I do not concede the gentleman's premises. I never will concede, neither do I think any court would hold, that the President of the Senate, on his own motion without a preliminary motion adopted by the Senate, could adjourn even that body without day. He has not that power, in my judgment.

Mr. McDERMOTT. I think the rule, Mr. Chairman, of parliamentary law is this: That when there is not dissent by a body the body assents, and that where the president or presiding officer of a body declares the body adjourned, and there is no objection, his ruling is assent by the body, and all preliminary matters of form are immaterial. If the president declares that body adjourned and there is not objection on the part of anybody and——

Mr. LITTLEFIELD. The body is not in a position to object after the drop of the gavel.

Nobody could then raise an objection as far as that is concerned. If the gentleman from New Jersey thinks that a presiding officer of a body, on his own motion, can terminate the existence of a body by declaring it adjourned sine die——

Mr. McDERMOTT. Not at all, they may proceed to displace him and elect another officer, but if they consent to it, it is the decision not only of the Chair, but of the body, and a consent to adjourn sine die. Therefore there is a practical disagreement between the two Houses.

Mr. LITTLEFIELD. No; I do not think that amounts to a disagreement. A disagreement between the two Houses results from the action of one body sending that action down to another. Here they have had no chance to disagree.

Mr. McDERMOTT. They have had the chance by continuing in session.

Mr. LITTLEFIELD. It has never reached us as a legislative proposition. A disagreement between the two Houses results from something we have had the opportunity to concur with or disagree to, and this proposition has never been sent down to us.

Mr. McDERMOTT. It arises from the fact that the Senate adjourned sine die. There was no necessity to send it down to us if they did actually adjourn.

Mr. LITTLEFIELD. But the gentleman begs the question or assumes it.

Mr. McDERMOTT. I want to call the attention of the gentleman from Maine to this fact, that there is no regular way provided in the Constitution by which the President of the United States can obtain cognizance that there is a disagreement between the Senate and the House on account of adjournment. It is a peculiar resolution, in no wise to be certified to him, and the only concurrent resolution that is not certified to him.

Now, it does seem to me that where he calls a session he may suggest the adjournment, as the King used to, and if then there is a disagreement, he may prorogue it. I think the old practice was in the minds of those who framed the Constitution. I think he may suggest the adjournment, and if the House disagrees with the Senate in following his suggestion, he may prorogue them. I know of no way in which the President of the United States can get official knowledge of the fact that there is a disagreement between the House and the Senate as to the time of adjournment, nor do I know of any way in which at a regular session any such disagreement can ever arise.

Mr. LITTLEFIELD. The suggestions of the distinguished gentleman from New Jersey are involved in the concrete proposition as to whether or not this clause to which he refers is specifically applicable and confined to a special session. I will not follow him in that discussion because, in my judgment, it is hardly worth while. I also fully appreciate the distinguished gentleman's position when he says that the report of the committee on detail left this proposition with reference to the power of the President to adjourn from time to time applicable to both sessions, but that the report of the committee on style changed it and confined the operation of that clause to the special session.

I call his attention to this fact, that, as we all know and everybody concedes, the committee on style had no power to change the substance of the Constitution; it was simply their purpose and duty to report it in better and more concrete shape, and if they produced that pronounced change, they transcended their power. That must be the obvious conclusion. Without any debate or discussion, it is a violent inference that they did so transcend it. I proceed upon the basis that the final draft of the Constitution is in entire harmony with the report of the committee on detail and was correctly construed by Hamilton, March 14, 1788, when he wrote the great paper above referred to.

The CHAIRMAN. The Chair is ready to rule on the point of order.

The question raised by the point of order made by the gentleman from Georgia [Mr. MADDOX] does not involve the question of whether or not Senators, Representatives, and Delegates attending Congress at this time should or should not receive mileage. That is a question for the Committee of the Whole to decide, and not the Chair. The question presented to the Chair is the parliamentary question of whether or not there is any existing law authorizing the payment of the mileage for which it is proposed to appropriate the amount stated in this bill.

The legislative, executive, and judicial appropriation bill passed at the last session of the Fifty-seventh Congress appropriated for the payment of mileage to Senators, Representatives, and Delegates attending the first annual session of the Fifty-eighth Congress. This appropriation, however, was not available until the day appointed by the Constitution for the assembling of this Congress at its first annual session.

The Fifty-eighth Congress was convened by proclamation of the President of the United States November 9, 1903. Soon thereafter it passed the following resolution:

Resolved, etc., That the appropriations for mileage of Senators, Members of the House of Representatives, and Delegates from the Territories made in the legislative, executive, and judicial appropriation act for the fiscal year 1904, approved February 25, 1903, be, and the same are hereby, made immediately available and authorized to be paid to Senators, Members of the House of Representatives, and Delegates from the Territories for attendance on the first session of the Fifty-eighth Congress.

By this resolution the money appropriated for the payment of mileage at the session of this Congress beginning on the first Monday of December last was paid to Senators, Representatives, and Delegates attending the session of this Congress convened by the President. By the wording of this resolution Congress declared that the session convened by the President was the first session of the Fifty-eighth Congress. It is now declared by the paragraph in this urgency deficiency appropriation bill that this is the second session of this Congress, and it is proposed to appropriate money for the payment of mileage to Senators, Representatives, and Delegates attending upon this second session.

The gentleman from Georgia makes the point of order against this paragraph, claiming there is no existing law authorizing the appropriation, and that therefore the paragraph is not in order under section 2 of Rule XXI, which is as follows:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The Chair has spent some time in endeavoring to ascertain

what, if any, law there is governing the payment of mileage. As a result of this investigation it has been ascertained that under various statutes Senators, Representatives, and Delegates attending the sessions of Congress have received mileage whether the session was convened by the President or assembled at the time fixed by the Constitution or by statute, the only exception being in the Fortieth Congress. When the act fixing the 4th of March for the assembling of Congress, in addition to the times fixed by the Constitution, was passed, by that act it was provided that Members and Senators of the previous Congress should not receive mileage for attendance upon the session beginning March 4, and for the information of the committee, and with its permission, the Chair will print, in connection with this ruling, these several statutes.

The act of 1874, repealing the increase of salaries of Members of Congress to $7,500 a year, revived the act of 1866, since which time there has been no legislation upon this subject. Therefore the act of 1866 is the law in force to-day in respect to the compensation to be paid to Senators, Representatives, and Delegates, and also the law now in force governing the question of mileage. This law reads as follows:

SEC. 17. *And be it further enacted*, That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session.

It will be observed that the language of this act in respect to mileage is significant, and from it there can be but one conclusion, and that is that the mileage authorized to be paid is intended as additional compensation without any particular reference to the expense incurred in traveling to and from the sessions of Congress, just as the law allows a certain per diem in addition to the salary paid to the officers and agents of the Government who are obliged to travel on the business of the Government or in the discharge of their duties. The language which follows is merely descriptive of how the mileage authorized to be paid is to be estimated. The law says it is "to be estimated by the nearest route usually traveled in going to and returning from each regular session." In the opinion of the Chair the words "regular session" do not mean alone the sessions of Congress convened under authority of the Constitution, but rather that this mileage is to be paid at any session of Congress lawfully convened, and the amount is to be estimated as stated in the act—that is, on the same basis that mileage is paid to Senators and Representatives when attending the regular or annual sessions provided for by the Constitution.

Of course no one contends that under this law Senators and Representatives and Delegates are entitled to more than one payment as mileage for attending one session of Congress. The question, therefore, of whether this paragraph is in order or whether there is any existing law authorizing the appropriation of this money turns upon the proposition of whether Congress is now in the session convened by the President of the United States or whether that session expired by operation of law and Congress is now in session under and by virtue of that provision of the Constitution which designates the first Monday in December as the day when it shall assemble in annual session.

When this Congress convened on November 9 the business of the Congress proceeded as usual, and it was in session on Saturday, December 5, 1903, the last secular day before the first Monday in December. In the House of Representatives, at the close of that day, as appears from the RECORD, the simple motion to adjourn was agreed to, and the Speaker announced, "The House stands adjourned," without adding, as usual, the day to which the "House stands adjourned." No resolution to terminate the session was proposed. In the Senate on the same day it was voted to take a recess until 11.50 a. m., Monday, December 7. On that day and hour the Senate met, and after the transaction of the usual business and the adoption of the usual vote of thanks to the presiding officer, the hour of 12 o'clock having arrived, the President pro tempore said:

Senators, the hour provided by law for the meeting of the first regular session of the Fifty-eighth Congress having arrived, I declare the extraordinary session adjourned without day.

And the President pro tempore left the chair.

Immediately thereafter the President pro tempore called the session to order for the second session of the Fifty-eighth Congress.

In the House at the same hour the Speaker called the House to order and, after prayer by the Chaplain, directed that the roll be called by States to ascertain the presence of a quorum, and business proceeded as at the beginning of a session. The usual resolution was passed, notifying the President of the United States that the second session of the Fifty-eighth Congress was assembled and that a quorum of the two Houses was present and ready to receive any message which he might deem proper to submit.

This is a complete statement, as shown by the RECORD, of what took place in the two Houses of Congress on December 5 and December 7.

On the following day the Journal of the House records the fact that on Monday, December 7, the second session of the Fifty-eighth Congress assembled. The language of the Journal is as follows:

JOURNAL OF THE HOUSE OF REPRESENTATIVES, CONGRESS OF THE UNITED STATES.

Begun and held at the Capitol, in the city of Washington, in the District of Columbia, on Monday, the 7th day of December, in the year of Our Lord 1903, being the second session of the Fifty-eighth Congress, held under the Constitution of the Government of the United States, and in the one hundred and twenty-eighth year of the independence of said States.

MONDAY, *December 7, 1903.*

On which day, being the day fixed by the Constitution of the United States for the meeting of Congress, JOSEPH G. CANNON, the Speaker (a Representative from the State of Illinois), and the following Members of the House of Representatives answered to their names.

This Journal declaring this to be the second session of the Fifty-eighth Congress was unanimously approved by the House. The Journal of the Senate reciting the same facts was likewise approved.

In the opinion of the Chair the question of whether this is a continuation of the session of Congress convened by the President or the second session convened under and by virtue of the provision of the Constitution fixing the time for the assembling of Congress is a mixed question of law and fact, and the Chair, as the presiding officer of this committee appointed by the Speaker of the House, in deciding this question is bound to take cognizance of what the House itself has done in determining whether or not this is or is not the second session of the Fifty-eighth Congress.

As a matter of law, the Chair is clearly of the opinion that the session of this Congress convened by the President of the United States terminated when the moment of time arrived for the Congress to convene in its regular annual session under the Constitution. That session of Congress there terminated by operation of law, not because there is any law fixing the limit of time that a session of Congress convened by the President should remain in session, but because of the constitutional provision fixing the time when the first regular annual session of this Congress should convene. The contention that because Congress was in session on the last secular day preceding the first Monday in December, and that there was no formal termination of this session at that time, and that therefore this is a continuation of that session, seems to the Chair untenable. It would, in the opinion of the Chair, be as reasonable to say that because there will be no formal ending of to-day and no formal beginning of to-morrow therefore Saturday will continue forever or throughout our existence. [Applause.]

The illustration used by the gentleman from Maine to prove his contention that this is a continuous session—namely, that if the House was in the act of calling the roll upon the passage of some bill when the hour arrived for the convening of Congress in its annual or constitutional session that the roll call could not be further proceeded with—does not prove anything. As a matter of fact, and as the records of Congress show, that incident or circumstance has occurred on several occasions when the time for the termination by operation of law of the second annual session of Congress arrived. The opinion of the Chair that the first session of the Fifty-eighth Congress convened by the President terminated by operation of that provision of the Constitution which fixes the time for the beginning of the annual session of this Congress is not without precedent.

In the Fortieth Congress this same question arose. Just at the close of the extra session, Mr. Sherman, then a Senator from Ohio, said:

I can not see any object in passing this concurrent resolution.

The concurrent resolution he referred to was that the presiding officers of the two Houses should at a specified time declare their respective Houses adjourned without day.

Said Mr. Sherman:

The Constitution provides that the regular session of Congress shall be on the first Monday of December, and, according to law, I believe—or, at any rate, such is the usage—the hour for meeting on that day is 12 o'clock. We shall meet at that time in a new session. The recent law has not changed that regular time of meeting, and the result is that the next session of Congress will commence necessarily at noon on Monday.

Mr. Sumner, on the same occasion, said:

And that brings me to the exact point as to whether the present session should expire precisely at the time when the coming session begins. I see no reason why it should not. I see no reason why we should interpose the buffer even for five minutes.

It was proposed to adjourn to 11 o'clock and 55 minutes.

Let one session come right up close upon the other, and then we shall exclude every possibility of evil consequences from the character of the Chief Magistrate. * * * Now, I know not why when this session expires we may not at the same time announce the beginning of the new session.

These quotations, taken from the Globe, show that in the judgment of such men as Mr. Sherman and Mr. Sumner, two of the ablest men in either House of Congress at that time, if not

since, the called session of the Fortieth Congress expired by operation of law when the time for the Congress to assemble under the Constitution arrived.

The proceedings of the Forty-fifth Congress have been referred to, and the Chair desires to present to the committee in support of its ruling the history of the matter from the precedents prepared by Mr. Asher C. Hinds, clerk at the Speaker's table.

On October 15, 1877, Congress met in extraordinary session on the call of the President and remained in session until the first Monday in December, the day appointed by the Constitution for the regular assembling of Congress.

On Saturday, December 1, 1877, Mr. Fernando Wood, of New York, offered the following resolution, which was agreed to by the House:

Resolved (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses, without day, at 3 o'clock p. m. this day.

Later on the day of December 1 the House took a recess until 10 a. m. of the calendar day of Monday, December 3, the day prescribed by the Constitution for the meeting of the regular session of Congress.

On the same day, December 1, the Senate adjourned until Monday, December 3, at 10 a. m.

As soon as the Senate had approved its Journal on Monday, December 3, Mr. George F. Edmunds, of Vermont, offered this resolution, which was agreed to without debate:

Resolved by the Senate (the House of Representatives concurring), That it is the judgment of the two Houses that the present session of Congress expires by operation of law at 12 o'clock meridian this day.

On the same day this resolution was agreed to by the House without debate.

After the above resolution had been agreed to the Senate took up the resolution of the House of December 1, and agreed to it with an amendment striking out the words "3 o'clock p. m. this day" and inserting "11 o'clock and 50 minutes a. m. Monday, the 3d of December, instant." The House concurred in that amendment.

Then the two Houses agreed to the usual resolutions authorizing the appointment of a joint committee to wait on the President and inform him of the adjournment.

And at 11.50 a. m. the Speaker declared the House adjourned sine die in accordance with the resolution of the two Houses; and ten minutes later the Speaker, at 12 m., called the House together in the new session, the roll being called by States.

Some gentlemen have said that the value of this precedent is practically destroyed because the resolution declaring it to be the judgment of both Houses of Congress that the extra session expired by operation of law was agreed to without debate. The RECORD shows that there was considerable discussion over this proposition. There was some trouble or fear of trouble in the matter of securing a sine die adjournment, and at the last moment, in order that the question might be settled, Senator Edmunds offered the concurrent resolution expressing the judgment of the two Houses upon this question.

In the judgment of the Chair, therefore, the session of Congress convened by the President on November 9, 1903, terminated by operation of law; that this is a session of Congress separate and distinct from that one, and, as declared by the unanimously approved Journals of the House and Senate, is the second session of the Fifty-eighth Congress. It being the regular annual session, and as the law of 1866 authorizes the payment of mileage to Senators, Representatives, and Delegates attending this session, in the opinion of the Chair the paragraph appropriating the money for the payment of that mileage is clearly in order.

The Chair therefore overrules the point of order. [Applause.]

The Chair inserts as an appendix to this decision the following:

The statutes heretofore enacted for compensation and mileage for Members of Congress.

CHAPTER XVII.—An act for allowing compensation to the Members of the Senate and House of Representatives of the United States and to the officers of both Houses. (c)

SECTION 1. *Be it enacted, etc.*, That at every session of Congress, and at every meeting of the Senate in the recess of Congress, prior to the 4th day of March, in the year 1795, each Senator shall be entitled to receive $6 for every day he shall attend the Senate, and shall also be allowed, at the commencement and end of every such session and meeting, $6 for every 20 miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any Member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided always*, That no Senator shall be allowed a sum exceeding the rate of $6 a day from the end of one such session or meeting to the time of his taking his seat in another. (1st Cong., 1st sess., U. S. Stat. L., vol. 1, p. 70 (1789).)

Approved September 22, 1789.

CHAPTER XIII.—An act for allowing full mileage to the members of the Senate and House of Representatives of the United States.

Be it enacted, etc., That at the present extraordinary meeting and session of Congress the respective members of the Senate and of the House of Representatives shall be entitled to receive a full allowance of mileage, any law to the contrary notwithstanding. (U. S. Stat. L., vol. 1, p. 533, 5th Cong., 1st sess.)

Approved July 6, 1797.

SEC. 2. *And be it further enacted*, That at every session of Congress after the said 3d day of March, 1817, each Representative and Delegate shall be entitled to receive $8 for every day he has attended or shall attend the House of Representatives, and shall also be allowed $8 for every 20 miles of the estimated distance by the most usual road from his place of residence to the seat of Congress at the commencement and end of every such session and meeting; and that all sums for travel already performed to be due and payable at the time of passing this act. And in case any Representative or Delegate has been, is, or shall be detained by sickness on his journey to or from the session of Congress, or, after his arrival, has been, is, or shall be unable to attend the House of Representatives, he shall be entitled to the same daily allowance. And the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a Representative, $8 for every day he has attended or shall attend the House: *Provided always*, That no Representative or Delegate shall be allowed a sum exceeding the rate of $8 a day from the end of one session to the time of his taking his seat in another. (15th Cong., 1st sess., U. S. Stat. L., vol. 3, p. 404, chap. 5. An act allowing compensation to the members of the Senate, Members of the House of Representatives of the United States, and to the Delegates of the Territories, and repealing all other laws on that subject.)

Approved January 22, 1818.

CHAPTER CVIII.—An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes.

SEC. 3. *And be it further enacted*, That the act entitled "An act to amend an act entitled 'An act allowing compensation to the members of the Senate, Members of the House of Representatives of the United States, and to the Delegates from the Territories,' and repealing all other laws on that subject," shall apply to Senators and Members of the House of Representatives and Delegates from the Territories, at all extra sessions of Congress or of the Senate convened within ten days after the adjournment of a regular session. (U. S. Stat. L., vol. 10, p. 98, 32d Cong., 1st sess.)

Approved August 31, 1852.

CHAPTER CXXIII.—An act to regulate the compensation of Members of Congress.

Be it enacted, etc., That the compensation of each Senator, Representative, and Delegate in Congress shall be $6,000 for each Congress, and mileage as now provided by law for two sessions only, to be paid in manner following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for one session, and on the first day of each month thereafter during such session compensation at the rate of $3,000 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid; and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session and monthly during such session compensation at the rate of $3,000 per annum till the 4th day of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive any balance of the $6,000 not theretofore paid in the said monthly installments as above directed. (U. S. Stat. L., p. 48, vol. 11.)

Approved August 16, 1856.

Joint resolution to amend the act entitled "An act to regulate the compensation of Members of Congress," approved August 16, 1856.

Resolved, etc., That the compensation allowed to Members of Congress by an act entitled "An act to regulate the compensation of Members of Congress," approved August 16, 1856, be paid in the following manner, to wit: On the first day of the first session of each Congress, or as soon thereafter as he may be in attendance and apply, each Senator, Representative, and Delegate shall receive his mileage, as now provided by law, and all his compensation from the beginning of his term, to be computed at the rate of $250 per month, and during the session compensation at the same rate. And on the first day of the second or any subsequent session he shall receive his mileage as now allowed by law, and all compensation which has accrued during the adjournment at the rate aforesaid, and during said session compensation at the same rate.

SEC. 2. *And be it further resolved*, That so much of said act approved August 16, 1856, as conflicts with this joint resolution and postpones the payment of said compensation until the close of each session be, and the same is hereby, repealed. (U. S. Stat. L., vol. 11, p. 367, 35th Cong., 1st sess.)

Approved December 23, 1857.

Joint resolution amendatory of an act entitled "An act to regulate the compensation of Members of Congress," approved August 16, 1856, so far as relates to such Members as shall die during their terms of service.

Be it resolved, etc., That whenever hereafter any person elected a Member of the Senate or House of Representatives shall die after the commencement of the Congress to which he shall have been so elected compensation shall be computed and paid to his widow, or if no widow survive him, to his heirs at law, for the period that shall have elapsed from the commencement of such Congress as aforesaid to the time of his death, at the rate of $3,000 per annum: *Provided, however*, That compensation shall be computed and paid in all cases for a period of not less than three months: *And provided further*, That in no case shall constructive mileage be computed or paid.

SEC. 2. *Be it further resolved*, That the compensation of each person elected or appointed afterwards to supply the vacancy so occasioned shall hereafter be computed and paid from the time the compensation of his predecessor is hereby directed to be computed and paid for, and not otherwise.

SEC. 3. *Be it further resolved*, That the provisions of this joint resolution, so far as the same are beneficial to the widows or heirs at law of Members of Congress, as aforesaid, shall be extended and applied to the widows and heirs at law of Members elected to the present Congress who have died since its commencement. (U. S. Stat. L., vol. 11, p. 443, 35th Cong., 2d sess.)

Approved, March 3, 1859.

CHAPTER XLI.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th of June, 1863, and additional appropriations for the year ending 30th of June, 1862.

Legislative.—For compensation and mileage of Senators, $240,450: *Provided*, That the second mileage due by law shall be paid at the present session as soon as certified by the presiding officers of the Senate and House: *And provided further*, That the foregoing proviso shall not be construed to include more than two mileages for the present Congress. (U. S. Stat. L., vol. 12, p. 355, 37th Cong., 2d sess.)

Approved, March 14, 1862.

CHAPTER LXXIII.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1866, and additional appropriations for the current fiscal year.

SEC. 6. *And be it further enacted*, That no part of the money appropriated either by this act or former acts shall be applied to the payment of any claim

for constructive mileage on account of any extra session of either House of Congress. (U. S. Stat. L., vol. 13, p. 460, 38th Cong., 2d sess.)
Approved, March 2, 1865.

CHAPTER CCXCVI.—An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes.

SEC. 17. *And be it further enacted*, That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session; but nothing herein contained shall affect mileage account already accrued under existing laws: *Provided*, That hereafter mileage accounts of Senators shall be certified by the President of the Senate and those of Representatives and Delegates by the Speaker of the House of Representatives: *And provided further*, That the pay of the Speaker shall be $8,000 per annum. (U. S. Stat. L., vol. 14, p. 323, 39th Cong., 1st sess.)
Approved, July 28, 1866.

CHAPTER X.—An act to fix the times for the regular meetings of Congress.

Be it enacted, etc., That, in addition to the present regular times of meeting of Congress, there shall be a meeting of the Fortieth Congress of the United States, and of each succeeding Congress thereafter, at 12 o'clock meridian on the 4th day of March, the day on which the term begins for which the Congress is elected, except that when the 4th of March occurs on Sunday then the meeting shall take place at the same hour on the next succeeding day.

SEC. 2. *And be it further enacted*, That no person who was a Member of the previous Congress shall receive any compensation as mileage for going to or returning from the additional session provided for by the foregoing section. (U. S. Stat. L., vol. 14, p. 378, 39th Cong., 2d. sess.)
Approved, January 22, 1867.

CHAPTER XI.—An act repealing the increase of salaries of Members of Congress and other officers.

Be it enacted, etc., That so much of the act of March 3, 1873, entitled, "An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation of public officers and employees, whether Members of Congress, Delegates, or others, except the President of the United States and the Justices of the Supreme Court, be, and the same is hereby, repealed, and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act: *Provided*, That mileage shall not be allowed for the first session of the Forty-third Congress; that all moneys appropriated as compensation to the Members of the Forty-second Congress in excess of the mileage and allowances fixed by law at the commencement of said Congress, respectively, or which, having been drawn, have been returned in any form to the United States, are hereby covered into the Treasury of the United States, and are declared to be the moneys of the United States absolutely, the same as if they had never been appropriated as aforesaid. (U. S. Stat. L., vol. 18, pt. 3, p. 4; 43d Cong., 1st sess.)
Approved, January 20, 1874.

CHAPTER III.—An act to provide for deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1878, and for prior years, and for other purposes.

Senate.—For the payment of mileage, for actual travel only, to Senators who took their seats at the session of the Senate convened on the 5th day of March, 1877, by proclamation of the President, and who were not members of the previous Congress, $6,500. (U. S. Stat. L., vol. 20, p. 10, 45th Cong., 2d sess.)
Approved, December 15, 1877.

Mr. UNDERWOOD. Mr. Chairman, I now renew my motion to strike out the paragraph in reference to mileage.

Mr. GROSVENOR. Mr. Chairman, I move to amend the paragraph as follows.

The CHAIRMAN. The gentleman will send up his motion to amend.

Mr. UNDERWOOD. Mr. Chairman, I have not yielded the floor. The Chair recognized me for a motion. I desire to discuss my motion before the gentleman from Ohio is recognized. Am I correct in my position?

The CHAIRMAN. The Chair is of the opinion that the motion of the gentleman from Alabama would have to be held in abeyance until the paragraph has been perfected.

Mr. UNDERWOOD. Well, but, Mr. Chairman, I had the floor and was recognized. Of course I admit that the vote will not be taken on the paragraph until the House has concluded whether it will amend it or not, but the Chair has recognized me and I am entitled to the floor until I yield it.

Mr. GROSVENOR. Mr. Chairman, to cut the matter short, if the Chair will recognize me to make my motion to amend after the five minutes of the gentleman from Alabama have expired, I will waive any question about it.

The CHAIRMAN. Very well; the Chair will recognize the gentleman from Ohio after the gentleman from Alabama has completed his remarks.

Mr. HEMENWAY. I suggest that the gentleman make his motion as to both paragraphs, covering the mileage of the Senate and House. He said he moved to strike out the paragraph.

Mr. UNDERWOOD. Mr. Chairman, as I understood the parliamentary situation on yesterday, the chairman of the committee, by unanimous consent, amended the paragraph by inserting the mileage for the Senate.

Mr. HEMENWAY. There are two paragraphs.

Mr. UNDERWOOD. Then I make my motion. I move to strike out the two paragraphs relating to mileage, one for the House and one for the Senate. When the question comes to a vote I will ask the Chair to submit the proposition, if necessary, that we vote on both together, so that we may obviate two votes on the proposition.

Mr. GROSVENOR. I make the point of order against the gentleman's motion, so far as it relates to the paragraph in reference to the mileage of the Senate. That was put in by a vote of the committee and we can not move to strike that out.

Mr. HEMENWAY. Oh, no; it went in by unanimous consent, with the understanding that it would be open to the same consideration as the other.

Mr. GROSVENOR. I did not understand that.

Mr. UNDERWOOD. Mr. Chairman, some time ago when this bill was reported to the House, having been opposed to the paragraph in the committee, I felt it was my duty to present the reasons to the House why I opposed the adoption of this paragraph, why I was opposed to this House paying itself a second mileage for this session of Congress. I believed then, and I believe now, that we have been legally and technically in one session of Congress from the time when we met up to the present day. But I have already stated my opinion upon that question, and I do not care to burden the House with renewed discussion along that line. But whether we have been in two technical sessions or one technical session since the 9th day of November down to the present day, I say that under no contemplation of law as recognized by ourselves and our constituents when we were elected to this Congress are we justified in accepting a second mileage or paying ourselves a second mileage when in fact we have been in continuous session since the 9th day of last November. I do not mean to say that the House has not taken a recess occasionally from day to day. I do not intend to deny the fact that on Sundays we have not been in session, but in practice and in fact we have been in continuous session. On Saturday before the first Monday in December we took a recess until 11 o'clock and 55 minutes p. m. of that Monday, carrying the session of the Saturday previous over until a few minutes before 12 o'clock noon on that day.

Mr. THAYER. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. I yield to the gentleman, although I have very little time.

Mr. THAYER. If I understand the gentleman's position, he is opposed to receiving this mileage because we have had one continuous session. Now, if we had had a sine die adjournment on Saturday, December 5, instead of an ordinary adjournment, then does he say we would be entitled to our mileage?

Mr. UNDERWOOD. I can say right here that I would not accept my mileage under those circumstances. I grant that any gentleman can accept them or not, as he sees proper.

Mr. THAYER. I have not asked that question. Will you answer the question I did ask?

Mr. UNDERWOOD. That is an answer to your question as I understand it.

Mr. SHERLEY. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. I will yield to the gentleman.

Mr. SHERLEY. Does the gentleman consider mileage is to cover actual expenses of traveling to Washington and returning, or does he consider it as a part of the compensation of the Members of the House?

Mr. UNDERWOOD. I consider it, Mr. Chairman, unquestionably a part of the compensation, and that is just exactly what I have been attempting to say. I say that it is a part of the compensation; that when we were elected we were elected with that compensation, and there is nothing that has arisen since that time that would in fact, in law, or in equity entitle us to increase our compensation any more than there would be if we brought in a bill making our salaries $10,000 a year instead of $5,000 a year.

Now, to sum up the proposition. You may argue that we ought to have a salary of $10,000. You may argue that a Member of Congress ought to have a compensation of $10,000 a year. But if we are going to increase our salaries, let us walk out flat-footed and tell the country exactly what we are going to do and why we are going to do it. But if it is compensation, can any gentleman give a good and satisfactory reason why the compensation should be increased because on Monday, five minutes before noon, we adjourned for that day and met five minutes afterwards? Is that any better reason why we should have more pay than if we had gone on in continuous session? Is there any reason why we should have more pay as Members if we had adjourned in the month of November and then met in December, and adjourned a month later, when, practically, we accomplished the ordinary amount of work on the day that we adjourned?

Mr. SIMS. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. I yield to the gentleman.

Mr. SIMS. Does the gentleman think that mileage accepted for any extra session would not be an increase of his salary?

Mr. UNDERWOOD. If it had gone through, it would be an increase of compensation. If we had been put to additional trou-

ble or labor or expense, there would be some good, valid reason why a Member's compensation should be increased; but when I say that we were here on Saturday and adjourned over to Monday, were in session at 11.55 o'clock in what they call an "extra session" and met again in a few minutes, I want to know where is the reason that justifies us in increasing our compensation or justifies us in taking it?

Mr. SIMS. Now, then, in the Fifty-fifth Congress we had an extra session on the 15th day of March, eleven days after the Fifty-fourth Congress adjourned, and many Members did not go home in the brief interval between the Fifty-fourth Congress and the Fifty-fifth, and yet we passed a resolution giving them mileage, and, as far as I recollect, the gentleman assented to it. Now, if we gave that mileage, is it not an addition to the compensation not contemplated by the law?

Mr. UNDERWOOD. I do not know whether it is contemplated by the law, but it was expended, and, of course, increased the compensation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. But Congress adjourned, and we went home. Of course some of the men did not go home, but Congress went home, as far as that was concerned, and I believe most of the Members of the House did.

Mr. SIMS. I am opposed to paying this, but not on the question of compensation.

Mr. UNDERWOOD. I want to add that the Committee on Appropriations reported this item to the House because it seemed to them to be in the line of precedents, as stated by the chairman of the committee, and in order that the House might have the opportunity to give it consideration, the subject having been officially brought to the attention of the committee by the following letter:

HOUSE OF REPRESENTATIVES U. S.,
OFFICE SERGEANT-AT-ARMS,
Washington, D. C., January 21, 1904.

Hon. J. A. HEMENWAY,
Chairman Committee on Appropriations, House of Representatives.

DEAR SIR: By joint resolution approved November 12, 1903, the appropriation made in the legislative, executive, and judicial appropriation act approved February 25, 1903, for mileage of Representatives and Delegates in Congress for the present session was made available and payable and has been paid for attendance on the extraordinary session of the present Congress, which assembled November 9, 1903.

I am daily in receipt of applications from a large number of Members of the House for their mileage for the present session, under authority of the law, which provides that they are entitled to mileage for each regular session of Congress. In order to comply with the request and pay mileage under said law to all Members and Delegates for the present session it will be necessary to provide an appropriation in the deficiency bill or otherwise in the sum of $145,000.

Very respectfully,
HENRY CASSON,
Sergeant-at-Arms, House of Representatives.

Mr. GROSVENOR. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers the following amendment, which the Clerk will read.

The Clerk read as follows:

In line 5, page 58, after the word "dollars," add the following:
"*Provided*, That any Member of Congress who shall be entitled to the mileage appropriated in this bill may, if he so desires, cover the same into the Treasury, and the Secretary of the Treasury shall give such Member a receipt for the same and carry it upon the books of the Treasury as a miscellaneous item: *And provided further*, That any money remaining to the credit of any Member of Congress, as the whole or any part of his mileage, for the period of thirty days, after the approval of the act, shall lapse into the Treasury and be taken up as a like item of money in the Treasury."

Mr. HAY. Mr. Chairman, I make the point of order on the amendment.

Mr. GROSVENOR. What is the point of order?

Mr. HAY. That it changes existing law.

Mr. GROSVENOR. It is simply a limitation upon the paragraph.

Mr. HAY. It is legislation on an appropriation bill.

The CHAIRMAN. The Chair will hear the gentleman from Virginia if he has anything to say in support of his point of order.

Mr. HAY. It is already the law that all such sums shall lapse into the Treasury after the 1st day of July, and this is new legislation on an appropriation bill and practically repeals that law.

Mr. GROSVENOR. Mr. Chairman, I think it is not necessary to argue that question.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Ohio to the general rule of parliamentary law that it is seldom possible, if ever, to change existing law under a term or form of a limitation.

Mr. GROSVENOR. No; but here we propose to make an appropriation of $145,000, and this amendment simply proposes that when so made the conditions upon which it is made shall adhere to the document itself. It does not change existing law, it simply limits the appropriation of this money to the time and the specific purpose for which it is offered.

Mr. HEMENWAY. I suggest to the Chair that it in no way changes the appropriation, it simply limits it after the money has been appropriated.

The CHAIRMAN. The Chair is of the opinion that, there being no law on the subject of the disposition of mileage not paid, this would be a limitation upon this appropriation, and it is in order.

Mr. GROSVENOR. Then, Mr. Chairman, I wish to say a very few words on this general subject. The gentleman from Georgia [Mr. MADDOX] is reported in the RECORD to have said yesterday—I could not hear him because of the great confusion—when I offered this amendment in a rather imperfect form:

I have often, not only in this House, but in other legislative bodies, heard that cheap amendment offered, such as has been offered by the gentleman from Ohio, before.

Now, I want to simply disabuse the mind of the gentleman from Georgia that this is a silly amendment, or an amendment made as a joke. It is, to my mind, a very serious amendment, and I make it in all good faith and in all seriousness. If this money is due to the Members of this House, and I believe it is, each individual Member of the House has a duty to perform, first, in the question of the appropriation of the money, and that is a public duty that he owes to the whole body, and secondly, a duty that he owes to himself. If, in his individual judgment, this money ought not to be paid to himself, I provide a remedy by which he can put it back into the Treasury, and I call the attention of the gentleman from Georgia to the fact that he is in error when he says that we can put money into the Treasury of the United States.

He could not do it. If this money is appropriated and placed to the credit of a Member of Congress in the hands of the Sergeant-at-Arms, the gentleman from Georgia nor any other gentleman can put that money into the Treasury of the United States, for there is no law authorizing it to go in. I for one would not put any money, under these circumstances, into what may be called the "conscience fund," about which there is a provision of law. So I am right in saying first that there is no avenue by which this money can go back into the Treasury except by the provision of law, and that provision I purpose to incorporate in this bill.

Mr. FINLEY. Will the gentleman from Ohio yield?

Mr. GROSVENOR. In a moment, when I get through. In the second place, but for the further limitation of this second proviso a Member of Congress, if he saw fit, could leave the money standing as a credit to him, never to be barred by the statutes of limitation. It is a claim in his own favor at some subsequent date and a claim in favor of his estate after he is dead.

Now, we had some exploiting of conditions of this sort a good many years ago in this country. I remember a single case at the time of the "salary grab," as it was called, where a Member of Congress, whose name I shall not mention, voted against it and declared in a public interview that was telegraphed all over this country that he would not take it. Fifteen years afterwards I happened to be in the Treasury and a clerk there called my attention to the fact that, beginning seven or eight years after the gentleman had gone out of Congress, he began to check against that money and checked it all out. [Laughter.]

Now, my proposition is, and I think everybody will be in favor of it who desires to meet this question fairly, first, that every man shall vote as he sees fit on the question of the appropriation, and if the appropriation is carried, let him not undertake to dodge the responsibility that grows out of the appropriation of this money, but let him march right up like a man and do one of two things—either take the money or turn the money back into the Treasury, as he well may if he agrees with me in my position on this question. That, Mr. Chairman, is the purpose of my amendment. [Applause.] It is to put it beyond the manipulation in the coming election by demagogues. Stand up and take your money or give it back to the Treasury of the United States. That is the whole of it; that is all there is in this amendment. It is very simple, very plain and obvious, and the way to peace of mind and dignity of purpose and action on the part of every Member of this House. [Laughter and applause.] Now, I will yield to the gentleman from South Carolina.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MADDOX. Mr. Chairman, in my reply to the gentleman from Ohio yesterday that I did not need his advice about what to do with the money, or what I should do with it, I was under the impression that if the money was not drawn from the Treasury on the 1st of July it was covered back into the Treasury.

Mr. GROSVENOR. If I understand the law, and I am told by a gentleman recently Solicitor of the Treasury that I am correct, it takes two years before it lapses. But in this case it will be money in the hands of the disbursing officer belonging to the Member, and if my amendment is defeated it will remain for years.

Mr. MADDOX. Then how did the man that the gentleman refers to draw it out after seven years?

Mr. GROSVENOR. That was the trouble; a question arose whether the money was an ordinary appropriation, and it was decided that it became a credit to him against the Government and was not an appropriation within the meaning of the statute. Therefore it would never lapse back.

Mr. MADDOX. Mr. Chairman, from my view of the case, from what I believe to be the law, I think I am still right in respect to that matter that this mileage would lapse back into the Treasury on the 1st day of July unless it were drawn out.

Now, I want to repeat that when the gentleman talks about demagogues and wants us to march up to the issue, I want to say that I will meet him on the issue at this place or any other place. I never dodged a question that came up in this House during the twelve years that I have been here.

Mr. GROSVENOR. Oh, I have no controversy with the gentleman from Georgia.

Mr. MADDOX. Then, I can not understand what the gentleman meant when he referred to demagogues; I am the only man that has spoken on this matter.

Mr. GROSVENOR. I only used the word in reference to a question to be met hereafter.

Mr. MADDOX. I want to say to the gentleman, without giving him an opportunity to use up my time, that I stand ready now and have upon all propositions, as I always have in this House on all occasions, to vote upon any proposition, and I intend to do it now. Now, what have we got presented to us? In a few words I want to briefly state my position. The Chair has ruled, and we accept the ruling, that we have had two sessions.

But there was only a shadow of time, something which can be only imagined, that existed between those two sessions. We were all here or ought to have been in our seats when the adjournment took place and when the new session began. By my side, perhaps, sits a man from the Pacific coast, taking probably $2,500 of mileage, myself $270, and the gentleman from Maryland [Mr. DENNY] $16, and yet, without traveling or incurring any expenses, the gentleman from the Pacific coast will add to his salary $2,500 and the gentleman from Maryland $16 and myself $270, so that the effect of it is to add to our salaries a sum of money for doing absolutely nothing and with no consideration given therefor, besides operating as a gross discrimination against some of us.

Now, the question is, Is it expedient, is it honest, to do anything of that sort? We have been calling upon these various Departments for a statement of the expenditure of money for carriages and automobiles and things of that sort that were not provided for by law. I want to say to you, gentlemen of the committee, that if you expect to have any effect upon these Departments and upon the country toward correcting these evils you must first sweep before your own door; the spring must be clear if you expect the water to be clear below it—the fountain must be pure. We have the right as Representatives to vote this money, under the ruling of the Chair, into our pockets, if we see proper, but the question is, Are we equitably entitled to it? That is the question. I do not think so, and I shall vote against it.

Mr. GILLETT of Massachusetts. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

That from and after the passage of this act no Senator or Member of the House of Representatives shall be entitled to receive mileage for any session of Congress or of the Senate commenced within three days after the adjournment of any session for which he has received or is entitled to mileage.

Mr. GILLETT of Massachusetts. Mr. Chairman, that is not wholly original with me, for it represents the principle of a law that was passed in 1852, and which may be in force to-day, and I have no doubt that it will surprise this House to know that that was apparently originated to cure an abuse which arose in that center of economy and altruism, the United States Senate. At that time the Senate had obviously contracted the habit of taking mileage for the executive session which is always called at the beginning of every Presidential term, and so in 1851 a law was passed prohibiting any Senator from taking mileage for the session beginning March 4, 1853, and the sessions every four years thereafter. The next year—in 1852—Congress went a step further and made this principle apply to both House and Senate by a law which said:

The above act shall apply to all extra sessions of Congress or of the Senate convened within ten days after the adjournment of a regular session.

In other words, it provided that whenever one Congress comes within ten days of another the second Congress is not entitled to mileage. I fancy that Congressmen in those days were just as fond of mileage as we are; that they did not legislate from any unwillingness to take it, but that it was under the stress of public opinion that they refused to take mileage for one session when it came within ten days of another; and it seems to me the same public opinion holds to-day and that although, of course, we have a right to vote ourselves any amount of mileage, as we have the right to vote ourselves any amount of compensation, at the same time public opinion recognizes that when one Congress ends and another begins immediately there is no travel and there ought to be no mileage. It seems to me that the same law which they passed then offers a good example for us to follow to-day, and that we ought to adopt this amendment which I have offered, and thus settle the practice conclusively. If this fails, I shall vote for the motion of the gentleman from Alabama [Mr. UNDERWOOD], to strike out the appropriation; but that still leaves us with a technical legal claim on the Treasury which any subsequent appropriation bill may satisfy. This amendment of mine not only accomplishes more perfectly the object he aims at now, but it also settles the law and the right for the future.

I think myself we ought to go a step further. I think we ought to consolidate all these different methods we have of getting compensation. I would strike out all mileage and give every Member of the House $500 in lieu thereof. That would cost the Treasury about the same as now, and would make the division among the Members much more equal, although that would favor those who live near by as the present law favors those who live far off. I would strike out the stationery and give every Member $125, as at present. That makes $625. I would strike out clerk hire, for which we get $1,200, and strike out all the limitations about it by which we are not allowed to make our own contracts. That would make $1,825. Then I would give every man $675 more in lieu of office rent and repeal this law that we have passed to build a big office building. I think the interest on the money required to erect that building, and its running expenses, would amount to more than $675 per Member, and I think with that sum each Member could get accommodations more satisfactory to himself than the office building. This would give to each Member $2,500 in lieu of mileage and stationery and clerk hire and office rent, and allow him to expend it as he pleases. It would not cost the country, I believe, a dollar more than it is paying to-day, and it would not be giving us anything more except in the office rent, but I think it would make it a great deal more comfortable for us all. It would allow us to make any contracts we please about our clerks. Each man could pay as much and save as much as he pleased, and while benefiting us would not cost the country anything.

But, of course, that would not be permissible here, as it would be clearly subject on this bill to a point of order and ought to be passed on carefully by a committee.

But I think myself that all these perquisites, as they might be called, ought to be wiped out, and we ought to give ourselves the money to use as we please. I do not believe the people think that we are overpaid to-day, and, of course, it is only because we are afraid of public opinion that we do not raise our salaries. This proposition of mine would not raise our salaries in the sense of costing the Treasury more than we do to-day, but at the same time, by consolidating our different accounts, it would be to our advantage and convenience. I think that we ought not to take this extra mileage, whether it is technically compensation or not, because, although mileage has come to be a mere matter of phrase and is not used to pay for our traveling expenses, yet the people, the country at large, look upon it as compensation for going home and coming back, and if we take it now they will say that we are taking an allowance for thus going home and coming back, when, in fact, we had just a second in which to make the journey. Therefore, while we have unquestionably a legal right to it and this appropriation simply carries out existing law, I think we would be very unwise to take it.

The CHAIRMAN. The Chair desires to ask the gentleman from Massachusetts [Mr. GILLETT] whether he offered this amendment as a substitute for the text of the bill or as a substitute for the amendment of the gentleman from Ohio?

Mr. GILLETT of Massachusetts. As a substitute for the text of the bill.

Mr. BAKER. I should like to ask the Chair whether the law cited by the gentleman from Massachusetts is the present law or not? If it is the present law, must not the Chair rule that this section is out of order as new legislation?

The CHAIRMAN. It is not the law; the gentleman from Massachusetts did not so state.

Mr. BAKER. I asked the Chair that question because I understood the gentleman from Massachusetts to say he was in doubt.

The CHAIRMAN. It is not the law. The only law on the subject to-day is the act of 1866.

Mr. DE ARMOND. Mr. Chairman, the question of order having been disposed of, the real question involved in this proposition is now before the House. It is raised by the presence in the bill of these paragraphs providing for mileage, and by the motion of the gentleman from Alabama to strike them out. The question is now whether we ought to adopt that motion or ought to pass the bill with those paragraphs retained in it.

In my judgment, the motion to strike out ought to prevail. I do not believe that the Chairman is correct in his construction of the law in regarding mileage as a part of our compensation. I do not believe that the gentleman from Alabama [Mr. UNDERWOOD] is correct in his conclusion that there is no doubt about the correctness of the construction given to this statute by the Chairman of the Committee of the Whole. On the contrary, I believe the compensation is $5,000 per year; and, in addition to the compensation, mileage at a specified rate is allowed. Note the reading of the provision itself:

That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum; to be computed from the first day of the present Congress.

That language of the clause last quoted has reference, of course, to the particular Congress which passed the act, and has no meaning now, so that, eliminating that clause, and bringing the remainder of the words into closer connection, the provision is:

That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, and in addition thereto mileage—

At the specified rate.

The construction which gentlemen put upon those words "in addition thereto" makes them return to the "$5,000." That is the construction of the Chairman, and the construction which the gentleman from Alabama adopts. I do not take the same view. The words "in addition thereto" mean, I think, "in addition to the compensation." The compensation is $5,000, and in addition to the compensation mileage is given. I believe the language properly carries that meaning without construction, or, if construed, requires that construction as the only proper construction.

But if the "mileage" is "compensation," why should the Representative from California or the Delegate from Hawaii have greater compensation than the Representative in Congress from the city of Baltimore, who has but about 40 miles to travel?

I know the answer will come very readily, "Because the Delegate from Hawaii or the Representative from California has very much farther to travel than the Representative from Baltimore." Had he farther to travel to attend this session of Congress, calling this the second session?

If there is a division between these sessions, so that instead of this being a part of the session which began the 9th day of November we are in another session which began the first Monday in December, the session beginning the 9th of November ending at the same moment of time when the other session began—however that may be, and that has been determined by the ruling of the Chair, as affecting this matter—everybody knows that it was an absolute physical impossibility for any Member of Congress or any Delegate to go to his home and return therefrom in the filmy period of time, or supposed period of time, existing between the ending of the one session and the beginning of the other.

Then, if "mileage" be "compensation," the Representative in Congress from the city of Baltimore is equitably entitled to just as much of the mileage carried by this bill, and entitled to it by just as good a right, in fact, as the Representative in Congress from a district in California or the Delegate in Congress from Hawaii.

Are we really entitled to this mileage? Waiving the question whether we have the legal, naked, technical right to vote it to ourselves, are we entitled to it? The mileage, I believe, is intended as an allowance for the necessary travel from our homes to the place of the assembling of Congress and the return, at the conclusion of the session, from the place where Congress sits to our homes.

Now, inasmuch as we did not and could not make this trip, could not earn this mileage, could not equitably be entitled to this allowance for anything that could have transpired or did transpire between the time when the session called by the President ended, or might be supposed to have ended, and the time when the session provided for by the Constitution began, or might be supposed to have begun; inasmuch as that was an impossibility; inasmuch as nobody did any traveling or could do any traveling between those sessions in that infinitesimally minute portion of time—if any there was—between them (conceding to anybody else, of course, the same right of opinion which I assert for myself, and imputing to nobody any worse motives than those which actuate me, and claiming for myself no better ones than those which may influence the vote of any other gentleman), I believe that we ought not to vote this mileage to ourselves, but ought to vote against it and take it out of the bill.

In that belief I for one shall vote to strike it out; shall vote against its retention in the bill; shall vote against the passage of the bill if it be left in it; shall, if I can get recognition, if it remain in the bill, offer a motion to recommit the bill with instructions to the Committee on Appropriations to strike it out. I shall do this just simply in the exercise of my judgment and the performance of my duty as I see it, without any reflection upon anybody, and without assuming any superior knowledge or any superior virtue in the matter.

That is all I desire to say.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GROSVENOR].

Mr. BAKER. Do I understand the Chair to rule that the amendment offered by the gentleman from Ohio is in order?

The CHAIRMAN. The Chair held that it was.

Mr. BAKER. Then I will discuss that as well as the other.

The CHAIRMAN. The gentleman from New York.

Mr. BAKER. Mr. Chairman, whatever may be the legal aspects of this matter, it seems to me perfectly obvious that the Members of this House must decide this as a question of morality, as a question of equity. I can not agree with those who construe the language of the statute to mean that the $5,000 salary and the mileage taken together are compensation. There can, in my judgment, be no such construction. The $5,000 is the salary of everybody who is a Member of this House. The mileage is obviously to equalize the difference in the cost of reaching Washington. That being so, if it is impossible, as it is, waiving the question whether there was an infinitesimal space of time between the adjournment of the first session and the convening of the second, it is perfectly obvious that there could not have been any traveling on the part of the Members of Congress who were doing their duty.

If they were here attending to their duty as Members of Congress they could not have done any traveling between those two sessions, and obviously that being so no one can claim any right to mileage for the second session of Congress. To admit that they have a right as compensation is to say, as in the words of the gentleman from Missouri [Mr. DE ARMOND], that Members from California shall each get $1,250 more compensation than the law permits, while gentlemen from Maryland or New York shall get $16 or $100 more. Obviously there could be no such intent when the statute was made. The statute clearly was to equalize the disadvantage, to equalize as between Members of Congress the cost of reaching this body, and there can be no claim in equity for the payment of this mileage when there has been no possibility for anyone to return to his home and to come again on the convening of the second session, even if it is admitted to be a second session.

Mr. HITCHCOCK. Mr. Chairman——

Mr. HEMENWAY. Mr. Chairman, is not debate on this amendment exhausted?

The CHAIRMAN. If the point of order is made, the Chair will have to hold that debate is exhausted on this amendment. The question is on the amendment of the gentleman from Ohio.

Mr. HITCHCOCK. I move to strike out the last word of the amendment.

Mr. HEMENWAY. I suggest to the gentleman that that is an amendment to the amendment now pending, and is not in order.

Mr. HITCHCOCK. Mr. Chairman, have I the floor?

Mr. HEMENWAY. I do not desire to cut off debate, but I desire to go ahead with the business of the House. We have had this matter discussed fully two hours yesterday and two hours to-day.

The CHAIRMAN. The Chair is of opinion that the motion to strike out the last word of the substitute, as an amendment to the substitute offered by the gentleman from Massachusetts, is in order.

Mr. HEMENWAY. Well, Mr. Chairman, I ask unanimous consent that in twenty minutes all debate on this paragraph and amendment be closed.

Several MEMBERS. Five minutes.

Mr. HEMENWAY. Put it at ten minutes. I ask unanimous consent that in ten minutes debate on this paragraph and all amendments be closed.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that debate on the pending amendment and paragraph be closed in ten minutes.

Mr. HEMENWAY. All amendments.

The CHAIRMAN. That includes all of them. Is there objection? [After a pause.] The Chair hears none.

Mr. HITCHCOCK. Mr. Chairman, it seems to me that this is an important question, involving a principle, and it also seems to me that the amendment made by the gentleman from Ohio [Mr. GROSVENOR] tends to belittle that question and ignore that principle. This is a matter which should not be degraded to the question of whether individual Members shall take mileage money or not after it has been legalized. It is not a matter to be decided by the individual, but it seems to me that it is a matter which should be decided now by the collective conscience of Congress. As the gentleman from Missouri has said, if there is not any competent reason why this mileage should be voted, Congress should be fair enough and square enough and true enough to its conscience as a body to vote in favor of striking out this paragraph allowing mileage.

It is very true, as the gentleman from Ohio has stated, that no man is compelled to take this mileage money after it is once voted; but it is also true that one of the great evils of this country to-day is governmental extravagance, and this Congress should set an example to other Departments of the Government by refusing to vote to its Members compensation which none of them have earned and which none of them can be tempted to accept if this paragraph is stricken out.

I think, Mr. Chairman, that it is not fair, nor wise, nor in the public interest for Congress to vote a questionable compensation and invite each Member to decide for himself whether it is right. That would be under this amendment to allow a man to legislate for himself and decide for himself whether mileage should be allowed. This is an important question, not for the amount of money involved, but in the principle involved, and this Congress should not vote money for any purpose which is not justified by public service and by public needs.

I think, Mr. Chairman, that the gentleman from Ohio in offering this amendment is belittling the question which is really before the House, and, as I said, he places it in a light in which it should not be placed. I think the House of Representatives, now that this question has been raised, should set the example to all the Departments of this Government of refusing to vote public money not legitimately required for public purposes. There has been no traveling necessary for public purposes at this session; let there be no mileage allowed.

Now, Mr. Chairman, I am one of those who would receive or be authorized to receive a considerable amount of money if this mileage should be voted. The amount is larger, perhaps, than the average Member receives, but I believe that not I individually, but the House of Representatives as an authority, should say emphatically by its vote, "The public money shall not be used in these cases, and shall not be authorized in other cases, for any purpose when not legitimately required for public uses and public needs." [Applause.]

Mr. OLMSTED. Mr. Chairman, I offer an amendment which I think will settle all this trouble. [Laughter.]

The CHAIRMAN. The Chair desires to ask the gentleman from Pennsylvania whether his amendment is an amendment to the amendment offered by the gentleman from Ohio, or an amendment to the substitute?

Mr. OLMSTED. I offer it as an amendment to the amendment of the gentleman from Ohio.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding the following:

"*Provided*, That no part of this appropriation shall be paid to any Member of either branch of Congress who shall not certify that he did in point of fact go to and return from his home between the first and second sessions of the Fifty-eighth Congress."

[Laughter.]

Mr. McDERMOTT. I ask the gentleman to put in "and that he paid his fare going to and coming from." [Laughter.]

The CHAIRMAN. The amendment of the gentleman from New Jersey is not in order. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Massachusetts for the text of the paragraph as amended.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that that be reported again.

The CHAIRMAN. The Clerk will again report the substitute offered by the gentleman from Massachusetts.

The substitute was again reported.

Mr. DE ARMOND. Mr. Chairman, I would like to suggest to the gentleman from Massachusetts that he make that "adjournment or end." I suggest that amendment to the amendment, making it "adjournment or end."

Mr. GILLETT of Massachusetts. I will accept the suggestion offered by the gentleman of "adjournment or end."

Mr. GROSVENOR. That is a proposition that is clearly subject to a point of order.

The CHAIRMAN. The point of order was not made.

Mr. GROSVENOR. They are now proceeding to perfect the amendment, and when it is perfected I desire to make the point of order.

Mr. GILLETT of Massachusetts. It is too late, Mr. Chairman, for the point of order.

Mr. GROSVENOR. I make the point of order——

Mr. GILLETT of Massachusetts. Why, it is too late.

Mr. GROSVENOR. Why, they are just perfecting it and are making changes in it.

Mr. GILLETT of Massachusetts. After an amendment has been once offered and is in order, any amendment to perfect it is in order.

Mr. GROSVENOR. I do not know whether it is or not.

Mr. GILLETT of Massachusetts. I will submit it to the Chair.

Mr. GROSVENOR. Very well; I do not care.

The CHAIRMAN. The Chair desires to state that the gentleman from Massachusetts in order to modify the amendment will have to withdraw it and then offer it in the modified form.

Mr. GILLETT of Massachusetts. Well, I do not dare to do that, because I fear the point of order will be raised; therefore I would prefer to leave it as it is.

The CHAIRMAN. The gentleman can offer it as an amendment to be voted on.

Mr. GILLETT of Massachusetts. I offer as an amendment that the words "or end" be inserted after the word "adjournment."

The CHAIRMAN. The gentleman from Massachusetts proposes an amendment, which the Clerk will read.

The Clerk read as follows:

After the word "adjournment" insert the words "or end;" so as to read "adjournment or end."

Mr. SHOBER. I make the point of order on this substitute—the point of order being that it is a piece of legislation.

The CHAIRMAN. The point of order comes too late—it has been debated.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts [Mr. GILLETT].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Chair understands that the motion of the gentleman from Alabama is pending——

Mr. UNDERWOOD. Mr. Chairman, I submitted two motions. There are two paragraphs in the bill, one providing mileage for the House and one providing mileage for the Senate. I moved to strike out both paragraphs, and I ask unanimous consent be given that both may be voted on at once.

The CHAIRMAN. Without objection, the vote will be on the motion to strike out both paragraphs. Is there objection? [After a pause.] The Chair hears none. The question is now on the amendment offered by the gentleman from Alabama, to strike out both paragraphs.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MADDOX. Division, Mr. Chairman.

The CHAIRMAN. The Chair will order that this vote be taken by tellers, and the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Indiana [Mr. HEMENWAY] will act as tellers.

The question was again taken by tellers; and the tellers reported that there were—ayes 167, noes none.

So the amendment was agreed to. [Great applause on the Democratic side.]

The Clerk resumed, and completed the reading of the bill.

Mr. STEPHENS of Texas. Mr. Chairman, I now ask to return to the bottom of page 43 for the purpose of making the point of order that I raised yesterday. I will read the whole paragraph, a part of which I object to:

Removal of intruders, Five Civilized Tribes: For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, $15,000.

The objectionable part of this paragraph is the words "removal of intruders," in line 22, and "removing intruders and," in line 23. Now, for the purpose of eliminating these objectionable words, I offer an amendment which I understand will be satisfactory to the chairman of the committee. I move to amend the paragraph by striking out, in line 21, "removal of intruders;" and in line 23 the words "removing intruders and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 22, page 43, strike out the words "removal of intruders;" and in line 23 strike out the words "removing intruders and;" so that the paragraph as amended will read as follows, viz:

"Five Civilized Tribes: For the purpose of placing allottees in unrestricted possession of their allotments, $15,000."

Mr. STEPHENS of Texas. Mr. Chairman, I will withdraw the point of order if the amendment is to be adopted, as I understand it is satisfactory to the chairman of the Appropriations Committee.

Mr. HEMENWAY. There is no objection to the amendment.

The CHAIRMAN. The amendment will be considered as agreed to without objection.

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I ask leave to extend my remarks upon this question in the RECORD.

The CHAIRMAN. The gentleman from Texas asks leave to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, the object of my

amendment is to strike out the words "removal of intruders" from lines 22 and 23 on page 43 of the bill, for the reason that if these words are left in the bill the Indian inspectors—J. George Wright or Guy P. Cobb—or the Indian agent could use the power of the Government to remove any person residing on Indian lands that they might for any reason desire to remove. The bill as amended will only permit them to remove trespassers from lands already allotted to some individual Indian for the sole purpose of placing the allottee in possession of his land.

Mr. Chairman, this paragraph as amended is in exact accord with section 23 of the act of Congress approved July 1, 1902, which only authorizes "an Indian agent, upon the application of the allottee, to place him in possession of his allotment."

Mr. Chairman, I object to placing in the hands of these Indian inspectors the power to remove, at their discretion, any person that they might call an intruder from any land in the Indian Territory. This power, in my judgment, has been used and could and would again be used by these Government officers for private speculation, and the power thus given them would enable them to make money illegitimately out of their official positions.

Mr. Chairman, I am aware that I am making a strong charge of official corruption against public officials; but, sir, there is abundant proof to sustain my charges, and if this Congress would do its duty the Interior Department's conduct of affairs in the Indian Territory would be fully and fairly investigated by Congress and the guilty parties brought to justice.

I understand that Mr. Bonaparte and a Mr. Chalmers have been sent to the Indian Territory to investigate the charges of grafting and corruption coming from that unfortunate Territory; but no report has been furnished us from these gentlemen. I believe that the unfortunate condition in that Territory is largely due to the arbitrary, stupid, law-defying, and vacillating course pursued by the present Secretary of the Interior. Any man who is naturally an autocrat, with autocratic powers placed in his hands by Congress, is a dangerous man to intrust with the property rights of a vast and rich country like the Indian Territory.

Mr. Chairman, Mr. S. M. Brosius, an agent of the Indian Rights Association, went to the Indian Territory last August, and in his official character and after a full investigation made the following report to Mr. Garrett, the president of the Indian Rights Association. This letter was sent by Mr. Garrett to Secretary Hitchcock, and is as follows:

[Springfield (Mass.) Republican, August 18, 1903.]

KNAVERY IN INDIAN TERRITORY—DAWES COMMISSION ACCUSED OF MAKING MONEY BY DEFRAUDING THE INDIAN—THE WORST SCANDAL OF THE SORT.

PHILIP C. GARRETT, *President Indian Rights Association:*

A study of the conditions now existing among the Five Civilized Tribes in Indian Territory impresses one that there is need of a change of management in the interests of the Indians. The Territory has rapidly filled up by reason of privileges granted for location of town sites, and this still increasing population seeks to secure title to the land allotted the Indians under agreements with the Dawes Commission. It is difficult for the sojourner to realize that he is within a Territory belonging to the Indians, whose every interest should be guarded by the Government. The hope of the townsmen is to secure title to lands at the earliest possible moment, and, of course, with the vast majority, no thought is given the prior interest and future welfare of the Indian.

In consequence of this condition, the announcement by the Secretary of the Interior that all sales of lands by individual Creek Indians, secured through manipulation of trust company or land sharks, should be disapproved, and the lands offered for sale by advertisement for sealed bids, created a veritable panic among those who were to profit by the former plan. The injustice resulting from the system discarded by the Secretary was but a repetition of the experience of the Department in the sale of inherited Indian lands within all reservations. In the case of the Creeks, however, a more systematic monopoly seems to have existed, so that trust companies or their henchmen were the chief manipulators to profit thereby. The plan of the few companies and others securing lands from the Indian owner included a contract of the sale at the termination of the lease, without additional consideration.

The prices at which the lands were secured varied from 25 to 75 cents per acre, these lands in turn being sublet to the farmer at from $1 to $2.50 per acre, which shows the opportunity for immense profits covering the Creek reservation alone, which comprises over 3,000,000 acres. The main criticism of the Secretary's order calling for sealed bids came from this class of dealers, who have been inducing the owner to dispose of his land by paying a cash bonus that always seems so alluring to the Indian. The advances thus made are of course a total loss now that the sales are to be made over again.

The farmer who desires to improve a home for himself now feels that he may offer a fair remuneration for the lands to the Government and not be compelled to pay a commission to the trust company as a middleman in the deal, as under the former plan he would be compelled to do, since these companies secured a large share of the lands.

The system adopted by the Dawes Commission for the allotment of the lands of the Cherokees is criticised as being too technical and expensive for the Indians. Each Cherokee is entitled to an allotment of lands valued at $325. To secure this he is now compelled to appear at the office of the Dawes Commission in Tahlequah, which means traveling 150 miles from the distant portions of the reservation. The applicant may remain at Tahlequah awaiting his turn to file on his selection for a month or even longer. His scanty store of ready cash exhausted, he becomes discouraged, and perhaps from dire necessity returns home without having been able to file at all. The small patrimony from the tribe will soon become exhausted under these conditions and the Indian left practically no better off than before he secured title to his portion of lands.

Taking as a basis the number of daily filings on several days when business was evidently not active with the Commission, it is computed that the work of the Commission will not be completed for some thirty-odd years. These figures of the expert mathematician serve to show at least the need of greater activity in the work.

One of the flagrant wrongs to the Cherokees lies in the manner of dealing with excessive land holdings. Section 18 of the agreement with the Cherokees, ratified and approved August 7, 1902, provides that "it shall be unlawful after ninety days after the ratification of the act by the Cherokees for any member of the Cherokee tribe to inclose or hold possession of, in any manner, by himself or through another, directly or indirectly, more lands in value than that of 110 acres of average allotable lands of the Cherokee Nation, either for himself or his wife, or for each of his minor children, if members of said tribe; and any member of said tribe found in such possession of lands or having the same in any manner inclosed, after the expiration of ninety days after the date of the ratification of this act shall be deemed guilty of a misdemeanor."

Immense fortunes have been made in the past by citizen Cherokees through taking advantage of the opportunities to inclose large tracts of tribal lands, both for purposes of cropping and herding of cattle. The section quoted refers to this class of excessive holders, which by the act are subject to fine and imprisonment after November 7, 1902, section 19 of the act providing that each day upon which the misdemeanor continues shall be deemed a separate offense.

Divers schemes are resorted to by the excessive holder to evade the law, with more or less success; and it is claimed that even now, although eight months after excessive holding has been declared unlawful, large tracts are held for profit by this class of persons.

The law did not contemplate that the excessive holder should be paid for the improvements on the land after ninety days from the ratification of the act, since he had many times over been reimbursed by way of large profits for the use of the same. By delay or lax methods opportunities have been given these excessive holders to make sale of the improvements, and it is stated that the Dawes Commission will not even now permit filings to be made on the excessive holdings unless by arrangement with the holder thereof. The larger number of the Cherokees are not able to pay the prices asked for improvements that, under the law, should be free for them to file upon without pay. It seems apparent that the right of the excessive holders should have been determined at the earliest possible moment, so that opportunity would have been given all members of the tribe to file on this class of lands, which as a rule are the better quality. To be sure, contest may be instituted by any member against the excessive holder, but these afford scanty relief for the poverty-stricken Indian, ignorant of business methods.

Mention has been made of the interest of the trust companies in dealing in Indian lands. These companies have been organized by the score and cover every field of the Five Tribes open for investment. They are the chief manipulators in Indian lands, either in leasing, subleasing, and (before the recent ruling of the Secretary of the Interior) purchasing of Creek lands. These trust and development companies are the available avenue for the influential excessive holder to retain the use of his lands in evasion of the law. The companies employ men well equipped for field work. These (often in collusion with excessive holders) buy out the latter's rights, and usually bring to the land office of the Dawes Commission ignorant members of the tribes and see that they make proper filing thereon. A lease covering five years for agricultural purposes is executed at the time in favor of the company or to the middleman who operates in their interests.

The Indian who thus files on his allotment usually pays for the improvements by turning over the rents and profits on the land to the trust company, so that during the term of the lease the allottee receives but little or no benefit from the lands, while the excessive holder has in turn retained possession for another five years. Others well versed in the mode of securing Indians for the purpose of filing bring them in from remote districts and turn them over to the companies for the best figure obtainable, according to the demand and the shrewdness of the manipulators. On one occasion during my stay in the Territory I was informed that one of these rustlers had brought in thirty Choctaws and Chickasaws, another one twenty-six, and yet a third a less number, to be sold to the Tribal Trust Company at from $20 to $30 per head. The Indian who hesitates to take advantage of the offer is tempted into acquiescence by proffer of sufficient cash in hand to close the deal, and thus transfers all rights to his home for the time the lease is to run; and if the trade included his better lands he will likely become a vagabond among his people, as the tribal relations are now broken up and the surplus tribal lands will no doubt soon be disposed of.

Practically the same tactics are employed by the oil and gas companies in securing leases of oil lands, and the air is rife with scandal in connection therewith. There is this difference, however, the oil lands cover but a limited portion of the reservations.

In the Bartlesville district there is a scramble for oil lands by the principal operating companies, which often results in gross injustice to the Indians. In a case recently reported to the Indian Office by the writer protest was made against the approval of a lease covering the homestead rights of a mother and two minor children. The Indian mother, being ignorant of values, was induced to give up the lands that had been in possession of the family for many years upon being paid $300 each for the three tracts, while the person securing the same received $20,000 from the oil company for his share of the profits. From the fact that the Indian mother was not empowered to act for the minor children in disposing of the real estate it is believed that the transaction will be declared void.

Frequent complaint has been made that the law has been violated in relation to excessive holdings of land. It is claimed that Indians going to the land office would be told that if they would lease their lands to certain persons they would be given choice lands from excessive holdings, or be allowed to file on lands set apart under the twenty-fifth section of the Curtis Act, approved June 28, 1898, and the twenty-third section of the Cherokee agreement, for the benefit of the Delawares. The two acts provided for the segregation of the lands within the Cherokee Nation for the benefit of the Delawares. The Dawes Commission on January 1, 1903, segregated the lands as provided for by law, but after this permitted about two hundred filings to be made thereon by Cherokees, and doubtless would have continued such privileges had not the Delawares brought injunction proceedings and obtained a temporary restraining order against the Secretary of the Interior and the Dawes Commission.

At a later date the Commission seems to have ignored the action previously taken, and recommended to the Secretary of the Interior that steps be "taken to guard against the possibility of the Supreme Court rendering a judgment adopting such schedule as to definite and specific tracts of land to which the Delawares are entitled under their claim," etc. The unusual interest manifested by the Commission in this matter is worthy of consideration, as it is alleged to favor interested parties in securing leases. The lands segregated by the Delawares have proved to be most valuable oil tracts, and it is known that leases are now pending before the Department, executed by Cherokees who have been allowed to file on these identical lands. The ignorant Indian without means—and this class embraces perhaps one-third of the population of the Five Tribes—is practically at the mercy of the trust companies and other dealers in land, since they have no means of traveling long distances, where that is necessary, and providing for their expenses during the long delays at the land office before shown.

The interest of the trust companies being antagonistic to those of the Indians in many ways, it will be interesting to know of their organization, their promoters, and the scope of their powers as authorized by charter. The articles of agreement and incorporation of the Tribal Development Company, of Tishomingo, Ind. T., show that it was organized March 25, 1903, with a capital stock of $100,000 and $12,000 actually paid in. Guy P. Cobb, who held the position of internal-revenue inspector for the Indian Territory, is the largest stockholder. P. L. Soper is also a large stockholder and vice-president of the company. Mr. Soper is a United States district attorney for the northern district, Indian Territory, whose duty under the law is to prosecute persons having excessive holdings of lands, and to defend the Indians in all suits of law and equity involving title to their lands. P. S. Mosely, governor of the Chickasaw Nation, is also a stockholder. The general nature of the business of the tribal development is to "purchase, own, sell, encumber, lease, sublease, and exchange real estate, and to act as agent and certify abstract of title," etc.

The Muskogee Title and Trust Company was organized February 24, 1903, and is authorized to transact a general banking business, and in addition may "buy, sell, and lease lands and buy and sell stocks and bonds of other corporations," etc. Tams Bixby, chairman of the Dawes Commission, is a stockholder and vice-president of the concern. J. George Wright, Indian inspector in charge of the Indian Territory, is one of the directors of the company.

The Canadian Valley Trust Company, of Muskogee, Ind. T., was organized February 25, 1903, and is authorized by its charter to "buy, rent, sell, lease, and mortgage real estate" and conduct a general banking business. Tams Bixby is a stockholder and president of this trust company. G. W. Hopkins, chief law clerk for the Dawes Commission, resigned that post, it is stated, to accept an important position with this company, as did also P. G. Reuter, clerk in charge of the land office under the Commission.

International Banking Trust Company, organized February 4, 1903, with its main office at Vinita, Ind. T., has the same general powers to "buy, sell, and mortgage real estate and personal property." Thomas B. Needles, a member of the Dawes Commission, is vice-president and director of this company. Charles A. Davidson, clerk of the United States court, Vinita, Ind. T., is also a director. James H. Hucklebery, assistant United States attorney, northern district, Indian Territory, is stated to be attorney for this trust company, and James H. Hucklebery, jr., is given as one of the stockholders in a prospectus issued by the same company. C. R. Breckenridge, a member of the Dawes Commission, is also credited as being interested as a stockholder, either directly or indirectly, in Eufaula Trust Company, Eufaula, Ind. T. Tams Bixby is understood to have been owner of real estate in various sections of the Indian Territory—Fort Gibson, Tahlequah, Tishomingo, and Sulphur Springs among the others.

P. L. Soper, United States district attorney, in addition to being a stockholder in the Tribal Development Company, as already shown, is stated to be a stockholder in and attorney for the Cherokee Oil and Gas Company, which is operating in the Indian Territory, with original charter rights granted in Arkansas. He is also stated to be a general counsel for the St. Louis and San Francisco Railroad Company for the Indian Territory, whose interests frequently conflict with those of the Indians. The following from the Weekly Examiner, of Bartlesville, Ind. T., issue of July 11, 1903, shows that Mr. Soper is interested in still another company dealing in Indian lands:

"The oil company with which it seems District Attorney Soper is identified is the Indian Territory Development Company, a corporation which has secured a big block of a most promising oil territory in the Bartlesville field and which holds extremely valuable coal and zinc lands in the Cherokee Nation."

There are rumors afloat to the effect that Federal officers in the Indian Territory are financially interested in other transactions that would seem to preclude them from retaining their positions under the Indian Department.

With the information in possession of the various officers of the Government employed in the Indian Territory it is clear that they possess a great advantage over others in pressing any business with which they may have an interest, either through a trust company or otherwise. The prestige they have with the Indian and others, by reason of their official relations, is very important. The same caution should govern the management of the affairs of the Five Civilized Tribes as in private business transactions.

Very respectfully,

S. M. BROSIUS,
Agent Indian Rights Association.

Mr. Chairman, the above report shows that Mr. J. George Wright and Mr. Cobb and three members of the Dawes Commission and other United States officials have been members of tribal development companies, not so much, I imagine, to develop the Indians as to develop and enlarge their own pocketbooks by dealing in Indian lands and improvements. For the purpose of showing the objects and purposes of these development companies I will read a letter signed by Guy P. Cobb, and sent to Mrs. Emma Black, at Marrietta, Ind. T. It is as follows:

TRIBAL DEVELOPMENT COMPANY (INCORPORATED).

CAPITAL, $100,000.

INDIAN TERRITORY INVESTMENTS.

[P. S. Moseley, president; P. L. Soper, vice-president; Guy P. Cobb, treasurer and general manager; G. W. Burris, secretary; G. W. Burris, Guy P. Cobb, B. H. Colbert, W. C. Gunn, R. M. Harris, Jesse L. Jordan, P. S. Moseley, W. C. Perry, Kirby Purdom, P. L. Soper, S. L. Williams, directors.]

TISHOMINGO, IND. T., *April 9, 1903.*

MRS. EMMA BLACK, *Marietta, Ind. T.*

DEAR MADAM: We have entered into contracts with a large number of Indian citizens who have been unable to secure suitable lands upon which to make the selection of their allotments, and desire to secure a large quantity of land for their use. Part of these citizens desire to select pasture lands and part are desirous of securing farm lands. We are prepared to make or consider propositions to secure such land by buying outright the improvements thereon, together with the right of occupancy and improvements, by allowing the present owner the use and benefit of such lands for a limited period, or we will contract to act as agent, making contracts between the owner of the improvements and the Indian selecting the land.

If you are in position where we can be of service to you, we will be pleased to enter into negotiations. If you are not, we would esteem it a favor to be placed in correspondence with any person in your vicinity who is unable to hold the land they now occupy or desire to dispose of the same for any other reason.

If you make us a proposition, give location and description of land and improvements, together with terms, so that we may act without delay.

Very respectfully,

TRIBAL DEVELOPMENT CO.,
Per GUY P. COBB,
Treasurer and General Manager.

Now, Mr. Chairman, I hope that this letter and Mr. Brosius's report makes it clear that Mr. Cobb and Mr. Wright are not proper men to spend $15,000 of Government funds for the purpose of enabling them to dispossess anyone of Indian lands, and this amendment offered by me will deprive these gentlemen of a chance to use Government funds for the purpose of making money for their Tribal Development Company.

Mr. HEMENWAY. Now, Mr. Chairman, I ask unanimous consent to return to page 3, line 6.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to page 3, line 6. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY. Now, Mr. Chairman, I move to strike out in line 6 the words "five hundred;" so that it will read "$2,000 per annum."

The Clerk read as follows:

In line 6, page 3, strike out the words "five hundred;" so that it will read "at the rate of $2,000 per annum."

Mr. HEMENWAY. I will say that in the diplomatic bill the salary is fixed at $2,000, and we desire to fix the same salary in this bill.

The amendment was considered and agreed to.

Mr. HEMENWAY. Now, in lines 8 and 9, in lieu of the sum now inserted there, I move to insert the sum of "$6,301.29."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 8 and 9, correct the total so that it will read "$6,301.29."

The amendment was agreed to.

Mr. HEMENWAY. Now, Mr. Chairman, I move that the committee do rise and report the bill and amendments to the House with the recommendation that the bill as amended do pass.

The motion was agreed to; and accordingly the committee rose, and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10954, the urgent deficiency appropriation bill, and had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendments? If not, they will be considered in gross.

The amendments were considered and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

STATUE OF JAMES MARQUETTE.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent for the present consideration of concurrent resolution No. 38.

The Clerk read as follows:

Concurrent resolution No. 38.

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be given to the people of Wisconsin for the statue of James Marquette, the renowned missionary and explorer.

Resolved, That the statue be accepted, to remain in the national Statuary Hall, in the Capitol of the nation, and that a copy of these resolutions, signed by the presiding officers of the House of Representatives and Senate, be forwarded to his excellency the governor of the State of Wisconsin.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LIVINGSTON. Mr. Speaker, I would like to ask the gentleman from Wisconsin if this is the usual course?

Mr. OTJEN. This is the usual form of the resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was considered and agreed to.

On motion of Mr. OTJEN, a motion to reconsider the last vote was laid on the table.

HISTORY OF CONSTRUCTION OF UNITED STATES CAPITOL BUILDING.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent to submit, as a report from commission to acquire site for and direct and supervise construction of the office building for the House of Representatives, documentary history of the construction and development of the United States Capitol building and grounds. And I ask that the same be printed, together with accompanying illustrations, and laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none, and it is so ordered.

SIOUX TRIBE OF INDIANS, SOUTH DAKOTA.

Mr. BURKE. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from South Dakota demands the regular order, which is the consideration of the bill (H. R. 10418) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect.

The Clerk read the bill, as follows:

A bill to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect.

Whereas James McLaughlin, United States Indian inspector, did on the 14th day of September, A. D. 1901, make and conclude an agreement with the male adult Indians of the Rosebud Reservation, in the State of South Dakota, which said agreement is in words and figures as follows:

This agreement made and entered into on the 14th day of September, 1901, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Sioux tribe of Indians belonging on the Rosebud Reservation, in the State of South Dakota, witnesseth:

ARTICLE I. The said Indians belonging to the Rosebud Reservation, S. Dak., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Rosebud Indian Reservation now remaining unallotted, situated within the boundaries of Gregory County, S. Dak., described more particularly as follows: Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel of latitude to its intersection with the tenth guide meridian; thence north along said guide meridian to its intersection with the township line between townships 100 and 101 north; thence east along said township line to the point of beginning, the unallotted land hereby ceded approximating 416,000 acres, lying and being within the boundaries of Gregory County, S. Dak., as said county is at present defined and organized.

ART. II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement the United States stipulates and agrees to expend for and pay to said Indians, in the manner hereinafter provided, the sum of $1,040,000.

ART. III. It is agreed that of the amount to be expended for and paid to said Indians, as stipulated in Article II of this agreement, the sum of $250,000 shall be expended in the purchase of stock cattle of native range or graded Texas 2-year-old heifers and graded Durham or Hereford 2-year-old bulls for issue to said Indians, to be distributed as equally as possible among men, women, and children as soon as practicable after the ratification of this agreement, and that the sum of $790,000 shall be paid to said Indians per capita in cash in five annual installments of $158,000 each, the first of which cash payments shall be made within four months after the ratification of this agreement.

ART. IV. It is further agreed that all persons of the Rosebud Indian Reservation, S. Dak., who have been allotted lands and who are now recognized as members of the tribe belonging on said reservation, including mixed-bloods, whether their white blood comes from the paternal or maternal side, and the children born to them, shall enjoy the undisturbed and peaceable possession of their allotted lands, and shall be entitled to all the rights and privileges of the tribe enjoyed by full-blood Indians upon the reservation; and that white men heretofore lawfully intermarried into the tribe and now living with their families upon said reservation shall have the right of residence thereon, not inconsistent with existing statutes.

ART. V. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Rosebud Reservation, S. Dak., of any benefits to which they are entitled under existing treaties or agreements, not inconsistent with the provisions of this agreement.

ART. VI. This agreement shall take effect and be in force when signed by United States Indian Inspector James McLaughlin and by three-fourths of the male adult Indians parties hereto and when accepted and ratified by the Congress of the United States.

In witness whereof the said James McLaughlin, United States Indian inspector, on the part of the United States, and the male adult Indians belonging on the Rosebud Reservation, S. Dak., have hereunto set their hands and seals at Rosebud Indian Agency, S. Dak., this 14th day of September, A. D. 1901.

JAMES MCLAUGHLIN,
United States Indian Inspector.

No.	Name.	Mark.	Age.
1	He Dog	x	65
2	High Hawk	x	50
3	Black Bird	x	62
	(and 1,028 more Indian signatures.)		

We, the undersigned, hereby certify that the foregoing agreement was fully explained by us in open council to the Indians of the Rosebud Agency, S. Dak.; that it was fully understood by them before signing, and that the foregoing signatures, though names are similar in some cases, represent different individuals in each instance, as indicated by their respective ages.

WILLIAM BORDEAUX, *Official Interpreter.*
WM. F. SCHMIDT, *Special Interpreter.*

ROSEBUD AGENCY, S. DAK., *October 4, 1901.*

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, United States Indian inspector, and the 1,031 Indians of the Rosebud Agency, S. Dak., to the foregoing agreement.

FRANK MULLEN,
Agency Clerk.
C. H. BENNETT,
Farmer, Cut Meat District.
JOHN SULLIVAN,
Farmer, Black Pipe District.
FRANK ROBINSON,
Farmer, Little White River District.
FRANK SYPAL,
Farmer, Butte Creek District.
ISAAC BETTELYOUN,
Farmer, Big White River District.
JAMES A. MCCORKLE,
Farmer, Ponca District.
LOUIS BORDEAUX,
Ex-Farmer, Agency District.

ROSEBUD AGENCY, S. DAK., *October 4, 1901.*

I certify that the total number of male adult Indians over 18 years of age belonging on the Rosebud Reservation, S. Dak., is 1,359, of whom 1,031 have signed the foregoing agreement, being 12 more than three-fourths of the male adult Indians of the Rosebud Reservation, S. Dak.

CHAS. E. MCCHESNEY,
United States Indian Agent.

ROSEBUD AGENCY, S. DAK., *October 4, 1901.*

Therefore,

Be it enacted, etc., That the said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended and modified, as follows:

"ARTICLE I. The said Indians belonging on the Rosebud Reservation, S. Dak., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Rosebud Indian Reservation now remaining unallotted, situated within the boundaries of Gregory County, S. Dak., described more particularly as follows: Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel of latitude to its intersection with the tenth guide meridian; thence north along said guide meridian to its intersection with the township line between townships 100 and 101 north; thence east along said township line to the point of beginning, the unallotted land hereby ceded approximating 416,000 acres, lying and being within the boundaries of Gregory County, S. Dak., as said county is at present defined and organized.

"ART. II. In consideration of the land ceded, relinquished, and conveyed by article 1 of this agreement, the United States stipulates and agrees to dispose of the same to settlers under the provision of the homestead and town-site laws, except sections 16 and 36, or an equivalent of two sections in each township, and to pay to said Indians the proceeds derived from the sale of said lands; and also the United States stipulates and agrees to pay for sections 16 and 36, or an equivalent of two sections in each township, $2.50 per acre.

"ART. III. It is agreed that of the amount to be derived from the sale of said lands to be paid to said Indians, as stipulated in article 2 of this agreement, the sum of $250,000 shall be expended in the purchase of stock cattle, of native range or graded Texas 2-year-old heifers and graded Durham or Hereford 2-year-old bulls, for issue to said Indians, to be distributed as equally as possible among men, women, and children, but not more than one-half of the money received in any one year shall be expended as aforesaid, and the other half shall be paid to said Indians per capita in cash, and an accounting, settlement, and payment shall be made in the month of October in each year until the lands are fully paid for and the funds distributed in accordance with this agreement: *Provided, however*, That not more than $500,000 shall be expended or paid within two years after the ratification of this agreement, and not to exceed $150,000 in each of the following years until the expiration of five years.

"ART. IV. It is further agreed that all persons of the Rosebud Indian Reservation, S. Dak., who have been allotted lands and who are now recognized as members of the tribe belonging on said reservation, including mixed-bloods, whether their white blood comes from the paternal or maternal side, and the children born to them, shall enjoy the undisturbed and peaceable possession of their allotted lands, and shall be entitled to all the rights and privileges of the tribe enjoyed by full-blooded Indians upon the reservation; and that white men heretofore lawfully intermarried into the tribe and now living with their families upon said reservation shall have the right of residence thereon, not inconsistent with existing statutes.

"ART. V. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Rosebud Reservation, S. Dak., of any benefits to which they are entitled under existing treaties or agreements, not inconsistent with the provisions of this agreement."

SEC. 2. That the lands ceded to the United States under said agreement, excepting such tracts as may be reserved by the President, not exceeding 398.67 acres in all, for subissue station, Indian day school, one Catholic mission, and two Congregational missions, shall be disposed of under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *And provided further*, That the price of said lands shall be as follows: Upon all land entered or filed upon within six months after the same shall be opened for settlement and entry, $3 per acre, to be paid as follows: One dollar per acre when entry is made; 50 cents per acre within two years after entry; 50 cents per acre within three years after entry; 50 cents per acre within four years after entry, and 50 cents per acre within six months after the expiration of five years after entry. After the expiration of six months after the same shall be opened for settlement and entry the price shall be $2.50 per acre, to be paid as follows: Seventy-five cents when entry is made; 50 cents per acre within two years after entry; 50 cents per acre within three years after entry; 50 cents per acre within four years after entry, and 25 cents per acre within six months after the expiration of five years after entry: *Provided*, That in case any entryman fails to make such payment, or any of them, within the time stated all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and held for cancellation: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry, as now provided by law, where the price of the land is $1.25 per acre: *And provided further*, That all lands herein ceded and opened to settlement under this act, remaining undisposed of at the expiration of four years from the taking effect of this act, shall be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior.

SEC. 3. That the proceeds received from the sale of said lands in conformity with this act shall be paid into the Treasury of the United States, and paid to the Rosebud Indians or expended on their account only as provided in article 3 of said agreement as herein amended.

SEC. 4. That sections 16 and 36 of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose; and in case any of said sections, or parts thereof, of the land in said county of Gregory are lost to said State of South Dakota by reason of allotments thereof to any Indian or Indians, now holding the same, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, in the tract herein ceded, to locate other lands not occupied, which shall be paid for by the United States as herein provided in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

SEC. 5. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $90,000, or so much thereof as may be

necessary, to pay for the lands granted to the State of South Dakota, as provided in section 4 of this act.

SEC. 6. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided.

During the reading of the bill Mr. FINLEY rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. FINLEY. I believe that we are reading the bill. Is the bill open for amendment?

The SPEAKER. Not while it is being read. It will be open for amendment when the reading is concluded.

The Clerk concluded the reading of the bill.

Mr. BURKE. Mr. Speaker, this bill provides for the opening to settlement of 416,000 acres of land, now a portion of the Rosebud Reservation, in South Dakota, being that portion of the reservation in Gregory County. In 1901 a treaty was entered into with the Rosebud Indians on the part of the United States, by which the Indians agreed to sell to the Government this land for $2.50 per acre. That treaty was transmitted to Congress, and because of the fact that it provided that the Government should pay for the lands outright and then take the chance of the Treasury being reimbursed by disposing of the lands to settlers, it never got further than through the Committee on Indian Affairs, which unanimously reported it favorably. It was never given consideration in the House.

Toward the concluding days of the last session of Congress a new bill was prepared, substantially as this bill now provides, and that bill provided that the lands should be ceded by the Indians to the Government, disposed of to settlers under the provisions of the homestead law, the price to be fixed at $2.50 an acre, as was provided in the original treaty. That bill did not receive consideration in the last Congress because of lack of time, but during the summer that bill was submitted to this tribe of Indians for their acceptance, and forty-eight more than a majority consented to accept the terms of that bill. This bill is substantially the same as the bill which I have just referred to, except that the committee, in view of a suggestion made by the Commissioner of Indian Affairs, in which he said he had no objection to the passage of this bill provided the Indians were insured of as much money as they would have received under the treaty, instead of fixing the price at $2.75, which was provided in the bill submitted to the Indians during the summer, fixed the price at $3 per acre for all lands taken within the first six months and $2.50 for all lands taken thereafter.

It was thought by the committee that this would certainly insure to the Indians as much money as they would have received under the original treaty, and, in my judgment, it insures their receiving considerably more. There is no opposition to the passage of this measure, so far as I know. The Indian Bureau and the Secretary of the Interior have both approved it, providing we fix a price, as we have done, that will insure the Indians as much money as they would have received under the original treaty. The Committee on Indian Affairs has considered it fully and at length and has spent several meetings of the full committee considering it. The report of the committee is unanimous. I do not care to occupy the attention of the House in making any extended remarks on the bill, and unless some gentleman desires to ask some questions I will reserve the balance of my time.

Mr. FINLEY. Mr. Speaker, I observe that in section 4, reserving school lands, it is provided that the Government pay for those lands. Is that the usual appropriation that is put in all bills of this character?

Mr. BURKE. I am glad the gentleman has asked me that question. I would state that under the enabling act under which the State of South Dakota was admitted to the Union it was provided that sections 16 and 36 in said State should be reserved for the use of the common schools of that State, and it further provided that as to the lands within an Indian reservation the provisions of that grant would not become operative until the reservation was extinguished and the land restored to the public domain. That enabling act was passed by Congress on the 22d day of February, 1889. In March of that same year Congress ratified a treaty with the Sioux Indians in South Dakota for the cession of something like ten or eleven millions of acres of land, and made an express appropriation, in accordance with the provisions of the enabling act, to pay outright out of the Treasury the money for sections 16 and 36 of that land at the price stipulated for in the treaty.

Mr. FINLEY. Then, as I understand the gentleman, he bases the wisdom or equity for this provision upon the enabling act admitting South Dakota into the Union?

Mr. BURKE. Yes.

Mr. FINLEY. And not otherwise?

Mr. BURKE. No.

Mr. FINLEY. What is the number of acres of land that have been granted by the National Government to the State of South Dakota for school purposes heretofore?

Mr. BURKE. Sections 16 and 36.

Mr. FINLEY. About how many acres does it amount to?

Mr. BURKE. I could not state.

Mr. FINLEY. The State is quite rich in school lands, is it not?

Mr. BURKE. Yes.

Mr. FINLEY. About what amount of money will be required from the Treasury of the United States to pay for the school lands provided for here in section 4?

Mr. BURKE. Not to exceed about $70,000—I think $72,000 or $73,000. I am going to ask to amend the bill by striking out "$90,000" and inserting "$75,000." The actual amount, I think, will be about $72,000, as nearly as I can calculate.

Mr. Speaker, I reserve the balance of my time and yield ten minutes to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Oh, make it fifteen.

Mr. BURKE. I hope the gentleman will be satisfied with ten minutes. We want to get through the bill as quickly as possible.

Mr. BAKER. Mr. Speaker, I recognize that it will make little difference when the vote on this bill is taken whether I speak for five or fifteen minutes. Yet, Mr. Speaker, because this bill involves what seems to me a violation of the principle which should obtain with reference to the ownership of land, because it violates the principle which, in my judgment, should obtain in opening public land for settlement, I desire to enter my protest against the bill on those grounds.

I regret very much, Mr. Speaker, that I did not know until a few moments ago that this bill was to be discussed to-day. I should very much have liked a short time, if but an hour, to send for some data to bring to the attention of the House, so as to amplify the few remarks I shall now have to make spontaneously.

Mr. Speaker, what is it that this bill proposes to do? From the standpoint from which I shall discuss the bill we can eliminate the Indians from the discussion. I am not going to raise the question here now as to what the Indians should or should not receive. That is not the point; the point is what is to become of that land when it comes into the possession of the United States and the ownership becomes vested in the people as a whole.

The bill, as its author has just stated, simply carries out a policy which has obtained in the past. Is that not so?

Mr. BURKE. Yes, sir.

Mr. BAKER. Now, Mr. Speaker, that policy to my mind is a fatally defective policy—a policy which in a large measure is responsible for the economic conditions that exist in the United States to-day. I know that my friends on the other side will say that the economic conditions in this country were never more prosperous than they are now. Let us concede for the sake of argument that is so; that they are more prosperous than they ever were; yet that does not alter my judgment that they would have been infinitely more prosperous than they are, infinitely more prosperous than they have ever been, but for the fact that the United States have followed this fatally defective policy and have permitted the alienation of its public lands. They have permitted individuals to purchase the land, and no matter how low the price at which they bought the title the increased value which comes as the result of generations of development, generations of energy applied by the people as a result of the influx of an enormous population—aside from the natural growth—whatever the cause of the increase of value, goes into the private pocket of the individual who was fortunate enough, you say shrewd enough, quick-witted enough, or anything else you may choose to call it, to get there a little ahead of somebody else and (by original entry in many cases) obtained it for nothing or for a mere song, a price that may have been the real value at the time of the purchase, but which represents a ridiculously small proportion of the value which has subsequently attached to that land as a result of population coming there.

Now, in what particular does this policy violate what should in my judgment be the policy of the United States? It violates it in this way: It says to the individual who is shrewd enough to go there and arrives a day, a month, or a year ahead of somebody else—I care not what the period of time may be—he shall have the exclusive "ownership" of that land; he shall enjoy all the value which subsequently attaches, no matter what causes that increase of value.

In other words, you are by this and similar bills perpetuating—you are offering a premium to engage in land speculation in the United States, and land speculation is the curse of this country, as it has been the curse of every civilized country in the world.

The evil results which have followed the existing systems of entry and purchase of public lands are clearly illustrated in an article by J. L. McCreery, of this city, entitled "Our system of distributing the public lands."

In illustrating some of the fraudulent methods employed, which no doubt in the main are due to the fact that the present system offers great premiums in the shape of whatever increment of value may subsequently attach to land by reason of increase of population, etc., he says:

Let us suppose (to invent a name) that the New York and Nebraska Land and Cattle Company start in business in the far West. It has in its employ 100 "cowboys." The fertile valley of a stream is selected for its operations. At the instance of the manager of the company each of the cowboys files a preemption declaratory statement for a quarter-section (160 acres) of land. The land is selected in such a form as to cover as much space as possible up and down the stream. One man's four 40-acre in a "string" can often be made to cover a mile of the water course; sometimes not more than three-fourths of a mile. A hundred entrymen can thus take in 75 miles of the stream—the richest part of the valley.

The preemption law requires that a person purchasing land thereunder must prove that he has inhabited and improved such land. It does not say how long he must have done so. The General Land Office has supplied this omission and carried into effect what it conceives to be the spirit and purpose of the law by establishing a rule that such residence and improvement must have continued for at least six months, in order to afford a presumption that the settler is acting in good faith. So a few days after the expiration of six months from the date of the entry the cowboys, in "squads," appear at the local land office and "prove up." It is not necessary to have erected a dwelling house upon and improved the land if the entryman and his two witnesses have sufficiently elastic consciences. A has for witnesses B and C; B has for witnesses A and C; C has for witnesses A and B. The land is paid for in cash, which the company furnishes. The cowboys step over to the nearest lawyer's office, or more likely the company has its own lawyer, and deed every acre of land to the company.

Having exhausted their right under the preemption law, they forthwith proceed to enter as much more land under the homestead law. At the end of six months they pay (with money furnished by the company) for the land under the commutation provision of the homestead law, and at once transfer it to the company.

But the end is not yet. True, the preemption act and the homestead act each provides that no person shall have the benefit thereof more than once. But at this stage of the proceedings the cowboy that last year made preemption and homestead entry of certain land under the name of John Brown now makes entry of another quarter under the name of Nicholas Yost; Frank Smith becomes Theophilus Baxter; Henry Jones becomes Philip Lingenfelter; and seven months later the syndicate obtains possession of 30,000 acres more of the best land in the State.

And by and by the immigration of honest settlers begins. They push into this region only to find that all the land worth having up and down that water course for a hundred miles has passed into the hands of this land syndicate. There is, at a moderate estimate, a space of 10 miles on each side of this stream and whatever tributaries run into it—20 miles in width by a hundred miles in length, covering an area of 2,000 square miles—in which no bona fide settler can find a foot of water front.

Why do men engage in these gigantic land frauds? Is it conceivable that they would do this, that such practices would be engaged in, if the leasing system obtained, if they knew that no matter what the increase in the value of the land its annual rental would increase in like proportion? Certainly not! They do this, they are willing to blacken their own souls because of the great prizes offered them, for the possibility of a large increase in the value of the land, which at some time in the future they will be able to squeeze out of the genuine settler, the man who is really looking for a quarter section of land upon which to build a home and rear a family. Periodical appraisements at brief intervals would destroy this form of land speculation and all the fraud which attaches to it.

The methods which Mr. McCreery cites are no doubt largely responsible for the existence of enormous land holdings by companies and individuals. Every schoolboy knows the enormous increasing power of accumulated capital. As these large estates increase in size and number, the greater will be their power to absorb the smaller farms adjoining them. Our farms of 500 acres and over would now cover an area more than five times the size of the great State of Indiana, with its 2,000,000 and over inhabitants. That is to say, about 115,940 men own a vast area of about 126,000,000 acres of the best farming land in the world, and which should be divided among 10,000,000 people, and which is capable of giving support, self-employment, homes, and happiness to that vast number of people. And when we consider the further awful fact that about one-half of this vast expanse of 126,000,000 acres of land, which within the memory of men still living was parceled out by our Government to our citizens in small farms, is now at this early day absorbed by and owned by 31,546 men and corporations, the situation is still more alarming. In one of his speeches Daniel Webster once said: "A free government can not long endure where the tendency of laws is to concentrate the wealth of the country in the hands of a few, and to render the masses poor and dependent." In the light of the above facts, can there be any doubt as to the tendency of our present land laws, and that radical changes in our land laws are absolutely necessary?

The extent of many of these large estates is simply astounding, as is shown by the following list of a very few of the large land owners of this country:

	Acres.
Col. D. C. Murphy	4,068,000
Texas State Fund Association (owned by four men)	3,000,000
The Standard Oil Company	1,000,000
John W. Dwight, a farmer in North Dakota (nearly as large as Rhode Island)	704,000
Ex-Senator Dorsey	500,000
E. C. Sprague	500,000
Miller & Lux (San Francisco)	450,000
Mr. McLaughlin, of California	400,000
William A. Chapman	350,000
New York syndicate	300,000
Surveyor-General Beals	300,000
Texas Land and Cattle Company	240,000
Bixby, Flint & Co	200,000
Thomas Fowler	200,000
Abel Stearnes	200,000
The Murphy family, of California	156,000
G. W. Roberts	140,000
Virginia Coal and Iron Company	100,000

But a still more alarming feature lies in the enormous alien ownership of our land. In addition to the numerous smaller alien holdings here, fifty-six foreign persons and corporations own more than 26,000,000 acres of our land—an area equal to that of the great States of Ohio, Kentucky, or Virginia. The enormous size of some of these holdings of land in this country by foreigners may be seen by the following partial list:

	Acres.
Baron Tweeddale	1,750,000
Byron H. Evans	700,000
M. Ellerhousen	600,000
Robert Tennant	530,000
Duke of Sutherland	422,000
W. Whaley, M. D	310,000
Duke of Northumberland	191,460
Duke of Devonshire	148,625
Earl of Cleveland	106,650
Lord Dunmore	120,000
Benjamin Neugas	100,000
Earl of Carlisle	78,540
Sir W. W. Win	91,612
Duke of Rutland	70,000
Lord Houghton	60,000
Lord Dunraven	60,000
Duke of Bedford	51,085
Earl of Brownlow	57,799
Earl of Derby	56,698
Earl of Cawdor	51,538
Lord of Londonsboro	52,655
Duke of Portland	55,259
Earl of Powls	46,055
Lady Willoughby	59,312
Earl of Yarborough	54,570

And there are hundreds of smaller foreign holdings of from 500 acres up.

The ownership of our land by foreign land syndicates is also simply astounding. A Dutch syndicate owns 4,500,000 acres of our land in New Mexico and adjoining Territories. Another Dutch syndicate owns 3,000,000 acres in Texas. An English syndicate owns 1,800,000 acres in Mississippi. A Scotch syndicate owns 500,000 acres in Florida.

Now, Mr. Speaker, it is impossible for me to do anything more than call attention to the foundation principle; but let me ask what has followed the violation of that principle and what should be the policy of the United States toward the few remaining million acres of land that it controls? No land should be finally alienated or given into absolute permanent private possession.

The beneficent results which would follow the adoption of the leasing policy instead of outright sale with our remaining public lands are clearly set forth in an address by Frederick S. Elder, professor of mathematics at the Oklahoma University, before the Oklahoma bar at Guthrie, January 6, from which I quote as follows:

DEFENSE OF A LEASING POLICY.

Mr. Chairman, Members of the Oklahoma Bar Association, and Citizens of Oklahoma: Two million fifty-six thousand acres is the measure of Oklahoma's present public-land endowment, and since seventeen-twentieths of this is expressly reserved for the support of education I shall feel justified in referring to the entire grant as the school lands of Oklahoma.

Eighteen months ago the lessees in Territorial convention passed and published resolutions to force the sale of these lands to themselves as "raw lands," and declared, with a vigor calculated to strike terror to the stoutest-hearted politician, "We pledge ourselves to the support of such men to the Territorial legislature as will do all in their power to bring the school lands on the market in accordance with the above resolutions." And it may be that with this threat in mind the State Capital, not without knowledge of the subtle operations of legislatures, was recently moved to cry out: "Who does not believe that they (the lessees) would control the first legislature and create a legislature that would sell the lands?"

It will be noted that those who desire to gobble Oklahoma's public lands threaten political annihilation to all who dare oppose their outright sale. It is the same old story again. Any man who dare oppose the demands of the shrewd and powerful, who insists that in the treatment of this question, as of any other question, that the interests of the whole people should determine are met with the organized opposition of those who seek to live in the sweat of other men's brows, are threatened with political annihilation if they dare assert the equal right of all men to use the earth.

Turning back a few pages of history to discover what blunders Oklahoma should avoid, we find Ohio's grant of a million and a half acres, with no constitutional protection, becoming the prize of organized plunder. One lot of 10,000 acres went into perpetual lease at 12 cents per acre. The university endowment of two townships, 46,080 acres of the choicest lands of the State,

is under perpetual lease at less than 10 cents an acre, and a third township of 23,040 acres is under perpetual lease at less than 25 cents per acre. Thousands of acres were sold for 50, 25, and 10 cents per acre.

Of course, a perpetual lease is equally as bad and in effect amounts to an outright sale. What Mr. Elder contends for, and which I also contend for upon this floor, is for a lease for a brief period of years with a reappraisement in the case of such land as is involved in this bill (remote, I assume, from present civilization) every fifth year.

That this system is entirely feasible, despite the implied criticism of my friend from Iowa, is shown in the figures which Mr. Elder quotes of the income which Oklahoma has received from its public lands.

Total net income from leasing Oklahoma's public lands for fiscal years ending June 30—

1891	$4,536.82
1892	21,346.13
1893	19,164.67
1894	46,586.29
1895	88,627.97
1896	71,740.68
1897	98,467.81
1898	173,442.83
1899	133,047.19
1900	177,190.24
1901	213,203.67
1902	247,603.61
1902, cash bonus above rental in western counties	188,507.24
1903	323,245.60

Not a cent of this income raised by taxation but as a just equivalent for the valuable privilege of raising crops and making a living without having first to invest a fortune in a farm, and, contrary to the idea of any hardship having been worked upon the occupant, his great advantage over his land-owning neighbor is shown in the report of ex-Secretary Huston for 1902, where he says (p. 21): "Computing the interest on the value of similar lands at 7 per cent and adding the usual taxes, the investment of the landowner will be found to be two or three times the rental according to the last appraisement."

It will be noted that Mr. Elder calls the rental paid by the lessees "a just equivalent for the valuable privilege of raising crops and making a living without having first to invest a fortune in a farm." Of course he here uses the customary terminology, which shows how far we have strayed from correct principles, that even a gentleman like Mr. Elder, when advocating the leasing system, speaks of it as a "valuable privilege," because under the lease system "it is not necessary first to invest a fortune in a farm." If the lease system had obtained from the first, no such idea could have grown up. It is only because we have followed the fatal, aye wicked, policy of England and European countries, that anyone considers it a "valuable privilege" to be able to use land without first paying in as the purchase price a twenty-year capitalization of its rental value.

But perhaps the best illustration of the advantage of the leasing system is shown in his citation of the school lands of Chicago. He says:

The school lands of Illinois afford us the best illustration to be had of the surpassing advantages to the State of a system of leasing, of the manner in which a land endowment increases in value proportionately with the growth of population and of the necessity for a periodic revaluation of the land. I refer to the school lands located in the city of Chicago. The heart of the city from Madison street south to Twelfth and from State street west to Halsted was one school section, No. 16. Here is where the twelve and sixteen story buildings stand. Here you find the post-office, the Rookery, the Board of Trade, the Women's Temple, and scores of others like them. By some strange fortune hardly understood a block at State and Madison streets was reserved from sale with certain other sundry lots. These, with a few more tracts acquired later, are held to-day by the Chicago board of education and the ground rent, amounting to half a million dollars annually, is being turned into the school fund for the payment of teachers' salaries.

The leases are for fifty or a hundred years. The ground alone is leased and the lessees put up their own buildings, costing hundreds of thousands of dollars. Of these the Chicago Tribune pays $30,000 a year for one-fifth of an acre, the McVicker Theater $27,000 for thirty-six hundredths of an acre, Joseph E. Otis $25,000 for eighty-eight thousandths of an acre, this last being at the yearly rate of $289,115 per acre, and so on for others. Yet nobody is wronged. It is a plain business proposition. No sane man pays more rent than he ought.

Neither is the community nor any individual wronged any more by the payment by the Chicago Tribune of $30,000 into the school board treasury than by the payment by the Women's Temple Company of $40,000 a year into the private pocket of Mr. Marshall Field for the use of lots that were once a part of that same original section 16.

How fatally defective the sale policy has been is clearly illustrated in two of the cases he cites, namely, the payment by the Chicago Tribune of $30,000 into the school board treasury and the payment by the Woman's Temple Company of $40,000 a year into the private pocket of Mr. Marshall Field. When Mr. Field uses a part of the immense income which he is deriving from his ownership of a part of the original school lands of Chicago and builds a library therewith, we are invited to laud him as a public-spirited citizen. How much better it would have been for that city if, instead of alienating the larger part of its school lands, it had retained the unearned increment by leasing them, as in the case of the land beneath the Rookery and the Chicago Tribune buildings. If this had been done Chicago would not have to wait upon the "philanthropy" of any of its citizens, but would have an ever-increasing fund, which it could apply not merely to the erection of libraries and for the maintenance of its schools, but for every other communal purpose. Of course, it would not then have these ostentatious gifts of libraries or museums, but neither would it have its fearful contrasts which are directly due and are inseparable from this system of alienating the public lands, viz, the existence on the one hand of the multimillionaire and on the other of hundreds of thousands who are practically paupers.

Even South Dakota has 1,531,900 acres of land under lease, or nearly four times the amount involved in this bill, so that I am warranted in assuming that the leasing system possesses no insuperable obstacles and is workable even in that State.

One of the most vivid illustrations of the result which follows the outright sale of public lands is cited by Mr. Elder in the case of the school lands in Blair County, Tex., which were sold at $3 an acre on forty years' time at 4 per cent, now yielding the State of Texas 12 cents per acre, while the present owners are able to pocket the difference between 12 cents and three to four dollars per acre which they secure as rental from sublessees.

That the present system results in the creation of a large number of tenant farmers the census report clearly shows, but whereas the leasing system would result in the people, as a whole, obtaining the benefit of whatever increment of value might attach to these public lands as a result of increase of population, improvements in government, increase of transportation facilities, or from any other cause, the existing system results in this increment of value going into private pockets and in the building up of great private fortunes.

The census reports show in these agricultural States the following percentage of tenant farms:

State.	1880.	1890.	1900.
Ohio	19.3	22.9	27.5
Indiana	23.7	25.4	28.6
Illinois	31.4	34.0	39.3
Iowa	23.8	28.1	34.9
Kansas	16.3	28.2	35.2
Nebraska	18.0	24.7	36.9
Georgia	44.0	53.5	50.9
Alabama	46.8	48.6	57.7
Mississippi	43.8	52.8	62.4
Louisiana	35.2	44.4	58.0
Texas	37.6	41.9	45.7
Entire United States	25.6	28.4	35.3

More than one farm in three throughout the entire United States is a tenant farm.

As Mr. Elder well says, the Territory in which he lives, Oklahoma, will not avoid a tenant system by selling its land. It is rather a question as to who shall be the landlord and to whom shall be paid the ever-augmented rent which increase of population, etc., creates, whether it shall be paid to a State or Territory or to private individuals.

Mr. Speaker, by this bill you say to the individual, as has been said for generations in the past, that he who is smart enough, cunning enough, or shrewd enough to forestall the possible development of that community shall reap the enormous advantage that comes thereby; but that is not all. That is bad enough. It is bad enough that by such a policy you create the Astors, for instance, who are now receiving an annual rental value from land in the city of New York a hundred times in excess of the purchase price that John Jacob Astor paid for that land.

It is bad enough that by this act you are creating millionaires and multimillionaires, because I want to say that, with very few exceptions, such as tariff bounties and patents, you can trace the enormous wealth of the plutocrats of this country to the fact that they have been permitted to monopolize extremely valuable lands. It is not alone the land in the great cities that is valuable and that creates millionaires, but these narrow strips of land which are called rights of way, running from New York to Buffalo, New York to Chicago and San Francisco, New York to New Orleans, from Chicago to New Orleans, and everywhere else over this country, these rights of way monopolized by private individuals are extremely valuable and are the basis upon which the enormous capitalizations of the great railroads are founded. The enormous mass of "water" in their securities simply represents legalized power to exact tribute from the people and creates the millionaire and the multimillionaire in the United States, as it has created the millionaire in every other country in the world.

WATER IN RAILROAD STOCKS.

How large a proportion of the stocks and bonds of the railroads of the United States is water—i. e., represents no tangible assets, but merely the capitalization of tribute—is indicated in the statement made to me on more than one occasion by a gentleman who

was one of the great railroad lawyers of the country, Thomas G. Shearman, who had not only been attorney for some of the great railroad systems—among others, for James J. Hill, of the Great Northern—but at the time of his death was counsel of that great Rockefeller institution, the National City Bank. Mr. Shearman repeatedly said, "that neither the preferred nor the common stock of the railroads of this country represented any actual investment of capital (if we exclude money paid and stock issued to legislators—not legislatures—for their franchises), but that the railroads as a whole had not originally cost to exceed 85 per cent of the par of the bonds; that from 25 to 50 per cent of the preferred was issued as an extra inducement to the bankers who bought the bonds, and that the balance of the preferred and practically all of the common stock was divided between the promoters of the railroad, the legislators, and the intermediaries who secured the franchises.

Now, Mr. Speaker, what should be the policy of the United States? The policy of the United States should be to lease these lands and all other lands which it owns; to lease them for short periods of years, and at the end of such short period let there be another leasing, giving to the Government whatever increment of value has attached to those lands by reason of the increase of population that has taken place in the meantime, by reason of the increase of invention, by the improvements of government, or anything else. For you must remember that there is no invention, there is no improvement of government, fire, police, or anything else, there is no increase of population, but what adds to the value of land. The policy of the Government, as I say, should be to lease the land for brief periods, and at the end of those periods of lease the land should be reappraised and men should be permitted to bid, and if some one else beside the owner of the improvements gets the land of course he would be recompensed the full value of the improvements.

Mr. LACEY. I should like to ask my friend how many orchards, he thinks, would be set out in Dakota and Iowa if a man had a three years' lease on the land and the chance of somebody else taking it away from him at the end of that time?

Mr. BAKER. I will answer the gentleman from Iowa by saying that I have said nothing whatever about the length of the period of lease. My own judgment, however, is that it ought not to be more than five years. Therefore, I will meet his question. Let me say to the gentleman that if the owners of the land are assured, as they will be, that they shall have the preference of opportunity to secure the new lease, there will be no difficulty. And I will say that the people of the United States are not going to pass any law interfering with the present system of land tenure that does not to a very large extent favor the men who are in possession of the land. Why, the whole system has been to favor those men in the past.

My friend from Iowa asks "how many orchards would be set out in Dakota and Iowa if a man had a three years' lease on the land and the chances of somebody else taking it away from him at the end of that time."

I do not imagine that the people of Iowa or South Dakota are much different from those of Illinois. In the latter State one man, really an alien, Lord William Scully, of London, owns from fifty to sixty thousand acres of the best farming land there. We are told "that he rents it at the highest cash rental, requires the tenants to build their own houses, barns, etc., and until the State prohibited it they had to pay the taxes on the land. Since then he has added the tax to the rent." From his tenants he receives about $150,000 per annum for the privilege of merely existing on *his* soil.

This shows not merely that men will rent land, but that they are doing so on a large scale from private individuals, and I want to call the attention of the gentleman from Iowa to this, for here they not merely lay out their own orchards, but they build their own houses, barns, etc., upon this rented land. And they are compelled to do so because of the policy which is perpetuated in this bill under which individuals are encouraged to engage in land speculation on a gigantic scale.

They are encouraged, aye, almost invited, to engage in the shameful practices I have referred to. Because of the tremendous prizes which this system offers, fraud, robbery, and sometimes arson are engaged in. Any and all means are adopted by the shrewd, cunning, and unscrupulous, who are frequently even in these cases the rich and the powerful, to get title to immense tracts of the public land, not for occupancy and use, but to withhold from use, for the more land thus withheld the greater premium these men can squeeze out of the real settlers either in original purchase price or in annual rentals. That even the possession of great wealth does not deter men from engaging in such practices is shown in the decisions of the General Land Office, volume 12, January 1 to June 30, 1891, which, on page 34, recites:

That during the month of April, 1877, 151 desert-land entries were filed in that (Visalia, Cal.) land office, covering 34,978 acres, which at once passed into the hands of Mr. J. B. Haggin, and for which he paid to the receiver $8,744.45. Haggin's claim was that he had loaned money to these 151 entrymen, and that they had assigned to him their "final certificates."

What the present value of these 35,000 acres of land may be I have no means of knowing, but it is quite possible that their ownership thus obviously fraudulently acquired is the basis of at least one of the millions he is reputed to possess.

Time and time again we are told that perpetual ownership of the fee is absolutely essential to induce men to cultivate the land. It is constantly asserted that unless the land is sold for all time the occupier will not improve it; that, according to the inference of the query of my friend from Iowa, no one will plant orchards thereon. This, in the face of the fact that for over three hundred years the leasing policy—the policy of paying the royalty for the use of the land into the public treasury instead of into private pockets—obtains in Freudenstadt, Germany, as set forth in an article by Henry Labouchere in his paper, the London Truth. He says:

For instance, there is Freudenstadt, a hamlet in the valley among the Alps in the southwestern part of the German Empire, 45 miles of Stuttgart. That region has been favored with but few natural resources; but between three and four hundred years ago an old monk got the notion into his head that, while whatever a man produced by his labor might belong to him individually, whatever natural wealth or resources were found in a given region belonged equally to all the members of the community inhabiting that region. This theory and practice has been pursued ever since. In this region are some pits of valuable fire clay, which the people dig and pile up for purchasers. The men who do the digging receive day's wages; but when the clay is sold the pay for the clay itself—what is called "royalty"—goes into the treasury. Upon the hillsides is some surplus timber. The men who cut down and pile up the timber are paid day's wages; when the timber is sold its value as it stood uncut upon the stump—in short, the "stumpage"—goes into the treasury.

What a pity a few thousand such monks, intelligent in economics, did not come to this country instead of the William Penns who transplanted here the English system of selling the land.

The income from these sources pays their share of the tax levied for the support of the German Empire, pays all their own officials, builds their schoolhouses and pays their teachers, builds their churches and pays their priests. The people have not been taxed a cent in three hundred and fifty years. Their income always exceeds their expenditures. In 1882 this surplus was divided among the inhabitants per capita, each man, woman, and child receiving (in terms of our money) $13.35. The amount distributed in 1888 would have been $16.55, but the citizens voted to apply it to building waterworks.

The folly of the present system of permanently alienating the land is clearly set forth in Mr. McCreery's article, from which I quote:

The refusal of the Government to use for its own support the rental value of its ordinary land, the royalty of its minerals, the stumpage of its timber, etc., renders it necessary to pass other laws most oppressive, unrighteous, and demoralizing. The tariff laws, inciting to smuggling, provoking perjury in undervaluation, and when honestly enforced woefully discriminating against the poor man. Internal-revenue laws, inducing the making of "moonshine" whisky, the murder of revenue officers, and other forms of lawlessness.

But when I ask the average farmer, "Would you not like such a change in the tax laws as would relieve you of one-half the tax you are now paying, and place it on the shoulders of the land speculators, the mine owners, the timber syndicates, the oil companies, and others who are now enriching themselves by monopolizing the bounties of nature?" he answers, "The old plan, by which I and my ancestors have been fleeced in the past, is good enough for me." When I ask the average laborer, "Would you not like a system of taxation that would furnish employment to a million more workingmen than can now find employment [half a million in the cities and another half a million in the country] and raise the wages of all?" he turns upon me with a sneer and says, "You are a crank and an anarchist. Go hence!"

I could very well afford to go, for while the farmer and the workingman are paying twice the tax they need to they are also paying at least half of mine. But alas! this is not merely a question as to which shall pay his own or the other's tax, but one of honesty or morality and national welfare. Aside from the fact that our system of land laws opens invitingly wide the door to gigantic frauds upon the Government and upon individuals and offers an enormous premium on perjury, their effect, even when enforced in strict accordance with the intent of the legislative power that enacted them, is conspicuously pernicious.

He says:

If it be demoralizing to train a nation to become a set of liars when confronted by tax assessors or custom-house officers; if it be demoralizing to educate the young to the idea that labor is degrading and that the most respectable and honorable thing in life is to enrich one's self by being a parasite upon one's fellow-creatures; if it be demoralizing for the Government not only to throw away its richest treasures, but to do so upon a lottery plan which encourages gambling and a horde of kindred vices; if it be demoralizing to increase the number of the landless multitude who have no stake in the welfare of our nation; if it is demoralizing to have a million idle men among us, necessitating a "slum" ward in every city and a great army of tramps traversing the country, then I have proved the proposition that, in addition to being the prolific parent of fraud and perjury, our land laws, even when honestly and faithfully administered, are a source of widespread and woeful demoralization.

You say, if you do not permit private ownership, there will be no security of tenure; there will be no inducement for people to go on and improve their land. To any man who cares to make that statement upon this floor I wish to say that some of the greatest buildings in the city of New York are situated upon leased land—that some of the most valuable buildings in the city of New York have been erected upon leased land, upon land owned by the Sailors' Snug Harbor corporation, land that for generations has been leased from time to time. The entire usufruct of that land goes to that private corporation—the Sailors' Snug Harbor—and

does not go to the men who own the buildings, who use the buildings, and carry on great mercantile affairs. Yet you will say that it is necessary that there shall be permanent private ownership of land before men will engage in business enterprises.

Mr. Speaker, go into any one of the large cities of the United States, and what will you find? You will find hundreds of thousands of individuals congregated in such a small area that it is scarcely possible for them to breathe separately. The crowded condition of New York City, the crowded condition of Chicago, the noisome slums that exist in those and other cities and that also exist right here in the capital of the United States, are directly due to this policy of encouraging people to withhold land from use, so that they may be able to exact an ever-increasing tribute from those who subsequently use it, after paying a brigand's ransom for it.

I have said that the existence of slums in our great cities is directly traceable to the policy which is continued in this bill of selling the public lands outright. This policy of outright sale, together with the policy of assessing unused land at but a fraction of its value, creates overcrowding—that is, the slums—and which has been recently shown to exist right here in Washington to an alarming degree. To what extent land speculation is encouraged in the District of Columbia by this foolish policy of almost entirely exempting unused land from taxation is shown in the case of Paul T. Bowen, who in January, 1896, then being a clerk in the Treasury Department, purchased 2.3 acres of land in the northwestern part of the District, near Chevy Chase, for $1,840. When he bought it it was assessed at $225 an acre. The following year the assessment was reduced to $200 an acre as "agricultural" land at $1 on the $100, and was continued at that rate until January, 1901, when he sold the land for $5,000, making a net profit of $3,137—170 per cent—in five years. This land sold for about $2,200 an acre and was assessed at $200 an acre—about one-eleventh of its value. I suppose the assessors assessed it as "agricultural land" so as to help the farming industry.

The following from the Washington Post gives but one illustration of the results that follow this encouragement to land speculation:

[Washington Post, January 8, 1902.]

The object of the resolution, argued Mr. M. I. Weller, was to provide for an equalization of taxation and proper valuation of those parcels of land held for speculative purposes. The Government recently acquired for $5,000 a plot containing 7¼ acres from a tract of 250 acres. The portion bought by the Government was about one-thirtieth of the whole, and the entire property was valued by the assessors at $85,000. The actual valuation of the tract was about $1,200,000, and in the opinion of real estate men the price paid by the Government was by no means high. Another instance of the same kind, though more startling, was shown by Mr. Weller. The Government, he declared, recently acquired another piece of property beyond the city limits, for which $25,000 was paid. He had the curiosity to look up the valuation on the assessment books and found it to be $1,400—less than 6 per cent of the amount the Government paid for it.

One of the disastrous effects which have followed our adoption of the English land system, which is perpetuated in this bill, is set forth in an editorial paragraph in a recent issue of the Public, a paper which I stated on a previous occasion discusses current affairs in a manner that can not help but clarify the thought of those who read its editorials:

How American sympathy went out to the evicted Irish some years ago, when as many as 3,000 families were turned out of their houses for nonpayment of rent! But 60,463 families were evicted in the city of New York, Manhattan Borough alone, during the year 1903 without exciting special wonder. Yet where is the difference? Apparently the only difference is in the fact that New York evictions last year were about twenty times as many as in the worst year of Irish evictions. In proportion to population the disparity is much greater. Whereas the Irish evictions of the heaviest year numbered about 1 to every 1,300 of population, those of New York numbered about 1 to every 35 of population.

Doesn't this constitute an indictment of the present system of selling the public land, thus encouraging land speculation, which has produced the same evils here as have afflicted Ireland for generations?

I have said that our policy of permanently alienating the public lands was copied from England. That is true. I wish I could say it is also true that this country is ready to follow England in a change in this very policy which she seems to be on the eve of making, or at least which she gives unmistakable signs of being likely to do in the near future. My Republican friends some five years ago suddenly became such great admirers of England and the policy of territorial aggrandizement of her Tory ministers that they "benevolently assimilated" the Filipinos. Recently they have been even more warm in their expressions of admiration for Joseph Chamberlain's cynical, retrograde policy. No more are we told that it is necessary to twist the British lion's tail on every occasion that offers; on the contrary, our American Tories even seemed to be about to invite that renegade radical, Chamberlain, who is out-Torying the Tories, to come over here and take charge of the rapidly approaching campaign for "protection and plutocracy"—I beg pardon, for "protection and labor."

I admit that their pro-Chamberlain ardor has apparently somewhat cooled with the English election returns of the past six weeks. With constituency after constituency, rural as well as urban, recording themselves against a reimposition of the corn laws or any other form of protection, our Republican friends are probably not quite so sanguine of what will come out of a British general election.

While it is gratifying to observe that Chamberlain is not succeeding in his attempt to hoodwink the British workingman into believing that he can lift himself up by his boot straps—that he can tax himself rich, that a tax upon foodstuffs will benefit him—it is even more gratifying to observe that the Liberal party there, the prototype of the Democratic party here, is not content to meet Mr. Chamberlain with the mere negative proposition of "leaving well enough alone," nor to emulate MARK HANNA in his "stand-pat" policy, but are rather showing an unmistakable disposition to go to the root of the matter.

One of the great London magazines, the Contemporary Review, has in its January number an article entitled "The need of a Radical party." If written for American consumption, I suppose it would have called it "The need of a radical Democratic party."

This article, in describing what is needed to combat and successfully overthrow the revival of protection, says:

[From Contemporary Review for January.]

There remains the condition of a great question which will fire men's imaginations with the feeling of a distinct and vital need. Can there be any doubt that the land question answers to this description? "Man is a land animal," says Henry George, and in England man and the land are parted. It is not surprising, therefore, that not one, but a thousand currents of thought flow into this channel. What, for example, is the one solid feature of the national economy which gives force to the revival of protection? The decline of agriculture, the fact that a yearly decreasing body of Englishmen live and work on the soil, and a yearly decreasing proportion of food is raised on English land. From 1851 to 1891 the number of agricultural laborers has declined 36 per cent; during the ensuing ten years a further decline of 25 per cent has taken place, while in fatal testimony to the tendency to make land the sporting ground of the rich rather than the patrimony of the entire people, the number of gamekeepers has increased 25 per cent in the same period. Is it possible to state a fact of greater social significance?

It may be profitable to ask right here why the number of English agricultural laborers has declined 52 per cent in fifty years, while gamekeepers have increased 25 per cent during that period. The answer is not hard to find. It is found in a system of taxation in England, as here, which places nearly all the burden of local taxation upon improvements and upon personal property, while land values almost escape taxation. Let England but reverse this policy. Let her exempt improvements and other forms of labor products from taxation and place the burden of taxation where it naturally belongs—on land values—and her dukes, marquises, and earls will no longer find it profitable to breed rabbits and foxes. The land will then be cultivated, and farm laborers will not need to immigrate here or to Canada to look for employment. It is land monopoly, made possible because land is not taxed according to its value, that drives the farm laborer from the country of his birth, while gamekeepers are employed to drive his fellow off of "my lord's" land. Our policy of selling the public lands and then placing the burden of taxation upon the settlers' improvements, while the land speculator almost entirely escapes, is producing in America the same evils.

The writer goes on to describe further the desertion of English fields and the degradation of the landless laborers, and asks: "What are the remedies?" He answers:

Not the discredited device of protection, which the laborers will not have at any price, but the reform of our land system, for that system furnishes the most effective bar to the application of the wonderful discovery that the old Malthusian specter of the pressure of population on the means of subsistence is laid forever, and that, as Prince Kropotkin shows, the land of England could sustain out of its own resources not merely the foreign-fed multitudes of to-day, but double and treble that number.

The writer continues:

Municipalities, distracted with the growing burden of improvements, the increasing difficulties of traction and urban extension, the appalling evils of overcrowding, are rapidly coming to Mr. Booth's conclusion that the taxation of ground values lies at the root of the housing problem.

As it is inevitable that we in this country must ultimately conclude.

The article then shows the reasonableness of this method of taxation and violently attacks Mr. Chamberlain's proposals, calling them a "monstrous piece of economic atavism"—an attempt to shift more and more of the burdens of the state upon industry and wages.

The conclusion of the author is that "the land question is ripe for action."

The Contemporary Review is not alone in pointing to the taxation of land values (in England sometimes termed the "taxation of site values," at other times "taxation of ground rents") as the policy which the Liberal party must adopt to successfully and completely defeat Chamberlain's protectionist propaganda. for the London Speaker, the leading Liberal weekly, in its editorial of January 9, says:

We have to attack not merely the false remedies the protectionists are offering us, but the real abuses and injustices they are defending.

It proceeds:

For this reason we are delighted to notice the emphasis laid by the Independent Review on the necessity of land reform, a subject which occupies two articles in the January number of that periodical. The first article, presumably from the pen of the editor, destroys in a terse and luminous retrospect the historical defenses for land monopoly; the second, written by Mr. Charles Trevelyan, sets out some of the arguments for the taxation of land values. Our own strong opinions in favor of treating this question as one of immediate urgency have been expressed often enough in these columns.

The Speaker urges the Liberal party to grapple fearlessly with the land problem, and says "the case for action is unusually strong."

Mr. Chamberlain proposes to increase the price of food without relieving at all the pressure of rent, and if the Liberal party can not offer the country some real measure of reform its place in the scheme of progress is forfeited. We hope, then, that there will be no hesitation in the Liberal party about grappling with this problem in its various aspects, for the land question is just as important in the country as in the town.

The SPEAKER. The time of the gentleman has expired.

Mr. BAKER. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to offer an amendment to one section of the bill.

Mr. BURKE. I do not think it would be in order to offer an amendment. I can not accept it.

The SPEAKER. The gentleman is entitled to an hour, and after the expiration of that time the bill is open to amendment, unless the previous question operates.

Mr. BURKE. Well, I do not yield to an amendment, Mr. Speaker.

Mr. STEPHENS of Texas. I will say to the gentleman that I am in favor of the bill. I believe it is correct in its policy. I believe that these reservations should be opened up, but I do not believe in the provision of the bill that provides that after the four years' time has elapsed that the remaining portion of the unsold land should be sold in unlimited quantities under such rules and regulations as the Secretary of the Interior may prescribe. I desire to offer an amendment providing that the amount sold to any one man shall not exceed 640 acres. I would limit it to 160 acres if it were agricultural land, but I presume all the agricultural land will have been taken within the four years and that there will be no agricultural land to be taken up.

Mr. BURKE. Does the gentleman want to limit the amount to 640 acres?

Mr. STEPHENS of Texas. Yes; to 640 acres.

Mr. BURKE. Is that all that the amendment provides?

Mr. STEPHENS of Texas. That is all that part of the amendment provides.

Mr. BURKE. I do not object to that.

Mr. STEPHENS of Texas. There is another amendment which I think should be made to this bill. If there were valuable minerals in this land the minerals should not pass with the land and be subject to entry. I believe that the miners are entitled to as much consideration as the homesteader.

Mr. BURKE. There is a general law that protects that.

Mr. BAKER. I desire to offer an amendment.

The SPEAKER. The Chair will again state to the gentleman from South Dakota that he is recognized for an hour.

Mr. BURKE. I understand that, Mr. Speaker.

The SPEAKER. And that the bill is subject to amendment unless the gentleman at the end of that time asks the previous question.

Mr. BURKE. I stated that I had no objection to the amendment offered by the gentleman from Texas, to limit it as he states, and after the disposition of that I shall ask for the previous question upon the bill and amendments to its passage.

The SPEAKER. The Chair will state to the gentleman from South Dakota that the Chair understands the rule to be this: In the hour that the gentleman controls the bill is not subject to amendment, and that so far the amendments have been read for information. Now, if the gentleman yields the floor the bill will be subject to amendment.

Mr. BURKE. I am not yielding the floor, Mr. Speaker, and I ask for the previous question.

The SPEAKER. The previous question is asked for.

Mr. BAKER. I shall object, Mr. Speaker, unless I can have an opportunity to offer my amendment.

Mr. BURKE. I ask that the bill be amended as suggested by the gentleman from Texas.

Mr. BAKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from South Dakota asks unanimous consent——

Mr. BAKER. I object, Mr. Speaker, unless I can have an opportunity to offer my amendment. You can vote my amendment down in a second.

Mr. BURKE. Do I understand that the amendments of the committee are now considered as pending?

The SPEAKER. The amendments reported from the committee are pending. The gentleman from South Dakota can offer an amendment if he sees proper, and then call the previous question. He can test the sense of the House at any time he desires.

Mr. BURKE. Mr. Speaker, I offer the following amendment:

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

After the word "interior," in line 12, page 10 of the bill, insert the words "not more than 640 acres to any one purchaser."

Mr. STEPHENS of Texas. That covers the ground of my amendment.

On motion of Mr. BURKE, the previous question was ordered.

The question was taken on the amendment and the amendment was agreed to.

Mr. BAKER. Mr. Speaker, a parliamentary inquiry. Do I understand I can not now offer an amendment?

The SPEAKER. The previous question is now operating.

Mr. FINLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FINLEY. Merely for a matter of information. I wish to call the attention of the gentleman from South Dakota to his proposition to amend the amount of appropriation by reducing it from $90,000 to $75,000.

Mr. BURKE. I am going to offer that at the proper time. I move to amend, Mr. Speaker, in section 5, in line 10, to strike out the word "ninety" and insert "seventy-five."

The SPEAKER. Is there objection?

Mr. BAKER. I object.

The SPEAKER. Objection is made. The question is on the engrossment and third reading of the bill.

Mr. FINLEY. I move to recommit the bill with instruction to report back a reduced appropriation from $90,000 to $75,000, in line 10, page 11.

The SPEAKER. The gentleman from South Carolina moves to recommit the bill with instructions to the committee to report the same back immediately with an amendment, striking out the word "ninety" and inserting the word "seventy-five" in line 10, page 11; so as to make the appropriation $75,000 instead of $90,000.

Mr. BURKE. Mr. Speaker, a parliamentary inquiry. What will be the status of the bill if the gentleman's motion prevails?

The SPEAKER. It will have to be reported back by the committee forthwith if this motion is adopted.

The question was taken; and the motion was agreed to.

Mr. BURKE. Mr. Speaker, I report back the bill H. R. 10418 with an amendment, in accordance with the direction of the House.

Mr. BAKER. A parliamentary inquiry. Has the committee had a meeting?

Mr. BURKE. I now ask the previous question on the bill and the amendments to its passage.

Mr. BAKER. You can not——

The SPEAKER. One moment. The Chair is informed, and his recollection without the information concurs with the information, that this is the usual proceeding and that there are precedents. The Clerk will read section 1022 of Hinds's Parliamentary Practice.

The Clerk read as follows:

SEC. 1022. A bill may be recommitted with instructions that it be reported back forthwith, and this report may be made at once by the chairman of the committee and is not subject to the point that it must be considered in the Committee of the Whole if it has previously been considered there.

Mr. BURKE. Mr. Speaker, I now ask the previous question on the passage of the bill and the amendments.

Mr. BAKER. A parliamentary inquiry, Mr. Speaker. Do I understand that under the rules it is not necessary for the committee to meet when the bill was recommitted?

The SPEAKER. Such has been the practice with such instructions.

Mr. BAKER. All right; I want to get that clear. Now I ask unanimous consent to offer an amendment. The fate of that amendment is known. Probably there will not be another vote for it in this House.

The SPEAKER. The gentleman from New York asks unanimous consent to offer an amendment. Is there objection?

Mr. MARTIN. I object.

The SPEAKER. Objection is made. The question now is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. BAKER) the ayes were 110 and the noes 1.

Mr. BAKER. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of no quorum.

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the

gentleman from New York may be permitted to offer his amendment. [Laughter.]

Mr. BAKER. I withdraw my point of no quorum, Mr. Speaker.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the gentleman from New York may offer an amendment.

Mr. MACON. I object.

Mr. BAKER. I raise the point of no quorum, Mr. Speaker.

Mr. PAYNE. Evidently, Mr. Speaker, there is no quorum, and we can vote on this Monday morning to accommodate my friend from New York. I move that the House do now adjourn.

The SPEAKER. Pending that, the Chair will submit the following personal request:

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BADGER indefinitely, on account of important business.

ADJOURNMENT.

The motion of Mr. PAYNE was then agreed to.

Accordingly (at 3 o'clock and 45 minutes p. m.) the House adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the Capital Traction Company, submitting a statement of the receipts and disbursements for the year ended December 31, 1903—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel B. Harris against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Postmaster-General, submitting a reply to the House as to the use of horses and vehicles in his Department—to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for reimbursement of the owners of the tug *Hustler*—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10145) to provide for appeals, writs of error, and other appellate proceedings from the circuit and district courts of Beaumont, in the eastern district of Texas, reported the same without amendment, accompanied by a report (No. 644); which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 5498) to provide for circuit and district courts of the United States at Albany, Ga., reported the same with amendment, accompanied by a report (No. 645); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10993) granting a pension to Mary McEvoy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11165) granting a pension to Thompson F. Frisbee—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1966) for the judicial ascertainment of claims against the United States—Committee on Claims discharged, and referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SCUDDER: A bill (H. R. 11435) to establish a permanent military camp ground in Suffolk County, Long Island, in the State of New York—to the Committee on Military Affairs.

By Mr. CANDLER: A bill (H. R. 11436) to extend the limits of the Shiloh National Military Park and to provide for the improvement thereof—to the Committee on Military Affairs.

By Mr. POWERS of Massachusetts: A bill (H. R. 11437) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. McCARTHY: A bill (H. R. 11438) for the purchase of site and erection of a public building in the city of Wayne, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 11439) to authorize district judges to appoint the chief bailiffs, and fixing salaries—to the Committee on the Judiciary.

Also, a bill (H. R. 11440) to provide for transfer of civil and criminal cases from one division to another in the northern district of Georgia—to the Committee on the Judiciary.

Also, a bill (H. R. 11441) to designate certain counties as the Atlanta division of the northern judicial district of Georgia—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 11442) to authorize district judges to order certain officers from one division to another—to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: A bill (H. R. 11443) to extend the exemption from head tax to citizens of Newfoundland entering the United States—to the Committee on Immigration and Naturalization.

By Mr. DICK: A bill (H. R. 11444) to grant certain lands to the State of Ohio—to the Committee on the Public Lands.

Also, a bill (H. R. 11445) to increase the pensions of those who have lost an eye or the sight of an eye in the military or naval service of the United States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11446) to amend section 9 of the act approved March 1, 1889, entitled "An act to provide for the organization of the militia in the District of Columbia"—to the Committee on Militia.

By Mr. SPARKMAN: A bill (H. R. 11447) increasing the pensions of those now receiving or entitled to pensions under the acts of Congress approved July 27, 1892, and June 27, 1902—to the Committee on Pensions.

By Mr. HILDEBRANT: A bill (H. R. 11448) making an appropriation from the unclaimed fund in the Treasury of the United States due the estates of deceased colored soldiers of the civil war for the erection of buildings for the use of the military department of Wilberforce University, an institution for the education of colored youths, located in Greene County, Ohio—to the Committee on Military Affairs.

By Mr. BUCKMAN: A bill (H. R. 11449) to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: A bill (H. R. 11450) to amend Title LX, chapter 3, of the Revised Statutes of the United States of America, relating to copyrights—to the Committee on Patents.

By Mr. SHAFROTH: A joint resolution (H. J. Res. 99) authorizing the Commission on International Exchange to agree with other nations upon uniform laws, subject to the approval of Congress, tending to preserve the gold product of the world for coinage and monetary purposes—to the Committee on Coinage, Weights, and Measures.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 11451) granting an increase of pension to Alexander Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11452) granting a pension to Ann Jones—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 11453) granting an increase of pension to Maria Leuchart—to the Committee on Invalid Pensions.

By Mr. BROOKS: A bill (H. R. 11454) for the relief of Alfred James Saynor—to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 11455) for the relief of William H. Linton—to the Committee on Military Affairs.

By Mr. DICK: A bill (H. R. 11456) granting a pension to Emma C. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11457) granting a pension to Maryetta Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11458) granting a pension to Maria C. Waste—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11459) granting a pension to Rollin H. Crane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11460) granting a pension to Mary E. Kern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11461) granting a pension to Mary C. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11462) to remove the charge of desertion and grant an honorable discharge to Ceylon Gowdy—to the Committee on Military Affairs.

Also, a bill (H. R. 11463) for the relief of Jackson Pryor—to the Committee on Military Affairs.

Also, a bill (H. R. 11464) for the relief of Carl F. Kolbe—to the Committee on War Claims.

Also, a bill (H. R. 11465) granting an increase of pension to Frances E. Rex—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11466) granting an increase of pension to James J. Mears—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11467) granting an increase of pension to James J. Winans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11468) granting an increase of pension to Edson G. Holcomb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11469) granting an increase of pension to Edward Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11470) granting an increase of pension to James H. Stone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11471) granting an increase of pension to Verus A. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11472) granting an increase of pension to Vendruth Washburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11473) granting an increase of pension to Caleb F. Bandle—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 11474) granting an increase of pension to D. J. Robins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11475) granting an increase of pension to William J. Moon—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 11476) granting a pension to Margaret Flynn—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 11477) granting an increase of pension to Alson E. Reese—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 11478) to remove the charge of desertion from the military record of Mathew W. Face—to the Committee on Military Affairs.

Also, a bill (H. R. 11479) granting a pension to Catharine Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11480) granting an increase of pension to Lemuel R. Wilcox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11481) to correct the military record of David R. Blessing—to the Committee on Military Affairs.

By Mr. LONGWORTH: A bill (H. R. 11482) granting a pension to Charles B. Snell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11483) granting a pension to Catharine Haddock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11484) granting an increase of pension to Christina Voigt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11485) for the relief of Pardon M. Bowen—to the Committee on Military Affairs.

Also, a bill (H. R. 11486) granting an increase of pension to Samuel B. Loewenstine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11487) granting an increase of pension to John Wybrant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11488) for the relief of Joseph Crist, late first mate United States steamer *Missionary*—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11489) for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner—to the Committee on Claims.

Also, a bill (H. R. 11490) granting honorable certificates of discharge to certain officers and enlisted men of the United States volunteer service who were called out by the proclamation of Gen. Lewis Wallace, issued September 5, 1862—to the Committee on Military Affairs.

Also, a bill (H. R. 11491) granting a pension to Adelaide B. Warwick—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 11492) granting an increase of pension to Samuel B. Bartley—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 11493) for the relief of Sarah Crabtree and the estate of Eli Crabtree, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11494) granting an increase of pension to Sarah Jane Grissom—to the Committee on Pensions.

Also, a bill (H. R. 11495) granting an increase of pension to James P. Shaw—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 11496) granting an increase of pension to Anne Murphy—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 11497) granting an increase of pension to Daniel B. Legg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11498) granting an increase of pension to William A. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11499) granting an increase of pension to Albert Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11500) granting a pension to Sarah Harlow—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 11501) granting a pension to Sarah S. Mulcahay—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11502) for the relief of La Grange College, of Colbert County, Ala.—to the Committee on War Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 11503) granting a pension to Moses Fragar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11504) granting a pension to John Algoe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11505) granting a pension to James Abbott, alias James Buck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11506) granting a pension to William R. Hiscock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11507) granting a pension to Freeman Rohrabacher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11508) granting an increase of pension to Sophia E. Farland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11509) granting an increase of pension to William H. McEnally—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 11510) granting an increase of pension to William H. Organ—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 11511) granting an increase of pension to Edward M. McCook—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of the board of directors of the Chicago Board of Trade, in favor of postal currency—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Mrs. Annie Long and 39 others, of Greenwood, Fla., praying for legislation to enable them to obtain title to certain lands—to the Committee on the Public Lands.

Also, resolutions of the regents of the University of Wisconsin, in favor of legislation for additional aid to agricultural experiment stations—to the Committee on Agriculture.

Also, resolutions of Peshtigo Good Roads Association, of Marinette, Wis.; of Cairo (Ill.) Board of Trade, and of the National League of Commission Merchants, praying for legislation to enable the Interstate Commerce Commission to fix freight rates in certain cases—to the Committee on Interstate and Foreign Commerce.

By Mr. BADGER: Resolution of Elias J. Beers Post, No. 575, Grand Army of the Republic, of Columbus, Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BROOKS: Resolution of the Salida Board of Trade, of Salida, Cal., against any changes in the land laws—to the Committee on the Public Lands.

By Mr. BURLEIGH: Petition of the officers of the University of Maine, in favor of converting the big-tree groves of California into national parks—to the Committee on the Public Lands.

Also, resolutions of C. M. Williams Post, No. 141, Grand Army of the Republic, of Mount Vernon, Me., in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Paper to accompany bill for the relief of William H. Linton—to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: Resolution of Grand Army of the Republic Post No. 570, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolution of First Battalion, Naval Brigade, of the Ohio National Guard, relative to a naval training station at Put in Bay—to the Committee on Naval Affairs.

Also, petitions of J. C. Dowell, of Pittsburg, Pa., and Pittsburg Woman's Home Missionary Society of the Pittsburg Conference of the Methodist Church, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of W. H. Hammon, of Pittsburg, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DOUGHERTY: Petition of E. B. Thompson and 47 others, of Jamesport, Mo.; E. Blacklock and 35 others, of King City, Mo., and J. R. Williams and 12 others, of Martinsville, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DWIGHT: Paper to accompany bill granting increase of pension to William M. Moon—to the Committee on Invalid Pensions.

By Mr. FLACK: Resolution of Peru (N. Y.) Grange, Patrons of Husbandry, favoring good-roads legislation—to the Committee on Agriculture.

By Mr. FULLER: Resolution of the Board of Trade of Cairo, Ill., in relation to enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of R. B. Hayes Post, No. 120, Grand Army of the Republic, of Plano, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. GUDGER: Letters of citizens in favor of army chaplain bill—to the Committee on Military Affairs.

Also, paper to accompany bill to increase pension of Alson E. Reese—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Letter of Hart-Parr Company, of Charles City, Iowa, relative to the passage of bill H. R. 9302, which provides for the removal of internal revenue on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of E. B. Hall and others, of Swaledale, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of Henry Howard Post, No. 259, and Frank A. Brush Post, No. 77, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of citizens of Thompsonville, Conn., relative to the closing of the St. Louis Exposition on the Sabbath—to the Committee on Industrial Arts and Expositions.

By Mr. HOWELL of New Jersey: Resolutions of Captain J. W. Conover Post, No. 63, Grand Army of the Republic, Freehold, N. J., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of W. L. Pearson and others, of Oskaloosa, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on Invalid Pensions.

By Mr. LANNING: Resolutions of James M. Weart Post, No. 108, of Hopewell, N. J., and Bayard Post, No. 8, of Trenton, N. J., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Resolution of the Oneida Republican Association of the Fifteenth Ward of Brooklyn, N. Y., indorsing the action of the President in relation to the isthmian canal question—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTAUER: Papers to accompany House bill granting a pension to Catharine Berry—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to correct the military record of Mathew W. Face—to the Committee on Military Affairs.

Also, papers to accompany House bill to correct the military record of David R. Blessing—to the Committee on Military Affairs.

By Mr. LITTLE: Papers to accompany bill H. R. 10304, for the relief of Mrs. Eliza J. Haines—to the Committee on War Claims.

By Mr. LITTLEFIELD: Petition of citizens of Jennings Creek, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of Sedgwick Post, No. 4, Grand Army of the Republic, of Maine, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of Massachusetts State Board of Trade, in favor of arbitration treaties with Great Britain—to the Committee on Foreign Affairs.

Also, petition of Massachusetts State Board of Trade, in favor of certain changes in postal rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of Massachusetts State Board of Trade, in favor of providing a vessel to patrol Atlantic coast waters and destroy derelicts—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Papers to accompany bill granting an increase of pension to Sarah Jane Grissom—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 8099, for the relief of the estate of H. B. Henegar, deceased, late of Bradley County, Tenn.—to the Committee on War Claims.

By Mr. OTIS: Petition of citizens of Mount Vernon, N. Y., relative to the sale of liquor in Soldiers' Homes and Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Rev. G. W. McPherson, of Yonkers, N. Y., against sale of liquor in Soldiers' Homes and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. PORTER: Letter of Thomas K. Cree, relative to certain provisions in the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, resolution of First Battalion, Naval Brigade, of the Ohio National Guard, relative to a naval training station at Put in Bay—to the Committee on Naval Affairs.

By Mr. ROBINSON of Indiana: Petition of Cigar Makers' Union No. 37, of Fort Wayne, Ind., in favor of bill H. R. 6—to the Committee on Ways and Means.

By Mr. RYAN: Resolution of National League of Commission Merchants, relating to enlarging powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL W. SMITH: Resolutions of Carver Post, No. 123, and John Gillaly Post, No. 114, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Papers to accompany bill H. R. 11261, to correct the military record of I. N. Nance—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 8856, for the relief of the heirs of William W. Leftwich—to the Committee on War Claims.

By Mr. SULLOWAY: Petition of citizens of Freedom, N. H., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. WADSWORTH: Petition of Clark Allis and 47 others, of Medicina, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WANGER: Resolutions of M. E. Richards Post, No. 595, of Pottstown, Pa., and General S. K. Zook Post, No. 11, of Norristown, Pa., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, a memorial of Harmony Grange, No. 891, Patrons of Husbandry, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

SENATE.

MONDAY, *February 1, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

Mr. CHARLES H. DIETRICH, a Senator from the State of Nebraska, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

SOLDIERS' HOME AT MARION, IND.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of deficiency in the appropriation for the National Home for Disabled Volunteer Soldiers, Marion Branch, for the fiscal year ending June 30, 1904, $5,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

BOARD FOR PROMOTION OF RIFLE PRACTICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for the service for the fiscal year ended June 30, 1903, for expenses of Board for Promotion of Rifle Practice, $850; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF CAPITAL TRACTION COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Capital Traction Company for the year 1903; which was referred to the Committee on the District of Columbia, and ordered to be printed.

JOURNALS OF CONFEDERATE STATES CONGRESS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 28th ultimo, a copy of the Journals of the Provisional and the First and Second Congresses of the Confederate States of America, now in the custody of the War Department.

The papers comprise about seven octavo volumes, and, if there be no objection, the Chair will refer them to the Committee on Printing without any order in reference to the printing, leaving the Committee on Printing to determine what shall be done.

Mr. BATE. I think that course will be agreeable.

Mr. BACON. Is it a recommendation of the Secretary of War?

The PRESIDENT pro tempore. Yes; a communication from the Secretary of War.

Mr. BACON. What is the purport of the communication?

The PRESIDENT pro tempore. It transmits the Journals of the Provisional and the First and Second Congresses of the Confederate States.

Mr. BACON. I understand, but I wish to know what is the purpose of the transmission.

The PRESIDENT pro tempore. The papers were transmitted in order that they might be printed.

Mr. HALE. I think it is in reply to some resolution adopted by the Senate asking the Secretary of War to send in these papers.

Mr. BACON. That is what I wished to know.

Mr. HALE. It is a matter of historic value, and if it goes to the Committee on Printing they will report as to the printing.

Mr. BATE. Let it be printed and lie on the table, please.

The PRESIDENT pro tempore. There are seven octavo volumes.

Mr. BATE. Oh, no; just the communication from the Secretary of War.

The PRESIDENT pro tempore. The communication will be printed and referred, with the accompanying papers, to the Committee on Printing.

Mr. FORAKER subsequently said: Mr. President, I understand that while I was absent from the Senate for a few minutes the Chair laid before the Senate the papers transmitted by the Secretary of War in response to a Senate resolution adopted on the 28th ultimo, calling for a copy of the Journals of the Provisional and the First and Second Congresses of the Confederate States of America, and that they were referred by the Chair to the Committee on Printing.

I ask that that reference may be reconsidered and that the papers may be printed as a Senate document. I think there will be no controversy as to the propriety of printing the document. It is something which has been prepared by the War Department at a very great expense of time and trouble.

Mr. BATE. I think that is all we desire on this side about it.

The PRESIDENT pro tempore. And without any further order in relation to the printing?

Mr. FORAKER. I understand that it is not necessary to make any order under the rule. It is a document prepared by the War Department, called for by the Senate, and transmitted to the Senate in response to a resolution adopted by the Senate. The document is one entirely proper to be printed and the purpose in asking for it was to have it printed. So I——

The PRESIDENT pro tempore. What the Chair was asking was as to the future in addition to the number to be printed under that order, and as to how many additional copies the Senator would desire to have printed? There is a limit fixed by the rule to the number that can be printed as a Senate document.

Mr. FORAKER. Let it be printed as a Senate document. Then, after we have had a chance to look at it, if we want to have additional copies we can adopt a resolution providing for the printing of additional copies for the use of the Senate and also for the use of the House.

Mr. BATE. For the present I think that is the correct course.

Mr. ALDRICH. What are the papers?

Mr. FORAKER. Copies of the Journals of the Provisional and the First and Second Congresses of the Confederate States.

Mr. GALLINGER. Is that the document which the Chair stated is in seven octavo volumes?

The PRESIDENT pro tempore. It is.

Mr. GALLINGER. It seems to me that some committee ought to look at it before it is ordered printed. Does the rule apply to this document that if the printing exceeds the cost of $500 the question shall be referred to the Committee on Printing?

The PRESIDENT pro tempore. It does not. When the request is made that it be printed as a Senate document there is no limit as to the cost.

Mr. FORAKER. It is the same as in the case of any other Senate document.

The PRESIDENT pro tempore. The same as in the case of any other Senate document.

Mr. FORAKER. It is a document prepared by the War Department; it comes under the rule, and it is one, I think, the public will be interested in seeing.

Mr. GALLINGER. Mr. President, I am quite clear in the opinion that this will be a document of much interest to Congress and to the people of the country, and yet it is a fact that one of the most striking and startling extravagances of Congress is in the matter of printing. Our homes and our committee rooms are filled with books and documents that are never consulted. I wish that there might be some way devised whereby we could economize somewhat in the item of printing.

So far as this particular document is concerned, I shall be very glad indeed to have a copy of it, and if the Senator from Ohio is clear in the opinion that it ought to be printed, of course I shall interpose no objection.

Mr. FORAKER. I feel that way about it. It has been prepared under the supervision of the War Department, and it belongs to the history of the country. I think it ought to be printed.

Mr. BATE. I ask if this is the same document that was presented a while ago and went over?

The PRESIDENT pro tempore. It is the same. It was referred to the Committee on Printing without an order to print.

Mr. BATE. So I understood.

The PRESIDENT pro tempore. The Senator from Ohio asks that that reference may be reconsidered and that it may be printed as a Senate document.

Mr. BATE. Does the Senator from Ohio indicate the number of copies that shall be printed?

Mr. FORAKER. No; I simply ask that the usual number of copies may be printed—that is quite a considerable number—and after it is in document form and we have had a chance to look at it we can provide for the printing of further copies, whatever number may be necessary.

Mr. BATE. I think the first printing should be as suggested and then we can provide afterwards for additional copies if necessary.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio to reconsider the vote by which the document was referred to the Committee on Printing? The Chair hears none. Is there any objection to the request of the Senator from Onio that the papers be printed as a Senate document? The Chair hears no objection, and that order is made.

Does the Senator, after it is printed as a document, desire any reference of it?

Mr. FORAKER. No; I do not suppose any reference is necessary. It will be printed simply as a Senate document and will be distributed among Senators, each one having his allotment, as all other Senate documents are distributed.

ENGINEER CORPS OF THE ARMY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a General Staff report relating to the increase of the Engineer Corps of the Army, together with a draft of a proposed bill on that subject; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

RECESS APPOINTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 26th ultimo, certain information relative to recess appointments of Army officers; which, with the accompanying papers, was ordered to lie on the table, and be printed.

Mr. TILLMAN subsequently said: I have examined the papers sent by the Secretary of War in answer to the Senate resolution, and in order to facilitate the understanding of their contents by the members of the Senate in the morning before they come here, I ask that they may be printed in the RECORD as well as printed as a document. Otherwise Senators could not see them or get hold of them until they came to the Senate.

The PRESIDING OFFICER (Mr. PATTERSON in the chair). The Senator from South Carolina asks unanimous consent that the papers to which he refers may be printed in the RECORD. Is there objection?

Mr. ALLISON. What is the document?

Mr. TILLMAN. It is the answer of the Secretary of War to the resolution of the Senate in regard to the appointment of certain officers, and my sole purpose in asking that it may be printed in the RECORD is that Senators may see it in the morning, which otherwise they would not have an opportunity of doing. It has already been ordered printed as a document.

Mr. ALLISON. Is it a very long document?

Mr. TILLMAN. It is not a long document, sir. I have examined it, and it will not take two pages of the RECORD.

Mr. ALLISON. I shall not object then, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and the document referred to will be printed in the RECORD.

The papers referred to are as follows:

WAR DEPARTMENT,
Washington, January 29, 1904.

To the Senate:

I have the honor to reply to the following resolution of the Senate passed January 26, 1904:

"*Resolved*, That the Secretary of War be, and he is hereby, instructed to send to the Senate information in the nature of answers to the following questions:

"First. What officers in the Army were appointed during the recess of the Senate occurring between March 19, 1903, to November 9, 1903? Were commissions issued these officers; and if so, of what character? What officers failed of confirmation during the special session beginning November 9 and ending December 7, 1903? Have these officers been reappointed, and have commissions been issued to them? If so, what is the character of the commission and what authority of law is there for its being issued?"

(1) A list of the officers in the Army appointed during the recess of the Senate occurring between March 19, 1903, and November 9, 1903, is annexed hereto, marked "A."

The customary recess commissions were issued to these officers, in terms expiring at the end of the next session of the Senate.

(2) The only information which the Secretary of War has as to what officers have failed of confirmation is derived from the Senate. By comparing

the list of nominations sent to the Senate with the list of confirmations communicated by the Senate to the President it appears that the officers named in Schedule B, annexed hereto, had not been confirmed at noon on the first Monday of December, 1903.

(3) All the officers specified in Schedule B have been reappointed, and recess commissions, of the character specified above, have been issued to them. It is the understanding of this Department that the authority of law therefor is Article II, section 2, paragraph 3, of the Constitution, which reads as follows:

"The President shall have power to fill all vacancies that may happen during the recess of the Senate by granting commissions, which shall expire at the end of their next session."

Very respectfully,

ELIHU ROOT,
Secretary of War.

[Three inclosures.]

WAR DEPARTMENT,
OFFICE OF THE ADJUTANT-GENERAL,
Washington, January 27, 1904.

Respectfully returned to the Chief of Staff with the following information, called for by the within resolution of the Senate of January 26, 1904:

First. A list of officers in the Army appointed during the recess of the Senate occurring between March 19 and November 9, 1903. The names of all officers of the Army appointed during the recess specified is, with only two exceptions, correctly given in the list of Executive nominations received by the Senate November 11, 1903, and published in the CONGRESSIONAL RECORD of that date. The list thus published is inclosed to save the time of transcribing all the names.

The two officers receiving recess appointments whose names do not appear in this list are Second Lieut. F. E. Gignoux, Artillery Corps, promoted to grade of first lieutenant, and who resigned during the recess and was out of service when the Senate met, and Squadron Sergt. Maj. Horace Higgins, Twelfth Cavalry, promoted to be a second lieutenant of infantry, but not nominated in consequence of evidence of moral delinquency filed in the Department prior to the meeting of the Senate. Commissions, signed by the President, were issued to all of these officers of the character usually designated "recess commissions," each of which specified: "This commission to continue in force during the pleasure of the President of the United States for the time being and until the end of the next session of the Senate."

Second. A list of such of these officers as failed of confirmation during the special session of the Senate beginning November 9 and ending December 7, 1903, is inclosed. These officers were reappointed December 7, 1903. A copy of the President's order appointing them follows the list. This order of appointment was followed by recess commissions dated December 7, 1903, to all of these officers. These recess commissions were of the same character as those issued during the recess preceding November 9, 1903, that is to say, to continue in force "for the time being and until the end of the next session of the Senate."

E. R. HILLS,
Acting Adjutant-General.

SCHEDULE A.—NOMINATIONS.

Executive nominations received by the Senate November 11, 1903.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

To be Lieutenant-General.

Maj. Gen. Samuel B. M. Young, United States Army, August 8, 1903, vice Miles, retired from active service.

To be major-generals.

Brig. Gen. Samuel S. Sumner, United States Army, July 26, 1903, vice Davis, retired from active service.

Brig. Gen. Leonard Wood, United States Army, August 8, 1903, vice Young, appointed Lieutenant-General.

To be brigadier-generals.

Col. Jared A. Smith (since retired from active service), Corps of Engineers, April 13, 1903, vice Wade, appointed major-general.

Col. Jacob B. Rawles (since retired from active service), Artillery Corps, April 14, 1903, vice Smith, retired from active service.

Col. Stephen W. Groesbeck (since retired from active service), judge-advocate, April 16, 1903, vice Woodson, retired from active service.

Col. John R. Myrick (since retired from active service), Artillery Corps, April 17, 1903, vice Groesbeck, retired from active service.

Col. Louis H. Rucker (since retired from active service), Eighth Cavalry, April 18, 1903), vice Myrick, retired from active service.

Col. Theodore A. Baldwin (since retired from active service), Seventh Cavalry, April 19, 1903, vice Rucker, retired from active service.

Col. William P. Rogers (since retired from active service), Thirtieth Infantry, April 20, 1903, vice Baldwin, retired from active service.

Col. Peter C. Hains, Corps of Engineers, April 21, 1903, vice Rogers, retired from active service.

Col. John H. Page (since retired from active service), Third Infantry, July 26, 1903, vice Sumner, appointed major-general.

Col. Charles A. Woodruff (since retired from active service), assistant commissary-general, July 27, 1903, vice Page, retired from active service.

Col. William L. Haskin (since retired from active service), Artillery Corps, July 28, 1903, vice Charles A. Woodruff, retired from active service.

Col. Charles W. Miner (since retired from active service), Sixth Infantry, July 29, 1903, vice Haskin, retired from active service.

Col. James M. J. Sanno (since retired from active service), Eighteenth Infantry, July 30, 1903, vice Miner, retired from active service.

Col. Charles F. Robe (since retired from active service), Ninth Infantry, July 31, 1903, vice Sanno, retired from active service.

Col. James W. Reilly (since retired from active service), Ordnance Department, August 1, 1903, vice Robe, retired from active service.

Col. Edwin B. Atwood (since retired from active service), Assistant Quartermaster-General, August 2, 1903, vice Reilly, retired from active service.

Col. Frank G. Smith (since retired from active service), Artillery Corps, August 3, 1903, vice Atwood, retired from active service.

Col. George B. Rodney (since retired from active service), Artillery Corps, August 4, 1903, vice Smith, retired from active service.

Col. Almond B. Wells (since retired from active service), First Cavalry, August 5, 1903, vice Rodney, retired from active service.

Col. Peter J. A. Cleary (since retired from active service), Assistant Surgeon-General, August 6, 1903, vice Wells, retired from active service.

Col. John B. Babcock (since retired from active service), Assistant Adjutant-General, August 7, 1903, vice Cleary, retired from active service.

Col. Charles A. Coolidge (since retired from active service), Seventh Infantry, August 8, 1903, vice Wood, appointed major-general.

Col. Cyrus S. Roberts (since retired from active service), Second Infantry, August 8, 1903, vice Babcock, retired from active service.

Col. J. Milton Thompson (since retired from active service), Twenty-third Infantry, August 9, 1903, vice Coolidge, retired from active service.

Col. Calvin De Witt (since retired from active service), Assistant Surgeon-General, August 9, 1903, vice Roberts, retired from active service.

Col. Carle A. Woodruff (since retired from active service), Artillery Corps, August 10, 1903, vice Thompson, retired from active service.

Col. David H. Kinzie (since retired from active service), Artillery Corps, August 10, 1903, vice De Witt, retired from active service.

Col. John L. Tiernon (since retired from active service), Artillery Corps, August 11, 1903, vice Carle A. Woodruff, retired from active service.

Col. James Miller (since retired from active service), Twenty-second Infantry, August 11, 1903, vice Kinzie, retired from active service.

Col. David J. Craigie (since retired from active service), Seventeenth Infantry, August 12, 1903, vice Tiernon, retired from active service.

Col. Alpheus H. Bowman (since retired from active service), Twenty-fifth Infantry, August 12, 1903, vice Miller, retired from active service.

Col. Edmund Rice (since retired from active service), Nineteenth Infantry, August 13, 1903, vice Craigie, retired from active service.

Col. Charles G. Penney (since retired from active service), Twenty-ninth Infantry, August 13, 1903, vice Bowman, retired from active service.

Col. Jesse C. Chance (since retired from active service), Fourth Infantry, August 14, 1903, vice Rice, retired from active service.

Col. Theodore F. Forbes (since retired from active service), Twenty-seventh Infantry, August 14, 1903, vice Penney, retired from active service.

Col. Daniel D. Wheeler (since retired from active service), Assistant Quartermaster-General, August 15, 1903, vice Chance, retired from active service.

Col. Leon A. Matile (since retired from active service), Twenty-fourth Infantry, August 15, 1903, vice Forbes, retired from active service.

Col. Charles L. Cooper (since retired from active service), Fifth Cavalry, August 16, 1903, vice Wheeler, retired from active service.

Col. John A. Kress (since retired from active service), Ordnance Department, August 16, 1903, vice Matile, retired from active service.

Col. John Simpson (since retired from active service), Assistant Quartermaster-General, August 17, 1903, vice Cooper, retired from active service.

Col. Camillo C. C. Carr, Fourth Cavalry, August 17, 1903, vice Kress, retired from active service.

Col. Thomas H. Barry, Assistant Adjutant-General, August 18, 1903, vice Simpson, retired from active service.

PROMOTIONS IN THE ARMY.

ADJUTANT-GENERAL'S DEPARTMENT.

To be assistant adjutants-general with rank of colonel.

Lieut. Col. George Andrews, assistant adjutant-general, August 7, 1903, vice Babcock, appointed brigadier-general.

Lieut. Col. William A. Simpson, assistant adjutant-general, August 18, 1903, vice Barry, appointed brigadier-general.

INSPECTOR-GENERAL'S DEPARTMENT.

To be inspectors-general with rank of colonel.

Lieut. Col. Thomas T. Knox (since retired from active service), inspector-general, April 11, 1903, vice Vroom, appointed inspector-general with the rank of brigadier-general.

Lieut. Col. Stephen C. Mills, inspector-general, April 12, 1903, vice Burton, appointed inspector-general with the rank of brigadier-general.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT.

Lieut. Col. Enoch H. Crowder, judge-advocate, to be judge-advocate with the rank of colonel, April 16, 1903, vice Groesbeck, appointed brigadier-general.

Maj. John A. Hull, judge-advocate, to be judge-advocate with the rank of lieutenant-colonel, April 16, 1903, vice Crowder, promoted.

QUARTERMASTER'S DEPARTMENT.

To be assistant quartermasters-general with rank of colonel.

Lieut. Col. Forrest H. Hathaway, deputy quartermaster-general, April 12, 1903, vice Humphrey, appointed Quartermaster-General.

Lieut. Col. Joshua W. Jacobs, deputy quartermaster-general, August 2, 1903, vice Atwood, appointed brigadier-general.

Lieut. Col. John L. Clem, deputy quartermaster-general, August 15, 1903, vice Wheeler, appointed brigadier-general.

Lieut. Col. William S. Patten, deputy quartermaster-general, August 17, 1903, vice Simpson, appointed brigadier-general.

To be deputy quartermasters-general with rank of lieutenant-colonel.

Maj. John McE. Hyde, quartermaster, April 12, 1903, vice Hathaway, promoted.

Maj. George Ruhlen, quartermaster, August 2, 1903, vice Jacobs, promoted.

Maj. William H. Miller, quartermaster, August 15, 1903, vice Clem, promoted.

Maj. Samuel R. Jones, quartermaster, August 17, 1903, vice Patten, promoted.

To be quartermasters with rank of major.

Capt. John M. Carson, jr., quartermaster, April 12, 1903, vice Hyde, promoted.

Capt. Alfred M. Palmer, quartermaster, August 2, 1903, vice Ruhlen, promoted.

Capt. John Elston Baxter (heretofore borne on the Army Register as "John Baxter, jr."), quartermaster, August 15, 1903, vice Miller, promoted.

Capt. Moses G. Zalinski, quartermaster, August 17, 1903, vice Jones, promoted.

SUBSISTENCE DEPARTMENT.

Lieut. Col. William L. Alexander, deputy commissary-general, to be assistant commissary-general with the rank of colonel, July 27, 1903, vice Woodruff, appointed brigadier-general.

Maj. James N. Allison, commissary, to be deputy commissary-general with the rank of lieutenant-colonel, July 27, 1903, vice Alexander, promoted.

Capt. William H. Hart, commissary, to be commissary with the rank of major, July 27, 1903, vice Allison, promoted.

MEDICAL DEPARTMENT.

To be assistant surgeons-general with the rank of colonel.

Lieut. Col. Philip F. Harvey, deputy surgeon-general, August 6, 1903, vice Cleary, appointed brigadier-general.

Lieut. Col. Charles B. Byrne, deputy surgeon-general, August 9, 1903, vice De Witt, appointed brigadier-general.

Lieut. Col. Timothy E. Wilcox, deputy surgeon-general, September 22, 1903, vice Lippincott, retired from active service.

To be deputy surgeons-general with the rank of lieutenant-colonel.

Maj. George H. Torney, surgeon, August 6, 1903, vice Harvey, promoted.

Maj. Louis W. Crampton, surgeon, August 9, 1903, vice Byrne, promoted.

Maj. Edwin F. Gardner, surgeon, September 22, 1903, vice Wilcox, promoted.

To be surgeons with the rank of major.

Capt. William F. Lippitt, assistant surgeon, March 18, 1903, vice Gorgas, appointed assistant surgeon-general.

Capt. Merritte W. Ireland, assistant surgeon, August 3, 1903, vice Ten Eyck, retired from active service.

Capt. George M. Wells, assistant surgeon, August 6, 1903, vice Torney, promoted.
Capt. Henry C. Fisher, assistant surgeon, August 9, 1903, vice Crampton, promoted.
Capt. Henry A. Shaw, assistant surgeon, September 22, 1903, vice Gardner, promoted.

PAY DEPARTMENT.

To be paymasters with the rank of major.

Capt. Robert S. Smith, paymaster, February 19, 1903, vice Tucker, promoted.
Capt. Seymour Howell, paymaster, June 25, 1903, vice Newbold, retired from active service.

CORPS OF ENGINEERS

To be colonels.

Lieut. Col. David P. Heap, Corps of Engineers, April 13, 1903, vice Smith, appointed brigadier-general.
Lieut. Col. William A. Jones, Corps of Engineers, April 21, 1903, vice Hains, appointed brigadier-general.

To be lieutenant-colonels.

Maj. Ernest H. Ruffner, Corps of Engineers, April 13, 1903, vice Heap, promoted.
Maj. Clinton B. Sears, Corps of Engineers, April 21, 1903, vice Jones, promoted.

To be majors.

Capt. George A. Zinn, Corps of Engineers, April 13, 1903, vice Ruffner, promoted.
Capt. William C. Langfitt, Corps of Engineers, April 21, 1903, vice Sears, promoted.

To be captains.

First Lieut. William B. Ladue, Corps of Engineers, April 13, 1903, vice Zinn, promoted.
First Lieut. William J. Barden, Corps of Engineers, April 21, 1903, vice Langfitt, promoted.

To be first lieutenants.

Second Lieut. Ernest D. Peck, Corps of Engineers, April 13, 1903, vice Ladue, promoted.
Second Lieut. George R. Spalding, Corps of Engineers, April 21, 1903, vice Barden, promoted.
Second Lieut. Elliott J. Dent, Corps of Engineers, June 4, 1903, vice Rhett, resigned.

ORDNANCE DEPARTMENT.

To be colonels.

Lieut. Col. John A. Kress (since retired from active service), Ordnance Department, August 1, 1903, vice Reilly, appointed brigadier-general.
Lieut. Col. John G. Butler, Ordnance Department, August 16, 1903, vice Kress, appointed brigadier-general.

To be lieutenant-colonels.

Maj. Charles S. Smith, Ordnance Department, April 5, 1903, vice Varnoy, retired from active service.
Maj. Stanhope E. Blunt, Ordnance Department, August 1, 1903, vice Kress, promoted.
Maj. Frank Heath, Ordnance Department, August 16, 1903, vice Butler, promoted.

To be majors.

Capt. Lawrence L. Bruff, Ordnance Department, April 5, 1903, vice Smith, promoted.
Capt. Charles H. Clark, Ordnance Department, August 1, 1903, vice Blunt, promoted.
Capt. Frank E. Hobbs, Ordnance Department, August 16, 1903, vice Heath, promoted.

To be captains.

First Lieut. John H. Rice, Ordnance Department, April 5, 1903, vice Bruff, promoted.
First Lieut. David M. King, Ordnance Department, August 1, 1903, vice Clark, promoted.
First Lieut. Thales L. Ames, Ordnance Department, August 16, 1903, vice Hobbs, promoted.

SIGNAL CORPS.

To be captains.

First Lieut. Walter L. Clarke, Signal Corps, March 2, 1903, vice Greene, promoted.
First Lieut. Basil O. Lenoir, Signal Corps, March 2, 1903, vice Reber, promoted.
First Lieut. William Mitchell, Signal Corps, March 2, 1903, vice Squier, promoted.
First Lieut. Henry W. Stamford, Signal Corps, March 2, 1903, to fill an original vacancy.
First Lieut. Charles S. Wallace, Signal Corps, March 2, 1903, to fill an original vacancy.
First Lieut. George S. Gibbs, Signal Corps, March 2, 1903, to fill an original vacancy.
First Lieut. Charles de F. Chandler, Signal Corps, March 2, 1903, to fill an original vacancy.

CAVALRY ARM.

To be colonels.

Lieut. Col. John B. Kerr, United States Cavalry, assistant adjutant-general, March 30, 1903, vice Forbush, Twelfth Cavalry, retired from active service.
Lieut. Col. Joseph H. Dorst, Twelfth Cavalry, April 15, 1903, vice Woodson, Third Cavalry, appointed brigadier-general.
Lieut. Col. George S. Anderson, Sixth Cavalry, April 18, 1903, vice Rucker, Eighth Cavalry, appointed brigadier-general.
Lieut. Col. Earl D. Thomas, Thirteenth Cavalry, April 19, 1903, vice Baldwin, Seventh Cavalry, appointed brigadier-general.
Lieut. Col. Martin B. Hughes, Tenth Cavalry, August 5, 1903, vice Wells, First Cavalry, appointed brigadier-general.
Lieut. Col. Clarence A. Stedman, Fourth Cavalry, August 16, 1903, vice Cooper, Fifth Cavalry, appointed brigadier-general.
Lieut. Col. Edgar Z. Steever, United States Cavalry, assistant adjutant-general, August 17, 1903, vice Carr, Fourth Cavalry, appointed brigadier-general.

To be lieutenant-colonels.

Maj. George F. Chase, Seventh Cavalry, April 15, 1903, vice Dorst, Twelfth Cavalry, promoted.
Maj. William H. Beck, Eighth Cavalry, April 15, 1903, vice Steever, Third Cavalry, detailed as assistant adjutant-general.
Maj. Peter S. Bomus, First Cavalry, April 18, 1903, vice Anderson, Sixth Cavalry, promoted.
Maj. James Parker, United States Cavalry, assistant adjutant-general, April 19, 1903, vice Thomas, Thirteenth Cavalry, promoted.
Maj. Joseph Garrard, Ninth Cavalry, April 22, 1903, vice Sprole, First Cavalry, deceased.
Maj. Frank U. Robinson, Second Cavalry, May 25, 1903, vice West, Fifth Cavalry, detailed as inspector-general.
Maj. Otto L. Hein, Third Cavalry, August 5, 1903, vice Hughes, Tenth Cavalry, promoted.
Maj. George H. Paddock, Fifth Cavalry, August 16, 1903, vice Stedman, Fourth Cavalry, promoted.
Maj. Samuel W. Fountain, United States Cavalry, assistant adjutant-general, August 26, 1903, vice Parker, Thirteenth Cavalry, detailed as assistant adjutant-general.

To be majors.

Capt. Curtis B. Hoppin, Second Cavalry, March 23, 1903, vice Craig, Fifteenth Cavalry, retired from active service.
Capt. Loyd S. McCormick, United States Cavalry, commissary, April 15, 1903, vice Chase, Seventh Cavalry, promoted.
Capt. Henry L. Ripley, Third Cavalry, April 15, 1903, vice Beck, Eighth Cavalry, promoted.
Capt. Jacob G. Galbraith, First Cavalry, April 18, 1903, vice Bomus, First Cavalry, promoted.
Capt. James B. Erwin, Fourth Cavalry, April 22, 1903, vice Garrard, Ninth Cavalry, promoted.
Capt. George H. Morgan, Third Cavalry, April 27, 1903, vice Gale, Ninth Cavalry, detailed as inspector-general.
Capt. Daniel H. Boughton, Third Cavalry, May 25, 1903, vice Robinson, Second Cavalry, promoted.
Capt. Horatio G. Sickel, Seventh Cavalry, July 16, 1903, vice Hare, Twelfth Cavalry, retired from active service.
Capt. Andrew G. Hammond, Eighth Cavalry, August 5, 1903, vice Hein, Third Cavalry, promoted.
Capt. Franklin O. Johnson, Third Cavalry, August 16, 1903, vice Paddock, Fifth Cavalry, promoted.
Capt. Herbert J. Slocum, United States Cavalry, quartermaster, August 26, 1903, vice Swift, First Cavalry, detailed as assistant adjutant-general.

To be captains.

First Lieut. Robert B. Powers, Seventh Cavalry, March 23, 1903, vice Hoppin, Second Cavalry, promoted.
First Lieut. Francis H. Pope, Second Cavalry, April 4, 1903, vice Merillat, Fifteenth Cavalry, retired from active service.
First Lieut. Matthew E. Hanna, Second Cavalry, April 15, 1903, vice Ripley, Third Cavalry, promoted.
First Lieut. George E. Mitchell, Seventh Cavalry, April 17, 1903, vice Hawkins, Thirteenth Cavalry, detailed as commissary.
First Lieut. Pierce A. Murphy, Seventh Cavalry, April 18, 1903, vice Galbraith, First Cavalry, promoted.
First Lieut. Frederick T. Arnold, Fourth Cavalry, April 22, 1903, vice Erwin, Fourth Cavalry, promoted.
First Lieut. James N. Munro, Fourteenth Cavalry, April 27, 1903, vice Morgan, Third Cavalry, promoted.
First Lieut. William S. Valentine, Second Cavalry, May 16, 1903, vice Overton, Fifteenth Cavalry, deceased.
First Lieut. Henry C. Smither, First Cavalry, May 17, 1903, vice Summerlin, Fifth Cavalry, resigned.
First Lieut. Roy B. Harper, Seventh Cavalry, May 25, 1903, vice Boughton, Third Cavalry, promoted.
First Lieut. Thomas A. Roberts, Tenth Cavalry, July 16, 1903, vice Sickel, Seventh Cavalry, promoted.
First Lieut. Edgar A. Sirmyer, Tenth Cavalry, August 5, 1903, vice Hammond, Eighth Cavalry, promoted.
First Lieut. Frank R. McCoy, Tenth Cavalry, August 16, 1903, vice Johnson, Third Cavalry, promoted.
First Lieut. Chalmers G. Hall, Fifth Cavalry, September 19, 1903, vice Fenton, Thirteenth Cavalry, detailed as paymaster.
First Lieut. Clarence R. Day, Fourteenth Cavalry, September 28, 1903, vice Fleming, Fifth Cavalry, detailed as quartermaster.

To be first lieutenants.

Second Lieut. George F. Bailey, Eighth Cavalry, February 25, 1903, vice Orton, Second Cavalry, promoted.
Second Lieut. Robert Sterrett, Fourth Cavalry, March 1, 1903, vice Morrow, Ninth Cavalry, appointed judge-advocate.
Second Lieut. William B. Renziehausen, Fifth Cavalry, March 23, 1903, vice Powers, Seventh Cavalry, promoted.
Second Lieut. Kyle Rucker, Fourteenth Cavalry, April 4, 1903, vice Pope, Second Cavalry, promoted.
Second Lieut. George Garity, Second Cavalry, April 15, 1903, vice Hanna, Second Cavalry, promoted.
Second Lieut. Emory S. West, Sixth Cavalry, April 17, 1903, vice Mitchell, Seventh Cavalry, promoted.
Second Lieut. Ralph C. Caldwell, Eleventh Cavalry, April 18, 1903, vice Murphy, Seventh Cavalry, promoted.
Second Lieut. George M. Lee, Seventh Cavalry, April 22, 1903, vice Arnold, Fourth Cavalry, promoted.
Second Lieut. Eben Swift, jr., Fifth Cavalry, April 27, 1903, vice Munro, Fourteenth Cavalry, promoted.
Second Lieut. Edgar N. Coffey, Twelfth Cavalry, May 15, 1903, vice Valentine, Second Cavalry, promoted.
Second Lieut. James S. Butler, Twelfth Cavalry, May 17, 1903, vice Smither, First Cavalry, promoted.
Second Lieut. Solomon L. Jeffers, Twelfth Cavalry, May 25, 1903, vice Harper, Seventh Cavalry, promoted.
Second Lieut. Harry S. Terrell, Eighth Cavalry, July 16, 1903, vice Roberts, Tenth Cavalry, promoted.
Second Lieut. Albert E. Phillips, Eighth Cavalry, August 5, 1903, vice Sirmyer, Tenth Cavalry, promoted.
Second Lieut. Granville R. Fortescue, Fourth Cavalry, August 16, 1903, vice McCoy, Tenth Cavalry, promoted.
Second Lieut. John Alden Degen, Fourth Cavalry, September 17, 1903, vice Brees, Twelfth Cavalry, detailed in the Signal Corps.
Second Lieut. Arthur N. Pickel, Twelfth Cavalry, September 17, 1903, vice Johnston, Fifteenth Cavalry, detailed in the Signal Corps.
Second Lieut. Brice P. Disque, Fifth Cavalry, September 17, 1903, vice Hemphill, Third Cavalry, detailed in the Signal Corps.
Second Lieut. Alvin S. Perkins, Eleventh Cavalry, September 17, 1903, vice Butler, First Cavalry, detailed in the Signal Corps.
Second Lieut. Robert M. Barton, Ninth Cavalry, September 19, 1903, vice Hall, Fifth Cavalry, promoted.

Second Lieut. Walter J. Scott, Tenth Cavalry, September 28, 1903, vice Day, Fourteenth Cavalry, promoted.
Second Lieut. Richard W. Walker, Eighth Cavalry, October 15, 1903, vice Foley, Fifth Cavalry, dismissed.

ARTILLERY CORPS.

To be colonels.

Lieut. Col. Abner H. Merrill, Artillery Corps, April 14, 1903, vice Rawles appointed brigadier-general.
Lieut. Col. William Ennis, Artillery Corps, assistant adjutant-general, April 17, 1903, vice Myrick, appointed brigadier-general.
Lieut. Col. George S. Grimes, Artillery Corps, July 19, 1903, vice Vose, retired from active service.
Lieut. Col. John M. K. Davis, Artillery Corps, July 28, 1903, vice Haskin, appointed brigadier-general.
Lieut. Col. Benjamin K. Roberts, Artillery Corps, August 3, 1903, vice Smith, appointed brigadier-general.
Lieut. Col. James O'Hara (since retired from active service), Artillery Corps, August 4, 1903, vice Rodney, appointed brigadier-general.
Lieut. Col. Asher C. Taylor, Artillery Corps, August 10, 1903, vice Woodruff, appointed brigadier-general.
Lieut. Col. Henry W. Hubbell, Artillery Corps, August 10, 1903, vice Kinzie, appointed brigadier-general.
Lieut. Col. William F. Stewart, Artillery Corps, August 11, 1903, vice Tiernon, appointed brigadier-general.
Lieut. Col. Anthony W. Vogdes, Artillery Corps, November 1, 1903, vice O'Hara, retired from active service.

To be lieutenant-colonels.

Maj. Ephraim T. C. Richmond, Artillery Corps, April 14, 1903, vice Merrill, promoted.
Maj. Ramsay D. Potts, Artillery Corps, inspector-general, July 19, 1903, vice Grimes, promoted.
Maj. Elbridge R. Hills, Artillery Corps, July 28, 1903, vice Davis, promoted.
Maj. Sydney W. Taylor, Artillery Corps, assistant adjutant-general, July 31, 1903, vice Hills, detailed as assistant adjutant-general.
Maj. Charles Humphreys, Artillery Corps, August 3, 1903, vice Roberts, promoted.
Maj. Luigi Lomia, Artillery Corps, August 4, 1903, vice O'Hara, promoted.
Maj. Alexander D. Schenck, Artillery Corps, August 10, 1903, vice Taylor, promoted.
Maj. Sedgwick Pratt, Artillery Corps, August 10, 1903, vice Hubbell, promoted.
Maj. John McClellan, Artillery Corps, August 11, 1903, vice Stewart, promoted.
Maj. Harry R. Anderson, Artillery Corps, August 14, 1903, vice Taylor, detailed as assistant adjutant-general.
Maj. Robert H. Patterson, Artillery Corps, November 1, 1903, vice Vogdes, promoted.

To be majors.

Capt. Henry H. Ludlow, Artillery Corps, April 14, 1903, vice Richmond, promoted.
Capt. William R. Hamilton, Artillery Corps, April 14, 1903, vice Best, deceased.
Capt. Charles W. Foster, Artillery Corps, July 28, 1903, vice Hills, promoted.
Capt. Clarence Deems, Artillery Corps, July 31, 1903, vice Hoskins, detailed as inspector-general.
Capt. John V. White, Artillery Corps, August 3, 1903, vice Humphreys, promoted.
Capt. Erasmus M. Weaver, Artillery Corps, August 4, 1903, vice Lomia, promoted.
Capt. Eli D. Hoyle, Artillery Corps, August 10, 1903, vice Schenck, promoted.
Capt. Granger Adams, Artillery Corps, August 10, 1903, vice Pratt, promoted.
Capt. Frederick Marsh, Artillery Corps, August 11, 1903, vice McClellan, promoted.
Capt. Charles G. Woodward, Artillery Corps, August 14, 1903, vice Anderson, promoted.
Capt. Edward E. Gayle, Artillery Corps, August 14, 1903, vice White, detailed as assistant adjutant-general.
Capt. Hamilton Rowan, Artillery Corps, November 1, 1903, vice Patterson, promoted.

To be captains.

First Lieut. Percy P. Bishop, Artillery Corps, April 14, 1903, vice Ludlow, promoted.
First Lieut. Henry J. Hatch, Artillery Corps, April 14, 1903, vice Hamilton, promoted.
First Lieut. Elmer J. Wallace, Artillery Corps, May 2, 1903, vice Nugent, detailed as quartermaster.
First Lieut. William F. Hase, Artillery Corps, July 28, 1903, vice Foster, promoted.
First Lieut. William R. Dooros, Artillery Corps, July 31, 1903, vice Bridgman, retired from active service.
First Lieut. Alfred A. Starbird, Artillery Corps, July 21, 1903, vice Deems, promoted.
First Lieut. James F. Howell, Artillery Corps, August 3, 1903, vice White, promoted.
First Lieut. John C. Goodfellow, Artillery Corps, August 4, 1903, vice Weaver, promoted.
First Lieut. John T. Geary, Artillery Corps, August 10, 1903, vice Hoyle, promoted.
First Lieut. Guy T. Scott, Artillery Corps, August 10, 1903, vice Adams, promoted.
First Lieut. Morrell M. Mills, August 11, 1903, vice Marsh, promoted.
First Lieut. Charles R. Lloyd, jr., Artillery Corps, August 14, 1903, vice Woodward, promoted.
First Lieut. Edward Carpenter, Artillery Corps, August 14, 1903, vice Gayle, promoted.
First Lieut. Henry M. Merriam, Artillery Corps, August 27, 1903, vice Chase, detailed as paymaster.
First Lieut. Oliver L. Spaulding, jr., Artillery Corps, August 27, 1903, vice Bottoms, detailed as commissary.
First Lieut. Hanson B. Black, Artillery Corps, Ordnance Department, August 27, 1903, vice Cole, detailed as quartermaster.
First Lieut. Conrad H. Lanza, Artillery Corps, November 1, 1903, vice Rowan, promoted.

To be first lieutenants.

Second Lieut. Allan Lefort, Artillery Corps, April 14, 1903, vice Bishop, promoted.
Second Lieut. Joseph Matson, Artillery Corps, April 14, 1903, vice Hatch, promoted.
Second Lieut. Jesse G. Langdon, Artillery Corps, May 2, 1903, vice Wallace, promoted.
Second Lieut. Francis H. Lincoln, Artillery Corps, June 2, 1903, vice McCoach, resigned.
Second Lieut. Daniel F. Craig, Artillery Corps, July 28, 1903, vice Hase, promoted.
Second Lieut. Robert B. Mitchell, Artillery Corps, July 31, 1903, vice Starbird, promoted.
Second Lieut. William H. Wilson, Artillery Corps, August 3, 1903, vice Howell, promoted.
Second Lieut. Edward D. Powers, Artillery Corps, August 4, 1903, vice Goodfellow, promoted.
Second Lieut. Nathan J. Shelton, Artillery Corps, August 7, 1903, vice Gignoux, resigned.
Second Lieut. Charles E. N. Howard, Artillery Corps, August 10, 1903, vice Geary, promoted.
Second Lieut. Edwin C. Long, Artillery Corps, August 10, 1903, vice Scott, promoted.
Second Lieut. Augustus B. Warfield, Artillery Corps, August 11, 1903, vice Mills, promoted.
Second Lieut. Howard L. Landers, Artillery Corps, August 14, 1903, vice Lloyd, promoted.
Second Lieut. Claudius M. Seaman, Artillery Corps, August 14, 1903, vice Carpenter, promoted.
Second Lieut. Hugh J. B. McElgin, Artillery Corps, August 27, 1903, vice Merriam, promoted.
Second Lieut. Arthur L. Fuller, Artillery Corps, August 27, 1903, vice Spaulding, promoted.
Second Lieut. Francis H. Lomax, Artillery Corps, September 20, 1903, vice Green, deceased.
Second Lieut. William H. Burt, Artillery Corps, November 1, 1903, vice Lanza, promoted.

INFANTRY ARM.

To be colonels.

Lieut. Col. John J. O'Connell, Third Infantry, April 20, 1903, vice Rogers, Thirtieth Infantry, appointed brigadier-general.
Lieut Col. Samuel R. Whitall, Twenty-seventh Infantry, July 28, 1903, vice Page, Third Infantry, appointed brigadier-general.
Lieut. Col. James Regan, Ninth Infantry, July 29, 1903, vice Miner, Sixth Infantry, appointed brigadier-general.
Lieut. Col. John B. Rodman (since retired from active service), Tenth Infantry, July 30, 1903, vice Sanno, Eighteenth Infantry, appointed brigadier-general.
Lieut. Col. Harry L. Haskell, Twelfth Infantry, July 31, 1903, vice Robe, Ninth Infantry, appointed brigadier-general.
Lieut. Col. Daniel Cornman, Twenty-fourth Infantry, August 8, 1903, vice Coolidge, Seventh Infantry, appointed brigadier-general.
Lieut. Col. Charles B. Hall, Thirtieth Infantry, August 8, 1903, vice Roberts, Second Infantry, appointed brigadier-general.
Lieut. Col. Joseph W. Duncan, Thirteenth Infantry, August 9, 1903, vice Thompson, Twenty-third Infantry, appointed brigadier-general.
Lieut. Col. Henry Wygant, Sixth Infantry, August 11, 1903, vice Miller, Twenty-second Infantry, appointed brigadier-general.
Lieut. Col. Francis W. Mansfield, First Infantry, August 12, 1903, vice Craigie, Seventeenth Infantry, appointed brigadier-general.
Lieut. Col. P. Henry Ray, Eighth Infantry, August 12, 1903, vice Bowman, Twenty-fifth Infantry, appointed brigadier-general.
Lieut. Col. Benjamin C. Lockwood, Twenty-ninth Infantry, August 13, 1903, vice Rice, Nineteenth Infantry, appointed brigadier-general.
Lieut. Col. Philip Reade, Twenty-third Infantry, August 13, 1903, vice Penney, Twenty-ninth Infantry, appointed brigadier-general.
Lieut. Col. John T. Van Orsdale, Seventeenth Infantry, August 14, 1903, vice Chance, Fourth Infantry, appointed brigadier-general.
Lieut. Col. James A. Buchanan, Eleventh Infantry, August 14, 1903, vice Forbes, Twenty-seventh Infantry, appointed brigadier-general.
Lieut. Col. Joseph F. Huston, Nineteenth Infantry, August 15, 1903, vice Matile, Twenty-fourth Infantry, appointed brigadier-general.
Lieut. Col. William H. W. James, Twenty-fifth Infantry, October 31, 1903, vice Rodman, Twenty-fifth Infantry, retired from active service.

To be lieutenant-colonels.

Maj. Leven C. Allen, Sixteenth Infantry, March 15, 1903, vice Baldwin, Sixteenth Infantry, deceased.
Maj. James E. Macklin, Eleventh Infantry, April 20, 1903, vice O'Connell, Third Infantry, promoted.
Maj. William L. Pitcher, Eighth Infantry, May 25, 1903, vice Williams, Twenty-eighth Infantry, detailed as inspector-general.
Maj. Herbert S. Foster, Twelfth Infantry, July 23, 1903, vice Whitall, Twenty-seventh Infantry, promoted.
Maj. John C. Dent, Twenty-fourth Infantry, July 29, 1903, vice Regan, Ninth Infantry, promoted.
Maj. George K. McGunnegle, Twenty-sixth Infantry, July 30, 1903, vice Rodman, Tenth Infantry, promoted.
Maj. Edgar B. Robertson, Ninth Infantry, July 31, 1903, vice Haskell, Twelfth Infantry, promoted.
Maj. Charles A. Booth, Seventeenth Infantry, August 8, 1903, vice Cornman, Twenty-fourth Infantry, promoted.
Maj. Henry A. Greene, United States Infantry, assistant adjutant-general, August 8, 1903, vice Hall, Thirtieth Infantry, promoted.
Maj. Edwin B. Bolton, Twenty-fourth Infantry, August 9, 1903, vice Duncan, Thirteenth Infantry, promoted.
Maj. James S. Pettit, United States Infantry, inspector-general, August 11, 1903, vice Wygant, Sixth Infantry, promoted.
Maj. Charles L. Hodges, Twenty-third Infantry, August 12, 1903, vice Mansfield, First Infantry, promoted.
Maj. Robert H. R. Loughborough, Sixth Infantry, August 12, 1903, vice Ray, Eighth Infantry, promoted.
Maj. John G. Ballance, United States Infantry, assistant adjutant-general, August 13, 1903, vice Lockwood, Twenty-ninth Infantry, promoted.
Maj. Frank Taylor, Fifteenth Infantry, August 13, 1903, vice Reade, Twenty-third Infantry, promoted.
Maj. Richard T. Yeatman, Twenty-second Infantry, August 14, 1903, vice Van Orsdale, Seventeenth Infantry, promoted.
Maj. Thomas F. Davis, Twenty-eighth Infantry, August 14, 1903, vice Buchanan, Eleventh Infantry, promoted.
Maj. Daniel H. Brush, Twenty-fifth Infantry, August 15, 1903, vice Huston, Nineteenth Infantry, promoted.
Maj. Charles J. Crane, United States Infantry, assistant adjutant-general, August 21, 1903, vice Pettit, detailed assistant adjutant-general.
Maj. Hobart K. Bailey, United States Infantry, inspector-general, October 31, 1903, vice James, Twenty-fifth Infantry, promoted.

To be majors.

Capt. John Newton, Sixteenth Infantry, March 15, 1903, vice Allen, Sixteenth Infantry, promoted.

Capt. Samuel W. Dunning, Sixteenth Infantry, March 19, 1903, vice Lovering, Twenty-ninth Infantry, detailed as inspector-general.
Capt. Joseph M. T. Partello, Twenty-third Infantry, April 17, 1903, vice Febiger, Seventh Infantry, detailed as inspector-general.
Capt. Lewis H. Strother, Twenty-sixth Infantry, April 20, 1903, vice Macklin, Eleventh Infantry, promoted.
Capt. Francis P. Fremont, Second Infantry, May 25, 1903, vice Pitcher, Eighth Infantry, promoted.
Capt. Charles M. Truitt, Twenty-eighth Infantry, June 23, 1903, vice Edwards, Twenty-third Infantry, retired from active service.
Capt. George Bell, jr., Fifteenth Infantry, July 26, 1903, vice Foster, Twelfth Infantry, promoted.
Capt. Charles J. T. Clarke, Tenth Infantry, July 29, 1903, vice Dent, Twenty-fourth Infantry, promoted.
Capt. Warren H. Cowles, Twenty-fourth Infantry, July 30, 1903, vice McGunnegle, Twenty-sixth Infantry, promoted.
Capt. John S. Parke, jr., Twenty-first Infantry, July 31, 1903, vice Robertson, Ninth Infantry, promoted.
Capt. Frank B. McCoy, Seventeenth Infantry, August 8, 1903, vice Booth, Seventeenth Infantry, promoted.
Capt. Elias Chandler, First Infantry, August 9, 1903, vice Bolton, Twenty-fourth Infantry, promoted.
Capt. Charles R. Noyes, Ninth Infantry, August 12, 1903, vice Hodges, Twenty-third Infantry, promoted.
Capt. Charles W. Abbott, jr., Twelfth Infantry, August 12, 1903, vice Loughborough, Sixth Infantry, promoted.
Capt. Richard M. Blatchford, Eleventh Infantry, August 13, 1903, vice Taylor, Fifteenth Infantry, promoted.
Capt. John H. Beacom, Sixth Infantry, August 14, 1903, vice Yeatman, Twenty-second Infantry, promoted.
Capt. Willis T. May (heretofore borne as "Will T. May"), Fifteenth Infantry, August 14, 1903, vice Davis, Twenty-eighth Infantry, promoted.
Capt. Henry W. Hovey, Twenty-fourth Infantry, August 14, 1903, vice Nichols, Twenty-first Infantry, detailed as inspector-general.
Capt. Lawrence J. Hearn, Twenty-first Infantry, August 15, 1903, vice Brush, Twenty-fifth Infantry, promoted.
Capt. Walter K. Wright, Seventh Infantry, August 26, 1903, vice Evans, Twentieth Infantry, detailed as assistant adjutant-general.
Capt. Charles B. Hardin, Eighteenth Infantry, August 26, 1903, vice Starr, Twenty-fifth Infantry, detailed as assistant adjutant-general.
Capt. Edwin P. Pendleton, Twenty-third Infantry, August 26, 1903, vice Dunning, Twenty-ninth Infantry, detailed as assistant adjutant-general.
Capt. Harry A. Leonhaeuser, Twenty-fifth Infantry, September 3, 1903, vice Liggett, Twenty-first Infantry, detailed as assistant adjutant-general.

To be captains.

First Lieut. G. Maury Crallé, Twentieth Infantry, March 15, 1903, vice Newton, Sixteenth Infantry, promoted.
First Lieut. Joseph F. Gohn, Fourteenth Infantry, March 19, 1903, vice Dunning, Sixteenth Infantry, promoted.
First Lieut. James H. Bradford, jr., Nineteenth Infantry, April 17, 1903, vice Partello, Twenty-third Infantry, promoted.
First Lieut. David L. Stone, Twenty-second Infantry, April 20, 1903, vice Strother, Twenty-sixth Infantry, promoted.
First Lieut. Alfred W. Bjornstad, Twenty-ninth Infantry, May 1, 1903, vice McKenna, Twenty-eighth Infantry, resigned.
First Lieut. Patrick A. Connolly, Twenty-first Infantry, May 25, 1903, vice Dowdy, Twenty-sixth Infantry, retired from active service.
First Lieut. John B. Schoeffel, Ninth Infantry, May 25, 1903, vice Fremont, Second Infantry, promoted.
First Lieut. Walter T. Bates, Twenty-sixth Infantry, June 2, 1903, vice Shuttleworth, Twenty-seventh Infantry, detailed as quartermaster.
First Lieut. Englebert G. Ovenshine, Sixteenth Infantry, June 23, 1903, vice Truitt, Twenty-eighth Infantry, promoted.
First Lieut. Percy M. Cochran, Nineteenth Infantry, July 26, 1903, vice Bell, Fifteenth Infantry, promoted.
First Lieut. George N. Bomford, Sixth Infantry, July 29, 1903, vice Clarke, Tenth Infantry, promoted.
First Lieut. Benjamin P. Nicklin, Ninth Infantry, July 29, 1903, vice Hodges, Twenty-second Infantry, detailed as quartermaster.
First Lieut. John W. French, Twenty-fifth Infantry, July 30, 1903, vice Cowles, Twenty-fourth Infantry, promoted.
First Lieut. Cromwell Stacey, Thirtieth Infantry, July 31, 1903, vice Parke, Twenty-first Infantry, promoted.
First Lieut. William A. Cavenaugh, Eighth Infantry, August 7, 1903, vice Hart, Seventeenth Infantry, detailed as quartermaster.
First Lieut. George M. Grimes, Twentieth Infantry, August 8, 1903, vice McCoy, Seventeenth Infantry, promoted.
First Lieut. Thomas R. Harker, Fifteenth Infantry, August 9, 1903, vice Chandler, First Infantry, promoted.
First Lieut. John F. Wilkinson, Sixth Infantry, August 12, 1903, vice Noyes, Ninth Infantry, promoted.
First Lieut. Frank D. Wickham, Twelfth Infantry, August 12, 1903, vice Abbot, Twelfth Infantry, promoted.
First Lieut. William B. Folwell, First Infantry, August 13, 1903, vice Blatchford, Eleventh Infantry, promoted.
First Lieut. Bryan Conrad, Fifteenth Infantry, August 14, 1903, vice Beacom, Sixth Infantry, promoted.
First Lieut. William K. Naylor, Ninth Infantry, August 14, 1903, vice May, Fifteenth Infantry, promoted.
First Lieut. William H. Oury, Twelfth Infantry, August 14, 1903, vice Hovey, Twenty-fourth Infantry, promoted.
First Lieut. Austin F. Prescott, Seventh Infantry, August 15, 1903, vice Hearn, Twenty-first Infantry, promoted.
First Lieut. Edgar A. Fry, Thirteenth Infantry, August 15, 1903, vice Brown, Fourth Infantry, deceased.
First Lieut. Harry A. Eaton, Eighth Infantry, August 22, 1903, vice Weigel, Eleventh Infantry, detailed as quartermaster.
First Lieut. Campbell King, First Infantry, August 26, 1903, vice Wright, Seventh Infantry, promoted.
First Lieut. Tenney Ross, Third Infantry, August 26, 1903, vice Hardin, Eighteenth Infantry, promoted.
First Lieut. George C. Martin, Second Infantry, August 26, 1903, vice Pendleton, Twenty-third Infantry, promoted.
First Lieut. Robert O. Van Horn, Twelfth Infantry, August 27, 1903, vice Creary, Twelfth Infantry, detailed as paymaster.
First Lieut. Ezekiel J. Williams, Fifth Infantry, September 3, 1903, vice Leonhaeuser, Twenty-fifth Infantry, promoted.
First Lieut. Moor N. Falls, Twelfth Infantry, September 14, 1903, vice Perry, Thirtieth Infantry, retired from active service.
First Lieut. Joseph W. Glidden, Nineteenth Infantry, September 23, 1903, vice Lowe, Twenty-fifth Infantry, retired from active service.
First Lieut. John R. R. Hannay, Twenty-second Infantry, September 26, 1903, vice Wren, Seventeenth Infantry, detailed as quartermaster.

To be first lieutenants.

Second Lieut. Franklin S. Leisenring, Eleventh Infantry, February 4, 1903, vice Ridenour, Sixteenth Infantry, promoted.
Second Lieut. Charles F. Andrews, Seventh Infantry, February 10, 1903, vice Humphrey, Seventeenth Infantry, promoted.
Second Lieut. Allan L. Briggs, Seventh Infantry, February 18, 1903, vice Enochs, Twenty-fifth Infantry, promoted.
Second Lieut. Solomon B. West, Twenty-second Infantry, February 28, 1903, vice Comer, Twenty-fifth Infantry, resigned.
Second Lieut. William M. True, Sixteenth Infantry, March 4, 1903, vice Maxey, Eighteenth Infantry, promoted.
Second Lieut. James M. Petty, Twentieth Infantry, March 15, 1903, vice Crallé, Twentieth Infantry, promoted.
Second Lieut. Martin Novak, Nineteenth Infantry, March 19, 1903, vice Gohn, Fourteenth Infantry, promoted.
Second Lieut. John B. Shuman, Twenty-eighth Infantry, April 10, 1903, vice Densmore, Tenth Infantry, dismissed.
Second Lieut. Charles G. Lawrence, Fifteenth Infantry, April 11, 1903, vice Campbell, Twenty-first Infantry, dismissed.
Second Lieut. Frederic G. Kellond, Nineteenth Infantry, April 17, 1903, vice Bradford, Nineteenth Infantry, promoted.
Second Lieut. William P. Kitts, Twenty-first Infantry, April 20, 1903, vice Stone, Twenty-second Infantry, promoted.
Second Lieut. Eugene P. Crowne, Fourth Infantry, May 1, 1903, vice Bjornstad, Twenty-ninth Infantry, promoted.
Second Lieut. Henry M. Fales, Twenty-first Infantry, May 7, 1903, vice Faulkner, Eight Infanty, resigned.
Second Lieut. William C. Fitzpatrick, Seventh Infantry, May 25, 1903, vice Connolly, Twenty-first Infantry, promoted.
Second Lieut. Herbert L. Evans, Ninth Infantry, May 25, 1903, vice Schoeffel, Ninth Infantry, promoted.
Second Lieut. Walter Harvey, Sixteenth Infantry, June 2, 1903, vice Bates, Twenty-sixth Infantry, promoted.
Second Lieut. Frank B. Davis, Fifth Infantry, June 23, 1903, vice Ovenshine, Sixteenth Infantry, promoted.
Second Lieut. Harry D. Mitchell, Sixteenth Infantry, July 23, 1903, vice Dunn, Eleventh Infantry, deceased.
Second Lieut. Ode C. Nichols, Fourth Infantry, July 25, 1903, vice Bushfield, Seventeenth Infantry, dismissed.
Second Lieut. Kirwin T. Smith, Sixth Infantry, July 26, 1903, vice Cochran, Nineteenth Infantry, promoted.
Second Lieut. William W. Bessell, Twenty-sixth Infantry, July 29, 1903, vice Bomford, Sixth Infantry, promoted.
Second Lieut. Frank C. Burnett, Tenth Infantry, July 29, 1903, vice Nicklin, Ninth Infantry, promoted.
Second Lieut. Collin H. Ball, Twenty-Third Infantry, July 30, 1903, vice French, Twenty-fifth Infantry, promoted.
Second Lieut. A. Owen Seaman, Eleventh Infantry, July 31, 1903, vice Stacey, Thirteenth Infantry, promoted.
Second Lieut. Clifford U. Leonori, Twenty-first Infantry, August 5, 1903, vice Valentine, Fourth Infantry, resigned.
Second Lieut. Benjamin H. Pope, Eighth Infantry, August 7, 1903, vice Cavenaugh, Eighth Infantry, promoted.
Second Lieut. Julian L. Dodge, Twenty-fifth Infantry, August 8, 1903, vice Grimes, Twentieth Infantry, promoted.
Second Lieut. Herman Glade, Fourth Infantry, August 9, 1903, vice Harker, Fifteenth Infantry, promoted.
Second Lieut. Frank S. Bowen, Sixth Infantry, August 12, 1903, vice Wilkinson, Sixth Infantry, promoted.
Second Lieut. Ward Dabney, First Infantry (subject to examination required by law), August 12, 1903, vice Wickham, Twelfth Infantry, promoted.
Second Lieut. Paul M. Goodrich, Ninth Infantry, August 13, 1903, vice Folwell, First Infantry, promoted.
Second Lieut. Frank H. Kalde, Eighth Infantry, August 14, 1903, vice Conrad, Fifteenth Infantry, promoted.
Second Lieut. William W. Taylor, jr., Twenty-second Infantry, August 14, 1903, vice Naylor, Ninth Infantry, promoted.
Second Lieut. Russell C. Hand, Tenth Infantry, August 14, 1903, vice Oury, Twelfth Infantry, promoted.
Second Lieut. Henry A. Bell, Twenty-second Infantry, August 15, 1903, vice Prescott, Seventh Infantry, promoted.
Second Lieut. Bruno T. Scher, Fifth Infantry, August 15, 1903, vice Fry, Thirteenth Infantry, promoted.
Second Lieut. George A. Herbst, Twenty-third Infantry, August 22, 1903, vice Eaton, Eighth Infantry, promoted.
Second Lieut. Philip J. Lauber, Twenty-fifth Infantry, August 26, 1903, vice King, First Infantry, promoted.
Second Lieut. Thomas M. Hunter, Tenth Infantry, August 26, 1903, vice Ross, Third Infantry, promoted.
Second Lieut. Gad Morgan, Fifteenth Infantry, August 26, 1903, vice Martin, Second Infantry, promoted.
Second Lieut. Elverton E. Fuller, Twelfth Infantry, August 27, 1903, vice Van Horn, Twelfth Infantry, promoted.
Second Lieut. William S. Neely, Twenty-second Infantry, September 3, 1903, vice Williams, Fifth Infantry, promoted.
Second Lieut. Frank H. Adams, Sixteenth Infantry, September 14, 1903, vice Falls, Twelfth Infantry, promoted.
Second Lieut. George C. Lewis, Third Infantry, September 17, 1903, vice Voris, Eighth Infantry, detailed in Signal Corps.
Second Lieut. William H. Patterson, Tenth Infantry, September 17, 1903, vice Kumpe, Twenty-eighth Infantry, detailed in Signal Corps.
Second Lieut. David A. Lindsay, First Infantry, September 17, 1903, vice Jeunet, First Infantry, detailed in Signal Corps.
Second Lieut. Leonard J. Mygatt, Nineteenth Infantry, September 17, 1903, vice Goodale, Nineteenth Infantry, detailed in Signal Corps.
Second Lieut. Elliott M. Norton, Sixth Infantry, September 17, 1903, vice Briggs, Fourteenth Infantry, detailed in Signal Corps.
Second Lieut. Roscoe H. Hearn, Sixteenth Infantry, September 17, 1903, vice Fitzpatrick, Ninth Infantry, detailed in Signal Corps.
Second Lieut. Nels Anderson, Seventh Infantry, September 23, 1903, vice Glidden, Nineteenth Infantry, promoted.

INFANTRY ARM.

George A. Detchemendy, late captain, Twenty-second Infantry, United States Army, to be captain of infantry, May 9, 1903.

TO BE SECOND LIEUTENANTS

Corps of Engineers.

1. Cadet Douglas MacArthur.
2. Cadet Charles T. Leeds.
3. Cadet Harold C. Fiske.
4. Cadet Max C. Tyler.
6. Cadet Ulysses S. Grant, 3d.
7. Cadet Julian L. Schley.

9. Cadet William H. Rose.
10. Cadet Ferdinand Williams.
12. Cadet Richard C. Moore.
14. Cadet Lewis M. Adams.

Cavalry Arm.

5. Cadet Charles Telford.
8. Cadet Levi G. Brown.
16. Cadet William N. Nichols.
18. Cadet Olan C. Aleshire.
19. Cadet Emil P. Laurson.
20. Cadet Frederick E. Shnyder.
30. Cadet Thomas F. Van Natta, jr.
34. Cadet James A. Mars.
35. Cadet George L. Morrison.
36. Cadet Orville N. Tyler.
37. Cadet James A. Shannon.
38. Cadet Allan M. Pope.
40. Cadet Reynolds J. Powers.
43. Cadet John C. Montgomery.
44. Cadet James S. Jones.
47. Cadet Edward M. Zell.
51. Cadet Dorsey R. Rodney.
52. Cadet Alexander M. Milton.
53. Cadet Hugh S. Johnson.
61. Cadet Carl Boyd.
63. Cadet Stephen W. Winfree.
64. Cadet Ephraim F. Graham.

Thomas L. Sherburne, of Louisiana, late second lieutenant, United States Army, July 16, 1903, vice Caldwell, Eleventh Cavalry, promoted.

Artillery Corps.

11. Cadet Owen G. Collins.
13. Cadet Scott Baker.
15. Cadet Frederic H. Smith.
17. Cadet Marion W. Howze.
23. Cadet George W. Cocheu.
24. Cadet Charles H. Patterson.
25. Cadet Lewis Turtle.
26. Cadet Henry S. Kilbourne, jr.
27. Cadet Clifford Jones.
28. Cadet Wilford J. Hawkins.
29. Cadet Louis C. Brinton, jr.
31. Cadet Thomas E. Selfridge.
32. Cadet Henning F. Colley.
33. Cadet Paul D. Bunker.
39. Cadet Quinn Gray.
45. Cadet Louis R. Dice.
46. Cadet William M. Colvin.
54. Cadet Francis M. Hinkle.

Infantry Arm.

21. Cadet George A. Lynch.
22. Cadet Grayson M-P. Murphy.
41. Cadet Samuel M. Parker.
42. Cadet Robert M. Lyon.
48. Cadet Francis H. Farnum.
49. Cadet Benjamin E. Grey.
50. Cadet Elvid Hunt.
55. Cadet Benjamin F. McClellan.
56. Cadet Campbell B. Hodges.
57. Cadet Jacob W. S. Wuest.
58. Cadet Max B. Garber.
59. Cadet Leo I. Samuelson.
60. Cadet Corbit S. Hoffman.
62. Cadet Walter V. Gallagher.
65. Cadet Clifton M. Butler.
66. Cadet Edmund L. Bull.
67. Cadet Truman W. Carrithers.
68. Cadet George F. Rozelle, jr.
69. Cadet Arthur E. Ahrends.
70. Cadet Charles F. Severson.
71. Cadet Harry S. Grier.
72. Cadet Reuben C. Taylor.
73. Cadet Charles B. Moore.
74. Cadet Clark Lynn.
75. Cadet Cornelius Stockmar Bendel.
76. Cadet Robert E. Boyers.
77. Cadet Burt W. Phillips.
78. Cadet Ben F. Ristine.
79. Cadet Albert Gilmor.
80. Cadet George R. Guild.
81. Cadet Stuart A. Howard.
82. Cadet John F. Franklin.
83. Cadet William C. Russell.
84. Cadet Roland W. Boughton.
85. Cadet John S. Upham.
86. Cadet Keith S. Gregory.
87. Cadet Irving M. Madison.
88. Cadet Ellery Farmer.
89. Cadet Everett N. Bowman.
90. Cadet Homer N. Preston.
91. Cadet Jesse Gaston.
92. Cadet Edward A. Brown.
93. Cadet Charles F. Smith.

Infantry Arm, with rank from June 13, 1903.

George Edgar Nelson, of Vermont.
Stephen Morris Barlow, from at large.
Jesse Duncan Elliott, of Alabama.
Edward Himmelwright Tarbutton, of Maryland.
Carroll Borden Hodges, from at large.
Fitzhugh Berry Alderdice, of Maryland.
William Goodlett Motlow, of Tennessee.

INFANTRY ARM.

To be second lieutenants, to rank from October 9, 1903.

Sergt. James M. Churchhill, Forty-second Company, Coast Artillery, vice Chamberlin, Second Infantry, promoted.
Corpl. Philip H. Bagby, Forty-first Company, Coast Artillery, vice Whitson, Twenty-seventh Infantry, promoted.
Sergt. Luther R. Jones, Twenty-ninth Company, Coast Artillery, vice Johnson, Eighth Infantry, promoted.
Sergt. Audrew D. Chaffin, Company B, Twenty-ninth Infantry, vice Barlow, Fourth Infantry, resigned.
Private Ernest B. Smalley, Company L, Twentieth Infantry, vice Grinstead, Twenty-third Infantry, promoted.
Sergt. Henry W. Bunn, Company G, Twenty-second Infantry, vice Williams, Twenty-sixth Infantry, promoted.
Sergt. (First Class) Frederick W. Boschen, Hospital Corps, vice McClelland, Eighteenth Infantry, promoted.
Sergt. Charles W. Stewart, Troop I, Second Cavalry, vice Kistler, Eighteenth Infantry, resigned.
Corpl. Emil Engel, Troop D, Eleventh Cavalry, vice Graham, Fifteenth Infantry, promoted.
Corpl. Louis Farrell, Company K, Twenty-seventh Infantry, vice Jeunet, First Infantry, promoted.
Sergt. Charles O. Schudt, Company L, Nineteenth Infantry, vice Danforth, Tenth Infantry, promoted.
Corpl. Fred W. Pitts, Company H, Second Battalion of Engineers, vice Mills, Seventh Infantry, promoted.
Sergt. Emmett Addis, Casual Detachment, Eleventh Cavalry, vice Williams, Eleventh Infantry, promoted.
Sergt. Harry L. King, Twenty-sixth Company, Coast Artillery, vice Bugbee, First Infantry, promoted.
Sergt. James B. Nalle, Forty-seventh Company, Coast Artillery, vice Goodale, Sixteenth Infantry, promoted.
Corpl. William F. Robinson, jr., Company E, Second Battalion of Engineers, vice Frank, Twenty-first Infantry, promoted.
Sergt. John J. Burleigh, Thirteenth Company, Coast Artillery, vice Bury, First Infantry, promoted.
Sergt. Manuel M. Garrett, Coast Artillery, vice Leisenring, Eleventh Infantry, promoted.
Sergt. Gordon A. Dennis, One hundred and twentieth Company, Coast Artillery, vice Andrews, Seventh Infantry, promoted.
Squadron Sergt. Maj. Arthur G. Hixson, Fourth Cavalry, vice Briggs, Seventh Infantry, promoted.
Corpl. Augustine A. Hofmann, Forty-second Company, Coast Artillery, vice West, Twenty-second Infantry, promoted.
Sergt. Henry S. Brinkerhoff, jr., Sixty-sixth Company, Coast Artillery, vice Lull, Thirteenth Infantry, transferred to Artillery Corps.
Battalion Sergt. Maj. Fitzgerald S. Turton, Sixteenth Infantry, vice True, Sixteenth Infantry, promoted.
Sergt. James Blyth, Company I, Eighteenth Infantry, vice Molony, Fourteenth Infantry, resigned.
Corpl. Frank C. McCune, Troop F, Fourteenth Cavalry, vice Petty, Twentieth Infantry, promoted.
Sergt. Edwin Gunner, Sixth Company, Coast Artillery, vice Novak, Nineteenth Infantry, promoted.
Sergt. Resolve P. Palmer, Company D, Sixth Infantry, vice Davis, Twenty-fifth Infantry, transferred to the Cavalry Arm.
Private Edward E. McCammon, Company E, Fourteenth Infantry, vice Sartoris, Tenth Infantry, resigned.
Sergt. Paul H. McDonald, Troop L, Twelfth Cavalry, vice Shuman, Twenty-eighth Infantry, promoted.
Q. M. Sergt. Philip Remington, Company E, Seventeenth Infantry, vice Smith, Seventeenth Infantry, dismissed.
Sergt. Frank L. Beals, Fourth Company, Coast Artillery, vice Lawrence, Fifteenth Infantry, promoted.
Corpl. Charles H. Rich, Troop E, Twelfth Cavalry, vice Kellond, Nineteenth Infantry, promoted.
Sergt. Paul C. Potter, Thirtieth Company, Coast Artillery, vice Caughey, Twenty-ninth Infantry, honorably discharged.
Corpl. Albert T. Rich, Troop E, Twelfth Cavalry, vice Kitts, Twenty-first Infantry, promoted.
Battalion Sergt. Maj. David P. Wood, Fifteenth Infantry, vice Crowne, Fourth Infantry, promoted.

TO BE SECOND LIEUTENANT, INFANTRY ARM.

First Sergt. William F. Harrell, Sixty-ninth Company, Coast Artillery, June 12, 1903.

CAVALRY ARM.

Alden M. Graham, late a private, Troop B, Fourth Cavalry, to be second lieutenant, February 2, 1901.

NOTE.—The person herein named was nominated to the Senate for the above-named appointment December 5, 1901, as Arthur M. Graham, and was confirmed December 18, 1901. This message is submitted to correct an error in the name of the nominee.

INSPECTOR-GENERAL'S DEPARTMENT.

To be inspectors-general with the rank of brigadier-general.

Col. Peter D. Vroom (since retired from active service), Inspector-General, April 11, 1903 (for a period of four years), vice Breckinridge, appointed major-general, United States Army.
Col. George H. Burton, Inspector-General, April 12, 1903 (for a period of four years), vice Vroom, retired from active service.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT.

Capt. Walter A. Bethel, Artillery Corps, acting judge-advocate, United States Army, to be judge-advocate with rank of major, July 15, 1903, vice Hull, promoted.

QUARTERMASTER'S DEPARTMENT.

Kensey J. Hampton, of Kentucky, late assistant quartermaster, United States Volunteers, to be quartermaster with the rank of captain, April 21, 1903, vice Carson, promoted.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

James Irving Maybee, of Michigan, May 18, 1903.
George Pullen Peed, of Virginia, late major and surgeon, United States Volunteers, July 10, 1903.
Henry Denny Thomason, of Michigan, late major and surgeon, United States Volunteers, July 10, 1903.
Ralph Stribling Porter, of Illinois, late major and surgeon, United States Volunteers, July 10, 1903.
Percy Lancelot Jones, of Tennessee, late captain and assistant surgeon, United States Volunteers, July 10, 1903.
Fred Wheeler Palmer, of Michigan, late captain and assistant surgeon, United States Volunteers, July 10, 1903, vice Richards, resigned.
Edward Bright Vedder, of Pennsylvania, July 10, 1903, vice Harris, promoted.
Henry Flanagan Pipes, of West Virginia, July 10, 1903, vice Wood, appointed brigadier-general, United States Army.
Charles Lovelace Foster, of the District of Columbia, July 10, 1903, vice Banister, promoted.
John Robert Bosley, of Maryland, July 10, 1903, vice Poindexter, retired from active service.
Robert Courtenay Loving, of Kentucky, July 10, 1903, vice Woodruff, promoted.
Chester Jewett Stedman, of West Virginia, July 10, 1903, vice Swift, promoted.

Orville Graham Brown, of the District of Columbia, July 10, 1903, vice Shillock, promoted.

George Frederick Juenemann, of Maryland, July 10, 1903, vice Wetherill, wholly retired.

Joseph Franklin Sifer, of Alabama, July 10, 1903, vice Rafferty, promoted.

Arthur Maunder Whaley, of Michigan, July 10, 1903, vice Millhoff, resigned.

Theodore Lamson, of Massachusetts, October 8, 1903, vice Mason, promoted.

Craig Richard Snyder, of Illinois, October 13, 1903, vice Glennan, promoted.

Ernest Grey Bingham, of Alabama, October 13, 1903, vice Bradley, promoted.

James Downie Heysinger, of Pennsylvania, October 13, 1903, vice Ten Eyck, promoted.

Lloyd Llewellyn Smith, of New Jersey, October 23, 1903, vice Cloud, retired from active service.

John Braiden Huggins, of New York, October 13, 1903, vice Willcox, promoted.

Edgar William Miller, of Iowa, October 13, 1903, vice Pinkham, resigned.

William Henry Tefft, of New York, October 13, 1903, vice Frick, promoted.

To be chaplains.

Rev. John Aloysius Ferry, of New York, June 4, 1903, vice McKinnon, deceased.

Rev. Andrew C. Murphy, of Illinois, September 17, 1903, vice Kelly, retired from active service.

Rev. David Law Fleming, of Colorado, late chaplain First Colorado Volunteer Infantry, September 18, 1903, vice McKeon, resigned.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Norman H. Davis, Twenty-fifth Infantry, from the Infantry Arm to the Cavalry Arm, March 27, 1903, with rank from October 19, 1902.

Second Lieut. George E. Nelson, First Infantry, from the Infantry Arm to the Cavalry Arm, July 11, 1903, with rank from June 18, 1903.

Second Lieut. Arthur G. Hixson, Eighth Infantry, from the Infantry Arm to the Cavalry Arm, October 26, 1903, with rank from October 9, 1903.

SCHEDULE B.

List of officers holding recess commissions dated December 7, 1903, who failed of confirmation during the special session of the Senate beginning November 9, 1903.

[The officers whose names are preceded by an asterisk (*) have been retired from active service.]

No.	Name.	Rank.	Date of rank.
1	Leonard Wood	Major-general	August 8, 1903.
2	*Charles A. Coolidge	Brigadier-general	Do.
3	*Cyrus S. Roberts	do	Do.
4	*J. Milton Thompson	do	August 9, 1903.
5	*Calvin De Witt	do	Do.
6	*Carle A. Woodruff	do	August 10, 1903.
7	*David H. Kinzie	do	Do.
8	*John L. Tiernon	do	August 11, 1903.
9	*James Miller	do	Do.
10	*David J. Craigie	do	August 12, 1903.
11	*Alpheus H. Bowman	do	Do.
12	*Edmund Rice	do	August 13, 1903.
13	*Charles G. Penney	do	Do.
14	*Jesse C. Chance	do	August 14, 1903.
15	*Theodore F. Forbes	do	Do.
16	*Daniel D. Wheeler	do	August 15, 1903.
17	*Leon A. Matile	do	Do.
18	*Charles L. Cooper	do	August 16, 1903.
19	*John A. Kress	do	Do.
20	*John Simpson	do	August 17, 1903.
21	Camillo C. C. Carr	do	Do.
22	Thomas H. Barry	do	August 18, 1903.
23	William A. Simpson	Assistant adjutant-general with the rank of colonel.	Do.
24	John L. Clem	Assistant quartermaster-general with the rank of colonel.	August 15, 1903.
25	William S. Patten	do	August 17, 1903.
26	William H. Miller	Deputy quartermaster-general with the rank of lieutenant-colonel.	August 15, 1903.
27	Samuel R. Jones	do	August 17, 1903.
28	John Elston Baxter	Quartermaster with the rank of major.	August 15, 1903.
29	Moses G. Zalinski	do	August 17, 1903.
30	Charles B. Byrne	Assistant surgeon-general with the rank of colonel.	August 9, 1903.
31	Timothy E. Wilcox	do	September 22, 1903.
32	Louis W. Crampton	Deputy surgeon-general with the rank of lieutenant-colonel.	August 9, 1903.
33	Edwin F. Gardner	do	September 22, 1903.
34	Henry C. Fisher	Surgeon with the rank of major.	August 9, 1903.
35	Henry A. Shaw	do	September 22, 1903.
36	John G. Butler	Colonel in the Ordnance Department.	August 16, 1903.
37	Frank Heath	Lieutenant-colonel in the Ordnance Department.	Do.
38	Frank E. Hobbs	Major in the Ordnance Department.	Do.
39	Thales L. Ames	Captain in the Ordnance Department.	Do.
40	Clarence A. Stedman	Colonel of cavalry	Do.
41	Edgar Z. Steever	do	August 17, 1903.
42	George H. Paddock	Lieutenant-colonel of cavalry.	August 16, 1903.
43	Samuel W. Fountain	do	August 26, 1903.
44	Franklin O. Johnson	Major of cavalry	August 16, 1903.
45	Herbert J. Slocum	do	August 26, 1903.
46	Frank R. McCoy	Captain of cavalry	August 16, 1903.
47	Chalmers G. Hall	do	September 19, 1903.
48	Clarence R. Day	do	September 28, 1903.
49	Granville R. Fortescue	First lieutenant of cavalry	August 16, 1903.
50	John Alden Degen	do	September 17, 1903.
51	Arthur N. Pickel	do	Do.
52	Brice P. Disque	do	Do.

List of officers holding recess commissions dated December 7, 1903, etc.—Cont'd.

No.	Name.	Rank.	Date of rank.
53	Alvin S. Perkins	First lieutenant of cavalry	September 17, 1903.
54	Robert M. Barton	do	September 19, 1903.
55	Walter J. Scott	do	September 28, 1903.
56	Richard W. Walker	do	October 15, 1903.
57	Asher C. Taylor	Colonel in the Artillery Corps	August 10, 1903.
58	Henry W. Hubbell	do	Do.
59	William F. Stewart	do	August 11, 1903.
60	Anthony W. Vogdes	do	November 1, 1903.
61	Alexander D. Schenck.	Lieutenant-colonel in the Artillery Corps.	August 10, 1903.
62	Sedgwick Pratt	do	Do.
63	John McClellan	do	August 11, 1903.
64	Harry R. Anderson	do	August 14, 1903.
65	Robert H. Patterson	do	November 1, 1903.
66	Eli D. Hoyle	Major in the Artillery Corps	August 10, 1903.
67	Granger Adams	do	Do.
68	Frederick Marsh	do	August 11, 1903.
69	Chas. G. Woodward	do	August 14, 1903.
70	Edward E. Gayle	do	Do.
71	Hamilton Rowan	do	November 1, 1903.
72	John T. Geary	Captain in the Artillery Corps	August 10, 1903.
73	Guy T. Scott	do	Do.
74	Morrell M. Mills	do	August 11, 1903.
75	Charles R. Lloyd, jr	do	August 14, 1903.
76	Edward Carpenter	do	Do.
77	Henry M. Merriam	do	August 27, 1903.
78	Oliver L. Spaulding, jr.	do	Do.
79	Hanson B. Black	do	Do.
80	Conrad H. Lanza	do	November 1, 1903.
81	Chas. E. N. Howard	First lieutenant in the Artillery Corps.	August 10, 1903.
82	Edwin C. Long	do	Do.
83	Augustus B. Warfield	do	August 11, 1903.
84	Howard L. Landers	do	August 14, 1903.
85	Claudius M. Seaman	do	Do.
86	Hugh J. B. McElgin	do	August 27, 1903.
87	Arthur L. Fuller	do	Do.
88	Francis H. Lomax	do	September 20, 1903
89	William H. Burt	do	November 1, 1903.
90	Daniel Cornman	Colonel of infantry	August 8, 1903.
91	Charles B. Hall	do	Do.
92	Joseph W. Duncan	do	August 9, 1903.
93	Henry Wygant	do	August 11, 1903.
94	Francis W. Mansfield	do	August 12, 1903.
95	P. Henry Ray	do	Do.
96	Benjamin C. Lockwood.	do	August 13, 1903.
97	Philip Reade	do	Do.
98	John T. Van Orsdale	do	August 14, 1903.
99	James A. Buchanan	do	Do.
100	Joseph F. Huston	do	August 15, 1903.
101	*William H. W. James	do	October 31, 1903.
102	Charles A. Booth	Lieutenant-colonel of infantry.	August 8, 1903.
103	Henry A. Greene	do	Do.
104	Edwin B. Bolton	do	August 9, 1903.
105	James S. Pettit	do	August 11, 1903.
106	Charles L. Hodges	do	August 12, 1903.
107	Robert H. R. Loughborough	do	Do.
108	John G. Ballance	do	August 13, 1903.
109	Frank Taylor	do	Do.
110	Richard T. Yeatman	do	August 14, 1903.
111	Thomas F. Davis	do	Do.
112	Daniel H. Brush	do	August 15, 1903.
113	Charles J. Crane	do	August 21, 1903.
114	Hobart K. Bailey	do	October 31, 1903.
115	Frank B. McCoy	Major of infantry	August 8, 1903.
116	Elias Chandler	do	August 9, 1903.
117	Charles R. Noyes	do	August 12, 1903.
118	Charles W. Abbot, jr	do	Do.
119	Richard M. Blatchford.	do	August 13, 1903.
120	John H. Beacom	do	August 14, 1903.
121	Willis T. May	do	Do.
122	Henry W. Hovey	do	Do.
123	Lawrence J. Hearn	do	August 15, 1903.
124	Walter K. Wright	do	August 26, 1903.
125	Charles B. Hardin	do	Do.
126	Edwin P. Pendleton	do	Do.
127	Harry A. Leonhaeuser.	do	September 3, 1903.
128	George M. Grimes	Captain of infantry	August 8, 1903.
129	Thomas R. Harker	do	August 9, 1903.
130	John F. Wilkinson	do	August 12, 1903.
131	Frank D. Wickham	do	Do.
132	William B. Folwell	do	August 13, 1903.
133	Bryan Conrad	do	August 14, 1903.
134	William K. Naylor	do	Do.
135	William H. Oury	do	Do.
136	Austin F. Prescott	do	August 15, 1903.
137	Edgar A. Fry	do	Do.
138	Harry A. Eaton	do	August 22, 1903.
139	Campbell King	do	August 26, 1903.
140	Tenney Ross	do	Do.
141	George C. Martin	do	Do.
142	Robert O. Van Horn	do	August 27, 1903.
143	Ezekiel J. Williams	do	September 3, 1903
144	Moor N. Falls	do	September 14, 1903
145	Joseph W. Glidden	do	September 23, 1903
146	John R. R. Hannay	do	September 28, 1903
147	Julian L. Dodge	First lieutenant of infantry	August 8, 1903.
148	Herman Glade	do	August 9, 1903.
149	Frank S. Bowen	do	August 12, 1903.
150	Ward Dabney	do	Do.
151	Paul M. Goodrich	do	August 13, 1903.
152	Frank H. Kalde	do	August 14, 1903.

List of officers holding recess commissions dated December 7, 1903, etc.—Cont'd.

No.	Name.	Rank.	Date of rank.
153	Wm. W. Taylor, jr	First lieutenant of infantry	August 14, 1903.
154	Russell C. Hand	do	Do.
155	Henry A. Bell	do	August 15, 1903.
156	Bruno T. Scher	do	Do.
157	George A. Herbst	do	August 22, 1903.
158	Philip J. Lauber	do	August 26, 1903.
159	Thomas M. Hunter	do	Do.
160	Gad Morgan	do	Do.
161	Elverton E. Fuller	do	August 27, 1903.
162	William S. Neely	do	September 3, 1903.
163	Frank H. Adams	do	September 14, 1903.
164	George C. Lewis	do	September 17, 1903.
165	William H. Patterson	do	Do.
166	David A. Lindsay	do	Do.
167	Leonard J. Mygatt	do	Do.
168	Elliott M. Norton	do	Do.
169	Roscoe H. Hearn	do	Do.

WHITE HOUSE, *Washington, December 7, 1903.*

The persons above named are hereby appointed to the offices set opposite their respective names, to rank respectively from the several dates specified in the recess commissions heretofore held by them, which expired at the end of the extraordinary session of the Senate convened on the 9th day of November, 1903.

THEODORE ROOSEVELT.

By the President:
ELIHU ROOT, *Secretary of War.*

REWARD OF DISTINGUISHED ARMY SERVICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a draft of a bill containing provisions for the reward of distinguished service in the American Army; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

SLOOP CHARLOTTE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel sloop *Charlotte*, Joseph Ingham, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 98) to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution extending the thanks of Congress to the people of Wisconsin for the statue of James Marquette; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of Chapter No. 6566 of the Epworth League, of Farmland, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Missionary Society, of the Woman's Christian Temperance Union, of the Ossian Class of the Methodist Episcopal Church, and of the congregations of the Methodist Episcopal and United Brethren churches, all of Ossian, in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Post No. 86, Department of Indiana, Grand Army of the Republic, of Jeffersonville, Ind., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a memorial of the Nordyke & Marmon Company, of Indianapolis, Ind., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented petitions of the Blanton Milling Company, of Indianapolis; of the Hoosier Flour Mills, of Indianapolis, and of S. Bash & Co., of Fort Wayne, all in the State of Indiana, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of Cigar Makers' Local Union No. 399, American Federation of Labor, of Vincennes, Ind., remonstrating against any change being made in the duty on tobacco imported from Cuba; which was referred to the Committee on Finance.

Mr. PLATT of New York presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation creating a commission to consider and recommend legislation for the development of the American merchant marine; which was referred to the Committee on Commerce.

Mr. HOAR presented petitions of Post No. 199, of Revere; of John A. Logan Post, No. 186, of Cambridge; of Preston Post, No. 188, of Beverly Farms; of William H. Bartlett Post, No. 3, of Taunton; of Post No. 76, of Plymouth; of Post No. 61, of Webster; of Moses Ellis Post, No. 117, of Massachusetts; of Charles Sumner Post, No. 101, of Groveland; of Old Concord Post, No. 180, of Concord; of A. W. Bartlett Post, No. 49, of Newburyport; of Colonel Prescott Post, No. 18, of Ashland; of Robert A. Bell Post, No. 134, of Boston; of Richard Borden Post, No. 46, of Fall River; of A. B. R. Sprague Post, No. 24, of Grafton; of E. K. Wilcox Post, No. 16, of Springfield, and of Reno Post, No. 9, of Hudson, all of the Department of Massachusetts, Grand Army of the Republic, and of John Spear, of Pepperell, all in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. BURNHAM presented a petition of the Northwest Sabbath Association of Portland, Oreg., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. ALLEE presented a petition of the Woman's Christian Temperance Union of Georgetown, Del., and a petition of the congregation of the Presbyterian Church of Georgetown, Del., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BURROWS presented a petition of the Board of Commerce of Detroit, Mich., praying for a reorganization of the consular service; which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented a petition of the New York Zoological Society, of New York City, praying for the enactment of legislation providing for the protection of the Calaveras grove of big trees in the State of California; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the Young Men's League of the First Presbyterian Church of Oakland; of sundry citizens of San Rafael, and of the Woman's Home Christian Missionary Society of Long Beach, all in the State of California, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Pastors' Union of San Jose, Cal., praying for the enactment of legislation granting lands in severalty to Indians who are not in the possession of land in northern California; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying for the enactment of legislation to increase the building of American ships; which was referred to the Committee on Commerce.

He also presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying for the enactment of legislation to reorganize the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying for the enactment of legislation providing for the adoption of the metric system of weights and measures; which was referred to the Select Committee on Standards, Weights, and Measures.

Mr. SMOOT presented a petition of the Commercial Club of Salt Lake City, Utah, praying that an appropriation be made for the improvement of the inner harbor at San Pedro, Cal.; which was referred to the Committee on Commerce.

Mr. GALLINGER presented a petition of sundry citizens of Freedom, N. H., praying for the enactment of legislation providing for the construction of good roads throughout the country; which was referred to the Committee on Agriculture and Forestry.

Mr. MCCOMAS presented a petition of Local Division No. 6, Ancient Order of Hibernians, of Baltimore, Md., praying for the enactment of legislation providing for the erection of a statue at Washington, D. C., to Commodore Barry, "the father of the American Navy;" which was referred to the Committee on the Library.

He also presented a petition of Lincoln Post, No. 7, Grand Army of the Republic, of Baltimore, Md., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Middletown, Md., praying for an investigation of the charges made and filed

against the Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DUBOIS presented petitions of sundry inmates of the Soldiers' Home of Boise, of sundry citizens of Boise, of sundry citizens of Kootenai County, and of sundry citizens of Harrison, all in the State of Idaho, and of the Young People's Society of Christian Endeavor of the Church of the Covenanters, of Philadelphia, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. MARTIN presented a petition of the board of directors of the Chamber of Commerce of Richmond, Va., praying for the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PATTERSON presented a petition of Local Union No. 3, Amalgamated Woodworkers' International Union, of Denver, Colo., praying for the appointment of a court of arbitration to settle labor disputes; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented sundry memorials of citizens of Joliet, Ill., remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Baptist Association of Middle Creek, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of Aaron Weider Post, No. 75, of Fairburg; of Major Sam Hays Post, No. 477, of Summer Hill; of Marissa Post, No. 430, of Marissa; of Matt Starr Post, No. 378, of Jacksonville; of Coleman Post, No. 508, of Mount Vernon, and of Harryman Post, No. 582, of Okawville, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. ALGER presented a petition of the Young People's Society of Christian Endeavor of the Jefferson Avenue Presbyterian Church, of Detroit, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of H. W. Lawton Post, No. 452, of Detroit; of Post No. 38, of Saginaw; of Henry H. Knapp Post, No. 284, of Michigan; of Charles O. Twist Post, No. 396, of Michigan; of Phil McKernan Post, No. 53, of Michigan, and of General O. M. Poe Post, No. 433, of Michigan, all of the Department of Michigan, Grand Army of the Republic, in the State of Michigan, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. SCOTT presented a petition of sundry citizens of Sherrard, W. Va., praying for the enactment of legislation providing for the construction of good roads throughout the country; which was referred to the Committee on Agriculture and Forestry.

Mr. HOPKINS presented memorials of sundry citizens of Jacksonville, Flora, Kankakee, Rockford, Mount Olive, and Peotone, all in the State of Illinois, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Hubbard Post, No. 164, of Belvidere; of Batavia Post, No. 48, of Batavia; of Carter Van Vleck Post, No. 174, of Bushnell; of James A. Sexton Post, No. 759, of Chicago Heights; of William McKinley Post, No. 701, of Chicago; of Farragut Post, No. 602, of Chicago; of Washington Post, No. 573, of Chicago; of General W. B. Hazen Post, No. 7, of Chicago; of Joseph P. Sasley Post, No. 542, of Camp Point; of J. L. Parks Post, No. 518, of Craborchard; of Veteran Post, No. 49, of Elgin; of Yates Post, No. 88, of Effingham; of Forrest Post, No. 114, of Forrest; of Kittoe Post, No. 5020, of Galena; of Homer Post, No. 263, of Homer; of Barnes Post, No. 395, of Kingston; of Whipple Post, No. 414, of Kankakee; of Lake Forrest Post, No. 676, of Lake Forrest; of James Mayes Post, No. 480, of Mount Erie; of Post No. 471, of Milford; of Harley Wayne Post, No. 169, of Marengo; of Post No. 469, of Macedonia; of Walter Blanchard Post, No. 386, of Naperville; of Post No. 419, of Nashville; of W. A. Babcock Post, No. 416, of Onarga; of Colonel John Bryner Post, No. 67, of Peoria; of L. W. Sheppard Post, No. 623, of Quincy; of Post No. 546, of Rochelle; of Will Enderton Post, No. 729, of Rock Falls; of Post No. 510, of Sandwich; of Randale Post, No. 568, of Trenton; of Williams Post, No. 25, of Watseka; of Hesse Post, No. 223, of Winchester; of Lasater Post, No. 570, of Will Shoal, and of Post No. 374, of Waukegan, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the Cairo Woman's Club, of Cairo; of the Kenwoods Woman's Club of the Church of New Jerusalem, of Chicago; of the Woman's Christian Temperance Union of Utica, and of sundry citizens of Chicago, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. OVERMAN presented a petition of sundry citizens of High Point, N. C., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. SPOONER presented a petition of the congregation of the Methodist Episcopal Church of Waupaca, Wis., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of District Lodge, Good Templars' Mutual Benefit Association, of Waupaca, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Good Roads' Association of Marinette County, Wis., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of sundry citizens of Bridgewater, Mass., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying that an appropriation be made for the erection of a new custom-house at that place; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Massachusetts Board of Trade, of Boston, Mass., praying for the enactment of legislation to reorganize the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Gloucester, Mass., praying for the enactment of legislation providing for an arbitration treaty between the United States and Great Britain, for the reorganization of the consular service of the United States, for the restoration of the American merchant marine, and also praying that an appropriation be made for the destruction of derelicts at sea; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Massachusetts State Board of Trade, of Boston, Mass., praying for the enactment of legislation providing for the revision of the present postal rates; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry shipowners, shipbuilders, and shipmasters of Boston, Mass., remonstrating against the admission of any foreign-built vessel to American registry except prizes of war or vessels forfeited for violation of the laws of the United States; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Gloucester, Mass., praying for the enactment of legislation providing for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Gloucester, Mass., praying for the enactment of legislation providing for the restoration of the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Gloucester, Mass., praying for the ratification of a treaty of arbitration between this country and the United Kingdom of Great Britain and Ireland; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Gloucester, Mass., praying for the enactment of legislation providing for the removal of derelicts at sea; which was ordered to be laid on the table.

Mr. BATE presented sundry papers to accompany the bill (S. 807) for the relief of the heirs of J. L. Kirkpatrick; which were referred to the Committee on Claims.

Mr. GAMBLE presented a petition of the Woman's Home Missionary Society of Huron, S. Dak., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Conference of the Methodist

Episcopal Church of Deadwood, S. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes; which was referred to the Committee on Military Affairs.

Mr. FOSTER of Washington presented a petition of the congregation of the Presbyterian Church of Clarkston, Wash., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce, of Spokane, Wash., praying for the enactment of legislation relative to unjust discrimination in railroad rates; which was referred to the Committee on Interstate Commerce.

Mr. PLATT of Connecticut. I have here a petition which is of a good deal of importance, with reference to the Government buying land for the landless Indians of northern California. It is signed by Colonel Pratt, of the Carlisle Institute, and by a large number of persons who have been connected with the Indian service. I think the petition will be found to be very interesting, and I ask that it may be printed as a document.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the petition sent to the desk by him may be printed as a Senate document. Is there objection? The Chair hears none, and that order is made.

Mr. PLATT of Connecticut presented a petition of the Chamber of Commerce of Everett, Wash., praying that an appropriation be made for the education of all school children of the Tulalip Indian Reservation, in the State of Washington; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Ancient Order of Hibernians of Norwich, Conn., praying that an appropriation be made for the erection of a monument to the memory of Commodore John Barry, the father of the American Navy; which was referred to the Committee on the Library.

He also presented a petition of the congregation of the Congregational Church of Goshen, Conn., and a petition of sundry citizens of Putnam, Conn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. HALE presented a petition of the executive council of the Philadelphia Board of Trade, of Philadelphia, Pa., praying for the enactment of legislation creating a commission to consider and recommend legislation for the development of the American merchant marine, and for other purposes; which was referred to the Committee on Commerce.

He also presented a petition of the First Battalion of the Ohio Naval Brigade, of Toledo, Ohio, praying for the enactment of legislation providing for the establishment of a naval training station at Put in Bay Island on the Great Lakes; which was referred to the Committee on Naval Affairs.

Mr. MITCHELL presented a petition of the National Good Roads Association of Oregon, praying that an appropriation be made for the Lewis and Clark Centennial Exposition, to be held in Portland, Oreg., in 1905; which was referred to the Committee on Appropriations.

Mr. FRYE presented a petition of the regents of the University of Wisconsin, Madison, Wis., praying for the enactment of legislation to increase the Federal aid to agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 8, Amalgamated Wood Workers' International Union, of Denver, Colo., praying for the enactment of legislation providing for an investigation of the martial-law proclamation of the governor of that State; which was referred to the Committee on the Judiciary.

He also presented a petition of Kit Carson Post, No. 2, Department of the District of Columbia, Grand Army of the Republic, of Washington, D. C., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented the petition of Leta Brown and 23 other citizens of Roswell, Idaho, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and elections.

THE CENSUS BUREAU.

Mr. FAIRBANKS. I present a communication from the Secretary of the Department of Commerce and Labor, transmitting a letter from the Director of the Census regarding the building now occupied by the Census Bureau and the public future needs of that Bureau in the way of quarters. I move that the communication and accompanying papers be printed as a document and referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 7287) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Clarke and Choctaw, Ala., in section 7, township 9, range 1 west of St. Stephens meridian;

A bill (H. R. 5761) to authorize the Charleroi and Monessen Bridge Companyto construct a bridgeover the Monongahela River; and

A bill (H. R. 7288) to authorize the Mobile and West Alabama Railway Company to construct and maintain a bridge across the Black Warrior River in Tuscaloosa County, Ala., in section 3, township 21 south, range 9 west of Huntsville meridian.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 3331) to authorize the Vulcan Coal Company, of Vulcan, W. Va., to bridge the Tug Fork of the Big Sandy River at Vulcan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1834) granting an increase of pension to John W. Paul;

A bill (S. 2122) granting a pension to Ashley C. Riggs;

A bill (H. R. 1316) granting an increase of pension to George W. Day;

A bill (H. R. 5367) granting an increase of pension to Franklin Moore; and

A bill (H. R. 8376) granting an increase of pension to Jonathan J. Smith.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 727) granting a pension to George W. Witherell;

A bill (S. 3362) granting an increase of pension to Daniel H. Wallace; and

A bill (S. 935) granting a pension to Mary S. Clark.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 198) granting an increase of pension to Emmett Cole;

A bill (H. R. 2040) granting a pension to James Anderson;

A bill (H. R. 6342) granting an increase of pension to Thomas Springer;

A bill (H. R. 165) granting an increase of pension to Thomas Adelsperger;

A bill (H. R. 1906) granting an increase of pension to George W. Blanchard;

A bill (H. R. 3272) granting an increase of pension to Elizabeth Hardy;

A bill (H. R. 5718) granting an increase of pension to Adolph Heiser;

A bill (H. R. 2553) granting an increase of pension to George Wintz;

A bill (H. R. 4323) granting an increase of pension to Mary Wurtz;

A bill (H. R. 4276) granting an increase of pension to Hamilton E. Burritt;

A bill (H. R. 812) granting an increase of pension to Charles F. Emery;

A bill (H. R. 195) granting a pension to Michael Landy;

A bill (H. R. 660) granting an increase of pension to John S. Sines;

A bill (H. R. 4759) granting an increase of pension to David P. McDonald;

A bill (H. R. 4915) granting an increase of pension to James W. Hibbert;

A bill (H. R. 6028) granting an increase of pension to Anson Heffron;

A bill (H. R. 689) granting an increase of pension to Edgar Chapman;

A bill (H. R. 6442) granting an increase of pension to James P. Wallace;

A bill (H. R. 1883) granting a pension to Harriet A. Cook;

A bill (H. R. 6947) granting an increase of pension to Joseph H. Cooper; and

A bill (H. R. 8728) granting a pension to Matilda Lafferty.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 475) granting a pension to Alfred C. Isachsen, submitted an adverse report, which was agreed to; and the bill was postponed indefinitely.

Mr. McCUMBER (for Mr. BURTON), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1796) granting an increase of pension to Matthew Woodworth;

A bill (S. 1803) granting an increase of pension to John M. Morgan;

A bill (H. R. 5865) granting an increase of pension to Joshua Harlan;

A bill (H. R. 2809) granting an increase of pension to John Watt; and

A bill (H. R. 4526) granting an increase of pension to William J. Shepard.

Mr. McCUMBER (for Mr. BURTON), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1483) granting an increase of pension to James W. Black;

A bill (H. R. 3411) granting an increase of pension to William J. Hart;

A bill (H. R. 6061) granting an increase of pension to Alpheus D. Brown; and

A bill (H. R. 5883) granting an increase of pension to David Warentz.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3480) granting an increase of pension to Swepston B. W. Stephens;

A bill (S. 3415) granting an increase of pension to Manluff W. Reynolds; and

A bill (S. 2322) granting a pension to Adolphus N. Pacetty.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5534) granting an increase of pension to Adaline Shaw Lovejoy;

A bill (H. R. 2822) granting an increase of pension to Louiza Phillips; and

A bill (H. R. 4946) granting a pension to James F. Wheeler.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7799) granting an increase of pension to John O. Rice;

A bill (H. R. 7798) granting an increase of pension to Andrew Black;

A bill (H. R. 219) granting a pension to Minerva J. Burton; and

A bill (H. R. 249) granting an increase of pension to Mollie J. Mitchell.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (H. R. 4136) granting an increase of pension to Caleb Arnett, reported it with an amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (S. 2359) to correct the military record of James W. Houser, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1372) granting an increase of pension to Samuel Rollins;

A bill (S. 2490) granting a pension to Naomi Green;

A bill (S. 2278) granting an increase of pension to Harriet H. Howlett;

A bill (S. 1392) granting an increase of pension to Mary A. Hughes;

A bill (H. R. 6582) granting an increase of pension to Harry Haller; and

A bill (H. R. 4045) granting a pension to Minnie Gusler.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3521) granting an increase of pension to John Hawker;

A bill (H. R. 3172) granting an increase of pension to Robert E. Pogue;

A bill (H. R. 6020) granting an increase of pension to William P. Conner;

A bill (H. R. 561) granting an increase of pension to Eri Summy;

A bill (H. R. 4625) granting a pension to Theresa B. Nash;

A bill (H. R. 7515) granting a pension to Rebecca A. Mathias;

A bill (H. R. 2201) granting an increase of pension to George McDonald;

A bill (H. R. 7374) granting an increase of pension to Jabez Perkins;

A bill (H. R. 6005) granting an increase of pension to George B. Davis; and

A bill (H. R. 8123) granting a pension to Eliza S. Smith.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1280) granting an increase of pension to Henry Wilfong;

A bill (S. 3527) granting an increase of pension to Jerningham Boone;

A bill (S. 3267) granting an increase of pension to Mary V. Carson;

A bill (S. 2043) granting an increase of pension to Andrew J. Williams; and

A bill (S. 3569) granting an increase of pension to John A. Chamberlain.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2838) granting a pension to Louisa Lyon;

A bill (S. 1642) granting an increase of pension to Blanche L. Chunn; and

A bill (H. R. 2019) granting a pension to Mary Gwynn.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 134) granting a pension to Wilhelmina Miller;

A bill (H. R. 5617) granting an increase of pension to William P. Hereford;

A bill (H. R. 5818) granting an increase of pension to Philip Snow;

A bill (H. R. 3345) granting an increase of pension to Charles P. Clarke; and

A bill (H. R. 5720) granting an increase of pension to William T. Filler.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3839) granting an increase of pension to George B. Abbott;

A bill (S. 360) granting an increase of pension to Mary Lucetta Arnold; and

A bill (S. 1530) granting an increase of pension to Theron T. Lamphere.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 3738) granting an increase of pension to Linus S. Ludington, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9029) granting a pension to Georgie S. Barbour;

A bill (H. R. 734) granting an increase of pension to Henry S. McAlister;

A bill (H. R. 727) granting an increase of pension to James K. Blye;

A bill (H. R. 2111) granting an increase of pension to Henry D. Towsley;

A bill (H. R. 8729) granting an increase of pension to Gustus S. Remick;

A bill (H. R. 3337) granting an increase of pension to Mary A. Craigue;

A bill (H. R. 1859) granting an increase of pension to Patrick Cannon;

A bill (H. R. 1855) granting a pension to Harriett B. Riley;

A bill (H. R. 2016) granting an increase of pension to George Gardner; and

A bill (H. R. 2932) granting a pension to Dudley R. W. Williams.

Mr. BALL, from the Committee on Pensions, to whom was referred the bill (H. R. 6352) granting a pension to Mary Huff, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon.

A bill (H. R. 4457) granting an increase of pension to Mary E. Meldrum;

A bill (H. R. 754) granting a pension to John M. Lawton; and

A bill (H. R. 6994) granting an increase of pension to Theresa Nebrich.

Mr. BALL, from the Committee on Pensions, to whom was referred the bill (H. R. 8916) granting an increase of pension to Susie C. G. Seabury, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2913) granting an increase of pension to Elizabeth A. Jones;

A bill (H. R. 2916) granting an increase of pension to Francis S. Howard; and

A bill (H. R. 4629) granting an increase of pension to Thomas C. Pond.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3656) granting an increase of pension to William Turner;

A bill (S. 2966) granting a pension to William Conover;

A bill (S. 2221) granting a pension to Carlotta E. Hooper; and

A bill (S. 2969) granting a pension to Henry Dority.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 294) granting a pension to Vincent de Frietas, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (S. 2882) to regulate appointments and promotions in the municipal government of the District of Columbia, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on the Judiciary, to whom was referred the bill (S. 3117) to expedite business in the district court of the United States for the district of Oregon, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 4707) granting a pension to Margaret J. Snook; and

A bill (S. 71) granting an increase of pension to Asia Burgess.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5299) granting an increase of pension to Sarah E. Wheeler;

A bill (H. R. 5531) granting an increase of pension to Marvin Nash;

A bill (H. R. 6071) granting an increase of pension to Abraham C. Null;

A bill (H. R. 5528) granting a pension to Maria Lindhorst; and

A bill (H. R. 3435) granting an increase of pension to John M. Pratt.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 5555) granting an increase of pension to James R. Hauptly;

A bill (S. 3470) granting an increase of pension to Richard Wi ks;

A bill (S. 3413) granting a pension to Henry P. Howard;

A bill (S. 2863) granting an increase of pension to David C. Coleman; and

A bill (S. 2200) granting an increase of pension to Charles R. Collins.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 3405) granting an increase of pension to Mary F. Pentzer, reported it with amendments, and submitted a report thereon.

THE DAWES COMMISSION.

Mr. BATE, from the Select Committee on the Five Civilized Tribes of Indians, to whom was referred the letter of the Secretary of the Interior, transmitting a memorial of members of the Dawes Commission in regard to certain representations made especially to the Senate by R. C. Adams as attorney for the Delawares concerning the Commission and its action in connection with the making of the Delaware segregation and concerning the members of the Commission in their personal as well as their official capacity, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

REPORT OF COMMISSIONER OF PATENTS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the annual report of the Commissioner of Patents for the year 1903, asked to be discharged from its further consideration, and that it be referred to the Committee on Patents; which was agreed to.

REPORTS OF LIBRARIAN OF CONGRESS.

Mr. PLATT of New York. I am directed by the Committee on Pringing, to whom was referred the joint resolution (S. R. 37) providing for the editions to be printed of the annual and special reports of the Librarian of Congress, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that of the annual and special reports of the Librarian of Congress hereafter submitted to Congress, but including the report for 1903, there shall be printed and bound in cloth 7,250 copies, 750 copies for the use of the Senate, 1,500 copies for the use of the House of Representatives, and 5,000 copies for the use of the Library of Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGE IN PENNSYLVANIA.

Mr. PLATT of Connecticut. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3015) to provide for an additional judge of the district court of the United States for the eastern district of Pennsylvania, to report it favorably with amendments. The business has become very much congested there, and if there is no objection I should like to have the bill acted upon at the present time.

There being no objection, the bill was considered as in Committee of the Whole.

The first amendment of the Committee on the Judiciary was in section 1, page 1, line 3, after the word "President," to strike out the words "of the United States;" so as to make the section read:

That the President, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the eastern district of Pennsylvania, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same salary as the present district judge of said district.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That this act shall take effect immediately.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

A. C. HAWLEY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CULLOM on the 28th ultimo, reported adversely thereon; and it was postponed indefinitely, as follows:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to place upon the messenger roll the name of A. C. Hawley, at an annual salary of $1,440, to be paid from the contingent fund until otherwise provided for, he having been dropped through the reorganization of the committees.

THOMAS KENNEDY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CLAPP, by request, on the 13th ultimo, reported adversely thereon, and it was postponed indefinitely, as follows:

Resolved, That Thomas Kennedy be employed by the Sergeant-at-Arms as laborer in the Senate folding room, at a salary of $840 per annum, to be paid from the contingent expenses of the Senate, the said employment to take effect January 15, 1904.

COURTS IN MINNESOTA.

Mr. NELSON. I am directed by the Committee on the Judiciary to report back favorably without amendment the bill (S. 707) to amend an act entitled "An act providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes," approved April 26, 1890. On account of the importance of the subject, I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend section 4 of the act, so as to read:

SEC. 4. That regular terms of the circuit and district courts shall be held as follows: For the first division, on the third Tuesday in May and the third Tuesday in November; for the second division, on the fourth Tuesday in April and the fourth Tuesday in October; for the third division, on the first

Tuesday in June and the first Tuesday in December; for the fourth division, on the first Tuesday in April and the first Tuesday in October; for the fifth division, on the second Tuesday in January and the second Tuesday in July; for the sixth division, on the first Tuesday in May and the second Tuesday in November.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS J. SOUER.

Mr. TELLER. I move that the Committee on Appropriations be discharged from the further consideration of the amendment submitted by myself on the 15th instant, proposing to credit the accounts of Louis J. Souer, collector of internal revenue for the collection district of Louisiana, with the sum of $3,861.88, being the value of tax-paid spirit stamps forwarded by registered mail March 21, 1902, and destroyed by fire in a railway postal car, intended to be proposed to the general deficiency appropriation bill, and that it be referred to the Committee on Finance.

The motion was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. HOAR introduced a bill (S. 3959) granting a pension to Anna Mansfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 3960) for the relief of Mrs. S. A. Penniman; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 3961) for the relief of D. Froneberger, for himself and as surviving partner of the firm of D. & C. Froneberger; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 3962) for the relief of the estate of Antoine Decuir, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 3963) authorizing the Commissioner of Patents to renew the patent issued to Jacob Karr for quarter-second time mechanism; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3964) granting an increase of pension to Laura C. Dodge; and

A bill (S. 3965) granting an increase of pension to Nathaniel R. Kent (with accompanying papers).

Mr. PLATT of New York introduced a bill (S. 3966) to increase the limit of cost of the United States post-office at Kingston, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3967) for the erection of a public building at Oneonta, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SCOTT introduced a bill (S. 3968) granting an increase of pension to Joel Bee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3969) for the relief of John L. O'Mara; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3970) granting an increase of pension to Martha C. Kuhn;

A bill (S. 3971) granting a pension to William H. Rogers;

A bill (S. 3972) granting a pension to Thomas B. Collahan;

A bill (S. 3973) granting an increase of pension to Laura S. Picking; and

A bill (S. 3974) granting an increase of pension to John B. Wilcox (with an accompanying paper).

Mr. PENROSE introduced a bill (S. 3975) to authorize the President to place the name of John Roop on the retired list of the United States Navy with the rank of first assistant engineer, United States Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3976) providing for the erection of a statue of Abraham Lincoln at Washington, D. C.; which was read twice by its title, and referred to the Committee on the Library.

Mr. DIETRICH introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3977) granting an increase of pension to Luther S. Baker;

A bill (S. 3978) granting an increase of pension to George W. Howard; and

A bill (S. 3979) granting an increase of pension to Sterling L. Parker.

Mr. BURROWS introduced a bill (S. 3980) to legalize and permit the maintenance of certain dams in and bridges over the St. Joseph River in the States of Indiana and Michigan; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FOSTER of Washington introduced a bill (S. 3981) for the erection of an additional suitable building, cistern, oil house, and other necessary improvements at the New Dungeness light-house, in the State of Washington; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3982) making an additional appropriation for the Battery Point post light, in the State of Washington; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3983) providing for additional employee's quarters at the Robinson Point post light station, State of Washington; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced a bill (S. 3984) to reorganize and increase the efficiency of the Hospital Corps of the Navy of the United States, and to define its duties and regulate its pay; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McCREARY introduced a bill (S. 3985) granting an increase of pension to Isabel F. Easum; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3986) granting a pension to Cynthia Speaks; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN (by request) introduced a bill (S. 3987) authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps; which was read twice by its title, and referred to the Committee on Finance.

Mr. FORAKER introduced a bill (S. 3988) granting an increase of pension to John L. Hughes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3989) granting an increase of pension to Eugene Schilling; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3990) granting authority to the Secretary of the Navy, in his discretion, to restore certain midshipmen to the Naval Academy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOPKINS introduced a bill (S. 3991) to provide for enlarging and improving the United States building at Aurora, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3992) granting a pension to Ada L. Carpenter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 3993) for the relief of Edward Kershner; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3994) for the relief of the heirs of Michael Carling, assignee of Joseph R. Shannon, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3995) to remove the charge of desertion standing against James McGreevey; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3996) for the relief of the heirs of William A. Redman, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 3997) providing for the purchase of Mathews's portrait of Lincoln; which was read twice by its title, and referred to the Committee on the Library.

Mr. ALLEE introduced a bill (S. 3998) granting a pension to Henry Johnson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3999) granting a pension to William H. Torbert; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 4000) granting a pension to Rosannah J. Ross; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 4001) granting a pension to Benjamin A. Proovost; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4002) granting an increase of pension to Susan E. Armitage; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced the following bills; which were sev-

erally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 4003) to establish a fog signal at Quarry Point, Angel Island, Bay of San Francisco, California;

A bill (S. 4004) to establish at Cape Mendocino, California, quarters for the light keeper;

A bill (S. 4005) to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California;

A bill (S. 4006) to authorize the construction of quarters for light-house keepers at Point Conception, California; and

A bill (S. 4007) to authorize an increase in the appropriation for a dwelling for assistant keepers at Point Bonita, California.

Mr. HALE introduced a bill (S. 4008) for the relief of the Bath Iron Works and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4009) defining the power of the academic board at the Naval Academy with regard to the admission of candidates and the retention of deficient midshipmen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4010) providing for the admission of Arthur Mervyn Whitton to the character and privileges of a citizen of the United States; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. PLATT of Connecticut, introduced a bill (S. 4011) for the relief of the heirs of Jenkins and Havens; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 4012) for the relief of the trustees of the Missionary Baptist Church, at Gravelly Springs, Ala.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 4013) for the relief of the trustees of the Methodist Episcopal Church South, of Warrenton, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4014) to prevent the fraudulent sale of merchandise; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLAY introduced a bill (S. 4015) for the relief of Michael Kries; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 4016) for the relief of John Moriarty; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PLATT of New York introduced a joint resolution (S. R. 38) for the purpose of carrying out the provisions of General Orders, No. 195, War Department, June 29, 1863, for the presentation of medals; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL submitted an amendment proposing to appropriate $1,775,000 for an exposition to be held at the city of Portland, Oreg., in the year 1905, to celebrate the one hundredth anniversary of the exploration of the Oregon country by Lewis and Clark, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the envoy extraordinary and minister plenipotentiary to the Argentine Republic from $10,000 to $12,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $10,000 to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DUBOIS submitted an amendment providing for the issuance by the Secretary of the Interior of a patent in fee to Nora G. Hazlett, a Caddo Indian, for not to exceed 40 acres of the remaining 80 acres of the 160 acres of land heretofore allotted to her in the Territory of Oklahoma, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate $441,580 for the purchase, installation, operation, and maintenance of a submarine military cable for connecting the headquarters, Department of Columbia, with military garrisons in Alaska, etc., intended to be proposed by him to the military appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to appropriate $5,000 to pay such contingent expenses of the Choctaw and Chickasaw citizenship court and such of its officers as the Secretary of the Interior may deem proper, and also $1,136.25, the amount of unexpended balance of the appropriation for contingent expenses as provided in the act of July 1, 1902, of $5,000 remaining on the books of the Interior Department December 31, 1903, to the credit of the Choctaw and Chickasaw citizenship court; also $2,680.65 for one stenographer to each of the three judges of the Choctaw and Chickasaw citizenship court to be appointed by them respectively, etc., intended to be proposed by him to the urgent deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

MALINDA GORDON.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Malinda Gordon, widow of Fred Gordon, late a laborer in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

HISTORY OF DEPARTMENT OF JUSTICE.

Mr. PENROSE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed from stereotype plates and bound in cloth 2,000 copies of a history of the Department of Justice from 1789 to 1904, written by James S. Easby-Smith, including biographies of all the Attorneys-General and solicitors-general; and that there also be printed from plates, etched or engraved by Max and Albert Rosenthal, and bound in said history portraits of the Attorneys-General and solicitors-general, 1,200 copies for the use of the House of Representatives, 600 copies for the use of the Senate, and 200 copies for the Department of Justice.

PROCEEDINGS OF NEW PANAMA CANAL COMPANY.

Mr. MORGAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the cost of translating the document entitled "Compagnie Nouvelle du Canal de Panama," which the Senate, under date of January 28, 1904, directed him to have translated.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 27th ultimo approved and signed the following acts:

An act (S. 137) granting a pension to Hannah Kelly;

An act (S. 215) granting a pension to Mary D. Perry; and

An act (S. 368) granting an increase of pension to Charles M. Wilcox.

The message also announced that the President of the United States had on the 30th ultimo approved and signed the following acts:

An act (S. 2121) to amend an act entitled "An act providing for public printing and binding and the distribution of public documents;"

An act (S. 484) granting a pension to Nancy S. Marsh;

An act (S. 586) granting a pension to Annie H. Zoll;

An act (S. 745) granting a pension to John Swenson;

An act (S. 814) granting a pension to Mamie Thayer;

An act (S. 1825) granting a pension to Josephine L. Webber;

An act (S. 9) granting an increase of pension to David E. Burbank;

An act (S. 12) granting an increase of pension to Francis E. Chase;

An act (S. 13) granting an increase of pension to William E. Clark;

An act (S. 14) granting an increase of pension to Samuel M. Perry;

An act (S. 99) granting an increase of pension to Joel C. Shepperd;

An act (S. 182) granting an increase of pension to Charles F. Holt;

An act (S. 190) granting an increase of pension to Charles H. Bell;

An act (S. 451) granting an increase of pension to William T. Conant;

An act (S. 452) granting an increase of pension to Albert W. Bullock;

An act (S. 456) granting an increase of pension to Andrew J. Pierce;

An act (S. 458) granting an increase of pension to Charles Beattie;

An act (S. 471) granting an increase of pension to Silas Meserve;

An act (S. 473) granting an increase of pension to Byron D. Babcock;

An act (S. 478) granting an increase of pension to Olive J. Bailey;
An act (S. 547) granting an increase of pension to Irving W. Coombs;
An act (S. 555) granting an increase of pension to Royal A. S. Kingsley;
An act (S. 565) granting an increase of pension to James E. Barnard;
An act (S. 578) granting an increase of pension to John Bullamore;
An act (S. 587) granting an increase of pension to Anson P. Williamson;
An act (S. 589) granting an increase of pension to George E. McMullen;
An act (S. 744) granting an increase of pension to Stephen Gascoigne;
An act (S. 798) granting an increase of pension to James A. Templeton;
An act (S. 821) granting an increase of pension to W. Neil Dennison;
An act (S. 847) granting an increase of pension to John L. Beveridge;
An act (S. 898) granting an increase of pension to John B. Carter;
An act (S. 929) granting an increase of pension to Charles Stermer;
An act (S. 930) granting an increase of pension to Ferdinand Wiedemann;
An act (S. 937) granting an increase of pension to Rudolph Siebelist;
An act (S. 959) granting an increase of pension to Andrew C. Ranard;
An act (S. 1259) granting an increase of pension to John M. Stanyan;
An act (S. 1334) granting an increase of pension to Amy C. Bosworth;
An act (S. 1335) granting an increase of pension to Calvin Daws;
An act (S. 1402) granting an increase of pension to William Paul;
An act (S. 1429) granting an increase of pension to Elizabeth C. Paquin;
An act (S. 1437) granting an increase of pension to Clarence E. Bullard;
An act (S. 1491) granting an increase of pension to James A. Hoover;
An act (S. 1497) granting an increase of pension to Walter F. Chase;
An act (S. 1498) granting an increase of pension to Winslow P. Eayrs;
An act (S. 1559) granting an increase of pension to Marie A. Rask;
An act (S. 1826) granting an increase of pension to Mary E. Cutts;
An act (S. 1827) granting an increase of pension to Harris A. P. Lewis; and
An act (S. 1938) granting an increase of pension to Aldridge Patterson.

STATUE OF JAMES MARQUETTE.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES,
January 30, 1904.

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be given to the people of Wisconsin for the statue of James Marquette, the renowned missionary and explorer.

Resolved, That the statue be accepted, to remain in the National Statuary Hall, in the Capitol of the nation, and that a copy of these resolutions, signed by the presiding officers of the House of Representatives and Senate, be forwarded to his excellency the governor of the State of Wisconsin.

Mr. QUARLES. Mr. President, I rise to ask unanimous consent for the present consideration of the concurrent resolution.

I desire only to state that in 1898 the proposition embodied in the resolution was passed upon by both Houses of Congress, and the State of Wisconsin was thereby authorized to present this marble of Pere Marquette, notwithstanding the fact that he was not technically a resident of the State. In 1896 the marble was presented, and it was accepted by the Senate of the United States with appropriate speeches and ceremonies.

The present resolution is only a complimentary tender of thanks to the people of the State of Wisconsin for the presentation of this marble. The Senate having twice expressed its views upon this subject, and this being nothing but a complimentary resolution, I can see no reason, sir, why any committee of this body should be troubled with it.

I therefore ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The concurrent resolution was considered by unanimous consent, and agreed to.

REMOVAL OF SNOW AND ICE.

The joint resolution (H. J. Res. 98) to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia was read twice by its title.

Mr. GALLINGER. Mr. President, that is an emergency matter, and I ask present consideration for it.

The PRESIDENT pro tempore. It will be read to the Senate.

The joint resolution was read, as follows:

Resolved, etc., That the sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the removal of snow and ice from the streets, cross walks, and gutters in the District of Columbia, one half of said sum to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment.

Mr. HALE. There is so much confusion in the Chamber that we do not know even what measure this is.

The PRESIDENT pro tempore. It is a joint resolution from the House appropriating $5,000 for clearing the streets of snow and ice.

Mr. HALE. Now, let me ask the chairman of the Committee on Appropriations whether all the appropriations for removing snow and ice, which become at times here very serious obstructions to travel, are made by piecemeal—whether we wait until a snowstorm comes and blocks the streets and stops business to a degree and interferes with travel? Does Congress always appropriate piecemeal as the occasion comes around? If it does, why is it not better somewhere on some appropriation bill to provide a sum large enough to cover an entire session of Congress?

We have been in Washington put to the greatest inconvenience for the last month. We had one fall of snow, ice formed, it was difficult to get to business places, travel becoming very hard, and as that lasted it merged into another storm with a great deposit of snow in Washington days ago. Now we are appropriating four or five days after the evil has fallen upon us for relieving it.

I should be glad to see the Commissioners intrusted with a fund for an entire season, so that the moment a snowstorm begins at once hundreds of men, if necessary, could be put on, and we can do as they do in other cities and not wait for the slow process of the snow melting and removing itself.

I suggest to the chairman of the Committee on Appropriations, not in any way finding fault with him, because these matters originate in the other branch, that we had better provide in some of the general appropriation bills for a fund which the Commissioners of the District of Columbia can use at once and not wait for days and days of delay after every storm.

Mr. ALLISON. Mr. President, the suggestions of the Senator from Maine as respects this particular matter of snow and ice I think are wise. We have been dealing with this question for a good many years on the District of Columbia appropriation bill. Snow has fallen and ice has accumulated during all these years, and as the Senator from Wisconsin [Mr. SPOONER] says to me, that will probably be the case in the future. Of course I will not prophesy as to that.

We did for several years increase the appropriation as it came from the House from $1,000 to $5,000. Uniformly the House replied to us that if additional appropriations were needed they would be supplied, so that we yielded. I think that was the case in two or three instances at least, perhaps more. An appropriation of $1,000 was inserted in the District of Columbia appropriation bill originally for the purpose of removing snow and ice.

At the beginning of this session there was a special appropriation made of $5,000 for this purpose. I believe it was all expended either during the pendency of the first storm or the following. Then came another storm last week, I believe beginning on Thursday. The Senator from Maine will correct me if I make a mistake. It continued on Friday. The House of Representatives, on Friday, passed the joint resolution which has just been laid before the Senate, but passed it too late in the day for consideration in this body. The pressure was so great on Friday that we reluctantly adjourned over until to-day, which is Monday, leaving the snow and ice hanging.

Mr. HALE. In the air?

Mr. ALLISON. Not in the air, but on the trees and streets and sidewalks. Now, this is the first opportunity we have had to act upon the joint resolution. The Chair has kindly laid it before the Senate, and whilst I agree with the Senator from Maine that it comes rather late, it is better now than not at all. In the future I shall be glad to have the Senator from Maine exert his

power upon the Committee on Appropriations to secure a reasonable permanent appropriation for this purpose and place it in the hands of the Commissioners of the District of Columbia. I think that ought to be done.

The joint resolution was ordered to a third reading, read the third time, and passed.

NEBRASKA SENATORIAL INVESTIGATION.

Mr. DIETRICH. Mr. President, I rise to a question of personal privilege. By a Federal grand jury at Omaha I have recently been indicted for alleged violation of the laws of the United States, and on a trial of the indictments before a Federal court at Omaha was discharged by the Federal judge without the cause being heard upon its merits, upon the ground that my acts were no violation of the Federal law.

Before taking further part in the deliberations of this body I owe a duty to the Senate, whose honor has been assailed, to the State which in part I represent, whose credit has been attacked, and to myself, whose integrity has been impugned. If guilty of the least of these charges, I deserve to be driven from this high place in disgrace and receive the severest penalty of the criminal law. Confident in my innocence, I desire to submit the whole matter to the Senate.

The reason of my being denied a full trial was clearly brought out in a published statement made by ex-United States Senator Charles F. Manderson, from which I will quote the following:

When the bribery case was brought on for trial the purpose of the district attorney was apparent. He knew that DIETRICH was not a Senator of the United States until he had qualified by taking the oath of office. In an opening statement he put unnecessary and suspicious emphasis upon the fact that while DIETRICH was elected Senator in March he did not take the oath until December, and the transactions complained of were during the spring and summer months. This statement challenged the attention of both counsel and court to the fact that the Government would of necessity have its case dismissed at the close of the testimony for the prosecution, and the opportunity would thus be given to those disposed to smirch the Senator to give testimony that would be uncontradicted by him and by witnesses he might bring into court, for the reason that none of them would be heard and the jury would be instructed by the court at the end of the Government's testimony to return a verdict of not guilty.

There was nothing for DIETRICH's counsel to do except to challenge the attention of the court to the statement of the prosecutor, and demand that if the case was to be dismissed at the end of the testimony for the prosecution, that it should be done before those interested in Senator DIETRICH's downfall could air their animosities upon the witness stand. I knew that this course was strongly deprecated by Senator DIETRICH, and his attorneys would have been glad to have had a full trial upon the merits, but, as Judge Vandeventer said, referring to the statement of District Attorney Summers: "Evidence has been rendered unnecessary, and it is the duty of the jury to find him not guilty."

Mr. President, I shall make no remarks in extenuation, nor shall I present any defense, except that which is sustained by the best of evidence. I strongly deprecate that I could not have had a full trial upon the merits of the case, and in order that I may have an opportunity to establish my innocence upon the facts and evidence, as well as upon the law, I ask that the resolution which I send to the desk may be adopted.

The PRESIDENT pro tempore. The Senator from Nebraska submits a resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved, That the President pro tempore shall appoint a committee of five to investigate and report to the Senate all the facts connected with the appointment of Jacob Fisher as postmaster at Hastings, Nebr., and the leasing of the building used at this time for a post-office in that city, and particularly to investigate and report as to the action of CHARLES H. DIETRICH, a Senator from Nebraska, in connection with such appointment and leasing, with power to send for persons and papers and to employ a stenographer; and the expense of such investigation shall be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. The resolution will necessarily have to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HOAR. Mr. President, I suggest to the Senator from Nebraska that he strike out from the resolution the last clause and have the resolution in that form now adopted. Subsequently, by a separate resolution, he can obtain authority for the committee to take testimony.

Mr. DIETRICH. I ask that the change suggested by the Senator from Massachusetts be made in the resolution.

The PRESIDENT pro tempore. The Senator from Nebraska modifies his resolution by striking out the last two lines.

Mr. LODGE. Let the resolution be read as it will stand when modified.

The PRESIDENT pro tempore. The resolution as modified will be read.

The Secretary read the resolution as modified, as follows:

Resolved, That the President pro tempore shall appoint a committee of five to investigate and report to the Senate all the facts connected with the appointment of Jacob Fisher as postmaster at Hastings, Nebr., and the leasing of the building used at this time for a post-office in that city, and particularly to investigate and report as to the action of CHARLES H. DIETRICH, a Senator from Nebraska, in connection with such appointment and leasing.

Mr. TILLMAN. It seems to me, Mr. President, that this resolution clearly belongs to one of our regular committees, the Committee on Privileges and Elections, because it involves the rights, privileges, and honor of the Senator from Nebraska. That, it seems to me, is the proper committee to which the resolution should go. I move that as an amendment.

Mr. BURROWS. Mr. President, I think the Senator from South Carolina will, upon reflection, conclude that this matter does not belong to the Committee on Privileges and Elections, as it does not relate to the question of the election of a Senator or a privilege, but relates to a charge against a Senator in this body. I have examined very thoroughly the precedents from the beginning, and I know of no instance where a question of this kind has been referred to the Committee on Privileges and Elections. In the case of Senator Matthews, of Ohio, and in the cases of other Senators in every instance the matter was considered by a special committee composed of five or seven Senators. That is the usual course. I therefore hope the Senator from South Carolina will withdraw his amendment.

Mr. TILLMAN. I have no other desire regarding the matter except to expedite the investigation as much as possible. I merely thought that, instead of having a special committee of five appointed, as we already had a regular committee, the matter would be taking its usual course by being referred to the regular standing committee. But of course I want to take whatever is the usual course.

Mr. BURROWS. The course I have suggested is the usual course. As to the suggestion of the Senator that it would expedite action upon the resolution by referring it to the Committee on Privileges and Elections, I think it would rather retard it, because that committee has all it can do at the present time.

Mr. TILLMAN. I withdraw the amendment.

The PRESIDENT pro tempore. The amendment is withdrawn. The question is on agreeing to the resolution as it has been modified.

The resolution as modified was agreed to.

The PRESIDENT pro tempore subsequently appointed Mr. HOAR, Mr. PLATT of Connecticut, Mr. SPOONER, Mr. COCKRELL, and Mr. PETTUS as the committee provided for in the resolution submitted by Mr. DIETRICH.

REPORT OF THE PHILIPPINE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a letter from the Secretary of War, dated January 28, 1904, accompanied by the annual report of the Philippine Commission, dated December 23, 1903, and the appendixes thereto, submitted in compliance with the provisions of the act of Congress entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippines, and for other purposes," approved July 1, 1902, and the act entitled "An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved March 3, 1903.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 1, 1904.*

CLAIMS OF ARIZONA COUNTIES.

Mr. SMOOT. I ask unanimous consent for the present consideration of the joint resolution (S. R. 11) to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona.

Mr. HALE. Has the morning business been concluded, Mr. President?

Mr. MORGAN. I prefer to get through with the morning business before proceeding with other matters.

The PRESIDENT pro tempore. There is one resolution lying on the table.

Mr. HALE. I suggest to the Senator from Utah that he wait until the conclusion of the morning business.

Mr. SMOOT. I thought it had been concluded.

Mr. HALE. No.

Mr. SMOOT. Then I will withhold the request for the present.

WILLIAM D. CRUM.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution submitted by the Senator from South Carolina [Mr. TILLMAN], coming over from a previous day; which will be read.

The Secretary read the resolution submitted by Mr. TILLMAN on the 29th of January, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, instructed to send to the Senate information in regard to the appointment of William D. Crum as collector of the port of Charleston, S. C., and that he answer specifically the following questions:

First. Is William D. Crum now holding a commission as collector? If so, give date, and send to the Senate a verbatim copy thereof.

Second. Was his second appointment made in accordance with law; and if so, what law?

Third. Is there any law or precedent for the holding of an office of this kind by a "de facto" official?

Fourth. Is it the contention or intention to claim and exercise the authority to make such appointments during a constructive recess, as this appears to be?

Mr. ALDRICH. The Senator from South Carolina is not in his place at present. I am not sure but that he would be willing to have the resolution referred to the Committee on Finance.

Mr. TILLMAN entered the Chamber.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from South Carolina to the fact that a resolution has just been read before the Senate, submitted by the Senator, calling upon the Secretary of the Treasury for information as to the appointment of Mr. Crum.

Mr. TILLMAN. Mr. President, upon fuller investigation of the information already furnished by the Secretary of the Treasury and the present status of this matter, I feel that the Senate already has all that it needs for the intelligent disposition of the case.

There is, however, another resolution which I had the honor to offer, which was sent by the Senate to the Secretary of War, bearing upon the question of a constructive recess and the issuing of commissions of some kind to certain officers of the Army, which I understand has not yet been responded to.

The PRESIDENT pro tempore. The Chair will state that it was responded to this morning.

Mr. TILLMAN. I had not heard of it. If that information is already here, I should like to have it laid before the Senate.

The PRESIDENT pro tempore. It has already been laid before the Senate, and ordered to be printed.

Mr. TILLMAN. Then I ask that it be now read. so that I may determine what course I may wish to take in reference to the pending resolution.

The PRESIDENT pro tempore. The letter of the Secretary of War has been sent out to be printed. It is quite a lengthy document.

Mr. TILLMAN. Well, Mr. President, possibly I had better let the whole thing go over until to-morrow, when the reply of the Secretary of War will be printed, and we can get the whole subject together and act on it. I ask that the resolution may go over, retaining its place, until to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

CLAIMS OF ARIZONA COUNTIES.

Mr. SMOOT. I now renew my request for unanimous consent of the Senate for the present consideration of Senate joint resolution No. 11.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 11) to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona. It authorizes the Auditor for the State and other Departments to examine all claims which may be presented in proper form by the different counties in Arizona Territory, and to ascertain the amount due each of said counties on account of legal costs and expenses incurred from March 3, 1889, to June 30, 1899, in the prosecution of Indians under the act of March 2, 1885 (23 Stats., p. 385), for which the United States is liable under act of March 3, 1889 (Stat. L., v. 25, p. 1004), and which have been paid by said counties, the amounts so found to be certified by the Secretary of the Treasury to the Speaker of the House for a deficiency appropriation.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PANAMA TREATY.

Mr. CULLOM. Mr. President, I desire to say that I am anxious that the Senate shall proceed to the consideration of the Panama treaty very soon, and that if there are any addresses to be made by Senators before we go into executive session I hope they will be prepared to make them as the opportunity offers. The general discussion has proceeded for a good while, but not to the extent it ought to have gone in occupying the time of the Senate daily. I hope hereafter Senators will be ready to speak in open session, if that is the place for them to speak, as opportunity may present itself. I say this because I am very anxious that we shall very soon get into executive session for the consideration of the Panama treaty.

PURCHASE FROM NEW PANAMA CANAL COMPANY.

Mr. MORGAN. Mr. President, I desire to call up Senate resolution No. 57.

The PRESIDENT pro tempore. The Senator from Alabama calls up a resolution, which will be read.

Mr. MORGAN. I have made a little modification of it, and I will ask the Secretary to read the resolution as modified.

The PRESIDENT pro tempore. The Senator from Alabama has modified his resolution, and it will be read as modified.

The Secretary read the resolution submitted by Mr. MORGAN December 15, 1903, as modified, as follows:

Resolved, That the Attorney-General is directed to inform the Senate whether he has made, or is making, on behalf of the United States, a purchase from the New Panama Canal Company of any property rights, privileges, or concessions that were granted by the Republic of Colombia to N. B. Wyse for the construction of a canal at Panama, or any interest in the Panama Railroad, or any part of the stock of the Panama Railroad Company chartered under the laws of New York; and if such purchase has been made, or is being attempted or negotiated, under what state or government is the sale of any or all such property authorized to be made by the New Panama Canal Company?

2. And that he will inform the Senate as to the terms of such proposed purchase, or consummated purchase, including the sum to be paid for such property and canal rights and privileges, and that he will send to the Senate copies of all papers relating thereto, so as to inform the Senate fully as to the entire transaction.

3. That he will inform the Senate as to any participation of the Government of France in such purchase or sale, whether the same is proposed or consummated, and whether any and what agreement has been entered into between France and the authorities now exercising the powers of the government on the Isthmus of Panama in respect of said purchase and sale of the property and rights of the New Panama Canal Company.

Mr. MORGAN. Mr. President, it is my purpose, in asking the Senate to vote this resolution, to get the facts that are not yet within the reach of the Senate which affect our duty in acting upon article 22 of the Hay-Varilla treaty.

I will present facts that are of record in support of the resolution, which, I believe, will demonstrate the necessity for its adoption. I think they will be found sufficient to enable us at least to avoid the unwise and humiliating connection with the New Panama Canal Company that the Hay-Varilla treaty forces upon the United States.

It is my purpose to present truly and upon facts of record what is our duty in the state of affairs now existing in Panama and that recently existed in Colombia, and to prevent, if I can, the unnecessary and unwarranted intrusion of the New Panama Canal Company into the treaty relations we are engaged in establishing between the people of Panama and the United States.

To do this I will examine and present the facts now of record that relate to the foundation of the claim of that company to the grossly unjust demands set up in this treaty and to its persistent interference with our Government in its efforts to construct an isthmian canal.

For, whatever else is done or accomplished by the Hay-Varilla treaty, there is no reason or justice in so shaping it that it shall confer upon the New Panama Canal Company any other benefits or advantages than it is entitled to under the concessions it holds from Colombia. When these are fully secured to it justice will be done.

When the full measure of their rights under the obligations of their contracts is secured to them our duty will be performed. That company has no claim to our regard or sympathy for any service they have rendered to the United States or any other country. On the contrary, it has been an incubus on the French people that has stripped millions of them of the fruits of their toil by fraud, amounting to robbery, and is now demanding for its membership what rightfully belongs to those people, most of whom belong to the laboring classes.

If we must deal with them in this treaty, as I claim that there is no just reason or excuse for doing, let us give them all they can justly demand when they have complied with the obligations of their contracts.

I invite the scrutiny of the Senate and of all persons to the history I will give of the operations and dealings of those who own and control the New Panama Canal Company, taken from the undisputed records.

In what condition was the canal question when this company first intruded itself into the policy of the United States and undertook to control it?

The importance of this inquiry and of a full response to it can not be exaggerated.

The Clayton-Bulwer treaty did not apply to Colombia. It applied in its operative provisions only to the political division known as "Central America," which never included Panama. When that treaty was abrogated every international difficulty as to the construction of an isthmian canal disappeared.

The President who cleared away these obstructions and by his wise forecast opened the way along the valley of the San Juan River, which the people approved with rejoicing and with gifts of money to construct the canal, was William McKinley.

The Senate had twice rejected treaties with Colombia to construct a canal at Panama, once in the Administration of President Johnson and again in that of President Grant.

The people considered that route as condemned; and it was. But when Congress in both Houses had adopted the Nicaragua route in different Congresses by such majorities as are seldom given to any measure, the Panama Canal Company appeared and urged its demands upon us, first under the lead of De Lesseps and the

old company. Then came the New Panama Canal Company, with Bonnardel, Hutin, Cromwell, and Bunau-Varilla as its leaders and promoters. The purpose of these men was to gain absolute control of the movement and to turn over the wreck of the Panama Canal to the United States for the highest possible price, through the assistance of Marroquin. De Lesseps's efforts to destroy our policies were directed to the breaking down of a competitive waterway through Nicaragua, in which he failed, and his company went into bankruptcy.

In the Hay-Herran treaty these plans were thus formulated: The New Panama Canal Company was to get the sum of $40,000,000; Colombia was interested to the amount of $10,000,000, the price of her concessions, and $1,000,000, the price of her stock in the New Panama Canal Company, and $4,500,000, the cash value of lands returned to her, and a perpetual annuity of $250,000, to continue without end. To accomplish this raid it was necessary to destroy the project of the Nicaragua Canal, that McKinley had secured by the protocols of December 1, 1900.

He passed away, and his successor turned the whole power of the Administration in favor of the Panama route and against the Nicaragua route. Not questioning the right of the President to thus exercise his preference, I can safely say that it is not in the power of man to remove or to impair the great record that sustains the Nicaraguan route as being the most feasible and practicable route for an isthmian canal. No such record was ever made and none was ever sustained by higher authority in any controverted matter than that which rests upon the immutable foundation laid by Commodore Maury and built upon by many scores of the greatest engineers in the world.

I do not propose to surrender the final hope or purpose of the people of the United States to realize the value of the counsels of these great men in opening a canal on the Nicaragua route.

Especially will I not sacrifice the rights already secured by President McKinley and by the Spooner law for this vital, national purpose. Above all I will not assist in this work of fatal injury to the country by voting to destroy the great work he has done. I can see nothing but breach of faith and dishonor in such a course.

Treating the proposed canal at Panama as a work that will be undertaken, and hoping, against my own conviction, that it may be successfully accomplished, I feel as deep an interest as any member of this body that there shall not be added to the enormous physical difficulties that stand in the way of success any sort of connection with or responsibility for the scandalous reputation of the old and new Panama Canal companies on the part of the United States.

I wish to point out to the Senate a way in which the Panama Canal can be constructed without incurring on the part of the Senate any just accusation of complicity in those scandals, which have driven a Cabinet minister from office in the United States and have caused the resignation of an entire government in France, and have consigned so great a benefactor to the world as Ferdinand De Lesseps—an innocent man, as I hope and believe—to a felon's grave.

I wish to present record evidence that will establish the fact that the New Panama Canal Company, to which article 22 of this treaty secures great powers over the United States, that are backed by the power of France, has not only taken by succession and inheritance the crimes of the old company, and that its membership consists, in large part, of the persons who gave the old company its bad reputation, but that it has added a darker defamation and worse wrongs to that wretched history by its own acts.

The history of the new company has its origin in the wreck of the old company, that was brought about by some of its controlling men who are now the principal stockholders and managers of the New Panama Canal Company—the same men with whom we are now dealing.

To prove this I will quote from the final report of the Isthmian Canal Commission of November 1901, on page 83, and from the testimony of Hon. Samuel Pasco, given in the hearings before the Committee on Interoceanic Canals:

> The liquidator [of the old company] found himself laboring under special legal difficulties, from which he obtained relief by the special law of the French Chambers, dated July 1, 1893. (See Appendix KK.) He finally secured the organization of a new company on the 20th of October, 1894, with a capital stock of 650,000 shares of 100 francs each. Six hundred thousand shares had been subscribed to be paid for in cash, and 50,000 shares were given as full-paid stock to the Colombian Government in compliance with the terms of the extension of the concession, dated December 26, 1890. Thus the cash capital of the company was 60,000,000 francs, or $11,640,000, a sum deemed sufficient for the provisional operations contemplated.
>
> The scandals connected with the failure of the old company, which had led to the prosecution and conviction of De Lesseps and other prominent persons, had made it difficult to secure even that amount. Suits had been brought against certain loan associations, administrators, contractors, and others who were supposed to have unduly profited by the extravagant management of the old company. A series of compromises were made with these persons, by which it was agreed that they should subscribe for stock in the new company on condition that the suits should be dropped. Whatever amount remained to make up the 60,000,000 francs, after deducting the sums thus obtained and those to be obtained by public subscription, was to be subscribed by the liquidator. The stock was subscribed as follows, viz:

	Francs.
Eiffel	10,000,000
Crédit Lyonnais	4,000,000
Société Générale	4,000,000
Crédit Industriel et Commercial	2,000,000
Administrators of the old company	7,885,000
Artigue, Sonderegger & Co	2,200,000
Baratoux, Letellier & Co	2,200,000
Jacob heirs	750,000
Couvreux, Hersent & Co	500,000
Various persons to the number of 60, who had profited by syndicates created by the old company	3,285,700
Hugo Oberndorffer	3,800,000
Public subscription	3,484,300
The liquidator	15,895,000
Total	60,000,000

> (See fourth report of the liquidator to the court, dated November 26, 1895, pp. 8, 9, and 13.)
>
> The old company and the liquidator had raised by the sale of stock and bonds the sum of $246,700,431.68.
>
> The securities issued to raise this money had a face value of $435,559,332.80. The number of persons holding them is estimated at over 200,000.

Mr. Pasco testified as follows:

> The CHAIRMAN. Is that report among the appendixes?
>
> Mr. PASCO. No; it is not.
>
> Senator MORGAN. Have you a copy of it?
>
> Mr. PASCO. There was a copy in the possession of General Ernst, I think. He will be before you next week.
>
> Senator MORGAN. Is it in French or English?
>
> Mr. PASCO. I think it is in French. He and I had it there. We had all these reports and examined them.
>
> Senator MORGAN. You of course had information upon this very important and rather peculiar situation, as to the men who were being pursued, I suppose, in the legal proceedings of course, probably civilly and probably criminally, for the purpose of compelling them to disgorge money that they had obtained from this company and had misused and squandered. You had the names of those people?
>
> Mr. PASCO. That is the only list I know of.
>
> Senator MORGAN. Are all of these mentioned here men of this character?
>
> Mr. PASCO. I do not know the history of every subscription. There were compromises, and I do not know the history of all those compromises. I only know the fact that those suits and compromises were made and contributions were made to the stock of the company.
>
> Senator MORGAN. Now, you saw enough in the proof before you, the evidence before you, to authorize you to make this very strong statement about them?
>
> Mr. PASCO. This was prepared by General Ernst, and it is a part of the chapter on the Panama route.
>
> Senator MORGAN. And the Commission authorized it?
>
> Mr. PASCO. Oh, yes; it is stated as a part of the report of the Commission.
>
> Senator MORGAN. It is a finding of fact by the Commission?
>
> Mr. PASCO. Yes; this is the best information that the Commission had upon the subject.
>
> Senator MORGAN. Who were these administrators of the old company who subscribed 7,885,000 francs?
>
> Mr. PASCO. I can not tell you who they are.
>
> Senator MORGAN. I do not mean the individuals. What office was it that they held? You call them the "administrators" of the old company. What is an administrator?
>
> Mr. PASCO. I can not give you any information with reference to the stockholders other than there is there.
>
> Senator MORGAN. Do you know what that means—"administrators of the old company?"
>
> Mr. PASCO. No; I do not know what it means.
>
> Senator MORGAN. Did you find anywhere in the statutes or charter of the old company any such office as "administrator?"
>
> Mr. PASCO. No; I have not thought it necessary to examine.
>
> Senator MORGAN. You have not examined into that?
>
> Mr. PASCO. No, sir.
>
> Senator MORGAN. "Various persons to the number of 60 who had profited by syndicates created by the old company." I wish you would explain that. How had they profited by the syndicates created by the old company?
>
> Mr. PASCO. I suppose that is a part of the matter referred to on the previous page. It is an interesting fact in the history of these subscriptions, but it does not affect the fact that they had subscribed.
>
> Senator MORGAN. Public subscription, 3,848,000 francs. I suppose that was by the general public.
>
> Mr. PASCO. The general public put their money in.
>
> Senator MORGAN. And then the liquidator comes in with 15,895,000 francs.
>
> Mr. PASCO. Yes.

This proof might have been added to if our Commissioners had thought it worth while, but what they have stated is conclusive of the fact that this New Panama Canal Company was a forlorn hope to relieve a situation in France that demanded any remedy that would ease it. Frauds were to be forgiven; judgments and claims for damages were to be released; convictions were to be annulled; pardons were to be granted, and the robbers and convicts were to organize this new company and take over all the assets of the old company on their agreement to complete the canal. And these are the men we are dealing with.

To show the conditions that forced France to create this company, as the last hope of quelling serious public disturbance, I will quote from the work of Professor Keasbey (pp. 430–432) on isthmian canals, etc.

He says:

> The pace grew quicker as the years went by, until 1887, when the funds ran short, and only about two-fifths of the canal had been dug.
>
> To meet this fearful drain on the funds De Lesseps had first to call for fresh payments on the stock and issue new bonds. But these sources of revenue soon came to an end. The stock then began to be sold out at a large discount and fresh loans on the bonds could no longer be floated. De Lesseps continued to make fresh promises at every stockholders' meeting, but with so little to show for the money already spent the fears of the holders were not to be so easily averted. To stave off the inevitable crisis the press had to also be

bribed more liberally than ever, and to keep the condition of affairs from being brought up in the Chamber deputies and even dignified senators had to be hushed.

* * * * * * *

The company's affairs were now in a desperate condition, and at this juncture it was decided to abandon the sea-level project and resort to the lock system, thus reducing the amount of the excavation by 85,000,000 cubic yards. But this was a fatal modification, for only by promising a straight tide-level canal had De Lesseps won adherents to his Panama project at all, and even with this reduction in the amount of excavation the cost of the canal was now raised to something over $300,000,000, according to the new estimates. A contract was nevertheless made with M. Eiffel, the famous engineer, to undertake the new works, and elaborate plans were presented. On this fresh basis the company then again applied to the Government for its approval of the lottery loan, but was again refused. An eloquent petition was then gotten up with 185,000 names attached, and this time the Government gave way and sanctioned the plan. The effort cost the company large sums, however, and it was all to no purpose after all, for on December 14, 1888, the final crash came and payments had to be suspended.

A parliamentary inquiry was at once instituted in the hope of saving the enterprise, but its revelations only brought about still more calamitous results, as we shall presently see. Work on the canal was soon after discontinued, and with all the funds that had passed through its hands the company had only succeeded in excavating between 15 and 20 miles of the least difficult portions of the canal, leaving still the most difficult portion to be dug through the interior.

The official liquidator then found that the canal had already cost over $262,000,000, whereas De Lesseps had declared that $120,000,000 would complete the work. Of this sum only $160,000,000 had gone into the works, however, the rest having been paid out either in Paris or squandered in Panama. Salaries, profits, commissions, and the like swallowed up $88,000,000, while something approaching $32,000,000 had been paid for floating the various loans. The total expenses in Paris for the eight years amounted in themselves to over $75,000,000. Or, as one of the committee on new proposals put it, one-third of the funds was spent legitimately, one-third was squandered, and one-third was stolen.

These extracts from Professor Keasbey's work are but a faint picture of the terrible condition of the people and Government in France that was created by the frauds and the failure of the old Panama Canal Company.

Who were the men that brought this ruin and disgrace upon France?

The report of Admiral Walker shows that they are, in large part, if not exclusively, the same men who, as contractors and directors of the old company, had robbed it of hundreds of millions of francs and then organized the New Panama Canal Company, and still own its stock, and that they are here now pushing its demands on the United States to aid them in recouping the money they put into it, for which we are asked to provide not less than 33 per cent profit. Unless all accounts are false, M. Bunau-Varilla was among the men who wrecked the old company, and he is now the minister plenipotentiary of the new company, engaged in making the supreme law for the people of the United States in this treaty, and largely for his own benefit.

This is the most startling adventure that has been attempted on any government in modern times, and I have found no parallel for it in older history.

I must ask the Senate and the President to pause and take breath at article 22 of this Hay-Varilla treaty, which is intended to force this outrage upon the country, and to consider the evidence I will produce to prove it. It will not take much longer time at most than was consumed in the very hurried final act of settling and signing that treaty, which enabled Bunau-Varilla and his associates to make the thrifty speculation in the bonds of the old Panama Canal Company on or about the same day on which it was signed.

Admiral Walker and his associates seem to have been easily put off in their researches into the frauds, felonies, convictions, and the pardons granted to the members of the New Panama Canal Company.

The lawyer on the Commission, Mr. Pasco, could not escape from making some mention of the matter, in the guarded language I have quoted from that report, but the Commission was very deferential to French reputations and contented itself with mentioning the fact that there were sixty persons in the list of the convicted and pardoned felons whose names are not given, and it is intimated in the report that the French Government was unwilling that those names should be disclosed. These sixty persons subscribed 3,285,700 francs to the stock of the New Panama Canal Company, the scapegoat for the sins of those malefactors that has been turned loose, not to perish in the wilderness, but to fatten in the rich pasture grounds of the United States.

If this resolution is adopted and fully answered, it will bring to light those refugees who are being so carefully concealed from observation, and some of our syndicated speculators in the bonds of the old company will be unearthed. If the stories that fill the newspapers as the intangible fogs sometimes saturate the atmosphere are true, M. Bunau-Varilla was among the contractors and officers who brought this ruin on the old Panama Company. He makes it his chief distinction, in commending himself to the President as envoy extraordinary from Panama, that he is "the champion of the old Panama Canal Company." Let us see, also, if he is justly accused of being one of its robbers.

Eiffel, a noted French engineer, was convicted in the French courts of having defrauded the old company, and was heavily fined and sentenced to penal servitude for a long term.

He is to profit by section 22 of this treaty to the extent of not less than 33 per cent on his investment of 10,000,000 francs in the stock of the New Panama Canal Company, in addition to purchasing his pardon from the penitentiary by making that subscription.

This resolution of inquiry is directed to the Attorney-General, instead of the Secretary of State, for the reason that the President directed that all negotiations with the New Panama Canal Company should be conducted by the Department of Justice, at the time the Hay-Herran treaty was under consideration, and I have not learned that this arrangement has been altered with reference to the bargain that is to be made under the Hay-Varilla treaty with that company.

If any Senator can inform me that this matter is now in the hands of the Secretary of State, I will ask to change the resolution to meet that fact.

The resolution calls for information, in the absence of which it is impossible to act on article 22 of the Hay-Varilla treaty either with intelligence or safety.

No part of that treaty places a limit on the sum to be paid by the President for the concessions, rights, or property of the New Panama Canal Company, which, under the Spooner law, was limited not to exceed $40,000,000.

That no limit whatever as to the price of these claims is fixed in the Hay-Varilla treaty is a portent of mischief that no one can fail to understand. It must mean that a greater sum than $40,000,000 is demanded, or is likely to be demanded, by the New Panama Canal Company for these claims and properties, when the contemplated purchase is agreed upon and consummated, in which case the President will have the discretionary right, under article 22 of the treaty, to make an advance in the price to be paid for this property.

Even an honest and just claimant could not decently make such a demand; when it is made for the New Panama Canal Company its audacity is an insult to the country.

That article of the treaty first describes the property and the rights of every description that it permits that company to sell to the United States, and then, in the last paragraph, it provides that the title of the United States is to become absolute as to Panama when "a contemplated purchase" of these things from the New Panama Canal Company is "consummated." After granting to the United States the supreme and exclusive sovereignty over the canal zone, in article 3, to be paid for at the sum of $10,000,000, why should we not be permitted to exercise the same right that Colombia had to compel the canal company to work out its contract? Why should that company become the real vender of the rights ceded to the United States in article 3 of the treaty?

I will insert a copy of that treaty in an appendix to my remarks. [See Appendix A.]

The property and rights thus to be purchased from the canal company by the President include everything acquired by it under any law or concession of Colombia to Napoleon B. Wyse and his transferees or successors and some other property rights acquired from other sources, including the rights of that company in the stock and property of the Panama Railroad.

If the rights of Colombia in respect of these concessions passed to Panama, under a rule of law that Mr. Hay characterizes as rights that "run with the land," when we purchase that land and acquire supreme sovereignty over it, as we do in article 3 of this treaty, all the rights that Panama acquired from Colombia "run with the land," and also the rights acquired under the language of the grant.

The terms of this treaty establish the fact that at the date of the signature thereof by the contracting parties no purchase had been made by the United States of things described in article 22 of the treaty from the New Panama Canal Company. It is therein described as a "contemplated purchase" which remains to be made and "consummated." If any purchase had then been made, a contemplated purchase would be absurd. It could only be valid if an existing purchase should be set aside by the parties.

The terms and conditions of the purchase as to the claims, rights, or property described in article 22 are nowhere stated or alluded to in the treaty, and the Senate has no knowledge or official or unofficial information on the subject.

I can not reasonably expect to be compelled to vote upon the ratification of article 22 of the treaty with Panama when such information as this resolution calls for is withheld from the Senate. Yet, unless it is adopted, or unless the President will voluntarily give us the facts, this will prove to be the actual situation: The Senate is required to blindfold itself in ratifying a "contemplated purchase" of this property at a great price, and also to impose upon Congress a national obligation to appropriate the money to "consummate" the purchase.

I can think of no situation that would be more arbitrary or

more humiliating to the Senate on the part of the President than to withhold from this body the state of facts as to the contemplated purchase, which is known only to the President and his advisers, and yet to demand of the Senate that this contemplated contract shall be ratified or approved before its terms are known to us or, it may be, even to the President.

I will not dwell upon the relations of confidence that the Constitution creates between the President and the Senate when they are cooperating in the enactment of supreme law for the United States in conjunction with a foreign state.

This relation ought to prevent the withholding of any fact from the Senate on which it must necessarily pass in enacting a supreme law for the United States, or in enacting such a law with studied omissions in the text that he and the Panama Canal Company may fill at pleasure.

I am quite aware that the confidence of the relation that existed and was so conspicuously manifested by President Washington and his contemporaries and successors has given place to the evil spirit of political partisanship to such a degree that the President and the Senate are often found in severe political antagonism. I am quite satisfied that there is a spirit of political domination that frowns down all efforts of the minority in the Senate to gain information that might be inconvenient in the political policy of the President, and that such requests are regarded as being of the same class with the offense of lese majeste that is so firmly prosecuted in the European monarchies. But there are still rights and duties that should control our conduct in these highest matters of state that for one I will not voluntarily abandon, nor will they be denied to me, as a Senator, without protest.

The Senate is required by this treaty to enact a law that is void on its face for its uncertainty, or else it is only the delegation of power to the President to remove the uncertainty in the law by supplying all the terms of the contemplated contract of purchase in accordance with his own will and at his discretion, without submitting it to the Senate, as a part of the treaty-making power, or to Congress as the lawmaking power, either for consideration or concurrence. This is a domestic matter, in which no foreign government can participate.

If it is only a power of attorney to make such a contract of purchase and to inject it into the treaty after the Senate has ratified it, Panama has no right to assist in conferring such extra-official power upon the President of the United States by treaty, with the consent of the Senate, for that would be a simple act of municipal legislation.

But the power, or the act to be performed, is too indefinite to be made an enactment of supreme law. If it is anything in the form, substance, or spirit of a statute law, it is a bestowal of unlimited discretion upon the President to make a purchase of certain property from the New Panama Canal Company on such terms as to price and payment or such other terms as he may, in his discretion, see fit to make; and the Republic of Panama can not participate with our Senate in such an enactment.

If it stopped there and is only operative as a power of attorney it would be a discretion that might be in some way controlled by Congress, or in some way as yet unknown by the Senate before the action of the President would be finally completed or "consummated."

Instead of this the Senate is required, in advance of any action, declaration, or promise on his part as to what he proposes to do, to ratify all that he may do in making such a purchase and to make it a supreme law of the United States, so that Congress would be under a moral if not a legal obligation to "consummate" the purchase by paying the price for it that the President may see cause to bind Congress to pay.

If he agrees to pay $40,000,000 for this property, which is the sum fixed as the maximum in the Spooner law, the time of payment and the question of title are also left to his discretion. Or, if he is willing to raise the price to any sum that meets the demands of the New Panama Canal Company, that price is foreordained if the Senate ratifies that treaty.

Comment on such a situation could not be otherwise than indignant and resentful on the part of Senators who respect the rights of the Senate, the Constitution, or the rights of a free people.

The peril of this situation is far greater than its absurdity when the facts and conditions that have made it the leading feature of the strange policy of the President in dealing with Panama are understood.

Admit that Panama is an established republic, independent of Colombia, which is not true under the principles of international law; and that the New Panama Canal Company has ceased to be a juridical citizen of Colombia, which is not true as matter of fact or law; and that Panama has the right which Colombia had to consent to the sale by the Panama Canal Company of the concessionary rights through the Wyse concession, and that they are severed from Colombia and have passed, irreclaimably, to Panama, which is not true; and that such rights can be conferred on the United States by this treaty, which is not true. Admit all this, and we will only have reached the margin of the real purpose and effect of article 22 of the Hay-Varilla treaty. That article establishes another fixed qualification upon these rights, which is that we shall never own them until we have purchased and paid for them under agreement with the Panama Canal Company.

That treaty gives to Panama the power to deny to the United States the absolute right to the full ownership and possession even of the canal zone after we have paid her $10,000,000 for it until we have made and "consummated" "the contemplated purchase" of the things that are mentioned in article 22 of the treaty from the New Panama Canal Company.

The Spooner law and the Hay-Herran treaty did not give to Colombia any such authority over our dealings with the New Panama Canal Company as this treaty gives to Panama.

In the Spooner law the sum to be paid for all the rights and property of the canal companies was not to exceed $40,000,000. In this treaty there is no limit. In the Spooner law the purchase of that property was required to be arranged for before a treaty with Colombia could be made, and Colombia had no part in the terms of the purchase or anything else except to consent that the canal company might enter into agreement with the United States for its purchase.

Did Panama impose these fetters upon us in the majesty of her sovereign powers or are they self-imposed by the United States?

Did Panama require that we should first make the contemplated purchase from the Panama Canal Company, on its own terms, before our purchase of the canal zone from her should confer upon the United States the absolute right to the property for which we are required to pay her $10,000,000 at the time of the exchange of ratifications of this treaty? And was this done for some great reason of state, that might be important to the glory and power of Panama and might be demanded by the nobility of her sentiment toward the New Panama Canal Company, or toward M. Bunau-Varilla, the envoy extraordinary and minister plenipotentiary of Panama, who signed the treaty with Mr. Hay? Panama had no purpose in prescribing this handicap on the United States, or in any other part of this proceeding, except to do the will of the Panama Canal Company.

This twenty-second article of the Hay-Varilla treaty introduces a third "high contracting power" into this factory for making supreme law for the United States that is a stranger to this country in every sense except as a conspirator against our Treasury and the peace and the welfare of the people.

The PRESIDING OFFICER (Mr. PATTERSON in the chair). The Senator from Alabama will suspend. The hour of 2 o'clock having arrived, unless otherwise ordered, the Senate will proceed to the consideration of the unfinished business, which is Senate resolution 82, submitted by the Senator from Georgia [Mr. BACON].

Mr. CULLOM. I hope whatever is the order regularly may be laid aside until the Senator from Alabama concludes his remarks.

While I am up, Mr. President, I do not desire to call attention especially to what the Senator is saying, but I think he is getting a little outside of the rule in discussing the twenty-second article of the treaty which is before the Senate in executive session.

Mr. MORGAN. I am discussing the effect of the treaty, particularly one article of it, upon the people of the United States.

Mr. CULLOM. I know; but I submit to the Senator whether according to the rule he is not going beyond what under the practice prescribed he has a right to in the premises; in other words, whether he is not violating the rules of the Senate.

Mr. MORGAN. I am not criticising at all the treaty as a law document as it will be when it gets on the statute books of the United States as the supreme law.

Mr. CULLOM. The Senator is discussing the treaty.

Mr. MORGAN. I am not criticising the motives of anybody who has had any hand in negotiating it. I am merely showing, as well as I know how to show, that it is an act of injustice to the reputation of the people of the United States that the New Panama Canal Company should be allowed to intrude into it in any way whatever.

Mr. CULLOM. I understand; but I submit to the Senator on his own judgment whether, in discussing the twenty-second article of the treaty, which is now before the Senate in executive session, he is not overstepping the rule without authority from the Senate.

Mr. MORGAN. Now, let us test that by the next matter that I was going to say. This twenty-second article of the Hay-Varilla treaty——

The PRESIDING OFFICER. The Senator from Alabama will suspend for a moment. The Senator from Illinois asks, as the Chair understands him, that the regular order be laid aside so that the Senator from Alabama may continue his remarks.

Mr. CULLOM. Certainly. I supposed that had been done.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered. The Senator from Alabama will proceed.

Mr. MORGAN. I am speaking now, and have been speaking, and will be speaking about what I call a third high contracting power that has been brought into this treaty, with power to regulate its destiny, with power to prevent its operation after we have ratified it, until that third power is satisfied in respect of an agreement that is contemplated to be made with it that it has been fully consummated.

Mr. CULLOM. While I think the Senator is outside of the rule governing executive and legislative sessions, yet I am not disposed to make the point if he will bear in mind that until otherwise authorized he shall keep within the rule of the Senate.

Mr. MORGAN. The point could have been more appropriately made fifty times during this debate than it can be made upon the proposition I am now advancing, for the reason that I am not discussing the act of either of the contracting powers to the treaty, but of a third high contracting power that is intruded into it by its provisions. I want to say that that third contracting power ought not to be allowed any day in court, except to receive justice at the hands of the people and Congress of the United States according to their contract.

This twenty-second article of the Hay-Varilla treaty introduces a third "high contracting power" into this factory for making supreme law for the United States that is a stranger to this country in every sense, except as a conspirator against our Treasury and the peace and the welfare of our people. The New Panama Canal Company is that high contracting power. It first contrives and has confirmed by an agreement between France and Panama—that is, outside of this treaty—that its rights and claims of every kind under the laws of Colombia shall be solemnly guaranteed and protected by Panama as the successor government to Colombia.

Then Panama agrees with the United States, in the Hay-Varilla treaty, that the rights of Colombia, under the Wyse concession and its extensions, for the construction of a canal at Panama shall not inure to the United States directly, but shall come through the New Panama Canal Company. With those rights and powers we could compel the New Panama Canal Company to complete the canal; but this treaty provides that we shall annul and surrender these rights and obligations, instead of having the right that Colombia had to compel that company to complete the canal or else to forfeit all of its concessionary rights, without compensation for any of its canal property, or else to sell them to the United States on fair terms. It is the canal company that is made the vender of these alleged rights to the United States under this treaty, not Panama.

What reason can any just man give for requiring the United States not only to surrender these rights and powers to the Panama Canal Company but to become entirely subordinate to the power of that company and to force our Government to buy the property from it, instead of compelling that company to perform the contracts it made with Colombia, if we choose to require that this shall be done?

We engage with Panama, in this treaty, to purchase those rights at a sum to be agreed upon with the New Panama Canal Company, and until that is done and the purchase is consummated the rights of Colombia under the Wyse concessions are not to pass to the United States as against Panama.

This can mean nothing else but this: That until the United States purchases the canal property and railroad stock, at a price to be settled with the New Panama Canal Company, Panama will grant no canal concessions to us in absolute right.

When this treaty is ratified the Panama Canal Company will stand over us with a rod, and France will compel Panama to adhere to and execute the twenty-second article of the Hay-Varilla treaty in its letter.

When we are thus tied up by this treaty with Panama the digging of the canal will not be begun by the United States until the demands of the New Panama Canal Company as to the price of its property are paid, whatever that price may be.

Before the Senate can afford to enter that trap it should at least know the terms of the "contemplated purchase" of this property and the price we are to pay for it.

Other rights of other persons and of other states and corporations exist in that canal zone that are appurtenant to the land, such as the right of New York to protect the property of the Panama Railroad Company and of its stockholders, and their right to refuse to sell their stock and to surrender the property of the company to the United States. Why are we not required to purchase these rights before we can get a title to the railroad from Panama? Who do we ignore the rights of the New York corporation, while we set these French corporation wreckers in authority over the Government of the United States?

There is a meaning in this scheme that is far deeper and more to be sought after and unearthed than the mere inconsistency of this treaty provision.

The answer is plain enough. It is that the Panama Canal Company is the pet of the Government of the United States and the life—the raison d'être—of the Republic of Panama, and it must be provided for and settled with before this treaty can become operative in constructing a canal at Panama.

We are trifling with ourselves and with the American people when we assume that Panama has any interest of her own in shaping the terms of the contemplated contract we are to make for the purchase of the property and alleged concessions of the New Panama Canal Company acquired from Colombia?

Her interests are only to comply with the demands of the Panama Canal Company, that she does not dare to refuse.

She sells us the canal zone, within which these things are all located, and confers upon the United States the supreme and exclusive sovereignty over the canal zone in article 3 of the treaty, for which we pay Panama $10,000,000 on the ratification of that treaty, but she annexes a condition to our purchase that we must first purchase and pay for the property of that company at the sum it may demand.

Why should Panama concern her mighty spirit with cares for the welfare of the New Panama Canal Company and proceed to qualify this grant of the 10-mile zone to us by adding, in article 22, that the grant should not be absolute until a contemplated purchase of the concessions and property of the New Panama Canal Company in that zone is consummated?

This demand of Panama in favor of the New Panama Canal Company as to that contemplated purchase is so strange, unseemly, and apparently unaccountable that it demands some explanation from the Government as to the facts and reasons that have caused us to tie our hands and submit to the will of Panama and the New Panama Canal Company and of France in the leading purpose of this treaty, which is to compel the United States to treat the New Panama Canal Company as the owner of the entire beneficial interest in the canal zone and in all the railroad and canal rights and property in that zone, and to pay Panama $10,000,000 for the privilege of purchasing that interest from the New Panama Canal Company at such price as it shall choose to compel us to pay.

It is the privilege of purchasing these claims, concessions, and properties from the New Panama Canal Company for which we are to pay Panama $10,000,000 that comprises the real consideration for that payment.

Panama's largest money interest in her bargain with the United States is the perpetual annuity of $250,000.

If the concessions made by Colombia to N. B. Wyse and sold by him to the old Panama Canal Company and turned over to the New Panama Canal Company by the liquidator of the old company, with all the rights, duties, and obligations that were attached to them, have passed to Panama, the sale to the United States of the 10-mile canal zone in which these rights and properties exist conveys the property subject to these concessions, with all the duties, rights, and obligations appertaining thereto.

This result is accomplished in the third article of the treaty by conveying to the United States the supreme and exclusive sovereignty over the 10-mile zone.

Under this act of cession, for it is only that, the full power of Congress is established to legislate for that zone and everything and everybody in it. Congress, under our Constitution, in legislating with respect to the rights of the New Panama Canal Company, would be bound to respect and enforce all the vested rights of the New Panama Canal Company within that zone as they exist under the laws of Colombia.

If any of those rights are to be extinguished by purchase from the New Panama Canal Company, Congress must provide the laws under which such purchase can alone be made and the money can be appropriated to consummate it, and all future provisions of law applicable to any rights, duties, and obligations within that zone should be left open and without embarrassment to the legislative powers of Congress.

There is no right arising out of these concessions made by Colombia, no duty that they impose on Colombia or the canal companies, or on anybody else, which follows the transfer of the sovereignty of the 10-mile zone to the United States that the Congress is not as completely invested with the power to enforce and charged with the duty to respect under our Constitution as if the whole of Colombia had been ceded to and incorporated into the territory of the United States.

In the Hay-Herran treaty the United States was to have a perpetual lease, for canal purposes, of a 6-mile zone from the coast at Colon to the coast at Panama, as that treaty was interpreted by our Government.

In the Hay-Varilla treaty the supreme and exclusive sovereignty is ceded to the United States over a 10-mile zone, which lies between the 3-mile limit in the Caribbean Sea, off the Bay of Colon, and the 3-mile limit in the Pacific Ocean, off the Bay of Panama.

Within this 10-mile zone and out to these limits the sovereignty

of the United States is as supreme and excluse as it is in our possessions in Alaska, New Mexico, or in any of our insular possessions.

Now, in this situation it became necessary for the purposes of the New Panama Canal Company that the powers of this nascent Republic should be employed in shaping this treaty so as to qualify and limit the sovereign powers of the United States over the canal zone, and so as to compel us to purchase its claims directly from that company at such a price as it would agree to take, and to reach this result the last paragraph of article 22 was inserted.

It has no other office, function, or meaning, and that alone is its fixed purpose.

The New Panama Canal Company has failed to get the $40,000,000 from the Treasury of the United States in consequence of the defeat of the Hay-Herran treaty, and it determined not to lose it and, if possible, to increase that stipend under the Hay-Varilla treaty.

If this treaty is ratified with article 22 in it, that company will certainly succeed in getting the $40,000,000, and will most likely be able to compel us to largely increase that sum.

Or, if it is ratified with article 22 stricken out, the New Panama Canal Company and the Republic of Panama have the assistance of France already pledged for the maintenance of all French interests in Panama, and especially that the Colombian concessions to the Panama Canal Company shall not expire until the 31st of October, 1910.

I again quote the language of M. Delcassé, the French minister of foreign affairs, in answer to an interpellation in the Chamber of Deputies, to prove this statement, as follows:

LATEST INTELLIGENCE—M. DELCASSÉ ON FOREIGN AFFAIRS.

PARIS, *November 22, 1903.*

In the course of the debate on the budget for foreign affairs in the Chamber of Deputies this afternoon M. Delcassé, the minister for foreign affairs, made an important statement on some of the questions of the day. He began by congratulating himself on the circumstance that all the political parties had expressed their opinion on all the questions of foreign politics. He now proposed to give the explanations of the Government with a brevity consonant with his functions, which demanded deeds rather than words, and with the reserve which those functions imposed upon him.

In reply to the inquiry whether the Government had officially recognized the new State of Panama, he gave the following particulars. On the 3d instant, for reasons as to which they were not called upon to express an opinion—

The Government of France would not express an opinion—

as it was not for them to interfere in the domestic affairs of another country, the Department of Panama constituted itself into an independent republic. Having received notification of that fact, and from the moment that the new Republic fulfilled the conditions necessary for the maintenance of order and security, they had only to consider what guaranties it offered from a French standpoint. They were not quite free from apprehension for a certain time.

For many months past it had been said at Bogota that the decision of the Colombian Government to grant an extension of six years from 1904 for the completion of the canal was contestable, and that in 1904 the concession might be declared to be forfeited. If that theory had on any occasion been officially formulated, it would never have received the sanction of France; *but it was the strict duty of the French ministry to demand from the Government of Panama a preliminary assurance that all French interests, including the rights of the concession, would be respected.* They had received the following formal and decisive assurance:

"The Republic of Panama solemnly, expressly, and definitely undertakes vigilantly to protect French interests, as also to maintain and to interpret in the most liberal spirit the contracts concluded before November 3. Those contracts referring to the Isthmus follow the transmission of sovereignty and bind the Republic of Panama. All those contracts are maintained, and particularly the contract prolonging the concession up to 1910."

M. Delcassé added that in these conditions all that remained for them to do was what, as a matter of fact, had already been done by the Government of the United States—namely, to permit the agents of France to enter into relations with all the agents of the new Republic of Panama.

Permit what?

The agents of France to enter into relations with all the agents of the new Republic of Panama.

No answer has been attempted to this dangerous and dishonoring situation in which our Government is placed by this treaty. The American people will not fail to see and understand this matter or resent the humiliation of having France called in by Panama and the canal company to coerce us into an utter subordination to this combination.

Panama pledges herself to France to maintain and interpret in the most liberal spirit the contracts made before November 3. This does not refer alone to contracts made with Colombia, but to contracts between the canal company and the United States.

If Senators will examine the official proceedings of that company of December 30, 1903, in connection with the statement of M. Delcassé, they will see that this pledge covers all contracts, including those heretofore made with the United States. They will also discover, in running these developments back to article 22 of this treaty, the most unworthy and humiliating chapter in American history.

It has been carefully withheld from public scrutiny and we are indebted to the garrulity of M. Bunau-Varilla and Assistant Secretary Loomis at the banquet of the Quill Club for what light we have on this unprecedented attitude of our Government.

Their flamboyant utterances would have been at once set down to the credit of the adage, "In vino veritas," but for the fact that the banquet was presided over by the Reverend Doctor Tipple.

The astonishment of the country was subdued to serious reflection when the President gave his open and official approval to what was said by these high functionaries. In the part of his oration that is most important, Mr. Loomis said:

WHAT MIGHT HAVE BEEN.

Reflect for a moment on the grave possibilities which confronted the Government as it peered into the future and sought to provide intelligently for the many serious complications and contingencies which the President foresaw. If the revolution in Panama had not occurred; if the American people, guided by the opinions of its most learned, efficient, and highly trusted engineers, contended that the Nicaragua route was an impracticable one; if the people and Congress of this country had insisted that we wait for a year or until such time as the politicians at Bogota were ready to negotiate a new canal treaty and in the meantime their Congress had declared invalid the renewal of the French concession, which might have happened on the Isthmus; I may safely assert without fear of contradiction by any well-informed person that the Government of France would not have stood serenely by and witnessed the pillage of thousands of her people through the act which Bogota politicians devised for the looting of the French company of $40,000,000.

The moment that the cables flashed from Bogota to Paris the astounding news that the extension of the French concession was canceled a French squadron from Martinique would have borne down upon the Isthmus and, perhaps, landed marines at Colon and sent them across the Isthmus to Panama and along the line of the canal, to protect the interests and property of French citizens. There would in all probability have been an armed conflict between France and Colombia, or France at least would have felt herself compelled to hold the Isthmus for a long period. This would have wrought immediately and poignantly upon the sensibilities of the American people in respect to the Monroe doctrine, and we should no doubt have found ourselves viewing France with annoying apprehension. The French war ships might easily have been followed by those of England and Holland, and Panama, like the Balkan States, might well have been expected to furnish the spark to set half the world in flames.

What could have been the threatened situation at Panama that caused Loomis and Varilla to look back at what was so darkly ominous and to shudder at our narrow escape? It was the same that hurried our Atlantic and Pacific fleets to Panama and Colon with an array of naval power that was never before exhibited by the United States. It was the same that brought the fleet under Admiral Robley Evans to Hawaii from the Chinese station at a moment when our interests in Manchuria and all of China gave our commercial people great anxiety. It was the same that caused M. Thiebaud to assail the French Government with bitter reproaches, before an assembled multitude in Paris, for not having sent warships to Panama in advance of the uprising there.

It was the demand of the New Panama Canal Company, assisted by the compact set forth in the answer of M. Delcassé to an inquiry in the French Chamber of Deputies on the 27th of November, which I have just read, that caused this warlike commotion and alarmed the fears of the Administration.

France made these demands on Panama, and they were conceded before the Hay-Varilla treaty was signed in such hot haste on the 18th day of November, 1903. It was only four days later when M. Delcassé made his official statement to the Chamber of Deputies, which I have just read to the Senate, announcing the compact with Panama and acknowledging its independence.

The signing of the treaty was such an extraordinary affair that it gave to the country the amusing idea that it was an opera bouffe performance, in which M. Bunau-Varilla held the title rôle.

The newspapers brought out the fact that it was signed while Amador and Boyd, who were joint commissioners with Bunau-Varilla to negotiate it, were en route by rail from New York to Washington for that purpose. They had never seen the proposed treaty and could not have known its provisions, and they must have been within two hours' travel from Washington, on a fast express train, when the treaty was taken to Mr. Hay's sick room and was signed by him and Varilla, who met his co-commissioners at the depot and informed them of the great coup he had achieved.

They deeply resented the affront, but restrained their indignation. It was soon stated in the newspapers that Varilla's exaltation over this strategy was due to the realization of millions of dollars in a deal in Panama Canal securities by the announcement that the treaty had been signed—a fact that has not been denied, so far as I am informed. But this financial success, of which Mr. Hay was ignorant, had nothing to do with his part in this semitragic act.

He was influenced doubtless by the same emergent policy of the Administration that caused Assistant Secretary Darling, of the Navy, to send orders ahead of time to Panama to be on the lookout for "the uprising" and to repel any interference with it.

Haste was required to put the Panama "uprising" in possession of the governing power there and in Colon, but greater dispatch was needed to prevent France from intervening and to pacify her with the provisions of article 22 of the Hay-Varilla treaty, and Mr. Hay "accepted the situation."

Mr. Hay must have known the facts that Loomis afterwards gave forth in momentous oracles at the Quill Club banquet.

They were dark surmises that France was preparing to appear at Panama with war ships to contest with the United States the occupation of Panama and for the protection of French interests, and especially the interests of the New Panama Canal Company, and, finally, as an ultimatum, to demand the extension of the

Wyse concession from 1904 to 1910, that had been conceived in fraud, sustained by war, in which we had given it aid, and nursed by Marroquin and kept alive by the blood of the people of Colombia.

The twenty-second article of this treaty and the compact between France and Panama secured these fruits of fraud and violence to the New Panama Canal Company and completed the triumph of Cromwell and Varilla. When it was signed he supposed that his triumph was complete, and our Government was in a more tranquil mood.

The fleets were dispersed and the United States guard at Panama went into camp to protect the Republic of Panama while the treaty should be matured in the Senatorial incubator, and Varilla and Loomis were permitted to explode their joy at the Quill Club banquet that we had escaped a war with France. It was not Colombia, it was France, that gave occasion for our grand display of naval power at Panama, and it is the surrender of the Administration to these demands of France, in article 22 of this treaty, that has suddenly ended our great war preparations, that included both the Army and the Navy in the projected military campaign at Panama.

The people could not take it seriously that all this war preparation was needed to protect Panama against Colombia, whose great General Reyes was in Washington suing for peace. They laughed at it as a political pageant, gotten up like the fight of Ransy Sniffle with the unseen foe, in Longstreet's Georgia Scenes.

They were mistaken. There was an enemy in sight; there was a casus belli; there was an ultimatum; there was a surrender and a capitulation, which is set forth in article 22 of the Hay-Varilla treaty.

Time was too short to admit of delay in the signature of the treaty on that fateful evening. France had to be placated and could not wait for the information even of the contemplated purchase of the property of the New Panama Canal Company. So it was postponed until a future time, but was safeguarded with a provision to which Panama assented, that our most important rights in Panama should not become absolute until the contemplated purchase of the things mentioned in article 22 is "consummated."

This article is as the apple of the eye to Cromwell, Varilla, and the pardoned felons of the New Panama Canal Company.

For one, I wish to know what it will cost us before I assist in its ratification. I am willing to assist in every movement, right or wrong in policy, to which the country is committed, even in pursuit of policies that my conscience can not approve, but I am not willing to join in a surrender to fraud and iniquity such as France requires us to accept in the twenty-second article of this treaty.

The wars of the Administration, even if they are wrong but have become unavoidable, demand my support as the bitter side of patriotic duty, but its surrenders to the New Panama Canal Company, on the demand of France, to avoid a threat of hostilities or the failure of a political exploit, is one thing I will not vote for.

I will now further identify M. Bunau-Varilla with the movement of the New Panama Canal Company by quoting an extract from his address at the Quill Club banquet.

He thus states the cause of the rejection by the Colombian Congress of the Hay-Herran treaty.

> It is known now that the cause of that rejection was the plan to twist the articles of that convention with the Panama Canal Company, in order to declare forfeited the concession and practically rob the French shareholders of their property. Thus, on November 1, when the Colombian Congress was closed, it had succeeded in violently insulting the United States; it had exhibited the unmistakable intention of blackmailing the French company out of its properties, and, finally, it had sacrificed the very elements of the existence of the people of the Isthmus by destroying the possibility of the construction of the canal.
>
> The result of these acts, which were virtually crimes, was to provoke on the Isthmus a revolution and throughout the whole world a feeling of indignation, which is shown by the fact that within thirty-five days after its birth the Republic was recognized and had entered into diplomatic relations with many of the nations of the earth.

Varilla and Cromwell have long been hunting in couples to destroy the Nicaragua Canal as the only means of foisting the property of the New Panama Canal Company on the United States.

To get credit for impartiality in what he calls a work for science he has affected to be in some sort the enemy of the New Panama Canal Company. If his enmity has any moral reason to support it, he has not alluded to it. If it is supported by any other reason, he can not assume, in the face of his public speeches, that a canal on that route is of doubtful success.

His alleged enmity to that company deceives no one, especially in the face of his diatribe against Colombia for endeavoring, as he says, to levy "blackmail" on that company.

In a lecture before the American Academy of Political and Social Science he says, among other accusations:

> But all was futile and in vain, and certainly the violent desire of appropriating, thanks to a twist in the interpretation of the contracts between the Panama Canal Company and the Republic of Colombia, the property of the French company was too strong for the Bogota politicians, and in closing up themselves in a fool's paradise they let the date of the 23d of September drop without having shown any disposition to comply with the requisites of vulgar courtesy toward the United States.
>
> MASTERFUL PIECE OF ROGUERY.
>
> Such a disposition of mind seems incredible, and we hesitate to think it possible that a nation can be represented by a legislative body who frames into law what is vulgarly known as criminal actions, blackmail, extortion, or conspiracy to obtain his neighbor's property fraudulently. There is not the slightest doubt, however, that it was so when we read the blackmailing bill of August 29, which is a public document; when we read another public document, official report, and a masterful piece of roguery, which the Bogota Congress heard before its dissolution at the end of October.
>
> In this report the commission concluded, in hypocritical terms, by the recommendation of upsetting the prolongation from 1904 to 1910 of the Panama Canal concession, to reimburse the 5,000,000 francs by which the prolongation had been paid, and thus to acquire for nothing the whole property of the canal company in order to deal with free hands with the Republic of the United States, with whom they thought a satisfactory deal of the stolen goods could be easily made, thanks to a little commission on the price of the $40,000,000.

This recalls the insolence of Genet, minister of France, but Genet criticised our Government for not responding in a sense of gratitude to France, while Varilla flatters the President, which makes all the difference. Washington dismissed Genet, while Roosevelt hugs Varilla to his bosom.

An enemy of the New Panama Canal Company would never have indulged in such violent criticisms of Colombia for claiming a fourth of the "blackmail" that he and Cromwell were trying to levy on the United States. It was an interested friend of the Panama Canal Company, whose pocket was threatened, that uttered these calumnies against Colombia.

He knew that the breach of all the contracts of that company ever made with Colombia had caused revolt and war in that Republic, and that the very demand that he was then pressing and is still urging for the extension of the Wyse concession from 1904 to 1910 was the cause of that war.

Colombia had waited for twenty-four years for the canal, under contracts with these French companies, and when they confessed their inability to complete the work, and, to avoid the forfeiture of their concessions, they were trying to close a "business arrangement" with the United States for the sale of property that had cost them less than $12,000,000 for the sum of $40,000,000, it was neither unjust nor in any sense improper that they should have been required to pay Colombia $10,000,000 of their winnings in a game that never had an equal in depravity.

They had inflicted upon Colombia a debt of $6,000,000 and the loss of 100,000 lives in their violation of the laws and constitution of that Republic in the subornation of Marroquin, and now they demand that Panama and the United States shall adopt and confirm that outrage in the ratification of this treaty under a threat of the displeasure of France.

That this person, while holding a diplomatic post near this Government, should be tolerated in the utterance of such abuse and imprecation toward an American Republic, whose minister was then recognized and residing at Washington, as Colombia's ministers have been received for three-quarters of a century, is far below the conceptions that the world has entertained of the dignity, sensibility, and honor of the grand Republic.

Now, no matter how little the extension of the concession from 1904 to 1910 is entitled to our respect, or what sacrifices of blood and money it has unjustly cost the people of Colombia, we take over the canal zone subject to the compact between France and Panama, as above set forth, and we confirm that concession.

I need not pause to denounce this intervention of France to control the construction of a canal through Panama. Every Senator who knows the history of Congress since 1880 will at once denounce this compact between France and Panama as being in contempt of the declarations of all our Presidents and Secretaries of State even further back than 1880 and of both Houses of Congress.

In this treaty we reverse and then expressly abandon this declared policy on the requirement of France and Panama.

I am not occupying the floor to-day to express any opinions of my own as to the propriety of the line of policy we are observing with reference to Panama or Colombia. My purpose is to lay before the Senate such matters in the history of these transactions as the known facts disclose and to obtain the information from the Government that will support or refute or will explain the true situation.

Before I enter upon the examination of the specific points of the inquiry made in this resolution, I will state, as briefly as possible, another result that is eagerly sought to be accomplished by the New Panama Canal Company, through the ratification of this treaty, as to which there must be some understanding that Congress should be informed about.

The fact I will now state is perfectly understood by the men who are exploiting this enterprise against our Treasury, and also for speculative purposes in the bonds and stocks of the old Panama Canal Company.

The ratification of this treaty will repeal every appropriation of

money in the Spooner law for the construction of a canal on the Nicaragua route, which result is earnestly desired by some who claim that they are patriotic.

That result being accomplished, the New Panama Canal Company will have destroyed its only competitor, and with France at its back and with our President's determination to have a canal at Panama or else no canal anywhere, the whole subject of a canal will be relegated to the condition it was in after the abrogation of the Clayton-Bulwer treaty, and the whole controversy will have to be again fought over. In that battle the Nicaragua route can not participate, for this treaty kills it. This treaty will then force Congress to consummate this "contemplated purchase," at the peril of having no canal.

This repeal of all the canal appropriations, under the effect of this treaty, destroys all the work that has been accomplished toward the construction of any canal.

I have no censures, but great commiseration for those who will assist in this fatal movement. It is both needless and destructive. But I can not forbear again to call the attention of Congress to the terrible situation this treaty will create, and to implore the law-making power to reach forth a mighty arm and exert all its just powers to relieve the country from a blunder that will be felt through many generations.

I will now turn to the facts that involve the New Panama Canal Company in full and direct responsibility for the last paragraph in article 22 of the Hay-Varilla treaty. In doing this I will make statements that are based upon the correspondence in reputable public journals, as the President does, and will ask the Government, in answer to the resolution before the Senate, to affirm or deny these statements. It is thus stated, and I therefore so assert:

1. That M. Bunau-Varilla was active and persistent in arranging to bring about and to promote the secession of Panama from Colombia, and that this plan was agreed to between him and influential persons in the United States, and conferences were held between them in New York about the time it was ascertained that the Colombian Congress was opposed to the ratification of the Hay-Herran treaty.

2. That in the capacity of an engineer in the employ of the old Panama Canal Company, and then as a contractor, he acquired considerable wealth, and when that company failed he was largely interested in its bonded indebtedness and its property, or in stock of the company, and is now, or was when he was sent as minister from Panama, largely interested in the contemplated purchase of the property of the New Panama Canal Company, that is provided for in article 22 of the Hay-Varilla treaty.

3. That M. Bunau-Varilla, in announcing his appointment as minister from Panama to the President of the United States and in later official functions, proclaimed himself as the champion of the Panama Canal and felicitated himself that his new official duties so closely corresponded with his splendid career in the promotion of that canal.

This also includes his writings and his public lectures, directed especially to the destruction of the Nicaragua route.

While it is not surprising that M. Varilla, as minister from Panama, appointed by cable while he was in New York, should provide for his personal interests in negotiating and signing the Hay-Varilla treaty, particularly in article 22, it is surprising that he was considered a fit person to assist in making a treaty that was intended to become the supreme law of the United States and to bestow on him and his associates such money as they might be able to wring from the Treasury of the United States under a "contemplated contract," upon which our treaty rights are made to depend.

If a Member of Congress should make such a contract with any other person, to get money out of the Treasury of the United States in that way, he would not easily escape condign punishment.

He is not, in that matter, amenable to our laws, but, under the laws of nations, he is persona non grata. He is not a fit person.

I will not trace further the connection of M. Varilla with the revolt in Panama, as a conspirator, except to say that he is a citizen of France and had no patriotic reason for attempting to free himself from the alleged oppressions of Colombia toward its people.

His interest in contracts on the canal, out of which he had grown rich, and the glory of a new raid on the Treasury of the United States, and of crushing out his old foe—the Nicaragua Canal—was enough to make him frantic, and I do not criticise him for being in that condition. But I do insist that the Senate in looking into his powers to formulate and agree to supreme laws that most deeply affect and rule 80,000,000 of our people shall scrutinize them carefully and faithfully, especially in connection with article 22 of this treaty. That article provides for immense benefits to Varilla and his associates and enables them to bring all the other purposes of this treaty to naught if it is adopted.

In the relations he held to that movement and to the Panama Canal and to the money we are to pay for it and to this treaty, that compels the purchase of the property of the Panama Canal Company, old and new, and to the hurried negotiation and signing of this treaty that cut off the commissioners sent by Panama while they were en route by rail from New York to Washington, there is imperative reason why the Government should explain that transacti n to the people. I hope to furnish that opportunity in the answer to this resolution. The President has taken Varilla into his confidence, with these imputations upon him, and has thereby engendered suspicion as to the right of M. Varilla to sell to us the alleged property of the people of Panama. Upon information which our people accept as being true, it is denied that he had any lawful authority to sell 500 square miles of the land of Panama to the United States.

Leaving the other matters connected with the Panama secession out of view for the present, I will now present to the Senate some other reasons why the President should inform the country as to the particular matter of the contemplated purchase of the concessions and property of the New Panama Canal Company within the canal zone ceded to the United States, as I have shown, and the consummation of that purchase, as a condition on which our purchase of any right or property from Panama is to become absolute. Why were not the terms and cost of that purchase settled with the canal company before the treaty that binds us to it was signed? What was the cause of this reckless and incautious haste?

I believe that it was, first, to assure France that we would accept the terms she had already imposed on Panama as a condition of the recognition of her independence, and that we would provide for them in the treaty now before the Senate, and would even go higher in our bid for the property if the canal company should so require.

Before this treaty can be safely considered, I submit that it is the plain duty of the Government to inform the Senate of the state of facts as to this contemplated purchase.

This duty seems so clear and obvious that the plainest person can see it, and the most astute mind can not furnish a satisfactory reason for withholding this information from the Senate.

I need not dwell on this matter, for everybody must see the necessity for this information in advance of the final action of the Senate on this treaty.

In the Committee on Foreign Relations the examination of this treaty has been without any light on this matter. Members of that committee were denied the privilege of moving an amendment to strike out article 22 of that treaty, and this is the first time I have had the opportunity to present the facts and reasons to sustain that motion. The Senate is still without information from official sources as to anything that has been done or is expected to be done in making or consummating the "contemplated purchase" provided for in that article.

With whom is the President to make this "contemplated purchase" of the property and other things claimed by the New Panama Canal Company?

Eiffel was a contractor for the locks, and he subscribed 10,000,000 francs to the stock of the new company.

The Crédit Lyonnais was heavily interested in contracts for work on the canal. It subscribed 4,000,000 francs.

Artigue, Sonderegger & Co. were contractors on the Culebra cut. They subscribed 2,200,000 francs.

Baratoux, Letellier & Co. had the contract on the Pacific cut of about 10 miles.

The Isthmian Canal Commission, in their final report, say:

> All these contractors had engaged to complete the work intrusted to them before the close of the year 1889.

This group of defaulting contractors was compelled by public sentiment, and by the only hope of escape from heavy amercements in suits pending against them and, in some cases, of convictions for felonies—such as were made in the French courts against Ferdinand De Lesseps and his son Charles—to agree that they would complete the canal, changing De Lesseps's plan from a sea-level canal to a canal with locks.

The New Panama Canal Company was organized under this agreement, as is stated in the report of the Isthmian Canal Commission, which I have already read to the Senate from pages 83 and 84 of their final report.

These are some of the most prominent despoilers of the old company, into whose hands this treaty delivers us, while France and Panama stand by to guarantee their demands on the United States.

But to make this statement more complete and accurate, and to show their breach of faith, I will copy the third section of article 5 of the agreement under which the New Panama Canal Company took over, without compensation, all the rights and property, of every kind, from the liquidator of the old company, under the orders of the French courts:

> Third. The rights of every nature in the Panama Railroad belonging to the estate in liquidation and contributed by M. Gautron under section 4 of

this article shall become the property of the present company (the New Panama Canal Company) from and after the stockholders' meeting provided for by article 75 hereof without any pecuniary compensation, but upon the express condition that the canal be constructed within the time fixed by the agreement of concession. Upon default in completion within such time said rights shall revert to the estate in liquidation.

If, contrary to all expectation, the meeting in question should not take the necessary action for the completion of the canal, or if the course adopted by the meeting can not be carried out, the said rights in the railroad shall remain the property of the present company (the New Panama Railroad Company), but it shall pay into the estate in liquidation the sum of 20,000,000 francs by way of indemnity, and the share of profits set apart for the estate in liquidation shall be half the profits of the present company without other deductions than those provided in sections 2 and 3 of article 51 hereof.

Accordingly, said rights shall remain inalienable in the hands of the new company until either the payment of said sum of 20,000,000 francs or the entire completion of the canal.

These official facts show, in a light that is perfectly clear, first: That the New Panama Canal Company consists almost exclusively of men who had robbed the old company. Second, that those men had been coerced or induced by offers of pardon for these crimes, or by releases from judgments or liabilities to subscribe to the capital stock of the new company. Third, that they made the agreement with the court, to complete the canal, as I have above copied. Fourth, that Colombia was given 5,000,000 francs of paid-up stock in the new company as compensation for consenting to this arrangement. Fifth, that the company was organized by the payment of 60,000,000 francs or $12,000,000 cash subscriptions of stock into its treasury.

Sixth. I will now quote from the sworn statement of M. Edouard Lampre, the secretary of the New Panama Canal Company, when he testified as a witness before the Committee on Interoceanic Canals, on the 11th day of January, 1902. I present this statement to prove that the subscribers to the stock of the New Panama Canal Company are men of wealth and are able, out of their private means and credit, to pay the $90,000,000 it was then estimated that it would cost to complete the canal, and that with the use of all the property of the old company, including the railroad stock and the control of the Panama Railroad, which was taken over by the New Panama Canal Company, they could have performed their contract to complete the canal, if that was possible.

M. Lampre's deposition is as follows: The questions asked him related generally to the letters to President McKinley and to Mr. Hay, and especially to the letter of Bonnardel, president of the board of directors, to the President of the United States, dated Paris, November 18, 1898, which I will place in the appendix to my remarks:

The CHAIRMAN. Now, M. Lampre, that letter to the President of the United States does not contain any proposition?

M. LAMPRE. No, not at that time; no, sir.

The CHAIRMAN. Why was it written?

M. LAMPRE. Because to my recollection it was contemplated at the time that something ought to be done in the way of a reorganination of the company. It appeared at the time that the Nicaragua concession was under discussion that the rivalry of such a canal might be a great danger to the Panama Canal, and we thought at the time, as far as I can remember—it is rather old, it is three years ago—we thought at the time that we had to lay the whole subject before the President in order to ascertain and to see under what conditions we might, if necessary, Americanize our corporation and build the canal in partnership with the American interests. That is my recollection.

The CHAIRMAN. With the American Government?

M. LAMPRE. Well, I suppose private or public American interests. I think at the time it was contemplated to have a private corporation.

The CHAIRMAN. You had money enough then at hand or in prospect to build the canal?

M. LAMPRE. We had not in cash money enough.

The CHAIRMAN. You had good credit, though?

M. LAMPRE. Yes, I think we had; but still——

The CHAIRMAN. You were confident, then, that you could complete the canal?

M. LAMPRE. We were confident, but still, as you know, there was the rivalry of the Nicaragua Canal.

The CHAIRMAN. And it was the rivalry of the Nicaragua route that caused this paper to be printed?

M. LAMPRE. Yes, sir; exactly.

The CHAIRMAN. Was it argued at the time the letter was written that the United States was about to take or had taken action in favor of the Nicaragua route?

M. LAMPRE. I forget whether it was at that time.

The CHAIRMAN. We can ascertain that by a reference. Was this letter discussed and the authority given to send it to the President at a meeting of the board of directors of the new Panama Canal Company?

M. LAMPRE. Yes; it is in accordance with the resolution of the board.

The CHAIRMAN. The letter says that the board of directors is composed of gentlemen in an independent position?

M. LAMPRE. Yes, sir.

The CHAIRMAN. They must have been interested in and identified with large affairs in Paris?

M. LAMPRE. So they were, and are still at the present time.

The CHAIRMAN. Of a financial character?

M. LAMPRE. Yes, sir.

The CHAIRMAN. Was it not the fact that the new board was composed of gentlemen who took over the property on speculation?

M. LAMPRE. At the time or now?

The CHAIRMAN. At the time it was consummated.

M. LAMPRE. For speculation? No, sir.

The CHAIRMAN. They took it over with the intention of completing the canal?

M. LAMPRE. Quite so. They were honest and straightforward in the intention. I must be positive on the subject.

The CHAIRMAN. They are still able to do it, are they not?

M. LAMPRE. Oh, yes, sir.

The CHAIRMAN. The French people are still able to do it?

M. LAMPRE. They might.

The CHAIRMAN. They paid the indemnity to Germany without any trouble, and we thought that the most marvelous act ever performed.

M. LAMPRE. I think we have enough cash in France.

The CHAIRMAN. You have plenty there to do it?

M. LAMPRE. Yes, sir.

The CHAIRMAN. Why are you trying to sell this canal enterprise for $40,000,000 when your people are able to build it and have so much involved in it?

M. LAMPRE. That is quite a different question, in my opinion. We have plenty of cash in France to build it, but the rivalry with the Nicaragua route and the possibility of the Congress of the United States passing a resolution for the construction of the Nicaragua Canal has frightened the people there, and so we thought it best to seek some kind of a combination here to build the canal, then with the assistance of the United States, and now to let the canal go to the United States if they will have it.

The CHAIRMAN. Your first proposition was to build the canal and realize out of it what you expected to do?

M. LAMPRE. Exactly.

The CHAIRMAN. That was your first idea?

M. LAMPRE. Exactly.

The CHAIRMAN. That was the idea on which that letter was written?

M. LAMPRE. Exactly, sir.

The CHAIRMAN. Then, if you could not do that, to prevent the building of it on the Nicaragua route?

M. LAMPRE. We did not intend preventing anything, but we thought the Panama route, in our opinion, the best.

The CHAIRMAN. Was it not the purpose of this movement to compel the United States to build on your ground or not build at all?

M. LAMPRE. To compel?

The CHAIRMAN. Yes.

M. LAMPRE. We had no mind to compel anybody.

The CHAIRMAN. I do not mean by force of arms.

M. LAMPRE. Our opinion was that the United States Government, or Congress, passing upon a resolution for the construction of the Nicaragua Canal would place us in great difficulty to raise the money in France. So we thought that we might as well lay the whole subject before the United States.

Senator MITCHELL. May I ask a question right there?

The CHAIRMAN. Certainly.

Senator MITCHELL. Suppose the United States should decline the offer which has been made by your company, and suppose, furthermore, Congress should go on and authorize the construction of the Nicaragua Canal, do you think that the Panama Canal would then be completed?

M. LAMPRE. It might be.

Senator MITCHELL. What is your best judgment on that point? What is your opinion?

M. LAMPRE. It might be. We might raise the money still in France.

The CHAIRMAN. Just in that connection I will ask you if you have made efforts to raise money in France to complete the canal?

M. LAMPRE. No; for we have no bondholders and not any bonded indebtedness at all.

The CHAIRMAN. I do not mean that. Have you asked for subscriptions?

M. LAMPRE. No; we have not.

The CHAIRMAN. You have not invited the French people to subscribe at all?

M. LAMPRE. No; we have not, because we thought it best, under the circumstances, not to go before the public, being given the possibility of the construction of the Nicaragua Canal by the United States.

The CHAIRMAN. In this letter to the President it is stated that the assets of the company exceed in value $100,000,000.

M. LAMPRE. Yes, sir.

The CHAIRMAN. That the property is free from incumbrance; that the title is unquestionable; that the company has no other debts than the monthly pay rolls; that it has no mortgages or bonded indebtedness, and its cash reserve is largely in excess of its actual needs.

M. LAMPRE. Yes, sir.

The CHAIRMAN. So this statement of the great strength and confidence of the Panama Canal Company was sent to the President to inspire him with like confidence in the success of the Panama Canal and to convince him and Congress and our people that it would be a fatal competition to the Nicaragua Canal.

M. LAMPRE. Well, I do not know, sir. I do not know what was at the time in the mind of the board. I can not answer that question. I do not know what they aimed at. I think it was only putting the whole subject before the President in the light in which it stood and showing how it stood.

The CHAIRMAN. Or was it the purpose then to prepare the United States to become the purchasers of the Panama Canal?

M. LAMPRE. At that time?

The CHAIRMAN. At that time.

M. LAMPRE. I do not know at the time what it was.

The CHAIRMAN. You do not know when that idea originated?

M. LAMPRE. No.

The CHAIRMAN. What was the actual purpose and object of the letter to the President of the United States and the letters and telegrams of Cromwell, attorney, given with the message of the President of February 20, 1902? What was the actual purpose and object of the letter to the President of the United States of the 18th day of November, 1898?

M. LAMPRE. As far as I can recollect, the purpose was to lay the whole subject before the United States; and at the time we stated that should the United States abandon the idea of constructing the Nicaragua Canal we were ready to reorganize under the laws of this country and to organize an American corporation to complete the Panama Canal, which we thought the best route and still think the best route. That is why we laid the whole subject before the United States at the time.

The CHAIRMAN. In addition to this cheerful picture of the resources of the company, these letters boast of the conciliation of Colombia, and that the entire feasibility and practicability of completing the canal is established by the members of two commissions who were the most distinguished men in their professions. Why did not a canal that was so well fortified in its appeal to public confidence obtain the money to complete it by subscriptions among the French people who had already sunk $250,000,000 in it and only had the ditch, the buildings, the machinery, and the material on hand to show for this expenditure?

M. LAMPRE. Just as I told you, Senator, on account of the contemplated building by the United States of the Nicaragua Canal.

They became so much afraid of the Nicaragua Canal that they dropped in their offer from $109,000,000 to $40,000,000 at a single bound.

Now, there is not a fact in these statements that can be disputed, except upon the hypothesis that the officers who made them had been guilty of falsehood.

What do they show?

The first answer is that this new company never had the honest purpose of keeping their contract to complete the canal. They had the ability to raise $90,000,000—their estimate for completing the canal with their private fortunes.

The second answer is that they confined the working capital of the new company to the $12,000,000 cash paid in by them, and never made even an effort to increase it by further sales of stock or by the issue and sale of bonds, and thereby prevented the possibility of completing the canal.

It had already cost the French people and the foreign stockholders and bondholders the sum of 1,329,693,074.74 francs, not including unpaid interest.

With interest included, this sum amounts to over 2,000,000,000 francs.

These figures are taken from the final report of the Isthmian Canal Commission, part 11, pages 21 and 22.

These expenditures have only left a trench in the earth, with no works of any kind except the plant. A great part of the ditch has filled up and, with the embankments, is to be again dug out and removed, if we build the canal there on our plan.

Now, a plainer or more conclusive statement of facts could not be made than is here presented to prove that the New Panama Canal Company never had the intention or expectation of completing the canal with the private resources of the stockholders or by any appeal to the French people for any assistance.

The story that they were frightened by the assistance proposed to be given to the Nicaragua Canal is a cheap invention in avoidance of the truth. As soon as the old company got to work, ten years before the new company was formed, the United States took up the construction of a canal at Nicaragua, with determined purpose to aid in its construction.

The subscribers to the stock of the New Panama Canal Company had fortified themselves against a possible loss of money in their agreement to complete the canal by two arrangements; first, by the extinguishment of all demands by the old company against them for their frauds and breaches of contract; and, second, by the arrangement made with the court, which I have already quoted, that the Panama Railroad should remain the property of the New Panama Canal Company, and should never revert to the liquidator of the old company in any event.

If the completion of the canal failed or should be abandoned the railroad was to remain "inalienable" in the hands of the new company on the payment of 20,000,000 francs, or $5,000,000, to the liquidator of the old company.

The stock in the railroad had cost the old company 93,286,186.73 francs, or $18,657,000. (See report of Isthmian Canal Commission, pt. 2, p. 23.)

Under this stipulation they get the railroad for really less than one-fourth its value.

Of the $40,000,000 to be paid by the United States, 40 per cent of which the French courts have already decreed to the New Panama Canal Company, they get $16,000,000, which is a profit of $4,000,000 on the $12,000,000 they paid for their stock in that company.

Besides this, the report of the auditors (commissaires) of the New Panama Canal Company, made on the 30th of December, 1903, shows that they still have in their treasury the sum of $2,000,000 remaining unexpended of the $12,000,000 capital stock originally paid into the treasury, and worked seven years with $10,000,000.

Besides this, they have had the net earnings of the railroad, which has not been less than 10 per cent per annum, on a capitalization of $15,000,000, which for the ten years the new company has had control of the railroad must amount to $1,500,000 in addition to betterments. In all, their net profits will be at least 50 per cent on their original investment. In Poor's Manual for 1900, pages 485–486, it is stated that the net earnings of the Panama Railroad were more than 35 per cent in 1899, and were even greater for the three preceding years.

Now we are confronted with the question, What has been the real policy of the New Panama Canal Company as to realizing this profit on their investment of $12,000,000 in the property of the old company?

It is demonstrated that it has not been to complete the canal. Their failure to put up the money to complete the canal, or to make an effort to get it, proves this fact conclusively. They never expected with $12,000,000 to complete the canal, two-fifths of which had already cost $200,000,000.

To get rid of the canal concessions and property at a profit to the stockholders in the New Panama Canal Company was left to them as a speculative margin on which it was their purpose to realize.

They had already secured themselves fully in the railroad deal with the court against any possible loss, and were fully equipped as a free lance to move against the United States as the only possible purchaser of their holdings.

It required a New York lawyer to work this purchase, and they found an experienced renovator of crippled corporations in Cromwell.

The liquidator of the old company had obtained from Colombia extensions of the canal concessions until October, 1904, and had paid for them out of the assets of the old company.

The first overture of the Panama Canal Company to the United States for a deal in the disposal of canal rights at Panama was made by M. Bonnardel, president of the board of directors of the New Panama Canal Company, dated November 18, 1898. I will insert this letter to President McKinley, with others I have referred to, in an appendix to my remarks. (See Appendix B.)

The next approach, ten days later, was by "William Nelson Cromwell, American counsel for the New Panama Canal Company."

This letter, dated November 28, 1898, I will read, as it is the first appearance of Mr. Cromwell on the stage, which, in his first act, he prepared to cover with the blood of civil war in Colombia:

Mr. Cromwell to Mr. Hay.

NEW YORK, *November 28, 1898.*

DEAR SIR: Referring to the interview which you accorded me on Friday last and to your gracious assurance that you would give audience to the director-general of the New Panama Canal Company and ourselves in connection with the presentation to the President of the communication which the New Panama Canal Company is about to make to the Government, I beg leave to advise you that by reason of the severe prevailing storm *La Touraine* was delayed in arrival until to-day, and that we shall, therefore, not be able to translate the documents and prepare them for presentation before Wednesday.

I will advise you further of our coming, keeping in mind the preference which you indicated, that the hour of conference be about 11 o'clock in the forenoon.

I have the honor, etc.,

WM. NELSON CROMWELL,
American Counsel for New Panama Canal Company.

His next appearance was on December 5, 1898, in a letter to Mr. Hay, in which he lifts the curtain and reveals the cause of the war which was then imminent in Colombia:

Mr. Cromwell to Mr. Hay.

NEW YORK, *December 5, 1898.*

MY DEAR SIR: I beg leave to confirm the telegram which I sent you at 10.45 this morning, as per inclosure.

Upon my return I learned through Director-General Hutin, who had preceded me to New York, that the measure which had just been acted on by one branch only of the Colombian Congress was a bill to authorize the Executive to negotiate the terms of and to conclude a further prorogation of six years from 1904 for the completion of the canal under the communication which the company had addressed to the Government, in the form of which I inclose you a translation.

You will note that the company specifically stated to the Government that the prorogation was not a matter of absolute necessity, but was desirable in the interests of commerce and navigation to enable even a deeper cut to be made, and which would reduce the number of locks to four, but which reduction would require more time than the plan adopted.

You will note that the bill proposed to confer power upon the Executive, and this happened to arise under extraordinary political conditions in Bogota. As you have probably been advised through official channels, a serious difference has recently been existing between the House of Representatives of Colombia and the President, the House having passed formal resolution declaring the office of President vacant and refusing to recognize the qualification of the President before the supreme court.

We therefore construe the action of the House of Representatives as only a part of the strife between the House and the President, and not a declaration of the policy of the nation or the Congress in respect of the Panama Canal, and as not evidencing hostility to the company itself. We are the more confirmed in this belief because of the uniform consideration and cordiality displayed by the Congress and the Government to the New Panama Canal Company, which, we have no doubt, their minister at Washington would fully confirm to you.

Our company has not the least apprehension regarding any prorogation of the concessions it may consider necessary in the future.

I have, etc., your obedient servant,

WM. NELSON CROMWELL,
Counsel, New Panama Canal Company.

It will be noticed that the letter of Bonnardel to the President is official and has been appended to it, "certified by the secretary of the company, Ed. Lampre," the same witness whose testimony I read a moment ago.

Lampre testified before the Committee on Interoceanic Canals in March, 1902, that this plan of operations was discussed and adopted by the board of directors of the New Panama Canal Company before Bonnardel, Hutin, and Cromwell began operations under it. M. Lampre testified as follows (p. 39 of hearings):

The CHAIRMAN. Was this letter [of Bonnardel] discussed and authority given to send it to the President at the meeting of the board of directors of the New Panama Canal Company?

M. LAMPRE. Yes; it is in accordance with the resolution of the board.

When the fact is considered that this action of the board of directors was taken at the very time that Mancini was forcing the decree of Sanclemente upon Colombia, at the cost of civil war, for an extension of the Wyse concession until 1910, which the Colombians had rejected, a terrible weight of crime falls upon that company that it can never expiate, and upon Cromwell, whose letter to Mr. Hay proves that he was watching every movement

at Bogota with the eager attention of a lawyer who had set on foot the scheme to corrupt Sanclemente. The outbreak alarmed him only because he was afraid of its effect on President McKinley, and he at once began to hedge against it by false explanations.

Everything being thus prepared, the campaign in the United States was opened, the first point of attack being the Hepburn bill.

The fight was expected to be a long one and more time was needed to prevent Colombia from even forcing the forfeiture of the Wyse concession, thereby destroying all claim of the New Panama Canal Company to control that concession and to sell the property of the old canal company.

The situation was desperate and required desperate action. The last extension of the Wyse concession would expire on the 31st of October, 1904. Within that limit it was impossible to complete the canal and the time was too short for successful operations in dealing with the United States, so the forcing of the extension of the concession was a matter of necessity.

The people of Colombia determined that no further extension of time should be granted to the French company. They knew of the campaign inaugurated by the canal company to transfer their concessions and property to the United States in some form that would evade or violate the express prohibitions of the Wyse concession.

They knew that a plan existed for this purpose that was afterwards fully developed in a letter of Cromwell to the President of February 28, 1899, and of the official letter of M. Hutin to the President, dated March 11, 1899, which I will insert in the appendix to my remarks. (See appendix 3.) I respectfully invite their especial examination.

At the dates of these letters civil war was general and fierce in all the departments of Colombia, caused by the demands of the New Panama Canal Company.

The cool composure of these men in the discussion of the flattering prospects of this company in these mild and seductive letters to the President and Mr. Hay, when they knew what their attempted intrigue was costing the people of Colombia, is being repeated now to the disgust of all right-minded people in the intrigues that are dismembering Colombia.

These furtive schemes of Hutin and Cromwell were not successfully hidden from the Colombian people, and they were resented, especially by the Liberal party, with fierce indignation.

Sanclemente had been elected President and Marroquin Vice-President of Colombia by the Church party and were inaugurated in July, 1898.

The Congress of Colombia was then in session and continued until December 5 or 6, when they adjourned sine die and never met again.

The cause of that act of dissolution is given in the letter of Cromwell to Mr. Hay—dated New York, December 5, 1898—that I have just read to the Senate.

It is very remarkable that no official account of this important event has been sent to Congress besides that which is in Cromwell's letter, which was sent to the Senate in a message of the President of February 20, 1900, in response to a resolution of that body of January 23, 1900.

Earlier in the day of December 5, 1898, Cromwell had sent to Mr. Hay the following telegram:

NEW YORK, *December 5, 1898.*

Am writing you to-day concerning the cable from Consul-General Hart published Saturday. It is evident that the limited purpose and nature of the measure referred to is not fully reported from Bogota, and is given undue significance.

WM. NELSON CROMWELL,
Counsel, New Panama Canal Company.

The proposition of the New Panama Canal Company through Mancini for a prolongation of the concessions until 1910 is printed in the appendixes to my remarks. It is dated November 1, 1899.

In connection with it the canal company offered to pay the Colombian Government $1,000,000 French gold for six years' extension of time, from 1904 to 1910.

It was while that proposition was pending in the Colombian Congress that Bonnardel, Hutin, and Cromwell were earnestly at work to dispose of the rights, interests, and concessions that the canal company held in Colombia to the United States.

It is not worth while to pause for expressing any denunciations of this double dealing of the Panama Canal Company with Colombia. The bare statement of the facts condemns the men, in every honest bosom, as being perfidious. The motive was too overpowering to be resisted by them. It was to unload their canal property, given them by the old company, upon the United States.

Mr. Hart had informed our Government that the Congress of Colombia, after rejecting the proposed extension of the Wyse concession and declaring the office of President vacant, had adjourned sine die.

To meet this and to falsify the facts, Cromwell, in a letter to Mr. Hay, dated December 21, 1898, says:

Messrs. Sullivan & Cromwell to Mr. Hay.

NEW YORK, *December 21, 1898.*

MY DEAR SIR: Further to my letter of December 5, 1898, receipt of which was acknowledged by your favor of the 8th instant, I beg leave to say that we are advised by our counsel at Bogota that the official minutes of the session of the House of Representatives declare that the bill concerning the extension of the New Panama Canal Company has not been acted upon for lack of time. We, however, yesterday received further cable advising us that the Government had granted the extension subject to the approval of the next Congress, and I note from this morning's Herald that similar advices have been received by the press.

It is the opinion of the Government executives and of ourselves that power to give such extension is already located in the Government by the terms of the original concession; but the formality of ratification will be requested in due course, and of its being granted we have not the remotest apprehension.

You will thus see that my confidence in the attitude of Colombia, as indicated in my last note, has been fully and quickly confirmed.

Faithfully, yours,

WM. NELSON CROMWELL,
General Counsel, New Panama Canal Company.

He says that the official minutes of the House of Representatives declare that the bill concerning the extension of the concession of the New Panama Canal Company was not acted on for the lack of time. If any such minutes are on the records of that House of Representatives, the statement is false as to the cause of the defeat of the French offer of $1,000,000. It was rejected by Congress, and when Sanclemente gave it out that he would accept the money and make a decree granting the prolongation of the concession, the Congress regarded it as a high misdemeanor, declared his office vacant, and adjourned sine die.

This was Cromwell's strongest card in this game of chance. He could not expect the United States to intervene and take over a concession that had only five years to run, for it would be impossible to complete the canal in that length of time. If the time could not be extended the game was lost. Therefore, Cromwell, in his letter to Mr. Hay on the 5th of December, says:

Our company has not the least apprehension regarding any prorogation of its concessions it may consider necessary in the future.

And in his letter of the 21st of December he says:

It is the opinion of the Government executives and of ourselves that the power to give such extension is already located in the Government by the terms of the original concession; but the formality of ratification will be requested in due course, and of its being granted we have not the remotest apprehension.

All this was urged to reconcile our Government to the threatened unlawful purchase of the extension of the concession that was completed on the 28th of April, 1900, by the decree of Sanclemente, in despite of its rejection by the Congress of Colombia and the great convulsion that followed.

Soon after the Congress dissolved, after having expelled Sanclemente from office as President, civil war began in several of the Departments, and he seized the reins of Government as dictator and declared the entire Republic in a state of siege.

On the 23d day of April, 1900, the Liberal party issued its manifesto declaring the causes of war, and especially mentioned this deal with the New Panama Canal Company as a violation of the constitution and laws of Colombia, declaring the prolongation of the Wyse concession as a nullity and warning the nations against acting upon it.

Sanclemente, on the 28th day of April, 1900, made a decree accepting the $1,000,000 offered for the extension from 1904 to 1910 and granting the extension. No act of arbitrary power was ever more audacious or corrupt.

It was the insistence of the Liberals that this prolongation was void that caused the people of Colombia to resent the fact that Marroquin, without the consent of Congress, had negotiated the Hay-Herran treaty to dispose of the territory of Panama. M. Bunau-Varilla admits this fact.

The dispatches of Mr. Beaupré show that the people were violently opposed to the Hay-Herran treaty before the Congress met in June, 1903, and before they had accurate knowledge of its provisions.

They knew the despotic conduct of Sanclemente in prolonging the concession, and they resented it.

The civil war thus precipitated upon Colombia was a fearful ordeal of slaughter and destruction.

Marroquin succeeded Sanclemente in the Presidency soon after he had decreed the prolongation of the concessions, and prosecuted the civil war with terrible losses, but with relentless vigor.

Active hostilities reached Panama in the winter of 1901-2 and raged fiercely until November, 1902. Herrera, the really victorious leader of the Liberals, had Panama and Colon in easy reach of subjection, and was prevented by the active interference of the United States. The message of the President to the Senate on the 19th of March, 1902, leaves no doubt on that point.

"The stars in their courses," on our flag, "fought" for Marro-

quin, saved him his office, and made possible the ratification of the Hay-Herrán treaty, that had been negotiated while the civil war was flagrant and while he was dictator of Colombia.

The capitulati n of the victorious Herrera, signed on the 21st of November, 1902, stipulated for the election of a Congress for the consideration of "the negotiations relating to the Panama Canal." Thus Cromwell, who was ubiquitous, if not overpowering, in conducting those negotiations, had the Panama Canal Company placed in the f ont of the procession of events, l aving a trail of blood and desolation in his wake.

Nothing could be more clearly established by a comparison of known facts than the fact that the civil war in Colombia was occasioned by the demand of the New Panama Canal Company for a prolongation of the Wyse concession from 1904 to 1910, accompanied with the $1,000,000 paid to Sanclemente, and the rejection of that demand by the Congress of Colombia.

France or the New Panama Canal Company had the power to prevent that war by submitting to the laws and constitution of Colombia and to the vote of the Congress on the rejection of that offer. They preferred civil discord and the effusion of blood and the desolation of Colombia rather than that the Panama Canal Company should comply with its written obligation to complete the Panama Canal by the 30th of October, 1904, or else forfeit its charter under the terms of their agreement, which was enacted into a statute of that Republic.

If there had been any honest purpose to complete the canal according to contract, Colombia, having already extended the time for its completion for twelve years, would have granted any reasonable time for its completion.

The old and new companies have been engaged for twenty-four years in this work, and only claim now that two-fifths of it is accomplished. No possible complaint can be made that Colombia has not been generous in extending the Wyse concession.

But there was no honest purpose to complete the canal, and no effort by the New Panama Canal Company was made to obtain or supply more than $12,000,000 for that purpose, and at the very time that Mancini, the representative of the canal company at Bogota, was trying to get the extension from 1904 to 1910 Cromwell was in Washington trying to induce the United States to take it over.

The Hay-Varilla treaty requires the United States to purchase that extension from the canal company, Panama having expressly pledged itself to France that it should be confirmed and protected.

Thus Cromwell again heads the procession of events, and our banners in that august movement have "submission to fraud" for their motto, and flaunt out insult to the Liberals, living and dead, who fought this outrage for more than three years with heroic sufferings in Colombia.

In the present situation, as in that of 1898, the Panama Canal Company, whose whole history is frescoed with fraud and is a mere series of broken contracts that it never meant to keep, again thrusts itself into our treaty relations and is compelling the Senate to enact a supreme law of the United States that a "contemplated purchase" of its alleged property and claims shall be made by the United States and shall be "consummated" before we can get from Panama all that lawfully appertains to the canal zone, for which we are to pay her $10,000,000.

The present intrusion of the Panama Canal Company into our affairs, in the location and construction of a canal, is offensive and intolerable in the highest sense and even in the lowest sense.

In the highest sense it comes with the pledged support of Panama, given directly to France, that she has the treaty right, derived from Panama, to interfere with the terms and conditions on which the United States shall construct a canal at Panama. In the lowest sense it can be truly said that no nation was ever compelled by its own rulers to stoop so low.

There can be no possible mistake on this point or as to the facts, for they are official and of record.

Even those who shut their eyes to prevent seeing these facts are still compelled to feel them. They feel that there is in this treaty an atmosphere of national degradation at which the self-respect of the people revolts.

When they come to understand that it is a movement prompted by mercenary motive, that Panama never would have revolted against Colombia except to profit by the trade and increased price of property owned and controlled by a few wealthy men through the construction of a canal, and that the President would not have encouraged and assisted them except for the "contemplated" glory of being the founder of a canal and his view of the necessity of that location for it, the people will feel, and will not be slow to say, that this treaty is dishonoring to the country.

The New Panama Canal Company has never done an honest day's work toward the completion of the canal. As it has dug and removed earth from the Culebra Cut it has suffered the 20 miles dug by the old company between Bohio and Colon and the 7 miles between Miraflores and the Bay of Panama to silt up until an Indian canoe can not cross it at many places.

What work has been done was to keep alive the concessions in the hope of disposing of the property to the United States that was given to them by the old company and to escape forfeiture at the hands of Colombia.

It is a disgrace to our country that time will not efface and no financial success will ever excuse that we permit this Government to be coerced by such men and for such purposes into the ratification of article 22 of the Hay-Varilla treaty.

This is the highest sense in which this matter will be considered by those who will sit in judgment on our actions, and some may find excuse for us in the magnitude of the subject we are dealing with.

When they come to examine our work, in the lower sense of a voluntary and preferential advantage and profit extended by the United States to convicted culprits who have robbed their own people of the property they sell to us and will make a vast profit from their crimes—and we have placed the official facts on our records that establish their guilt—the people will not and should not be merciful in their censures.

What we should do in this matter is to strike out article 22 from this treaty and purchase the 10-mile zone and pay for it the price stipulated in the treaty. The property will come to us burdened with every just and rightful claim that affected it in law or equity when Panama belonged to Colombia, and we will concede and enforce those claims, rights, and equities as if the New Panama Canal Company were a corporation created, as the Panama Railroad Company is, under the laws of one of the States of the Union.

At the same time we will require that company to honestly keep and perform its obligations under its contracts. If any man can object to this as being unfair, let him state the grounds of such objection.

In cutting our Government loose from these treaty obligations of the most extraordinary and hitherto unheard of character, imposed on us by Panama—our creature and ward puling in the arms of its nurse—we will in some measure escape the odium of sustaining a conspiracy against Colombia, in which the agents at Panama of the New Panama Canal Company were the local leaders, and Bunau-Varilla was the chief conspirator. I am too anxious that the Senate should not be dragooned into this humiliating attitude to further explore the depths into which we will be driven.

It is better not to have described such a condition if we shall have the good fortune to escape it. If the President will give the Senate information of what he is doing or expects to do in making the contemplated purchase of the things mentioned in article 22 of the Hay-Varilla treaty, it may be that it will result in the elimination of the New Panama Canal Company from that treaty and the relief of our people from forced contact with the worst productions of the worst of scoundrels, that yet cause all France to shudder at the name of Panamist and the world to look with astonishment at our unworthy associates in this business.

I will not speak now of the second war with Colombia that the New Panama Canal Company has provoked, under the advice of the New York lawyer, as the surest way to realize its profits on the investment of $12,000,000 in its capital stock.

Most likely we will have leisure to repent of his leadership in the diplomacy that has brought about these conditions, and he will have leisure for the enjoyment of his fee that grows with the increase of our national distress and the deepening humiliation of Colombia; but I protest in the name of civilization that the Senate should not voluntarily and unnecessarily follow Cromwell in his provocation of a second war in Colombia to enable him to increase his bill of costs for such iniquities.

I will not now discuss other parts of the Hay-Varilla treaty that are not within the purview of the resolution before the Senate. I will, however, as in duty bound, refer to the recalcitrant spirit of the people with whom we are dealing in this matter.

There are not, all told, as many as 5 per cent of the inhabitants of Panama—and that is the outside limit of the people in that country—who can be rated as being qualified for self-government or the actual duties of citizenship in a free and independent republic.

Amendments have been recommended to be made to this treaty by the Committee on Foreign Relations that could not possibly have been so recommended but for the fact that they are indispensable to the future safety of our rights and the performance of our duties in Panama.

I have been notified that a motion to withdraw those amendments will be made, not because they are objectionable to Panama, but because the treaty if it is sent to the constitutional convention now sitting at Panama for the acceptance of any

amendments to it will cause the possible rejection of some of its features or will create dissension in that body.

Such apprehensions, so readily yielded to, admonish us that the people we are dealing with must be approached with open avowals of our intentions and purposes in everything that relates to the government of a canal zone and the people living in its immediate neighborhood. And we must go there prepared to enforce our rights.

If the warmed viper, just hatched from the egg, so soon begins to warn us of its power to sting, we may well consider what will occur when swarms of them will be gathered in Panama from the lowest classes of all the peoples of the earth.

I have endeavored, through the kind indulgence of the Senate on this and other occasions, to state my views on most of the various questions that have arisen in the many years this great question has been before Congress and the people for discussion.

I do not recall any fact I have stated, except upon the highest authority, or any measure I have advocated that did not seem to be necessary for the advancement of the great result the people are so anxious to reach. The growth and expansion of our views in the atmosphere of constant discussion as to the full measure of our duty and of the great policy to be accomplished has, in my judgment, repaid all the delay and all the labor expended in our preliminary work. We do not seem yet to grasp the full scope of the great undertaking that is before us, or to be ready to lay hold of the possibilities of the future with the firm hand of faith.

In such a work there can be no room for injustice to any people, or for the humiliation of our people or country, or for the least real ground of distrust, or for mere political exploitation.

I have gone further than any of my colleagues in the Senate in the direction of gaining powers that are necessary and adequate for the actual work of constructing and operating an isthmian canal, yet I reach out for nothing that is not lawful.

Any mercenary appeal to anybody, for political or other reasons, that relies upon the base doctrine that the end justifies the means has no weight with any just man, nor will it make any impression on the people who have so long honored me with their confidence.

The South still holds its heroic attitude as a proud people, unbent by distress and unmoved by mercenary temptation. It still wears its baldric of honor undefiled over its bosom, jeweled with the love and fear of God.

The people of the old South, who stand for its past glory and will forever stand as the model of its future character, are true to their historic honors, as they are true to the blood in their veins.

That tide of life still flows as a benediction to the world, and will always flow uncorrupted through all the hearts that have claimed or will ever rightfully claim a share in the honorable heritage. It was bestowed on us by other hearts that are now still and pulseless. Yet their living example—like the light that is shut out by night, but comes again to-morrow—still lives and rules their day in supreme power.

The people of the South will pity and forgive, but will not forget, such as can find excuse in their fears of upstart despotism for the acceptance of gifts that are stained with fraud and are gathered from the wreck of the Constitution, the statutes enacted by Congress, and the laws of nations.

Whatever we have done in the most perilous actions of our people has been done in the effort to preserve rights that were guaranteed to us in the Constitution and by the laws of the land, and no true Southern heart repents or will ever repent the cost.

We can not, if we would, now convince those who live or those who will live that it is honorable or just or reputable to assist any man who may be President in the violation of the Constitution or the laws of the land.

We can not mark down the people of the South to the figure, in commercial politics, that accepts a favor of any party or any man as the price of its support of men who disregard laws and trample the rights of the weak under foot, or of measures that are wrong and dishonorable. We have never been robbers or faith breakers, and we will not lend our assistance to those who are.

There is nothing in this entire transaction that is complained of by the President, or that could be rationally complained of, besides the loss of an apparently good bargain. Take from the situation as it is described by the President in his annual message to Congress the supposed advantage of the bargain we were trying to make with Colombia and failed to complete, and there is nothing to justify his movement against Colombia, as it is stated in that message, or in any utterance from the Department of State. It is simply the seizure with armed power of the advantages we failed to obtain in the Hay-Herran treaty.

Our children and our children's children will scorn the thought that any sentiment but that of condemnation could be created in our bosoms by such unworthy considerations.

APPENDIX A.

[Confidential. Executive A, Fifty-eighth Congress, second session. December 16, 1903, made public.]

PANAMA CANAL.

Message from the President of the United States, transmitting a convention between the United States and the Republic of Panama for the construction of a ship canal to connect the waters of the Atlantic and Pacific oceans, signed on November 18, 1903. December 8, 1903.—Read; convention read the first time and referred to the Committee on Foreign Relations and, together with the message, ordered to be printed in confidence for the use of the Senate.

To the Senate:

I transmit for the advice and consent of the Senate to its ratification a convention between the United States of America and the Republic of Panama for the construction of a ship canal, etc., to connect the waters of the Atlantic and Pacific oceans, signed on November 18, 1903.

I also inclose a report from the Secretary of State submitting the convention for my consideration.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 7, 1903.*

The PRESIDENT:

The undersigned, Secretary of State, has the honor to lay before the President for his consideration, and, if his judgment approve thereof, for submission to the Senate, with a view to receiving the advice and consent of that body to its ratification, a convention between the United States of America and the Republic of Panama for the construction of a ship canal, etc., to connect the waters of the Atlantic and Pacific oceans, signed by the respective plenipotentiaries of the two countries on November 18, 1903.

Respectfully submitted.

JOHN HAY.

DEPARTMENT OF STATE,
Washington, November 19, 1903.

ISTHMIAN CANAL CONVENTION.

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oceans, and the Congress of the United States of America having passed an act approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention, and have accordingly appointed as their plenipotentiaries—

The President of the United States of America, John Hay, Secretary of State, and

The Government of the Republic of Panama, Philippe Bunau-Varilla, envoy extraordinary and minister plenipotentiary of the Republic of Panama, thereunto specially empowered by said Government, who, after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The United States guarantees and will maintain the independence of the Republic of Panama.

ARTICLE II.

The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed, the said zone beginning in the Caribbean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant.

The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra, and Flamenco.

ARTICLE III.

The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

ARTICLE IV.

As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes, and other bodies of water within its limits for navigation, the supply of water or water power, or other purposes, so far as the use of said rivers, streams, lakes, and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal.

ARTICLE V.

The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance, and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.

ARTICLE VI.

The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States, in which case the rights of the United States shall be superior.

All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint commission appointed by the Governments of the United States and of the Republic of Panama, whose decisions as to such damages shall be final, and whose awards as to such damages shall be paid solely by the United States. No part of the work on said canal or the Panama Railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed, or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

ARTICLE VII.

The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors and within the territory adjacent thereto the right to acquire, by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights, or other properties necessary and convenient for the construction, maintenance, operation, and protection of the canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which, in the discretion of the United States may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal and railroad.

All such works of sanitation, collection, and disposition of sewage and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents or nominees, shall be authorized to impose and collect water rates and sewerage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said works within a period of fifty years, and upon the expiration of said term of fifty years the system of sewers and waterworks shall revert to and become the properties of the cities of Panama and Colon, respectively, and the use of the water shall be free to the inhabitants of Panama and Colon, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and waters.

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances, whether of a preventive or curative character, prescribed by the United States, and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same.

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

ARTICLE VIII.

The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad, and all the shares, or part of the shares of that company; but the public lands situated outside of the zone described in Article II of this treaty, now included in the concessions to both said enterprises and not required in the construction or operation of the canal, shall revert to the Republic of Panama, except any property now owned by or in the possession of said companies within Panama or Colon or the ports or terminals thereof.

ARTICLE IX.

The United States agrees that the ports at either entrance of the canal and the waters thereof and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time, so that there shall not be imposed or collected custom-house tolls, tonnage, anchorage, light-house, wharf, pilot, or quarantine dues, or any other charges or taxes of any kind upon any vessel using or passing through the canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation, and protection of the main canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may be necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the canal and for other works pertaining to the canal.

ARTICLE X.

The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the canal, the railways and auxiliary works, tugs and other vessels employed in the service of the canal, storehouses, workshops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the canal and railroad and auxiliary works.

ARTICLE XI.

The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

ARTICLE XII.

The Government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the canal and its auxiliary works of all employees and workmen of whatever nationality under contract to work upon or seeking employment upon or in any wise connected with the said canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Panama.

ARTICLE XIII.

The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation, and protection of the canal and auxiliary works, and all provisions, medicines, clothing, supplies, and other things necessary and convenient for the officers, employees, workmen, and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

ARTICLE XIV.

As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of $10,000,000 in gold coin of the United States on the exchange of the ratification of this convention, and also an annual payment during the life of this convention of $250,000 in like gold coin, beginning nine years after the date aforesaid.

The provisions of this article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference of opinion under this article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

ARTICLE XV.

The joint commission referred to in Article VI shall be established as follows:

The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons and they shall proceed to a decision; but in case of disagreement of the commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments, who shall render the decision. In the event of the death, absence, or incapacity of a commissioner or umpire, or of his omitting, declining, or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the commission or by the umpire shall be final.

ARTICLE XVI.

The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention, and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies, or misdemeanors without said zone, and for the pursuit, capture, imprisonment, detention, and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies, and misdemeanors within said zone and auxiliary lands.

ARTICLE XVII.

The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the canal enterprise, and for all vessels passing or bound to pass through the canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

ARTICLE XVIII.

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of Article III of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

ARTICLE XIX.

The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war, and supplies.

ARTICLE XX.

If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or concession in favor of the Government or the citizens and subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modification or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

ARTICLE XXI.

The rights and privileges granted by the Republic of Panama to the United States in the preceding articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other governments, corporations, syndicates, or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

ARTICLE XXII.

The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the canal under Article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Company and any and all other rights or claims of a pecuniary nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms, and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to Panama at or before the expiration of the terms of ninety-nine years of the concessions granted to or held by the above-mentioned party and companies, and all right, title and interest which it now has or may hereafter have, in and to the lands, canal, works, property, and rights held by the said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through the New Panama Canal Company, including any property and rights which might or may in the future, either by lapse of time, forfeiture, or otherwise, revert to the Republic of Panama under

any contracts or concessions, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company, and the New Panama Canal Company.

The aforesaid rights and property shall be and are free and released from any present or revisionary interest in or claims of Panama, and the title of the United States thereto, upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

ARTICLE XXIII.

If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

ARTICLE XXIV.

No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject-matter of this convention.

If the Republic of Panama shall hereafter enter as a constituent into any other government or into any union or confederation of states, so as to merge her sovereignty or independence in such government, union, or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

ARTICLE XXV.

For the better performance of the engagements of this convention and to the end of the efficient protection of the canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.

ARTICLE XXVI.

This convention when signed by the plenipotentiaries of the contracting parties shall be ratified by the respective Governments, and the ratifications shall be exchanged at Washington at the earliest date possible.

In faith whereof the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the city of Washington the 18th day of November, in the year of our Lord, 1903.

JOHN HAY. [SEAL.]
P. BUNAU-VARILLA. [SEAL.]

APPENDIX B.

STATEMENT OF M. EDOUARD LAMPRE.

The CHAIRMAN. The old stockholders have interests, legal or equitable, in the property of the Panama Canal Company, the new company?

M. LAMPRE. I did not say the old stockholders, Senator. I said the bondholders. I said, in general words, the liquidation, because we have nothing to do with the individuals. The only thing we would have to do, if the canal were built, according to our charter, and profits were derived out of it, would be out of 100 francs to give 60 to the liquidator, and we have nothing whatever more to do with it. It is his own business and not ours.

The CHAIRMAN. That is your view of the law?

M. LAMPRE. It is my view. It is the general law, I may state. There can not be a mistake in France about that.

The CHAIRMAN. I will take the liberty of saying that there are mistakes made by lawyers very often. They are just as apt to be mistaken as others.

M. LAMPRE. I can admit that. I express an opinion on what I know to be truth in France, and of course I have nothing to say on the view here.

The CHAIRMAN. I doubt the correctness of your statement and must be permitted to take the general judgment about a matter of law of this kind.

M. LAMPRE. I understand the thing fully.

The CHAIRMAN. Why is it that your company is bound to pay to the liquidator for the benefit of the old stockholders anything, if you have no obligations?

M. LAMPRE. How is it?

The CHAIRMAN. How is it that the new company is bound to pay of the proceeds of the canal, when completed, any percentage to the liquidator of the old company, and through him to the stockholders of the old company, unless you have some responsibility fixed by law upon you?

M. LAMPRE. Not by the law, Senator, by what we call statutes, and you would call, I believe, charter. It includes an article of agreement between the liquidator and the new company, according to which that division of benefit has been agreed upon; that is to say, we agree that when the canal would be open to navigation and profits would be derived out of the operations—we agreed with the liquidator, under an article of agreement which is inserted in our by-laws, upon the division of profits, which I have just stated to you.

Senator FOSTER of Louisiana. Is that 60 per cent a part of the consideration of the transfer?

M. LAMPRE. Sixty per cent? Yes; it was the consideration of the transfer.

Senator FOSTER of Louisiana. Sixty per cent will be paid to the representative of the old company?

M. LAMPRE. We have nothing to do with what would be done with that 60 per cent. That is his business; none of ours. We agreed to give him 60 per cent and we have done with it all.

Senator FOSTER of Louisiana. Was that the consideration or a part of the consideration?

M. LAMPRE. The whole consideration—the whole of it.

The CHAIRMAN. You say that this contract is incorporated in the by-laws of the new company?

M. LAMPRE. It is.

The CHAIRMAN. And is a part of it?

M. LAMPRE. Article 5.

The CHAIRMAN. Are those by-laws a part of your charter?

M. LAMPRE. We do not have charters in France.

The CHAIRMAN. I call it a charter.

M. LAMPRE. If you will call it a charter, it is the charter.

The CHAIRMAN. What do you call it?

M. LAMPRE. We call it statutes.

The CHAIRMAN. Is it incorporated there?

M. LAMPRE. It is.

The CHAIRMAN. And becomes a law you are bound to obey?

M. LAMPRE. Exactly; as it is an agreement between the liquidator and ourselves.

The CHAIRMAN. It is as much a law as if it had been enacted in that form by the Parliament of France?

M. LAMPRE. Oh, it is an agreement that we must execute, of course.

The CHAIRMAN. I want to get at the precise nature of it. Is it as much obligatory upon you to comply with that agreement as it would be if it had been enacted by the Parliament of France?

M. LAMPRE. It could never have been enacted by the Parliament of France. It is as binding as possible, if you will let me put it this way.

The CHAIRMAN. I want to know what is possible. Many things that look possible to you appear to me to be impossibilities.

Senator FOSTER of Louisiana. Let me ask a question along that line. If your company now transfers to this Government this canal, will then this Government assume the obligation to pay the 60 per cent of the benefits?

M. LAMPRE. Not at all, sir; no. I must make this quite clear to the committee, if I can. You understand, of course, that this agreement with the liquidator I was just telling you about, inserted in what we call the statutes and what you are pleased to call the charter, might not apply to the present condition of things; that is to say, it might be claimed by the liquidator that any amount that we would get from the United States for the transfer would have to be divided between the liquidator and ourselves, under certain conditions not definite at the present time.

We claim, and we are right to claim, that we have, according to our statutes, according to the authority given us by the stockholders' meeting, full and complete power to deal with the United States for the transfer of this company's property. But as it has been contended in this country that if we were to deal with the United States Government the interference of the liquidator would absolutely be necessary, we thought it fit and useful to pass (and that was done recently with the liquidation of the old company) an agreement by which this liquidator, as far as he is concerned, and under the authority of the law and of the courts, gives the new company full, complete, and absolute power to deal alone, without his interference, with the United States for the transfer of the concessions and property and for the amount the company may think fit under the authority of this stockholders' meeting.

The only question that might have been left aside is as to how the amount which we might get from the United States would be divided between the new company and the old company, and that has been solved under the following conditions: That is to say that we (I mean the liquidator and our company) leave the whole thing to the judgment of an arbitration court, which has been agreed upon between the new company and the liquidator.

However, the question of division of the amount which we might get from the United States has, to my judgment, nothing to do with this country. It is only a matter to discuss and to put straight between the old company and ourselves. However, for your information, I am pleased to say that the subject has been settled, and has been decided to be submitted to a court of arbitration which we have agreed upon.

Senator MITCHELL. May I ask a question just at that point? Suppose the United States accept your offer and pay you $40,000,000, and then suppose there should be some failure of the arbitration proceedings which would result in the liquidator or those he represents not getting any portion of the $40,000,000. The United States having obtained the benefit of your property, would not these stockholders have an equitable claim against the United States, through the liquidator?

M. LAMPRE. No, sir; in no way whatever, because according to the terms of the agreement passed between us and the liquidator, and according, moreover, to the legal conditions in France of an arbitration, we, I mean the contracting parties, on the one side the liquidator and on the other side the new company, agree, positively agree, to accept as absolutely binding the decision of the arbitration.

Senator MITCHELL. The United States would have to run the risk of them carrying out that agreement with the liquidator?

M. LAMPRE. No; they would have to run no risk whatever, according to my opinion.

Senator MITCHELL. This is merely a subject of inquiry.

Senator FOSTER of Louisiana. Let me see if I understand exactly the transaction between the old and the new company. I understand that the old company went into liquidation and a liquidator was appointed.

M. LAMPRE. Exactly.

Senator FOSTER of Louisiana. Of course he represents the stockholders, creditors, and bondholders?

M. LAMPRE. That is right.

Senator FOSTER of Louisiana. Representing these parties, he transferred all the right, title, interest, and property of the old concern to your company, and that was duly ratified and homologated by the judgment of the court?

M. LAMPRE. That is the whole subject, sir.

Senator FOSTER of Louisiana. As the consideration of the transfer, your company was to pay to the liquidator, representing the creditors, bondholders, stockholders, and shareholders, 60 per cent of the benefits of the canal?

M. LAMPRE. That is correct.

Senator FOSTER of Louisiana. Then your company purposes to transfer all your right, title, and interest to this Government for, say, $40,000,000?

M. LAMPRE. Yes.

Senator FOSTER of Louisiana. Now, what guaranty will your company give, in the event of the purchase of the canal by this Government, that the 60 per cent of benefits which the old company was to derive as a consideration will not be a part of the obligation which this Government assumes?

M. LAMPRE. I understand the question.

Senator FOSTER of Louisiana. I tried to make it clear.

M. LAMPRE. The guaranty we will give is that very agreement I was just telling you about, according to which the liquidator and the old company accepts of the question to be settled, the division of the amount each might get to be settled by a board of arbitration. To my understanding, the division of the amount we might get from the United States has nothing to do with the United States itself. I beg pardón, if I am too crude.

Senator FOSTER of Louisiana. We think you are perfectly clear.

M. LAMPRE. It is a matter to be settled only and exclusively between the liquidator and our own company. It is settled under the present agreement.

Senator FOSTER of Louisiana. Under your law has not any creditor or bondholder or any holder of stock the right to go into court and object to any settlement that the liquidator might make?

M. LAMPRE. The liquidator has authority.

Senator FOSTER of Louisiana. The liquidator, as I understand, has authority, or you have authority, to make this arbitration.

M. LAMPRE. He has authority from the court.

Senator FOSTER of Louisiana. Under your law, does not his act require a homologation by the court?

M. LAMPRE. I understand your question, Senator. But that thing has been foreseen, and there is at the present time a judgment of the court giving the liquidator that very authority to enter upon that contract, agreement, with the new company, so that the thing is quite clear and certain now. He has got a special judgment, special authority and authorization from the court to enter upon a contract with us.

Senator FOSTER of Louisiana. To enter upon this arbitration?

M. LAMPRE. An arbitration contract, an agreement, under which we alone would have to deal with the United States.

Senator TURNER. What court is that?

M. LAMPRE. The French court.
Senator TURNER. What is the rank of the court? Is it a court of last resort or is its judgment subject to review by other courts?
M. LAMPRE. The first court.
Senator TURNER. A court of first instance?
M. LAMPRE. Exactly.
Senator TURNER. Then its judgment is subject to review if any stockholder wills to open it up?
M. LAMPRE. It might be; but I do not expect any trouble from that source.
Senator TURNER. Now, let me ask you this question: When you took this canal project over from the liquidator, was it a contract to complete the canal and operate it?
M. LAMPRE. Yes; that was the contract.
Senator TURNER. And to turn over to the old stockholders 60 per cent of the net proceeds?
M. LAMPRE. It was.
Senator TURNER. That was your contract?
M. LAMPRE. It was.
Senator TURNER. If the bonded indebtedness amounts to 800,000,000 francs or more, there would be none of this $40,000,000 to turn over to the old stockholders at all, that being the first lien, of course?
M. LAMPRE. This is how the thing stands: The stockholders, as I said——
Senator TURNER. The stockholders would be out and injured?
M. LAMPRE. That is a matter for the liquidator to decide.
Senator TURNER. Would they have a standing in some court to come in and say that the liquidator had no authority to contract to turn over this property to a foreign government and cut them out from the possibility of any benefits whatever from the construction and operation of this canal?
M. LAMPRE. Well, you know any claim may always be set forth, but I am convinced——
Senator TURNER. Is it not quite likely that they would urge a claim of that kind?
M. LAMPRE. It might happen, but I am convinced there would be no difficulty about it at all under these conditions.
Senator TURNER. What right would any court have, in justice and equity, to cut these old stockholders out of any possibility of any benefit?
M. LAMPRE. The law itself, sir; because it is the law in France that when a corporation fails the first interests in that corporation to satisfy are the interests of the bondholders. The stockholders, who are only associates, who are debtors to the bondholders, have no right to get anything unless the bondholders are completely disinterested.
Senator TURNER. I understand that; but having failed, the liquidator, in the interest of the stockholders as well as the bondholders, made this contract with the new company. Now, what right has any court to say to that liquidator, "You may make a contract which will cut these stockholders off from any possibility of any benefits whatever?"
M. LAMPRE. The law itself.
Senator TURNER. Does the law give them that right absolutely?
M. LAMPRE. Yes.
Senator TURNER. Without any compensation or consideration to them whatever?
M. LAMPRE. Quite so.
The CHAIRMAN. Colombia, I learn from these papers, holds stock in the Panama Canal Company?
M. LAMPRE. Yes.
The CHAIRMAN. The old company and the new?
M. LAMPRE. Not the old company, the new company; and that is 50,000 shares, or 5,000,000 francs, as provided by extensions of the concession granted in the years 1890 and 1893, making the entire stock of the new company 65,000,000 francs.
The CHAIRMAN. It holds that in its own right as a government?
M. LAMPRE. Yes.
The CHAIRMAN. How is a French court, under this law you speak of, going to deal with Colombia and cut her off from a benefit in this canal?
M. LAMPRE. The court can not cut her off in the amount which we might obtain. In the amount which we might get from the United States, Colombia would have its proportion as a shareholder of the new company.
The CHAIRMAN. Can a French court decree that Colombia shall receive her share of this sale for $40,000,000 after the bondholders are satisfied? Can it decree that she, as a stockholder, shall receive her share?
M. LAMPRE. I am afraid there is confusion there, Senator. We are speaking at the present time of the stock the Colombian Government owns in the new company.
The CHAIRMAN. Oh, either company.
M. LAMPRE. As concerns the new company, the same agreement, the same laws, binding all the stockholders, apply to the Colombian Government.
The CHAIRMAN. The question I want to get at is this. You seem to rely upon the power of the French court to confirm this sale that you make and to bind the liquidator, if he agrees to it, to an arbitration, and to bind the old stockholders through the liquidator. You seem to insist on that. Now, Colombia being a sovereign government and one of the stockholders of the old company, I want to know if a court of France can reach Colombia and compel her to abide by its decree?
M. LAMPRE. The court of France has nothing to do with the Colombian Government. Let me make myself clear on this subject. The Colombian Government being, as you know, a stockholder of our company, has at every meeting of the stockholders of our company a representative, who is to vote upon resolutions presented by the board of administration; and the Colombian Government has agreed, as a member of the meeting, to accept what we are about to do with the United States Government, if it is to be done. This has been passed upon by the representative of the Colombian Government in the stockholders' meeting.
The CHAIRMAN. Then, if I gather your idea correctly, the Colombian Government, because it is a stockholder in the Panama Canal Company, has given up her sovereign powers and has no other powers than those of any other stockholder?
M. LAMPRE. Its powers as a stockholder and the power derived from the concession.
The CHAIRMAN. And she is subject to the courts of France, to be disposed of as to her interests in this stock as if she were a citizen of France?
M. LAMPRE. I must insist on this point. We are not subject to the courts of France; and, moreover, the only authority that we have to apply to is the stockholders' meeting. The Colombian Government, being a stockholder and having a representative at the stockholders' meeting, has passed upon the resolution giving power to the company to negotiate a sale to the United States.
The CHAIRMAN. Now, you state that as being the action of the Colombian Government?
M. LAMPRE. I do.
The CHAIRMAN. Has that ever been communicated to the French Government?
M. LAMPRE. The French Government has nothing to do with it, sir.
The CHAIRMAN. That is a matter of opinion which I will determine for myself. Has it ever been communicated to the Government of the United States?
M. LAMPRE. I do not know about that. No; I think not.
The CHAIRMAN. So, whether Colombia is interested as a sovereign or as a stockholder in this transaction, the interest of Colombia and her dealings with it have not been communicated to the Government of France?
M. LAMPRE. Not to my knowledge; because in this business the Colombian Government is only a stockholder, and, of course, is entitled to the rights put forth in the concession and in the by-laws.
The CHAIRMAN. What is this arbitration that you propose to have? What is it to cover?
M. LAMPRE. The division of the amount we may get—only that.
The CHAIRMAN. Whatever that may be?
M. LAMPRE. Whatever it may be.
The CHAIRMAN. Did you say that the court had passed an order?
M. LAMPRE. Yes; the court has given authority to the liquidator, a special authority, besides the general powers that the liquidator derives from the law and from the judgment by which he has been appointed. It has given him special authority to resort to an arbitration court upon the division of the property.
The CHAIRMAN. Has there been a judicial proceeding in that court?
M. LAMPRE. Yes.
The CHAIRMAN. When was it had?
M. LAMPRE. August 2, 1901; last August; six months ago.
The CHAIRMAN. Was it based on the proposition to sell for $40,000,000?
M. LAMPRE. No price was mentioned. It was based on the comtemplated sale to the United States. The offer had not been made at the time.
The CHAIRMAN. The liquidator might arbitrate under the laws of France as to——
M. LAMPRE. As to the offer.
The CHAIRMAN. Let me put my question, please. The liquidator might arbitrate under the laws of France as to any amount of money that might be received under any trade or transaction with the United States out of the sale of this canal?
M. LAMPRE. That is the very thing.
The CHAIRMAN. That is the general order of the court?
M. LAMPRE. It is the special order.
The CHAIRMAN. Your proposition to sell for $40,000,000 has not, I understand, been acted on by the court?
M. LAMPRE. No; it has been acted on by the stockholders' meeting and agreed upon, under a special decree of the court, by the liquidator.
The CHAIRMAN. So the liquidator, as you describe it and as I understand it, has general authority to arbitrate with the new company as to any amount of money that may be received from the United States on a sale of the property at any time?
M. LAMPRE. Exactly so.
The CHAIRMAN. And that was done when?
M. LAMPRE. The decree of the court giving special authority and general authority is dated August 2, 1901, and the agreement between the liquidator and our company under such authority is dated December 24 of last year, 1901, after authority having been given us by the stockholders' meeting to enter upon negotiations with the United States under the condition of the report of the Isthmian Canal Commission.
The CHAIRMAN. Who were the parties to that last agreement?
M. LAMPRE. The liquidator and our company.
The CHAIRMAN. What is the name of the liquidator?
M. LAMPRE. Monsieur Gautron.
The CHAIRMAN. Have you with you a copy of that agreement?
M. LAMPRE. I have it not with me, but I expect it to reach this country very soon. I guess it will come with the letter to Admiral Walker.
The CHAIRMAN. Now, if I understand these terms, it is that the liquidator will enter into an arbitration under the laws of France for the purpose of ascertaining the amount of money that is due out of the $40,000,000, if received, to the stockholders whom he represents?
M. LAMPRE. Yes; the liquidation.
Senator MITCHELL. What tribunal, if any, is designated in the agreement as arbitrator?
The CHAIRMAN. Has this last agreement been assented to by any tribunal?
M. LAMPRE. The court has given authority to the liquidator.
The CHAIRMAN. No. Has this particular last agreement been assented to by any court?
M. LAMPRE. It has been assented to. Before it was made it was assented to.
The CHAIRMAN. It could not have been assented to before it was made.
M. LAMPRE. Yes, sir.
The CHAIRMAN. That is an impossibility.
M. LAMPRE. The terms of that decree are——
The CHAIRMAN. Since it has been signed?
M. LAMPRE. No; because there was no occasion for that, as the liquidator has received full authority.
Senator MITCHELL. I understood you to say that the court had authorized this agreement?
M. LAMPRE. It has.
The CHAIRMAN. That is your interpretation of it, but——
M. LAMPRE. It is a fact. I beg your pardon; it is quite a fact.
The CHAIRMAN. The authorization is based upon an entirely different set of facts.
M. LAMPRE. The court has given authority to the liquidator to enter into that particular agreement, and the liquidator has enterod into this agreement.
The CHAIRMAN. To divide the $40,000,000?
M. LAMPRE. To resort to an arbitration court as to the division of the amount, whatever it might be, that we might get from the United States.
The CHAIRMAN. And whenever it might be obtained?
M. LAMPRE. Whenever it might be obtained. There is no limitation.
The CHAIRMAN. The object of the Panama Canal Company, the new company, according to its by-laws, according to its charter, according to all of its professions here, was to build and complete that canal?
M. LAMPRE. It was.
The CHAIRMAN. Is that the present object?
M. LAMPRE. It is still the object; but, at the present time, the object is the sale or transfer to the United States. That is what we contemplate at the present time; but, this failing, of course the object of the company stands.
The CHAIRMAN. You know the internal workings of this company. When they set forth to form the new organization to build a lock canal instead of the old sea-level canal, was it or was it not the purpose of the company really to build a canal, or was it to make a show in regard to the property by which and through which they could sell it to somebody else?
M. LAMPRE. No, sir; the honest, clear, straightforward, and clean purpose was to build the canal.
The CHAIRMAN. This agreement, then, between the liquidator and the new company, and this judgment of the court transferring the property to them, was for that purpose, was it not?
M. LAMPRE. Yes; for that purpose.
The CHAIRMAN. Was there any purpose at that time, either expressed or implied or understood, that this new company was formed for the purpose of getting hold of that property to sell it to somebody else?

M. LAMPRE. No; the object of the company at that time was to complete the canal; but I must state that in the charters, or by-laws, as I would say, for private corporations it is always contemplated that at any time the corporation may sell out to anybody.

The CHAIRMAN. That is your judgment about it. I want to get at facts—just the square, naked facts.

M. LAMPRE. Will you please repeat the question?

The CHAIRMAN. We form our own judgment about what the facts amount to, and we try to do it properly and correctly. We have a right to our judgment upon the facts, not to accept yours absolutely.

M. LAMPRE. Oh, yes, I do not presume it.

The CHAIRMAN. Now, I want to know if it was the purpose of your company as you have stated it here.

M. LAMPRE. The purpose was to build the canal.

The CHAIRMAN. Have not these stockholders the right to say to the liquidator, "We have not put this property in your hands, and the court has not put it in your hands, for the purpose of traffic; but it has been put in your hands for the purpose of completing a great establishment, out of which we are to draw interest at 5 per cent upon these stocks from the date of their issue?"

M. LAMPRE. I understand the question thoroughly. But you see the liquidator is a party to the agreement which has been inserted in the by-laws. Moreover, the liquidator is a shareholder of the new company. Under these conditions, the liquidator acts upon the resolution passed by the stockholders' meeting. Moreover, there is no authority whatever which could prevent the stockholders' meeting to decide about what it can do. It is left exclusively and solely to the stockholders' meeting of the new company.

The CHAIRMAN. You will allow me to observe that on this side of the Atlantic universally the powers of a corporation are those that are expressed or necessarily implied in the law granting the privilege.

M. LAMPRE. Yes.

The CHAIRMAN. Now, if the powers are not found there, expressed or necessarily implied, they do not exist.

M. LAMPRE. I understand the thing, but you will find an express power.

The CHAIRMAN. I understand you to go upon the idea (if I am incorrect about it you can correct me) that under the power of this charter and by-laws your corporation has a right to do anything with this property that it is not prohibited from doing.

M. LAMPRE. That is it.

The CHAIRMAN. That is your view?

M. LAMPRE. That is the very thing. That is the law under which we act.

The CHAIRMAN. That is so strange to us that we shall be obliged to take some time to consider it before we come to that conclusion.

M. LAMPRE. It is quite a different thing, I understand, in the United States.

Senator MITCHELL. You understand that there was this difference in the law heretofore?

M. LAMPRE. Yes; I understand it.

The CHAIRMAN. So you claim now that you and your company have the right to sell this property to the United States because you are not prohibited from doing it?

M. LAMPRE. Exactly.

The CHAIRMAN. Under that charter?

M. LAMPRE. Exactly; and we have the right to do it (that is what we claim) without even the assent or interference of the liquidator of the old company; but, to make things quite clear, we have got this agreement with him.

The CHAIRMAN. Now, then, that brings up some other considerations.

Senator KITTREDGE. What is the name of the court that rendered the judgment and authorized the agreement you have mentioned?

M. LAMPRE. It is called the "Tribunal Civil de la Seine." It is the civil tribunal of the Seine Department. That is in Paris, of course.

Senator KITTREDGE. What is the name of the court to which an appeal might be taken from such a judgment?

M. LAMPRE. The court of appeals.

Senator KITTREDGE. Where will we find the law conferring jurisdiction upon those courts to act as they have acted in this matter?

M. LAMPRE. You will find it in the general expressions of the law of July 24, 1867.

Senator KITTREDGE. In what code?

M. LAMPRE. The Commercial Code. It is the duty of the court, whatever court it is, to act upon any question that concerns liquidation and a particular corporation.

Senator TURNER. What principle of law authorized that court to render a decree cutting the stockholders of the old company out of the benefits of your contract with this liquidator for their benefit?

M. LAMPRE. I do not get the question quite well, Senator.

Senator TURNER. You contracted, as a part of your charter, I understand you to say, that you would build this canal and operate it and pay the liquidator for the benefit of the old company 60 per cent?

M. LAMPRE. Yes.

Senator TURNER. Now, if you sell out to the United States, of course you can not carry out that obligation to the old company or to the stockholders of the old company.

M. LAMPRE. No. I understand.

Senator TURNER. And there will be nothing to go to them. This contract with the liquidator relieves you of the obligation for the benefit of the stockholders of the old company?

M. LAMPRE. Yes; but we shall have to let them share in the amount we may obtain.

Senator TURNER. Now, I want to know what principle of law of France would authorize the liquidator to make a contract which would cut the old stockholders out from the benefits of the provisions of that contract.

M. LAMPRE. The general principle under which receiverships are organized.

Senator TURNER. Your company is not in the hands of a receiver, is it?

M. LAMPRE. No.

Senator TURNER. It is still operating?

M. LAMPRE. Still operating.

Senator TURNER. It is still obligated to carry out this contract made for the benefit of its stockholders?

M. LAMPRE. Exactly.

Senator TURNER. What right has this liquidator to relieve it of its obligation to the old stockholders?

M. LAMPRE. I would like to make it clear that the stockholders' meeting of corporations in France is the only authority to decide this business. The court has nothing to do, I wish it to be understood, if possible, with what we, the standing corporation, do. That is the business of the stockholders' meeting.

Senator TURNER. The stockholders of this new company have no right to relieve the new company of this obligation to the stockholders of the old company? They can not by a mere vote relieve themselves from the obligation of their contract?

M. LAMPRE. I do not see that. They can, indeed.

Senator TURNER. You predicate their right upon the action of your stockholders, the stockholders of the new company?

M. LAMPRE. Yes.

Senator TURNER. To contract with the liquidator for the benefit of the stockholders of the old company?

M. LAMPRE. Yes.

Senator TURNER. Now, the action of the stockholders of the new company can not relieve that company from that obligation?

M. LAMPRE. I understand the question itself, but you see I stated in the course of this hearing that we are guided solely and only by our charter, and the charter does not forbid in any way that we should make a transfer or sale of our rights to anybody whatever.

Senator TURNER. But I understood you to say that your charter did contain this contract with the liquidator?

M. LAMPRE. It does contain it.

Senator TURNER. Under which you were to construct this canal and operate it?

M. LAMPRE. The liquidator has authority to relieve us from that contract, and he has agreed to what has been just passed upon.

Senator TURNER. What I ask you is what principle of law authorizes this liquidator to relieve you of the obligation for the benefit of the old stockholders without securing anything to them?

M. LAMPRE. That is the business of the court to decide, and the court has decided it.

The CHAIRMAN. I think you had better make that clear, because I do not believe the Congress of the United States will want to join your company in inflicting an act of absolute injustice upon these old stockholders.

M. LAMPRE. I am quite willing to make it clear, as much as I can.

Senator HANNA. At the meeting did the old stockholders take any part in this agreement?

M. LAMPRE. The liquidator was present.

Senator HANNA. By what authority?

M. LAMPRE. By authority of the judge appointing him and by authority of the law itself, as well as for the reason that he is a large shareholder of the new company.

Senator FOSTER of Louisiana. What I am trying to reach are the real true facts of this transaction and what obligations this Government would assume in the event that it should accept your proposition.

M. LAMPRE. Nothing but to pay the price agreed upon, sir.

Senator FOSTER of Louisiana. Your purchase of the rights and property of the old canal imposed upon you certain obligations. One of the obligations was to dig the canal, and the other was to pay 60 per cent of the benefits of the canal to the old company?

M. LAMPRE. Exactly so.

Senator FOSTER of Louisiana. Now, you propose to transfer all of your right, title, and interest to this Government?

M. LAMPRE. Yes.

Senator FOSTER of Louisiana. The general principle of law, as I understand it, is that this Government would then step into your position and assume your obligations. That, I believe, will be accepted as a general proposition of law.

M. LAMPRE. Yes; but——

Senator FOSTER of Louisiana. Now, how will your company relieve us of the obligation which you have assumed to the old stockholders? I understand that you say this will be done by an arbitration between your company and the liquidator, which arbitration will be finally acted upon and homologated by the court?

M. LAMPRE. I do not say that, sir. I beg your pardon. I say that at the present time we have full authority on the one part from our stockholders' meeting and on the other part from the liquidator, who is the representative of these interests we are speaking of in the old company, to deal directly, without any interference, with the United States Government and to sell our rights and property at any amount whatever. Moreover, the liquidator has agreed that the amount to be obtained from that sale would be divided according to the decision of an arbitration court which has been agreed upon. The names of the men have been agreed upon, and this is to be the only authority to decide as to what proportion is to be given to the liquidator and to our company.

The question of division, I must insist upon, has to my mind nothing to do with our dealings with the United States, and this agreement, covering the two, gives full power to the company to act as to the dealings with the United States. Second, the division of the amount to be obtained has been agreed upon by the court at the date of August 2, 1901, under a decree rendered by a court giving full authority to the liquidator to pass such an agreement.

Senator TURNER. Does that decree undertake to cut off the stockholders from pursuing your successor, as they would have a right to pursue you, to compel the performance of the contract by which you got title to the canal?

M. LAMPRE. I do not think that I understand the question. You mean about the 60 per cent?

Senator TURNER. No. Does that decree which you say authorized you to make this sale cut off——

M. LAMPRE. The rights of the liquidator?

Senator TURNER. The rights of the stockholders of the old company to insist that your company shall carry out the obligation which you undertook to carry out toward them? Does it specifically cut them off?

M. LAMPRE. It does not say so.

Senator TURNER. Then it is a question of judgment as to whether they would have a right not to be cut off if they should insist on it?

M. LAMPRE. You see, sir, our obligations were to give the liquidator 60 per cent out of the profits. We have no profits.

Senator TURNER. Your obligations were to construct the canal and give 60 per cent?

M. LAMPRE. Sixty per cent out of the profits when the canal would be completed; but in the present condition of affairs there is no profit to divide. There will be a fixed amount, whatever it may be, to be divided between the old company and ourselves; and that will be divided according to the decision of that arbitration court under the authority of the agreement passed between the liquidator of the old company and ourselves—an agreement passed under the authority of the court.

Senator FOSTER of Louisiana. Suppose a majority of the stockholders and a majority of the creditors should come into court and oppose the ratification or homologation by the court of the action of the liquidator in this matter?

M. LAMPRE. In my opinion the court would do away very soon with such a claim, having given the authority.

Senator FOSTER of Louisiana. The liquidator represents the——

M. LAMPRE. He represents the whole of the interest.

Senator FOSTER of Louisiana. Suppose the majority of the stockholders and the majority of the bondholders should come into court and say, "We think the liquidator has made a very bad bargain for us, and we oppose homologating the action of the liquidator," what would be the probable action of a judge in a case of that kind?

M. LAMPRE. In my opinion there would be no doubt as to the action of the

court. It would confirm purely and simply the decree authorizing the liquidator to pass out that agreement with us and to settle the whole buisness.

The CHAIRMAN. Without reference to its justice?

Senator FOSTER of Louisiana. Without reference to the justice, the fairness, of it?

M. LAMPRE. Of course the court thought it fair when it gave the authority to the liquidator.

Senator KITTREDGE. Were those stockholders and creditors given an opportunity to be heard at the time the court authorized the making of this agreement?

M. LAMPRE. No, sir; because the liquidator is the representative, and he has the power to act.

Senator KITTREDGE. Then the liquidator had notice of the application for authority to make this agreement?

M. LAMPRE. He himself applied for that authority. He was the man who applied for the authority in the capacity of liquidator of the old company, representing the interests involved in that company.

Senator MITCHELL. You stated a moment ago that the names of the arbitrators had already been selected. I should like to know how many there are and who they are.

M. LAMPRE. There are four of them, who are to appoint a fifth as president. The names are the highest legal authorities in the court. One of them—there are two for the company—is M. DuBuit.

Senator MITCHELL. It is stipulated in the agreement between the liquidator and the new company that the decision of this board shall be final?

M. LAMPRE. It is, and it is legal. It is the law in France of arbitration.

Senator MITCHELL. Does it require a majority or the whole of the board to determine?

M. LAMPRE. Oh, no; a majority.

Senator MITCHELL. There would be under your law a review of the decision they might make?

M. LAMPRE. No; because any parties resorting to arbitration in France are at liberty to state that they agree that the decision of the arbitration court is final, and without any appeal whatever, and so has it been done.

Answering to the question just put me, the names of the gentlemen are the highest legal authorities in France, and three of them have been presidents of the bar association in the court of appeals of Paris. These are the names: M. DuBuit and M. Léon Devin, arbitrators for the company; M. Limbourg and M. Thieblin, arbitrators for the liquidation of the old company; and the fifth is to be M. Betolaud.

The CHAIRMAN. I will now resume the examination, if the other members of the subcommittee are ready.

Senator FOSTER of Louisiana. Mr. Chairman, there is one question on this same line that I should like to ask.

The CHAIRMAN. Certainly.

Senator FOSTER of Louisiana. If I understand the law correctly, it is about this, that where parties agree to enter into an arbitration, that arbitration as between them is final.

M. LAMPRE. It is.

Senator FOSTER of Louisiana. But in order to have binding force it must be submitted to the court.

M. LAMPRE. No, sir, no; it is final between the parties.

Senator FOSTER of Louisiana. Where a liquidator is appointed?

M. LAMPRE. He has the authority to enter into that contract. He has it now. It has been given to him before he passed the agreement. He was entitled under a decree of the court to enter into an agreement to that effect.

Senator FOSTER of Louisiana. Have the arbitrators acted on this matter?

M. LAMPRE. Not yet; they can not act before we know what we may get.

The CHAIRMAN. The case has not been presented to them yet?

M. LAMPRE. Not yet, to my knowledge.

The CHAIRMAN. You have been speaking of the stockholders' meeting. I will take the last one. Who represented the stockholders of the old company at the last meeting?

M. LAMPRE. The liquidator, Mr. Gautron.

The CHAIRMAN. Is he recognized as being authorized to represent it?

M. LAMPRE. Oh, yes; it is in his powers. Moreover, he is a stockholder himself.

The CHAIRMAN. So the stockholders in the old company are stockholders in the new?

M. LAMPRE. Oh, no, sir; not at all.

The CHAIRMAN. How could they be there represented, unless they were stockholders?

M. LAMPRE. I do not get the question quite.

The CHAIRMAN. How could they be represented in the stockholders' meetings unless they were stockholders of the company?

M. LAMPRE. Oh, quite so. Mr. Gautron, as the liquidator of the old company, has subscribed in the stock of this company for the liquidation an amount, I believe, of 16,000,000 francs out of the 60,000,000 francs, and of course he appears at the stockholders' meeting not only as the representative of the old company but as shareholder in the new one.

The CHAIRMAN. Very good. He is a shareholder, then, for the benefit of the old stockholders?

M. LAMPRE. Yes.

The CHAIRMAN. So that they have in equity, to say the least of it, all of the rights of stockholders to be represented by their man, their liquidator?

M. LAMPRE. Yes; and they are represented by him.

The CHAIRMAN. Did they select the liquidator or did the court appoint him?

M. LAMPRE. The court appointed him.

The CHAIRMAN. The old stockholders had nothing to do with selecting him?

M. LAMPRE. No; nothing.

The CHAIRMAN. It was just taken into court and the court appointed a liquidator?

M. LAMPRE. Exactly.

The CHAIRMAN. And from that time forward he represents them and subscribes all their stock, no matter how much it amounts to?

M. LAMPRE. With the approval of the court.

The CHAIRMAN. I know; but he subscribes 16,000,000 francs out of the 60,000,000 francs, because he represents what on this side of the Atlantic we would call stockholders. On the other side I do not know what they are called.

M. LAMPRE. He is a stockholder because the liquidation is a stockholder.

The CHAIRMAN. Of course, as trustee for the stockholder.

M. LAMPRE. Oh, no; we have no such thing. It is quite different.

The CHAIRMAN. The stock does not belong to the liquidator?

M. LAMPRE. No; it belongs to the interests he represents—the liquidation.

The CHAIRMAN. Of course. I think we understand that. He is there merely as their agent to represent them?

M. LAMPRE. Quite so, sir.

The CHAIRMAN. At the same time he is the agent of the law?

M. LAMPRE. Quite so.

The CHAIRMAN. Authorized to do it?

M. LAMPRE. Quite so.

Senator TURNER. How much money has the new company put into this enterprise?

M. LAMPRE. At the present time?

Senator TURNER. Yes.

M. LAMPRE. I think I stated at the beginning of this hearing that as far as I can recollect at the present time about 16,000,000 francs are left from 60,000,000 francs originally subscribed.

The CHAIRMAN. I expect to examine M. Lampre on that point. Do you mean the stock?

Senator TURNER. How much money has the company actually expended in the enterprise?

M. LAMPRE. The difference between 60,000,000 francs and the 16,000,000 francs; that is to say, assuming my figures to be correct, we would have expended 44,000,000 francs.

Senator TURNER. That is eight or nine million dollars. If the new company are to get 40 per cent of the $40,000,000, they would be making considerable money.

M. LAMPRE. I do not know what the percentage will be.

Senator TURNER. That is a matter for the arbitrators?

M. LAMPRE. That is so.

The CHAIRMAN. The Government of Colombia, as you stated, was one of the old stockholders?

M. LAMPRE. The Government of Colombia is a stockholder now.

The CHAIRMAN. Is she represented also by the liquidator?

M. LAMPRE. No; represented by a representative of the Colombian Government in the stockholders' meeting, appointed every time.

The CHAIRMAN. A director?

M. LAMPRE. Not a director; a diplomatic representative of Colombia.

The CHAIRMAN. Does he enter into the directors' meetings?

M. LAMPRE. There is one. There is a permanent representative of the Colombian Government at the meetings of the board, and he knew everything about what happened.

The CHAIRMAN. Does that representative enter into the stockholders' meeting?

M. LAMPRE. Yes; he does. He is present.

The CHAIRMAN. Is he living in France?

M. LAMPRE. He lives in Paris.

The CHAIRMAN. He is an agent appointed by the Colombian Goverment to represent them there, I suppose?

M. LAMPRE. Yes; and, moreover, at every stockholders' meeting the Colombian Government gives authority to this or to another representative to vote, to be present at the meeting, and to pass upon the resolutions.

The CHAIRMAN. Then, the Colombian Government being stockholder in the old company that we know has interests which are entirely separate and different from the balance of the stockholders of the old company——

M. LAMPRE. The Colombian Government is not a stockholder in the old company, but in the new.

The CHAIRMAN. You say the Colombian Government is not represented by the liquidator.

M. LAMPRE. No; not being a shareholder in the old company.

The CHAIRMAN. And the Colombian Government has this agent that you speak of to act with or be present at the meetings of the board of directors and managers?

M. LAMPRE. Yes.

The CHAIRMAN. Has that agent a voice in the management?

M. LAMPRE. No.

The CHAIRMAN. No voice?

M. LAMPRE. No voice.

The CHAIRMAN. Like one of our Delegates here from a Territory, he can come and take a seat, but can not vote?

M. LAMPRE. I beg pardon; he has, according to the commission, all the rights belonging to the directors themselves.

The CHAIRMAN. Does he participate in the direction of the company?

M. LAMPRE. No; he does not participate in the direction of the company, but he is present at all the meetings if he chooses.

The CHAIRMAN. Does he vote?

M. LAMPRE. He votes if he chooses to vote.

The CHAIRMAN. As a director?

M. LAMPRE. As a director.

The CHAIRMAN. Now, have you any authority besides that which this man represents in the canal, that you have just stated, from the Government of Colombia by which that Government is bound to this proposition to sell for $40,000,000 and divide the proceeds by an arbitration?

M. LAMPRE. We have the authority of the Colombian minister here to enter upon negotiations with the United States.

The CHAIRMAN. You have?

M. LAMPRE. We have. That was given in May last.

The CHAIRMAN. Have you a copy of that authority?

M. LAMPRE. No, sir; but certainly it can be had.

The CHAIRMAN. Was it an authority to make a specific contract or was it a general authority to enter into any arrangement you pleased?

M. LAMPRE. A general authority.

The CHAIRMAN. The $40,000,000 proposition has not been submitted to the Colombian Government?

M. LAMPRE. Not formally. I advised the Colombian minister here, but to my knowledge, unless it has been done from Paris, it is the only thing at the present time.

The CHAIRMAN. That is a matter between private gentlemen. That is not a governmental affair.

M. LAMPRE. No.

The CHAIRMAN. Now, I observe that your concession from the Colombian Government, and all the right it has ever granted, and all the amendments that have been granted to it have been by act of Congress of Colombia?

M. LAMPRE. Yes, sir.

The CHAIRMAN. The paper, the contract itself, was signed by the authorities of the Colombian Government?

M. LAMPRE. Yes, sir.

The CHAIRMAN. And then that contract was embodied in and made a public statute of Colombia?

M. LAMPRE. Yes, sir.

The CHAIRMAN. By an act of Congress?

M. LAMPRE. Yes, sir.

The CHAIRMAN. Has the Colombian Congress given you any authority to proceed to make this arrangement with us now?

M. LAMPRE. None at all; we could not ask them for it.

The CHAIRMAN. What authority could you possibly have from the Colombian Government, unless it came from an act of Congress, when the act of Congress forbade you to do it?

M. LAMPRE. It is the authority given us by the Colombian minister under his Government's authority.

The CHAIRMAN. That is all the authority you have?

M. LAMPRE. That is all we have at the present time.

The CHAIRMAN. Have you a copy of that?

M. LAMPRE. I guess we have. It is printed in the report of the Commission.

The CHAIRMAN. That is all the governmental authority that you have from Colombia?

M. LAMPRE. At the present time.

The CHAIRMAN. That is as deep into the subject as Colombia has ever gone?

M. LAMPRE. Exactly; to my knowledge.

The CHAIRMAN. You have been before this Government from time to time with various propositions. I have here a message from the President of the United States which informs us of all of the communications that you have made up to this last one on the subject of this canal, sent to Congress by a message of the President, President McKinley, on the 20th day of February, 1900.

M. LAMPRE. Yes, sir.

The CHAIRMAN. You are aware of the contents of that first proposition, signed by M. Bonnardel and countersigned by you?

M. LAMPRE. I should like to hear the words again, if you please, or to peruse them.

The CHAIRMAN. It is quite an extensive document.

M. LAMPRE. As far as I recollect it was a proposal as to a partnership with the United States Government. Is not that the case?

The CHAIRMAN. No; you had not advanced to a partnership then. It is as follows:

"PARIS, *November 18, 1898.*

"To the PRESIDENT OF THE UNITED STATES.

"SIR: The New Panama Canal Company believes it to be its duty to respectfully submit the following statement:

"It is common knowledge that in 1889 the Compagnie Universelle du Canal Interocéanique de Panama, the old company, fell into financial difficulties after about one-third of the canal had been finished. The rights of that company then passed judicial administration. A liquidator (receiver) was appointed by the judgment of the civil tribunal of the Seine under date of the 4th of February, 1889. During his administration (1889-1894) and with the authorization of the court, the greatest care was taken to preserve and maintain the work already done"—

I wish to call your attention to that—

"and a prolongation was obtained from the Republic of Colombia of the time stipulated for the completion of the canal, thus preserving the rights of the company under its concession in their entirety.

"In view of the advanced state of the work on the canal, and the considerable sum (at least $150,000,000) actually expended for canal work properly so called, and for installations and plant, the logical conclusion followed that the very large capital invested would be protected through a reorganization of the affairs which took place successfully in the month of October, 1894. At that time and with this object in view the undersigned company was organized under the general laws of France. The company is a commercial association, formed exclusively upon private capital, and has no connection, alliance, or relation whatever with any government, except the relations established by the concessions which it holds from the Republic of Colombia. The board of directors of the company is an entirely new board, and composed of gentlemen of independent positions, having no official relation with the old Panama Company, and for the most part identified with large financial and commercial enterprises.

"Pursuant to judicial sale, authorized by the court as aforesaid, the undersigned company in 1894 became the sole owner of all the canal works, plant, material, concessions, and other property of the old company. The title of the undersigned to this property is therefore unquestionable, and has been officially recognized by the Government of Colombia.

"Surveys had been made by the old company, but the new company, while making use of them, would not be bound by their conclusions. The board of directors resolved at the start to examine and study anew all the questions involved, making use of the most recent improvements in material and of the advances made in engineering.

"It is needless for us to enumerate the difficulties and enormous expense involved in the choice of a definite plan for the execution of this work, which is one of the greatest undertakings of our time.

"Different plans, equally practicable but varying in probable cost, have been studied. Many months have been spent in preparing, studying, and revising them. This work has not been done hastily and superficially. Engineers chosen specially for their professional ability have studied the question in all its details—technical, climatic, physical, geologic, and economic.

"Though the skill of its own technical staff is worthy of the highest confidence, the undersigned company, out of abundant caution and in order to place beyond criticism the final conclusions, caused to be appointed an international technical commission, composed of engineers selected from different nationalities, a course which assures to the company the benefit of the widest possible experience, the severest judgment, and the most independent conclusions. The international technical commission is composed as follows"—

Giving the names of these gentlemen, among whom is General Abbot, United States Engineer Corps, the only American, except Mr. Soss, who died.

Mr. LAMPRE. I beg pardon; I believe there was another American, Mr. Fteley, of New York.

The CHAIRMAN. Yes; I beg pardon. After the names the communication proceeds:

"As to all statistical and economic questions, the new company established a special commission, presided over by M. Paul Leroy-Beaulieu, the eminent economist and a member of the Institute of France.

"It is certain that the members of these two commissions are the most distinguished and able men in their professions. No one of them would compromise his reputation and his honor, acquired by a long life of eminent services, by formulating conclusions upon unfounded, incomplete, superficial, or uncertain information.

"By the closest study of the subject; by actual inspection of the works of the canal, made by several of its members; by full discussion, and by frequent exchange of views; by subjecting every problem to the critical judgment of all, thus obtaining the most varied opinions; by all the methods and with all the care which the most advanced technical experience could suggest, this eminent commission of engineers has reached a unanimous conclusion, which has been officially communicated to this company, and upon which this company is pursuing the work of construction. These conclusions, signed by every member of the commission, establish the entire feasibility and practicability of completing the canal.

"We do not doubt that you will be interested to learn the essential features of our plans, which have been prepared with so much labor and care and confirmed by four years of continuous study.

"1. The old company had already substituted for the proposed sea-level canal a system of locks."

I call your attention to the fact that you have abandoned the old sea-level canal.

"This principle, with important modifications and improvements, has been adopted by the new company.

"2. The length of the canal from ocean to ocean is 46 miles.

"3. The locks will not exceed four on each slope of the divide; all locks will have a rock foundation, and all will have double lock chambers.

"4. There is nothing in the physical conditions on the Isthmus to prevent a change from a canal with a system of locks to a sea-level canal should the latter seem desirable in the future.

"5. The time of passage from ocean to ocean will be less than a day.

"6. The harbors situated at either extremity (Panama and Colon) are not artificial harbors; they are natural harbors, safe and satisfactory, needing but slight improvement. This fact is known to all the world, thanks to commerce, which for almost fifty years has made use of the Panama route (the Panama Railroad).

"7. Two-fifths of the work on the canal has been actually constructed; the remaining three-fifths is in a fair way of completion. During the last four years three or four thousand workmen, on an average, have been employed in working on the canal.

"8. The company's concessions are unquestionable. The Republic of Colombia has given to the enterprise its cordial and sincere cooperation.

"9. The existence and operation of the railroad, long established on the proposed line of the canal, greatly facilitates its construction.

"10. No construction is planned which is not fully justified by practical experience.

"Formerly the greatest difficulties were:

"(*a*) The control of the floods of the Chagres River; and

"(*b*) The excavation of the Culebra Cut.

"The manner in which each of these difficulties is to be surmounted is shown with the greatest detail in the report of the technical commission, which we have the honor to present to you.

"The condition of the new company is equally satisfactory. Its assets, including the work actually done on the canal, the buildings, the machinery, the material on hand, exceed in value 500,000,000 francs, or $100,000,000, which valuation has been made by a special commission, of which the former director of the National Academy of Roads and Bridges of France was chairman. The company has no mortgage or bonded indebtedness."

I suppose that means the new company?

M. LAMPRE. That is true; yes.

The CHAIRMAN (reading):

"The property is free from all incumbrance. The company has no other debts than monthly pay rolls. Its cash reserve is largely in excess of its actual needs.

"The undersigned company also invites your attention to the provisions of its concession, particularly articles 5 and 6, which reserve all rights to the Government of the United States secured by the treaty with the Republic of Colombia signed in 1846 and ratified in 1848.

"We have the honor to be, your obedient servants,

"J. BONNARDEL,

"*The President of the Board of Directors.*

"Certified by the secretary of the company.

"ED. LAMPRE."

It seems to be countersigned by you. Then Mr. Cromwell, who was the attorney, or so signs himself——

M. LAMPRE. He was the attorney.

The CHAIRMAN. Mr. Cromwell, counsel for the company, writes to Mr. Hay on the 28th day of November, 1898, and refers to an interview which Mr. Hay had accorded him last Friday, and says:

"By reason of the severe prevailing storm *La Touraine* was delayed in arrival until to-day, and we shall therefore not be able to translate the documents and prepare them for presentation before Wednesday."

That, of course, referred to the engineer's report?

M. LAMPRE. Yes, sir.

The CHAIRMAN. Then Mr. Cromwell telegraphs to Mr. Hay on the 5th day of December, 1898, as follows:

"Am writing you to-day concerning the cable from Consul-General Hart published Saturday. It is evident that the limited purpose and nature of the measure referred to is not fully reported from Bogota, and is given undue significance."

That was a disturbance, of course, in the Government down there; such a one as is going on there now.

There are several other communications which I will have copied for insertion at this point. It is unnecessary that they should be referred to now particularly.

The letters referred to are as follows:

"NEW YORK, *December 5, 1898.*

"MY DEAR SIR: I beg leave to confirm the telegram which I sent you at 10.45 this morning, as per inclosure.

"Upon my return I learned through Director-General Hutin, who had preceded me to New York, that the measure which had just been acted on by one branch only of the Colombian Congress was a bill to authorize the executive to negotiate the terms of and to conclude a further prorogation of six years from 1904 for the completion of the canal, under a communication which the company had addressed to the Government in the form of which I inclose you a translation.

"You will note that the company specifically stated to the Government that the prorogation was not a matter of absolute necessity, but was desirable in the interests of commerce and navigation to enable an even deeper cut to be made (and which would reduce the number of locks to four, but which reduction would of course require more time than the plan adopted).

"You will note that the bill proposed to confer power upon the executive, and this happened to arise under extraordinary political conditions in Bogota. As you have probably been advised through official channels, a serious difference has recently been existing between the House of Representatives of Colombia and the President, the House having passed formal resolution declaring the office of President vacant and refusing to recognize the qualifications of the President before the supreme court.

"We therefore construe the action of the House of Representatives as only a part of the strife between the House and the President, and not a declaration of the policy of the nation or the Congress in respect of the Panama Canal, and as not evidencing hostility to the company itself. We are the more confirmed in this belief because of the uniform consideration and cordiality displayed by the Congress and the Government to the New Panama Canal Company, which we have no doubt their minister at Washington would fully confirm to you.

"Our company has not the least apprehension regarding any prorogation of its concessions it may consider necessary in the future.

"I have, etc., your obedient servant,

"WM. NELSON CROMWELL,

"*Counsel New Panama Canal Company.*"

[Inclosure in letter of Mr. Cromwell to Mr. Hay, December 5, 1898.]

"To the Seigneurle, Dr. P. A. MOLINA,

"*Minister of Finance of the Republic of Colombia, Bogota:*

"Alexander Napoleon Mancini, representative to the Government of Colombia of the New Panama Canal Company, has the honor to reply to your excellency and to explain the following, viz:

"At the time of the prorogation accorded in 1896 there was in view the

completion of the canal in accordance with the plan as established by the technical commission, which plan determined the lowest level of the divide to be between 35 and 30 meters below the sea level.

"The studies made by the new company show that it will be of great advantage to make the cut deeper, and such work will naturally require a longer time.

"It is not necessary to call urgent attention to the fact that the Colombian Government itself has the greatest interest to facilitate the completion of the canal affording the best possible conditions for navigation and commerce.

"There is no doubt that the interests of Colombia are closely identified with those of the canal company and that the future of this nation depends in part upon the success of the works of the canal at Panama; and it is admitted that in order to provide in a very complete manner the increasing necessities of navigation and commerce it becomes doubly important to deepen the cut of the central mass below 25 meters. The plan of completion of the canal as prepared by the company, with the aid of its technical commission, suggests the idea to the canal management of deepening the cut to about 10 meters. Therefore the time of completion of the canal, which is at the end of 1904, becomes insufficient for the completion of said important work, and the company could not without serious risk of miscalculation affirm that the canal with such modification can be completed within the said time, and the company considers that it is proper to ask a prorogation of six years from 1904, so that it may complete the canal in the condition above mentioned.

"All that precedes is not of absolute necessity. The company can if necessary make the cut at 25 meters, for instance, as heretofore calculated, and in that case a further prorogation will not be absolutely necessary. But on the other hand, the company considers, as said above, that the deepening of the cut to about 10 meters will give much better results in respect to the operation of the canal.

"The Colombian Government can not fail to realize the importance of the purpose above explained and of the interest attached to a prorogation. Consequently, and in consideration of the considerable advantages which will inure to general commerce from the opening of the canal, the undersigned solicits, in the name of the New Panama Canal Company, a prorogation of six years for the completion of the canal, and is confident that the Government of the Republic will accord such extension of time under the best possible conditions.

"The company relies upon the kind cooperation of the Colombian Government, which has such great interest in the work, to facilitate the completion of such work.

"The undersigned does not need to recall to your excellency that during the past four years the company has constructed works of such great importance that they have attracted the attention and approbation of all competent people who have visited the Isthmus.

"I have, etc.,

"A. MANCINI,

"*Representative of the New Panama Canal Company.*

"BOGOTA, *November 1, 1898.*"

"NEW YORK, *December 21, 1898.*

"MY DEAR SIR: Further to my letter of December 5, 1898, receipt of which was acknowledged by your favor of the 8th instant, I beg leave to say that we are advised by our counsel at Bogota that the official minutes of the session of the House of Representatives declares that the bill concerning the extension of the New Panama Canal Company has not been acted upon for lack of time. We, however, yesterday received further cable advising us that the Government had granted the extension subject to the approval of the next Congress, and I note from this morning's Herald that similar advices have been received by the press.

"It is the opinion of the Government executives and of ourselves that power to give such extension is already located in the Government by the terms of the original concession; but the formality of ratification will be requested in due course, and of its being granted we have not the remotest apprehension.

"You will thus see that my confidence in the attitude of Colombia, as indicated in my last note, has been fully and quickly confirmed.

"Faithfully, yours,

"WM. NELSON CROMWELL,

"*General Counsel New Panama Canal Company.*"

"NEW YORK, *December 21, 1898.*

"SIR: In addition to the certified copy of the official report of the International Technical Commission, which I had the honor of delivering to you on the 2d instant as a part of the communication of the company addressed to the President under date of November 18, 1898, I now have the honor of handing you a copy of an additional report made November 19, 1898, by Messrs. Zurcher and Bertrand, eminent engineers of France, upon the cut of the Culebra and the Emperador mountains.

"The report of the International Technical Commission, as well as the inclosure, being part of our official communication to the President, are for your official files and use. I merely mention this that you may not courteously consider them confidential.

"I have the honor, etc.,

"M. HUTIN,

"*Director-General of the New Panama Canal Company.*"

APPENDIX C.

Mr. Hutin and Messrs. Sullivan & Cromwell to the President.

NEW YORK, *February 28, 1899.*

SIR: 1. The New Panama Canal Company has never proposed and does not seek any appropriation of financial aid from the Government of the United States in the completion of its canal.

2. It places its canal works on the Isthmus of Panama subject to the examination of this Government or any special commission through whom it may be desired to make such examination, and will facilitate in every possible way any such desire of the Government.

3. The Government will find that fully two-fifths of the canal works are already constructed; that continuously during the past four years from 3,000 to 4,000 men, under a large force of engineers, have been and are now actually engaged upon its works; that all technical and physical problems have been solved by the eminent "International Engineering Commission," whose report of November 18 last is before you; that the canal is undoubtedly feasible and the harbors at both ends natural harbors and entirely satisfactory; that its concessions are perfect and unquestioned, and that the relations of the United States to the canal are especial and superior by reason of the "special and remarkable advantages" secured to it by the treaty of 1846 between the United States and Colombia, and which rights, whatever they may be, were scrupulously respected, observed, and confirmed in the concessions of Colombia to the Panama Canal Company, under which the canal is being completed.

4. While the New Panama Canal Company does not seek any financial aid from the Government, it recognizes the national sentiment in favor of acquiring some pecuniary interest in any canal connecting the Atlantic and Pacific oceans. Therefore the New Panama Canal Company declares that if, as the result of any such investigation, the Government of the United States adopts the Panama route, the company, if the Government so desires, will reincorporate under the laws of the State of New York (under the laws of which State the Panama Railroad Company has existed for nearly fifty years) or of some other State of the Union, subject to the provisions of its concession, and vest its concessions and property in such corporation. It will also in such event accord to the United States such representation in its board of directors, and such opportunity to acquire an interest in its securities, as may be permitted by its concessions, which, of course, must be scrupulously observed.

And further, if the United States should desire to perpetuate or enlarge its existing rights and privileges, acquired under said treaty of 1846, the company will conform to such supplemental treaty as may be entered into between the United States and Colombia.

We beg leave to say that yesterday, at a public hearing accorded us by the Committee on Rivers and Harbors of the House of Representatives, we submitted to the chairman and gentlemen of that committee a communication to the foregoing purport, and have the honor to be,

Your obedient servants,

MAURICE HUTIN,
Director-General of the New Panama Canal Company.
SULLIVAN & CROMWELL,
General Counsel, New York City.

Mr. Hutin to the President.

COMPAGNIE NOUVELLE DU CANAL DE PANAMA,
45 Wall street, New York City, March 11, 1899.

To the PRESIDENT:

Referring to the act of Congress approved on the 4th instant respecting an investigation of the Panama and Nicaragua canals, the New Panama Canal Company, as one of the subjects of the inquiry, respectfully invites attention to its communication addressed to you December 2, 1898, and to its subsequent offers to the honorable Secretary of State, and, finally, to its official proposition of February 27 last, all of which contain the proffer and urgent invitation that the President or Congress make the fullest investigation of the canal works, plans, seven concessions, and status of the New Panama Company; and it also refers to the official report upon the canal made by the International Technical Commission November 16, 1898, and placed in your hands by us on December 2 last.

The said act of Congress is therefore in full accord with our repeated offers and our warmest desires.

We again most respectfully renew our proffer of the fullest investigation and our offer of all the facilities to that end. But the subject is of such transcendent consequence to the United States, to the people of the world as well as to ourselves, that we venture, with due respect, to submit this our petition that any commission designated to aid you in making the investigation and comparison contemplated by the act of Congress be composed of gentlemen of the widest experience, of exceptionable character and unquestionable professional standing, and who are not embarrassed by public committals or previous records favorable or unfavorable to either one or the other project, and who have not heretofore served upon any canal commission.

The New Panama Canal Company does not present or suggest any name for membership of any commission. Its only petition is that the selection be of gentlemen whose conclusion will at once command public confidence, fully relying upon its ability to satisfy fair and impartial investigation of the merits of its canal.

THE NEW PANAMA CANAL COMPANY,
By MAURICE HUTIN, *Director-General.*
SULLIVAN & CROMWELL, *General Counsel.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 540) providing for an additional officer in the district of Chicago, in the collection district of Indiana and Illinois; and

A bill (S. 2795) to amend an act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10418) to ratify and amend an agreement with the Sioux tribe of Indians, of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect; and

A bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

RELATIONS WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, being the resolution submitted by the Senator from Georgia [Mr. BACON], which will be stated.

The SECRETARY. Senate resolution No. 82, by Mr. BACON, favoring the negotiation by the President of a treaty with Colombia for the adjustment of all differences between the United States and that country growing out of the recent revolution in Panama.

Mr. FAIRBANKS. Mr. President, I had intended earlier in the day to address the Senate upon the Panama question, but the hour is so far advanced that I shall defer my remarks until to-morrow or some other more convenient occasion.

Mr. CULLOM. Does the Senator desire to retain the floor for that purpose?

Mr. FAIRBANKS. I do not particularly desire to do so. I have no doubt I can arrange to get the floor in the morning. If there is any question about that, however, I will take it now.

Mr. CULLOM. I was going to suggest that there are several

Senators who desire to speak to-morrow, and I should have been glad if the Senator could have gone on this evening.

Mr. FAIRBANKS. Then I will take the floor now, and submit what I desire to say to-morrow.

The PRESIDENT pro tempore. The resolution of the Senator from Georgia [Mr. BACON] is the unfinished business, and would not come up until 2 o'clock; but by request it can be taken up immediately after the routine morning business.

Mr. FAIRBANKS. Then I will say that to-morrow, after the routine morning business, I shall take the floor.

MISSISSIPPI RIVER DAM AT SAUK RAPIDS, MINN.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 2818) permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 2, in section 1, line 16, after the words "That the," to insert "dam shall be so constructed that the;" in line 18, after the word "connection," to strike out the words "with said dam" and insert "therewith;" and on page 3, line 2, after the word "navigation," to insert "*And provided further*, That suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained at said dam by the Sauk Rapids Water Power Company, its successors or assigns;" so as to make the section read:

That the consent of Congress is hereby granted to the Sauk Rapids Water Power Company, a corporation organized under the laws of the State of Minnesota, its successors and assigns, to build a dam across the Mississippi River at or near the Sauk Rapids, so called, in said river, and at or near the village of Sauk Rapids, Benton County, Minn., for the development of water power, and such works and structures in connection therewith as may be necessary or convenient in the development of said power and in the utilization of the power thereby developed: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the said Sauk Rapids Water Power Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of such dam as he may deem advisable in the interests of navigation: *And provided further*, That suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained at said dam by the Sauk Rapids Water Power Company, its successors or assigns.

The amendment was agreed to.

The next amendment was, on page 3, section 2, line 11, after the name "United States," to insert:

Provided, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said structures from the operation of same.

So as to make the section read:

SEC. 2. That in case any litigation arises from the building of said dam, or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts, as now provided for that purpose in the State of Minnesota, and in the courts of the United States: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said structures from the operation of same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEBRASKA SENATORIAL INVESTIGATION.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the special committee appointed to inquire into certain charges affecting the Hon. CHARLES H. DIETRICH, a Senator from the State of Nebraska, be authorized to employ a clerk and stenographer and, by themselves or any subcommittee of their number, to sit during the sessions of the Senate, to send for persons and papers, and to administer oaths.

HOUSE BILLS REFERRED.

The bill (H. R. 10418) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 2, 1904, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 1, 1904.

CONSULS.

John Fowler, of Massachusetts, now consul at that place, to be consul-general of the United States at Chefoo, China.

John Todd Hill, of Connecticut, to be consul of the United States at San Juan del Norte, Nicaragua, vice Alfred L. M. Gottschalk appointed consul at Callao, Peru.

SECRETARY OF LEGATION.

William W. Russell, of Maryland, now secretary of the legation at Caracas, Venezuela, to be secretary of the legation of the United States at Panama, Panama, to fill an original vacancy.

MARSHAL.

Charles Lewiston, of Wisconsin, to be United States marshal for the western district of Wisconsin. A reappointment, his term expiring February 3, 1904.

RECEIVER OF PUBLIC MONEYS.

A. A. Gillis, of Walla Walla, Wash., vice Yancey C. Blalock, resigned.

PROMOTION IN THE NAVY.

Chaplain William T. Helms to have the rank of commander in the Navy from the 1st day of October, 1903, vice Chaplain Arthur O. Sykes, resigned.

POSTMASTERS.

CALIFORNIA.

Leonard S. Calkins to be postmaster at Nevada City, in the county of Nevada and State of California, in place of Leonard S. Calkins. Incumbent's commission expires February 5, 1904.

GEORGIA.

Mattie H. Hanson to be postmaster at Forsyth, in the county of Monroe and State of Georgia, in place of Mattie H. Hanson. Incumbent's commission expires February 12, 1904.

Hugh M. Pierce to be postmaster at Moultrie, in the county of Colquitt and State of Georgia, in place of Hugh M. Pierce. Incumbent's commission expires February 12, 1904.

ILLINOIS.

James F. Crawford to be postmaster at Warsaw, in the county of Hancock and State of Illinois, in place of James F. Crawford. Incumbent's commission expired January 10, 1902.

MISSOURI.

Henry J. Crider to be postmaster at Maitland, in the county of Holt and State of Missouri, in place of Henry J. Crider. Incumbent's commission expired January 23, 1904.

John P. Rankin to be postmaster at Higbee, in the county of Randolph and State of Missouri. Office became Presidential January 1, 1904.

Edward Myers to be postmaster at Appleton City, in the county of St. Clair and State of Missouri, in place of John A. Gilbreath, resigned.

NEW YORK.

John M. Brown to be postmaster at Port Jefferson, in the county of Suffolk and State of New York, in place of John M. Brown. Incumbent's commission expires February 2, 1904.

William S. McLaughlin to be postmaster at Avon, in the county of Livingston and State of New York, in place of William S. McLaughlin. Incumbent's commission expires February 2, 1904.

Owel H. Willard to be postmaster at Randolph, in the county o Cattaraugus and State of New York, in place of Owel H. Willard. Incumbent's commission expires February 2, 1904.

OHIO.

Charles E. Frame to be postmaster at West Union, in the county of Adams and State of Ohio. Office became Presidential January 1, 1904.

WISCONSIN.

Walter C. Crocker to be postmaster at Spooner, in the county of Washburn and State of Wisconsin, in place of Anah Crocker, resigned.

CONFIRMATIONS.

Executive nomination confirmed by the Senate January 29, 1904.

POSTMASTER.

MAINE.

George R. Foster, to be postmaster at Lisbon Falls, in the county of Androscoggin and State of Maine.

Executive nominations confirmed by the Senate February 1, 1904.

RECEIVER OF PUBLIC MONEYS.

Miss Martha C. Brown, of Colorado, to be receiver of public moneys at Gunnison, Colo.

COLLECTORS OF CUSTOMS.

George F. Bartlett, of Massachusetts, to be collector of customs for the district of New Bedford, in the State of Massachusetts.

James Brady, of Massachusetts, to be collector of customs for the district of Fall River, in the State of Massachusetts.

Obed G. Smith, of Massachusetts, to be collector of customs for the district of Nantucket, in the State of Massachusetts.

POSTMASTERS.

CALIFORNIA.

J. E. Olmsted to be postmaster at Petaluma, in the county of Sonoma and State of California.

Lucetta Wood to be postmaster at Point Richmond, in the county of Contra Costa and State of California.

IDAHO.

Francis Ball to be postmaster at Pocatello, in the county of Bannock and State of Idaho.

John Larson to be postmaster at Hope, in the county of Kootenai and State of Idaho.

KANSAS.

Henry S. Mueller to be postmaster at Sedgwick, in the county of Harvey and State of Kansas.

MONTANA.

James W. Wedum to be postmaster at Glasgow, in the county of Valley and State of Montana.

NEW HAMPSHIRE.

Frank S. Huckins to be postmaster at Ashland, in the county of Grafton and State of New Hampshire.

NORTH CAROLINA.

Samuel M. Jones to be postmaster at Sanford, in the county of Moore and State of North Carolina.

William P. King to be postmaster at Windsor, in the county of Bertie and State of North Carolina.

OHIO.

Lee L. Cassady to be postmaster at Dresden, in the county of Muskingum and State of Ohio.

John C. Douglass to be postmaster at College Corner, in the county of Butler and State of Ohio.

PENNSYLVANIA.

C. V. L. McMinn to be postmaster at Newberry, in the county of Lycoming and State of Pennsylvania.

SOUTH CAROLINA.

Elizabeth L. Bampfield to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina.

Edgar E. Poag to be postmaster at Rockhill, in the county of York and State of South Carolina.

SOUTH DAKOTA.

Abram E. Van Camp to be postmaster at Highmore, in the county of Hyde and State of South Dakota.

EXTRADITION WITH THE NETHERLANDS.

The injunction of secrecy was removed February 1, 1904, from a treaty signed on January 18, 1904, between the United States and the Kingdom of the Netherlands, extending the extradition convention of June 3, 1887, between the two countries to their respective island possessions and colonies.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 1, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

SIOUX TRIBE OF INDIANS, SOUTH DAKOTA.

Mr. BURKE. Mr. Speaker, upon Saturday when the House adjourned the bill H. R. 10418 was before the House for consideration and the motion for the previous question was pending.

The SPEAKER. The gentleman from South Dakota asks the previous question.

PERSONAL PRIVILEGE.

Mr. BAKER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BAKER. I have here, Mr. Speaker, a copy of the Washington Post of this day, giving what purports to be a statement of the action of this House in which I was concerned two days ago.

Mr. BURKE. Mr. Speaker, I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. BURKE. I desire to inquire if, upon motion for the previous question, it is in order for the gentleman to raise the question of personal privilege?

Mr. UNDERWOOD. Mr. Speaker, the gentleman from New York was on his feet demanding recognition of the Chair, and had announced to the House that he raised the question of personal privilege when the gentleman rose and made his motion.

The SPEAKER. The Chair will state that the gentleman from New York did at one time get upon his feet for a question of personal privilege, but the gentleman from Minnesota had already been recognized for a question of privilege, and he could not take the gentleman from Minnesota off his feet. Then the gentleman from South Dakota, before the gentleman from New York addressed the Chair again, moved the previous question. But it may or may not be that this is such a question as would be in order at this time. The Chair can not determine until he hears what it is.

Mr. BAKER. Mr. Speaker, I understand that the gentleman from South Dakota did not raise the question of personal privilege.

The SPEAKER. That is unnecessary to discuss now.

Mr. BAKER. This article in the Post, Mr. Speaker, contains several misstatements of fact. I desire to have my position made clear upon the matter.

The SPEAKER. Does it affect the gentleman's standing as a Member of the House or his condition as a Member of the House?

Mr. BAKER. It does.

The SPEAKER. The gentleman's rights or reputation?

Mr. BAKER. My reputation, Mr. Speaker. I desire to have the Clerk read the article.

The Clerk read as follows:

Republican Members of the House will now be able to sleep o' nights. Representative BAKER, of New York, no longer will haunt their dreams. His anger has been placated and his ferocity has subsided. He has withdrawn his threat that no Republican Member shall have unanimous consent to extend in the RECORD remarks begun on the floor of the House.

A week or so ago Mr. BAKER wanted to make a speech, but the man in charge of the Democratic time could not give him as many minutes as he required. When the allotted minutes were exhausted, he asked unanimous consent to extend his remarks in the RECORD. Some one on the Republican side objected. This aroused Mr. BAKER'S ire, and he served public notice that henceforth he would object whenever a member on the Republican side asked unanimous consent to extend remarks.

But Saturday Mr. BAKER made another speech, and again found himself short of time. He asked unanimous consent to extend his remarks, and no objection was offered. The embargo on extended Republican speeches, therefore, is lifted.

Mr. PAYNE. Mr. Speaker, I make the point of order that that is not a question of privilege.

The SPEAKER. The Chair thinks it is hardly a question of personal privilege.

Mr. BAKER. Mr. Speaker, the RECORD distinctly shows that I did not use the word "Republican."

Mr. PAYNE. Mr. Speaker, I call for the regular order.

SIOUX TRIBE OF INDIANS, SOUTH DAKOTA.

The SPEAKER. The gentleman demands the regular order. The regular order is the motion for the previous question demanded by the gentleman from South Dakota.

The previous question was ordered.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. BURKE, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE OF CONNELL V. HOWELL.

Mr. McLAIN. Mr. Speaker, I rise to present the report of the minority of the Committee on Elections No. 3 in the case of William Connell *v.* George Howell, from the Tenth Congressional district of Pennsylvania, and ask that the same be printed.

The SPEAKER. It will be referred to the House Calendar.

AMERICAN MERCHANT MARINE COMMISSION.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that the minority of the Committee on Merchant Marine and Fisheries may file the views of the minority on the bill (H. R. 7056) creating a commission to consider and recommend legislation for development of the American merchant marine, and for other purposes.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the minority of the Committee on Merchant Marine and Fisheries may present its views on the bill H. R. 7056. Is there objection?

There was no objection.

TO REGULATE PRACTICE OF DENTISTRY IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 2795) to amend an act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto, and ask unanimous consent that a similar House bill (H. R. 8327) lie on the table.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892, be, and the same is hereby, amended by striking out all of the proviso in section 3 of said act and inserting in lieu thereof the following: "*Provided*, That the board of dental examiners may issue a license to practice to any dentist who shall have been in legal practice for a period of five years or more, upon the certificate of the board of dental examiners of the State or Territory in which he practiced, certifying his competency and moral character, and upon the payment of the certification fee without examination as to his qualifications."

The bill was considered and read a third time.

Mr. GRIGGS. Mr. Speaker, I desire to ask if it is now in order to offer an amendment to this bill?

The SPEAKER. The Chair is of opinion that the bill is not amendable at this time.

Mr. GRIGGS. Then I ask unanimous consent to offer the amendment which I will send to the desk and ask to have read.

Mr. RODEY. Mr. Speaker, I would like to ask the gentleman in charge of the bill, the gentleman from Wisconsin [Mr. BABCOCK], if the bill applies to anything except the District of Columbia?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Georgia [Mr. GRIGGS] for the presentation of an amendment?

Mr. BABCOCK. I yield for the reading of the proposed amendment, not for its being offered, until I know what it is. I want to say that all of the dentists in the District have come together and agreed on this proposition, so that there is no opposition to it whatever.

The SPEAKER. If there is no objection, the amendment may be read for the information of the House.

There was no objection.

The Clerk read as follows:

Amend by adding at the conclusion of the bill the following:

"*And provided further*, That the provisions of this act shall apply to students who are regularly matriculated in dental colleges in the District of Columbia, who at the time of such matriculation required only a three years' course of study, the certificate to be issued in such cases after graduation and without examination as to qualifications, upon the payment of the certificate fee."

Mr. BABCOCK. Mr. Speaker, I object to that.

The SPEAKER. The gentleman from Wisconsin objects. The question is on the passage of the bill.

Mr. RODEY. Mr. Speaker, before that question is taken I ask unanimous consent that the bill may be read again for information. I am informed that it applies to the Territories as well as to the District of Columbia, and I have not yet heard it read. I see no objection to it so far as the Territory of New Mexico is concerned.

The SPEAKER. If there be no objection, the bill will be again reported.

There was no objection.

The Clerk again reported the bill.

The question being taken, the bill was passed.

The SPEAKER. Without objection, the Senate bill with provisions duplicating those of this bill will be laid on the table.

There was no objection.

BONDS ON CONTRACTS.

Mr. BABCOCK. I ask for consideration of the bill (H. R. 7869) in relation to bonds on contracts with the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That in all cases where the Commissioners of the District of Columbia enter into contracts for work or material they shall require good and sufficient bonds to the United States in a penal sum sufficient, in their judgment, to secure the strict and faithful performance of said contracts to the satisfaction of and acceptance by said Commissioners, and guaranteeing that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of completion of their contracts, which sum shall not in any case be less than 25 per cent of the estimated cost of such work or material.

SEC. 2. That all laws or parts of laws inconsistent with the provisions hereof are hereby repealed.

Mr. BABCOCK. Mr. Speaker, I will state just what this bill proposes. Under the present law in the District of Columbia a contractor is required to put up a bond for the full amount of his contract, and in cases of street improvements the bond runs for five years. The contractors go to the guaranty companies and pay for this five-year bond, and then add the amount of it to their bid for the work. The Commissioners recommend that the bond in such cases may be reduced to 25 per cent of the gross amount of the contract, which will amply secure the District and save a good deal of money. That is all that the measure does.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JURISDICTION OF RESERVATION NO. 32.

Mr. BABCOCK. I ask the consideration of the bill (H. R. 8688) to transfer jurisdiction of reservation No. 32 in the city of Washington, D. C.

The bill was read, as follows:

Be it enacted, etc., That the jurisdiction and control of public reservation No. 32, bounded by Pennsylvania avenue, Fourteenth street, E street, and Thirteen-and-a-half street NW., in the city of Washington, D. C., is hereby transferred from the Chief of Engineers of the United States Army to the Commissioners of the District of Columbia, in order to provide a suitable approach to the new District building to be located fronting said reservation.

Mr. BABCOCK. Mr. Speaker, this bill refers to the little flat-iron piece or block of ground immediately in front of the site for the new municipal building on Pennsylvania avenue. The bill gives the Commissioners, instead of the War Department, control of that block—transfers the jurisdiction to the Commissioners of the District.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

REMOVAL OF SNOW AND ICE FROM SIDEWALKS.

Mr. BABCOCK. I ask the consideration of the bill (H. R. 10421) to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That it shall be the duty of every tenant or occupant of any lot or lots of ground in the District of Columbia improved by a house or building adjacent to any improved sidewalk, within the first four hours of daylight after the ceasing of any fall of snow, to cause said snow to be removed from the paved sidewalk adjacent to such lot or lots to the extent in length to which said lot or lots abut thereon and to the extent in breadth of not less than six feet, and if such improved sidewalk be not of such width, then to the extent of the width thereof; and in the event any snow that may have fallen shall, before its removal, become so hardened by freezing or otherwise that it can not be removed without great difficulty, or if at any time ice shall have formed on any such improved sidewalk by the freezing of rain, hail, melted snow, or in any other manner, it shall be the duty of such tenant or occupant, within the first four hours of daylight thereafter, to sprinkle, or cause such snow or ice, to the extent aforesaid, to be sprinkled with sand, sawdust, or other such substance. And for any violation of the provisions of this section such tenant or occupant shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $5 or by imprisonment in the workhouse of the District of Columbia not exceeding five days, and by an additional fine not exceeding $5 or by additional imprisonment in the workhouse of the District of Columbia not exceeding five days for each additional twenty-four hours after the expiration of the time hereinbefore provided that such tenant or occupant shall suffer or permit such snow or ice to remain without being sprinkled or removed as hereinbefore provided.

SEC. 2. That it shall be the duty of the Commissioners of the District of Columbia, as soon as practicable after the ceasing of any fall of snow or after the accumulation of ice on the paved sidewalks of the District of Columbia in front of and adjacent to public buildings, public squares, and public reservations in the said District owned or leased by said District, to cause such snow or ice to be removed, and also to cause the same to be removed from all cross walks of improved streets and places of intersection of alleys with improved sidewalks; but in the event of inability to remove such accumulation of snow or ice by reason of the hardening thereof, it shall be their duty, as soon as practicable, to cause such paved sidewalks, cross walks, and places of intersection of alleys with improved sidewalks to be sprinkled with sand, sawdust, or other such material.

SEC. 3. That it shall be the duty of the owner or owners of every vacant or unimproved lot in the District of Columbia fronting or abutting upon a paved sidewalk, within the first four hours of daylight after the ceasing of any fall of snow, as set forth in section 1 hereof, to cause such snow to be removed from the paved sidewalk in front of such lot or lots in the same manner, and to the same extent, and subject to the same penalty as provided in said section; and in the event any snow that may have fallen shall, before its removal, become so hardened by freezing or otherwise that it can not be removed without great difficulty, or if at any time ice shall have formed on any such sidewalk by the freezing of rain, hail, melted snow, or in any other manner, it shall be the duty of such owner or owners, within the first four

hours of daylight thereafter, to sprinkle, or cause such frozen snow or ice, to the extent aforesaid, to be sprinkled with sand or sawdust or other such substance; and for failure to do so such owner or owners shall be subject to the same penalty provided in section 1 of this act.

SEC. 4. That in the event of the failure of any such owner or owners of any vacant or unimproved lot to cause the removal of such snow or ice, or to sprinkle the same as hereinbefore provided, it shall be the duty of the Commissioners of the District of Columbia, as soon as practicable after the expiration of the time herein provided for the removal or sprinkling thereof, to cause the snow or ice in front of such lot to be removed or to cause the same to be sprinkled as hereinbefore directed to be done by such owner or owners; and upon each and every such removal or sprinkling by them they shall assess the sum of $1 against each such lot, and where any such lot has a frontage in excess of 25 feet an additional sum of $1 for each additional frontage of 25 feet or fractional part thereof, which said assessment shall be a lien on such lot when entered of record on the tax records of the District of Columbia, and to continue until paid, and shall be added to the general tax annually levied on such lot, and shall be collected in the same manner and as part of such general tax: *Provided, however*, That such removal or sprinkling by the Commissioners of the District of Columbia, and assessment therefor, shall not relieve the owner or occupant from the penalty hereinbefore provided for failure to remove or sprinkle such snow or ice.

SEC. 5. That it shall be the duty of every owner of any unimproved or nontenanted improved lot or lots, and of the tenant or occupant of any improved lot or lots of ground in the District of Columbia, within three days after notice to do so by the Commissioners, to cause to be cleaned off and removed all dirt, sand, gravel, or other refuse matter that may fall, wash, or be placed upon any paved sidewalk adjacent to such lot or lots in the District of Columbia, subject to the same penalty provided in section 1 of this act.

SEC. 6. That in the event of failure on the part of any owner, tenant, or occupant of any improved or unimproved lot or lots of ground in the District of Columbia to comply with the provisions of the preceding section of this act within five days after notice hereinbefore provided, it shall be the duty of the Commissioners of the District to cause the removal of such accumulation of dirt, sand, gravel, or other refuse matter; and upon any and every such removal by them they shall make an assessment on account thereof at the same rates and under the same provisions named in section 4 of this act.

SEC. 7. That, to enable the Commissioners of the District of Columbia to comply with the provisions of sections 4 and 6 of this act, the sum of $5,000 is hereby appropriated, one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury of the United States not otherwise appropriated: *Provided, however*, That all assessments collected under the provisions of this act shall be deposited in the Treasury of the United States to the credit of the appropriation herein made, and shall form a continuous fund for the purpose of complying with the provisions of said sections 4 and 6.

SEC. 8. That all prosecutions under this act shall be in the police court of the District of Columbia, in the name of said District, and by its attorney or one of his assistants.

SEC. 9. That the act of Congress approved March 2, 1897, entitled "An act for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia," be, and the same is hereby, repealed.

The amendments reported by the Committee on the District of Columbia were read, as follows:

Page 2, strike out, in lines 9 and 10, the words "not more than" and insert after the word "dollars," in line 10, the words "and costs."

Page 2, line 12, strike out the words "not exceeding" and insert in lieu thereof the word "of," and insert after the word "dollars" in said line, the words "and costs."

Mr. BABCOCK. Mr. Speaker, I ask a vote on these amendments of the committee.

The amendments were agreed to.

Mr. BABCOCK. I offer the amendments which I send to the desk.

The Clerk read as follows:

Page 1, line 4, after the word "ground," strike out the word "in," and insert in lieu thereof the following: "within the fire limits of."

Page 3, line 12, after the word "lot," strike out the word "in," and insert in lieu thereof the following: "within the fire limits of."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3479. An act making provision for conveying in fee certain public grounds in the city of St. Augustine, Fla., for school purposes; and

S. R. 34. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Alfonso Zelaya, of Nicaragua.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 98. Joint resolution to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to Senate concurrent resolution No. 20.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 38.

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be given to the people of Wisconsin for the statue of James Marquette, the renowned missionary and explorer.

Resolved, That the statue be accepted, to remain in the National Statuary Hall, in the Capitol of the nation, and that a copy of these resolutions, signed by the presiding officers of the House of Representatives and Senate, be forwarded to his excellency the governor of the State of Wisconsin.

INSANE PERSONS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I ask for the consideration of the bill (H. R. 8692) to authorize the apprehension and detention of insane persons in the District of Columbia and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That any member of the Metropolitan police of the District of Columbia or any other officer in said District authorized to make arrests is hereby authorized and empowered to apprehend and detain, without warrant, any insane person or person of unsound mind found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia; and it shall be the duty of the policeman or officer so apprehending or detaining any such person to immediately file his affidavit with the major and superintendent of said Metropolitan police that he believes said person to be insane or of unsound mind, incapable of taking care of himself or herself or his or her property, and if permitted to remain at large or to go unrestrained in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable: *Provided, however*, That it shall be the duty of the major and superintendent of the said Metropolitan police to forthwith notify the husband or wife or some near relative or friend of the person so apprehended and detained whose address may be known to the said major and superintendent or whose address can by reasonable inquiry be ascertained by him.

SEC. 2. That the major and superintendent of said Metropolitan police is hereby authorized to order the apprehension and detention, without warrant, of any indigent person alleged to be insane or of unsound mind or any alleged insane person of homicidal or otherwise dangerous tendencies found elsewhere in the District of Colombia than in the places mentioned in section 1 hereof whenever two or more responsible residents of the District of Columbia shall make and file affidavits with said major and superintendent of the Metropolitan police setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person, that they believe such person to be incapable of managing his or her own affairs, and that such person is not fit to be at large or to go unrestrained, and if such person is permitted to remain at liberty in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable, and that such person is a fit subject for treatment on account of his or her mental condition: *Provided, however*, That before the major and superintendent of the said Metropolitan police shall order the apprehension and detention of any person upon the affidavits of the aforesaid residents, he shall, in addition thereto, require the certificate of at least two physicians who shall certify that they have examined the person alleged to be insane or of unsound mind, and that such person should not be allowed to remain at liberty and go unrestrained, and that such person is a fit subject for treatment on account of his or her mental condition.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to place in the Government Hospital for the Insane in said District, and the superintendent of said hospital is hereby authorized to receive, upon the written request of the said Commissioners, for a period of time not exceeding thirty days, indigent persons alleged to be insane or of unsound mind, residents of or found within the District of Columbia, and alleged insane persons of homicidal or otherwise dangerous tendencies residents of or found within the said District, so apprehended and detained as provided in sections 1 and 2 of this act, pending the formal commitment of such persons to said hospital as provided by law, or their transportation to their homes when their places of residence are ascertained by the proper officials charged by law with that duty.

SEC. 4. That the Commissioners of the District of Columbia may authorize the temporary commitment of any of the above-mentioned insane persons or persons of unsound mind so apprehended and detained as provided in sections 1 and 2 of this act (for a period of time not exceeding thirty days) in any other hospital in said District which, in the judgment of the health officer of said District, is properly constructed and equipped for the reception and care of such persons, and the official in charge of which, for the time being, is willing to receive such persons pending the temporary commitment or the formal commitment of such persons, as provided by law, to the Government Hospital for the Insane or to any other hospital or insane asylum; or any such alleged insane person or person of unsound mind apprehended under sections 1 and 2 of this act may be detained in any police station or house of detention in said District pending the completion of arrangements for his or her temporary detention in the Government Hospital for the Insane or any other hospital or insane asylum; and such persons may be detained in any police station or house of detention in said District until formally committed to the Government Hospital for the Insane or any other hospital or asylum, in the manner provided by law, in case he or she can not be provided for by the said Government Hospital for the Insane and no arrangement can be made for his or her temporary detention in any other hospital or asylum: *Provided, however*, That if, pending the formal commitment of such alleged insane person or person of unsound mind to the Government Hospital for the Insane or to any other hospital or asylum, the superintendent of said Government Hospital for the Insane, in the case of the commitment of a person to said hospital under the provisions of this act, or if two or more physicians in regular attendance at any other hospital or asylum where any person is committed under the provisions of this act, or if two or more surgeons of the police and fire departments, in the case of any person detained at any police station house or house of detention under the provisions of this act, shall certify in writing to the Commissioners of the District of Columbia that such person is not insane or that he or she has recovered his or her reason, the official in charge of the Government Hospital for the Insane or the hospital or asylum in which such person is confined, or the major and superintendent of said Metropolitan police, if such person be confined in a police station house or in a house of detention, shall discharge such alleged insane person or person of unsound mind forthwith and immediately report such action to the Commissioners of the District of Columbia.

SEC. 5. That for the purposes of this act no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, or Public Health and Marine-Hospital Service; or (b) by a physician who is not a permanent resident of the District of Columbia; or (c) by a physician who has not been actively engaged in the practice of his profession for at least three years; or (d) by a physician who is related by blood or by marriage to the person whose mental condition is in question. Nor shall any certificate alleging the insanity of any person be valid which has been issued by a physician who is financially interested in the hospital or asylum

in which the alleged insane person is to be confined, or who is professionally or officially connected therewith.

SEC. 6. That any person who makes an affidavit, as required by section 1 or 2 of this act, by which he or she secures or attempts to secure the apprehension, detention, or restraint of any other person in the District of Columbia without probable cause for believing such person to be insane or of unsound mind, or any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than $500 or imprisoned not more than three years, or both.

SEC. 7. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendment reported by the Committee on the District of Columbia was read, as follows:

On page 3, line 12, insert, after the word "residents," the following: "or in case of arrest, as provided in section 1."

The SPEAKER. The question is on agreeing to the amendment reported by the committee.

Mr. PEARRE. Mr. Speaker, before the question is put, I should like to make an inquiry of the gentleman from Wisconsin [Mr. BABCOCK]. Is there any provision in this bill for submitting to a jury the question of sanity in these cases?

Mr. BABCOCK. I yield to the gentleman from Michigan [Mr. SAMUEL W. SMITH], the chairman of the judicial branch of our committee, that he may answer the gentleman's question.

Mr. PEARRE. I should like to know whether there is in this bill any provision for submitting the question of sanity in these cases to a jury for its determination?

Mr. SAMUEL W. SMITH. No, sir.

Mr. PEARRE. Does not the gentleman think that, following the practice of almost all the States, it would be wise to provide that, at least in the last resort, there should be a reference of the matter to the judgment of a jury?

Mr. SAMUEL W. SMITH. This is only a temporary matter.

Mr. PEARRE. Temporary? Does not the bill provide that upon the simple affidavit of two physicians a man may be confined in an insane asylum—for how long? Is there any limitation as to the time?

Mr. SAMUEL W. SMITH. Not exceeding thirty days.

Mr. PEARRE. Then what is to be done with him?

Mr. SAMUEL W. SMITH. Then he has a trial in the ordinary way.

Mr. BABCOCK. I will say to the gentleman that the object of this bill is particularly to provide for indigent insane persons, and that class of insane people who are found on the streets——

Mr. PEARRE. What is to be done with them eventually, under this bill?

Mr. BABCOCK. I understand that the usual course of law is proceeded with. Ordinarily it will not require thirty days, but if they had a press of business and a great number of cases it might be that long before a case could be reached. In the end they are brought before the court in the usual way for examination. There is nothing in this bill that interferes at all with an examination by a court or a jury or anything of that kind. It provides for the temporary work of the officers, and the gentleman understands that there is now no provision in the District of Columbia which covers that at all.

Mr. PEARRE. There ought to be.

Mr. BABCOCK. There is no provision for temporarily detaining even a violently insane person.

Mr. PEARRE. Under the gentleman's assurance that this provides for only a temporary detention, and does not contemplate a permanent detention of anyone——

Mr. BABCOCK. Oh, no.

Mr. PEARRE. Under his assurance that it does not contemplate the permanent detention of the party charged with insanity, without examination by a jury, I will, of course, withdraw any objection. But it would be a very dangerous principle to permit a man alleged to be insane to be apprehended and permanently detained upon a mere affidavit.

Mr. BABCOCK. Oh, certainly.

Mr. PEARRE. Or upon the ex parte statement of a physician.

Mr. BABCOCK. Oh, certainly; the gentleman is entirely right.

Mr. CRUMPACKER. Mr. Speaker, there is one provision in this bill that struck me as conferring quite extraordinary powers upon policemen. It is contained in the first section. As I understood it from the reading, it provides that a policeman may arrest and take into custody without warrant any person who is insane or of unsound mind, without regard to the question whether he is dangerous or violently insane. Does it not so provide?

Mr. BABCOCK. Under the police powers of the District a policeman has the right to arrest a drunken man without a warrant if the man is disorderly.

Mr. CRUMPACKER. Yes.

Mr. BABCOCK. If it is patent and clear that a man is insane, he may be dangerously insane, and the lives of other people may be endangered, and it becomes the duty of a policeman to take him in charge.

Mr. CRUMPACKER. That is true; but the criticism I make of your bill is that it does not limit the subjects of arrest to violent or dangerously insane persons. A man may be a harmless lunatic. He may be of unsound mind according to the standard fixed by the courts, but may be perfectly harmless; and yet a policeman is given the power to take him into custody and to set in motion proceedings to take from him his liberty. I think——

Mr. BABCOCK. I call the gentleman's attention to this:

Provided he is incapable of taking care of himself.

Mr. CRUMPACKER. Where is that provision?

Mr. BABCOCK. In line 3 of page 2, section 1.

Mr. CRUMPACKER. I did not hear the provision as it was being read on account of the confusion, but what I heard impressed me that it was an exceedingly dangerous and a most extraordinary power to confer upon a policeman, to arrest a harmless insane person without warrant or authority of law.

Mr. BABCOCK. Another thing I want to call the gentleman's attention to is that the policeman making the arrest must immediately and forthwith report to the chief of police.

Mr. CRUMPACKER. But suppose the man be a resident of the city, a harmless lunatic, and we know almost every city has them. It is not the policy of the law and perhaps no public purpose is subserved by setting in motion machinery to detain such persons. Confinement is not necessary for the public safety, where a lunatic is harmless.

Mr. COWHERD. May I call the gentleman's attention to the limitation of that power?

Mr. CRUMPACKER. I wish you would. I may have obtained a wrong impression from the reading.

Mr. COWHERD. This affidavit must also provide that—

If permitted to remain at large or to go unrestrained in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

Mr. CRUMPACKER. How soon after the arrest is that affidavit required?

Mr. COWHERD. That must be made immediately, and there must be the certificate of two physicians.

Mr. PEARRE. I call the gentleman's attention, also, to the fact that the relatives of the alleged lunatic must be immediately notified.

Mr. CRUMPACKER. These safeguards may be sufficient: I do not know. I am willing to submit that question to the judgment of the committee.

Mr. COWHERD. There must be a certificate of two physicians, and there must be the affidavits of two responsible residents of the District of Columbia.

Mr. CRUMPACKER. My first impression was that it conferred upon policemen, without warrant of law, the authority to take up anybody the policeman might deem to be of unsound mind, without regard to the question of danger or violence; but if in the judgment of the committee the personal rights of the alleged lunatic are sufficiently safeguarded, I have no objection to it.

Mr. BABCOCK. I want to say, further, to the gentleman from Indiana that this bill has been as carefully provided with safeguards as the Commissioners, the medical societies, the superintendents of the different asylums, and the committee could possibly provide.

Mr. CRUMPACKER. Well, this bill provides for the custody of the insane. Does it undertake to provide for guardianship?

Mr. BABCOCK. Oh, no.

Mr. CRUMPACKER. Or control of the property?

Mr. BABCOCK. The very object of the bill is to provide for the indigent insane. That is the prime object of the bill. For instance, a man has gone crazy round here without friends or without relatives.

Mr. CRUMPACKER. To provide for their restraint and treatment?

Mr. BABCOCK. It provides for examination.

Mr. CRUMPACKER. Yes.

Mr. BABCOCK. Within thirty days.

Mr. CRUMPACKER. The purpose is to protect the public against the violently insane?

Mr. BABCOCK. That is it exactly.

Mr. CRUMPACKER. And does not undertake to take further action as to the property?

Mr. BABCOCK. Not at all.

Mr. CRUMPACKER. And it is merely temporary?

Mr. MORRELL. I would like to say to the gentleman that at the present time to effect the arrest of an insane person it has to be accomplished on the charge of some crime, as that he has committed a theft, or something of that description. As the law is at present, the police department is incapable of arresting a person whether he is evidently insane or not.

Mr. CRUMPACKER. Is there no authority now for the police to arrest a dangerously insane person?

Mr. BABCOCK. Except on a charge of being disorderly.

Mr. MORRELL. Except on a charge of being disorderly or some other infraction of police regulations.

Mr. BABCOCK. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on the committee amendment.

The question was taken; and the amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

MUTUAL INVESTMENT FIRE INSURANCE COMPANY OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill H. R. 2781.

The bill was read, as follows:

A bill (H. R. 2871) to incorporate the Mutual Investment Fire Insurance Company of the District of Columbia.

Be it enacted, etc., That Richard J. Beall, Andrew O. Nash, William O. Denison, R. O'Neill, Bernard Leonard, Howard Beall, and John R. Wright, all of the District of Columbia, with their associates and successors, are hereby created a body politic and corporate by the name and style of the "Mutual Investment Fire Insurance Company of the District of Columbia," and by that name shall have perpetual succession, with power to sue and be sued, plead and be impleaded, in courts of law and equity; to adopt a common seal, and the same to break, alter, and renew at pleasure; to ordain and establish by-laws and regulations; and generally to do such acts and things as may be necessary to carry into effect the provisions of this charter and promote the purposes and designs of said company.

SEC. 2. That the purposes and designs of said company shall be to insure, against lost or damage by fire, the respective dwelling houses and other buildings, and the furniture and every description of property belonging to its members.

SEC. 3. That the capital stock of said company shall consist of the premium notes given by the insured, the cash paid as interest thereon, and all property and profit derived from the investment or use of its income or assets, but the reserve fund of said company shall not, at any one time, exceed $200,000, exclusive of the real estate it may hold as hereinafter authorized.

SEC. 4. That the said premium notes shall be payable on demand, and shall each constitute and be a lien to the amount thereof respectively upon the interest and estate, legal and equitable, of the insured in the said buildings at risk in said company, and upon the land, premises, and appurtenances thereto belonging: *Provided*, That the lien upon personal property shall continue only while the same remains in the ownership of the person insured: *And provided also*, That said company shall file with the recorder of deeds for the District of Columbia a memorandum of the name of the person insured, a description of the property, and the amount of the premium note unpaid, and said lien shall commence from the time of filing said memorandum. Judgment upon said note may be entered upon confession by virtue of a warrant of attorney, and execution may at any time be had thereon; but the privileges, immunities, and franchises granted by this charter shall be confined to the District of Columbia.

SEC. 5. That all persons who shall hereafter insure with said company, and their executors, administrators, and assigns continuing to be so insured, shall thereby become members thereof during the period they shall be and remain so insured, and no longer, and the word "person" as used in this charter shall be held to include corporations also.

SEC. 6. That each and every member of said company shall have full power to withdraw therefrom, in whole or in part, at any time, upon application in writing to the proper officer thereof, and payment of all arrearages of assessments and interest that may then be due and owing to said company from said member. Upon such application, the said officer shall cancel the insurance or insurances designated in said application, together with the premium note or notes held by said company on account of said canceled insurance. Said officer shall also return any amount of money which may be due said member on the books of said company on account of said canceled insurance, and thereafter said member shall be debarred from all claim on said company on account of such canceled insurance accruing subsequent to such withdrawal and cancellation. But no premium note or notes shall be canceled or in any manner discharged or given up until all assessments thereon on account of liabilities incurred before or at the time of such withdrawal shall be fully ascertained and paid.

SEC. 7. That the affairs of said company shall be conducted by a board of seven trustees, who shall be elected at the annual meeting of the members, and shall continue in office until their successors are elected and qualified. Not less than a majority of said board shall constitute a quorum to do business, but a less number may adjourn from time to time. Vacancies happening in said board, otherwise than by removal, as hereinafter provided, may be filled by the remaining trustees for the residue of the term for which they were elected. Said board shall choose one of their number as president and one as vice-president; and they shall also appoint such other officers as may be necessary for conducting the affairs of said company.

SEC. 8. That the seven persons first named in this charter shall be the board of trustees of said company until the first annual meeting, and until their successors are chosen and qualified. Such of them as may be present at their first meeting may proceed to organize by electing a president, vice-president, and other officers; and as soon thereafter as practicable said board shall adopt by-laws, provide the necessary books, and otherwise prepare the company for the transaction of business, and thereafter said board shall exercise a general superintendence of the affairs of the company: *Provided*, That the said by-laws shall only be adopted by the concurrent vote of at least two-thirds of the whole board of trustees, and when once adopted any alteration or amendment shall only be made at an annual meeting of the company, notice of such proposed alteration or amendment having been filed in the office of the company at least thirty days before the day fixed for said annual meeting. A majority of two-thirds of the votes cast shall be necessary to the adoption of any such alteration or amendment, but when thus adopted the same shall be binding on all the members of the company.

SEC. 9. That the board of trustees shall, by general rules, determine the rates of insurance, the sum to be insured, and the rate of interest to be paid upon the premium notes, which latter, however, shall not exceed 3 per cent per annum. No more than $5,000 shall be insured on any one risk, unless the premium notes shall amount to over $100,000; and in that case no one risk shall exceed 5 per cent on the whole amount of premium notes.

SEC. 10. That every person who shall become a member of said company by effecting insurance therein shall deposit his promissory note, payable on demand, for such sum, and upon such interest, not exceeding 3 per cent per annum, as may be required under the general rules prescribed by the board of trustees; and said notes shall be liable to assessment pro rata at any time when the trustees shall deem the same requisite for the payment of losses or the current expenses of the company; and no policy shall bind the company until such note has been given.

SEC. 11. That whenever the board of trustees, for the purposes of paying the losses or current expenses, shall deem it necessary to call for the payment of any portion of the principal of the premium notes, they shall settle and determine the sum to be paid by the several members (but always in proportion to the original amount of the respective premium notes). Notices of such call shall be given to the members in such manner as the by-laws shall prescribe; and if any member shall neglect or refuse to pay the sum assessed upon said member for the space of thirty days after receiving such notice, the company may proceed to collect the whole amount of such premium note, together with costs; and the amount of the note, less the expense of collecting the same, shall be placed in the treasury of the company subject to the same liabilities as said note would have been subject to. But nothing in this charter contained shall be construed as requiring losses and expenses to be paid exclusively from assessments on premium notes, but they may be paid out of such assets as the board of trustees shall, by general rules, prescribe.

SEC. 12. That all just and lawful claims of members for loss or damage sustained by fire shall be certified in accordance with the terms of the policy within sixty days after due notice of the loss has been filed with the company. No suit shall be brought upon any such claim for damages until after the expiration of said sixty days, and no member of the company shall be incompetent as a witness in such suit on account of his said membership.

SEC. 13. That a general meeting of said company shall be held annually at such time and place as shall be designated in the by-laws. The president may, at any time, call a special meeting of the company, and shall do so at the request in writing of fifty members. The election of trustees shall be held at the annual meeting, and shall be by ballot, and each member shall have one vote on each risk, which must be deposited by the policy holder. At least two weeks' previous notice of each annual or special meeting shall be given by publication in two newspapers of general circulation in the city of Washington: *Provided*, That at any called meeting of the company the trustees, or any of them, may be removed by a vote of three-fourths of the members present and voting, and the vacancies thus created may be filled at such meeting for the unexpired term; but notice of such proposed action shall be given in the call for the meeting.

SEC. 14. That the board of trustees of said company shall cause to be published annually, in some newspaper of general circulation in the city of Washington, and at least two weeks prior to the annual meeting of the members, a statement of its financial condition, in which shall be shown the amount of premium notes and cash on hand, the amount of securities held by the company, the amount of losses, if any, during the previous year, and such other items relating to the business of the company as said board may think proper.

SEC. 15. That nothing in this charter shall be construed to grant banking privileges or the right to issue any note to circulate as currency or money. It shall, however, be lawful for said company to employ and improve all moneys received by it and the profits thereon in such manner as the trustees may deem best for the interest of the company; but the said company shall not purchase and hold real estate, at any one time, in excess of a cash value of $50,000: *Provided*, that this shall not include any purchase to protect the interests of the company at sales under trusts, mortgages, judgments, or decrees.

The amendment recommended by the committee was read, as follows:

Page 2, line 5, strike out the words "capital stock" and insert in lieu thereof the word "assets."

The SPEAKER. The question is on the amendment to the bill.

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman in charge of the bill to explain the language of section 15, beginning with the word "it," in line 14.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. POWERS], who made the report on the bill.

Mr. HEPBURN (reading):

It shall, however, be lawful for said company to employ and improve all moneys received by it and the profits thereon in such manner as the trustees may deem best for the interest of the company; but the said company shall not purchase and hold real estate, at any one time, in excess of the cash value of $50,000.

Now, there is also a limitation in this bill that they shall not issue bank notes to circulate as money; but aside from these two limitations it appears to give to this corporation authority to transact any business which they see fit to, and to employ their money in any way, any kind of business, that they may see fit to do.

Mr. POWERS of Massachusetts. Well, I think, Mr. Chairman, that is a rather broad construction of the bill. Let me say, in reply to the gentleman from Iowa, that this bill as drawn is almost an exact copy of the bill which Congress passed in 1876, to incorporate the Provident Mutual Fire Insurance Company. Perhaps I may say just here, in explanation of the bill at this time, that in 1855 Congress granted the first charter to a company for mutual fire insurance in the District of Columbia, and in 1876 it passed another charter of the same kind. These incorporators assumed that they had the right under the general insurance laws of the District to incorporate, and they did go through the form of incorporation; they did business for some six years, and at the end of that time, last summer, they had 311 members in their association and property in the form of premium notes amounting to $85,000, when notice was served on them that they did not have the right to do business, because they were a mutual company and not a stock company. Then they framed and presented this bill, which is a copy, or substantially a copy, of the

charter that was granted to the Provident Company in 1876. In the meantime, for the past six months, their business has been suspended.

Now, with reference to the clause which has been referred to by the gentleman from Iowa, I will say that my understanding of that limitation is this: They have money in the treasury, and in order that they may improve that money or invest it, they are limited to any improvement or investment of that money outside of any investment in real estate.

Now, I do not assume that there is any likelihood that they will build a railroad, nor is there any likelihood that they will go into any such venture, for the very reason that the company can never have property over $200,000. As I said, the bill follows the other two acts passed by Congress, and those were carefully examined by the committee, and the bill is also recommended by the Commissioners, so I assume that the character and standing of the associates or incorporators have already been approved by the Commissioners of the District.

Mr. SULZER. If the gentleman will give way for a moment, as I understand this bill relates entirely to fire insurance.

Mr. POWERS of Massachusetts. To fire insurance on the mutual plan.

Mr. SULZER. And it does not relate to life insurance?

Mr. POWERS of Massachusetts. No, it does not relate to life insurance.

Mr. HEPBURN. I would like to call the gentleman's attention to the proviso in line 21, page 7:

That at any called meeting of the company the trustees, or any of them, may be removed by a vote of three-fourths of the members present and voting.

Not a quorum, but of those who happen to be present. Is that as the gentleman wants it?

Mr. POWERS of Massachusetts. Well, the fair presumption is that every member has been notified to be present and that three-fourths of those present and voting is satisfactory. You understand that the public are not interested in this charter beyond the framing of a proper law for the government of a mutual association, and this is a mutual association at the present time, with a trifle over 300 members. I see no objection to that proviso that if three-fourths of the members present and voting at a regular meeting choose to remove a trustee and the members of the association are satisfied with that form of the bill—I see no objection why they should not have that proviso.

Mr. HEPBURN. This may be a special meeting.

Mr. SULZER. I desire to ask in that connection what constitutes a quorum?

Mr. POWERS of Massachusetts. I am not sure what the provision is in reference to a quorum of the members.

Mr. SULZER. Why should not this provision read three-fourths of a quorum?

Mr. POWERS of Massachusetts. I assume that the by-laws they adopt will determine what a quorum shall be. I think we may fairly assume they will insist that a quorum shall be a majority of the members of the association. That is left entirely to the by-laws to be adopted hereafter by the incorporation.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EXTENDING DUTIES OF HARBOR MASTER.

Mr. BABCOCK. Mr. Speaker, I call up the bill H. R. 8686.

The Clerk read as follows:

A bill (H. R. 8686) to amend section 895 of the Code of Law for the District of Columbia.

Be it enacted, etc., That section 895 of the Code of Law for the District of Columbia is hereby amended by adding the following to the first paragraph thereof:

"SEC. 895. Every vessel coming to anchor in any other portion of the navigable waters in the District of Columbia shall also be so moored under the direction of the harbor master, or the pilot of the police boat acting in the harbor master's absence, as not to obstruct the channel, and be secured with an anchor at bow and stern as to keep the long axis of the vessel parallel with that of the channel and prevent it from swinging so as to obstruct the free passage of the channel by other vessels."

SEC. 2. That the provision in the third paragraph of said section requiring "any captain or owner of or anyone in charge of any barge, sand scow, or any vessel that may sink in said canals, shall raise and remove the same in five days," is hereby made applicable to the captain or owner of any sunken vessel or other structure in any dock or at the end of any wharf in the District of Columbia.

Mr. BABCOCK. Mr. Speaker, I would say that this bill simply extends the duties of the harbor master. Under the provisions of the present law if a boat or scow sinks at the dock the owners must raise and clear the river within five days. This extends the law to Georgetown and to the Eastern Branch.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the bill H. R. 7024 may be considered in the House as in the Committee of the Whole.

NAMING STREETS, ETC., OUTSIDE THE CITY OF WASHINGTON.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 7024) to name streets, avenues, alleys, highways, and reservations in that part of the District of Columbia outside of the city of Washington, and for other purposes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of this bill and that the same may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

A bill (H. R. 7024) to name streets, avenues, alleys, highways, and reservations in that part of the District of Columbia outside of the city of Washington, and for other purposes.

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to name or rename streets, avenues, alleys, highways, and reservations in that part of the District of Columbia lying outside of the city of Washington, under such system of naming as they shall see fit to adopt, and such names when recorded in the office of the surveyor of the District of Columbia shall thereafter be the official names of such streets, avenues, alleys, highways, and reservations.

SEC. 2. That upon the abandonment of any street, avenue, road, or highway, or part thereof, under the provisions of "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, and the amendment thereto, approved June 28, 1898, the title to the land contained in such abandoned portion shall revert to the owners of the land abutting thereon.

SEC. 3. That all laws or parts of laws inconsistent with the provisions hereof are hereby repealed.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives, by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On January 30, 1904:

H. R. 6804. An act providing for the appointment of a customs appraiser at Pittsburg, Pa.

VINCENZO GERARDI.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union may be discharged from the consideration of the bill (H. R. 4344) for the relief of Vincenzo Gerardi, of Washington, D. C., and that the same may be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4344) for the relief of Vincenzo Gerardi, of Washington, D. C.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of this bill and that the same be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

Whereas the petitioner is about 60 years of age; he purchased property in the city of Washington, D. C., before he was a naturalized citizen; he has been a resident of the United States for the past thirty-one years, and is now a naturalized and reputable citizen of the District of Columbia, and prays for Congressional relief: Therefore,

Be it enacted, etc., That all real estate lying in the District of Columbia heretofore purchased and conveyed to Vincenzo Gerardi, of said District, prior to the passage of this act, be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887, and all forfeitures incurred by force of said act are in respect of such real estate hereby remitted.

The following amendment was recommended by the committee:

Strike out the preamble.

Mr. HEPBURN. Mr. Speaker, I desire to ask for an explanation of this bill. I remember a few years ago that there were a number of gentlemen at that time Members of this House labeled "Populists," who were very insistent on the passage of the bill that is referred to in this one—namely, to prevent foreigners from owning real estate within the limits of the United States. A good many of our Democratic brethren were very insistent that that law should pass. It was almost a party question with them. I want to know from some of these gentlemen who were so exercised at that time over this matter. I see before me my genial friend from Georgia, who, I think, took quite an interest in the legislation, and I want to know why he is willing to allow this foreigner to have an interest in real estate in the United States?

Mr. GRIGGS. Which gentleman from Georgia does the gentleman refer to? There are two of them before the gentleman.

Mr. HEPBURN. I think I may take either one, but I will take the one who represents his party as chairman of the Congressional committee.

Mr. GRIGGS. Mr. Speaker, I would like for the gentleman to yield to me long enough to say that if I ever took such a position I do not remember it.

Mr. BARTLETT. Mr. Speaker, speaking for myself, I have not been as long in Congress as the gentleman from Iowa, but I have no recollection of taking any such position as he intimates. I will state that it has been a law on the statute books of Georgia since long before I was born, and I expect before the gentleman from Iowa, young as he is, was born, providing that corporations and foreigners shall not own over 5,000 acres of land in Georgia. I have no recollection of taking any position on this question in Congress, and I am free to confess that I do not know exactly what this bill is.

Mr. WM. ALDEN SMITH. Mr. Speaker, I dissent somewhat from the suggestion of the gentleman from Iowa that this is a Populistic question, as he well understands this alien land law formerly applied to all the Territories and as to them has been repealed, so that a foreigner may own land in the Territories. I want to say that if this was a proposition to allow foreigners to acquire land in the District of Columbia without limit I should oppose it, for I do not believe it would be proper legislation or tend toward making this capital city the truly American city intended by its founders. For one I should seriously object to foreigners, owing no duty to our Government, intruding themselves into our national life in this way.

Mr. SULZER. So would I, Mr. Speaker. I agree with the gentleman from Michigan.

Mr. HEPBURN. Mr. Speaker, I would like to say a word myself, and then I will yield to the gentleman from New York. I am not expressing or desirous of expressing any views as to the wisdom or unwisdom of this particular legislation. I want to know why it is that these gentlemen and my friend from New York, since he has jumped in, why it is you have changed front so upon this question?

Mr. SULZER. I have not changed front. I am now, always have been, and always expect to be opposed to aliens and alien corporations buying up and owning large tracts of land in this country to the exclusion of our own bona fide settlers and citizens. This bill is quite a different proposition. This man is now a naturalized citizen. This bill simply gives him a good title to his own property. It is all right in my opinion.

Mr. HEPBURN. I want to call attention to the fact that this is not the first bill of this kind. There have been a dozen or more since the legislation that is referred to in this bill was enacted of this same character; they make an exception in favor of every foreigner that wants it made in his behalf. They want the general legislation, but they do not want to enforce it. Why is that? Will you pass this legislation now? Is it wise or isn't it? Here is a question whether this foreigner shall be permitted to have land in the District of Columbia, this sacred soil; and I submit to the gentleman from Michigan that now is an opportunity for him to be heard. Will the gentleman from New York vote to pass this legislation?

Mr. SULZER. Let me say to the gentleman from Iowa that he is entirely mistaken regarding this matter. This man is a citizen, and this bill only gives him a title to his own property without a cloud, so that he can convey a good title if he wants to sell it or will it away. The man is not a foreigner now. That is all there is to this matter.

Mr. HEPBURN. He claims he is a citizen now, but he was not when the title was acquired.

Mr. SULZER. That is so; and this bill simply corrects his title.

Mr. HEPBURN. And I want these gentlemen now to fish or cut bait. [Laughter.] I want them to acknowledge that they were simply playing——

Mr. WM. ALDEN SMITH. Horse. [Laughter.]

Mr. HEPBURN. No, spectacular politics, when they offered this legislation a little while ago, that there was not anything in it and that there is not anything in it now, and they know there is not, because they make exceptions under some pretext or other whenever there is a possibility of enforcing the law which they insisted a little while ago was so important.

Mr. SULZER. The trouble is that the gentleman from Iowa [Mr. HEPBURN] has not read the report. This man is now a naturalized citizen.

Mr. ROBINSON of Indiana. Mr. Speaker, I desire to ask the gentleman from Iowa a question.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Indiana?

Mr. HEPBURN. I yield to the gentleman from Indiana.

Mr. ROBINSON of Indiana. And that to ask if it is not a fact that in every city under national jurisdiction now foreigners may purchase and hold real estate, and that Washington is the only exception to the rule; and in addition to that, in his invitation for opposition to that law, to explain why they should not have the same right in the District of Columbia as in all other cities under national jurisdiction.

Mr. HEPBURN. I am not explaining. I did not vote for the legislation. I knew it was humbug and bug dust, when the gentlemen were insisting upon it, and I knew that they did not mean anything, and now I want to know why it is they are changing front.

Mr. ROBINSON of Indiana. But the gentleman does not explain why we should not have the same rule here as obtains in other cities under national jurisdiction.

Mr. HEPBURN. It is not my place to explain. The gentleman is voting for all the possible exceptions to it, and is trying to do away with the effect of the law in each particular case when anybody asks it.

Mr. ROBINSON of Indiana. No; but we have not done that.

Mr. HEPBURN. But you have done it right along.

Mr. ROBINSON of Indiana. We are only asking for the District of Columbia the same rights that they have in other cities.

Mr. HEPBURN. This committee has been compelled to bring in this kind of a bill to secure a special privilege for some one or other over and over again.

Mr. POU. I will explain, if the gentleman will permit me.

Mr. HEPBURN. But I do not want any explanation, unless the gentleman is going to tell us why he has changed front. [Laughter.]

Mr. POU. The reason is this: The simple fact is that at the time to which the gentleman refers a large number of Populists were sent here by Republican votes to this body from my own State.

Mr. HEPBURN. Oh, no. "Thou canst not say I did it; never shake thy gory locks at me." [Laughter.]

Mr. POU. But your party did it from the South, and they were the gentlemen to whom the gentleman refers.

Mr. HEPBURN. Oh, no; it was the Kansas variety of Populists, the Nebraska variety, the W. J. Bryan tribe of Populists that did this.

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. HEPBURN. I yield for a question.

Mr. BABCOCK. Mr. Speaker, before the gentleman proceeds I would like to ask the gentleman from Iowa how much time he has left? [Laughter.]

Mr. HEPBURN. Oh, my hour is not expired. I will yield to my friend from Wisconsin in a moment. I now yield to the gentleman from Georgia.

Mr. BARTLETT. The gentleman charges this original law up to the Bryan Democracy. I want to say to the gentleman that the act which stands in the way of naturalized citizens owning real estate was approved March 3, 1887, and I want to ask the gentleman if we did not have the Cleveland brand of Democracy at that time and not the Bryan brand?

Mr. HEPBURN. I think you may have had that. It is a pretty good brand, the best you have ever had, and the only brand that has ever been approved by the American people in forty years. [Laughter.] You had better go back to it if you want another indorsement. [Laughter.] Now I will yield to the gentleman from Wisconsin [Mr. BABCOCK].

Mr. ROBINSON of Indiana. Mr. Speaker, before that is done, I desire to make an inquiry of the gentleman from Wisconsin.

The SPEAKER. Does the gentleman yield?

Mr. BABCOCK. Certainly.

Mr ROBINSON of Indiana. At the last session of Congress a bill was introduced giving the right generally to foreigners to hold real estate in the District of Columbia, as the right is generally enjoyed throughout the other Territories, subject to national jurisdiction. That bill, I believe, is pending before the gentleman's committee at this session, and I want to ask how it is getting along?

Mr. BABCOCK. I will say that the bill has not been considered at this session of Congress. I believe the committee is in favor of the bill and will report it to the House before the close of the session.

Mr. ROBINSON of Indiana. Can the gentleman give us any reason why Washington or the District of Columbia was excluded from the general law enabling foreigners in cities to hold title to real estate under national jurisdiction?

Mr. BABCOCK. I do not know that I can answer that question. This law as originally passed included the Territories. The principal object at that time was to prevent the getting together of large ranches in the Territories into a few hands. The Committee on the Territories or some other committee reported a bill which was enacted into law, relieving the Territories from this restriction, so that the District of Columbia is now the only part of the national territory where the law applies.

Mr. ROBINSON of Indiana. The gentleman knows of no rea-

son why the District of Columbia should not be governed by the same law as those Territories?

Mr. BABCOCK. No, sir.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER. The question is on the amendment striking out the preamble.

The amendment was agreed to.

The bill as amended was then passed.

CONDEMNATION OF INSANITARY BUILDINGS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill No. 9293, and that the same be considered at this time in the House.

The title of the bill was read, as follows:

A bill (H. R. 9293) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin that the Committee of the Whole be discharged from the consideration of this bill and that it be considered now in the House as in Committee of the Whole?

Mr. WILLIAMS of Mississippi. Is it proposed to consider this bill in the House as in the Committee of the Whole, so it may be open to amendment?

Mr. BABCOCK. It will be subject to amendment, of course.

Mr. WILLIAMS of Mississippi. Then I have no objection.

The SPEAKER. In the absence of objection, the request of the gentleman from Wisconsin [Mr. BABCOCK] will be agreed to.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, created in and for the District of Columbia a board to be known as the board for the condemnation of insanitary buildings in the District of Columbia, to consist of the assistant to the Engineer Commissioner in charge of buildings, the health officer, and the inspector of buildings of said District; and to have jurisdiction and authority to examine into the sanitary condition of all buildings in said District, to condemn those buildings which are in such insanitary condition as to endanger the health or lives of the occupants thereof or of persons living in the vicinity, and to cause all buildings to be put into sanitary condition or to be vacated, demolished, and removed, as may be required by the provisions of this act. Said board may authorize and direct the performance of any of the ministerial duties of said board by officers, agents, employees, contractors, and employees of contractors duly detailed or employed by the Commissioners of said District for that purpose. Said board, the members thereof, and all persons acting under its authority and by its direction, may, between the hours of 8 o'clock a. m. and 5 o'clock p. m., enter into and upon any and all lands and buildings in said District for the purpose of inspecting the same, and for the purpose of causing any such buildings to be vacated, demolished, and removed, as may be required by the provisions of this act. Said board shall report its operations to the Commissioners of the District of Columbia from time to time as said Commissioners direct. Said Commissioners shall furnish said board such assistance as may be required for the proper conduct of its work, by details from various departments and offices of the government of said District.

SEC. 2. That a majority of the board for the condemnation of insanitary buildings shall constitute a quorum, and a majority vote of the members present shall be necessary to condemn any building under this act. Whenever for any reason the health officer is unable to act as a member of said board the deputy health officer shall act as a member thereof in place of said health officer, and whenever for any reason the inspector of buildings is unable to act as a member of said board the principal assistant inspector of buildings shall act as a member thereof in place of said inspector of buildings; but no person shall act as a member of said board who has any property interests, direct or indirect, in his own right or through relatives or kin, in the building the sanitary condition of which is under consideration. The deputy health officer and the principal assistant inspector of buildings, when acting as members of the board for the condemnation of insanitary buildings in the District of Columbia, shall have all authority and duties which are vested by this act in the health officer and the inspector of buildings, respectively, when acting in the same manner.

SEC. 3. That said board for the condemnation of insanitary buildings be, and is hereby, authorized to investigate, through personal inquiry and inspection by the members thereof, and through inquiry and inspection by officers, agents, and employees appointed or detailed for that purpose, into the sanitary condition of any building or part of a building in said District, except such as are under the exclusive jurisdiction of the United States. If any building or part of a building be found, as the result of such investigation, to be in such insanitary condition as to endanger the health or the lives of the occupants thereof or of persons living in the vicinity, said board shall cause a notice to be served on each owner and part owner of such building requiring him to show cause within not less than twenty days, exclusive of Sundays and legal holidays, from the date of the service of said notice why such building or part of building should not be condemned. And if within the time specified in said notice no cause be shown sufficient in the opinion of a majority of said board to prevent the condemnation of such building or part of building said board shall issue an order condemning such building or part of building, and shall cause a copy of such order to be served on each owner or part owner thereof, and a copy or copies to be affixed to the building or part of building condemned.

SEC. 4. That from and after thirty days, exclusive of Sundays and legal holidays, after a copy or copies of any order of condemnation has been affixed to any condemned building or part of building no person shall occupy such building or part of building.

SEC. 5. That no person having authority to prevent shall permit any building or part of building condemned to be occupied except as specially authorized by the board for the condemnation of insanitary buildings in the District of Columbia, under authority of section 6 of this act, after thirty days, exclusive of Sundays and legal holidays, from and after the date of the service of a copy of the order of condemnation on the owner of such building; or, if there be several part owners of such building, from the latest date of service on any part owner; or, if a copy or copies of such order of condemnation has been affixed to the condemned building or part of building at a date subsequent to the date of service of the notice on any owner or the latest date of service on any part owner, after thirty days from the date on which said copy or copies of such order of condemnation was so affixed.

SEC. 6. That if the owner or owners of any building or part of building condemned under the provisions of this act shall make such changes or repairs as will remedy in a manner satisfactory to said board the conditions which led to the condemnation of such building or part of building, said board shall cancel its order of condemnation and the building may be again occupied; and if such owner or owners can not make such changes or repairs within the period within which they may lawfully permit such building or part of building to be occupied under section 5 of this act, but proceed with such changes or repairs with reasonable diligence during that period, said board may, by special order, extend from time to time the period within which the occupants of said building or part of building may remain therein and within which the owner or owners thereof may permit them so to do.

SEC. 7. That the owner or owners of any building or buildings condemned under the provisions of this act, which can not be so changed or repaired as to remedy the condition which led to the condemnation thereof, shall demolish and remove such building or part of building within a time to be specified by said board in the order of condemnation. And if any owner or part owner shall fail or refuse to demolish and remove said building or part of building within the time so specified he shall be deemed guilty of a misdemeanor and liable to the penalties provided by section 13 of this act, and such building or part of building shall be demolished and removed under the direction of the board for the condemnation of insanitary buildings in the District of Columbia, and the cost of such demolition and removal, less the amount, if any, received from the sale of the old material, but including the cost of making good such damage to adjoining premises as may have resulted from such demolition and the cost of publication, if any, herein provided for, shall be assessed by the Commissioners of the District of Columbia as a tax against the premises on which such building or part of building was situated, such tax to be collected in the same manner as general taxes are collected, and when collected shall be deposited in the Treasury to the credit of the United States and the District of Columbia in equal parts.

SEC. 8. That whenever the title to any building or part of a building the condemnation of which is contemplated is in litigation, said board for the condemnation of insanitary buildings shall notify all parties to the suit and shall report the circumstances to the corporation counsel of the District of Columbia, who shall bring such circumstances to the attention of the court in which such litigation is pending for the purpose of securing such order or decree as will enable said board to continue such proceedings looking toward condemnation, and such court is hereby authorized to make such decrees and orders in such pending suit as may be necessary for that purpose.

SEC. 9. That whenever the title to any building or part of building is vested in a person non compos mentis, or a minor child or minor children without legal guardian, said board for the condemnation of insanitary buildings shall report that fact to the corporation counsel of the District of Columbia, who shall take due legal steps to secure the appointment of a guardian or guardians for such person non compos mentis, or minor child or children aforesaid, for the purpose of the condemnation proceedings authorized by this act. And any justice of the supreme court of the District of Columbia holding the equity court is hereby authorized to appoint a guardian or guardians for that purpose.

SEC. 10. That any notice required by this act to be served shall be deemed to have been served if delivered to the person to be notified, or if left at the usual residence or place of business of the person to be notified, with a person of suitable age and discretion then resident therein; or if no such residence or place of business can be found in the District of Columbia by reasonable search if left with any person of suitable age and discretion employed therein at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice relates; or if no such office can be found in said District by reasonable search if forwarded by registered mail to the last known address of the person to be notified and not returned by the post-office authorities; or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post-office authorities, if published on three consecutive days in a daily newspaper published in the District of Columbia; or if by reason of an outstanding unrecorded transfer of title the name of the owner in fact can not be ascertained beyond a reasonable doubt if served on the owner of record in the manner hereinbefore in this section provided. Any notice to a corporation shall, for the purposes of this act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right; and notice to a foreign corporation shall, for the purposes of this act, be deemed to have been served if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia.

SEC. 11. That no person shall interfere with any member of the board for the condemnation of insanitary buildings or with any person acting under authority and by direction of said board in the discharge of his lawful duties, nor hinder, prevent, or refuse to permit any lawful inspection or the performance of any work authorized by this act to be done by or by authority and direction of said board.

SEC. 12. That no person shall, without the consent of said board for the condemnation of insanitary buildings, deface, obliterate, remove, or conceal any copy of any order of condemnation which has been affixed to any building or part of building by order of said board; and the owner and the person having custody of any building or part of building to which a copy or copies of any such order has been affixed shall, if said copy of said order has been to his knowledge defaced, obliterated, or removed, forthwith report that fact in writing to said board, unless he has good reason to believe that such copy of such an order has been removed by authority of said board, and if such copy of such order has been concealed shall forthwith expose the same to view.

SEC. 13. That any person violating or aiding or abetting in violating any of the provisions of this act shall, upon conviction thereof in the police court of the District of Columbia, upon information filed in the name of said District, be punished by a fine of not more than $100 or by imprisonment for not more than ninety days; and each day on which such unlawful act is done or during which such unlawful negligence continues shall constitute a separate and distinct offense.

SEC. 14. That the owner or owners of any building or part of building condemned under the provisions of this act may, within the time specified in the order of condemnation, institute proceedings in the supreme court of the District of Columbia, sitting as a district court, for the modification or vacation of the order of condemnation aforesaid, and the court shall give precedence to any such case and shall hear the testimony adduced therein; and unless the court shall find that there is sufficient proof made of the necessity of the destruction of such building or part of building, the order of the board for the condemnation of insanitary buildings shall be modified or set aside, as said court shall direct; otherwise the court shall issue such orders and decrees as may be necessary to carry the order of said board, as made by the

board or as modified by the court, into effect; and the court may appoint a committee of award, consisting of three persons, each of whom shall have the qualifications of jurors in the District of Columbia, who, after taking the oath required of jurors in the trial of civil causes, shall proceed to hear and receive evidence respecting the amount of damages to be awarded to the owner or owners of such condemned building or part of building aforesaid, and said committee may issue subpœnas requiring the attendance of witnesses before them and may administer oaths to such witnesses.

Witnesses may be compelled to appear and testify before said committee in the same manner as witnesses may be compelled to appear and testify in the supreme court of the District of Columbia; and, if need be, said committee shall be entitled, upon application, to the aid of said court to compel such attendance and giving of testimony. Unless the court shall order otherwise, the hearing of evidence before said committee need not be in the presence of the court, but they may meet in any room assigned to them by the United States marshal for the District of Columbia, who shall, in person or by deputy, attend such hearings. In such proceedings evidence shall be received by the committee of award appointed as aforesaid, to prove—

First. That the rental of the building was enhanced by reason of the same being used for illegal purposes, or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

Second. That the building is in a state of defective sanitation, or is not in reasonably good repair; or

Third. That the building is unfit and not reasonably capable of being made fit for human habitation; and if the committee, or a majority of the members thereof, is satisfied by such evidence that compensation should be awarded, then the compensation—

(a) Shall in the first case, so far as it is based on rental, be on the rental of the building (as distinct from the ground rent), which would have been obtainable if the building was occupied for legal purposes, and only by the number of persons whom the building was, under all the circumstances of the case, fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

(b) Shall in the second case be the amount estimated as the value of the building if it had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of putting it into such condition or repair; and

(c) Shall in the third case be the value of the materials of the building.

That after hearing and considering the testimony offered by the owner and offered on behalf of the District of Columbia, the said committee of award shall report to the court in writing the compensation allowed by them to the owner according to the provisions of this section. Unless cause be shown to the court within ten days from the filing of said report why the same should not be confirmed, the court shall confirm the same and judgment be entered thereon accordingly; but from the damages awarded in any case the cost of removing the building, including the cost of making good such damage to adjoining premises as may have resulted from such removal, and the cost of publication, if any, authorized by section 10 of this act, shall be deducted unless the owner shall, at his own expense, remove the same within such time as may be fixed by the court in the order confirming the report of the said committee as hereinbefore provided.

That each member of the committee of award appointed by the court as aforesaid shall receive for each day's attendance the sum of $5, and any vacancy caused by death, sickness, or disqualification may be filled by appointment by the court.

SEC. 15. That except as herein otherwise authorized all expenses incident to the enforcement of this act shall be paid from appropriations made from time to time for that purpose.

SEC. 16. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendments reported by the Committee on the District of Columbia were read, as follows:

Page 4, line 1, strike out the word "and" and insert in lieu thereof "or."

Page 4, line 13, insert after the word "after" the following: "ten and not exceeding," and insert after the word "days" the following: "in the discretion of the Commissioners."

Page 6, line 15, strike out the word "such" and insert in lieu thereof "carelessness or willful recklessness in the," and add after the word "demolition" the words "of such building."

Page 8, line 14, strike out the word "three" and insert in lieu thereof "ten."

Page 12, lines 9 and 10, place parentheses before and after the words "as distinct from the ground rent."

Page 13, line 8, insert before the word "such" the words "carelessness or willful recklessness in."

Mr. WILLIAMS of Mississippi. I wish to suggest to the chairman of the committee, and I will make a motion——

The SPEAKER. Does the gentleman from Wisconsin yield?

Mr. BABCOCK. I yield to the gentleman from Pennsylvania [Mr. MORRELL], who made this report. I suggest, however, that in the first place we adopt the committee amendments and then take up the bill.

Mr. MORRELL. I move the adoption of the amendments as read by the Clerk.

Mr. PERKINS. I ask the gentleman from Pennsylvania [Mr. MORRELL] to give me five or ten minutes in order that I may refer to some provisions of the bill which, with great respect to the committee, seem to me very questionable.

Mr. MORRELL. I am perfectly willing to yield, but I suggest that the amendments be first acted on.

The SPEAKER. Without objection, the question will be taken on the committee amendments.

The question being taken, the amendments were agreed to.

Mr. WILLIAMS of Mississippi. I wish to move an amendment.

Mr. MORRELL. I yield to the gentleman for that purpose.

Mr. WILLIAMS of Mississippi. I wish to suggest that the words "or unsafe" be inserted in the bill after the word "insanitary" where it occurs, and also that the words "or safe" be inserted after the word "sanitary" wherever it occurs.

Mr. MORRELL. I am perfectly willing to accept that amendment.

The SPEAKER. The amendment will be reported.

The Clerk read the amendment as stated by Mr. WILLIAMS of Mississippi.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MORRELL. I now yield to the gentleman from New York [Mr. PERKINS] for ten minutes.

Mr. PERKINS. Mr. Speaker, I never looked at this bill until the last five minutes, and I am somewhat unfamiliar with its provisions; but I wish to suggest to the members of the committee and of the House whether one section of the bill does not present a new phase of legislation and one of very questionable character?

It is all right to destroy insanitary buildings; that is done in every city, either by the owners of the buildings or by the proper authorities, whenever buildings become unsafe. But this bill, it seems to me, is unfairly in the interest of the owners of property that may have become worthless, because by the fourteenth section it is provided—what? That where a man owns a building that has become unsafe or insanitary—a building that in the ordinary progress of affairs in any city, so far as I know, he would himself be obliged by the authorities to pull down—that building can be destroyed under the direction of the authorities (which is all right), but then it is provided that this man shall be paid by the other people of the city—in other words, the cost of this building, which I submit can have no value, is to be paid by the other property owners.

It is provided in section 14 that there shall be a commission of award, and the rule of damages by which they are to be governed is fixed by the provisions of this bill. Take the third, for instance; if the commission finds that a building is unfit and not reasonably capable of being made fit for human habitation, is such a building of any value? Is it right that a man who owns a building unfit for human habitation, which he could sell to no one, should be allowed to have the public pay him for a value which does not exist? Yet the bill provides in section 14 that he shall be paid the value of the materials in the building.

Section 2 provides that where the building is in a state of defective sanitation he shall be paid the value of the building as it stands, deducting the expense necessary to put it in good repair.

Now, Mr. Speaker, what is the result of this legislation? What will be the practical result of section 14? Every man in the city of Washington who has property that has become unsafe and unfit for use, instead of pulling it down at his own cost, as is done in every other city in the land, will have his building declared unsafe, unfit for human habitation, which it is, and then a commission must be appointed, who are bound by the provisions of this bill to impose upon all the owners of real estate in Washington and the Government, which pays one-half of the expense, the cost of that property, of which the market value was not one cent.

I do not quite understand this bill, and coming from this committee as it does I criticise it with diffidence; but still I know somewhat about condemnation proceedings in cities and the value of property in cities.

Mr. POWERS of Massachusetts. Mr. Speaker, I should like to ask the gentleman from New York if he has read the first page of the bill, which provides the method of assessing damages in a case where a building is insanitary or is unfit and not reasonably capable of being made fit for human habitation.

Mr. PERKINS. I have read it, and that is what I criticise.

Mr. POWERS of Massachusetts. What do you understand is the provision for the assessment of damages in the case of a building that is being used for illegal purposes, according to the first provision, which is in line 3 of page 12?

Mr. PERKINS. I will answer the gentleman from Massachusetts in this way: Here is a building that is being used in part for illegal purposes; here is a building which by the act of the owner is so used as to be dangerous or injurious to the health of the inmates. Why should the owner of a building who is overcrowding it, so that it is dangerous to the public, have any reparation or be allowed practically to sell his building to the public and get for it all it is worth, except the additional crowding he has put on? Practically, Mr. Speaker, this bill might be entitled "A bill to allow the owners of unfit, dangerous, insanitary buildings in the city of Washington to sell them to the public." That is what it comes to.

Mr. POWERS of Massachusetts. The gentleman answers my question, really, by asking another.

Mr. PERKINS. Possibly.

Mr. POWERS of Massachusetts. I should like to ask the gentleman whether he understands that a city or a State, exercising the right of eminent domain, has the right to take the property of the individual, unless the building or the property which he owns and is maintaining amounts to a public nuisance?

Mr. PERKINS. I understand that under the exercise of the police power, where a building can properly be condemned by the

officers—I not only understand, but the gentleman knows as well as I do—that buildings that are insanitary, that breed disease in any great city can, if necessary, be destroyed under the exercise of the power of a board of health. The gentleman does not question that?

Mr. POWERS of Massachusetts. By the exercise of the powers of the board of health.

Mr. PERKINS. In the exercise of the powers of a board of health, as part of the police power.

Mr. POWERS of Massachusetts. That is, the city exercising the power, through the board of health, may require either a change in the condition of the building——

Mr. PERKINS. Yes.

Mr. POWERS of Massachusetts. Or failing to make a change in the condition of the building, may remove it.

Mr. PERKINS. Exactly; just as they can if a building is dangerous from the standpoint of protection against fire, as is done every day.

Mr. POWERS of Massachusetts. Now, does the gentleman understand that one of the purposes of this bill is to bring about the abolition of what are known as the alleys in the city of Washington?

Mr. PERKINS. I object to nothing in this bill except the provision in reference to compensation of owners of buildings that are legally condemned as being insanitary and unfit for use. Otherwise I sympathize with the bill. It is a good bill, but I believe that people who have no right to compensation under the law are given compensation by this bill. That is what I object to.

Mr. POWERS of Massachusetts. Does the gentleman mean to say that they are not entitled to compensation for the real estate that is condemned?

Mr. PERKINS. You do not condemn the fee of the land. You tear down the insanitary buildings. The fee remains in the owner, as it was before. He is keeping up a building that is practically a nuisance, because it is insanitary and unsafe. It is taken down, and then you turn around and pay him the value of the building, materials, and rental, less the overcrowding.

If you would leave the question of damages to be disposed of by the law and strike out the fourteenth section, I certainly should have no objection to the bill; but I can tell the gentleman what will happen if this bill becomes a law. If I had a building in Washington that was insanitary, if I wanted to get rid of that, as a man often does, for there is not a person familiar with cities who does not know that there are many owners of real estate whose buildings are worthless, I would have it condemned under this bill.

A man has got a building that is of no value, and he pulls it down that he may put up a better building. But in the city of Washington, by this law, he can have the property condemned, and instead of losing the value of the building the citizens of Washington will be obliged to pay at least the cost of the building material, which is about all the value of any building; and I do not see why that provision should be made.

Mr. POWERS of Massachusetts. I want to call the gentleman's attention to Paragraph A, on page 12, with reference to the cost of the building. Under the first provision—

> That the rental of the building was enhanced by reason of the same being used for legal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or, second, that the building is in a state of defective sanitation, or is not in reasonably good repair; or, third, that the building is unfit or not reasonably capable of being made fit for human habitation; and if the committee, or a majority of the members thereof, is satisfied by such evidence that compensation shall be awarded, then that the compensation, etc.

Now, the method by which the damages are to be assessed is as follows:

> Shall in the first place, so far as it is based on rental, be on the rental of the building (as distinct from the ground rent) which would have been obtained if the building had been occupied for legal purposes, and only by the number of persons whom the building was, under all the circumstances of the case, fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates.

Now, that provides that the party whose property is taken shall receive such a price as he would have been entitled to receive if the building had been legally occupied and not overcrowded. In other words, if it had been in a sanitary condition. Now, the same is true with reference to section 3. Then there was another provision here by which the party can not recover except the building be in such condition that it can be properly and legally used.

Now, I will ask the gentleman if that is not his construction of the language. In other words, is not there a provision to pay nobody for the property, except where it is legally and properly used?

Mr. PERKINS. I will answer the gentleman by saying that I think that the provision is all wrong. Let me state to the gentleman and the committee what it seems to me is a fair rule to be adopted. What is the condition? A man owns a building in the city of Washington; he illegally overcrowds it; he wants to get rid of it and get a new building. You tell him that he must cease his illegal overcrowding. That is all right. He refuses to do so. Then you destroy it.

Mr. MORRELL. Not necessarily, simply because he has overcrowded it.

Mr. PERKINS. You may destroy it.

Mr. MORRELL. There is nothing in the bill that forces a man to destroy the building simply because it is overcrowded.

Mr. PERKINS. Well, it provides that you may destroy it.

Mr. MORRELL. You are mistaken.

Mr. PERKINS. Then he is not entitled to any damages. If you do not do anything, he gets no damages.

Mr. MORRELL. Unless the commission takes forcible possession and destroys the building the owner gets no damage.

Mr. PERKINS. If you do not take forcible possession, then it is not a practical question. But the man is tired of his building. What happens? If he takes down his building and rebuilds it and makes it a wholesome building, then he gets nothing. He obeys the law; he makes the building sanitary; he stops overcrowding. He gets no pay. That is what he should do. But you offer a reward to him not to make it a good building. Here is a worthless building, and he will not stop overcrowding it, neither will he make it sanitary. He knows that if he does not do that the authorities will destroy that building and give him the money to start a new building. Under the provisions of your law he gets more for an utterly worthless building than anybody under God's heaven would give him except the authorities of Washington under this bill. Now, it may be that that is wise, but we would not have such a bill in Rochester.

Mr. MORRELL. I would like to say to the gentleman that if he disputes the law he is subject and amenable to the law and to the penalties prescribed in this bill of practically $100 per day. He can not keep on indefinitely disputing the law.

Mr. PERKINS. Oh, no; but under this bill you yourselves go on and destroy the building.

Mr. MORRELL. Not necessarily.

Mr. PERKINS. But you have the power. That is the idea. Unless you do it, why, the bill does not amount to anything. If you pass a bill giving you authority to destroy a man's worthless building and do not destroy it, why, then the bill will be useless.

If you destroy an insanitary building, then you have got to pay him the value of it. Why? Why should a man be paid? Why should a man be paid the full value and cost of the building material, put up ten years before perhaps, of a building that is rotten and falling to the ground? Why should he? I do not see the wisdom of it. It seems to me the committee has acted hastily in framing this rule of damages. It is not the legal rule, it is not a practical rule, and it does not seem to me, Mr. Speaker, the right rule, with all due respect to the committee.

Mr. MORRELL. Mr. Speaker, I would like to call the gentleman's attention to one fact, that the provisions of this bill in this particular have been very carefully drawn and are almost the exact copy of the law in New York, a law which has stood the test of the common pleas courts of New York, and has been carried up from those courts to the court of appeals and stood the test there, and has been brought also, I believe, to the United States Supreme Court and stood the test there.

Mr. PERKINS. Your law is constitutional. The gentleman does not understand the objection. I think this law is a proper exercise of the police power; the law is constitutional. A similar law in the State of New York is constitutional. The trouble with your law is not the general provision, not the exercise of the police power, but paying a man for damages when he is not entitled to them.

Mr. MORRELL. Mr. Speaker, the provisions of the bill simply provide that damages shall be paid when actual physical possession is taken by the commissioners of a building which in the judgment of that commission can not be put in a sanitary condition.

Mr. PERKINS. But why should he be paid if the building can not be put in a sanitary condition?

Mr. MORRELL. This bill provides the owner shall simply be paid for the material.

Mr. PERKINS. That is all a building costs, the material.

Mr. MORRELL. Oh, no; it may be all it cost, but not its present value. The building has a rental value.

Mr. PERKINS. Which does not have to be paid. You don't pay for rental value and the value of the materials too. You take an insanitary building, and if a man would not like to sell such property for the value of the material he must be a good deal of a fool.

Mr. MORRELL. But the gentleman may not be aware that there are hundreds, perhaps thousands, of buildings to-day in Washington which, if this commission is created, would at once be declared insanitary—buildings which are to-day bringing in rentals.

Mr. PERKINS. What a godsend it will be to owners of unsanitary buildings. They will all sell them.

Mr. MORRELL. That may and may not be the case.

Mr. PERKINS. It will be the case.

Mr. MORRELL. Not at all.

Mr. PERKINS. You take a building which is unsafe and in danger of falling; there is not a man in this House living in a city who does not know buildings are constantly destroyed by the fire marshal who declares them to be unsafe and liable to fall. He gives notice to the owner to make it safe. If he does not make it safe within a certain time the city has the power to tear it down, but never is compensation made. The owner has the right to protect himself by making his building safe, and if he will not do that the building goes down, and the public does not have to buy it.

Mr. MORRELL. I think I might be safe in saying, Mr. Speaker, that there are a number of buildings which will come under the operation of this law the owners of which probably get for one year's rental as much as they would get for the materials which constitute the buildings if this law were put into effect and if these buildings were torn down.

Mr. PERKINS. Does the gentleman think, does the gentleman say here to the House of Representatives, that a man who owns an unsafe, unwholesome building, dangerous to the people of a city, dangerous to the community, has the right to keep that building there because he gets good rent and can complain because it is taken away from him? Is that the contention of the gentlemen?

Mr. MORRELL. The gentleman does not say so or think so, but I would like to say to the gentleman that that is exactly the evil which this bill is trying to get at. We desire to give this commission the power to go to work and take these buildings; if the owner refuses to tear them down, this commission shall have the power provided under this bill to tear down these buildings.

Mr. PERKINS. I will give you one prophecy: The owner of any one of these buildings, if he has proper counsel, will always refuse. You can bet your life on that.

Mr. TOWNSEND. Do I understand the value of the materials is to be what they were when they were new, or the old materials?

Mr. MORRELL. No; just the value of the old materials as they then exist. I will now yield five minutes to the gentleman from Massachusetts [Mr. POWERS].

Mr. POWERS of Massachusetts. Mr. Speaker, I want to say one word, because I think my friend from New York misconceives the provisions of this bill. If a person residing in Washington is so occupying or using his building as to amount to a nuisance, that nuisance may be abated by the board of health. If the building is an insanitary building it may or may not amount to a nuisance. In other words, a building may be in such a condition, either by overcrowding or some other conditions which are not healthful, so as to constitute a nuisance, or it may not constitute a nuisance.

Now, the object of this bill is to permit the District of Columbia to condemn buildings, paying for the same according to the provisions of the bill. What are the provisions of this bill? The bill provides for the payment of damages. We pay for this property not what it is worth at its rental, if it was used for unlawful purpose, or when it is in an insanitary condition. It is a question for the jury to say what the property is worth if it be legally used, or used in such a manner as not to constitute an insanitary condition.

It is said that this bill affords an opportunity for owners to sell their buildings to the District of Columbia. Not at all. The District of Columbia is not bound to take the buildings unless it desires them. If the owners of buildings so conduct them and use them as to amount to a nuisance, or render them unsafe to public health, the board of health may condemn them. This legislation goes further, and provides that when a building is used illegally—for instance, for gambling—and when it is in an insanitary condition—if it is not in a sanitary condition, that we may proceed and condemn the property.

I do not understand that my friend from New York objects to the general purpose of the bill. The purpose of the bill is to reach buildings which the board of health can not reach and condemn and remove. It seems to me, under the circumstances, the amount of damages the owners are to receive is the amount which they are fairly entitled to under all the circumstances. I do not understand there is any provision in the bill which gives the owner of a building more than what the property is worth if legally and properly used. I assume that after the property has been condemned it is simply the value of the property for material. If the property can not be used in a sanitary condition, then it is of no value except as to the material. If it can be used for rebuilding, we are bound to take into consideration what is the value of the property for alteration or rebuilding.

Mr. GAINES of West Virginia. Will the gentleman allow me a question?

Mr. POWERS of Massachusetts. Certainly.

Mr. GAINES of West Virginia. What would be the difference in measure of value in a proceeding of this sort and in one of ordinary condemnation, taking property for public use?

Mr. POWERS of Massachusetts. There is not any difference.

Mr. GAINES of West Virginia. Is it the purpose of this bill to give the owner of an insanitary or unsafe building the same compensation that the Government would pay if it wanted the property for public use?

Mr. POWERS of Massachusetts. No; I should say that the rule is not the same as it would be where we condemn property without the restrictions contained in the bill. If we should condemn property that was insanitary, the rule would be the value of the property so condemned for any purpose for which it could be legally used. The bill provides that if it is insanitary the owner shall not receive the rent he receives when it was in the insanitary condition, but he shall be entitled to receive the value of the property—what it might be worth if put in proper condition and used in such condition. So it differs from the ordinary case of condemnation of individual property for public use. In other words, there are certain limitations contained in the bill.

Mr. GAINES of West Virginia. Its being in an insanitary and an unsafe condition goes against the value of the property.

Mr. MORRELL. Mr. Speaker, in answer to the gentleman I would like to say that, in my judgment, the reason why these different provisions are put in the bill in regard to condemnation is this, that in this bill we only proceed for the condemnation of the building. The fee remains in the original owner. We only provide in the bill for taking of the building itself or for the putting in proper repair of the building, or putting it into sanitary condition. We do not contemplate in this bill the taking by the Government of the fee of the ground upon which the building stands.

Mr. BABCOCK. Mr. Speaker, I want to call the attention of the House to one or two matters in this bill which I think will throw some light on the subject, and that is the penalty clause. I do not believe if this bill should become a law that in one case out of a hundred the District would remove a building. Section 13 says:

> That any person violating or aiding or abetting in violating any of the provisions of this act shall, upon conviction thereof in the police court of the District of Columbia, upon information filed in the name of said District, be punished by a fine of not more than $100 or by imprisonment for not more than ninety days; and each day on which such unlawful act is done or during which such unlawful negligence continues shall constitute a separate and distinct offense.

Now, the prime object of the bill is, in the first place, to abate this unsanitary condition, and if the owners do not do it they are liable to a fine of not more than $100. Now, I want to say that the buildings attempted to be reached here are old shanties, of no value at all except for illegal and unsanitary purposes, for which they are being used now.

The bill provides further that in case the parties have refused to remove the buildings the District may do so. And what is the case then? That they shall have only such measure of damages as could be assessed if the property were used for sanitary and proper purposes. Now, if this property were used for that purpose it practically would be worth nothing. Mr. Speaker, I ask for a vote on the bill.

Mr. PERKINS. Mr. Speaker, before that question is taken, I offer an amendment, simply to test this. I move to strike out in section 14, beginning at line 6 on page 11, the remainder of that section.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

> On page 11, section 14, after line 6, strike out the remaining portion of the section.

Mr. BABCOCK. Mr. Speaker, that amendment, if it prevails, will practically destroy the bill.

Mr. PERKINS. Mr. Speaker, that amendment leaves in force every provision of the bill; it leaves in force the power to destroy insanitary buildings. The entire police authority provided by this bill is left untouched, and if any owner of this property has any right to compensation, my friend from Massachusetts [Mr. POWERS] knows perfectly well that we could not take that right away if we tried. He knows perfectly well that if we destroy any property and the owner has a legal right to compensation, he will get his compensation, and no law passed by this Congress will prevent it.

What it does strike out is simply the measure of damages prescribed by this bill, which results in the owners of worthless property being put in a position where they can turn it over to the public and be paid by the public. I say to strike that out, and if they have any legal rights they will get them. This bill can be enforced just as well without this provision as with it, and I think the gentleman from Massachusetts [Mr. POWERS] knows that.

Mr. POWERS of Massachusetts. Mr. Speaker, if that is struck out, then it compels the District, if it wishes to condemn these buildings, to take the real estate.

Mr. PERKINS. Oh, no.

Mr. POWERS of Massachusetts. Does not the gentleman from New York understand that that is the very thing we do not want to do—that we want to take the buildings and not the real estate?

Mr. PERKINS. My friend surely does not mean that at all, as good a lawyer as he is. He knows that where the public enters real estate and pulls down the buildings it does not buy the land. If the act of the public is illegal, then the corporation is liable for the value of the property destroyed.

When, for instance, the public enters, as it constantly does, to destroy a building on the claim of the fire marshal that it is unsafe, and it is pulled down, and the owner claims the building was safe and complied with the regulations, he sues the corporation. Now, the gentleman from Massachusetts [Mr. POWERS] does not claim for one moment that he sues for the value of the land. He sues for trespass, for illegally destroying his building, and if he recovers he gets the value of his building. If the public can show that the action of the officer in tearing the building down was in conformity with law, then the owner gets nothing, and that will be the case here. Surely my friend knows that.

Mr. BABCOCK. Mr. Speaker, I am a little astonished at the argument of the gentleman from New York [Mr. PERKINS] when he says that the owners of property have their recourse for damages to the property taken and at the same time moves an amendment to strike out this provision which protects the District and protects the public and prescribes the rules and regulations under which such proceedings shall be taken, and further says that no estimate of damages shall be considered except it is based upon the sanitary and proper condition of the property.

In other words, in the case of these little shanties which are renting for from 25 to 50 per cent of their value every year, are overcrowded, where a great many people are living in the same room, and they are in an insanitary and unhealthful condition, with no proper sewer connections, this bill provides a remedy, and says that no damages shall be considered except they are on the basis of the buildings being in a sanitary condition. Now, to strike that out will be striking a blow at the District and at the very safeguards of the bill.

Mr. PERKINS. I think the gentleman is entirely wrong, if I may be permitted to say so.

Mr. MORRELL. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was rejected.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

CRUELTY TO CERTAIN ANIMALS.

Mr. BABCOCK. I ask the present consideration of the bill (H. R. 10417) to prevent cruelty to certain animals in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That it shall be unlawful for any person or persons to dock the tail of any horse within the District of Columbia, or to procure the same to be docked, or to import or bring into this District any docked horse or horses, and it shall also be unlawful to drive, work, use, race, or deal in any unregistered docked horse or horses within the District of Columbia, not registered within ninety days after the passage of this act, as hereinafter provided.

SEC. 2. That within ninety days after the passage of this act every owner or user of any docked horse within the District of Columbia shall register his or her docked horse or horses by filing in the office of the Commissioners of the District of Columbia a certificate, which certificate shall contain the name or names of the owner, together with his or her post-office address, a full description of the color, age, size, and the use made of such docked horse or horses, which certificate shall be signed by the owner or his or her agent. The Commissioners of the District of Columbia shall number such certificates consecutively and record the same in a book or register to be kept for that purpose only, and shall receive as a fee for the recording of such certificate the sum of 50 cents.

SEC. 3. That the driving, working, keeping, racing, having in possession, or using of any unregistered docked horse or horses after ninety days after the passage of this act shall be deemed prima facie evidence of the fact that the party driving, working, keeping, racing, or using such unregistered docked horse or horses docked the tail of such horse or horses.

SEC. 4. That any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine in a sum not less than $100 nor more than $500, or by imprisonment in the workhouse not less than thirty days or more than ninety days for each offense, or by both such fine and imprisonment. For the purposes of this act the word "docking" wherever used shall refer to the cutting of the bone of the tail of the horse.

The SPEAKER. The question is on ordering the bill to be engrossed and read the third time.

Mr. DALZELL rose.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Pennsylvania?

Mr. BABCOCK. Certainly.

Mr. DALZELL. Is the District Committee serious in reporting this bill?

Mr. BABCOCK. The committee has reported it, and I think it is a serious matter.

Mr. DALZELL. Does the gentleman believe that we can by law prevent a man from bringing his own property into the District of Columbia——

Mr. BABCOCK. I will refer the gentleman from Pennsylvania to the gentleman from Massachusetts [Mr. POWERS], who is, I believe, prepared to cite some legal authorities.

Mr. DALZELL. If I understand the bill—perhaps I misunderstood it—then under this provision if I happen to own a horse with a docked tail and bring it into the District of Columbia and keep it here a certain length of time I become guilty of a misdemeanor and liable to fine and imprisonment.

Mr. POWERS of Massachusetts. That is a provision of the bill. The case is exactly the same as if my friend from Pennsylvania had shot a bird in Pennsylvania in an open season and brought it here during a closed season. If he did so, he would find himself liable to a penalty.

Mr. DALZELL. Oh, I do not see any analogy.

Mr. POWERS of Massachusetts. This bill, which originated with the Washington Humane Society, is in every respect, with the exception of the provision to which the gentleman from Pennsylvania has called attention, the same kind of legislation that has been enacted in most of the States of the Union.

Now, the provision which provides a penalty in case a docked horse is brought into this District hereafter is a provision absolutely necessary for the proper enforcement of the bill. Of course there is no question that Congress under its police power has the right to pass a measure of this kind. Nearly all the States in the North have passed bills of this character.

I understand that certain States bordering on the District of Columbia have not enacted any penalty for docking the tails of horses. If the provision which has been referred to by the gentleman from Pennsylvania were omitted from this bill, the penalty referred to could not be enforced, because anyone might take a horse over into Maryland and have its tail docked there and then bring the horse back to the District of Columbia. The purpose of the provision to which the gentleman from Pennsylvania has called attention is to enable the authorities to enforce this act.

There are plenty of precedents for provisions of this kind. You will find the precedents everywhere in our game laws.

Take such a case as I referred to a short time ago where it would not be a misdemeanor to kill certain game in Virginia, yet if the game after being killed should be brought into this District at certain seasons of the year the person having possession of the game would be liable to a penalty. The claim is made that those provisions are necessary in order to enforce the penalties in the law. The enactment of this bill without such a provision would be of no avail.

Mr. PERKINS. May I ask the gentleman a question?

Mr. POWERS of Massachusetts. Certainly.

Mr. PERKINS. Why does not the gentleman report a bill making it a misdemeanor to clip the ears of a bull terrier? Bull terriers are just as important animals as horses.

Mr. POWERS of Massachusetts. Well, I am not sure but that if the gentleman would offer such a provision as an amendment to this bill I would accept it.

Mr. PERKINS. Let me ask the gentleman another question. Why should it be a misdemeanor to have a horse docked any more than to have your own hair cut?

Mr. POWERS of Massachusetts. This is a question that has been discussed for the last fifty years——

Mr. PERKINS. Does the gentleman think that it hurts the horse at all?

Mr. POWERS of Massachusetts. This question, I say, has been discussed for the last fifty years in this country, and there is not a humane society or, so far as I know, not a person in this country who does not believe that the docking of a horse is an act of cruelty to the animal.

Mr. PERKINS. Did the gentleman ever see a horse's tail docked? Does he know what the operation is?

Mr. POWERS of Massachusetts. Why, I will say to the gentleman that I never could afford to own a horse, and I do not expect to be able to own one while I am a Member of Congress.

Mr. PERKINS. But you may have seen other people's horses.

Mr. POWERS of Massachusetts. I have seen other people's horses.

Mr. PERKINS. The gentleman knows perfectly well, and everybody knows, that this talk about its hurting a horse is just rot and nothing else. I think it a little tiresome for us to spend our time passing silly legislation of this sort simply because it is asked for by a lot of foolish women who do not know a horse from a cow.

Mr. COOPER of Wisconsin. Will the gentleman from New York permit me to say a word right there?

Mr. PERKINS. Yes.

Mr. COOPER of Wisconsin. I have heard a veterinarian of standing say that it did hurt a horse, and that he thought the whole process was an outrage.

Mr. PERKINS. Then that veterinarian of standing must have been a very ignorant veterinarian, because I have seen many a veterinarian perform this operation. I have seen a horse standing eating his oats and never stop eating them while the operation went on. I have seen that time and time again.

Mr. GRIGGS. Well, that was a hungry horse. [Laughter.]

Mr. PERKINS. This talk about the docking of horses being cruel comes from people who do not know anything about it, and it makes me tired. That is all I can say about it.

Mr. HITT. The horse would stop eating his oats if it were hot weather and he had been docked and was tormented by flies until he was nearly crazy, as anybody can see who will visit the pastures just outside the city, where horses which have their tails left in the natural state can go out and pasture, while the docked horses are blanketed or kept closely shut up to be protected from the tormenting flies. [Applause.]

Mr. PERKINS. If my friend wants to know what to do in order to stop flies troubling horses, let him pass a law to compel them to be blanketed, as every man does who has a decent horse. It keeps off the flies ten thousand times more that all this talk about the flicking of a horse's tail around his hind quarters. But these humane societies do not think of that. They say, "We will pass a bill in the Congress of the United States providing that it is cruelty to dock a horse's tail."

Mr. COOPER of Wisconsin. Will the gentleman answer a question?

Mr. PERKINS. I will if I know how.

Mr. COOPER of Wisconsin. Why does anybody dock a horse's tail?

Mr. PERKINS. First, because it looks a great deal better. Why do you cut your hair, instead of having it down over your shoulders? [Laughter.]

Mr. COOPER of Wisconsin. That is the cruelest question I have been asked in a great many years. [Laughter.] As a gentleman in my city used to say, "That is very unwrong." [Laughter.] But I never could see why on earth anybody wanted to dock a horse's tail. There is no more sense in it than there is in the practice of the Chinese, who bind the feet of their female children. Both practices are cruel, and, in my judgment, one is just exactly as senseless as the other.

Mr. PERKINS. Will the gentleman answer a question?

Mr. COOPER of Wisconsin. The Chinese for generations have followed that practice simply because some people in remote times followed it. Now, the docking of the tail of a horse and the making it curl up into a short stub because Lord Flubdub, somewhere over in England, a few generations ago did it——

Mr. SHACKLEFORD. Or Earl Snob.

Mr. COOPER of Wisconsin. Yes; that does not prevent it from being cruel. It does not make the horse look better. There is no earthly reason for it that I can see.

Mr. PERKINS. Will you answer a question?

Mr. COOPER of Wisconsin. Yes.

Mr. PERKINS. A man has a right to dress himself or to dress his horse as he pleases. I do not suppose Congress is going to pass a law saying we shall wear red cravats or blue cravats, or that our harness shall be black or yellow. This law can only stand upon one proposition, and that is that docking is cruelty to animals.

Mr. COOPER of Wisconsin. Does not the gentleman know that there are nerves that run down to the end of the bone in the horse's tail, and does not the cutting of a nerve involve pain?

Mr. PERKINS. Time after time I have seen horses that went right straight along eating their oats. When a little cocaine is used, they do not know the difference. Now, let me say that if the House of Representatives is going to pass a law to prevent cruelty to horses, let it pass a law that is good for something. These people who come here and cry about docking horses, saying it is cruel, nine-tenths of them keep their horses in constant torture every moment by the use of an overhead check, which holds the head back. Let the Committee on the District of Columbia report a bill forbidding the use of overhead checks. They will save the horses ten thousand times as much torment as they will by such a bill as this. Let us be sensible and pass a bill that is worth something instead of such a bill as this, simply because it is asked for by some female society.

Mr. DOUGLAS. I would like to ask the committee why it can not leave out these words, "or to import or to bring into this District any docked horse or horses." I have no objection to the authorities of the District of Columbia saying that we shall have no more horses docked here, but my taste runs to docked horses, and all the horses I own are docked. If you will simply pass a law that all horses docked shall be registered, I have no objection to offer. And I have no objection to your saying that horses shall not be docked in the District of Columbia; but I do not think you ought to exclude a man who already owns horses from bringing them here if they are docked, when he is a careful man who takes good care of his horses. If you strike out these words, you will do away with much of the trouble.

Mr. BABCOCK. I want to say to the gentleman that any amendment in the line he suggests would destroy the bill. I would suggest to the gentleman that he vote against the bill and kill it if he does not like it, because that amendment is unnecessary and it would do no good.

Mr. DOUGLAS. I do not see that that applies at all and the bill can be properly amended. I shall vote against it.

Mr. BABCOCK. I now yield to the gentleman from Wisconsin.

Mr. MINOR. I want to ask the gentleman from New York a question.

Mr. PERKINS. All right.

Mr. MINOR. Are you really serious when you say to this House that the cutting off of a horse's tail is not cruel—that is, painless?

Mr. PERKINS. If it is properly done, it is painless.

Mr. MINOR. With bone, with muscle, with nerves, and with veins clear through it?

Mr. PERKINS. Properly done, with the use of cocaine, it is painless.

Mr. MINOR. Now, that is a strange statement to make, having personal knowledge.

Mr. PERKINS. I have seen it done many times.

Mr. MINOR. I do not propose to argue with the gentleman, because he may be better informed than I am on the subject and have personal knowledge.

Mr. PERKINS. I have seen lots of horses operated on.

Mr. BABCOCK. I now yield to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, I was raised with very high notions about the perfection and complete perfection of the works of the Almighty on an early occasion when he planned out, among other things, the dumb animals of this world. I am now driven to believe, if I am to take the opinion of the gentleman from New York, that if God Almighty had only had some wise advice before he would have made a horse with a tail sticking right up. [Laughter.]

Mr. PERKINS. No, I do not say that; but I stated it was not cruelty to animals. Now, some may like to dock his horse, but you like it with a long tail.

Mr. GROSVENOR. I am in favor of an acknowledgment of the universal and supreme wisdom of the Almighty.

Mr. PERKINS. Well, you do not follow it in many respects.

Mr. GROSVENOR. I come as near to it as you do.

Mr. BABCOCK. I ask for a vote.

The SPEAKER. The gentleman from Wisconsin asks for a vote.

Mr. MORRELL. I would like to ask the gentleman who reported this bill whether or not he does not think that the second section well might be amended, so that a man may not be prohibited from bringing horses in after the expiration of ninety days; and also if he does not think it would open the door to fraud in the sale of certificates of registration, and be rather hard upon those who may be obliged, from their being elected to an official life, or being sent here, or obliged to come here, that they shall, if they have at home a docked horse, be obliged to leave it there and walk when they come to Washington? Or if they have a horse at home and they are fond of him, if he is docked, they can not bring that horse here, and they will have to sell that horse, and when they come here if they want to have one be compelled to buy a horse with a long tail, whatever he may look like?

Mr. POWERS of Massachusetts. The bill provides for the registering of docked horses which are now here. It simply requires that the Commissioners should do this. A man can not come to the District if he owns a docked horse and bring it. He must, if he needs a horse here, bring one with a long tail. I do not think there is any difficulty about the question. My friend from Ohio takes the position that God's plan is the best, and I shall be glad if the House will agree with the views of the gentleman from Ohio. I do not see why there should be any further trouble about the enforcement of this law than there is about the enforcement of any penal statute.

Mr. MORRELL. I would like to suggest to the gentleman that it is unjust and illegal to make a provision that a man who is obliged to come here after the expiration of these ninety days who wants to bring his horses shall not be able to bring them unless they have long tails.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. PERKINS. Division, Mr. Speaker.

The House divided; and there were—ayes 85, noes 8.

So the bill was ordered to be engrossed for a third reading; and being engrossed, it was read the third time, and passed.

REGULATION OF ISSUE OF LICENSES FOR TURKISH, RUSSIAN, AND MEDICATED BATHS IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I will say to the Members of the House that we have only one more bill, but it is a very important measure, and particularly the Members of the House are interested in it. I call up the bill H. R. 10669.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10669) to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia.

Be it enacted, etc., That paragraph 30 of section 7 of "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, is hereby amended so as to read as follows:

"PAR. 30. That owners or managers of massage establishments and Turkish, Russian, or medicated baths shall pay a license tax of $25 per annum: *Provided*, That no license shall be issued under this paragraph without the approval of the major and superintendent of police: *Provided further*, That it shall be unlawful for any female to give or administer massage treatment or any bath to any person of the male sex, or for any person of the male sex to give or administer massage treatment or any bath to any person of the female sex, in any establishment licensed under this paragraph. Any person violating the provisions of this paragraph shall, upon conviction, be punished by a fine of not less than $40 nor more than $500 for each offense, or by imprisonment for not less than thirty nor more than one hundred and eight days, or by both such fine and imprisonment; and, in addition to such penalty, it shall be the duty of the assessor to revoke the license of the owner or manager of the establishment wherein the provisions of this paragraph shall have been violated."

The amendments recommended by the committee were read, as follows:

Page 2, line 7, strike out the word "five" and insert in lieu thereof the word "one."

Page 2, line 9, strike out the words "one hundred and eight" and insert in lieu thereof the word "ninety."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BABCOCK. Now, Mr. Speaker, I desire to move to reconsider the vote by which the bill passed, and I move to lay that motion on the table, and to have that apply to the several bills which have been called up by the District Committee to-day.

The SPEAKER. Without objection, it is so ordered.

ADDITIONAL NAVAL OFFICER IN DISTRICT OF CHICAGO.

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 540, which is the same as the bill H. R. 4818, which has been unanimously reported by the Ways and Means Committee.

The SPEAKER. The gentleman from Illinois asks unanimous consent to consider the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 540) providing for an additional officer in the district of Chicago, in the collection district of Indiana and Illinois.

Be it enacted, etc., That there shall be in the district of Chicago, in the collection district of Indiana and Illinois, in addition to the officers now provided for by law, a naval officer for the district, who shall perform the duties pertaining to that office, and shall receive a salary of $5,000 a year.

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois if any committee has considered the bill.

Mr. BOUTELL. The bill is unanimously reported by the Ways and Means Committee, and is also recommended by the Treasury Department, and the bill under consideration is the bill which has already passed the Senate.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. The similar bill, being H. R. 4818, will lie on the table.

On motion of Mr. BOUTELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

TO AMEND ACT IN RELATION TO FIFTH JUDICIAL CIRCUIT OF THE UNITED STATES.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 9648.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 9648) to amend the first section of an act providing that the circuit court of appeals for the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, approved January 30, 1903.

Be it enacted, etc., That the first section of the act providing that the circuit court of appeals for the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, approved January 30, 1903, be, and the same is hereby, amended by striking out the concluding words of said section, to wit, "on the first Monday in September in each year," and inserting in lieu thereof the words "on the third Monday in October in each year."

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider this bill at this time. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading, and being engrossed, it was accordingly read the third time, and passed.

CIRCUIT AND DISTRICT COURTS OF UNITED STATES AT ALBANY, GA.

Mr. GRIGGS. Mr. Speaker, I ask unanimous consent to consider the bill H. R. 5498.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5498) to provide for circuit and district courts of the United States at Albany, Ga.

Be it enacted, etc., That the southwestern division of the northern judicial district of Georgia is hereby established, to be composed of the counties of Baker, Clay, Early, Quitman, Randolph, Terrell, and Webster, of the northern district of Georgia, and of Berrien, Calhoun, Colquitt, Decatur, Dougherty, Lee, Mitchell, and Worth, of the southern district of Georgia.

SEC. 2. That a term of the circuit court and of the district court for the northern district of Georgia shall be held at Albany, in said State, on the second Mondays in June and December in each year; and it shall be the duty of the clerk, marshal, and other officers of the northern judicial district to attend said terms of said court and perform all the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district. If, in the opinion of the court, it shall become necessary, a deputy clerk may be appointed: *Provided, however*, That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States.

SEC. 3. That all suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district such suits may be brought in either division. All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

SEC. 4. That prosecutions for crime or offenses hereafter committed in any of the counties of the southwestern division shall be cognizable within such division; and all prosecutions for crime or offenses heretofore committed within either of said counties, taken as aforesaid from the southern district, or committed in the northern district as hitherto constituted, shall be commenced and proceeded with as if this act had not been passed.

SEC. 5. That all civil suits and proceedings now pending in the circuit or district courts of either district or division from which the counties constituting this division have been taken, and which would, if instituted after the passage of this act, be required to be brought in the southwestern division of said district, may be transferred by consent of all parties or by order of the court to said southwestern division of said district and there disposed of in the same manner and with like effect as if the same had been instituted therein; and all processes, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the term of the court in the southwestern division of said district in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

SEC. 6. That in all cases of removal of suits from the courts of the State of Georgia to the courts of the United States in the northern district of Georgia such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

SEC. 7. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process, subject to the provision hereinbefore contained, issued in either of said divisions, may be served and executed in either or all of said divisions.

SEC. 8. That this act shall be in force from and after the 1st day of January, A. D. 1905.

SEC. 9. That the counties of Berrien, Colquitt, Calhoun, Decatur, Dougherty, Lee, Mitchell, and Worth be, and the same are hereby, transferred from the southern to the northern district of Georgia.

SEC. 10. That all acts and parts of acts in conflict herewith be, and the same are hereby, repealed.

The amendments recommended by the committee were read, as follows:

On page 1, line 5, strike out the word "Baker;" and in the same line, after the word "Terrell," insert the word "Miller."

In lines 6 and 7, of the same page, strike out the word "Berrien" and insert in place thereof the word "Baker."

In line 7, same page, strike out the words "Decatur" and "Colquitt."

On page 4, line 6, strike out the word "Colquitt;" and in the same line strike out the word "Berrien" and insert in place thereof the word "Baker."

In line 7 of the same page strike out the word "Decatur."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GRIGGS, a motion to reconsider the vote by which the bill was passed was laid on the table.

SESSIONS OF CIRCUIT AND DISTRICT COURTS IN WISCONSIN.

Mr. MINOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of the bill which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 8335) to amend an act entitled "An act to determine the sessions of the circuit and district courts of the United States for the eastern district of Wisconsin," approved March 31, 1892, chapter 28.

Be it enacted, etc., That said act, entitled "An act providing the terms and places of holding the courts of the United States in the eastern district of Wisconsin," approved March 31, 1892, be amended so as to read as follows:

"That the regular terms of the circuit and district courts of the United States for the eastern district of Wisconsin shall be held at the times and places following: At Milwaukee on the first Mondays of January and October, and at Oshkosh on the second Tuesday in June of each year, and at Green Bay the first Tuesday in April of each year."

SEC. 2. That this act shall take effect and be in force from and after its passage.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was read the third time, and passed.

On motion of Mr. MINOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

APPEALS FROM CIRCUIT AND DISTRICT COURTS, BEAUMONT, TEX.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10145) to provide for appeals, writs of error, and other appellate proceedings from the circuit and district courts of Beaumont, in the eastern district of Texas.

The Clerk read the bill, as follows:

Be it enacted, etc., That all appeals, writs of error, and other appellate proceeding which may hereafter be taken or prosecuted from the circuit or district courts of the United States from the courts at Beaumont, Jefferson County, Tex., in the eastern judicial district of Texas, to the court of appeals of the fifth circuit shall be heard and disposed of by said court of appeals at the terms of court held in the city of New Orleans, in the State of Louisiana: *Provided*, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit in cases of injunctions and in all other cases which under the statutes and the rules or in the opinion of the court are entitled to be brought to a speedy hearing.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HENRY of Texas, a motion to reconsider the last vote was laid on the table.

PORTO RICAN TEACHERS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the immediate consideration of joint resolution No. 79, for the transportation of Porto Rican teachers to the United States and return.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized, during the year 1904, at such time as requested by the governor of the island of Porto Rico, to transport from the island of Porto Rico to the United States and to return from the United States to Porto Rico, on one of the vessels engaged in the transport service of the United States, not to exceed 600 of the Porto Rican teachers in the public schools of said island, and in addition thereto not to exceed 25 necessary attendants, such teachers and attendants to be selected by the commissioner of education of said island, for the purpose of attending the various summer schools of the universities, colleges, and other institutions of learning in the United States during said year: *Provided*, That a subsistence charge of $1 per day for each day on such vessel shall be collected from each of such persons so transported; and that the Government of the United States shall not be liable for, and shall not defray, the expenses of said teachers and attendants, or of any such of them, incurred while in the United States.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. I object.

Mr. COOPER of Wisconsin. Will not the gentleman from Mississippi withdraw or reserve his objection?

Mr. WILLIAMS of Mississippi. I will reserve it if the gentleman wants to talk.

Mr. COOPER of Wisconsin. Will not the gentleman from Mississippi state the ground of his objection?

Mr. WILLIAMS of Mississippi. The gentleman from Wisconsin can have time to talk if he chooses.

Mr. COOPER of Wisconsin. I do not want to take the time of the House if the gentleman is to object.

The SPEAKER. This is proceeding by unanimous consent.

ORDER OF BUSINESS.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent that after the disposition of the diplomatic and consular appropriation bill, the bill H. R. 11128, to modify and amend an agreement with the Devils Lake Indians in North Dakota be made the special order, and that it continue the special order, not to interfere with revenue or appropriation bills or bills on the Private Calendar or with any business that is privileged under the rules, and that the bill be considered in the House.

Mr. PAYNE. Reserving the right to object, I would like to ask the gentleman if this bill is similar to the one passed this morning?

Mr. MARSHALL. Very similar, except it provides for opening of a smaller reservation.

Mr. PAYNE. And there are similar guards in the bill?

Mr. MARSHALL. Yes.

Mr. SHAFROTH. Will the gentleman state about how many acres are involved?

Mr. MARSHALL. One hundred and four thousand acres.

Mr. ROBINSON of Indiana. Reserving the right to object, Mr. Speaker, I would like to ask if this makes any charge on the public Treasury different because of the fact that the proceeds of sale of public land now goes to the fund for reclaiming arid land? By reason of that irrigation act is not this now a direct charge on the Treasury?

Mr. MARSHALL. There is a charge on the Treasury precisely similar to the one in the Rosebud bill, which has been passed, and that is to pay for sections 16 and 36, which are ceded to the State of North Dakota for school purposes.

Mr. ROBINSON of Indiana. The provision in the gentleman's bill making appropriations out of the Treasury for sections 16 and 36, taken from the Indians and turned over to the settlers at so much an acre, is that the Treasury of the United States is asked to give a certain sum similar to the one in the bill passed Saturday.

Mr. MARSHALL. Yes.

Mr. ROBINSON of Indiana. I want to ask the gentleman if he does not recognize the changed conditions now with reference to the Treasury of the United States and a charge on the general fund from what it was before we passed the irrigation bill in this: That before we passed the irrigation bill the proceeds from the sale of public lands went into the general Treasury, and now he is asking the Treasury to appropriate money, although that Treasury does not receive the proceeds of the sales of public lands? Am I not correct in that changed condition now?

Mr. MARSHALL. I will yield to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, the question of disposing of the public lands in the interest of irrigation is not connected with the disposal of any of the Indian reservations.

Mr. ROBINSON of Indiana. No; but this is what I mean: Prior to the irrigation act the proceeds of the sale of public lands went into the Treasury of the United States, and now it goes into a reclamation fund. Before that we had a fund out of which we could pay for sections 16 and 36, and in cases similar to the one now presented. But now that fund is diverted or placed in the irrigation fund, and so this means a direct appropriation without any reimbursement to the National Treasury, if I am correct in my assumption.

Mr. MARTIN. In the previous legislation the appropriation made out of the Treasury was a direct appropriation. Before the irrigation act was passed the fund did not pass from the sale of public lands to the payment for school lands. That was not the case. The appropriation was always a direct appropriation, where, under the enabling act, the Government was obligated to make good to the State sections 16 and 36. In the enabling act under which North Dakota and South Dakota were admitted into the Union there was a clause in it different from that under which any other State was admitted into the Union prior to that time upon the subject of school lands, and it is expressly anticipated in that enabling act—owing, no doubt, to the fact that the conditions of these particular States were peculiar in that large areas of the State when admission took place were Indian lands—that as Indian reservations should be removed the Government would make good to the States sections 16 and 36.

This bill to which the gentleman from North Dakota [Mr. MARSHALL] has now reference does not provide for the payment to the State of any appropriation out of the General Government, but it does provide for the completion and fulfillment of the contract of the Government in that enabling act to purchase from the Indians these particular sections 16 and 36, and to place them at the disposal of the State for general public school purposes.

Mr. ROBINSON of Indiana. Let me ask the gentleman why it is that in fixing the price of the land as the bill now before the House fixes it he does not fix the price sufficiently high so that resort will not be needed to the general fund in the Treasury?

Mr. MARTIN. That would be a very unjust provision, I think, where in an enabling act like the one in question the Government has bound itself along a general line of policy which has been pursued ever since the ordinance of 1787, namely, to set aside sections 16 and 36 in new States as they should be admitted for the benefit of school funds. I think to do differently would be a very improper hardship on the settlers, who must take the other sections, and that the expense of these particular sections should not be loaded off onto the settlers instead of the obligation being fulfilled by the Government.

Mr. ROBINSON of Indiana. The gentleman's position might be well taken, except there is a change in the conditions, and that I present to him for explanation.

Mr. SHAFROTH. Mr. Speaker, if the gentleman from South Dakota [Mr. MARTIN] will permit me, I would state to the gen-

tleman from Indiana [Mr. ROBINSON] that the irrigation act does not provide that this reclamation fund shall belong to the States. It still belongs to the National Government, and upon the construction of any reservoir or any irrigation enterprise the persons who settle on the lands under that reservoir pay back to the Government every dollar of cost. It does not cost the Government a cent.

Mr. ROBINSON of Indiana. The gentleman recognizes, however, that that is a departure from the real question here. Where does the National Government get the fund out of which to pay the obligation provided for in this bill? It is clearly evident that it does not get it now from the public lands.

Mr. SHAFROTH. The Government gets it from the fund put aside for reclamation purposes.

The SPEAKER. The Chair will remind the House that this is a request for special order, making it in order to consider this bill under the terms reported by the Clerk. A discussion of the merits of the bill would go only far enough, of course, to enable the gentlemen to see whether there is objection to making the special order.

Mr. WILLIAMS of Mississippi. Mr. Speaker, with that view in mind, I desire to ask the gentleman from North Dakota [Mr. MARSHALL] a question. This bill does just what has been done in the other States, does it not? In Indiana and Mississippi and all the States certain lands were bought from the Indians and then given by the Federal Government to the States for educational purposes.

Mr. MARSHALL. It goes even further than that. Under the enabling act by which North and South Dakota were admitted, provision was made that as fast as these reservations were opened up these school sections——

Mr. WILLIAMS of Mississippi. But independently of the enabling act, and supposing that had never existed, still this bill does nothing except what has been done in connection with every State admitted into the Union since Tennessee. Lands previously bought from the Indians and paid for by the Federal Government are handed over to the States for educational purposes.

Mr. LACEY. It is two sections now instead of one.

Mr. WILLIAMS of Mississippi. Yes; two sections now instead of one, but a great many have gotten two.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HITT rose.

The SPEAKER. The Chair will ask the gentleman from Illinois to suspend for a moment to ascertain whether he is willing to allow a joint resolution to be considered on request of the gentleman from Wisconsin [Mr. COOPER] by unanimous consent, which joint resolution has already been reported?

Mr. HITT. Certainly.

The SPEAKER. The joint resolution will again be reported.

The Clerk again reported the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. WILLIAMS of Mississippi. When I objected before, I understood that the Federal Government or the treasury of Porto Rico was to pay the expenses of these people. As I have ascertained that such is not the case, I have no objection.

There being no further objection, the House proceeded to the consideration of the joint resolution, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Before making the motion that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the diplomatic and consular appropriation bill, I ask unanimous consent that an order be made for the reprint of the bill and the accompanying report, as they are nearly exhausted.

The SPEAKER. In the absence of objection, the order for a reprint will be made.

There was no objection.

Mr. HITT. I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of revenue bills, and especially to consider the bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. LACEY in the chair) and proceeded to the consideration of House bill No. 11287, the diplomatic and consular appropriation bill.

The title of the bill having been reported,

Mr. HITT. I move to dispense with the first or formal reading of the bill, so that we may proceed at once with the discussion.

There being no objection, it was ordered accordingly.

Mr. HITT. Mr. Chairman, as it is probable there will be a desire for some general discussion before we take up this bill by paragraphs, I will now first briefly explain its provisions, and then I trust I can arrange with my friend from Arkansas [Mr. DINSMORE] as to the time that may be desired for general debate.

This is the bill annually reported to provide for our service, both diplomatic and consular, throughout the world. There being a rule of the House which restricts very closely the power of amendment by the committee or even by the House except by unanimous consent, not many changes have been proposed in the existing law, and those changes are as usual chiefly in the way of increase of salary or other provision for the service.

The committee has been very sparing in making these increases of salaries all through. About eighty increases were recommended by the State Department. The committee, knowing that the House is always jealous in regard to any departure from its fixed standing rule on this subject, have proposed an increase in only a few cases, where such a provision was manifestly necessary, its action covering only thirteen consuls-general and four consulates among the eighty recommended. Some small sums have been added to the provision in the larger offices to enable the consuls to have more clerical assistance. As the whole service has enlarged year by year, the contingent expenses have increased, so that the provision for the "contingent expense of the foreign missions" is $10,000 more than last year, and that for contingent expenses of consulates is increased $40,000.

The salaries I will not go over. Anyone who takes an interest in the details will find them given in the report with descriptive remarks and the reason in each case for the increase, and at the close of the report is a tabulated statement giving every one of the items, both of increase and diminution. I may say briefly and generally that the whole provision for our foreign service is enlarged only $28,550. The bill appropriates $1,996,600.69.

The bill is so familiar to most of the Members and its provisions are so little changed from what they were in previous Congresses that I will not take up further time, save to add that every one of these changes has been made after very careful consideration in the subcommittee and by the unanimous vote of the full committee.

Now, I will ask my friend from Arkansas [Mr. DINSMORE] whether we can arrange about the time for general debate, if gentlemen desire such debate.

Mr. DINSMORE. Mr. Chairman, I have no desire to discuss this bill myself; but a number of gentlemen on this side have expressed to me a wish to make some remarks. I suppose we might let the matter run on this afternoon, and if there are those here who want to speak they can do so.

Mr. HITT. Then the gentleman can yield his time. We will let the debate run for a while, and then we will make an agreement.

Mr. DINSMORE. The gentleman from Massachusetts [Mr. THAYER] wishes to make some remarks.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. DINSMORE] desire to control half the time?

Mr. DINSMORE. No; I prefer that the chairman of the committee control the time, unless he desires me to take charge of that on this side.

Mr. HITT. I suggest that the gentleman take his hour, and afterwards we can arrange it.

The CHAIRMAN. The Chair understands the gentleman from Illinois to reserve his time.

Mr. HITT. Yes.

Mr. DINSMORE. I yield to the gentleman from Massachusetts [Mr. THAYER] such time as he desires.

Mr. THAYER. Mr. Chairman, I avail myself of this opportunity to address the committee upon a question which is not now directly before us for discussion, but a question, I think, that the American people are more directly interested in at the present time than any other. I refer to our position in relation to Colombia, Panama, and the Panama Canal.

In my opinion a very large majority of the American people, regardless of party or locality, are anxious, and have been these many years, for a canal to be built across the Isthmus of Panama by the American people and maintained and controlled by the American people. This much, I think, must be conceded by all.

The time for constructing this canal has been already too long delayed. But it were better that the waters of the two oceans should not commingle for years yet to come than that any portion of the canal should be constructed under conditions which will be to the everlasting disgrace of our good name and to the dishonor of the American Republic, in that the same will be done without law and without right, and in violation of the eternal principles of justice, which should always prevail in our conduct with all nations and with all people. We can not afford to have

our good name called in question. We should avoid the appearance even of wrongdoing.

Are we, in this miserable Panama fiasco, sustaining the dignity, honor, and glory of the American Republic? Are we not rather attempting, by special pleading, to establish a defense whereby we may screen and conceal our real position? An unbiased, even if brief, consideration of the facts and circumstances attending the birth and nurture of the stillborn Panama Republic may help us to determine our real status.

The Republic of Colombia, formerly New Granada, is a little South American Republic with 5,000,000 people; Panama, the newcomer, a smaller one still, with 250,000 people.

A treaty was entered into between the United States and New Granada in 1846, and Colombia later succeeded to the rights and obligations under this treaty with New Granada. That treaty contained, among many other things not necessary now to be referred to for the purpose I have in mind, the following reciprocal agreements:

ARTICLE XXXV, PROVISO 4.

If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby, each party engaging in no way to protect the offender or sanction such violation.

Each Republic assumed in this treaty certain responsibilities and duties sacred as any obligations republics can assume. New Granada guaranteed to the United States that travel and transit across the Isthmus of Panama should be open and free to the Government and citizens of the United States, and in case there should be interruption of the free transit "each party engages in no way to protect the offender or sanction the violation."

New Granada was bound to prevent any interference by her citizens with travel across the Isthmus, and the United States bound herself to defend the sovereignty of New Granada.

And again, supposing either of these high contracting parties should for any reason fail to keep its agreement, what was to happen? This possible condition was carefully provided for in the compact itself in these words, which we should keep clearly in mind when we are attempting to ascertain the true status of the deplorable situation down there on November 2, 1903.

Provision 5 states:

If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries and damages, verified by competent proofs, demanding satisfaction, and the same shall have been denied in violation of the laws and of international right.

It plainly appears from this provision what the United States had a right to do and what she had not a right to do in the event that New Granada did not keep her agreement and protect travel across the Isthmus. The United States could lay before New Granada "a statement of her injuries and damages, and demand satisfaction," but until that had been done she could not "ordain or authorize any acts of reprisal, nor declare war," by intervention or otherwise.

Bearing in mind that the United States had guaranteed to New Granada "the rights of sovereignty and property which she had over the territory," we are called upon to decide what was our duty toward New Granada in the event that some of her citizens should attempt to interfere with free travel across the Isthmus. New Granada had agreed to keep the way open and free and to pay damages if she failed to do it, and this agreement we had accepted. Is there any question that she not only had this right, but that it was her duty under the compact to keep this way open, and to punish such of her citizens as might interfere and prevent an open and free transit; that she was to preserve order and protect travel there? If the United States was to do anything in the premises in case of threatened interference with free travel across the Isthmus on the part of a little body of Colombian insurgents, was it not our "plain duty" to assist New Granada in maintaining her sovereignty, that she might keep the compact made with us? This was no new question. We had done it several times before under similar circumstances. If we but exercise our natural sense of justice and right, we can arrive at no other conclusion.

I submit that it is impossible to so torture language as to read into this treaty any right on our part to prevent Colombia from keeping or restoring order and protecting travel across the Isthmus. But fortunately we are not without the best of authority for this contention.

In 1856 they had a riot down there in Panama, and, by the way, they have had riots or insurrections in Panama about as frequently as there has been a change of the moon. Well, in 1857, the next year after the riot, the United States and Colombia had a treaty for the purpose of adjusting the claims which we made for losses caused by the riot, and in that treaty they made use of this language:

All claims, and especially those for damages which were caused by the riot at Panama on the 15th day of April, 1856, for which the said Government of New Granada acknowledges its liability arising out of its privileges and obligations to preserve peace and order along the transit route.

This shows where the duty to deal with insurrections was then thought to rest by those who represented the United States.

But let us come down a little later and get another well-recognized authority for our contention.

On April 30, 1866, Secretary Seward wrote to our minister at Bogota as follows:

The United States desires nothing else, nothing better, and nothing more in regard to the State of Colombia than the enjoyment on their part of complete and absolute sovereignty and independence. If these great interests should ever be assailed at home or abroad, the United States—

Will do what? Send an armed force by land and by sea to blow up the first boat and shoot the first soldier who shall attempt to quell the riot, restore order, and reestablish an open and free transit across the Isthmus? Not at all, but—

will be ready, cooperating with the Government and their ally, to maintain and defend them.

Again, on October 27, 1873, Secretary Fish said, referring to the provisions we are now discussing:

It is regarded as the undoubted duty of the Government of Colombia to protect the way against attacks from local insurgents. The discharge of that duty will be insisted upon.

Again, and later on, Secretary Bayard, in referring to this same matter, said:

On several occasions the Government of the United States, at the instance and always with the assent of Colombia, has, in times of civil tumult, sent its armed forces to the Isthmus of Panama to preserve American citizens and property along the transit from injuries which the Government of Colombia might, at the time, be unable to prevent. But, in taking such steps, this Government has always recognized the sovereignty and obligations of Colombia in the premises, and has never acknowledged, but on the contrary expressly disclaimed, any duty of protecting the transit against domestic disturbance.

President Cleveland, in his annual message of December, 1885, took the same ground, and President Roosevelt, in one of his sane and calm intervals, when not actuated with a desire to astonish the world by his ability to do things others would never dream of, nor to emphasize the strenuosity of his remarkable personality, declared in his message to Congress in 1902 that—

No independent nation in America need have the slightest fear of aggression from the United States. It behooves each to maintain order within its own borders and to discharge its just obligations to foreigners. When this is done, be they strong or weak, they have nothing to dread from outside interference.

I have cited the highest authority in support of the contention I make, and I assert that no man can cite any authority whatever to the contrary.

Thus we see that the mandates of justice, right, and honor required us, in compliance with the terms of the treaty, in case there was insurrection in Panama which threatened the sovereignty of Colombia and impaired the right to free transit across the Isthmus, to acknowledge the sovereignty of Colombia and, if we were to take any actual part at all in the controversy there, to aid Colombia in restoring order and keeping the peace. That duty, as I have shown, had been performed on several occasions in faithful recognition of the terms of the treaty and our obligations under it.

Let us now see how these obligations, principles, and precedents square with the acts of the Administration toward Colombia and Panama, which acts finally culminated in recognizing the people engaged in the revolt in Panama and the territory implicated as an independent Republic.

Early this year the United States and the Republic of Colombia, through their duly accredited and authorized representatives, entered into an agreement and proposed a treaty known as the Hay-Herran treaty, by the terms of which a canal was to be built to join the two oceans at Panama. I need not now stop to consider the terms of that treaty, as it is immaterial for the purpose I now have in mind. The Senate of the United States confirmed that treaty, and Colombia refused to ratify it, and adjourned without ratifying it on October 31 last. No one claims that Colombia had not a perfect legal right to refuse to ratify the treaty, or that it is a strange or uncommon thing for one country or another to refuse to ratify a treaty, as we rejected the Johnson-Clarendon treaty, and later England rejected the Hay-Pauncefote treaty until it was amended.

We need not now stop to inquire whether it would not have been far better for Colombia and for us had she ratified the treaty and relied upon our fairness to recognize later on any just claims she might have for further and greater concessions. She claimed that the treaty was unsatisfactory in that the lease was not perpetual, but renewable at long intervals; also, that the canal zone was too narrow, so that a conflict of jurisdiction within the canal zone seemed inevitable; and also in some other vital particulars

the treaty was not satisfactory, so she saw fit to reject the treaty, and her Congress dissolved October 31.

Ten days later the Congress of the United States was to convene in extraordinary session to pass upon the ratification of another treaty with Cuba. It was to be specially engaged in the treaty business. We had been waiting from early spring to see if Colombia would accept the treaty. Ten days longer wait would not have seemed an unwarranted delay to any but an impetuous and overstrenuous person.

Mr. SMITH of Kentucky. Will the gentleman yield for a question?

Mr. THAYER. Certainly.

Mr. SMITH of Kentucky. I gather from the gentleman's remarks that he placed the rejection of the treaty by Colombia at some time in October.

Mr. THAYER. The gentleman ought not to gather that from anything I have said. I have not said anything of that kind. I said that the Colombian Congress adjourned October 31. Away back in the August before that they had rejected the treaty, but they remained in session, and we, as legislators, know that at any time up to the date of their final adjournment, which was October 31, they could have reconsidered their rejection of the treaty and agreed to it, if they had so desired.

Mr. SMITH of Kentucky. Was not a resolution introduced into the Colombian Congress looking to a renewal of the treaty or the making of a new treaty?

Mr. THAYER. There was. The matter was under discussion, and our representative there was communicating with the Government here, saying that probably the treaty with some amendments might be ratified. But our President is not the man to wait when there can be something a-doing. If this matter of having a canal at Panama was not settled before Congress convened ten days later, the friends of the Nicaragua route and the friends of other routes might be reenforced and make more trouble for the Panama route.

Personally the President was in favor of building the canal at Panama, and he was not unfriendly with the French canal company. He seemed anxious to impress upon the American people that they had a strenuous man at the helm who did not stop at trifles—one who would ride any kind of a broncho where others, more cautious, dare not tread. It was this impetuous and irresistible personality that he wished to impress upon the people. They were to realize that their Chief Executive was not only a man of word, but of action. If there was no precedent to sustain, he would establish one, and if there was no law he would make one. The present occupant of the White House was not to be trifled with, law or no law.

He tells us in his message of January 4 that prior to October 31 certain newspapers predicted the secession of Panama if Colombia did not accept the treaty. In his message he says:

> Everyone knew that it was possible, but it was not until toward the end of October that it appeared to be an imminent probability. Although the Administration, of course, had special means of knowledge, no such means were necessary in order to appreciate the possibility, and toward the end the likelihood, of such a revolutionary outbreak and of its success.

And to further show what was likely to occur he incorporates in his message a statement of the New York Herald of September 10, as follows:

> Representatives of strong interests in the Isthmus of Panama, who make their headquarters in this city, are considering a plan of action to be undertaken in cooperation with men of similar means in Panama and Colon to bring about a revolution and form an independent Government in Panama opposed to that of Bogota.

Bearing in mind that the Colombian Congress adjourned on October 31 without ratifying the treaty, and also that, so far as we can determine by the correspondence laid before Congress between Mr. Beaupré, member of our legation at Bogota, or any other of our representatives there, and any Department of our Government here, no intelligence or communication was had between October 31 and the following November 6 relative to any revolt by the people of Panama, yet the Administration of the United States sent to our forces at Panama this order on November 2:

> Prevent landing of any armed force with hostile intent, either Government or insurgent, at any point within 50 miles of Panama. Government forces reported approaching Panama in vessels. Prevent their landing if, in your judgment, the landing would precipitate a conflict.

And on the same day, November 2, the Navy Department gave the following order to the commander of the *Nashville* at Colon:

> Maintain free and uninterrupted transit. If interruption threatened by armed force, occupy the line of railroad. Prevent landing of armed force with hostile intent, either Government or insurgent, either at Colon, Porto Bello, or other points.

And the same orders were sent the *Boston* and the *Dixie*.

These orders, we should remember, were given to a force which had been gathered within the last few days near the Isthmus, and before any insurrection or revolt had occurred. Remember, this was upon the Monday following the Saturday when the Colombian Congress adjourned.

Note also the language:

> Government forces reported approaching the Isthmus in vessels.

Who reported this?

When, where, and to whom?

The correspondence furnished the Senate under a resolution asking for all the correspondence fails to show any such report from anyone, and there has not been till this blessed hour any official report or notice given to the American people stating the sources from which this report came.

Is it true that thus early the three traitors to the Colombian Republic—namely, Jose Agustin Arango, Federico Boyd, and Tomas Arias—had begun communicating with our Government here in Washington? These were the same three, with about twenty other influential men in Panama, who incited the people of Panama to revolt and urged immediate revolution and secession. These were the men who had been to New York consulting with the counsel and directors of the French canal company. These were the parties who were deeply interested that the canal should be built at Panama at once, at any cost, and at any hazard.

I do not charge that they made the report, for I do not know, and no one else can ever know from the correspondence submitted to the Senate relative to the unfortunate affair.

But we do know that the President gave the order referred to on November 2, twenty-four hours before there was any revolt whatever on the Isthmus, and probably the leaders of the secession movement knew of the order as soon as our representative there did.

It must have given great strength and comfort to the few plotting the revolt. One can easily see the effect which would be produced upon that ignorant and irresponsible people when their agitators and coconspirators could go among the people and truthfully declare that the United States had allied itself with them and by force, if necessary, would prevent a soldier or a marine coming into Panama or anywhere within 50 miles of the city to secure order, quell disturbance, and force the little band of insurgents to lay down their arms, if they had any, and submit to the law of the land; in short, break up and put an end to the insubordination and rebellion.

Could Colombia have put down the rebellion and restored order if we had permitted her to?

Colombia had a population of 5,000,000 people, Panama about 250,000. If we had "stood hands off," as we were in duty bound to do under the provisions of the treaty we had with Colombia, it is but natural to assume that Colombia would have put down the rebellion, restored order, and reestablished free transit across the Isthmus in a very brief time.

If perchance she found herself unable to do this, it was our duty, if we were to do anything, to assist her to maintain her sovereignty, and it was not our duty to prevent her doing this by intervention of our armed force.

Now, what, as a matter of fact, happened after the Administration had sent orders to our troops not to permit the Colombian troops to enter upon the Isthmus? Just what we might naturally expect would happen. There was a revolt the next day, November 3, by some of the people of Panama.

Colombian generals in command, with four or five hundred troops, went to Panama on November 3. Captain Hubbard, of the *Nashville*, allowed these troops to come, as, he says, he did not feel justified in preventing them, as the insurrection had not broken out.

On the next day, November 3, the Colombian generals wanted their troops sent across from Colon to Panama. This Captain Hubbard would not allow, and on the next day, November 4, ordered a force from the *Nashville* ashore and took possession of the railroad station, so the Colombian troops could not move. In a day or two more they were forced to leave the Isthmus. They stood not upon the order of their going, but went at once.

On November 5, two days after the first revolt occurred in Panama, the United States received from Panama a formal announcement, signed by the three persons to whom I have already referred, calling themselves a "junta," that "the Republic of Panama was established."

And on the very next day, November 6, four days before the American Congress was to convene, the Administration recognized the new Republic by the following dispatch to our minister at Bogota:

> The people of Panama have, by an apparently unanimous movement, dissolved their connection with the Republic of Colombia and resumed their independence, and having adopted a government of their own, republican in form, with the Government of the United States of America has entered into relations; the President of the United States, in accordance with the ties of friendship which have so long and so happily existed between the respective nations, most earnestly commends to the governments of Colombia and Panama the peaceful settlement of all questions at issue between them, etc.

How did this Government know that Panama had won or declared her independence? What did our Government know of the sentiments of the people of Panama in less than three days after the first revolt began?

In no other way than that the three self-elected persons calling themselves a "junta" had so reported. Had this "junta," or the people of Panama, any constitution, any officers, any legislature, any form of government? None whatever!

And yet they are recognized by the American Republic as an independent people "with a government republican in form."

What a commentary upon republics and republican form of government!

I am mindful of the fact that those who would try to bolster up the Administration in its conduct in this whole matter have claimed to justify the landing of troops by Captain Hubbard of the *Nashville* on the ground that it was necessary and done to protect the American citizens on the Isthmus from harm and danger by the Colombian troops. This is but a miserable excuse. Colombia's 400 troops had landed at Colon on their way across the Isthmus to Panama, there to quell this disturbance, and not at Colon, for there was no disturbance at Colon. Captain Hubbard landed his troops and gave orders that Colombia's troops should not be transferred across the Isthmus by rail. The troops of the two countries were there, face to face, near the depot. The Colombian troops did not and dared not attempt to take passage to Panama.

Can anyone doubt what Captain Hubbard and his troops were there at the railroad terminal for? Was he there to protect American citizens, women and children? Captain Hubbard was there in response to orders from our Navy Department "to occupy the line of railroad and prevent the landing of any armed force," and the further order from our State Department that "troops which landed from the *Cartagena* should not proceed to Panama."

Captain Hubbard, in reporting what took place at the railroad station in Colon, says:

> I am positive that the determined attitude of our men (American troops), their coolness and evident intention of standing their ground, had a salutary and decisive effect on the immediate situation and was the initial step in the ultimate abandonment of Colon by their troops (Colombia's).

It is a mere subterfuge to claim that we used our troops to protect American citizens at Colon or elsewhere. We did it, primarily and purposely, to prevent Colombia's troops from quelling the disturbance at Panama and forcing the insurrectionists to subjugation, restoring order and a free transit across the Isthmus, and the maintenance of Colombia's sovereignty over the Isthmus and the whole Colombian territory; and all this in the face of and against our solemn obligations incurred in our treaty with Colombia when we "positively and efficaciously" promised perfect neutrality of the Isthmus; and, further, that—

> If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby.

The defenders of the President's conduct in this Panama matter have asserted, as if it were a fact, that the President has violated no law. A treaty is as binding on the people who are parties to it as any law. International law is mainly the recital of what nations have done under treaties, and the precedents established by the conduct of nations under varied circumstances.

I have attempted to show, and I believe I have succeeded, that in sending our troops to Panama before any revolution had begun, and that upon the very first day that it did begin, interposing our forces to prevent Colombia from putting down the rebellion, we violated the treaty and committed an unlawful act.

But even if I am in error in this matter, I can tell you, Mr. Chairman, what law the President did violate. He violated the great, supreme law of justice and righteousness.

What is the next step in this melancholy history?

On November 6 Arango, Boyd, and Arias, the self-organized and self-characterized "junta," sent to our Secretary of State one Señor Philippe Bunau-Varilla with this letter:

PANAMA, *November 6, 1903.*

SECRETARY OF STATE, *Washington, D. C.:*

The board of provincial government of the Republic of Panama have appointed Señor Philippe Bunau-Varilla envoy extraordinary and minister plenipotentiary near your Government, with powers to conduct diplomatic and financial negotiations. Deign to receive him and heed him.

J. A. ARANGO.
TOMAS ARIAS.
FEDERICO BOYD.

The independence of the Republic of Panama was at once recognized.

On the 17th of November the commissioners for the said "junta" reached this country. The treaty was ready for them when they reached Washington. It was negotiated, signed, and sealed between lunch and dinner. The agony was over, the curtain falls, and the commissioners return to inform the "junta" of the success of their errand.

These are the undisputed facts in this unfortunate affair. They appear mainly by official documents and correspondence.

While I concede that the right and authority to recognize the independence of revolting people rests with the President, that right should not be abused. It is not a new or complicated rule, but one well recognized and universally observed among all nations. I will cite three instances in our own country where the rule was referred to.

John Quincy Adams, in dealing with the South American republics, said to President Monroe:

> There is a stage in such contests when recognition of independence may be granted without departure from the obligations of neutrality. It is the stage when independence is established as a matter of fact so as to leave the chances of the opposite party to recover their domains utterly desperate.

Charles Sumner, later on, in referring to the action of England in recognizing the Southern Confederacy as a belligerent, said:

> The conclusion is clear. To justify recognition it must appear beyond doubt that de facto the contest is finished and that de facto the new government is established secure within fixed limits. These are conditions precedent not to be avoided without open offense to a friendly power and open violation of that international law which is the guardian of the world's peace. Armed recognition is simply recognition by coercion. It is a belligerent act constituting war, and can be vindicated only as war. But an attempt under guise of recognition to coerce the dismemberment or partition of a country is in its nature offensive beyond ordinary war.

And last I will cite a no less worthy and respected authority than the late President McKinley. In his message of April 11, 1898, Mr. McKinley, seeking to justify his refusal to recognize the independence of Cuba—and here let me stop to say, Mr. Chairman, that in my judgment President McKinley did not need to make any excuse for his delay in recognizing the independence of Cuba. If Congress had been content to follow the President in his purpose at that time, rather than with each returning sun to prod, force, and hound him till he was finally obliged to depart from his own wise policy in the Cuban matter, we should be far better off to-day, Cuba just as well off, and the poor Filipinos not the source of trouble they are to-day and will ever continue to be, or at least until we "back out." Mr. McKinley said in that memorable message:

> There are evidences that the United States, in addition to the test imposed by public law as a condition of the recognition of independence by a neutral state (to wit: that the revolting state shall in fact constitute a body politic, having a government in substance as well as in name, possessed of the elements of stability and forming de facto, if left to itself, a state among nations, reasonably capable of discharging the duties of a state), has imposed for its guidance in dealing with cases like these the further condition that recognition of independent statehood is not one to a revolted dependency until the danger of its being subjugated by the parent state has entirely passed away.

How pertinent are these words and this statement of international law to the conditions which confronted the first successor of President McKinley. Who will say that on November 6 the Government of Panama was any such government as Mr. McKinley described, "that the danger of its being subjugated by Colombia had passed away," when Colombia had hardly learned that any insurrection had occurred?

No thoughtful, reasoning man, be he lawyer or layman, can, I think, stop short of the conclusion, unwilling as he may be to reach it, that the Administration in its conduct toward Colombia and Panama violated precedents, international law, and the plain duty and undisputed terms of the treaty with Colombia.

Mr. Chairman, international law has no meaning if it does not bind the strong nation in its dealings with the weak. International law and jurisprudence rests upon the principles of eternal justice. If its rules and principles can be set aside from motives of interest or ambition or to gratify revenge whenever for the moment a great people or its rulers desire, then there is no international law save the highwayman's plea that might makes right.

It should be the highest ambition of our great Republic to be a leader among the peoples of the earth in the scrupulous regard for the rights of the weak rather than in the reckless exercise of overwhelming power at their expense.

We want the canal, and we shall have it; but we do not want it to the detriment of our good name, which is above all price, and we would have had it without the possibility of criticism of our conduct in procuring it had impetuous haste waited upon calm judgment and conservative action.

But above all, Mr. Chairman, we wish our Government to be one of laws and not of men.

Mr. Chairman, let me conclude my remarks by inserting this brief selection taken from an editorial in a friendly paper in a friendly nation. I quote from the London Graphic in an editorial on this Panama subject:

> We regret that the President has allowed the fair name of his Administration to be smirched by a transaction so utterly at variance with the most elementary principles of public law and international morality. We can not conceive a more lamentable outrage on the public conscience of the civilized world.

Mr. HITT. Mr. Chairman, I yield to the gentleman from Ohio [Mr. GROSVENOR] such time as he desires.

Mr. GROSVENOR. Mr. Chairman, I shall not attempt, in the very brief moments that I shall occupy, to discuss in detail the speech of the gentleman from Massachusetts [Mr. THAYER]. There is nothing that I could say, and there is nothing he has said, but has been repeated a hundred times in this Capitol dur-

ing the last three months. I have no disposition to refer disrespectfully to any branch of the Government; but if there ever was a subject worn threadbare, worn out, until it became odious to the ears and obnoxious to the nostrils of the American people, it has been this endless and infernal iteration of a lot of platitudes about the recognition of the Panama Republic. So I shall not try to say anything new about it.

I have this to say, however, that I have a lawyer's training and a lawyer's instinct about the question of the receiver of stolen goods, and I can not by any possibility disconnect the act of the acquirement of the Isthmus of Panama from the receipt of it afterwards and the enjoyment of it afterwards. By no ethics, by no logic, no argument that I can make can I disconnect the criminality of the one, if there is any, from the character of the other; and, therefore, when the gentleman says, "We want a canal and we are going to have it," he has admitted away all of his case, and stands indictable at the same bar, by the same grand jury, and upon the same evidence that he brings against the President.

Now, I want to say another thing. If the United States was guilty of a violation of international law, it was that violation and that alone that made any republic, or government, or combination, whatever it may be called, possible in the Isthmus of Panama. And so the original character of the conspiracy that the gentleman has described, if there was one, and the original character of the relation of our Government to the transaction, tainted the whole transaction, and no lapse of time, and no new conditions can by any possibility rechristen the child of that revolution by any higher or better name than the one given to it by the gentleman from Massachusetts. Therefore, while he condemns the United States in unmeasured terms of bitterness, and makes insinuations against the President of a character to which I do not wish to refer, I point out to the gentleman that the great nations of the world are also receivers of these stolen goods.

Bear in mind that my argument consists, in the first instance, of this: "Whatever there is of the Republic of Panama," says the gentleman, "was born of a conspiracy between somebody in the United States"—and by insinuation born within the knowledge at least of the President of the United States—"and a little irresponsible coterie down at Panama," all of which now is laid bare by the gentleman, and all of which is known by the whole civilized world; and yet, over the protest of Colombia, and yet with just as much information as the gentleman from Massachusetts has, and without any purpose of partisan advantage, England, France, Germany, Russia, Holland, Austria, Spain, Portugal, all the nations, all the great powers of the world, with every South American republic, have come in and indorsed the action of the United States Government by ratification, as it were, the recognition of this new Republic.

So when the gentleman, for partisan purposes, assails the President of the United States and assails the fair fame of his own country, he is assailing the intelligence and law-abiding character of the whole civilized world.

Mr. THAYER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. GROSVENOR. I yield to the gentleman.

Mr. THAYER. Is it not true, I ask the gentleman, that the other nations failed to recognize the Republic of Panama until at least a month in most instances after we had stood behind, protecting and guaranteeing Panama, and until Panama had, at least to some extent, become a de facto Republic?

Mr. GROSVENOR. The argument of the gentleman is that if you are committing a crime and defying the world and standing up to it and holding onto the proceeds one month, then the character of it is condoned, because you have been so persistent to hold on. That is the argument. That is where he is driven to. Does he think that the nations of the Old World, with their wonderful intelligence and great diplomatic wisdom and knowledge, have been carried by the action of the United States to condoning an act of criminal violation of international law? Our Democratic friends on the other side have not always, Mr. Chairman, been so careful of the rights of other countries as is manifested by the gentleman from Massachusetts in the particular occasion now under consideration. If he is right about it, if all these crimes have been committed, then history is repeating itself with a little appendix to the former chapter.

I remember, although only a boy at the time, that the whole country became greatly interested in the movement of the Democratic Administration, represented in Europe by Mr. Mason of Virginia, Mr. Soule of Louisiana, and Mr. Buchanan of Pennsylvania, ministers at London, Paris, and Madrid. They assembled at the town of Ostend, a beautiful watering place on the English Channel, in neutral Belgium, and they made a certain "manifesto," which passed into history, indorsed by the Democratic party, by the election of the chief mover in it to be President of the United States a year or two afterwards, and which was the Democratic policy at the time. The Ostend manifesto was a proposition to notify Spain, on behalf of the United States, that we would give $100,000,000 for the island of Cuba.

Mr. THAYER. Mr. Chairman——

Mr. GROSVENOR. Let me finish my statement. That it had become a kind of political necessity that we should have Cuba as a part of our Government. Therefore Spain was notified that if she would accept $100,000,000 and quiet title to the property, if she was willing she could have that $100,000,000, and if not we would go to war and seize it. Now I will listen to the gentleman.

Mr. THAYER. And is it not true that the next Republican convention, in 1856, condemned that in the strongest terms? And is not the Administration now doing what you then put on record as being worthy of condemnation?

Mr. GROSVENOR. If we did, we did exactly right.

Mr. THAYER. You are now doing what you condemn the Democrats for doing. You said the Democrats were wrong, and state that the Republicans were exactly right in condemning it. Why do you not condemn the same thing now?

Mr. GROSVENOR. What thing?

Mr. THAYER. Our transactions with Panama.

Mr. GROSVENOR. There is so much difference I do not recognize the analogy.

Mr. THAYER. Then why did you refer to it at all if the situations are not analogous? You referred to it for the purpose of showing that Democrats need not complain, as they then attempted to do just what I have shown that the Administration has now done.

Mr. GROSVENOR. To point the sins you have been committing in the days past [laughter on the Republican side], and I congratulate you on the fact that you have improved in political morals very greatly, and that your memories are so short that you do not remember the depth of iniquity out of which you have come. [Laughter on the Republican side.] That is all.

Now, Mr. Chairman, without going through over these things in detail, I will make a few suggestions. I believe that 99 out of every 100 people in the United States of America, except the Mugwumps of Massachusetts [laughter], are unqualifiedly and enthusiastically in approval of the course taken by the President of the United States in the matter of the Panama Canal. I believe that if he had not done just exactly what he did do, or if he had varied there in the Isthmus a feather's weight in the vindication of the majesty and duty and rights of the American people in that behalf, that side of the House and that side of the Senate would be resounding to-day with the abuse of the President as being unfit to represent a great nation upon a great question.

I believe that Theodore Roosevelt placed a star in the crown of his Administration brighter than it had been the good fortune of any American President in the last thirty years to have established. [Applause on the Republican side.] I believe it will go down to the latest generations of our country's history as an Administration of what one man or one Administration can do to redeem the character of the nation from the possibility of the charge of imbecility and lack of courage in an hour of extreme peril and excitement. [Applause on the Republican side.]

I believe that if the gentleman will put his ear to the ground just now and listen to the sounds that are coming from all over the United States, from the North and the West and the East, and even the South, he will hear a sound of indorsement of Theodore Roosevelt in this particular matter of the Panama question that will unsettle his views as to the future possibility of Democratic victory in the coming election for President. [Applause.]

Mr. THAYER. Will the gentleman refer me to any paper of any standing that justified the President of the United States in his course at recognizing Panama at the time he did and in the way he did?

Mr. GROSVENOR. If I was going to reach the end more directly, I would ask the gentleman to refer me to any paper which condemns it.

Mr. THAYER. I will refer the gentleman to the statement made by the professors of Yale College.

Mr. GROSVENOR. Oh, my God! [Laughter.]

Mr. THAYER. Their opinion is worth a little something on international law. The gentleman can not laugh down the thing in that manner. These professors know about as much about international law as the gentleman from Ohio. It ill becomes him to state that in his opinion all the people are in favor of Mr. Roosevelt's proposition, and then when I call to his attention such men as these professors in Yale College simply shout "Mugwump," or can he make the proposition and then laugh into ridicule the opinions of these learned men. The professors of Yale College are entitled to some consideration, Mugwumps or no Mugwumps.

Mr. GROSVENOR. I can state a thousand papers which are in favor of it. The New York Tribune——

Mr. THAYER. The New York Sun, did you say?

Mr. GROSVENOR. I did not. Yes, the New York Sun, also, and strangely enough, the New York Sun, while opposing President Roosevelt and condemning President Roosevelt in many respects, as I read it, thoroughly approved of his course in that particular.

Mr. THAYER. It does not, as anybody ought to read it. I do not know how you read it. You have such a noted faculty of reading things in papers that nobody else can find.

Mr. GROSVENOR. And now I am told the gentleman has not been quite in good faith in this matter of Yale College, and while some twenty professors there have condemned the President, Mugwump professors, fifty professors of Yale College strongly indorse the President's conduct and have signed a paper to that effect.

Mr. THAYER. Then, what are you ridiculing them for—Mugwumps? [Applause on the Democratic side.]

Mr. GROSVENOR. I did not ridicule them.

Mr. THAYER. Another thing, I ask the gentlemen wherein have I showed any bad faith? I did not say all the men of Yale College; I said twenty or more, and——

Mr. GROSVENER. I have not yielded the floor to the gentleman, and I decline to be interrupted.

Mr. THAYER. I did not know——

Mr. GROSVENOR (continuing). And the gentleman gets excited and disturbs the peace, and I do not want that to happen. [Laughter.]

Mr. THAYER. The gentleman's peace of mind seems to be easily disturbed on this matter.

Mr. GROSVENOR. Mr. Chairman, I am quite aware that political action of gentlemen is not confined to the House of Representatives nor to the Senate. I am not oblivious of the fact that if the question was whether the Ten Commandments were absolutely a guide to good morals, I could find a good many college professors who would denounce them without any hesitation, or at least they would want to amend them and put in some later discovery of science. Now, I am not to be misled, I have but a very few moments, and I promised to occupy but a very few moments; I have pointed out what, in my judgment, will be the voice of the American people. For more than a hundred years we have been trying by every process of diplomacy and by every known acquirement of knowledge to build a canal, and the time has come when the country is acutely in favor of it, when the necessity for it is pressing much stronger upon the great agricultural region of the South than it is upon the North.

And when all the people looked forward and witnessed the great battle that was fought here with so much distinguished success and ability by the gentleman on my left [Mr. HEPBURN], chairman of the great committee on Interstate and Foreign Commerce, in favor of the Nicaragua Canal, and finally, when that question seemed to turn the other way, all the people of the country said, "We are in favor of now going forward," and it ceased to be a party question, or had reduced itself down to the struggle of a few men. Then came the question. We accepted the proposition of Colombia, because that was in fact what took place. The treaty that was afterwards rejected was a treaty drawn in effect and agreed to absolutely by their own agent.

Then they came to a point where they undertook to jockey with us and force the payment of a larger sum of money. Believing that the President's position now is true, that when it had passed beyond the power of the President to negotiate for the Nicaragua Canal, actuated by the mere purpose of attempting to hold up the Government of the United States by seizing it by the throat and compelling the payment of ten million more dollars to them, and when that attempt came and the people of this country witnessed the uprising of Panama—that was the time when the patriotism of this country said, "We have settled the great question of the world by the genius of American diplomacy and the American courage of action."

Mr. HARDWICK. May I ask the gentleman a question?

Mr. GROSVENOR. I will yield to the gentleman.

Mr. HARDWICK. I want to ask the gentleman from Ohio this question: Even if it is true that the diplomatic agents of the Republic of Colombia negotiated this treaty with the United States of America, would the fact that the Senate of Colombia afterwards, in the exercise of its functions, rejected the treaty be any cause of complaint against that Government?

Mr. GROSVENOR. It would depend wholly and entirely upon the circumstances under which it was done, and no matter how it was done, there is a power, and it is moving in the civilized world, a power greater than the little contemptible spirit of the Colombian Senate, a power that says that in the interest of civilization, in the interest of prosperity, in the interest of the millions of American people, in the interest of the millions of the people in the Orient, a canal shall be built; and woe to the politician or the newspaper man or the college professor that gets in the way of this mighty movement of a mighty people to do a mighty thing. [Applause on the Republican side.]

Now, I have in my hand a paper of at least fair repute——

Mr. SMITH of Kentucky. Will the gentleman yield for a question?

Mr. GROSVENOR. In a moment. I consider it a great and able newspaper. The Philadelphia Inquirer has an editorial to-day headed "Panama Canal obstructionists should be placarded from one end of the country to the other." I will, in order that the gentleman from Massachusetts may see that I have accepted his challenge, put it into my remarks:

[From the Philadelphia Inquirer, February 1, 1904.]

PANAMA CANAL OBSTRUCTIONISTS SHOULD BE PLACARDED FROM ONE END OF THE COUNTRY TO THE OTHER.

As long as there are Senators who are inclined to do so there can be obstruction to the ratification of the Panama Canal treaty.

But the time has come when the Republican majority should not longer submit to the miserable game of hold-up in a spirit of meekness.

The names of the obstructionists ought to be placarded from one end of the country to the other as foes of progress.

They ought to be smoked out—every one of them—in order that the American people may know just who the men are who are so shamefully and shamelessly misrepresenting public sentiment.

The whole story of the canal negotiations has been given to the people. There is no stain upon the hands of the Administration. The President has done exactly the right thing at the right time. Public censure does not fall upon him, but upon those Senators of the United States who have thought to gain some partisan end by opposing a measure that is of the utmost importance to the nation.

Let the friends of the treaty and of national progess force the fight and drive the obstructionists out of their hiding places and into the full glare of publicity.

The nation demands action, and it will know how to deal with those who are not with it in hurrying work upon the greatest of all world enterprises.

Mr. THAYER. I notice that the gentleman has by calling to my attention one single newspaper in this country.

Mr. GROSVENOR. I say that 95 per cent of the newspapers are on that side, among them the Atlanta Constitution, one of the ablest papers in the South, a Charleston paper, two New Orleans papers, and all over the country. I know of no great, intelligent paper not steeped in partisanship that is not in favor of this canal that is to be built by the American people.

Mr. THAYER. Will the gentleman be willing that I shall read a resolution in the Republican platform of 1856 for his information in relation to the Ostend manifesto?

Mr. GROSVENOR. No; I cast my first vote in favor of that platform. I am held by it; I am in favor of it; splendid old platform! Never has been improved upon. Free speech, free press, free men, Fremont and anti-Democratic wherever they were. [Laughter.]

Mr. THAYER. Yes; and they all went down together like the one-horse shay——

Mr. GROSVENOR. I will now yield to the gentleman from Kentucky.

Mr. SMITH of Kentucky. The gentleman has passed away from the point that I was about to question him upon.

Mr. GROSVENOR. I want to say to the gentleman that I have not indorsed the Ostend manifesto. I say it was an attempted piratical outrage.

Mr. THAYER. That was that we should take Cuba at a certain price; and if she would not agree to it, we were to take her whether or no?

Mr. GROSVENOR. That is what it was.

Mr. THAYER. And that is what we did with Panama—if they would not accept our treaty we would take the right to build the canal, law or no law.

Mr. GROSVENOR. Isn't the gentleman satisfied with his speech? [Laughter.]

Mr. THAYER. Perfectly.

Mr. GROSVENOR. Then why doesn't he put an end to it?

Mr. THAYER. I suppose the gentleman from Ohio would like everybody to put an end to his speech except his own, and he talks ten times more than any man on the floor.

Mr. GROSVENOR. But the gentleman ought not to take his own time and then break me up into pieces.

Mr. THAYER. Oh, there is not anything that will break the gentleman up in his talk except the judgment day. [Laughter.]

Mr. GROSVENOR. Well, when the judgment day comes, and I am hunting around for an advocate to present my cause, let me say to the gentleman that I shall not spend my time looking in that section of the country for him. [Laughter.]

Mr. THAYER. Oh, I shall be in a cooler place. [Renewed laughter.]

Mr. GROSVENOR. Now, Mr. Chairman, I was practically

through with my very able remarks when the gentleman injected himself in here to show that the Ostend manifesto——

Mr. THAYER. But the gentleman referred to it himself. I did not.

Mr. GROSVENOR. To show that the Ostend manifesto was condemned by the Republican party. I thought he had done it. He has forgotten it already. I thought he had done it. I thought he got that platform to read to us to show that the Republicans in 1856 condemned the Ostend manifesto.

Mr. THAYER. I hold it now in my hand, but you will not give me the time to read it. You prefer, as in many other things, to continue in your ignorance of it.

Mr. GROSVENOR. Then I am right. I say that the gentleman came in here to show me that we had condemned that platform.

Mr. THAYER. And now the gentleman in sustaining the Administration is taking a position right the contrary to that. That is my position.

Mr. GROSVENOR. Not at all. I have shown the gentleman as far as I could, in my feeble way, that there is not the slightest parallel between them, any more than there would be between the Mexican war on the one hand and the war of our Revolution on the other.

Mr. THAYER. I will say that the gentleman has entirely failed to convince me of it.

Mr. GROSVENOR. Will not the gentleman allow me to complete a sentence or two without putting his answer into it? I do not want to have it all broken up into patches.

Mr. THAYER. Oh, there is no danger of breaking the gentleman up. I can only expect to bend him a little.

Mr. GROSVENOR. I have not mine written out, and can not speak with the vim that the gentleman did. I am trying to speak from the inspiration of the moment, and the gentleman ought to take pity on me and give me a chance. [Laughter.]

Now, Mr. Chairman, a single word more. There are issues enough, my Democratic brethren, upon which you can go to war with the Republicans this coming campaign. I do not know what they all are, but I know there are several of them. You have enough of them, in my judgment, of sufficient strength to make a very respectable fight. The last two campaigns you have waged were not respectable in power. The defeats that you sustained were so great, so overwhelming, so expected by us and so unexpected by you, that the glory of two great campaigns was stripped away.

You are in a position now, if you will call off a few more leaders and get rid of them, to give us a whole lot of trouble in the coming summer and fall. We are glad of that. We do not want to kick and beat the air any more. Give us an enemy. You have been an enemy worthy of the steel of any political party on earth—grand in your principles, glorious in your devotion to party duty, and powerful when you come under a banner that you are not ashamed of. You have issues enough.

The tradition of your party is substantially the tradition of a free-trade party, and you can pick a whole lot of little criticisms of our career in office during all of these eight years—there is plenty of fuel to feed the flame of partisan excitement and interest; but do not go into this battle tied hand and foot to a proposition so distasteful to the American people as to strip you of fighting power.

Do not come to us with an indorsement of any man's speech, whether a Representative or a Senator, that undertakes to condemn the United States in its action in the matter of the Panama Canal. If you do, there will not be enough left of you in November to make a respectable funeral procession. [Laughter on the Republican side.] I know that some gentlemen who are a little bit inclined to be protectionists, a little bit inclined to be gold-standard men, are quite willing to get up some cry of imperialism or some cry about Panama and get a banner under which they can fight without being driven to support the attitude you are going to take upon the great political questions of the day; but do not follow those men. If you do, you will go to ruin again just as you have done heretofore. [Laughter.]

I say that the brightest star in the galaxy that to-day shines upon the pathway of the candidate of the Republican party is his course in the Panama Canal question. [Applause on the Republican side.] It was not unduly precipitate. It was intelligent, wise, and characteristic of the Administration, doubtless in some part advised and recommended by the distinguished Secretary of State, than whom we have had no better, more clear-headed Secretary of State within the memory of living man. [Applause on the Republican side.]

And the people of the United States are in favor of the men who did it. If you want to be wise, you must not drive the rank and file of the American people to vote for Roosevelt because of his action on the Panama Canal, and that is what you are likely to do. He will be nominated by acclamation, and among the strong arguments that we shall make in his favor will be two things: First, when you say he is overstrenuous, overactive, overimpetuous, we will ask you, "What has he done?" Name the thing now. Where was he overimpetuous? What public act of Roosevelt would you criticise to-day on the stump of the United States? What act has he done that the Republican party can not indorse in its convention and the people of the country can not indorse at the polls? [Applause on the Republican side.] What is it? There is not one such act.

He promised at Buffalo to execute the policy and principles adhered to by William McKinley. I challenge any man—not to get up and interrupt me now—but I challenge him to take time and come here and tell me and tell the American people what principle, what act, what policy of McKinley, Roosevelt has not executed. And when we go to the American people and say to them, "You must either vote for Roosevelt or you must condemn McKinley," and when you supplement all that by saying, in addition, "You must condemn the policy of the American nation in the eyes of the whole world because of the Panama question," you will find yourselves in a dilemma that I hope you will never get into. [Applause on the Republican side.]

Mr. SMITH of Kentucky. Will the gentleman allow me to ask him a question for information?

Mr. GROSVENOR. Yes, sir.

Mr. SMITH of Kentucky. I observe that the official correspondence between our representative on the Isthmus of Panama and the State Department here in Washington indicates that a knowledge of the revolution was possessed here before it was down there.

Mr. GROSVENOR. I do not care——

Mr. SMITH of Kentucky. What I want to ask the gentleman is this: Thinking that he might be able to throw some light on that question, I would like to know if he can give to this committee any information showing that the State Department derived its knowledge of the revolution from Panama first—I mean, whether there was any official correspondence sent to the State Department from Panama before this message was sent from the State Department to Panama advising that a revolution had occurred or was about to occur?

Mr. GROSVENOR. I did not get my information in that way. I got my information in July. I read it again in the London Times of the early days of September, that there was in motion an element in Colombia sure to result in revolution in Panama if that treaty was defeated, and I believed it, and I believe the gentleman now believes it; and whether the President of the United States heard of it first or not, I do not know. Where he got his information I do not know. But I will tell the gentleman from Kentucky one thing. Roosevelt may be impetuous and he may be strenuous, but he is honest, he is truthful, and he would not lie, even under the pressure of the Senate of the United States. [Applause.] Whatever he says about the matter I implicitly believe, and so do 10,000,000 voters of the American people, as they will show the gentleman in good time.

Mr. SMITH of Kentucky. I wish to say that I have the utmost confidence in the President's integrity, and I have asked these questions simply to get information, if it were possible to elicit it from the gentleman.

Mr. GROSVENOR. So much talk has been made about it—so much has been said about it that it is becoming tiresome. Every gentleman who can get an audience anywhere commences to read a great lot of telegrams and official reports. I have no doubt that the President, keenly alive to his duty, on the alert with an ability of alertness second to no man on earth, heard the reverberation of the forthcoming revolution at Panama long before it took shape in the formation of the provisional government.

Mr. SMITH of Kentucky. I simply wanted to know what formed the basis of that first message, sent, I believe, by Assistant Secretary Loomis.

Mr. GROSVENOR. The long experience we had of the treachery of those South American fellows down there was a warning to the President to be on the alert and attend to business; and my friend from Kentucky would stand here to-day to condemn him if he had waited twenty-four hours and injury had come to our cause down there, because it is our cause as well as the cause of civilized nations.

Mr. SIMS. May I interrupt the gentleman with a question? I never did it before in my life.

Mr. GROSVENOR. I shall be delighted to hear the gentleman's question.

Mr. SIMS. I am afraid you might think I did not pay proper attention if I did not ask you a question.

Mr. GROSVENOR. The gentleman need not give himself any concern on that.

Mr. SIMS. Now, seriously, I can understand how every Republican and every Democrat who believes the Administration has done nothing wrong should advocate the ratification of the

treaty. I think that is consistent, and think they ought to; but I want to know how the man, Republican or Democrat, can reconcile his position when he gets up here and tells us that the course of the Administration was equivalent to a crime, but that he wants to ratify the treaty and thereby get the benefit of the fruits of the crime.

Mr. GROSVENOR. Well, that is the old cry. The gentleman has had a great deal of practice in the courts of the country, and if he has had an unfortunate tramp assigned to him by the order of the court to defend for the presence on his person of a stolen watch or something of that kind, the gentleman knows how he always says somebody else gave it to him and puts the responsibility over onto some one else. I can not answer the gentleman's question. I think every man must answer that question for himself. I think that every American who votes to build the Panama Canal, to appropriate the money, and who stands by the future action of the Government, is estopped by the record and by his own conduct in pais to say now that the act of the President was a crime against the international law of the world. That is what I think.

Mr. SIMS. I want to ask this further question, as the gentleman is so candid: If the gentleman from Ohio himself believed that the conduct of the Administration was a crime, he himself would not vote to ratify the treaty, if he had an opportunity?

Mr. GROSVENOR. Most assuredly I would not. But I wish the gentleman would not put such a question, because it suggests the possibility of a suspicion that I might believe that the Administration as now constituted could commit one of those crimes, and I do not believe it.

Mr. SIMS. I do not mean that.

Mr. GROSVENOR. Mr. Chairman, the Republican party will settle this question, as it has settled all the other great questions that have come before it; and in the long run, sooner or later, the merchant marine and the navies of the United States will go triumphantly through the Panama Canal, and all the people of the country will say, "Hallelujah!" and Roosevelt's name will stand high up on the scroll of fame for his part in this magnificent international act. [Applause on the Republican side.]

Mr. Chairman, I ask unanimous consent to place in the RECORD a very carefully written and wholly nonpartisan discussion in regard to our foreign and interstate commerce. I ask to extend my remarks for that purpose. It was furnished by Hon. O. P. Austin, of the Bureau of Statistics of the Department of Commerce.

Mr. THAYER. Not objecting at all, I wish to ask, Has it anything to do with this question?

Mr. GROSVENOR. Oh, yes; it shows the value of the canal.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the line indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

[Address delivered before the Rochester (N. Y.) Chamber of Commerce, by O. P. Austin, Chief of the Bureau of Statistics of the Department of Commerce and Labor, Thursday, January 7.]

I consider myself greatly honored in being permitted to address you on this occasion, and especially so in view of the fact that I come representing in some sense the new Department of Commerce and Labor. Unfortunately the head of the Department, the Hon. George B. Cortelyou, was unable to accept the cordial invitation which your officers extended to him to be present and personally address you, and I can assure you that this fact was to him a matter of sincere regret.

Himself a native of this great State, attached to its people by tender ties and personal association and recognizing keenly the important relation of this State and this city to commerce and industry, he greatly desired to accept the invitation and have this opportunity to personally talk with you about this subject of mutual interest, the work of the new Department and its relation to the growing commerce of our country. But the exacting duties of his position rendered this impracticable.

To organize a new Department consisting of over 10,000 people, scattered throughout all parts of the country, to adjust the relations of bureaus and divisions new and old, not only to each other, but to the important interests which they and he as the head of the Department must consider, is a great task.

When we consider that our country has now an area equal to that of all Europe, that our population is over 80 millions, and the number under the American flag and under the care of the Government is more than 90 millions, that our exports are now greater than those of any other nation, and our internal commerce equal to the international commerce of the world, we may realize in some degree the importance of the duty which devolves upon the man who organizes and directs the work of a new Department of Commerce and Labor.

"Say to the people of Rochester," said he to me on leaving, "that I very much regret my inability to accept in person their invitation and to have the opportunity personally to talk with them about the work and ambitions of the new Department of Commerce and Labor, and it is only the pressure of my public duties here that leads me to ask them to excuse me on this occasion."

And while you are thus, by force of circumstances, deprived of his presence and of that which he might say if here, I want to quote to you just a few words from his first annual report, which will indicate the broad view which he takes of the prospective work of the Department of Commerce and Labor and of the subjects with which it must deal—the commerce and industries of the nations of the world. In that report he said:

"The Department was not established to control the energies of the people. By furnishing them with needed information, it can help intelligence and self-reliance to put forth efforts in trade with the best results. This will be one of its chief aims. Conditions exactly as they are found will be shown in a true and impartial light.

"Statements of fact and statistics issued by this Department will be nonpartisan, not only in the usual political sense of the word, but in the broader sense of the freedom from bias of preconceived theories or of predilections toward or against individuals, associations, or organizations. By carrying out this policy the various branches of the Department, acting as a single organization, can render far greater service to labor and to capital than could be had from independent offices specifically devoted to particular interests. * * *

"The Department deals with the great concerns in commercial and industrial life. To be of service to these interests it must have their hearty cooperation and support. It must be a Department of business. It must be progressive, but at the same time conservative. It must not deviate in its course from the pathway of justice, strict and impartial. It must be nonpartisan in the highest and broadest sense.

"It must recognize no distinction as between large and small interests, as between the affluent or powerful and the humblest citizen. If it attempts to occupy a field that properly belongs to private endeavor, it will inevitably fail to realize the high hopes of its present well-wishers. It must adhere rigidly to the lines marked out since the foundation of the Government for Federal agencies in executing the will of the people.

"If these general principles are made effective, if conservatism and impartiality, coupled with ever increasing efficiency, mark its administration, I can not but believe that this new Department will become a mighty influence for good in our commercial and industrial affairs."

DEPARTMENTS OF COMMERCE IN OTHER COUNTRIES.

The Government of the United States has been none too soon in the organization of a Department of Commerce and Labor. The great importance of international trade has attracted attention in all parts of the world, and the struggle for representation in the world's markets has become more and more intense with each year. Already many of the leading nations of the world have organized departments of commerce, with cabinet ministers to direct the work and to make and cause to be made such studies and investigations as may prove helpful to the producing, manufacturing, and commercial interests of their respective countries.

No less than twenty countries and colonies of the world now have departments which, under one title or another, devote their attention to commerce, and among these are nearly all the great commercial countries of Europe and of the commercial world, and while we are somewhat late in organizing a department which will give its exclusive attention to commerce and industry, we have a magnificent foundation upon which to build and an enormous interest to care for and develop.

And it is because of this fact, the magnitude of the task, and the interests involved, that the Secretary of Commerce and Labor has moved slowly, carefully, and conscientiously, preferring, as he says in his report, to "lay the foundation on broad lines and build thoroughly and conservatively for the future," rather than "to sacrifice the essentials of sound organization to a desire to make an early showing from ill-considered and ill-timed investigations."

DEVELOPMENT OF OUR COMMERCE.

And now, having said what seems proper on such an occasion regarding the work of the new Department, I want to say something about the commerce with which it is to deal, and the future which I believe awaits it. This is a subject which to you men of affairs—merchants, manufacturers, exporters, bankers, transporters—can not but be, it seems to me, of great interest. You occupy a central position between the producing sections of the West and South and the manufacturing and exporting sections of the North and East.

The raw materials of the farm and mine and forest from the South and West pass your doors in immense quantities daily, and not a little of them find their way into your factories, and the production of your factories with that of other sections farther East and North find their way into every part of the civilized world, and in constantly increasing quantities. It is not unreasonable, then, to believe that you will be interested in this question of the expansion, past, present, and prospective, of our production and commerce, and while it is a subject with which you are familiar, to which you are giving your constant attention and labors and your best thoughts, it has occurred to me that perhaps a review of what has been accomplished in the past and some suggestions of what this accomplishment means for the future might not be improper.

A MOVING PANORAMA OF THE WORLD'S COMMERCE.

The student of commercial statistics who has at his command the record of the production, consumption, manufacture, and exchange, not only of his own country, but of all countries, not only of a single article, but of all articles, not only for a single year, but for all years as far back as records are available, should be able to draw some general conclusions from them which would be of interest even to those engaged in one or another of the various industries which he so considers.

The columns of figures which appear dry and uninteresting to many are to him living pictures of conditions during a long term of years and over a wide area, a moving panorama of the world's progress or of the progress of any particular section into which he may desire to examine; and while statistics when presented in detail are tiresome and uninteresting, I trust that some great facts, stated in general terms, measured merely by round millions or billions, may not prove tiresome but rather a picture of progress which may interest you and give you new faith in our great country and new courage for the sharp contests which are before you in the invasion of the world's markets.

THE GREATNESS OF GREAT FIGURES.

Before beginning my discussion of a subject on which I must talk almost exclusively of millions and billions, I trust you will pardon me if I say a word about the relation of these two great measures of quantity and value. We are so accustomed in this great country of ours to talk of millions, and even billions, that I think we scarcely stop to consider what an enormous sum a billion is. I do not need to say, of course, to you men of business that a billion is a thousand millions, in our acceptance of the term. But do we, any of us, fully comprehend what a vast sum a billion is?

It is so easy when you write a million simply to add three more ciphers and make it a billion that I hardly think we fully realize the difference. Let us take a simple and familiar subject as a method of determining the comparative greatness of the two terms "millions" and "billions." We all know how rapidly an expert counter of coins will manipulate them. You can scarcely follow the motion of his fingers as he shifts the shining coins from one pile to another and counts them. The Treasury experts will count 4,000 silver dollars in an hour and keep it up all day long, but that is their limit.

Working eight hours a day, then, an expert counter of coins will count 32,000 silver dollars in a day; but how long will it take him at that rate to count a million dollars? Thirty-one days. Think of a man counting silver dollars hour after hour, day after day, as fast as he can count them, and yet finding

that at the end of thirty-one working days he has only counted 1,000,000! But that is only the beginning of the measurement of great figures, for if this same man were to go on counting silver dollars at the same rate of speed for ten years, he would find that he had only counted 100,000,000 of them, and that to count a billion dollars would require one hundred and two years of steady work at the rate of eight hours per day during every working day of every one of the one hundred and two years.

So when I begin to talk to you of billions of dollars in the measurement of our commerce or that of the world, please remember that a billion is a thousand times as much as a million, and that even that expert who can count a million in thirty-one days must take a full century to count a billion. And when you realize this I think you will agree with me that the figures which measure our commercial progress are not merely wonderful; they are appalling.

Our best—indeed, our only—method of foretelling the future is by a study of the past. If we want to know what our country is likely to accomplish in supplying the great markets of the world, both at home and abroad, we must first see what it has done in that line in the past and compare that work with that accomplished by other nations which are to be our competitors in the world's markets.

THE IMPORTANCE OF THE HOME MARKET.

Before beginning a study of the question with reference to the markets of other parts of the world, let me call your attention to the importance of our home market. This is a subject of which we hear much from time to time, especially during political campaigns; but it is one which must impress itself upon all who study the figures of the actual consumption of the prosperous population of this great country of ours, a country with 80 millions of busy people, a population now increasing at the rate of nearly 2 millions per annum.

Before stating the figures of the value of our internal commerce, however, I want to give you a standard of measurement, a great unit of value by which we may measure its importance and its growth. The international commerce of the world, the entire foreign commerce of all the nations and colonies of the world, so far as we can measure it, amounted in the year 1900 to about 20 billions of dollars. That is the total of imports and exports combined of all countries and colonies of sufficient importance to maintain any sort of a record of their commerce.

A third of a century ago, in the year 1870, the international commerce of the world was 11 billions, but the deve opment and use of steam and steel and electricity in transportation and commerce, by land and sea, during the wonderful period in which this generation has lived has brought it to 22 billions in the year 1903.

Here, then, we have a definite measure of value; the entire international commerce of the world in 1870 amounted to 11 billions of dollars and in 1903 to 22 billions. And with this standard of value—this immense measuring rod—I propose to measure the internal commerce of the United States.

To determine what the internal commerce of a country is is much more difficult than to measure its foreign commerce. In the foreign commerce there are certain gateways through which all merchandise entering and leaving the country must pass, and it can there be definitely measured by the customs officers of the country; but there are no gateways at which the internal commerce of the country, that which passes from hand to hand or city to city, can be measured.

Our best mode of measuring the internal commerce, then, is to take the value of the various great products at the farm and mine and forest and factory, as stated by the decennial census, and after allowing a proper addition for the cost of transportation to the first dealer who handles them, accept this general total as the value of the internal commerce of that year, allowing for only a single transaction in each article.

OUR INTERNAL COMMERCE EQUALS THE INTERNATIONAL COMMERCE OF THE WORLD.

Applying, then, this mode of measurement—a mode generally accepted among economists—I find that the internal commerce of the United States was in 1870 7 billions of dollars, and that in 1900 it was 20 billions. With this definite basis of 20 billions in 1900 and knowing what rapid development has occurred in all lines during that period, we may safely and conservatively put the internal commerce of the year 1903 at 22 billions of dollars—a sum which actually equaled the entire international commerce of the world in that year.

Think of it, men of Rochester; you producers and manufacturers and merchants and traders and bankers and transporters, think of it! The market of our own country, the home market, in which you can transport your goods from the door of the factory to the door of the consumer without breaking bulk a single time, is equal to the entire international commerce of the world.

Not only is this true that our home market is equal to that offered by the international commerce of the entire world, but it is evidently growing far more rapidly than international commerce, for, as I have said, the internal commerce of the United States has grown from 7 billions in 1870 to 22 billions in 1903, while the international commerce has grown from 11 billions in 1870 to 22 billions in 1903, or, in other words, while the international commerce of the world is now twice as great as in 1870, the internal commerce of the United States is now three times as great as in that year and equals the entire commerce between all nations.

CAUSES OF THE GROWTH OF OUR COMMERCE.

What has been the cause of this wonderful growth in our internal commerce in the thirty-three years, a period over which the memory of most of those here present easily extends? There have been, during that time, no additions to our area upon this continent; no material changes in general conditions other than those which any energetic people might make in any country blessed with conditions equally favorable. Yet in that period our internal commerce has trebled while the international commerce of the world was doubling, and our foreign commerce has also trebled while that of the world as a whole was only doubling.

First, we must consider the increase of population. The prosperity of this country, its free homes offered to a free people, its high wages, its varied climate and productions and occupations, its rapid growth in wealth and development of the comforts and conveniences of daily life, all these things have attracted the attention of the world, and there have come to us from other parts of the world since the beginning of the year 1870 no less than 15,000,000 people, people whom we usually designate as "immigrants."

They have become permanent residents of the country, and the census of the year 1900 showed more than 10,000,000 persons of foreign birth then residing in the United States, forming 13 per cent of our busy population; earnest, energetic workers, in most cases, and adding materially to the wealth and prosperity of the country. The result of this vast addition of people, coupled with the increase natural to a country of prosperity and plentiful employment for a new generation, has been that our population has more than doubled in the past thirty-three years, while that of the world as a whole has increased but 25 per cent.

The world's population in 1870 was about 1,300 millions and in 1903 about 1,600 millions, an increase of 25 per cent, speaking in round terms. The population of the United States was in 1870 38½ millions, and in 1903 80 millions, an increase of a little more than 100 per cent.

INCREASE IN PRODUCTION OF STAPLE ARTICLES.

This is the first cause, then, of the development of our prosperity as compared with that of other parts of the world—a rapid growth of industrious, energetic, intelligent population in a country with a large area waiting for development—an area which, for variety of climate, fertility of soil, and power of production in agriculture, in minerals, for manufacturing, and in natural facilities for transportation is unequaled in any part of the world.

Now, let us see some of the results: In 1870 our production of wheat was 235,000,000 bushels; in 1903 it was 637,000,000, or nearly three times as much, while the population had but little more than doubled. Of corn, our production in 1870 was 1,000,000,000 bushels; in 1903 it was 2,250,000,000. In 1870 our cotton production was about 3,000,000 bales; in 1903, practically 10,000,000 bales.

In 1870 our production of steel was less than 100,000 tons; in 1903, more than 15,000,000 tons; and our production of pig iron and steel is now greater than that of England and Germany combined, and about one-third that of the entire world. In 1870 our production of copper was but 13,000 tons; in 1903 it was 280,000 tons, and we now produce one-half of the copper in the world.

In 1870 our production of petroleum was 220,000,000 gallons, and in 1903 more than 3,000,000,000 gallons, the exportations of that year being nearly a billion gallons, or more than four times as much as the total production of 1870. The coal production of the country in 1870 was 32,000,000 tons; in 1902 it was 365,000,000 tons, or more than eight times as much as in 1870. The gold and silver production of 1870 was $66,000,000 in value; that of 1902, $156,000,000. The total value of products of agriculture in 1870 was less than $2,000,000,000; in 1900 nearly $4,000,000,000.

The value of the products of the mines in 1870 was but little more than $200,000,000; in 1900 it was over $1,000,000,000. The length of the railroads of the country, by which the product of the farm and mines and forests are assembled for manufacturing, was, in 1870, 53,000 miles; in 1903, 210,000 miles, or four times as great in 1903 as in 1870, and our railroads now form two-fifths of the entire railroad system of the world.

The result of this rapid development of material for manufacturing and facilities for its concentration has been an increase in the gross value of the manufactures of the country from a little more than $4,000,000,000 in 1870 to $13,000,000,000 in 1900. And remember that all these things, this doubling and trebling and quadrupling and quintupling of the products of our country, have occurred while population was but little more than doubling.

INCREASE IN CURRENCY, WEALTH, AND BANK DEPOSITS.

And now for some of the financial results so far as relates to our own people. The internal commerce, as I have already said, has increased from 7 billions in 1870 to 22 billions in 1903; foreign commerce, from 828 millions to 2,445 millions, and the exports alone, from 392 millions to 1,420 millions. With this increase in production and commerce has come increased wealth and financial accumulations. The total money in circulation in 1870 was 675 millions. In 1903 it was 2,466 millions, or nearly four times as much in 1903 as in 1870, while population was but little more than twice as much.

The result is that the money in circulation in 1903 is over $30 per capita, while in 1870 it was but $17.50 per capita. With this increase in money in circulation has come increased wealth per capita and increased bank deposits.

The total wealth of the country in 1870 was stated by the census at 30 billions of dollars; for 1900 it was estimated at 94 billions, and to-day it may safely be put at a round 100 billion dollars.

The average wealth per capita, according to these figures, would be, in 1870, $780 and in 1903 $1,250, an increase of 60 per cent in the average per capita wealth in 1903, as compared with 1870. The effect of this increase of money and wealth is seen in increased bank clearings and, what is much better, in increased bank deposits among all classes of our population.

The bank clearings of New York City grew from twenty-eight billions in 1870 to seventy-five billions in 1902, and the bank clearings of the whole country from fifty-two billions in 1887 (the earliest available figures) to one hundred and sixteen billions in 1902, having thus doubled in fifteen years. The total deposits in the various classes of banks in 1875, the earliest year for which we have data, were, in round terms, $2,000,000,000; in 1902 they were nine billions, having thus quadrupled in twenty-seven years.

GREAT INCREASE IN SAVINGS DEPOSITS.

But the most gratifying feature of this picture of banking and financial conditions in our country is the fact that deposits in savings banks—those institutions for the safe-keeping of the earnings of workingmen and widows and orphans and children of the country—have increased from $550,000,000 in 1870 to two thousand nine hundred and thirty-five millions, or almost $3,000,000,000, in 1903. What say you, business men, of the future of a country whose workingmen and working women and children have three thousand millions of dollars laid aside for a "rainy day," a sum so great that to count it in silver dollars would require the time of one expert for three hundred and six years, counting steadily during eight hours of every day except Sundays for the entire period.

OUR PROGRESS COMPARED WITH OTHER NATIONS.

And now that we have taken a hurried glance at the commercial and financial conditions at home and the growth which has characterized the period under consideration—the lifetime of a single generation—let us see how we have fared as compared with other nations. I have already shown you that we have trebled our internal commerce while the international commerce of the world was doubling, and that our foreign commerce has also trebled while that of the world was doubling.

But I want to say a word or two about our standing among nations as a producer and consumer and exporter of the surplus products and how our progress compares with that of the great nations which are considered, and justly so, prosperous and progressive. The three great nations of the world with which it is necessary to compare our rate of progress are England, France, and Germany. These three countries, combined with the United States, supply one-half the total international commerce of the world, and it is therefore unnecessary to consider the other countries in an attempt to determine what our commercial growth has been as compared with the other great nations of the world.

Taking still the year 1870 as a starting point, and comparing conditions in the four countries in 1870 with the latest available data, it may be said that the exports of France have increased 277 million dollars; those of the United Kingdom, 443 million; those of Germany, 607 million, and those of the United States, 1,028 million dollars; the increase of the United States being equal to that of Germany and the United Kingdom combined, and nearly equal to all of the three countries under consideration. Comparing the growth by percentage of increase, it may be said that the United Kingdom shows a gain of 45 per cent; France, 50 per cent; Germany, 110 per cent, and the United States, 260 per cent.

In 1870 the United States stood at the bottom of the list, her exports being less than those of any of the three nations named. In 1903 she stands at the head of the list, her exports being greater than those of any other of the countries under consideration. These figures, it is proper to say, relate to exports of domestic merchandise only and do not include the reexportation of foreign or colonial merchandise, which forms a considerable share of the total exports of the European countries in question, especially the United Kingdom.

PROSPECTS OF FURTHER GROWTH OF COMMERCE.

And now a few words about the prospects of a continuance of this marvelous growth, a growth in which we have outstripped all other nations. The question which we are all anxiously asking is, Will it continue? To this I think we may give an affirmative answer.

Man's wants, while they appear complicated and numerous, may be classified and arranged into a few simple groups, namely: Food, clothing, heat, light, and manufactures.

And, curiously, we are the world's greatest producer of the chief factors in all these great requirements, for food, breadstuffs, and meats are the principal requirement. We produce more wheat than any other nation; we furnish 40 per cent of the meat which enters into international commerce, and we produce three-fourths of the corn of the world and are steadily increasing the quantity distributed to the markets of the world. For clothing, cotton is by far the most important single raw material, and we produce three-fourths of the cotton of the world and turn one-third of it into cloth in our own mills.

For heat, the world's chief reliance is coal, and our coal area equals that of all Europe, and our production now exceeds that of any other country. For light, the world's chief reliance is now petroleum, and we produce more of that article for use in lighting than any other nation, and have sold more than 500 million dollars' worth of it to the foreign world during the past decade.

Manufactures is the last on the list of man's great requirements which I have mentioned, but in this, as in all others, the United States is the world's largest producer.

In 1860, according to an estimate made by that distinguished statistician, Mr. Mulhall, the rank of the world's leading manufacturing nations was United Kingdom, France, Germany, United States, the United States thus being at the bottom of the list. In 1896 the same statistician made another estimate, and the list stood as follows: The United States, the United Kingdom, Germany, France, with the United States at the head of the list as the world's greatest producer of manufactures. And the progress made in the United States since that date is such as to fully warrant the assertion that not only is this country the greatest manufacturer of the world, but that our manufactures now nearly or quite equal the value of those of the United Kingdom, France, and Germany combined.

So we may assume, it seems to me, that our power to supply our enormous home market is now as great as ever, and is not likely to diminish, at least in the near future. The fields are still fertile, the mines still furnish their supplies to meet the requirements of the factories, the railroads continue to expand, and the manufacturing industries are steadily increasing their output and their power of production.

OUR RELATION TO FOREIGN MARKETS.

The principal questions with which we are concerned are, then: (1) Are the producing countries likely to drive us out of the field, and (2) are the countries which are now taking our products of the farm or factory likely to exclude them by adverse legislation or hostile rulings?

To both of these questions I am inclined to return a negative reply.

On the first question, that of the rivalry of other nations, I call your attention to the fact that we produce three-fourths of the world's cotton and corn, which makes it improbable that rivals are likely to trouble us in either of these directions, unless a willful limitation of production or excessive prices through speculation forces other countries into development of new industries of this character. As to meats, there have been for the past twenty years continuous reports that our meats and cattle were being shut out of this country or that, but our exportation of meats and live animals for food, instead of decreasing in that time, have practically doubled in value.

In manufactures we have heard a good deal about the exclusion of our products, but our exportation of manufactures in 1903 was nearly three times as great in value as in 1893 and six times as great as in 1870. The only article about which we need seriously inquire as to rivalry of production, then, is wheat, and a recent investigation which I have made assures me that we need have no serious difficulty on that ground. I find that the United States produced only 13 per cent of the world's wheat crop in 1870 and 22 per cent of the world's wheat crop in 1902.

I also find in this investigation that while we supplied 38 per cent of the wheat entering the world's international markets in 1875 we supplied 49 per cent in 1902. I also find that the increase in the production of wheat in the United States during the decade ending with 1901 was actually greater than the increase shown by Russia, India, Argentina, Australia, and Canada combined during that same period.

The remaining question, then, regarding the prospective retention of our foreign markets is as to the possibility or probability that our products may be excluded by adverse legislation and our total exports thus reduced. And I can not believe that this is at all probable. I have already called your attention to the fact that despite all the talk which we have heard for twenty years about the exclusion of our meats and live animals from the various European countries the value of our exports of this class has practically doubled in the past twenty years.

But there are other reasons for believing that Europe will not exclude or desire to exclude our products. I have already said that we produce three-fourths of the corn and cotton of the world, and it is also true that we supply more than one-half of the wheat imported by European countries. The rejection of our cotton, corn, or wheat by these European countries would be to reduce their own supply of these necessary articles, and by such reduction in the available supply must increase the price of the quantity remaining. The world requires all of our cotton and corn and wheat, and even if some country or group of countries should reject them because they were grown in America those countries would have to purchase elsewhere, and we should find our market in the spot from which that supply was drawn.

WORLD'S DEMAND FOR AMERICAN MANUFACTURES.

Even in manufactures we need scarcely fear serious results in view of the fact that our exports of manufactures to Europe have doubled during the very time in which we have been hearing the threats of their rejection by the markets of that part of the world.

The fact is that our manufactures sell themselves in foreign markets. There has been far less effort expended by our manufacturers in making sales of our products in foreign markets than in the home market, where competition of factories and workmen of equal skill is sharp. In the markets of Europe our goods have found their way purely on their merits.

I do not like the word "invasion," which has been applied to the introduction of our manufactures in European countries. To my mind, the term implies a forcible and unnatural process in the introduction of goods, which, in fact, are only sent to those markets because the markets themselves and the people who rely upon those markets demand our merchandise.

As I have already said, the sale of American manufactures in the markets of Europe is accomplished with far less "drumming" than is utilized in the sale of equal quantities in our home markets. And yet we send to Europe 200 million dollars' worth of manufactures every year—one-half of our total exportation of manufactures—and practically all of them upon orders originating with the merchants and consumers of those countries.

OUR SHARE IN THE MARKETS OF THE WORLD.

And now, just a word about the direction in which our exports are sent and the possibilities of their development.

Europe, which is by far the largest consumer of foreign goods, imports about 8 billion dollars' worth of merchandise annually, and of this we supply about 10 per cent; Africa about 500 million dollars' worth, of which we supply about 6 per cent; South America nearly 400 million dollars' worth, of which we supply about 10 per cent, while the countries of North America other than the United States import about 400 million dollars' worth, of which, by reason of our proximity and facilities for direct transportation to those countries, we supply about40 per cent.

While a considerable share of the international commerce of many of the countries is drawn from contiguous countries, we may safely assume that in view of the fact that we only supply from 5 to 15 per cent of the total imports of the countries other than those contiguous to us, that there are still in all of those countries opportunities awaiting the American producer and manufacturer, and I feel sure that we shall continue to enlarge our sales to each of the great divisions of the world.

Europe is constantly requiring more of our raw materials and foodstuffs, and she has a decided liking for our manufactures. Africa is developing new markets, and our exports to that continent are increasing rapidly. In South America and the Orient are awaiting vast opportunities for our commerce. From each of those parts of the world we now buy more than we sell to them. Our imports from South America are nearly three times as great as our exports to that continent, and from Asia and Oceania our imports are twice as great as our exports to those sections of the world.

SPECIAL ATTENTION REQUIRED IN SOUTH AMERICA AND THE ORIENT.

To every other part of the world except South America, Asia, and Oceania our exports far exceed our imports, but to those divisions we sell, as I have already indicated, much less than we buy from them. Our ambition, then, should be, it seems to me, to so cultivate those markets, whose importations are nearly $2,000,000,000 every year, that we may obtain our proper share of those markets, and make our sales to them an offset to our purchases of their products. Two great factors are essential to this result—direct steamship lines and an isthmian canal.

We should have from our various ports direct and plentiful steamship lines to the great centers of South America and Asia, as we already have to other parts of the world; and we should have from our great eastern and southern ports the direct communication with western South America and all of the Orient which an isthmian canal will give us. The steamships, I feel sure, will be provided by the calm, business judgment of our business men and statesmen.

The canal, which the whole country and the whole world have for years demanded, is now almost an assured fact, and I trust and believe that before the termination of the year upon which we are now entering the Government of our country will be actively engaged in the completion of a canal at that point which nature seems to have suggested and which is now favored by a large majority of those familiar with the subject—the Isthmus of Panama.

A SHIP CANAL FROM THE ATLANTIC TO THE LAKES.

And now just one word more. I have spoken of an isthmian canal and of the value which on completion it will prove to our commerce. But there is one other great improvement, one other great canal, which I hope to see our Government undertake, and that, too, as the very next step after the completion of the one upon the Isthmus.

And that is a ship canal which shall connect the Great Lakes of the United States with the Atlantic Ocean, a canal through which vessels which now sail the Atlantic will move steadily westward past your very doors, making the city of Rochester a seaport city, passing on into the Great Lakes and landing at Buffalo and Cleveland and Detroit and Duluth and Chicago, and thus making that most productive section of the world a great ocean frontage.

And then, on motion of Mr. HITT, the committee rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11287, the diplomatic and consular appropriation bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1597. An act granting a pension to Rosa D. Mayhew—to the Committee on Pensions.

S. 3130. An act granting an increase of pension to Nathan P. Bowman—to the Committee on Invalid Pensions.

S. 3274. An act granting an increase of pension to Jane I. Long—to the Committee on Invalid Pensions.

S. 3373. An act granting a pension to Eliza Williams—to the Committee on Invalid Pensions.

S. 3400. An act to amend the act entitled "An act granting a pension to Flora Stanton Kalk," approved February 25, 1899—to the Committee on Pensions.

S. 3408. An act granting a pension to Lizzie Breen—to the Committee on Pensions.

S. 133. An act granting an increase of pension to Elizabeth B. Sarson—to the Committee on Pensions.

S. 3479. An act making provision for conveying in fee certain public grounds in the city of St. Augustine, Fla., for school purposes—to the Committee on Public Buildings and Grounds.

S. R. 34. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Alfonso Zelaya, of Nicaragua—to the Committee on Military Affairs.

REPORT OF THE PHILIPPINE COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, ordered to be printed, and referred to the Committee on Insular Affairs:

To the Senate and the House of Representatives:

I transmit herewith, for the information of the Congress, a letter from the Secretary of War, dated January 28, 1904, accompanied by the annual report

of the Philippine Commission, dated December 23, 1903, and the appendixes thereto, submitted in compliance with the provisions of the act of Congress entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippines, and for other purposes," approved July 1, 1902, and the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved March 3, 1903.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 1, 1904.*

BURNETTA B. LEHMANN.

By unanimous consent, on motion of Mr. RIXEY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Burnetta B. Lehmann, Fifty-seventh Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BOWERSOCK, indefinitely, on account of important business.

ADJOURNMENT.

And then, on motion of Mr. HITT (at 4 o'clock and 55 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, transmitting, in response to an inquiry of the House, a statement of the number of horses and vehicles maintained by his Department—to the Committee on Expenditures in the Navy Department, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Charlotte*, Joseph Ingham, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a report in relation to the public building at Des Moines, Iowa—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a report in relation to the public building at New Orleans, La.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of War, transmitting, with the draft of a bill, a recommendation for the increase of the Engineer Corps of the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending authorization of additional cost for the public building at Iowa City, Iowa—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for improvement and care of public grounds—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a favorable recommendation, a draft of a bill providing rewards for distinguished services in the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of Charleston Harbor, S. C.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for monuments and markers at Shiloh—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William A. Gordon, administrator of estate of William D. C. Murdock, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting, in response to the inquiry of the House, a statement of the number of horses and carriages used by his Department—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the vice-president of the Anacostia and Potomac River Railroad Company, transmitting the report for the year ended December 31, 1903—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Georgetown and Tennallytown Railway Company, transmitting the report for the year ended December 31, 1903—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Washington Railway and Electric Company, transmitting the report for the year ended December 31, 1903—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the receiver of the City and Suburban Railway, transmitting the report of the company for the year ended December 31, 1903—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Brightwood Railway Company, transmitting the report for the year ended December 31, 1903—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BROWN of Wisconsin, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 10869) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and for similar purposes, being a further supplement to said act, reported the same with amendment, accompanied by a report (No. 666); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10741) for the relief of Mrs. Mary Tate, of De Soto County, Miss., reported the same with amendment, accompanied by a report (No. 647); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10682) granting an increase of pension to Marion Arnold, reported the same with amendment, accompanied by a report (No. 648); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10580) granting an increase of pension to Joseph Longberry, reported the same with amendment, accompanied by a report (No. 649); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10068) granting a pension to James G. Soims, reported the same with amendment, accompanied by a report (No. 650); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9988) granting an increase of pension to William Ellis, reported the same with amendment, accompanied by a report (No. 651); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9921) granting a pension to Virginia Boyd, reported the same with amendment, accompanied by a report (No. 652); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9790) granting a pension to Ada L. Carpenter, reported the same with amendment, accompanied by a report (No. 653); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 191) granting an increase of pension to Francis Roy, reported the same without amendment, accompanied by a report (No. 654); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9710) granting an increase of pension to Henry Frazier, reported the same with amendment, accompanied by a report (No. 655); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4631) granting an increase of pension to Julius Kraig, reported the same with amendment, accompanied by a report (No. 656); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5749) granting a pension to James B. Combs, reported the same without amendment, accompanied by a report (No. 657); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3011) granting an increase of pension to Philip Duttenhauer, reported the same with amendment, accompanied by a report (No. 658); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 807) granting an increase of pension to William F. Benefiel, reported the same with amendment, accompanied by a report (No. 659); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8863) granting an increase of pension to Edward O'Malley, reported the same with amendment, accompanied by a report (No. 660); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7221) granting an increase of pension to John Ryan, reported the same with amendment, accompanied by a report (No. 661); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6977) granting an increase of pension to Mary A. Graves, reported the same with amendment, accompanied by a report (No. 662); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4910) granting a pension to Prudentia L. D. Nugent, reported the same with amendment, accompanied by a report (No. 663); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7311) granting a pension to Thomas Large, reported the same with amendment, accompanied by a report (No. 664); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7410) granting an increase of pension to Enos D. Hoge, reported the same with amendment, accompanied by a report (No. 665); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 4796) granting an increase of pension to Mary J. Allen—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7612) for the relief of the estate of Brig. Gen. Wager Swayne, in charge of the Bureau of Refugees, Freedmen, and Abandoned Lands—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9992) for the relief of B. L. Davis—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GILLETT of California: A bill (H. R. 11512) to amend section 1 of an act approved August 13, 1888, entitled "An act to correct the enrollment of an act approved March 3, 1887, entitled 'An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from the State courts, and for other purposes, approved March 3, 1875'"—to the Committee on the Judiciary.

By Mr. McDERMOTT: A bill (H. R. 11513) to authorize the appointment of boards of investigation and arbitration, and to define their powers and duties—to the Committee on Labor.

By Mr. HOLLIDAY: A bill (H. R. 11514) providing for an appropriation for the purpose of purchasing a site and erecting a public building thereon at the city of Greencastle, State of Indiana—to the Committee on Public Buildings and Grounds.

By Mr. HEARST: A bill (H. R. 11515) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890—to the Committee on the Judiciary.

By Mr. CALDWELL: A bill (H. R. 11516) to provide for the purchase of a site and the erection of a public building thereon at Carlinville, in the State of Illinois—to the Committee on Public Buildings and Grounds.

By Mr. CRUMPACKER: A bill (H. R. 11517) providing for the payment of a portion of the expense of a census taken by any State or Territory in the year which is the mean between the decennial censuses of the United States—to the Committee on the Census.

By Mr. SLEMP: A bill (H. R. 11518) to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Bigstone Gap, Va.—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 11519) establishing a United States court and recording district at Duncan, Ind. T., and conforming other district therewith—to the Committee on the Judiciary.

By Mr. NORRIS: A bill (H. R. 11520) providing for an additional homestead entry under certain conditions—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 11521) to pay clerks and deputy clerks in the Indian Territory the deficit in their salaries—to the Committee on Appropriations.

By Mr. SCOTT: A bill (H. R. 11522) granting pensions to officers and enlisted men of the Eighteenth Battalion and Nineteenth Regiment Kansas Volunteer Cavalry who served thirty days or more in the Sioux Indian war in 1867, 1868, and 1869, and for other purposes—to the Committee on Pensions.

By Mr. TAYLOR: A bill (H. R. 11523) authorizing the establishment and organization of a corps of dentists in the United States Navy—to the Committee on Naval Affairs.

By Mr. MAYNARD: A concurrent resolution (H. C. Res. 39) directing the Secretary of War to cause an examination and survey to be made of the channel from deep water in Hampton Roads to the Norfolk Navy-Yard—to the Committee on Rivers and Harbors.

By Mr. SPARKMAN: A concurrent resolution (H. C. Res. 40) directing the Secretary of War to cause a survey to be made of the west channel of Tampa Bay, in Florida, thence of the west channel of Tampa Bay leading from the town of St. Petersburg to the northwest passage of Egmont Key—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 11524) granting a pension to John F. Borrows—to the Committee on Invalid Pensions.

By Mr. BOWIE (by request): A bill (H. R. 11525) appropriating payment for services to be rendered in securing just trials for laboring men in the Navy—to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 11526) for the relief of Thomas J. McBride—to the Committee on Military Affairs.

Also, a bill (H. R. 11527) granting a pension to Abraham Mann—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 11528) for the relief of the Harbison-Walker Company, of Pittsburg, Pa.—to the Committee on Claims.

By Mr. DENNY: A bill (H. R. 11529) for the relief of the legal representatives of Henry W. Freedley—to the Committee on Claims.

By Mr. GARBER: A bill (H. R. 11530) for the relief of George R. Gary—to the Committee on Military Affairs.

Also, a bill (H. R. 11531) for the relief of John Howell—to the Committee on Military Affairs.

Also, a bill (H. R. 11532) granting an increase of pension to Erasmus B. Manahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11533) granting an increase of pension to George M. Ricker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11534) granting an increase of pension to Samuel Nauss—to the Committee on Invalid Pensions.

By Mr. GOOCH: A bill (H. R. 11535) for the relief of John J. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11536) for the relief of Effie B. Graziani—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 11537) for the relief of Warren B. Hutchinson—to the Committee on Claims.

By Mr. HOLLIDAY: A bill (H. R. 11538) to correct the military record of George H. Gibson—to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 11539) for the relief of F. F. Morris—to the Committee on War Claims.

By Mr. DE ARMOND (by request): A bill (H. R. 11540) granting an increase of pension to Vernon L. Johnson—to the Committee on Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 11541) to authorize the President to appoint Gen. A. S. Daggett to the grade of major-general in the United States Army on the retired list—to the Committee on Military Affairs.

Also, a bill (H. R. 11542) granting an increase of pension to Edwin Bonney—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 11543) granting an increase of pension to George A. Foster—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 11544) granting an increase of pension to Sarah E. Losee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11545) granting an increase of pension to Levi S. Stephenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11546) granting an increase of pension to George W. Schachleiter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11547) granting an increase of pension to Thomas Huffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11548) granting a pension to Elizabeth L. Morrison—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 11549) to correct the military record of Miles F. Durkee—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 11550) for the relief of the heirs at law of Sarah M. Rittenhouse, deceased, and others—to the Committee on the District of Columbia.

Also, a bill (H. R. 11551) for the relief of Elizabeth Cramer, administratrix of J. Henry Cramer—to the Committee on War Claims.

Also, a bill (H. R. 11552) for the relief of Isaac Renner—to the Committee on War Claims.

By Mr. ROBERTS: A bill (H. R. 11553) for the relief of Fred McDonald—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 11554) granting an increase of pension to James Langdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11555) granting a pension to Serilda J. Shire—to the Committee on Invalid Pensions.

By Mr. SHOBER: A bill (H. R. 11556) granting an increase of pension to Edward M. Tappen—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 11557) granting a pension to Alfred D. Barton—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 11558) granting an increase of pension to James B. Luckey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11559) granting a penson to Mary Kirk—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 11560) granting a pension to Frederick B. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11561) granting a pension to Edmund W. Shelley—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 11562) granting a pension to Lucretia Davis—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 11563) for the relief of Julia A. Allison—to the Committee on Pensions.

Also, a bill (H. R. 11564) for the relief of Elizabeth Mullins—to the Committee on Pensions.

Also, a bill (H. R. 11565) for the relief of Julia A. Patton—to the Committee on Military Affairs.

Also, a bill (H. R. 11566) for the relief of Samuel Garner—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 11567) for the relief of William Worley—to the Committee on Military Affairs.

Also, a bill (H. R. 11568) for the relief of William Pastell—to the Committee on Military Affairs.

Also, a bill (H. R. 11569) for the relief of William Pastell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11570) for the relief of Enos H. Gribble—to the Committee on Military Affairs.

Also, a bill (H. R. 11571) for the relief of Thomas J. Benton—to the Committee on Claims.

Also, a bill (H. R. 11572) to restore First Lieut. Henry H. Carroll, Company B, First Georgia Infantry Volunteers, to pension roll—to the Committee on Pensions.

Also, a bill (H. R. 11573) granting a pension to Eliza A. Woody—to the Committee on Pensions.

By Mr. THAYER: A bill (H. R. 11574) granting an increase of pension to Oscar A. Phetteplace—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 11575) granting a pension to Abel N. Button—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 11576) granting an increase of pension to James E. Stalker—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 11577) granting an increase of pension to Rinaldo Adams—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 11578) granting an increase of pension to Gabriel Stephens—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 11579) recognizing Company A of the Eleventh West Virginia Militia as United States soldiers, and so forth—to the Committee on Military Affairs.

By Mr. WYNN: A bill (H. R. 11580) to correct the record of Charles Ellis, late of the United States Navy—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of seven Grand Army of the Republic posts in York and Cumberland counties, Me., favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Resolutions of board of directors of Savannah Board of Trade, protesting against passage of bill pending for national inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of board of directors of Savannah Board of Trade, protesting against bills S. 2260 and H. R. 7298, in reference to pilotage—to the Committee on Inerstate and Foreign Commerce.

By Mr. BOWERSOCK: Petition of citizens of Garnett, Kans., praying for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. BURKETT: Petition of citizens of Tablerock, Nebr., relative to compensation of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of business men of Omaha, Nebr., in opposition to bill H. R. 89, known as the "anti-injunction bill"—to the Committee on the Judiciary.

Also, resolutions of Roberts Post, No. 104, of Talmage, Nebr., in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, petition of citizens of Bethany, Lancaster county, Nebr., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CALDERHEAD: Petition of citizens of Concordia, Kans., urging support of Dolliver-Hepburn bill—to the Committee on the Judiciary.

Also, petition of citizens of Salina, Kans., urging an amendment to the Quay statehood bill—to the Committee on the Territories.

By Mr. CAMPBELL: Resolutions of Cigar Makers' Union of Pittsburg, Kans., in favor of bill H. R. 6—to the Committee on Ways and Means.

By Mr. DALZELL: Papers to accompany bill for relief of Harbison-Walker Company for a refund of certain duties—to the Committee on Claims.

Also, resolutions of Post No. 59, Department of Pennsylvania, Grand Army of the Republic, favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. DANIELS: Paper to accompany bill H. R. 10197, granting an increase of pension to Peter A. McGuire—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of citizens of New York, opposing bill H. R. 7033—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Grange, Patrons of Husbandry—to the Committee on Agriculture.

By Mr. ESCH: Resolutions of the National League of Commission Merchants, of Boston, Mass., protesting against unjust discrimination in tariff rates—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the regents of the University of Wisconsin, favoring the passage of the bill H. R. 8678, to increase Federal aid to agricultural experiment stations—to the Committee on Agriculture.

Also, resolutions of the legislative committee of the National Grange, relating to national aid to road building and other matters—to the Committee on Agriculture.

By Mr. FULLER: Resolutions of Streator Post, No. 68, Grand Army of the Republic, of Streator, Ill., favoring a service-pension law—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Resolutions of Merchants' Association of New York City, favoring passage of a national irrigation act, repeal of desert-land act, of commutation clause of homestead act,

and of the stone and timber act—to the Committee on the Public Lands.

Also, resolutions of New York Board of Trade and Transportation, of New York City, favoring the passage of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Mr. GREENE: Resolutions of Post No. 46, Grand Army of the Republic, of Fall River, Mass., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

Mr. HUFF: Resolutions of Captain George A. Cribbs Post, No. 276, of Pennsylvania, urging passage of a service-pension bill—to the Committee on Invalid Pensions.

Mr. HARDWICK: Resolutions of Board of Trade of Savannah, Ga., protesting against passage of bill S. 199—to the Committee on Agriculture.

Also, resolutions of the Board of Trade of Savannah, Ga., favoring the passage of bills H. R. 7298 and S. 2260—to the Committee on the Merchant Marine and Fisheries.

Also, papers to accompany the bill for the relief of Warren B. Hutchinson—to the Committee on Claims.

By Mr. HEMENWAY: Petitions of H. McGlaughlin Post, No. 616, of Indiana, and Samuel H. Dunbar Post, No. 92, of Indiana, Grand Army of the Republic, favoring passage of Hemenway service-pension bill—to the Committee on Invalid Pensions.

Mr. HINSHAW: Petition of many citizens of Nebraska, protesting against passage of parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, affidavit in relation to passage of bill H. R. 1489—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of D. H. Carter and 30 others, of Whiting, Iowa, urging passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Prohibition Alliance of Grinnell, Iowa, favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Iowa Brick and Tile Company, opposing the enactment of the anti-injunction bill—to the Committee on the Judiciary.

By Mr. LEVER: Papers to accompany bill H. R. 7302, to promote the efficiency of army chaplains—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petitions of Marshall Owens and other voters of Wenonah, N. J., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McCALL: Petition of Massachusetts State Board of Trade, in favor of establishment of merit system in United States consular service—to the Committee on Foreign Affairs.

By Mr. MORGAN: Resolutions of Dick Lambert Post, No. 165, of Ironton, Ohio, and Spencer Cherrington Post, of Jackson, Ohio, Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, resolutions of the Board of Trade of Portsmouth, Ohio, favoring the passage of the Cooper interstate-commerce bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: Resolution referring H. R. 6066, for the relief of the heirs of John D. Clemson, with accompanying papers, to Court of Claims—to the Committee on Claims.

By Mr. RAINEY: Petition of Matt Starr Post, No. 378, of Jacksonville, Ill., and Major Sam Hays Post, No. 477, of Summer Hill, Ill., Grand Army of the Republic, urging the passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of citizens of Ransom, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RIDER: Resolution of the Merchants' Association of New York, for the construction of great reservoirs and main-line canal—to the Committee on Irrigation of Arid Lands.

By Mr. RIXEY: Papers to accompany bill H. R. 2268, for the relief of Luther H. Potterfield—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of S. B. Tucker and Hontz & Green, of Cromwell, Ind., opposing the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: Petition of Rev. F. K. Stratton and 50 others, of Wakefield, Mass.—to the Committee on the Judiciary.

Also, petition of William B. Eaton Post, No. 199, of Revere, Mass., Grand Army of the Republic, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: Petition of 50 citizens of Linn, Osage County, Mo., urging passage of Dolliver bill—to the Committee on the Judiciary.

By Mr. SHULL: Paper to accompany bill for relief of Capt. Anthony Bracklin—to the Committee on Invalid Pensions.

Also, affidavit in case of Anthony F. Bracklin, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. SIBLEY: Resolutions of nine Grand Army of the Republic posts, urging the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: Petitions of G. M. Knox and others, of Bertram, Burnet County, Tex., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SOUTHARD: Resolutions of Hamilton Post, No. 90, of Bradner, Ohio, and Bond Post, No. 24, of Grand Rapids, Ohio, Grand Army of the Republic, favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Resolution of board of county commissioners of De Soto County, Fla., urging an appropriation to dredge and make navigable Charlotte Harbor and lower Peace River—to the Committee on Rivers and Harbors.

Also, resolutions of the board of county commissioners of De Soto County, Fla., in reference to improvement of Charlotte Harbor and lower Peace River—to the Committee on Rivers and Harbors.

By Mr. SULLIVAN of New York: Resolution of the Manufacturers' Association of New York City, urging an amendment to the bankruptcy act—to the Committee on the Judiciary.

Also, resolution of the Medal of Honor Legion of New York City and vicinity, urging the passage of the Penrose bill (S. 972)—to the Committee on Military Affairs.

By Mr. SULZER: Resolutions of the legislative committee of the National Grange, in favor of national aid to road building, and for other purposes—to the Committee on Agriculture.

By Mr. SWANSON: Petition of J. B. Guerrant and 92 other voters of Danville, Va., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. TIRRELL: Papers to accompany bill granting a pension to Abel N. Button—to the Committee on Invalid Pensions.

Also, petitions of H. B. Magoun and 23 others, of Luenberg, Mass., and H. J. Eldridge and 70 others, urging the passage of the Dolliver-Hepburn bill—to the Committee on the Judiciary.

By Mr. WALLACE: Petition of Gabriel Stephens, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Resolution of Stanley Post, No. 283, of Forest, Ohio, Grand Army of the Republic, urging passage of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Woman's Christian Temperance Union of Radnor, Ohio, to prohibit polygamists from being eligible to seats in Senate or House of Representatives—to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Radnor, Ohio, prohibiting sale of intoxicating liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. WOODYARD: Petition of Holly G. Armstrong, William Staats, and 133 other voters, favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WRIGHT: Resolutions of five Grand Army of the Republic posts in Wyoming County, in favor of a service-pension bill—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *February 2, 1904.*

PRAYERS.

The Chaplain, Rev. EDWARD EVERETT HALE, said:

The Lord thy God is one God, and thou shalt love the Lord thy God with all thy heart, with all thy soul, and with all thy might. Let us pray.

Rabbi DAVID PHILIPSON, of Cincinnati, Ohio, offered the following prayer:

Almighty God, Father of us all, in the presence of the manifestations of Thy supreme greatness we humbly bow the head and exclaim, "Holy, holy, holy, is the Lord of Hosts; full is the whole earth of His glory."

We thank Thee for every noble thought that has been thought, for every unselfish deed that has been performed, for every inspiring word that has been spoken among men. We thank Thee above all for this dear fatherland of ours, the promised land of these latter days, the new Canaan, where modern prophets have preached truths no less inspiring than those spoken by Thy chosen messengers of old, where ideals have been set that point to the era of universal brotherhood and peace, the hope of all the great spirits of the race. To these ideals may we all remain true. May those who guide the helm of our ship of state be constantly mindful of the high mission of this American people among the nations of the earth to stand as the exemplar of justice, the protector of the weak, the foe of all unrighteousness, the scorner of all wrongdoing, the lover of peace. So imbue all with these ideals that our dear land may stand to the very end as the refuge of all those oppressed elsewhere, the sanctuary of liberty, the haven of peace.

May Thy blessing rest upon this place, this holy place of the liberties of our people. May Thy blessings rest upon the Presi-

dent, his counselors and advisers; upon all those intrusted with the guardianship of our rights and liberties. May peace and good will obtain among all the inhabitants of our land. May religion spread blessings among us and exalt our people in righteousness, that from one end of this great land to the other there may sound the glorious refrain, Praised be the Lord God from everlasting to everlasting. Amen.

The Chaplain recited the Lord's Prayer, as follows:

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth, as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory, forever. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

BRIG WILLIAM.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *William*, Joseph Thompson, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

TESTS OF SUBMARINE BOATS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, stating, in response to a resolution of the 13th ultimo, that certain information asked for relative to the nonacceptable tests of submarine boats in the year 1903 should not be disclosed, as such information would be incompatible with the Government interests; which was referred to the Committee on Naval Affairs, and ordered to be printed.

LAND-ENTRY CASES.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 18th ultimo, a copy of a report by the Acting Commissioner of the General Land Office in the case of Calvin A. Stanfield. What does the Senator from Alabama [Mr. PETTUS] desire to have done with the communication?

Mr. PETTUS. I am inclined to the opinion that it ought to go to the Committee on the Judiciary. It concerns public lands, but it is merely a law question. I move that it be referred to the Committee on the Judiciary, and be printed.

The motion was agreed to.

PAWNEE INDIAN SCHOOL.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 27th ultimo, the original charges, reports, and other documents on file in the Interior Department relating to the superintendent and employees of the Pawnee Indian School, Oklahoma; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Brightwood Railway Company, of the District of Columbia, for the year ended December 31, 1903; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CITY AND SUBURBAN RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the City and Suburban Railway Company, of Washington, D. C., for the year ended December 31, 1903; which was referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON RAILWAY AND ELECTRIC COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington Railway and Electric Company for the year ended December 31, 1903; which was referred to the Committee on the District of Columbia, and ordered to be printed.

GEORGETOWN AND TENALLYTOWN RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Georgetown and Tenallytown Railway Company for the year ended December 31, 1903; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ANACOSTIA AND POTOMAC RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Anacostia and Potomac Railroad Company for the year ended December 31, 1903; which was referred to the Committee on the District of Columbia, and ordered to be printed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Baltimore and Washington Transit Company, of Maryland, for the year ended December 31, 1903; which was referred to the Committee on the District of Columbia, and ordered to be printed.

STATUE OF COUNT DE ROCHAMBEAU.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to Senate concurrent resolution No. 4, which were, in line 7, before the word "thousand," to strike out "three" and insert "two," and in line 8, before the word "thousand," to strike out "six" and insert "seven;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed, and bound in the form such as is customary in the case of eulogies, with accompanying illustrations, 10,000 copies of the proceedings upon the unveiling of the statue of the Count de Rochambeau, of which 2,000 shall be for the use of the Senate, 7,000 for the use of the House of Representatives, 500 to be delivered to the ambassador of the Republic of France for such distribution as he shall think fit, the remaining 500, of which 200 shall be bound in full morocco, to be distributed, under the direction of the chairman of the Joint Committee on the Library, to the guests invited from the French Republic and the speakers who took part in said celebration.

Mr. PLATT of New York. I move concurrence in the amendments of the House of Representatives.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. BURROWS presented a petition of the Woman's Christian Temperance Union of Delton, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. FAIRBANKS presented a petition of the Good Citizenship League of Pike County, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Blish Milling Company, of Seymour, Ind., praying for the enactment of legislation to prohibit the practice of freight discrimination between localities and commodities; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Presbyterian Church of Walkerton, Ind., and the petition of J. G. Ries and sundry other citizens of Mount Vernon, Ind., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BLACKBURN presented a petition of the Woman's Club of Shelbyville, Ky., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. DRYDEN presented a petition of Uzal Dodd Post, No. 12, Department of New Jersey, Grand Army of the Republic, of Orange, N. J., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Manahawkin, N. J., and a petition of the congregation of the Presbyterian Church of Succasunna, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DUBOIS presented a petition of the Chamber of Commerce of Genesee, Idaho, praying for the enactment of legislation providing for the construction of good roads throughout the country; which was referred to the Committee on Agriculture and Forestry.

Mr. DILLINGHAM presented a petition of Brooks Post, No. 13, Department of Vermont, Grand Army of the Republic, of Montpelier, Vt., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. GALLINGER presented the petition of Albert A. Pope, of New York City, praying for the enactment of legislation providing for the construction of good roads throughout the country; which was referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented petitions of sundry citizens of California, Oregon, and Florida, praying for the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Energetic Lodge, No. 378, Brotherhood of Railroad Trainmen, of Allegheny, Pa., and a petition

of Dickerson Run Lodge, No. 632, Brotherhood of Railroad Trainmen, of Dawson, Pa., praying for the passage of the so-called anti-injunction bill, and also for the enactment of legislation relative to the liability of common carriers by railroads; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Philadelphia; of the A. M. Collins Manufacturing Company, of Philadelphia; of the congregation of Christ Evangelical Lutheran Church, of Monessen; of the congregation of the Methodist Episcopal Church of Monessen; of the Woman's Christian Temperance Union of Monessen; of the congregation of the Parkside Lutheran Church, of Philadelphia; of the Society of Christian Endeavor of the Thirty-fourth Street Baptist Church, of Philadelphia; of the congregation of the Thirty-fourth Street Baptist Church, of Philadelphia; of sundry citizens of Tioga, and of the congregation of the Methodist Episcopal Church of Trainer, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GAMBLE presented the petition of William H. Newcomer and 468 other citizens of Huron, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HOAR presented a petition of John H. Chipman Post, No. 89, Department of Massachusetts, Grand Army of the Republic, of Beverly, Mass., praying for the enactment of a service-pension law; which was referred to the Committee of Pensions.

He also presented a petition of the Coal Club, of Boston, Mass., praying for the enactment of legislation providing for the negotiation of a permanent treaty of arbitration between the United States and the Kingdom of Great Britain and Ireland; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Alliance Israelite Universelle of Worcester, Mass., praying for the enactment of legislation to prohibit discriminations against American citizens of the Jewish faith in Russia; which was referred to the Committee on Foreign Relations.

Mr. MCCOMAS presented the petitions of Edward F. Kirkness, William R. Flowers, Baker Brothers & Co., James Corner & Sons, and 28 other business firms, and of the congregation of the Second Presbyterian Church, all of Baltimore, in the State of Maryland, praying for the enactment of legislation providing for the closing on Sunday of the St. Louis Exposition and the Lewis and Clark Exposition; which were referred to the Select Committee on Industrial Expositions.

Mr. FRYE presented a petition of the congregation of the Fairfield Baptist Association, of Fairfield, Me., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes, to report it with amendments, and to submit a report thereon. As soon as the bill as proposed to be amended and the report are in print I shall ask the Senate to take up the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Naval Affairs, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3218) for the relief of Civil Engineer P. C. Asserson, retired; and

A bill (S. 2650) to transfer Capt. Seth Mitchell Ackley from the retired to the active list of the Navy.

Mr. GALLINGER, from the Committee on Naval Affairs, to whom was referred the bill (S. 2905) to authorize the appointment of Acting Asst. Surg. Leopold Herbert Scherwin, United States Navy, as an assistant surgeon in the United States Navy, reported it without amendment, and submitted a report thereon.

Mr. PLATT of New York, from the Committee on Naval Affairs, to whom was referred the bill (S. 2164) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1283) for the relief of William H. Crawford; and

A bill (S. 1786) restoring James G. Field, naval surgeon, to the line of promotion.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 3142) granting a pension to Isabella Britton, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

NEBRASKA SENATORIAL INVESTIGATION.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. HOAR, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the special committee appointed to inquire into certain charges affecting the Hon. CHARLES H. DIETRICH, a Senator from the State of Nebraska, be authorized to employ a clerk and stenographer and, by themselves or any subcommittee of their number, to sit during the sessions of the Senate, to send for persons and papers, and to administer oaths.

PROCEEDINGS OF NEW PANAMA CANAL COMPANY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. MORGAN, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the cost of translating the document entitled "Compagnie Nouvelle du Canal de Panama," which the Senate, under date of January 28, 1904, directed him to have translated.

MALINDA GORDON.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by himself, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Malinda Gordon, widow of Fred Gordon, late a laborer in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. BATE introduced a bill (S. 4017) granting an increase of pension to Joseph Weems; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DUBOIS introduced a bill (S. 4018) granting an increase of pension to James Gunn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BALL (by request) introduced a bill (S. 4019) granting a pension to Anna C. Ray; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4020) to modify and simplify the pension laws of the United States; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 4021) for the relief of Andrew A. Lipscomb, administrator of the estate of George W. Eslin, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 4022) granting an increase of pension to James H. Pearson; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for an increase of pension of James H. Pearson, together with the affidavits of Dr. E. B. Brown, Thomas C. Anderson, and Lewis Williams and a copy of military record and letter from the Pension Office. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BERRY introduced a bill (S. 4023) for the relief of Anna F. Polk, Susan H. Keesee, Anna Lee Pepper, Griselda H. Hargraves, and Robin A. Polk, heirs of Allen J. Polk, deceased, or the legal representatives of said Allen J. Polk, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4024) for the relief of Thursa G. Williams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4025) granting a pension to Mary E. Chamberlain; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 4026) for the relief of the heirs of John H. Richardson, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4027) granting an increase of pension to Zebulon A. Shipman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCENERY introduced a bill (S. 4028) for the relief of the estate of J. M. C. Knight; which was read twice by its title, and referred to the Committee on Claims.

Mr. STEWART introduced a bill (S. 4029) granting a pension

to Charles F. J. Stein; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 4030) granting an increase of pension to Benjamin C. Wood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4031) granting a pension to Ellen N. Stoughton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4032) authorizing the establishment and organization of a corps of dentists in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4033) to authorize the abandonment of W street northeast, Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4034) for the relief of John J. Sanborn; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4035) granting an increase of pension to J. H. Ward;

A bill (S. 4036) granting an increase of pension to Jesse H. Critchfield;

A bill (S. 4037) granting an increase of pension to Jacob H. Heck;

A bill (S. 4038) granting an increase of pension to George E. Yingling;

A bill (S. 4039) granting an increase of pension to Cornelius Miller;

A bill (S. 4040) granting an increase of pension to Caroline A. Bloom;

A bill (S. 4041) granting an increase of pension to Daniel W. Moore; and

A bill (S. 4042) granting an increase of pension to John S. Harris.

Mr. McCOMAS introduced a bill (S. 4043) to open Fourteenth street, between Lydecker avenue and Piney Branch road, and for providing assessments in condemnation proceedings; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4044) to open Thirteenth street, between Spring road and Ingraham street, and for providing assessments in condemnation proceedings; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a bill (S. 4045) granting an increase of pension to Van Buren Vance; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4046) granting an increase of pension to John Sayers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 4047) referring to the Court of Claims for adjudication and determination the claims of the widow and family of Marcus P. Norton and the heirs at law of others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4048) authorizing the appointment of Capt. Theodore Frederick Kane, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MILLARD introduced a bill (S. 4049) to provide for macadamizing Fort Crook military boulevard from Fort Crook, Nebr., to the city limits of South Omaha, Nebr., and appropriating money therefor; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4050) to provide for the purchase of a site and the erection of a public building thereon in the city of Wayne, State of Nebraska; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4051) granting an increase of pension to Susanna V. Wells; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 4052) granting a pension to Alice K. Seligson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 4053) granting a pension to William Freeland; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4054) for the relief of Richard King; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DANIEL (by request) introduced a bill (S. 4055) for the relief of the estate of William A. Bowen, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 4056) granting an increase of pension to George G. Wright; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 4057) to increase the limit of cost for the purchase of site and the erection of a public building at Washington, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4058) granting an increase of pension to Peter Betz;

A bill (S. 4059) granting an increase of pension to David H. Smith; and

A bill (S. 4060) granting a pension to Mary C. Gussler.

Mr. KITTREDGE introduced a bill (S. 4061) for the relief of Barnet Toliver; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4062) to amend section 493 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Patents.

Mr. COCKRELL introduced a bill (S. 4063) for the relief of Edwin F. Mathews; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Capt. E. F. Mathews, praying that his claim for supplies furnished to the Army be referred to the Court of Claims under the Tucker Act, together with his affidavit and the affidavits of William O. Gray, R. L. Pollard, and David H. Eby. I move that the bill and accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

Mr. CULLOM introduced a bill (S. 4064) to renew and extend certain letters patent; which was read twice by its title, and referred to the Committee on Patents.

Mr. BURROWS introduced a joint resolution (S. R. 39) directing the Director of the Census to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures; which was read twice by its title, and referred to the Committee on the Census.

ORDER OF BUSINESS.

Mr. CLARKE of Arkansas. I ask that Senate resolution 82 be laid before the Senate, in order that I may submit a few remarks.

Mr. TILLMAN. I hope that the Senator will not interfere with the regular order, which is the bringing over from a previous day of the resolutions on the table.

Mr. CLARKE of Arkansas. I have no disposition to interfere with any Senator's convenience, and if it suits the Senator from South Carolina not to yield to me specially at this time, I will make my remarks as soon as I can get a hearing.

Mr. TILLMAN. If the Senator wishes to make a speech, of course I want to hear him; but still the resolution which comes over from yesterday is an important matter, and I think we can dispose of it in a little while. I should like to call it up.

Mr. CLARKE of Arkansas. I am informed that the Senator from Indiana [Mr. FAIRBANKS] gave notice that he would speak this morning. I was not aware of that. I will adapt my convenience to that of other Senators. I only want to be heard when no one else desires to take the floor.

Mr. FAIRBANKS. I will not consume much of the time of the Senate in what I have to say, and if it is entirely agreeable to the Senator I will proceed in accordance with my notice of last night.

Mr. CLARKE of Arkansas. That is entirely satisfactory.

Mr. FAIRBANKS. If not, I will yield to him.

The PRESIDENT pro tempore. Senators will allow the morning business to be completed. It is not yet completed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DRYDEN submitted an amendment providing for a secretary to the legation at Copenhagen, Denmark, at $2,000 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to appropriate $2,396.28 to pay the Chesapeake Bank, of Baltimore, Md., the amount found to be due said bank by the Commissioner of Internal Revenue under the act of Congress approved February 28, 1901, for internal-revenue taxes illegally collected, intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to increase the salary of the consul at Ciudad Porfirio Diaz, Mexico, from $2,000 to $3,000 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $3,758.45 to pay Julius A. Kaiser the amount disallowed by the accounting officers for difference between active duty pay of a second assistant engineer and retired pay of a first assistant engineer from October 13, 1868, to July 8, 1873, while on the active list of officers of the Navy, intended to be proposed by him to the urgent deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. CULBERSON. I submit an amendment, intended to be proposed by me, to the urgent deficiency appropriation bill, and ask that it may be read and lie on the table.

There being no objection, the amendment was read and ordered to lie on the table, as follows:

Amendment intended to be proposed by Mr. CULBERSON to H. R. 10954, making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

Add on page 13, after the word "States," the following:

"*Provided*, That range cattle and halter-broke cattle from all sections of the United States, whether above or below the quarantine line established by the Secretary of Agriculture, may be exhibited at the Louisiana Purchase Exposition under such regulations as may be prescribed by the Secretary of Agriculture."

RECESS APPOINTMENTS.

The PRESIDENT pro tempore. The morning hour is closed, and the Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. Senate resolution 114, by Mr. TILLMAN, instructing the Secretary of the Treasury to send to the Senate information in regard to the appointment of William D. Crum as collector at the port of Charleston, S. C.

Mr. TILLMAN. Mr. President, I will be very glad indeed to have some action by the Senate on this resolution, but in view of the fact that the Senator from Indiana and the Senator from Arkansas are here with prepared speeches and had not anticipated, I suppose, any interference with their convenience, I shall ask the indulgence of the Senate to this extent, that we will let those two gentlemen get through, and then if I may be allowed I will try to call up the resolution and have some action on it. It will be out of order then, but it can be done by unanimous consent. Of course, it takes unanimous consent now.

The PRESIDENT pro tempore. The resolution will lie on the table for the present, then, without prejudice.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 2871) to incorporate the Mutual Investment Fire Insurance Company of the District of Columbia;

A bill (H. R. 4344) for the relief of Vincenzo Gerardi, of Washington, D. C.;

A bill (H. R. 5498) to provide for circuit and district courts of the United States at Albany, Ga.;

A bill (H. R. 7024) to name streets, avenues, alleys, highways, and reservations in that part of the District of Columbia outside the city of Washington, and for other purposes;

A bill (H. R. 7869) in relation to bonds on contracts with the District of Columbia;

A bill (H. R. 8335) to amend an act entitled "An act to determine the sessions of the circuit and district courts of the United States for the eastern district of Wisconsin," approved March 31, 1892, chapter 28;

A bill (H. R. 8686) to amend section 895 of the Code of Law for the District of Columbia;

A bill (H. R. 8688) to transfer jurisdiction of reservation No. 32, in the city of Washington, D. C.;

A bill (H. R. 8692) to authorize the apprehension and detention of insane persons in the District of Columbia and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes;

A bill (H. R. 9293) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes;

A bill (H. R. 9648) to amend the first section of an act providing that the circuit court of appeals for the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, approved January 13, 1903;

A bill (H. R. 10145) to provide for appeals, writs of error, and other appellate proceedings from the circuit and district courts of Beaumont, in the eastern district of Texas;

A bill (H. R. 10417) to prevent cruelty to certain animals in the District of Columbia;

A bill (H. R. 10421) to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes;

A bill (H. R. 10669) to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia; and

A joint resolution (H. J. Res. 79) for the transportation of Porto Rican teachers to the United States and return.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 98) to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia; and it was thereupon signed by the President pro tempore.

RELATIONS WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate, at the request of the Senator from Indiana, the unfinished business.

The SECRETARY. Senate resolution 82, by Mr. BACON, favoring the negotiation by the President of a treaty with the Republic of Colombia to satisfactorily adjust and determine all differences between the United States and Colombia growing out of the recent revolution in Panama, etc.

Mr. FAIRBANKS. Mr. President, yesterday I listened to the speech of the honorable and distinguished senior Senator from Alabama [Mr. MORGAN] with much interest. There are some portions of it to which I would like to direct attention, but I think, under the rule of the Senate, treaties should be considered in executive session.

Mr. CULLOM. Especially as that is the rule.

Mr. FAIRBANKS. That is, as I understand it, the well-established rule. Therefore, what I may desire to say in response to the remarks of the Senator from Alabama will be said when the Senate takes up the treaty in executive session.

I believe in the wisdom of the rule which requires the consideration of treaties with other countries in executive session, and so far as I am concerned I will not intentionally violate that wise rule of the Senate, which has the sanction of long usage.

Mr. President, it is not my purpose to consider particularly at the present time the resolution before the Senate, but rather to discuss the larger questions arising out of recent events in Colombia. I may say, however, that I earnestly favor the arbitration of all proper international differences which can not be adjusted through the usual diplomatic channels. Political questions are not such as governments refer to the determination of arbitral tribunals. The Secretary of State notified the special envoy from the Colombian Government that the good offices of the Government of the United States would be used with Panama, if desired, to secure an adjustment of claims of a material order which either may bring forward against the other, but he pointedly declined to submit to arbitration the alleged questions between the United States and Colombia. His refusal was distinctly put upon the ground that such questions are essentially political, and therefore not within that class of questions which self-respecting governments can properly submit to arbitration.

Mr. President, the questions growing out of affairs in Panama are important and deserve earnest consideration. The opposition sharply challenges the wisdom of the course of the Administration in dealing with the Republic of Colombia and the new Republic of Panama. Many phases of the Isthmian Canal question have been touched upon in the course of the debate; a debate which has been characterized by much earnestness and some manifestation of feeling.

We do not object because those who may disagree with us upon public measures or policies should criticise, for criticism plays a very important and beneficent purpose in public affairs. Measures and policies which can not successfully withstand opposition and criticism should not long receive our serious attention. There must be the utmost latitude of disagreement in republican government, for, out of the conflict of opinion, out of the collision of views, the most wholesome results will come.

We are well aware that in popular government objection and criticism are sometimes inspired by the thought of mere partisan advantage. We do not object to even this manner of opposition. It has been indulged in from the foundation of the Government, and will continue throughout the future. It seems to me in the progress of the debate that some of the criticism has been inspired by the exigencies of the political situation. I do not mean to suggest by this that some of the questions have not been raised in the utmost good faith, with the view of promoting in the best manner possible the construction of an Isthmian canal under conditions in entire harmony with the good name and best interests of the United States.

The larger question which is before us is of unusual moment; it is of far-reaching significance; it means much, not only for the future of the United States but for the entire civilized world. It should be considered upon the high level of national duty and national honor. It should be considered deliberately and in good

temper, to the end that only that which is best may ultimately be done.

We are dealing with a situation, the essential facts of which are generally known. For centuries attention has been directed to securing a waterway across the Isthmus of Panama. The efforts which individuals, corporations, and governments have ineffectually made to accomplish the world-wide desire are familiar to us. Although the attempts thus far made have resulted in failure, we derive some advantage therefrom, for we may avoid the mistakes made by others.

In all the centuries the most significant and decisive step was taken by the Congress of the United States less than two years ago when it enacted into law the bill presented by the very able and distinguished senior Senator from Wisconsin [Mr. SPOONER]. When that bill was enacted into law and placed upon the statute books it became evident to the world that the great work would be speedily carried forward to completion, for it was to be undertaken by the Government of the United States.

As all are well aware, the act authorized the President to secure the property of the New Panama Canal Company and to obtain the requisite concessions from Colombia for a canal across the Isthmus. The act wisely provided that in the event the President should "be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia, * * * within a reasonable time and upon reasonable terms, then the President" should proceed with the canal upon the Nicaragua route.

The act very properly did not undertake to put upon him any specific limit as to time. What should be a "reasonable time" must, in the very nature of the case, be left largely to his discretion. Being thus clothed with the authority of law, the President proceeded with the utmost dispatch to negotiate a treaty with Colombia for the necessary property, rights and franchises for the construction and maintenance of the Panama Canal. He also agreed with the New Panama Canal Company upon terms for the purchase of its property which were to be effective when the requisite concessions were obtained from Colombia.

The treaty with Colombia, known as the Hay-Herran treaty, was laid before the Senate for its ratification. It provoked earnest and protracted debate. It was sharply opposed by those who favored the Nicaragua route. It was as severely antagonized as has been the course of the Administration with respect to the recognition of the Republic of Panama. In due time the treaty was ratified and transmitted to the Colombian Government for its approval. The action of that Government was awaited with interest. The world looked on with great solicitude, for Colombia had but to give her approval of the proposed convention negotiated by her minister at Washington and upon her own initiative, and the great work would proceed. Her disapproval would put the enterprise in peril or delay it indefinitely. But the concern of the United States and other countries was but slight when compared with the anxiety of Panama. The treaty which was approved by the Senate of the United States March 17, 1903, was laid before the Colombian Congress which assembled June 20 following.

Opposition to its ratification manifested itself early. Political parties undertook to make capital out of it. Our minister at Bogota informed the State Department before the close of the month in which we ratified it that there was strong opposition to its ratification. The public mind was agitated and misdirected by a portion of the public press and by politicians opposed to the Marroquin administration.

As early as May 4, 1903, our minister informed the Secretary of State that—

> Private discussion, which perhaps more clearly reflects the real situation, is to the effect that the price is inadequate; that a much greater sum of money can be obtained, and that the United States can be obligated to guarantee the sovereignty of Colombia ports outside the Department of Panama against the invasion or seizure by foreign enemies. The one great determining point, however, is the belief that the price can be greatly augmented.

Three days later he wrote:

> All of the enemies of the Government are united in the onslaught upon the canal convention. * * * Probabilities are that when the measure is presented to Congress there will be a lengthy debate and an adverse vote. Then the representatives of the coast departments of the Cauca, Panama, and Bolivar will ask for a reconsideration and urge ratification of the convention as the only means of preventing the secession of those departments and the attempt to constitute of their territories an independent Republic.

This dispatch clearly shows that early in the consideration of the proposed convention the spirit of revolution was in the air.

The varying fortunes of the treaty are disclosed by the dispatches of our minister, a few of which I have selected from the many he sent.

On August 5, 1903, he advised the State Department that—

> It is now apparent that the treaty will not be ratified without amendment.

On August 7 he reported:

> The situation is chaotic just now and intense feeling is being manifested in the debates in the Senate. Apparently there is little prospect that the treaty will be ratified without modifications, but I must still hope that a better sentiment will be brought about before the end.

On August 12, 1903, he said:

> The treaty was rejected by the Senate to-day in its entirety. Confidential. Do not accept this as final. There is still some hope. Wait for further advices.

On August 15 he became somewhat optimistic when he reported:

> The most intensely critical period for the canal treaty seems to have passed, and now there is some hope for a satisfactory conclusion.

But on October 31 following he was obliged to report:

> Congress adjourned to-day. No action has been taken upon the last report concerning the canal. Therefore, nothing more than the vote of August 12 rejecting treaty done.

It was perfectly obvious from the earliest consideration of the treaty that a determined effort would be made, not only to place the United States under further contribution, but the canal company also. Numerous suggestions were made from time to time as to the new demands to be made upon them. On September 5, Mr. Hay was informed that—

> The committee have reported a law which approves rejection of the treaty authorizes the President to conclude treaties for Panama canal or contract for same with private parties, subject to rights of companies; railroad company permitted to transfer, purchaser assuming all obligations, including annual payments of $250,000 and transfer of property to Colombia in 1967; canal company permitted to transfer on payment to Colombia of $10,000,000; the President authorized to make following concessions: Lease of zone for one hundred years, not including Panama or Colon; annual rent $150,000 until 1967; lease renewing every hundred years on payment of 25 per cent increase; neutrality of canal and the recognition of Colombian sovereignty over the whole territory and inhabitants; mixed tribunals only; police and sanitary commissions Colombian only; excluded from zone; time limit for completion of works; Colombia to receive from contracting government $20,000,000 on the ratification of the treaty; fixing regulations concerning purchase of private company.

This will suffice to show the exaggerated idea of the Government at Bogota as to the value of the proposed concession and the real motive of opposition to the approval of the proposed convention.

At a later date it was manifest that there was a movement contemplated to annul the concessions made by Colombia to the Panama Canal Company, to confiscate the property of the company under the law, and sell it to the United States, to the great injury of the French stockholders and owners. Our minister advised the State Department on the 30th of September—

> It is said, and generally believed in this city, that there is a project on foot among certain Senators to annul the arrangement entered into by the Colombian Government and the French Canal Company in 1900, extending the franchises and privileges of that company. Even men good enough to be candidates for President are advocating this action with all seriousness and solemnity. It is urged that Congress has full power to either annul or ratify the action of the Government in this matter, and that if the arrangement made extending the contract is decreed null and void, the French company's rights and interests in the Isthmus cease to exist, and Colombia could then arrange with the United States to receive not only the $10,000,000 offered her, but the $40,000,000 offered the company.

This is important only as showing the total lack of appreciation at Bogota of the rights of Panama. It all tended to inflame the minds of the people of that Department and stir within them the spirit of resentment and revolution.

Panama saw in the machinations at Bogota the possible ruin of her long-deferred hope. The Government might force the United States under the alternative provision of the Spooner law to adopt the Nicaragua route and leave the Panama enterprise to die. The wrongs and outrages which Panama had so long endured had destroyed all love for the Republic. The dearest rights of her people were cruelly trampled upon. Her history during most of the time since 1821 when she became a part of the Republic of Colombia is but a monotonous recital of acts of oppression and injustice committed by the national authority. While existing as a department of a nominal Republic, she has been but a province of a brutal dictatorship; she has been made virtually the spoil of the Government at Bogota.

Millions of dollars have been wrung from her people first and last, and they have received no adequate return therefor. Monopolies in the necessities of life have been granted, and the revenue derived therefrom has gone to Bogota. Millions of dollars received from the canal and railroad companies for concessions and franchises in Panama have gone into the federal treasury, and only the most insignificant fraction of it has ever been used for the benefit of that department.

For the millions contributed to the Bogota treasury, according to a trustworthy newspaper correspondent recently writing from the Isthmus, there is "not in existence in the whole of Panama today a single bridge, street, plaza, public building, or other structure of public utility or comfort, the expense of which was borne by the Colombian Government."

From information I have derived personally from citizens of Panama, it is perfectly apparent that the conditions upon the Isthmus have long been absolutely intolerable, and revolution has seemed to be the only means of escape.

I have an extract from El Relator, published at Bogota shortly after the revolution, that constitutes an indictment against the

Republic of Colombia without scarcely a parallel in the history of governments. It is impossible for the imagination to conceive a more despotic course pursued toward a province than the Bogota Government pursued toward the Department of Panama. The extract alluded to is as follows:

> We have converted the lords and masters of that territory [Panama] into pariahs of their native soils. We have cut their rights and suppressed all their liberties unexpectedly. We have robbed them of the most precious faculty of a free people—that of electing their mandataries, their legislators, their judges.
>
> We have restricted for them the right of suffrage; we have falsified the count of votes; we have made prevalent over the popular will the will of a mercenary soldiery and that of a series of employees entirely strange to the interests of the Department; we have taken away from them the right of law-making, and as a compensation we have put them under the iron yoke of exceptional laws; state, provinces, and municipalities have lost entirely the autonomy which they were enjoying formerly. * * *
>
> In towns of a cosmopolitan character of the Isthmus we did not found any national schools where children could learn our religion, our language, our history, and how to love their country. In the face of the world we have punished with imprisonment, with expulsion, with fines, and whippings the writers for the innocent expression of the thought. Since December, 1884, to October, 1903, the presidents, governors, secretaries, prefects, mayors, chiefs of police, military chiefs, officials and soldiers, inspectors of police, the police itself, captains and surgeons of harbors, magistrates, judges of all descriptions, State attorneys, everybody came from the high plains of the Andes and from other parts of the Republic to impose on the Isthmus the will, the law, or the whims of the more powerful, to sell justice, or speculate with the treasury. This series of employers, similar to an octopus with its multiple arms, was sucking the blood of an oppressed people and was devouring what only the Panamaians had right to devour.
>
> We have made of the Isthmus a real military province, and when this nation of 350,000 souls had men of continental reputation like Justo Arosemana, legislators of the first order, and of an irresistible popularity like Pablo Arosemana and like Gil Colunje, men of talent like Ardila, brilliant diplomats like Hurtado, and scientific celebrities of European reputation like Soea we leave them aside, we relegate them in contempt and in forgetfulness instead of putting them at the head of the Isthmus in order to quench the thirst of equity and justice and satisfy the legitimate aspirations of all the Panamaians. Such a way of proceeding has wounded the pride, the dignity, and the patriotism of all the intellectual people of the Isthmus, and has provoked and developed the hatred and the anger of the popular mass.
>
> The result is of all those errors—we are touching them now! The last twenty years have been for the Panamaians too bitter and too sad, and they will never in the future like to be Colombians if they have to continue to live under a régime that did not allow them to be citizens in their own territory.

What more natural than that the people of the Isthmus, in view of their past history, and the recent action at Bogota, should seek to throw off their allegiance to the parent government? What else was there left for them to do? Every sentiment of self-interest commanded them to take the step when they saw that the treaty was doomed to defeat. They took counsel of their own future welfare; they laid carefully their plans; there was no division of sentiment among them, and on the 3d of November, 1903, they moved as by a common impulse. They took possession of their own country, and set up their own independence. They were guilty of no barbarities; they avoided bloodshed, and treated their oppressors with rare forbearance and kindly consideration.

Did the Administration inspire the revolution that it might despoil Colombia of her property upon the Isthmus? Such has been the virtual charge made. It has been made both by direct statement and innuendo. It is a grave and serious charge, and it is worth our while to pause and observe whether or not it is well founded in fact. From what we have observed of the history of Panama prior to the revolution the only wonder is that separation was so long postponed. No people ever had better warrant for renouncing allegiance to their government than had the people of the Department of Panama on the 3d of last November.

Notwithstanding the wrongs which they were obliged to endure, they would undoubtedly have continued to submit to the rule of Colombia if their long-cherished hope of a canal had been gratified.

Our Government was fully informed of the state of public feeling in Colombia, and it also knew the intense desire of the people of Panama for the prompt ratification of the treaty.

It was obvious from the beginning of the consideration of the treaty that a crisis was near at hand. On May 7, 1903, our minister said:

> The probabilities are that when the measure (treaty) is presented to Congress there will be a lengthy debate and an adverse vote. Then the representatives of the coast Departments of the Cauca, Panama, and Bolivar will ask for a reconsideration and urge a ratification of the convention as the only means of preventing the secession of those Departments and the attempt to constitute of their territories an independent republic.

The treaty was rejected by the Senate on August 12, and three days later our minister reported:

> Since the rejection of the treaty on the 12th instant there has been an almost hysterical condition of alarm and uncertainty in Bogota as to the future action of the United States.

On September 11 he further advised the State Department as follows:

> I have the honor to report that events of interest have taken place in connection with the appointment of Senator Obaldia to the post of governor of the Department of Panama. Senator Obaldia's separatist tendencies are well known, and he is reported to have said that, should the canal treaty not pass, the Department of Panama would declare its independence, and would be right in doing so.

On October 31 he said:

> The people here are in great anxiety over conflicting reports of secession movements in the Cauca and Panama.

As was foreshadowed at Bogota, as soon as Congress adjourned without ratifying the treaty, the Department of Panama revolted and set up her independence.

It becomes important in view of what has been said in opposition, to ascertain what our rights were, and what was done by the Government at the time of and subsequent to the revolution. The record is before us, accessible to everyone. The facts are spread before the world, and we may judge whether, in what was done, our officials acted in contravention of our national obligations.

For nearly sixty years the United States has had very important rights across the Isthmus which were derived from the treaty of 1846. By article 35 of the convention New Granada (Colombia) stipulated—

> The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures, or merchandise, of lawful commerce, belonging to the citizens of the United States.

It further provided that—

> In order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty, the United States guarantee positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea, may not be interrupted or embarrassed in any future time while this treaty exists; and in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

This treaty conferred upon the United States a very substantial right and privilege, and that was the right and privilege of open and free transit across the Isthmus. The necessity of safeguarding the property and lives of the people of the United States across the Isthmus, which was inhabited by many people who had not thoroughly emerged from a state of savagery, was vitally important. The United States has exercised the right to protect her own interests at all times and under all circumstances since she entered into the enjoyment of the privilege granted by the treaty. Secretary Hay says:

> The United States has * * * assumed and discharged, as if primarily responsible, duties which in the first instance rested on Colombia. According to the language of the treaty, the right of the Government and people of the United States *to a free and open transit across the Isthmus was guaranteed by New Granada; but the United States has been able to secure the benefits of it only by its own exertions;* and in only one instance, and that as far back as 1857, has it been able to obtain from Colombia any compensation for the injuries and losses resulting from her failure to perform her obligation.

The United States by the article above mentioned guaranteed the sovereignty of New Granada over the Isthmus. The generally accepted interpretation of the meaning and effect of this guaranty is that the United States did not undertake to maintain such sovereignty except against foreign powers; that she did not engage to protect her against overthrow by domestic convulsion.

Referring to this provision of the treaty, Secretary Seward said, in 1865:

> The question which has recently arisen under the thirty-fifth article of the treaty with New Granada, as to the obligation of this Government to comply with a requisition of the President of the United States of Colombia for a force to protect the Isthmus of Panama from invasion by a body of insurgents of that country has been submitted to the consideration of the Attorney-General. His opinion is that neither the text nor the spirit of the stipulation in that article, by which the United States engages to preserve the neutrality of the Isthmus of Panama, imposes an obligation on this Government to comply with a requisition like that referred to. The purpose of the stipulation was to guarantee the Isthmus against seizure or invasion by a foreign power only. It could not have been contemplated that we were to become a party to any civil war in that country by defending the Isthmus against another party. As it may be presumed, however, that our object in entering into such a stipulation was to secure the freedom of transit across the Isthmus, if that freedom should be endangered or obstructed, the employment of force on our part to prevent this would be a question of grave expediency to be determined by circumstances.

The effort to connect this Government with the revolution has been industriously made. The searchlight has been applied in every direction in the quest of information which would support the charge of complicity of the Administration in the movement.

We must consider this subject not upon idle rumor or unfounded assertion, but from the record which the Government has made. That record is written; there it stands irreversible. By it, and by it alone, the Administration must be judged. As for myself, I shall accept the record as it has been made by the executive department and submitted to the Congress unless it is impeached by something more conclusive than vague suspicion, unsupported assertion, and wild conjecture.

In the orderly administration of the affairs of the Government it is necessary that each of the three departments should repose trust and confidence in the acts of the others performed within

their proper sphere of action. We must proceed upon the assumption that the executive department, within its constitutional prerogatives, is actuated by proper motives, and that it is as regardful of the good name of the country as either the legislative or the judicial departments.

But it is said that the precautionary measures adopted interfered with the assertion of her sovereignty by the Colombian Government. Whether that is so, we have no means of knowing, except as we are advised by the executive department. We are informed by that department that the independence of Panama was secured by the people thereof upon their own initiative, and without the exercise of force, improper or otherwise, on the part of the United States.

Who shall determine what steps should be taken to make secure peace and protect our people from harm upon the line of transit? A determined revolution was at hand under circumstances dissimilar to any that had preceded it. Bloodshed was apparently imminent, and interruption to the highway across the Isthmus was among the reasonably early probabilities. What was the duty of the President under the circumstances? Who should determine what should be done in that serious exigency? Obviously, the Chief Executive was to decide, and manifestly the duty devolved upon him to take such steps as in his judgment were necessary to preserve the lives of Americans and to maintain unbroken peace.

The primary right of the United States to protect freedom of transit exists without reference to the treaty. It rests upon the fundamental law of self-preservation. But I think the right is clearly inferred from the language of the treaty itself. Colombia expressly guarantees the freedom of transit. It is a collateral obligation and expressly implies that the primary duty rests upon someone else. Obviously that duty rests, and could only rest, upon the United States. Others, I am aware, hold that by the terms of the treaty the primary duty of protecting the highway rested upon Colombia, but the difference of view is of no practical importance, for the United States usually has assumed and discharged the duty of preserving the transit free from interruption.

Under the treaty of 1846 and the protection of the United States, Panama "has become a great commercial highway between the nations of the coasts of western Europe and eastern Asia, as well as between the western and eastern coasts of the United States."

The Panama Railroad, chartered by the legislature of New York in 1849 and opened to commerce in 1855, has carried millions of passengers and millions of tons of freight.

It is fair to say that for more than half a century the people of the world have looked to the United States to see that life and property upon this great highway were made secure against attacks from either the citizens of Panama or those of any other country. And when the revolution of November last was imminent, under circumstances that promised a more determined resistance than any which had preceded it, it was not only the right of the President of the United States to adopt such measures as he deemed essential for the general safety, but it was a solemn duty which rested upon him to protect the lives and property of the people of other nations, who had so long relied upon the protecting care of the United States. If loss and damage had ensued because of his having failed to adopt reasonable measures for their protection a heavy moral responsibility would have rested upon him.

He had no guide except his own conception of executive duty. What others had done before, or what others might do in the existing situation, afforded no absolute criterion to him. He must be governed by his own view of responsibility. Possibly no one in this Chamber, under the same circumstances, inspired by the same exalted purpose, would have read his duty in the same way as the President. Some might have regarded no precautions at all necessary; others might have considered the situation so menacing as to have justified ampler provision. The fundamental fact which I seek to emphasize is this: That the President was in the very nature of the situation clothed with large discretionary power, and it seems to me, in view of all that occurred, and in the light of all that has followed, no one can say that he did not act well within the limits of sound executive discretion.

He informed Congress in his last annual message that his instructions were in accordance with our rights as interpreted by former Administrations. "The duty of the United States in the premises," he says, "was clear. In strict accordance with the principles laid down by Secretaries Cass and Seward * * * the United States gave notice that it would permit the landing of no expeditionary force, the arrival of which would mean chaos and destruction along the line of the railroad and of the proposed canal, and an interruption of transit as an inevitable consequence."

We are not left in doubt or in the dark as to what the Administration did with respect to the revolution. From what transpired at Bogota it was perfectly manifest that a revolt was imminent. The public press published broadcast accounts of the rising revolutionary spirit. As early as August 31, 1902, a report was sent to the Washington Post from San Jose, Costa Rica, saying:

> Travelers from Panama report the Isthmus alive with fires of a new revolution. It is inspired, it is believed, by men who, in Panama and Colon, have systematically engendered the pro-American feeling to secure the building of the isthmian canal by the United States.
>
> * * * * * * *
>
> The consensus of opinion gathered from late arrivals from the Isthmus is that the revolution is coming, and that it will succeed.

Later it was reported, in the press of New York and Washington, that troops were being gathered by Colombia for use in connection with the revolution. That military demonstrations were liable to occur upon the line of transit across the Isthmus, was perfectly manifest. American citizens and American property were there. Should no steps be taken by the Administration to safeguard them? We can readily account for the action of the President upon principles entirely consistent with the national honor. As for myself, I prefer to do so. That which was done in the exigency with which we are familiar, was done to protect American interests. If the revolutionists derived therefrom any moral advantage, who shall say that wrong was done? There is good ground for the belief that the Panamaians would long ago have achieved their independence but for the attitude of the United States in the purely domestic affairs of Colombia.

Secretary Hay says in his note to General Reyes the 5th of this month that—

> Advices came to this Government, not only through the press but also through its own officials, of the existence of dangerous conditions on the Isthmus, as well as in the adjacent States whose interests were menaced. Disorders in that quarter were not new. In the summer of 1902, as well as in that of 1901, this Government had been obliged by its forces to maintain order on the transit route, and it took steps, as it had done on previous occasions, to perform a similar duty should the necessity arise. The form the trouble might take could not be foreseen, but it was important to guard against any destructive effects.
>
> The reasonableness of these precautions soon became evident.

On November 3, at 6 o'clock, the uprising in Panama occurred. Prior to this time what word was said, or act done, in derogation of our national duty? We are not left in uncertainty as to what was done, for Secretary Hay says emphatically in his note to General Reyes, January 5, 1904:

> Any charge that this Government, or any responsible member of it, held intercourse, whether official or unofficial, with agents of revolution in Colombia, is utterly without justification.
>
> Equally so is the insinuation that any action of this Government, prior to the revolution in Panama, was the result of complicity with the plans of the revolutionists. The Department sees fit to make these denials, and it makes them finally.

This is a complete refutation of the charge that this Government had any complicity with those engaged in the revolutionary movement. The American people will accept the emphatic denial of the Secretary of State without question or doubt.

More than this: We have the positive assurance of the President of the United States that this Government did not undertake to set on foot the revolution. There was nothing occult or "sinister," to employ the language of the opposition, in the course of the Government. It had no advices with respect to the contemplated uprising which were not possessed by every observer of passing events. In his message of the 4th of last month the President says:

> I think proper to say, therefore, that no one connected with this Government had any part in preparing, inciting, or encouraging the late revolution on the Isthmus of Panama, and that save from the reports of our military and naval officers, given above, no one connected with this Government had any previous knowledge of the revolution except such as was accessible to any person of ordinary intelligence who read the newspapers and kept up a current acquaintance with public affairs.

This is a deliberate and important utterance, and far outweighs all assertions and insinuations of "guilty knowledge" on the part of the Government in which some have been pleased to indulge. No one can misunderstand it; and it will be accepted everywhere as conclusive.

We had no troops upon the Isthmus and only one ship, the *Nashville*, at Colon. She arrived on November 2. On the 3d she was ordered in the interest of peace to make every effort to prevent Government troops landed at that point from proceeding to Panama, and to keep open the transit across the Isthmus and to maintain order. Commander Hubbard, who displayed admirable courage and good judgment under serious circumstances, gives a detailed account of what transpired after his arrival. On the morning of the 3d of November the Colombian gunboat *Cartagena* arrived and disembarked four or five hundred troops without hindrance by the commander of the *Nashville*. The Panama Railroad Company would not transport them to Panama except upon the request of the governor of Panama. Commander Hubbard learned on the night of the 3d that the provisional government had been established at Panama. Says he:

> I sent, early in the morning of November 4, written notification to the general superintendent of the Panama Railroad, to the prefect of Colon, and

to the officer left in command of the Colombian troops, later ascertained to be Colonel Torres, that I had prohibited the transportation of troops in either direction, in order to preserve the free and uninterrupted transit of the Isthmus.

On November 4 Colonel Torres, in command of the Colombian troops at Colon, practically made war against the United States.

At 1 o'clock p. m. on that date I was summoned on shore—

The commander says—

by a preconcerted signal, and on landing met the United States consul, vice-consul, and Colonel Shaler, the general superintendent of the Panama Railroad. The consul informed me that he had received notice from the officer comanding the Colombian troops, Colonel Torres, through the prefect of Colon, to the effect that if the Colombian officers, Generals Tobal and Amaya, who had been seized in Panama on the evening of the 3d of November by the Independents and held as prisoners, were not released by 2 o'clock p. m., he, Torres, would open fire on the town of Colon and kill every United States citizen in the place, and my advice and action were requested.

I advised that all the United States citizens should take refuge in the shed of the Panama Railroad Company, a stone building susceptible of being put into good state for defense, and that I would immediately land such body of men, with extra arms for arming the citizens, as the complement of the ship would permit. This was agreed to, and I immediately returned on board, arriving at 1.15 p. m. The order for landing was immediately given, and at 1.30 p. m. the boats left the ship with a party of 42 men under the command of Lieut. Commander H. M. Witzel, with Midshipman J. P. Jackson as second in command. Time being pressing, I gave verbal orders to Mr. Witzel to take the building above referred to, to put it into the best state of defense possible, and protect the lives of the citizens assembled there—not firing unless fired upon. The women and children took refuge on the German steamer *Marcomania* and Panama Railroad steamer *City of Washington*, both ready to haul out from dock if necessary.

The *Nashville* I got underway and patrolled with her along the water front close in and ready to use either small-arm or shrapnel fire. The Colombians surrounded the building of the railroad company almost immediately after we had taken possession, and for about one and a half hours their attitude was most threatening, it being seemingly their purpose to provoke an attack. Happily our men were cool and steady, and while the tension was very great, no shot was fired. At about 3.15 p. m. Colonel Torres came into the building for an interview and expressed himself as most friendly to Americans, claiming that the whole affair was a misapprehension and that he would like to send the alcalde of Colon to Panama to see General Tobal and have him direct the discontinuance of the show of force.

I am positive—

He further says—

that the determined attitude of our men, their coolness and evident intention of standing their ground, had a most salutary and decisive effect on the immediate situation, and was the initial step in the ultimate abandoning of Colon by these troops and their return to Cartagena the following day. Lieutenant-Commander Witzel is entitled to much praise for his admirable work in command on the spot.

I feel that I can not sufficiently strongly represent to the Department the grossness of this outrage and the insult to our dignity, even apart from the savagery of the threat.

On the following day the commander, finding that the Colombian troops had not been withdrawn by Colonel Torres as far from the town as had been agreed, and were occupying buildings near the outskirts, relanded an armed force and reoccupied the building occupied the day previous. He—

also landed two 1-pounders and mounted them on platform cars behind protection of cotton bales, and then in company with the United States consul had an interview with Colonel Torres, in the course of which I informed him—

Said he—

that I had relanded my men because he had not kept his agreement; that I had no interest in the affairs of either party; that my attitude was strictly neutral; that the troops of neither side should be transported; that my sole purpose in landing was to protect the lives and property of American citizens if threatened, as they had been threatened, and to maintain the free and uninterrupted transit of the Isthmus, and that purpose I should maintain by force if necessary. I also strongly advised that in the interests of peace, and to prevent the possibility of a conflict that could not but be regrettable, he should carry out his agreement of the previous evening and withdraw to Monkey Hill.

During the evening negotiations were pending with Colonel Torres by representatives of the new Government, and he was persuaded "to embark on the Royal Mail steamer *Orinoco*, with all his troops, and return to Cartagena." The troops numbered 474 all told.

I beg to assure the Department—

Says Commander Hubbard in conclusion—

that I had no part whatever in the negotiations that were carried on between Colonel Torres and the representatives of the provisional government; that I landed an armed force only when the lives of American citizens were threatened, and withdrew this force as soon as there seemed to be no grounds for further apprehension of injury to American lives or property; that I relanded an armed force because of the failure of Colonel Torres to carry out his agreement to withdraw and announced intention of returning, and that my attitude throughout was strictly neutral as between the two parties, my only purpose being to protect the lives and property of American citizens and to preserve the free and uninterrupted transit of the Isthmus.

Who will gainsay the truth of this report? Is there any act recorded here in violation of any treaty rights or obligations? If we are to believe the commander—and who doubts him?—is he not to be commended, and the Government he represented also, for having protected the lives and property of American citizens, for having avoided bloodshed, and for having prevented interruption of transit upon the Isthmus?

The opposition seems to regard it improbable that Panama could have successfully asserted her independence except for the support of the United States. That the disparity in numbers between Panama and the parent Government was such that Colombia could have readily established her sovereignty in the revolting province but for the alleged intervention of the United States. We should bear in mind the fact that but for the assistance of the United States, undoubtedly Colombia would long ago have lost Panama. This was made clear in the very able speech of the junior Senator from Iowa. It was also made manifest by the President in his last annual message. He says:

The experience of over half a century has shown Colombia to be utterly incapable of keeping order in the Isthmus. Only the active interference of the United States has enabled her to preserve so much as a semblance of sovereignty.

We should bear in mind the further fact that the seeds of revolution are in the blood of Colombia, and that they are not a loyal, homogeneous mass like ourselves. Colombia fully realized her insecure hold upon her provinces, and that the defiance of Panama might be followed by the revolt of other departments. We have already observed that there was early a fear at Bogota that Cauca, Bolivar, and Panama might set up their independence. When Panama revolted Colombia knew that she had not only to regain Panama, but that she might be obliged to take into serious consideration a revolt in the departments of Cauca and Bolivar also.

Furthermore, it should be remembered that Colombia had but recently emerged from a three years' war which sorely taxed her resources, and she was in no condition to compel so remote a province as Panama to submit to her authority after it had firmly resolved to withdraw from the Federation and had prepared to maintain her independence at any cost. The message of the Vice-President, transmitting the treaty to the Congress at Bogota, shows the extreme weakness of the General Government. It is a pitiful story, and I refer to it only to show how improbable it was that such a government could maintain its sovereignty in Panama when the people in that province unanimously rose against it.

The profound disturbance of the public order—

Says the Executive—

which began in 1899, prevented the *fulfillment of the laws in regard to elections, and consequently the reunion of Congress which ought to have taken place in 1900 and 1902.*

Therefore there arose a political situation unforeseen by the constitution and the law, *in that the Government was forced to assume the functions of legislation as well as to protect itself against those who sought to destroy it by force*, and to attend to the satisfaction of many necessities of all classes.

One of these necessities was that the National Congress should be formed and reunited, but this could not be attended to during the war, because many of the cities of the Republic were occupied, either continuously or for short times, by the forces of the rebels, and on this account the legal authorities could not reside in them nor exercise their proper functions.

The President promptly recognized the independence of Panama. He has the constitutional power to recognize new states. He may receive ministers and ambassadors from and may commission ministers and ambassadors to foreign governments. He does this clearly in the exercise of an executive function. In commissioning ministers and ambassadors he must do so by and with the consent and advice of the Senate, but he may receive ministers and ambassadors from foreign governments without sharing the responsibility therefor with the Senate or with any of the other departments of the Government. He acts solely in this regard according to his own official discretion.

The hour when a revolting state has secured its independence is a question of fact which each recognizing government must determine for itself. When the President, in his judgment, believes independence has been asserted and secured, he may recognize the fact. Recognition does not depend upon the lapse of time, but it is predicated upon the existence of an ascertained fact. While the independence of Panama was for a time denied, it has at last become a generally acknowledged fact, so that there is little profit in the further discussion of the principles upon which recognition is predicated.

It should be observed that the United States has some very important rights and duties in Panama which the revolution and change of government did not extinguish. They arise out of Article XXXV of the treaty of 1846. The express grant of the right of free transit across the Isthmus contained in this article constituted, as has been well said by others, a servitude which, as it were, ran with the land, or a burden upon the sovereignty which became a subsisting obligation upon whatever power should succeed to the rights of New Granada in the Isthmus of Panama. In other words, the right of free transit across the Isthmus was a continuing privilege during the life of the convention which New Granada and every government succeeding her was bound to observe and respect. In consideration of this privilege the United States guaranteed the sovereignty of New Granada upon the Isthmus, and the governments succeeding in Panama would enjoy the same guaranty.

The Republic of Panama has succeeded New Granada (Colombia) upon the Isthmus, and it follows that her sovereignty is effectively guaranteed by the United States against alien invasion.

It has been urged repeatedly that there has been and is no republic in Panama with capacity to enter into a valid convention with the United States. There is, it is true, no government under a written constitution conforming to our opinion of all of the essentials of republican institutions, but there has been since the day of the revolution, and there is to-day, a government in Panama exercising governmental functions. It is not essential that there should be any particular form of government before a people can enter into a valid international engagement.

Any form of organization which for the time being expresses the popular will has the power, in my humble opinion, to enter into a treaty compact with other powers. A treaty is but an agreement of the people in their collective capacity made through their agency, the government. The government may be a republic in fact or in name. It may be a dictatorship or a kingdom, or it may be of any other form which the wit of man can devise. Mere form necessarily is not of the essence; the controlling consideration is, does the government in fact speak the voice of the people? If so, it may firmly bind them in their international relations.

The Government of Panama since the revolution has been discharging its functions peacefully and satisfactorily. The people yield it their loyal allegiance. There is, so far as we are advised, no domestic discord.

Under these circumstances it is plain to me that we are treating with a sovereign power, one which in fact and under sound principles of law may enter into treaty relations with the United States. It may grant to us the requisite concessions for an interoceanic canal which we may rightfully enjoy.

There has been some discussion during the debate of the relative merits of the Nicaragua and Panama routes. It is obvious from what has been said that the course of the Administration in Panama is antagonized by some because it did not abandon the Panama route when the Colombian Government rejected the treaty and proceed with the acquisition of concessions and the construction of the canal through Nicaragua and Costa Rica. It is urged that a "reasonable time," within the contemplation of the Spooner law, in which the President should obtain the necessary concessions from Colombia, expired as soon as the Colombian Government rejected the treaty, and, by force of the provisions of the law, the President was driven to adopt the Nicaragua route.

It is unnecessary to recite the considerations which led Congress to prefer the Panama to the Nicaragua route. The great, preponderating sentiment of the Congress was and is, I believe, in favor of the former. It is obvious, however, that if Congress had committed itself absolutely to the Panama route, the Government would have been left at great disadvantage in negotiating terms with the Colombian Government.

It was very wisely provided that in the event suitable terms could not be obtained from Colombia within a "reasonable time," then the Nicaragua route should be adopted. But this, regarded at the time by many Senators as a prudential provision, was not indicative, by any means, that the two routes were substantially alike available, or that it was a matter of little difference which was adopted. It was my belief at the time the Spooner law was enacted that the Panama Canal was far preferable to any other, and that the utmost reasonable effort should be made to secure its construction.

In what the President has done in attempting to secure the Panama route he has acted clearly within the letter and spirit of the Spooner Act. What is a "reasonable time" contemplated by the act? In the eye of the law it must depend upon the circumstances of the particular case. What would be a "reasonable time" in one case would be quite the reverse in another. While the subject of an interoceanic canal has been long under consideration, the fact is but a comparatively brief period has been spent by us in seriously considering the practical features of the subject.

Two years were consumed by the Walker Commission in examining the entire canal situation and making report of its conclusions. When its report was submitted to Congress we were then, and not before, prepared to act intelligently. Congress enacted the Spooner bill into law, under which the President was charged with the duty of negotiating a treaty with Colombia. The negotiations were taken up promptly and pushed to a conclusion with all reasonable dispatch. The Senate ratified the treaty. It was submitted to the Colombian Congress for its approval and was rejected. All of this transpired within less than a year and a half after the passage of the Spooner bill.

When the Colombian Congress rejected the treaty that did not necessarily close the door to further effort to carry out the manifest will of Congress in the construction of the Panama Canal. It delayed but did not necessarily defeat the accomplishment of the Congressional desire. It did not relieve the President from persisting in any reasonable effort still to secure it. The subject is a large one and must be dealt with in a large way. Making treaties between governments upon important subjects is at best a tedious process. No body in the world is more familiar with this fact than the Senate of the United States. In many instances years are consumed in the negotiation and ratification of treaties with other powers; treaties of far less importance than one dealing with the construction of an isthmian canal. It seems to me that we can well afford to be as deliberate in this great transaction as in any other with which we are familiar. The advantages of Panama over Nicaragua are so much superior that we could easily justify the President in the expenditure of much more time than he has consumed in an effort to secure the treaty desired. He has not violated either the letter or the spirit of the Spooner Act in not immediately dropping Panama and going to Nicaragua when the Congress at Bogota rejected the treaty. He has been, on the contrary, acting clearly within the intendment of Congress.

There are several conclusions which the record seems to establish. They may be summarized thus:

The revolution by the people of Panama was due to a long series of wrongs inflicted upon them by the Government at Bogota, and more particularly to the rejection of the Hay-Herran treaty.

The revolution was initiated by the people of Panama and was not inspired by the United States.

It was the duty of the President to adopt such measures as he deemed necessary to preserve the freedom of transit across the Isthmus and to protect the lives and property of American citizens, and of citizens of other countries upon the line of transit.

The independence of Panama was accomplished by the people of the Isthmus.

There was no vessel or armed force of the United States at the city of Panama, and only one vessel, the *Nashville*, third rate, at Colon; only 42 marines were landed at Colon. They were landed to protect the lives of American citizens who were in serious and imminent peril and were returned to the ship after accomplishing their purpose.

The President recognized the fact that Panama had secured her independence three days after the revolution.

In recognizing the independence of the new Republic the President acted solely within his constitutional rights. The duty of recognition rested upon him, and having exercised it his act became binding upon the United States.

The independence of the Republic of Panama was recognized by France and many other powers soon after recognition by the United States.

Within eight days after the recognition of the new Republic she signed a treaty with the United States, through her accredited minister to Washington, granting to the United States the requisite concessions for an isthmian canal.

When the Republic of Panama concluded the treaty with the United States, she was in the exercise of sovereign power. She was discharging fully her domestic and international functions and had full capacity to enter into a valid convention with the United States.

Under the treaty of 1846, the United States obtained rights and incurred obligations in Panama. She obtained the right of free transit across the Isthmus and the right to preserve the freedom of such transit. She also guaranteed in consideration of this right and other privileges the sovereignty of the government in Panama. By the transfer of sovereignty upon the Isthmus to the Republic of Panama, the obligation to guarantee her sovereignty against foreign aggression rests upon the United States.

If the new treaty with the Republic of Panama is ratified by the Senate, the United States will obtain adequate concessions, rights, and privileges for the construction and perpetual maintenance of an isthmian canal.

Mr. President, I have endeavored to consider only the more salient features of the Panama question, and those which appear to me to be controlling. Much more might be said, but there would appear to be little profit in unduly prolonging the discussion. In one form or another the isthmian canal question has been under consideration for several centuries. The time for decisive action has come. We have but to call the roll of the Senate upon the treaty with Panama, and we will instantly set in motion the machinery which will soon accomplish the great desire.

Others have said that this is an American question, and so it is. It transcends the narrow bounds of party. It is as wide as the ample limits of the Republic.

Who doubts in the present condition of affairs that the Panama Canal will be built? It will have back of it the best pledge any vast undertaking can have, for it will have the assurance of the United States. What we say for and against it will swiftly fade

away and be gone forever, but the canal—the rich fruit of four centuries of hope and human effort, the colossal tribute of our people to the commerce of the world—will stand. Yes, we can well believe that it will survive the pyramids.

Mr. CLARKE. Mr. President, I do not intend to address the Senate in support of the general proposition that an isthmian canal should be constructed by the United States Government. This matter has passed out of the domain of discussion. It is no longer treated in the public policies of the country as a matter of mere utility; it is recognized as one of the absolute necessities of our situation at this time. No section of the country has more thoroughly recognized this as the proper attitude of the Government than the section from which I come. This condition of opinion is due in no small degree to a knowledge of the fact that our people are to be among the chiefest and most immediate beneficiaries of a successful consummation of the enterprise. These benefits have been heretofore discussed at such great length and in such complete detail that it will serve no useful purpose to restate them now. For the present, further progress toward the actual construction of the canal depends upon the ratification of the pending treaty recently negotiated by the United States Government with the Republic of Panama.

Ordinarily, in determining what course it is proper to pursue, it would only be necessary to consider (1) the competency of the parties to enter into the contract, and (2) the terms and provisions of the contract submitted for approval by the Senate.

The second of these considerations is not deemed to present any obstacle in this instance, because it is conceded that whilst the terms of the present treaty do not concede anything to the United States by way of mere donation, it does exceed in the liberality of its provisions any that we have heretofore been able to secure for the purpose of acquiring authority to construct an isthmian canal. Within the past year the Hay-Herran treaty providing for the construction of the canal upon the same site, containing terms much less favorable to the United States, met the almost unanimous approval of the Senate and the country. On the score of the mere provisions of the treaty, there seems to be no dissatisfaction expressed, either here or elsewhere.

On the question of the competency of the Republic of Panama to make a treaty there is more dispute, and this presents, directly and indirectly, the chief cause of division and consequent opposition.

That actual recognition has been extended to the Republic of Panama by the President of the United States in formally receiving its minister and by this Senate in confirming the appointment by the President of a minister from this Government to Panama is not and will not be denied. That it has taken place in accordance with the forms of law prescribed in such cases is also a matter not subject to dispute. Under our system the matter of extending recognition to a new government may be said to exist concurrently and independently in those departments of Government which are said to be political; that is to say, the legislative and executive branches. I think it may be safely asserted that the doctrine of the Supreme Court of the United States is that it will respect and enforce, in so far as it is called upon to deal with the question at all, a recognition made either by the President or by the legislative branch of the Government.

In some of the opinions of that court expressions are to be found to the effect that the power of recognition is in the political departments of the Government, naming as such the legislative and executive branches. It was plainly not the intention of the court in saying that the power was to be exercised by the legislative and executive departments of the Government to convey the meaning that it was to be exercised by these acting in conjunction, the one putting limitations upon the power of the other. In none of the cases before the court, and in which these expressions are to be found, did the legislative branch of the Government have any part in making the recognition which was deemed sufficient to give to the new government the status of a litigant in that court or the existence of which was made an element in the rights of any litigant who resorted to that tribunal for their adjudication. This statement of the doctrine of the Supreme Court is not different from that in which Andrew Jackson and Henry Clay agreed upon as being a proper method in which the right of recognition is to be exercised.

On June 18, 1836, referring to the matter of the independence of Texas, Mr. Clay, in a report from the Senate Committee on Foreign Relations (S. Doc. No. 406, 24th Cong., 1st sess.), said:

> The recognition of * * * an independent power may be made by the United States in various ways. First, by treaty; second, by the passage of a law regulating commercial intercourse between the two powers; third, by sending a diplomatic agent * * * with the usual credentials; or, lastly, by the Executive receiving and accrediting a diplomatic representative from the power in question, which would be a recognition as far as the Executive only is competent to make it. In the first and third modes the concurrence of the Senate in its executive capacity would be necessary, and in the second in its legislative character.
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> The Senate alone, without the cooperation of some other branch of the Government, is not competent to recognize the existence of any power.
>
> The President of the United States, by the Constitution, has the charge of their foreign intercourse. Regularly he ought to take the initiative in the acknowledgment of the independence of any new power. But in this case he has not yet done it, for reasons which he, without doubt, deems sufficient. If in any instance the President should be tardy, he may be quickened in the exercise of his power by the expression of the opinion, or by other acts, of one or both branches of Congress, as was done in relation to the republics formed out of Spanish America.

Together with this report a resolution was submitted to the Senate from the Committee on Foreign Relations that was as follows:

> *Resolved*, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power.

President Jackson, in approving this resolution, expressed his satisfaction with the course taken, and said that it was entirely proper for the legislative branch to make any suggestion which in its judgment it felt it to be expedient for the Executive to consider in connection with the discharge of public duties.

On July 1, 1836, this resolution being in debate in the Senate, Mr. Webster said he was willing to go so far as to vote funds to enable the President to send out a proper minister, but against a direct recognition he thought there existed strong objections, because it was the proper function of the President to take the lead in this matter.

In a debate in the House in the following year John Quincy Adams said (February 27, 1837) he objected to the proposition before the House on the ground that the act of recognition of a foreign power had heretofore always been an Executive act of this Government. It was the business and duty of the President of the United States, and Mr. Adams was not willing to set the example of giving that recognition on the part of the legislative body without recommendation of the Executive.

It will thus be seen that President Jackson and Mr. Clay agreed that while the power of recognition by the President was implied in the power to receive foreign ministers, and that if he should exercise the power without invoking the aid and support of the legislative branch, his action in that respect would be beyond question, yet it was conceded that where the willingness of the legislative branch to assume responsibility for the recognition of a new government, in advance of the President being satisfied that it was prudent and proper to do so, a suggestion from the Congress that if the President should, through the regularly constituted channels, extend recognition, he would be supported by the legislative branch in any consequences that might ensue, was not only not an offensive suggestion, but one within the competency of Congress to make. This, I take it, Congress could do in connection with any duty which the President is called upon to discharge where the public peace and welfare might be involved in his action.

In the present case the Republic of Panama has received the recognition of this Government through the act of the President in receiving her minister and in negotiating a treaty with her. This action on the part of the President, in my opinion, is not subject to review in any proceeding, directly or collaterally, connected with the ratification of the pending treaty. The recognition, no matter whether by the action of the Congress or by the President alone, is the act of the Government of the United States and is to be respected and supported as such. The recognition is final, and the existence of Panama is a fact accomplished, and this, to borrow a phrase from Bismarck, removes every objection and silences every dispute. Approval of our course, if approval by others of anything this country does can ever be deemed to add anything to its validity or justice, is shown in the action taken by other governments, as follows:

List of governments which have recognized the independence of Panama, with the dates of recognition.

United States	Nov. 13, 1903	Nicaragua	Dec. 15, 1903
France	Nov. 16, 1903	Peru	Dec. 19, 1903
China	Nov. 26, 1903	Cuba	Dec. 23, 1903
Austria-Hungary	Nov. 27, 1903	Great Britain	Dec. 24, 1903
Germany	Nov. 30, 1903	Italy	Dec. 24, 1903
Denmark	Dec. 3, 1903	Japan	Dec. 28, 1903
Russia	Dec. 6, 1903	Costa Rica	Dec. 28, 1903
Sweden and Norway	Dec. 7, 1903	Switzerland	Dec. 28, 1903
Belgium	Dec. 9, 1903	The Netherlands	Jan. 10, 1904

The terms of the treaty being satisfactory and the technical competency of the parties to the contract being established, my support of this treaty would follow naturally and without further question. But it is objected that while the recognition of the Republic of Panama may conform to the mere forms of the law governing such matters, the facts which preceded it show such an utter disregard by the President and those acting under his orders of the cardinal principles of right and justice as to make it the imperative duty of every right-thinking man to condemn his actions and to refuse to take any steps that can directly or indirectly be construed into a condonation of his course; that, while

it is admitted that there is no issue pending in the Senate, and that none can be framed for consideration here by which this body can directly review that act of recognition, and if found to have been improperly given to recall the same and restore the status quo existing at the time it was extended by the President, it is contended that there is an indirect remedy, to be found in the power of the Senate to refuse to ratify the pending treaty.

And it is earnestly and forcibly insisted that the necessity and justification for thus penalizing an enterprise which means so much to the country arises from the greater obligation to preserve untarnished the honor of the country; that no matter how splendid the material gain to the country by the ratification of the pending treaty, it will be too dearly bought when taken over as the result of a conspiracy on the part of our chief officers against the rights and sovereignty of a sister republic, to whom our guaranty of amity and justice is pledged by solemn treaty stipulations, as well as by the well-recognized requirements of common honesty.

This contention is supported by Senators on this side of the Chamber, whose great ability is recognized by everyone and whose sincerity all are bound to respect. Many of them are supporters of an isthmian canal project, and some of them earnest advocates of the Panama route. I entertain such respect for their judgment that unless I am clearly convinced that I should differ with them, I should deem it to be a duty and a matter of pleasure as well to bring myself into harmony with them. But I shall profit little by the splendid lessons of independence they have taught me here by expressing with fearlessness and earnestness the convictions under which they rest if I do not state with frankness the conclusions which my investigation of the matter has forced me to adopt. Such investigation and consideration as I have been able to give to the matter has not enabled me to reach the conclusion that I should oppose the ratification of the treaty on the grounds which have been stated in opposition to it.

I announce this conclusion with some diffidence, but without misgiving. In consequence of the character of the reasons urged in opposition to the treaty I have felt under the necessity of giving to the matter a more thorough examination than would otherwise have been thought necessary to the adoption of my course. This must account for the fact that I shall see proper to go over the matter in somewhat greater detail, covering many aspects of the case that have been so satisfactorily dealt with by others who have participated in the present debate. I have no confidence that I have succeeded in being able to point out the errors that I think lurk in the arguments of others, yet I have succeeded in impressing upon my mind a conviction that will not permit me to vote against this treaty as a means of emphasizing my opposition to the course pursued by the President.

I say, without hesitation, that if I had found myself convinced the secession and recognition of Panama to be the result of a conspiracy, expressly or impliedly formed, by the direction or with the connivance of the President, I should vote against the ratification of the treaty regardless of its merits. And at this point I take occasion to say that I do not find it to be necessary to commit myself to the approval of every act done by the present occupant of the White House since his term began before I can vote to ratify the Hay-Varilla treaty, nor does it follow that I should vote against ratification because I may disapprove of every other act of his Administration. My duty, and therefore my inquiry, is confined to this one matter and the aspect in which it comes to me for action. I say, as I have said, that I have been unable to bring myself to the belief that I should obstruct the consummation of an enterprise in which my State, in common with the entire country, is so vitally interested.

When I consider the whole facts of the transaction, its history and that of those who have been and who are now identified with it; find the President urged to action by the incitement of the great purpose to redeem the pledge of his Government to afford to the civilized world the benefits of an isthmian canal, and to gratify national pride by giving definite assurance of an early realization of a long-declared purpose to promote national interests and safety thereby; find him called upon to work out these results while smarting under a natural resentment at the perfidious and foolish conduct of Colombia—I can well understand how these impelling forces, operating on the impetuous and strenuous temperament of the man, might prompt him to do much that has subjected him to harsh criticism; but I am entirely content to say that in what he actually did he did not, in my opinion, so far transgress the boundaries of the power and discretion vested in him as to warrant me in repudiating his act by voting to reject the treaty.

To the well-informed and conservative observer of passing events, and of the persons, places, and things connected therewith, the wonder is not that he did so much to give free rein to the inherent spirit of revolution always rampant in Panama, but it rather excites wonder that he did so little in that direction. When the President comes to consider, in quiet retrospect, the events of the past three months, I do not doubt he will feel like exclaiming, as did Warren Hastings, who, when confronted with a catalogue of his irregularities in the Far East, said:

> When I contemplate the magnitude of my opportunities and the modesty of my performances I am struck with profound amazement at my unexampled moderation.

It will tend to a better understanding of the situation, and therefore of the environment in which they acted whose conduct has been so freely condemned here, to consider briefly the character of the people of Colombia with reference to their intelligence, moral responsibility, and civic pride; the character of government they maintain, and the kind of officers by which it is administered and the respect accorded to their acts by the people they assume to govern, and generally the sense of pride with which they support a contract or course of dealing which involves the national honor. As indicating the character of the Colombians and their rulers, I read an extract from the inaugural address of Vice-President Marroquin on taking the oath of office on August 7, 1898, after having overthrown and imprisoned President Sanclemente. He said:

> Hatred, envy, and greed cause men to differ in their opinions. In the political sphere where we struggle with earnestness, not so much in order to obtain a triumph of principles as we do for sinking or raising men and parties, public tranquillity, so essential in order that every citizen may enjoy in contentment the welfare which has been his lot to secure or which is the result of his labor, is becoming unknown among us. We live a sickly life; political crises are our normal condition; commerce and industry lack the peaceful condition which they require in order to advance. Poverty is knocking at all doors. * * *
>
> Our political disturbances have caused the conception of country to be annulled or mistaken. The idea which we have of country is associated in such manner to political revolts and with the fears and distrust engendered thereby that it is not an uncommon thing to hear from one of our countrymen what we would not hear from a native of any other country, viz, "I should like to have been born somewhere else."
>
> Are there many among us who pride themselves in saying, "I am a Colombian," as a Frenchman prides himself in saying, "I am a Frenchman"

In his message to the special session of Congress which convened on June 20, 1903, to consider the canal treaty, speaking in the same strain, he said:

> Politics, as this country has up to now considered the term, has nothing less than the furthering of personal interests at the expense of the public welfare.

He likewise congratulated himself upon the fact that all his efforts to obtain a loan abroad had resulted in failure, as this state of affairs left the revenues unburdened.

I have here an extract from an article which appeared in the September, 1902, number of the North American Review from E. A. Morales. That publication speaks of him as a prominent man, an able lawyer, and a native of Panama. He has just been made secretary of state under the junta, administering affairs in the Republic of Panama at this time. He says:

> Those who were for a just and honorable government styled themselves Historical Conservatives, while those in power appropriated the name of Nationalists, a vague appellation that has served to cover sudden and somewhat shameful transformations. * * *
>
> In 1897 the situation was still more grave and complicated. The Nationalist-Conservatives proclaimed as their candidate for the Presidency of the Republic Miguel A. Caro, the Vice-President, who had acted as President after the demise of Doctor Nunez, while the Historicals presented as their candidate Gen. Rafael Reyes, a politician of no definite tendency, who dared not even assume the aggressive attitude befitting the candidate of the opposition, and the Liberal party awaited events, ready either to give its support to the candidate who would bind himself to be a faithful upholder of the law and who would guarantee the effectiveness of its rights, or to proclaim a candidate of its own.
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> Caro, after a silence that seemed to signify his acceptance of the candidature, performed an act of disinterestedness, which certainly no one in the country expected of him, by making himself ineligible according to the constitution, since he could not at the same time appear with the symbolical white mantle of the candidate and the staff of the magistrate, but he caused to be proclaimed instead the candidature of Dr. Manuel A. Sanclemente and Jose Manuel Marroquin for the Presidency and Vice-Presidency, respectively, and these were elected.
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> Doctor Sanclemente was an old man of over 80, whose years rendered him unable to reside in the capital of the Republic, and from the moment that he was designated for the Presidency it was evident that the Government, sooner or later, must fall into the hands of Mr. Marroquin, and so it did. In the absence of Doctor Sanclemente, on the 7th of August, 1898, the Vice-President-elect took possession of the executive power. To the general surprise, Mr. Marroquin abandoned the Nationalist party, by which he had been elected, and declared himself an Historical. The Liberal party applauded acts which gave evidence of the firm resolve on the part of the Vice-President to place the country on the footing of a just, honorable, and moral régime that would have regard to the popular suffrage.
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> But such a state of affairs could not be agreeable to those who had struggled, by fair means and foul, to perpetuate their hold on power, and before four months of the government of Mr. Marroquin had elasped the aged president was conducted to the capital to serve the purpose of supporting and safeguarding the Nationalist conservatives, who resumed the reins of government now more uncompromising than ever, since they had found themselves for several months dispossessed of what they had grown used to consider their property—the treasury. * * *
>
> Had Mr. Marroquin at that time refused to resign the government into the hands of Doctor Sanclemente, as the majority of the House of Representatives and many conspicuous men of his party counseled him to do, then the Republic of Colombia would not have become what it is to-day and what it has been for the last three years—an immense battlefield where the bones of thousands of its citizens lie bleaching in the sun, and where, from smoking

ruins, there issues the haggard form of distress in the wretched garb of horror and dismay.

The civil war with which we are now afflicted is the consequence of that Nationalist reaction. The hopes that had been fostered by the Liberal party once frustrated, the tempest could not be held back. The leaders of the party exhorted their partisans to peace; but their exhortations were powerless to inspire confidence in the bosom of the great mass of those who had suffered in their rights and in their property; and toward the end of October, 1899, the bloody struggle of arms began. * * *

The war being in full sway, on the 31st of July, 1900, another revolution broke out, headed by Vice-President Marroquin and Gen. Manuel Casabianca, minister of war to the legitimate President, Doctor Sanclemente, which overthrew the latter with the support of the military garrisons and the people of the capital. Doctor Sanclemente was imprisoned and his post filled by the chief of the revolutionary movement, who, on his own authority and on the strength of the mutiny, declared himself better entitled to it.

One of the reasons adduced for the justification of the movement was a desire to terminate the war, assuming it to have been directed against Doctor Sanclemente and not against the régime of which he was the representative. * * *

In the meanwhile a vacuum was being formed around the Vice-President. With a few exceptions his fervent partisans left him, seeing that it was impossible to govern in the face of a revolution every day more powerful, and a legitimate President imprisoned a few leagues from Bogota, but alive and resolutely determined not to legally resign his authority into the hands of his persecutor and jailer.

That disruption in the rank and file of the political forces that had realized the movement of the 31st of July, 1900, seemed to pass unnoticed by the person most interested in interpreting the signs of the time. The vacancies in the ranks were filled by ignorant men of bad precedents, so that men have been seen to attain to the offices of ministers and governors who were not capable of filling the post of chief of police in the meanest village. That group of incapable and ignorant men are they who rule Colombia to-day.

Such has been the course of Colombia politics in the last eighteen years, and the actual situation may be summarized as follows:

A government de facto rules the country by the power of its bayonets, backed by no political party, for the Liberal party opposes it by force of arms, the Nationalist Conservative party repudiates it as the offspring of treachery, and the Historical Conservative party, in a state of dissolution, is only composed of the public officers and the military chiefs, for whom warfare is the most profitable of industries. * * *

Commerce, all industries, and even the very life of the nation were highly affected by this situation, as may be easily understood when it is known that one American dollar is equivalent to $50 in Colombian notes. * * *

I read again from an article which appeared in the North American Review for July, 1903, written by Raul Perez, a nephew of one of the former Presidents of Colombia, and himself a man of prominence in affairs until he was expelled by the Marroquin revolution. Under the heading "A Colombian view of the Panama Canal question," Raul Perez says:

Rascality is not the term that befits the character of the Colombian people. We Colombians are extremely unfortunate and unhappy, owing to the existence in our land of two bitterly contending parties, representing diametrically opposed views, with regard not only to government but the very conceptions of life. One is a mediæval, fanatical, and autocratic party, professing that the good of the people lies in complete ignorance and absolute submission to the church, with no other guide through the world but unlimited faith in the clergy. The other is a liberal, progressive, enlightened party, which believes that the people will not and can not obtain any rational degree of comfort and stability except through popular and universal education, and after securing some independence from the iron control of the clergy. * * *

The $10,000,000 that Colombia would receive as the only compensation is considered inadequate.

He was referring to the $10,000,000 proposed to be paid to Colombia under the terms of the Hay-Herran treaty, which was then pending before the Colombian Congress for ratification. He says:

The $10,000,000 that Colombia would receive as the only compensation is considered inadequate, and the same would be the case if the sum were increased to fifty millions. This may sound preposterous on first consideration, but not to those who know that the money would be distributed among the dictator's clique and the religious orders, that it would thus serve but to strengthen the fetters that already cut the Colombian flesh to the bone, and that posterity would only contemplate its heritage turned into deeper ignorance and more ignominious slavery in proportion to the larger amount received. * * *

The facts stated are perfectly well known to Colombians, who, from the time of Bolivar, have imagined that within the narrow strip linking the two American continents, Colombia held her great trump card. It would be an unspeakable disappointment to them to see that advantage fall into other hands, with no return but a few million dollars to be employed not for, but against, their welfare and prosperity. Indeed, so strong is this sentiment that it seems more patriotic to feel that no compensation at all would be preferable. There are many who maintain that a seizure of the Isthmus by a world power would be more satisfactory, inasmuch as Colombians would be in a position to repeat in all coming years the phrase: "Tout est perdu, fors l'honneur." The rights of Colombia in that case would hold good forever, and the day might come when they would be revindicated; but no such hope could be entertained if the dishonest band * * * who act as the Government of Colombia give a seemingly legal consent to the transaction.

The members of that band are in favor of the canal, not because they believe it to be of practical good to their country, and not because they have any love or admiration for the United States, but simply because they see the possibility of securing $10,000,000 to be applied to their own purposes. They argue more or less thus: "The Isthmus is a segregated limb of the country where we have not full sway. We may just as well abandon it in exchange for $10,000,000 with which to establish our uncontested dominion in the rest of the territory."

We are not required to form our opinion alone from what these Colombians say of their Government—its intelligence, integrity, and the motives which inspire its action—but we have the corroboration of one whose opportunities to observe and whose ability to state in clear and forceful terms what he saw can not be excelled. I refer to the Hon. William L. Scruggs, who for more than twenty-five years was our diplomatic representative at several of the governments in Central and South America. He has recorded his observations in a book, published a few years since in this country. He says that party conflicts, as they are understood in this country, are wholly unknown there; that the division among the people is not along lines where one party professes to be better able than another to administer the government in the interest of the people; but that strife is the result of a struggle between factions and leaders for the aggrandizement of the personal fortunes of those who affiliate for the time being and at the sacrifice of the public interests; that no thought of the public welfare enters into any of their contests, nor is it even pretended that such is the case.

He says that during the thirty years intervening from 1830 to 1861 there were five successive constitutions, all of which were successfully overthrown by revolutionary leaders who, in turn, took the existence of each one as a pretext for engaging in revolt; that these conflicts were so frequent that there were not two years of peace and tranquillity during the entire thirty years, and that during this period the maintenance of public order was exceptional, and that civil war was the rule; that the constitution of 1876 remained in force for twenty-two years before the book was written, and that during that time there were as many as eleven revolutions against the authority of those who exercised power under it.

Of course, under circumstances like these, there was no opportunity for the people to progress in the intelligence and virtue inseparable from good citizenship; their condition to-day is worse from every moral and material standpoint than that in which Cortez found them four hundred years ago.

Mr. Scruggs gives an account of how these numerous revolutions were organized and the means by which soldiers were enlisted to fight the battles that ensued. They usually came about in connection with the holding, or the declaration of the result, of an election, although they occurred many times when no election was pending. In speaking of those where the alleged pretext is the unfairness in which the election is held, he says:

The standing army consists of a few skeleton regiments of ill-paid privates and hordes of generals and other commissioned officers, who are invariably politicians. They may resign whenever they like, for others are always ready to take their places. To fill up the rank and file as emergencies arise the Government relies entirely upon impressments. Recruiting officers scour the country, lasso in hand, or lie in wait for the simple-minded aldeano at the market places, and catch peons very much in the same manner that a Texas herdsman lassoes his cattle. The "revolutionary" leader adopts the same method, and between the two the docile and simple-minded Indian rarely escapes. Once caught and put into the army, he knows only obedience. He is easily drilled and rarely fails to make a good soldier. He is stupidly indifferent to bodily danger, and will stand up and shoot and be shot at without flinching. If taken prisoner he is at once enlisted in the ranks of his captors, and will fight quite as well there as he did on the other side. If he is killed while on the winning side some show of provision is usually made for his family. If he falls while fighting on the losing side his family are expected to make no complaint. If he survives the strife he returns, unpaid and half naked, but quietly and peaceably, to his humble home, never seeming to realize that he has been badly treated. Almost any other human being in any other country would, under like circumstances, become an outlaw and a desperado, but the native Indian of the Andes accepts his hard lot without even an audible murmur.

Lieutenant-Commander Culver, of the war ship *Bancroft*, in a communication to the Secretary of the Navy, dated Colon, December 13, 1902, says, among other things, of these Colombian soldiers:

The Government forces are being slowly disbanded. Forty per cent of them are boys from 9 to 15 years of age. They are stationed at various posts along the route of the railroad, are filthy in person and dress and poorly clad, and appear like a rabble of children.

I have presented this recital of conditions in Colombia with no desire to be offensive to a people who are so unfortunately situated, but for the purpose of showing the kind of people who constitute that Republic, and who create its public opinion, thus affording some idea of the extent to which a moral obligation would be deemed binding upon them in compelling compliance in good faith with an undertaking assumed on their behalf. We may then more fairly and justly estimate the conduct of those who have dealt with them in a manner somewhat more arbitrary than would be justified under other and different conditions. The circumstances of every particular case fix its character as being right or wrong. What would be a proper negotiation, or a proper detail of a negotiation, with one of the greater governments of the earth, where reciprocal good faith is assured in advance, would not fit a condition made up by people and politicians such as are there described by evidence that never has been contradicted and never can be.

I am not to be understood by this as saying that we should appropriate to ourselves, or by guilty complicity assist others to appropriate, that which rightfully belongs to another, however wanting in honesty and intelligence that other may be. Our Government owes it to our own people to treat everyone justly, and this not because we fear penalties for failing to do so, but because of the comfort that comes from the sense of having done right for its sake alone.

But in the important negotiations which she is required to conduct in carrying out the great purposes for which this Government was instituted among men she has a right to insist that those with whom she deals shall not make a mockery of her efforts

by a course of duplicity and trifling. In her negotiations with Colombia she was not dealing with a commercial adversary who had the right to be independent to the extent of being whimsical.

For a proper understanding of the relations between the United States and Colombia it is necessary to advert to a few well-known historical facts. These will indicate that at the time the Hay-Herran treaty was rejected by the Colombian Congress, in August, 1903, matters had progressed too far for Colombia to claim an unrestricted discretion in dealing with the matter. By a long course of dealing and acquiescence the so-called sovereignty of Colombia had been diminished in the interests of her continued existence. For eighty years we have protected the Western Hemisphere from European aggression by what is known as the Monroe doctrine. Under this doctrine we declare and maintain that any attempt on the part of European governments to extend their systems to any part of this hemisphere will be dangerous to our peace and safety.

Colombia, in common with the other Central and South American States, has been permitted to enjoy the immunities from foreign aggressions which this doctrine afforded them. But for this declared policy the continued revolutions and conflicts in Colombia would long since have passed her into the control of some one of the European governments. So jealous have we been of the Monroe doctrine that we have declared the project to build an isthmian canal by any foreign government to be within its scope. When the old Panama Canal Company became insolvent, and it was evident that the project was too gigantic for any private company to undertake in that revolutionary and disturbed section of the world, the French Government, our traditional friend, concluded to take up the project and complete it, in the hope of saving something for her citizens, who had invested and lost so much of their money. While the matter was under discussion in the French Assembly, the United States Senate, by a vote of 49 to 3, on January 7, 1889, passed the following concurrent resolution:

That the Government of the United States will look with serious concern and disapproval upon any connection of any European Government with the construction or control of any ship canal across the Isthmus of Darien or across Central America, and must regard such connection or control as injurious to the just rights and interests of the United States and as a menace to their welfare.

SEC. 2. That the President be, and he is hereby, requested to communicate this expression of the views of the Government of the United States to the governments of the countries of Europe.

This resolution went to the House of Representatives and was reported by the Committee on Foreign Affairs without amendment. It was accompanied by a report which the Committee on Interoceanic Canals of the Senate, in the Fifty-sixth Congress, designated as a very learned and able report by Mr. MCCREARY, of Kentucky, now an honored member of this Senate, on March 2, 1889, too late for consideration at that session of Congress.

This resolution declared it to be a corollary to the Monroe doctrine that the construction of an isthmian canal was an enterprise of a character and magnitude governmental in many of its aspects, and that it should not be constructed under the ownership, patronage, and control of any foreign government, for it was known that sooner or later the armament necessary to protect it would become a menace to our peace and welfare in this hemisphere.

In 1846 the United States authorized our representative at the Colombian capital to open up negotiations with a view to relieving the commerce of the United States of certain onerous and discriminating duties levied upon our products sold in the Colombian markets. The Colombian authorities, while assenting to this, made it a condition that that Government should be permitted to dedicate the Isthmus to a perfect neutrality, and required the United States to become the guarantor thereof. That after having carved out of the sovereignty of Colombia over the Isthmus this estate of absolute neutrality, she required the United States to guarantee the residuum of her sovereignty therein.

In the exposition of motives which the Colombian representative transmitted to our State Department it was stated that this course was necessary because of the aggression manifested by Great Britain on the Atlantic coast, citing the fact that she had already acquired control over numerous places that would enable her to enjoy advantages at the expense of the United States and other Governments seeking to carry on commerce to the south of us. This treaty was entered into by our Government; and for more than fifty years we have extended to Colombia the protection that it contemplated. It is not pretended by anyone that this treaty required the United States Government to protect the sovereignty of Colombia as against the insurrections carried on by her own citizens. As a result of all these declarations of purpose on our part, and contracts entered into with Colombia, the latter was shorn of many of the attributes of sovereignty as we understand that term when it is applied to England, France, or others of the great governments of the world. To the extent that Colombia lost it we gained it, and it amounted to a definite interest in the Isthmus.

Colombia's attitude thereafter was that of the owner of an article of property that was hers only in the sense that she was entitled to receive its value when disposed of, and that, in selling it, she should not be required to surrender her incidental governmental rights further than was necessary to vest the purchaser with the title and control necessary to make the purchase effective. This left the situation where Colombia might utilize the Isthmus for canal purposes by constructing the canal herself or by authorizing a private corporation to do so. It goes without saying that Colombia is wholly without the resources to do so on her own account, and experience demonstrates the fact that available private enterprise and capital are wholly inadequate to the accomplishment of the purpose. The undertaking was of such magnitude and the locality in which it was to be carried on presented so many natural and political difficulties that the unlimited credit and authoritative powers of a great government were necessary in its accomplishment and successful operation.

Under conditions evolved by the past fifty years that government is necessarily the United States. Prior to 1902 the discussions in this country assumed that in consequence of the contracts between Colombia and the French canal company that the Panama route was not to be taken into consideration in any effort that the United States might make to build a canal on her own account, and because of this the discussions related almost entirely to the advantages and disadvantages of the Nicaragua route. In 1898 a very formidable revolution broke out in Colombia, said to have been due largely to the fact that President Sanclemente had made an unauthorized extension of ten years to the Panama Canal Company. This revolution made such progress that in the year 1902 it was plainly evident that the Departments of Panama, Cauca, and Bolivar were quite likely to be able to maintain themselves as an independent republic. This is shown by the following letters from Admiral Casey, who was in charge of our forces sent to the Isthmus to protect the transit granted to our citizens and commerce under the treaty of 1846. I will read from a note written by the Admiral, dated on the 13th of October, 1902.

I inclose a clipping from the Panama Star and Herald of October 12, 1902. In this connection I take occasion to inform the Department that I have refrained, as far as possible, from in any way embarrassing the officials of the Colombian Government, except so far as is absolutely necessary in my judgment to maintain uninterrupted and unembarrassed transit and to prevent the line of transit from being converted into a theater of hostilities. I shall decide such questions as the conditions may change from day to day, and when in doubt will consult the Department.

Further, in this connection, I have to inform the Department that I have been unable to learn of any effort on the part of the Colombian Government to crush the revolution in this district just prior to or since my arrival at Panama. On the other hand, it is my opinion that if it were not for the restraining influence of our naval force here Panama would fall an easy victim to the combined land forces and gunboats of the insurgents.

Again, on the 20th of October he wrote the following in a letter to the Secretary of the Navy:

Judging from conditions now existing and from information I am able to obtain, there seems little prospect of a speedy termination of this strife. Panama and Colon are practically besieged.

That was on October 20. They were practically besieged by Herrara and his forces.

Troops at neither place dare to go beyond their intrenchments.

They had Colombia hemmed in until her troops did not dare go beyond the trenches.

I firmly believe if our men were removed from shore the insurgents would be in Panama in forty-eight hours. I think the Government therefore is very willing that they should remain, making occasional mild objections which, really, it does not mean shall be taken seriously.

Great things were expected on Perdomo's arrival; but as he came attended only by numerous generals, of which there were apparently already a surfeit in the city, I fail to see how he can accomplish much.

In 1902 it became evident that the New Panama Canal Company never could complete the canal it had undertaken, principally because it was impossible to raise the money in the open market for carrying on an enterprise which was not only not protected, but which was continually obstructed by the Government of the country in which it was located. Colombia realized about the same time that her only chance to suppress the revolution and save her boundaries from dismemberment was to interest the United States in the Panama route. For this purpose her minister of war, Mr. Concha, was sent here nominally to take charge of the legation during the temporary absence of the regular minister, but really to cooperate with Cromwell, the attorney of the New Panama Canal Company, in the negotiation of a contract that would put an end to the revolution and at the same time enable the New Panama Canal Company to find a purchaser for its property and franchises, and thus rescue the latter from the complete annihilation threatened by the adoption by the United States of the Nicaragua route, which had become imminent by the passage of what is known as the "Hepburn bill" by the House of Representatives, providing for the construction of the canal on this latter route.

As a result of the efforts of Mr. Concha and others, which Mr.

Hay, Secretary of State, says were pressed for more than a year, on the 22d of April, 1902, the form of a treaty was entered into and signed on behalf of the respective Governments, by which the New Panama Canal Company was authorized to sell to the United States its rights and property, and the Government of Colombia agreed to accept from the United States $7,000,000 for the grants and franchises necessary for the construction and operation of the canal. An additional annuity was provided for in the contract signed, but the amount of this was to be determined on the basis of the profit derived from the operation of the canal, to be definitely fixed by arbitration.

In a communication sent by Concha after the protocol had been signed, he perpetrates the following act of characteristic Colombian disingenuousness, which becomes palpable when we recall that the sum of $10,000,000 was demanded a few months later for the very same grants and franchises then being offered for $7,000,000:

> Colombia has no lust of unjust gain through the construction of the canal in her territory, and a final convention on this subject will not be hampered by pecuniary considerations. Her pride in the matter is bent on having the neutral waterway between the two oceans, that ideal of universal peace and progress, become a reality on her territory and under the protection of her sovereignty. The compensations asked by Colombia have special importance only in that they will imply a practical and constant recognition of her sovereignty.

This Hay-Concha protocol was to become operative as a treaty as soon as our Government should authorize its execution on our part. This was done on June 28, 1902, by the passage of what is known as the "Spooner law," by the provisions of which the President of the United States was authorized to acquire from the Republic of Colombia a strip of land not less than 6 miles in width, over which the canal was to be constructed, provided this territory could be acquired within a reasonable time, and if not, then negotiations were to be entered into with Nicaragua and Costa Rica looking to the construction of the canal on what is known as the "Nicaragua route." The Colombian Government pretended that it was not possible to assemble its Congress for the ratification of the Hay-Concha treaty as long as the revolution was in progress, and because of this the good offices of the United States, aiding to suppress the rebellion on a pretext of protecting the Isthmus, were invoked, as will be seen from the following letter received by our State Department:

> BOGOTA, *September 11, 1902.*
>
> SECRETARY OF STATE, *Washington:*
>
> Minister for foreign affairs desires me to inform you that his Government would appreciate your good offices to bring about peace in the country, especially on the Isthmus, where the revolution is strong. This Government has no new terms to offer, but thinks your good offices may avail to induce revolutionists to accept terms heretofore offered, and thus prevent otherwise inevitable heavy loss of life.

At that time this Hay-Concha protocol had been signed and was pending.

> Minister for foreign affairs added: Not only is the question of humanity involved, but so long as the war lasts Congress will not be convened, and therefore the continuance of war will delay submission of the canal matter to Congress.
>
> Minister for foreign affairs emphasized this last point as being well to present to your consideration.
>
> HART.

As a result of the intervention of the United States, on the 21st of November, 1902, the revolution, under the leadership of General Herrera, collapsed just at a time when it was evident that no resistance that Colombia could interpose would prevent its triumph and the establishment of a new republic composed of Panama, Cauca, and Bolivar. The chief cause of the Herrera outbreak was the dissatisfaction in Panama because of the dishonest juggling by the Colombian Government with the canal interests. It was evident to the Panamaians that all hope of having the canal constructed in their territory was about to become hopeless, notwithstanding the superiority of the route, by the United States being forced to adopt the Nicaragua route. Herrera, in his letter to Admiral Casey, speaks of the canal question as being condensed into a national interest, one of the most vital to the life and prosperity of Panama. The very first stipulation in the treaty or compact entered into between the Colombian Government and Herrera for the termination of the revolution provided that the Congress of Colombia would at once take up and consider and dispose of the mattter of constructing the canal.

The dishonest and perfidious politicians who constituted the Government at Bogota had thus succeeded in putting down the revolution by aid secured on the promise to close the negotiations for the canal site on the basis of the Hay-Concha treaty, and then finding that the United States had committed itself in a statute to the primary adoption of the Panama route and had, therefore, broken off all pending negotiations with Costa Rica and Nicaragua, repudiated the act of Concha in entering into the treaty and demanded that the terms of a new convention should be agreed upon. Our Government reluctantly acceded to this, and, on the 22d day of January, 1903, what is known as the "Hay-Herran treaty" was signed by the representatives, respectively, of Colombia and the United States.

Under the terms of this treaty the amount to be paid to Colombia was, without explanation, required to be increased from $7,000,000 to $10,000,000, and the annuity fixed at $250,000 a year, with the right of readjustment at every period of one hundred years. Other provisions were incorporated in the treaty, deemed by many to be unfair to the very limit of toleration to the United States Government. But so great was the anxiety on the part of Congress and the people to see actual work begin on the great enterprise that the treaty was ratified by our Government, notwithstanding the palpable imposition practiced by Colombia.

In the regular course the treaty was now transmitted to Bogota for ratification by the Colombian Congress. It is admitted by everyone that the treaty is more than fair to Colombia, both in the amounts that were agreed to be paid and in the concession of territorial rights to the United States. Not only is this the case, but every well-informed man knows that the sum of money stipulated to be paid was in excess of the value of the franchise, taking into account the great amount of money necessary to be invested to make the franchise effective and the problematical character of the volume of business necessary to make the project a self-sustaining one; while the rights of occupancy reserved were scarcely in excess of those which the landlord concedes to a tenant on a tract of his land. But, in addition to these material advantages the treaty secured to Colombia, its fair treatment by her was made a matter of duty by the sentimental relation growing out of dealings between the two countries for the past sixty years.

Therefore, in the acts of duplicity and unfairness manifested by Colombia in connection with the consideration and rejection of the treaty could only be taken as an act of cupidity, encouraged by the dishonest spirit which blinded its authors to the extent of their own rights and the natural and imminent character of their dangers. Even before the assembling of the Congress which was to consider the treaty a systematic scheme of blackmail and oppression was developed both as against the interest of the New Canal Company and that of the United States by the politicians of Colombia. As evidencing this fact, and as well showing the attitude of the representatives of Panama in threatening to secede in the event the treaty was not ratified, I make the following somewhat extended quotation from the official correspondence between our diplomatic agents in Colombia and our State Department.

It appears from the communication from Minister Beaupré, on April 7, 1903, after the treaty had been ratified by the United States Senate, but before the Colombian Government was notified of the fact officially, that the Bogota authorities had informed the railway and canal companies that it would be necessary to appoint agents to negotiate terms upon which these companies would be allowed to sell and transfer their property and concessions, as provided for in the first article of the treaty.

This is the first evidence of bad faith, since the very purpose of the first article of the treaty was to enable these companies to do the very thing that it was now sought to deny to them by these proposed negotiations.

The following extracts from the correspondence between Minister Beaupré and the State Department will show the duplicity and perfidy which characterized the manner of the Bogota Government in dealing with the ratification of the treaty:

Mr. Beaupré to Mr. Hay.

APRIL 15, 1903.

> The financial crisis had, previous to this announcement, reached a most acute stage, and the only feeling expressed was that of relief at the prospect of receiving $10,000,000, which was then considered sufficient to put in reasonably good condition the finances of the country. I am convinced I am right in saying that the public had never expected better terms. The proof is that when the news of the signing of the convention came foreign exchange ran down from 10,000 per cent to 6,300 per cent, and when it was rumored that the United States Senate had refused its assent a panic immediately ensued on the market, and exchange at once rose again to over 10,000 per cent.
>
> This was the state of affairs until General Fernandez, the minister of government in charge of the ministry of finance, issued a circular to the Bogota press (which had suddenly sprung into existence), inviting discussion on the canal convention. The circular was to the effect that the Government had no preconceived wishes for or against the measure—

He was minister of finance under Marroquin's administration, the administration that had negotiated this treaty on behalf of Colombia—

> that it was for Congress to decide, and Congress would be largely guided by public opinion. At the same time what purported to be a translation of the text of the convention was published.
>
> Since then a complete revolution in feeling has taken place. From approbation to suspicion and from suspicion to decided opposition have been the phases of change in public sentiment during the last month.
>
> * * * * * * *
>
> As, for instance, I may mention that one of the most widely read of the newspapers states, and brings forward a whole collection of figures in support of its statement, that on the initial deal alone the United States starts with a clear profit of $180,000,000. Absurd as such statements are, they voice the opinions and convictions of the Bogota public.
>
> * * * * * * *

This, then, is the present state of affairs. As to what will happen it is impossible to predict; yet this much seems certain to me: If it is the wish of the Government that the convention be ratified, it will be done.

Mr. Hay to Mr. Beaupré.

APRIL 28, 1903.

Secretary of State, again referring to the announced purpose of Colombia to disregard the authority given to the railway and canal companies to assign to the United States their franchises and convey their property, said:

"Passing for the moment the terms of the treaty by which consent is given, the consent of the Colombian Government to the proposed sale has been given so repeatedly and in so many different ways, and has been so frequently and officially brought to the notice of this Government by the ministers plenipotentiary of Colombia, duly accredited to the United States, as to make it impossible for the executive government of that Republic to retract it. The entire action of this Government upon the subject has been taken in reliance upon these official assurances of the consent of Colombia, and any withdrawal or qualification of that consent would be wholly inconsistent with such assurances.

"The Government of Colombia initiated the negotiations, and it can not be conceived that it would now disclaim its own propositions, nor can this Government acquiesce in such a course.

"It is further to be noted that the Republic of Colombia is the second largest shareholder in the New Panama Canal Company. At the meeting of the shareholders of this company held on December 21, 1901, at which the board of directors was authorized to make the proposal of sale to the United States which has been accepted, the Republic was represented by M. Uribe, her consul-general at Paris, specially credited for that purpose, who was one of the officers of the meeting and voted the shares of Colombia in favor of the sale. Similarly, at the meeting of the board of directors of the company on December 23, 1901, M. Samper, the representative of the Colombian Government on the board, voted in favor of the sale."

Mr. Beaupré to Mr. Hay.

MAY 4, 1903.

Mr. Mancini, the representative of the French canal company at the capital, says that he is emphatically of the opinion that the Congress will refuse to ratify the convention and that he has written to his company to that effect. He also said that while there was a moral obligation clearly upon the Government to defend a contract of its own making, it had not done so and evidently did not intend to do so. It is entirely impossible to convince these people that the Nicaragua route was ever seriously considered by the United States, that the negotiations concerning it had any other motive than the squeezing of an advantageous bargain out of Colombia, nor that any other than the Panama route ever will be selected. Therefore it is contended, and generally believed, that there is no immediate necessity of confirming the Hay-Herran convention; that the negotiations can be safely prolonged, in the end securing very much better terms for Colombia.

The public discussion is largely along the lines of the loss of the national honor by the surrender of sovereignty.

Private discussion, which perhaps more clearly reflects the real situation, is to the effect that the price is inadequate; that a much greater sum of money can be obtained, and that the United States can be obligated to guarantee the sovereignty of Colombian ports outside the Department of Panama against the invasion or seizure by foreign enemies. The one great determining point, however, is the belief that the price can be greatly augmented.

Mr. Beaupré to Mr. Hay.

MAY 7, 1903.

The probabilities are that when the measure is presented to Congress there will be a lengthy debate and an adverse vote. Then the representatives of the coast Departments of the Cauca, Panama, and Bolivar will ask for a reconsideration and urge a ratification of the convention as the only means of preventing the secession of those Departments and the attempt to constitute of their territories an independent republic. The debate will be resumed and in the end the friends of the Government and of confirmation will prevail.

There was constant warning by our State Department that good faith in dealing with the treaty was expected at the hands of the executive department of the Colombian Government.

In a communication dated the 9th of June, 1903, Mr. Hay says:

DEPARTMENT OF STATE,
Washington, June 9, 1903.

The Colombian Government apparently does not appreciate the gravity of the situation. The canal negotiations were initiated by Colombia, and were energetically pressed upon this Government for several years. The propositions presented by Colombia, with slight modifications, were finally accepted by us. In virtue of this agreement our Congress reversed its previous judgment and decided upon the Panama route. If Colombia should now reject the treaty or unduly delay its ratification, the friendly understanding between the two countries would be so seriously compromised that action might be taken by the Congress next winter which every friend of Colombia would regret. Confidential. Communicate substance of this verbally to the minister of foreign affairs. If he desires it, give him a copy in form of memorandum.

HAY.

Beaupré to Hay.

JUNE 10, 1903.

Mr. Mancini, the local agent of the Panama Canal Company, has informed me that he had received an official note from the Colombian Government, stating that it did not think that the convention would be ratified because of the opinion that the compensation was insufficient, but that if the canal company would pay to Colombia about $10,000,000 ratification could be secured.

Congress had been called to meet June 20, 1903.

Beaupré to Hay.

JUNE 23, 1903.

Confidential. Friends of the Government have control in Congress. I believe no legislation seriously desired by the Government will pass.

Mr. Beaupré to Mr. Hay.

JUNE 25, 1903.

Opposition Chamber of Representatives opened canal discussion yesterday, demanding documents relating to the treaty. The Government objected because it was not ready to present the treaty. The Government was sustained—vote 38 to 5.

President Marroquin in his message to Congress June 20, 1903, after adverting in an unconcerned way to the arguments advanced for and against the ratification of the treaty, said:

Happily for me the immense responsibility of coming to a decision falls to Congress. That is the body which has to give its approbation or disapprobation of the agreement proposed by the Government of the United States.

The minister for foreign affairs will lay before you the subject of a convention proposed by the Government of the United States of America, set forth the antecedents thereof, and give such explanations as may seem interesting in connection with the canal.

I think it unnecessary to state that since I have thrown upon you all the responsibility that the decision of this negotiation brings, it is not my intention to allow my opinion to weigh in the matter. Whenever I have transmitted instructions to our representatives in Washington I have directed them to formally express my resolution to submit the study and decision of this most serious affair, in its general sense and its details, to the supreme Congress.

Indeed, it has been one of our indisputable diplomatic triumphs that the Senate and Executive of the United States, in spite of the strong efforts made to the contrary, declared the superiority of the Colombian route.

The President, who had used every art of diplomacy for several years to induce this Government to enter into a convention with his Government to take off the hands of a bankrupted company a project to build a canal in its territory; who had pledged, directly and indirectly, in every way open to him to pledge, to this Government good faith, and thereafter got his consent to send that message to his Congress, either rested under some force that was intimidating him into a false position or was unfit to be trusted in any negotiation where honorable men were called on to act.

Beaupré to Hay.

JULY 5, 1903.

Your telegram construed by many as a threat of direct retaliation against Colombia in case the treaty is not ratified. This, and the statement of just-arrived members of Congress from Panama that this Department would revolt if the treaty is not ratified, caused alarm, and the effect is favorable.

The very first thing that the senators and representatives from the Department of Panama said when they came to Bogota to attend the special session of Congress to which this treaty was to be submitted for ratification was, "If you do not ratify the treaty this time, we will secede." Their purpose to secede became a matter that they did not seek to conceal.

Beaupré to Hay.

JULY 9, 1903.

Prominent politicians had indicated before treaty could be passed two amendments must be made, namely, stipulating the payment of $10,000,000 by canal company for the right to transfer and $15,000,000 by the United States Government.

Mr. Beaupré to Mr. Hay.

JULY 11, 1903.

Minister says that opposition to Government raises the point that the acting President should sign the treaty before it can be considered by the Senate.

Debate on this question has been going on for many days, and the end is not yet.

Ex-President Caro has been the leader of the opposition in the debate and has made many brilliant speeches. He has charged the Government with lack of good faith and consistency, both to the United States and Colombia, in not defending a treaty of its own making and for endeavoring to throw the whole responsibility upon Congress.

The theory of the discussion is to the effect that if the Vice-President signs the treaty the entire responsibility for its making rests with the Executive power, while if the Vice-President does not sign, and the treaty is either ratified or rejected, no responsibility can attach to the Executive.

The Vice-President (Marroquin) has positively declined to sign, and if the motion as presented should prevail, and he still refuses his signature, the Senate will not consider the treaty at all, and in all probability the Congress will be dissolved.

He absolutely refused to sign the treaty, to perform the perfunctory act of signing his name to a treaty, and to that extent to lend his indorsement to it, notwithstanding that he had conducted negotiations to that end for several years.

Mr. SPOONER. And after he had directed his diplomatic representative here to sign it.

Mr. CLARKE of Arkansas. Certainly. He had furnished him with the full authority usually given diplomatic agents to make treaties. It was exhibited to the other contracting party at the time the negotiations were entered upon.

If one could know just what would be the attitude of the Government later on, it would be easy enough to predict the outcome, for I still adhere to my oft-repeated opinion that if the Government shall seriously desire it the treaty will be ratified. Its present attitude of washing its hands of the whole matter will not do, for while the House is favorable, there is a declared majority in the Senate against ratification, and only the influence of the Government can win it over.

Mr. Beaupré to Mr. Hay.

JULY 21, 1903.

It has been most difficult to overcome the at one time almost general belief that the United States did not seriously intend to adopt the Nicaragua route should this Congress fail to ratify the treaty and to make it understood that the great benefit Colombia expected to realize from the construction of the canal depended upon prompt action and could never be secured by future diplomatic negotiatons.

In this same dispatch the minister informs the State Department that one of the prominent members of the committee of the Senate having in charge the consideration of the treaty applied to the German chargé d'affaires, to inquire the attitude of the German Government in case of trouble arising out of the matter, and whether it would be willing to undertake to aid the construction of the canal.

It seems a similar application was made by others to the representative of the British Government. Neither of these diplomatic representatives gave any encouragement to such a suggestion.

Mr. Beaupré to Mr. Hay.

AUGUST 5, 1903.

It is now apparent that the treaty will not be ratified without amendment, because the positive influence on the part of this Government can not be expected.

Mr. Beaupré to Mr. Hay.

AUGUST 12, 1903.

The treaty was rejected by the Senate to-day in its entirety. Confidential. Do not accept this as final. There is still some hope.

On the same day the minister said he was advised by —— —— the action of Congress was in accordance with plans effected by the Government and influential Senators and citizens in the belief that the treaty could be passed without amendments, but that within a short time he believed a reaction of public sentiment would enable the President to present the treaty again to the Senate and secure its passage without amendments.

Mr. Beaupré to Mr. Hay.

AUGUST 15, 1903.

As I have on many occasions informed you, ratification has seemed almost hopeless from the beginning without the active influence of the Government, and this it has never used. The Nationalists, under the lead of Senator Caro, have been too deeply concerned in their efforts to belittle the Government to consider the merits of the treaty at all. The Liberals, while not represented in Congress, are the most active factors in creating public opinion, and have taken an almost identical position. The coffee planters and exporters, who think their business would be ruined by low foreign exchange, have been unpatriotic enough to place personal interests above national good, and have been against the treaty because, the $10,000,000 once paid, Colombia would send exchange so low that coffee could not be exported from the interior. Even the Panama representatives have lately become so thoroughly imbued with the idea of an independent republic that they have been more or less indifferent to the fate of the treaty.

Mr. Beaupré to Mr. Hay.

AUGUST 18, 1903.

There is a feverish anxiety here to know what your position will be upon receiving news of the rejection of the treaty and further action by Congress upon it.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogota, August 31, 1903. (Received September 5.)

August 31, 1903, 2 p. m. I had an interview with Senator Ospina to-day. He informed me that he is willing to remain so long as there is hope for the treaty, but he is convinced that there is none, and will leave, therefore, on the 6th proximo.

Confirms General Reyes's statement concerning presidential candidate, and says that the next Senate was made certain for the treaty; that he bears instructions to Governors Signares and Barrios concerning the elections which will be held next December; that in accepting the governorship of Panama he told the President that in case the Department found it necessary to revolt to secure canal he would stand by Panama; but he added if the Government of the United States will wait for the next session of Congress canal can be secured without a revolution. Senator Campo, from the Cauca, is about to leave, thinking the treaty gone.

Confidential. My opinion is that nothing satisfactory can be expected from this Congress. Caro's party has been joined by Velez and Soto and their followers, constituting a decisive majority against the treaty. General Reyes seems to still entertain hopes.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

LEGATION OF THE UNITED STATES,
Bogota, September 11, 1903.

SIR: I have the honor to report that events of interest have taken place in connection with the appointment of Senator Obaldia to the post of governor of the Department of Panama.

Senator Obaldia's separatist tendencies are well known, and he is reported to have said that, should the canal treaty not pass, the Department of Panama would declare its independence, and would be right in doing so. That these are his opinions there is, of course, no doubt, as I stated in my telegram to the Department of August 31, 1903.

At yesterday's session of the Senate the feeling of opposition to Señor Obaldia's appointment was given expression by a resolution proposed by Senator Perez y Soto, to the effect that—

"The Senate of the Republic can not see with indifference the appointment which has been made for the post of governor of the Department of Panama, which it regards as a menace to the safety of the Republic."

This resolution was amended by omitting the reference to the governorship of Panama in particular, and made to include all administrative posts held under the Government.

In this form it passed with an almost unanimous vote.

Publicly avowed on the floor of the Senate and discussed in connection with the resolution calling attention to it, his appointment was perfectly well known to be the first step in a revolution if the canal treaty was not adopted. It was a settled and defined policy, in the declaration of which no sort of secrecy was practiced. It was stated upon the floor of the Senate; it was made the subject of a resolution and a vote there, and yet there are those who pretend to believe that it was instigated at a later day and elsewhere.

Panama had the right of revolution, and we did not confer it upon her, although we had frequently prevented her successful resort to it. We had the right of recognition, and we are not compelled to account to Colombia for the manner in which we exercised it.

The debate itself, though short, for it lasted under two hours, was one of the most important that has yet taken place in open session. As I telegraphed yesterday, it was nothing more or less than a direct vote of censure.

It was said that Obaldia's appointment could have one, and only one, explanation: That he was sent to the Isthmus to make necessary preparations for the presidential election—

Reyes was the candidate of the party with which Obaldia affiliated—

and that other similar appointments had been made with the same end in view—such as that of insignares to the Department of Bolivar.

The speakers showed greater heat than I have yet known them to evince in this Congress. It seemed to be the general opinion that the Government was prostituting the general interests of the country for purposes of electioneering intrigue.

Gen. Pedro Nel Ospina, in a passionate and much applauded speech, warned the Government that should it persist in its present course, exhausted as the country was, a fresh revolution was not far distant.

The notable feature in the debate was the general spirit of hostility shown toward the Government, both by the senators themselves and by the public assembled in the gallery and round the lobbies. With the exception of one senator there was not a speaker who did not bitterly and uncompromisingly denounce the Government. When Senator Marroquin, the son of the President, rose to defend the action of the Government, he was greeted with hisses from all parts of the house, and hisses and jeers accompanied him throughout his speech. There was absolutely no sympathy for him nor for his position.

It is evident, I think, that a cross current was at work during the debate. It was initiated by an opponent of the canal and a believer in the integrity of Colombia against the appointment of a Panamaian who ardently supported the canal, and who, if forced to accept an alternative, would rather see the Isthmus independent than lose the chance of seeing the canal built through his Department. The opponent of the canal scheme carried the house with him, but he gained their support not in virtue of his attitude on the canal question, but because his resolution opened the door to a general attack on the Government.

Here is another:

BOGOTA, *October 21, 1903.*

SIR: I have the honor to inform you that there is no disguising the alarm existing as to the possible action of the Government of the United States should the feeling of disaffection undoubtedly existing in the Department of Panama find expression in overt acts. This alarm took the form of a heated debate in the Senate yesterday, when the Government was again attacked for the appointment of Señor Obaldia as governor of Panama. The reply elicited from the minister for foreign affairs was rather significant. He read an extract from the treaty of 1846, in which the United States guaranteed Colombian sovereignty on the Isthmus, and assured the Senate that in case of an insurrection in the Department of Panama the United States would be bound to support the Government.

In the course of this debate Señor Caro said that the minister for foreign affairs had the notes of the American minister read to the Senate, in secret session, with the object of convincing that body of the necessity of accepting the Hay-Herran treaty, in view of the menacing attitude outlined in those communications. Finding in that secret session that the Senate disapproved the treaty and was determined to act accordingly, the Government, through Senator Lorenzo Marroquin, its spokesman, obtained a resolution demanding that those notes be read in public session, with the object of making it appear that the rejection of the treaty was influenced by a sentiment of indignation at the threatening attitude assumed by the United States minister.

They began to manufacture a false public opinion there by seeking to make it appear that the Senate resented the implied threat contained in some of the correspondence from Washington and that this was the ground on which they rejected the treaty.

This comedy became known to the Government of the United States, and it has resented it. He was not influenced, generally, by what was reported in the newspapers, but the statement universally given expression to in the press of the United States that the Washington Government resented the criticism made against the United States minister in carrying out the orders emanating both from the President and Secretary Hay can not be without foundation. This was only one instance proving that the Colombian Government had not acted in good faith in these negotiations. The refusal on the part of President Marroquin to sign the treaty before presenting it to the Senate was another.

Whatever reasons the Government adduced as to there being no necessity for such a signature was outside the point. The intention was clear that the treaty was not signed because the Government wanted to have a loophole whereby to escape their obligations to the United States. In other words, it did not want to be under the obligation of coming forward to defend and support a treaty which was signed by its order. It was bound in good faith to the United States to do so. It was for Congress alone to accept or reject it. Had such a course been followed there would have been no reason to look forward with alarm to the attitude which the United States might adopt. The Colombian Government had nothing to fear from the United States had it clearly done all in its power in supporting the treaty. No responsibility would then have have attached to this country for the rejection of the treaty by Congress, a body which had the perfect right to reject or accept as it pleased. What he feared was that the United States might take the Isthmus from us under the just plea that we had acted in bad faith with them.

And he uttered a statement which ought to be emblazoned in golden letters on the walls of that Senate:

The only strength which a small nation has is its good faith.

* * * * * * * *

An effort was made by the Government to falsely place the blame for the rejection of the Hay-Herran treaty upon the notes addressed by this legation to the minister for foreign affairs, and the result was awaited in the belief that this view would be accepted by the Government of the United States. This attempt failed; the situation is disturbing; and now the further delay is, quite apparently, for the purpose of awaiting the action of President Roosevelt in his message to the special session of our Congress which is to meet, it is understood here, on the 9th proximo, and the attitude of that Congress upon receiving the President's message. (Mr. Beaupré to Mr. Hay, November 2, 1903.)

Senator Caro, in the course of an impassioned speech in the Senate arraigning the Marroquin government, said:

The second great error committed by the Government was the appointment of Señor Obaldia to the governorship of the Department of Panama.

The election of General Reyes to the presidency of Colombia meant the election of a Congress next year pledged to pass whatever canal treaty the Government should present. Señor Obaldia was therefore a supporter of the candidacy of General Reyes, and it was for this reason that he was appointed governor of the Isthmus. But Señor Obaldia was before all an Isthmanian, and he was known to have said that should the Department rise in favor of the canal he would be with Panama. Therefore the Government had for electioneering purposes endangered their possession of the Isthmus. He read to the Senate an extract from the New York Herald, containing an interview with Governor Obaldia, in which the above-mentioned facts were stated, and in which Señor Obaldia said that, before leaving Bogota, he had had several interviews with the American minister, to whom he had communicated these facts, which Mr. Beaupré had doubtless telegraphed to his Government.

The reading of this extract caused much excitement. Senator Caro pointed out that whatever the views of President Roosevelt may be, this much was certain, he had no intention of adopting the Nicaragua route. The only possible explanation of the present inactive attitude of the United States Government was that events on the Isthmus were being watched. Senator Caro then, for the first time, openly attacked the policy of the United States Government. Colombia was told that the construction of the canal was essential to the commerce and, therefore, to the progress of the world, and that she should not, therefore, stand in the way of so important an undertaking merely because of the loss of sovereignty over a small strip of territory. But why, he asked, did the United States wish to deprive Colombia of her sovereignty? It was because the United States wanted the canal for themselves and not for commerce and civilization.

Beaupré to Hay.

OCTOBER 31, 1903.

Congress adjourned to-day. No action has been taken upon the last report concerning the canal. Therefore nothing more than the vote of August 12 rejecting treaty done.

The people here in great anxiety over conflicting reports of secession movements in the Cauca and Panama.

After the rejection of the treaty and final adjournment of Congress the Colombian Government in its official notification to this Government of the fact placed the rejection of the treaty upon the hypocritical and unfounded ground that the provisions of the treaty invaded its sovereignty to such an extent as to threaten her territorial integrity. Here is the communication:

At the time it (the treaty) was signed by the Colombian plenipotentiary the country was in a state of siege.

Thus seeking to justify her unpardonable act by attempting to take advantage of the very fact which made it necessary to enter into the negotiations in April, 1902, when the Herrera revolution was about to succeed.

The country was in a state of siege; there was not any law giving authority to enter into such negotiations, and the national representatives could not consider the matter—

No, of course not; simply because the minister for foreign affairs in his request sent through Hart on September 11, 1902, says that until the American people put down the Herrera rebellion they would not call Congress together. That was the reason they could not consider it—

and as the treaty implies the construction of public works on a large scale, and also the permanent occupation of a portion of the Colombian territory by the concessionary, who is not a subject liable to the laws of the country, but a sovereign political power, if the treaty were to be carried out two coexisting political powers would be established, one national and the other foreign, which would necessarily cause collisions and practically limit the jurisdiction of the nation on its own territory, and all this would be incompatible with the constitutional laws and the traditional organization of the Republic; and so a treaty of this nature could only be approved by a national convention or by a reforming act of the constitution effected in the manner herein provided.

The Senate declared by the same resolution that "the refusal to accept the treaty by the Congress does not mean in the least any change toward the United States, and solemnly confirms the sentiments of American confraternity which animate the Colombian people, as well as the friendly relations which have existed and shall exist unalterably between Colombia and the United States."

So far from this being true, it will be seen from the following provision that we had not only to guaranty her sovereignty to an extent that left us scarcely sufficient freedom of possession to construct and operate a canal, but she actually made us disclaim a purpose to increase our territory at the expense of Colombia or any of the sister republics in Central or South America.

Mr. SPOONER. From what is the Senator reading?

Mr. CLARKE of Arkansas. The Hay-Herran treaty, which was rejected by Colombia.

I now read Article IV of that treaty:

ARTICLE IV.

The rights and privileges granted to the United States by the terms of this convention shall not affect the sovereignty of the Republic of Colombia over the territory within whose boundaries such rights and privileges are to be exercised.

The United States freely acknowledges and recognizes this sovereignty and disavows any intention to impair it in any way whatever or to increase its territory at the expense of Colombia or of any of the sister republics in Central or South America, but, on the contrary, it desires to strengthen the power of the republics on this continent and to promote, develop, and maintain their prosperity and independence.

It appears from the foregoing extracts from the official correspondence that the Marroquin Government was either too corrupt or too badly intimidated to give to the ratification of the treaty the support that the comity between nations and the history of this particular transaction made it its absolute duty to do. On the contrary, we find him refusing to commit himself unequivocally to its support by declining to perform the perfunctory act of signing his name thereto, and this after he had authorized its negotiation and approved its terms. We find the executive officers addressing communications to the canal company, proposing levies of blackmail, which could only be successfully made by denying the authority to sell contained in the first article of the Hay-Herran treaty and for which the Colombian Government was compensated in the payment of $10,000,000 provided for; find them scheming to deny the validity of an extension of the ten years granted to the canal company to complete its project on the pain of forfeiture, in the hope that after committing this act of spoliation they would be able to dispose of the same to the United States and receive the $40,000,000 contracted to be paid the canal company.

We find in the debates that took place on the general question of the treaty, and the circumstances under which it was made, the expression of an utter want of confidence in the Government and a covert indication of a belief that the United States had so complicated itself by the passage of the Spooner Act that it could not now go back to the Nicaragua route, and in consequence could be successfully blackmailed into paying an additional sum. Another large element in the Senate was so bitterly and uncompromisingly hostile to Marroquin and his administration that a purpose to undo him dominated all of its action and subordinated the desire to advance the public good to that of his obstruction. This element cared nothing for the interests of the United States nor the bad reputation for the want of good faith which Colombia would make by conforming her conduct to their suggestions. As Parez said in the article in the North American Review from which I have quoted, to them the amount of $10,000,000 was offensive; $50,000,000 would have been more so.

Just as I remarked a few moments ago, the recorded history of the entire transaction is evidence of the utter want of good faith upon the part of that Government; or, if its officers were acting in good faith, they were living in an environment that subjected them to the control of a despotism behind the throne greater than the throne itself; where the intrigues and cabals of politicians outweighed in importance the public good and blinded the judgment of those who should have advised that unhappy country of its rights and warned it of its dangers. They ought to have known, as one of the Senators stated upon the floor of the Senate, that the only protection for a weak nation is its good faith. They ought to have understood that the time for trifling with this great Government upon this great question had passed, that an offer had been made to them which exhausted every equity, which covered every value, which protected every right, which pandered to every whim—and Latin-American vanity is prolific of these latter—that fairness and justice in its fullest limit had been tendered to them, and that their opportunity was now.

They knew, or ought to have known from past experience, how lightly national attachment rested not only on Panama, but upon every other Department of the Colombian territory. They knew that the Isthmus, outside of the canal and railroad interests there, was of no value whatever, being in greater part wholly uninhabited. The Bogota Government knew, or should have known, that whenever it became evident that it was the purpose to defeat the treaty, thus driving the United States to Nicaragua, and thereby rendering the canal and railroad property valueless, a revolution would inevitably ensue. They did not have to go back very far in their history to learn this. It was repeated upon the floor of the Senate during its then session, time and again, and there was not the slightest attempt on anybody's part to deny or conceal the fact that if the treaty was not ratified another revolution would break out in Panama.

There is no fair-minded man who has considered in all its circumstances and details this transaction from the initiatory step taken to negotiate the Hay-Concha protocol down to the rejection of the Hay-Herran treaty, and the adjournment of the Colombian Congress on the 31st of October, 1903, and shall weigh these in the light of our historical and contract rights, but who will admit that on the 3d of November, 1903, a condition and not a theory confronted the authorities of the United States. Under no procedure recognized by international law were we permitted to do for Colombia what her officials should have had sense and patriotism enough to do for her—that is to say, by taking from her, without her consent, a canal strip on the Isthmus upon paying to her its fair and full value. But under existing and recognized modes of procedure we could not do this; but we could take due notice of what had actually transpired and observe with proper attention those other acts, the occurrence of which must inevitably follow, ready to avail ourselves of any proper opportunities that circumstances might develop. The Colombian Government and the Colombian people had demonstrated an utter incapacity to know their own interests, or a want of willingness to pursue them, that is amazing. Further negotiation on our part with Colombia was out of the question.

We were therefore warranted in a course of interested nonaction, having a right to assume that out of the chaos of inevitable revolution some adjustment would come that would approximate more nearly to justice than from the deliberations of the so-called Government of Colombia. We therefore stood at arm's length with Colombia. We accepted the situation. We had a right to say to her, in the homely language of the day, "You can paddle your own canoe. For the last fifty years we have been putting down insurrections on that Isthmus for you, looking to the time when it could be used for the construction of a canal to promote the commercial intercourse of the world. We have entertained negotiations at your invitation, in the progress of which we have provided ample and liberal pay for every right we sought to acquire from you and respected every suggestion of territorial protection and sovereignty that you expressed. Now we are convinced, beyond the necessity of further enlightenment, of your utter want of that self-respect, coherence, stability, and civic pride that is necessary to constitute any people a government to be dealt with and respected. Now, go your way."

In saying this we had no right to imply that we had it in contemplation to ourselves to invade her rights, or by corrupt connivance aid others to do so, notwithstanding our abundant provocation. We still rested under our traditional duty of dealing justly and fairly with all. But when mere matters of favor are considered we were restored to our absolute freedom in choosing the beneficiaries thereof. This we could well and justly say in the face of a full knowledge of what was going on on the Isthmus; not only what would go on there as the result of natural and local influences, but of what others might be encouraged to do as the result of assuming that this Government no longer intended to stand ready to suppress insurrections which the misgovernment of Bogota had made a necessity on Panama. These influences were sufficiently formidable to provoke a revolution against the Bogota Government, wholly regardless of any attitude of indifference that the United States might manifest.

In its last analysis the rejection of the Hay-Herran treaty and the continuance of the domination of Colombia over Panama meant that the United States Government would be forced to go to Nicaragua for a canal route. If this were done, the $40,000,000 to be paid for the canal property, as well as the value of the railway property, would be absolutely wiped out of existence. In all former revolutions on the Isthmus the influence of the promoters of these great enterprises was against revolution. Now a successful revolution was absolutely essential to their preservation. Fifty million dollars can mobilize a great many friends, particularly when it has its quarrel just. The foundation for the obligation to support a government consists in the duty and willingness of the government to protect those who support it. And when by the dishonesty and criminal folly of governmental action it becomes evident that the very purpose for which governments are established among men is being defeated by the government itself, the right of revolution becomes a duty.

Enterprises of the magnitude of the isthmian railroad and the Panama Canal necessarily require in their successful management many able men. That they had such it is unnecessary to go outside of these negotiations to be convinced. They and those with whom they cooperated had witnessed so many revolutions on the Isthmus that they had literally become experts in the business. This will account for the consummate skill as international lawyers they displayed in getting into possession of the Isthmus, the neutrality of which the United States Government was bound by solemn treaty to guaranty, by peaceable means, or, at all events, means that did not involve actual warfare. Thereafter they were secure from attack there.

Indeed, it is doubtful if they ever contemplated that a serious attack would be made upon them. They knew that as a result of the revolution of but a year ago, in which Herrera came so nearly being successful, that Colombia had become so exhausted in resources and military forces that she was compelled to impress boys from 9 to 15 years to fill the ranks of her army. The promoters of the revolution also had reasons to believe that, since governmental mismanagement and oppression had destroyed the sentiment of pride and patriotism among the people, no plea that Colombia could make to them to suppress people in other sections seeking to rid themselves of the same oppressive rule would meet with any response. It is, therefore, evident to anyone familiar with the situation of affairs and the history of the Isthmus that, independently of the then known or prospective attitude of the United States, in the revolution on the 3d of November, 1903, Panama began operations under more formidable auspices than any of its predecessors.

I do not find it necessary to deny that I believe that the President of the United States knew what was taking place on the Isthmus or what was likely to take place there. If it is necessary to show his ignorance of events there in order to establish his integrity, I maintain that this can only be done at the expense of his intelligence and sagacity, if not his fidelity to his duty. Every well-informed observer of public events knew it. It was the logical and necessary culmination of forces which the Colombians themselves had set at large. After the rejection of the treaty in the manner it was done we owed to the Colombians nothing and could afford to laugh when their calamity came. Our only duty in the premises was to ourselves, and that was to respect the cardinal principles of right and justice, refraining religiously from clandestinely or openly inflicting wrong upon her. That we did so refrain I have no doubt.

In what was done by the President and those acting under his orders irregularities may have occurred, I have no doubt. It is probably true that in some of the things done by the President he was, in the opinion of many, too hasty. It may be that in some things he displayed qualities which arouse indignation and subject him to criticism. But with his irregularities I have nothing to do. Others who stand nearer to him must take care of that. But with the fundamentals I must deal, because if I were convinced that he had been guilty of entering into a conspiracy to dismember that country, that fundamental fact would determine my course to vote against this treaty. So far as mere details and methods and incidents are concerned, they are matters for his friends to take care of and for his enemies to exploit as evidencing a tendency of charactor by which he is made to do wrong even when he seeks to do right. That is their business, and not mine.

Of course, an active conspiracy with the revolutionists or prior assurances of aid clandestinely given to them would constitute a fundamental violation of the principles of rights, and then to assume that after this had been done that the positive disclaimer contained in the President's message was untrue is to make a case of total depravity. Leaving out of the view the President's denial, not because I have any doubt about its sincerity, for I have none, the development of the facts show no aid or comfort given to the revolutionists prior to their declaration of independence, and any haste in thereafter extending recognition to the new Republic was a matter of detail and largely within the discretion of the President. A mistaken or improvident exercise of it furnishes no foundation for a charge of prior complicity. We were under no further obligation to Colombia to consider any incidental injury to her welfare that might come about as the result of the exercise of any of our discretionary powers of government.

Keeping within the boundaries of our rights, we could act as our interests or inclination prompted, wholly without responsibility to her. She had kept a Punic faith with us. A jury composed of nearly all the nations of the civilized world has rendered its verdict of the issue tendered by our action, and I see no reason why we should view it with less favor than they. Any sympathy bestowed on Colombia is, in my opinion, sympathy wasted.

Mr. President, it may serve to remove a misapprehension that is quite prevalent when I call attention to the fact that in the construction of an isthmian canal the United States is to reserve to herself no rights or privileges in its use that are not, upon the same terms, afforded to all of the nations of the earth. A realization of this fact will serve to disarm criticism aimed at our recognition of Panama upon the assumption that in so doing we sought by the power of might to acquire for ourselves a sordid and exclusive benefit in a great improvement which in its nature is vital to all. As showing the character of ownership we will possess with reference to its use, I call attention to the provision of the treaty of November 18, 1901.

Acting upon the belief that any negotiation entered into with Colombia or Nicaragua would be carried out in good faith, this Government made what is known as the "Hay-Pauncefote treaty" with Great Britain, by which it agreed to dedicate the canal, when constructed, to the commerce of the world upon terms of perfect equality and impartiality as to tolls and use and added a guaranty that absolute neutrality should be maintained in its zone. I confess that my benevolence is not sufficiently assimilated to impress me with the conviction that we should not have reserved to ourselves, at least to our coasting trade, some discriminating advantages. However, we entered into such a treaty with Great Britain, and here it is:

ARTICLE I.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE II.

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE III.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules substantially as embodied in the convention of

Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

It may be said and has been said that many of the things that were done conflicted with some of the declared principles of international law. Many of the arguments based on citations from this code, abstractly considered, seem sound and plausible, and all of them have been ably presented. I have heard with attention, and listened, under my responsibility as a Senator, with a desire to be instructed. I have become impressed with the fact, not only by what has been said here, but from such examination as I have been able to make on my own account, that it is true of international law, as with other codes, that no cause is so just that it can not be vigorously assailed, nor one so bad that it can not be earnestly defended, by generalities borrowed from the commentaries.

Many things are boldly asserted and plausibly maintained in attacking or defending a given action that are afterwards mistaken for the generally recognized principles of an accepted code and sought to be utilized in the solution of complications wholly dissimilar. Theoretically these generalities make for the establishment of a lofty standard of conduct, while in practical application no system is so inherently saturated with the belief that the end justifies the means as is the genius and spirit of international law. But even where this vice need not be reckoned with, the occasions are not few where a grotesque misapplication has been made in their use.

At the consummation of nearly every era-marking achievement in our history many of these venerable maxims of state morality have come forth as on dress parade, robed in the verbiage of a dignified protest against all progress, and keeping step to the dirge of pessimistical predictions of calamities to come hereafter.

A reference to two such instances will suffice for the purposes of the present occasion. When the bill making appropriation to pay the price for the Louisiana purchase was pending, from his seat in Congress, Josiah Quincy, a leading New England statesman of his time, said if the bill became a law it would free the States from their moral obligation, and as it would be the right of all, it would be the duty of some to prepare for a separation—amicably if they could, violently if they must. The doctrine of secession and nullification thus obtained its first practical application in New England.

Again, when Texas, now the Empire State of the South, and when the Panama Canal is in successful operation, will become the Empire State of the Union, was about to become a part of the great Republic, the legislature of Massachusetts, in its session of 1843, resolved:

That under no circumstances whatever can the people of Massachusetts regard the proposition to admit Texas into the Union in any other light than as dangerous to its continuance in peace, in prosperity, and in the enjoyment of those blessings which it is the object of a free government to secure.

The danger to the peace of the Union contemplated by this resolution could exist only in the determination of the New England States to forcibly resist the annexation of Texas or to secede from the Union at the happening of that event. The resolution was forwarded to Congress and to the several States. It was noticed on the part of Massachusetts that no matter under what circumstances Texas might be acquired by the Union, secession must follow. The succeeding legislature adopted a similar resolution, which it was directed should be sent to the Congress, and in this last it was solemnly resolved:

That the project for the annexation of Texas, unless arrested on the threshold, may tend to drive these States into a dissolution of the Union.

In our country it is the right of everybody to speak out against those things in public affairs which he does not approve. This is often necessary even where the things have become accomplished facts, if there is thought to be a wrong side to the transaction or in the manner of its accomplishment. The wholesome effect is to educate the public opinion of the country into an understanding of correct principles, because no government can maintain the confidence and respect of its own citizens that disregard the established principles of rights in its public acts and policies. No occasion is more appropriate for this than the pendency of some great even such as the present one, for it is difficult, almost to the point of impossibility, to impress these lessons in a mere abstract way, disassociated from some occasion large enough in its aspect to arouse the curiosity and interest of the people.

But this does not mean that whatever is done must be assumed to be wrong and wholly unjustifiable, unless in its scope and details it can escape academic criticism by those versed in the niceties of the doctrines of international law. These must be applied and understood rationally, leaving room for legitimate exercise of the aggressive spirit of progress, which is the mission of the American people; giving some consideration to the broader underlying principles and purposes which point to an event that justifies an action, which, upon first consideration, might seem to invite censure. Nor must we overlook the fact that many of the most important events in the world's history have been marred by intrigue and written in blood, but where the betterment of mankind has in the end justified them. I say a proper discussion of these things is useful to familiarize the people with the enlightened principles, and in this way to influence future action in preventing or making rarer the errors and the faults which enter into the history of things done, and which when once done are never to be undone.

History does not furnish an instance where mere discussion has turned a revolution backward or restored a sundered relation. Speaking in a less serious sense, the vigorous cataloguing of the list of principles supposed to be violated on any given occasion, finds its compensation in that they furnish the soothing and consolatory balm that the vanquished find in sympathy; thereby the loser, in the inevitable march to a manifest destiny, has his grievance sanctified in the assurance that the convulsion by which he was undone did not in all things come to pass "according to law." And these, as well, intensify the elation of the Pharisee as he returns unctuous thanks for being permitted to see the right with clearer vision than other men. Notwithstanding these observations, I would not advocate, nor do I excuse or justify, a departure from the fundamental principles of right either by a government or by an individual. And if there is to be drawn a distinction between the obligation which rests upon the one or the other, I insist that it rests more strongly upon a great government than upon an individual, because there is no tribunal to administer a penalty to or to correct the wrongs of a government, except war, or in a certain way, by the force of public opinion in its own country. The correction enforced by public opinion in other governments is not deemed to be of much practical value, since the rule there applied is that those who are "without fault shall cast the first stone."

I hazard nothing when I say that when this Panama affair is thoroughly discussed and thoroughly understood by our people that a fair and enlightened public opinion regarding the spirit of progress characteristic of the time, making allowance for the abruptness invited by the history of the occasion, will encounter nothing that can not be condoned without loss of the good opinion of others and of our own self-respect.

I have expressed the opinion that there is an absence of evidence to show affirmatively any complicity upon the part of our Government in the revolution at Panama, and have adverted to the fact that the business of revolution on the Isthmus had become an established industry, a resort to which had been made on many occasions when the provocation was very much less meritorious than this which called for action on the 3d of November. But I think the evidence of complicity of Marroquin's administration and Reyes in fomenting and encouraging secession of Panama up to the point where the revolution was announced is fairly well established from the facts and circumstances which have come to the surface in the course of the discussions here.

Bearing on this general question I here read the two official reports made by Commander Hubbard, the only American officer on the Isthmus until after the declaration of independence on the part of Panama was made:

U. S. S. NASHVILLE, THIRD RATE,
Colon, United States of Colombia, November 5, 1903.

SIR: Pending a complete report of the occurrences of the last three days in Colon, Colombia, I most respectfully invite the Department's attention to those of the date of Wednesday, November 4, which amounted to practically the making of war against the United States by the officer in command of the Colombian troops in Colon. At 1 o'clock p. m. on that date I was summoned on shore by a preconcerted signal, and on landing met the United States consul, vice-consul, and Colonel Shaler, the general superintendent of the Panama Railroad.

The consul informed me that he had received notice from the officer commanding the Colombian troops, Colonel Torres, through the prefect of Colon,

to the effect that if the Colombian officers, Generals Tobal and Amaya, who had been seized in Panama on the evening of the 3d of November by the Independents and held as prisoners, were not released by 2 o'clock p. m. he, Torres, would open fire on the town of Colon and kill every United States citizen in the place, and my advice and action were requested. I advised that all the United States citizens should take refuge in the shed of the Panama Railroad Company, a stone building susceptible of being put into good state for defense, and that I would immediately land such body of men, with extra arms for arming the citizens, as the complement of the ship would permit. This was agreed to, and I immediately returned on board, arriving at 1.15 p. m.

The order for landing was immediately given, and at 1.30 p. m. the boats left the ship with a party of forty-two men under the command of Lieut. Commander H. M. Witzel, with Midshipman J. P. Jackson as second in command. Time being pressing, I gave verbal orders to Mr. Witzel to take the building above referred to, to put it into the best state of defense possible, and protect the lives of the citizens assembled there—not firing unless fired upon. The women and children took refuge on the German steamer *Marcomania* and Panama Railroad steamer *City of Washington*, both ready to haul out from dock if necessary. The *Nashville* I got under way and patrolled with her along the water front close in and ready to use either small-arm or shrapnel fire.

The Colombians surrounded the building of the railroad company almost immediately after we had taken possession, and for about one and a half hours their attitude was most threatening, it being seemingly their purpose to provoke an attack. Happily our men were cool and steady, and while the tension was very great, no shot was fired. At about 3.15 p. m. Colonel Torres came into the building for an interview and expressed himself as most friendly to Americans, claiming that the whole affair was a misapprehension and that he would like to send the alcalde of Colon to Panama to see General Tobal and have him direct the discontinuance of the show of force. A special train was furnished and safe conduct guaranteed. At about 5.30 p. m. Colonel Torres made the proposition of withdrawing his troops to Monkey Hill if I would withdraw the *Nashville's* force and leave the town in possession of the police until the return of the alcalde on the morning of the 5th.

After an interview with the United States consul and Colonel Shaler as to the probability of good faith in the matter, I decided to accept the proposition and brought my men on board, the disparity in numbers between my force and that of the Colombians, nearly ten to one, making me desirous of avoiding a conflict so long as the object in view, the protection of American citizens, was not imperiled.

I am positive that the determined attitude of our men, their coolness and evident intention of standing their ground, had a most salutary and decisive effect on the immediate situation and was the initial step in the ultimate abandoning of Colon by these troops and their return to Cartagena the following day. Lieutenant-Commander Witzel is entitled to much praise for his admirable work in command on the spot.

I feel that I can not sufficiently strongly represent to the Department the grossness of this outrage and the insult to our dignity, even apart from the savagery of the threat.

Very respectfully,

JOHN HUBBARD,
Commander, U. S. Navy, Commanding.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

In this letter of November 8 Commander Hubbard sets forth the facts more in detail:

U. S. S. NASHVILLE, THIRD RATE,
Porto Bello, U. S. Colombia, November 8, 1903.

SIR: 1. I have the honor to make the following report of the occurrences which took place at Colon and Panama in the interval between the arrival of the *Nashville* at Colon on the evening of November 2, 1903, and the evening of November 5, 1903, when by the arrival of the U. S. S. *Dixie* at Colon I was relieved as senior officer by Commander F. H. Delano, United States Navy.

2. At the time of the arrival of the *Nashville* at Colon, at 5.30 p. m. on November 2, everything on the Isthmus was quiet. There was talk of proclaiming the independence of Panama, but no definite action had been taken and there had been no disturbance of peace and order. At daylight on the morning of November 3 it was found that a vessel which had come in during the night was the Colombian gunboat *Cartagena*, carrying between 470 and 500 troops. I had her boarded and learned that these troops were for the garrison at Panama. Inasmuch as the Independent party had not acted and the Government of Colombia was at the time in undisputed control of the Province of Panama, I did not feel, in the absence of any instructions, that I was justified in preventing the landing of these troops, and at 8.30 o'clock they were disembarked.

The commanding officers, Generals Amaya and Tobal, with four others, immediately went over to Panama to make arrangements for receiving and quartering their troops, leaving the command in charge of an officer whom I later learned to be Colonel Torres. The Department's message addressed to the care of the United States consul I received at 10.30 a. m.; it was delivered to one of the ship's boats while I was at the consul's and not to the consul as addressed. The message was said to have been received at the cable office at 9.30 a. m. Immediately on deciphering the message I went on shore to see what arrangements the railroad company had made for the transportation of these troops to Panama, and learned that the company would not transport them except on request of the governor of Panama, and that the prefect at Colon and the officer left in command of the troops had been so notified by the general superintendent of the Panama Railroad Company.

I remained at the company's office until it was sure that no action on my part would be needed to prevent the transportation of the troops that afternoon, when I returned on board and cabled the Department the situation of affairs. At about 5.30 p. m. I again went on shore and received notice from the general superintendent of the railroad that he had received the request for the transportation of the troops and that they would leave on the 8 a. m. train on the following day. I immediately went to see the general superintendent, and learned that it had just been announced that a provisional government had been established at Panama—that Generals Amaya and Tobal, the governor of Panama, and four officers, who had gone to Panama in the morning, had been seized and were held as prisoners; that they had an organized force of 1,500 troops and wished the Government troops in Colon to be sent over. This I declined to permit, and verbally prohibited the general superintendent from giving transportation to the troops of either party.

It being then late in the evening, I sent early in the morning of November 4 written notification to the general superintendent of the Panama Railroad, to the prefect of Colon, and to the officer left in command of the Colombian troops, later ascertained to be Colonel Torres, that I had prohibited the transportation of troops in either direction, in order to preserve the free and uninterrupted transit of the Isthmus. Copies of these letters are hereto appended; also copy of my notification to the consul. Except to a few people, nothing was known in Colon of the proceedings in Panama until the arrival of the train at 10.45 on the morning of the 4th. Some propositions were, I was later told, made to Colonel Torres by the representatives of the new Government at Colon, with a view to inducing him to reembark in the *Cartagena* and return to the port of Cartagena, and it was in answer to this proposition that Colonel Torres made the threat and took the action reported in my letter No. 96, of November 5, 1903.

The *Cartagena* left the port just after the threat was made, and I did not deem it expedient to attempt to detain her, as such action would certainly, in the then state of affairs, have precipitated a conflict on shore which I was not prepared to meet. It is my understanding that she returned to Cartagena. After the withdrawal of the Colombian troops on the evening of November 4 and the return of the *Nashville's* force on board, as reported in my letter No. 96, there was no disturbance on shore, and the night passed quietly. On the morning of the 5th I discovered that the commander of the Colombian troops had not withdrawn so far from the town as he had agreed, but was occupying buildings near the outskirts of the town.

I immediately inquired into the matter and learned that he had some trivial excuse for not carrying out his agreement, and also that it was his intention to occupy Colon again on the arrival of the alcalde, due at 10.45 a. m., unless General Tobal sent word by the alcalde that he, Colonel Torres, should withdraw. That General Tobal had declined to give any instructions I was cognizant of, and the situation at once became quite as serious as on the day previous. I immediately landed an armed force, reoccupied the same building; also landed two 1-pounders and mounted them on platform cars behind protection of cotton bales, and then in company with the United States consul had an interview with Colonel Torres, in the course of which I informed him that I had relanded my men because he had not kept his agreement; that I had no interest in the affairs of either party; that my attitude was strictly neutral; that the troops of neither side should be transported; that my sole purpose in landing was to protect the lives and property of American citizens if threatened, as they had been threatened, and to maintain the free and uninterrupted transit of the Isthmus, and that purpose I should maintain by force if necessary.

I also strongly advised that, in the interests of peace and to prevent the possibility of a conflict that could not but be regrettable, he should carry out his agreement of the previous evening and withdraw to Monkey Hill.

Colonel Torres's only reply was that it was unhealthy at Monkey Hill, a reiteration of his love of Americans, and persistence in his intention to occupy Colon, should General Tobal not give him directions to the contrary.

On the return of the alcalde at about 11 a. m. the Colombian troops marched into Colon, but did not assume the threatening demeanor of the previous day. The American women and children again went on board the *Marcomania* and *City of Washington*, and through the British vice-consul I offered protection to British subjects, as directed in the Department's cablegram. A copy of the British vice-consul's acknowledgment is hereto appended.

The *Nashville* I got under way, as on the previous day, and moved close in to protect the water front. During the afternoon several propositions were made to Colonel Torres by the representatives of the new Government, and he was finally persuaded by them to embark on the Royal Mail steamer *Orinoco* with all his troops and return to Cartagena. The *Orinoco* left her dock with the troops—474 all told—at 7.35 p. m. The *Dixie* arrived and anchored at 7.05 p. m., when I went on board and acquainted the commanding officer with the situation. A portion of the marine battalion was landed and the *Nashville's* force withdrawn.

* * * * * * *

4. I beg to assure the Department that I had no part whatever in the negotiations that were carried on between Colonel Torres and the representatives of the provisional government; that I landed an armed force only when the lives of American citizens were threatened, and withdrew this force as soon as there seemed to be no grounds for further apprehension of injury to American lives or property; that I relanded an armed force because of the failure of Colonel Torres to carry out his agreement to withdraw and announced intention of returning, and that my attitude throughout was strictly neutral as between the two parties, my only purpose being to protect the lives and property of American citizens and to preserve the free and uninterrupted transit of the Isthmus.

Very respectfully,

JOHN HUBBARD,
Commander, United States Navy, Commanding.

The SECRETARY OF THE NAVY,
Bureau of Navigation, Navy Department, Washington, D. C.

By consulting the newspaper accounts and other reliable sources of information, mainly for identifying the persons referred to in this correspondence, we can readily come to the belief that the Bogota Government deliberately brought about a condition where the power of ratifying the Hay-Herran treaty could be exercised by the President of Colombia without the intervention of the legislative branch of the Government, as he is authorized to do by their constitution after martial law has been proclaimed. In the extracts taken from the correspondence between our minister to Colombia, Mr. Beaupré, and the Secretary of State it is made plain that Marroquin's appointment of Señor Obaldia as governor of the Department of Panama was understood to be the first step in the secession of that Department should the Colombian Congress refuse to ratify the canal treaty. This was not only asserted in debate, but was actually made the occasion for resolution of censure, voted upon and adopted by the Senate. No effort at concealment was made by the members of the Colombian Congress from Panama in asserting the purpose to set up a separate government if the ratification of the treaty should fail. This was asserted so often and so publicly, and harmonized so completely with the previous history of the Isthmus in the matter of a revolution, that it came to be taken for granted.

Marroquin was well aware of the history and sentiments of Obaldia, and the appointment under the circumstances of the latter could only be understood on the Isthmus as a manifestation of sympathy on the part of the President in any movement they might make to precipitate revolution. I do not assume that it was the intention of Marroquin and Reyes, nor, for that matter, Governor Obaldia, that the revolution should succeed to the extent that afterwards turned out to be the case. It suited the purpose of President Marroquin to allow the revolution to progress to a point where he would be authorized, under the constitution,

to declare martial law as a means to its suppression. This act would incidentally give him the power to negotiate and ratify treaties. Considering the hostile environment in which he was seeking to administer the Government, and the violence and utter want of patriotism manifested in their factional contests on the part of those who, in the regular course, should cooperate with him in concluding the negotiations for the construction of the canal, we may well accredit him with a motive not altogether reprehensible when we attribute to him the purpose to acquiesce in a revolution at Panama formidable enough to warrant him in taking into his own hands the whole power of government under his authority to declare martial law.

He knew that the Hay-Herran treaty was as favorable to Colombia as any that he could ever hope to obtain; that it not only contained the best terms that could be secured, but it contained all that in fairness could be demanded. He knew the hopeless state of bankruptcy that existed in his country, and how greatly the magnificent sum to be paid under the terms of the treaty would advance the interests of his unhappy country. He was likewise well aware that under the terms of the Spooner Act, whenever it became plain that no concession could be obtained from Colombia, that negotiations would be concluded looking to the construction of the canal on the Nicaragua route, and that in this event the splendid values on the Isthmus in the way of the railway and the partially completed canal would be entirely destroyed and the causes of strife among his people there infinitely increased. In the light of this suggestion I call attention to the facts set out in Commander Hubbard's reports. Before doing so I will say that the persons referred to in the commander's report by title were as follows: The governor of Panama, Obaldia; the superintendent of the railway, Colonel Shaler, a native of Kentucky, and known locally as the "King of the Isthmus," and a leading spirit in the revolution; the alcalde of Colon, who was sent to Colon by Torres on the evening of the 4th, one Melendez.

It appears from a telegram sent to the State Department by Malmros, the American consul at Colon, that the troops who arrived at Colon on the night of the 2d of November were not expected until the 10th. Malmros is a native of Colon and a sympathizer with the revolution. It thus appears that the revolutionists were advised of what was going on at Bogota in so far, at least, as the movement of troops was concerned. After the arrival of the troops at Colon on the morning of the 3d for the pretended purpose of being transported to Panama to constitute a garrison there, ostensibly to keep down a revolution, they were permitted to remain in Colon while Generals Tobal and Amaya went over to Panama to arrange quarters, as it was said. The 475 troops were left at Colon in charge of Colonel Torres.

Instead of awaiting orders from Panama, to be given by General Amaya as to when Torres should proceed to Panama, it seems that the latter applied for transportation for his troops during the day of the 3d. This Colonel Shaler, superintendent of the railway, refused to furnish unless he was requested to do so by Governor Obaldia. Later in the day Obaldia furnished Colonel Shaler with the necessary request to send the troops forward. It is difficult to explain why Obaldia, the head of the revolutionary party, should desire the Government troops sent to the point at which the revolution was to be proclaimed within a few hours, unless it is admitted that he fully understood what their attitude was to be after they reached Panama. It also appears from the concluding clause of the second paragraph from Commander Hubbard's report of November 8 that after the revolution was proclaimed and its leaders had organized a force of 1,500 troops they requested that these so-called Colombian troops at Colon under Torres be then sent over to Panama.

It is shown that on the 4th numerous "propositions" were made by the representative of the new Government to Colonel Torres at Colon, and that after one of these consultations with Melendez, the alcalde of Colon, and which was carried on in a well-known cafe of that town, Torres appeared on the streets at 12 o'clock and announced publicly that he intended to slay all the American citizens in Colon unless the Generals, Tobal and Amaya, were released by 2 o'clock. This declaration on his part necessarily created consternation among the Americans, and knowledge of the threat having been made was promptly communicated to Commander Hubbard, who proceeded to fortify the depot building and to assemble there all the American citizens who believed in good faith that this warlike preparation was necessary to prevent their extermination. After thus affording a pretext requiring the American forces to land for the first time on Colombia's soil, for a purpose unmistakably justified under the practice of nations, and in doing so made a show of force that would afford Torres an excuse for any course that he might have it in mind to pursue as the result of his negotiations with Melendez, Torres entered the fortified building and notified the officers in charge that he had no intention of injuring any American citizen, but on the contrary he loved them very much.

It became necessary for Melendez to procure from Panama sinews of war of a certain kind much sought in Colombia. Torres, under the pretext of having the alcalde obtain from the imprisoned General Tobal an order authorizing him (Torres) to withdraw, secured as the result of this interview, at 3.45, a special train to carry the alcalde to Panama at once. At 10.45 on the 5th Melendez returned to Colon, and it is a fact that is not denied that he brought with him $8,000, which was paid over to Torres without any effort at concealment, and after receiving the money Torres brought his soldiers into the town of Colon, and Commander Hubbard's report says upon this second entrance: "They did not assume the threatening demeanor of the previous day." The story is that $3,000 of the money was publicly paid to the troops on the pier of the Royal Mail Line, and that shortly thereafter the troops, together with Colonel Torres, departed for Cartagena.

The 600 or more Colombian soldiers stationed at Panama under the command of General Huertes were likewise won over to the revolutionists by bribery, and thereafter constituted part of their force, and do now. There is not the slightest doubt that the troops which reached Colon on the 2d of November were intended to form part of the revolutionary force at Panama, and that Marroquin and Reyes knew this to be true. That the show of force that the revolutionists could make when these soldiers were added to the garrison already at Panama, Marroquin would be furnished with the pretext for declaring martial law, which he could justify when assailed by his political rivals by calling attention to the force at the disposal of the revolutionists. This is clearly shown by the following telegram sent by the minister from Bogota on the 6th of November. It sustains perfectly what the foregoing circumstances make probable:

Beaupré to Hay.

BOGOTA, *November 6, 1903.*

November 6, 6 p. m. Knowing that the revolution has already commenced in Panama, ——— says that if the Government of the United States will land troops to preserve Colombian sovereignty and the transit, if requested by the Colombian chargé d'affaires, this Government will declare martial law, and by virtue of vested constitutional authority, when public order is disturbed, will approve by decree the ratification of the canal treaty as signed; or if the Government of the United States prefers, will call extra session of Congress with new and friendly members next May to approve the treaty.

General Reyes has the perfect confidence of vice-president, he says and if it becomes necessary will go to the Isthmus or send representatives there to adjust matters along above lines to the satisfaction of the people there. If he goes, he would like to act in harmony with commander of United States forces. This is the personal opinion of Reyes, and he will advise this Government to act accordingly. There is a great reaction of public opinion in favor of the treaty, and it is considered certain that the treaty was not legally rejected by Congress. To-morrow martial law will be declared; 1,000 troops will be sent from the Pacific side; about the same number from the Atlantic side. Please answer by telegraph.

BEAUPRÉ.

The same is true of the following telegram of the 7th:

Beaupré to Hay.

BOGOTA, *November 7, 1903.*

November 7, 2 p. m. General Reyes leaves next Monday for Panama invested with full powers. He has telegraphed chiefs of the insurrection that his mission is to the interests of Isthmus. He wishes answer from you before leaving to the inquiry in my telegram of yesterday and wishes to know if the American commander will be ordered to cooperate with him and with new Panama Government to arrange peace and approval of the canal treaty, which will be accepted on condition that the integrity of Colombia be preserved.

He has telegraphed President of Mexico to ask the Government of the United States and all the countries represented at the Pan-American conference to aid Colombia to preserve her integrity. The question of the approval of the treaty mentioned in my telegram of yesterday will be arranged in Panama. He asks that before taking definite action you will await his arrival there, and that the Government of the United States in the meantime preserve the neutrality and transit of the Isthmus, and do not recognize the new Government. Great excitement here. Martial law has been declared in the Cauca and Panama. Answer.

BEAUPRÉ.

It will not fail to attract attention that this is a very mild and unconcerned form of communication, considering that there was to be an effort in good faith to suppress the outbreak.

It will also not escape attention that General Reyes importuned the United States Government to take no definite action until he arrived at Panama and had an opportunity to consult with the new Panama Government, and urges above all things the United States Government must not recognize the new Government. To do that would cause his whole scheme in bringing about the revolution to miscarry.

Then again, on the point of the utter want of confidence Colombia had in her people being able to suppress the revolution, it may be well to note that our minister, on November 7, sent this telegram:

BOGOTA, *November 7, 1903.*

As the Government of the United States has war vessels at Panama and Colon, minister for foreign affairs has requested me to ask will you allow Colombian Government to land troops at those ports—to fight there and on the line of railway? Also, if the Government of the United States will take action to maintain Colombian right and sovereignty on the Isthmus in accordance with article 35, the treaty of 1846, *in case the Colombian Government is entirely unable to suppress the secession movement there.*

Here it is squarely admitted that a contingency was likely to come about where the Colombian Government would be entirely unable to suppress the secession movement at Panama. Well this doubt might be expressed, for the revolution then in progress had more elements of strength to support it than any of its predecessors, and, in addition to this, it found the United States in a relationship to Colombia that had never existed on any former occasion. In support of this supposition of knowledge and complicity on the part of Marroquin and Reyes, the following letter from Vice-Consul Ehrman is relevant, as showing that the whole revolution was brought about by a previous arrangement:

No. 463.] CONSULATE-GENERAL OF THE UNITED STATES,
Panama, November 9, 1903.

Hon. FRANCIS B. LOOMIS,
Assistant Secretary of State, Washington, D. C.

SIR: I have the honor to report that on the 3d of November, at about 6 p. m., there occurred an uprising in the city of Panama. It seems that everything had been prearranged with the officials of the army and navy, as there was practically accord among all the officers. General Tovar, General Castro, and Commander Tovar of the gunboat *Bogota*, finding out about the movement just a short while before it occurred, rushed to the barracks in the hope of frustrating the plans; but on their arrival General Huertas, second in command of the troops stationed at Panama, and chief of the "Colombia Battalion," ordered the soldiers out and arrested the above-mentioned generals, together with Governor Obaldia. The movement was to occur at 8 o'clock, but as the people had assembled and everything in readiness they moved at 6 o'clock. At 8 o'clock a boat was sent off from the gunboat *Bogota*, saying that unless Generals Tovar and Castro were set at liberty immediately they would bombard the town. This note was not answered by the people on shore.

At about 10 o'clock on the night of the 3d the *Bogota* fired several shells, which were answered by the fort. These shots struck in different parts of the city, and one Chinaman was killed. After firing, the *Bogota* hoisted her anchor and steamed away. She was supposed to be behind some islands which are directly in front of Panama. On the morning of the 4th I received information direct from one of the chiefs of the movement, and he said that the *Bogota* had threatened to again bombard the city, and on this I immediately sent word by telegraph to the commander of the *Nashville* and cabled the Department.

The gunboat *Twenty-first of November* (*Padilla*) was lying off Panama all this time, but did not try to intercept or pursue the *Bogota*. On the morning of the 4th the *Twenty-first of November* came in and anchored near the fort, and in the afternoon of the same day hauled down the Colombian flag and hoisted the flag of Panama. In the afternoon of the 4th, at 3 p. m., there was a general mass meeting held in the central plaza, and the declaration of independence was read and signed. The following is a list of the Government officials, as given me by the committee of the provisional government:

Committee of provisional government, J. A. Arango, Tomas Arias, and Federico Boyd; minister of government, Eusebio A. Morales; minister of foreign relations, F. V. De la Espriella; minister of war and marine, Nicanor A. De Obarrio; minister of justice, Carlos A. Mendoza; minister of finance, Manuel E. Amador; minister of public instruction, Julio J. Fabrega; chief of the division of Panama, Gen. Domingo Diaz; general in chief of the army of the Republic, Gen. Esteban Huertas; commander of civil battalion, Gen. Manuel Quintero; general treasurer of the Republic, Señor Albino Arosemena; commander of the gunboat *Twenty-first of November*, Gen. H. O. Jeffries.

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FELIX EHRMAN,
United States Vice-Consul-General.

An important discrepancy is also made apparent in this communication. In all of the other official documents it appears that on the occasion of the outbreak at Panama the Colombian Generals Tobal and Amaya were the generals arrested and imprisoned. Ehrman says that General Castro, instead of Amaya, was the one arrested and imprisoned. Castro does not figure elsewhere in the history of the transaction, nor does Ehrman state what became of Amaya. It is said in the newspaper accounts that he was to succeed Obaldia as governor of the Department, being the principal man in the entire party connected on either side with the revolution.

But their whole scheme came to nothing by the action of the United States and other governments in recoguizing the independence of the Republic of Panama. The hopes of the best of the Colombians and the intrigues of all had at last and forever passed into history. She had attempted to make Shylock's barga'n and met Shylock's fate.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. MILLARD in the chair). Does the Senator from Arkansas yield to the Senator from North Carolina?

Mr. CLARKE of Arkansas. Certainly.

Mr. SIMMONS. Mr. President, I desire to ask the Senator a question before he leaves the subject he has just been discussing. I will preface the question with the statement that I agree with the Senator that the revolution was instigated and engineered by the Panama Canal Company, and that the revolution was not discouraged by Marroquin, not, of course, because he was in favor of or wished the separation of Panama from Colombia, but in order that an excuse might be furnished him for declaring martial law so that he might again open up negotiations with the United States and make a treaty with this country, which the Constitution would permit in the case of martial law, without requiring the consent of the Colombian Congress.

I wish to ask the Senator from Arkansas, in view of the ease with which he has shown the insurgents induced the military forces and a part of the naval forces of Colombia located at Panama to pull down the Colombian flag and side with the revolutionists, and in view of the ease with which the insurgents made arrangements, not to use a harsher term, with Torres by which, right on the eve of a conflict, he took the troops which the Government of Colombia had sent to Colon and left; and in view of the known fact that in a case of revolution at least three other Departments of Colombia would in all probability, I might say would almost certainly, have gone to the assistance of Panama, if in his opinion, in view of these facts, the United States had held aloof and not interfered, there would not have been a serious struggle as a result of the assistance which Panama would have received from the three other Departments, and as a result of lukewarmness on the part of an element of the Colombian army? Would not there have been a serious struggle, the result of which would not have been so free from doubt as those Senators contend who have said upon this floor that the Government of Panama could not have lived a day unless the United States had taken it under her protection?

Mr. CLARKE of Arkansas. I can only say as to that, that it is well known that in the revolution, which we may designate as the Herrera rebellion, and which collapsed about a year since, that the revolutionists were virtually successful when the intervention of the United States in behalf of Colombia put an end to the strife just at a time when the revolutionists were about to achieve their independence. In that revolution the power and influence of the Panama Railway and Canal companies were against the revolutionists. Now, these great corporations are enlisted in promoting the revolution actively, and its prominent officers and agents are openly identified with it, while the corporations, as institutions, are energized in its support by the fear that upon its failure their vast properties must be rendered valueless by the adoption by the United States of the alternative prescribed in the Spooner law. Through the resources of the railway and canal companies, which constitute the backbone of the revolution, the means of supplying the soldiers and paying them is vastly increased.

I should say, without hesitation, that the demoralized state of affairs in which the revolution of 1902 left Colombia—its fighting force was reduced to where she was compelled to impress boys from 9 to 15 years of age for her army, bankrupting her treasury and credit, and costing the lives of 100,000 of her people, as the result of the three years' strife incident to that rebellion—that almost any well-equipped body of three or four thousand men would be able to maintain themselves to such an extent that it must be evident to the governments interested in the affairs of the Isthmus that the time had come that would justify the recognition of the Panama Republic. The people of the Isthmus are practically unanimous in their support of this revolution. They constitute about 300,000 people. From this number, struggling to be rid of the semibarbarism known as the Bogota Government, a very formidable army can be enrolled, particularly when they have an opportunity to draw on the resources of the canal and railway companies to supply the arms and munitions of war.

It appears from the information furnished to our President by Captain Humphrey and Lieutenant Murphy that the revolutionists have already been supplied with warlike material. In the revolution that closed in 1902 the Departments of Cauca and Bolivar were in alliance with the Department of Panama. It is probable, almost to the extent of a certainty, that upon any showing by Panama which would justify the belief that her efforts would be successful that these Departments would join with her in the revolutionary movement. In fact the Department of Cauca is in a virtual state of revolution now, and, among the documents printed for the use of the Senate in connection with the consideration of this treaty, one contains a communication showing that the principal general of the army stationed in that Department has frankly notified President Marroquin that he would not hesitate to join in a revolution if certain reforms which he indicated were not introduced into the policies of the local government.

Mr. President, it may be that notwithstanding the reckless and perfidious course of Colombia she still has some right of property that must be taken into consideration in the adjustment of the controversies that have grown out of the recent revolution and may hereafter grow out of it. I infer from what is said in the following provision, taken from Article I of the Hay-Herran treaty, that Colombia is a stockholder in the New Panama Canal Company:

> But it is understood that Colombia reserves all its rights to the special shares in the capital of the New Panama Canal Company to which reference is made in Article IV of the contract of December 10, 1890, which shares shall be paid their full nominal value at least; but as such right of Colombia exists solely in its character of stockholder in said company, no obligation under this provision is imposed upon or assumed by the United States.

The right of property indicated by the recital in this article is one of which she has not been deprived by events in her recent history. I am sure I feel warranted in saying, if, upon a full investigation, it shall be made to appear that she has a proprietary

interest in this canal stock, or in any other property to which we may acquire title, that all her rights will be duly ascertained and properly respected.

Complaint is made that the President should have declared the negotiations looking to the selection of the Panama route to be at an end and begun negotiations looking to the construction of a canal over the Nicaragua route. Under the Spooner Act it was left to the President to determine when "a reasonable time" had expired.

There was an attempt made in one of the Houses of Congress—I have forgotten which—to fix a period within which he must begin negotiations with Costa Rica and Nicaragua. But that limitation was not put in the law, and the President was left free to exercise his own judgment about it. In view of my decided preference for a sea-level canal over one of lock-and-dam construction, I believe I should have been justified, and I believe the President was justified, in delaying for a very considerable time the adoption of the Nicaragua route. At all events he should have delayed it until he considered it beyond any kind of cavil that there was no prospect of obtaining authority to build a canal on the Panama route. Particularly is this the case in view of the character of treatment which the treaty had received at Bogota, and that up to October 31, 1903, our minister at Bogota was daily advising the State Department that there was a large element there who still believed that something would come out of the canal situation, and that all this is to be considered in connection with the fact that on the 20th day of October, 1903, a special session of our Congress was called to meet on November 9.

Even if the time had been fixed in the statute, I believe the difference to the country between a sea-level canal and a lock-and-dam canal is so great that the President would have been justified in awaiting the further judgment of Congress before adopting the Nicaragua route. An act of Congress, when considered in court or by an officer charged with its enforcement in an administrative way, is as binding as a provision of the Constitution; it is the law of the land; but when it is brought into consideration before Congress itself in the legislative fixing of a policy, it does not amount to so much, because Congress made it and Congress can change it. "A breath can make them as a breath has made."

I do not believe that any objection growing out of the fact of this delay would warrant me in saying that to permit it would be setting a precedent that will operate in the end to the greater detriment of the Government than to defeat the treaty.

To say nothing of its obvious superiority on every other account and from every other point of view, I believe that a sea-level canal is the only kind of a canal that can attract business enough to prevent the enterprise from becoming a burden to the revenues of the United States Government. While I believe that much will come out of the building of the canal, I have never believed that the very extravagant statements which we find in the press of the country and in the discussions here will be verified in actual results.

From New York to the Philippines and to southern China the distance through the Suez Canal is shorter than it will be through the Panama Canal, and an amount of business sufficient in volume to make the Panama Canal a profitable enterprise will have to take part of the business that now goes through the Suez Canal, not only from Europe, but from the northeastern ports of America.

Ships are now being built on a scale that will not permit them to go through the Suez Canal unless its channel is deepened, as was done once since it was built. That canal has now a depth of only 27 feet 10 inches. There are several ships coming into our ports, and which have only recently been built, such as the *Celtic* and the *Cedric*, that draw, when loaded, 32 feet. Such boats as these will be the carriers of the future, and we shall need a canal at least 35 feet in depth in order to be able to afford a passage from ocean to ocean to the best class of ships, and which can not use the Suez Canal.

It was estimated that during the year 1901—that is the last year for which I have had occasion to examine the statistics—the Suez Canal carried 13,000,000 tons, which were carried at a cost of about $1.36 a ton, leaving a vast profit to the owners of the canal. The stock, on the basis of $100,000,000, is selling at 10 for 1. The British Government owns more than half of it, and the canal gets its business to the extent of three-fourths from English shippers. Three-fourths of the tonnage that passed through that canal in 1901 went through on English ships. It is not to be presumed that England is going to see her interests as a stockholder destroyed or allowed to dwindle into insignificance, if she can prevent it, by reason of a canal being built at Panama.

Another development of the situation necessary to be taken into the account is the fact that the transcontinental trunk lines of railway are even now getting ready to operate lines of first-class ships in connection with the railways, from our Pacific ports to the Orient. It is said that four of the best ships afloat have been or are now being built at New London, Conn., for the Northern Pacific Railway Company, to be employed in trans-Pacific shipping. So it is, that the only way we can get business enough to make the canal profitable, or even self-sustaining, is by offering one that will afford better facilities than any existing route can furnish.

Of course, in the matter of defense the canal will be of direct and vital benefit to us, because it will enable us to more effectively and economically defend our seacoast and possessions than can be done if we are required to maintain separate squadrons, one on the Pacific and another on the Atlantic shores.

The business that can be attracted by the canal is estimated by the Canal Commission at 6,000,000 tons. At any rate of charge that will enable the canal to compete with that at Suez, that will not yield enough income to pay the fixed charges and the operating expenses. That estimate is on the basis of a lock-and-dam canal.

It is thought that a sea-level canal can be constructed for $300,000,000. At the rate of interest of 2 per cent prescribed in the Spooner Act it will require $6,000,000 a year to pay the fixed charges, and $2,000,000 more is estimated to be required to pay the operating expenses. There must be business enough secured for that. If this can be secured, then the enterprise will not cost the people of the United States a single cent, because the investment will take care of itself out of its income, but for every dollar of income less than that $8,000,000 there will be a charge upon the revenues of the United States Government. Incidental to the matter of getting business for the canal we come to the matter of competing for the carrying business to and from the Far East. We must, in order to be able to carry the freight for the same or less rates that European ships can carry it, have a canal that will admit the passage of the very largest ships that can be built. Ships that draw 32 feet of water and more are the ships that will be employed in our commerce in the future, because by reason of their great size economies of management will be introduced that will make it possible to reduce the freight rates beyond the reach of European competition through the Suez, where ships of even 28 feet can not pass.

Because of this and other reasons I strongly favor a sea-level canal as against a lock-and-dam canal anywhere. So firmly am I wedded to this preference that any time necessary to get one would be, in my estimation, "a reasonable time." It may be that some such preference of route has influenced the President's action. Whether it did or not, and independently of my decided preference for a site at which a sea-level canal is a possibility, I do not think that there has been such an unreasonable delay in turning to the Nicaragua as to justify the charge that the matter has been so unreasonably delayed as to make it evident that he ought to be rebuked for his contumacy by a vote against the ratification of this treaty.

It is a matter of great gratification to me that the Panama Canal question has not been treated as one that should encounter the strife and opposition of party conflict. It is really not a partisan, and, least of all, not a nonpartisan, question; it is a bipartisan question in the sense that it is entitled to that energetic support that is given by parties to any declared policy, in contradistinction to the namby-pamby support that nonpartisan questions receive as they drift to their destiny. Both the great parties are on record in their respective platforms as favoring an isthmian canal. Then, if I am right in assuming it to be a bipartisan question, when called upon to deal with the Democratic side of it, I am gratified to be able to say that the only approval the President has received for his action in Panama in the popular expressions of the country has come from Democratic sources.

Democratic legislatures, Democratic boards of trade, and Democratic citizens throughout the country have manifested their approval in open, unmistakable, and enthusiastic expressions. On the other hand, popular Republican approval of his course is conspicuous only because of its entire absence. The Democratic party is proud of its history connected with an isthmian canal. Democratic statesmanship and foresight of sixty years ago made it a possibility through our diplomatic policies in the assertion and maintenance of a purpose to permit no progress in its establishment that did not recognize and respect our interests and our voice in its protection and control. And indispensable Democratic votes to-day will make it a certainty. I say this with some boldness, since listening to the persistent and earnest appeals made by my versatile and learned friend from Wisconsin [Mr. SPOONER] to the Senators on the other side of the Chamber to rise above mere party schemes in its consideration. If these appeals shall influence the votes of any considerable number of his party associates to the extent of inducing them for once in their lives to do a patriotic and praiseworthy act by supporting this great movement in the world's advancement, they will find on this side of the Chamber enough willing Democratic champions

of the canal project to unite with them to take out of the list of mere probabilities this great enterprise.

I have said that evidence of popular approval of the President's course in Republican ranks is wanting, notwithstanding he has called down upon his head plausible and caustic criticism by some of the ablest and most fair-minded men in this Chamber, by reason of the lengths that he felt authorized to go in the advancement of this great enterprise. In fact, I think I may go further and say that popular approval of the President himself is somewhat scant, if we may rely upon the surface indications.

He is now the central figure of a continuous Belshazzar's feast, awaiting in perturbation of spirit for some friendly Daniel to come forth who can interpret the handwriting on the wall, so that he may know definitely what the chairman of the Republican national committee intends to do—"to fish" or "to cut bait." It is deemed a matter of sufficient importance to be blazoned forth to the country in box-car headlines when Alaska has instructed her delegates to the national Republican convention in favor of his reelection. It is likewise an event calling for friendly journalistic exploitation when the junior Senator from Massachusetts [Mr. LODGE] sends out to Boston orders that the collector, surveyor of the port, and the postmaster at Boston shall announce unequivocally that they are for Roosevelt and that they intend to see that the delegation from Massachusetts is instructed in favor of his candidacy, and that they shall see to it that any efforts to Hannaize or Democratize the Republican State convention of Massachusetts shall, through their joint and combined efforts directed by the junior Senator aforesaid, come to naught.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. CLARKE of Arkansas. Yes, sir.

Mr. LODGE. I am sure the Senator does not mean to attribute to me words that I did not utter. They appeared in the newspapers, but I am not responsible for them. I saw the statement in a newspaper, but I assure the Senator nothing of that sort was said by me.

Mr. CLARKE of Arkansas. "Et tu, Brute!" Then to whom can the President look for comfort and succor in this his hour of travail? So it is even doubtful whether the three Federal officials of Boston are actually for Roosevelt, and the Republican convention of Massachusetts is not entirely safe from the danger of being Hannaized or Democratized.

Again, we find in the now rock-ribbed Republican State of Ohio, after having just recorded an almost indecent majority of 125,000, that a veteran who has served that party for a quarter of a century, displaying every type of activity from the "fire-alarm" variety down to a present well-nigh innocuous docility, can no longer hope to appear in his prescriptive capacity as delegate at large except it be upon condition that he shall forego the right to inscribe upon his banner a formal inscription of his well-known preference for the President's reelection.

This reluctance to permit the Republican masses of the country to express themselves in formal instructions to their delegates is unprecedented in the history of parties in this country and discloses a condition of mistrust in their ranks that can not but be cheering to the friends of good government.

On the other hand, what is the condition in the Democratic ranks? Even its vigilant enemies proclaim to the world that it is "becoming sane and dangerous." The countenance of every Democrat is radiant with the smiles of hope and promise of a better day near at hand. The breezes are fairly laden with the sound of the tramp of feet and the hum of voices of the hosts as they approach the shrine of Democracy to there renew their pledges to the party that has always sought to maintain a government of the people, for the people, and by the people. I do not intend without an humble protest from me to see these patriots elbowed away from that shrine now and allow it to be converted into a Wailing Place against which shall be poured forth the lamentations of those who misunderstand their country's destiny or doubt her ability to achieve it.

I think, rather, that we should profit by the inspiration of the time, and without calling sinners to full repentance, should strive for harmony of effort and action. For through this we see a hope for the triumph of Democratic principles and policies, and when these guide the destinies of this nation its safety and advancement are secure.

But all this, Mr. President, is outside of the purpose of the present occasion. The matter here under discussion is one international in its character. If in carrying out some of its details there occurred that which might be turned to party advantage, I should reluctantly avail myself of it, for in doing so I can see that my country might suffer loss of prestige among the nations of the earth. The Democratic party has never sought to predicate its success upon the loss of dignity or national pride that would inevitably ensue from such a course, and I trust it never will. No matter how widely and vigorously we may differ as to internal policies or to policies relating to future international affairs, I believe I may say when it comes to a matter that has passed into history the Democratic party never has and never will, in my humble opinion, insist that this country shall stand discredited before the nations of the earth by insisting upon an abandonment and retreat from any position taken.

Partisanship ceases at the water's edge; there the glorious spirit of national pride works its magic; there the black flag of party conflict is transformed into the resplendent folds of the red, white, and blue, typical of the loyalty and unity of American citizenship; there the discordant notes of angry political discussion blend with the music of the murmuring waves and are borne to foreign shores as the soul-stirring strains of "The Star-Spangled Banner."

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 2871) to incorporate the Mutual Investment Fire Insurance Company of the District of Columbia;

A bill (H. R. 7024) to name streets, avenues, alleys, highways, and reservations in that part of the District of Columbia outside the city of Washington, and for other purposes;

A bill (H. R. 7869) in relation to bonds on contracts with the District of Columbia;

A bill (H. R. 8692) to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes;

A bill (H. R. 9293) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes; and

A bill (H. R. 10417) to prevent cruelty to certain animals in the District of Columbia.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 5498) to provide for circuit and district courts of the United States at Albany, Ga.;

A bill (H. R. 8335) to amend an act entitled "An act to determine the sessions of the circuit and district courts of the United States for the eastern district of Wisconsin," approved March 31, 1892, chapter 28;

A bill (H. R. 9648) to amend the first section of an act providing that the circuit court of appeals for the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, approved January 13, 1903; and

A bill (H. R. 10145) to provide for appeals, writs of error, and other appelate proceedings from the circuit and district courts of Beaumont, in the eastern district of Texas.

The joint resolution (H. J. Res. 79) for the transportation of Porto Rican teachers to the United States and return was read twice by its title, and referred to the Committee on the Pacific Islands and Porto Rico.

CONSIDERATION OF CERTAIN DISTRICT BILLS.

Mr. GALLINGER. Mr. President, there have come from the House of Representatives five bills relating to the District of Columbia. Similar measures have been reported favorably from the Committee on the District of Columbia of the Senate. I wish simply to make a statement, occupying a moment, to show the difference between the two Houses in the matter of dealing with District legislation.

In the other House two days in each month are given for the consideration of District legislation, while here no such rule applies. So in getting through legislation for the District we have to take our chance of reaching a bill on the Calendar or calling it up by request. I desire to ask that these five bills may be given consideration at the present time, subject to objection. If objection be made, they will then be referred to the committee.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent——

Mr. SPOONER. Have they all been reported here?

Mr. GALLINGER. Similar bills have been reported.

Mr. BAILEY. I hope the Senator from New Hampshire will not ask the Senate to agree that these bills shall be before it for consideration without any of us having an opportunity to examine them.

Mr. GALLINGER. I will say to the Senator from Texas that similar bills are on the Calendar of the Senate, reported some time ago by the Senate committee.

Mr. SPOONER. And these are to be taken up subject to objection?

Mr. GALLINGER. Yes; subject to objection.

Mr. BAILEY. The Senator is not now asking unanimous consent for their consideration?

Mr. GALLINGER. Not at all, unless the Senate shall agree to consider them.

Mr. BAILEY. Then I have no objection.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent for the present consideration of five House District bills.

Mr. TILLMAN. Will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. Certainly.

Mr. TILLMAN. It looks like I am going to get lost in the shuffle to-day. I had a resolution which came over, and I gave way to let the two speeches, these eloquent and magnificent specimens of oratory to which we have just listened, be made. It is now so late that I do not know whether the subject I have on hand can well be disposed of to-day; but in order to get a chance to bring it up to-morrow, if the Senator from New Hampshire will allow me to introduce another resolution and ask for its immediate consideration, he can then object, and it will go over and I can call it up in the morning.

Mr. GALLINGER. Mr. President, I can not resist that appeal.

RECESS APPOINTMENTS.

Mr. TILLMAN. I submit a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent for the present consideration of a resolution, which will be read for information.

The Secretary read as follows:

Whereas Article II, section 2, of the Constitution of the United States provides:

"The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint * * * all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law;"

And further:

"The President shall have power to fill up all vacancies which may happen during the recess of the Senate by granting commissions which shall expire at the end of the session;"

And

Whereas it is known that certain officers appointed during the recess of Congress from March 4 last to November 9, and whose appointments were not confirmed by the Senate, are now in possession of and exercising the powers and functions of said offices: Be it

Resolved, That the Judiciary Committee of the Senate be, and it is hereby, authorized and instructed to report to the Senate—

First. What constitutes a "recess of the Senate," and what are the powers and limitations of the Executive in making appointments in such cases.

Second. What legislation is necessary to prevent the holding of an office by any person or persons whose commissions issue or are held by Executive exercise of unlawful authority, if any there be.

Mr. HANSBROUGH. Let the resolution go over, Mr. President.

The PRESIDENT pro tempore. It will go over under the rule.

VINCENZO GERARDI.

The PRESIDENT pro tempore. Is there objection to the request of the Sentator from New Hampshire, that the five bills referred to by him be taken up for consideration, subject to objection? The Chair hears none.

The bill (H. R. 4344) for the relief of Vincenzo Gerardi, of Washington, D. C., was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That all real estate lying in the District of Columbia heretofore purchased and conveyed to Vincenzo Gerardi, of said District, prior to the passage of this act, be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887, and all forfeitures incurred by force of said act are in respect of such real estate hereby remitted.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. BAILEY. I should like some explanation of this measure. Really, I had supposed that the request was that all these bills should remain on the Calendar, subject to be called up and still subject to objection. That is what I had supposed to be the request preferred by the Senator from New Hampshire a moment ago.

Mr. GALLINGER. My request, I will say, Mr. President, was that consent should be given for their consideration, subject to objection. If objection was made, they would then be referred to the committee from which similar bills have been reported.

Mr. LODGE. I understand that similar bills are on the Calendar, reported from the Senate committee?

Mr. GALLINGER. Precisely similar bills.

Mr. BAILEY. With favorable reports, of course?

Mr. GALLINGER. Of course.

Mr. BAILEY. It would seem a little ungracious for a Senator, because he does not know anything about a bill, to object to its consideration when a similar measure has been reported by the committee having the subject in charge, and I am not going to object.

Mr. GALLINGER. Of course I expected to make a brief explanation if any Senator wished it.

For instance, in relation to this bill I will say that we have passed quite a number of bills to accomplish the same purpose in other cases. A man, who was an alien, came into possession of certain property here. He has since become naturalized, and the bill simply waives the statute which provides that aliens shall shall not hold property in the District of Columbia.

Mr. BAILEY. If he is naturalized, he would hardly be within the statute.

Mr. GALLINGER. He acquired the property while an alien.

Mr. BAILEY. I am inclined to think that if he was a citizen before an action was instituted by the Government to forfeit the property the Government could not forfeit it; that the character of the defendant at the time the suit was instituted would determine the power of the Government to forfeit.

Mr. GALLINGER. I know that in this and quite a number of similar cases it has been held that legislation was necessary; and, of course, legislation can do no harm if the Senator's contention is correct. I will not——

Mr. BAILEY. The Government must allege the disability of an alien; and, mark you, it is not merely a disability existing when the defendant acquired the title, but it is a disability that must exist when the Government institutes the suit, because the Government might never institute the suit under the law. Still, of course, it can do no harm to give this man double protection. But I venture to say that there is some reason outside of that.

Mr. GALLINGER. I think the reason may be found in the last line or two of the bill, if it may be read again. It is barely possible that that is one reason.

The Secretary again read the bill.

Mr. BAILEY. There have been forfeitures not only incurred, but declared.

Mr. GALLINGER. That is it exactly.

Mr. BAILEY. It is practically a proposition to give it back to him.

Mr. GALLINGER. Yes, sir.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill, which will be indefinitely postponed.

The bill (S. 3597) for the relief of Vincenzo Gerardi, of Washington, D. C., was indefinitely postponed.

PUBLIC RESERVATION NO. 32.

The bill (H. R. 8688) to transfer jurisdiction of reservation No. 32, in the city of Washington, D. C., was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the jurisdiction and control of public reservation No. 32, bounded by Pennsylvania avenue, Fourteenth street, E street, and Thirteen-and-a-half street NW., in the city of Washington, D. C., is hereby transferred from the Chief of Engineers of the United States Army to the Commissioners of the District of Columbia, in order to provide a suitable approach to the new District building to be located fronting said reservation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. 2885) to transfer jurisdiction and control over reservation No. 32 in the city of Washington, D. C., was indefinitely postponed.

REMOVAL OF SNOW AND ICE.

The bill (H. R. 10421) to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes, was read the first and second time by its title, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. 3600) to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes, was indefinitely postponed.

SECTION 895 OF THE DISTRICT CODE.

The bill (H. R. 8686) to amend section 895 of the Code of Law for the District of Columbia was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That section 895 of the Code of Law for the District of

Columbia is hereby amended by adding the following to the first paragraph thereof:

"SEC. 895. Every vessel coming to anchor in any other portion of the navigable waters in the District of Columbia shall also be so moored under the direction of the harbor master, or the pilot of the police boat acting in the harbor master's absence, as not to obstruct the channel, and be secured with an anchor at bow and stern as to keep the long axis of the vessel parallel with that of the channel and prevent it from swinging so as to obstruct the free passage of the channel by other vessels."

SEC. 2. That the provision in the third paragraph of said section requiring "any captain or owner of or any one in charge of any barge, sand scow, or any vessel that may sink in said canals, shall raise and remove the same in five days," is hereby made applicable to the captain or owner of any sunken vessel or other structure in any dock or at the end of any wharf in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. 2884) to amend section 895 of the Code of Law for the District of Columbia was indefinitely postponed.

LICENSES FOR BATH ESTABLISHMENTS.

The bill (H. R. 10669) to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That paragraph 30 of section 7 of "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, is hereby amended so as to read as follows:

"PAR. 30. That owners or managers of massage establishments and Turkish, Russian, or medicated baths shall pay a license tax of $25 per annum: *Provided*, That no license shall be issued under this paragraph without the approval of the major and superintendent of police: *Provided further*, That it shall be unlawful for any female to give or administer massage treatment or any bath to any person of the male sex, or for any person of the male sex to give or administer massage treatment or any bath to any person of the female sex, in any establishment licensed under this paragraph. Any person violating the provisions of this paragraph shall, upon conviction, be punished by a fine of not less than $40 nor more than $100 for each offense, or by imprisonment for not less than thirty nor more than ninety days, or by both such fine and imprisonment; and, in addition to such penalty, it shall be the duty of the assessor to revoke the license of the owner or manager of the establishment wherein the provisions of this paragraph shall have been violated."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GALLINGER. I desire to amend the bill by striking out, in lines 9 and 10, page 1, the words "massage establishments and." The next section of the code provides for their regulation, and these words ought not to be in the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I believe some Senators desire an executive session. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 3, 1904, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 2, 1904.

CONSUL-GENERAL.

John Fowler, of Massachusetts, now consul at that place, to be consul-general of the United States at Chefoo, China.

UNITED STATES ATTORNEY.

William H. Armbrecht, of Alabama, to be United States attorney for the southern district of Alabama.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

John Q. Walton, a first assistant engineer, to be a chief engineer, with the rank of first lieutenant, in the Revenue-Cutter Service of the United States.

Horatio N. Wood, a first assistant engineer, to be a chief engineer, with the rank of first lieutenant, in the Revenue-Cutter Service of the United States.

Percy W. Thompson, a first lieutenant, to be a captain in the Revenue-Cutter Service of the United States.

Walker W. Joynes, a second lieutenant, to be a first lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

MINNESOTA.

Ira C. Richardson to be postmaster at Thief River Falls, in the county of Red Lake and State of Minnesota.

MISSISSIPPI.

William B. Martin to be postmaster at Indianola, in the county of Sunflower and State of Mississippi.

MISSOURI.

Samuel R. Durham to be postmaster at Piedmont, in the county of Wayne and State of Missouri.

James M. Freeman to be postmaster at Shelbyville, in the county of Shelby and State of Missouri.

Thomas L. Howden to be postmaster at Skidmore, in the county of Nodaway and State of Missouri.

Isaac V. McPherson to be postmaster at Aurora, in the county of Lawrence and State of Missouri.

William E. Osterwald to be postmaster at Festus, in the county of Jefferson and State of Missouri.

Clarence M. Zeigle to be postmaster at Bunceton, in the county of Cooper and State of Missouri.

NEW YORK.

Delano D. Cottrell to be postmaster at North Cohocton, in the county of Steuben and State of New York.

Charles H. Griffin to be postmaster at Oakfield, in the county of Genesee and State of New York.

Henry P. Wilcox to be postmaster at Cohocton, in the county of Steuben and State of New York.

Peter H. Zimmerman to be postmaster at Wayland, in the county of Steuben and State of New York.

TEXAS.

Charles R. Bone to be postmaster at Beaumont, in the county of Jefferson and State of Texas.

B. M. Sheldon to be postmaster at Rockport, in the county of Aransas and State of Texas.

WISCONSIN.

Dean J. Hotchkiss to be postmaster at Foxlake, in the county of Dodge and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 2, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

RESIDENT COMMISSIONER TO THE UNITED STATES FROM PORTO RICO.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits a privileged report, which the Clerk will read.

The Clerk read as follows:

Resolved, That Rule XII of the House of Representatives be amended by adding thereto the following as section 2:

"The Resident Commissioner to the United States shall possess the same powers and privileges as to committee service and in the House as are possessed by Delegates, and shall be competent to serve on the Committee on Insular Affairs as an additional member."

Mr. DALZELL. Mr. Speaker, I ask the previous question on the adoption of the resolution.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a parliamentary inquiry. I read in Rule XVII, on page 279, the following:

It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the Speaker to entertain a motion to recommit, with or without instructions, to a standing or select committee.

Now, I wish, pending the motion for the previous question, to move that the resolution be recommitted to the Committee on Rules.

Mr. DALZELL. The gentleman from Mississippi can not take me from the floor to make a motion; and even if he could, a motion to recommit a report of the Committee on Rules is not in order at any time. But suffice it to say that I have the floor, and the gentleman is not entitled to it at this time. I insist on my motion for the previous question.

Mr. WILLIAMS of Mississippi. I was making a parliamentary inquiry and telling the Chair what I wished to do.

Mr. DALZELL. The gentleman can not take me off the floor to make a parliamentary inquiry.

Mr. WILLIAMS of Mississippi. We can make a parliamentary inquiry in the gentleman's time; certainly.

Mr. DALZELL. I think not.

Mr. WILLIAMS of Mississippi. It is in order under the rules that govern the Democratic convention, anyhow. [Great laughter.]

The SPEAKER. The Chair is not obliged to answer parliamentary inquiries touching a matter that is not before the House.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker——

Mr. DALZELL. I insist on my motion.

Mr. WILLIAMS of Mississippi. Then I come right under Rule XVII to offer, pending a motion for the previous question, a motion to recommit.

Mr. DALZELL. The gentleman has not the floor.

Mr. WILLIAMS of Mississippi. And I do offer the motion to recommit, with the following instructions.

Mr. DALZELL. I insist that the gentleman is not entitled to the floor, and in my time, to make a motion.

Mr. WILLIAMS of Mississippi. Then I rise to a point of order, Mr. Speaker.

The SPEAKER. The Chair will rule on the motion made. The gentleman from Mississippi rises in his place and proposes, as the Chair gathers his meaning, a motion to recommit this resolution to the committee with instructions, claiming the right to offer that motion at this time, pending a motion for the previous question.

Mr. DALZELL. Well, then, Mr. Speaker, I make the point of order that the motion to recommit is not in order.

Mr. WILLIAMS of Mississippi. Now, I want to be heard on the point of order, Mr. Speaker.

The SPEAKER. The Chair will hear the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, I call the attention of the Speaker of the House to the following ruling:

On April 11, 1900, the House was considering a resolution, reported from the Committee on Rules, providing time and conditions for consideration of the bill (H. R. 8245) entitled "An act temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes," with Senate amendments.

The previous question having been ordered on the resolution, Mr. JAMES D. RICHARDSON, of Tennessee, moved to recommit with instructions.

Mr. JOHN DALZELL, of Pennsylvania, made the point of order against the motion.

Speaker Henderson said:

"The Chair will state that on the proposition of the gentleman from Tennessee there has been a conflict of rulings. Some Speakers have held that the motion was in order, and others have held that the motion is not in order. Speaker Crisp has held that the motion was not in order. Speaker Reed has admitted it. The present Chair is clearly of the opinion that a rule reported by the Committee on Rules, upon which the previous question is ordered, is not subject to a motion to recommit, and therefore overrules the motion."

And I call the attention of the Speaker to this ruling, also made by Speaker Henderson:

On May 31, 1900, the previous question had been ordered on a resolution reported from the Committee on Rules relating to the consideration of House resolution 138, proposing an amendment to the Constitution relating to trusts, and H. R. 10530, to amend the law relating to unlawful restraints and monopolies.

The question being on agreeing to the resolution, Mr. JAMES D. RICHARDSON, of Tennessee, proposed a motion to recommit the resolution with instructions.

Mr. JOHN DALZELL made the point of order against the motion.

The Speaker sustained the point of order, saying:

"The Chair has ruled in this session on this question, following the ruling of Speaker Crisp, who made the ruling distinctively * * * The Chair will say that he has thoroughly examined all of these authorities; that he did so before making the ruling he made in the early part of the session, and therefore the Chair follows the ruling that he then made. The Chair will hear arguments when the Chair has not made up his mind and is in doubt, but when his mind is clear, of course there is no use in making arguments and unnecessarily taking up the time of the House."

The same Speaker on another occasion, to which I will refer, declined to entertain the motion to recommit.

On February 17, 1902, Mr. JOHN DALZELL, of Pennsylvania, from the Committee on Rules, presented the following:

"*Resolved*, That immediately on the adoption of this rule, and immediately after the reading of the Journal on each day thereafter until the bill hereinafter mentioned shall have been disposed of, the House shall resolve itself into Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes; that on February 18, at 4 o'clock p. m., general debate shall be closed in Committee of the Whole, when the committee shall rise and report the bill with such amendments as have been recommended by the Committee on Ways and Means, and immediately the House shall vote, without debate or intervening motion, on the several amendments reported from the Committee of the Whole on the engrossment and third reading, and (if the bill shall have passed to be engrossed and read a third time) on the final passage. General leave to print is granted for ten days from February 18 on the bill (H. R. 10530)."

The previous question having been ordered, Mr. JAMES D. RICHARDSON, of Tennessee, moved to recommit the resolution with certain instructions.

The Speaker declined to entertain the motion to recommit, announcing that in respect to this question he would be governed by the ruling of Mr. Speaker Crisp.

Mr. RICHARDSON having appealed, the appeal was laid on the table—yeas 166, nays 123.

And I will ask the Clerk to read the ruling of Speaker Crisp, to be found in Mr. Hinds's Parliamentary Precedents, section 1553.

The Clerk read as follows;

On March 28, 1894, the previous question had been ordered on a resolution reported from the Committee on Rules, fixing times for the consideration of the contested election cases of O'Neill *v.* Joy, from Missouri, and English *v.* Hilborn, from California.

Mr. Thomas B. Reed, of Maine, moved to recommit the pending resolution to the Committee on Rules with instruction to so modify the resolution that an additional vote might be had in the Joy case on the question of ordering a new election if the House should determine that the facts required one, and with instruction to allow a suitable time for discussion.

Mr. Joseph H. Outhwaite, of Ohio, made the point of order that a motion to recommit a report of the Committee on Rules was not now in order.

The Speaker sustained the point of order, holding as follows:

"In the first place, ordinarily, under all parliamentary rules with which the Chair has any acquaintance, except the system under which we are now operating, a motion to recommit is not in order after the previous question is demanded or ordered. A motion to recommit is simply another method of permitting the House to amend, and under ordinary rules the right of amendment is cut off by the previous question. The House has, however, a provision in its rules that even pending the demand for the previous question, or after it is ordered, a motion to recommit may be in order.

"Rule XI provides that 'It shall always be in order to call up for consideration a report from the Committee on Rules, and pending the consideration thereof the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.'

"Now, the purpose of the rule, as disclosed by the language which has been read, was that on reports from the Committee on Rules the House should have the right, without delay and without motions tending to delay, to dispose of such a report. The language is similar to that used in reference to motions to suspend the rules, and the Chair is aware that there may be some embarrassment at times because of the distinction between a report from the Committee on Rules and a motion to suspend the rules. But take the case now before the House. The Chair has no doubt that it is within the power of the House to amend a report from the Committee on Rules. The Chair has never entertained any doubt about that. If the House should vote down the demand for the previous question, then this report could be amended.

"The idea that the Chair has always had in enforcing this new rule was so to construe it as to permit the House to vote without delay upon the final proposition, either as reported by the committee or as agreed upon by the House, if the House should choose to amend it.

"Now, the House has ordered the previous question. What does the previous question mean? It means that the House shall proceed to vote upon the proposition on which it is ordered. If a motion to recommit is in order, perhaps a motion to lay on the table might be in order; and the effect of both these motions, whatever the motive of the mover might be, would be to delay the House in reaching a final vote on the proposition before it, and on which the House has expressed a desire for a final vote by ordering the previous question. The Chair has always held, in construing the rule, that any motion which would tend to prevent the House from a speedy vote upon the final proposition is not in order.

"The Chair holds that on a report from the Committee on Rules, when the previous question has been ordered, it is not in order to move to recommit to the committee. The Chair thus holds the more willingly because the matter is entirely in the power of the House. If the House desires to amend or alter in any respect a report of this character, it need only vote down a demand for the previous question, and then the whole field of amendment is open; the report can be altered in any way to suit the wishes of the House.

"In other words, the Chair accepts the ordering of the previous question as an expression of the desire of the majority of the House to vote upon the resolution as it stood when the previous question was called upon it. Therefore the Chair holds that the motion to recommit is not in order."

Mr. DALZELL. Mr. Speaker, these rulings, in my judgment, are conclusive against the right of the gentleman from Mississippi to recommit.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I listened very attentively to the ruling of Speaker Crisp as it was read from the Clerk's desk, and, if the Chair noted it, it was based, all of it, upon two things. First, that the previous question had already been ordered when the motion was made, and, secondly, that the resolution from the Committee on Rules was a resolution which demanded that a certain vote should be taken without delay or intervening motion.

Now, that is not the case with the resolution before us now, and I purposely did not wait until after the previous question had been called, but made the motion pending the call of the previous question. Speaker Crisp says that he never denied the power of the House to amend, but "*after* the previous question had been ordered" upon a rule, which rule set forth that a certain vote was to be taken "without delay or intervening motion," that then the difficulty was to get at the rule without voting down the previous question, which had not been done. He says, to quote his language again: "When the previous question has been ordered, it is not in order to move to recommit."

I call the gentleman's attention to the fact that Speaker Crisp's ruling upon that case was based principally upon the language of the rule which had then been brought in. Now, Mr. Speaker, there is no such thing as was in that rule here. There is no such spirit about this rule at all. This rule is simply as follows:

That Rule XII of the House of Representatives be amended by adding thereto the following, etc.

Now, the rule does not say "and that thereupon the previous question shall be ordered," or "that a vote shall be taken without delay," or "without intervening motion." It does not say anything except simply what is contained in the resolution. It comes to this House like a resolution from any other committee. I take it that the Committee on Rules when it presents a simple resolution to amend or add certain language, as far as that resolution is concerned, has no higher standing in the House than a resolution worded exactly the same way from any other committee. Now, the Committee on Rules could have inserted in this resolution a resolution to the further effect that it should be considered at once. There have been precedents in the House which they could have followed to that effect, and this language might have been

added to the rule, that it should be considered at once "without intervening motion."

I want to call the Chair's attention to this other language where Speaker Crisp is quoted, and the Chair will find that it turns principally upon what the word "dilatory" means. It is said that—

It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration, the Speaker may entertain one motion that the House adjourn; but after the result is announced, he shall not entertain *any other dilatory* motion.

Now, the gentleman from Pennsylvania with his intellectual integrity, will not contend for one moment that there is anything dilatory in intent or purpose or fact in the motion before the House now—the motion to recommit with instructions.

But it is "no other *dilatory* motion, even of the highest privilege." Pending the consideration before the Committee on Rules, the question of consideration of bills has been ruled out of order when *dilatory*, whenever, in the opinion of the Speaker of the House, they were *dilatory*. Now, Mr. Speaker, this motion that I make to recommit to the Committee on Rules with instructions to bring in a resolution with the amendments which are stated here is of a substantive character and is in no sense dilatory at all, and the motion is made *pending* the motion for the previous question, and it is made upon a resolution which contains no language at all as to procedure, but merely contains the legislative language intended to be enacted.

Mr. DALZELL. Mr. Speaker, just one word. The gentleman from Mississippi [Mr. WILLIAMS] has utterly misconceived the rulings I have already cited to the Chair. They were all made upon resolutions that contained no method of procedure at all—plain, simple resolutions.

Mr. WILLIAMS of Mississippi. Mr. Speaker Crisp says that they were to "proceed to the vote without delay."

Mr. DALZELL. Oh, well, that is part of Mr. Speaker Crisp's opinion; but the rulings were made upon resolutions that had no reference to procedure at all; plain resolutions that brought certain bills on the Calendar before the House for consideration. At all events, it makes no difference whether before or after——

Mr. WILLIAMS of Mississippi. Mr. Speaker, just one word. I dislike very much to differ with the gentleman in a matter of memory, because as a rule his memory is much more accurate as to details than mine. I have not this morning seen the motion upon which Mr. Speaker Crisp was ruling, but my recollection is that it was one of those rulings which we brought in very frequently in the Fifty-third Congress—had to, because of the difficulty of holding a quorum here—and was that "without intervening motions" and "without delay," we were to "proceed to a vote," and I think if the gentleman examines the resolution he will find that to be the case. That is my recollection of what then occurred.

Mr. DALZELL. Mr. Speaker, I think the gentleman is mistaken, but whether that be so or not, the other three cases I set forth, where the r ulings were made, were simply resolutions from the Committee on Rules, bringing the House to a vote upon a certain bill pending on the Calendar; so that the gentleman's argument, based on that proposition, is entirely aside from the question. At all events, it makes very little difference one way or the other. Rule XVI provides for the order in which motions shall be submitted to the House. It reads as follows:

When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a certain day, to refer, or to amend, or postpone indefinitely, which several motions shall have precedence in the foregoing order, etc.

So that it seems to me I am entitled to have put to the House my motion for the previous question at this time, and if the House votes the previous question then it is utterly immaterial, because the gentleman's proposition will be out of order under the ruling.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I do not think the last remarks of the gentleman from Pennsylvania [Mr. DALZELL] pertinent. It is true that under clause 4 of Rule XVI, "when a motion is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question," etc. But Rule XVII tells what can be done *when* one of these motions is made, to wit, a motion for the previous question. A motion for the previous question is one of the questions in order under Rule XVI, and under Rule XVII we are told what can be done when it is made, and amongst other things, we are told, is that "pending the motion, the Speaker may entertain a motion to recommit," etc.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] moves to recommit the bill with instructions, pending a motion for the previous question. Rule XVII provides:

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit the motion to recommit, with or without instructions, to a standing or select committee.

Section 4 of Rule XIV, as to resolutions, conflicts with this rule. The Chair has been called upon already at this session of Congress to rule upon a motion to recommit a resolution, and held, somewhat reluctantly, that it was in order to make the motion as to a resolution the same as to a bill, and the Chair stated at the time that the rules might well have been construed together and one applied to a resolution and another to a bill.

But owing to the precedents, which were quite numerous and which the Chair carefully examined, the Chair held that Rule XVII applied to resolutions as well as to bills, and that it was in order to move to recommit a resolution pending the motion for the previous question. Now, the gentleman moves to recommit pending a motion for the previous question. Ordinarily this motion would be in order, but as to reports from the Committee on Rules it is well settled by a ruling made by Mr. Speaker Crisp and by three rulings following that of Mr. Speaker Crisp, made by Mr. Speaker Henderson (the last one being appealed from and the House by a decided majority sustaining the ruling), that reports from the Committee on Rules are exceptional and that the same rule does not apply to those reports as applies to reports from other committees.

Some gentlemen may say that this ruling is not logical. Examining it, however, in the light of Rule XI, which has been read, the Chair is inclined to hold that it is logical. But let that be as it may, the rules are what the House construes them to be; and this rule of construction having been given first by Mr. Speaker Crisp in a matter of very considerable importance, and followed in three different rulings of Mr. Speaker Henderson, and affirmed by the House on a yea-and-nay vote by a decided majority, the Chair feels that it is his duty to follow the precedents, and therefore holds that the motion of the gentleman from Mississippi is not in order.

Mr. DALZELL. I ask the previous question.

The previous question was ordered, there being on a division (called for by Mr. WILLIAMS of Mississippi)—ayes 111, noes 104.

Mr. DALZELL. Mr. Speaker, I wish to take just long enough to explain what this report of the Committee on Rules is. In the original legislation relating to Porto Rico provision was made not for a Delegate, but for a Resident Commissioner. When he came here, of course he was not entitled to the privileges of the floor, and it was very inconvenient for Members of the House to be called out from time to time to confer with him, and it was inconvenient for him to be obliged to conduct his official business outside of the House. Therefore, in the last Congress a rule was adopted admitting the Resident Commissioner to the privileges of the floor.

Being on the floor, however, he is not entitled in his present situation either to speak or to serve on a committee. To mend that this resolution extends to him all the rights and privileges, so far as the House and the committees of the House are concerned, that belong to a Delegate from a Territory. It is entirely proper, in the judgment of the Committee on Rules, that this Commissioner should have the rights and privileges proposed to be conferred.

The people of Porto Rico are entitled to have these rights and privileges bestowed upon their Commissioner; and, of course, it will be very much to the advantage of the Members of the House, when called upon to legislate for Porto Rico, that they should be brought in contact with a person having the rights of a Delegate. Those are the reasons that justified the committee, as they thought, in reporting this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I wish to state at the outset that if nothing better than is proposed by this resolution can be done in the shape of legislation with regard to the position of this nondescript official, known to the statutes of our country at present as the "Resident Commissioner" to the United States from Porto Rico, we on this side want at least that much done.

In so far as the resolution improves the condition of the Commissioner Resident to the United States from the island of Porto Rico it is good legislation. Our objection to it is only that it does not go far enough, and we desired, by amendment or a motion, to recommit with instructions, to get to the right point, to obtain more than partial, full justice.

There is no reason, Mr. Speaker, why the island of Porto Rico should not have upon this floor every power and privilege and advantage which the island of Hawaii has. There is no reason why the gentleman who now represents Porto Rico here as a Resident Commissioner should not be a Delegate as much as the gentleman who now represents the islands of Hawaii. And when I say that, Mr. Speaker, I am speaking in no partisan sense, because I hold in my hand a bill which has been carefully considered by the Committee on Insular Affairs, reported to this House, and is now upon the Calendar with a favorable report—a bill (H. R. 3540) "to provide for a Delegate in the House of Representatives of the United States from Porto Rico."

Mr. JONES of Virginia. May I ask the gentleman a question?

Mr. WILLIAMS of Mississippi. Yes, sir.

Mr. JONES of Virginia. Is it not a fact that the House of Representatives in the last Congress unanimously passed that identical bill——

Mr. WILLIAMS of Mississippi. I am glad to be reminded of that fact.

Mr. JONES of Virginia. And the very gentlemen who now report this rule voted for it?

Mr. WILLIAMS of Mississippi. I am glad the gentleman reminds me of that fact. It is true that the House of Representatives in the Fifty-seventh Congress—whether unanimously or not I do not now remember—did pass a bill to provide a Delegate for the island of Porto Rico on this floor.

Mr. DALZELL. Will the gentleman allow me a moment?

Mr. WILLIAMS of Mississippi. Yes, sir.

Mr. DALZELL. Will the gentleman tell the House what became of that bill?

Mr. WILLIAMS of Mississippi. It died in the Senate, I suppose.

Mr. DALZELL. Oh, no; it did not die in the Senate.

Mr. ROBINSON of Indiana. I will tell what became of it, if the gentleman from Mississippi will yield.

Mr. DALZELL. I can tell what became of it. It was a bill entitled "An act to provide for a Delegate in the House of Representatives of the United States from Porto Rico." It passed the House of Representatives without a dissenting voice, and the Senate sent it back to us with these amendments, which I will read:

Strike out all after the enacting clause and insert:

"That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a commission of three persons, whose duty it shall be to make careful investigation into titles and claims, legal and equitable, of the Holy Roman Catholic Church in and to any and all real property situate within Porto Rico, and claimed, respectively, by said church and the Government of the United States or the government of Porto Rico or any local or municipal government thereof"——

Mr. WILLIAMS of Mississippi. The gentleman need not read it all. I have very short time, you know.

Mr. DALZELL. I will yield to you my time.

Mr. WILLIAMS of Mississippi. All right.

Mr. DALZELL. That is part of the first paragraph of a Senate amendment to a bill to create a Delegate from Porto Rico. The second is—

That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States—

And so on. That is the second paragraph of the Senate amendment. Now, the third paragraph amendment is—

That the Secretary of War be, and he is hereby, empowered to authorize the construction or extension of any wharf, pier, dolphin, boom, weir, breakwater, sea wall, bulkhead, jetty, or other structure on any lands belonging to the United States—

And so forth. That is the fate that the bill that this House passed giving Porto Rico a Delegate met at the other end of this Capitol, and gentlemen who are opposing the adoption of this rule, which gives something tangible, are proposing simply the consideration of a bill that would probably meet the same fate that this bill met in the last Congress.

Mr. WILLIAMS of Mississippi. Mr. Speaker, the conduct of the Republican Senate has been worse than I thought it was. [Laughter.] I had the idea that they had allowed the bill to "die a-borning" because they did not want to do justice to Porto Rico; but it seems that in addition to that they wanted to do a great many other things, which, in the opinion of the gentleman from Pennsylvania, would be altogether wrong, and in my opinion would be altogether wrong, too, if I had time to examine it, among other things, to appoint by the President, "with the advice and consent of the Senate," a Delegate on the floor of the House.

The gentleman's argument, Mr. Speaker, reminds me of an anecdote that Zeb Vance, of North Carolina, used to tell. He says there was an Irish landlord who sent a message to his agent, "Collect the rents." The agent sent back word, "It is physically impossible to collect the rents. I have now three bullet holes through my hat, two through my coat, and one through the seat of my trousers." [Laughter.] Immediately upon receipt of that, a message went back from the landlord, "Collect the rents. They can not scare me by shooting at you." [Laughter.]

The gentleman from Pennsylvania can not scare me by shooting at a Republican Senate. That is all right. I shall heartily join him. [Laughter.]

Now, I was going on to say, Mr. Speaker, that this resolution, reported by the Committee on Rules, reads as follows:

Resolved, That Rule XII of the Rules of the House of Representatives be amended by adding thereto the following:

"The Resident Commissioner to the United States from Porto Rico shall possess the same powers and privileges as to committee service and in the House as are possessed by Delegates, and shall be competent to serve on the Committee on Insular Affairs as an additional member."

Now, what we proposed to do upon this side was to amend it so that it should read as follows; mark me and follow me closely, and I believe that if we could have gotten it before the House it would have passed, and I believe that the reason why we can not get it before the House promptly is the fear that it would pass. Understand me, I do not mean that that is the reason why the Speaker has ruled as he did. When the Speaker gave his ruling, he satisfied me that from the standpoint of parliamentary law precedents, at any rate, his ruling was correct. I am not criticising him, but I hardly believe that the previous question would have been called and the right to amend shut off unless there had been some fear among leading Republicans that the House would pass what we wanted. And this was what we wanted:

Motion to recommit to the Committee on Rules, with instructions to bring in the following:

"*Resolved*, That the third Tuesday of February"—

Or any other day, that would make no difference; we had to fix a day, of course, in the resolution—

"immediately after the morning hour, be fixed for the consideration of H. R. 3540, entitled 'A bill to provide for a Delegate in the House of Representatives of the United States from Porto Rico'—

That being the bill which has been reported, and I believe, although I am not certain of that, reported unanimously by the Committee on Insular Affairs, a large majority of whom are Republicans. It was merely that there should be a day fixed for that. Then our amendment goes on—

"and that after two hours' general debate on a side and consideration under the five-minute rule a vote shall be taken upon the bill and pending amendments.

"*Resolved further*, That in the meantime Rule XII of the Rules of the House of Representatives be amended by adding thereto the following: 'The Resident Commissioner to the United States from Porto Rico shall possess the same powers and privileges as to committee service and in the House as are possessed by Delegates, and shall be competent to serve on the Committee on Insular Affairs as an additional member.'"

In other words, we simply ask, in addition to the resolution from the Committee on Rules, that a day shall be fixed for the consideration of a bill that is upon the Calendar for consideration, reported by the Insular Committee, which stands eleven Republicans to six Democrats, and, if I am not misinformed, unanimously reported by that committee. I am informed that I am not misinformed upon that subject. We merely ask that a day may be fixed for the consideration of that bill and *that in the meanwhile*, beginning now, the resolution which has been brought in here from the Committee on Rules, designating and fixing the standing, powers, and privileges of the Resident Commissioner shall be passed and be our rule of conduct, but that after that time he should become a Delegate, and that Porto Rico, nearer to us and more like us, more geographically bound up with our destinies, should have given to her the same power and privilege and advantage of representation upon this floor as Hawaii has. We might, perhaps, not be able to have from Porto Rico so variegated a succession of Delegates; we might not have some of those curious names out of Tooke's Pantheon, which are common to the population of Hawaii; but I think the people of Porto Rico are just as fully competent to elect a Delegate here as are the people of Hawaii, and especially when under the previous legislation which has come from the Committee on Insular Affairs and become a part of the law of the land only the intelligent part of the population of Porto Rico can vote for a Delegate.

Mr. LACEY. Will the gentleman permit me to ask him a question?

Mr. WILLIAMS of Mississippi. I yield to the gentleman.

Mr. LACEY. I would like to ask the gentleman if it is not better, in view of the fate that our bill met last year at the other end of the Capitol, that we pass this resolution and later pass the Delegate bill also?

Mr. WILLIAMS of Mississippi. My friend takes it for granted—and I as a Democrat never did that—that if the Republican Senate does make a fool of itself it is going to keep on forever. [Laughter on the Democratic side.] I do not think it necessary that they will conclude to introduce that substitute for this bill that they did last time, and especially when they found that their substitute did not go down with the House of Representatives. All I ask now is that a day be fixed when this bill shall be considered, and if considered, I think it will be passed, because I think the Members of the Fifty-seventh Congress, with the changes of membership—a large proportion of those constitute the membership of the Fifty-eighth Congress who voted for that measure—will vote for it again.

How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has nine minutes remaining.

Mr. WILLIAMS of Mississippi. I wish to give nine minutes to the gentleman from Missouri, if he desires it.

Mr. DE ARMOND. I do not.

Mr. WILLIAMS of Mississippi. Is there any other Member on this side who desires to speak? I will yield to any other Member. I shall reserve the nine minutes, Mr. Speaker.

Mr. DALZELL. Well, I suggest to the gentleman that he use his time, as we are entitled to close on this side.

Mr. WILLIAMS of Mississippi. I know that you are. Have you more than one you wish to put in to speak? If you have, put one in now.

Mr. DALZELL. I yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. WILLIAMS of Mississippi. We will vote for your resolution.

Mr. DALZELL. Thank you.

Mr. CRUMPACKER. Mr. Speaker, the last Congress passed a resolution giving the Commissioner from the island of Porto Rico the privilege of the floor. The pending proposition will confer upon him the right to introduce bills, the right to speak, the right to representation upon committees. It confers upon him, as I understand it, all the rights of Delegates from the Territories, excepting the right of a private secretary and the right of mileage. If I am correctly informed, if this amendment is made the Commissioner shall have all other rights and privileges of a Delegate except a private secretary and the right to receive mileage.

Now, the Committee on Insular Affairs in the last Congress reported a bill creating a Delegate for the island of Porto Rico, and the House passed the bill. But it failed to become a law. The Committee on Insular Affairs during the present session of this Congress has reported a similar bill, and it is now on the Calendar.

But that bill has no connection with the present proposition, which is a proposition to amend the rules. The House has control of its own rules. It has the right to admit to the floor, the right to admit to discussion and to membership upon committees a representation from each of the outlying Territories as it chooses. It can do that without the consent and cooperation of the other branch of the legislative department of the Government, and it can confer this right immediately. We can confer upon the island of Porto Rico a substantial benefit now, without delay, and it is the object of the Committee on Rules to grant that right, and it does not interfere with the subsequent right of the House and the subsequent power of Congress to grant a Delegate to the island of Porto Rico. It does not exclude the right to pass subsequent legislation; but it is the purpose of this side of the House to confer this benefit upon the people of Porto Rico, and it seems to be the object of the other side of the House, judging from the remarks of its leader, to further illustrate the incorrigible cussedness of the Republican Senate.

Mr. WILLIAMS of Mississippi. Mr. Speaker, may I ask the gentleman a question for information?

Mr. CRUMPACKER. You may.

Mr. WILLIAMS of Mississippi. Does the gentleman himself believe that if this resolution is passed that the bill which came from the Committee on Insular Affairs providing a Delegate from Porto Rico will ever be considered at this session of Congress?

Mr. CRUMPACKER. I believe it will.

Mr. WILLIAMS of Mississippi. You do?

Mr. CRUMPACKER. I have no reason to believe otherwise. It was considered in the last House, but I fear if it shall be considered and pass the House again it will be many, many months before it will ultimately become a law, and if that apprehension be well grounded it will be many months before any advantage would come to the people of Porto Rico by virtue of that measure and now we have the opportunity to confer upon them immediate benefits.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon, but if he will allow me just a moment—I dislike to use up his time—but the gentleman clearly did not catch the drift of the proposed amendment. We do not propose to prevent the Resident Commissioner from getting the advantages proposed under this resolution immediately. We say, merely, that a certain day shall be fixed for the consideration of the bill, and now, if the gentleman will give me his attention, we say then in the meantime the Delegate shall be given exactly those advantages proposed by this resolution brought in from the Committee on Rules, so that he has not to wait, and the gentleman's remark to the effect that he would in the meantime be deprived of the advantages which you propose to confer on him now is unfounded.

Mr. CRUMPACKER. It is an attempt, it seems to me, to load up the resolution with something that will possibly defeat its passage. I can not construe it in any other way. This is a plain proposition, and the gentleman's resolution or his motion to fix a time for the consideration of the bill giving to the island of Porto Rico a Delegate may come up on suspension day or under a number of other ways. There is no necessary connection between the two propositions. This is a temporary matter and will operate immediately. We can do this now, and ought to do it untrammeled, and therefore I can see no reason why the rule should be recommitted or anything attached to it.

The SPEAKER. The gentleman's time has expired.

Mr. DALZELL. How much time have I remaining?

The SPEAKER. The gentleman has fifteen minutes remaining.

Mr. DALZELL. I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I introduced the bill to which the gentleman from Mississippi has referred, giving to Porto Rico a Delegate on this floor. It was unanimously reported from the Committee on Insular Affairs. I introduced a similar bill in the Fifty-seventh Congress. It also was unanimously reported from the Committee on Insular Affairs and passed the House by a unanimous vote. I am still in favor of the enactment of that bill into law. But I am also in favor at this time of the passage of the pending resolution reported by the Committee on Rules. The bill which went through the House in the Fifty-seventh Congress met in the Senate the fate described by the gentleman from Pennsylvania. It is possible, if not probable, that to-day a similar bill would meet a similar fate in that body.

However, the passage of this resolution amending the rule will not prevent the passage of the bill through the House at a later day. I therefore think that it will be the part of wisdom to pass the resolution amending the rule without regard to what may be the ultimate fate of the bill.

Now, Mr. Speaker, in my judgment, Porto Rico, with a million of inhabitants, is as much entitled to representation by a Delegate on this floor as is Hawaii, with less than two hundred thousand——

Mr. SMITH of Kentucky. Mr. Speaker, I should like to ask the gentleman a question.

Mr. COOPER of Wisconsin. Certainly.

Mr. SMITH of Kentucky. I would like to ask the gentleman how it would hurt this proposition to amend the rule by coupling with it the proposition to set the bill down for consideration by the House at an early day?

Mr. COOPER of Wisconsin. Because, if this resolution passes, the Delegate from Porto Rico will at once be given a seat on the floor with an opportunity to speak. He will also become a member of a House committee. He can voice the needs of his constituents and be questioned in open debate. If you wait until the passage of the bill, he may never be heard.

Mr. SMITH of Kentucky. Will the gentleman yield to me for a suggestion?

Mr. COOPER of Wisconsin. Yes.

Mr. SMITH of Kentucky. This rule does not propose to wait until the passage of the bill; it gives him his rights immediately, but fixes an early date for the consideration of the bill.

Mr. WILLIAMS of Mississippi. The resolution reported from the Committee on Rules does not go to the Senate at all, but it goes into operation at once; and all my amendment does is to fix a day for the consideration of the bill, so that the House can express its opinion, no matter what the Senate did. If the Senate acts as foolishly as it did last year, when it tried to make the President of the Senate appoint a Member of this House or a Delegate to this House, still the resolution would become effective immediately.

Mr. COOPER of Wisconsin. The Committee on Insular Affairs will attend to the passage of the bill in good time. They are unanimous now in the opinion that the resolution should pass without delay.

Mr. DALZELL. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has eight minutes.

Mr. DALZELL. I yield three minutes to the gentleman from New Mexico [Mr. RODEY].

Mr. RODEY. Mr. Speaker, on the 2d day of March, when the bill referred to by the speakers that have preceded me was under consideration, I spoke on the bill and said there was something pathetic in the Territories at that particular time trying to aid people in a worse condition than themselves. I would like, if I had time, to repeat those remarks here, but I will only take time to say that I believe there is a kindly feeling on behalf of the States represented in this House to grant the million people living in Porto Rico at least the full privilege of having a Delegate on this floor. Most of you gentlemen who represent great States do not stop to think that there are a million people down there on that island, which is more people than there are in some ten States of this Union. Most of you do not realize the position of the people in Porto Rico.

The Supreme Court of the United States the other day, in passing upon a question under the immigration laws, held that they were citizens only in a sense, that they were not subject to exclusion under the immigration laws; but the court did not go so far as to say that they were citizens. Now, that is an anomalous condition for a million people, who owe allegiance to the flag of this country, to be up in the air in that manner. I say that the House

ought to do something, whether the Senate approves of it or not, to grant their Resident Commissioner the privileges of a Delegate, because this House, primarily, represents the people of the United States, and Congress ought to pass some sort of a law that will fix the status of these people. It will be an act of common justice.

People do not stop to consider the condition of the Territories. We in the West, being somewhat familiar with the vernacular of the cattle country, say that the people of the Territories are "mavericks." They never vote for President, for Vice-President, for a Senator or a Member of Congress, or for governor, solicitor-general, or any of their own officers as you do in the States, and not even for or against any law Congress passes for the Territories. It is the least privilege you can grant those people in Porto Rico to have a Delegate on the floor of the House. How can the House know the wants of those people unless they have a representative here. Citizens of the United States ought not to be left in that position. Now, I am glad to see that such a spirit prevails here, and if the same spirit will continue when the bill that the gentleman from Wisconsin says will come in onto the floor in a few weeks you will pass that as well, and do an act of common justice to the people you have taken under the flag of this nation. [Applause.]

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. WILLIAMS of Mississippi. I will yield the gentleman a minute.

Mr. GAINES of Tennessee. There was a question before the Supreme Court of the United States involving the citizenship of these people. I do not remember just the issue, but my recollection is that it was a question whether they were citizens of the United States. I would like to ask the gentleman from New Mexico if he remembers what the court decided?

Mr. RODEY. The court decided, as I have just stated, that they were not aliens in the sense of the immigration laws, not that that they were actually citizens——

The SPEAKER. The time of the gentleman from New Mexico has expired.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, the gentleman from Wisconsin [Mr. COOPER] is evidently mistaken about the import of the amendment which we propose to make. It would not, if passed, interfere in the slightest degree with the legislation proposed by the Republican members of the Committee on Rules. It merely agrees to pass that as a sort of interregnum legislation, to be maintained until it is altered or amended. It does not mix that up with the bill to give a Delegate to Porto Rico. It does not send the amendment or resolution of the Republican majority on rules to the Senate. It does not change it from the character of a House resolution to that of either a joint or concurrent resolution. It merely says that while we are willing in the meantime to adopt this amendment to Rule XII, and give "to the Resident Commissioner in the United States from Porto Rico the same powers and privileges as to committee service and in the House as are possessed by Delegates, and the right to be an additional member of the Committee on Insular Affairs," that we add a further resolution that a time shall be fixed for the consideration of the bill reported by the gentleman from Wisconsin, chairman of the Committee on Insular Affairs.

I was myself a member of the Committee on Insular Affairs at the time that bill was adopted in the Fifty-seventh Congress, and I voted for it and advocated it in committee and on the floor. Now, does the gentleman mean to tell the country that he would have voted against an amendment to fix a day for the consideration of a bill from his own committee, and a bill which he advocated so warmly and for which he stood so stoutly? Ordinarily I do not prophesy, but I will venture a prediction here to-day. I predict that this is the very last legislation in this session of the Fifty-eighth, and probably in any session of the Fifty-eighth Congress, affecting the rights, powers, and duties of a "Resident Commissioner" or any other sort of representative from the island of Porto Rico.

Mr. COOPER of Wisconsin. Mr. Speaker, I came in just before the Speaker began his ruling. I understood him to hold that the proposed amendment was out of order.

Mr. WILLIAMS of Mississippi. Yes, he did; but I am calling the attention of the country now to the fact that the Speaker was forced to make that ruling by the call of the previous question upon the part of the gentleman from Pennsylvania [Mr. DALZELL], who need not have called it if he had been willing that the House should have a chance to amend the pending resolution. He is standing there as a representative of the Republican majority on this floor when he calls for the previous question. He is outlining the policy of the Republican party upon this question, and he is outlining it in a way of giving partial justice to Porto Rico and a Representative here; he is outlining it in a way that looks to me as if full justice was not to be given now or hereafter.

Mr. COOPER of Wisconsin. Will the gentleman from Mississippi permit me to say one word?

Mr. WILLIAMS of Mississippi. Yes.

Mr. COOPER of Wisconsin. I want this resolution passed.

Mr. WILLIAMS of Mississippi. So do I, if we can not get anything better.

Mr. COOPER of Wisconsin. But I do not want this situation to arise: I do not want the bill to pass this House and——

Mr. WILLIAMS of Mississippi. It is not a bill.

Mr. COOPER of Wisconsin. No, it is a resolution; but it can not be amended now, under the ruling of the Chair. I do not want to present a bill, have it go to the Senate, and there be pigeonholed.

Mr. WILLIAMS of Mississippi. The gentleman totally misunderstands. The gentleman still does not comprehend me.

Mr. COOPER of Wisconsin. Will the gentleman permit me to state my position?

Mr. WILLIAMS of Mississippi. No, sir; not in my time—yes, I will. The gentleman is so uniformly courteous that I can not resist.

Mr. COOPER of Wisconsin. This is what I wanted to say: My idea is that were the bill first to pass the House to-day, it would be pigeonholed in the Senate. Then, the bill being dead, I should be compelled to ask that a resolution like the one now pending be brought before the House, and the answer to my request would probably be: "Oh, no; you wanted the bill, now let us wait and see what the Senate is going to do with it." Thus we would get neither bill nor resolution, and there would be no chance for Porto Rico to have representation on this floor. I therefore think that it is better to pass this resolution, and thus at once secure to Porto Rico representation on this floor. Later we will see what can be done with the bill.

Mr. WILLIAMS of Mississippi. Why, none of the evils and troubles which the gentleman apprehends could possibly occur. The gentleman voted with the majority for the previous question. It is evident now that he did not understand the situation, else with his opinions he could not have so voted. If my resolution had been offered and had been adopted by the House, if my amendment had been adopted, he could not have said a thing in the world about its going to the Senate, about having the bill lie there and sleep, or having it amended.

All it would have done under the sun would have been this: It would have allowed *now* to the Resident Commissioner from Porto Rico, from the moment of the passage of this resolution, without any concurrence or necessity or opportunity of concurrence on the part of the Senate at all, without any reference to the Senate whatsoever, the committee powers and the right of speaking upon the floor which are allowed to a Delegate from any Territory.

Then it would have done only one other thing, and that would have been to fix a day for the consideration by the House of the bill H. R. 3540, the gentleman's own bill. If I have not made that clearly understood now, it is because I do not know how. It could not have mixed up in the Senate the bill which has been reported by the gentleman's committee with this resolution of the Committee on Rules at all. Nothing would have gone to the Senate. All it could possibly have done would have been in the resolution to have fixed a day for the consideration of a bill, and unless the gentleman gets a day the bill is never going to be considered, in my private opinion. I am not, of course, in the secrets of the majority, but I believe that this will be the full meed and measure of justice extended to Porto Rico.

Now, the rule is partial justice. It is much better than the present law, and I am going to vote for it, since the Chair has ruled that no amendments are in order. And every member of the Committee on Insular Affairs on the Democratic side is going to vote for it, because, if we can not get full justice and full rights for the representative of Porto Rico, we are willing to take partial justice and partial rights.

But how could this measure to give the representative of Porto Rico partial justice have been hurt by going beyond it and fixing a day for the consideration of your bill?

[Here the hammer fell.]

Mr. DALZELL. I yield the remainder of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the real question in this case is a practical one, not a theoretical one. The real question is, Which side of this House is running the machine of the House? The majority side of the Committee on Rules presents to you a plain, simple proposition looking to a change of one rule of the House so as to admit within the Hall of the House the Commissioner from Porto Rico and give him a place on one of the committees of the House. That is a change from the provision of the rule as it now stands. The other proposition is to combine not only the action of the House in amending its own rule, but to provide also for the action of the House and Senate jointly in the matter of the creation of a Delegate. Now, however any Member of the House may feel in regard to the question whether there ought to be a Delegate from Porto Rico or not, surely the mem-

bership of this House will not take out of the hands of the constituted organization of the House the question of the amendment and control of its own rules and allow it to be transferred to the other side of the Chamber for the purpose of creating a Delegate.

I want, however, to remind the gentlemen on the other side of the House that after all the talk we have heard here and all the talk that has been current throughout the country for a number of months attacking the Republican party for wishing to bring about a condition that ultimately will bring States into the Union from the insular possessions of the Government, we now find the other side of the House in the attitude of very zealously urging and pushing forward, apparently over the opinion of the majority of the Committee on Rules, a proposition looking ultimately to statehood for Porto Rico—at least a step in that direction. So that hereafter when our Democratic friends in this Chamber undertake——

Mr. WILLIAMS of Mississippi. Will the gentleman permit an interruption?

Mr. GROSVENOR. In a moment.

When they undertake to charge the Republican party with wanting to fill the Senate Chamber and the House of Representatives with representatives of these people on the other side of the ocean, we will remind them gently of this first attempt to force a step in the direction of conferring statehood upon Porto Rico.

Now I yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Of course the acquisition of California was in a certain way a step in the direction of making a State of it. But does the gentleman from Ohio contend that a vote for a Delegate from Porto Rico as well as one from Hawaii is a step in the direction of statehood? If this be so, then did the gentleman take a step in the direction of granting statehood to Hawaii when he voted for admitting a Delegate from Hawaii? Will the gentleman answer me those two questions?

Mr. GROSVENOR. To begin with, I did not do anything of that kind, as I now remember.

Now, let me say to the gentleman, in the little balance of time remaining to me, that I do not know what he means by talking about California and a Delegate from California. I never heard of a Territorial government in California. Such a fact, if it existed, escaped my knowledge; and I was old enough to understand it at the time it should have occurred. I have read many things——

Mr. WILLIAMS of Mississippi. The gentleman from Ohio has evidently misunderstood my suggestion. I said that the acquisition of the Territory of California was, as it proved, as much a step in the direction of statehood as the appointment of a Delegate would have been.

Mr. GROSVENOR. I did not say anything about California. California never had a Territorial organization.

Mr. WILLIAMS of Mississippi. The gentleman from Ohio said that giving Porto Rico a Delegate was a step in the direction of statehood, and I said that to some extent the acquisition of California was a step in the direction of statehood, but a vote for either did not mean for statehood.

Mr. GROSVENOR. My friend overlooks the great fact that his own party has constantly been driving at. We are not complaining of any step in the direction of forthcoming statehood of any Territory on this continent bounded by the oceans that surround us.

That is one question. That is a question about which we are all agreed. The real question that I am trying to make is the question of steps toward statehood of the insular possessions of the Government. That is my proposition.

But, Mr. Speaker, I have expended time uselessly. The question here is whether you will stand by this rule that apparently everybody is in favor of or whether you will mutilate it by a defeat of the motion of the gentleman from Pennsylvania, which would result in throwing open the whole question here to the amendment of the rule.

I think the House will stand by the report.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMITTEE APPOINTMENT.

The SPEAKER. The Chair appoints the Resident Commissioner from Porto Rico, Mr. DEGETAU, a member of the Committee on Insular Affairs. [Applause.]

ORDER OF BUSINESS.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the Private Calendar, with Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. The House is in Committee of the Whole House under a special order for the consideration of bills on the Private Calendar. The Clerk will report the first bill.

THOMAS J. COWARD.

The first business was the bill (H. R. 3875) for the relief of the estate of Dr. Thomas J. Coward, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Dr. Thomas J. Coward, deceased, of Clinton, Tenn., the sum of $1,000, for medical services rendered by him as contract surgeon during the late war of the rebellion.

The following amendment, recommended by the Committee on War Claims, was read:

In line 7, strike out "$1,000" and insert "$326.66."

Mr. GIBSON. Mr. Chairman, I will state briefly the character of this claim.

Dr. Thomas J. Coward was employed by the officer commanding a post at Clinton, Tenn., during the war of the rebellion, to attend the sick at that post. He served one month and sixteen days at one time and one month and twenty-four days at another time and furnished all necessary medicines. The War Department found that he was entitled to $326.66, but disallowed the claim upon the ground that he was not employed by a competent military authority.

The rule of the Surgeon-General's Office at that time required that before a contract surgeon could be employed his employment must be sanctioned by the Surgeon-General.

This was a case of emergency, and it appears by the report of the War Department that this physician was employed by the officer commanding the post. He also furnished his own medicines. According to the report of the War Department his services would have entitled him to a compensation of $326.66 if the Surgeon-General had sanctioned his employment.

The circumstances were such that during the delay which would have been caused in sending to the Surgeon-General's Office for the requisite authority there would have been no one to attend the sick soldiers in the hospital. The emergency forbid this delay.

So the committee are unanimously of opinion that this is a meritorious claim, and ought to be allowed, and I move that we favorably report it.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WARREN MITCHELL.

The next business was the bill (H. R. 1700) for the relief of the legal representatives of Warren Mitchell, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the legal representatives of Warren Mitchell, deceased, late of Louisville, Ky., the sum of $128,692.22, being proceeds of captured property and found to be in the Treasury by the United States Supreme Court.

Mr. MAHON. Mr. Chairman, this bill carries a large sum of money, not money that belongs to the Government of the United States, but that has been held in the Treasury a long time, money belonging to this claimant. Being an important bill, the committee, after a long and tedious investigation, made a unanimously favorable report. I ask that that report be read, and that gentlemen give attention to the reading of it. I ask that it be read in my time.

The CHAIRMAN. The report will be read in the gentleman's time.

The report (by Mr. MAHON) was read, as follows:

The Committee on War Claims, to whom was referred House bill 1700, respectfully submit the following report:

At the breaking out of the war of the rebellion Warren Mitchell resided at Louisville, Ky. He was a merchant with extensive interests and connections, and had large amounts owing him in various sections of the South. General Anderson, commanding the Department of Kentucky, gave him a pass to enter the Confederate lines, and he went South "solely for the purpose of saving himself from financial ruin, leaving his wife at Louisville," and engaged in the proper and legitimate occupation of collecting, in the most available commodities, the amounts due him.

His base of operations was Memphis and Nashville, Tenn., and by December, 1864, he had gathered together 724 bales of cotton and had the same stored at Savannah, Ga., where it was seized by General Sherman, sold, and the proceeds, amounting to $128,692.22, turned into the Treasury.

Mr. Mitchell's character for loyalty, truthfulness, integrity, and honor is amply sustained by such men as Virgil McKnight, ex-Senator John W. Stevenson, Hon. Benjamin H. Bristow, and Maj. Gen. L. H. Rousseau, nor is it to be presumed that General Anderson would have issued a pass to a Confederate sympathizer.

Mr. Mitchell promptly brought his suit in the Court of Claims under the "abandoned and captured property act," and the court being equally divided upon his right to recover, his petition was dismissed. On appeal to the Supreme Court of the United States the sole issue was not his loyalty, nor the amount of his loss, but the question of his domicile. Attorney-General Williams thus stated the proposition:

"If Mitchell acquired a domicile within the Confederate lines, his business there was legitimate, and he is entitled to recover; if not, his business there was illegitimate, and he is not entitled to recover."

The Supreme Court stated the question thus:

"Hence this case turns upon the point whether the appellant was domiciled in the Confederate States when he bought the cotton in question." (21 Wall., 353.)

As a matter of fact, Mitchell resided for over three years in Tennessee in the laudable endeavor to protect his property, and he exercised many of the rights of citizenship, and it may well be questioned whether, if the case had been differently presented, the decision would not have been different.

In commenting on this feature of the case it is plain that the Supreme Court, in view of the petitioner's equities, must have felt a strong desire to be freed from the harsh rule of law under which they felt constrained to act, when they frankly tell us, at the end of their opinion, that "obviously important further facts bearing on the question might have been put in evidence by either party. We regret that this was not done. As the case is presented, our conclusion must necessarily be against the appellant."

The court held, however, that it appeared from the record Mitchell was a citizen of the State of Kentucky at the time of the seizure, and that therefore and for no other reason his business was illegitimate and he acquired no title to the property taken in payment of debts due him, because Kentucky was a loyal State, and the nonintercourse laws prohibited traffic between its citizens and citizens of States in rebellion.

In his brief before the Supreme Court John M. Harlan, now one of its justices, made the following unquestioned but startling proposition, when considered in the light of the court's decision:

"Had Mitchell, upon his entering the Confederate lines in July, 1861, joined the rebel army and become the owner of this identical cotton while he was endeavoring to overturn the Government of the Union, it could scarcely be doubted that under the present course of decisions his right to recover the proceeds of the cotton could not be questioned."

The decision of the court, therefore, was to the effect that if Mr. Mitchell had denied his allegiance to the United States and had become a citizen of Tennessee, instead of remaining loyal to the Union and to the State of his birth, he could have recovered in his suit, because he would not have been amenable to the nonintercourse laws, and his disloyalty would have been condoned by the President's amnesty proclamations. (U. S. v. Klein, 13 Wall., 128.)

The Supreme Court of the United States has repeatedly held that the proceeds of the abandoned and captured property now in the Treasury are merely "trust funds" (U. S. v. Padelford, 9 Wall., 543), and millions of dollars have been distributed to the legal owners upon that theory, and since the decision in the Klein case, above, it has not been questioned that the amnesty proclamations restored all property rights, even to disloyal persons. If, as said by Mr. Harlan, this decedent claimant had been an active rebel in the field, he could still have recovered under the Klein decision. In this case the return of these "trust funds" by the trustee, who holds and claims nothing but the naked legal title, is not prevented by disloyalty or fraud, but by the mere accident of domicile.

Your committee does not doubt or criticise the decision of the Supreme Court, harsh and technical as it is, but the question now presented is, Shall this Government, by the mere exercise of an arbitrary power, longer keep from this claimant the proceeds of property which, in every sense except the technical one that the courts of law can not recognize his right to sue for it, is rightfully his; property to which the Government can make and does make no lawful claim; not confiscated or confiscable; not in its possession or control under any law except one that has been declared by its courts to make it a trustee of such property? The claimant appeals to the sovereign, whose citizen he is, for that justice which is his due.

Here no technical construction of law can be held to overthrow the real merits or equities of a case. To do absolute justice is the highest duty, as well as the undisputed power, of Congress. It is hard to conceive upon what moral principle this money can be longer kept in the Treasury of the United States, or the hand of the arbitrary power be placed so heavily on the children of this man, who passed his old age and died in poverty merely because of the accident of his residence in the loyal State of Kentucky instead of the disloyal one of Tennessee.

Your committee report back the bill and recommend its passage.

Mr. PAYNE. Mr. Chairman, I understand that this claimant was not able to point out to the Court of Claims or to the Supreme Court, and the court indicated in its opinion that it did not appear that the domicile of this man was in the Confederate States during the time he was collecting this cotton. The court suggested that perhaps there was other evidence that either party might have used. While the report is full in its statement of the judgment, etc., and of the judgment of the Supreme Court which decided that this man or his survivors were not entitled to anything, it does not seem to be very full in stating what the evidence was, if there was any, that showed that this man had a domicile in the Confederate States. He said he was in the Confederate States for three years. Now, that fact, that evidence, and all that sort of thing is lacking, and the difficulty in this class of cases is this: They go to the courts; they employ eminent lawyers; the lawyers present their cases, and present the best kind of evidence they can find.

On the other side they are open to cross-examination on the part of the Government attorneys, and the court finally decides—even the Supreme Court of the United States—and they will then come in with ex parte evidence and bring bills before the House, which sends them to the Committee on War Claims, which proceeds to set aside the judgment of the Supreme Court on this ex parte evidence. I do not know, in claims of this size, why the committee should not submit the question of domicile to the Court of Claims. I understand there are bills upon this Calendar now reported from the Committee on War Claims where the claims themselves are now pending before the Court of Claims, and can be reached and the evidence taken on either side, and that court decide them, and bring them to the House on their report, or entering judgment, or finding the facts, and certifying them to be paid by appropriations. I think in large claims like this the chairman of the committee should not be content merely to submit the report, but should tell this committee what there is in it.

Mr. MAHON. Mr. Chairman, the committee did not report this bill on any ex parte evidence. It was reported on the decision of the Court of Claims and of the Supreme Court, where Justice Harlan was the attorney for the claimant, Mitchell, and United States Attorney Williams appeared for the Government. In 1863 Warren Mitchell was a resident of Tennessee. The captured and abandoned property act had been passed. The reasons for the passage of the captured and abandoned property act were several. The first was, in the States that were in insurrection there were millions of dollars' worth of cotton, sugar, and other valuable property that could not be consumed by the Army, and it came to be a question of destruction or saving this property and keeping it for the wealth of the nation, for the present and for the future. The second was, it was a great temptation, with these large amounts of cotton in those States, for the blockade runners to run in and carry it to foreign ports, and bring the gold back to the treasury of the Confederate government. Our Government proposed in this law to take charge of the property and bring it into the Northern market, and dispose of it to people who needed cotton in foreign countries, and bring the gold into our Treasury. So the captured and abandoned property act was passed.

Now it is called captured and abandoned property. The act provided that any man in the South or in the States in insurrection could voluntarily bring his cotton to the great market places and warehouses where they were directed; that all property of this character captured by our forces was to be turned over to the places designated by the Treasury Department. The law provided that the cotton and property so captured and abandoned should be sold; the expenses of transportation and of selling should be deducted and a careful account should be kept of it, and that the sale should be reported to the Treasury of the United States, a careful inventory made as to who it belonged to and giving an account of the proceeds. So a sum of $37,000,000 under that act passed into the Treasury of the United States. The act also provided that people could apply to the Secretary of the Treasury, and if they could identify their property and the money placed in the Treasury, the Treasury could pay them. Some $14,000,000 were the net proceeds, and about $10,000,000 of that was paid out. This act expired in 1868. They had two years in which to apply for the proceeds of their property. The question of loyalty was raised against these claimants. The people in the States mentioned, women and minor children where the question of loyalty was not raised, got their money; but when the question of loyalty was raised against the claimants in the Court of Claims the Court of Claims held that if the claimant was disloyal he could not receive the proceeds.

The Padelford and Klein cases were carried to the Supreme Court of the United States to be settled on question of loyalty. Now, in brief, let us see what the Supreme Court of the United States said about it.

In the Klein case, the leading case on the subject, the court held:

That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act; and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal, appears probable from the circumstance that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by proceedings for confiscation.

In the case of Padelford we held that the right to the possession of private property was not changed until actual seizure by proper military authority, and that actual seizure by such authority did not divest the title under the provisions of the abandoned and captured property act. The reasons assigned seem fully to warrant the conclusion. The Government constituted itself the trustee for those who were by that act declared entitled to the proceeds of captured and abandoned property and for those whom it should thereafter recognize as entitled. By the act itself it was provided that any person claiming to have been the owner of such property might prefer his claim to the proceeds thereof, and on proof that he had never given aid or comfort to the rebellion receive the amount after deducting expenses.

This language makes the right to the remedy dependent upon proof of loyalty, but implies that there may be proof of ownership without proof of loyalty. The property of the original owner is in no case absolutely divested. There is, as we have already observed, no confiscation, but the proceeds of the property have passed into the possession of the Government, and restoration of the property is pledged to none except to those who have continually adhered to the Government.

Now, to be brief, this case came up after the President's proclamation. This case was settled. Then the question of loyalty came up, and in this case and in the two other leading cases the Supreme Court held that the proclamation issued by President Johnson in 1868—which he had the absolute right to issue under the Constitution of the United States—restoring to all these people in 1868 their political, personal, and property rights, gave them a right to this property in the Treasury, even though they had been in active rebellion against the Government. That is the decision of the highest court of our Government.

Now, under the proclamation prior to 1868, while the war was in progress, much of this money was paid out, and it required if any one of these people who owned cotton would come before a United States officer and take the oath of allegiance to the United States and renounce his allegiance to the Confederate government, that early proclamation stated that they were to be restored to their political, personal, and property rights; but this proclamation in 1868 required no oath of any kind. It absolutely wiped out the question of taking an obligation to the Government, and so the court held that every man who could identify his property, identify his portion of the money which was held as a trust fund, was entitled to have it; but while these decisions were in progress the act of 1868 expired and $4,000,000 were left in the Treasury, which perhaps no man will ever claim because no man can file a claim for it——

Mr. PAYNE. Is not that a violent assumption?

Mr. MAHON. Well, unless Congress authorizes them. There is no law on the statute books to-day by which any man can go to the Treasury of the United States or to the courts and put a claim in for this cotton unless by an act of Congress, because they are debarred by the statute which expired in 1868. Now, what is this case? This man Mitchell was a resident of Kentucky. His loyalty was unquestioned. The claim went to the Supreme Court. By the evidence of some of the best men of the State of Kentucky, men who have served in the United States Senate, they say that this man was absolutely loyal to the Government.

He was asked why he did not claim Tennessee as a residence. He had been in Tennessee for three years, and Justice Harlan, who was then his attorney, filed his claim and said if he had put in his petition—he had been long enough in Tennessee and lived among the people—fixing his domicile in Tennessee, although he had served in a Confederate regiment, he could have got the money out of the Treasury by a decision of the Supreme Court of the United States.

Mr. PAYNE. That was based upon the fact of the nonintercourse act.

Mr. MAHON. I am coming to that. The nonintercourse act would not have interfered, but Mitchell said, "I am not a resident of Tennessee; I am a resident of Kentucky," and insisted that his petition should be filed in that way.

How did he get down to Tennessee? He went down there because the captured and abandoned property act had been passed. He was familiar with its provisions. At that time he did know the nonintercourse law had been passed. He goes to the general commanding that department, who issued him a permit to go down into the State of Tennessee, where he had had large transactions when the war broke out, and settle his claims. To save himself from bankruptcy he settled with his creditors and took the property—cotton, sugar, etc.—in payment of his claims. He was a wealthy man, and under that permission from the general commanding, waiving for a time the nonintercourse law, he went down into Tennessee to carry out the purpose of the abandoned-property act and get the cotton out of the country. He made settlement and took cotton to the amount of over $200,000, and after he had settled with the people who owed him he shipped the cotton to Savannah and had it placed in the warehouse, and in 1864, when General Sherman's army entered the city of Savannah, under the captured and abandoned property act General Sherman took the cotton, turned it into the warehouse, and it was sold by the United States official under that act, carefully inventoried, and the net proceeds of the sale of these 740 bales of cotton were turned into the United States Treasury, and the Treasury is indebted to him, so the Treasurer says, for about $128,000.

Mr. SMITH of Kentucky. I would like to ask the gentleman if it is not a fact that that money is carried on the books of the Treasury Department to the credit of Warren Mitchell?

Mr. MAHON. Yes. When the Court of Claims had this up——

Mr. PAYNE. Why, it simply says in the books of the Treasury Department that the money was received as the proceeds of cotton that Warren Mitchell owned.

Mr. MAHON. Yes; that so much cotton was sold under this act.

Mr. PAYNE. The credit made by a clerk in the Treasury Department would not cut much of a figure.

Mr. MAHON. What is that?

Mr. PAYNE. The gentleman from Kentucky asked the gentleman from Pennsylvania if the money was not carried on the books of the Treasury Department as a credit to Warren Mitchell. Of course the mere fact that it appears on the books as the proceeds of cotton that belonged to Warren Mitchell does not cut much of a figure. The question is whether he was entitled to it.

Mr. SMITH of Kentucky. Certainly. I only asked the question to bring out the fact as to the amount of the claim; that there is no dispute—that there was that much money turned into the Treasury Department as the proceeds of the cotton.

Mr. MAHON. Now, Mr. Chairman, these facts are clear about the case. First, that Warren Mitchell was the owner of the cotton in the warehouse at Savannah; second, it was taken under the captured and abandoned property act, and, thirdly, it was sold by the United States officials, a careful inventory made of every bale, the expenses of the sale deducted, and the net proceeds turned into the Treasury of the United States. Now, if he had been a citizen of the State of Tennessee, although he had been guilty of disloyalty to the Government, under this act as construed by the Supreme Court of the United States and President Johnson's proclamation he would have had his money long ago.

Now, what is the trouble? The Court of Claims was divided equally. I have got the report, and the judges were equally divided on one question. They agreed to everything else; they had found all the facts, and the only question before the court upon which this man was denied a judgment was that he had violated the nonintercourse act; that he had left the State of Kentucky and gone into the State of Tennessee and purchased this cotton. Now, the Court of Claims, as I say, was equally divided, one-half saying that he did not, and the other half saying that he did.

What is that act? That was an act prohibiting people in the loyal States going into the Confederate States and transacting business. How did this man get there? The mere fact of the man's loyalty was this: He applied to General Anderson as to whether he had the right to go down there under this act and gather the cotton together, and General Anderson issued to him a license or permit to go and do this very thing. Under that license he went there. Now, when we come into the Court of Claims, one-half of the court holds, under the conditions that he went into Tennessee, that he had not violated the nonintercourse act, and the other half holds that, technically, he did. All the members of the court expressed sympathy with this man that on account of this technical ground they were compelled to rule him out of court.

Now, where was he to come? They have found all the facts, and simply on the purely technical ground that he did not do it lawfully, but under a commission from the general commanding that department he went down there to do this very thing, but the Supreme Court said that that did not set aside the law, and they expressed regret that they could not so decide, and even said to the claimant, "If you had put in your petition that you had been a resident of Tennessee for three years, this court would have given you judgment against the Government for this sum of money."

Now, it is up to Congress. I want to say to the House that this is a large claim. I have been on the Committee on War Claims for nearly twelve years. The claims that come from that committee are generally small, running usually from two to three hundred dollars and very seldom exceeding five or six thousand dollars.

The committee went over the decisions of the courts and all of the evidence in the Court of Claims, and, after a careful and long deliberation, came to the conclusion that the Congress of the United States, the sovereign power, owed to this man who had been loyal, not money out of the Treasury of the United States which was put there by the taxpayers, but this one hundred and twenty-eight thousand and odd dollars which had been there since 1864 without interest. This man was not guilty of laches. That act expired in 1868, and as soon as his property had been captured and turned over to General Sherman and the property had been sold, and within a few weeks after the money had been turned into the Treasury of the United States, he filed his application with the Treasurer for the proceeds of his cotton and filed his claim in the Court of Claims, and from there it went to the Supreme Court, pressing it all the time until he became an old man and finally went down in bankruptcy and poverty.

He has an old wife and children, and I will say this: I have been on that committee for twelve years, and if this House is ever going to pass a claim doing absolute justice to a claimant against the United States Government this is one of them. No cleaner case ever came before you—no case having stronger equities and justice than are in this case. I don't know this old lady, I do not know her children, never have laid eyes on them; but I absolutely know that this claim is right and that they are now before the last tribunal, the Congress of the United States, asking by this bill that that money which has been lying in the Treasury since 1865 shall be paid over to these people, to whom it rightfully and equitably belongs.

Mr. PAYNE. Mr. Chairman, the only doubt I had in this case at the commencement was the question of whether this man had been guilty of violation of the nonintercourse act.

Mr. MAHON. It was a technical violation.

Mr. PAYNE. Of course this act was passed for a useful purpose. It was passed to prevent citizens of the United States, loyal citizens of the United States, who loved their country more than anything else except, perhaps, personal gain, from going into the Confederate States and bringing out property and selling

it and sometimes returning the gold to the Confederate States. It was passed for that purpose. Now, this man went in at the commencement of the war. He went in for the purpose of collecting his property, as was stated by the chairman of the committee. He remained in the Confederate States for the space of about three years and collected it so assiduously that he obtained $128,000 worth of cotton, which was stored at Savannah. I believe that some cotton which was stored at Savannah got to floating down the river and out of the Confederate States and into the markets of the world and that some money was smuggled in afterwards—gold for the payment of this cotton. The Supreme Court decided this case upon the point of a violation of the nonintercourse act.

Mr. MAHON. It was a technical violation.

Mr. PAYNE. Well, they did not say it was technical. The Supreme Court says:

> Hence this case stands upon the point whether the appellant was domiciled in the Confederate States when he bought the cotton in question.

I am not reading from the original report of the court, but from the report of the committee. I do not suppose they put all of the report in. I hope they are frank enough with the House to put in all that bears on this question. Then at the end of the opinion we find this, that—

> Obviously important further facts bearing on the question might have been put in evidence by either party. We regret that this is not done. As the case is presented our conclusion must necessarily be against the appellant.

That is all I see of any expression of regret on the part of the Supreme Court in regard to their coming to that conclusion; but the court thought that both the Government and the claimant could have put in other evidence, and they regretted that this was not done. This case is reported in 21 Wallace. Of course that is a very early report and this is a very early case in the Supreme Court. It appears from the report that John M. Harlan was the attorney for the claimant at the time. I supposed he had always been on the Supreme Bench. It is hard for me to think back to a time when he was not there. The case must have been decided very soon after the war. Now, I asked the gentleman from Pennsylvania [Mr. MAHON] if the committee had decided the question of facts upon ex parte affidavits and he said, "No."

Mr. MAHON. We took it from the record.

Mr. PAYNE. As I understand it, the committee has no evidence in regard to that.

Mr. MAHON. We have the evidence that was before the Court of Claims.

Mr. PAYNE. But the Supreme Court had that. Did the committee have any other evidence than the Supreme Court had when they rendered their decision?

Mr. MAHON. Oh, no; we have had nothing outside of that.

Mr. PAYNE. Thirty-odd years have elapsed since that decision of the Supreme Court; all this time has elapsed; yet it does not appear that this claimant has ever been able to show, even by ex parte affidavits, that the ruling of the Supreme Court was not correct or that the finding of facts was not correct as to the fact of domicil and the fact of the violation of the nonintercourse act.

Mr. SHERLEY. Does not the gentleman realize that the Supreme Court was necessarily limited to a purely legal decision, and that frequently a case will arise——

Mr. PAYNE. They were limited to the question as presented by the attorneys for this claimant and the attorneys for the United States, upon the evidence as presented by them.

Mr. SHERLEY. The gentleman does not answer my question.

Mr. PAYNE. Upon the evidence as then presented they said that this claim could not be allowed upon this very question of domicile or the question of the violation of the nonintercourse act. All this time has expired, and according to the statement of the chairman of the committee no evidence has been filed, not even by ex parte affidavits, to show that the finding of facts upon which the Supreme Court acted was not correct as stated in the record upon which the court based its opinion.

Mr. SMITH of Kentucky. The gentleman will allow me to suggest that the committee thought that even though this man was a citizen of Kentucky, he ought not to be cut off from his right to this money, which in equity is due him, he being a loyal citizen of a loyal State, when disloyal citizens of disloyal States were held to be entitled to their money, which was turned into the Treasury under the same circumstances.

Mr. PAYNE. He was cut off by the provision of the nonintercourse act, as held by the Supreme Court. Now, to bring him within some equity—some morality—by which the United States Government might be supposed to be bound to him, I think that this committee ought to have been able to state some facts showing that he had not engaged in collecting cotton and selling it outside.

Mr. SMITH of Kentucky. He had a permit.

Mr. HOLLIDAY. No attempt has been made to disprove that; he admits that he went in there.

Mr. PAYNE. It does not appear that he ever shipped a pound of cotton as a dealer in or shipper of cotton. I asked the chairman of the committee what evidence he had, and he said he had ex parte evidence.

Mr. MAHON. Evidence presented to the Court of Claims.

Mr. PAYNE. Evidence presented to the Court of Claims and also to the Supreme Court.

Mr. SMITH of Kentucky. The Supreme Court cut out his claim upon technical rules of evidence.

Mr. PAYNE. The court could not do otherwise than try the case upon the facts presented by the evidence.

Mr. HOLLIDAY. There was no special controversy over the facts. The court held that he had violated the nonintercourse law and therefore could not recover. The same facts were before the committee, and they concluded that, considering the strong equity of the case, he was entitled to this money, notwithstanding the fact that he had violated the nonintercourse law.

Mr. PAYNE. So that this is a question merely of moral obligation.

Mr. MAHON. The court held that the title was in Warren Mitchell, and therefore it could not be in the Government.

Mr. PAYNE. But the court did not hold that he was entitled to pay.

Mr. HOLLIDAY. The court held that he acted as a trustee.

Mr. PAYNE. Of course it is only a step beyond this case to an entire disregard of the nonintercourse act and a loose way of determining claims here, without any legal evidence whatever as to the facts.

Mr. MAHON. The court held that this man's right to this private property was unchallenged; that his title had not been divested, but refused to render judgment in his favor because of the violation of the nonintercourse act.

Mr. PAYNE. My friend has suggested that there was $4,000,000 in the United States Treasury, claims for which will probably never be made. He should not lay any such flattering unction to his soul. Why, Mr. Chairman, a question similar to this came up in the last Congress in reference to the claims of certain persons for carrying the mails in the Confederate States after the war broke out. Those claimants were asking payment of those claims from our Government.

Of course, the most of these claims were paid. The Confederate government supposed all of them were paid by the Confederacy. The Government of the United States came into possession of a book showing the settlements of the Confederate government, a book that had been mutilated in some way by cutting out of it a number of pages. I saw the book myself, and it shows payments to a great many claimants who came in here and swore, without any "mental reservation or purpose of evasion," as far as could be ascertained, that they had never been settled with. Yet this book showed a complete settlement of those claims. Well, Congress was getting along very well with those claims. They would go to this book, in the office of the Postmaster-General, and it would appear on a certain page that the claim had been settled in full at a certain date.

Mr. MAHON. That is an entirely different matter from these cases.

Mr. PAYNE. They were getting along very well, but it turned out finally that there was one claim that they did not find on that book, and immediately an effort was made to get at the book. The Postmaster-General——

Mr. MAHON rose.

Mr. PAYNE. Wait a minute until I tell this little story. The Postmaster-General kept the book locked up and did not allow people to see it, but some one, at the suggestion of somebody, I suppose it was the original suggestion of somebody outside, in another place where they suppose they are engaged in legislative duties, offered an innocent resolution one day, asking the Postmaster-General to furnish a list of those people who had been settled with, and the full particulars contained in this book. That information was immediately sent to another place and published as a document. At once all of these people whose names did not appear on that mutilated book as having been settled with, began to come to Congress with their claims. They made the same kind of affidavits that they had made before. I suppose most of them have been paid.

Mr. HOLLIDAY. If the gentleman will permit me, I think he ought to state that these reports did not come from the Committee on War Claims of this House.

Mr. PAYNE. Oh, I said another place. I did not say they came from a committee of this House. And so, if these accounts are there in the Treasury Department, that So and so's cotton has been sold, I suppose some way will be found by which these names will be ascertained; and these agents at the city of Washington, who are most industrious, thrifty, frugal people, will be sending around these enticing letters saying that "There is such and such a claim in favor of the estate of So and so, who was your grand-

father (or whoever he may have been), and if you will put it in my hands I will carry it through for you for the slight compensation of 50 per cent on the recovery." So this $4,000,000 will go aglimmering. If we let down the bars and set aside this non-intercourse act by this bill, it will only hasten the day when these individuals will appear here and the money will be paid out. That is all I have to say.

Mr. MAHON. Now, I want to say to the gentleman from New York that the books he speaks of were kept by the Confederates, and were turned into the archives of our Government. The difference is that these books we are now referring to have been kept by the Treasury of the United States. They are not mutilated. The accounts are in Treasury books, and the Court of Claims have found that this money is in the Treasury and that it is the proceeds of the property belonging to the claimant in this bill.

Mr. PAYNE. Now, right there——

Mr. MAHON. Hold on. As I said, I have no interest in this case except to do this man the justice that should be done him, even at this late day. It is not his fault.

Mr. PAYNE. Of course the gentleman has no personal interest in the case.

Mr. MAHON. We appeal to sovereign power, and beyond all controversy that money belongs to Warren Mitchell, except that the Supreme Court on a technical point refused judgment, at same time expressing their sympathy with him. Now, in place of talking about post-office claims and some other old rotten claims, why not look at the facts in this case? That is no reason why this claim should not be paid. I believe in paying every claim upon its merits and the equities of the case. This is a body that finally does the last justice to an outraged citizen. This is a body where no technical objection will be heeded, and if any citizen of this great Government comes here and says that the Government has taken his property, that he was loyal to the Government, and that under an act of Congress the Government sold it and put the proceeds in the Treasury, not as the money of the Government, but as his money, and that money can be traced there for an absolute certainty, I say this is a body where no technical objections will avail. We are not complaining about the Supreme Court. This man is a citizen of this country, and this is the sovereign power. He comes here and asks us to do him this justice.

Now, I hold that the act which has been referred to expired in 1868, and every man who did not file his claim to the proceeds in the Treasury was debarred by the act of 1863; but this is one of the few men who is not covered by that. I want to say, gentlemen, that the War Claims Committee are getting about three or four thousand bills referred to them every session. They report back only two or three hundred. There have been thousands of bills sent down here, but upon inquiry at the Treasury Department they could not ascertain whether the claimants owned the cotton, and the Committee on War Claims, whenever they ascertained that a claimant has never filed his claim under the act of 1863 and asserted his right under the law, in the last twelve years have never reported a bill favorably. But this is one of the few men who did go into the Treasury Department and file his claim, and carried it through the courts, as I have stated, with the results heretofore stated.

It is not a question of whether there is four millions. I do not know of a dollar that goes out, but if it ever does go out, it goes out by an act of Congress, so that bugaboo does not affect this bill at all, and the gentleman from New York tries to frighten the House by saying that he thinks a great many who get this money are not entitled to it. Why, I know of cases where President Lincoln himself gave a license, which was signed by the Secretary of War, allowing men to go down into the old State of Virginia and bring thousands and thousands of pounds of tobacco out of that State, and when that property was sold the man who brought it out got one half and the Government got the other half of the value of the property. Now, I ask this House in justice to pass this bill. If you do, I am content; if you do not, I am content. I have discharged my duty. I say that this bill ought to pass.

Mr. PAYNE. Will the gentleman allow me to ask him a question?

Mr. MAHON. Yes.

Mr. PAYNE. I understand that there are some bills that the committee do not report that come before it.

Mr. MAHON. A great many.

Mr. PAYNE. Does the committee ever report many of them adversely and file the reports, so that they are printed for the consideration of future Congresses?

Mr. MAHON. I expect about 500 in this Congress.

Mr. PAYNE. I am very glad to hear that.

Mr. MAHON. I want to say this——

Mr. PAYNE. I had been of the opinion that the committee did not file any adverse reports.

Mr. MAHON. The only bills that are on this Calendar reported from that committee are those which have been reported after the most careful consideration.

Mr. PAYNE. Well, some of them have needed careful consideration.

Mr. MAHON. I admit that.

Mr. PAYNE. Not only turning aside the judgment of the court——

Mr. MAHON. Thousands of bills have come into that committee that will never be reported.

Mr. PAYNE. If this was to go on—granting the right to set aside the judgments of courts—there is going to be a million of them instead of 4,000.

Mr. MAHON. But we will only throttle them.

Mr. PAYNE. The number will only depend upon the avarice of the claimants.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the bill was ordered to be laid aside with a favorable recommendation.

LIGHT-DRAFT MONITOR ETLAH.

The next business on the Private Calendar was the bill (H. R. 201) for the relief of the contractor or his legal representatives for the construction of the light-draft monitor *Etlah*.

The bill was read, as follows:

Be it enacted, etc., That the claim of the contractor or his legal representatives for the construction of the light-draft monitor Etlah may be submitted by said contractor or his legal representatives within six months after the passage of this act to the Court of Claims, under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction, legal and equitable, to hear and determine and render judgment upon the same: *Provided, however*, That the investigation of said claim shall be made upon the following bases: The said court shall ascertain the additional cost which was necessarily incurred by said contractor for building said light-draft monitor Etlah in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work: *Provided further*, That such additional cost in completing the same and such changes and alterations in the plans and specifications required and delays in the prosecution of the work were occasioned by the Government of the United States; but no allowance for the advance in the price of any labor or material shall be considered, unless such advance could not have been avoided by the exercise of ordinary prudence and vigilance on the part of the contractor: *And provided further*, That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided*, That such alterations when made complied with the specifications for the same as furnished by the Government: *And provided further*, That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any such changes cause less work and expense to the contractor than the original plans and specifications a corresponding deduction shall be made from any allowance which may be made by said court to said claimant: *And provided further*, That said claim may be submitted as aforesaid, notwithstanding any statute of limitations or proceedings heretofore instituted for the collection of said claim, and in any proceedings heretofore instituted before said court, prior to the grant by said Congress of general equitable jurisdiction to said court, any testimony that may have been taken under the rules of said court, and any findings of fact which may be based thereon, shall be duly considered by the court and given such weight and effect as the court shall deem equitable and just.

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. OTJEN. Mr. Chairman and gentlemen, I was assigned to make this report. Therefore I will endeavor to explain the case as near as I can. In the latter part of 1862 and the beginning of 1863 the Government contracted to build twenty light-draft, ironclad monitors. They were practically all after the same pattern, were to be constructed in eight months, were to cost $385,000, and if completed in six months were to cost $395,000. The Government, knowing that the construction of monitors were new in the line of war ships, reserved the right in these contracts to change the plans from time to time. The engagement had at Charleston showed that the plans as originally drafted had to be very materially changed. So the plans were changed, and there were so many delays that, instead of these boats being completed in six months, this boat was not completed and accepted until November, 1865. Charles W. McCord, of St. Louis, built this boat, and built it at St. Louis.

There were so many delays, and the price of labor and material increased rapidly, and the cost of the monitor, as given by the testimony of the United States engineer and the United States inspector, was nearly double the original contract price. The result was that Mr. McCord failed, went into bankruptcy, and his assets were sold by the court of bankruptcy. Among the assets assigned were the claims for extra and for the enhanced price of labor and material in constructing this boat. The assignee of McCord went into the Court of Claims under the law jurisdiction of that court, and during the progress of the trial McCord died. During the progress of the trial there was presented by the Government a receipt which was to the effect that a receipt had been given for $26,000, and that it was in full of all claims. It was signed by

Gillman, Son & Co., bankers, of New York, as the agents of McCord. The assignees being unaware of this receipt, were, however, forced to submit the case to the judgment of the court without an explanation of the receipt. The Court of Claims found the facts as follows:

From these circumstances the work required and done under the original contract was enhanced in cost to the contractor $122,166 beyond the contract price, less deductions for labor and materials saved by changes and alterations, $3,882.80, leaving a balance for increased cost of work required by the contract of $118,383.20.

And, from the same circumstances, the cost to the contractor of the extra materials and labor on the vessels required by the changes and alterations made, exclusive of special contracts paid, was $172,273.55, of which $116,111 was paid, leaving a balance for extra material and labor of $56,162.55.

The court found practically the equities in the case, but rejected the item of $56,000 on account of the unexplained receipt. The other item for enhanced price of labor and material was rejected because the assignment from the court of bankruptcy had not been properly drawn. Later, in the Forty-eighth Congress, the Committee on War Claims sent this claim to the Court of Claims under the terms of the Bowman Act. In the trial of this case under this reference it appeared that Gillman, Son & Co. signed this receipt without knowledge that it stated that it was in full for all claims. They stated that they had no authority to sign such a receipt, that they knew nothing about the state of the contract between McCord and the Government. It also appeared the assignment had been properly corrected by order of the court which made the original assignment. The Court of Claims did not take jurisdiction of the claim under the reference, but intimated that all the facts had been substantially found heretofore to show the merits of the case.

A subsequent Congress, the Fifty-first Congress, referred this claim to the Court of Claims under a bill similar in terms to other bills referring claims of this character to that court, which bill was vetoed by President Harrison. The veto was not based on any grounds against the merits of the bill, simply because he stated that he thought the Court of Claims had already found the findings in the matter and had given the information upon which Congress could afford the relief, if it saw fit to do so. Acting upon this veto, recommendations were made in this House and also in the Senate for a direct appropriation of amount of claims, and the Senate passed a bill, but it was not reached in the House. Later, in the Fifty-fourth Congress, the bill was included in the general deficiency bill. It passed both Houses, and went to President Cleveland. President Cleveland vetoed the bill on several grounds, and among other reasons he vetoed it on account of this bill, stating that there had been already paid to these people $210,000 for extras.

The President in this veto was mistaken in this regard, because the Court of Claims found that claimants had been paid but $116,000 on those extras, the President being in error by $94,000. His further objection was that this claimant had receipted in full for this claim, but the Court of Claims found that there was still due $56,000 on the very item which the President claimed had been receipted for, and Congress in four other instances made direct appropriations to relieve claimants where they had signed similar receipts. They had also in about half a dozen other cases referred claims to the Court of Claims, giving equitable jurisdiction where the Court of Claims held that these receipts were not a bar to the claim. The action of the committees of both Houses since the Forty-sixth Congress have been uniformly favorable with one exception, and that is the report in the Fifty-fifth Congress. The House has reported this bill favorably nine different times, and at two different times passed the same. The Senate has reported this bill favorably seven different times, and at five different times in one way or another has passed the same.

This claim is entirely similar to one that Congress has heretofore sent to the Court of Claims, known as "An act for the relief of Nathaniel McKay and the executors of Donald McKay for the building of the ironclad *Squando*." McKay & Aldus were the builders of this boat. They later went into bankruptcy and the assets of the firm were sold. McKay purchased those assets. By act of Congress he was permitted to go to the Court of Claims. The Court of Claims awarded something over $115,000. This case is almost identical with the *Etlah*, because the contracts were the same, the price was to be the same, and the time for completion was to be the same, and these people went into bankruptcy. They had an assignment and had also signed a receipt similar to the one that was signed in this case, only in the case of the *Etlah* it was signed by bankers in their regular course of business, but in this case the receipt was signed by McKay & Aldus, and the court held that this receipt was no bar to recovery and awarded them the sum of $115,000.

It will also be remembered that Congress made a direct appropriation relieving the contractors who built the monitor *Shiloh*, appropriating $125,000 for items similar to what is claimed here and substantially under similar circumstances. The boat *Shiloh* was built in the same yard with the *Etlah*, and the general office was used by both of these builders. So that the equities in the case of the two are substantially the same.

By an act approved May 27, 1902, Congress sent to the Court of Claims nearly every one of these remaining twenty claims. I believe they are all disposed of now except this one and perhaps one more. The terms under which they were sent to the Court of Claims were identical with this bill, with the exception of the last proviso, which has reference to matters that took place in the court heretofore in this case.

Now, I believe that this claim possesses all the merits, waiving the question of what amount should be found, that were possessed by any one of these other claims that Congress has already granted relief in. They have paid in four instances by direct appropriations, and half a dozen other cases have been sent to the Court of Claims, and the court allowed the claims and they have been paid by Congress. By an act approved in May, 1902, nine other claims of this character were sent to the Court of Claims, and it is no more than justice to give these people the same treatment that the other claimants have had.

Mr. FINLEY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. OTJEN. Very well.

Mr. FINLEY. The real claimants are the people who purchased these claims at a bankrupt sale?

Mr. OTJEN. The claimants are the heirs of Choutean, Harrison & Vale. They were the ones who furnished the iron and were the largest creditors.

Mr. FINLEY. Were they the purchasers at the bankrupt sale?

Mr. OTJEN. I understand so.

Mr. FINLEY. What consideration did they pay?

Mr. OTJEN. I do not know; they were the largest creditors, having furnished the iron, and they owed them something like $200,000.

Mr. FINLEY. The committee has no information as to the amount of the consideration?

Mr. OTJEN. No; I presume the consideration is in some of these Court of Claims reports, but I do not remember now what it is.

Mr. FINLEY. I ask if the committee had any method of ascertaining what the consideration was?

Mr. OTJEN. I think so; but that would not be a very material point as to the merits of the claim, as I take it.

Mr. FINLEY. The gentleman mentions other vessels built in the same yard and settled for. Did the builders go into bankruptcy and the claims pass into other hands?

Mr. OTJEN. In the case of McKay & Aldus, they went into bankruptcy, and McKay bought the claim against the Government and, I think, paid $1,500 for the claim.

Mr. FINLEY. I notice in the report of the committee that the bankers Gilman & Son signed a receipt. What was the nature of the authority of these bankers?

Mr. OTJEN. They testified before the Court of Claims that they signed the receipt in the ordinary course of business, but that they did not examine the receipt, and that they had no authority from McCord further than to take the money they received.

Mr. FINLEY. I understand that. That is in the report of the committee; but I ask this question: What was the nature of the authority of these bankers as to signing the receipt?

Mr. OTJEN. They were simply agents to collect the twenty-six thousand and some odd dollars as bankers. I now yield back the remainder of my time to the gentleman from Pennsylvania.

Mr. MAHON. How much time does the gentleman from Tennessee want?

Mr. SIMS. Three minutes.

Mr. MAHON. I yield five minutes to the gentleman.

Mr. SIMS. Mr. Chairman, this claim is on all fours with quite a number of others reported to the House and passed, as stated by the gentleman from Wisconsin who has just taken his seat. I opposed every one of the bills from the fact that in every instance they had settled with the Navy Department and accepted what was given them in full of all claims for damages. I made the best fight I could in every case and got defeated most ingloriously in every case. This claim is just as good as any of the others that have been paid, and having made such an inglorious failure to impress the House with the injustice of the claims, I thought I would leave the job to some one who would have much better success than I had. I shall vote against it and oppose it on the same ground I did the other cases. But if we are going to vote consistently, I think you gentlemen who voted for the other bills will have to vote for this. I shall vote against it, as I did against the others.

Mr. OTJEN. Congress having relieved practically all the others of these monitor claimants is it not right to treat this claim in the same way as the others were treated?

Mr. SIMS. To be consistent, those who voted for the other bills should vote for this one.

Mr. FINLEY. The gentleman from Tennessee stated that this bill is as good as some others that have been passed. Will he say that it is as good as many others that have not been paid?

Mr. SIMS. Oh, I think hundreds have not been paid that are far better than this. As I say, I only want to put myself right in this matter. I see no additional grounds for voting against it except that this has been vetoed more often than any of the others.

Mr. MAHON. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, of course the gentleman can make that motion, but we will debate it for a while.

The CHAIRMAN. Has the gentleman from Pennsylvania yielded the floor?

Mr. MAHON. Oh, no. I will give the gentleman all the time he wants.

Mr. PAYNE. I do not ask the gentleman for any time. When he gets through, I will take my own time.

Mr. MAHON. I simply want to get action on the bill.

Mr. PAYNE. Mr. Chairman, I find that the gentleman from Pennsylvania [Mr. MAHON], the chairman of the committee, reported adversely this bill in the Fifty-fifth Congress at the second session.

Mr. MAHON. I did.

Mr. PAYNE. So I suppose we will have him voting with us against this claim now. I am glad to see that we are getting some reenforcements. It only illustrates what I have been contending for for some years, that when a bad bill appears before the committee and the committee is satisfied that they ought to report it, they do so and put themselves on record. Now, this boat was to cost $386,000. It has been so manipulated that if this bill passes it will cost about double that sum. We are engaged in trying to build up a new Navy. We expend from $60,000,000 to $80,000,000, more or less, a year, paying it out on contract to build up a new Navy. If these precedents are to be followed out, in the coming generation what we expect is going to cost us $60,000,000 a year is going to cost us $120,000,000 a year.

Mr. OTJEN. In the new Navy that we are building up does the Government reserve the right to change the contract at will?

Mr. PAYNE; Oh, yes; they constantly change the contracts. The Board of Construction changes them. They put in things up to date, and things that get out of date, and all that sort of thing. We are liable to the same thing in the future, and the vice of the whole business, Mr. Chairman, is that never, never can we get a settlement. Here is the bill for a monitor built, I think, in 1862. The Government settled with the original contractor, paid him about $200,000, I think, according to this report. I will quote from the report of the chairman of the committee [Mr. MAHON] in 1897:

> The contractor was paid * * * the sum of $210,991 for extras over and above the contract price, and of this sum the last payment, of $31,101, was made on the 11th day of May, 1866, and then Charles W. McCord receipted for the extras expressly in full.

It appears that some attorney signed this receipt for Charles W. McCord, and afterwards one of them testified that he was not authorized to say it was in full for all extras and bind his principal in that way, but he was authorized to receive the money.

I don't care whether he was authorized or not. Charles W. McCord was the original contractor. He knew how much had been expended in extras. He knew how much he had been delayed, and he knew at the time. He knew before he was in bankruptcy; he knew while he was still doing business; he made up his bill for his extras, and he was settled with and received his $210,000, according to the report of the gentleman from Pennsylvania. There is a good deal of haziness, if you look through all these reports, as to the amount he actually did receive. When President Harrison vetoed this bill he put it on the ground that all the facts in the case were known to Congress and there was no use in sending it to the Court of Claims. It got in as a deficiency in an appropriation bill, and on account of this item and two or three others President Cleveland vetoed the deficiency bill and put it on the ground that the man had been paid nearly double the contract price and had settled in full.

After he had settled in full, and after this receipt had been given, he went into bankruptcy, and the assignee in bankruptcy sold his assets. This valuable asset was put up and sold, and these gentlemen who are now the claimants, who now come before Congress with this large bill for extra services, were the purchasers from the assignee in bankruptcy. I have looked through these reports, as far as I have been able. The report of the gentleman from Wisconsin [Mr. OTJEN] contains some twenty pages, and the report of the gentleman from Pennsylvania [Mr. MAHON] some six or eight pages.

Mr. CLAUDE KITCHIN. At what price was it sold?

Mr. PAYNE. That is what I was going to say. I have not been able to find out what price it was sold for, whether they gave a dollar for it, or some other good and valuable consideration. That does not appear anywhere in these reports. They come in here now and ask the Congress of the United States to open up this case. A gentleman who sits near me says that they did not give one dollar for it. They were creditors of this gentleman, and I suppose they had to give some nominal sum. They bid it in as creditors, to be allowed on their claim, I suppose, but they did not pay any actual money for it.

Mr. WM. ALDEN SMITH. Well, there might have been a consideration even then.

Mr. PAYNE. I suppose there was some consideration named. I have not been able to find what it is, as yet. This committee has not given us that information, or, if they have, I would like them to point it out.

Mr. SPALDING. Mr. Chairman, I would like to say to my friend that he is in error in the statement he made with respect to the reasons President Cleveland gave for vetoing this. One of the grounds was that if the item was allowed the cost of the boat would be about double what the contract price called for, and I think the gentleman stated that the objection was that it had cost that much.

Mr. PAYNE. Perhaps I did make a mistake on that point. But let me read the language of President Cleveland's veto:

> The contract for the construction of this battery was made by the Government with Charles W. McCord during the war, and he was to be paid therefor the sum of $386,000. He was paid this sum and $210,991 for extras, and in May, 1866, gave his receipt in full. The assignee of McCord in bankruptcy assigned to Chouteau and his associates in 1868 all claims of McCord against the United States for the precise extras for which he had receipted in full two years before. Chouteau brought suit in the Court of Claims for such extras and was defeated. I can not gather from the facts I have been able to collect concerning this appropriation that it is justified on any ground.
>
> In 1891 my immediate predecessor vetoed a bill allowing the matter to be examined again by the Court of Claims.
>
> If the additional payment proposed in this bill was made, the cost of the battery in question would be almost double that of the contract price.

Now, I am not going to debate this bill in extenso. I am not fully enough posted to do so, and I do not know that any other Member is.

Mr. OTJEN. Will the gentleman read what Senator BURROWS said, following the reading of the veto?

Mr. PAYNE. Oh, yes. I see that Senator BURROWS says on the next page that these people were paid, not $200,000 but $110,000. On the other hand, my friend from Pennsylvania, who is usually very accurate in figures, says that they have been paid $210,000. Where these learned doctors disagree, far be it from me to undertake to settle such a question of fact. But I do not care whether the amount paid was $110,000 or $200,000.

Mr. OTJEN. The Court of Claims found the facts.

Mr. PAYNE. I see it stated in another of these reports that $210,000 was the amount paid. I can only get my information from the statements presented to us by the committee. Of course, I have not time to go and examine the files; it would be impossible. I must take the facts as presented here.

But I repeat, I do not care whether the amount paid was $110,000 or $210,000. This man was settled with. He brought in his bill for extras; he submitted the details to the Department; he agreed with the Department as to the amount, and the Department paid him in full, and that ought to be, it seems to me, an end to this claim.

But, sir, my friend from Nebraska [Mr. MCCARTHY], who sits behind me, has had more time to examine this matter than I have, and I yield to him.

Mr. MCCARTHY. Mr. Chairman, I have made only a casual examination of this case, and if the gentlemen who are in favor of this bill can convince me that it is right no man in this Hall will more cheerfully vote for the measure than I will. But after my examination of the case I am satisfied that the claim is wrong. I am satisfied that the amount was paid before the claim was assigned. I am thus satisfied from an examination of the evidence and from the further fact that two Presidents of the United States have vetoed bills for the payment of this claim, and from the further fact that the Supreme Court of the United States has squarely declared that the claim was paid, and paid in full.

The only reasons assigned by the committee for making a favorable report on this bill are these: First. That other bills fully as iniquitous as this have been paid. The gentleman from Tennessee [Mr. SIMS] has candidly admitted that heretofore he has always opposed such measures as this. I assume that he was candid in his opposition, and that he still believes the opposition which he interposed to former bills of this same character was right. Now, if it was wrong to allow those other bills, it is wrong to allow this, just because this is similar to those and no worse.

Mr. SIMS. I opposed this bill in the committee and did all I could to prevent its being reported, and I am going to oppose its adoption by this Committee of the Whole.

Mr. MAHON. I hope the gentleman will not undertake to disclose committee secrets.

Mr. SIMS. I did not file any minority report, and it is only in this way that I can vindicate my position.

Mr. McCARTHY. Another reason assigned by the committee in its report for the recommendation of this bill is the fact that former Congresses have acted upon it favorably. Now, neither of these two reasons is sufficient to my mind, as opposed to the evidence as I see it, to justify me in voting for this measure.

I assume that this report is as favorable as any report that could be drawn on this bill; and I desire to read a few excerpts from this report. First, on page 4, we find that—

Mr. Thomas P. Gillman testified that he was the member of the firm who signed the receipts, and that he was not aware that the paper contained the words "the full and final payment on all extras."

Now, that seems a remarkable proposition for an intelligent banker like Mr. Gillman, of New York, to testify to. I can see how an ignorant man, incapable of reading or writing the English language, might testify to a fact of that kind; but it is beyond my comprehension how Mr. Gillman could do it.

Well, he testified to some other things, to the understanding of his firm. Now, I do not believe that Mr. Gillman is a competent witness to testify as to the understanding of his firm. There might have been other members of that same firm who had an entirely different understanding of it.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. McCARTHY. Yes.

Mr. MAHON. Without reference to this bill, I wish to say to the gentleman that it has been the custom of the Treasury Department, not only in this case, but in a great many others, where men were under heavy obligations, borrowing money to build ships, and one thing and another, for the Department to make an adjudication to suit themselves, although it did not suit the contractor. He says, "That is not my contract." The Department say to him, "You take this and sign a receipt in full or you get nothing." There are hundreds of contractors who signed receipts in full who were paid afterwards in spite of the receipts.

Mr. PAYNE. Does the gentleman discover any evidences of duress in this report?

Mr. MAHON. I am not talking about this report.

Mr. PAYNE. I am talking about this case.

Mr. MAHON. I say it has been the practice of the Treasury Department in many cases to say to these people, "Sign a receipt in full or go into bankruptcy."

Mr. McCARTHY. That may be the practice, but I submit that there is not an iota of evidence in this case to show that duress of any kind was employed.

Now, Mr. Gillman went on testifying as to the understanding of his firm. In any court he would be required to testify not to conclusions and understandings, but to actual facts. We will get to them later on, and we shall see if the real facts in the case warranted any such conclusion or understanding on the part of Mr. Gillman or his firm. The report says:

Mr. Thomas P. Gillman testified that he was the member of the firm who signed the receipt, and that he was not aware that the paper contained the words "being the full and final payment on all extras;" that the understanding of his firm was that they were simply authorized to receipt for money due McCord from the Government.

Now, it does not matter what his understanding was. His authority was derived from a written power of attorney, and that written power of attorney is incorporated in the opinion of the Supreme Court, and it is better evidence of what the real facts in the case were, and as to the extent of Mr. Gillman's authority, than any reminiscences in his mind twenty or thirty years later. He testifies—

That they had no power to bind their principal in the matter of extras; that they had simply assumed to act as his bankers to receive the money and place it to his credit; that he signed this receipt exactly as he had signed other receipts, simply for the purpose of collecting the money; that it was not their custom to examine this kind of paper, and he did not think he looked over the language of the voucher; that his firm knew nothing of the state of the account between McCord and the United States.

That is remarkable, but Mr. McCord had reposed confidence in these gentlemen. They were appearing as his attorneys in fact, authorized to do any act pertaining to that matter that he could do if personally present. Two powers of attorney were executed. The first seemed to be inadequate, did not seem to confer large enough powers upon the attorneys, and the next was executed evidently after some question had arisen between McCord and this Government and was drawn sufficiently broad to confer all powers upon the attorneys to settle contested questions, and drawn for that purpose.

Mr. OTJEN. Will the gentleman yield for a question?

Mr. McCARTHY. Yes.

Mr. OTJEN. Where do you get that information?

Mr. McCARTHY. I get it from the copy of the power of attorney filed as a part of the opinion of the Supreme Court of the United States. I will read it directly.

Again this report, copying from the report of a former Congress, says:

To know that this whole statement is erroneous and misleading it is only necessary to know the facts.

That is, the misstatement by President Cleveland in his veto message.

Now, what are the facts—some of them which they cite?

It has been shown that the receipt was signed by McCord's financial agent without knowing what he was doing—

That is, Mr. Gillman, if you please, signed this receipt without even knowing what he was doing—

and without the knowledge of his principal or his authority to bind him in that regard.

We will see about that. Now, I should like to know what there is in this case to justify the committee or justify anyone in arriving at the conclusion that Mr. Gillman did not have ample authority to sign that receipt. Mr. Gillman is presumed to have been able to read and write the English language and to have known the full contents of the voucher accompanying the receipt.

Mr. WM. ALDEN SMITH. Who questions Mr. Gillman's authority to sign it?

Mr. McCARTHY. The committee report, right here. I have just read it. You can find it at the top of page 6. This report says he had no authority to sign it. He had power and authority to sign it in full:

It is alleged by the petitioners that this receipt was unknown to them before the day of the trial, and they had no opportunity to rebut or explain, and Messrs. Gillman, in their evidence, state that if such a receipt was signed by them it was done without knowing the purport thereof.

They are coming to the point now where they begin seriously to doubt whether they have really signed the receipt or not. But if they did sign it they are more satisfied than ever that they did not read it over; that if such a receipt was signed it was done without their knowledge, without knowing its purport, and that they were only authorized as bankers to receive whatever moneys might be paid on account of such vessel, the payment to be made in New York; that they had no knowledge whatever of the account between the Government and their principal.

You will agree with me, after having heard read the second power of attorney executed in this case, that they had full authority and that it was their duty to know. Any man in McCord's situation, who places his case in the hands of his attorney, is bound by what his attorney does as fully as if he had performed the act himself.

Again, the courts proceeded seemingly upon the theory that McCord had participated in or assented to the preparation of the voucher, and his rights were therefore necessarily concluded by the receipt executed by his attorneys in fact.

Again:

In fact, from the circumstances of the case and the situation of the parties, your committee is of the opinion that it is altogether probable that such was the fact. The voucher was doubtless prepared by the Navy Department in the ordinary course, and receipted by Gillman, Sons & Co. as and for so much money, and without any thought upon their part of adjusting the claims of McCord for extra work or materials.

Now I read from the United States Reports, volume 95, beginning on page 62. I will first read this voucher which Gillman, Sons & Co. signed:

[*Etlah*—Payment on account of extras.]

NEW YORK, *April 25, 1866.*

United States Navy Department to Charles W. McCord, Dr. (Appropriation: Construction and repair): For work done to the light-draft monitor *Etlah*, which is extra to the contract dated June 24, 1863, being the full and final payment on all extras, and in full for all claims and demands for that work, $31,114.

It mentions extras as compared with the original contract price, because the contract price had been paid long before, and much in excess of that contract price had been paid long before, and this voucher was executed solely for the purpose of settling the claim which remained for extra work and labor.

Mr. CRUMPACKER. Does the gentleman know how much was paid in the way of extras?

Mr. McCARTHY. Well, President Cleveland said that after his investigation $210,000 had been paid for extras, and the gentleman from Pennsylvania [Mr. MAHON], in his report to the Fifty-seventh Congress, said the same thing.

Mr. WM. ALDEN SMITH. Two hundred and ten thousand nine hundred and ninety-one dollars.

Mr. McCARTHY. Yes. I desire to read the first power of attorney and then ask why the second power of attorney was executed:

Know all men by these presents that I, Charles W. McCord, of St. Louis, in the State of Missouri, have made, constituted, and appointed, and by these presents do make, constitute, and appoint, Gillman, Son & Co., or either member of said firm, in the city of New York, my true and lawful attorney, for me and in my name, place, and stead, to collect from the navy agent or authorized officer of the United States Government all payments due or to become due to me for building an ironclad vessel at St. Louis, Mo., named

the *Etlah*, as per contract dated 24th June, 1863, giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully, to all intents and purposes, as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

In witness whereof I have hereunto set my hand and seal the 24th day of November, in the year 1863.

CHARLES W. McCORD. [SEAL.]

Sealed and delivered in the presence of—
THOMAS L. THORNWELL.

Mr. WM. ALDEN SMITH. That was three years before this receipt was given?

Mr. McCARTHY. Yes, sir; but before the time that the light-draft monitor *Etlah* had been completed under the original contract after many changes had been suggested and arranged for.

Now, for some reason it was thought that this power of attorney was inadequate; that questions in regard to this transaction were liable to arise or had arisen which this power of attorney did not provide for, so on the 2d day of January, 1894, the following power of attorney was executed:

Know all men by these presents that Charles W. McCord, of the city of St. Louis and State of Missouri, has made, constituted, and appointed, and by these presents do make, constitute, and appoint, Messrs. Gillman, Son & Co., of the city of New York, my true and lawful attorney, for me and in my name, and for my use, to ask—

What! Do as they were authorized to do under the other one? No.

To ask, demand, sue for—

It looks as if they were going to have a lawsuit now, so there is authorization—

to sue for, recover, and receive all such sum or sums of money, debts, goods, wares, and other demands whatsoever, which are or shall be due, owing or payable and belonging to me.

And will you permit Messrs. Gillman, Son & Co., in the face of a written authority of that character, to come before you and say that they did not have authority to receipt for Mr. McCord? Would not we be considered a wise set of legislators to stand for any such violent construction of this instrument as they now seem to place upon it in view of what the Supreme Court says presently? However, I will proceed with the reading of this power of attorney:

Especially to receive any payments that are and will be due me by virtue of a contract entered into with the Navy Department to build a light-draft monitor, named *Etlah*, said contract bearing date June 24, 1863, for which I am to receive, upon the full compliance of said contract, the sum of $386,000, in eight equal payments, the Navy Department reserving 25 per cent on such payments until completion and reception of said vessel; giving and granting unto my said attorneys by these presents full power and authority in and about the premises to have, use, and take all lawful ways and means, in my name, for the purposes aforesaid; and upon the receipt of any such debts, dues, or sums of money (as the case may be), acquittances or other sufficient discharges.

Did they not have authority under this language to execute and receipt in the language which they did, as shown by the committee's report? Can there be any question in the mind of any man within the sound of my voice, notwithstanding the testimony of Messrs. Gillman, Son & Co., that they had full and ample authority to sign such receipts and acquittance?

Mr. WM. ALDEN SMITH. And they are perfectly responsible; they were bankers, and men of business and experience?

Mr. McCARTHY. Yes, sir (reading)—

And generally to do all other acts and things in the law whatsoever needful and necessary to be done in and about the premises; for me and in my name to do, execute, and perform as fully and to all intents and purposes as I might or could do if personally present.

Now, then, we come to the opinion of the Supreme Court, and I submit that that tribunal is as competent as any tribunal in this land to pass upon the legal effect of evidence and to say when a fact is proven. What does the Supreme Court say?

It appears from the findings of the Court of Claims that the proper officer of the Navy Department estimated the same extra work and material at $116,111 which that court now estimates at $172,273.55, and that McCord accepted this sum, if the voucher is binding on him, as the full value of his labor and materials, and acknowledged it to be payment in full.

His name is signed to this receipt by Gillman, Son & Co., his attorneys; and it is insisted by counsel that they could only bind him for the sum received and not for its acceptance as full compensation. It is said in argument that they were bankers in New York and had no other power than to receipt for such sums as might be paid them.

Two powers of attorney are produced from McCord to Gillman, Son & Co., one of the date of November 24, 1863, and the other January 2, 1864. These are very full, and especially the latter. It makes them his true and lawful attorneys, "to sue for, recover, and receive all sums of money, debts, goods, wares, and other demands whatsoever," and especially payments that are or will be due on his contract for building the *Etlah*; "gives" them full power in and about the premises to have, use, and take all lawful ways and means in his name for the purposes aforesaid, and to make such acquittances or other sufficient discharges for me and in my name, and generally to do all other acts necessary and lawful to be done in and about the premises.

We are of opinion that this authorized Gillman, Son & Co. to accept payment of a voucher which declared on its face that it was the last, the full payment for the extra work done on the vessel, and thereby bind their principal to such acceptance.

Now, such is the opinion of the Supreme Court after having made a fair comparison of all the evidence and having examined the written instrument conferring the power upon Gillman, Son & Co. I submit that it makes but little difference what Mr. Gillman's opinion might have been as to the legal effect of that power of attorney when he came and testified before the committee of this House or before the Court of Claims. The evidence is against him. Now, the Supreme Court goes on to reason that this very voucher must have been sent to McCord himself, because it was executed in April. More than two weeks elapsed before it was presented for payment and paid, and it had ample time, in the usual course of business, to have gone from Washington to St. Louis and from there to New York, and the presumption is that that is what was done.

The Supreme Court, in its opinion, says:

It is certainly fair to suppose that McCord presented his own statement of the account to the navy officers, and the final approval of the Chief of the Bureau of Construction, at Washington, is dated April 26, 1866. The payment, as indorsed on that same voucher by the paymaster at New York, to Gillman, Son & Co., is dated May 11, 1866, which is just about a reasonable time for the voucher to have been received from Washington by McCord at St. Louis, and by him forwarded to Gillman, Son & Co., at New York, for collection. If this be the true history of the voucher, McCord is bound by his own actions, for the voucher, while in his hands, had on its face the clearest statement that the sum therein allowed was "the full and final payment on all extras, and in full for all claims and demands for that work," and if he forwarded it in this shape to his bankers to get the money on it, without protest, he must be bound by that statement in the voucher.

The Court of Claims finds that the delay in completing the vessel was caused by the changes ordered by the United States, and that, owing to the rise in the prices of the labor and materials on the work done under the original contract, and without reference to the changes, the cost of that work was increased to the builder $118,283.20.

The appellants asserted a claim for this amount also, which the court refused.

It is very clear that both parties contemplated the probability that the work would not be completed at the precise period of eight months from the date of the contract. They also contemplated that changes would be made in the construction of the battery. They made such provision for these matters as they deemed necessary for the protection of each party. For the reasonable cost and expenses of the changes made in the construction payment was to be made; but for any increase in the cost of the work not changed no provision was made. There was a provision for delay, by which the contractor was to submit to pay $4,500 for every month of that delay. This provision, the only one on that subject, if strictly enforced, might have made him a still greater loser; but it seems to have been waived. But we are very clear that without any such provision he must be held to have taken the risk of the prices of the labor and materials which he was bound to furnish, as every other contractor does who agrees to do a specified job at a fixed price. It is one of the elements which he takes into account when he makes his bargain, and he can not expect the other party to guarantee him against unfavorable changes in those prices.

If, on the contrary, something had occurred to bring about a depreciation in the price of labor and the price of material from the time the Government awarded this contract to McCord, do you suppose the Government could have recovered from the other contracting parties the difference between the price at the time the contract was entered and the lower prices which obtained when the contract was completed? Not by any manner of means. Every man taking a contract takes his chances on these things. They did it in that instance, and they are bound by it.

Again, I submit that this claimant here is not in the attitude of an innocent purchaser. The record nowhere shows that he ever paid one dollar for this claim or that he ever parted with anything of value for it. He, it is alleged, was a creditor of Mr. McCord at the time that McCord's assignee offered these claims for sale, and as a creditor purchased it. It was simply a substitution of credits. He did not change position or part with anything of value. Even if he had, I submit that he is in no better attitude than Mr. McCord would have been. This was not a negotiable instrument that people might purchase upon the market; it was simply an assignable chose in action, which every man would buy with his eyes wide open and take it subject to any defenses which may have existed between the Government and the assignor.

The assignor, Mr. McCord, two years prior to the sale of this pretended claim against the Government of the United States, had settled in full and received his pay for it, and I submit that this bill ought not to be favorably reported by this committee. At least I can not see my way clear to vote for it. I want to be fair about it, and if there are any good reasons why it should be favorably reported I am ready to listen to them and vote the other way.

Mr. SPALDING. Mr. Chairman, I would like to inquire in what proceeding that testimony of Gillman & Sons was taken, whether in the proceeding that went to the Supreme Court or in the subsequent one before the Court of Claims?

Mr. McCARTHY. The Court of Claims was the first proceeding and the proceeding in the Supreme Court was the subsequent proceeding.

Mr. SPALDING. There were two proceedings in the Supreme Court.

Mr. McCARTHY. Yes; but the Supreme Court simply reviewed the evidence taken in the other court.

Mr. SPALDING. This testimony of Gillman & Sons was in

the second proceedings brought in the Court of Claims. The other ones have gone to the Supreme Court, and the second proceeding was thrown out of the Court of Claims on the ground that it did not have jurisdiction.

Mr. McCARTHY. I have only discussed the first proceeding.

Mr. SPALDING. And this testimony of Gillman & Sons has not been explained, or, rather, this receipt has not been explained by the testimony of Gillman & Sons in the proceeding that went to the Supreme Court, but was explained in the subsequent case in the Court of Claims.

Mr. McCARTHY. It has never been explained by Gillman & Sons. It is such testimony as is not susceptible of any explanation.

Mr. SPALDING. I am not discussing that feature of it.

Mr. McCARTHY. Here is a grand opportunity to save $174,000, which can be used by this Government for an honest, lawful, and laudable purpose. It will enable us to pay $1,000 each to 174 old soldiers or $174 each to 1,000 loyal defenders of the American flag who stood by our guns where the shot and shell fell thickest on many a bloody battlefield.

Let us do right. Let us save our money and use it liberally for legitimate purposes, instead of squandering it on spurious and fictitious claims.

Mr. OTJEN. Now, it does not make any difference to me whether this claim is favorably reported or not. All I care about is to do my duty to this claimant—the claim having been assigned to me. The facts are simply these: Owing to the Government changing its plan, it delayed these contractors. Prices went up, material went up, and labor went up. A United States engineer and a United States inspector have testified before the Court of Claims that the cost of this boat was nearly double what it was calculated to be in the first place. Nobody denies that this claimant signed a receipt which purported to be in full, but here is the case of Nathaniel McKay *v.* The United States, where an identical receipt was signed just the same as in this case. Congress sent that claim to the Court of Claims, and the claim was allowed and this man received $115,000; and the receipt was not held a bar. In the act passed and approved May 27, 1902, nine of these very boat claims are sent to the Court of Claims under bills similar to this. Now, I don't care whether this bill is reported favorably or not, but I do say that we ought to treat one man the same as we do another. If it is right to send these nine claimants to the Court of Claims, then it is right to send this one there. If it is not right to send this one, then Congress did wrong in sending these nine others. I believe that this claim, barring the amount, has just as much merit as the similar claims—just as much merit as these other claims, of which eighteen out of twenty Congress has already relieved. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The question was taken; and on a division (demanded by Mr. PERKINS) there were—ayes 24, noes 44.

So the motion was rejected.

Mr. PAYNE. Mr. Chairman, I move that the committee recommend that the bill lie on the table. I will ask first whether that follows this action of the committee, as a matter of course?

The CHAIRMAN. As it stands now, the bill will go right back to the Calendar.

Mr. PAYNE. Then I shall insist upon my motion that the committee recommend that the bill lie on the table.

The CHAIRMAN. The question is, Shall the bill be laid aside with the recommendation that it lie on the table?

The question was taken, and the motion was agreed to.

SPANISH WAR CLAIM OF IOWA.

Mr. HAUGEN. The chairman of the committee yields to me that I may call up the bill (H. R. 6345) for the relief of the State of Iowa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of Iowa, out of any money not otherwise appropriated, the sum of $21,293.53, to reimburse the said State for money and supplies furnished Iowa troops after being mustered into the United States service.

The amendment reported by the committee was read, as follows:

In lines 5, 6, and 7 strike out "$21,293.53" and insert "$20,545.70."

Mr. HAUGEN. Mr. Chairman, this bill appropriates $20,545.70 to reimburse the State of Iowa for money and supplies furnished Iowa troops after being mustered into the United States service. In a report made by the Auditor for the War Department on a similar bill, introduced in the Fifty-seventh Congress on January 26, 1903, to the Secretary of the Treasury, he states:

In the official report, which will be furnished the governor of Iowa within a few days, it will be shown that the total disallowance of every nature amounts to $21,293.60.

Amount stated in this bill is $20,545.70, a difference of $747.90.

The amount stated in the bill is $747.90 less than the amount shown in the report made by the War Department and is accounted for in Adjutant-General Byer's letter, of Iowa, under date of February 11, 1903, and incorporated in this report, and I refer you to page 2 of this report.

I also call your attention to the Adjutant-General's statement in his letter of January 27, 1903, pages 2 and 3 of this report:

I personally had the supervision and paid all claims through my Department, and that before any bill was paid they had the approval of Capt. J. A. Olmstead, of the Ninth United States Cavalry, mustering officer, then on duty at Des Moines, Iowa. The great majority of the bills disallowed by the Auditor for the War Department were bills that were paid and contracted after the troops were mustered into the service.

I also call your attention to the statement made by the Acting Secretary of the Treasury, Mr. Spaulding, in his letter of January 27, 1903, page 3 of this report:

I have the honor to inclose herewith the report made by the Auditor on the bill on the 26th instant, showing that in the settlement of claims of States against the United States for reimbursement on account of expenditures made in the war with Spain, it has been uniformly held that expenditures for accounts of officers and men after muster into the United States service were not a proper charge, under the act of July 8, 1898, and amendments thereto, and were therefore disallowed.

Respectfully,

O. L. SPAULDING,
Acting Secretary.

I also call attention to Acting Auditor Seeds's statement, of the War Department, page 5 of this report:

By an examination of the statement of differences arising in above settlement, transmitted on the 13th instant, you will observe that the item of rent of fair grounds referred to having been allowed in part you are advised that acceptance of the settlement would, under the section of act of July 31, 1894, preclude the State from further prosecution of said item before any of the accounting officers of the Treasury.

Respectfully,

E. P. SEEDS, *Acting Auditor.*

Act of July 8, 1898, directs that—

The Secretary of the Treasury pay to the governor of any State the reasonable costs, charges, and expenses that have been incurred by him in ordering the United States to raise the Volunteer Army in the existing war with Spain, by subsisting, clothing, supplying, equipping, paying, and transporting men of his State or Territory who were afterwards accepted in the Volunteer Army of the United States. Transportation paid for shall be only from the place of their enrollment for service to the place of their acceptance into the service by the United States mustering officer; and that the names of the men transported shall appear on the muster roll; and providing that such claims shall be settled upon proper vouchers to be filed and passed upon by the proper accounting officer of the Treasury.

I invite attention to the affidavits of Governor Shaw and Adjutant-General Byers, pages 3 and 4 of this report:

In the matter of supplies (that in your letter you say seems, from date of original bill, were furnished after muster into United States service) the facts are that the goods had been ordered before muster in and memorandum made out, but some bills were not made out until the 1st of the month following, the bills only being presented for payment once a month. All bills were approved by the United States mustering officer before payment was made by the State, and all payments were made by the State in good faith, supposing that the approval of the United States officers on duty, as mustering officers and quartermaster on part of the United States Government, was sufficient authority for reimbursement by the General Government.

The evidence goes to show that the money was expended in good faith; that the Adjutant-General had the supervision and paid all claims through his department, and that before any bills were paid they had the approval of Capt. J. C. Olmsted, of the Ninth United States Cavalry, mustering officer, then on duty at Des Moines, Iowa.

It appears that memorandums were made out, but bills were not made out until the 1st of the month following, the bills being presented for payment but once a month, and the understanding being that the approval of the United States mustering officer was sufficient authority for reimbursement by the General Government. It also appears (see p. 4)—

All the money expended by the State in aid of the United States Government in the mobilization, organization, and supplying the Iowa United States Volunteers was expended in good faith and bears the approval of the mustering officers, either Capt. J. A. Olmsted, Ninth United States Cavalry, or Maj. J. B. Guthrie, late Fifteenth United States Infantry, and no part of the materials were sold, but actually used up in the service of the United States and camp of mobilization for volunteers for the Spanish-American war at Des Moines, Iowa.

Further, that the adjutant-general, as acting quartermaster-general, had general and special supervision on the part of the State in all purchases, expenditures, and general management of the same for these troops, by the approval of the army officers of the United States on duty at this camp at date of purchase and disposal.

L. M. SHAW, *Governor.*
M. H. BYERS, *Adjutant-General.*

STATE OF IOWA, *Polk County:*

Subscribed and sworn to before me by L. M. Shaw, governor, and M. H. Byers, adjutant-general, of Iowa, this —— day of September, A. D. 1900.

C. T. JONES,
Clerk of the Supreme Court of the State of Iowa.

The act of July 8, 1898, was clearly for the purpose of reimbursing the States for money paid out by States in mustering into the United States service. Many of the claims have been disallowed by the War Department purely on technical grounds. No one complains of that. We fully appreciate that any officer of the War Department or elsewhere must act strictly within the law, and if there is any doubt as to the legality of a claim, or if the claims are a proper charge under certain laws, then it is necessary to disallow the claims; but the spirit of the law was to pay this and all similar claims, and it is now for Congress to carry out the intent of the law and not to stand on technicalities.

The governor of the State of Iowa, Leslie M. Shaw, and his

honest and efficient aid, Adjutant-General Byers, whose integrity and patriotism have never been questioned—Governor Shaw recognized all over this land as one of America's foremost men, whose fame and popularity are not confined to the State of Iowa, but have swept beyond those; recognized as a lawyer, a man of vast experience in business affairs, supported by his able aid—have acted in good faith.

Now, then, suppose some irregularity occurred, and that some of this red-tape was dispensed with; some receipts had not been signed on the proper line, as indicated in some of the memorandums included in the itemized statement; and suppose that receipts were lost or not secured at all, and that part payment had been accepted on some claim, is that any reason for not paying this claim? Nobody questions the affidavit, the integrity, or the standing of these gentleman, or their capacity for business.

We were then at war with Spain, and I fancy the question was not so much with these men as to strictly complying with all the formalities and red-tape under the rules and regulations of any department.

Iowa had been called upon to furnish her share of the 125,000 volunteers called for April 23, 1898, and subsequent calls. The question uppermost in the minds of these men was not only how to furnish the men, but how to furnish the best men, and how to get them to the front the quickest, as well as to provide for their comfort. And let me say to you that the volunteers were furnished promptly and cheerfully. You got the best we had: they were the very flower of manhood, the very cream of this country; wherever then went, whatever they encountered, they conducted themselves like men, and contributed their part in bringing about the glorious results.

Will any Member of this House say by vote or action that this or any other State shall not be reimbursed every dollar paid or incurred in the muster into service, or a single dollar paid for the comfort and protection for any one of these men in health or sickness? I believe not. We all glory in the heroic deeds of these gallant men who have brought so much fame and luster to America's name and are anxious to show a just appreciation for the noble sacrifices which have been made for this country. In all our direful hours, whether during the war with Spain or any other conflict, a sacrifice which includes, in addition to the sufferings at home, the expenditure of money by State or individual, the loss of the brave men who now lie beneath the sod and to whose memory we will ever bow with reverence and respect.

The American people believe in a just recognition of the services rendered, either by our soldiers, our States, or any individual.

Gentlemen, here is an opportunity to show your appreciation of services by the State of Iowa and her people.

This bill has been carefully considered by the Committee on War Claims, and has been unanimously reported both in the Fifty-seventh and Fifty-eighth Congresses.

Mr. Speaker, I ask unanimous consent to extend my remarks for the purpose of printing a few tables in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. The tables referred to are as follows:

Status of claims of the several States and Territories on account of war with Spain.

State or Territory.	Amount claimed.	Amount allowed.	Amount disallowed.	Amount suspended and pending payment.
Alabama	$22,717.00	$22,582.44	$0.15	$134.47
Arkansas	10,157.41	9,849.74	307.67	
California	171,848.67	141,462.30	18,062.88	12,323.49
Colorado	49,144.47	23,157.67	25,986.80	
Connecticut	175,648.36	42,057.60	36,202.81	97,387.95
Delaware	28,227.93	24,001.39	4,226.54	
Florida	10,408.61	8,373.50	22.70	2,012.41
Georgia	30,118.07	28,914.99	1,203.08	
Idaho	20,183.06	18,632.33	246.78	1,303.95
Illinois	530,745.71	431,948.59	81,992.44	16,804.68
Indiana	274,639.26	151,618.67	15,071.55	107,949.04
Iowa	147,644.06	126,350.46	21,293.60	
Kansas	37,787.84	36,929.19	858.65	
Kentucky	194,509.62	124,539.89	54,790.98	15,178.75
Louisiana	20,015.63	16,840.92	2,792.56	382.15
Maine	108,043.01	53,314.28	50,303.24	4,425.49
Maryland	143,881.87	120,773.52	23,108.35	
Massachusetts	600,903.55	39,896.73	145,989.87	415,016.95
Michigan	474,335.82	378,516.11	95,822.71	
Minnesota	199,619.18	84,139.69	88,591.53	26,887.96
Mississippi	71,150.59	51,918.34	16,589.72	2,642.53
Missouri	25,950.87	21,133.93	370.00	4,446.94
Montana	2,742.79	2,623.62	5.88	113.29
Nebraska	95,836.02	93,007.74	2,110.26	718.02
Nevada	6,212.27	5,736.92	475.35	
New Hampshire	58,780.02	52,152.48	6,627.54	
New Jersey	401,987.23	192,811.40	209,175.74	
New York	938,814.96	562,952.59	285,686.86	90,175.51
North Carolina	31,594.07	30,767.93	826.14	
North Dakota	12,041.68	11,248.08	793.60	
Ohio	618,524.70	500,926.38	116,246.18	1,352.14

Status of claims of the several States and Territories on account of war with Spain—Continued.

State or Territory.	Amount claimed.	Amount allowed.	Amount disallowed.	Amount suspended and pending payment.
Oregon	$69,584.64	$54,681.50	$14,487.01	$416.13
Pennsylvania	402,452.98	305,358.77	36,618.89	60,475.32
Rhode Island	213,533.86	121,372.47	92,161.39	
South Carolina	35,152.82	18,537.69	12,420.52	4,194.61
South Dakota	14,576.15	14,325.28	170.85	80.02
Tennessee	78,904.53	64,240.79	14,608.04	55.70
Texas	86,796.48	85,575.26	835.88	385.34
Utah	1,000.88	912.79	88.09	
Vermont	34,793.22	19,966.86	14,826.36	
Virginia	2,185.50	1,058.16	1,112.64	14.70
Washington	69,889.34	25,568.30	44,321.04	
West Virginia	45,584.78	27,414.74	18,170.04	
Wisconsin	128,917.86	116,646.29	12,162.85	108.74
Wyoming	9,045.83	8,869.03	176.80	
Arizona	2,623.37	2,570.87	52.50	
New Mexico	5,884.54	5,520.01	364.53	
Oklahoma	1,886.73	1,886.73		
Total	6,657,027.90	4,223,682.05	1,568,359.57	864,986.28

An act approved July 1, 1902, appropriated money as follows for refunding to States expenses incurred in raising volunteers:

Indiana	$335,859.20
Iowa	456,417.89
Michigan	382,167.62
Ohio	458,059.35
Illinois	1,065,129.29
Vermont	280,453.56

And authorized the accounting officer of the Treasury to reopen and adjust the claims of Pennsylvania, Maine, New Hampshire, and Rhode Island on the basis of like claims of other States herein provided for.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,
Washington, D. C., January 22, 1902.

Schedule of claims of several States against the United States, filed in the office of the Auditor for the War Department, Treasury Department, for interest, etc., on moneys borrowed, war 1861–1865.

State.	Amount.	When filed.	Disposition.
Connecticut	$41,363.83	Mar. 14, 1862	Disallowed Dec. 20, 1886.
Do	625,265.37	May 29, 1899	Sent to Secretary of Treasury June 5, 1899, for reference to Court of Claims.
New York	144,114.90	May 22, 1862	Allowed by Court of Claims and paid June 24, 1896.
Do	65,624.24	Dec. 28, 1891	No action.
Rhode Island	2,754.85	Mar. 4, 1863	Disallowed Aug. 13, 1886.
Do	341,206.41	Jan. 28, 1898	Sent to Secretary of Treasury Oct. 24, 1898, for reference to Court of Claims.
Illinois	433,112.03	Oct. 14, 1867	Disallowed Oct. 4, 1889.
Indiana	606,979.41	June 8, 1868	Disallowed Oct. 11, 1886.
Do	107,497.31	Oct. 4, 1889	No action.
Kentucky	973,701.62	Jan. 29, 1879	Disallowed Aug. 12, 1886.
Ohio	452,247.89	May 11, 1881	Disallowed Aug. 2, 1886.
Michigan	320,487.81	June 11, 1883	Disallowed Sept. 19, 1893.
Oregon	143,817.87	Aug. 21, 1884	Disallowed Mar. 14, 1889.
Pennsylvania	1,864,288.04	Dec. 14, 1896	Sent to Secretary of Treasury Oct. 19, 1898, for reference to Court of Claims; returned Jan. 30, 1902, with report of Auditor and findings of the Court of Claims; settled Jan. 18, 1902, in the amount of $689,146.29 and certified to Congress for an appropriation.
New Hampshire	780,369.68	Mar. 22, 1898	Sent to Secretary of Treasury Jan. 3, 1899, for reference to Court of Claims; returned Jan. 14, 1902, with report of Auditor and findings of the Court of Claims; now pending settlement, on Court of Claims findings, which is $104,967.94.
Massachusetts	2,598,344.47	Sept. 15, 1899	Sent to Secretary of Treasury Sept. 20, 1899, for reference to Court of Claims.
Iowa	455,472.61	Oct. 3, 1901	Sent to Secretary of Treasury Jan. 9, 1902, for reference to Court of Claims.
Do	1,060.68	Jan. 3, 1902	Do.
Kansas	487,915.33	Nov. 20, 1901	Sent to Secretary of Treasury Jan. 4, 1902, for reference to Court of Claims.
Vermont	125,000.00	Dec. 28, 1901	Do.
Wisconsin	435,760.68	Jan. 13, 1902	No action.
Maine	212,678.62	Apr. 20, 1898	Sent to Secretary of Treasury Jan. 14, 1898, for reference to Court of Claims; returned Jan. 10, 1902, with report of Auditor and findings of the Court of Claims; settled Jan. 18, 1902, in the amount of $131,515.81 and certified to Congress for an appropriation.

F. E. RITTMAN, *Auditor.*

Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The question is first on agreeing to the amendment reported by the committee.

The amendment was agreed to.

On motion of Mr. HAUGEN, the bill as amended was laid aside to be favorably reported to the House.

INDIANA STATE BOARD OF AGRICULTURE.

Mr. MAHON. I call up the bill (H. R. 7402) for the relief of the Indiana State board of agriculture.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the alleged use, occupation, and damage by the United States military authorities, for Government purposes during the war with Spain, of the buildings and grounds of the Indiana State board of agriculture, and the actual value of the use, occupation, and damage to same, and to find and award and to certify to the Secretary of the Treasury what amount, if any, is equitably due to said Indiana State board of agriculture from the United States as the reasonable value of such use, occupation, and damage; and that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay said State board of agriculture, out of any money in the Treasury not otherwise appropriated, the amount, if any, so found to be due from the United States; and the acceptance by said board of agriculture of any sum paid under the provisions hereof shall be in full satisfaction of all claim of every name and nature for said use, occupation, and damage, or in any manner arising or growing out of the same.

Mr. PAYNE. Mr. Chairman, it appears by the report that this claim was not filed in time under the act of June 6, 1900. What liability does that act create?

Mr. MAHON. That act provided that the governors of the States should file these claims under that act. Through a misunderstanding or oversight this claim was not filed within the time prescribed by the act.

Mr. PAYNE. Does the act prescribe under what terms the Government shall be liable?

Mr. MAHON. Oh, yes; that is all settled under the terms of the act.

Mr. PAYNE. Why should not this bill be so limited in its terms as to provide that this claim be not paid unless the Government would have been liable under the terms of that act?

Mr. HOLLIDAY. Payment under this bill will be confined to the liability which accrued under the original act. This claim would probably have been considered and paid within the time prescribed, but for the fact that the members and officers of the State board of agriculture were scattered all over the State, and this matter was therefore neglected. When this bill was first presented in the Fifty-seventh Congress it called for a direct appropriation; but as this is an unliquidated claim the committee believed that the War Department should first investigate and ascertain the amount due from the United States to this corporation. That is really all that the bill carries. Although it directs the Secretary of the Treasury to pay this claim if the amount be found equitably due, yet I take it, additional action would be required to pay the claim.

Mr. PAYNE. I do not think so; there is, I believe, a general appropriation for the payment of such claims.

Mr. HOLLIDAY. I do not know as to that. But at all events there can certainly be no objection to the Government paying whatever the Secretary of the Treasury may find to be due.

Mr. PAYNE. Will the gentleman assent to an amendment providing that the Secretary of the Treasury pay whatever may be found due under the general terms of the act of June 6, 1900, so that we may not by this bill enlarge the scope of that act?

Mr. HOLLIDAY. I am not familiar with the terms of the act. I have not examined it carefully.

Mr. PAYNE. Nor have I. You refer to it in your report.

Mr. MAHON. I think it perfectly right that the bill should be limited, so that under it payment shall only be made for such liability as may have been created by the act of June 6, 1900, and the amendments thereto.

Mr. HOLLIDAY. All that the committee propose and all that the persons interested in this bill desire is that they shall be treated exactly as other people have been treated under similar circumstances.

Mr. PAYNE. The report states that this claim was filed in the War Department under the provisions of the act of June 6, 1900, but after the time prescribed for filing claims of this character had expired. Now, I have not the slightest objection to extending the time for payment, but we do not want to enlarge the scope of the statute.

Mr. MAHON. Such an amendment as the gentleman from New York [Mr. PAYNE] proposes can do no harm.

Mr. HOLLIDAY. I have no objection to such an amendment if the gentleman thinks there is any danger that should be guarded against.

Mr. MAHON. I ask that the bill be read again for information.

The CHAIRMAN. Without objection, the bill will be again reported.

The bill was read again.

Mr. PAYNE. Now, where the words occur there, "due from the United States," I move to insert "under the provisions of the act of June 6, 1900," as an amendment.

Mr. HOLLIDAY. I do not deem the amendment necessary, but I have no objection to it.

Mr. MAHON. That is all right. What is the date of that act?

Mr. PAYNE. June 6, 1900, and acts amendatory thereto.

The CHAIRMAN. The amendment will be reported by the Clerk.

The Clerk read as follows:

Page 2, line 1, after the words "United States," insert "under the act of June 6, 1900, and amendments thereto."

The amendment was agreed to.

Mr. PAYNE. Now, Mr. Chairman, I move to strike out the appropriation. I do that on behalf of the gentleman's colleague [Mr. HEMENWAY], the chairman of the Committee on Appropriations. I believe this claim ought to come back here to Congress for an appropriation. Of course, if it comes back here with a report in its favor, there is no question but what the appropriation will be made.

Mr. MAHON. It will come back as an adjudicated account and will go into the deficiency bill.

Mr. HOLLIDAY. My impression was that this did not carry a direct appropriation anyhow.

Mr. PAYNE. It directs the payment of the money out of any money in the Treasury not otherwise appropriated.

Mr. HOLLIDAY. I am willing that that should be done provided the matter can be safely adjudicated.

Mr. PAYNE. Then I move to strike out the words appropriating the money, directing it to be paid out of any money not otherwise appropriated.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the word "damage," on page 2, line 2.

Mr. HOLLIDAY. I am satisfied to accept that amendment.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

S. 2818. An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.;

S. R. 11. Joint resolution to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona;

S. R. 37. Joint resolution providing for the editions to be printed of the annual and special reports of the Librarian of Congress;

S. 3015. An act to provide for an additional judge of the district court of the United States for the eastern district of Pennsylvania; and

S. 707. An act to amend an act entitled "An act providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes," approved April 26, 1890.

GEORGE W. SAULPAW.

The committee resumed its session.

The next business was the bill (H. R. 1513) for the relief of the estate of George W. Saulpaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the estate of George W. Saulpaw the sum of $7,000, in full compensation for the steamer Alfred Robb, taken by the United States for the use of the Government during the late war of the rebellion.

Mr. MAHON. Mr. Chairman, this is the bill of the gentleman from Vermont [Mr. HASKINS], and I yield to him.

Mr. HASKINS. Mr. Chairman, this measure has been before Congress from the Forty-fifth up to the present time. It has always received a favorable report, either from the Senate or the House, and in the Fifty-sixth Congress it passed both Houses, but not in time to receive the approval of the President. In the Fifty-seventh Congress it was reported favorably again by the House.

In the Forty-sixth Congress Senator TELLER made a report upon the bill, which was very full and exhaustive, and if my friend from New York [Mr. PAYNE] or any other Member has any question about the merits of the case, I should like to have that report read.

Mr. PAYNE. It seems to be a pretty old matter, and I think the House ought to have some information on it.

Mr. HASKINS. It has been reported favorably at every session, either by one House or the other, and it passed both Houses in the Fifty-sixth Congress.

Mr. MAHON. It has never been vetoed. It simply reached the President too late.

Mr. PAYNE. I have not been able to find out what the bill is about.

Mr. HASKINS. I will ask the Clerk to read the report of Senator TELLER, commencing on page 2 of the committee report.

The CHAIRMAN. The Clerk will read it in the time of the gentleman.

The Clerk read as follows:

The Committee on Claims, to whom was referred the petition of George W. Saulpaw, have considered the same and report:

This case was before the committee during the second session of the Forty-fifth Congress, and your committee made the following report, which was submitted to the Senate June 12, 1878. Your committee have examined the case and readopt the report, which is as follows:

"The Committee on Claims, to whom was referred the petition of George W. Saulpaw, have considered the same and report:

"The petitioner has always been a loyal citizen. Before the war he was a member of a firm who were engaged in building railroad bridges. They built bridges over the Cumberland River at Nashville and Clarksburg, and also some other small bridges. They built a bridge over the Tennessee at Danville, which was completed in November, 1861.

"Said firm purchased a steamboat called the *Alfred Robb*, in March, 1860, for the transportation of stone, timber, etc., needed in their bridge building, for which they paid $8,500. November 21, 1861, said firm dissolved, and petitioner became sole owner of said boat, for which he allowed $5,500. The rebels had then blockaded the Tennessee River near Fort Henry, below said bridge, and the petitioner was unable to get the boat out of the river. He thereupon began running her as a packet from Danville to Eastport, Miss., a distance of about 175 miles, and continued this employment until about February 13, 1862, when the rebels seized her near Eastport by force and used her as a transport until April 10, 1862. The boat was then lying in Little Bear Creek, near Tuscumbia, Ala. The rebel General Walker sent orders to have said boat burned and destroyed, as he was about to evacuate the country. The pilot and clerk, who were loyal men, and who had remained on board while she was in the rebel service, succeeded in evading the order and in running the boat down the stream, where she was concealed at a place called Coyers Island until April 22, 1862, when she was taken by the Union gunboat *Tyler*.

"She was then taken to Cairo, Ill., and converted into a gunboat, used as such during the war, and was retained by the United States till the summer of 1865, when she was sold at Mound City at the great auction of the Mississippi gunboat squadron, and brought $9,200. The pilot entered into the Government service, and so remained through the war. The clerk and pilot were in the petitioner's employ, he designing to retain them, and paying them, deeming that his boat would be safer and his chance of securing it better by so doing. They intended to save and secure the boat for the owner, and had actually and completely delivered her from rebel control when she was taken by the United States gunboat. The circumstances of the delivery of the boat are proved by the testimony of the pilot, whose character and trustworthiness are established by the evidence of several United States officers with whom he served. The date and circumstances of the capture fully appear in the report of Lieutenant Gwin, commanding the gunboat *Tyler*, dated April 23, 1862, and forwarded to the Navy Department by Flag-Officer Foote, by report dated April 26, 1862.

"The boat was of 80 tons, in good running order, as appears by the report of the officer who captured her. She is fully described in the other evidence, and we think was worth nearly her original cost when appropriated by the United States. Upon these facts we hold that all the owner's original right and title to the boat had revested in him, wholly purged from any effects of the impressment by the rebels. The owner's agents in his behalf and by his authority had completed the escape of the boat from rebel hands. This is not the case of a recapture by our Government of property of its loyal citizens which the enemy had taken and put to a military use. It is the case of the full and complete retaking of the property by the owner himself. It is as if the crew of a merchantman captured by the enemy at sea had risen in the night and retaken the vessel. In such case we conceive the title of the owner would completely revest."

The foregoing narrative, so far as relates to the time, place, and circumstances of the taking by the United States of the *Alfred Robb*, is as well established by public official records as any fact can be. Yet, on the 15th of July, 1862, an information was filed in the district court of the United States for the southern district of Illinois on the relation of George D. Wise as informer against the steamer *Alfred Robb*, her engines, furniture, tackle, etc., setting forth "that on the 15th day of July, A. D. 1862, there was seized on the Mississippi River, below Cairo, and brought into this district the steamer *Alfred Robb*, her engines, furniture, tackle, etc. Said seizure was made by George D. Wise. Said seizure was made for the reason that said property was being used by and with the knowledge and consent of the owner in aiding the present rebellion, contrary to the act of August 6, 1861, and being so used it has become forfeited." Every one of these allegations was false. The steamer was not seized July 15, 1862, but passed into the possession of the United States in April. She was not seized on the Mississippi River, and was not seized for the reason that she was being used, by the knowledge or consent of the owner, in aiding the rebellion. Wise never seized her at all. On this libel notice was ordered by publication fourteen days in a newspaper printed in Springfield and by posting of a copy of the monition near the place of trial.

Wise was a captain and assistant quartermaster with the United States gunboat flotilla to which the *Alfred Robb* then belonged.

A writ of attachment and monition issued directing the marshal to attach the property, etc., and to detain the same until the further order of the court. The marshal made return as follows:

"I hereby certify that on the 7th day of August, A. D. 1862, I have by virtue of this writ attached the within-named steamer *Alfred Robb* and made due proclamation.

"D. L. PHILLIPS, *United States Marshal*,
"By ISAAC KEYS, *Deputy*."

To which is annexed the following receipt:

"OFFICE OF GUNBOAT FLOTILLA,
"*Cairo, Ill., August 7, 1862.*

"Received from D. L. Phillips, United States marshal, southern district of Illinois, one steamboat called *Alfred Robb*, which has this day been attached by the said David L. Phillips as aforesaid, the said boat being now in the service of the United States as a gunboat on the western waters, which I agree to deliver as hereafter may be decreed by the judge of the district court aforesaid, if in my power and consistent with my duty to the United States.

"GEO. D. WISE,
"*Captain and Assistant Quartermaster.*"

Upon these proceedings a decree of sale was made, and the boat bid off by George D. Wise aforesaid, in behalf of the United States, for the sum of $4,000, of which the court decreed $12.50 to the clerk, $96.82 to the marshal, $100 to the district attorney, and ordered the balance, $3,790.38, to be divided between the United States and George D. Wise, "the informer herein."

The owner of the boat had no notice or knowledge of the proceedings.

There was no actual proof of the allegations of the information, the record alleging a proclamation for all persons interested to appear, a default, and order "that the allegations of the libel be taken as true against said property."

A request was made, at the close of the war, to the Quartermaster-General for return of the *Alfred Robb*, and for such information as the records of the Department might show as to the history of these transactions. The following answer was returned:

"QUARTERMASTER-GENERAL'S OFFICE,
"*Washington, D. C., September 18, 1865.*

"SIR: In reply to your letter of the 20th and 31st of July last, with reference to the claim of G. W. Saulpaw, esq., for the return to him of the steamer *Alfred Robb*, captured by the western gunboat flotilla in February, 1862, in the Tennessee River, you are respectfully informed that this boat was sold by the United States marshal under a decree of confiscation, having been captured while being used for insurrectionary purposes, and was purchased by the Navy Department and placed under the charge of Capt. Geo. D. Wise, the then quartermaster in charge of the property and accounts of the flotilla, and by him transferred to the Navy Department October 1, 1862. You are informed that it is beyond the power of this Department to assist you in the settlement of this account.

"You are respectfully referred to D. L. Phillips, esq., United States marshal, Springfield, Ill., for any further information concerning this vessel.

"Very respectfully, your obedient servant,

"By order Quartermaster-General:

"GEO. D. WISE,
"*Colonel in Charge Third D. W.*

"R. J. ATKINSON, Esq.,
"*Washington, D. C.*"

The following letter, of which the original is before the committee, is found in the files of that office, which is evidently a first draft of an answer to the foregoing request, from which we think the nature of the transaction can be fairly inferred:

"QUARTERMASTER-GENERAL'S OFFICE,
"*Washington, D. C., July 24, 1865.*

"SIR: Your letter of July 20, transmitting evidence, etc., pertaining to claim of G. W. Saulpaw, esq., of Tennessee, for compensation for the steamboat *Alfred Robb*, has been referred to me by the Quartermaster-General.

"Your are respectfully informed that the case of the steamer *Alfred Robb* was duly adjudicated before the United States court for the southern district of Illinois, at Springfield, some time in the year 1863. Due notice was given at that time to claimants to show why she should not be condemned, having been used for insurrectionary purposes, but if any evidence was presented it was not considered satisfactory to the court, as she was condemned and sold by the United States marshal, and, after deducting expenses, one-half ($1,895.19) went to the informer and the other half to the United States Treasury.

"Please read the above and see if it is correct.

"How did the *Robb* come into our possession after the capture? Who paid for her at the sale of confiscation? I do not remember how I came into possession of the $1,895.19 given me by the marshal. Whom did he get it from? As although I bid the boat in, yet I do not remember to have paid any money for her, and yet received a portion of the sale. If she was sold by the United States marshal and I bid for her, I should have paid the amount and taken a voucher from the marshal. Can you explain all this, for it has entirely passed out of my mind and I have no time to hunt up papers, and Mr. Blount is away?

"Yours,

"GEO. D. WISE.

"R. J. ATKINSON, Esq.,
"*Washington, D. C.*"

It is evident that the decree of the district court was entirely without foundation in fact, and the findings upon which it proceeded were erroneous. Under these circumstances, if the decree were technically valid until reversed by proper proceeding, and constituted a binding judgment in rem, we do not think the Government ought to avail itself of such a technical defense to avoid repayment to the true owner of the proceeds of his property now in the Treasury.

But the decree is upon its face wholly erroneous and void.

It is settled that under the act of August 6, 1861, as well as under the later similar acts, there must have been an actual seizure of the property by the marshal to make a decree of confiscation valid. "The marshal must take the property under his actual custody and control." (Pelham *v.* Way, 15 Wallace, 202; Brown *v.* Kennedy, ib., 591; Miller *v.* United States, 11 ib., 268; Pelham *v.* Rose, 9 ib., 103.) The property must remain in the custody of the marshal, so that he can deliver it to the highest bidder, if it be purchased under the decree of sale. But the return itself sufficiently shows that no such seizure was or could have been made. The gunboat was in the actual service of the United States, in command of an officer who retained possession. The receipt of Captain Wise, made part of the return, declares that "the boat is now in the service of the United States as a gunboat on the western waters, which I agree to deliver as hereafter may be decreed by the judge of the district court aforesaid, if in my power and consistent with my duty to the United States." It clearly was not in his power or consistent with his duty to make such delivery. This consent or receipt no more transferred the possession of the gunboat from the United States to the marshal than would a like document executed by the cook or cabin boy.

We think, therefore, the owner's title to his boat has never been lawfully divested.

The boat cost the firm, of which petitioner was a member, $8,500 in March, 1860. In November, 1861, she was valued at $5,500 in the division of the property of the company. She sold for $9,200 in 1865, at a large and extensively advertised auction sale of such property. But it does not appear that the alterations made in her by the United States may not have enhanced her value. The sale to Wise for $4,000 was nothing more than mere form, even if a form were really gone through. The claimant is not entitled to interest nor to compensation for the use of his boat under the rules uniformly applied to like cases. Under all the circumstances we recommend the payment to the claimant of the sum of $7,000, and report a bill to that effect.

Mr. PAYNE. Mr. Chairman, the report seems to be very clear

and complete, and I shall take great pleasure in voting for the bill.

Mr. HASKINS. I ask for a vote.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

BOWMAN ACT CLAIMS.

Mr. MAHON. Mr. Chairman, the Committee on War Claims has passed a resolution authorizing me to call up the bill H. R. 9548. This bill I will put in charge of the gentleman from Tennessee [Mr. GIBSON], who reported the bill. It contains the findings of the court under the Bowman Act. It is purely findings and nothing else, and the bill has been very carefully prepared by a subcommittee.

Mr. THOMAS of North Carolina. Is that the omnibus bill?

Mr. MAHON. It is what we call the "findings-of-fact bill."

Mr. THOMAS of North Carolina. I do not wish, and do not propose, to offer any obstruction or objection to the omnibus claims bill, because I am interested in that bill myself; but I will ask unanimous consent before that bill is taken up to take up House bill 2849, for the relief of St. John's Masonic Lodge, Newbern, N. C. The reason I ask this is because it is different from other bills, having passed both Houses of Congress, and it is res adjudicata. It has the seal of approval of the Fifty-sixth Congress, and we can pass it in a few minutes. If you will pass it, I will promise not to object to the passage of any other bill of equal merit.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent for the present consideration of the bill H. R. 2849. Is there objection?

Mr. MAHON. I object.

Mr. PAYNE. Regular order.

Mr. MAHON. I would like the gentleman's bill to pass, but I am obliged to carry out the instructions of the committee.

Mr. THOMAS of North Carolina. Understand I am not opposing the omnibus bill, but the Masonic claim bill has been reported favorably to this Congress and passed the Fifty-sixth Congress after full debate, and it will only take a few minutes to pass it now.

Mr. PAYNE. The regular order is the Calendar.

The CHAIRMAN. The regular order is called for. The Clerk will report the next bill.

Mr. MAHON. I move to take up House bill 9548 and proceed to its consideration. The committee has instructed me to make that motion.

The CHAIRMAN. The gentleman from Pennsylvania moves that the committee now take up House bill 9548.

Mr. HEPBURN. I raise the point of order against that motion. It seems to me the order on the Calendar is the way to consider the bills.

Mr. MAHON. It is entirely within the power of the committee to take up any bill.

Mr. HEPBURN. I think it is in the power of the committee to do that under the order for the call of committees, but not under this order.

Mr. MAHON. The rule provides that the Committee of the Whole can take up any bill on the Private Calendar. There is no question about that.

The CHAIRMAN. The Chair understands that the rule so provides.

The question was taken on the consideration of the bill; and the Chairman announced that the ayes appeared to have it.

Mr. PAYNE. Division.

The committee divided; and there were—ayes 42, noes 13.

So the motion was agreed to.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9548) for the allowance of certain claims for stores and supplies, reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

The Clerk proceeded to read the bill and read to page 4, line 15.

Mr. GIBSON. Mr. Chairman, I offer an amendment.

Mr. PAYNE. The bill must first be read; and I make that point of order.

Mr. GIBSON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be further dispensed with.

Mr. PAYNE. Oh, I object.

The CHAIRMAN. Objection is made.

The Clerk proceeded with the reading of the bill.

Mr. PAYNE (interrupting the reading). Mr. Chairman, I am informed by the gentleman from Pennsylvania that if we give unanimous consent to dispense with the further reading of the bill he will immediately move that the committee do rise.

Mr. MAHON. I do this so as to get the bill read. I ask unanimous consent that the first reading of the bill be dispensed with, as we could not get to the second reading of the bill to-night.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. MAHON. I move that the committee do now rise and report the bills to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills on the Private Calendar and had directed him to report back the bill H. R. 201 with the recommendation that it be laid on the table; and also sundry other bills, some with and some without amendments, with the recommendation that the amendments be agreed to and that the bills do pass; and also that the committee had had under consideration the bill H. R. 9548 and had come to no resolution thereon.

Mr. MAHON. Mr. Speaker, I move the previous question on the bills and amendments reported.

Mr. PAYNE. Ask unanimous consent. It is not in order to make that motion.

Mr. MAHON. I ask unanimous consent that the previous question be considered as ordered on the bills and amendments.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the previous question may be ordered upon the various bills and amendments to their final passage. Is there objection? [After a pause.] The Chair hears none.

LIGHT-DRAFT MONITOR ETLAH.

The first bill reported from the Committee of the Whole was the bill (H. R. 201) for the relief of the contractor or his legal representatives for the construction of the light-draft monitor *Etlah*, with the recommendation that it lie on the table.

The question was taken, and the bill was ordered to be laid on the table.

HOUSE BILLS PASSED.

House bills of the following titles, favorably reported from the Committee of the Whole without amendment, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 1700. A bill for the relief of the legal representatives of Warren Mitchell, deceased; and

H. R. 1513. A bill for the relief of the estate of George W. Saulpaw.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally considered, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 3875. A bill for the relief of the estate of Dr. Thomas J. Coward, deceased;

H. R. 6345. A bill for the relief of the State of Iowa; and

H. R. 7402. A bill for the relief of the Indiana State board of agriculture.

On motion of Mr. MAHON, a motion to reconsider the votes by which the several bills and amendments were passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2818. An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.—to the Committee on Interstate and Foreign Commerce.

S. R. 11. Joint resolution to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona—to the Committee on Claims.

S. R. 37. Joint resolution providing for the editions to be printed of the annual and special reports of the Librarian of Congress—to the Committee on the Library.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 98. A joint resolution to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 540. An act providing for an additional officer in the district of Chicago, in the collection district of Indiana and Illinois; and

S. 2795. An act to amend an act entitled "An act for the regulation of the practice of dentistry in the District of Columbia and for the protection of the people from empiricism in relation thereto," approved June 6, 1892.

UNITED STATES COURTS.

Mr. BEDE. Mr. Speaker, I ask unanimous consent that Senate bill 707 be taken from the Speaker's desk and placed on its passage.

The SPEAKER. The gentleman from Minnesota calls up the following Senate bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 707) to amend an act entitled "An act providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes," approved April 26, 1890.

Be it enacted, etc., That section 4 of an act entitled "An act providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes," approved April 26, 1890, be amended so as to read as follows:

"SEC. 4. That regular terms of the circuit and district courts shall be held as follows: For the first division, on the third Tuesday in May and the third Tuesday in November; for the second division, on the fourth Tuesday in April and the fourth Tuesday in October; for the third division, on the first Tuesday in June and the first Tuesday in December; for the fourth division, on the first Tuesday in April and the first Tuesday in October; for the fifth division, on the second Tuesday in January and the second Tuesday in July; for the sixth division, on the first Tuesday in May and the second Tuesday in November."

SEC. 2. That this act shall take effect and be in force from and after the 1st day of March, A. D. 1904.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. Without objection, a similar bill (H. R. 3593) will lie on the table.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 16 minutes p. m.) the House adjourned to meet to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Willamette River, Oregon—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *William*, Joseph Thompson, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, submitting, in response to an inquiry of the House, a statement of the number of horses and vehicles used in his Department—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of Kentucky, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 3593) to amend an act entitled "An act providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes," approved April 26, 1890, reported the same without amendment, accompanied by a report (No. 667); which said bill and report were referred to the House Calendar.

Mr. CRUMPACKER, from the Committee on the Census, to which was referred the bill of the House (H. R. 10652) to amend section 8 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, reported the same with amendment, accompanied by a report (No. 668); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9319) providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak., reported the same without amendment, accompanied by a report (No. 670); which said bill and report were referred to the House Calendar.

Mr. BROWN of Wisconsin, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11355) to ratify and amend an agreement with the Indians located upon the Grande Ronde Reservation, in the State of Oregon, and to make an appropriation to carry the same into effect, reported the same without amendment, accompanied by a report (No. 671); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 853) for the erection of a monumental statue in the city of Washington, D. C., to Paul Jones, the founder of the American Navy, reported the same with amendment, accompanied by a report (No. 672); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 1933) to appropriate the sum of $40,000 to the Cape Cod Pilgrim Memorial Association, to be used in erecting at Provincetown, Mass., a suitable memorial of the landing of the Pilgrims, reported the same with amendment, accompanied by a report (No. 673); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 11313) for the relief of Anna C. Ray—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11309) to grant an honorable discharge to Jacob Hahn, of the Navy—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DRAPER: A bill (H. R. 11581) to provide for the retirement of enlisted men of the Army—to the Committee on Military Affairs.

By Mr. CURRIER: A bill (H. R. 11582) authorizing the issuance of letters rogatory by the Commissioner of Patents, and providing for the execution of letters rogatory issued from foreign patent offices—to the Committee on Patents.

By Mr. BOWERS: A bill (H. R. 11583) to provide for the purchase of a site and the erection of a public building thereon at Hattiesburg, in the State of Mississippi—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: A bill (H. R. 11584) for the protection of wild animals and birds in the Wichita Forest Reserve—to the Committee on the Public Lands.

By Mr. CURRIER: A bill (H. R. 11585) to amend section 493 of the Revised Statutes—to the Committee on Patents.

By Mr. OVERSTREET: A bill (H. R. 11586) to permit the construction of a smelter on the Colville Indian Reservation, and for other purposes—to the Committee on Indian Affairs.

By Mr. CANDLER: A bill (H. R. 11587) in aid of the common schools in Mississippi—to the Committee on the Public Lands.

By Mr. HUGHES of West Virginia: A bill (H. R. 11588) to amend act of June 9, 1884—to the Committee on the Post-Office and Post-Roads.

By Mr. DAYTON: A bill (H. R. 11589) to authorize the erection of a monument at Fort Seybert, W. Va., to commemorate the capture and massacre of Captain Seybert and a number of men and women at that point and in the South Fork and South Branch valleys of the Potomac by the noted Indian chief Kill Buck and his band of Indian warriors in the year 1758—to the Committee on the Library.

By Mr. STEVENS of Minnesota: A bill (H. R. 11590) to segregate the products of wheat imported into the United States for the manufacture of flour in bonded manufacturing warehouse—to the Committee on Ways and Means.

By Mr. MARTIN: A bill (H. R. 11591) to provide for an armory for the National Guard of the District of Columbia, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. DEGETAU: A bill (H. R. 11592) expressly to declare the citizens of Porto Rico citizens of the United States—to the Committee on Insular Affairs.

By Mr. ALLEN: A bill (H. R. 11593) for the extension of Massachusetts avenue extended northward between Joliet street and Fairview Heights subdivision, and for other purposes—to the Committee on the District of Columbia.

By Mr. HEARST: A bill (H. R. 11594) amending an act entitled "An act to further regulate commerce with foreign nations, and among the States"—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 11595) relating to the promotion of warrant officers in the Navy—to the Committee on Naval Affairs.

By Mr. DIXON: A bill (H. R. 11668) to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

By Mr. SAMUEL W. SMITH: A joint resolution (H. J. Res. 100) directing the Director of the Census to cooperate with the secretary of state of Michigan in taking the census of manufactures—to the Committee on the Census.

By Mr. BAKER: A resolution (H. Res. 196) of inquiry to the Public Printer—to the Committee on Printing.

By Mr. STEPHENS of Texas: A resolution (H. Res. 198) requesting the Attorney-General of the United States to send to the House of Representatives a full report made by any special examiner or examiners sent by the Department of Justice in the years 1903 or 1904 to the Indian Territory—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEDE: A bill (H. K. 11596) granting an increase of pension to L. P. Storms—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 11597) granting an increase of pension to Amanthus P. Joyner—to the Committee on Pensions.

By Mr. BRANDEGEE: A bill (H. R. 11598) granting a pension to Ezra G. Bill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11599) granting an increase of pension to Albert S. Granger—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 11600) for the relief of John W. King—to the Committee on Military Affairs.

Also, a bill (H. R. 11601) for the relief of David W. Robbins—to the Committee on Military Affairs.

By Mr. BRUNDIDGE: A bill (H. R. 11602) for the relief of the heirs of Joel S. Calvert—to the Committee on War Claims.

By Mr. BUCKMAN: A bill (H. R. 11603) for the relief of Henry C. Block—to the Committee on Claims.

Also, a bill (H. R. 11604) granting a pension to Anna M. Emmerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11605) granting a pension to Hattie M. Cochrane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11606) granting an increase of pension to Caleb J. May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11607) granting an increase of pension to Elvin G. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11608) granting an increase of pension to James P. Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11609) granting an increase of pension to George Schemerhorn—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 11610) granting an increase of pension to Alexander S. Hill—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 11611) granting an increase of pension to James M. Boyd—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 11612) granting an increase of pension to G. H. Abney—to the Committee on Invalid Pensions.

By Mr. COCHRAN: A bill (H. R. 11613) granting an increase of pension to Alexander H. Sockman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11614) granting an increase of pension to H. H. Russell—to the Committee on Pensions.

Also, a bill (H. R. 11615) granting an increase of pension to Socrates Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11616) granting a pension to August Bockerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11617) granting a pension to William McKee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11618) granting a pension to William Kunkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11619) granting a pension to J. W. Dinwiddie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11620) granting a pension to Irvin Crouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11621) granting a pension to J. W. Messick—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 11622) granting an increase of pension to Wilber W. Fuller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11623) granting an increase of pension to Josiah J. Foster—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 11624) granting an increase of pension to Warner L. Vestal—to the Committee on Invalid Pensions.

By Mr. DENNY: A bill (H. R. 11625) granting an increase of pension to Annie Dulany—to the Committee on Pensions.

By Mr. DWIGHT: A bill (H. R. 11626) to correct the military record of Corwin F. Rose—to the Committee on Military Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 11627) for the relief of Sarah McClay, administratrix of Robert McClay, deceased, late of Davidson County, Tenn.—to the Committee on War Claims.

By Mr. GARBER: A bill (H. R. 11628) for the relief of David W. Stockstill—to the Committee on Claims.

By Mr. GUDGER: A bill (H. R. 11629) granting an increase of pension to Nannie J. McDowell—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 11630) granting a pension to Mary E. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11631) to correct the military record of Henry Stufflebam—to the Committee on Military Affairs.

Also, a bill (H. R. 11632) granting a pension to A. A. McAlister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11633) granting a pension to John H. Jenkins—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 11634) granting a pension to Delia H. Honey—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 11635) granting a pension to Helen I. McCoid—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 11636) granting a pension to Daniel Shelly—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11637) granting a patent in fee to Theresa Anderson of her allotment No. 12, of the Ponca Indian Reservation—to the Committee on Indian Affairs.

By Mr. KNAPP: A bill (H. R. 11638) granting an increase of pension to Alonzo Cooper—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 11639) for the relief of John A. Welch, of Kirby, Ark.—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 11640) for the relief of Elizabeth R. Gordon—to the Committee on Claims.

Also, a bill (H. R. 11641) granting an increase of pension to Henry M. Parker—to the Committee on Invalid Pensions.

By Mr. MAHONEY: A bill (H. R. 11642) granting an increase of pension to William Ray—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 11643) granting an increase of pension to Wesley C. Pryor—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 11644) granting a pension to Joseph H. Richardson—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 11645) for the relief of W. M. Justice, of Hunt County, Tex.—to the Committee on War Claims.

By Mr. SMITH of Kentucky: A bill (H. R. 11646) for the relief of George M. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 11647) granting an increase of pension to W. C. Scott—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 11648) granting an increase of pension to Clorinda A. Bostater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11649) granting an increase of pension to Malinda A. Myers—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 11650) granting a pension to Ernest Buse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11651) granting a pension to Martha Bottineau—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11652) granting an increase of pension to John M. Phillippi—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11653) granting an increase of pension to Anthony Weaver—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 11654) granting an increase of pension to Augustus Wagner—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 11655) granting an increase of pension to James Lynch—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 11656) granting a pension to James P. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11657) granting a pension to Minerva L. McCune—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 11658) granting an increase of pension to Thomas Gill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11659) granting an increase of pension to Theodore Collier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11660) granting an increase of pension to James Dawson—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 11661) granting an increase of pension to William H. McClurg—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 11662) granting an increase of pension to John H. Brodrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11663) granting an increase of pension to Stephen S. Mann—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 11664) to reimburse the Illinois Central Railroad Company for damage to Union Depot at Louisville, Ky., by blasting in the Ohio River—to the Committee on Claims.

By Mr. CURRIER: A bill (H. R. 11665) granting an increase of pension to Betsey Brown—to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 11666) for the relief of Ranken A. Hutsell—to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 11667) for the relief of J. S. Woody, Martins Mills, Wayne County, Tenn.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Cigar Makers' Local Union No. 316, of Sherrystown, Pa., in favor of passage of bill H. R. 6—to the Committee on Ways and Means.

By Mr. ADAMS of Wisconsin: Papers to accompany bill H. R. 5247, to increase pension of Lora Milliken—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10168, to increase pension of Similde E. Forbes—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10169, to increase pension of Isaac N. Flanagan—to the Committee on Invalid Pensions.

By Mr. BABCOCK: Resolutions of Henry Lawton Post, No. 279, Grand Army of the Republic, for a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Rev. H. E. Fuller, Rev. H. J. Witherbee, and 18 voters of Bloomington, Wis., for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, resolution of the regents of the Wisconsin State University, indorsing bill H. R. 8678, to increase Federal aid to agricultural experiment stations—to the Committee on Agriculture.

By Mr. BIRDSALL: Resolution of Whited Post, No. 247, Grand Army of the Republic, of Belmond, Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Ackley, Iowa, for legislation to prevent the nullification of State liquor laws—to the Committee on Interstate and Foreign Commerce.

By Mr. BUCKMAN: Resolution of Standard Post, No. 161, Grand Army of the Republic, Motley, Minn., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of B. R. Palmer Post, No. 40; Goodsell Post, No. 86; Grand Army of the Republic Post No. 161; Custer Post No. 44; Dudley P. Chase Post, No. 22, and Colonel Cobham Post, No. 90, Grand Army of the Republic, Department of Minnesota, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of veterans of the civil war of Motley, Minn., and Grand Army of the Republic Post No. 164, Department of Minnesota, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of citizens of Watertown, S. Dak., protesting against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKETT: Petition of Nebraska State Horticultural Society, urging the passage of a bill for the protection of the Calaveras grove of big trees in California—to the Committee on Agriculture.

Also, petition of citizens of Pawnee City, Nebr., asking for an increase in salary of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLESON: Petition of T. F. Gilley and others, of Caldwell, Kans., protesting against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDERHEAD: Petition of S. Steelsmith, of Abilene, Kans., for the passage of the Brownlow bill—to the Committee on Agriculture.

By Mr. CANDLER: Memorial of the Pastors' Association of Tupelo, Miss., relative to Sunday closing of the Lewis and Clark Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. COCHRAN: Petitions of E. H. Stapel and 50 other voters of Rockport, Mo.; H. W. Hurst and 8 other voters of Tarkio, Mo.; Rev. T. H. Graves and 54 other voters of Rockport, Mo.; A. M. Bedford and 120 other voters, and D. Hardman and 30 other voters of Newpoint, Mo., urging the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Resolution of Milton Black Post, No. 619, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: Petition of Chaplain Brown Post, No. 106, Valparaiso, Ind., Grand Army of the Republic, urging passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DANIELS: Petition of F. N. Chaplin and 34 other citizens of Imperial, Cal., urging passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of John Mell and 27 other voters of San Bernardino County, Cal., urging passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Petition of citizens of Hastings, Minn., relative to improvement of upper Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of C. F. Bergquist and others, of Winthrop, Minn., against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DE ARMOND: Papers to accompany bill H. R. 11540, for the relief of Vernon L. Johnson—to the Committee on Pensions.

By Mr. DRAPER: Resolutions of New York Board of Trade and Transportation, for the improvement of the harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. FULLER: Resolution of Sandwich Post, No. 510, Grand Army of the Republic, Department of Illinois, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of National Grange, Patrons of Husbandry, in favor of certain legislation as to rural mail carriers, parcels post, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of West Virginia: Petition of J. H. Parker and 75 others, of Buckhannon, W. Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of Rev. G. W. Burdett, First Methodist Episcopal Church, George W. Pollock and 32 others, and G. H. Cook and 33 others, all of Buckhannon, W. Va., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GILLESPIE: Petition of J. W. Rouse and 216 others, of Fort Worth, Tex., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HAMLIN: Affidavits in support of claim of Warren B. Herrell for an increase of pension—to the Committee on Invalid Pensions.

Also, affidavits in support of claim of Henry Stufflebam, alias Henry S. Johnson—to the Committee on Military Affairs.

By Mr. HASKINS: Resolutions of three Grand Army of the Republic posts of Vermont, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of Congregational and Methodist churches and 42 voters of Edgwood City, Iowa, and of Edward G. Cattermole and 202 other voters of Fayette, Iowa, for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HAY: Petition of Rev. C. E. Blankenship, of Scottsville, Va., and 8 other voters, for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. HEDGE: Resolution of city council of Fort Madison, Iowa, relative to improvement of upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. HENRY of Connecticut: Petition of manufacturers, business men, and citizens of New Britain, Conn., relative to a public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. HERMANN: Petition of Woman's Christian Temperance Union of Cresswell, Oreg., in support of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of the Baptist Church of Lebanon, Oreg., in support of the Hepburn bill—to the Committee on the Judiciary.

Also, petitions urging closing on Sundays of the Lewis and Clark Fair—to the Select Committee on Industrial Arts and Expositions.

Also, resolution of the Miners' Association of Oregon, urging the passage of a bill for the development and fostering of the mining industry—to the Committee on Mines and Mining.

By Mr. HOWELL of Utah: Resolution of the Commercial Club of San Pedro, Cal., relative to improvement of the inner harbor—to the Committee on Rivers and Harbors.

By Mr. KLUTTZ: Petition of Rev. Edgar Tufts and others, of Blowing Rock Township, N. C., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KNAPP: Petition of Col. R. H. Pratt and others, of Carlisle, Pa., protesting against allotments to the "landless Indians of California"—to the Committee on Indian Affairs.

By Mr. LACEY: Petition of citizens of Chillicothe, Iowa, urging the passage of the Brownlow bill—to the Committee on Agriculture.

By Mr. LINDSAY: Resolutions of New York Board of Trade and Transportation, for the improvement of the harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of New York Board of Trade and Transportation, favoring passage of bills H. R. 3559 and 3562, for the improvement of the Bronx Kills—to the Committee on Rivers and Harbors.

By Mr. LITTLEFIELD: Petition of citizens of Boothbay Har-

bor, Me., relative to exterminating dogfish—to the Committee on the Merchant Marine and Fisheries.

By Mr. MARTIN: Petition of citizens of Brookings, S. Dak., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PORTER: Resolution of Grand Army of the Republic Post No. 41, of Pittsburg, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: Petition of shipowners, shipbuilders, and shipmasters of Boston, opposing American registry to foreign-built vessels—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Alabama: Papers to accompany bill H. R. 10099, granting a pension to Harrison Cook—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of D. B. Bowers, of Nails, Ind., relative to increasing the powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Resolution of the Merchants' Association of New York, relative to irrigation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

Also, resolution of New York Board of Trade and Transportation, relative to the harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, papers to accompany bill H. R. 10932, to increase pension of Christopher O'Hara—to the Committee on Invalid Pensions.

By Mr. SCOTT: Resolutions of Pleasant Valley Grange, No. 1416, of Hackney, Kans., favoring the passage of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. SHACKLEFORD: Petition of Cyrus Penn and 6 others, of Florence, Mo., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SHEPPARD: Papers to accompany House bill for the relief of W. M. Justice—to the Committee on War Claims.

By Mr. SHOBER: Paper to accompany bill H. R. 9834, granting an increase of pension to Elizabeth McL. Haughey, and papers to accompany bill granting an increase of pension to Edward M. Tappen—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: Resolution of the San Antonio Council of the Knights of Columbus, relative to accepting the statue of Père Marquette—to the Committee on the Library.

By Mr. SMITH of Michigan: Resolutions of A. B. Watson Post, No. 395; George W. Anderson Post, No. 58, and Sparta Post, No. 243, Grand Army of the Republic, Department of Michigan, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Papers to accompany claim of George M. Smith—to the Committee on War Claims.

Also, affidavits in behalf of W. C. Scott, of Lebanon, Ky., and Francis M. Hatler, of Rosine, Ky., for an increase of pension, and papers to accompany bill H. R. 1830—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers to accompany bill granting an increase of pension to Malinda A. Myers, and papers to accompany bill granting an increase of pension to Clorinda A. Bastater—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolutions of Minnesota State Dairymen's Association, relative to infectious diseases of domestic animals—to the Committee on Agriculture.

Also, resolutions of Acker Post, No. 21, Grand Army of the Republic, of St. Paul, favoring the promotion of Col. Jacob Kline—to the Committee on Military Affairs.

Also, resolutions of Sons of American Revolution of Minnesota, against desecration of the American flag—to the Committee on the Judiciary.

Also, remonstrance of citizens of St. Paul, against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of St. Paul Branch, Brotherhood of Locomotive Engineers, in favor of a pension for engineers who served during the war of the rebellion, and protest of members of John A. Rawlins Post, Grand Army of the Republic, Department of Minnesota, against the passage of a service-pension law—to the Committee on Invalid Pensions.

Also, resolutions of Ellison Post, No. 127, of North Branch, Minn., Grand Army of the Republic; of German-American Veterans' Association of St. Paul, and of O. P. Morton Post, No. 171, Grand Army of the Republic, of Minneapolis, in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, resolutions of Methodist Episcopal churches of St. Paul, Minn., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SULZER: Resolution of the New York Board of Trade and Transportation, relative to the harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. THOMPSON: Resolutions of the Alabama State Horticultural Society, at Mobile, Ala., January 27, 1904, urging the passage of the Brownlow bill—to the Committee on Agriculture.

By Mr. VAN VOORHIS: Affidavits to accompany papers in case of James Dawson, for an increase of pension—to the Committee on Invalid Pensions.

Also, resolutions of Barlow Post, No. 434, of Barlow, Ohio; General Sanders Post, No. 482, of Quaker City, Ohio, and Martin Post, No. 665, of Claysville, Ohio, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, affidavits to accompany papers in case of Thomas Gill, for an increase of pension—to the Committee on Invalid Pensions.

Also, resolution of the South Side Business and Improvement Association, Columbus, Ohio, relative to a new Federal judicial district—to the Committee on the Judiciary.

Also, papers to accompany House bill to increase pension of Theodore Collier—to the Committee on Invalid Pensions.

By Mr. WACHTER: Resolution of Baltimore Chamber of Commerce, relative to bill S. 199—to the Committee on Agriculture.

Also, resolution of the Philadelphia Board of Trade, relative to bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Baltimore Chamber of Commerce, relative to the consular service—to the Committee on Foreign Affairs.

By Mr. WYNN: Papers to accompany bill H. R. 11190, for the relief of Henry Finnegas—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *February 3, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

PUBLIC BUILDING AT IOWA CITY, IOWA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, recommending an increase of $1,000 for the purchase of a site and the erection of a public building at Iowa City, Iowa; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the causes of Worth Goldsborough *v.* The United States; Joseph Smith *v.* The United States; Woodward Carter *v.* The United States; Robert Arthur, administrator of George Arthur, deceased, *v.* The United States; A. S. Overly *v.* The United States; Emily A. H. Tatem, sister and administratrix of Josiah D. Pinner, deceased, *v.* The United States; Annette B. Wonson, administratrix of George W. Adams, *v.* The United States; Mary E. Pritchett, administratrix of James M. Pritchett, *v.* The United States; Thomas Peyroux, administrator of Edward Barrett, deceased, *v.* The United States; Jane E. Read, administratrix of John H. Read, deceased, *v.* The United States; Mary Fitch, administratrix of Leroy Fitch, *v.* The United States; Robert E. Whiting *v.* The United States; Andrew Dunlap *v.* The United States; Percy Bryant, son of Nathaniel C. Bryant, deceased, *v.* The United States, and Nellie O'Kane, widow of James O'Kane, deceased, *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 707) to amend an act entitled "An act providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes," approved April 26, 1890.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1513) for the relief of the estate of George W. Saulpaw;

A bill (H. R. 1700) for the relief of the legal representatives of Warren Mitchell, deceased;

A bill (H. R. 3875) for the relief of Dr. Thomas J. Coward, deceased;

A bill (H. R. 6345) for the relief of the State of Iowa; and

A bill (H. R. 7402) for the relief of the Indiana State board of agriculture.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 540) providing for an additional officer in the district of Chicago, in the collection district of Indiana and Illinois; and

A bill (S. 2795) to amend an act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented memorials of the German Artillery Benevolent Society, of Charleston, and of the Turn Verein of Charleston, in the State of South Carolina; of the Turn Verein of Denver, and of the Harmonie Singing Society, of Pueblo, in the State of Colorado; of the Schwaben Verein, of New Haven; of Lodge No. 436, of Rockville, and of Mozart Lodge, No. 14, of Danbury, all in the State of Connecticut; of the Turn Verein of San Francisco; of Stamm Lodge, No. 252, of Los Angeles; of the California Saengerbund, of southern California; of the Schleswig Turn Verein, of San Francisco; of the Eintracht Verein, of San Francisco; of the Turn Verein of Oakland, and of Stamm Lodge, No. 77, of San Jose, all in the State of California; of the Columbia Brauer Kranken Unterstuetzungs Verein, of Washington, D. C.; of Goethe Lodge, No. 382, of Terre Haute; of the Turn Verein of Evansville; of the Harugari Saengerchor, of Indianapolis; of the Turn Verein of Michigan City; of St. Joseph's Benevolent Society, of Richmond; of St. Antonius Ritter Turn Verein, of Evansville; of St. Anthony's Branch, No. 554, of Evansville, and of the Germania Maennerchor, of Evansville, all in the State of Indiana; of Schiller Lodge, No. 1277, of Louisville; of the Sons of German Pioneers, of Newport, and of Schiller Lodge, No. 1867, of Louisville, all in the State of Kentucky; of the German-American Dental College, of Chicago; of New Teutonia Lodge, No. 1952, of Chicago; of the German Encampment of Odd Fellows of Chicago; of Germania Lodge, No. 657, of Chicago; of Humboldt Lodge, No. 420, of Chicago; of Freiheit Lodge, No. 475, of Chicago; of Schiller Lodge, No. 335, of Peoria; of the Plattdeutsche Gilde, No. 31, of South Chicago; of the Luxemburger Independent Club, of Aurora; of Karl Marx Lodge, No. 544, of Chicago, and of the Turn Verein of Chicago, all in the State of Illinois; of Teutonia Lodge, No. 2, of St. Louis; of Germania Lodge, No. 2, of St. Louis; of the Turn Verein of St. Louis; of the Liederkranz of St. Louis; of the Turn Verein of West St. Louis; of the Harmonie Saengerbund, of St. Louis; of the Executive Board of the St. Louis Gymnastic District, of St. Louis; of the Deutscher Verein of St. Louis, and of the Guttenberg Mannie Lodge, No, 32, of St. Louis, all in the State of Missouri; of the Frohsinn Singing Society, of Detroit; of the Arbeiter Unterstützungs Verein, of Lansing; of the Arbeiter Unterstützungs Verein, No. 2, of Jackson; of the Daheim Maennerchor, of Detroit, and of Teutonia Lodge, No. 31, of Detroit, all in the State of Michigan; of Columbia Lodge, No. 36, of St. Paul, Minn.; of the Frohsinn Singing Society, of Baltimore; of German Beneficial Union, District No. 103, of Baltimore, and of German Beneficial Union, District No. 117, of Baltimore, all in the State of Maryland; of Carl Marx Lodge, No. 1, of Providence, R. I.; of the Personal Rights League of Lincoln, Nebr.; of the Turn Verein of Trenton; of the Hessen Beneficial Society, of Trenton; of the Hessischer Sick Society, of Elizabeth; of Lutzow Camp, No. 3, of Jersey City; of Schiller Lodge, No. 4, of Newark; of the Independent Schuetzen Corps, of Elizabeth; of the Casino Maennerchor, of Newark; of the Vorwärts Sick Benefit Society, of Elizabeth; of the Hudson City Turn Verein, of Jersey City, and of Concordia Lodge, No. 2, of Newark, all in the State of New Jersey; of the Harmonious Aid Society, of Holyoke; of the Rothmanner Bau Verein, of New Bedford; of the Turn Verein of Easthampton; of the Turn Verein of Lawrence; of Eintracht Lodge, No. 19, of Boston; of Teutonia Lodge, No. 219, of Boston, and of the Germania Society, No. 11, of Lynn, all in the State of Massachusetts; of the Concordia Singing and Musical Society, of New York City; of the German Social Scientific Society of New York City; of the Central Spar Verein, of New York City; of the Liederkranz of Schenectady; of St. Lawrence Council, No. 209, of Troy; of the German Sick and Benevolent Society of Oneida; of Genesee Lodge, No. 5, of Buffalo; of the Mozart Verein, No. 328, of New York City; of Beethoven Lodge, No. 2487, of Albany; of the Incorporated Kreis Stolzenauer Association, of New York City; of the Bowling Guard of New York City; of the Freie Brüder Lodge, of Syracuse; of the Deutscher Veteranen Bund, No. 1, of Buffalo, and of the Glee Club of Syracuse, all in the State of New York; of Lodge No. 1, of Tacoma; of Lodge No. 14, of Ballard; of the Saengerbund of Tacoma, and of Germania Social Club, of Seattle, all in the State of Washington; of the Deutscher Krieger Verein, of Waco; of Lodge No. 118, of Oldenburg; of the Unterstuetzung Verein, of Yorktown; of the Schleicher Lodge of the Knights of Honor, of San Antonio; of Pecan Camp, No. 387, of Welcome; of the Saengerrande of Austin; of the Hochheim Prairie Mutual Fire and Storm Insurance Association, of Hochheim; of the Saengerbund of Houston; of the Dramatischer Verein, of Nordheim, and of Lodge No. 39, of Shovel Mount, all in the State of Texas; of Lodge No. 123, of Madison; of the Turn Verein of Milwaukee; of the Turn Verein of Sheboygan; of the Deutscher Militar Verein, of Milwaukee; of the Maennerchor of Milwaukee; of Teutonia Lodge, No. 11, of Milwaukee; of the Saengerbund of Milwaukee; of Cleveland Lodge, No. 93, of Milwaukee; of the Frieden Lodge, No. 254, of Eau Claire; of the Yorhn Turn Verein, of Milwaukee; of Guttenberg Lodge, No. 268, of Sheboygan; of Jahn Lodge, No. 16, of Milwaukee; of the Liedertafel Verein, of Milwaukee; of Fortuna Lodge of the Knights of Honor of Milwaukee, and of Teutonia Lodge, No. 3, of Lacrosse, all in the State of Wisconsin; of the Maennerchor of Cincinnati; of the Hessische Verein of Cincinnati; of the Saengerbund of Cleveland; of the Newburgh Germania Maennerchor, of Cleveland; of the Unterstuetzung Verein of Cincinnati; of Uniformirten Schuetzen Corps, No. 1, of Cincinnati; of Hermann Lodge, No. 3, of Canton; of the Unterstuetzung Verein of Cleveland; of Freiheit Union, No. 13, of Cleveland; of Hermann Lodge, No. 92, of Cincinnati; of the Lyra Singing Society, of Cleveland; of the Scioto Tribe, No. 22, of Columbus; of the Hessen Unterstuetzung Verein, of Cleveland; of the Turn Verein of Cincinnati; of the Hannoveraner Smoking Casino, of Cincinnati; of Humboldt Union, No. 3, of Cleveland; of the Badischer Unterstuetzung Verein, of Cleveland; of the Deutscher Cester Unterstuetzung Verein, of Cincinnati; of Fortschritt Maennerchor, No. 75, of Dayton, of Edelweiss Commandery, No. 32, of Toledo; of German Beneficial Union, No. 70, of Cleveland; of the Saengerbund of Dayton; of the Deutscher Verein, of Cincinnati; of the Concordia Benevolent Society, of Cleveland; of the Skat Club, of Youngstown; of the Physical and Mental Culture Society of Cincinnati; of the Unterstuetzung Verein of Akron, and of the Deutscher Unterstuetzung Verein Eintracht, of Cincinnati, all in the State of Ohio; of the Shoemakers' Union of Philadelphia; of the Coopers' Union of Philadelphia; of the Veteranen Bund of Philadelphia; of Brewery Workers' Union, No. 5, of Philadelphia; of German Beneficial Union, No. 80, of Pittsburg; of the Mount Oliver Turn Verein, of Pittsburg; of Lodge No. 646, of Allegheny; of the Baden Beneficial Society, of Pittsburg; of Cannstatter Verein, No. 1, of Philadelphia; of the Beneficial Society of Pittsburg; of the Franz Liederkranz, of Millvale; of the Deutscher Verein, No. 125, of Pittsburg; of the German Militar and Beneficial Society of Jeannette; of the Liberal Unterstuetzung Verein, of Philadelphia, and of Local Union No. —, Brotherhood of Carpenters and Joiners, of Philadelphia, all in the State of Pennsylvania, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of the Anti-Saloon League of Parkersburg, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of the congregation of the Macalester Presbyterian Church, of St. Paul, Minn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. HOAR presented a petition of Major E. F. Fletcher Post, No. 22, Department of Massachusetts, Grand Army of the Republic, of Massachusetts, and a petition of Charles Russell Lowell Post, No. 7, Department of Massachusetts, Grand Army of the Republic, of Boston, Mass., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. MILLARD presented the petition of J. E. Taylor, principal of Gates Academy, Neligh, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregations of the United Presbyterian, the Presbyterian, the Methodist Episcopal, the Baptist, and the Evangelical churches, all of Wilsonville, in the State of Nebraska, praying for the enactment of legislation providing for the closing on Sunday of the St. Louis Exposition and the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. CULLOM presented a petition of Forrest Post, No. 114, Department of Illinois, Grand Army of the Republic, of Forrest, Ill., and a petition of Harvey Post, No. 724, Department of Illinois, Grand Army of the Republic, of Harvey, Ill., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. ALLISON presented a memorial of the Iowa Brick and Tile Association, of Mason City, Iowa, remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Iowa Brick and Tile Association, of Mason City, Iowa, remonstrating against the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented petitions of Hassendeufel Post, No. 146, of Guttenberg; of L. G. Irland Post, No. 118, of Sibley, and L. S. Shuler Post, No. 166, of Brandon, all of the Department of Iowa, Grand Army of the Republic, in the State of Iowa, praying for the enactment of a service-pension bill; which were referred to the Committee on Pensions.

He also presented petitions of the Woman's Christian Temperance Union of Richland, of the congregation of the Presbyterian Church of Rockwell City, of the congregation of the Baptist Church of Rockwell City, of the congregation of the Methodist Episcopal Church of Rockwell City, of the Woman's Missionary Society of the Presbyterian Church of Monticello, of the congregation of the Presbyterian Church of Redoak, and of sundry citizens of Cedar Rapids, all in the State of Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PLATT of New York presented memorials of sundry citizens of New York City and Brooklyn, in the State of New York, remonstrating against the passage of the so-called anti-injunction bill; which were referred to the Committee on the Judiciary.

He also presented a petition of the New York Board of Trade and Transportation, of New York City, praying for the enactment of legislation providing for the completion of the harbor of refuge at Point Judith, R. I.; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Mount Vernon, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Military Affairs.

He also presented a petition of Luther M. Wheeler Post, No. 92, Department of New York, Grand Army of the Republic, of Saratoga Springs, N. Y., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of New York City, Buffalo, Patchogue, Utica, Brooklyn, Waterford, Avon, Rochester, Geneva, Oneida, Lockport, Batavia, Higginsville, Warsaw, Dansville, and Mount Morris, all in the State of New York, praying for the passage of the so-called Brownlow good-roads bill; which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 679) for the relief of Mrs. Julia L. Hall, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 47) for the relief of the contractor, or his legal representatives, for the construction of the light-draft monitor *Etlah*, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 529) for the relief of Herbert O. Dunn, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Fisheries, to whom was referred the bill (S. 575) to establish a fish-culture station on Blacks Fork of Green River, in the State of Wyoming, reported it without amendment.

Mr. CLAPP, from the Committee on Claims, to whom was referred the amendment submitted by Mr. NELSON on the 26th ultimo, proposing to appropriate $8,524.10, with interest thereon at 6 per cent from March 18, 1902, as compensation to the owners of the Norwegian steamer *Ragnar* for damages to said steamer by collision on March 18, 1902, with the U. S. army transport *Sumner* in the Yangtze River, China, intended to be proposed to the urgent deficiency appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. PETTUS introduced a bill (S. 4065) for the relief of Christopher McDonald, executor of Michael Callaghan, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 4066) for the relief of Leonard I. Brownson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4067) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic and other soldier organizations; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 4068) granting an increase of pension to Mary E. Ticknor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 4069) to provide for the performance, temporarily, of the duties of appraisers and assistant appraisers of merchandise; which was read twice by its title, and referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4070) granting an increase of pension to A. Fellentreter;

A bill (S. 4071) granting an increase of pension to John Lindt; and

A bill (S. 4072) granting an increase of pension to James Brown.

Mr. ALLEE introduced a bill (S. 4073) granting an increase of pension to Comfort W. Watson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 4074) granting an increase of pension to Annie E. Shipp; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GIBSON (for Mr. CLARK of Montana) introduced a bill (S. 4075) granting an increase of pension to Charles M. Shepherd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. CLARK of Montana) introduced a bill (S. 4076) for the relief of the county of Custer, State of Montana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (for Mr. CLARK of Montana) introduced a bill (S. 4077) granting an increase of pension to Richard R. Robinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 4078) granting an increase of pension to Thomas B. Steele; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 4079) for the relief of James Denton; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 4080) for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart, agent, for internal-revenue taxes collected between January 1, 1865, and January 1, 1866, and which have not been heretofore refunded, and for this purpose, any statutes of limitation to the contrary notwithstanding; which was read twice by its title, and referred to the Committee on Claims.

Mr. SIMMONS introduced a bill (S. 4081) granting an increase of pension to Alpheus W. Simpson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4082) for the relief of L. T. Oglesby; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 4083) for the relief of Payton Shields; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. NELSON (by request) introduced a bill (S. 4084) for the relief of Caroline Lochboehler, of the District of Columbia; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4085) granting a pension to Bridget E. Chrystie; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4086) granting an increase of pension to Ralph Van Brunt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 4087) granting a pension to Hiram R. Rhea; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAILEY (by request) introduced a bill (S. 4088) for the relief of W. M. Justice; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4089) to authorize the purchase of the painting of the battle of Lookout Mountain; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 4090) granting an increase of pension to Charlotte J. Folsom; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4091) granting an increase of pension to Nathan M. Gove; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 4092) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4093) for the recognition of the

military service of noncommissioned officers and enlisted men of the United States Volunteers as commissioned officers in certain State military organizations; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4094) to correct the military record of George Moltz; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4095) for the relief of Julius A. Kaiser; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McENERY introduced a bill (S. 4096) for the relief of Louis J. Souer, collector of internal revenue for the collection district of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4097) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of the public roads; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. LATIMER introduced a bill (S. 4098) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of the public roads; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. CULLOM (by request) introduced a joint resolution (S. R. 40) adjusting the rank of Maj. Joseph W. Wham, United States Army (on the retired list), and making restitution for certain pay and allowances withheld; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTUS submitted an amendment directing the Secretary of War to pay to Rittenhouse Moore out of the unexpended balance of the appropriation made in the act of March 3, 1899, for improving the Potomac River the sum of $3,653.05, being the amount stated and claimed by him for overwidth dredging in the Potomac River below Washington, D. C., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed and, with the accompanying letter from the Secretary of War, referred to the Committee on Appropriations.

Mr. STEWART submitted an amendment proposing to appropriate $6,000 for paving Q street, between Twenty-second and Twenty-third streets NW., District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to fix the salary of the consul at An-tung, Manchuria, at $4,000 per annum instead of at $3,500, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to fix the salary of the consul at An-tung, Manchuria, at $4,000 per annum instead of at $3,500, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to appropriate $600 for clerk hire at the consulate at Bahia, Brazil, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to increase the appropriation for an illustrated description of the Sherman statue from $300 to $600 and making the same applicable to a description of the ceremonies and incidents attending the unveiling of the statue, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HEARINGS BEFORE COMMITTEE ON MANUFACTURES.

Mr. HEYBURN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Manufactures be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

ISTHMIAN CANAL ROUTES.

On motion of Mr. MORGAN, it was

Ordered, That the hearings had before the Committee on Interoceanic Canals in January and February, 1902, in relation to isthmian canal routes be reprinted.

RECESS APPOINTMENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. Senate resolution 114, by Mr. TILLMAN, instructing the Secretary of the Treasury to send to the Senate information in regard to the appointment of William D. Crum as collector of the port of Charleston, S. C.

Mr. TILLMAN. In connection with that resolution I should like to have the one I offered yesterday brought up.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution submitted by the Senator from South Carolina.

The SECRETARY. Senate resolution 120, by Mr. TILLMAN, authorizing and directing the Committee on the Judiciary to report what constitutes a recess of the Senate, etc.

Mr. PLATT of Connecticut. Let it be read.

Mr. TILLMAN. I should like to have it read.

The PRESIDENT pro tempore. It will be read.

The Secretary read the resolution submitted yesterday by Mr. TILLMAN, as follows:

Whereas Article II, section 2, of the Constitution of the United States provides:

"The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, and he shall nominate and, by and with the advice and consent of the Senate, shall appoint * * * all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law;"

And further:

"The President shall have power to fill up all vacancies which may happen during the recess of the Senate by granting commissions which shall expire at the end of the session;"

And

Whereas it is known that certain officers appointed during the recess of Congress from March 4 last to November 9, and whose appointments were not confirmed by the Senate, are now in possession of and exercising the powers and functions of said offices: Be it

Resolved, That the Judiciary Committee of the Senate be, and it is hereby, authorized and instructed to report to the Senate—

First. What constitutes a "recess of the Senate," and what are the powers and limitations of the Executive in making appointments in such cases.

Second. What legislation is necessary to prevent the holding of an office by any person or persons whose commissions issue or are held by Executive exercise of unlawful authority, if any there be.

Mr. HALE. Will the Senator from South Carolina permit me to ask him a question as to the order of business?

Mr. TILLMAN. With pleasure.

Mr. HALE. I have just come in from attendance on the work of the committee. I do not know how the resolution comes up. Has it been reached in the order of morning business?

Mr. TILLMAN. In regular order.

The PRESIDENT pro tempore. It is a resolution coming over from a previous day.

Mr. HALE. It is a very important resolution, directing the Judiciary Committee to report on the question of a constructive recess. If the resolution can be passed at once, as I should hope it might be, I shall not make any interference. But if it is to be discussed, for two reasons I should like to have the Senator let it go over until to-morrow morning, retaining its place—one being that I desire very much, representing the Committee on Appropriations, of which the Senator is a member, to have the urgent deficiency appropriation bill passed this morning, and the other being that if the Senator's resolution is to be discussed, I should like to have an opportunity of examining some of the facts in relation to it, because I might want to participate in the discussion, and I have been so busy about items of appropriation that I have had no opportunity to look into it. That, of course, will not apply if the resolution can pass without debate.

Mr. TILLMAN. Of course I can not tell how much discussion will arise upon the resolution or under its consideration.

Mr. SPOONER. If the Senator will allow me——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield?

Mr. TILLMAN. With pleasure.

Mr. SPOONER. It may be assumed that the resolution will not pass without debate.

Mr. HALE. Then I should like to appeal to the Senator from South Carolina for both reasons that I have given, first, the desire of passing the urgent deficiency appropriation bill at once, and next, that Senators are not prepared—I am not—to discuss the matter this morning, that he allow the resolution to go over, holding its place and coming up to-morrow morning just as it did this morning.

Mr. TILLMAN. Mr. President, I am always ready to yield to any request of my friend the Senator from Maine; and while I should like to have the resolution disposed of, and have very little to say myself unless discussion shall provoke discussion, I shall give way with the understanding that to-morrow we shall have no further delay. I have already been giving way for two or three days, and I am willing to give way again to conform with the desire of Senators who wish to examine the question, and let us see if we can not all agree on something about this matter.

Mr. HALE. The Senator is very liberal about it. I hope the resolution will go over on these terms, that it shall come up to-morrow morning exactly as it came up this morning.

The PRESIDENT pro tempore. The Senator asks that the resolutions may go over, lying on the table, without prejudice.

Mr. TILLMAN. And that they shall retain all the privileges they now have.

The PRESIDENT pro tempore. The Chair understands that. Without objection, it is so ordered.

TORPEDO BOATS AND TORPEDO-BOAT DESTROYERS.

Mr. HALE. I move that Senate Document No. 112, Fifty-eighth Congress, second session, being a statement relative to cost of torpedo boats and torpedo-boat destroyers, authorized by the act of May 4, 1898, in connection with the relief of the contractors therefor, together with certain other data in order attached, be reprinted and referred to the Committee on Claims.

The motion was agreed to.

RELATIONS WITH NEW GRANADA OR COLOMBIA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. HALE, was, with the accompanying papers, ordered to lie on the table, and be printed:

To the Senate:

In response to the resolution of the Senate of January 22, 1904, I transmit herewith reports from the Acting Secretary of State and the Secretary of the Navy, with accompanying papers.

The correspondence since November 16, 1902, referred to in the letter of the Secretary of the Navy, which has not already been transmitted to the Senate, has no reference to the matters covered by the resolution and deals with military movements, and it is for that reason deemed incompatible with the public interest to make it public at this time.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 3, 1904.*

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 1513) for the relief of the estate of George W. Saulpaw;

A bill (H. R. 1700) for the relief of the legal representatives of Warren Mitchell, deceased;

A bill (H. R. 3875) for the relief of Dr. Thomas J. Cowan, deceased;

A bill (H. R. 6345) for the relief of the State of Iowa; and

A bill (H. R. 7402) for the relief of the Indiana State board of agriculture.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask that the Senate proceed to the consideration of House bill 10954, the urgent deficiency appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I make the usual request in regard to action on the committee amendments.

The PRESIDENT pro tempore. The Senator from Maine asks that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee shall first receive consideration. The Chair hears no objection.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Department of State," on page 2, after line 9, to insert:

For additional amount to enable the President to cooperate through diplomatic channels with the Governments of Mexico, China, Japan, and other countries, for the purpose set forth in the message of the President and accompanying notes submitted to Congress January 29, 1903, and printed as Senate Document No. 119, second session Fifty-seventh Congress, $25,000; and the commission appointed for this purpose shall terminate July 1, 1904.

The amendment was agreed to.

The next amendment was, on page 2, line 24, to increase the appropriation for contingent expenses to the Department of State from $2,000 to $3,500.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert:

For the purchase of two horses for the official use of the Department of State, $500.

The amendment was agreed to.

The next amendment was, under the head of "Foreign intercourse," on page 3, line 22, to increase the appropriation to supply a deficiency in the appropriation for "Contingent expenses, foreign missions," including all objects mentioned under this title of appropriation in the diplomatic and consular appropriation act for the fiscal year 1904, from $15,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to insert:

For expenses, not salaries, of inspection of consulates, to be expended under the direction of the Department of State, $6,000.

The amendment was agreed to.

The next amendment was, on page 5, line 5, after the word "annum," to insert "consul at Dalny, Manchuria, at the rate of $3,500 per annum;" and in line 6, after the word "all," to strike out "$3,111.27" and insert "$4,569.60;" so as to make the clause read:

Consular service in Manchuria: For the following for the balance of the fiscal year 1904: Consul-general at Mukden, Manchuria, at the rate of $4,000 per annum; consul at An-tung, Manchuria, at the rate of $3,500 per annum; consul at Dalny, Manchuria, at the rate of $3,500 per annum; in all, $4,569.60, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 6, after line 11, to insert:

For postage required to prepay matter addressed to Postal Union countries, and for postage for the Treasury Department, for the fiscal year 1903, $481.25.

The amendment was agreed to.

The next amendment was, on page 9, after line 10, to insert:

Office of the Treasurer: For the following additional employees for the balance of the fiscal year 1904, namely: For one clerk of class 3; one clerk of class 2; one clerk of class 1; nine expert counters, at the rate of $800 per annum each; one laborer; and one foreman pressman at the rate $1,500 per annum; in all, $6,025.

The amendment was agreed to.

The reading of the bill was continued to line 1 on page 10, the amendment under the heading "Louisiana Purchase Exposition."

Mr. BAILEY. I desire at this point to inquire whether it is necessary to make points of order as the bill is being read or to reserve them?

Mr. HALE. If the Senator will allow me, the practice in the Senate is different from that of the House. Points of order need not be reserved.

Mr. BAILEY. A point of order can be made at any time.

Mr. HALE. No; a point of order can be made on any amendment that is offered when it is presented, and it can be made to any part of the bill as it is read.

Mr. BAILEY. I understand that the bill is being read now for amendment.

Mr. HOAR. If I may be allowed to make a statement, I understand that the bill is now as in Committee of the Whole Senate, and that when it is reported to the Senate, after it has got through the Committee of the Whole, all points of order are open that would be open upon the bill as originally presented.

Mr. BAILEY. I wanted to reserve my right to make a point of order against this particular amendment.

Mr. HALE. As the Senator from Massachusetts suggests, it can be made at either time.

Mr. BAILEY. Just so that I can make it before it is closed.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read the amendment of the Committee on Appropriations which was on page 10, beginning with line 1, to insert the following:

Louisiana Purchase Exposition: For the purpose of further aiding in the payment of the cost of the construction, completion, and opening of the Louisiana Purchase Exposition, at the city of St. Louis, on or before April 30, 1904, $4,600,000; said sum to be paid to the Louisiana Purchase Exposition Company on the request of the president of said company, and in amounts as follows: One million dollars upon the passage of this act, $1,000,000 during the month of February, $1,000,000 during the month of March, $1,000,000 during the month of April, and $600,000 during the month of May, 1904: *Provided*, That of said sums $100,000 shall be paid by said Louisiana Purchase Exposition Company to, or on the order of, the board of lady managers of said exposition for such purposes as said board of lady managers shall approve and at such times as said board of lady managers shall request the same.

That to insure the application of all said moneys to the purposes for which the same is appropriated, the Secretary of the Treasury shall appoint a suitable person or persons whose duty it shall be to supervise the disbursement of the same when paid, as herein provided, and to make a full and complete report thereof to him as he may require: *Provided further*, That the amount hereby appropriated when paid to the Louisiana Purchase Exposition Company, as herein provided, shall constitute an indebtedness of the said company to the Government of the United States and shall be repaid by said company to the Treasury of the United States. That for the purpose of protecting the Government and insuring the repayment of said sum of $4,600,000, the Government shall have a first lien upon the gross receipts of said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from concessions. That before any part of this appropriation is paid, as hereinbefore provided, the said Louisiana Purchase Exposition Company shall execute, to the satisfaction of the Secretary of the Treasury, an instrument in writing giving and securing to the Government a first lien upon its said gross receipts, and said exposition company shall at the same time guarantee to the Government, under suitable penalties, that the said gross receipts are then entirely free from liens, mortgages, or other incumbrances, and that it will not pledge or in any way incumber or dispose of said receipts so as to injure or affect the right of the Government to first receive therefrom the amount to be returned to the Treasury, as herein provided.

The said Louisiana Purchase Exposition Company shall repay into the Treasury of the United States the said sum of $4,600,000, as follows: On the 15th day of June, 1904, said Louisiana Purchase Exposition Company shall report to the Secretary of the Treasury in detail the total amount of all said gross receipts received by said company from June 1 to June 15, both inclusive, and 40 per cent of such receipts shall then be paid by said company to the Secretary of the Treasury as a part payment for the loan to said company herein provided for, and after that and during the continuance of said exposition a like report in detail shall be made on the 1st day of each month and upon the 15th day of each month, and in the same manner 40 per cent of the gross receipts of said company shall be paid to the Secretary of the Treasury, as before provided, until the entire amount of $4,600,000 shall have been paid to the Secretary of the Treasury in satisfaction of said loan: *Provided further*, That if at any time after said exposition company has re-

ceived the amount hereby appropriated it makes default in the application or in the repayment of said sum, or any part thereof, as herein required, then, and in that case, the Secretary of the Treasury is hereby authorized to supervise the collection and take possession of all said gross receipts and continue such supervision and possession until the full sum of said $4,600,000 has been collected and repaid into the Treasury of the United States, as herein provided. In accepting the amount hereby appropriated the said Louisiana Purchase Exposition Company shall be taken and held to agree to all the terms and conditions upon which the same is made and upon which the same is to be repaid into the Treasury of the United States.

Mr. CULBERSON. Is an amendment to the amendment in order at this time?

The PRESIDENT pro tempore. It is.

Mr. CULBERSON. I move to amend the amendment by adding at the end the following proviso:

Provided, That range cattle and halter-broke cattle from all sections of the United States, whether above or below the quarantine line established by the Secretary of Agriculture, may be exhibited at the Louisiana Purchase Exposition under such regulations as may be prescribed by the Secretary of Agriculture.

Mr. HALE. I have no objection to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CULBERSON. I ask that the following letter from the Secretary af Agriculture on the subject of the amendment to the amendment be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., November 12, 1903.

Mr. LOUIS J. WORTHAM,
Oriental Hotel, Dallas, Tex.

DEAR SIR: Referring to our conversation concerning the exhibition of Texas cattle at the St. Louis Exposition, I would say that the matter is not within the jurisdiction of this Department, but I should of course be willing to make any representations regarding the exhibition which appeared to me to be desirable. If an arrangement could be made by which the cattle from below the quarantine line could be kept entirely separate from those coming from above that line, and be shown in different show rings, I should recommend that the southern cattle be allowed to go for exhibition under such conditions. I think, however, it would be taking too much risk to allow northern and southern animals to go to the same grounds or be exhibited in the same show ring. The Department would do anything possible in the way of inspection to facilitate the exhibition or to lessen the danger.

Very respectfully,

JAMES WILSON, *Secretary.*

The amendment as amended was agreed to.

The Secretary resumed the reading of the bill.

The next amendment was, on page 14, after line 2, to insert:

Paris Exposition: The following provisions of the deficiency appropriation act approved July 1, 1902, namely: "To complete the unfinished work of the late United States Commission to the International Exposition at Paris in 1900, and to defray the expenses of distributing the medals and diplomas awarded to exhibitors from the United States, to be expended under the direction of the President, there is hereby appropriated for such purposes such sums of money as have been covered into the Treasury as proceeds derived from the sale of furniture or other property used by the Commission, and to continue available during the fiscal year 1903, $13,875.21," are hereby further continued and the appropriation made available from the end of said fiscal year 1903 to September 30, 1903.

The amendment was agreed to.

The next amendment was, on page 20, after line 15, to insert:

Reimbursement to the Independent Line steamers, of Tampa, Fla.: To pay the balance due to the Independent Line steamers, of Tampa, Fla., in full settlement of all claims said steamer line may have against the United States for damages to the steamer Manatee, due to a collision with the U. S. S. Hillsboro in Tampa Bay, Florida, on the night of November 18, 1901, $720.

The amendment was agreed to.

Mr. HOPKINS. I desire to offer an amendment, on page 21, in line 24, after the word "cents"——

The PRESIDENT pro tempore. Is it an amendment to a committee amendment?

Mr. HOPKINS. No.

The PRESIDENT pro tempore. The proper time has not been reached for offering individual amendments. Under the unanimous-consent agreement the amendments of the Committee on Appropriations are first to be considered.

Mr. HOPKINS. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Public buildings," on page 22, line 20, to increase the appropriation for Treasury building, Washington, D. C., special repairs, etc., from $8,000 to $12,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 2, to insert:

Baltimore, Md., custom-house: That the Secretary of the Treasury be, and he is hereby, authorized to acquire, by purchase, condemnation, or otherwise, the property known as the Peabody property, immediately adjacent to the site of said custom-house building, abutting on Water street, Exchange place, and Post-Office avenue, in the city of Baltimore, Md., at a cost not to exceed the sum of $75,000; and the Secretary of the Treasury is hereby authorized to use for that purpose the sum of $24,988.81, remaining available from the purchase of the Merchants' National Bank property, together with an amount sufficient to make up the said sum of $75,000, from any money remaining available for the construction of said new custom-house building: *Provided*, That the total limit of cost of the site and building shall not be increased.

The amendment was agreed to.

The next amendment was, on page 24, after line 19, to insert:

Greensboro, N. C., rent of buildings: For rental of temporary quarters, and expenses incident thereto, $2,500.

The amendment was agreed to.

The next amendment was, on page 25, after line 3, to insert:

Los Angeles, Cal., post-office and court-house: For additional amount for enlarging the public building site belonging to the United States, as provided by section 17 of the act approved June 6, 1902, $19,700, but the limit of total cost of site and building shall not be exceeded.

The amendment was agreed to.

The next amendment was, on page 26, after line 9, to insert:

Vaults, safes, and locks for public buildings: For vaults, safes, and locks, and repairs to the same for all public buildings under the control of the Treasury Department, exclusive of personal services, except for work done by contract, $15,000; but of this amount not exceeding $3,000 may be expended for personal services of mechanics and others employed outside of the District of Columbia in making repairs and inspecting work done.

The amendment was agreed to.

The next amendment was, on page 27, after line 15, to insert:

GOVERNMENT IN THE TERRITORIES.

Legislative expenses, Territory of New Mexico: For stenographer and typewriter in secretary's office, $720.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," at the top of page 28, to insert:

To enable the assessor of the District of Columbia to complete the assessments of real and personal taxes by the employment of temporary services, $800.

The amendment was agreed to.

The next amendment was, on page 28, after line 3, to insert:

For night schools for pupils not over 21 years of age, and teachers of night schools may also be teachers in the day schools, $2,800.

The amendment was agreed to.

The next amendment was, on page 28, after line 6, to insert:

For fuel for public schools, $20,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to insert:

For the purchase and repair of tools, machinery, material, and apparatus to be used in connection with instruction in manual training, and for incidental expenses connected therewith, $2,500.

The amendment was agreed to.

The next amendment was, on page 28, line 11, to insert:

For amount required for the construction of an open underground drain for the Congress Heights engine house, $500.

The amendment was agreed to.

The next amendment was, on page 28, after line 14, to insert:

For amount required for deepening well, Congress Heights engine house, $500.

The amendment was agreed to.

The next amendment was, on page 28, after line 19, to insert:

Toward carrying out the provisions of the acts of Congress providing for the elimination of grade crossings and the construction of a union railroad station in the District of Columbia, approved February 12, 1901, and February 28, 1903, for purchase or condemnation of the land necessary for the plaza and new streets, and for reconstructing, grading, and paving, together with the necessary incidental work in connection therewith, the streets, avenues, and ways changed in line of grade or newly created under the provisions of said acts, this sum to be expended under the provisions of said acts, and to continue available until expended, $200,000.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 30, after line 16, to insert:

The accounting officers of the Treasury are hereby directed, in the settlement of the accounts of George W. Baird, major and paymaster, United States Army, and lieutenant-colonel and deputy paymaster-general, United States Army, to allow such credits for payments, not to exceed $679.03, as may be recommended under authority of the Secretary of War by the Paymaster-General of the Army.

The amendment was agreed to.

The next amendment was, under the head of "Military establishment," on page 32, after line 5, to insert:

For the purchase of supplies and equipments for use in the construction, maintenance, and repair of the submarine cable lines to Alaska, $7,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 18, to insert:

For repairing and improving the Government road from Springfield, Mo., to the national cemetery near that city, for the fiscal year 1903, $2,700.

The amendment was agreed to.

The next amendment was, under the head of "Military Academy," on page 33, after line 23, to insert:

For expenses of the Board of Visitors, including mileage, for the fiscal year 1903, $140.

The amendment was agreed to.

The next amendment was, at the top of page 34, to insert:

For repairs and improvements, namely: Timber, planks, boards, joists, wall strips, laths, shingles, slate, tin, sheet lead, zinc, nails, screws, locks, hinges, glass, paints, turpentine, oils, varnish, brushes, stone, brick, flag, lime, cement, plaster, hair, sewer and drain pipe, blasting powder, fuse, iron, steel, tools, machinery, mantles and other similar materials, renewing roofs and for pay of architect, overseer, and citizen mechanics and labor employed upon repairs and improvements that can not be done by enlisted men, $5,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 21, to insert:

For grading target range, increasing the number of targets and capacity of the range, for the fiscal years 1903 and 1904, $3,000.

The amendment was agreed to.

The next amendment was, under the head of "Public works, Navy Department," on page 42, after line 10, to insert:

Naval station, Cavite, P. I.: For extension of construction and repair joiner shop, $2,800.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 44, after line 3, to insert:

For repairs of Interior Department and Pension buildings, and of the old Post-Office Department building, $3,000.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol building and grounds," on page 45, after line 5, to insert:

For repairs and improvements to steam fire engine house and Senate and House stables, and for repairs to and paving of floors and courtyards of same, $750.

The amendment was agreed to.

The next amendment was, under the subhead "Government Hospital for the Insane," on page 45, after line 21, to strike out:

For hospital extension, $4,000.

And in lieu thereof to insert:

For hospital extension, namely: For employment of a superintendent of construction at a rate of compensation of $2,500 per annum, $2,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 46, after line 1, to insert:

For a locomotive, $7,900.

The amendment was agreed to.

The next amendment was, on page 46, after line 3, to insert:

For rubber treads for iron stairs, $2,450.

The amendment was agreed to.

The next amendment was, on page 46, after line 22, to insert:

Columbia Institution for the Deaf and Dumb: For the support of the institution, including salaries and incidental expenses, for books and illustrative apparatus, and for general repairs and improvements, $1,500.

The amendment was agreed to.

Mr. HALE. I offer as a committee amendment an additional urgent deficiency item.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 47, after line 2, it is proposed to insert:

HOWARD UNIVERSITY.

For urgent repairs and improvements, to provide suitable protection against disaster by fire to the buildings of the university, as recommended by the inspector of buildings for the District of Columbia, $2,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Miscellaneous, Interior Department," on page 47, after line 12, to insert:

Surveying boundaries of Yellowstone National Park: For surveying the northern and western boundaries of the Yellowstone National Park: To supply a deficiency existing in the appropriation for this purpose for the fiscal year ended June 30, 1902, $640.40.

The amendment was agreed to.

The next amendment was, under the subhead "Public lands service," on page 49, after line 13, to insert:

To pay the salary due Franklin Moses as register of the land office at St. Michael, Alaska, from May 31 to July 7, $152.13.

The amendment was agreed to.

The next amendment was, under the subhead "Geological Survey," on page 51, line 8, to increase the appropriation for continuation of the investigation of the mineral resources of Alaska, to continue available until close of fiscal year 1905, from $60,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 9, to insert:

For completing the report of the mineral resources of the United States and for completing a roster of all the mines of the United States, past and present, $10,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 12, to insert:

For analyzing and testing at the Louisiana Purchase Exposition the coals and lignites of the United States in order to determine their fuel values and the most economic method for their utilization for different purposes, under the supervision of the Director of the United States Geological Survey, $30,000, to be available until expended: *Provided*, That all testing machinery and all coal and lignites to be tested shall be contributed without charge to the Government.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 57, after line 7, to insert:

Fish Commission: To meet certain liabilities as set forth in House Document No. 461 of the present session, being for the service of the fiscal year 1903, $972.61.

The amendment was agreed to.

The next amendment was, on page 57, after line 12, to insert:

For repairs and improvements to superintendent's residence, Green Lake station, Maine, $700.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 58, line 4, to increase the appropriation for furniture and repairs of the Department of Justice from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was, on page 58, line 7, to increase the appropriation for stationery for the Department of Justice for the fiscal year 1904 from $350 to $500.

The amendment was agreed to.

The next amendment was, under the head of "Expenses of United States courts," on page 60, after line 12, to strike out the following proviso:

Provided, That hereafter no part of any money appropriated shall be used in payment of per diem compensation to any clerk for attendance in court, except for days when the court is actually in session opened in the presence of the judge, which fact shall be certified in the approval of the account.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 62, line 20, to increase the appropriation for wrapping paper for facing slips from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 20, to insert:

For wrapping twine and tying devices, $30,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 22, to insert:

To pay the West Virginia Pulp and Paper Company, expense incurred in the fiscal year 1902 (wrapping paper), $1,900.

The amendment was agreed to.

The next amendment was, on page 63, after line 2, to insert:

For rent, light, and fuel for first, second, and third class post-offices, $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Agriculture," on page 66, after line 19, to insert:

Bureau of Chemistry: To enable the Secretary of Agriculture to continue the investigations in the manufacture of table sirup, and to continue the field experiments to determine the varieties of cane and culture suited to such production, $5,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 24, to insert:

To enable the Secretary of Agriculture to exercise a more complete inspection of imported food products, to pay for samples and the necessary expenses of cartage and storage, to employ necessary experts and chemists in accordance with the law of March 3, 1903, $25,000.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 67, after line 18, to insert:

To pay to John G. Ames the balance due him for compiling the Comprehensive Index to Government Publications from 1881 to 1893, authorized by joint resolution of March 3, 1897, $3,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public printing and binding," on page 68, line 9, to increase the appropriation for printing and binding for the Department of the Interior, including its several bureaus and offices and the Civil Service Commission, from $42,000 to $59,000.

The amendment was agreed to.

The next amendment was, on page 69, after line 2, to insert:

SENATE.

For compensation of officers, clerks, messengers, and others in the service of the Senate, namely, sixteen pages from November 9 to December 6, inclusive, 1903, $1,102.50.

The Secretary of the Senate is hereby authorized to pay to the Rev. F. J. Prettyman the salary of Chaplain of the Senate from November 9 to November 22 and from December 8 to December 31, 1903, the same being for services rendered as such Chaplain.

For stationery and newspapers for Senators and for the President of the Senate, and for stationery for committees and officers of the Senate, $1,000.

For expenses maintaining and equipping horses and mail wagons for carrying the mails, $1,000.

For purchase of furniture, $1,000.

For miscellaneous items, exclusive of labor, $40,000.

For fitting up car buildings corner First and B streets SW. for the use of the folding room of the Senate, $3,000.

The amendment was agreed to.

Mr. HALE. I offer as an amendment an item coming from the Appropriations Committee of the House of Representatives, which has been omitted in the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 70, after line 22, it is proposed to insert:

For wrapping paper, pasteboard, paste, twine, newspaper wrappers, and other necessary materials for folding, for use of Members of the House and for use of the Clerk's office and the House folding room (not including envelopes, writing paper, and other paper and materials to be printed and furnished by the Public Printer upon requisitions from the Clerk of the House, under the provisions of the act approved January 12, 1895, for the public printing and binding), $3,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Spanish Treaty Claims Commission," on page 71, after line 3, to insert:

For expenses incurred in connection with the taking of testimony in Cuba in claims now pending before the Commission, $5,000; and said Commission is authorized to employ in Cuba one interpreter and translator at a compensation of $200 per month.

The amendment was agreed to.

The next amendment was, under the head of "Judgments in Indian depredation claims," on page 73, line 6, after the word "Senate," to strike out "Document" and insert "Documents;" in line 7, after the word "Eleven," to insert "and One hundred and thirty;" and in line 9, before the word "dollars," to strike out "forty-one thousand one hundred and twelve" and insert "sixty-five thousand four hundred and forty-six;" so as to read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases certified to Congress at its present session in Senate Documents Nos. 11 and 130, $65,446, etc.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. Going back to page 31, in line 12 I move to strike out the word "three" and insert "six."

The SECRETARY. In line 12, page 31, it is proposed to strike out the word "three," before the word "hundred," and insert the word "six;" so as to read:

Sherman statue: * * * and for preparing, at a cost not exceeding $600, an illustrated description of said statue.

The amendment was agreed to.

Mr. HALE. That is all, Mr. President.

The PRESIDENT pro tempore. The Senator from Illinois rose to an amendment. The bill is in the Senate as in Committee of the Whole and open to amendment.

Mr. HALE. The amendment has been withdrawn.

Mr. HOPKINS. After a conference with the Senator in charge of the bill I will not present the amendment.

The PRESIDENT pro tempore. Are there further amendments?

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Is there any wish to reserve any one of the amendments made as in Committee of the Whole? [A pause.] Shall the amendments reported from the Committee of the Whole be agreed to in the Senate?

Mr. BATE. Mr. President, I beg to call attention to the fact that the Senator from Texas is not in his seat. He stated that he desired to have something to say upon one amendment which he wanted to have stricken out.

Mr. COCKRELL. He knew the bill was under consideration.

Mr. BATE. I merely call attention to it. It is nothing to me. I observed that the Senator from Texas was not in his seat, and I called attention to it as a usual courtesy.

The PRESIDENT pro tempore. It is not the duty of the Chair to have Senators present when a bill is under consideration.

Mr. CULBERSON. Mr. President, what is the question?

Mr. HALE. I sent for the Senator from Texas some time ago.

Mr. COCKRELL. Let us vote.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. The Chair asked whether or not it was the wish of any Senator to reserve any one of the amendments reported to the Senate from the Committee of the Whole.

Mr. BAILEY. I desire to reserve the point of order, or to make it now, if necessary, against the amendment of the committee, beginning in line 1, page 10, providing for a loan of $4,000,000 to the Louisiana Exposition.

The PRESIDENT pro tempore. Will the Senate agree to the other amendments reported to the Senate from the Committee of the Whole? The Chair hears no objection, and they are regarded as agreed to.

The Senator from Texas makes a point of order on one amendment. Will the Senator please state his point of order?

Mr. BAILEY. It is that there is no existing law authorizing further aid to this exposition, either by the way of a loan or direct gift. I take it that the Chair does not deem it necessary to have the point of order argued.

The PRESIDENT pro tempore. The Senator from Texas does not distinctly state the point of order. Is it that it is general legislation on an appropriation bill?

Mr. BAILEY. It is what would properly be called special legislation, and that is the very objection I have to it. If it were a proposition to loan money to every man in the country who had undertaken an enterprise and found himself without sufficient funds to carry it through, it would be a general law; but it is a special law, because it provides a special loan to this special institution. But the rule, I observe, uses the words "general legislation," and to conform the point of order to the rule I submit that this is general legislation and therefore not in order under the rules of the Senate.

Mr. HALE. Does the Senator from Texas now desire further to enforce his point of order by argument?

Mr. BAILEY. I think I could not enforce it by an argument, and I am not disposed to occupy the time of the Senate needlessly. I take it that the Chair is as ready to rule on the point of order now as he would be after the most elaborate discussion.

I should like to defeat this proposition if I can. I should like to see it go out on the point of order; but I have never seen anything go out on a point of order that a majority of the Senate desired to keep in. Still, however, out of a kind of customary deference to the rule I make the point of order in the hope, but not in the expectation, that it will go out.

Mr. HALE. Mr. President, I fully sympathize with the Senator from Texas. I do not desire to occupy much time of the Senate.

The situation is anomalous. It has never existed before. The answer to the Senator, in short, must be that the Government has already embarked in this enterprise; that it has committed itself to it by appropriations; that it is a continuing enterprise, and that all that is done now is the advance of certain moneys, to be repaid in a specific way.

The charter of the Exposition Company is a very broad one. Anticipating a point of order, I have been looking it over. Section 1 of the act of March 3, 1901, declared by the United States that there should be this exhibit. It does not leave it to somebody else, but declares that there shall be this exhibit. Section 3 provides a United States commission, to be appointed by the President, to exercise certain jurisdiction over this enterprise and all through its operation. That is another part of this great charter. Section 5 provides that the commission shall accept the site selected for the exposition, and that is another very important feature of this large charter, as I call it.

Section 8 provides not that anybody else shall fix the dedication, but that the Government shall, and when the dedication shall be; and that is another step. Section 9 provides that proclamation shall be made to the world, not by any officer of any company or any association, but by the Government of the United States.

Mr. BAILEY. Will the Senator from Maine permit me to interrupt him with a question just at this point?

Mr. HALE. Certainly.

Mr. BAILEY. It has been some time since I have read this particular act, but all preceding similar acts contained an express stipulation that the passage of the act should not commit the Government in any way to further appropriation.

Mr. HALE. Undoubtedly.

Mr. BAILEY. I wonder if that is in this act.

Mr. HALE. Undoubtedly; and if the Government did not go further and commit itself by further appropriations, this company and this exposition could not claim anything more. But while the Government is not committed, it may, as I contend, go further, as it is proposed to do here.

Section 14 provides for the Government participating in the exposition by an immense exhibit upon which it has spent something more than $6,000,000. Section 19 gives outright upon certain conditions to this great enterprise $5,000,000 of our money. That has been paid in. We have that interest in it. Section 20 provides that when it is all ended and the business is wound up the United States shall be a shareholder or stockholder and have a third of all the proceeds that are left.

Now, I could not, if I amplified all the morning, state more clearly the reasons why the Committee on Appropriations believed that this further amount, hemmed and guarded as it is in every respect, was justifiable under the law and under the rules applicable to appropriations in the United States Senate.

The Committee on Appropriations is conservative, and it would not have reported the amendment unless it had believed that under all these conditions the appropriation was justifiable—the complete participation by the Government in this whole affair, its interest in it now and every day, and its final interest as a share or stock holder in the property that is left to be divided, of which the United States Government has a part. The committee did not think that under any conditions should the Government come to the rescue—if I may so put it—of this great enterprise and further embark in it.

But I am willing to leave the question of order to the Chair.

Mr. BAILEY. Mr. President, the rule declares that all general appropriation bills shall be referred to the Committee on Appropriations, with certain exceptions, and it then, after several recitations, declares:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry

out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

Of course if this can be justified at all, it must be justified as the Senator from Maine has sought to justify it, upon the ground that it is in pursuance of existing law. It strikes me as a little singular that the Senator from Maine can find authority for this appropriation in an existing law, which existing law specifically declares that the Government shall not be committed to any further appropriation. In other words, the existing law gave these excellent gentlemen $5,000,000 out of the public Treasury for this great exposition, and then committed the Government to certain exhibitions, which the Senator from Maine says will cost about $6,000,000, thus making it plain that the Government in that act provided for an expenditure of $11,000,000 of public money. That was generous enough; and it is small surprise that Congress in its wisdom should have seen fit to incorporate a provision that it should not be committed to any further support. Possibly it is true that if Congress had omitted that declaration——

Mr. HALE. Will the Senator from Texas allow me? If I said $6,000,000 I misstated it. The amount is not nearly so large as that, but it is a large amount.

Mr. BAILEY. I may have misunderstood the Senator.

Mr. HALE. No; I think the Senator is right. I think I may have incautiously used too large a figure, thinking of some other appropriation. It is a very large amount, but not six millions.

Mr. BAILEY. I shall have a word to say about the merits of the proposition. I have nothing further to say about the point of order.

The PRESIDENT pro tempore. The Chair submits the point of order to the Senate.

Mr. TILLMAN. Mr. President, I can not add anything in the way of light on the rules. I do want to make one observation on the policy, and to try, if possible, to have some idea get into the minds of Senators as to how long and how far this thing is to go on.

Mr. BAILEY. It will go on forever.

Mr. TILLMAN. The Buffalo Exposition came out in debt, and its representatives appeared here with a pitiful story of disaster, contractors not being paid, etc., and so on; and we gave them $500,000 more, I think. The Charleston Exposition came out in debt. Another pitiful story came up as to the great hardship that would follow if the Government did not come to the rescue and pay the debts, and the Government gave them $250,000 or thereabouts.

Now, there is the five millions that we put into the St. Louis Exposition. That is gone, and we have a request here for a loan. Is this a loan or a gift? If at the end, at the wind up of this business, after the exposition has been held, it is discovered that we are not to recover this money, then are we going to pay some more debts if the Exposition Company comes out bankrupt and unable to pay its premium list and close out the expenses? In other words, how far are we going to travel down this bad road?

I have had a little slice for my State, and you all remember that I stood here and contended that if we were going to steal, if Congress was going to indulge in that kind of thing, I wanted my share.

Mr. SPOONER. The Senator does not mean a steal?

Mr. TILLMAN. Yes, in one sense. It is unlawful, and everybody knows it is unlawful, and it is unconstitutional. It is constitutional to say that on account of the general welfare we are going to present $5,000,000. That is a very liberal and broad view we have taken. But nobody can undertake to say that to pay the debts of an institution which has gone into an enterprise on its own hook is constitutional and lawful, and therefore it is an indirect steal.

Mr. SPOONER. Mr. President——

Mr. TILLMAN. Before I get away from that, and before the Senator interrupts me, I want to say a word in regard to that idea of its being a steal and my having had my share of a steal. I justify that on the ground that we pay taxes, and we contribute our pro rata share to the Treasury, and we get very little back, and if I can get any back I naturally reach out my hands for it.

Mr. SPOONER. Does the Senator think they pay more taxes than they ought to?

Mr. TILLMAN. Undoubtedly, because we do not get back the same proportion of taxes that we pay in. In other words, we contribute a very much larger sum to the Treasury than is ever spent by the Government in our midst. Therefore we are contributing to the wealth of a people away from home who enjoy the benefits which arise from the Government spending elsewhere the taxes which we pay.

Mr. SPOONER. When the Senator speaks of "home," that means the whole country.

Mr. TILLMAN. Yes, in a sense. I am an American.

Mr. SPOONER. Yes.

Mr. TILLMAN. But I am a South Carolinian, too.

Mr. SPOONER. Yes; but does the Senator want to occupy the position of recouping for unjust taxation by theft?

Mr. TILLMAN. Oh, the Senator is quibbling.

Mr. SPOONER. I am not quibbling.

Mr. TILLMAN. He wants to try to play on my words. I simply say that in my judgment the action of Congress in contributing or spending out of the public revenues money in this way is contrary to the laws and to the Constitution and to the rules, and Senators salve their consciences on the legality of this matter by saying, "Well, we have got to vote it: we have to let the money go;" and all that kind of thing. If the Senator will allow me, here is a proposition to lend this money to this concern. Why not lend it to a cotton mill; or, as my friend the Senator from Texas just now illustrated it in private conversation, if it is permissible to lend money to have certain things exhibited—cattle, for instance—why is it not permissible to lend to the farmer who grows the cattle? The two principles run on all fours. It is another subtreasury business in one sense of the word, as far as principle goes.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. TILLMAN. With pleasure.

Mr. SPOONER. I intended no play upon words at all. To tell the truth, I intervened rather to appeal to the Senator to protect himself against himself. I do not think he says what he means when he says that these appropriations, which began long ago and which have continued from time to time, and which have a pretty substantial basis in some respects, are steals, and that the State——

Mr. TILLMAN. Stop; let us differentiate right here. I acknowledge that the power to spend money for the public welfare would legalize a contribution from the Treasury for a specific purpose under it, and there stop.

Mr. SPOONER. Why does the Senator call it a steal and put himself in the attitude of being a participant in it?

Mr. TILLMAN. We lost our money. Our concern did not get any help. It broke. Buffalo did get help, and it broke. They came here with their hats and said, "Gentlemen, we are bankrupt; we have not money enough to pay up. We want you to contribute out of the Treasury." Was that for the public welfare?

Mr. HALE. I wish the Senators would let me pass this little bill, and then they can continue the discussion.

Mr. TILLMAN. The Senator from Maine will get his bill passed in ample time. There is no necessity for being double-quick about it. It is only half past 1 o'clock; and if my friend from Wisconsin wants to protect me from myself, I wish to know wherein I have laid myself liable. I think my code of honesty is just as clean as his.

Mr. SPOONER. Undoubtedly.

Mr. TILLMAN. Well, then, where have I erred and what have I done which would warrant the Senator in getting up and undertaking to say that I have made admissions which convict me of being more dishonest than he is?

Mr. SPOONER. I will tell you. The Senator's code of honesty in his mind and in his heart is as high as that of anybody.

Mr. TILLMAN. Thanks for so much.

Mr. SPOONER. Thank me pro tanto; but the Senator's speech was not so high as his heart or his mind or his standard of honor, in my judgment.

Mr. TILLMAN. Will the Senator please show how?

Mr. SPOONER. It is not a steal to begin with, as the Senator has admitted; but he calls it a steal, and puts himself on record as participating in a steal, and I mildly, and in a friendly spirit——

Mr. TILLMAN. In the first place, the Senator possibly carried my words further than I myself intended or meant.

Mr. SPOONER. The Senator sometimes——

Mr. TILLMAN. I can not help the Senator's interpretation of my words, you know. It is, I believe, usually allowed a man to explain what he meant.

Mr. SPOONER. Does the word "steal"——

Mr. TILLMAN. What I meant is that from my point of view when the Congress of the United States levies taxes and takes the money from the people and spends it in this way it is a steal. That is my interpretation of a steal. And I say Buffalo got part of a steal and Charleston got part of a steal and St. Louis got a gift, and now comes here for a steal, if we do not get this money back, and nobody expects to get it back. That is what I say. That is what I meant and what I intended to say, and I want to ask Senators how much farther are we going down this road? How far are we going to participate in these——

Mr. SPOONER. Steals.

Mr. TILLMAN. Steals. Yes, I stick to it.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair has submitted to the Senate the point of order raised by the Senator from Texas.

Mr. BACON. Mr. President, I wish to say only a word. I am

not willing myself to appear to acquiesce in some things that have been said here. It is not entirely competent for me now to say whether, if we were at the beginning of this road which has been pursued for some time, I would favor appropriations out of the public Treasury for these expositions. At the same time it has been going on for a number of years, and all sections have given their approval in the fact that they have sought and obtained some of the benefits thereunder. And however improper, and, if you please, from some standpoints, outside of the strict letter of the law, these actions by Congress may have been, I am not willing to appear to acquiesce in the designation of these appropriations as having been in any manner tainted with dishonesty.

It is for that purpose that I rise to make this brief statement to the Senate, and if expressions of this kind had not been made it is probable I should not have trespassed upon the time of the Senate. As I am on the floor, I will add that in view of the long continued approval by Congress of appropriations of this kind, I should say that this particular proposition is not the one furnishing the point at which we should call a halt. If there is any one of the expositions which should command the approval of the people of the United States generally, it is one which is not only seeking to make an exhibition at this time of the great progress which our country has made, but which is sought to be used as a means of celebrating and emphasizing the wonderful achievement in the acquisition of territory which has done more than any other one act to put us at the present point of prosperity and development and has made it possible that we shall be in the future, if not already so, the greatest nation of the world.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. Yes, with pleasure.

Mr. TILLMAN. I hope the Senator does not understand my little side remark here as indicating that I am going to vote against this thing.

Mr. BACON. I am sure I have not considered that question one way or the other.

Mr. TILLMAN. But as the Senator appears to be lamenting a difference of opinion and desires to put himself right as to the policy and wisdom and all that kind of thing, I want him not to put me down on a particular line. I merely wanted to know if we were ever going to stop this thing. As I said, Buffalo got hers, Charleston got hers, and St. Louis, of course, shall have hers, so far as my vote goes; but are we to continue perpetually and indefinitely along this policy?

Mr. BACON. Possibly, then, the vote which is to be taken today is not to decide the question which the Senator puts to the Senate, but as I am going to vote for it I am unwilling that the remarks made by the Senator facetiously shall appear to go to the country as an honest expression of an opinion that the contemplated appropriation is a dishonest one.

I wish to say for myself that I do not regard these appropriations as in any way tainted with dishonesty, nor do I regard this particular appropriation as the one at which that point should be made.

Mr. BAILEY. Will the Senator from Georgia permit me?

Mr. BACON. With pleasure.

Mr. BAILEY. Does the Senator from Georgia think that this is a proper application of the public money?

Mr. BACON. Abstractly considered, I should say to the Senator, undoubtedly, no, I do not, and for that reason I said that if we stood at the beginning of this departure I am not prepared to say but that I would disagree with the proposition and refuse to give it my assistance in any way.

I wish to say simply that the whole country having acquiesced in this practice and the entire country having received the benefit of it, it having to a certain extent the sanction of the public in general, while that, of course, can not settle the constitutional question, this is not the particular place and time at which I am willing that it should be brought up as a reason why this great enterprise should now be jeopardized. While I do not like the policy, and at the beginning of it think I should have opposed it, I shall to-day give my assent to it.

Mr. ALLISON. Mr. President, I desire to say a single word upon the point of order. I can not very well do so without mentioning also the facts and circumstances which have led up to this appropriation.

The Senator from Maine [Mr. HALE] has stated succinctly and clearly the original plan or purpose of the exposition, showing that the United States committed itself absolutely to the exposition in commemoration of the great achievement of Thomas Jefferson and those associated with him.

The exposition was organized in the way indicated by the Senator from Maine. The President of the United States was directed to do certain things in connection with it. One of those was to invite foreign governments to participate. That invitation was not extended by a private corporation, but it was extended by the Government, and so far as foreign nations are concerned, they only know practically the Government of the United States in this affair. The foreign governments have already expended or expect to expend, at the invitation of the Government, over $7,000,000 for purposes of the exposition on the site selected by the Government.

Mr. BAILEY. If the Senator from Iowa will permit an inquiry, I shall be glad to interrupt him there.

Mr. ALLISON. Certainly.

Mr. BAILEY. Then, as a matter of fact, the Government of the United States is holding this exposition?

Mr. ALLISON. Mr. President, we will not enter into all the details. As a matter of fact, the Government of the United States is participating in the exposition. Foreign governments have been invited here. They have expended and they are expending large sums of money.

In the original plan or purpose we required the company to invest $10,000,000, and we agreed, upon that condition, to invest five millions more.

Mr. SPOONER. How is that investment represented?

Mr. ALLISON. Our investment is represented by the statute, which provides that $15,000,000 in the way of profits shall be divided between the United States and those who have contributed the $10,000,000 in proportion to the amount contributed. Therefore, in a sense, we are a partner in the exposition. We are a partner in the sense that we are to participate in the profits of it.

Now, in that view it is found that in order to open the exposition an additional sum of money is required. We certainly are under an obligation to assist in making the necessary preparations for the opening of the exhibition. That is due to the foreign governments as well as to the States of this Union who have also expended large sums of money in this matter. Therefore it is that here is a work in which we have participated and in which we are bound to participate and follow until the end.

So it seems to me that it would be in order to make a direct appropriation, an additional appropriation, if we had chosen so to do; but instead of that we propose in this amendment to advance the money to the exposition in which we have one-third interest, and we require that the money now advanced shall be presently refunded to us.

Mr. SPOONER. How was it represented—by statute?

Mr. ALLISON. It was represented by statutory provision in advance that when the company had expended $10,000,000 we would spend $5,000,000, and that when the exposition is ended whatever profits there are shall be divided between the Government and the Exposition Company.

Mr. SPOONER. On the basis of five million to fifteen million?

Mr. ALLISON. On the basis of five to fifteen million. Therefore our interest, it seems to me, is plain, and our obligation is also plain, because we can not afford in the presence of foreign nations to allow the exposition to fail at this time for want of money to put it into a condition to be opened on the 1st of May. Now, that is all there is about this matter.

Mr. ELKINS. Will the Senator from Iowa allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. ELKINS. What security have we for the first $5,000,000?

Mr. LODGE. I wish to ask the Senator a question.

Mr. BATE. Mr. President——

Mr. ALLISON. I have yielded to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia did not address the Chair, and therefore he is not recognized. The Senator from Tennessee has addressed the Chair.

Mr. ALLISON. Then I yield to the Senator from Tennessee.

Mr. BATE. I have no question to ask, but simply wish to make a suggestion.

Mr. LODGE. I wish to ask the Senator from Iowa a question.

Mr. BATE. I desire to say that the point raised by the Senator from Texas meets with my approbation. I think the amendment is amenable to the objection that it is general legislation, and I think we ought to observe the rule. I do not approve of all of the general legislation that has been had touching this and other expositions. I look at this one with great pride.

At the same time, Mr. President, I do not think the Government should become a partner in the loan of money to carry it on. I oppose that. I do not know what right we have to give this money, or to loan it, either, for such a purpose. I do not want to lend my vote to doing it, unless there is some more satisfactory reason given than any I have yet heard.

I wish, Mr. President, to say further——

Mr. ALLISON. I beg the Senator's pardon.

Mr. BATE. The Senator will please excuse me. I thought he was through. I do not——

Mr. ALLISON. I have yielded to the Senator.

Mr. BATE. I do not know how others will vote on this proposition, but I want to place myself right on the record in regard to it.

I wish to make a further remark in regard to the moneys appropriated by the Government for these expositions. I think the Government had better give than loan the money, for it seems that the Government has had most of that it became responsible for to pay in the end. I do not like this partnership between the Government and individuals and corporations. Besides, it is not clear that we have the right under the Constitution to use Government money for such purposes. Let the right be what it may, this partnership policy is bad business.

We held a very large exposition at Nashville in 1897, lasting for months, and I believe it came out without the Government having a dollar to pay. It was managed most beautifully and successfully. Its income was large and it was self-sustaining. I am glad to make that statement for my State and for the exposition that was held at Nashville, our capital. I know that in the case of a large exposition like the one at St. Louis much has to be done and much has already been done. I want to see everything done in a liberal way, but I do not approve the course of doing it. I am proud of the cause that brought it abont, of the history of that part of our country it represents, and hope it will be, as it ought to be, a wonderful success. But, Mr. President, I think the point of order made by the Senator from Texas is well taken.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. ALLISON. Certainly.

Mr. LODGE. What I wish to ask the Senator from Iowa is this: We are going to give this additional four million and a half to the fair, and there is an apparent provision made that it will be refunded. It seems to me that we had better do it with our eyes open. Does the Senator from Iowa really believe, as a business proposition, that we are going to get back one dollar of the loan or that we are not much more likely to be called on to pay up more debts of a bankrupt affair, as we have done two or three times? That is a matter of opinion, I am aware.

Mr. ALLISON. It is a matter of opinion.

Mr. LODGE. But I think we ought to know what we are doing.

Mr. ALLISON. I do not suppose my opinion is of any great value, but I should hate to impair the efficiency of the exhibition in advance. Of course its success depends upon the people of the United States who choose to visit it. The Exposition Company have no other debts; this is the only debt they have; and I would venture the opinion that if it is well managed they will be able to refund this sum to the United States. The company will also be able to pay the expenses of the exposition if they have no other debts, and I think they will not create any other.

Mr. LODGE. I am very glad that is the opinion of the Senator from Iowa, because what I anticipate myself is that we shall be asked presently for a repeal of this law, which provides for the receipts being turned in to the Government. I hope I am not unduly pessimistic in expecting that result.

Mr. ALLISON. I think the Senator——

Mr. BAILEY. Will the Senator from Iowa permit me just to reenforce the statement of the Senator from Massachusetts? We may expect what is to come by what has come. The very concluding section of the act originally passed specifically pledged this company or committed the Government against any further appropriation. It says:

That nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said commission.

Now, that act was approved on the 3d of March, 1901. In less than three years they are coming back here, and so distinguished a Senator as the Senator from Iowa is arguing that, notwithstanding that provision, we are in partnership with them and we must pay more.

Mr. ALLISON. I have endeavored to state the character of our relations to the exposition. That, of course, is a law which we passed three years ago, but I undertake to say that this Congress can, if it chooses, amend that law in order to promote the purpose of the exposition. Therefore I shall vote that this amendment is in order.

Mr. ELKINS. Does the Senator have in mind what our experience was in Chicago and how much the United States lost by that venture?

Mr. ALLISON. We did not lose the $5,000,000 which we have contributed already to this exposition.

Mr. LODGE. That contribution is lost, I take it.

Mr. ALLISON. It is lost unless there is some profit. The Government is to receive its share of the profits.

Mr. ELKINS. I was diverted at the moment, and I did not hear the Senator's explanation.

The PRESIDING OFFICER. The Senator will suspend for a moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 82, by Mr. BACON, favoring the negotiation by the President of a treaty with the Republic of Colombia to satisfactorily adjust and determine all differences between the United States and Colombia growing out of the recent revolution in Panama, etc.

Mr. HALE. I ask that the unfinished business may be temporarily laid aside that we may finish this bill.

The PRESIDING OFFICER. The Senator from Maine asks that the unfinished business be temporarily laid aside. Without objection it is so ordered.

Mr. ELKINS. As I remember, when this proposition came before the Senate originally there was a sort of understanding that the Government of the United States would not be asked again to contribute.

Mr. ALLISON. We have that understanding every time we propose to aid an exposition, that it is the last one we will aid.

Mr. ELKINS. Why did not the Committee on Appropriations, charged with the interest of the Government in respect to guarding the public funds, see to it that when an exposition wants money out of the Treasury its agents should keep their promises? The Senate can do that; it can oblige people to keep their promises. We have it in our hands right now to compel this exposition to keep its promises.

Let me say to the Committee on Appropriations, you are confronting a deficiency of $43,000,000, according to the Secretary of the Treasury, if we take care of everything that we can reasonably expect and exercise all the economy we can. Where is this money to come from? Where is this $4,600,000 to come from. I want to ask the Senator? How is he going to provide for it? You will be cutting down the rivers and harbors appropriations, or refuse a bill; you will be cutting down everything we come to you and ask for.

This is in a large sense a local issue. This is for the Mississippi Valley, if you please. There is too much sentiment about this matter. Let us treat this like business men. Will the bankers of St. Louis and the president of this Exposition Company write across the face of this loan in advance that they will pay it back with 4 per cent interest, or without interest in case the gate receipts do not do it? Let us advance it on those conditions.

Let the people of Missouri, let St. Louis that is to be benefited more than any other part of the country, indorse this loan through her great trust companies and her great banks.

If the Senator from Iowa is going to do a piece of private business, I do not mean to say now that he would exercise more care about that than he does about the affairs of the Government, not near as much; but I venture to say that he would say, "I am used to security for loans I make; I do not take promises." We have taken one promise here, and the Senator says it is very doubtful whether we will ever get back the $5,000,000 the United States has already advanced.

Mr. ALLISON. What Senator said that?

Mr. ELKINS. The Senator himself said that it was doubtful whether we get back the first $5,000,000.

Mr. ALLISON. Certainly.

Mr. BAILEY. We are giving this as a lien on that now.

Mr. ALLISON. We are giving a lien.

Mr. ELKINS. It is doubtful, in your mind, if we ever get a dollar back of the $5,000,000 already advanced.

Mr. ALLISON. I am not expressing such an opinion.

Mr. ELKINS. We are standing here as servants of the people, as their trustees, and why should we give away $4,600,000 when you do not know where the money is to come from, when you have got to stint the Government in other directions in its ordinary operations? I ask the Senator if everything I say on this point is not true?

Mr. ALLISON. Mr. President, if this money is paid, it will be paid from the Treasury of the United States. The security may not be ample, but we do not always have the best security. If we could have the indorsement of my friend from West Virginia, I should feel very much safer.

Mr. ELKINS. If my constituents, the people of West Virginia, should get up an exposition and the Government had contributed $5,000,000 to this end, I would gladly, with other citizens of my State, indorse any further loan the Government or banks might make to carry on the exposition.

Mr. ALLISON. But I have no doubt myself, at least I feel a reasonable assurance, that our security for this loan, which is a loan or advance, will be found to be good, and that we will realize the amount we now advance.

I did not intend to say so much on this subject, Mr. President, and least of all do I intend now to enter into an elaborate discussion of the resources of our Government and the question as to how much of those resources shall be annually applied to the improvement of rivers and harbors.

Mr. PERKINS. Mr. President, I desire to say only one word in answer to my friend from West Virginia. It is evident from his question to the chairman of the Committee on Appropriations that he has not read the terms of this security. If he had done so as the head of one of the financial or banking corporations which he so ably manages and represents, he would say that this is ample security. It provides that 40 per cent of the gross receipts from all sources received by the St. Louis Exposition shall be returned to the Government under such directions and regulations as the Secretary of the Treasury may make and provide therefor. Therefore it only requires about $11,000,000 gross receipts from this exposition, in which every State and every county of every State and every American citizen feels a national pride. So from a business standpoint the exposition must be a failure in every respect or this Government will be reimbursed every dollar that she advances under the terms of the amendment.

Mr. LODGE. May I ask the Senator from California a question?

Mr. PERKINS. Certainly.

Mr. LODGE. If this is perfectly good security, why can they not borrow it in open market of private lenders?

Mr. PERKINS. Because money in the open market is not plentiful at this time. I know in the great money centers like Boston our Yankee friends, known for their prudence as well as their enterprise, because I came from one of those States myself, prefer Government bonds rather than any other security for loans which they may advance; but I will say, in answer to my friend from Massachusetts, that the Government exacts no interest, and that is the only advantage. The Government is willing to let them have this money without interest.

Mr. ELKINS. May I interrupt the Senator?

Mr. PERKINS. Certainly.

Mr. ELKINS. Why is the Committee on Appropriations so willing to give up Government money without security?

Mr. PERKINS. We have security.

Mr. ELKINS. Allow me to ask the Senator one question. You say the Government will get 40 per cent of the gate receipts?

Mr. PERKINS. Forty per cent of the gross receipts.

Mr. ELKINS. You allow 60 per cent for operating?

Mr. PERKINS. Sixty per cent for operating.

Mr. ELKINS. I want to say to the Senator that in the administration of my own affairs, limited as they are, I would want better security than it is proposed to take for the Government. There is not a Senator here advocating this proposition who would not demand better security in his own private affairs.

Mr. PERKINS. The citizens of St. Louis and of this Government have made a permanent investment here of over $20,000,000. They throw it open to the public and the public pay for admission to the exposition and pay also for the privilege of making an exhibition in the various buildings erected there.

Mr. McCOMAS. Will the Senator from California allow me to ask him a question?

Mr. ELKINS. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator from California yield?

Mr. PERKINS. To both my friends, first to my friend from Maryland and then I will yield to my friend from West Virginia.

Mr. McCOMAS. I desire to ask a question, but I wish first to say that this relevant and luminous discussion of the point of order has quite convinced me that I shall vote with the majority.

Mr. TILLMAN. How does the Senator know which is the majority?

Mr. McCOMAS. I know the majority will be against the point of order and for the exposition loan.

I ask the Senator from California, as 40 per cent of the gate receipts are the security for the advance, whether he recalls what was the total amount of gate receipts at Chicago?

Mr. PERKINS. We have the data at hand.

Mr. McCOMAS. About how much?

Mr. PERKINS. It is not in my memory at this time. Mr. President, there is no use to go into details upon this matter.

Mr. ELKINS. Will the Senator allow me?

Mr. PERKINS. Certainly.

Mr. ELKINS. Now, suppose there was a great epidemic, and suppose the gate receipts did not amount to $2,000,000 or $20,000,000, where would be the security of the United States?

Mr. PERKINS. Where would be the great city of St. Louis?

Mr. ELKINS. It would be on the banks of the Mississippi.

Mr. PERKINS. Where would be my friend from West Virginia?

Mr. ELKINS. The city and the Mississippi Valley would be the beneficiary. The Government would be furnishing the money with a chance of losing it. Now, what security, let me ask the Senator, does the Government have? Suppose there would be $11,000,000 of gate receipts?

Mr. PERKINS. Because our estimate is four times that sum.

Mr. ELKINS. Whose estimate?

Mr. PERKINS. The estimate of the managers of the exposition.

Mr. ELKINS. The Appropriations Committee does not belong to the managers of the exposition.

Mr. PERKINS. But the managers have given us the benefit of their experienceand their investigation. The Appropriations Committee have considered this question both from a patriotic standpoint and from a national standpoint, as the chairman of the committee has so ably presented to the Senate. He has shown that the honor of the nation is committed to making the exposition a success: and what we undertake we never fail in.

Mr. ELKINS. Let me state to the Senator that the first five million has been expended. Where and how?

Mr. LODGE. That is gone.

Mr. PERKINS. That was well invested; much better than some of the money we have given to improve the rivers in West Virginia, for the floods have washed away the levees and dams we appropriated money to build.

Mr. ELKINS. Ah, that belongs to the United States.

Mr. PERKINS. So does this great exposition belong to the United States.

Mr. ELKINS. No; the exposition does not belong to the United States. It is, as I said, in a sense a local matter, and directly benefits the people who inhabit the great Mississippi Valley.

Mr. TILLMAN. We can not hear what the Senator from West Virginia is saying, and we are very much interested.

Mr. ELKINS. The object is said to be to carry the exposition to a successful conclusion. Now, what I want is security. I do not want to give the Government's money away without security.

Mr. BAILEY. I hope the Senator from West Virginia will not carry his business habits into the discussion.

Mr. ELKINS. I wish to say that it would be better to have perhaps more businesslike habits in the Senate, especially when it comes to giving up the nation's money. Why could not the Appropriations Committee have gotten from the managers of the exposition some security other than the gate receipts?

Mr. KEAN. The gate receipts are cash.

Mr. ELKINS. The great trust companies of St. Louis are bursting with money, and there are the great banks of the city. The banks of Chicago came to the relief of the Chicago Exposition, headed by Lyman J. Gage, and they took a great deal of the burden on their own shoulders. The bankers of St. Louis, as I understand it, have not agreed to give any of this money.

Mr. PERKINS. I wish to answer my friend from West Virginia, but his questions are too sweeping; there is too much sea room. I wish to say to him that our great Government sometimes has had a claim against some of the Central American states and they have not had the means, as St. Louis has not the means to-day, to make an advance to this Government and to pay the claim that had been adjudicated by our commissioners or by the Department of State. So they said to this Government, "We will give you a certain per cent of our revenue that comes through the collections at the custom-houses of our country." The Government took that as security. My friend from West Virginia would say, "Suppose they did not import anything in their country; suppose they had no duties paid; suppose they had nothing, where is the claim of the United States?"

But, Mr. President, above it all this Government is in honor bound and committed to this proposition. I believe I would vote for this appropriation if I knew that we would never receive a cent in return, and I would think in doing so, not, as my friend from South Carolina does, that I was doing a wrong act, but that I was doing a patriotic act to show to the countries of the world the great resources of this nation as presented by the great Louisiana Exposition.

The great Louisiana purchase, in celebration of which this exposition is to be held, has done more to redound to the financial interest and the honor of this great nation than any other administrative act I can call to mind at this time. But we will have every dollar returned that we now advance to the exposition, and the payments will come right along. In June next the first payment will be made into the Treasury of the United States. We know how efficient that Department is, and certain rules and regulations will be made by which I believe it will successfully bring back to us every dollar we now advance.

I see my friend from South Carolina [Mr. TILLMAN] is waiting to ask me a question, and, as I am on the witness stand, I shall be glad to answer him as best I may.

Mr. TILLMAN. I was not rising to interrupt my distinguished friend from California. I merely wanted to ask if an amendment is still in order. Then I wanted to know if this point of order is not sustained—and I know it will not be, at least I think it will not be—whether then the bill can be amended?

The PRESIDENT pro tempore. It can be.

Mr. TILLMAN. I want to offer at the proper time a proviso

that, after my friend from Oregon [Mr. MITCHELL] gets through with his Lewis and Clark appropriation, and if anybody, anywhere, has got another exposition hatching, he also be allowed to come in and claim a part of this donation, and then that we may at some time get a pledge among ourselves that we will stop. Everybody says it is wrong.

Mr. COCKRELL. Mr. President, I want to call the attention of the Senator from West Virginia [Mr. ELKINS] and the Senator from Massachusetts [Mr. LODGE] to some facts of record in regard to the character of the security which the Government will hold as a lien upon all the receipts of the St. Louis Exposition from all sources.

In the Chicago Exposition the total admissions at 50 cents—and I hope the Senators from Massachusetts and West Virginia, as they have been so critical in saying that this is no security, will give attention to the recorded facts, and then they can judge——

Mr. ELKINS. Let me correct the Senator from Missouri. I said it was not sufficient security.

Mr. COCKRELL. Then, as to the sufficiency of the security. The admissions at the Chicago Exposition—and this is the record—during the entire time, chargeable at 50 cents for each person, amounted to 21,478,000. That exposition was held six months. The St. Louis Exposition will be held seven months. In the first three months of the Chicago Exposition the admissions were only 6,514,000, while in the last three months of the exposition the admissions at 50 cents were 14,964,000. The aggregate receipts per month at 50 cents upon the admissions at Chicago were over $10,000,000—nearly $11,000,000. This relates only to admissions, remember, and not to revenues from the concessions and privileges granted, which would aggregate an equal amount. If, at the St. Louis Exposition, continuing seven months, the admissions are no greater than they were at Chicago, the receipts from admissions at the gates will be twice as much.

The Secretary of the Treasury will have in his hands the right to take charge of not only the admissions but the revenues from the concessions. He has the right to place an officer there to supervise the expenditure of this $4,600,000, and at a given time he will begin to pay back 40 per cent of those revenues. Everyone thought that was abundantly sufficient to pay off the debt before the exposition closed.

Mr. ELKINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. COCKRELL. Certainly.

Mr. ELKINS. How much did the Government lose by the Chicago Exposition, in view of the financial showing made by the distinguished Senator from Missouri?

Mr. COCKRELL. I do not remember exactly. I have not the figures. The Senator from Illinois [Mr. CULLOM] can probably tell.

Mr. ELKINS. They are very satisfactory figures now, but the Government of the United States was a loser in that scheme, and, according to the Senator's figures, the Government ought to have been reimbursed every dollar it expended.

Mr. COCKRELL. We have gone over this matter carefully; we have discussed it with Governor Francis, the president of the Commission; we have taken the admission fees that have been received at other expositions; we have taken the revenues from the concessions, and I want to say, after hearing all this, the distinguished Senators from Maine, Iowa, and New Hampshire, who are on the subcommittee, considered 40 per cent to be ample security; but in order to guard against all possibilities we give the United States a lien upon all the receipts, and whenever the Secretary of the Treasury, supervising the expenditure and supervising the receipts, thinks that a default will be made in any payment he has the right to take charge and receive the receipts both from concessions and from gate fees, and the Secretary of the Treasury will do so. The understanding with him is that he will do so. He has sanctioned and approved this measure, and I believe every dollar of this loan will be returned.

Mr. ELKINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. COCKRELL. With pleasure.

Mr. ELKINS. How can the Secretary of the Treasury enter into this kind of a transaction? How can he watch the gate receipts and decide arbitrarily these questions? The law does not confer such a power upon him.

Mr. COCKRELL. There are sworn officers of the Treasury Department there supervising and approving the expenditure of every dollar of the $15,000,000 that has been spent; and so it will be with this appropriation. The Secretary of the Treasury will be supervising it; he will be receiving the reports of the daily receipts and revenues.

Mr. ELKINS. Could the Secretary of the Treasury substitute his own officers, the officers of the Government, and put them in charge of this exposition?

Mr. COCKRELL. He could do it beyond question.

Mr. ELKINS. Where is the law for that?

Mr. COCKRELL. Right in the pending amendment. The Senator from Maine [Mr. HALE], who largely modified this amendment, put in it everything that he thought was a necessary guard for the protection of the Government.

I want it distinctly understood that I do not believe this is a gift. I believe that it is a legitimate loan by the United States as a shareholder in this enterprise and as an exhibitor at this enterprise. We have invited all the nations of the earth to come here and participate in this exposition. They have accepted the invitation and are spending seven or eight millions of their own money in buildings there. Nearly every State in the Union, I believe, with two exceptions, has already taken part in it, and is constructing buildings there, and the Government has encouraged it. This encouragement has been given by all the Departments of the Government.

The Government has put up there one of the handsomest buildings on the grounds, and that building is to-day completed, with the exception merely of its ornamentation. The Missouri State building, costing nearly $1,000,000, is completed, and nearly all the great buildings are completed or are under contract and will be completed in time for the opening. It will be a complete exposition on the 30th day of April next. All the railroads of the country have agreed to make reduced rates, and it will not be astonishing to me, if our present prosperous condition continues and the railroads continue their policy, if this exposition shall prove to be a profitable investment.

I do not consider that it is beyond reason that it should be so. The liabilities will be the $15,000,000 already expended and this sum. When this sum is returned, then the United States will have an interest in the St. Louis Exhibition of $5,000,000; the city of St. Louis an interest of $5,000,000, and the citizens of St. Louis, who have subscribed toward it, $5,000,000. Each one will receive one-third of whatever profit there may be from the exposition. Some expositions in this country have proved successful. The exposition at Omaha proved to be successful, as did the one at Nashville.

On this exposition forty-odd million dollars will have been expended when the gates are opened on the 30th of April, and it will be such an exposition as has never been seen on this earth—it will be far ahead of anything that has ever heretofore existed. It will be nearly a half larger than the exposition at Chicago, and the buildings are larger in every respect.

Nearly all the States are erecting buildings there; the foreign governments are erecting buildings there, and the exhibits are now being put in position in many of the buildings.

The buildings will be completed and the opening will be attractive. In my judgment twice as many admission fees will be received in the first three months, if not three times as many, as were received at Chicago, because, unfortunately, the Chicago Exposition, as everybody knows, was not complete on the day of the opening.

I do not consider that this Government runs a particle of risk in this matter. I think that it is in honor bound to see that this enterprise is a success. I think the honor of our country and of our people is involved in it. I believe that the money will be returned, and that the world will behold the grandest exposition ever held, made by the greatest nation of the earth and the most progressive people.

I hope that the point of order will be voted down and that the amendment will be adopted.

Mr. BAILEY. Mr. President, I refrained from saying anything upon the merits of the proposition when I submitted the point of order, stating, however, that I did desire to have a word to say upon the main question when the point of order should have been disposed of. I believe no Senator except the Senator from Maine [Mr. HALE] has addressed himself to the point of order since the Senator; and if it is the practice here to discuss the merits of a proposition pending a point of order, I may as well avail myself of this opportunity to say what I desire. I will, however, say that the obvious disposition on the part of the supporters of the amendment to discuss the merits of it, instead of the point of order, encourages me to believe that I am undoubtedly right on the point of order.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. BAILEY. I do.

Mr. LODGE. I was about to ask the Senator if he had the slightest doubt on the point of order?

Mr. BAILEY. Not at all; and I do not think any other Senator has much doubt about it.

Mr. LODGE. Does the Senator suppose for one moment that that point of order is going to be decided on its parliamentary merits?

Mr. BAILEY. I do not.

Mr. LODGE. I know the Senator sees why we are discussing the merits of the proposition.

Mr. BAILEY. Certainly; and the point of order is so obviously well taken that has been submitted to the Senate, so that it may decide the point of order according as it would decide on the passage of the amendment itself. Being a new and inexperienced member of this body, I supposed that the rule could be invoked; and I was innocent enough to think that our rules would control our deliberations; but if the practice is otherwise, I shall conform to the practice without a protest.

I believe that no body in the world can transact its business in an orderly manner, except in accordance with rules previously established. It was deemed so important that the Senate should have the power to make the rules according to which it should conduct its business that in the organic law of the Republic that is one of the especially conferred powers on both Houses; a power which they would undoubtedly have possessed if there had been no mention of it.

But, Mr. President, the only defense for incorporating this provision in a general appropriation bill is that there is now on the books a law which, in some indefinite way, commits us to the success of this great exposition. The Senator from Iowa [Mr. ALLISON] does not more heartily hope for the success of this great enterprise than I do.

The difference between us is that I believe the giving of expositions is a private or a corporate enterprise, and not a governmental function, and upon that difference I vote against such appropriations, while he votes for them. But whatever may be the difference between him and me as to the propriety of such an application of the public money, there can be no difference between him and me as to the proposition that this law, as it stands, so far from authorizing a further appropriation under the rules of the Senate, positively, explicitly, and specifically forbids it.

Mr. SPOONER. Will the Senator read the language of it?

Mr. BAILEY. The language is this:

That nothing in this act—

The original act—

shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred—

That was inserted to provide against contingencies that had formerly arisen, in which exhibitors from foreign lands, being underpaid or not paid at all, set up claims upon the equity of the Federal Government for their premiums, and the Federal Government beginning, as I now recall, with the great Cotton Exposition at New Orleans, has paid these unpaid premiums for every exposition. Having covered that in that provision, the act then proceeds—and this is the part of it that covers this case—

nor for any claim for aid or pecuniary assistance from Congress—

And they did not stop there—

or the Treasury of the United States—

Mr. SPOONER. That is the same thing.

Mr. BAILEY. I think so; but the words seem to have been used out of abundant caution, because how the Treasury could aid it without first procuring a law of Congress is, of course, beyond my comprehension, as it is beyond the comprehension of us all.

But, as if to "make"—borrowing the poet's phrase—"assurance double sure," they said that this act should not be construed to commit the Government to any aid either through Congress or through the public Treasury.

The mental process by which a Senator can find in a law which expressly declares against the idea that we are committed to aid a proposition an obligation to continue our aid to it I shall not undertake to follow. There is, of course, some reason for it, or else the Senator from Iowa, whose great ability I profoundly respect, would not make that kind of an argument. I only call attention to it to confess my inability to understand it.

Now, Mr. President, passing from the point of order as very material, but as not to be considered by the Senate, I want to say a word about this practice. It is not an old one. If it had continued through a century I would say that it was now too late to question the policy of applying public moneys to such a purpose; but the Senator from Iowa was a Member of Congress before the first of these appropriations was made. The first one, made to aid the Centennial Exposition at Philadelphia, was, like this, made in the form of a loan, which the Government only recovered at the end of a lawsuit.

This morning, as I came to the Senate Chamber to perform my duties, I met a gentleman, still comparatively a young man, who then had the honor to serve the great State of Pennsylvania as one of its Members in the other House, and although that bill was giving aid to an exposition to be held in his own State and to celebrate, not one of the most important, but the most important, achievement of the human race, he did not see his way clear to support it; and to his honor, be it said, he chose to go out of Congress rather than to support that proposition. The most splendid speech made against the appropriation, not even excepting the great speech of Mr. Thurman in this body, was made by Alexander G. Cochrane, then a Representative from the State of Pennsylvania.

That first proposition, even under the great enthusiasm of that time, was carried by a bare majority. Gradually we have gone on, first one locality and then another, committing to the support of such projects men whose judgment did not approve them, even coercing my distinguished friend from South Carolina [Mr. TILLMAN] to the point of voting for all of them because others had voted for one of his. He is not entirely satisfied with his position, and he propounds the very proper query, "Where will it stop?" I tell him there is no stopping place. There are events enough in the history of this Republic to make an exposition for almost every community in the land. Like the brook, these demands for Federal assistance will go on forever, because the repeated appropriations from Congress will finally be accepted as the settled policy of the Government, and then no man will dare to stand and argue against either the wisdom or the propriety of them.

Mr. TILLMAN. Will the Senator allow me one minute?

Mr. BAILEY. Certainly.

Mr. TILLMAN. I want to correct one little phase, not a mistake so much as ignorance, I suppose, on his part. The appropriation for the Charleston Exposition was not to aid it at all. We asked for it. We put it on the same bill with the St. Louis appropriation. The Senate put it in unanimously, and the chairman of the Committee on Appropriations at the other end of the Capitol took it by the throat and squeezed it to death.

We had our exposition, such as it was, without a dollar of help from the Federal Government. But when Buffalo came forward and claimed that the million dollars which had been given her had not only been lost, but that there was $500,000 additional lost, which was due to contractors and others, and there was a disposition to pay Buffalo's debts, there being a deficit in South Carolina, I asked the Senate to pay the debts of South Carolina's exposition; and all we got was $250,000. We never got a cent for holding the exposition; we only got our debts paid.

Mr. ELKINS. But you got $250,000.

Mr. BAILEY. I was not mistaken about the facts in the case. I perfectly understood them as the Senator from South Carolina has stated them. I only meant to say that even South Carolina and her Senator could be brought to imitate a bad example.

Mr. TILLMAN. The Senator, however, disclaimed the integrity and honesty of the appropriation. He said it was a steal, and he says so still.

Mr. BAILEY. The Senator from South Carolina so characterized it.

Mr. TILLMAN. That is my judgment.

Mr. BAILEY. Certainly. The Senator from South Carolina is in the habit of expressing his judgment in very plain words. But I am not willing to call it a steal; I choose a milder phrase. I think it is a misapplication of the public money——

Mr. TILLMAN. Misappropriation.

Mr. BAILEY. I do not say that it is unconstitutional. I am myself inclined to accept, and I have always been inclined to accept, the doctrine laid down by Mr. Monroe in his great message vetoing the Cumberland road bill. I am inclined to think that the power of appropriation is unlimited in the Congress, save only that it shall be applied to a general rather than a local purpose; but when you seek to qualify the rule, even as he did by that statement, it becomes impossible to define what is a general and what is a local purpose. That doctrine, as laid down by Mr. Monroe, was afterwards approved by General Jackson in his celebrated message vetoing the Maysville road bill. With the money in the Treasury of the United States I hold that Congress has the right to give it to any purpose that it may deem general rather than local.

I couple with that, however, an insistence upon the other branch of Mr. Monroe's proposition, and that is that it shall be a naked appropriation, unaccompanied by the exercise of any power. Following that, I would prefer—because the money is incomparably less to me than the precedent—to see this money given to the exposition at St. Louis rather than to see Senators standing here wrangling like bank clerks over what is good security.

So far as I am concerned, I believe this money will be paid back; but I would rather give it away than to have the Government become a mere money changer, sending its officers to act as gatekeepers at the doors of an exposition.

The Government's function is to govern and not to engage in private enterprises as a stockholder in private corporations. It may have power to give away the people's money, and in doing so it can do the people no further wrong than to spend their substance, which is a wrong expressed in dollars and cents; but when

the Government steps down from its high place as a sovereign to become a mere dealer in securities, a mere lender of money, stationing its agents at the door of expositions to collect their toll, it does something, to say the least, toward forfeiting the great respect in which all the people ought to hold it.

These expositions have been useful—I have no doubt of that—beginning with the great one at Philadelphia down to the latest one at Buffalo, I believe. They have all contributed something toward a better understanding of the marvelous resources of this country by its people. But it is no part of a government's business to do that. A thousand useful benefactions can be imagined, fit subjects for individual and corporate enterprise, but wholly beyond the province of government; and that is why I object to this appropriation.

Of all those that have been held, excepting only the great one which celebrated the independence of our whole country, not one appeals to me with such a force as this—celebrating an event connected not only with the region in which I live, but connected with an immortal name whose memory I cherish. I could not wish otherwise than that an exposition celebrating the Louisiana purchase should be a success. But devoutly as I wish it to succeed, I am not willing to see the Government insure its success any more than I would be willing to see the Government insure the success of any other worthy individual or corporate enterprise.

Tell me, Mr. President, if this Government shall loan its funds for expositions in which the people shall view the products of our marvelous energy, our wonderful intelligence, our incomparable soil, what argument shall you successfully make when the men who produce this wealth, which constitutes the marvel of all the ages, demand of the Government the loan of money to enable them first to produce these goods that are afterwards to be exhibited? There must be production before there can be exhibition. And upon what theory is it that the Government laughs out of the halls of Congress the man who applies for a loan to produce them, and yet welcomes to its committee room the gentlemen who apply for loans to exhibit them?

If the farmers of the wonderful Mississippi Valley should come here with a petition reaching from the Capitol to St. Louis, asking the Government to loan them money to make these crops that are to be exhibited at St. Louis, we would draw our cloaks about us and say, "Here is another senseless subtreasury scheme;" and yet I am not able to distinguish on principle between the loan of money to a man to make his crop and a loan to another man or corporation to exhibit the crop when made.

I never had any patience with the subtreasury scheme, and although at that time it appeared to be invincible in certain States and sections I did not hesitate to declare that never, under any circumstances, would I vote to make a money lender of the Federal Government. When I was first a candidate for Congress I said that to the farmers, who at that time demanded of all candidates in our section that they agree to support the subtreasury plan. My judgment could not indorse that, and yet it was as feasible as this. There was no question as to their security. They would have satisfied even my distinguished friend the Senator from West Virginia [Mr. ELKINS].

The Senator from West Virginia would never have demanded better security than those farmers offered, because they offered the grain and the cotton that feed and clothe the world.

But we turned them from the door of Congress with the statement that it was no part of the Federal Government's business to become a money lender. I say so here. I make the same answer to the great St. Louis Exposition that I made to the farmers who advocated the subtreasury. It is the business of government to govern, and not the business of government to engage in corporate enterprise or in the loaning of money.

Mr. LODGE. Mr. President, I believe thoroughly in what is known as the principle of the liberal construction of the Constitution; I believe in it by tradition and habit of mind; and I should probably think a number of things constitutional that the Senator from Texas [Mr. BAILEY] would not; but I confess it seems to me for the Government to lend money to a corporate enterprise of this kind is going pretty far.

Moreover, I would much rather see the money given outright. I think it would be more straightforward; I think it would be dealing more fairly with the people and with the Treasury to do it. I did not say that no security was offered. I said poor security was offered; and I think it is poor security. If it was good security the men in this country who have money to lend would be very quick to advance it to the Exposition Company. Those gentlemen come here to borrow money because they can not borrow money on that security anywhere else. Now, the security may turn out to be excellent. It is all a matter of speculation.

The business of having expositions, as I took occasion to say, I think, once before in debate, has developed into an industry. The getting up at various points of expositions or world's fairs has become a branch of industry, and with each successive exposition, so far as my observation goes, the profit has declined. The people are sated with them. There have been too many. There are too many planned. I hope the exposition at St. Louis will be the greatest success in the world. It celebrates a very great event. If anything deserves a celebration of that kind it is the purchase of the Louisiana territory. In the same way I think the Lewis and Clark expedition and the taking of the Oregon country constitute a very great event and deserve celebration. But if we go on there is no place where they can not find some reason for an exposition, and the tendency of the industry has been to reduce the local support more and more and come more and more to the Government. By and by the Government will be expected to hold industrial expositions at its own expense at certain points in this country from time to time.

It seems to me that that is not a form of Government expenditure on which it is desirable to embark. We have gone very far already. We have begun by making large appropriations for these expositions as they have arisen. I can see a good reason for the Government making a great exhibit itself and paying for that exhibit and its expenses with such liberality as to make a great contribution. But we have not stopped there. The next step was to go forward and pay the debts of an exposition to which we had already made a contribution.

Now, here is an exposition to which we have made a great contribution of five millions, an out-and-out gift, of which no dollar will ever come back. We are asked now to duplicate that gift, and in my humble opinion we shall be asked to pay some debts on top of it, and I suppose we shall pay them. This I regard as a gift, and I think it would be just as well to say so.

Mr. President, it is going to pass. The point of order upon which the Senate is called on to pass would never be before us if it were not a good one. It is before us by submission. It has been submitted to us by the Chair, and the Senate knows perfectly well that the point of order is well taken; but we are going to vote it down and we are going to vote this additional appropriation.

I voted for the former appropriation for St. Louis. I did so with great cheerfulness. It was stated at the time that that was all; that there would be no more. I confess I did not expect to see a second demand made quite so soon; but it is here, and it is going to pass.

What I desire to call attention to is this, and it is all that has led me to take part in the debate: We know the condition of the revenues and the expenditures of the Government. We know that to say the best there is probably going to be deficits at the end of the year. Just what our financial condition is has been ably presented elsewhere in a very strong speech, and the chairman of the Appropriations Committee elsewhere has put it strongly to the country and to Congress that we ought to guard ourselves in expenditures. His speech made a great impression on my mind, as I have no doubt it did on others. This item of four millions and a half is going back to that House, in the face of that speech, to be accepted, I suppose, in conference and passed by the House, which has listened to that financial statement. Here we are confronted with this condition of the revenues and the expenditures, and we are to be told in the Senate, on every bill that comes up, by the members of the Committee on Appropriations that we need economy, and we do. I agree with them.

We have been told that there must be no river and harbor bill; that we have not the revenue this year to make it wise to enter upon that expenditure. I agree with that proposition. We are told that we must have no public buildings for the same reason, and I think the last general public-building bill was only a million and a half in amount more than we are now going to vote to a fair. I agree that this is not a good time to vote large public-building expenditures. Yet there are public buildings needed—I mean absolutely needed—for the conduct of the Government's work all over this country. We need a new Department building, a building that will house the Department of Justice, the Department of Commerce, and the State Department. We can not have it. The revenues do not justify it. Its initial cost probably would not be much greater than the amount we are going to give to the fair. I agree that this is not the time to do it. We shall be told that we need economy on the army bill when it comes up, on the naval bill when it comes up, on the diplomatic and consular bill, where we have a starved service, and we shall be told that this is not the time to increase expenditures. We shall be told it on the Post-Office bill, and I happen to be a member of the committee having it in charge. We shall meet it on the sundy civil bill. We shall meet in every direction the injunction that this is a year for economy and that the revenues do not justify great expenditures.

Now, it is quite possible that public buildings are built which are not altogether needed. Some Senators may think we do not need more battle ships, but for my part I think we need them more than anything else, if we are to maintain peace and main-

tain the Monroe doctrine on this hemisphere. And I might go on with other things. But I simply say, as an illustration on these two propositions, that at least if we build the battle ship, or dredge the river, or build the dike, or rear the custom-house or the post-office, we have given to the people, with their money, a permanent piece of property which can be used by all the people of the United States. But in all those directions we must have rigid economy, and I do not quarrel with it. I do not want to see more taxation imposed. I think it is our duty to exercise wise economy and to bring our expenditures as near to our revenues as possible.

But when that argument of economy is made by the chairman of the Committee on Appropriations in the other House, when we hear it on all hands, I do say that to ask us to expend now, this month, next month, and the following months, four millions and a half of money out of the Treasury in behalf of a fair—I admit it is a great and splendid exposition, and I wish it all success—is a curious contradiction of the lessons to which we have been listening.

I do not desire to be mean or parsimonious to these expositions. I helped to vote $5,000,000 to the St. Louis Exposition; I expect to vote an appropriation for the Lewis and Clark Exposition; but if this is to be an industry, if it is to be a regular thing, surely there must be a limit somewhere. We have given $5,000,000. We shall probably be asked to pay debts. Now we are asked to duplicate that great gift. I think, Mr. President, it is a very serious expenditure to enter upon, especially when the amendment is clearly out of order.

Mr. GORMAN. Mr. President, I have listened with great interest and with much amazement to what the Senator from Massachusetts [Mr. LODGE] has just said. Can it be that the affairs of this great Government has been so conducted by the party in power that we have reached the point where, because of lavish expenditures for purposes of war or conquest and for enterprises foreign to everything that the fathers thought should be included in our appropriations, necessary aid should now be withheld from a great exposition, to which not only all the people of this country but all the world have been looking forward as the greatest event of the kind since 1876?

Is it possible that the leaders of the great party in power now confess, without making any attempt to relieve the condition of the Treasury, that every enterprise in the country which looks to the promotion and the increase of commerce and the welfare of our people must be stopped because of the extraordinary expenditures in matters which ought to have been foreign to a free government? Must the Army and the Navy be increased and at such an expense that we can not prepare the great ports of this country so that they will admit the ships drawing 35 feet, that carry freight and passengers all over the world?

Are the ports of Boston, New York, Baltimore, and New Orleans, and other great ports, confessed to-day to be insufficient in depth of water and other facilities to admit the great, mammoth ships which have been built for trade not to be improved because the expenditures for war and conquest have been too great, and therefore must commerce be stayed and enterprise checked?

The Senator states we can not now consider a proposition for a home for the Department of Justice or enter upon other necessary expenditures of the Government because of deficiency in the Treasury. Yet not one move, Mr. President, is to be made by this Congress to remedy the defects in the revenue laws, so as to increase our Treasury receipts. To "stand pat" is the phrase, while all the enterprises within the original domain are to be hampered and checked. A revenue bill is not to be considered because an election approaches, and the party in power fears to go before the country with increased taxation. You know, as we all know, that this prosperity which has been with us for six or eight years is on the wane. Not only has the revenue fallen off, but the action of other governments threatens further decrease in our exports, and yet you talk only of acquisition of territory, and no relief is proposed for the business interests of the country.

I am delighted that the Senator from Massachusetts [Mr. LODGE] and one in charge of financial bills elsewhere have been brought to confess the inadequacy of the present revenue laws; and it is well for the people of the country to realize that fear of party embarrassment prevents Congress from taking up the question and dealing with the revenue laws, and dealing with them in a spirit and manner not destructive of any interest, but so as to increase the revenue and also to prepare for that great threatening movement which has begun in England, the country to which we send nearly half of our output. If that country carries out the suggestion which has been made, of taxing our cereals, and it probably will, it will take from the Northwest, the great grain-producing section of our country, the ability to profitably compete in the near future.

Mr. President, we had better postpone for a year or two years the expenditure of a hundred and fifty or two hundred and fifty million dollars upon other enterprises, great as they are, than to permit this exposition at St. Louis to fail, or to allow the harbors of the great ports of the United States to remain in their present condition. The river and harbor bill is necessary to the future, and the immediate future prosperity of our commerce. There should be no delay. We must economize, but do not, I beg the Senate, economize upon matters that are so necessary at home.

It may be, now that we have entered upon the control of islands 8,000 miles distant and that our armies are there, that we must maintain the establishment for the time being, but still there comes a suggestion from the Secretary of the Navy, natural and inevitable, and only the beginning, for $8,000,000 more for a naval establishment in the far-distant Pacific and coaling stations upon many islands in all the oceans, and for more war ships, when we have more ships now than can be manned, a Navy greater by fivefold than the fathers ever thought necessary to maintain the Monroe doctrine and protect our interests in every part of the globe.

We shall always maintain the doctrine that we will prevent any foreign nation from interfering with the republics south of us. A small navy has protected them in the past and our present Navy would do it now if the idea is abandoned which has been recently entered upon of making war ourselves upon those republics. Let us have their hearts and their interests, both personal and commercial, with us, and there is not a nation on the face of the earth that would attack one of them. I am an advocate for a navy sufficient to guard our interests.

But you have entered upon a plan of having as many battle ships as Germany, half as many as Great Britain, and accordingly the expenditures of the Navy Department have run up from $20,000,000 to over $100,000,000. The Navy is getting top heavy; there are too many men, too many sailors, too many guns afloat. We have more than enough to protect us and guard all our interests on every sea upon the face of the globe. Let war wait and let commerce be protected. Give to St. Louis what she asks; and, like the Senator from Texas [Mr. BAILEY], I would prefer to make it an outright gift; and then turn to the improvements enumerated by the Senator from Massachusetts [Mr. LODGE].

Take from war and give the Department of Justice the office home that should be provided for it. Make appropriations for Boston, New York, Baltimore, and the balance of the great ports, and by 1905 or 1906 have them so that the great German and English ships drawing 35 feet of water may enter those ports without being lightered or waiting until high tide. Change the revenue laws in a spirit of perfect fairness to every industry that has grown up in the country, embarrassing none, and reduce the duties on such articles as are necessary to meet the competition that is coming, and coming rapidly.

That, Mr. President, seems to me to be the right method of dealing with this question, and it is the one that will bring the greatest prosperity to the country.

Mr. SPOONER. Mr. President, only a moment on this point of order.

I was a little surprised, although I am not certain that anyone ought to be surprised, that the Senator from Maryland [Mr. GORMAN] should find in this point of order or in the speech of the Senator from Massachusetts [Mr. LODGE] an adequate text for a purely political and partisan speech.

I do not think that the Senator from Maryland need have any fear about the safety of the country or its prosperity. He says we have had prosperity for the last few years. He might without any difficulty have been more specific as to dates, and he would easily have developed the fact—which all the country knows—that the prosperity of the country began when the Administration of his party ended.

I think, Mr. President, that there will be a continuance of prosperity. No ship can be on the crest of the wave all the time. There will be, of course, fluctuations. There is no continuity of good times, but the policies of the Republican party, I hope and think, will continue to insure to the people of the United States prosperity and adequate revenue, which will enable us to do what we ought to do as a government at home and enable us to do what we ought to do as a government in our international relations.

Of course we have a larger Navy than we had in the days of the fathers. This is a larger country than it was in the days of the fathers. I suppose even the conservative Senator from Maryland would not contend that a Navy which would adequately stand for the protection and the conservation of the interests of a nation of 10,000,000 people would be expected to answer the purpose, with the growth of the world considered, of a nation of 80,000,000 people.

An adequate Navy does not necessarily mean conquest. It does not necessarily mean a departure from the traditions of the Government or of the fathers.

A distinguished gentleman who recently arrived from other shores deprecated the growth of our Navy, saying substantially

that he did not want the flag of the United States to be feared—he wanted it to be loved. The people who love a flag, Mr. President, are the people whose flag it is. The people of other countries are not expected to love any flag but their own.

I should like to have our flag loved here at home. It is loved here at home. That is all we can expect, with here and there a rare exception. What we want is that the flag of the United States shall be loved here at home and respected the world over; and it can only be respected the world over, Mr. President, if it is feared the world over.

By that I do not mean that the nations shall fear it as the flag of a bully, as the flag of a country which seeks quarrels, as the flag of a country which desires conquest. What I mean is only this, that it shall be respected as the flag of a country which is just and generous in its relations with other countries, but which has the power behind it and within it in the last analysis to compel an observance of its rights. I suppose the Senator from Maryland will agree to that.

Now, the Senator's reference to our departure in the matter of conquest from the doctrine of the fathers and to the islands 8,000 miles away sounds to me like an echo from out of the past. I supposed that issue had been laid away. The Senator from Nevada [Mr. NEWLANDS], the very able and eloquent Senator, made a speech in Omaha not long ago, and if he was correctly reported I understood him as saying that the anti-imperialistic issue, which was unhappily for the Democratic party put before the American people in the last election, is no longer an issue.

Mr. NEWLANDS. May I interrupt the Senator from Wisconsin?

Mr. SPOONER. Certainly.

Mr. NEWLANDS. Do I understand the Senator to say that I stated at Omaha that that issue was unhappily placed before the country?

Mr. SPOONER. No; that it is no longer an issue. I said it was unhappily placed by the Democratic party before the country, because the Democratic party placed it before the country and was overwhelmingly beaten by the country on it. I take the responsibility of that part of my assertion. Does the Senator from Nevada impeach that portion of my observation which implied that he stated there that it had been laid away and that it is no longer an issue?

Mr. NEWLANDS. I stated, if the Senator will permit me, that the issue of imperialism had been made in the last campaign and that splendid presentation of it had been made to the people, and that the appeal to the people had not been successful; that the commercial spirit of the country had advanced so far as to blunt its conscience; that the issue had been determined; that the colonial system was now established and on trial, and that whilst I hoped that the Democratic party would never fail to declare itself against the system of controlling subject peoples against their will, I did not believe that it would be an issue that would gain votes in the coming campaign.

Mr. SPOONER. I pay my profoundest respect to the intelligence and political wisdom of the Senator from Nevada. He is wiser than some of his confrères. The splendor of its presentation only intensified the significance of the popular repudiation of it.

I have but an observation to make as to the reply of the Senator from Nevada, or rather his speech, as he states it. I can hardly understand how a Senator of the United States can impute to the people of the United States that their eyes have been closed by dollars to the demands of liberty or the traditions of the Republic.

Mr. NEWLANDS. I will say to the Senator that that is what I think.

Mr. SPOONER. It is a very bold thing, Mr. President, for anyone in this country to impeach a majority of the American people in that way. The ideals of the American people and the traditions of the American people belong to them, are cherished by them, Mr. President, more keenly than by any of their representatives, perhaps.

I believe in the American people. I believe the sober second thought of the American people comes as near to the perfection of human wisdom as any standard among men can come; and I think no Senator may safely say to them that they have forsaken their traditions and ideals in a blind, heedless pursuit of the dollar.

No, Mr. President—and I did not intend to refer to this when I rose—the traditions of the American people may safely be left to the guardianship of the American people. When the excitement of the campaign has passed away, the American people think, and what they think is right.

Mr. CARMACK. After the campaign is over, I understand?

Mr. SPOONER. Oh! in the excitement of the campaign and in the first blush sometimes orators like my friend from Tennessee, who is very persuasive, may mislead them, but not for long. They get right, Mr. President, and when they get right they stay right.

Mr. CARMACK. That is what I hope.

Mr. SPOONER. No man at this day can find a listening ear among the American people to criticism of President McKinley or of the action of the American Congress in what it has done by and large in the Philippines. I am not at all surprised, Mr. President, war over there having ceased, our Army having been reduced, the great work of education having proceeded with such rapidity, a legislative body about to assemble over there if it has not already, education bearing rich fruitage there, that this issue is no longer to be invoked as one of potency by our friends on the other side.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Certainly.

Mr. CARMACK. Do I understand the Senator from Wisconsin to say that the question of a permanent retention of the Philippines is a settled question?

Mr. SPOONER. Mr. President, I do not say that, and my friend did not understand me to say that.

Mr. CARMACK. I am trying to understand you now.

Mr. SPOONER. I think, Mr. President, the question of the ultimate policy of the United States in the Philippines is a question not for us to settle, but for the American people to settle, and I say again, no matter what others may think or say, when the time comes that the people of the Philippines are capable of autonomous government, the people of the United States will say they shall have it, under our protection as to their foreign relations, Mr. President, until the time comes when they can be independent with safety to themselves; and when that time comes, if the American people so think, and they will be generous in their judgment as well as just, I am willing to leave it to the American people.

When that day will come I do not know, nor does the Senator, but I trust the people to decide rightly when the time comes. Will not the Senator condescend to do that, likewise?

Mr. CARMACK. Mr. President, if the Senator will permit me, I believe I have several times condescended to permit the American people to decide important questions, and I shall probably so condescend in the future.

But what I wanted to know was, not the information given me by the Senator that the American people would settle this question, which I knew before he made his statement to that effect; I wanted to get the opinion of the Senater from Wisconsin, who is a very important part of the American people——

Mr. SPOONER. Oh, Mr. President, I am no important part of the American people.

Mr. CARMACK. I think the Senator is.

Mr. SPOONER. The Senator will find my opinion stated in too many speeches here. I have not changed it.

Mr. CARMACK. That is what I want to know, whether the Senator has changed it or not.

Mr. SPOONER. No; I have not changed it. It is a good thing for the American people, Mr. President—a good thing for civilization—that we took the Philippines. The first development in a practical way of that fact was when our legation was attacked in China, when the men and women who had gone there as missionaries to spread the gospel of peace were praying for rescue—praying, Mr. President, for protection against death and, so far as the women were concerned, against worse than death—it was a happy thing that we had a great naval and military base in front of China from which we could quickly send two splendid regiments and Reilly's battery to their rescue.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Certainly.

Mr. CARMACK. Does the Senator assume from that that it would be well for us always in the event of future contingencies——

Mr. SPOONER. I have not said that.

Mr. CARMACK. I am asking the Senator.

Mr. SPOONER. We have resisted all efforts on the other side to shackle this Government in the future by improvident pledges. I am willing to leave to the future the settlement of the questions of the future, with the supremest faith that when the day comes the American people will settle the question in harmony with righteousness, in harmony with the principles of liberty, in harmony with the traditions of our Government.

But I have thought sometimes, Mr. President, that God—for I am a believer in God; McKinley loved Him and in his last moments expressed his faith in Him—might have had some providential care for those far away whom he loved and who were serving him in the affairs which we weak human beings here

were called upon to participate in. I do not know; the Senator from Tennessee [Mr. CARMACK] does not know; but I do know this, that it was a happy, blessed thing when an exigency came like that which suddenly arose in China that war had given to us a great naval and military base in the Philippines.

I want to say to the Senator from Maryland [Mr. GORMAN] that a naval and coaling station in the Philippine Archipelago with adequate fortifications and accompaniments is needed by the United States in every public interest and from every public standpoint, and is in no wise inconsistent with the traditions of this Republic or with our adherence as a people to the spirit of liberty. It was important in Hawaii. I was opposed to the acquisition and annexation of Hawaii. I was in favor—my friends on this side I unhappily differed from—but I never hesitated in the belief that the interests of the United States demanded that we should fortify Pearl River Harbor, in the Hawaiian Islands, making of it an adequate military and naval base for the United States.

Mr. GORMAN and Mr. CARMACK addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Wisconsin yield?

Mr. SPOONER. To the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. I am always delighted to hear the Senator from Wisconsin, as we all are, but I should like to suggest to him that his answer to the few remarks I made is on an entirely different line from my suggestion.

Mr. SPOONER. I know it is.

Mr. GORMAN. I did not open the discussion as to the right of acquiring or as to the necessity of fortifying and keeping an army in that region, as you have; but what I meant to say, or tried to say, was that while this expenditure is being made because of this new policy you have failed to make provision for carrying on the necessary improvements in this country, improvements as necessary to our people as are fortifications in the Philippine Islands.

Mr. SPOONER. But, Mr. President, we have duties at home and we have duties abroad. I know the Senator from Maryland did not make his speech on the line which I am pursuing.

Mr. GORMAN. Not at all.

Mr. SPOONER. The Senator made his speech on the lines of a sinister attack upon what he called the "party in power." I am modestly, and with more or less reluctance, saying a word on behalf of the party in power. The Republican party and its Administration have not, so far as I know, neglected much, if any, the public interests here at home.

Mr. CARMACK. You go to that side for your witnesses.

Mr. SPOONER. Certainly, I go to this side for my witnesses, because I know that I will derive on this side accurate and nonpartisan information. [Laughter.]

Mr. CARMACK. I can not, of course, be expected to approve of that.

Mr. SPOONER. That is the safe and wise course.

Mr. CARMACK. Yes; to always appeal to your party.

Mr. SPOONER. The Senator from Maryland speaks about our failure at this session to revise the tariff upon lines, he was careful to add—and I always admire the Senator from Maryland; he is the most adroit and artistic nonpartisan statesman in the world [laughter]—he was careful to add, "on lines which will not interfere with the industries of the country." That is the song of the siren. That is a song which has been sung before; and it was the song of the siren then as it is now. In saying that I speak with due deference to and with the profoundest respect for the Senator from Maryland.

I remember the St. Louis Democratic convention of 1888. I do not know, and never did know, who drew the platform at that convention. It was a wise platform for the Democratic party to adopt; it was one of the most adroit platforms it ever did adopt, and therefore I have always suspected the Senator from Maryland of having drafted it. It recognized the fact that the industries of the United States had grown up under the protective tariff, that the business of the country was adapted to it, and that a sudden reversal of that policy would bring about confusion and industrial paralysis.

That, Mr. President, was the height of wisdom. But in 1892, when the Democratic party again assembled in convention to adopt a platform upon the subject of the tariff, what was it? I never suspected the Senator from Maryland of having anything whatever to do with that platform, because it was not wise. It declared, Mr. President, a protective tariff to be *revolutionary and unconstitutional.*

Now, which is to be the platform of the Democratic party this year? The Senator from New Jersey [Mr. KEAN] says "the reunited Democratic party." Having regard for the truth, I can not at this hour say that.

Mr. TILLMAN. Will the Senator not allow us to leave that to the Democratic masses when they meet in convention?

Mr. SPOONER. I do not know what Democratic masses will be in the majority in that convention.

Mr. TILLMAN. Neither do we know, if the Senator will permit me, whether Governor Cummins, of Iowa, will cut any figure in the Republican convention. [Laughter.]

Mr. SPOONER. I will tell the Senator one thing about the Republican convention—I do not know; it is only prophecy—I do not think that the Republican convention will depart much from the platform on the tariff upon which President McKinley was last elected. I will tell him another thing——

Mr. TILLMAN. What is that?

Mr. SPOONER. I speak only for myself. That platform was in favor of adherence to the protective principle and the making of such changes from time to time in schedules as changed conditions might require.

Mr. TILLMAN. Was there not something about reciprocity in there, and have we seen a solitary scintilla of reciprocity since?

Mr. SPOONER. Well, the only "solitary scintilla" of reciprocity we have had since the Senator voted against.

Mr. TILLMAN. I surely did, for the simple reason that it was the kind of reciprocity which you gentlemen are so much in love with. It destroyed the sugar industry in Louisiana, or tended in that direction. The reciprocity of which you pretend you are in favor is one that reciprocates somebody else's interest, but does not reciprocate the individual's; all the reciprocity that the Republicans have ever proposed looks to somebody else surrendering the advantages offered by protection.

Mr. SPOONER. I decline to be drawn into a discussion of the reciprocity question.

Mr. TILLMAN. Then the Senator must not tantalize us about the tariff.

Mr. SPOONER. I do not tantalize anybody. The trouble with the Senator from South Carolina is that I can not look at him without tantalizing him. [Laughter.]

Mr. TILLMAN. But you must not speak at him. [Laughter.]

Mr. SPOONER. The Senator from Maryland [Mr. GORMAN] knows perfectly well that the Republican party—that is, I assume he does, and I assume that the Republican party takes the view that I do, although I do not assume to speak for the Republican party—that the Republican party does not intend to enter upon any revision of the tariff at this session of Congress.

Mr. GORMAN. Why not?

Mr. SPOONER. For the reason, Mr. President, in the first place, that a Presidential election is always a very great disturber of business; it has always been so, and it will always be so, more or less. I think it will be less so this year than it was in 1896 and 1900, because the Republican party has eliminated from the situation all doubt as to the financial integrity and sanity of the United States.

Mr. President, a Presidential election is necessarily a business disturber, and I do not think—I do not know what the leaders may conclude to do about it—but I do not think in a Presidential year, in the interest of the people, of the industrial enterprises of the country, of the labor of the country, without regard to politics, that the Republican party will project into this campaign a general revision of the tariff. We will attend to that later.

Mr. President, I did not intend to go into these subjects, but I want to speak a word about the point of order that is pending.

I enjoyed the speech of the Senator from Massachusetts [Mr. LODGE]. I always did like it when these bills were before the Senate. I listened to him some years ago when he originated the phrase "these expositions are becoming an industry." The Senator's reprobation of the Committee on Appropriations I leave to the Senator from Maine [Mr. HALE] to take care of. Nobody in the world is better able to take care of the Committee on Appropriations, or anything else for that matter, than is the Senator from Maine.

But the Senator from Massachusetts says he voted with great pleasure for this $5,000,000 contribution to the St. Louis Exposition. I voted for it, but I can not say I voted for it with any great pleasure.

The Senator from Texas [Mr. BAILEY] has a peculiar gift, among many, in stating with accuracy and clearness legal and constitutional propositions. I listened with great interest to his speech, and I do not absolutely in all respects find it in my power to dissent from some of the observations which he made. Of course it is the difference between the school of constitutional construction to which the Senator belongs and in which he has been educated and the other school of constitutional construction.

I have voted for many appropriations for the benefit of different sections of our country, some of them in the South, in time of stress and trouble, for which I could have found, from the Senator's standpoint, no justification. Congress has been making such appropriations for many years, supported on that side as well as on this, by one reason and another.

The making of appropriations to these expositions is not a new

proposition. We began long ago. I had hoped that the end would come to them; but I see no hope of any end to them without the adoption of a constitutional amendment, except that which the Senator from West Virginia [Mr. ELKINS] afforded us to-day, which ends it so far as West Virginia is concerned as long as the Senator from West Virginia lives, because he said he would never ask for any exposition allowance or loan for West Virginia without indorsing the paper himself; which means, of course, that he never will ask for any. [Laughter.]

I voted for the South Carolina exposition——

Mr. TILLMAN. No, sir. You voted to pay the debts of the South Carolina exposition.

Mr. SPOONER. Did I not vote with you?

Mr. TILLMAN. I beg the Senator's pardon. He, and other Senators did vote for the proposition to aid the South Carolina exposition, but then he afterwards voted to let it go out of the bill, because that was absolutely necessary in order that the provision for the exposition at St. Louis might go in.

Mr. SPOONER. Mr. President, I voted to let the South Carolina item go out rather than kill a great appropriation bill and starve the Government, but I voted to aid the Charleston Exposition.

Mr. TILLMAN rose.

Mr. SPOONER. I will excuse my friend.

Mr. TILLMAN. If the Senator will allow me, I simply want to give him full credit for being liberal and broad minded in that, as he always is. I do not want to even intimate that he has not always done what he believes to be fair and just and right to the South.

Mr. SPOONER. I do not mean that. I voted, Mr. President, to aid the Charleston Exposition, and afterwards I voted to make up its deficit. Neither did I think I was voting for a steal when I cast those votes.

I voted to aid the Buffalo Exposition, to help make up its deficit, which, it was said, had been caused—and very likely it was the truth—by the awful blight, Mr. President, which fell upon it by the assassination there of President McKinley. I voted for it cheerfully, and I did not think I was voting for a steal.

I had a peculiar pleasure in voting for the Charleston Exposition, because I wanted the people of Charleston to know that nothing in the history of this Republic was any longer remembered against them, and that we were as willing to aid them in bringing together and assembling there the products of the South as we were willing to aid any Northern city.

I voted for the appropriation for the St. Louis Exposition; and the method proposed by this amendment is, in my judgment, a much better one and a much manlier one by which to give the aid of the Government than the original appropriation which was made to St. Louis.

We appropriated $5,000,000 to aid in the great exposition to be held at St. Louis to celebrate the acquisition of the Louisiana purchase, grown into an empire of great States, an empire of empires, splendid in its way. It could not be refused, Mr. President. Upon what theory was it done? It was done with a provision that out of the *profits* the United States should be reimbursed that $5,000,000; but with a proviso, which the Senator from Texas [Mr. BAILEY] read, that nothing therein contained should be construed as making the United States Government liable for any of the debts of that exposition.

Why was that put there? I can conceive of no reason except this, that, having invested in the exposition—having by law made the United States Government a participant in the profits of the exposition—it might be claimed that the Government was a partner in it and therefore liable for its debts.

Mr. BAILEY. Will the Senator from Wisconsin permit me to interrupt him there?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. I am sure that the purpose of that was different from what the Senator conceives. If the Government were a partner, it would hardly relieve itself of either the moral or political obligation by a declaration of that kind. I believe the provision was incorporated there to meet the argument that had been made in both Houses of Congress after the New Orleans Exposition and after all the others, that the Government having encouraged—I remember that argument was used—and the Government having invited foreign nations to participate, it was in honor bound to make good the premiums to those foreign exhibitors. That was really the reason why the provision to which the Senator has referred was incorporated.

Mr. SPOONER. Mr. President, having placed this language in the act, it rendered it impossible that there should be any moral obligation upon the Government, because it put the whole world upon notice, by solemn act of Congress, that there could be no such liability.

Mr. BAILEY. That was the purpose of it.

Mr. SPOONER. That was the purpose of it; but it deals not only with moral obligations, but legal obligations. Whatever the purpose of it was, it was a wise provision.

But, Mr. President, this proposition is what? We have paid the $5,000,000. Our participation in the exposition has popularized it all over the world and has been adequate to secure representation from all the peoples and all the governments of the world. Are we not interested in its success? We have a twofold interest in its success. First, we have that principle of noblesse oblige which binds governments as well as men.

We have entered upon it, and Uncle Sam is bound in this way to go along with it like a gentleman, doing whatever can properly be done, conserving the general public interest, to make of it a success. If it were a failure, it would not simply be a humiliation to St. Louis, it would not be simply a humiliation to the Mississippi Valley; it would be *sub modo* a humiliation to the United States, would it not?

But that is not all. As a mere business proposition, as if this were a "board of directors of a bank," this is a wise appropriation to make. It is a loan. It provides that fortnightly there shall be paid over to the United States Treasury a proportion of the receipts, until the amount of this appropriation or loan has been repaid. It provides that if after a certain time those payments have not discharged this indebtedness—for it is made by the law an indebtedness—the Secretary of the Treasury shall have the right to supervise and impound the gate receipts of the exposition until this amount has been repaid to the Government.

This loan is made perfectly secure unless some overwhelming calamity shall overtake that great region, and if it overtakes that region it will overtake the country. This loan will be repaid.

This proposition is something more than that, Mr. President. It is a question in a way between success or failure. If by loaning this money to that exposition we can help to make a success of it, we not only get back the money which we loan, but we stand an infinitely larger chance of getting back out of the profits the money which we have already invested.

So I shall vote, Mr. President, in favor of overruling the point of order. I think it is a proposition by the committee to protect by a well-secured loan a $5,000,000 investment which the Government has made, and I think it is too late to discuss the question whether we ought or ought not to have made it.

There is something to be said on both sides of this exposition question. It is one thing I am inclined to think—because it has relation to foreign and to interstate commerce—to aid in bringing together, assembling in one place, representatives from all the world to see the products of our farms, our factories, and our industries of every kind, and another thing to pay money to the farmer to buy seed, to plow his field, to harvest his crops. One has relation merely to production; the other has distinct relation to the spread of our foreign commerce and of our commerce between the States. But this I only care to suggest.

Mr. MCCOMAS. Mr. President, I had much hesitation in voting when the first appropriation for this exposition was made. I have none now since the growth of the exposition. This enterprise, as the country knows and the Senate knows, involves an investment of $27,000,000, expenditures of the managers of the Exposition Company, concessionaires, foreign nations, States, and Territories. All the States will exhibit there, and many of them will spend large sums of money. New York, I think, has appropriated $300,000; Massachusetts a hundred thousand; my own State has spent, and will more liberally spend, money upon its showing at this exposition. Foreign governments have been successfully and earnestly besought by Governor Francis to exhibit there. It now appears that foreign governments want twice the space that has been allotted to them, and I understand that instead of 600 acres, as at Chicago, which was the first contemplated scope of this project, the managers are now prepared to include 1,200 acres, so that foreign nations may have a part of the space which they now demand for their unexampled exhibits.

Mr. President, this shows to me that our country has grown so great, that it is now such a world power, that it is the center of such phenomenal development in manufactures, arts, and sciences that all the world will find in this exposition in the twentieth century the culmination of a movement which began in 1851 with the famous Crystal Palace Exhibition in England. This will be much larger and more important than any other in the world. Members of the Senate have seen, as I have seen, exhibitions at Vienna, and Paris, and Berlin, and Geneva, and in Budapest, and in other parts of the world since 1851, but no one has seen anywhere in the world an exhibition of such stately proportions as the one at St. Louis will be.

Not only will all the countries of the world, fifty-three nations of the world, exhibit, but there will be exhibits from our States and Territories and our new island possessions. I am informed by gentlemen who know most about these matters that the Philip-

pine Islands will have and fill a space of 40 acres, and they have contributed a sum of $800,000, which, with a couple of hundred thousand from the exhibition itself, will give a million dollars to exhibit the progress of the archipelago on 40 acres, the splendid development of the policy of the present and the last Administration in the Philippine Islands, and will bury beneath the flowers and foliage of the tropics the deceased "paramount issue" of only three years ago.

In the prosperity of the world there has been in four years no such progress as that which will be displayed by the Philippine Islands on 40 acres of exhibits, which shall show their growth, their prosperity, and the peaceful triumph of a splendid policy which has made, as I understand the Senator from Nevada [Mr. NEWLANDS] to admit, practically to be a dead issue that which was three years ago "the paramount issue" in American politics.

But I am not here to discuss politics. I am to talk of this exposition.

It will cover double the space of the Chicago fair. It is an exposition—national, insular, and international. In Philadelphia we began this business. We gave a million and a half as a loan, and it came back to us. Nobody then said it was undignified to be a gate keeper at the great exposition of the progress of the arts and sciences and manufactures and industries of this country. To New Orleans we gave outright a sum. I voted for it, and I never regretted it. In Atlanta we helped the exposition. I was glad to help it, and nobody has ever regretted it. It is true that the making of these expositions is getting to be a national industry.

When we first helped the St. Louis Exposition, then was the time to hesitate, and then I did hesitate. But with the tremendous growth and development of the exposition at St. Louis upon the great plan which, by that able president, Governor Francis, has there been carried out and has won the approval of the country, which has aroused the interest of all the world, I am convinced that now is not the time to stop, not because the Government is bound—the act expressly exonerating the Government from obligation—but because the march of events, the development of affairs, and the unexampled growth of our own country now demand that we see this great project to the end in what promises to be an unparalleled success in the history of the world fairs since 1851 down to 1904.

We have here a proposition which simply sets aside a proportion of the gate receipts and takes it as it comes, in due and orderly fashion, to repay the money now proposed to be loaned, so that they may carry through that which they will carry through with this money, without which they might not, with which they surely will, and all of which money will come back; and it may be that in its success the stockholders at St. Louis and the United States as a stockholder will receive, as those at Chicago received, 20 per cent of the original amount appropriated when we gave the five millions to the exposition. Who can say?

I regard the money, therefore, as entirely safe, and I do not regard it as undignified to lend money safely in this enterprise. The lamented President McKinley well said at Buffalo just before his death that these expositions were the timekeepers of progress; and I do not believe this, the greatest, will be the last. Any barrier, any proviso, any resolution providing that hereafter these projects shall not be aided by Congress would be vain, idle, and impotent. They will come again and again, but, taught by their recurrence, it is our province to see that we begin them slowly, but when we have taken part in making a national and international exhibition like this we must then see that it is worthy of our country, our time, and fairly exhibits the splendid prosperity which this country can show, as no other country ever could show, and as no other country can now show.

I do not believe it is a valid argument which has been urged by the Senator from Texas [Mr. BAILEY] that if you can not give this money to the men who produce on the field, in the shop, and in the mines, whose products you exhibit, therefore you should not give money here, because, as he says, production precedes exhibition. Production is encouraged by exhibition. When you take the fruit of the field and the product of the mill, of the loom, and the factory, and the farm and exhibit it all together in our country, contrast the products among the States and in the countries of the world, you encourage the man in the field, in the mine, in the shop to go and do better and to increase his skill.

Mr. BAILEY. Will the Senator from Maryland permit me?

Mr. McCOMAS. Certainly.

Mr. BAILEY. Would you not be willing to give him the first encouragement?

Mr. McCOMAS. Surely, Mr. President——

Mr. BAILEY. If you encourage him by exhibiting his product, you would have no objection to giving it to him in the first instance?

Mr. McCOMAS. I never have hesitated to give him the first encouragement in every vote I could cast.

Mr. BAILEY. You would vote to loan him the money with which to produce the commodities just as readily as you would vote to loan the money for an exposition?

Mr. McCOMAS. We encourage him in a more direct and sensible way by our votes, and I wish that my distinguished friend would do it in the same way. We vote to protect his industry in the field and in the mine and in the factory, and we encourage him to produce to the highest limit of his skill and power, so that by reason of the protective system, which will find its greatest defensive argument in the exhibition at St. Louis, we have said to all the workers of this country of ours, "Here is the splendid illustration of the protection which your country has given you for many years, and especially from 1896 down to 1904."

All the world are attempting to imitate it, and Mr. Chamberlain and the people of England, if they come here, will find the greatest vindication of this encouragement and help to the people on the field, in the farm and the factory in the exposition at St. Louis. And while it is an exposition of peace and not an exposition of politics, yet it is the most convincing and compelling argument in favor of first protecting the people in their production and manufacture and then helping them to exhibit the wondrous fruit of their protected industries in the very center and heart of our continent at St. Louis.

Mr. President, a question which is as long as the Mississippi from its mouth to its source, a breadth of many States on the map, covering in the Louisiana purchase nearly half the developed portion of the United States, is so large and general a question that it troubles me not when it is said it is a local question and not general. We appropriate for the floods of the Mississippi. It is a large problem to the people. We appropriate to preserve its banks; to change its courses, its currents, and to prevent its overflow. We appropriate to protect its banks, reaching down to the empire State of the Senator from Texas himself. That great part of the country is celebrating this momentous event, and why should not we appropriate money with the States embraced in that great purchase for an exposition commemorative of the annexation of half of this Union?

Such an exhibition does more for the producer than contrast his skill and toil with another's. It does more for industry than that. It is an industrial college for the working people, who will go there by the thousands on cheap railway fares and on steamboats and from the Lakes. It is an industrial education to our people who go there in showing our resources, our advance in the arts and sciences, our skill and achievement in architecture, as portrayed in the structures at St. Louis, which now are far superior to the beautiful White City of Chicago and all that the world has thus far seen. All these things——

Mr. FAIRBANKS. May I interrupt the Senator from Maryland?

Mr. McCOMAS. Certainly.

Mr. FAIRBANKS. I came into the Senate during the progress of this discussion, and therefore I do not know the origin of it. I ask the Senator for information. Is there any opposition to lending this money to the St. Louis Exposition?

Mr. McCOMAS. There seems to be a good deal of opposition.

Mr. GALLINGER. A point of order has been raised against it.

Mr. McCOMAS. We are discussing the merits on a point of order.

Mr. FAIRBANKS. I simply rose for information. I will not interrupt the Senator. I am heartily in favor of the report of the committee.

Mr. McCOMAS. Certainly.

My colleague [Mr. GORMAN] spoke of the arts of peace and criticised appropriations for the Navy and Army. My colleague well said, as I caught his phrase, that in the time of Madison and Monroe our Navy was five times smaller than it is to-day and was yet large enough to defend the Monroe doctrine. There are two answers which occur to my mind to that objection. One is that our Navy, gallant as it then was, was five times too small to prevent the British fleet from coming up yonder Chesapeake Bay and its army crossing the country and burning down the Capitol that stood on this hill.

I do not want the time to come again soon when the Navy will be five times too small, so that another fleet can come up the Chesapeake Bay or the Potomac and burn the Capitol on this hill. Far finer is it when the Navy is five times larger than it was in that period, so that our Government is secure in this capital and we may exhibit yonder in the heart of this continent, in the most central spot, St. Louis, the products of all parts of this country and display our advance in naval and war armament along with all those other products which are the triumphs of peace.

And if it be true that the Navy was then five times smaller than it is now, my final answer in behalf of this appropriation, in this triumphant peace made stable by our preparedness for war, in this splendid prosperity of a country whose exports exceed its imports by about five hundred millions, is that if the Navy was five

times smaller then than now, we can make this appropriation and know that this exposition will show the country is five hundred times greater than it was in the days of Madison and Monroe.

Mr. ELKINS. Mr. President, I simply wish to reply to some ob ervations made by the distinguished Senator from Wisconsin [Mr. SPOONER].

As to indorsing the notes of West Virginia, I want to say in this presence, and let it be recorded for all time, that if West Virginia ever gets $5,000,000 from the Government for an exposition or world's fair and then wants any more money, which I do not think she should want, I, with other citizens of West Virginia, would be willing to indorse the notes to secure the payment of the loan, and that is what I think ought to be done in this instance.

I do not claim any more for my State than I am willing to accord any other State. We are dealing here in the capacity of trustees for a great Government. It is the people's money, not the money of the Mississippi Valley, where the Senator from Wisconsin resides, and which he in part so ably represents on this floor. And of us who do not live in that immediate locality it should not be said that we are opposing this great exposition, the greatest, perhaps, ever held in the wide world, simply because we want certain security for the people's money, which we are asked in this bill to loan.

Mr. President, I distinctly remember when the first five millions was asked for the St. Louis Exposition that there was a good deal of opposition, and it was with great hesitation that many members of the Senate and the House, as I understand it, got their consent to vote for the $5,000,000, and, if I remember correctly, it was distinctly understood that that was all that would ever be asked for this great exposition. And it seems to me this large sum was enough aid for the Government to render even so great and so worthy an undertaking.

Mr. President, I do not want to impede, impair, hinder, delay, or embarrass this great work, in which I feel the deepest interest and of which I am just as proud as the distinguished Senator from Missouri [Mr. COCKRELL] can possibly be, but what I wish to insist on is that, with the $5,000,000 the Government has already contributed, and which the chairman of the Committee on Appropriations believes, as I understand him, will be a loss to the Government and end in a mere gift, a bonus, a generous donation to a great and world-wide enterprise, should be all that the Government should be called on to do, and there should be something left in the Treasury. When other Senators and I, from other States, wish some small appropriation for public purposes, we don't want the Committee on Appropriations to say, "We can't grant your requests, we must economize. We must take care of the interests of the Government confided to our care."

This exposition will have gotten out of the Treasury, with the five millions heretofore appropriated, $9,600,000. I want to ask what guaranty have we that we will not be asked for more money to carry on the St. Louis Exposition? There may be a deficit of two or three million dollars, and why should not the nation bear this burden?

Mr. President, what I propose is not to stop the exposition or to embarrass it in the least. This exposition can not and will not stop because this Government insists on proper security for the advance asked, nor for any other reason—failure is impossible to it. We merely want the leaders, the men concerned in and in charge of this great enterprise in the State of Missouri and elsewhere, and the great banks and great corporations and the great railroads and the great institutions in the city of St. Louis who are to be most benefited, either to raise this money themselves or guarantee its payment if advanced by the United States. Five million dollars is enough donation. Let these people come forward, and their great banking institutions, and say we will take the gate receipts, which are ample security to us, and guarantee the United States against any loss in making this advance.

Mr. ALLISON. May I remind the Senator from West Virginia of the fact that it is not a donation, but a loan which is to be returned?

Mr. ELKINS. I know; but they are not to return the $5,000,000. This is already admitted, and the $4,600,000 now asked for by the Appropriations Committee is simply a loan or advance. The question is as to the security for the same. Let me say to the distinguished Senator that he, as our great leader in all these matters and in whom we confide, is confronted with a $43,000,000 deficit next year after wiping out all the surplus now in the Treasury. How is he or his great committee to meet this deficit? Not by giving away $4,600,000 of the people's money without demanding, with interest, of the people absolute and undoubted security. The people can not afford to lose this money, and we should take no risk for them or on their behalf.

Where is the money to come from? Mr. President, it is to come from reducing other appropriations to run the Government, and in no other way.

Mr. ALLISON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. ELKINS. Certainly.

Mr. ALLISON. I do not think it ought to go out just now that we are to have a deficit of $43,000,000, for we probably will have no deficit at all.

Mr. ELKINS. I mean for the next fiscal year for which we are now making appropriations, and the Senator understands me, I think. Already the Treasury and the banks are concerned over the immediate payment of $50,000,000 for the canal. I can name the other items—they are very familiar to the Senator; I mean those which will exhaust the two hundred millions now in the Treasury. And now you put on $4,600,000 more of the people's money, depleting the Treasury this much more.

Now, what I am concerned about is where the money is to come from. You can not increase the taxes. It must come out of the Treasury, and if it is taken out of the Treasury, as it will be now, then you will have to cut down the appropriations for running the Government the next fiscal year. You will have to reduce in other directions appropriations which are necessary to carry on the Government. Money will be needed if we want to increase the Navy, if we want to pay the army in the Philippines, which the Senator defends so eloquently and as to which he is always on the skirmish line here to do battle with the other side when they oppose our Philippine policy, which is wise and just. We are glad we have the Philippines and glad to hold them, and we will hold them. We are not here to say what we are going to do fifty years hence or a hundred years hence about the Philippines. I can not make the confident predictions that my distinguished friend makes, that the American people will do so and so. The American people perhaps will soon forget what we say here and what we do here and will be governed by the situation and the conditions and the environment when these questions come up in the future and the years we shall not see. I am willing to deal with the present and leave to the wisdom of future Congresses to deal with the future. We have enough difficulties now before us.

But this is a digression. It has nothing to do with taking money out of the Treasury for the St. Louis Exposition. We must look to our great leader—the distinguished Senator from Iowa—to stand by the Government in the present perils that threaten us. If you are going to part with this money, get undoubted security for the Government. The first condition which I think should have been insisted on by the committee was security, and said: "Gentlemen, you believe in this enterprise." Governor Francis is at the head of the exposition; he is a great financier; he is at the head of great banks and great moneyed institutions. Let him, together with a dozen other bankers in St. Louis, write their names across an obligation to pay this money back to the Government. With this I would not want gate receipts or any other security. Gate receipts are uncertain; I do not know what calamity may overtake the country and impair the gate receipts. Why do you not give them all? Why 40 per cent? Can you not raise enough money in St. Louis to run the fair after it is started? What do you want with the other 60 per cent?

The showing of the Senator from Missouri about the Chicago Exposition would encourage one to believe that there is a great profit in exposition gate receipts. This Government has lost money in connection with every exposition with which it has had anything to do. The Senator from South Carolina [Mr. TILLMAN], whom I do not see in his seat, got $250,000 for South Carolina, and we could not help giving it to her. We thought we were clean and clear of that. It was a small affair, but the United States lost a quarter of a million.

Mr. MITCHELL. Will the Senator from West Virginia allow me to ask him a question?

Mr. ELKINS. Certainly.

Mr. MITCHELL. Suppose the Senator from West Virginia were convinced that the failure to make this loan in aid of the exposition at St. Louis would result in a dismal failure there, would he be willing that the nation—because it would be the nation then—should submit to the humiliation rather than to extend this loan?

Mr. ELKINS. That is a very proper question. It is not going to be a failure if it has the merits Senators say it has. The people of St. Louis, before allowing it to become a failure, will put up this money, as they ought to do, and will not ask the Government for it. I know the people of St. Louis and the State of Missouri; they never fail in any undertaking.

Mr. BAILEY. Will the Senator from West Virginia permit me to add to the question of the Senator from Oregon, if he would also fear that it would interfere with the Clark and Lewis Exposition in Oregon?

Mr. MITCHELL. The Lewis and Clark Exposition has nothing to do with the matter. We are discussing the St. Louis proposition. I want to say to the Senator from West Virginia that I am

advised that foreign governments have spent between seven and eight million dollars on the ground at St. Louis. Would it not be a great humiliation if the exposition were not a success, and would it not be one that the United States Government ought not to submit to or countenance for a moment?

Mr. ELKINS. Of course it would be a great disaster, but that is not going to happen. I will tell the Senator that Governor Francis and his colleagues and the great Mississippi Valley are not going to allow it to fail. If the Government should not give nor advance a cent beyond the five millions already given, they would not allow this exposition to fail. Of course, if they can get the money from the Government they will do so, but these people will never fail to carry this exposition to a successful conclusion.

Mr. SPOONER. Then we will get our money back.

Mr. ELKINS. Will you guarantee that it will be paid back? You talked to me about my guaranty.

Mr. SPOONER. I am not in the business.

Mr. ELKINS. No, not at all; and you need not be in the business.

Mr. SPOONER. I do not think the Senator from West Virginia is in the business, either.

Mr. ELKINS. Not a bit of it. If you ever give my State $5,000,000, I will agree that there will be no more sums asked, and if we are going on with these expositions, I suppose West Virginia will have one in Wheeling within the next five or ten years, and I will look to my friend the Senator from Missouri to stand up and vote to hand us $5,000,000. But I will guarantee him we will not ask for any more, and if we do we will underwrite it by good and sufficient names to indemnify and pay it back to the United States.

The only point of difference here is that, being the immediate guardians of the people's money, the Committee on Appropriations should, when they let go 4,600,000 gold dollars as an advance, which we have in the Treasury in spite of the Democratic party, instead of silver dollars, they should see to it that the United States has something to hold in the way of security.

Bankers do not loan money without security, and the gate receipts may not be sufficient security. I have pointed out, and the Senator from Missouri does not challenge it, that if the great banks and trust companies of St. Louis will come forward and guarantee the repayment of this loan of $4,600,000 it will be ample security to the United States, and they can take the gate receipts for their security.

I am not opposed to the exposition. I am proud of St. Louis and of the people of the State of Missouri. I lived there the largest part of my early life. I want this exposition to be a great success, and it can and will be without any further aid from the United States. In the end, the bankers of St. Louis will loan the money asked for and take the gate receipts as security. They believe they are good security, and time money is now only 4 per cent.

But my personal wishes differ from my duties as a Senator of the United States, charged with looking after the interests of the Government. I am astonished to find the ease with which the great Committee on Appropriations give away $4,600,000, when as watchdogs of the Treasury and economists they will refuse a Senator $50,000 for some needed public purpose. And I am astonished at the unanimity that always characterizes the committee when it wants to do something on a large scale of this kind. I do not say something of a doubtful character at all. How quickly each member of the committee comes to the aid of the whole committee. This makes their decision inevitable.

Mr. BAILEY. Reciprocity.

Mr. ELKINS. But it puts the other Senators on notice, on guard, even when four or five of them, not believing in it at all, are going to vote this money out of the Treasury. I see how the distinguished Senator from Maine is trying to hedge this in with some kind of a provision as to security by putting Treasury agents on guard to watch the gate receipts, but whenever the Secretary of the Treasury wants to put some officer to watch the gate receipts, the managers of the exposition will say, "Get out of here; this is a corporation created under the laws of our State; you have no business here, and away with you."

Mr. PERKINS. The Government has a mortgage or lien on it.

Mr. ELKINS. You have not executed it.

Mr. PERKINS. We will as soon as you vote for this measure.

Mr. ELKINS. No, you will not. You will let it stand just as it is, and I am afraid we will all shake hands and say, "Good-bye to the $4,600,000," as we have to the five millions already gone.

Mr. FAIRBANKS. May I interrupt the Senator from West Virginia?

Mr. ELKINS. Yes, sir.

Mr. FAIRBANKS. I should like to ask the Senator in charge of the bill whether an estimate has been furnished the committee as to the probable receipts, and whether that information has been given. I understand that under the amendment the Government is to receive in repayment of the loan 40 per cent of the gross receipts. What I should like to know is whether an estimate was made for the committee of the probable gross receipts from which the Government will be reimbursed?

Mr. HALE rose.

Mr. ELKINS. Mr. President, this is out of my time. The Senator from Indiana did not ask me that question.

Mr. HALE. If the Senator will give me two or three minutes, I will answer it.

Mr. ELKINS. Well, I will have to yield, I take it, because I myself should like to hear what the Senator from Maine has to say.

Mr. HALE. I will not say that the Senator from Indiana was unfortunate, but the rest of us were unfortunate in the fact that he was absent.

Mr. FAIRBANKS. I was until a few moments ago detained from the Senate, and came in while the debate was in progress.

Mr. HALE. I have no doubt the Senator was well engaged, as he always is.

All of that matter has been gone over. Of course anything that is stated about future receipts must be to a degree conjectural. No one can promise or guarantee what the receipts of the exposition will be. But taking into account what the receipts of others have been, and the magnitude of this great exposition, it is believed that the receipts from gate moneys and concessions, from the 1st of May to the 1st of December, will be considerably more than $20,000,000. It is believed by the committee that the operation of the amendment which is submitted in the bill, the taking of 40 per cent of the receipts, beginning on the 15th of June, will long before the 1st day of December repay this loan to the Government, and that the exposition company will have the balance with which to pay their running expenses after they open, to pay the awards, and the necessary current liabilities that they will be subjected to. The committee has done all that it could do to secure the Government.

Now, I can not predictn or promise the early or the latter rain. I can not guarantee good health in St. Louis. I can not in an affirmative way declare that it will not be found, when the appeal is made to the public, that it is tired of expositions and will not go into the visitation as the public has gone heretofore. But I believe, and the committee believes, that the loan will be repaid, reckoning all these things, taking the chances which all business affairs, all banks, and all trust companies do. Nothing in this mutable world of ours in the domain of human life is absolutely certain. You can not demonstrate in advance. The Senator from Texas is a thoughtful man, and he knows that we can not. But we believe in the light we have had from other expositions that the security is ample. We know that it was the best we could get. It is all we can get. I do not think the Senator or I will be troubled when we come together here next December by finding that any amount of the $4,600,000 has not been paid into the Treasury.

We find fault with these expositions. We do not stick to our text. I recall, as perhaps the Senator from Texas will recall, a debate which took place here at the time when we came to the rescue of the exposition at Buffalo. He and I said then, and other Senators said, and it went nem. con., that after we had got through with that exposition, which was then on foot, never again should there be another exposition. Does the Senator remember that?

Mr. BAILEY. I do.

Mr. HALE. Yet we will find that this does not end it.

Mr. BAILEY. If the Senator will permit me, here is a bill introduced by the Senator from Oregon [Mr. MITCHELL] and already reported, to hold an exposition at Portland, celebrating the Lewis and Clark expedition, and appropriating, I think, about $2,000,000.

Mr. HALE. That is $2,000,000 to start with. That is only the beginning, and the Senator and I——

Mr. BAILEY. The Senator from West Virginia promises one at Wheeling within the next three or four years.

Mr. HALE. We shall find the Senator from West Virginia, when that comes up, voting for the proposition of my friend from Oregon, and afterwards he will find fault with the Committee on Appropriations because it has not done the proper thing in diligently guarding the public interest.

The Committee on Appropriations is a committee more responsive to the wishes and desires and beliefs and principles of the Senate than any other committee in this body. That is its business. It deals with immense sums of money. It would not have a shred to stand on in its influence and reputation in this House if it had not always been conservative in its action. The fault is not with that committee. If there is any fault it is in the Senate. The Senate is determined to carry this thing through. It was so determined from the beginning. It was determined on the appropriation of the $5,000,000; and now, when perhaps bankruptcy would stare this great enterprise in the face, if we did not come to the rescue, the Senator from West Virginia can not get the

Senate of the United States to commit itself to his policy. He need not spend his time in hammering the Committee on Appropriations. If he had been a member of the Committee on Appropriations he would have been foremost in this matter, because he would have seen it as we do, after full testimony had been taken, and after we gave a patient hearing to everybody who would come, and considered both sides.

The Committee on Appropriations is not to be held by him, by my consent, as responsible for this appropriation, or as taking the people's money. The Senate backs up the committee, and the vote will show that it does; and more, when these other things come about—when the Senator from Oregon organizes his raid on the Senate in favor of an exposition at Portland, which is limited in the range of its constituency, the Senate will be behind that Senator, and if the committee——

Mr. MITCHELL. I hope so.

Mr. HALE. If the Committee on Appropriations undertakes to hold it and restrain it and limit him it will not be able to do it. The Senator knows what he is about.

Mr. MITCHELL. I hope the Senator from Maine will consent by the time that bill comes up to stand in with the majority of the Senate.

Mr. HALE. I do not know but that I will.

Mr. MITCHELL. I hope so.

Mr. HALE. I am not by any means fond of leading a procession alone—I claim no superior virtue to any Senator. But I do claim in this regard the Committee on Appropriations has been duly careful, that it has been conservative, that it is proposing a measure here that is for the good not only of this exposition, but of the entire country, and that it can not afford to see this great enterprise run awry in its current and become a bankrupt concern.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. ELKINS. I yielded to the Senator from Maine. He made a speech out of my time, and so did the Senator from Indiana. I beg to call the Chair's attention to that fact.

The PRESIDENT pro tempore. The Senator from West Virginia is entitled to the floor.

Mr. HALE. I said I was speaking by the leave of the Senator from West Virginia. He yielded to the Senator from Indiana, who asked me a question, which I tried in a feeble way to answer.

Mr. ELKINS. And the Senator from Maine defended the Committee on Appropriations, which, feeling as he does about this matter, was a difficult undertaking for him, I know.

Mr. BAILEY. Now that it is evident this matter can not be disposed of this afternoon, would it suit the Senator from West Virginia better to go on in the morning?

Mr. ELKINS. I want to add only a few words and then conclude. I do not want to be put in the attitude of even embarrassing this great exposition, much less causing it to become a failure. I have no idea that if we were to refuse to pay this $4,600,000 it would be a failure. This exposition is going on and will be a splendid success. If I were a St. Louisian, if I were at the head of this great exposition, if I were a citizen of Missouri, I fear I would try to get all the money that a generous and kindly Government would give, and in this way save the citizens from carrying their share and burden of this great work.

Now, the Senator from Maine, who has an antagonism to expositions—I will not say that is vicious, but an antagonism that is genuine and emphatic—says he is satisfied this is good security. If it is good security to the United States, I ask him to tell me why it is not good security to the banks of St. Louis for a loan of six months? Why should not the banks take the same security that the managers of the exposition say is good and want the United States to take?

Mr. HALE. Now, the Senator is a good business man. To begin with, the banks of St. Louis, the trust companies of St. Louis, the banks of New York, and all the other great mercantile and financial emporiums of the country are not in this enterprise. They are not already embarked in it. They know nothing about it. It is not in their way. I can understand how the banks, if they would lend $5,000,000 to this concern, as they do sometimes to private concerns, would lend them $4,000,000 more to save their $5,000,000. The banks would do then just what the Government is doing now. That is the history of banks; I venture to say it is the history of banks the Senator is connected with, that if they get into a concern and loan to a certain extent they afterwards continue to loan in order not to lose their first loan and in order that their customers shall not fall into bankruptcy. That is the reason why this concern can not go to the banks.

Mr. ELKINS. No, Mr. President, it is conceded that we will never see or get anything of the $5,000,000. I do not want to save that $5,000,000. That is gone glimmering. We will never hear of it any more. What I want is to save this $4,600,000, and we must save it; it is the people's money.

Mr. President, I think the Senator believes confidently that this is good security. He so stated, did he not?

Mr. HALE. Yes.

Mr. ELKINS. Very well. If it is good security to the United States, why is it not good security to the people in St. Louis, who are the direct beneficiaries of this great undertaking?

Mr. HALE. They have put in $10,000,000 already.

Mr. ELKINS. This is not putting it in. The banks would give it on the gate receipts—as they say, good security. If the managers of the exposition should say, "We will give you these gate receipts as security," having $4,600,000 in hand, as they have, they would loan the money at 4 per cent.

If this security is good, as the distinguished chairman of the committee believes, as the distinguished Senator from Missouri believes, and as the Senator from Maine believes, why do they not simply go to the banks and say, "This is good enough for the Government; it is good enough for you." The Government makes nothing by loaning money. The United States is not in the business of loaning money. We are charged with raising funds and appropriating them to pay the current expenses of the Government. That is the scope of our business.

The Senator from Missouri believes and the chairman of the committee believes that the gate receipts are good security to the Government. The banks and trust companies of St. Louis have $50,000,000 in their vaults and are willing to loan it to-day at 5 per cent on good security. Governor Francis is the president of the largest trust company in the West. That trust company is able to take these gate receipts and advance this money; but I do not suggest that. I suggest a combination of trust companies. These great trust companies and bankers are in the business of loaning money.

Here is a good opportunity with good security, according to Governor Francis.

Why does not the Appropriations Committee say, "Gentleman, yes, that is an admirable security; we believe in it; now let your banks make the loan." We have given $5,000,000 of the people's money to have this exposition go on. We are willing to give it, and let it go for ever and ever. Now, let the trust companies and banks of St. Louis take this loan at 4 per cent. Don't ask the Government to loan its money. They can afford to take it at 2 or 3 per cent, as the Senator from Maine says, and let me paraphrase his language, which is always——

Mr. GALLINGER. Classic.

Mr. ELKINS. Classic, precise, euphonious, and accurate, and uttered with ponderous deliberation.

Mr. HALE. I thank the Senator.

Mr. ELKINS. Now, Mr. President, the Senator is a good business man. I am willing to say this after a long and cherished acquaintance with him, and I am sure he thinks the banks of St. Louis, feeling the gate receipts are good security, should make this loan.

There is no getting away from this proposition unless you just simply want to take the risk. I am glad, if we are going to give this $4,600,000, as it appears we are, that we have got the gate receipts, but I would rather let that go to the banks whose business it is to loan money. I know something of the St. Louis banks. There are upward of $50,000,000 there on deposit to be loaned. Now, why come to us for an advance? The manly thing would be to say: "Here, we want $9,600,000 out of the Government; we have got $5,000,000; now give us $4,600,000 more." That is the way to state this proposition. It is too much to ask.

We never got a cent back from the Chicago fair, I believe—not one cent—and how eloquent was the Senator from Illinois [Mr. CULLOM] on that proposition; just like the Senator from Missouri; just as earnest about all this matter of protecting the Government and paying back the advance.

Mr. GALLINGER. What are the Chicago figures?

Mr. ELKINS. About $5,400,000 was advanced. I have the figures here before me. Not any of the money that we advanced—$5,384,000—ever found its way back to the Treasury of the United States, and I believe they had the gate receipts.

Mr. CULLOM. No, they did not,

Mr. ELKINS. Very well.

Mr. HALE. There was no security given.

Mr. ALLISON. There was no understanding as respects receipts.

Mr. ELKINS. Was there not as to the $2,384,000?

Mr. ALLISON. Not a dollar.

Mr. ELKINS. I thought you had a promise that it would be paid back.

Mr. HALE. We hoped so, but had no security.

Mr. ELKINS. I thought you had a promise.

Mr. ALLISON. It was not a loan.

Mr. CULLOM. I have said nothing about it because I do not remember definitely as to each proposition, but if this debate runs

along a little further I shall have time to look it up and give the exact facts.

Mr. ELKINS. The Senator will allow me to suggest that I do not think if he should look up the facts he would be able to find the Government ever got back one dollar.

Mr. CULLOM. I do not quite understand the Senator's suggestion about the mention of private affairs in connection with the State of Illinois.

Mr. ELKINS. Will you let me explain?

Mr. CULLOM. There is nothing pertaining to the State of Illinois or to Chicago in the transaction that is not in every way creditable to Chicago and the State of Illinois. After the aid given by the Government the banks, under the leadership of Lyman J. Gage, came to the rescue, took up the burden, and provided the money. They did not ask for an additional advance.

Mr. ELKINS. I do not think the Senator can make the transaction any clearer.

Mr. CULLOM. I think I can.

Mr. ELKINS. Then I will give the Senator an opportunity tomorrow. I do not want to reflect on the State of Illinois or the city of Chicago, but this is the experience of these expositions, and that is what I am referring to.

Mr. CULLOM. The Senator should be a little careful in referring to a State in that way.

Mr. ELKINS. I do not say that the State of Illinois had anything to do with it. I meant nothing in referring to the State of Illinois and the city of Chicago, except as I have stated. After getting $5,000,000, they helped themselves.

Mr. CULLOM. Nobody disputes that.

Mr. ELKINS. The Senator himself does not dispute that.

Now, Mr. President, I adhere to this proposition. I do not suppose it is going to find favor, but I say that the banks of St. Louis ought to guarantee this loan and take the gate receipts as their security, and let the United States, if it loses its $5,000,000 which has already gone, not put $4,600,000 in jeopardy, because there must be doubt about the security if the banks of St. Louis will not advance the money on it.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 4, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 3, 1904.

SURVEYOR OF CUSTOMS.

Frederick A. Kuntzsch, of New York, to be surveyor of customs for the port of Syracuse, in the State of New York. (Reappointment.)

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

Passed Asst. Surg. Henry D. Geddings, of Alabama, to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from November 23, 1903, in place of Robert D. Murray, deceased.

PROMOTIONS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

To be quartermasters with the rank of major.

Capt. Winthrop S. Wood, quartermaster, January 20, 1904, vice Robinson, promoted.

Capt. Chauncey B. Baker, quartermaster, January 22, 1904, vice Martin, promoted.

PAY DEPARTMENT.

To be paymaster with the rank of major.

Capt. Timothy D. Keleher, paymaster, January 25, 1904, vice Smith, promoted.

PROMOTIONS IN THE NAVY.

Asst. Surg. Richard B. Williams to be a passed assistant surgeon in the Navy from the 17th day of November, 1903, upon the completion of three years' service in his present grade.

Lieut. Commander Isaac S. K. Reeves to be a commander in the Navy from the 27th day of December, 1903, vice Commander John A. Rodgers, promoted.

Lieut. Commander Albon C. Hodgson to be a commander in the Navy from the 27th day of December, 1903, vice Commander Charles A. Adams, retired.

Commander James D. Adams to be a captain in the Navy from the 31st day of December, 1903, vice Captain Charles O'Neil, promoted.

Lieut. (Junior Grade) Charles T. Owens to be a lieutenant in the Navy from the 1st day of January, 1904, vice Lieut. Harry A. Field, promoted.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 28th day of January, 1904, upon the completion of three years' service in their present grade, viz:

Edward B. Fenner.
Richard D. White.
Paul B. Dungan.
Edward C. Kalbfus,
James W. L. Clement, jr.,
Clark H. Woodward,
Cyrus W. Cole,
William R. Sayles, jr.,
Farmer Morrison,
Samuel B. Thomas,
Alfred W. Johnson.

APPRAISER OF MERCHANDISE.

Fred W. Edwards, of Pennsylvania, to be appraiser of merchandise in the district of Pittsburg, in the State of Pennsylvania. (New office.)

POSTMASTERS.

COLORADO.

Michael J. Guerin to be postmaster at Salida, in the county of Chaffee and State of Colorado, in place of Frank O. Stead, deceased.

CONNECTICUT.

R. Clifford Tyler to be postmaster at Chester, in the county of Middlesex and State of Connecticut, in place of R. Clifford Tyler. Incumbent's commission expired February 2, 1904.

DELAWARE.

John K. Chambers to be postmaster at Newark, in the county of Newcastle and State of Delaware, in place of Robert J. Morrison. Incumbent's commission expired January 25, 1904.

FLORIDA.

George Glass to be postmaster at High Springs, in the county of Alachua and State of Florida, in place of George Glass. Incumbent's commission expired January 17, 1904.

William A. Murat to be postmaster at Apalachicola, in the county of Franklin and State of Florida, in place of William A. Murat. Incumbent's commission expired January 17, 1904.

George B. Patterson to be postmaster at Key West, in the county of Monroe and State of Florida, in place of George B. Patterson. Incumbent's commission expired January 17, 1904.

Louis Wiselogel to be postmaster at Marianna, in the county of Jackson and State of Florida, in place of William J. Watson. Incumbent's commission expired January 3, 1904.

MASSACHUSETTS.

Abbie H. Souther to be postmaster at Cohasset, in the county of Norfolk and State of Massachusetts, in place of Abbie H. Souther. Incumbent's commission expired January 18, 1904.

MICHIGAN.

Volney W. Olds to be postmaster at Hartford, in the county of Van Buren and State of Michigan, in place of William Bennett. Incumbent's commission expired February 9, 1903.

MISSOURI.

George B. Wade to be postmaster at Jasper, in the county of Jasper and State of Missouri. Office became Presidential January 1, 1904.

MINNESOTA.

Simon J. McKenzie to be postmaster at Adrian, in the county of Nobles and State of Minnesota, in place of Simon J. McKenzie. Incumbent's commission expired January 7, 1903.

NEW JERSEY.

James W. Danser to be postmaster at Freehold, in the county of Monmouth and State of New Jersey, in place of James W. Danser. Incumbent's commission expires February 24, 1904.

NEW MEXICO.

Edward Quinn to be postmaster at Gallup, in the county of McKinley and Territory of New Mexico, in place of Edward Quinn. Incumbent's commission expires February 19, 1904.

NEW YORK.

Eugene P. Strong to be postmaster at Bay Shore, in the county of Suffolk and State of New York, in place of Eugene P. Strong. Incumbent's commission expires February 19, 1904.

NORTH DAKOTA.

Albert Albrecht to be postmaster at Anamoose, in the county of McHenry and State of North Dakota. Office became Presidential January 1, 1904.

TEXAS.

Clinton J. Farrell to be postmaster at Vernon, in the county of Wilbarger and State of Texas, in place of Clinton J. Farrell. Incumbent's commission expired January 23, 1904.

VERMONT.

John Metcalf to be postmaster at Fair Haven, in the county of Rutland and State of Vermont, in place of Ira R. Allen, deceased.

WASHINGTON.

William R. Baker to be postmaster at Colville, in the county of Stevens and State of Washington, in place of William R. Baker. Incumbent's commission expired January 3, 1904.

Judson J. Merriman to be postmaster at Lind, in the county of Adams and State of Washington. Office became Presidential January 1, 1904.

James W. O'Connell to be postmaster at Republic, in the county of Ferry and State of Washington, in place of John Stack. Incumbent's commission expired December 14, 1903.

John F. Spangle to be postmaster at Cheney, in the county of Spokane and State of Washington, in place of Alexander Watt, resigned.

George Vetter to be postmaster at Sunnyside, in the county of Yakima and State of Washington. Office became Presidential January 1, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 3, 1904.

CONSUL.

John Todd Hill, of Connecticut, to be consul of the United States at San Juan del Norte, Nicaragua.

RECEIVER OF PUBLIC MONEYS.

A. J. Gillis, of Walla Walla, Wash., to be receiver of public moneys at Walla Walla, Wash.

MARSHAL.

Charles Lewiston, of Wisconsin, to be United States marshal for the western district of Wisconsin.

POSTMASTERS.

COLORADO.

Paul J. Sours to be postmaster at Denver, in the county of Denver and State of Colorado.

GEORGIA.

Mattie H. Hanson to be postmaster at Forsyth, in the county of Monroe and State of Georgia.

Hugh M. Pierce to be postmaster at Moultrie, in the county of Colquitt and State of Georgia.

MISSOURI.

Henry J. Crider to be postmaster at Maitland, in the county of Holt and State of Missouri.

Edward Myers to be postmaster at Appleton City, in the county of St. Clair and State of Missouri.

John P. Rankin to be postmaster at Higbee, in the county of Randolph and State of Missouri.

NEW YORK.

John M. Brown to be postmaster at Port Jefferson, in the county of Suffolk and State of New York.

William S. McLaughlin to be postmaster at Avon, in the county of Livingston and State of New York.

Owel H. Willard to be postmaster at Randolph, in the county of Cattaraugus and State of New York.

WISCONSIN.

Walter C. Crocker to be postmaster at Spooner, in the county of Washburn and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 3, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CHRIST EPISCOPAL CHURCH, HOLLY SPRINGS, MISS.

Mr. SPIGHT. Mr. Speaker, I ask unanimous consent to take from the Private Calendar House resolution No. 181 and recommit it to the Committee on War Claims.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that House resolution No. 181, on the Private Calendar, be taken from the Calendar and recommitted to the Committee on War Claims. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

BRIDGE ACROSS MONONGAHELA RIVER.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill; and, Mr. Speaker, if consent be given, then I ask unanimous consent that the substitute be read instead of the bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to consider a bill, the title of which the Clerk will report.

The Clerk read as follows:

The bill (H. R. 8889) to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Eastern Railroad Company.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. What is the gentleman's request?

Mr. DALZELL. I ask that the reading of the bill be omitted and that the amendment in the nature of a substitute be read.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

That section 4 of an act approved February 18, 1903, entitled "An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Eastern Railroad Company," be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within two years from February 18, 1904."

The amendment was considered, and agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended.

There was no objection.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11287, the consular and diplomatic appropriation bill; and, pending that, I ask unanimous consent that the gentleman from Arkansas [Mr. DINSMORE] and I be allowed to control the time in general debate.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill, and, pending that, he asks unanimous consent that the time for general debate be under control of himself and the gentleman from Arkansas [Mr. DINSMORE]. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LACEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of Union for the further consideration of House bill 11287, the consular and diplomatic appropriation bill.

Mr. HITT. Mr. Chairman, may I ask the gentleman from Arkansas about how much time his side will require for general debate?

Mr. DINSMORE. Since I last conferred with the chairman several gentlemen have spoken to me asking for time, and it is probable that there will be considerable time desired upon this side of the House.

Mr. HITT. One hour or two hours?

Mr. DINSMORE. I think even more than that; I think about three hours. I suggest that we can probably reach an agreement about the time later in the day.

Mr. HITT. Very well, we will go on, and agree as we proceed. I now yield to the gentleman from Connecticut [Mr. SPERRY] fifteen minutes.

Mr. SPERRY. Mr. Chairman, on Monday last our friend from Massachusetts [Mr. THAYER], in his speech upon the Panama matter, referred to a petition from New Haven, which had been sent to the Senate as a petition from the representative men of Yale. The petition which he spoke of was sent to the Senator from Massachusetts, Mr. HOAR, and contained about twenty names in all. There were among those names some of the professors of Yale, but a very few in number. I am quite sure that my friend from Massachusetts does not wish to inflict a wrong upon any members of Yale, that being the college from which he graduated, and therefore he must take a little pride in that institution.

As I have already said, that petition, containing twenty names, more or less, was sent to the Senate and presented to that body by the distinguished Senator from Massachusetts, Mr. HOAR. But there was another petition, also from citizens of New Haven, sent to the Senator from Connecticut, Mr. PLATT, signed by nearly 100 men, many of them connected with the institution to which the gentleman from Massachusetts refers. I do not wish to see an injustice done to any person, especially in my own district, or to have them misrepresented. I do not think that my friend from Massachusetts intended to misrepresent, but he left a false impression upon the Members of the House.

I wish at this time to send to the Clerk's desk the petition which I have just referred to as the one sent to the Senator from

Connecticut, that the same may be read. I want the names read, also their profession or business, and when read I wish to make it a part of my remarks, that these names may be published in the RECORD.

The Clerk read as follows:

Whereas we, the undersigned citizens of New Haven, Conn., without distinction of party, believe that the President of the United States was fully justified in recognizing the independence of Panama; and

Whereas that recognition has been followed by that of most all the great powers of the earth; and

Whereas we believe that the proposed Panama Canal will be of inestimable value to this country and to the world:

We respectfully petition your honorable body for the ratification of the Hay-Varilla treaty.

Charles S. Mellen, president New York, New Haven and Hartford Railroad; Percy N. Todd, vice-president New York, New Haven and Hartford Railroad; H. M. Kochersperger, third vice-president New York, New Haven and Hartford Railroad; James A. Hemingway, president Fair Haven and Westville Railroad; Arthur D. Osborne, vice-president Second National Bank; Samuel Hemingway, president Second National Bank; Charles S. Mersick, president Merchants' National Bank; George W. Curtis, president City Bank; Edwin S. Greeley, president Yale National Bank; William T. Fields, president National Tradesman's Bank; Julius Twiss, treasurer National Savings Bank; Charles H. Nettleton, president New Haven Gaslight Company; Robert A. Browne, treasurer New Haven Savings Bank; E. G. Stoddard, president New Haven County National Bank; George B. Martin, president Union League; A. Heaton Robertson, Lynde Harrison, Charles K. Bush, Henry Stoddard, John K. Beach, Jacob B. Ullman, Henry G. Newton, P. W. Chase, Edmund Zacher, Richard H. Tyner, John W. Bristol, Henry H. Townsend, Edwin C. Dow, attorneys at law; Newton Dexter, editor Gold and Silver Smith; Frank C. Bushnell; Joseph E. Hubinger; William E. Chandler; William J. Atwater; Sherman S. Thompson; Geo. A. Alling; Chas. E. Burton; J. W. Howe; F. B. Walker; Wm. T. Applegard; F. B. Smith; Chas. S. Leete; James D. Dewell, of J. D. Dewell & Co., wholesale grocers; Rollin S. Woodruff, of C. S. Mersick & Co.; John T. Manson, of Benedict, Downs & Co.; William H. Douglass, of Dillon & Douglass; George Hare Ford, of The Geo. H. Ford Company and the Grilley Company; S. S. Adams; Fred T. Bradley, treasurer The English & Mersick Company; Wilson H. Lee, president Chamber of Commerce; Geo. T. Bradley of Benedict & Co.; John C. North; Wm. H. Brewer, professor of agriculture, Yale College; Thomas R. Lounsbury, professor of English, Yale College; John F. Weir, dean of the art school, Yale College; Fredk. Wells Williams, professor of oriental history, Yale College; Chas. H. Smith, professor of American history, Yale College; F. A. Gooch, professor of chemistry, Yale College; George M. Duncan, professor of philosophy, Yale College; Andrew W. Phillips, dean of the graduate department, Yale College; Henry P. Wright, dean of the academic department, Yale College; H. L. Wells, professor of analytical chemistry, Yale College; Frank C. Porter, professor of biblical theology, Yale College; Herbert E. Smith, dean of the medical school, Yale College; Charles E. Beecher, professor of historical geology, Yale College; Russell H. Chittenden, director of Sheffield scientific school, Yale College; L. V. Pirsson, professor of physical geology, Yale College; Oliver T. Osborne, professor of materia medica, Yale College; Henry L. Swain, professor of laryngology and otology, Yale College; Edward L. Curtiss, professor of Hebrew, Yale College; A. J. Du Bois, professor of civil engineering, Yale College; S. L. Penfield, professor of mineralogy, Yale College; C. B. Richards, professor of mechanical engineering, Yale College; Williston Walker, professor of ecclesiastical theology, Yale College; George B. Stevens, professor of systematic theology, Yale College; Lafayette B. Mendel, professor of physiological chemistry, Yale College; Addison E. Verrill, professor of zoology, Yale College; Edward V. Reynolds, professor of corporation and contract law, Yale College; Morris F. Tyler, treasurer of Yale University; Wilbur L. Cross, professor of English, Yale College; Robert N. Corwin, professor of German, Yale College; George B. Adams, professor of history, Yale College; Charles Foster Kent, professor of biblical literature, Yale College; Charles G. Torrey, professor of the Semetic languages, Yale College; George G. Bush, ex-director of the Sheffield scientific school, Yale College; Charles W. Johnson, professor of agricultural chemistry, Yale College; E. Hershey Sneath, professor of philosophy, Yale College; James M. Hoppin, professor of the history of art, Yale College; Rev. Dr. Charles Ray Palmer, of the Yale Corporation; Arthur W. Wright, professor of experimental physics, Yale College; Edward S. Dana, professor of physics, Yale College; Horatio M. Reynolds, professor of Greek, Yale College; John Day Jackson, proprietor of the New Haven Register; Charles Monson, of the Charles Monson Company; M. Sonneberg, of M. Sonneberg Piano Company; John Edward Heaton, assistant treasurer Society Colonial Wars.

Mr. THAYER. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SPERRY. One moment, please, until I get through with my remarks. Then I shall be glad to accommodate the gentleman. Mr. Chairman, that petition is not a political one. It contains the names of men of all parties, and at least a third of them are Democrats. My friend the gentleman from Massachusetts [Mr. THAYER] the other day asked what Democratic papers favored the Panama treaty.

Mr. THAYER. Not "Democratic"—"influential." I did not say Democratic.

Mr. SPERRY. "Influential," then. Very well. I want to say that one of the signers of this petition is the owner and controller of the New Haven Register, a Democratic paper. I refer to the name of Mr. John D. Jackson.

So far as I can observe, there is not a single national officeholder upon the petition. I present this petition in justice to the people of my district, some of whom think that the speech of my distinguished friend from Massachusetts did not present the matter in its true light and gave a false impression of the sentiments prevalent at Yale University upon this subject. I wish to add that in the columns of the New Haven Register only a day or two ago one of the signers expressed himself upon this subject. I will read an extract taken from that paper:

Prof. Charles H. Smith, of Yale, head of the department of American history, is a stanch supporter of the belief that the United States Senate should ratify the Panama treaty. He was one of the signers of the recent petition sent to the Senate for Senator PLATT to present, which forty Yale professors and fully as many other distinguished New Haveners signed. At the request of a representative of the Register, Professor Smith consented yesterday to discuss the reasons why the treaty should be ratified. He believes that there is a strong moral reason why ratification should be recorded promptly.

This is from one of the gentlemen whose names have just been read at the desk. I sincerely hope, Mr. Chairman, that this petition will be treated as it ought to be treated, and treated as the real petition from Yale University. The one to which the gentleman from Massachusetts [Mr. THAYER] referred was a petition simply of about twenty names, and there were only a few names of Yale professors on it.

I will also read, before I close, an extract taken from the Hartford Daily Times, a Democratic paper, under the heading "Stop this nonsense:"

If the Roosevelt Administration has erred in this business, is that any reason why the Democrats in Congress should commit equally grave or more serious blunders? The news from Washington indicates that instead of making the best use of their opportunity in the present situation the Democrats of the Senate are going to make the very worst possible use of it.

[Applause.]

Mr. DINSMORE. Mr. Chairman, it is not my purpose to make a reply to what has been said by the gentleman from Connecticut [Mr. SPERRY]. I listened with attention and interest to what he read—the petition from his constituents and the excerpts from a newspaper—upon the subject of the ratification of the treaty with Panama. I merely want to call attention to the fact that it does not make any difference whether Republicans or Democrats join in such a request of Congress. Unfortunately there are some Democrats who are influenced by the same motives that influence all the Republican party—that of selfishness and greed and a desire to get something, no matter by what means it is obtained. I regret it very much myself, and other patriotic citizens regret it. The only thing in which I find great comfort is the fact that the Democratic party as a party does not do such things.

I notice that the gentleman from Connecticut [Mr. SPERRY], in reading the extract from the paper, dwelt with peculiar emphasis upon one portion of it in which Prof. Charles H. Smith, of Yale, is credited with having said that there was a strong moral reason why the treaty with Panama should be ratified. Of course we have nothing to do here with the ratification of the treaty. Nevertheless, Members of this House have a right to their own opinions and to the expression of them upon questions of as great importance as is that. But, Mr. Chairman, instead of hearing statements read from newspapers, which, if the distinguished gentleman from Ohio [Mr. GROSVENOR] were upon this side of the House he would characterize as platitudes, it is unfortunate that we can not get the information and the reasons given which show that there is a moral obligation upon us to ratify that treaty.

The distinguished gentleman from Ohio [Mr. GROSVENOR] has characterized what has been said upon this side of the House as platitudes. Of course there were no platitudes in his speech which he made on Saturday. It was no platitude for the gentleman from Ohio to say that the most brilliant star in the diadem of the present President of the United States is his conduct in this Panama affair. That is not a platitude; that is merely an inaccuracy, a mistake. [Laughter and applause on the Democratic side.] That is all there is to that. When I rose, however, Mr. Chairman, all I desired to say was that it was very much better to give a body like this—where men are assembled for the purpose of taking into their care and keeping the interests of a great government—instead of declarations of the kind which has just been read, reasons, something which appeals to the human intelligence, something that may guide our conduct. Of course I know that the gentleman from Ohio has a peculiar aversion to platitudes, but I will say that we upon this side do not like platitudes either, especially when it comes to dealing with a question of as serious importance as is this.

Names have been read by the gentleman from Connecticut of people who think that this treaty ought to be ratified. Why, Mr. Chairman, in my own part of the country there are people who say that the treaty ought to be ratified because "we ought to have the canal; we have got to have it." Why, Mr. Chairman, I have had a constituent of mine say to me—he is a director of a bank, and I observe that the greater part of these names upon the list read this morning by the Clerk of the House, in the paper sent up by the gentleman from Connecticut, are the names of

bankers—this gentleman, a director of a bank, said to me, "I am glad the President did it; it was a measly sort of a thing to do; but I am glad he did it, because we want the canal." I said, "Yes; I may need the money that you have in your vaults; but you would hardly justify me in taking a jimmy and crowbar and going and breaking open your safe and taking out that money." It looks to me as if the action of our Government in this matter, while not quite such as I have just described, was nevertheless reprehensible and not defensible.

This is all I desire to say. I yield now for one hour to the gentleman from Kentucky [Mr. JAMES].

Mr. JAMES. Mr. Chairman, at the beginning of the Fifty-eighth Congress I introduced for the consideration of this body an amendment to the laws upon extradition, which provision I desire the Clerk to read, after which I shall make such remarks as seem to me necessary upon the subject.

The Clerk read as follows:

If the governor or executive authority of any State or Territory to which such fugitive person has fled shall refuse the demand of the governor or executive authority of the State from which said fugitive fled, as above provided, then the governor or executive of the State from which said fugitive fled may file before any circuit or district judge of the United States of America a certified copy of said indictment or affidavit and a copy of his requisition so made and refused in whose district said fugitive is found, whereupon said judge shall issue a writ commanding the marshal of said district to bring the body of said fugitive before said court, and the only question subject to inquiry of said circuit or district judge shall be as to the identity of the person of said fugitive. If said judge ascertain that said fugitive is the same person that has fled from the State of the demanding executive for whom said requisition was made and refused, he shall issue a commitment requiring said marshal to turn over to the executive of the demanding State, or his agent, the body of said fugitive. An appeal by either party shall lie in such case, as in all other felony cases, to the Supreme Court of the United States of America.

Mr. JAMES. Mr. Chairman, that there is a necessity for some law in aid of the States in matters of extradition of criminals from one State to another there will be no dispute. The existing conditions in two States, I may say, of this Union to-day make it necessary that such legislation should be placed upon our statute books. The Constitution of the United States, clause 3, of section 2, of article 4, provides:

A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall on demand of the executive authority of the State from which he fled be delivered up to be removed to the State having jurisdiction of the crime.

Mr. Chairman, this section certainly means something. We are certain that it says something. Drawn in the morning of the Republic, by the fathers of this Government, it stands the severest test. It declares that the fugitives shall be delivered up. It takes from the governor upon whom the demand is made the privilege of discretion. It gives to the State whose laws have been violated the right to demand the fugitive that violated its law and fled from its sovereignty. If this section is meaningless, if a governor has the right to set himself up as the trial court, to pass upon the guilt or innocence of the accused, if he has the right in partisanship to say that a sister State of this Union will not afford a fair or impartial trial, then the wisdom of the framers of the Constitution was greatly amiss of their real purpose when they failed to so declare in this section of the Constitution.

If a governor of one of the States that constitute this Union has the right to arbitrarily refuse to deliver up a fugitive, then it is possible for one single State of the Union to become the rendezvous of every violator of the law in the Republic. Crime can run riot. Outrages upon the citizen, upon property, upon the law, can be committed by culprits with impunity, and all that is necessary to manumit the culprit from the vengeance of the law is one governor of a single State.

I know of nothing, Mr. Chairman, that will tend more greatly to peace between the States than for this Congress to pass some law that will make effective this provision of the Constitution. I observe that section 1 of Article IV says:

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

This bill that I introduced offers a remedy for these outrages. It provides what effect the proof of the judicial proceedings in a State shall have; that in case the governor refuses a requisition properly made, then the governor of the State demanding the fugitive can proceed to obtain custody of the culprit by filing a copy of his requisition, so made and refused, and then it becomes the imperative duty of the judge of the United States district or circuit court to issue his warrant for the arrest of the fugitive, and then the sole question, of which he shall be the judge, is the identity of the fugitive; and if he is found to be the one demanded, he shall then make an order delivering over such prisoner to the authorities of the State from which he fled.

This section 1 of Article IV, which immediately precedes the section in regard to fugitives and their deliverance, evidently was passed for the express purpose of giving Congress the power to pass such laws as would make it impossible for a State to become the hiding place of violators of the law. It is also provided by the Constitution, clause 18 of section 8, Article I, that—

Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or any Department or officer thereof.

Now, by this clause Congress certainly has the power to pass such laws as will enforce the provisions in regard to fugitives from justice.

The United States Supreme Court, in the case of Mahon *v.* Justice (127 U. S., p. 705), the opinion delivered by Justice Field, used this language:

Whether Congress might not provide for the compulsory restoration to the State of parties wrongfully abducted from its territory upon the application of the parties or of the State, and whether such provisions would not greatly tend to the public peace along the borders of the several States, are not matters for present consideration. It is sufficient now that no means for such redress through the courts of the United States have as yet been provided.

Now, Mr. Chairman, if Congress has this power—and it is evidently clear to every reasonable mind that it was the purpose of the court, by inference at least, in this decision to say that it did have—why has it not the power to reach its strong arm into the State and deliver over one that violated the law to the State in which he committed the crime? Would it not "greatly tend to the public peace along the borders of the several States," not only along the borders but through the entire State?

I can see no good reason why Congress would have this power, which would clearly be in aid of the right of one individual who had been wronged by abduction to be delivered back to the place of his former abode, and Congress would be denied the power to deliver back to an outraged Commonwealth of 2,000,000 people one who had murdered her citizen, violated her law, and fled from her courts. [Applause.]

In the one case it would be a remedy for one person who had been wronged; in the other case it would be a remedy for 2,000,000 people that had been outraged. In the one case it would tend to give peace to a wronged citizen; in the other case it would tend to give peace, law, and order to a whole Commonwealth.

Mr. Chairman, the President of the United States in his message to this Congress on December 7, 1903, saw proper to make some observations in regard to the matter of extradition. But it was a source of great regret to myself, as I know it was to the people I have the honor in part to represent on this floor, and as I believe it was to the great body of the American people, that he saw no necessity for dealing with the question of extradition between the States. But I notice that in his message he uses this language in speaking of the bribe givers and bribe takers in St. Louis:

It should be the policy of the United States to leave no place on earth where a corrupt man, fleeing from his country, can rest in peace.

This is a lofty sentiment. It is one that carries us back to the days of the fathers. In its contemplation we become oblivious to this age of commercialism and of imperialism. In fact, sir, it's a whiff from the garden of the Revolution. But what I want to ask the distinguished Rough Rider is this: Why in his message did he not say that it should be the policy of the United States Government to make it impossible for a fugitive, fleeing from his country, to rest in peace under the flag of the United States of America, or anywhere throughout the world. [Applause on the Democratic side.]

Proceeding to deal with this question, he says further:

There is no reason why bribery should not be included in all treaties as extraditable. The recent amended treaty with Mexico, whereby this crime was put in the list of extraditable offenses, has established a salutary precedent in this regard. Under this treaty the State Department has asked, and Mexico has granted, the extradition of one of the St. Louis bribe givers.

There can be no crime more serious than bribery. Other offenses violate one law, while corruption strikes at the foundation of all law. Under our form of government all authority is vested in the people and by them delegated to those who represent them in official capacity. There can be no offense heavier than that of him in whom such a sacred trust has been reposed, who sells it for his own gain and enrichment; and no less heavy is the offense of the bribe giver. He is worse than the thief, for the thief robs the individual, while the corrupt official plunders an entire city or State. He is as wicked as the murderer, for the murderer may only take one life against the law, while the corrupt official and the man who corrupts the official alike aim at the assassination of the Commonwealth itself.

Assassination of the Commonwealth! What shall we say of the man who is this day protected and has been for more than three long years by a Republican governor who is the dual offender, adding to the bribe offerer and giver the awful crime of murder? What shall we say of such a one, who was offered immunity and protection by the strenuous Rough Rider himself? [Applause on the Democratic side.]

We see him in this instance as Roosevelt, the governor, trampling upon the laws of extradition, violating the comity of States, and offering to one indicted for the great crime of murder protection from Kentucky courts.

The Albany Argus of May 28, 1900, said:

Taylor's flight is nothing but the logical outcome of his whole previous career. It's the act of the cowardly bully driven to bay. He is the logical candidate in Kentucky. It's a pity that New York is not his chosen refuge, in order that our citizens might have a chance to pass judgment on Governor Roosevelt's offer to shield a fugitive from justice.

The Indianapolis Sentinel of April 24, 1900, said:

And now it is reported that Governor Roosevelt will not surrender Taylor, of Kentucky, on a requisition from Governor Beckham. It would be interesting indeed to have the head civil-service reformer of the country join in protecting a fugitive from justice from the process of the courts. Possibly, however, like Hernly, he may think that political assassination is justifiable if the victims are Democrats.

In his message the President says that these bribe givers and bribe takers should be hunted down; that you ought to cross the ocean to bring a man back that violated the law. I say, very well and good, but let us cross the Ohio River first and bring the murderer back to Kentucky before you do that. [Applause.] Why, Mr. Chairman, I believe this message was in reality given to Congress in a vein of humor.

I notice he talks so much about the violators of the law in Missouri and wants to cross the rolling sea to bring them back. I read only day before yesterday that Odell, governor of his own State, the master of his political fortunes in New York, gave protection to the millionaire, Mr. Ziegler, charged with bribery and corruption in Missouri, from the Missouri courts, and denied the requisition of Governor Dockery.

I believe, Mr. Chairman, that the message of Mr. Roosevelt, in wanting to reach out for criminals and violators of the law across the sea, is but the bugle call to all the fugitives on the face of the earth to come back home, and if they can stand the Republican administrations of New York and Indiana they can be protected there. [Applause and laughter on the Democratic side.]

No such punishment as being an exile from home can be visited upon a man if he happens to take the life of a Democrat. [Applause on the Democratic side.]

So, when I contemplate the anomalous position of Roosevelt the governor and Roosevelt the President, I am forced to declare that another greater than R. Louis Stevenson would have to rise to properly characterize a greater than Dr. Jekyll or Mr. Hyde.

Durbin, the man to-day, giving protection to this violator of the law, this man that Kentucky, through her grand jury has indicted for the crime of murder, has for more than three long years denied the right of the sovereign Commonwealth of Kentucky to bring that man back and let him stand his trial before a tribunal of her law. And I notice that when Durbin comes to town he is wined and dined by this great Don Quixote upon extradition, who absolutely confides to Durbin the right to give to the waiting and anxious world the news that "HANNA can run for the Presidency if he wants to." [Laughter on the Democratic side.]

And when we all read that we again said, "The king can do no wrong," and as Durbin starts back to Indiana from his confidential talk with the President, we hear him say amid the applause of all the fugitives of the land, as he speaks of his own State of Indiana, saying of it:

> Here, here is the land, of every land the pride,
> Beloved by fugitives, o'er every land beside.

Mr. Chairman, their excuse for not honoring this requisition was that Taylor could not have a fair trial. Let us see whether that proposition can stand the test. What did Taylor say before the indictment was returned, when he heard an indefinite rumor in regard to same? I have his own signed statement here, that he gave to the world, and in it he does not say that he could not obtain a fair trial in that Commonwealth. He does not say that juries are corrupt. He does not say that courts are polluted. But listen to Taylor himself before he had heard that certain confessions had been made, that certain witnesses had been called before the grand jury, that the "cat was out of the bag."

Let us see what he says when he felt secure, little dreaming that the world would ever know that he offered $2,500 and a pardon for a human life; that he said, "Goebel has but twenty-four hours to live," and with the wisdom of a prophet this awful prophecy became a reality; that he said, "You must act first and then I will call out the militia," and the wounded man had not been carried from the place of his fall until the tramp of the militia was heard upon the statehouse grounds; that he had issued pardons to men before conviction; that he was the bone and sinew and moving factor in the procurement of Goebel's death.

Here is what he said then, on April 7, 1900, and gave it to the Associated Press bearing his own signature, and it went throughout the States in the American Union:

> Once for all I desire to say neither directly nor indirectly had I any connection with the assassination of Senator Goebel. I am a citizen of this State, amenable to its laws. I am not a criminal, nor shall I ever become a fugitive from justice. Whenever indicted, if such an outrage should ever be committed—

Does he say, "I will flee to Indiana and seek the protecting ægis of a Republican governor in the name of politics?" No; but he says:

> I shall appear for trial conscious of my innocence and of the ultimate triumph of right and justice.
>
> W. S. TAYLOR.

There was nothing said then that he could not obtain a fair trial, but what happened? Why, sir, in less than two weeks from that time we heard of him in Washington, and in three days of that time we heard of him in New York, in consultation with Governor Roosevelt, and what occurs? Does he come back to Kentucky? Does he stand true to his declaration that he would never be a fugitive from justice? No, indeed. All this courageous statement had faded away as his own guilty conscience commenced to tell him that the crime of the great as well as the small was subject to the truth of that inexorable axiom, "Murder will out."

I say spurred on by this he sought the State of Indiana, and in the name of Republicanism he begged its protection. And notwithstanding four years ago this day one of the brainiest and, as we believe, the bravest and knightliest of all that fought for the common people, died from a wound that the indictment of our court said Taylor procured by offering $2,500 and a pardon to the man who fired the fatal shot, he has been protected, walking as a free man almost in sight of the blue grass under which his victim sleeps.

What does Bradley say—the leader of their party, Taylor's confidential friend, his attorney in the contest, ex-governor of his State? Here is what he said on April 23, 1900, that is published in the Louisville Commercial, the Republican organ of that State:

[From the Louisville Commercial (Republican), April 23, 1900.]

I do not believe the report to be true that he is in New York attempting to prevent the honoring of the requisition for his return to this State. Governor Taylor has publicly declared that he was not and would never be a fugitive from justice, and that if indicted he would respect the law and meet his accusers face to face. Therefore there remains but one course open to him, and that is to return as soon as he can and meet the indictment like a man. Any other course would be rank injustice not only to himself but to those of his friends who have been accused of so foul a crime. I do not know whether an indictment has been found against Governor Taylor, but if it has I have no doubt that he will promptly surrender himself into the hands of the law, and believe any intimation to the contrary does him rank injustice.

That was issued by William O. Bradley. I know that it has been said, in order to excuse this outrage that is daily being perpetrated, that he could not obtain a fair trial; but, sir, Kentuckians are too courageous, their history of one hundred years behind them tell in tones too loud that this statement is false. You protected him because you said the courts of Kentucky were corrupt.

Taylor fled to the State of Indiana about May 15, 1900, and it was from Indiana that he made his triumphal tour to the Republican national convention, where the public press told us that he received an ovation second only to that of Roosevelt, and there in the State of Indiana he has since remained.

On January 1, 1901, the Republican party obtained control of the court of appeals, which court is the court of last appeal in all criminal and civil cases in our State. They retained this control of that court till January 1, 1903. Upon that bench were Guffey, Durelle, O'Rear, and Burnham, four Republicans out of the seven judges that constituted that court.

Do you tell me that he could not obtain a fair trial where his own party controlled the court to which he had the right to appeal his case? The chief justice of that court was Guffey, his old law partner, and this court of appeals would have had the right, if this case against Taylor was a persecution instead of a prosecution, was one of falsity rather than of truth, one without evidence to sustain the verdict of the jury, one procured by corruption, to have reversed the case and remanded it to the lower court with directions to dismiss the indictment, which would have been and remained the law of the case.

And yet, Mr. Chairman, with this condition existing in Kentucky, the Constitution of the United States, providing that "full faith and credit shall be given to the acts, records, and judicial proceedings of every other State," was being trampled upon. The provision of the Constitution providing that the governor should surrender a fugitive upon demand of the executive was being grossly violated. With this court Republican, the demand being made for his extradition, Durbin refused to surrender him to the authorities of the State of Kentucky because he said Taylor could not obtain a fair trial.

Notwithstanding, if all he said be true, it was in the power of the Republican court to have directed the dismissal of the indictment and let him go as free as the lark that sings in the sky. Why, my friends, take this matter home to yourselves. Suppose that the murderer of McKinley had been able to flee after he had committed that awful crime. Suppose he had come to Kentucky and the governor of Kentucky had as little respect for his oath, for the Constitution, and for the laws of his country as Durbin had. Czolgosz would to-day be walking Kentucky's soil, breathing her

pure air, and the nation mourning the death of one of the greatest of her Presidents.

Is that proper? Do you want to make that possible in our magnificent country? Suppose when you came to us and told us that you wanted to return him, so that he might have a trial for taking the life of your greatest leader, McKinley, the man who lifted you to the mountain range of popular favor, and suppose we should have said that you shall not have him for trial until the United States Government had brought about a condition which will compel a State to return to us our criminal, who took the life of one we loved, no less than you did your leader. Your indignation would have known no bounds. Retaliation would have met with indignation at your hands. Congress would have been assembled in extraordinary session, and a law immediately placed upon the statute books such as I propose here.

Mr. Chairman, the conduct of Governor Durbin, viewed under every searchlight, measured by every yardstick, weighed in every balance, is such an outrage as to properly characterize it the poverty of the English language must stand admitted. [Applause on Democratic side.]

The greatest right that a State can have is the right to try those who have violated its law and fled from its dominion. It is an enlargement of State rights. It is the very sovereignty of the State itself.

I know, sir, that many epithets have been hurled at the courts of Kentucky, but I stand here to defend them, though they need no defense at my hands. Their decisions have been quoted and approved the world around. The judicature of the civilized earth has been made richer, wiser, and greater by their contributions. Equity and justice have both alike welcomed their decisions as examples of their teaching. Innocence in rags, justice without a friend, weakness without a staff, all in full and rounded measure proclaim in tones that defy partisan rancor, and political malice, of their incorruptibility. [Applause on the Democratic side.]

And, sir, when murderers shall find no longer an Indiana of refuge, when requisitions shall no longer be dishonored, when those who laid the miserable plot and took the life of William Goebel shall have been gathered by that dark messenger that needs no requisition, when those who protected them shall live only in infamy, Kentucky courts—God bless them—will still live, administering the law in its strength and justice in its purity. [Applause.]

Mr. Chairman, I believe that whether this Congress acts or not; whether Kentuckians may assemble this day a year hence around the grave to place flowers upon it in sweet remembrance of the murdered dead, knowing the chief conspirator is yet unmanacled by the law; recounting the wrong perpetrated by the protection of his murderers—I say whether that would occur or not, in my judgment Taylor will have to hunt another place of refuge, because the outraged people of Indiana will rise up in their might and repudiate the Republican policy by electing a Democratic governor in that Commonwealth. [Great and continued applause.]

Mr. HITT. Mr. Chairman, I yield now to the gentleman from Indiana [Mr. CRUMPACKER] such time as he may desire.

Mr. SMITH of Kentucky. Mr. Chairman, I ask leave for the gentleman from Kentucky to extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that his colleague may extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES. I yield back to the gentleman from Arkansas such time as there may be remaining to me.

Mr. CRUMPACKER. Mr. Chairman, I have listened with regret and amazement to the remarkable address of the gentleman from Kentucky [Mr. JAMES], and his unwarranted and ill-tempered attack upon the governor of the State of Indiana. I am not here to defend the action of the governor of my State. He needs no defense among people who are acquainted with his high character and distinguished ability, and with the history of the election in the State of Kentucky in the year 1899 and its results, including the assassination of Mr. Goebel, and the prosecutions and trials following that lamentable affair.

In 1899 Hon. William S. Taylor was as honestly and fairly elected governor of the State of Kentucky by the votes of the sovereign citizens of that State as any man was ever elected governor in any State. [Applause on the Republican side.] His election was conceded and certified by the Democratic State election board, appointed under what is popularly known as the "infamous Goebel law."

Mr. SMITH of Kentucky. Mr. Chairman, I would like to disabuse the gentleman's mind. The fact is that the election of the governor and lieutenant-governor was to be decided, as it is in every State I know of, by the legislature of Kentucky.

Mr. CRUMPACKER. The election was canvassed and certified by the State election board appointed under the Goebel law, as I understand it, composed of a majority of Goebel Democrats. They certified to the election of William S. Taylor as governor and Caleb Powers as secretary of state, and a large portion of the Democratic party, a large share of the Democratic press in that State, acknowledged and admitted the right of Governor Taylor and Mr. Powers to the offices to which the people of the State had chosen them.

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. CRUMPACKER. Yes.

Mr. SHACKLEFORD. Is not that just as true of every Democrat that has come to this House and been thrown out by a Republican contest? Do they not come with a certificate of election?

Mr. CRUMPACKER. I am glad the gentleman asked that question. We try contested-election cases here, and there is no one who is acquainted with the habits and temperament of this body that believes for a moment that it has the spirit and capacity to administer justice where political questions are involved. This body passes upon the election and qualifications of its own Members in response to the fundamental principle that it must be absolutely independent of outside control. It is a fundamental safeguard to the independence and integrity of the House, and that overmastering principle is greater and more important than the right of any individual to membership. After the election in Kentucky in 1899 William Goebel contested the right of his successful opponent to the office of governor, and under the laws of that State the contest had to be taken before the State legislature, a body that was essentially partisan, a body that everybody knew in advance would decide according to its partisan majority. The people of Kentucky felt that popular government was at stake, and their indignation over an undisguised purpose to deprive them of the right to select their own governor and State officers was aroused from one end of the Commonwealth to the other. [Applause on the Republican side.]

Mr. SMITH of Kentucky. Will the gentleman yield for a question?

Mr. CRUMPACKER. Yes.

Mr. SMITH of Kentucky. I understand the gentleman makes a thrust now at the body that tried the contests for governor and lieutenant-governor in Kentucky.

Mr. CRUMPACKER. The gentleman may so construe my remarks.

Mr. SMITH of Kentucky. You say the legislature was partisan and incompetent to try a contest. How many States in this Union are there that have any other contest boards for governor and lieutenant-governor?

Mr. CRUMPACKER. I do not know.

Mr. SMITH of Kentucky. There is not one.

Mr. CRUMPACKER. There is no such procedure in the State of Indiana. That State provides for no legislative contest of the election of governor. The courts and not legislatures are the proper forums in which to contest elections for all executive and ministerial offices.

The contest for the governorship in the State legislature involved the fairness of the election in over a third of the State of Kentucky. The supporters of Mr. Goebel challenged the integrity of the election in every precinct in the great city of Louisville. They charged in a large number of other counties that the ballots were printed upon paper so thin that the mark of the voter indicating his choice could be seen through the ballot. The contestee offered to prove and did prove that in nearly every instance where such ballots were used they were printed and furnished by Democratic election boards and officers, men who were friends and supporters of Mr. Goebel for governor.

The committee selected to hear the contest made a general report to the legislature recommending the seating of Mr. Goebel, and by implication, at least, they justified the exclusion of the votes in one-third of the counties in the State of Kentucky, including the city of Louisville.

Gentlemen talk about the assassination of the Commonwealth by the failure of the governor of Indiana to surrender Governor Taylor to the Kentucky authorities for trial for the murder of Mr. Goebel. Who are the real assassins of the Commonwealth in the State of Kentucky? Are they not the men who ruthlessly and arbitrarily overturned the elections in 1899 and unseated from office men who were honestly and fairly chosen and put in their places men who were repudiated by the voters at the polls? The integrity of the ballot lies at the very foundation of republican institutions, and assaults upon that integrity are death blows to popular government. The gang of unscrupulous politicians who collected at Frankfort in the winter of 1900 and conspired to cheat the people of the State of Kentucky of their fundamental right to choose their own officers were the assassins of the Commonwealth. Public officers charged with the administration of justice, who filled the jury boxes with the names of partisan Democrats for the purpose of trying men accused of a political crime, were assassins of the Commonwealth.

What greater crime than the prostitution of courts to partisan ends could be committed against any civilization? I do not claim that the institutions and citizenship of the State of Kentucky are not in ordinary matters of as high a standard as those of any other State in the country. That State has a splendid history and a brave and chivalrous citizenship, but notwithstanding conditions have been such since the election in 1899, in relation to the result of that election and the contest following, that the public mind in the State of Kentucky has been and still is absolutely unfit to deal with the question of the guilt of those indicted for the murder of Mr. Goebel with any degree of fairness or justice. This condition may not exist in all parts of the State of Kentucky, but that it does exist in Scott and Bourbon counties—counties from which the juries were drawn—is true beyond a cavil of a doubt.

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question?

Mr. CRUMPACKER. The gentleman may.

Mr. WILLIAMS of Mississippi. Suppose Taylor was elected, suppose there was a contest, and suppose that Goebel was declared elected; suppose that sentiment was aroused; does that justify assassination?

Mr. CRUMPACKER. I am not here, Mr. Chairman, to justify assassination. No provocation justifies a crime so foul and dastardly, but I do propose to submit some reasons in explanation of the attitude of the governors of the State of Indiana—Governor Durbin and his distinguished predecessor, Governor Mount—in refusing to recognize the requisition of the governor of the State of Kentucky for the return of Mr. Taylor, to be tried in the Kentucky courts under conditions then existing. I expect to show that Governor Taylor was not a fugitive from justice, but a fugitive from injustice, oppression, and tyranny.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I will ask the gentleman one other question, if he will permit. I would ask whether he himself doubts that Mr. Goebel was assassinated for political reasons?

Mr. CRUMPACKER. Well, I do not know that that has anything to do with the question before the committee. [Laughter on the Democratic side.] What I may feel or think about the character of the assassination has nothing to do with the question now under discussion. Everybody admits that it was an execrable crime. During the period of intense excitement in the State of Kentucky immediately following the institution of the contest Republicans and Democrats from all parts of the State met at the State capitol to insist that the will of the people should be carried out, that honest elections should be respected, that unscrupulous political buccaneers should not be permitted to take away from the people of the State the right to choose their own officers, and in the white heat of partisan feeling unfortunately somebody shot and killed Mr. Goebel, the contestant.

I am not here to justify that act. It was a crime, a crime against humanity, a crime against civilization, a crime deplored in every State in this country. Immediately proceedings were set on foot to hunt out the perpetrators. The political machinery in the State of Kentucky was in the hands of the Goebel Democrats. A hundred thousand dollars was voted by the legislature to discover and convict the criminals. Indictments were returned by partisan grand juries against the Republican governor and secretary of state, amongst others, charging them with the crime. All, I believe, of the candidates on the Republican State ticket, all of the men who were elected by the suffrages of the people to State offices, were included in the indictments, charged with conspiracy to murder or with being accessories before the fact.

Mr. SMITH of Kentucky. Mr. Chairman, do I understand the gentleman to say that all of the gentlemen who were on the Republican State ticket were included in the indictments?

Mr. CRUMPACKER. I may have included too many. I said all. There were too many. The governor and the secretary of the State I know were indicted.

Mr. SMITH of Kentucky. And that is all.

Mr. CRUMPACKER. Yes, and the secretary of state was tried and tried again, and tried a third time, and respectable Democrats and Democratic papers all over the State of Kentucky denounced the character of the trials and convictions as infamous.

Mr. STANLEY. Can the gentleman name one respectable Democratic paper that ever did that?

Mr. WM. ALDEN SMITH. Oh, there are few respectable Democratic papers in that State. [Laughter on the Republican side.]

Mr. STANLEY. May I ask the gentleman if that is the spirit in which he proposes to denounce partisanship, by saying that there is not a respectable Democratic paper in the State of Kentucky?

Mr. WM. ALDEN SMITH. That is the spirit the gentleman is manifesting in this controversy this morning. The gentleman is not showing a judicial spirit.

Mr. DINSMORE. Well, the gentleman from Michigan is. [Laughter on the Democratic side.]

Mr. WM. ALDEN SMITH. Yes; he always does.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Kentucky [Mr. STANLEY]?

Mr. CRUMPACKER. I prefer not to now. The organization of the court and jury and the conduct of the trials in the Powers case was condemned by honest-minded, cool-headed Democrats, I will say, and by newspapers that had theretofore been known as Democratic papers, throughout the State of Kentucky. Goebelism came to be a political issue in that State. Governors and State officers were elected and defeated on that issue. Candidates for seats in this body were elected and defeated upon the issue of Goebelism. Many will remember that distinguished Kentuckian, Colonel Berry, who was a Member of the House in the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses. He was an anti-Goebel Democrat, and that was his undoing—he is no longer here.

In the empaneling of the juries in the trials of Caleb Powers they were packed by his bitter political opponents. At none of the trials was there a friend of his—a political friend—or an honest representative of his party on the jury.

The CHAIRMAN. Does the gentleman yield.

Mr. CRUMPACKER. I will yield now.

Mr. SMITH of Kentucky. Mr. Chairman, I would like to call the attention of the gentleman to the fact that he is misstating the case grossly.

Mr. CRUMPACKER. Well, let us see.

Mr. SMITH of Kentucky. As a matter of fact, on the first jury that tried Caleb Powers there were six anti-Goebel people. Half the jury were anti-Goebel. There were four anti-Goebel Democrats and two straight Republicans, and he could not be convicted without the verdict of every member of the jury.

Mr. CRUMPACKER. In the first trial the jury was composed of eleven Democrats and one alleged Republican school-teacher, who depended upon local Democratic officers for employment—a lick-spittle who was worse than any honest Democrat could have been. That is my information of the situation.

Mr. SMITH of Kentucky. Mr. Chairman, I beg, in a most respectful and emphatic way, to protest against the statement of the gentleman from Indiana [Mr. CRUMPACKER] as being absolutely without foundation.

Mr. CRUMPACKER. Is it not true that one of the jurymen in the first trial was heralded over the country as a Republican school-teacher? And is it not true that he was employed by Democratic school officers in the county in which he taught?

Mr. SMITH of Kentucky. I did not understand the first part of the gentleman's question. Will he repeat it?

Mr. STANLEY. There are few Republicans in Kentucky who can teach a school. [Laughter on the Democratic side.]

Mr. CRUMPACKER. It is very evident that there is something the matter with Kentucky. Nobody seems to have been teaching very effectively down there. [Laughter on the Republican side.]

Mr. SMITH of Kentucky. If the gentleman desires an answer to his question and will repeat it, I will try to answer it.

Mr. CRUMPACKER. I understand the gentleman claims that in the first organization of the Powers jury there were six Goebelites, four anti-Goebel Democrats, and two Republicans. I say there were eleven Democrats and one Goebel Republican.

Mr. SMITH of Kentucky. I deny that statement most emphatically; and I wish to make the statement further that that gentleman was decidedly against Mr. Goebel, went into the jury box with a decided impression that Mr. Powers was an innocent man, but after hearing the evidence and getting into the jury room, I understand he was the first to suggest that the jury find Mr. Powers guilty.

Mr. CRUMPACKER. Yes; and he was employed to teach for another year, and I think he had his salary increased. [Laughter.]

Mr. JAMES rose.

Mr. CRUMPACKER. Constant interruptions practically destroy the continuity of my argument, but I will yield to the gentleman.

Mr. JAMES. The gentleman is proceeding on the idea of assailing the jurors down there. In order that justice may be done upon the question he is raising here as to the selection of the jury, I ask him whether in the first trial and in each of those trials the question was not raised before a Republican court; and not a single time did the Republican court of appeals of Kentucky sustain the contention that the gentleman is now making here. [Applause.]

Mr. CRUMPACKER. The question was raised before the local courts; and on the second trial of Mr. Powers affidavits were filed by several people of the county setting out the fact that the names selected by the jury commissioners were all Democrats and Goebelites except, I think, four or five; and the court was asked to set aside the panel and order the selection of a new list of names.

In a county that was nearly evenly divided in politics, there were ninety-five Democratic names in the jury box, and four or possibly five Republican names.

The State had five peremptory challenges, so that not a single Republican was allowed to sit on the jury. The case had become intensely political; it entered into the politics of every township, county, and Congressional district in the State of Kentucky. Powers was on trial for a political crime before a jury composed entirely of his political enemies. Think of such a trial in the twentieth century! The conduct of Judge Cantrill, and the record he made in that case, considering the advanced standards of administering justice, makes the tribunal presided over by bloody Jeffreys on the Taunton circuit eminently respectable. [Applause on the Republican side.]

Mr. SHERLEY. I want to ask the gentleman whether he considers that when a man is being tried for murder it is a political question that is on trial?

Mr. CRUMPACKER. It may be under some circumstances.

Mr. SHERLEY. It seems to be so under some circumstances.

Mr. CRUMPACKER. It was made a political question in the State of Kentucky. The question of the guilt of Governor Taylor and Caleb Powers was the Democratic slogan at elections. It was embodied in the Democratic State platforms, and was thundered with impassioned eloquence from the hustings. Every man who voted the Democratic ticket voted Taylor and Powers guilty of the crime that overshadowed everything else in State politics, and the juries that convicted Powers were composed of that kind of men. Is was a political trial, and fairness, justice, and common decency required that the juries should be equitably divided between the two political parties in the county in which the cases were tried.

Mr. SHERLEY. Does not the gentleman know as a matter of law that the question of the political affiliations of a juror is not a question that can be brought before the court in the selection of a jury on the voir dire?

Mr. CRUMPACKER. That is true enough, and that is the reason the court of appeals failed to take cognizance of that question when presented on appeal, but it can be brought before the jury commissioners, and they can be prevented from packing a jury for the purpose of convicting a man whether he is guilty or not. [Applause on the Republican side.]

Mr. SHERLEY. And the evidence in support of that is no greater than the statement of just such men as the distinguished gentleman who is willing, without regard to the facts, to give a distorted version. It is not true that the juries of the State of Kentucky have been packed to convict men.

Mr. CRUMPACKER. I do not charge it as a general proposition.

Mr. SHERLEY. It is not true as a special proposition.

Mr. CRUMPACKER. I charge it in relation to the trial of those indicted for the assassination of Goebel, and I can go to the State of Kentucky and procure eminent and respectable witnesses by the hundred, aye, by the thousand, who will justify the statement I make here.

Mr. WILLIAMS of Mississippi. Will the gentleman put the proof of some of that in the RECORD when he publishes his speech?

Mr. CRUMPACKER. I will. I have newspaper extracts and letters by the dozens, and I shall ask the privilege of publishing some of them in my speech.

Mr. WILLIAMS of Mississippi. Oh, what newspaper extracts?

Mr. JAMES. You say juries were packed with partisan Democrats for the purpose of convicting those indicted for taking Goebel's life?

Mr. CRUMPACKER. That is the statement.

Mr. JAMES. Now tell me how it was that a jury that was packed as you say tried Captain Ripley and acquitted him, and tried Buck Howard and acquitted him of the murder of William Goebel? How was that if they were juries that were packed for the purpose of convicting anybody or everybody? How was it that those two gentlemen escaped?

Mr. CRUMPACKER. Those two gentlemen were men of such insignificance in the politics and society of the State of Kentucky that it would be no credit to the Democratic party to land them in the penitentiary or on the gallows. [Derisive laughter on the Democratic side.] And it is quite probable that some evidence of guilt, a scintilla of evidence, is required to convict even before the juries I have described.

Mr. SMITH of Kentucky. I beg to suggest to the gentleman that Captain Ripley is a man in as good standing as any man on the Republican State ticket in 1899.

Mr. CRUMPACKER. I say this, that in the second trial of Powers, in a county where the political parties were nearly evenly divided, every man on the jury was a Goebelite. It was a political trial, I reassert, and Powers had no chance whatever for his life or liberty. That is the proposition I assert here. In the name of common fairness and common decency why was not the jury divided politically? Why were there not three or four real, genuine Republicans on the jury? In the third trial the jury that tried Powers was composed of eleven Goebel Democrats and one Goebel Republican. The Goebel Republican, the evidence showed, had voted for Goebel for governor, and had his picture framed hanging up in the drawing room of his home.

Mr. McDERMOTT. Will the gentleman yield for a question?

Mr. CRUMPACKER. I yield to the gentleman from New Jersey.

Mr. McDERMOTT. The governor of every State in the Union is supposed to be under the State and Federal Constitution. Does the gentleman consider that, a requisition being made upon the governor of any State in this Union to surrender one charged with the crime of murder, he has the right to consider the question of whether or not the man so charged will receive a fair or an unfair trial if he is returned to the State from which the requisition issues?

Mr. CRUMPACKER. He always must consider that question, and it is his duty to presume that ordinarily in all the States justice will be administered fairly. He has a right to act upon that presumption. He ought to act upon it, and I concede the vital importance under our system of government, in the administration of the laws, that State authorities should respect reasonable and proper requisitions for the extradition of fugitives. But where facts are brought to the notice of the governor of a State, where he is informed in advance, that such a condition exists, that such a condition of public excitement prevails that it is practical assassination to turn the accused over to the authorities of another State for trial, then the governor is not only justified, but, in my humble opinion, it is his duty to deny the requisition.

Mr. McDERMOTT. I beg to suggest this to the gentleman: That even if it was demonstrated to the governor of a State that if the man for whose return requisition had been issued would be so tried that his trial would amount to absolute assassination, nevertheless the governor of the State upon whom the requisition was made would have no right under our form of government and under the Federal Constitution to consider the question of method of procedure or probable result of trial.

Mr. CRUMPACKER. It is fortunate that the gentleman is not the governor of any State.

Mr. McDERMOTT. I challenge the gentleman to find a writer on political economy in this country, I challenge the gentleman to find a writer on our constitutions, Federal or State, who will support the proposition by one single sentence that any governor is allowed to consider what kind of a trial a man will have if he is returned to the State where he is indicted. [Applause on the Democratic side.]

Mr. CRUMPACKER. Mr. Chairman, if a leader of a mob in a State should apply to the governor of a sister State for the custody of a man that he might be tried by Judge Lynch, be tried by a frenzied mob, the gentleman will not pretend that it is the duty of the governor of that State to surrender a fugitive under those circumstances. If the governor of the State is convinced that public sentiment is in such a pitch of excitement that while the court may preserve the form and procedure of law it is moved by the spirit of the mob, I say that the governor is justified in refusing that requisition upon principles of common humanity.

Mr. McDERMOTT. If the governor is regulated by the Constitution, if he is regulated by law, no governor has the right to make any such determination as the gentleman has suggested.

Mr. CRUMPACKER. I hope the gentleman will respect the rules of debate and not undertake to make a speech in the time assigned to me.

Mr. JAMES. I would like to ask the gentleman a question.

Mr. CRUMPACKER. The Supreme Court of the United States has decided squarely that the governor of a State can not be compelled to grant a requisition made by the governor of a sister State, that the question is discretionary with the governor whether he grants it or not.

Mr. JAMES. I would like to ask the gentleman a question about what he says, frankly, about the courts. I want his judgment upon this, as to whether Governor Taylor could not trust the court from 1900 to 1903, during which time the Republican party had control of the court of appeals, the court of last resort.

Mr. CRUMPACKER. Mr. Chairman, I most assuredly say so. I firmly believe it. The governors of Indiana, both Governor Mount and Governor Durbin, entertained that belief. Subsequent developments have vindicated their judgment. There were three trials of Caleb Powers. I do not think that the result of a single one of the trials is entitled to the respect of fair-minded men in this country.

Mr. JAMES. Does he not believe that his statement is unfair, if not entirely unjust, an injustice piled upon four of the most distinguished Republicans that are in his party in Kentucky?

Mr. CRUMPACKER. Mr. Chairman, I assume the gentleman to be a lawyer, and he knows that while certain questions can be

presented to the Kentucky court of appeals, I presume that court is organized like the courts of final resort in other States. As a rule, questions of fact are not reviewable there on appeal.

Mr. JAMES. If the court was of the opinion that the trial was an unfair one and one that is an assault upon this man, or that the verdict was not sustained by the evidence or was an outrage, your party, who were in majority in that court, would have the right to have the case remanded back to the court below, saying that it was an unfair trial, that there was not evidence to justify the verdict, and instructing the county attorney to dismiss the case.

Mr. CRUMPACKER. The court of appeals reversed two of the judgments convicting Powers because he was not fairly tried.

Mr. JAMES. Not for the reasons that you have suggested.

Mr. CRUMPACKER. For the reason that they were not fair trials and were not an honest administration of justice.

Mr. JAMES. Not at all. Out of 875 exceptions taken on the trial only three were sustained by the Republican court and in a vote of 4 to 3 from that bench.

Mr. CRUMPACKER. The reversals must have been for material errors at the trial that prevented the defendant from receiving justice. Pending the appeals the judge who presided at the trials was making a canvass of the State for a seat in the United States Senate, chiefly on the ground that he had sent Powers to the penitentiary for the murder of Goebel.

Mr. SHERLEY. I would like to ask the gentleman this question.

Mr. CRUMPACKER. I yield to the gentleman.

Mr. SHERLEY. Do you consider that that opinion of the court of appeals reversing that case is such evidence of inability to get justice in that State as to warrant the governor of Indiana in disregarding the requisition?

Mr. CRUMPACKER. Not by any manner of means. I am not complaining of the conduct of the court of appeals, but of the conduct of the local court, composed of Judge Cantrill and a Goebel jury.

Mr. SHERLEY. The gentleman's own statement shows the court of appeals reviewed the case and reversed it because there had been, as the gentleman says, not a fair trial, but what was in fact not a trial of——

Mr. CRUMPACKER. It would not make any difference, Mr. Chairman, if the court of appeals had affirmed the judgment. I do not believe any fair-minded man in the country can truthfully say that the three successive trials of Caleb Powers were fair and honest trials. It was a political prosecution brought on by political adversaries——

Mr. SHERLEY. I claim to be a fair and——

Mr. CRUMPACKER (continuing). And under the control of a man who was making a canvass for the United States Senate on the ground that he was engaged in convicting the assassins of William Goebel.

Mr. SHERLEY. I claim to be a fair and honest man and I am willing to stand on the floor of the House of Representatives and say to the gentleman from Indiana that there has not been a man convicted of the murder of William Goebel who, in my humble judgment, both as a citizen and a lawyer, is not guilty of that offense. That is the opinion of the best lawyers and the best men of the State of Kentucky. [Applause on the Democratic side.]

Mr. CRUMPACKER. The gentleman may have the benefit of his statement and he is entitled to anything he can get out of it.

Mr. BREAZEALE. Mr. Chairman, will the gentleman yield to me for a question?

Mr. CRUMPACKER. I yield to the amiable gentleman from Louisiana.

Mr. BREAZEALE. I thank you. Just now you stated your belief was that a packed jury convicted these people. Have you any evidence upon which you base that belief or is it merely an impression from loose-jointed statements in newspapers?

Mr. CRUMPACKER. I have been trying to state, if the gentleman pleases, the reasons for my opinion——

Mr. BREAZEALE. I know——

Mr. CRUMPACKER. Take this one proposition: A county where the political parties are nearly evenly divided has a political trial of absorbing interest and the jury is made up altogether of men of adverse politics to the defendant. Would it not excite a suspicion at least that the action of the jury had been forestalled?

Mr. BREAZEALE. I admit you are justified in the suspicion, but is that evidence; is that serious testimony of packing a jury, but a mere inference and suspicion which you might have?

Mr. CRUMPACKER. Now, that is one suspicion; we do not rest our case on one suspicion alone, but upon a dozen circumstances, and upon testimony of honest Kentucky Democrats, which I said a moment ago I will submit, if I am permitted to print it in the RECORD.

Mr. BREAZEALE. Is that testimony or mere opinion and suspicion?

Mr. CRUMPACKER. It is the honest opinion of men who were well acquainted with conditions.

Mr. BREAZEALE. An honest opinion, but not evidence.

Mr. CRUMPACKER. Yes.

Mr. BREAZEALE. It is not a serious statement of facts upon which you can base a statement that——

Mr. CRUMPACKER. Mr. Chairman, the technical refining of the gentleman from Louisiana is too unsubstantial for practical purposes. We have the prominent facts that Taylor was fairly elected governor; that his political adversaries ousted him from that office and had him indicted for the assassination of Goebel, along with the secretary of state and others; that the secretary of state was tried three times before juries made up of men who were his bitter political adversaries; that they convicted him and the court of appeals reversed the judgment; they convicted him again and the court of appeals again reversed the judgment; they convicted him a third time, and for a third time the case is pending before the court of appeals of the State awaiting a decision.

Mr. BREAZEALE. Now, may I ask the gentleman one more question?

Mr. CRUMPACKER. These are some of the facts upon which my opinion is founded.

Mr. BREAZEALE. Is not flight a very strong suspicion of guilt?

Mr. CRUMPACKER. It depends upon the circumstances. It is evidence of good sense and prudence on the part of those who were charged with the assassination of Mr. Goebel.

If Mr. Powers had pursued that policy he would have stood a better chance for his life than he does to-day. I have known him for fifteen years. He was educated in the town in which I live, graduating from Valparaiso College, and no one in that community was more respected or stood higher as a student or a citizen than he. We do not believe he is guilty of the crime for which he was convicted.

Mr. JAMES. Does the gentleman know from what college Guiteau graduated?

Mr. CRUMPACKER. I do not.

Mr. JAMES. The fact that a man graduated from a college, then, is no evidence that he is not a criminal. Now, the gentleman seeks to justify the governor of Indiana in refusing to honor the requisition of the governor of Kentucky by the results of the Caleb Powers trial. Was not the requisition refused before Caleb Powers had ever been tried; and how is it that he knew in advance how the trial would be conducted?

Mr. CRUMPACKER. Well, Governor Mount was a man of accurate and reliable instincts. [Laughter.] He was well informed as to the local conditions surrounding the court, and subsequent developments show that he made no mistake. He knew what he was doing. Governor Mount refused the requisition. The voters of the State of Indiana in the election of 1900 fully approved of the action of Governor Mount, and they will stand by Governor Durbin as long as conditions remain as they now are.

Mr. JAMES. Did the same instinct prompt Taylor to issue a pardon to Caleb Powers before he had ever been charged or tried? [Laughter.]

Mr. CRUMPACKER. Conditions sometimes, when political questions greatly agitate the public mind, are such as to take away all sense of fairness and justice from an otherwise honest and upright people. During the recent trial of the lieutenant-governor of South Carolina for what appeared to be an unprovoked murder a witness on behalf of the State was asked on cross-examination if he had not voted for a Republican candidate for Congress. Objection was made to the question. It was urged on the ground that it tended to impeach the credibility of the witness; and the presiding judge, after mature consideration, admitted the question, stating that the jury had a right to take into consideration the fact that the witness had voted for a Republican candidate for Congress as bearing upon his credibility. [Laughter.]

That is in the record in the Tillman case. It may be that conditions down in South Carolina are such as to justify that ruling of the court. I am not complaining about the result of that trial, but I am complaining about the results of trials in the State of Kentucky. I admit, sir, that as a rule it is the duty of governors of the several States to assist in the extradition of fugitives from justice. It is necessary that there may be a proper administration of the criminal laws of the country; but where life and liberty are involved and a condition of public excitement exists in a State such that the courts are unable to conduct fair and impartial trials, it is the solemn and humane duty of a governor to refuse a requisition from that State until reason has resumed its sway and the excitement has abated.

That the discretion of the chief executive officer can not be controlled is a corollary of the old doctrine of States rights. You can not compel the chief executive officer of a State to exercise a discretion this way or that without controlling or embarrassing the administration of State affairs. That is Democratic doctrine. Now, Mr. Chairman, Governor Durbin was elected to the high

office he now occupies by a majority of nearly 30,000 of the voters of the State of Indiana. My recollection is that in the State platform in the campaign of 1900 the Republicans of Indiana indorsed unqualifiedly the administration of Governor Mount, including his refusal to surrender Governor Taylor to the Kentucky authorities under the then existing circumstances. Governor Durbin has the reputation in Indiana and throughout this country of being not only a law-abiding but a vigilant law-enforcing governor. As chief magistrate he has used the power at his command to arrest and disperse mob after mob in the State of Indiana. In my judgment, he has done more in enforcing the criminal laws of the State and protecting life and property against violence and lawlessness than any other governor that has honored the position he occupies since the days of the great Morton.

Governor Mount refused the first requisition, and he was prompted in his action in some degree by the sincere belief that Taylor had been lawfully elected governor of the State of Kentucky; that he had been ousted from the office by the high-handed and revolutionary proceedings of his political adversaries, and that it would be a recognition of the validity of the contest to surrender the real governor of the State to the one who had unlawfully usurped his seat.

Besides this, before Governor Mount had had an opportunity to act upon the request of Governor Beckham, claiming to be the chief executive of the State of Kentucky, Governor Beckham had arbitrarily refused to recognize a requisition issued by Governor Mount for a fugitive then in the State of Kentucky. A number of days before the request was made upon Governor Mount to surrender Governor Taylor to the Kentucky authorities he made a requisition upon the governor of Kentucky for the arrest and surrender of Rudolph Gossman, a convict who was about to be released from the Frankfort Penitentiary and who was under indictment for a crime in Floyd County, in the State of Indiana. Beckham, in a letter that implied at least an insult to the governor of Indiana, responded to the requisition as follows:

Hon. JAMES H. MOUNT,
Governor of Indiana, Indianapolis, Ind.:

A requisition from you for the arrest of one Gossman, wanted in Floyd County, Ind., has been presented to me. I will gladly honor it if you will first assure me that any requisition issued by me as governor upon you will also be honored. This understanding is desired because of certain expressions attributed to you in the press.

J. C. W. BECKHAM,
Governor of Kentucky.

Upon receipt of this letter from Governor Beckham, Governor Mount wrote him declining to enter into any bargain or compact respecting the question of extradition of criminals between the two States, but insisted that it was the duty of a governor to decide the merits of each application when it was presented to him for action. Governor Mount's letter I will now read:

Hon. J. C. W. BECKHAM, *Frankfort, Ky.:*

Replying to your telegram of the 3d instant, I can not enter into any compact or agreement that shall become binding. This would be an unwarranted departure from executive practice and the law. I must reserve the right to determine each requisition on its merits.

JAMES H. MOUNT,
Governor of Indiana.

In the face of this record, Mr. Chairman, what have gentlemen to say respecting the conduct of the acting governor of the State of Kentucky in arbitrarily refusing to honor a requisition by the governor of the State of Indiana for a fugitive criminal? The action of Governor Beckham was based entirely, as he says, upon gossip. He had not as yet called upon Governor Mount to surrender the alleged fugitive, but before he would surrender a fugitive from justice from the State of Indiana upon the requisition of the governor of that State, in order that he might be tried under an indictment regularly returned, he insisted upon a bargain that the governor of Indiana would in the future when called upon honor requisitions from the governor of Kentucky, which agreement the governor of Indiana properly and in a dignified way refused to make. Was Governor Beckham justified in refusing to respect the request of the State of Indiana for the surrender of Gossman? Did he violate the Constitution of the United States and the fundamental ethics between the States in so acting? When Governor Mount subsequently refused to surrender Governor Taylor to the Kentucky authorities he had before him this recent precedent of the governor of the State of Kentucky.

Governor Durbin simply followed the precedent set by his lamented and highly respected predecessor, but before final action he took pains to fully inform himself respecting the real situation surrounding the court in which the indictment against Governor Taylor was pending. He ascertained to his own satisfaction that such a condition of excitement existed and such an intense political hatred against Governor Taylor pervaded the functionaries in control of the administration of justice there that it would be impossible for him to have a fair and impartial trial. He spent much time in making the investigation and reached the conclusion I have stated. I will let him state in his own way the grounds upon which he refused to honor the requisition of the governor of the State of Kentucky. Here is what he said:

For the second time requisitions have been presented to the governor of this Commonwealth, issued by your authority, asking for the extradition of William S. Taylor and Charles Finley, alleged fugitives from justice from the State of Kentucky, and at this time residing in the State of Indiana. The indictment presented charges these men with being accessories before the fact to the willful murder of William Goebel. I respectfully decline to honor the requisitions.

The reasons given for a similar action on the part of my predecessor, the lamented ex-Governor Mount, still obtain in a pertinent manner as a basis for this refusal, reinforced as they are by events that have occurred since that time, which only tend to establish the conviction to those who believe in equal and exact justice under the law to all men that the time has not yet arrived within the environments of this prosecution whereby an unprejudiced and nonpartisan hearing of a trial could be had. I choose to make use of the right and the duty of the executive of the Commonwealth to exercise a discretionary power of refusal to the end that the purposes of persecution, which seems to be the conspicuous feature of this prosecution, may not force these men before a court partisan to the very extreme of vindictiveness and a jury organized for conviction in its personnel and impanelment.

The assassination of the late William Goebel was a monstrous crime, deplored, as I believe, by every citizen of Indiana and of the Republic. The spirit of assassination is the twin of anarchy. If allowed to go unpunished there could be no more serious crime than that a citizen of a State, or the official representative of the Commonwealth in any capacity, should be foully murdered as the result of conspiracy or as an individual act.

I have given careful and conscientious consideration to the evidence produced in the case already heard of the persons accused of complicity in the murder of William Goebel so far as has been placed in my hands by the attorneys for the prosecution, and I unhesitatingly affirm that conviction based upon such a mass of self-evident perjury reflects the poisoned passions of a court and jury and strengthens the belief that were these requisitions honored I would be only aiding the determination of the prosecution to convict these men without any reference to law, justice, or fact.

I can not cause a man, from whom the presumption of innocence should never be stripped except by legal methods, to be subjected to the rapine of political persecution. Kentucky is a Commonwealth revered for its high sense of justice and honor. It has given to the jurisprudence of the country some of the ablest lawyers of the nation; it has honorable representation on the Supreme Bench; it is the birthplace of Abraham Lincoln, the embodiment of justice, who dedicated his life to securing the rights of all men under the law. It is a State wherein, very generally, justice has been signally exemplified in the practice and purposes of courts, and this honorable record only emphasizes in conspicuous comparison the odious acts which in the trial court of Judge Cantrill have been permitted in the name of law where the life and liberty of citizens are at stake. Can a fair trial be had for these men under indictment? What was the object in appropriating $100,000 for the conviction of the suspected murderers of William Goebel? Does not the evidence demonstrate that a portion of this sum has been paid for perjury? In the recent trial of Caleb Powers why should judicial proprieties have been outraged by the refusal of Judge Cantrill to give a change of venue from his hearing? Why should a jury of twelve partisans of the late Mr. Goebel be selected to try the cause at bar?

In striking contrast to the ultra partisanship of the Kentucky judge and jury, I recall an example of the profound sense of justice that characterized a case, largely political in its character, that came before the Federal court in Indianapolis shortly after the war, when party spirit was at its zenith. The Democratic treasurer of Jennings County was on trial. General Harrison appeared for the prosecution and ex-Governor Hendricks for the defense. The regular panel of jurymen was in the box. Judge Walter Q. Gresham was on the bench. Mr. Hendricks first appealed to the court for a political poll of the jury, and then for a special jury to be composed of an equal number from the Democratic and Republican parties. He made a most earnest and eloquent plea that justice to his client and the political character of the case demanded that the jury should be evenly divided between the two leading political parties, and no advantage be given over his client by the insidious influences of a preponderating partisan bias in the jury. Judge Gresham, an ardent Republican, very promptly granted the request, and a new jury was impaneled as asked for by Mr. Hendricks. Compare this act of justice, based on the proposition that no political prejudice or advantage should enter into the jury box, with the record of the court and jury in the cases that have so far had a hearing in the trials of the alleged murderers of Mr. Goebel.

On this subject Thomas Jefferson wrote: "An officer who is intrusted by the law with the sacred duty of naming judges of life and death for his fellow-citizens, and who selects them from among his political and party friends, ought never to have in his power a second abuse of that tremendous magnitude."

Does not the action of the court of appeals of Kentucky, in its reversal of the initial convictions in Judge Cantrill's court, emphasize the contention of the governor of this Commonwealth that these men sought to be extradited can not secure a fair and just hearing? Judge Cantrill, candidate for a United States Senatorship, instructed a jury that it might convict on the testimony of one alleged accomplice if that testimony was corroborated by that of another alleged accomplice; that it might convict the defendant for the act of another man, to which the defendant had never agreed, and which was not the necessary or probable consequence of anything to which the defendant had agreed. It is remarkable that the trial court compelled the defendant to answer the prosecutor's questions in relation to other crimes than the one for which he was on trial, and then, over protests, permitted the specially employed attorney for the prosecution to make an impassioned plea to the jury to hang the defendant on accusations entirely outside of the record. To such perversion of justice I will not consent to consign any citizen of this Commonwealth, be his residence temporary or permanent.

The monstrous rulings and instructions of the court, with its vicious partisanship further represented by a jury unanimously made up of Goebel Democrats, is of itself sufficient cause for a refusal of your request; but, added to this, I have on file letters and protests from many representative Democrats of your State, prominent in the organization of the party, and from editors of Democratic newspapers, universally condemning the persecution in the Goebel trials as a travesty upon justice, and urging that no requisitions be honored for Mr. Taylor and Mr. Finley until reason has resumed sway and the good name of Kentucky, in its procedure under the law in its courts, be restored.

I had hoped the trial of Caleb Powers, just concluded, would demonstrate that the efforts of the prosecution were really to determine who the murderers of Mr. Goebel were in a way that would convince the people of the country of a sincere determination to this end; that the jury would be selected for its integrity rather than its partisanship; that the court would remember its obligations as a judge rather than its aspirations for a Senatorship; that the rules of evidence having universal recognition in all the States of the Republic would be followed in this latest trial, especially in view of the reversal of the court of appeals in the former trials. It is a deep disappointment that the utter disregard of justice which marked the previous

trial was as notorious in the second trial of Powers as in the first. Consequently I can only voice my condemnation thereof by refusing to honor your requisition, which, in effect, would make me a party to the conviction and punishment of two reputable citizens of Indiana.

When better assurances of a fair and impartial trial of Messrs. Taylor and Finley shall be given by the trial of those now in Kentucky under indictment for participation in the assassination of Mr. Goebel, and the record of the procedure shall show that an impartial judge sat on the bench and nonpartisan jurors filled the box, your requisitions will be honored. Until the time comes that justice is meted out to those now under the jurisdiction of the courts of Kentucky a requisition leading to such a travesty upon justice as the last trial of Caleb Powers presented will not be honored by the surrender of citizens of Indiana by any official act of mine.

Governor Durbin has the confidence and respect of all right-thinking people throughout this great country. He is one of the most vigilant and active in enforcing law and order and in protecting rights of all the chief executives throughout the country. He has often effectively used the power at his command for the purpose of suppressing mobs and preventing outrageous exhibitions of frenzy on the part of lawless gatherings. In one instance not a great while ago when a judge of one of the courts of general jurisdiction in the State of Indiana ordered a man accused of crime brought before him for an early hearing, in order to appease a sentiment of vengeance on the part of the people in that community, the governor forbade his trial at that time upon the ground that the public mind in that locality was excited to such a pitch of frenzy that the accused could not have a fair and impartial trial. Did he reflect upon the people of the State of Indiana in that action? He did a brave and noble thing, and the people throughout the country applauded him for it. He is against mob law and mob violence in all its forms, and he has no more respect for the convictions of a court that is prompted by the spirit of a mob than he has for the unauthorized action of a lawless gathering of infuriated citizens.

Mr. SMITH of Kentucky. Mr. Chairman, I understand the gentleman to say that Governor Durbin was elected upon a platform that made the protection of Taylor and Finley a political issue. Am I correct in that?

Mr. CRUMPACKER. My recollection is that the State platform approved the conduct of Goverment Mount in refusing the requisition.

Mr. SMITH of Kentucky. That, of course then, did make it an issue?

Mr. CRUMPACKER. Oh, no.

Mr. SMITH of Kentucky. To that extent?

Mr. CRUMPACKER. Well, it did to that extent. What of it?

Mr. SMITH of Kentucky. I just wanted to know. I was asking for information.

Mr. WILLIAMS of Mississippi. This much of it——

Mr. CRUMPACKER. The action of Governor Durbin rests upon the facts; and, in my opinion, when history comes to write up this lamentable affair in truth and soberness, it will find an abundance of facts to justify that extraordinary proceeding under the extraordinary circumstances and conditions that prevailed.

Mr. WILLIAMS of Mississippi. The gentleman has asked, "What of it?" If you will permit me, I will tell him.

Mr. CRUMPACKER. I asked the gentleman from Kentucky [Mr. SMITH], "What of it?"

Mr. WILLIAMS of Mississippi. If the gentleman will permit me, I will answer his question.

Mr. CRUMPACKER. It will take the gentleman too long. I do not care to yield so much time.

Mr. SMITH of Kentucky. It will not take the gentleman from Mississippi [Mr. WILLIAMS] any longer than it will me, and if the gentleman from Indiana [Mr. CRUMPACKER] will not permit the gentleman from Mississippi to answer I will answer myself, and say in answer to the gentleman's question, "What of it?" that it was the gentleman's party in Indiana that made this fact a political issue and not the Democrats in Kentucky. [Applause on the Democratic side.]

Mr. Chairman, if the gentleman from Indiana [Mr. CRUMPACKER] will yield I will very gladly answer the questions of his colleague [Mr. HEMENWAY]. But if he is not willing that I should have fair time in which to answer those questions, then I suggest that he conclude and let his colleague from Indiana and myself fight the question out upon the floor. I am willing to fight this question from start to finish. I think I am reasonably familiar with the case and I am fairly deliberate about these matters.

Mr. CRUMPACKER. Mr. Chairman, I had about concluded my remarks, and there will be an abundance of time for gentlemen on both sides of the House to discuss this question further.

Mr. SMITH of Kentucky. The gentleman tempts me to say that the assumption made by his colleague [Mr. HEMENWAY] in his questions to me are without foundation; and there I rest until there shall be a fair opportunity for me to be heard.

Mr. CRUMPACKER. My colleague is able to take care of himself.

Mr. SMITH of Kentucky. I have no doubt of that.

Mr. CRUMPACKER. We understand that the facts substantially as stated by him are true.

The gentleman from Kentucky [Mr. SMITH] admits in his remarks that there was great excitement in the Kentucky elections over this question. That is the proposition that I have been undertaking to demonstrate in the interrupted course of my speech—that the public mind in the State of Kentucky was at such a pitch of excitement and that feeling was so intense that it was impossible for the men who were accused of responsibility for the assassination of Goebel to have a fair trial. That Powers did not have a fair trial I believe is admitted by every fair-minded man in the country who understands the situation.

Mr. SMITH of Kentucky. I must protest that the gentleman from Indiana is misstating my proposition. I did not say that there was any "extraordinary excitement." I said the leaders of the Republican party injected that issue into the campaign.

Mr. CRUMPACKER. The gentleman said that Caleb Powers's speech before the jury was the platform upon which the election in the State of Kentucky was settled.

Mr. SMITH of Kentucky. That is substantially what I said, and I stand by it.

Mr. CRUMPACKER. On that admission I am willing to base my assumption that no trial of those accused of Goebel's murder before a packed partisan jury could be fair or honest. I am insisting that Governor Durbin under the circumstances was justified in doing what he did. I concede it to have been an extraordinary thing, but the circumstances were extraordinary. His action was necessary to protect a citizen from conviction by the frenzy of the people without regard to his guilt or innocence, and it was justified by every dictate of justice and humanity.

Mr. SMITH of Kentucky. Now, I should like to ask the gentleman a question at that point. If justice was so decidedly upon the side of Messrs. Taylor, Powers, Finley and company, how does the gentleman explain the fact that the southern people of Kentucky, when the question was submitted to them—how does the gentleman explain the fact that the people returned such an overwhelming verdict against Mr. Powers?

Mr. CRUMPACKER. There are many things about Kentucky elections I have never been able to explain. They seem to be utterly inexplainable from any fair and rational standpoint.

Mr. KEHOE. Before the gentleman from Indiana closes, will he yield to me for a question?

Mr. CRUMPACKER. I will.

Mr. KEHOE. The gentleman has stated what he thought of the action of Judge Cantrill as the judge presiding at the trial when Powers was convicted. Does not the gentleman know that the death sentence imposed upon Caleb Powers was the result of a trial presided over by Judge Robbins, one of the cleanest judges that ever sat in a court of justice?

Mr. CRUMPACKER. I do not know the judge personally. I only know that at the last trial there was not a political friend of Powers on the jury; there was no real Republican on that jury. The evidence shows that there was a Goebel Republican, a friend of Goebel who had his picture hanging in his home—he was the only Republican. I do not care who the judge was; the jury that brought in the verdict determined the question of the guilt or innocence of Powers—not the judge. I do not know whether the judge had any control over the machinery for the selection of jurymen; but if he had, and if he was eminently fair as the gentleman claims, he ought to have said, as Judge Gresham once said when presiding at a political trial in Indiana, that in cases of that kind juries should be made up of men of opposite politics; and for that reason Judge Gresham set aside an entire panel and sent the United States marshal into the country to get a new panel, composed of men of both parties, in order that the case might be decided upon its merits and not by partisan prejudice. Such conduct was demanded, not only for appearances, but for the sake of fairness and decency in the administration of justice.

Mr. TRIMBLE. I should like to say a word to the gentleman from Indiana. He seems to be bewildered because of the make-up of juries in Kentucky, and can not understand it.

Mr. CRUMPACKER. That is a bewildering proposition.

Mr. TRIMBLE. I can explain it to the gentleman. Nineteen out of twenty of the juries are of the same complexion as in these murder trials, because three-fourths of the Republican party in those counties are negroes and three-fourths of the remainder are illiterate whites and incompetent to sit on juries.

Mr. CRUMPACKER. Ah, that statement will not do. I have extracts from papers published in Scott and adjoining counties, calling attention to the fact that the jury commissioners and the sheriff in summoning jurors went by household after household because they were Republicans, and summoned men on the other side.

Mr. TRIMBLE. That is not a fact.

Mr. CRUMPACKER. I have affidavits that were made and submitted at the time of the trial proving that fact; I have extracts from papers published in that locality calling attention to

the fact that there were thirteen hundred white Republican voters in Scott County, or in the county where the jury were summoned at the time, and that they were men of average intelligence and respectability—that they measured up to the common standard in the county.

No amount of assertion, no amount of sophistry will convince the American people that it was possible for those accused of the assassination of Mr. Goebel to be tried fairly when the jury commissioners filled the jury box with names so that the jury drawn for the trial must be composed entirely of Democrats. It is contrary to human nature to expect a fair and impartial result of such a case before such a tribunal, and the trials of Caleb Powers were travesties upon justice and are not entitled to the respect of any justice-loving citizen.

The court of appeals was composed of four Republicans and three Democrats prior to the last election, and in both appeals from the convictions in the Powers cases the judgments were reversed upon a party division of that high court. The men composing that court were, without doubt, men of high character and ability, but political prejudice growing out of the Goebel affair so permeated the public mind in the State of Kentucky that no one was free from its virus. When the supreme court of the State in both instances decided the case according to the party majority of its members, it is too much to expect that an ordinary jury would rise above partisanship and try the cases according to the law and evidence.

The packing of the juries in those cases with political enemies of the accused was an outrage against justice that can never be forgiven.

I make no criticism of the State of Kentucky or any other State, North or South, in relation to the administration of justice as a general proposition. I have no doubt that the sense of fairness and right in the State of Kentucky is as high and pure as it is in the State of Indiana, but I am sufficiently well acquainted with human nature and with the operations of political prejudices in times of intense excitement to know that a jury made up exclusively of one party or the other could not possibly do justice between the State and the accused, even if it were disposed to try to do so. If the jury had been composed entirely of Republicans, who is there that will say that there would have been a conviction, regardless of what the evidence might have proven? Human nature in Kentucky, I assume, is about the same as it is in Indiana. To try a person for his life and send him to the gallows by courts and juries organized and surrounded as the courts and juries were that tried Caleb Powers the last time is practically judicial assassination. Is the governor of a State bound to surrender an alleged fugitive to be tried under such conditions, knowing at the same time that he will have no chance whatever for a fair trial? Would his conscience be easy at any time afterwards?

I regret greatly the necessity for saying these things about the administration of justice in the State of Kentucky under the extraordinary conditions that surround the Goebel trials. The debate was not of my seeking. It was precipitated upon the House by the impassioned and vitriolic denunciation of the honored and respected governor of the State of Indiana by the gentleman from Kentucky [Mr. JAMES]. I will not remain in my seat and permit the name and standing of my State and her distinguished governor to be unjustly attacked and vilified without offering a word in resentment. I sincerely hope that in the future elections will be conducted with such fairness in all of the States of the country that unfortunate conditions like those existing in Kentucky after the election in 1899 will never again occur. I have now finished my remarks. [Applause on the Republican side.]

[Editorial from Lexington (Ky.) Leader, August, 1900.]

FARCE AND TRAGEDY.

The curtain was rung down on the third act of a legal farce—or, rather, tragedy—entitled "An attempt to hang Taylor and damn the Republican party."

Act No. 1 introduced Thomas Corruption-fund Campbell and his satellites, Dee Armstrong, George Russell, and Thomas B. Cromwell, in their well-known specialty of discovering a man with a motive for bringing about the death of Senator Goebel and perjured testimony to give color to the charge.

The second act was an alleged examining trial presided over by that able jurist, "Old Dan Moore."

The third, and, at present, the last act in a prearranged conviction under the forms of law concluded Saturday afternoon, when twelve men brought in a verdict of guilty and fixed the punishment of Caleb Powers at confinement in the penitentiary for life.

Judge Cantrill said at Frankfort, when an application for a change of venue was made, that under the conditions then surrounding that city he would not try a sheep-killing dog there. Franklin County has reason to congratulate itself that the infamous trial was transferred to Scott County, and that the latter bailiwick furnished the twelve men who were willing to bring in such a shocking verdict.

There was not one iota of testimony, perjured or otherwise, that connected Caleb Powers with the assassination of Senator Goebel. He admitted bringing the mountain men to Frankfort, and proved conclusively that they were not there for murder, but for the purpose of showing the interest that was felt all over that part of the State in the contest then being heard by the legislative contest committees. They came for the lawful purpose of petitioning the legislature to stop the contests and permit those who had been legally elected to fill out their terms as State officials. They did petition the legislature, and when their prayer was refused they quietly went back home. Had they desired to kill the Democratic members, as testified to by Culton, Noaks, and Golden, there was nothing to prevent them doing so. But not one word was said that contemplated violence of any kind.

At every conference that Caleb Powers attended where violence was suggested he put a stop to it. He even went so far as to say: "I have more at stake than any of you, and before I will permit any such action to be taken I will give up my contest, resign my office, and go home."

Yet this is the manly man that has been convicted under the "forms of law" as an "accessory before the fact" to the murder of William Goebel. It was just such a trial as this, resulting in a miscarriage of justice under the "forms of law," that induced an outraged public to burn the court-house at Cincinnati, and but for his fleetness of foot and successful evasion T. C. Campbell's ashes might have mingled with those of the temple of justice that he had disgraced.

This outrageous farce is the natural result of Goebelism. A partisan sheriff, partisan jurymen, selected because their minds were already made up, and ironclad instructions almost demanding the sacrifice of Caleb Powers.

Caleb Powers was tried before a judge who made stump speeches from the bench, a judge who did not speak to two and possibly three of the attorneys for the defense, and who vented his spleen on one of them by fining him twice for an alleged contempt of court that was continuously indulged in by the lawyers for the Commonwealth without comment from the court, a judge who, after four arguments had been made for each side, changed the instructions for fear some loophole had been left by which the defendant might escape.

And this is "justice" in the proud old Commonwealth. God save the mark! Might makes right and the weakest go to the wall. Let us destroy our court-houses, throw away our law books, relegate our court officials to the cornfield or the penitentiary, and hang our heads in shame before our sister States.

Partisan venom has done its work well, and unless the higher courts reverse this decision the liberty of this young man, innocent as a babe unborn, must be sacrificed to the demand of men who are unworthy to loose the latchets of his shoes.

A free people have stood and will continue to suffer grievous wrongs for a long time in silence, but the turning point will sometime be reached. For the present, however, an appeal to our courts is a useless waste of time and a gang of usurpers and bloodsuckers, responsible to nobody, occupies the high places in our State government.

[Editorial in Louisville Dispatch.]

AN INFAMOUS VERDICT.

The Dispatch will not question the integrity of Judge Cantrill. We will not say that he is dishonest or that he willfully exerted his influence to secure a conviction, regardless of evidence. *We must conclude that he is merely a man of narrow views and bitter partisan prejudice.* We must conclude that he is so narrow-minded as to be intellectually incapable of understanding the grave responsibility of his position, and so blinded by prejudice that he was unable to see but one side of the case. We must conclude that he went upon the bench thoroughly convinced that Powers is guilty and equally convinced that it was his solemn duty to the State to exert all of the power of his position, regardless of precedent and rules of evidence, to secure a conviction. Otherwise we would feel it to be our duty to denounce his conduct as infamous.

As the Dispatch can not question the integrity of the court, we must also concede the intelligence and honesty of at least a majority of the jurors. To suspicious minds it may appear somewhat singular that a jury in a case in which six weeks had been consumed in hearing evidence and argument, and in which there was much conflicting testimony, could have reached a verdict in twenty minutes. It may seem strange to some, too, that a jury to whom the evidence of guilt appeared so overwhelming should have fixed the punishment at life imprisonment instead of death. We will not point out that Powers, if guilty, is guilty of one of the foulest crimes in all the history of civilized nations, and if deserving of punishment at all should receive the extreme penalty of the law. We merely attribute this peculiar feature of the verdict to the unaccountable idiosyncrasies of the human intellect. Surrounded by people demanding a conviction, and confronted with language and rulings and instructions from the bench showing so plainly the desire and purpose of the presiding judge, a refusal to convict would have been contempt of court.

In the presence of this verdict the solicitude of good citizens is for the Commonwealth of Kentucky rather than for the one man condemned. Free institutions are on trial. In no other American State has popular government met the fierce assaults it has encountered in Kentucky within the last eighteen months.

Nowhere else in this broad land do the storms of passion and prejudice rage so furiously. This verdict shows to what extreme men of intelligence and fairness and integrity can be driven in the rancor and excitement of political strife. It reveals to us the weakest side of human nature and points out to us wherein the danger to our institutions is greatest. It may serve to arouse the minds and consciences of the people.

[Editorial, Lexington (Ky.) Leader.]

In October, 1900, after Caleb Powers had been convicted for the first time, and while an appeal was pending which it was universally believed would result in a second trial, Judge Cantrill appointed three Goebel Democrats as jury commissioners of Scott County, where Powers was tried, to fill the jury wheel for the three 1901 terms of the Cantrill court in that county.

The three Goebelite commissioners put about 300 names into the wheel, and, as every name has since been drawn out for jury service, it is easy to figure out the political complexion of the original wheel from the records of the court.

Of the 300 names put into the wheel, out of which it was known Caleb Powers's jury must be drawn in the event of a second trial, all but 5 turned out to have been those of partisan Goebel Democrats. Of the 5 "black sheep" whose names got into the box, 4 were Republicans and 1 an anti-Goebel Democrat. The names have all been drawn out in securing the Powers and other juries during the year, and are matters of record in Judge Cantrill's court.

Scott County polls about 2,200 Goebelite votes and 2,000 Republican and anti-Goebel Democratic votes. Leaving out of consideration, say, 200 independent Democrats and 700 negroes, there are easily 1,100 white Republicans and 2,200 Goebel Democrats in the county. On this basis a jury wheel of 300 names ought to contain the names of about 100 Republicans.

And now for the significance of the political preponderance of this Scott County jury wheel.

In criminal cases in Kentucky the prosecution is entitled to five peremptory challenges without explanation or cause. Therefore, if by some unaccountable and almost impossible freak of chance every anti-Goebel name in the jury wheel had been drawn out during the impaneling of the Powers jury, and not one of them had been excused for disqualifying cause, it would have been in the power of the prosecution to peremptorily challenge every one of the five and still insure a solidly Democratic jury.

In taking the names from the wheel for jury service the lone anti-Goebel Democrat was drawn for the February term of court; one of the Republicans

was drawn for the May term, and the remaining three Republican names came out during the October term in drawing the Powers jury. Two of these were excused for cause, the third was peremptorily challenged by the prosecution, and Caleb Powers was left to the mercy of twelve partisan Goebel Democrats.

This is a mathematical demonstration of partisanship under "forms of law" that illustrates the methods by which Caleb Powers was a second time convicted by a "jury of his peers."

[From the Louisville Evening Post. By C. N. Buck.]

GEORGETOWN, Ky., *August 7.*

Two affidavits were filed yesterday by the defense in the trial of Caleb Powers for alleged complicity in the murder of William Goebel, in support of their motion for the discharge of the venire summoned by the Scott County deputies on the ground that the venire was overwhelmingly Democratic, only two out of ninety-five men being Republicans.

The first affidavit was that of Thomas C. Whaley, of Bourbon County, and is as follows:

"The affiant, Thomas C. Whaley, states that he is a citizen and resident of Bourbon County, Ky., and has resided therein all his life, and is intimately acquainted with the citizens of said county.

"He states that he has examined the list of the special venire summoned by Will Rogers, deputy sheriff of Scott County, Ky., and that there are ninety-five names among the special venire, and are as follows:

"J. S. Munson, George W. Allison, George Thompson, Ed Turner, Charles Penn, J. M. Craig, S. D. Thompson, John W. Thompson, B. F. Hazelwood, John Ba. Frank Hazelwood, C. N. Hostetter, John F. Clark, W. F. Heathman, G. Fry, J. F. McDonald, Leslie Hagan, F. P. White, W. E. Stillwell, William Doty, George Wyatt, Clark Bennett, Newton Current, Dennis Handley, Junius Bolson, Walter Clark, Jesse Berry, John Cain, J. Walker Muir, B. B. Wood, L. J. Mitchell, Tom Redmon, R. E. Letton, H. Miller, M. J. Glenn, A. B. Denees, H. D. Campbell, R. L. Collins, Clay Estis, William Neal, Albert Mitchell, Frank Clay, L. T. Beal, S. J. Kennedy, Charles Barnett, Malcum Boswell, Charles Stevens, A. T. Wright, Varden Stipp, James Earlywine, G. W. Redmond, Robert Stipp, L. D. Harris, Cass Goff, Ed Burk, John Endicott, Andie Riffett, J. C. Morris, Alfred Bitterton, A. P. Adair, George Estes, Scott Williams, Jeff Kiser, Joel Howard, John Wilson, Charles Wilson, Tom Estes, H. C. Roberts, George Tate, Jack Higgins, John Daughty, George Peddicord, Tom Paggett, Nath. Goodman, Newell Snapp, George Faulconer, Frank Shanks, John Conway, S. P. Oliver, Ora Jones, Jim Fisher, Thomas Current, Mote Rankins, Jack Cunningham, Woodson Browig, Berry Bedford, R. O. Turner, John Johnson, F. B. Thomas, D. T. Wilson, Steel Mars, E. T. Keller, J. H. Haggard, Lloyd Ashurst, W. A. Hill, jr.

"And out of the entire list of names summoned as above set out there appears only the names of two Republicans. The remaining ninety-three venire men are all Democrats.

"Affiant further says that the aforesaid deputy sheriffs, Will Rogers and Z. D. Lusby, were accompanied when they summoned said special venire by Jim Burk, deputy sheriff of Bourbon County, Ky., and Joe Williams, constable of Bourbon County, Ky.; that said Burk is an ardent Democrat and supporter of the late William Goebel, as is Joe Williams.

"The affiant further says that, in summoning the said special venire, that in the city of Paris and on the Millersburg pike said Lusby and Rogers, or one of them, accompanied by said Burk and Williams, or one of them, passed and failed to summon James Powers; then summoned John Cain; and then purposely failed to summon Dan Isgrigg, George Leeds, Porter Jett, Thomas Whaley, all of whom were Republicans, and Dr. T. J. McMillan, independent Democrat, who were qualified for jury service; summoned Walter Clark, Ed Burk, Dennie Handley, Caswell Goff, Democrats, and adherents and admirers of the late William Goebel. He says that the above-named Republicans that were passed by by said sheriff were all competent and qualified jurors, and that they lived in said city and on the turnpike roadside where the aforesaid Democrats resided.

"He says that on the Maysville and Lexington and Clintonville pikes that said Rogers and Lusby, or one of them, accompanied by said Burk and Williams, or one of them, passed Henry Power, independent Democrat, and George Pepper, W. P. Fox, C. T. Throckmorton, George Taylor, George Jones, H. C. Weathers, Letcher Weathers, Republicans, and summoned Ben Woods, W. F. Heathman, J. F. McDonald, Leslie Haggin, George W. Allison, J. W. Muir, J. M. Craig, and Ed Turner, all of whom are Democrats and adherents and admirers of the late William Goebel. He says that each of the above-mentioned Republicans are competent and qualified jurors, and that they reside along that portion of the said Maysville and Lexington and Clintonville turnpikes on which the aforesaid Democrats reside that were summoned.

"He states that on the Jackstown pike that said Rogers and Lusby, or one of them, accompanied by said Burk and Williams, or one of them, passed and purposely failed to summon A. J. Gorey, Lee Devers, and Joe Booth, Republicans, and summoned only George Redmond, Bedford Devers, Albert Mitchell, William Neil, and Robert Collins, Democrats, and adherents and admirers of the late William Goebel. He states that each of the aforesaid Republicans passed on said Jackstown pike are competent and qualified jurors; that they reside on that portion of said road where said Democrats reside.

"He says that on the North Middletown and Flat Rock turnpikes that said Rogers and Lusby, or one of them, accompanied by said Burk and Williams, or one of them, passed W. C. Massie, C. J. Daniel, and —— Burns, all of whom are Republicans and competent and qualified jurors, and summoned G. W. Wyatt, John J. Redmond, R. E. Letton, and M. J. Glenn, Democrats, and adherents and partisans of the late William Goebel. He says that the aforementioned Republicans reside on that part of North Middletown and Flat Rock turnpikes that the aforementioned Democrats reside on.

"He states that in the town of Ruddles Mills, and on the Millersburg and Ruddles Mill pike, that said Rogers and Lusby, or one of them, accompanied by said Burk and Williams, or one of them, passed John Hamilton, Independent Democrat; William Cherry and C. L. Hough, Republicans, all of whom are competent and qualified jurors, and summoned Thomas Current, James Fisher, Mort. Rankins, Tom Paggett, George Falconer, S. R. Oliver, John W. Conway, and Nathan Goodman, Democrats, and adherents and partisans of the late William Goebel. He says that the aforesaid Republicans reside in the said town of Ruddles Mills and on that portion of Millersburg and Ruddles Mill turnpike roadside where the aforesaid Democrats that were summoned reside.

"He says that said Rogers and Lusby, or one of them, accompanied by said Burk and Williams, or one of them, in the vicinity of Clays Crossroads and the territory included by the Clay and Kiser pikes and the Georgetown and Cynthiana pikes, they passed and purposely failed to summons J. M. Hughes, J. Miller Ward, Catsby Woodford, John B. Kennedy, Frank P. Clay, sr., Frank P. Clay, jr., O. P. Clay, Quincy Ward, Col. E. F. Clay, E. F. Clay, jr., Joseph H. Ewalt, Independent Democrats, and Henry Clay, Lan Hume, Morin Moore, Spears Moore, Republicans, and summoned A. P. Adair, Alfred Batterton, and John C. Morris, Democrats, and adherents and partisans of the late William Goebel."

The other affidavit was that of Caleb Powers, the defendant, which follows:

POWERS'S AFFIDAVIT.

"The defendant, Caleb Powers, now comes and enters this challenge to the panel of jurors and each juror tendered him, and moves that said panel and each juror thereof and the special venire summoned from Bourbon County be discharged upon the following grounds, to wit:

"That the officers of this court directed to summon the special venire from Bourbon County, by order of this court, entered in this cause, August 5, 1903, and who were sent by the sheriff of this county to perform said service, did not impartially perform their duties, and did not and have not fairly and impartially selected said jurors, but, upon the contrary, did illegally and in violation of the statutes and constitution of this Commonwealth, and in violation of the rights secured to this defendant as a citizen of Kentucky and as a citizen of the United States, under and by virtue of the Constitution of the United States, and particularly in violation of the rights secured to him by the fourteenth amendment of the Constitution of the United States, select and summon all jurors, and the said officers did consciously and purposely select jurors of a different affiliation from the political affiliation of the defendant, and this they did with the purpose of discriminating against the rights of the defendant, and with the intention to deprive the defendant, who is a citizen of Kentucky and of the United States, of the right to a fair and impartial trial by a jury impartially selected, as required by the laws and constitution of Kentucky and the Constitution of the United States and the amendments thereto.

"The defendant further moves the court, for the reasons and upon the grounds hereinbefore stated and set forth, to require the sheriff to designate other officers than those by him directed to summon the special venire aforesaid, to summon petit jurors for the trial of this cause, and that such persons so designated for such service receive all proper admonition and instruction from this court in respect to the performance of their duties. And if the court is unable to grant this motion as indicated, the defendant, for the reasons and grounds stated, moves the court to designate some other officer or person other than the sheriff to summon jurors in this cause.

"The defendant tenders herewith his affidavit."

Mr. DINSMORE. Mr. Chairman, I yield to the gentleman from Mississippi ten minutes, or such time as he desires.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the closing sentence of the speech just made by the gentleman from Indiana [Mr. CRUMPACKER] was a reiteration of the charge that the juries in these cases were "packed" by the conduct of the officers in selecting those juries. Now, Mr. Chairman, it is very easy to make loose assertions. This was a law case. There were astute and shrewd lawyers on both sides. That very point was made. That very point was reviewable by the court of appeals, consisting of a majority of Republicans, and they, upon the evidence and not upon newspaper reports nor upon "well-confirmed opinion," as the gentleman states his position now to be, decided that that charge did not hold water.

Now, Mr. Chairman, politics is one thing, Americanism is another thing, and there ought to be a calm and cool consideration of a grave question like this.

Winding its way through the country to the Mississippi River runs the narrow thread of the Beautiful River, as the Indians called it. On one side are the people of Indiana, on the other side are the people of Kentucky; of the same parentage, the same language, reading the same literature, subject to the same law, with the same American traditions, with the same American ideals. And yet to-day every sentence in the gentleman's speech is a quiet assumption that upon the left side of that river the men who constitute juries, who, blood of the blood and bone of the bone, are identical with the men upon the right side of that river, and the men who compose the courts on the left bank of that river are necessarily corrupt, and rotten, and perjured—having taken oath to do their duty—and that upon the other side of the river there exists but one man who beforehand, when not one word of evidence had been heard, was competent, simply because he was an Indianian and a Republican, to decide that this state of corruption did, or rather would, exist. [Applause on the Democratic side.]

Mr. Chairman, in some respects—and I say it in all kindness—the speech made by the gentleman from Indiana [Mr. CRUMPACKER] is a disgrace to American civilization and to American politics. [Applause on the Democratic side.] There has been too much of this quiet oozing out of this arrogant assumption of superiority upon one side of that river and inferiority upon the other. [Applause on the Democratic side.] Upon the forum, upon the battlefield, upon the bench, in literature, and everywhere they have been your equals, if not your superiors. [Applause on the Democratic side.]

Gentlemen, one Edmund Burke, long years ago said that he did not know how to draw an indictment against a whole people; but the gentleman from Indiana can teach the great English statesman how to draw it, and how to draw it by innuendo and from newspaper reports.

Mr. Chairman, suppose that that courteous gentleman, William McKinley, had been assassinated in a State where, by the chances of politics, there had come to be a majority of socialists, with a socialist governor, and suppose that that socialist governor had declined to surrender his murderer upon a requisition on the ground that he would be surrendered to the tender mercies of the anti-anarchists?

This thing can not stop here. I believe it is the duty of every governor of every State in this Union to refuse, from this time on until the error is corrected or apologized for, a requisition from

the governor of the State of Indiana. [Applause on the Democratic side.]

When William McKinley was struck down there was not a Democratic mother in a household in this broad land that did not feel weighed down by sorrow. There was not a Democrat anywhere that did not feel it. In my own little town we held our meeting, and when I spoke to my people about it tears were in the eyes of a great many of them. The gentleman has gone a little bit further. He has at least admitted Goebel's foul assassination, his political assassination—and I honor his integrity when he declines to answer in the negative my question when I asked him if he did not know it was a political assassination.

He now admits that Goebel is dead and buried and that he has been assassinated, and further that he was assassinated for political purposes. The gentleman neglects to admit that the shot that killed him was fired with smokeless powder from the window of the office of the secretary of state. The gentleman neglected to mention that immediately upon the perpetration of the crime the Republican governor of the State of Kentucky, who is now a fugitive from justice in Indiana, ordered the military to keep the civil officers from searching the premises in order to find the criminal. [Applause on the Democratic side.] The gentleman has failed to mention the fact that the man who was assumed to be guilty by the evidence of his colleagues, the man that probably perpetrated the offense, or who was supposed to have employed him who did it, was granted a pardon either the day before or immediately after the murder, but that he was granted a pardon either before the murder was committed or else immediately after and before he was suspected or public opinion had pointed its finger at any man.

Mr. BOWIE. Was he not caught with a pardon in his pocket when he was running away?

Mr. WILLIAMS of Mississippi. The man was arrested with the pardon in his pocket, issued before it was known that he was suspected; if not before the fatal shot was fired, certainly before he had been accused.

A MEMBER. And had $1,300 in his pocket also.

Mr. WILLIAMS of Mississippi. The gentleman forgets that this man, who is now a fugitive from justice from Kentucky, whose people are as honest and brave as are the people of Indiana—that this man who is now a fugitive from justice fled before there was any trial or indictment, and that the governor of Indiana must have *assumed* that there was not going to be a fair trial. The assumption runs through the gentleman's speech that, in the trial of a man who happens to assassinate a Democratic governor in the State of Kentucky it is necessarily a political question which is being tried and not a plain murder case. When the gentleman was asked the question he admitted that in the nomination of the last governor of Indiana a plank was put in applauding and approving the conduct of Governor Mount in refusing to honor a requisition from a State of this Union, notwithstanding the positive constitutional provision which says that "full credence" shall be given to the courts and procedures of other States. The gentleman admitted that in answer to a question, said that was true, and added, "What of it?" I will tell him "what of it." This of it: It means that the Republican party in Indiana has sunk to a level of partisan rancor so low that they confess that the refusal to honor a requisition for a murderer—aye, a murderer, a foul assassin—of a Democratic governor of Kentucky is a political question *in Indiana*. [Applause on the Democratic side.] The gentleman says that 30,000 people in Indiana approved that, and yet there is no man here who does not know that they voted the Republican ticket for other reasons and not for that reason. But in the adjoining Commonwealth, with as brave men and with as sweet home-keeping women as the world ever knew, the people decided that question as a direct issue, and decided by an equally large majority that, in their opinion, it was assassination, a political assassination, and yet more, that the political assassin, convicted, ought not to be pardoned, and that his colleagues in crime ought to be returned to the State of Kentucky.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. Just a word or two more.

Mr. DINSMORE. I yield to the gentleman such time as he desires.

Mr. WILLIAMS of Mississippi. Just a word. I want to say this in closing, Mr. Chairman. I am on political issues a partisan, but I am not rancorously or otherwise a partisan personally. I am not now and never have been. My personal feelings do not enter into my politics and my politics do not enter into my personal relations. I say that we have come to a strange state of things in these United States of America when to protect a foul assassin who stands charged to answer for that crime the governor of a State has failed to do his duty in honoring the requisition of a sister State, and even defends him by making as an argument the reply that there was "bad politics" in the adjoining State, and when indictments grow out of it justify the failure to surrender the alleged criminal on the ground that murder is a political question. The Republican governor of the adjoining State pretends to feel justified in refusing to obey the spirit of the constitutional mandate which gives "full credence" to the courts and procedure of the adjoining State on such a pretext.

My God, Mr. Chairman, if we have got to a point where men must be assumed to be corrupt, capable of bribery, capable of subornation, capable of assassination through the process of the courts, because they are Democrats, or because they are Republicans, or because they are Populists, or because they are Kentuckians—and the gentleman has given no other reason—then it would be infinitely better for us to dissolve this Republic of coequal sister States, founded upon mutual respect and mutual credence, and to elect or in somehow or other to manage to give the power to some great and good man who could manage the country in a fatherly way. [Applause.]

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question? How does the gentleman explain the fact that in the three trials of Caleb Powers the juries were made up in every instance almost unanimously of ardent political friends of the late Goebel—Goebel Democrats?

Mr. WILLIAMS of Mississippi. I explain it by simply saying the gentleman is misinformed as to the facts. [Applause on the Democratic side.] In the very first trial of that case—I do not know about these matters in detail—but in the very first trial of that case there were six Goebel Democrats, four anti-Goebel Democrats, and two Republicans, one of whom the gentleman from Indiana says was a Goebel Republican, about which I know nothing.

Mr. CRUMPACKER. Let me ask the gentleman another question. If I am correct, then, in my facts, the gentleman will admit that the indictment that I have made against the State of Kentucky in this particular instance and for this particular occasion is well founded?

Mr. WILLIAMS of Mississippi. I will not.

Mr. CRUMPACKER. Ah!

Mr. WILLIAMS of Mississippi. And I will not admit it for a reason that is patent and obvious to all men. Whoever asked the politics of the men who sat upon the jury which tried the assassin of William McKinley? I do not know yet whether they were all Republicans or all Democrats. It was not a case of politics, it was a case of murder; and if the gentleman came into the State of Mississippi, let us say, where men are not allowed to serve upon a jury unless they can read and write and calculate simple addition and multiplication and interest—those are the requisites upon which we impanel jurors there—he will find juries every day trying the case of a Republican suitor upon which there would not be a single Republican. It is not a political question, and the gentleman's question assumes that each of the twelve men who are summoned and sworn upon the jury to try a case of murder, according to the law and the evidence, are corrupt and are going to try it not upon the law and the evidence, but upon the politics of the case. The assumption is not only not well taken, but it is unjust to any part of the American people, whether in Kentucky or Indiana, and I for one am not prepared to believe that such a state of absolute degeneracy like that exists anywhere.

Mr. BOWIE. May I ask the gentleman a question? Is it not true that the offense for which Mr. Goebel was assassinated was because he exercised the constitutional right of contest in the manner provided by the Constitution, a right which has been exercised without question in the House of Representatives hundreds of times since this Government was founded?

Mr. WILLIAMS of Mississippi. Not only that—not only was it the crime of taking a contested-election case to a tribunal provided by the laws of Kentucky for it, but it is furthermore true that in a majority of the States of this Union, in a great many of them at any rate, that very same tribunal—to wit, the legislature of the State—is provided for exactly that same sort of contested-election case. The gentleman might just as well say that because the gentleman from Missouri, or some other gentleman upon the Democratic side, was turned out of the House of Representatives by a committee a majority of whom were Republicans, and in his opinion was unjustly turned out, and because he was swollen with resentment by means of it had assassinated the chairman of the Committee on Contested Elections or the contestant, that that ought to be pleaded in extenuation of murder.

Mr. POU. Mr. Chairman, may I ask the gentleman a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. POU. I would like to inquire of the gentleman, inasmuch as platforms are made generally to get votes, if he knows of any other State in the Union where either political party has sunk so low as to put a plank in its platform for the purpose of getting votes which assumes that jurors and judges of the highest courts in a sister State have committed perjury in advance of the trial in the court?

Mr. WILLIAMS of Mississippi. The answer to that question is so obvious that it needs no answer. Of course I do not.

Mr. CRUMPACKER. Did not the gentleman say that it was—no, it was the gentleman who preceded him—that in the State of Kentucky that was the issue?

Mr. WILLIAMS of Mississippi. That was not the issue.

Mr. SMITH of Kentucky. The gentleman referred to something that I said.

Mr. WILLIAMS of Mississippi. The gentleman did not say so. The gentleman did not understand the question. The question of the gentleman from North Carolina was this: Whether I knew of any State that had made a political question out of the refusal beforehand of the governor to give credence to a court in a sister State, on the assumption on the part of that governor that the population of the sister State was degraded, and that its jurors and judges, therefore—for it could only be therefore—were corrupt; and to that I answered, "No." In Kentucky your own party attempted to make an issue of the prosecution of the murderers, and the Democracy met the issue because your people made it first in the very State where it occurred. You went down before it like grain before the sickle, and they are going down forever regardless of the political questions in Kentucky as long as they dare flaunt their banner of assassination and murder as a political issue. [Applause on the Democratic side.]

Mr. SMITH of Kentucky. Mr. Chairman, the gentleman from Indiana [Mr. HEMENWAY] propounded some questions to me a short time ago which I did not at that time have an opportunity to answer, but I will now undertake to answer in as plain, frank, and candid a manner as I am able. I am reasonably familiar, I think, Mr. Chairman, with the entire Goebel matter, if it may be designated as such. I have never been inclined to trespass upon the time of this House for the purpose of settling that question here, because I have thought that the people of Kentucky—Democrats, Republicans, Populists, and Prohibitionists—are fully competent to settle all phases of the matter in the proper forums of that great Commonwealth.

But, Mr. Chairman, since the matter is before the House, I desire to say, in response to the questions of the gentleman from Indiana [Mr. HEMENWAY], that in the campaign of 1899 the Republican party was represented at every precinct in that State, so far as I know, by two members on the precinct election board. That was the law then and had been for very many years before that in Kentucky. The precinct officers conducted the election, counted the votes at the close of the polls, and certified the same to the county board, which in turn ascertained the result in the entire county by adding the votes as certified by the precinct boards. The county board certified the result in the county to the State board.

Mr. BURKE. Mr. Chairman, did I understand the gentleman from Kentucky to say that there were Prohibitionists in Kentucky?

Mr. SMITH of Kentucky. Oh, yes, a good many of them. If it will be any satisfaction to the gentleman, I will say to him that nearly two-thirds of the territory of Kentucky is under prohibition. We make liquor down there not so much for ourselves as for the people of other States, such as Maine and Kansas. [Laughter.]

Now, Mr. Chairman, I take up the next question suggested by the gentleman, which was that the State canvassing board had issued a certificate of election to Governor Taylor and his colleagues on the Republican ticket.

It is true that we have a canvassing board, made up of three members, whose duties are merely mechanical—that is, to add up the returns from the various counties, ascertain who upon the face of the returns have received a majority of the votes cast, and issue certificates of election to them. That is what happened in this case. On the State election board of Kentucky, in 1899, there were W. S. Pryor, ex-chief justice of the State; W. T. Ellis, for three terms a Member of this House, and C. B. Poyntz, of the city of Maysville. These gentlemen stand as high and possess as excellent moral characters as any men in Kentucky or elsewhere.

Mr. HEMENWAY. I agree with the gentleman that they were conscientious, straight, honorable men, and issued the right kind of a certificate.

Mr. SMITH of Kentucky. Let me answer further that this board was asked to question the validity of a large number of ballots in certain counties when the matter came before them, but upon a full consideration they determined that their functions were solely to cast up the votes that had been certified to them by various county boards and issue certificates to those prima facie entitled thereto.

So I apprehend, Mr. Chairman, it is in every State in this Union, that there is what we call a canvassing board to ascertain who upon the face of the returns is entitled to a certificate, and that there is also a board for contest purposes, if a contest is desired by any party to the election.

Now, in Kentucky we have had from time immemorial a provision in our State constitution requiring the contest for governor and lieutenant-governor to be tried by the State legislature. I know that nearly all States in the Union have similar provisions, either in their constitutions or statutes. There may be some States that do not recognize the right of contest, but Kentuckians are too just, honorable, and intelligent to tolerate a system under which fraud and corruption could not be eliminated in the ascertainment of even the commonest right of one of her citizens.

Therefore, any man who was a candidate for governor or lieutenant-governor may go before the general assembly and contest the right of him to whom the certificate of election has been awarded. I don't know whether our sister State of Indiana has any provision for contest or not. I apprehend from the statement of the gentleman from Indiana [Mr. CRUMPACKER] that he does not believe that a man ought to have the right to contest the election of another to an office.

If that is his view, all well and good. I do not participate in any such opinion myself. I believe that when a man is wronged in a political race there ought to be a tribunal before whom he can seek redress. Now, then, coming to the prosecution of Powers and others, I want to say that in my humble judgment the men who have been charged with and tried for the assassination of William Goebel have had as fair and impartial trials as any men or set of men ever charged with crime in any State in the Union.

Powers was indicted in Franklin County and took a change of venue to Scott County. The first and second juries were selected from the latter, and the third from Bourbon County. The first trial jury was made up of four anti-Goebel Democrats, two straight Republicans, and six straight Democrats, and returned a verdict of guilty within an hour's time, or thereabouts. On the third jury there was one straight Republican, and no verdict can be returned in such cases except by unanimous agreement, so that one juror can prevent the conviction of an innocent man as easily as eleven.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Kentucky. Will the gentleman from Arkansas [Mr. DINSMORE] extend my time?

Mr. DINSMORE. Yes, sir.

Mr. SMITH of Kentucky. I desire to say to this House and to the country that on the second jury that tried him Caleb Powers had an old schoolmate and boyhood friend; and you, gentlemen, understand better than I can describe the strong attachment that binds one schoolmate to another. Any man who declares that the magnanimous, the generous-hearted Kentuckian could be induced by political prejudice to inflict the verdict of death or life imprisonment upon one whom he had loved and cherished as his schoolmate in past years does not understand Kentucky character, does not understand Kentucky manhood, and does not appreciate the strength, the force, the breadth, and depth of Kentucky friendship.

I believe, sir, that that schoolmate of Caleb Powers, Democratic in politics as he was, would sooner have suffered his good right arm to be stricken from his body than to have rendered a verdict against that man had not the evidence shown his guilt beyond doubt.

But now, Mr. Chairman, I desire to answer further a point suggested by the gentleman from Indiana and which I was about to overlook. He referred to the fact that there had been a great reward fund offered by the Commonwealth of Kentucky for the arrest and conviction of the assassin of William Goebel. I desire to say to him, in answer to that, that out of the hundred thousand dollars reward offered less than $8,000 has ever been used in the prosecution of these cases, and a considerable part of that—as I understand, though I do not personally assert it to be a fact—has been used in procuring and bringing to court the witnesses for these defendants themselves.

The gentleman asked me something about Mr. Campbell, intimating that I was associated with Mr. Campbell——

Mr. HEMENWAY. I did not mean to refer to the gentleman personally, but only to his party.

Mr. SMITH of Kentucky. I understand the gentleman meant nothing personal. To speak plainly and candidly, I am informed that Mr. Campbell was employed by the brothers of the deceased William Goebel and looked to them wholly and entirely for his compensation in the case.

Mr. JAMES. Allow me to ask the gentleman whether it is not true that Mr. Campbell, the gentleman who was employed by the Goebel brothers to prosecute these murderers, was a Republican and was an elector at large for the State of Ohio on the electoral ticket eight years ago?

Mr. SMITH of Kentucky. That is my information, that he was in politics a Republican, and that he was an elector at large for that State at the time mentioned by my colleague.

Mr. BOWIE. Allow me to ask whether there was a single anarchist on the jury that tried Czolgosz for the murder of President McKinley?

Mr. SMITH of Kentucky. I do not suppose there was; at least I hope there was not.

Now, Mr. Chairman, in these matters I am one of those who do not desire to see any innocent man suffer. If I know myself

aright, I would be as far from convicting William S. Taylor or Charles Finley or Caleb Powers, if I did not believe them to be guilty, as any man within the Union.

Mr. JAMES. Will my friend tell the House whether or not there was a single witness of Democratic faith and belief who testified to a single material fact against Caleb Powers—whether it is not true that every material fact that was proved against Caleb Powers was proved by Republicans and those who voted for William S. Taylor for governor?

Mr. SMITH of Kentucky. I was coming to that proposition. It is a fact that the men who have been convicted of the assassination of Mr. Goebel were found guilty upon the testimony of Republicans almost exclusively.

Not only were they Republicans, but active and, many of them, office-holding Republicans under the late Republican administration of Kentucky.

Mr. JAMES. Is it not true that William O. Bradley, ex-governor of the State of Kentucky, testified in the trial of Captain Ripley—a captain of a military company brought there by Taylor—that Ripley was in authority upon the statehouse grounds during the trouble, and Ripley told him that Taylor said to him, "Goebel has but twenty-four hours to live," and Goebel was murdered in less than twenty-four from that time?

Mr. SMITH of Kentucky. That is a fact that Governor Bradley testified to on the trial of Ripley.

Mr. BOWIE. Is it not a fact that there was nobody in the statehouse except Republicans at the time the murder was committed?

Mr. SMITH of Kentucky. Well, I am not able to speak about that from personal knowledge, but from all accounts it is true that the Republicans had charge of the statehouse at the time Goebel was assassinated. That is conceded by everybody.

It is true by Republican testimony that Goebel was killed by a shot fired from the window of the office of Caleb Powers, secretary of state. It is true by the testimony of Republican witnesses that Governor Taylor was within 40 feet of where the assassin sat when the bullet was fired. It is true that immediately after the shot was fired he called the State guard, or his militia, and surrounded the statehouse, and refused to permit any civil officer to enter to make search for the assassin.

Mr. JAMES. Mr. Chairman, I should like to ask the gentleman from Kentucky if it is not true that Caleb Powers said to Youtsey, who had been convicted of being a conspirator in causing Goebel's death, that he wanted Youtsey to give him a written statement that he might have it used by sending it to a Republican judge who was considering his case, saying in that written statement that he was not guilty of the murder of Goebel, and if Youtsey did not say to him, "I refuse to sign such a statement; you know you were guilty;" and that Powers said, "Well, if you will give me that statement I will pledge you that I will return it to you;" and that Youtsey did give him that statement, and that it was used, upon whom we are not informed, and that he returned it to Youtsey and Youtsey sent it to his wife in a registered letter, and when Youtsey made his confession he produced that document signed by Powers agreeing in that document that if Youtsey would do that it should not be used for any other purpose, and that was brought out upon the trial, that paper signed by Powers himself?

Mr. SMITH of Kentucky. That is correct.

Mr. PAYNE. Will the gentleman allow a question?

Mr. SMITH of Kentucky. Yes.

Mr. PAYNE. I wanted to ask if it was true that the average juror in Kentucky, when the jury is composed wholly of Democrats, is as calm and cool and impartial and unprejudiced as the members of the Kentucky delegation on this floor seem to me to-day?

Mr. SMITH of Kentucky. I do not understand, as a matter of fact, and taking the gentleman's question in entire seriousness, when he did not mean it so—I do not understand that the common rank and file of people ever feel such intense interest in politics as those of us who are upon the active scene. That is the answer I have to make to the gentleman from New York.

Mr. CRUMPACKER. I should like to ask the gentleman a question. The gentleman must bear in mind that the State of Indiana is on trial now, not Kentucky; that we are the defendants, and that we are put on trial without the usual notice.

Mr. SMITH of Kentucky. You have had four years' notice. [Applause on the Democratic side.] Kentucky has been knocking at your door for four years, asking for the surrender of these fugitives.

Mr. CRUMPACKER. This is my question: In view of the fact that there was such a conclusive case against the defendant, and the evidence furnished against the men to be prosecuted by Republicans, would it not have been good policy to put one or two Republicans upon the jury, just for appearance's sake?

Mr. SMITH of Kentucky. They were on it.

Mr. CRUMPACKER. If you had a safe case, why would it not have been wise to do that?

Mr. SMITH of Kentucky. The gentleman, not content with Republican evidence, wants Republican juries.

Mr. HEMENWAY. Put half and half, say.

Mr. SMITH of Kentucky. I want to say to gentlemen on the other side of the Chamber that I would not absolutely have been afraid to have rested this case on trial with twelve good Republicans from any State in this Union. I say to you, gentlemen, I thoroughly believe that the evidence was so strong that it would have been impossible for twelve men—it would have been impossible for any one out of twelve even—in any State of this Union that wanted to see the enforcement of law and criminals punished to have refrained from finding a verdict of guilty under the evidence.

Mr. CRUMPACKER. If there had been half a dozen, there would not have been any such question as we are now considering. General Durbin would have recognized the requisition.

Mr. SMITH of Kentucky. We have had Republicans on the jury, and it takes every man upon the jury to find the accused guilty. We have had two Republicans and four anti-Goebel Democrats on the jury, and they found Powers guilty, and one Republican (you say one Goebel Republican, and if we had twelve, I doubt not you would say the whole twelve were Goebel Republicans) and eleven Democrats, and they found him guilty.

Mr. JAMES. I would like to ask the gentleman from Indiana, as to the trial of Youtsey, if it is not true when Youtsey was tried that every Republican paper in Kentucky and all their orators upon the stump during the campaign which was then being conducted were asserting that we were trying a crazy man, and that Cantrell was a tyrant trying a crazy man; and afterwards, when Youtsey was tried and they found him guilty, and after that Youtsey had confessed and Youtsey's confession was used, they said that Youtsey was a liar? I would like to remind the gentleman of that fact.

Mr. BRICK. Was not Youtsey a liar?

Mr. SMITH of Kentucky. I think that so far as his feigned insanity was concerned he lied. I do not think there is any falsity in Youtsey's confession.

Mr. THAYER. Was he an alleged Republican?

Mr. SMITH of Kentucky. Yes; a Republican officeholder.

Mr. JONES of Virginia. I would like to ask the gentleman from Kentucky what he thinks would have been the state of public opinion in this country if, after the rendition of the decision of the Electoral Commission in the Hayes and Tilden case, Mr. Hayes had been shot down in the State of Indiana by a Democrat, and he went into the State of Kentucky and a Democratic governor of Kentucky had refused to honor the requisition of the governor of Indiana?

Mr. SMITH of Kentucky. That would have meant revolution in this country if Kentucky or any other State had refused to surrender an assassin of President Hayes after he had been declared to be President by the Electoral Commission. It would have meant revolution if the governor of any State in this Union had sought to protect the assassin of the lamented Abraham Lincoln.

It would have meant the same thing if the executive of any State of the Union had undertaken to protect the assassin of the lamented Garfield, and would have meant the same thing if any governor of any State of the Union had undertaken to protect the assassin of the late William McKinley. But why should we have one rule for the assassination of one man and a different rule for another?

A MEMBER. A Democrat.

Mr. SMITH of Kentucky. That may be a sufficient justification for the distinction with some people; it is not with me. I believe in standing upon high ground. I believe that there ought to be some remedy, some supplemental provision for the return of fugitives from justice to the State in which they are accused, to cover such instances as that of Durbin and Taylor.

If it were conceded that Taylor and Finley were ever so innocent, they stand charged by the grand jury of Franklin County, Ky., with the high crime of complicity in the murder of William Goebel. The plain letter of the Constitution of the United States and the law enacted by Congress requires Durbin to surrender them, but he positively declines and thus defies the supreme law of the land.

Now, if he may refuse in this case, why may not the governor of any other State refuse in any other case? It will not do to say that there is politics in this thing. If there is politics in it, who brought politics in? Why, sir, William Goebel was assassinated to prevent him from serving as governor, and in the very first State Republican convention held in Kentucky after the assassination the party leaders of that State indorsed the course of William S. Taylor and his colleagues and brought the matter into politics in Kentucky.

As I said in answer to a question earlier in the day, the Repub-

lican leaders of Kentucky made the speech of Caleb Powers in his own defense, before the last jury which tried him, practically and substantially their campaign book in the last election. Whenever they have thrown down the gauntlet upon this proposition the brave and courageous Democrats of Kentucky have stood ready to accept the challenge, as they ever will.

We are ready, if it must be fought out before the people, as Democrats of Kentucky, believing in law, order, and tranquillity—a cheerful submission to the constituted authority—to fight it out before the plain people and let them return the verdict. If the verdict of a Scott County jury or a Bourbon County jury is not sufficient to convince, we are willing to submit it to the honest, just, and intelligent citizenship of Kentucky.

Now, then, I wish to say briefly in conclusion that in my judgment this Congress can do no wiser thing than to add a supplemental provision enabling the States from which a criminal or alleged criminal has fled to recover the fugitive and bring him to trial. Why, sir, if Mr. Taylor is brought back to Kentucky, I have no doubt he can get an entirely fair trial.

There was a time when he could have come back, had a trial, and if he had not received fair treatment in the lower court the majority of members on the supreme court of the State were his political friends who were able and competent to have protected him. Then why did he not return? He had said that he was not a criminal and he would not be a fugitive, but he turned out not only to be a fugitive but as clearly a criminal, and in that he is protected by the governor of a neighboring State.

Mr. BRICK. Will the gentleman allow me a question?

Mr. SMITH of Kentucky. Yes, sir; I will.

Mr. BRICK. Does the supreme court of Kentucky try the merits of a case upon the facts?

Mr. SMITH of Kentucky. No, sir.

Mr. BRICK. Then how could the supreme court of Kentucky protect a man from a jury of a court below?

Mr. SMITH of Kentucky. The supreme court of Kentucky has the authority when a case comes before it upon which there is not sufficient evidence to warrant a conviction to direct a dismissal of the indictment in the lower court. That is the authority and the jurisdiction of the court of appeals of Kentucky.

Mr. JAMES. And is not that held to be the law in the case?

Mr. SMITH of Kentucky. Yes.

Mr. JAMES. And was it not so held in the Caleb Powers case?

Mr. SMITH of Kentucky. Yes, sir; a rule once made in a case is there, as it is elsewhere, held to be the law of the particular case, although in some other case it may have been held subsequently to have been unsound.

Mr. JAMES. That is right.

Mr. SMITH of Kentucky. That is the law. William Goebel was a brave and able advocate of popular rights as against corporate aggression, and no man in Kentucky was ever so hated by special interests or so loved by the plain people as he. But, in conclusion, let me ask Republicans, Can you personally or as a party afford to uphold the governor of Indiana in his course of lawlessness, his course of ignoring the provisions of the Federal Constitution? Can you afford as a great party in this country, which you are, to indorse the course of ex-Governor Mount and present Governor Durbin in ignoring the plainest mandate of the Federal Constitution?

Can you afford to take that position either as a party or as citizens of Indiana? Can you afford to take the chances of making your Commonwealth an asylum for criminals from every quarter of the globe? I believe the great masses of Indiana are too just, too mindful of the rights of a neighboring State to further tolerate the action of Governor Durbin. I shall be disappointed in my high ideals of Indiana citizenship if the public sentiment does not soon compel Governor Durbin and his party to do that which ought long ago to have been done—surrender Taylor. I thank the committee. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10421. An act to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes;

H. R. 8688. An act to transfer jurisdiction of reservation No. 32, in the city of Washington, D. C.;

H. R. 8686. An act to amend section 895 of the code of law for the District of Columbia; and

H. R. 4844. An act for the relief of Vincenzo Gerardi, of Washington, D. C.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the Senate concurrent resolution No. 4.

The message also announced that the Senate had passed with amendment the bill (H. R. 10669) to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. HITT. I yield five minutes to the gentleman from Indiana [Mr. HEMENWAY].

Mr. HEMENWAY. Mr. Chairman, I do not care to go into the merits of this Kentucky matter, but the gentlemen here—and I excuse them for having some feeling about the matter—believe that the man whom they seem to think was elected governor of Kentucky was assassinated, I do not believe anybody knows by whom. There was great excitement all over the State of Kentucky, and the Democratic party insists on continuing that excitement, on working themselves up to a high pitch, which I believe makes it unfair for the governor of Indiana to send ex-Governor Taylor down into Kentucky for trial.

I do not care whether it is in Kentucky, New York, Indiana, or Ohio, or any other State in the Union, crimes growing out of politics can not be divorced from politics, and when a trial comes off there is more or less of politics enter into it. I say it is a fact that the gentlemen on the other side were so excited I should dislike to be tried by them. Now, if I were charged with a crime I would be willing to have a jury made up of the Kentucky delegation, for I know I should be treated fairly; but I should not want to be tried for a political crime by such a jury. [Laughter.] I should rather be a Democrat if I were going to be tried in the State of Kentucky. But my friends on the other side feel very deeply about this matter.

Now, I put the question a while ago, "Has not Youtsey made more than one statement?" And the answer came back from several members of the Kentucky delegation, "No." They know he is a confessed liar. The people of the United States know it. Every man who has read the newspapers publishing the report of the Kentucky trials know that Youtsey is a confessed liar; that he lied over and over and over again. And yet they say that the only time he told the truth was when he said that Caleb Powers was guilty. I am free to confess that I do not know whether he is guilty or not. I only have the impression that I get from reading the newspapers.

Mr. KEHOE. Will the gentleman yield to me?

Mr. HEMENWAY. No; I can not yield.

Mr. KEHOE. Hasn't Taylor made more than one statement?

Mr. HEMENWAY. Possibly he has. I have not followed it very carefully. Now, in Indiana this has never been an issue. We never heard of it in the campaign. We indorsed the position of Governor Mount and Governor Durbin, and we believe it would not be right at this time, with the excitement that prevails, to send Taylor back to Kentucky for trial. I remember that I was in the governor's room when Mr. Goebel came there and wanted to argue the question with the governor, and did argue the question with him. And Governor Durbin received him with all courtesy.

I remember one of the questions the governor put to him was this: The governor had before him a list of the men elected as jurors in one county where Taylor was supposed to be tried if he was sent back. Every name on the list with the exception of two were Democrats. The governor had before him the statement of men of high character that he could rely upon, who informed him that these men were Democrats, and he put the question to Mr. Goebel, "Do you believe it is fair for me to send Taylor back to Kentucky to be tried by a jury composed of these men?" And Goebel answered, "Yes."

Now, you gentlemen upon that side, as well as upon this side, know that is not fair; you know that there could not be a fair trial in times of such political excitement, unless the jury were divided politically. In fact, there ought not to be any trial of a man charged with a political crime until the people have cooled off and can give him a fair trial. I sincerely hope, gentlemen, that some day in the future we will ascertain who killed Mr. Goebel, and that that man will be punished. I hope for the good name of Kentucky—and Kentucky has always borne a good name, and I hope she always will in the future—they will find out who killed Goebel, and that the man will be punished for killing him. I sincerely believe that if under the meager circumstantial evidence upon which Kentucky has convicted Powers, if the State allows him to hang, the time will come in the history of that State when everyone will regret it; when you will wish that you could tear one page out of your history.

Get away from your political prejudices and excitement; look

at this as the people of the United States look at it—because you can go into any State other than Kentucky and Indiana and get the judgment of people of fair and even temper—and you will see that Governor Durbin is acting exactly right in keeping Taylor out of Kentucky until the political prejudices of the times have cooled off and he can have a fair trial.

As for Governor Durbin, he has no feeling in this matter one way or the other, except to see that Taylor when he does go back to Kentucky, gets a fair trial. When you get in such a state of mind that you can give him a fair trial, there will be no trouble in getting him out of Indiana. [Applause on the Republican side.]

Mr. HITT. I now yield to the gentleman from New York five minutes.

Mr. PAYNE. Mr. Speaker, I take the floor not for the purpose of discussing the Kentucky case, but to call attention to what the gentleman from Kentucky who first addressed the committee said in the outset. He commenced by reading from the President's message in regard to bringing fugitives from justice to this country, and then went on to intimate that the President was guilty of hypocrisy in that utterance in his message because he did not ask Congress to do something with the States that were refusing to return fugitives from justice, and he spoke of the visit of Taylor to the State of New York and having a conference with Theodore Roosevelt, as governor of the State of New York, early in this trouble.

I don't know whether Governor Taylor ever saw Governor Roosevelt or not. I don't know what was the subject of their conversation any more than does the gentleman from Kentucky [Mr. JAMES]; but it is evident, whatever it may have been, that Governor Taylor stayed only a couple of weeks, according to the gentleman's statement, in the State of New York.

Then the gentleman brought in the fact that Governor Odell the other day had refused to accede to a request of the governor of Missouri for the removal of one Ziegler, who was indicted for bribery in St. Louis, in the State of Missouri; and he might have mentioned, but he did not, that a few years ago some men in New York were indicted for conspiracy in the State of Texas, and their case was first brought, according to my recollection, before Governor Flower, a very excellent governor, although a Democrat, and Governor Flower found out that the men had never been to Texas, that they could not be fugitives from justice, because they had never been under the jurisdiction of the State of Texas, and consequently denied the requisition.

Mr. BOWIE. Well, that is where this case differs from the other

Mr. PAYNE. Oh, wait a moment. I am not talking about this case. The gentleman ought to keep cool and wait and permit me to make this statement.

Mr. BOWIE. I am cool. Go ahead.

Mr. PAYNE. And a little while afterwards a requisition was made upon a Republican governor with like results. I saw yesterday in the newspaper that the requisition had been made from Missouri upon Governor Odell for this man Ziegler, and that Governor Odell had denied it. The paper stated why, and doubtless, if the gentleman from Kentucky [Mr. JAMES] got his information from the newspaper as I did, he found that it was because the attorney-general had advised the governor that it was not proper to grant this requisition.

The attorney-general is Mr. Cuneen, a very eminent lawyer of the city of Buffalo, a Democrat all his life, nominated on the Democratic ticket last fall, indorsed by the Prohibitionists, and by the combined vote of the Democracy and the Prohibitionists elected attorney-general of the State. So that the general indictment of the Republican party and of the President and of Governor Odell falls in this connection. I never have known much about this Kentucky case or about the feeling down there, but if I were Governor Taylor, no matter how good a defense I might have, and was charged with the murder of Mr. Goebel, and it was proved that I was within 40 feet of where the shot was fired, because that was my place of duty in the statehouse, and when I heard the shot fired I ordered a company of militia to take possession of the building and not let any man out or in, I would not want to submit my case even to the Kentucky delegation, fair-minded as they are. [Laughter.]

Mr. SMITH of Kentucky. Or to any other tribunal.

Mr. JAMES. Mr. Chairman, I would like to ask the gentleman this question: Suppose he had been in his place of duty and said to the conspirators, having the militia already in arms, "You act first, and then I will call out the militia;" and suppose he had had that militia waiting there for an hour ready to respond to that order, whenever the shot was fired to take the life of that man, should he not be indicted for murder?

Mr. PAYNE. If any man said that to save his own skin, and went before that jury and swore it was true, and I knew it was absolutely false and so testified before that jury, still I will say I would not want to risk my life before a jury from Kentucky having the feeling of the gentlemen who sit on the other side of this Chamber.

Mr. ROBINSON of Indiana. Why does not Governor Taylor move around to some of the other States and test the pulse of some of the other executive officers? [Laughter and applause.]

Mr. PAYNE. I am not Governor Taylor's counsel, and I could not tell the gentleman.

Mr. HITT. Mr. Chairman, I now yield fifteen minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS of Pennsylvania. Mr. Chairman, I think I will perform a very good office if I address the House on a subject that may serve as a sort of buffer between those who have been engaged in this excited debate, and restore the House to that state of equanimity in which it is generally found when I address it on this subject. [Laughter.]

Mr. Chairman, the older Members of this House are often accused of having a set speech which they annually inflict upon the patience of the Members. I am not guilty to the full extent of that charge, but there is a subject in which I have felt a very deep interest for many years and upon which I do address the House once in each Congress.

First, because some of the older Members may have forgotten the cogent and urgent reasons that I have advanced in its support and the newer Members have never heard of it at all.

The subject is one that has deeply interested the business community of our Republic, and the proposition I have urged has received their hearty support. They are on record upon the files of this House in every Congress for many successive years by petitions and bills for the reorganization of our consular service.

The amount of information that has been furnished by the business community on this subject has been vast. The latest expression from that portion of the citizens of the Republic has been through the National Board of Trade, which only a week ago assembled here in the capital of the nation, with business men from every State in the Union, representing nearly all the commercial bodies and boards of trade.

Propositions for legislation of this kind have been, as I have said, before this body for several sessions of different Congresses. This measure has often got so far as to be reported from the Committee on Foreign Affairs and to be placed on the Calendar; but there it has gone to that fate which so often meets worthy measures, because there have been inscrutable differences that seemed impossible of reconciliation between the two different parties.

The principal basis that is sought in this reorganization is, first, the tenure of office; that consuls shall be kept in their offices so long as they improve in knowledge and fit themselves more fully for duty. But against this the political objection has arisen, and I may venture to say that as a fact the Democratic party absolutely refuses to give its sanction to this feature of the bill.

There are other points of diversion between the two parties; but so earnest and so fair are the advocates of this proposition, and so fully impressed are they with the necessity of some legislation in this regard, that they are now prepared to compromise on this legislation and to see whether we can not agree upon some measure which shall in part remedy the evils that now exist in this service.

I am casting no reflections on the personnel of our service. There are as good men of both political parties in our consular service as exist in that of any other country. But it is the law and the system which I attack; and so long as the existing system continues no real remedy can be reached in this most important department of our Government.

I have introduced to-day a bill which is the work of a national committee, of which Mr. Henry A. Garfield, the son of the late President, is the chairman, representing all the boards of trade and chambers of commerce of our country.

This committee was intrusted with the care of the legislation relating to this subject, and the bill which I filed to-day is the result of their labor. I met Mr. Garfield in Philadelphia last Saturday, and he placed this measure in my hands.

Much as I am interested in the bill which I have been agitating for so many years, I am very glad to abandon it when in the judgment of so many of my colleagues it is pronounced impossible to pass it. Therefore I am ready to fall back on this much smaller measure, which I hope will be a stepping stone and ultimately the foundation for placing the service on the conditions which we all desire.

My object in speaking to-day is to call attention to this bill. I hope every Member will read it. In doing so he will find that it is limited to two essentials relating to the service. The first is one which should, I think, appeal to the fairness of every man present.

It is that the service should be classified, the salaries more nearly equalized, and the compensation of all put on a fair footing. As the service now stands, the compensation is most unequal.

Some officers of the consular service make to-day I do not know how much, but certainly as much as $20,000 a year, while others are paid the magnificent compensation of $1,000 a year, a salary which in my judgment is a disgrace to a country so able as ours to pay to the men who represent it abroad.

It can easily be seen that it is impossible for any man to support himself, much less his family, on this salary and at the same time live in the condition which every representative of the United States—over whose door stands the shield of his country, and who, wherever he goes, is recognized as the official representative of his country, and who is expected to maintain that dignity—has a right to expect.

The object of classifying the service, then, is to equalize the salaries; to divide the officers into classes, officers of one class receiving one grade of compensation, the next lower class another grade of compensation, and so on down the list.

The second feature of this bill is that all the fees, official and unofficial, of these officers shall be turned into the Treasury of the United States, and in view of the relinquishment of the profits which have accrued to the members of the consular service, these officers shall receive this proposed increase.

This will remove the existing inequality; this will remove the temptation of the consuls to charge more than the legal rate; this will remove the annoyance that all travelers and all those who have business to do with foreign countries abroad have been subjected to; this will remove the temptation to false invoices or other frauds, and will at the same time tend to equalize the compensation of all the consuls.

Mr. SCUDDER. Will the gentleman allow me to ask him a question?

Mr. ADAMS of Pennsylvania. Yes.

Mr. SCUDDER. Is it not true that the Democratic party has in substance—that is, that the Democratic members of the Committee on Foreign Affairs have in substance—offered to report a bill along the lines which the gentleman now suggests, that they have been willing to do so for several years past, and that the objection to the reorganization of the service such as the gentleman proposes has been entirely due to the fact that it would fasten upon the service the mossbacks and the barnacles now attached to it, and who are largely there, if not entirely there, as the result of the present system of appointments, which, of course, have been made under Republican Administrations?

Mr. ADAMS of Pennsylvania. I frankly admit the first part of the gentleman's statement. I could hardly be expected to admit the second half of the gentleman's statement. I have already stated that it is the system that I think is responsible for the present conditions and not a political party.

Mr. SCUDDER. But it is the system which has resulted in the appointment of men whom the gentleman himself concedes should not be in the service by the fact that he introduces a bill to reorganize the service.

Mr. ADAMS of Pennsylvania. I will answer the gentleman by stating that in my opening remarks I said I brought no charge against the personnel of the service. I think it is as good as is possible under the present political system of our country and under the law as it stands to-day.

Mr. SCUDDER. Will the gentleman yield for another question? As the law stands to-day, I ask him, is it not entirely within the province of the President to appoint the very best men, and only the best man to each place, and is there any excuse for the appointment of any bad men, if the President will rise above and superior to party considerations and appoint good men?

Mr. ADAMS of Pennsylvania. I will answer the gentleman by saying that I am trying to keep party politics out of this discussion, because I am trying to meet the views of the gentlemen on that side of the Chamber, and I do not want to drag in past history. I can only answer him in a way that I am loath to do.

He says he holds the present Administration responsible, because they ought to do better. I do not know how far back his political memory goes, but I remember the acts of Quincy, who struck off the heads of nearly all the service when the Democratic party came into power, to an extent that had never been done before, so much so that it was one of the things that reflected most seriously on that Administration.

That is the reason, I say, that under the present law and under our political system no Administration, be it Republican or Democratic, can rise superior to existing conditions. There is a political pressure that nobody can resist under our system. I stand here myself as earnest and honest an advocate as any man can be on this question.

It was brought home to me by personal experience in South America long before I came to Congress, and I have been working and writing and speaking and trying to legislate ever since for the improvement of this system; and yet I confess to the gentleman that on one occasion sufficient pressure was brought to bear upon myself, loth as I was, to force me to recommend a man who, in my judgment, was not fully equal to the service.

Under the present system you can not resist that pressure, and that is the reason that the people who are earnestly in favor of the improvement of the system want the law changed, so that that pressure can not be brought to bear. When that is done conditions will change.

Mr. SCUDDER. Will the gentleman yield?

Mr. ADAMS of Pennsylvania. Certainly.

Mr. SCUDDER. I should like to say to the gentleman that he himself, if I understood him correctly, interjected a political atmosphere into this discussion by stating that on this side of the House we were opposed to a reorganization of the consular system. If I understood the latter remarks of the gentleman correctly, I think perhaps he would like to revise that statement in the early part of his speech.

Mr. ADAMS of Pennsylvania. In reply to the gentleman, I stated as a fact, which I said was not political, that the Democratic members of our committee have absolutely refused to support a bill making a tenure of office for the consular service. That is a fact which I think the gentleman will not deny.

Mr. SCUDDER. I would ask the gentleman whether or not this tenure of office which he suggests is not a tenure which means the keeping in of the men who are now there, instead of opening the door to all who might wish to come in?

Mr. ADAMS of Pennsylvania. Under this bill, or rather under the bill that I would propose to the House, the door is open, irrespective of politics, to the men in the civil service, or to the applicants who are competent to enter that service.

Mr. SCUDDER. Is not that what we want to do?

Mr. ADAMS of Pennsylvania. Not that I am aware of. There have been modifications asked. I was referring to my own bill. This is not my bill. This bill comes from the national committee representing the business interests of the country.

Mr. SCUDDER. I would ask the gentleman if the Democrats offered to report a bill favoring the classification of the service and stop there, and thereby cure one of the evils of the present service, without fastening upon the service the mossbacks and the barnacles that are there now?

Mr. ADAMS of Pennsylvania. The gentleman offered to support that kind of a bill; but answering him frankly, I myself am in favor of the bill we had before us at that time, and whose development continues, and I have not changed my opinion in a single degree. I have reinforced it in my remarks, and the gentleman has reinforced it also by his question.

Mr. SCUDDER. Will the gentleman yield to me for another question?

Mr. ADAMS of Pennsylvania. I can not yield any more. I have answered your point.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HITT. I yield the gentleman five minutes more.

Mr. ADAMS of Pennsylvania. Now, Mr. Chairman, to conclude in a general way. This is a proposition that can not be stated in fifteen minutes, and scarcely in an hour, and go into the details and illustrate the evils that now exist in our system.

But I wish to impress upon the House the important relations that this branch of service bears to the commercial success of our country. We are entering upon a great era of commercial development, and it is absolutely essential that our merchants and manufacturers should have trained men able to gather the statistics of the nation, of the Government, that they can possibly have.

All the movements of our country to-day are toward commercial expansion. Everywhere we look before us the business people are alive. The Government is acting. The canal is to be built. Navigation laws are to be passed; other matters, all tending toward development of our trade. The State Department, by unusual wisdom and great foresight, has kept the door in the East open against all the machinations that have been placed there to keep us out.

I submit to any man engaged in business in this country the absolute necessity that you shall have accurate and reliable information from the men who are to gather it in foreign ports.

How can men gather statistics and give us information if as soon as they have become capable to fill the great places they occupy they are brought home and entire novices are sent out to fill their places?

How can a man gather information if he can not read the public documents and newspapers and the other statistics of the places to which he is accredited and report them to his Government?

Why, he may have all the energy of the American people, for which we are noted; he may have all the push and brightness of the American people; but if he is hampered, if he can not read the information that lies at his door, if he can not speak the language of the country to which he is accredited, if he can not

gather the statistics in governmental reports and send them on to his country in our own language, how can you get your information, and how can it be accurate, how can it be reliable?

It is not but right that the brightest men in our country in this branch of our service should receive more attention. I wish to say further that this branch is unique in its character. There is no branch of the service equal to these employees and able to fill the places that have the character of the men in these positions.

We should have men that should represent us with dignity as well as with ability. We should have men in it where our country is visited by foreigners or by their own citizens that they should receive them courteously and attend to their wants.

We should have men everywhere that would uphold the standing of American gentlemen; that is the highest on earth, because it comes from instinct of heart and right; and we should have men who are able to and do fulfill this office in a way that should reflect credit upon our country.

Mr. Chairman, this bill will be a benefit to the country. I believe that every American citizen here who sits as a representative of those who are interested in this subject will support this measure.

This measure, as I say, is a compromise, one yielding the ground that your side of the Chamber demands, and yielding the best judgment of those who have this interest most at heart, for the cardinal point that we are carrying out, that we at last can take this one step toward the demands of the commercial, business, and manufacturing interests of our country in the great era of progress that is now prevailing, their representatives shall not be limited to our own shores, but shall extend to the uttermost parts of the earth. [Applause.]

Mr. HITT. As I do not see the gentleman to whom I expected to yield, I yield eight minutes to the gentleman from Kentucky on that side.

Mr. STANLEY. Mr. Chairman, I was not surprised at the speech made a few minutes ago by the gentleman from Indiana [Mr. CRUMPACKER]. I was amazed at the utterances of my genial friend the other Representative from Indiana [Mr. HEMENWAY].

To belittle, to traduce, to hold up in a feeble way to contumely and contempt a great part of this Union, for the simple reason that it happens to fall within a political division not his own and within the horoscope of his long-cherished and long-nourished hate, is enough for the gentleman from Indiana, without regard to the merits of the case. The gentleman does after his kind. There is not a crimson Magdalen in all this world who does believe there is virtue in her sister. There is not an unpunished thief who finds honesty in mankind, and there is not a blind partisan hater by profession and by political faith who finds virtue in those who oppose him.

Partisan measures, partisan strife, partisan denunciations are part and parcel of his political capital and his political life. I was amazed, however, to hear the gentleman from Indiana [Mr. HEMENWAY] assail, as he has done, my native State. We are told, Mr. Chairman, that we should keep cool, that we should be serene, that we should express no feeling of anger, no feeling of resentment, no feeling of pain when the mightiest man in all our Commonwealth falls at the hand of a secret assassin in the discharge of his duty. I thank God that neither a Democrat nor Republican until the day of Goebel's assassination ever knew what it was to keep cool, to be serene, to be untroubled in such a tragic hour.

What would that heartbroken crowd at Buffalo have thought if some one of the learned gentlemen on the other side had wrapped his mantle about him and turned away from the bleeding victim of Czolgosz and had said that this, forsooth, was a political crime; do not get excited. What would you have thought when Lincoln fell here in this capital, when all the land was anger and amazement, if some new disciple of this philosophy, that there is such a thing as a political crime, that murder has a political home and assassination a political refuge; what would you have thought if he had said, forsooth, that this man who slew the lamented Lincoln was his political foe and this was a political crime?

I deny that there is such a thing as political assassination. I deny that there is such a thing as political murder so far as my party is concerned. I deny that outside of the political confines of the State of Indiana there is to-day in any country, free or enslaved, under a presidency or under a despot, a single spot on earth where an assassin can find refuge because of the complexion, the political faith, of his hapless victim.

Mr. HEPBURN. Will the gentleman permit me to ask him a question?

Mr. STANLEY. Why, certainly.

Mr. HEPBURN. Did not this man upon whom you have delivered such a panegyric himself assassinate a man?

Mr. STANLEY. This man——

Mr. HEPBURN. I simply ask the fact.

Mr. STANLEY. I wish to answer you, sir.

Mr. HEPBURN. Will the gentleman answer me?

Mr. STANLEY. Yes, sir. I am answering you now. This man was as brave as Taylor is cowardly——

Mr. HEPBURN. Will you answer my question?

Mr. STANLEY. Yes, sir; and those who slew him as cowardly and false——

Mr. HEPBURN. Will you answer the question?

Mr. STANLEY. Yes, sir; I am answering you. He imbued his hand in the blood of his fellow-man, in defense of his person and in defense of his sacred honor, under the clear skies, in the presence of all men in the open street.

Mr. HEPBURN. And he found an asylum in Kentucky after he did it, did he not?

Mr. STANLEY. No, sir; he found a defense——

Mr. GOOCH. After he was shot.

Mr. STANLEY (continuing). He found a defense in the court which will give to Taylor a fair trial. No jury, however partisan, Democrat or Republican, from that day to this, has ever indicted him for this offense, and William Goebel himself wore upon his body the wound of a pistol bullet from the hand of the gamest man and the best shot in Kentucky.

Mr. SMITH of Kentucky. I would like to make one suggestion in that connection. Did not Goebel in that case positively decline a pardon from the governor of Kentucky?

Mr. STANLEY. Yes.

Mr. KEHOE. A Republican governor?

Mr. SMITH of Kentucky. No.

Mr. STANLEY. I wish to say to the gentleman from Iowa, because I know that he would not, unless he were grossly misinformed, here in this place, where his voice is to be heard in all the land, recognizing as I do his prominence and his power, he would not stoop in order to shield this man Taylor to belittle and besmear with a charge absolutely false the grave of Kentucky's honored dead. I wish to say to you, sir, that the man whom he assassinated first assailed him in character, first maligned him in the public print.

I saw that same William Goebel at Augusta stand mute but fearless under the taunts of this same man. He had persecuted him for years. He met him on the streets in Covington; he asked him if he had written an article containing statements reflecting upon him, and before Goebel could answer his assailant fired a shot, striking him in the side, which he carried to his death. Goebel then fired at his opponent. There were only two shots fired; and if you will tell me how a man can shoot another after he himself has been shot through the brain, then I will tell you how Sanford was assassinated by Goebel.

Sanford fell with a bullet in his brain—through the center of the forehead. Goebel was found afterwards, torn and bleeding by the bullet that had plowed its way around his body. You can not assassinate a man that way. There was no window there; there was no smokeless powder there; there was no Marlin rifle there; there was no fleeing there. He shot him in the city of Covington, where his (Goebel's) most powerful opponents were.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. STANLEY. I ask unanimous consent, Mr. Chairman, that I may have five minutes more.

Mr. GAINES of Tennessee. I will yield to the gentleman my time.

Mr. HITT. I will yield to the gentleman three minutes more.

Mr. GAINES of Tennessee. I would like to ask the gentleman, did not Goebel stand trial by a Kentucky jury?

Mr. STANLEY. Yes. Now, I wish to say that the only Republican who ever was and who ever will be governor of my State would be the first to refute that charge, because he was the first to pass an encomium on the manliness of Goebel; the first to praise the justice of the offering of that reward of $100,000. I wish to say this to the gentleman and to this House, that there was never, until Goebel had been assassinated, in any party or any set of people, not even among his bitterest enemies, a living soul that dared to charge that he was an assassin.

The man he killed was as gallant and as brave a rebel officer as ever rode to the stars and bars. He was absolutely fearless; he was a crack shot, and it was thought that to stand before the fire of Sanford was certain death. Such was the man who determined to silence William Goebel and to remove him from the political arena. He stood the assaults of that man for years with patience, and at last, driven to the wall, acted absolutely in his own self-defense, and the best friends that Sanford has to-day, including a United States Senator from my own State, who went with the dead Sanford to his grave, was the first to admit, the first to recognize, and the first to praise the manliness and courage of William Goebel.

Assassination is comparatively unknown in central and western Kentucky. There may be a disregard, as some see it, for human life, but in Kentucky they look each other in the eye when they fire. In all my life, living in and around Lexington and western

Kentucky, in that part known as the "blue-grass" region and the "pennyrile," I have never known a man of standing to be even charged with assassination. I have known but one instance in all that time where assassination was ever committed in that section of the country.

It is for that reason that we feel this anger now; it is for that reason that we feel this resentment now; it is for that reason that when this question is again discussed and when the bloody garments of William Goebel are unveiled before you, and when his memory is assailed by every species of slander, malignity, and hate, when falsehood does the work that assassination left incomplete—it is then that every Kentuckian, not only within the halls of Congress, but within the confines of my native State, feels the blood mount to his cheek and is ready at all times and under all circumstances, with his life if need be, to defend the sacred honor of his native State and the stainless courage and character of her martyred dead. [Applause on the Democratic side.]

Mr. HITT. I now yield a minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, in refutation of the position stated a short while since by the gentleman from Indiana [Mr. CRUMPACKER], I desire to refer the committee to the sixty-fifth United States Reports, in the leading case of the governor of the State of Kentucky against the governor of the State of Ohio. I read from the pertinent sections of the syllabus of the case:

5. It was the duty of the executive authority of Ohio, upon the demand made by the governor of Kentucky and the production of the indictment, duly certified, to cause Lago to be delivered up to the agent of the governor of Kentucky who was appointed to demand and receive him.

6. The duty of the governor of Ohio was merely ministerial, and he had no right to exercise any discretionary power as to the nature or character of the crime charged in the indictment.

7. The word "duty," in the act of 1793, means the moral obligation of the State to perform the compact in the Constitution, when Congress had by that act regulated the mode in which the duty was to be performed.

So it will be seen that it is a matter of "duty" and not a matter of "discretion," as the gentleman from Indiana [Mr. CRUMPACKER] wrongly stated the law.

The Constitution and this statute were intended to prevent the exercise of this right of might and prevent the wrong which the gentleman says the governor of one State has the right to visit on a sister State or States.

[Here the hammer fell.]

Mr. VOLSTEAD. Mr. Chairman, I desire to make a few remarks upon a subject that appears to interest the Northwest particularly. In a speech delivered some time ago by my distinguished friend from Minneapolis [Mr. LIND] he took occasion to commend free trade with Canada, and more particularly to urge upon this House the importance of the free importation of wheat. I regret that I can not agree with my friend. I used to belong to his Congressional district, which he represented with so much credit to himself and his constituents—the old Second Minnesota. I followed his lead then with a great deal of pleasure. I would like to be able to follow him now. I know that he is supported by powerful Republican journals and large business interests whose favor I might like to court, but this is a subject to which I have given considerable thought and I feel that he is wrong, though his earnestness and sincerity made his plea very impressive. And while it would be much better to have some one who is better known and whose utterances would carry more weight express my views, still, as no one seems to have done so, I beg the indulgence of this House for a few moments while I give my ideas on the subject.

In the speech I refer to my friend [Mr. LIND] took occasion to say that it was absurd to contend that a tariff could have any effect upon the price of wheat, a commodity of which we export millions upon millions of bushels. This is the oft-repeated contention that our price is governed by the price in the so-called world's market, or the Liverpool market. This is not true to the extent generally contended. If the doctrine is true, the price of wheat in Minneapolis is the price at Liverpool less freight charges and expenses for placing it upon the Liverpool market. Let us see if that is true. Compare the cash price at Minneapolis with the price at Chicago and you will seldom find it more than 1 or 2 cents higher at the latter than at the former place. This is true, though Chicago is by rail (the only mode of transportation in winter) about 400 miles nearer to Liverpool than Minneapolis, and has 6 cents per bushel less freight to pay. Then, again, compare Minneapolis price with New York prices and you will often find only a slight difference, usually much less than the cost of transportation, not to mention elevator and other handling charges. This shows that the relative price at Minneapolis is much higher than at New York. The New York price is quite largely influenced by the Liverpool price, though even that is quite often as high as the Liverpool price. As to freight charges, James J. Hill, president of the Great Northern Railway Company, said in a recent speech that the freight charge from Minneapolis to New York on export grain was 25 cents a hundred, or 15 cents a bushel. The Bureau of Commerce and Labor says railway freight this summer from Chicago to New York has been 9 cents a bushel, while the freight charge from New York to Liverpool runs from 3 to 6 cents per bushel. This makes a total freight charge of from 17 to 21 cents per bushel, not figuring insurance, elevator, or other charges. Still, it is quite usual to find wheat only from 5 to 8 cents higher in Liverpool than in Minneapolis, and it is not so very uncommon to find the price the same. Test this question again in this way: Almost any market report from Minneapolis will show cash wheat and wheat from the same crop for future delivery about the same in price. In any market where the demand can readily be supplied, the price of wheat to be delivered in the future should be the cash price with storage and insurance added. Still, cash price in Minneapolis frequently exceeds the price for future delivery. Within the last few weeks prices for May delivery at New York and Minneapolis have been within 2 or 3 cents of each other, and I note in the Minneapolis Journal that prices in Kansas City, which is not affected so directly by our local conditions, have been 10 to 14 cents less than in Minneapolis, though the freight charges paid by Kansas City to place its wheat upon the so-called world's market is less than that paid by Minneapolis, showing the Minneapolis market at this time to be from 10 to 14 cents higher.

This situation has been frequently commented on in years past by the northwestern papers. It tends to show that there is a very strong competition for wheat in the Northwest. The Minneapolis Chamber of Commerce in its report, December 31, 1902, devotes considerable space to an argument against the tariff on the importation of Canadian wheat, and uses as its main argument the contention that the mills find it difficult to obtain a sufficient supply of wheat on this side of the Canadian border. I quote from this report:

Although full crops have been grown in the Northwest in late years, the millers find it more and more difficult to supply their wants.

Then again they say:

In the latter year considerable grain was brought in from outside sections, and with the increased production it follows that they (the millers) may be compelled to bring from outside sections not less than was brought in in 1901 or the mills will have to shut down from want of grain to grind. Millers understand this situation and are already anticipating it in paying premiums for cash wheat above the price of distant futures.

This situation exists to-day. The great banking house of Henry Clews & Co., of New York, in its review of trade conditions, December 19, 1903, says:

Leading authorities state positively that the problem of securing an adequate supply of wheat in the Northwest is a serious one.

The Chamber of Commerce of Milwaukee, in its report for 1902–3, has a similar complaint. No one at all familiar with the subject can deny the fact. The effect of it is admitted by my colleague [Mr. LIND]. He says it is true that the wheat in Minneapolis has generally been 4 to 5 cents higher than the general price.

There are many reasons for this situation. The principal market for the consumption of our surplus wheat is immediately south of the Great Lakes and in the North Atlantic States, it is there where you find the great industrial centers of this country, a busy hive of from twenty to thirty million people. This section produces but a small part of the agricultural products it consumes. It is the greatest market in the world and consumes annually from one hundred to one hundred and fifty million bushels of wheat. There are only three States east of the Mississippi—Indiana, Illinois, and Ohio—that produce any large excess of wheat above consumption. This surplus is only between forty and fifty million. It is winter wheat and enters the market in July and August, and is rapidly consumed or exported. Nearly all of it is disposed of before the spring wheat of the Northwest (which comes into the market in October and November) can be drawn on to supply this eastern market. The only other territory raising a surplus east of the Rocky Mountains is in the Southwest—Missouri, Kansas, Nebraska, Oklahoma, and Texas; but much of this territory, by reason of its distance, the same as the Pacific coast, is at a disadvantage in competing with the Northwest for the American market, which I have just described. Then, again, flour made from wheat raised in the Northwest enjoys a reputation for excellence of quality that creates for it a demand greater than that enjoyed by flour made from wheat raised farther south. The one reason why the Northwest can reach this large American market more cheaply than a large part of the southwestern wheat belt is that it lies close to Lake Superior and enjoys an exceptionally low freight rate over the lakes or railways competing with lake traffic.

For the purpose of this discussion it is not material to determine the causes that produce this keen competition and demand for wheat in the Northwest. The fact remains that competition inside the American market has been so keen in years

past as to materially raise the price, a fact generally conceded by everybody.

Mr. LIND. Would it embarrass my colleague if I should ask him a question?

Mr. VOLSTEAD. No; go on.

Mr. LIND. Then, I ask the gentleman whether, in his judgment, it is not a good thing for our State and the Northwest that the price is as it is at Minneapolis—abnormally high?

Mr. VOLSTEAD. I am glad of it; and that is just what I want to maintain. But I can not see how it is to be maintained if the situation is changed in the manner in which it is proposed to change it.

Mr. LIND. You approve of the condition of affairs that makes the price high?

Mr. VOLSTEAD. I approve of it; and I will explain later why I approve of it.

Mr. LIND. Let me ask my colleague another question. Does he not think it is because of the milling demand at Minneapolis that the price is higher there?

Mr. VOLSTEAD. There is no doubt in my mind that the existence of the mills at Minneapolis does tend to raise the price; it can not be questioned that those mills have done a great deal toward building up the price. The same effect was noticed in the Southern States with reference to cotton when they undertook to build cotton mills there. The tendency was to raise prices.

Mr. LIND. It being the fact that the price of wheat is higher in Minneapolis, and it likewise being desirable that the mills should continue to maintain that price, does my friend believe it would be good policy to follow a course which tends to cripple and to eventually destroy those milling interests?

Mr. VOLSTEAD. It is only by having intense competition for the wheat that we maintain that price. Otherwise it would not exist. I contend that there is an abundance of wheat not only in the Northwest but within almost as easy reach from the South as from Canada. They have lately bought millions of bushels of wheat from Kansas City, and I would rather that they should get that wheat from Kansas City on this side of the line than up in Canada. [Applause on the Republican side.]

As I was just saying, it is not disputed that local conditions, the intensity of local competition, have raised prices from 4 to 5 cents per bushel. This would mean to the farmers of Minnesota and the Dakotas an increase in the value of the wheat crop for 1902 of some eight or nine million dollars, but I do not believe that sum measures even by half the real increase in prices.

In connection with the complaint made by the Minneapolis Chamber of Commerce of the fact that the millers are compelled to pay an extra price to secure a sufficient quantity of wheat, they say:

> There is an immense field north of the border that is especially adapted to wheat growing. That promising field lies in Manitoba and the Provinces of Assiniboia, Saskatchewan, and Alberta. By railroads already in operation a great part of the vast field in the provinces named lies nearer to Minneapolis than to any lake port. It follows that this great tract of wheat land may be made available to the Minneapolis mills if the fictitious theory of a tariff at the border can be overcome.

This tariff is not nearly as fictitious as they try to make us believe. That is, they recognize and say in almost so many words that if the tariff now imposed against the importation of Canadian wheat should be removed this great demand for wheat would be supplied and there would be no necessity of paying the extra price.

Mr. LIND. I will ask my colleague whether it is not true that under existing law our millers can import all the wheat they desire from Canada and mill in bond?

Mr. VOLSTEAD. I am coming to that.

Mr. LIND. That is a fact, is it not?

Mr. VOLSTEAD. Yes. I am glad they can. I am perfectly willing that American labor should have the opportunity to mill every bushel of it. I am perfectly willing that American railroads should carry every bushel through this country, but I am not willing that they should leave any of it here for consumption in this country unless they pay the tariff, and they can not as the law stands.

Mr. LIND. Will the gentleman yield to another question?

Mr. VOLSTEAD. Certainly.

Mr. LIND. Do you not believe that so long as the United States is an exporting country of wheat and flour that for every barrel of flour, and the wheat producing that barrel of flour, that comes from Canada and is ground at Minneapolis—that or another barrel of flour will be exported from some section of our country? In other words, is not this true, that every barrel of flour manufactured in the Minneapolis mills which is now consumed at home instead of being exported simply results in the export of another barrel of flour from some other section of the country—probably winter wheat? The ultimate question is its effect upon the foreign trade.

Mr. VOLSTEAD. No, sir. Canadian flour left in our market will depress prices here and satisfy the intense local demand, which is much more potent than the world's demand in raising prices. Canadian wheat ground in our mills and shipped to foreign countries does not materially affect the local markets.

This chamber of commerce refers to the same Canadian territory so eloquently described by my friend from the Minneapolis district. He says that it is larger than Minnesota, Iowa, the Dakotas, Wisconsin, Illinois, Michigan, Ohio, and New York, and capable of producing more grain than those States. Here, then, is a territory capable of producing, if the gentleman is correct, more wheat than is produced by the United States, and it is claimed that all this territory is naturally tributary to the Northwest and that its products, if permitted, would come through their channels of trade. This country is now developing very rapidly, and for years to come will depend upon wheat raising as its principal crop. Winnipeg this year received more than 51,000,000 bushels from this territory, an amount largely in excess of that received by Chicago. If my friend is right in his estimate of the amount that can be produced by the Canadian Northwest, and he is supported in his view by the Minneapolis Chamber of Commerce, then millions upon millions of bushels of Canadian wheat would each year be placed upon the American market in competition with that raised by our farmers.

As soon as the tax upon the foreign product should be removed the railroads entering Minneapolis, Duluth, and other American cities from the Canadian Northwest would, in competition with the Canadian roads, cut freight rates north of the Canadian line, so as to secure as large a share of this crop as possible. This wheat would come into our markets at a freight rate little if any higher than that allowed North Dakota and northern Minnesota. The wheat would be bought at a less figure than it could on this side of the line, as this part of Canada is essentially new and an undeveloped country, where competition would necessarily be very small. In the past grain in the Canadian Northwest has usually been 8 to 10 cents per bushel lower than on this side of the line. This fact comes to me from people living along the Canadian line whose word I have no right to doubt.

While my colleague practically recognizes that the demand in the Northwest has raised prices, and that this demand could readily be satisfied from Canada, he justifies his position by contending that the wheat in the American Northwest is rapidly deteriorating in quality, and that unless we are able to obtain from the Canadian Northwest a supply of wheat strong and rich in gluten, such as is now raised in the Northwestern States, the millers of Minneapolis will not be able to maintain the reputation of their flour, and he asks with a great deal of earnestness what will become of the farmers of Minnesota when Pillsbury's "A" flour loses its reputation in its world-wide market. This contention has no merit. According to this same report of the Minneapolis Chamber of Commerce the three Northwestern States produced in 1902 about 200,000,000 bushels of wheat. Nearly all of this was of the quality described as strong wheat, rich in gluten. About twenty million of this would be retained as seed and some thirty to forty million consumed in other mills, leaving approximately 140,000,000 bushels available for the Minneapolis mills. Nearly eighty-nine million reached Minneapolis, out of which more than twelve million were reshipped. Forty-two million bushels of the very best of this wheat were shipped to Duluth and Superior, and from there reshipped farther east, not to mention that large quantities of this wheat went to Chicago, Milwaukee, and other markets. It is idle to contend that the wheat is not there. Even this year, with a crop somewhat less than last year, there is an abundance for the mixing process. The real meaning of this complaint is not that there is any real scarcity of wheat. It is not to maintain the standard of the Minneapolis flour in the so-called world's market, but it is to secure wheat cheaper than it can now be obtained and for the purpose of selling the flour at a less price in competition with the American product. The market for Pillsbury's "A" flour is not to any great extent in foreign countries. The market for that flour is in the United States. Out of 16,216,105 barrels produced in 1902 only 3,410,400 was exported, a decrease of 1,300,000 barrels in two years, and I am unable to ascertain that any was exported last year—perhaps a little to the Orient. It is not for foreign export that millers ask for Canadian wheat. They know full well that they can obtain and grind in bond all the Canadian wheat they desire for export. The law allows that now, and these mills avail themselves of the privilege. What they want and what they are pleading for is to sell this Canadian flour in our market in competition with the product of the American farmer. They do not want to pay the price paid the farmers whose wheat is shipped to Duluth, but they want to go farther north, into the Canadian market, where it can be bought cheaper, and haul it right through the fields where Duluth gets its supply.

If it is true that the Canadian wheat is of better quality than ours, and that there is in prospect an inexhaustible supply, as is contended for by my colleague, then it behooves the American farmer to insist upon protection. To admit free such wheat could have

but one result. The people of this country will not be satisfied by getting any mixture; they will demand the best, and there will be hundreds of mills ready to supply that demand. Instead of a demand for American wheat there will spring up a demand for Canadian wheat. This is the market where the highest and best grades can always be sold. This Canadian wheat would take the place of our wheat, and ours would be compelled to seek another market.

To-day the products of the northwestern mills are largely sold in America, and the farmer is getting an extra price on that account. The proposition is to largely deprive him of this market. Do you think the farmers of the Northwest are ready to do this without a murmur? To do it would be absolutely unfair. They have in times past been compelled to pay as high as 50 cents per bushel to place their wheat on the Liverpool market, and have patiently waited and hoped to secure a market nearer home. To that end they have submitted to a tariff on lumber, coal, and a thousand other articles which they greatly need, and now when the day has come when this market has been created and the tariff on wheat is of some value to them it is proposed to repeal it and destroy the value of this market, and if the tariff on wheat can not be repealed, to change the law in regard to shipping in bond, so that wheat can be ground here for reshipment, but allowing the bran and shorts to remain free of duty in competition with like products in this country, and with corn, oats, and other feed products. The people of Minneapolis have received in full measure the benefit of protection, and it is nothing but fair that they should allow the farmers their share. Labor will not begrudge their coworkers on the farm a living profit. The reason for the shrinkage in wheat areas of this country is not the lack of suitable soil and climate, but it is the fact that it does not pay, and if there is any class of people that needs the fostering care of a protective policy it is the farmer engaged in raising wheat. The sneer indulged in against the tariff upon wheat as of no value since we produce a surplus does not do away with the admitted facts; the tariff does shut out the Canadian crop for domestic consumption, and it does have a tendency to strongly intensify the competition in the Northwest. Let me apply the logic of that sneer to the argument against the steel schedule. My colleague says that schedule is unnecessary, as we produce a surplus in steel goods almost as great as our surplus in wheat. He complains bitterly against the schedule on steel and denounces it as a graft schedule, raising prices. No doubt this schedule has some effect in maintaining prices, but the raise can no more be measured by the schedule in one case than the other. The object in each is to preserve the American market for the farm or factory.

Mr. LIND. But is it not true, if my colleague will permit, that we import steel? We are an importing country so far as iron is concerned, but we are an exporting country so far as wheat and agricultural products are concerned.

Mr. VOLSTEAD. We imported some grain. The relative difference between the import and export of wheat, as compared with the import and export of steel, is not so very great.

I shall pass by as worthy of practically no consideration the contention that it would help the American farmer to have the Canadian wheat come into this country, so that it could be offered in European markets as part of our crop instead of having it offered by the Canadians in competition with ours. There is no law which prevents the Americans from purchasing and shipping free of duty through the United States to foreign markets every bushel of Canadian wheat. Then, again, our crop is not offered as one crop. Hundreds of dealers are offering American crops. It it the visible supply which has the largest effect upon the foreign markets, whether that supply be on this side of the line or in Canada.

It is claimed that there is no difference in the character of the people or in the industrial conditions of the United States and Canada that requires a tariff to shut out Canadian products. In this claim I believe my colleague is greatly mistaken. I believe there is a vast difference, which not only justifies but requires a protective tariff. In the first place, Canada produces no agricultural products that we do not also produce in sufficient quantities for home consumption. I would challenge anyone to name a single agricultural product that we need to import from Canada. The importation from Canada of any agricultural product simply takes away from the American farmer an opportunity to sell for consumption the same article.

Canada is essentially an agricultural country. It has very few cities, and what cities it has are readily supplied from the local territory surrounding them. The situation on this side of the line is vastly different. Along the Great Lakes and in the Northeast Atlantic States are, as I have said, 20,000,000 to 30,000,000 people dependent in a large measure for their subsistence upon the agriculture of distant States. Canada can see south of her, moving along upon the Great Lakes and railway systems, hundreds of millions of dollars' worth of agricultural products seeking a market in the great industrial centers of this country. It is, as I have said, one of the greatest markets in the world. It is this market that I desire to preserve for the farmers of the Northwest. Canada has nothing like it to offer. The proposition made is to trade this immense market for what? For nothing. To do so would certainly be the height of folly. Canada has nothing to offer that could even in a slight degree compensate us for this opportunity. We already supply Canada with a very large share of her manufactured products. She will not and can not afford to withdraw protection to her factories. Canada has a surplus for export of oats, barley, rye, hay, butter, eggs, poultry, and cheese, and is in a position to rapidly and enormously expand its surplus if given a market in which to dispose of it. In none of these articles do we produce much of anything for export. As to these items, no one can seriously contend that the very small proportion of the total products which we export would show that the tariff is ineffectual.

To give some idea of the vast importance of these items let me call your attention to a few facts. This country produces almost a billion bushels of oats annually. About 165,000,000 bushels enter the channels of trade. Chicago alone handled 90,000,000 bushels in 1901. Canada could supply a large share of that. We produce about 135,000,000 bushels of barley, of which Wisconsin, Minnesota, and the Dakotas raised about 70,000,000 bushels. Very little of the barley produced in the Northwest is exported. Some is exported from barley raised on the Pacific coast. Canadian barley would create a surplus and depress prices. The flax of the United States is largely raised in the three Northwestern States, and is consumed there and in points along the Great Lakes. Only a small amount is exported. Hay is one of the important crops. Chicago received of this crop 191,000 tons in 1901, nearly all of which was consumed there. Chicago received the same year almost 8,000,000 bushels of potatoes, of which it reshipped 2,000,000 bushels. It received the same year about 3,000,000 cases of eggs, of 30 dozen to the case, and consumed 2,000,000 cases, worth between twelve and fifteen million dollars. Chicago received that year almost 254,000,000 pounds of butter, most of which was shipped East for consumption. Practically no butter is exported. Chicago the same year received 116,000,000 pounds of cheese. About one-half was reshipped. Chicago alone consumes 10,000,000 bushels of wheat annually. These are a few of the items that would be affected by Canadian competition. In many localities the Canadian Northwest could readily and at a greater profit supply the demand than could the farmers of the United States who are now supplying it. Over the Great Lakes the Canadian Northwest can reach the American market for these products easier than can the farmers of the Southwest. Then, again, the farmers of the Canadian Northwest can afford to produce these things for sale at a less figure than can the people of the United States. Most of the wheat which reaches Minneapolis, Duluth, and Superior is raised on land worth from $25 to $50 per acre, while the land in the Canadian Northwest is worth from $5 to $10 per acre. Interest alone upon the excess valuation of our land above that of Canada will almost equal 10 cents a bushel on wheat.

By an economic law the price of a product naturally tends toward the lowest limit of profitable production. This law tends to eliminate from the field of competition sections not favorably situated for the production of an article. We have a striking illustration in this country of the effect of this law. The East was originally agricultural like the West. Its lands were worth as much and generally more than western lands are at present; but the development of the West drove eastern farmers out of business, their lands fell enormously in price, and thousands of farms were practically abandoned. The newer and richer quality of the western lands made it possible for the West to successfully compete with the East despite the handicap in freight charges. It is claimed that the land in Canada has this same advantage over our western land. Are we going to repeat the experiment? I tell you, sir, I have no ambition to build up Canada, and I am not going to do it at the expense of this country. Open the markets of this country to the Canadian agricultural products and that country will build up very rapidly. People will go there by thousands and tens of thousands where they now go by hundreds. They would increase exports of agricultural products very rapidly; but leave them alone and let them build their own markets as we have been compelled to do, and we will retain our own people, avoid ruinous competition, and help develop this country. We do not owe Canada anything; she pays us no taxes, owes us no obligation, and there is no reason why she should be favored. All appeals for sympathy with Canada appear unnecessary. My sympathy is with this country.

It is perfectly evident that the question of free trade in wheat is not local in character, but one that affects agriculture through the whole country. Turn, if you please, to the statistics on agriculture, and you will find in the years past that whenever the price of corn or wheat has been low there has in the years follow-

ing been a decrease in acreage of the low-priced crop and a corresponding increase in the acreage of other crops. A high price rapidly increases the acreage and a low price decreases it. Allow the Canadian Northwest to produce our wheat and the American Northwest will go into stock raising and dairying. Nearly all of this country can now raise corn successfully.

Minneapolis and Detroit are the two great exponents of Canadian free trade, and see in Canada great possibilities for the future. In almost the same language they condemn the tariff and argue that trade is naturally along lines of longitude north and south instead of east and west. They seem to think that we are violating nature's law and committing a crime against its decrees. This is one of those generalities which has in it enough of truth to be deceptive. Trade must of necessity be between sections of country that have products for exchange. The people who produce and consume nearly all of the exchangeable commodities live in the temperate zones, which extend east and west around the world, and trade as a consequence is naturally east and west.

The market for the surplus agricultural products of the United States and Canada have got to go east to Europe or west to the Orient. The surplus wheat and farm products of the great interior basin of this continent seeks the ocean over the shortest and cheapest routes. The Northwestern States find the Great Lakes and the northern railroads, running east and west, the highways for its commerce. The Canadian Northwest is accessible to the same lakes and has railway systems similar to ours over which its commerce can be moved. As a wholesale or jobbing center Minneapolis can not expect to retain Canadian business. As soon as Canadian business in the Northwest assumes any large proportions distributing centers will be established there against which Minneapolis can not compete, for they will have the advantage of cheaper rates. A rule now fixed in railroading grants a very cheap rate to these distributing centers as compared with the local rate. It is this law that necessarily limits the territory of each city, no matter how ambitious. These centers are found scattered within three or four hundred miles of each other all through the old settled communities. The same rule will apply and build in Canada large towns that will reach out for trade, even in territory now controlled by Minneapolis people. The factory for building farm machinery will do there just as it has done here. It will find a location in some of their wheat fields. The loss in the home market would be infinitely greater than the gain from the Canadian market.

In view of the attitude of Chamberlain in reference to a protective tariff against the importation of our wheat into England, it would seem the height of folly to open up our markets for the importation of Canadian products. Should the policy succeed, we may have to depend very largely upon our own market to afford the farmers a living profit.

[Here the hammer fell.]

Mr. HITT. I yield the gentleman whatever time he may need to conclude his remarks.

Mr. VOLSTEAD. The time has come when there are practically no new areas of agricultural land open for settlement. Nearly every foot of land less than 2,000 feet above sea level has been settled. In the future our increase will depend upon what we shall accomplish by irrigation. The Secretary of Agriculture, in the Yearbook for 1902, calls attention to this fact. The increase in population and in the demand for wheat is more rapid than the increase in the supply. For twenty years prior to 1897 there was practically no increase in the United States. This may seem strange to people living in the great wheat belts of the West so recently developed, but while the people in this newer country were breaking up the virgin soil people in the older States were turning their wheat fields into pastures, corn, or other crops. During that twenty years the wheat area was approximately 38,000,000 acres, occasionally reaching 40,000,000 and dropping almost to 34,000,000. The acreage rose and fell as the price of grain rose and fell. During the last few years the development in the West has considerably increased the acreage; still the situation is such that unless wheat prices allow a living profit the acreage will shorten up so as to leave no surplus. The increase in the wheat acreage in the last six years of 10,000,000 acres has been largely in the semiarid region. It is this increased acreage that raised the 150,000,000 bushels or thereabouts that we exported last year. Cattle raising will no doubt be found a much safer industry upon this class of land, and the change is likely to come very soon. Still there is no danger of any real shortage of crop. England and Germany produce almost twice as much wheat to the acre as we do, and there is no doubt that we can largely increase the production whenever there is any real demand for it, but so long as wheat remains as cheap as it is farmers can not afford to expend the necessary sums for labor and for fertilizers needed for that purpose.

I feel that I have already trespassed upon the good nature of this House much longer than I ought to, and must make amends by closing in a few minutes.

This is not a question of Canadian reciprocity, though I find it is called such by persons who are anxious to conceal the real issue. It is an effort on the part of local interests to hide under the name of reciprocity their demand for free trade for certain Canadian products, and I find them cracking the party lash with great vigor, evidently to prevent discussion.

I notice in the St. Paul Dispatch, one of the largest Republican newspapers in my State, an editorial in which it makes an attack on me personally. It sneeringly suggests that I am going to defend my farmer constituents against "that avalanche of wheat," which the late Hon. C. K. Davis predicted would come from Canada in case the tariff was removed. This paper promptly reads me out of the Republican party if I oppose what it chooses to call "Canadian reciprocity," and suggests that the day of retribution is at hand should I have the temerity to oppose it. I am not disposed to be driven. In the discharge of my duties I am not going to allow the St. Paul Dispatch to dictate my course. In this very remarkable editorial the paper clearly shows its ignorance not only of my attitude but also of the real question at issue. It claims that all the protection the tariff affords the farmers is one-fourth of 1 cent per bushel. This one-fourth of 1 cent is what is paid for the privilege of milling in bond for foreign export, and has nothing whatever to do with importation of wheat for home consumption. It is well aware that there is a duty of 25 cents per bushel imposed on wheat imported for home consumption and that it is against this duty that the millers and their friends are contending. No one objects to have Canadian grain come through the American market or to have it ground there, provided it is exported to foreign countries for consumption, but we do strenuously object to have it brought here for home consumption in competition with the home products of our own people, and it is not fair to mislead the public as to the real issue.

The St. Paul Dispatch does not determine what is Republican doctrine in Minnesota. No Republican convention has ever declared for its so-called reciprocity. When this question was submitted to the last legislature in the State, which, by the way, was overwhelmingly Republican, it refused to agree to it, and I can see no good reason why it should have indorsed it. The State as a whole is largely agricultural. Its cities and villages depend for their growth and for their prosperity upon the agricultural classes. No one can point out how the agricultural element of the United States can be benefited by having free trade with Canada. They can not obtain from Canada agricultural implements or manufactured products to any extent, as Canada does not supply its own markets, but are dependent upon the United States and England to supply them. Almost the only articles Canada has to offer that we need are coal and lumber, and I shall be glad to vote for free lumber and free coal. I do not believe any duty should be levied upon those articles. Lumber is now eight to ten dollars per thousand higher than ten years ago, though the saw logs pay no tariff duty and lumber pays but $2 a thousand. Coal is largely a monopoly, and it is perfectly evident, from last year's experience while free, that it needs no protection. There are other schedules that I would like to see reduced and adjusted to suit present conditions. But I am not going to discuss the tariff at this time. If reciprocity with Canada can be had that will afford fair treatment of all classes, I shall be glad to support it at any time. If we can do anything toward building up trade with Canada without doing ourselves more harm than good, I shall be glad to see it done. I believe in the reciprocity of Blaine and McKinley, reciprocity in noncompetitive goods, but not in reciprocity in competitive goods, which is simply free trade. I believe in the beneficent policy of Republican protection under which this country has prospered so marvelously, and under which the farm has secured this immense home market, but I do not want that market traded away for the benefit of the milling and jobbing interests of a few cities on the border. To take from the farmer this market without giving him anything in return, as is proposed, is absolutely unfair and unjust.

I now want to thank the House for the kind indulgence it has shown me. [Applause.]

Mr. DINSMORE. I yield ten minutes to the gentleman from New York [Mr. HARRISON].

Mr. HARRISON. Mr. Chairman, I have asked for a few minutes to discuss at this time a subject which is somewhat germane to the diplomatic and consular appropriation bill. I refer to the insulting treatment by the Empire of Russia of American citizens who are Hebrews and who come to that Empire with American passports.

Now, I have asked for but a brief time in which to discuss this subject, not because I fail to recognize the importance and gravity of the subject, but because it will be presented to you later in this

session, with much more ability and much more eloquence than I can summon, by my distinguished colleague, Mr. GOLDFOGLE. He has introduced a resolution which is now before the Committee on Foreign Affairs and which I wish to incorporate in my remarks. For that purpose I should like to have it read by the Clerk.

The Clerk read as follows:

Resolved, That it is the sense of the people of the United States that uniform treatment and protection should be accorded to every American citizen, regardless of race or creed, when traveling or sojourning abroad, and that every earnest effort should be made by the executive department of this Government to secure from the Imperial Government of Russia such uniformity of treatment and protection, especially in the recognition and honoring of the passports held by our citizens, to the end that there be no discrimination made by the Government of Russia between American citizens on the ground of their religious belief or faith; and the President of the United States is hereby respectfully requested to take such steps and cause such diplomatic negotiations to be set on foot as may tend to secure, through means of treaty or otherwise, the honoring and the uniform recognition by the Russian Government and its authorities of American passports, irrespective of the religious faith or denomination of their holders, to the end that every law-abiding citizen provided with a passport duly issued by this Government shall, regardless of what may be his race, creed, or religious faith, have freedom in traveling and sojourn in the territory of Russia, subject to such provisions in any treaty between the United States and Russia as are not inconsistent with the spirit and intent of this resolution.

Mr. HARRISON. Now, Mr. Chairman, I think we can all see that there is here no question of partisanship. I think, further, that this is not a question of race or of religion, but simply a question of Americanism. It has always been so regarded and so treated by the Administrations, both Democratic and Republican, which have taken up this question in the past with more or less energy.

I have no desire to criticise the present administration in the State Department upon this subject. Nor do I believe that the Hebrews of this country have anything but gratitude for the courtesy and attention that they have received when bringing this subject before the Department; but, at the same time, to an American citizen who applies at our State Department for a passport to journey in Russia it is a striking thing to be confronted with a circular, of which I am going to read one clause:

The laws of Russia also exclude from Russian territory, except by special permission, all people of Jewish faith, and while this Government has been endeavoring for some years past to secure a relaxation of this enactment, it is only proper to warn those who are within the category to which they refer that it has not yet been able to secure from the Russian Government a promise of uniform treatment for all American travelers in Russia without regard to their religious faith or place of birth.

That is a very weak admission on the part of a sovereign power, the United States of America, that they can not secure equal recognition for all of their citizens while traveling abroad.

I am informed that the present Russian ambassador has expressed his willingness to aid as well as he can in the solution of this vexatious problem. But we might as well wait for an iceberg to drift complacently across the equator or for the bear to change his bland and child-like nature as to wait until Russia shall take the initiative in a foreign policy entirely contrary to the internal administration of that Empire.

What we need is another example of the new diplomacy—the American diplomacy which always tells the truth; goes straight ahead and gets what it wants.

I would like to read a clause from the treaty which was concluded between the United States of America and the Emperor of all the Russias in 1832:

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Now, Mr. Chairman, I do not know whether anyone in the Government at the time of the negotiation of this treaty knew anything about the internal affairs of the Empire of Russia. I should judge not, from a small piece of history that has come down to us in connection with my distinguished but erratic kinsman, John Randolph of Roanoke. Some two years before this treaty was negotiated he was sent as minister to Russia, but after he had spent three weeks there he came back in disgust because, as he complained, the people on the streets of St. Petersburg laughed at him. I suppose he had as much idea as anybody at that time in America of the internal affairs of the Empire of Russia.

Moreover, we had at that time no considerable body of Jews living in the United States as American citizens who could safeguard the interests of that race in the treaty. Since that date matters have changed very much, and we know now, if we did not know then, that in Russia the Jew is not a citizen; that he only exists; that he is not allowed to live except in certain circumscribed places; that he is not permitted to enter into certain occupations; that he is not allowed to have his children educated, except in a very small proportion at each university.

We know that they are crowded along the border in poverty and abject distress in many places. In spite of all that, I believe the treatment of this unhappy race is due to fear on the part of Russia that if they were to take the Jews into the body politic, assimilate them into their Empire, and make them a part of their citizenship, within two generations the Jews would be the owners of all the Russias.

Now, it is not my purpose to enter into a discussion of the whole Jewish question here. That is entirely extraneous to the subject of the remarks that I wish to make. But I wish to merely say that from extensive travel myself in Russia—and I have no desire to abuse Russian hospitality—I have myself seen some of the conditions as to which the Jews of the United States of America make complaint. I have myself fortunately escaped from witnessing those scenes which shocked and filled all the civilized world with horror.

I refer to the massacres at Kishenef—outrages upon the Jews—where men were stricken down before their families, where women were violated and torn to pieces, and where babes were dashed against the nearest doorpost—all simply because they were Jews and had invited the religious antipathy of the self-styled Christians of Russia. I do not refer to this to create any strained feeling between the two countries, but simply to illustrate the fact that under the treaty which now exists American citizens of the Hebrew faith in Russia have no more protection under the law than those people who suffered the massacres at Kishenef. If they have any protection at all it is from a little respect for the American battle ship, or perhaps I might say their desire for the political friendship of America; and that is all, so far as the law is concerned.

Now, Mr. Chairman, it is almost impossible to realize that here in the twentieth century a man may start forth from this land of religious liberty, equipped with a passport ornamented with the great seal of the Department of State, and when he gets to the borders of Russia, a nation with which we are at peace and for whom we have a traditional friendship, he is stopped, he is questioned, he is humiliated, and in all probability he is excluded admission to the Empire.

Whatever may have been his reasons for going there, whether a tender feeling of affection for his family there or a desire to have business relations with the Russian Empire, or whatever his circumstances in life, whether he be of American stock which took part in the Revolutionary war or whether he be the once simple peasant returning now to visit his native village in Russia, he is still an American citizen, and we ought to demand that he receive equal recognition with all other American citizens when they reach the Russian Empire. [Applause.]

I have said, Mr. Chairman, that this is not a matter of partisanship. I wish to amend that in so far as I believe it is the Democratic party that has always accorded the most favorable and equal treatment to foreigners when they transport their lares and penates into this country. Ever since the days of Thomas Jefferson, the father of religious liberty in this country, we have been devoted to the cause of foreigners who arrive here. Up there upon the historic mountain at Monticello beneath the trees is the simple monument under which lies the body of Thomas Jefferson, containing a few plain words on it summing up his career in life.

The chief among those, I believe, he himself would have considered the fact that he was the father of religious liberty in Virginia. Ever since his day our party has welcomed to this country and assimilated within our ranks all foreigners of every race and of every religious belief. We have learned from each one of them some lesson of patience or industry or economy or virtue or patriotism.

And that is why, Mr. Chairman, I hope that when this resolution, which is now before the Committee on Foreign Affairs, if it receive their favorable consideration, comes before this House, every Member of the House of Representatives, irrespective of what religious belief he himself may have, will unite upon the common ground that American citizens, whatever their religion, whatever their race, whatever their creed, are entitled to equal representation and equal recognition when abroad. [Applause.]

Mr. GOULDEN. Mr. Chairman, the report of the Committee on Foreign Affairs making appropriations for the diplomatic and consular service is in such able hands that I shall not say anything on this subject.

On this occasion, however, I desire to address a few words on the subject of pensions. I have heard the criticisms of the gentlemen from Tennessee [Mr. GIBSON], Indiana [Mr. MIERS], and other States on the management of the Bureau of Pensions. While I admit there are grounds for the same, I am forced, in

common justice to the present Commissioner of Pensions, to differ from my colleagues on this subject.

In an experience of more than a year, and with a large number of cases, I have had the greatest courtesy and kindness shown me at all times. It is therefore a duty as well as a pleasure to place myself on record as to the Bureau and to commend it for the facilities afforded to secure final action on cases presented.

I also desire to express my gratitude to the head of the Record and Pension Office of the War Department for the courteous and efficient manner in which the public business of that office has been dispatched.

Now, a few thoughts on the matter of pensions. Aside from the justice of the Government caring for those who saved the nation, who sacrificed their health and faced death on the battlefield, is the fact that the amounts paid in pensions yearly is a great and lasting benefit to the country. These small sums go into hundreds of thousands of households, and every community is benefited by these quarterly payments. Much of the prosperity of the country is doubtless due to this wide distribution of nearly $140,000,000 annually. It is all put into circulation and is of incalculable advantage to the business interests of the Republic.

The payment of $2,844,649,626.56 war debt, with an interest, counting the premium on greenbacks, all in gold, was an act of good faith on the part of the Government. Of this vast debt, $461,616,311 was represented by greenbacks and bore no interest, leaving $2,381,530,294 as the interest-bearing debt of the civil war. On this it is fair to assume that the Government did not receive in excess of 60 cents on the dollar.

The high-water mark in which interest was paid by the Government was in 1866, when it reached $150,970,697.87, almost $3,000,000 weekly in gold, a tax per capita of $7 on the population of that period. Up to June 30, 1902, the Treasurer had paid out $2,705,453,886.41 in gold for interest alone.

To this must be added the premiums paid in gold of $125,698,013.65, making a total of $2,831,151,900.06. This, with the face value of the bonds, which cost the holders originally about $1,250,000,000, the lenders received the sum of $5,500,000,000.

It is estimated that the Government has paid for pensions to the men who served in the Union Army during the civil war and to their widows and dependent children $3,200,000,000.

The first named loaned the Government the money to carry on the war, while the latter offered their lives and sacrificed health and limb to perpetuate the Union and make good the promises of the Government to those who loaned the money during that critical period. But for the sacrifices of the men in the field both principal and interest would have been lost.

While I am not criticising anyone, I want it clearly understood that the credit of saving the Government and making the nation a world power with a contented and prosperous people is largely due to the men now on the pension roll. Too much honor can not be given to these brave, unselfish, self-sacrificing men who in the dark days of 1861 to 1865 stood loyally by the flag and the Government. When this nation becomes so mercenary and its people so selfish as to forget what is due to its heroes, its soldiers, and its patriots, I fear the days of the Republic are numbered.

The pension roll is indeed a roll of honor, and no one who served his country in the wars in which the nation was engaged and who needs the little help cheerfully given by a patriotic people should hesitate to apply for the same. Indeed, in my judgment, the time has arrived when he should not be asked to apply for this merited boon, this needed relief, but Congress, representing a grateful people, should pass a service-pension law. This must come, and the sooner the better for all concerned.

My associations with the veterans of the civil war have been of so intimate a character and my field of observation so wide for many years that I can speak with authority on this matter. Congress should pass a service-pension law, making the age limit the same as for the retirement of officers of the Army and Navy. Perhaps the age of 62 would be better.

In my judgment the time of which President Cleveland spoke some years since has arrived for action. The ranks of the old soldiers of the civil war are thinning rapidly. A few years more and their numbers will be largely decreased. Fifty thousand died last year—almost 1,000 a week.

Now is the time for such action. Let Congress act now and do its duty to the old soldier. No time should be lost if the brave men who are left are to receive common justice.

I desire to read an editorial from the National Tribune, of Washington, bearing on this subject and to have it printed in the RECORD.

[From the National Tribune, Washington, D. C., Thursday, January 14, 1904.]

WHY LONGER DELAY?

A thousand times more impressive than any speeches made in Congress, any arguments, any editorials, is the simple fact that over 50,000 veterans are dying every year.

That is, the setting of every Saturday's sun is noted by the eyes of fully 1,000 fewer veterans than greeted his rising the previous Sunday morning. Every churchyard in the loyal part of the country receives weekly additions to the new-made mounds which dot its surface, and these rise above gallant breasts that once stood in the front of battle when the nation's life was assailed.

Every day in the week hundreds of church bells, somewhere in the land, toll out the sad announcement of the passing of one of the nation's heroes.

The wail of the bereft widow rises hourly somewhere. The tears of the orphans fall in perpetual rain.

This, above all other reasons, is why Congress should waste no time in passing a service-pension bill to give to these dying men and to those on whom Death has set his fatal seal some measure of the nation's gratitude and justice.

Every week sees a full regiment of men that were once the pride and hope of their country mustered out by that fell sergeant, Death.

Every month the country loses a full, strong brigade of men who in their prime were unequaled soldiers. Every year sees pass away a stronger army than that with which Rosecrans breasted the rebel hordes on the sanguinary hills of Chickamauga, a larger army than that with which Grant attacked Vicksburg or Sheridan cleaned up the Valley. Nearly twice the army that Grant commanded at Shiloh or Rosecrans at Stone River yearly passes into "Those low, green tents whose curtains never outward swing."

That between 50,000 and 60,000 veterans die every year is the very best possible index of the physical condition of those who survive. The living are physically but little better off than those who die. From the living ranks must be every year drawn the immense levy of from 50,000 to 60,000 more to die the next year.

Therefore, to reach these men, to do them the justice for which they have long waited, Congressional action can not be too speedy. Its tardiness has left 55,000 to die the past year, going to their graves bereft of that which was rightfully theirs. In their windowless palaces of rest, under the sighing pines, under the tearful willows, they lie far beyond the nation's justice or the nation's gratitude. With the green sod above them, they reck nothing whatever of the "progress of legislation" or the fervid appeals of their friends to the dull ear of the money-seeking age.

In the sickness of heart they have died the death of despair, and Congress can do as little for them as for the dry bones rotting in Valley of Golgotha.

Now it is for Congress to determine how many more myriads of such men, of the men who in the very flower of their young manhood gave everything to the rescue of the country, shall be allowed to perish before it comes to their relief in the fulfillment of promises made in the extremity of the nation's danger. Congress can not give pensions to the more than 50,000 who died last year, to the hundreds of thousands who died in the years immediately preceding last year; it can not give them the food, medicine, shelter, and support which would have in some degree solaced their dreary passage to the grave, but it can do this for the hundreds of thousands who are following their comrades the selfsame way down the valley which leads to the beyond.

It can not diminish the sin of its forgetfulness to those who have already gone, but it can prevent an exaggeration and aggravation of that sin by immediate provision for those who remain.

There are hundreds of thousands of veterans and their widows who see before them only the dark prospect which has closed the career of their predecessors. Every one of them needs the food, medicine, fire, and shelter which their little pensions will provide.

To them this recognition of the value of their services by the Government will bring more cheer and comfort than anything else possibly can. They are old, needy, prematurely broken by reason of what they did for the Government. In their day of strength they supported its weakness and made it the strongest of the powers of the earth, believing that in the days of their weakness, out of its abundant richness and strength, it would care a little for them.

Will the Congress yet do it? It should hasten to perform a gracious act of justice for which there is now the opportunity; but opportunity will quickly pass. Let us have, then, a service-pension bill passed at the earliest possible moment.

Mr. HITT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11287, the consular and diplomatic appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. SNAPP was granted leave of absence for two weeks, on account of important business.

LEAVE TO PRINT.

Mr. HITT. Mr. Speaker, I ask unanimous consent that permission be granted for five days to those Members who have spoken upon the consular and diplomatic appropriation bill to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent for gentlemen who took part in the debate on the consular and diplomatic appropriation bill to extend their remarks in the RECORD. For how long?

Mr. HITT. For five legislative days.

The SPEAKER. For five legislative days. Is there objection? [After a pause.] The Chair hears none.

Mr. DINSMORE. Mr. Speaker, it has been suggested to me that there are two or three gentlemen who would like leave to print aside from those who have already addressed the House. I would like for leave to be extended so as to include them.

Mr. HITT. General leave to print on the diplomatic and consular appropriation bill.

The SPEAKER. The gentleman modifies his request, and asks that leave to print be extended to the membership of the House to print remarks upon the consular and diplomatic appropriation bill for five legislative days.

Mr. HITT. Can we agree upon the time when general debate shall close?

Mr. DINSMORE. Well, Mr. Speaker, I think I shall want two hours more on this side. We could not anticipate the discussion that we got into this morning.

Mr. HITT. Then we will try and agree upon that in the morning.

Mr. WILLIAMS of Mississippi. Mr. Speaker, we have hitherto several times had confusion when the word "days" was used by itself. I suppose the request is for calendar days.

The SPEAKER. "Legislative days" is the way the request was put.

Mr. WILLIAMS of Mississippi. I am not particular about it, Mr. Speaker, but I want it put one way or the other.

Mr. HITT. Is it not true that when a motion is put for so many days it is construed as legislative days and not calendar days?

The SPEAKER. That is a mooted question, but the House deals in legislative days. The Journal deals with legislative days, and the RECORD appears only on legislative days.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I would like to modify the request, making it calendar days. If I can be indulged in a moment, I want to say that I have a resolution before the Committee on Ways and Means to define what the word "days" by itself does mean. It has never been defined thus far. There was a case where a gentleman got leave to print for two or three days before the adjournment on Christmas, and he printed two days after we came back, after everybody had ceased to look for anything of that sort. There ought to be a limit to matters of that kind. I do not care which adjective is put in, but I shall insist that one adjective or the other shall be used, either legislative or calendar days. If the gentleman wants the request for legislative days, I have no objection providing it goes in.

Mr. HITT. I will ask that the request be for five legislative days.

The SPEAKER. Is there objection to the modified request? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. HITT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned until 12 o'clock noon to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for expenses of participation in exposition at Liege, Belgium—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Cooper, administrator of estate of Samuel Cooper, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Horn Island Pass, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting volumes 1 and 2 of the Revised and Annotated Statutes of Oklahoma—to the Committee on the Territories.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 4074) constituting Utica, N. Y., a port of delivery, reported the same with amendment, accompanied by a report (No. 701); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCARTHY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 891) granting certain lots in Gnadenhutten, Ohio, to Gnadenhutten special school district, reported the same without amendment, accompanied by a report (No. 702); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1487) creating an additional land office in the State of North Dakota, reported the same without amendment, accompanied by a report (No. 703); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. POWERS of Maine, from the Committee on the Territories, to which was referred the bill of the House (H. R. 7274) to amend section 76 of an act entitled "An act to provide a government for the Territory of Hawaii," reported the same without amendment, accompanied by a report (No. 704); which said bill and report were referred to the House Calendar.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3341) authorizing the city of Nome, a municipal corporation organized and existing under chapter 21, title 3, of an act of Congress approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome city, in the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 705); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4540) granting a pension to Amanda Skinner, reported the same with amendment, accompanied by a report (No. 674); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4318) granting a pension to David B. Wood, reported the same without amendment, accompanied by a report (No. 675); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3769) granting an increase of pension to Clinton M. Casey, reported the same with amendment, accompanied by a report (No. 676); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6455) granting an increase of pension to Abraham W. Cochran, reported the same without amendment, accompanied by a report (No. 677); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4943) granting an increase of pension to Thomas Morgan, reported the same with amendment, accompanied by a report (No. 678); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11227) granting an increase of pension to George W. Walls, reported the same without amendment, accompanied by a report (No. 679); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10267) granting a pension to Florence R. Russell, reported the same with amendment, accompanied by a report (No. 680); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of House (H. R. 9791) granting a pension to Abram Claypool, reported the same with amendment, accompanied by a report (No. 681); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10640) granting an increase of pension to Horace E. Wood, reported the same without amendment, accompanied by a report (No. 682); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10794) granting an increase of pension to Moses Hurlbut, reported the same without amendment, accompanied by a report (No. 683); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10268) granting a pension to Margaret E. Keller, reported the same with amendment, accompanied by a report (No. 684); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10904) granting

a pension to Edson H. Crawford, reported the same with amendment, accompanied by a report (No. 685); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 859) granting an increase of pension to Andrew Barr, reported the same with amendment, accompanied by a report (No. 686); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1801) granting a pension to James Allen, reported the same with amendment, accompanied by a report (No. 687); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1179) granting an increase of pension to Jasper Richey, reported the same without amendment, accompanied by a report (No. 688); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1352) for the relief of Samuel McClure, reported the same with amendment, accompanied by a report (No. 689); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1317) granting a pension to Thomas E. McIntire, reported the same with amendment, accompanied by a report (No. 690); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8836) granting a pension to Benjamin Pitman, reported the same with amendment, accompanied by a report (No. 691); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8379) granting an increase of pension to I. B. Wambaugh, reported the same with amendment, accompanied by a report (No. 692); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8343) granting a pension to Annie P. Erving, reported the same with amendment; accompanied by a report (No. 693); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7999) granting an increase of pension to David W. Williamson, reported the same without amendment, accompanied by a report (No. 694); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7814) granting an increase of pension to James G. Andrews, reported the same without amendment, accompanied by a report (No. 695); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7712) granting a pension to Emma Crosier, reported the same with amendment, accompanied by a report (No. 696); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7559) granting a pension to Caroline Hurley, reported the same with amendment, accompanied by a report (No. 697); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6911) granting a pension to James H. Weston, reported the same with amendment, accompanied by a report (No. 698); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6817) granting a pension to Rosa Glass, reported the same with amendment, accompanied by a report (No. 699); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2542) granting an increase of pension to James E. Larkin, reported the same without amendment, accompanied by a report (No. 700); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 4194) granting a pension to Elizabeth Neilan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9405) granting a pension to Andrew Long—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11578) granting an increase of pension to Gabriel Stephens—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11646) for the relief of George M. Smith—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 5725) granting a pension to Grace Dressel—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11314) granting a pension to Margaret Flynn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 11669) to repeal certain laws relating to permanent and indefinite appropriation—to the Committee on Appropriations.

By Mr. JONES of Washington (by request): A bill (H. R. 11670) to authorize the Nome Improvement Company to open and improve the mouth of Snake River at Nome, Alaska—to the Committee on Rivers and Harbors.

By Mr. TAWNEY: A bill (H. R. 11671) to provide for the performance, temporarily, of the duties of appraisers and assistant appraisers—to the Committee on Ways and Means.

By Mr. DENNY: A bill (H. R. 11672) to revise the laws of the United States relating to trade-marks—to the Committee on Patents.

By Mr. DIXON: A bill (H. R. 11673) for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment—to the Committee on Indian Affairs.

By Mr. WILSON of Illinois (by request): A bill (H. R. 11674) to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

By Mr. SMALL: A bill (H. R. 11675) to amend the navigation laws and to secure the safety of vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. DIXON: A bill (H. R. 11676) to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

By Mr. ADAMS of Pennsylvania: A bill (H. R. 11677) to provide for the reorganization of the consular service of the United States—to the Committee on Foreign Affairs.

By Mr. GILLETT of Massachusetts: A bill (H. R. 11678) relating to the compensation of Members of Congress—to the Committee on Appropriations.

By Mr. CANDLER: A bill (H. R. 11679) requiring postmasters to affix stamps to letters when sufficient coin accompanies the letters to pay the postage—to the Committee on the Post-Offices and Post-Roads.

By Mr. GILLETT of Massachusetts: A bill (H. R. 11680) to regulate the payment of wages in manufacturing establishments operated by the United States Government in the States—to the Committee on Labor.

By Mr. DAVIS of Minnesota: A bill (H. R. 11810) for the erection of a public building at Red Wing, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. MORRELL: A bill (H. R. 11811) to amend the code of the District of Columbia regarding corporations—to the Committee on the District of Columbia.

By Mr. MARSHALL: A bill (H. R. 11812) relating to applications, declaratory statements, entries, and final proofs under the homestead and other land laws, and to confirm the same in certain cases when made outside of the land district within which the land is situated—to the Committee on the Public Lands.

By Mr. CURRIER: A bill (H. R. 11813) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. BROWNLOW: A bill (H. R. 11814) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. BARTLETT: A resolution (H. Res. 199) of inquiry to the Director of the Census relative to appointment under the act of March 3, 1903—to the Committee on the Census.

By Mr. PEARRE: A resolution (H. Res. 200) referring H. R. 6066, for the relief of the heirs of John D. Clemson, with accompanying papers, to the Court of Claims—to the Committee on Claims.

Also, a resolution (H. Res. 201) requiring the Secretary of the Treasury to reexamine settlement No. 5000, of 1884, reported by him in Senate Executive Document No. 5, Fifty-third Congress, third session—to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 11681) granting an increase of pension to James H. V. Voldo, alias James H. Venier—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 11682) granting an increase of pension to David W. Davison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11683) granting an increase of pension to John H. Gross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11684) granting a pension to Margaret Long Kimmel—to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 11685) to remove the charge of desertion against Henry Wilson and to grant him an honorable discharge—to the Committee on Naval Affairs.

Also, a bill (H. R. 11686) to remove the charge of desertion against Ernest Brockelman and to grant him an honorable discharge—to the Committee on Naval Affairs.

Also, a bill (H. R. 11687) to remove the charge of desertion against P. C. Farrell and to grant him an honorable discharge—to the Committee on Naval Affairs.

Also, a bill (H. R. 11688) granting an increase of pension to Erastus D. Butler—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 11689) granting an increase of pension to James C. Wattleworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11690) granting an increase of pension to Squire J. Carlin—to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 11691) for the relief of John D. Ryan, of Meridian, Miss.—to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 11692) granting a pension to Mary J. Neely—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 11693) granting an increase of pension to Henry C. Johnson—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 11694) granting a pension to George R. Millen—to the Committee on Pensions.

By Mr. DEEMER: A bill (H. R. 11695) granting an increase of pension to Fannie B. Pitts—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 11696) granting a pension to Aglionby Montgomery—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 11697) granting a pension to G. W. Gosnell—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 11698) for the relief of Thomas M. Lippitt—to the Committee on Naval Affairs.

By Mr. HINSHAW: A bill (H. R. 11699) granting an increase of pension to Abraham A. Croy—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 11700) granting an increase of pension to John Toadvine—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 11701) for the relief of John R. Switzer—to the Committee on War Claims.

Also, a bill (H. R. 11702) for the relief of James Y. Pitts—to the Committee on War Claims.

Also, a bill (H. R. 11703) for the relief of the legal representative of Richard Henderson—to the Committee on War Claims.

Also, a bill (H. R. 11704) for the relief of the legal representative of Farley C. Sims—to the Committee on War Claims.

Also, a bill (H. R. 11705) for the relief of A. Q. Thompson—to the Committee on War Claims.

Also, a bill (H. R. 11706) for the relief of Charles A. Parkins—to the Committee on War Claims.

By Mr. KETCHAM: A bill (H. R. 11707) authorizing the appointment of Capt. Theodore Frederick Kane, a captain on the retired list of the Navy, to be a rear-admiral on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 11708) to correct the military record of John H. Hoagland—to the Committee on Military Affairs.

By Mr. LOVERING: A bill (H. R. 11709) granting a pension to Kate Howard—to the Committee on Pensions.

Also, a bill (H. R. 11710) granting an increase of pension to James F. Walsh—to the Committee on Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 11711) granting an increase of pension to Jerome J. Hinds—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 11712) for the relief of Henry L. Hawkins—to the Committee on Claims.

Also, a bill (H. R. 11713) granting an honorable discharge to Joseph Zuleger—to the Committee on Military Affairs.

Also, a bill (H. R. 11714) to remove the charge of desertion from the record of James D. Moyer—to the Committee on Military Affairs.

Also, a bill (H. R. 11715) to remove the charge of desertion from the record of Peter Ehrstine—to the Committee on Military Affairs.

Also, a bill (H. R. 11716) to remove the charge of desertion from the record of Madison Waldron—to the Committee on Military Affairs.

Also, a bill (H. R. 11717) to remove the charge of desertion from the record of Anton Smith, alias Charles Roehmer—to the Committee on Military Affairs.

Also, a bill (H. R. 11718) to remove the charge of desertion from the record of Albert W. Keller—to the Committee on Military Affairs.

Also, a bill (H. R. 11719) granting a pension to Elizabeth Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11720) granting a pension to D. M. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11721) granting a pension to Lucretia Bartlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11722) granting a pension to Hattie E. McLain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11723) granting a pension to Adam Maurer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11724) granting a pension to John Mendenhall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11725) granting a pension to Robert T. Knox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11726) granting a pension to Robert D. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11727) granting a pension to Harriett Zimmerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11728) granting a pension to Jennie Fishbaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11729) granting a pension to Ellwood Mullin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11730) granting a pension to James Pusey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11731) granting an increase of pension to Konrad Schleicher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11732) granting a pension to Georgiana Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11733) granting an increase of pension to Job S. Inman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11734) granting an increase of pension to John Clifford—to the Committee on Pensions.

Also, a bill (H. R. 11735) granting an increase of pension to Eugene Orr, alias Charles Southard—to the Committee on Pensions.

Also, a bill (H. R. 11736) granting an increase of pension to James Willson—to the Committee on Pensions.

Also, a bill (H. R. 11737) granting an increase of pension to Philip Gavin—to the Committee on Pensions.

Also, a bill (H. R. 11738) granting an increase of pension to James M. Lowder—to the Committee on Pensions.

Also, a bill (H. R. 11739) granting an increase of pension to Charles H. Leaman—to the Committee on Pensions.

Also, a bill (H. R. 11740) granting an increase of pension to Henry Adler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11741) granting a pension to Justine F. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11742) granting an increase of pension to Andrew J. Cassity—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11743) granting an increase of pension to Charles H. Baird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11744) granting an increase of pension to Harley H. Sage—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11745) granting an increase of pension to Jacob Wittenbach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11746) granting an increase of pension to Isaiah Waltman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11747) granting an increase of pension to William A. Ewing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11748) granting an increase of pension to Edward E. Curran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11749) granting an increase of pension to Cornelius O'Shea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11750) granting an increase of pension to Rolon M. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11751) granting an increase of pension to Charles F. Kimmel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11752) granting an increase of pension to John M. Chandler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11753) granting an increase of pension to Nicholas H. Karns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11754) granting an increase of pension to Benton Eichelberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11755) granting an increase of pension to Milton Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11756) granting an increase of pension to John M. Buxton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11757) granting an increase of pension to John Hiller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11758) granting an increase of pension to John W. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11759) granting an increase of pension to Thomas B. Callahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11760) granting an increase of pension to James Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11761) granting an increase of pension to Edward M. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11762) granting an increase of pension to John McCarthy—to the Committee on Pensions.

Also, a bill (H. R. 11763) granting an increase of pension to Michael Newman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11764) granting an increase of pension to Patrick H. Bergen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11765) granting an increase of pension to Andrew J. Crisman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11766) granting an increase of pension to Thomas C. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11767) granting an increase of pension to George Kauffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11768) granting an increase of pension to George W. Purcell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11769) granting an increase of pension to George Hallick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11770) granting an increase of pension to Samuel W. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11771) granting an increase of pension to Joseph Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11772) granting an increase of pension to W. H. H. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11773) granting an increase of pension to Thomas W. Gibbons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11774) granting an increase of pension to Marshall Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11775) granting an increase of pension to William D. Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11776) granting an increase of pension to Hugh Mooney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11777) granting an increase of pension to Thomas McHose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11778) granting an increase of pension to John Gragan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11779) granting an increase of pension to Jackson Weathers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11780) granting an increase of pension to Thomas Case—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11781) granting an increase of pension to William H. Bridgman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11782) granting an increase of pension to Fleming Crump—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11783) granting an increase of pension to Alfred W. Morley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11784) granting an increase of pension to Adam Walter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11785) granting an increase of pension to Jefferson R. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11786) granting an increase of pension to David Peters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11787) granting an increase of pension to Benjamin F. Weimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11788) granting an increase of pension to Henry L. Kyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11789) granting an increase of pension to David W. Swigert—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 11790) granting an increase of pension to George W. Weidman—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 11791) for the relief of Revilow N. Spohn—to the Committee on Claims.

By Mr. RIDER: A bill (H. R. 11792) granting an increase of pension to Anton Mazzanovich—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 11793) granting an increase of pension to August Henning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11794) granting a pension to J. M. Jordan—to the Committee on Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 11795) granting a pension to Lemuel J. Ward—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 11796) granting a pension to Catharine Darr—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 11797) granting a pension to Francis A. M. Pattee—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 11798) granting an increase of pension to Barton A. Holland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11799) granting a pension to Mary Austin—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 11800) for relief of William H. W. Krebs, late first lieutenant, Seventeenth Infantry, United States Army—to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 11801) for the relief of the estate of James McDonough, deceased, late of Chambers County, Ala.—to the Committee on War Claims.

Mr. GOLDFOGLE: A bill (H. R. 11802) for the relief of Adolph Spiegel, as the successor of the firm of Spiegel, Finkelstein & Co.—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 11803) granting an increase of pension to Ross R. Sanner—to the Committee on Invalid Pensions.

By Mr. TAYLOR: A bill (H. R. 11804) for the relief of the legal representatives and assignees of Silvain Nicholas and Regis Durette—to the Committee on the Public Lands.

By Mr. HITCHCOCK: A bill (H. R. 11805) for the relief of the members of the First, Second, and Third Marine Corps, and for other purposes—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 11806) granting a pension to Napoleon B. Greathouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11807) granting a pension to Elijah Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11808) granting a pension to Monroe C. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11809) for the relief of John, alias Henry, Ridenbaugh, of Pinckneyville, Ill.—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of W. R. Bonham and 12 other voters, James L. Wilcox and 7 other voters, T. M. Ewing and 27 other voters, J. M. Hutchison and 11 other voters, David S. McCaslin and 63 other voters, and Henry S. Perkins and 99 other voters, all of Hoopston, Ill., praying for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, memorial of the board of directors of the Chicago Board of Trade, praying for legislation for the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, memorial of Kit Carson Post, No. 2, Grand Army of the Republic, of Washington, D. C., praying for the passage of the bill S. 3458—to the Committee on Invalid Pensions.

By Mr. BABCOCK: Papers to accompany bill H. R. 2005, granting an increase of pension to Alexander J. Hood—to the Committee on Invalid Pensions.

By Mr. BASSETT: Resolution of New York Board of Trade and Transportation, relative to the harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

By Mr. BEDE: Petition of residents of Northome, Minn., relative to amending section 2294 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. BIRDSALL: Petition of H. A. Clark and others, of Franklin County, Iowa, protesting against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER of Pennsylvania: Resolution of Wilde Post, No. 25, Grand Army of the Republic, of Chester, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BYRD: Petition of G. B. Harper, administrator, pray-

ing reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. CALDERHEAD: Resolution of Abilene Post, No. 63, Grand Army of the Republic, Department of Kansas, indorsing bills H. R. 5813 and 7873, relative to service pension—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Paper to accompany bill to correct the military record of Rankin A. Hutsell—to the Committee on Military Affairs.

Also, papers to accompany bill granting pension to Mary J. Neely—to the Committee on Invalid Pensions.

By Mr. COUSINS: Petition of W. S. Marshall and 15 others, of Toledo, Iowa, and Iowa Soldiers' Home and 44 others, of Marshalltown, Iowa, in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of Marvin Mills Post, No. 212, of Central City, Iowa, and William Carbee Post, No. 270, of Springville, Iowa, Grand Army of the Republic, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, letter of J. M. Carney, of Gilman, Iowa, urging the passage of the post-check bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DANIELS: Paper to accompany bill H. R. 10196, granting an increase of pension to Adam L. Bourquin—to the Committee on Invalid Pensions.

Also, papers to accompany claim of George R. Millen—to the Committee on Pensions.

Also, petitions of Rev. B. F. Hewlett and 7 others, Rev. W. F. Binney and 40 others, R. B. Larkin and 25 others, and William Kaiser and 6 others, citizens of Ontario, Cal., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DEEMER: Resolution of Major Keenan Post, No. 349, of Jersey Shore, Pa., and Reno Post, No. 64, Department of Pennsylvania, Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Cigar Makers' Union No. 9, of Troy, N. Y., in favor of the enactment of bill H. R. 6—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Chicago wholesale merchants, in opposition to a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLESPIE: Petition of W. L. Taylor and 103 voters of Springtown, Tex., urging passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HASKINS: Resolution of William C. Tracy Post, No. 35, and Orville Bixby Post, No. 93, Grand Army of the Republic, Department of Vermont, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of H. D. Dye and 61 others, of Humeston, Iowa, in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Resolution of Captain Andrew Caillaux Post, No. 119, Grand Army of the Republic, Department of New Jersey, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HUFF: Paper to accompany bill H. R. 3907, for the relief of W. Scott King—to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: Petition of Rev. G. W. Smith and 43 others, of Passaic, N. J., in favor of the enactment of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KETCHAM: Resolution of the board of supervisors of Greene County, N. Y., favoring passage of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. LAFEAN: Resolution of James Dixon Post, No. 83, Grand Army of the Republic, of Fairfield, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of residents of McSherrystown, Pa., and vicinity, praying for the passage of bill H. R. 6—to the Committee on Ways and Means.

By Mr. LLOYD: Petition of Ministerial Alliance of Hannibal, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of J. L. Wett and 13 others, of Granger, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PATTERSON of Pennsylvania: Papers to accompany bill granting increase of pension to George W. Weidman—to the Committee on Invalid Pensions.

By Mr. PINCKNEY: Petition of C. D. Robinson and 83 voters of Hempstead, Tex., urging passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RIDER: Petition of wholesalers against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of New York Board of Trade and Transportation, relative to the harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. RIXEY: Papers to accompany claim of Samuel D. Fisher—to the Committee on War Claims.

Also, letter to accompany bill granting a pension to J. M. Jordan—to the Committee on Pensions.

By Mr. SMALL: Papers to accompany claim of Harmon Modlin, sr.—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: Resolutions of John J. Bagley Post, No. 97, and William H. Borden Post, No. 211, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of Men's Club of First Methodist Episcopal Church of St. Paul, Minn., relative to the nullification of State liquor laws—to the Committee on the Judiciary.

Also, petition of Men's Club of First Methodist Episcopal Church of St. Paul, Minn., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULLIVAN of New York: Resolution of the Merchants' Association of New York, relative to irrigation—to the Committee on Irrigation of Arid Lands.

Also, resolution of the New York Board of Trade and Transportation, relative to the harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of Outdoor Art League of California, relative to the preservation of the big trees of California—to the Committee on the Public Lands.

By Mr. THAYER: Resolutions of George D. Wells Post, No. 28, of West Boylston, and of Rowse R. Clark Post, No. 167, Whitensville, Mass., Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Resolution of Edward Pomeroy Post, No. 48, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of Edward Elijah Frank, asking protection of the Jewish race—to the Committee on Foreign Affairs.

Also, resolution of New York Board of Trade and Transportation, relative to harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of John Kissel & Son, of Brooklyn, N. Y., asking for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, resolution of Merchants' Association of New York, for the repeal of the desert-land act—to the Committee on the Public Lands.

By Mr. WRIGHT: Resolution of Saxton Post, No. 65, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *February 4, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

WALES ISLAND PACKING COMPANY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a memorial of the Wales Island Packing Company, a corporation organized under the laws of the State of New York and engaged in the business of fishing and canning salmon and other fish, whose establishments and interests on Wales Island have, by a decision of the Alaskan Boundary Tribunal, been placed on the Canadian side of the boundary, and stating their losses by this decision; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

STATUTES OF OKLAHOMA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, volumes 1 and 2 of the Revised and Annotated Statutes of Oklahoma for the year 1903; which, with the accompanying volumes, was referred to the Committee on Territories.

HOWARD UNIVERSITY IMPROVEMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter

from the Secretary of the Interior submitting an estimate of appropriation, $2,000, to provide additional fire escapes for Howard University, and to improve the condition of the buildings to provide against danger from fire and panic; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of C. W. Sawyer Post, No. 17, Department of New Hampshire, Grand Army of the Republic, of Dover, N. H., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented the petition of Rev. Willis M. Cleaveland, pastor of the Methodist Church of Winchester and Westport, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of the First Battalion of the Ohio Naval Brigade, of Toledo, Ohio, praying that an appropriation be made to locate the proposed naval training station on the Great Lakes on Put in Bay, Lake Erie; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Union Iron Works, of San Francisco, Cal., praying for the enactment of legislation relative to the loss incurred by the builders of the torpedo boats and torpedo-boat destroyers; which was referred to the Committee on Claims.

Mr. HOAR presented a petition of Albert W. Burton Camp, No. 83, Sons of Veterans, of Plainville, Mass., praying for the enactment of legislation providing for the establishment of a Branch Home in the State of Florida for disabled volunteer soldiers, sailors, and marines; which was referred to the Committee on Military Affairs.

He also presented a petition of the Young Men's Club; of Boston Highlands Methodist Episcopal Church, of Dorchester, Mass., and a petition of the Independent Order of Good Templars of Pittsville, Wis., praying for the enactment of legislation to regu'ate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of Cigar Makers' International Union No. 97, American Federation of Labor, of Boston, Mass., praying for the passage of the so-called "anticoupon bill" relating to tobacco; which was referred to the Committee on Finance.

He also presented petitions of the Union Veterans' Union of Chelsea; of McPherson Post, No. 73, of Abington; of H. H. Legge Post, No. 25, of Uxbridge; of Prentiss M. Whiting Post, No. 192, of Massachusetts; of Burbank Post, No. 33, of Woburn; of William Logan Rodman Post, No. 1, of New Bedford; of Rowsee R. Clark Post, No. 167, of Whitinsville; of George D. Wells Post, No. 28, of West Boylston; of J. P. Gould Post, No. 75, of Stoneham; of E. P. Carpenter Post, No. 91, of Roxboro; of Francis Washburn Post, No. 92, of Brighton; of John A. Andrew Post, No. 15, of Boston; of Post No. 6, of Hollist n; of E. J. Griggs Post, No. 97, of Belchertown; of Otis W. Wallace Post, No. 106, of New Bedford, and of R. H. Pierce Post, No. 190, of New Bedford, all of the Department of Massachusetts, Grand Army of the Republic, in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. GIBSON (for Mr. CLARK of Montana) presented a petition of the Retail Grocers' Association of Cascade County, Mont., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also (for Mr. CLARK of Montana) presented a memorial of the Woman's Christian Temperance Union of Butte, Mont., remonstrating against the enactment of legislation to unite the Indian Territory with Oklahoma, and praying for the enactment of legislation making the Indian Territory a separate prohibition State; which was referred to the Committee on Territories.

He also (for Mr. CLARK of Montana) presented a petition of the Woman's Christian Temperance Union of East Helena, Mont., and a petition of the Woman's Christian Temperance Union of Livingston, Mont., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also (for Mr. CLARK of Montana) presented a petition of the Business Men's Association of Helena, Mont., praying that an appropriation be made in aid of the Lewis and Clark Centennial Exposition; which was ordered to lie on the table.

He also (for Mr. CLARK of Montana) presented a petition of Steadman Post, No. 8, Department of Montana, Grand Army of the Republic, of Dillon, Mont., and a petition of George B. McClellan Post, No. 24, Department of Montana, Grand Army of the Republic, of Columbia Falls, Mont., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. PLATT of New York presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation providing for the removal of derelicts; which was ordered to lie on the table.

Mr. FORAKER presented petitions of Andrew Crawford Post, No. 6, of New Philadelphia; of Giddings Post, No. 7, of Jefferson; of Bond Post, No. 24, of Grand Rapids; of Eadie Post, No. 37, of Cuyahoga Falls; of James Price Post, No. 50, of Westerville; of Eaton Post, No. 55, of Clyde; of Choate Post, No. 66, of Napoleon; of Andrew G. Austin Post, No. 74, of Willoughby; of Hiram Kile Post, No. 80, of Andover; of Hamilton Post, No. 90, of Bradner; of Revel Post, No. 85, of Delphos; of Wetzel-Compton Post, No. 96, of Hamilton; of McLaughlin Post, No. 131, of Mansfield; of J. K. Rochester Post, No. 140, of Logan; of Memorial Post, No. 141, of Cleveland; of Harker Post, No. 146, of Shelby; of Runyan Post, No. 147, of New London; of Joy Post, No. 152, of Pioneer; of Alexander Mitchell Post, No. 158, of Piqua; of Bailey Post, No. 164, of Portsmouth; of Dick Lambert Post, No. 165, of Ironton; of Carey Post, No. 173, of Carey; of Maxwell Post, No. 176, of Kingston; of Harrod-McDaniel Post, No. 181, of Fort Recovery; of Granville Thurston Post, No. 213, of Lebanon; of Denison Post, No. 251, of Hanoverton; of Miller Post, No. 270, of Navarre; of Armstrong Post, No. 278, of Hayesville; of Henry Harriman Post, No. 334, of West Mansfield; of James Smith Post, No. 337, of Wellston; of Cambridge Post, No. 343, of Cambridge; of Burnham Post, No. 358, of Madison; of Henry Lincoln Post, No. 364, of Oberlin; of Brooklyn Post, No. 368, of Cleveland; of Wilmot Post, No. 384, of Wilmot; of John Rowles Post, No. 411, of Bremen; of Townsend Post, No. 414, of East Townsend; of Major Cass Post, No. 415, of Dresden; of Barlow Post, No. 434, of Barlow; of Frank H. Woods Post, No. 443, of Felicity; of G. W. Larimore Post, No. 445, of Versailles; of J. J. McCready Post, No. 456, of Cadiz; of James Allton Post, No. 488, of Moxahala; of Foltz and Shepard Post, No. 507, of McClure; of Boggs Post, No. 518, of Huntsville; of Jacob Young Post, No. 539, of Fredericktown; of Whitman Post, No. 604, of Rising Sun; of Harry Davis Post, No. 612, of Woodstock; of Parmerlee-Horn Post, No. 622, of Lewisburg; of Van Wert Post, No. 627, of Ohio City; of C. W. McNeill Post, No. 645, of Frankfort; of Zetus Richards Post, No. 681, of Havana; of Wallace McNeal Post, No. 687, of Iberia; of John H. Robinson Post, No. 697, of Staunton; of Gurney Post, No. 701, of Thompson; of Wesley Kibby Post, No. 708, of North Ridgeville, and of Lew Bowker Post, No. 725, of Farmer, all of the Department of Ohio, Grand Army of the Republic, in the State of Ohio, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. PENROSE presented a memorial of sundry citizens of Philadelphia, Pa., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Philadelphia, Pa., remonstrating against the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented petitions of Eli T. Connor Post, No. 177, of Lansford; of Captain Walter S. Newhall Post, No. 7, of Philadelphia; of Admiral Dupont Post, No. 24, of Philadelphia; of Anna M. Ross Post, No. 94, of Philadelphia; of Lieutenant Josiah Baughman Post, No. 131, of Everett; of Lieutenant S. C. Potts Post, No. 62, of Altoona; of Amos Kiser Post, No. 475, of Shippensville; of Post No. 10, of Philadelphia; of Kennedy Post, No. 490, of Mount Holly Springs; of Burnside Post, No. 92, of Mount Carmel; of Colonel Fred Taylor Post, No. 19, of Philadelphia; of George H. Thomas Post, No. 84, of Lancaster, and of Post No. 293, of Houtzdale, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. McCOMAS presented a petition of Reno Post, No. 4, Department of Maryland, Grand Army of the Republic, of Hagerstown, Md., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. PATTERSON presented a petition of the congregation of the Methodist Episcopal Church of Evans, Colo., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. SPOONER presented a petition of the Emily Bishop League, of Madison, Wis., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. MITCHELL presented a petition of the Northwest Fruit

Growers' Association, of Portland, Oreg., praying for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

Mr. DUBOIS presented petitions of George H. Thomas Post, No. 9, Department of Idaho, Grand Army of the Republic, of Pocatello; of E. D. Baker Post, No. 6, Department of Idaho, Grand Army of the Republic, of Hailey, and of McKinley Post, No. 30, Department of Idaho, Grand Army of the Republic, of Soda Springs, all in the State of Idaho, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of the Fortnightly Club, of Hailey, Idaho, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. FRYE presented a petition of the National Board of Trade, praying that the extension of the navigation laws to the Philippine Islands be made effective July 1, 1904; which was referred to the Committee on the Philippines.

He also presented a petition of the Woman's Christian Temperance Union of Post Creek, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Bethel Presbyterian Church, of Reno, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

COMPILATION OF NAVAL LAWS.

Mr. HALE. I move that Senate Document No. 100, Fifty-eighth Congress, second session, being a compilation of the annual naval laws from 1883 to 1903, including provisions for the construction of all vessels of the new Navy, together with additional matter, be reprinted.

The motion was agreed to.

AIDS TO NAVIGATION IN ALASKAN WATERS.

Mr. NELSON. I have an important letter from the Light-House Board, inclosing a copy of the joint report of the inspector and engineer of the thirteenth light-house district, relative to the need of additional aids to navigation in Alaskan waters. I move that the communication and accompanying report be printed as a document and referred to the Committee on Commerce.

The motion was agreed to.

CHIPPEWA INDIANS IN MINNESOTA.

Mr. CLAPP. I move that House Executive Document No. 247, Fifty-first Congress, first session, being a message from the President of the United States transmitting a communication from the Secretary of the Interior relative to the Chippewa Indians in the State of Minnesota, be printed as a document, as there is but one copy left in the document room.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 3427) to authorize the Williamson Coal Company (Incorporated) to bridge the Tug Fork of the Big Sandy River near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, reported it without amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 10418) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 1257) to remove the charge of desertion from the military record of George F. Harter, reported it with an amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Commerce, to whom was referred the bill (S. 1419) to fix the salary of the collector of customs of Omaha, Nebr., reported it with amendments, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 2817) to remove the charge of desertion against George W. Posey, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the bill (S. 907) to establish on the coast of the State of California a station for the investigation of problems connected with the marine fishery interests of that region, reported it without amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on the District of Columbia, to whom was referred the bill (S. 3456) to distinctively designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes, reported it without amendment, and submitted a report thereon.

COLLECTOR OF CUSTOMS AT PORTSMOUTH, N. H.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2916) fixing the salary of the collector of customs at Portsmouth, N. H., to report it with an amendment in the nature of a substitute. As it is a bill that it will take but a moment to consider, and it is recommended by the Secretary of the Treasury, I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Commerce was, to strike out all after the enacting clause and insert:

That section 2659 of the Revised Statutes be, and the same is hereby, amended by striking therefrom the words "to the collector for the district of Portsmouth, N. H., 1½ per cent."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 2659 of the Revised Statutes, relating to compensation of collectors of customs."

CENSUS STATISTICS OF MANUFACTURES.

Mr. QUARLES. The Committee on the Census authorize me to make a favorable report on the joint resolution (S. R. 39) directing the Director of the Census to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures; and in view of the importance of speedy action, the committee having reported a bill as a substitute, I ask unanimous consent for the present consideration of the bill so reported by the committee.

The bill (S. 4122) to direct the Director of the Census to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures, and for other purposes, was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Director of the Census is hereby authorized and instructed to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures, the results of which may be accepted by the United States as its census of manufactures for that State for the year 1905: *Provided*, That the expenditures incident to this cooperation shall not exceed $20,000, such expenditures to be paid from the fund appropriated for the expenses of field work of the census for the fiscal year ending June 30, 1905. And the Director of the Census in such work shall cooperate with the State of Michigan and in like work may in his discretion cooperate with other States which take a like census at a different time from that provided by the Federal census.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTUS. I should like to have information from the Senator in charge of the bill. Why the necessity for it?

Mr. QUARLES. The ninth section of the act creating a permanent Census Bureau requires the Director of the Census to collect statistical information regarding manufactures in the year 1905. The constitution of Michigan requires that State to collect the same information during the latter half of 1904. The secretary of state of the State of Michigan made application to the Director of the Census, saying that inasmuch as precisely the same collection of information was to be made by the State within a few months of the time when the Government was required under the act to gather the same information, it would be better and more economical to have a practical cooperation between the State and the Federal authorities, each agreeing to share one-half of the expense.

It was explained furthermore that by that means we would get much more ample information from the manufacturers. There are certain local difficulties and friction in the State of Michigan regarding the taxation of corporations which make the manufacturers very reluctant to give out certain information, and they would give that to the Federal authorities readily, while they might withhold it from the State authorities.

Then it was thought by the Director of the Census that if within a few months of the time the Michigan authorities made this collection the Government should go to collect the same information over the same field, the Government would not obtain as thorough information as it would obtain by this practical cooperation. So,

in short, we concluded that we would get a better census of manufactures for less money by such practical cooperation.

Mr. HOAR. I should like to ask the Senator from Wisconsin if the question has been called to his attention or that of his committee as to whether there are any other States which may be in the same condition? I have not had occasion to look up the matter lately, but we shall take in Massachusetts a census in the year 1905, and we have heretofore always had some provision for cooperation with the Government to some extent in that business. I dare say that is already provided for.

Mr. QUARLES. It is provided for, Mr. President; and in this very bill the Director is authorized in his discretion to cooperate with other States that take censuses at a different time from that prescribed in the act.

Mr. HOAR. I said that we had heretofore cooperated in the census. I think I was mistaken in saying that. I think the cooperation I had in mind was cooperation with the Coast Survey and other branches.

Mr. QUARLES. We have anticipated the very case suggested by the Senator from Massachusetts.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALLISON. I should be glad if the bill would go over for a day. I see that it is a bill applicable to the State of Michigan alone.

Mr. QUARLES. The Senator from Iowa will permit me to suggest that he is mistaken in that regard. The last clause of the bill, having in mind Massachusetts and two or three other States, provides that the Director may in his discretion cooperate in like manner with other States that take this midway census.

Mr. ALLISON. May I ask the Senator what has become of the statute which provided, some years ago, for this cooperation? Was that repealed by the census act of 1900?

Mr. QUARLES. I understand so, Mr. President. I understand that that act now occupies the field entirely.

Mr. ALLISON. I think this is a very excellent arrangement, but I do not see why it should be applicable to any particular State. The State of Iowa had an intermediate census in 1895, and it will have one in 1905. There was a statute which authorized its cooperation and also authorized some division of the expenditures. Under our State law, and under the constitution, I believe, we take this census in the middle period between the national censuses. If the bill covers the case, very well; but I do not see why it should be made applicable to a particular State without embracing all the States in the same way. This bill is not in print. I do not desire to make any objection to its consideration, and if there is pressure about it so that it should pass this morning, I shall not object to it.

Mr. QUARLES. There is. The authorities of Michigan are very anxious to know whether Congress will favor this scheme. Their time is very short and they instructed me if possible to get this measure through the Senate this morning.

Mr. ALLISON. Is there a specific appropriation here?

Mr. QUARLES. I assure the Senator that Iowa and Massachusetts were in the minds of the committee when the bill was considered; and in my judgment it covers the case fully.

Mr. ALLISON. It may be; I do not know that it does.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to direct the Director of the Census to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures, and for other purposes."

Mr. ALLISON. I enter a motion to reconsider the vote by which the bill was passed, and I will look at it later.

Mr. COCKRELL. Let it be printed as it has been passed.

The PRESIDENT pro tempore. The bill will be printed under the rule.

Mr. ALLISON subsequently said: This morning I entered a motion to reconsider the vote by which the Senate passed Senate bill 4122. I should be glad to have the motion reconsidered now. The Senator from Wisconsin has an amendment to offer to the bill which settles the question I have in my mind.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent to reconsider the votes by which the bill was read a third time and passed. Is there objection? The Chair hears none, and the votes are reconsidered.

Mr. QUARLES. I offer the amendment which has been agreed upon.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following words:

or at any time during the current year 1905 and decennially thereafter.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The joint resolution (S. R. 39) directing the Director of the Census to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures was indefinitely postponed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4099) granting an increase of pension to James Hassan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4100) to acquire certain ground for a Government reservation; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WARREN introduced a bill (S. 4101) granting an increase of pension to James H. Cate; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4102) for the relief of Louisa McCall, administratrix, and so forth; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4103) granting an increase of pension to John W. Rulette;

A bill (S. 4104) granting a pension to Annie G. Norwood; and

A bill (S. 4105) granting an increase of pension to Josiah B. Ross (with accompanying papers).

Mr. GALLINGER. I introduce two bills, one of them drafted by the Commissioners of the District of Columbia and the other handed me by a citizen of the District.

Mr. President, I wish simply to make the statement that in introducing such bills I do not want to have it understood by the citizens of the District that I always indorse them. The Commissioners draft a very large number of bills and send them to me as chairman of the committee, and of course I present them to the Senate. The idea goes out in the District that they are my bills, and I am flooded with requests for hearings and letters concerning them. I wish simply to disabuse the minds of the citizens of the District on that point.

The bill (S. 4106) to regulate the operation of street railways in the District of Columbia, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (S. 4107) to establish a public park on Columbia Heights and to make a new street on its western boundary was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a bill (S. 4108) granting a pension to Elvira M. Anderson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4109) granting a pension to Solomon F. Wehr; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4110) for the relief of John M. Follett; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 4111) for the relief of the estate of Samuel Smith, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4112) for the relief of the estate of Charles Wood, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4113) to authorize the Secretary of the Treasury to adjust the accounts of the Grand Rapids and Indiana Railway Company for transporting the United States mails; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PATTERSON introduced a bill (S. 4114) granting an increase of pension to John Wilder; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4115) granting an increase of pension to Charles Church; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 4116) for the relief of the estate of Rudolph Lobsiger, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4117) to pay the members of the plumbing board of the District of Columbia from April 27, 1893,

to July 1, 1898; which was read twice by its title, and referred to the Committee on Claims.

Mr. SIMMONS introduced a bill (S. 4118) authorizing the Commissioner-General of Immigration, under the direction of the Secretary of Commerce and Labor, to establish in connection with the immigrant station at Ellis Island an information and display bureau, for the purpose of aiding in the distribution of immigrants, and for other purposes; which was read twice by its title, and referred to the Committee on Immigration.

Mr. BALL introduced a bill (S. 4119) to refer the claims for the *Saugus* and *Napa* to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 4120) for the relief of Thomas J. Miller; which was read twice by its title, and referred to the Committee on Claims.

Mr. KEARNS introduced a bill (S. 4121) granting an increase of pension to James D. Beasley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 4123) granting an increase of pension to George Simms; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 4124) to authorize the construction of a bridge across the Missouri River between Wanbliska, in Burleigh County, and Morton County, in the State of North Dakota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WARREN introduced a joint resolution (S. R. 41) to provide for the printing of a digest of the decisions of the Court of Claims, together with the rules of practice of and the statutes relating to that court; which was read twice by its title, and referred to the Committee on Printing.

Mr. QUARLES introduced a joint resolution (S. R. 42) authorizing and directing the Secretary of War to cause a survey and examination to be made of the harbor at Oconto, Wis., with a view to securing a depth of 18 feet of water and the necessity for providing an interior basin at the mouth of the river; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a joint resolution (S. R. 43) to provide for the printing of 3,500 copies of the report of the Isthmian Canal Commission; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. QUARLES submitted an amendment providing for the payment, out of any available fund of the Cherokee Nation of Indians in the Treasury of the United States, to R. O. Evans & Co., of Green Bay, Wis., of the sum of $3,780, said amount being in full payment for maps furnished said tribe of Indians at the request of the council of said Cherokee Nation, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FAIRBANKS. I move that the amendment submitted by myself on the 18th ultimo proposing to appropriate $20,000 for experimental telephone delivery of special rural mail matter, intended to be proposed to the post-office appropriation bill, which was ordered to lie on the table, be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

AMERICAN INSTITUTE IN PARIS, FRANCE.

On motion of Mr. FRYE, it was

Ordered, That there be printed 500 copies of Senate Document No. 398, Fifty-sixth Congress, first session, 300 copies for the Senate document room and 200 copies for the use of the State Department, together with the maps and illustrations.

RECESS APPOINTMENTS.

Mr. PENROSE. I ask unanimous consent to call up the bill (S. 3905) to establish aids to navigation in Delaware Bay and River.

Mr. HALE. Mr. President, it is very desirable to finish the urgent deficiency appropriation bill. We almost finished it last night. There is only one amendment remaining over.

Mr. PENROSE. I will withdraw my request, then.

Mr. HALE. If the Senator will wait until we get the appropriation through, I shall be very much obliged.

Mr. PENROSE. Very well.

The PRESIDENT pro tempore. The Chair is obliged to lay before the Senate the resolutions offered by the Senator from South Carolina [Mr. TILLMAN].

The SECRETARY. Senate resolution No. 114, by Mr. TILLMAN, instructing the Secretary of the Treasury to send to the Senate information in regard to the appointment of William D. Crum as collector of the port of Charleston, S. C.

Mr. TILLMAN. I ask that the other resolution, instructing the Judiciary Committee, be also laid before the Senate.

The PRESIDENT pro tempore. It is being laid before the Senate.

The SECRETARY. Senate resolution 120, by Mr. TILLMAN, authorizing and directing the Committee on the Judiciary to report what constitutes a recess of the Senate, etc.

Mr. HALE. Before the resolution is proceeded with, I will state that the Senator from South Carolina yesterday very indulgently gave way to the appropriation bill, which we expected to finish and which was entirely finished with the exception of one amendment. Does the Senator want to go on with this matter, which has the right of way, undoubtedly?

Mr. TILLMAN. If I could have any assurance that the appropriation bill would be disposed of without any considerable loss of time, I would not hesitate for a moment to give way, but I have no idea that it is going to get through in the morning hour, and then I would be out of place again. I have given way so often, and have been so long-suffering in this matter, that I hope the Senator from Maine will let us take it up and get through with it. The appropriation bill is not so urgent but that it can wait until it comes up as the regular business.

Mr. HALE. The Senator has the right of way, and I shall not importune him in the matter. He very kindly yesterday gave way. I should like to go on and finish the appropriation bill.

Mr. TILLMAN. I gave way the day before, the Senator will recollect, for two speeches. In fact, I have given way so often that I have not kept track of the number of times.

Mr. HALE. Everybody has to give way to a speech. The Senator understands that that is always the case. That not only has the right of way, but it is ever present with us.

Mr. TILLMAN. Possibly. I have a speech now that I want to get off which I have been preparing for some time. So under that rule I would have the right of way doubly.

Mr. HALE. I shall not urge the Senator. He has the right of way undoubtedly. I will get the deficiency appropriation bill up just as soon as I can after he gets through.

Mr. PROCTOR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Vermont?

Mr. PROCTOR. I have a letter from the Secretary of War bearing on this resolution in regard to the recess, and which I ask that the Secretary may read, and that it may go into the RECORD and may also be printed as a Senate document.

Mr. TILLMAN. I ask the Senator from Vermont to just withhold that request for a little while until I have laid a framework or presented the real issue involved here. As I understand it, this paper is in the nature of an explanation and a defense of his action by the Secretary of War, and it would come in much better after the indictment or the statement of facts is presented to the Senate. At least I prefer that course rather than that it should come in now.

Mr. PROCTOR. It strikes me that the reasons for this action naturally are the affirmative and should properly come in first. I wish to oblige the Senator, but——

Mr. TILLMAN. I shall object to its being read now, and will permit the Senator to present it later.

Mr. SPOONER (to Mr. TILLMAN). Let it be read.

Mr. TILLMAN. No; I do not want to have it read now.

Mr. PROCTOR. I will take the ruling of the Chair upon it.

The PRESIDENT pro tempore. The Senator from South Carolina has the floor and did not yield it to the Senator from Vermont. Although the Chair recognized the Senator from Vermont, it was done without yielding on the part of the Senator from South Carolina.

Mr. TILLMAN. If the Senator is very anxious that this shall go in now, I do not care. It is one of the exhibits in the case, and while I am not used to trying causes in a court—but as the Secretary is under indictment, so to speak, as a prisoner or criminal—I am perfectly willing that he shall have his say so before the indictment is read.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Vermont?

Mr. TILLMAN. I will yield for the reading of the communication.

Mr. HALE. After it has been read, I do not know, but my impression is that there will be no objection to the passage of the Senator's resolution.

Mr. TILLMAN. Possibly there might not be, but the Senator does not like for his baby to come into the world without some clothes on.

Mr. HALE. Oh, I am entirely willing; I do not object.

Mr. SPOONER. The Senator has already made a speech on the subject.

Mr. TILLMAN. But there are many new lights I have that I want to add to the stock of wisdom that you gentlemen learned in the law do not seem to have availed yourselves of.

Mr. COCKRELL. Let the paper be read, and let us proceed with business.

The PRESIDENT pro tempore. The Secretary will read the letter.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, January 29, 1904.

DEAR SIR: I am about sending to the Senate an answer to their resolution calling for information regarding the recess appointments to military office which are involved in the question, somewhat discussed in the Senate, whether there was what is called a "constructive recess" between the extraordinary session, convened on the 9th of November, and the regular session, beginning on the 7th of December last. It may facilitate any further consideration of this subject if I state to the Military Committee the views of the War Department regarding these appointments.

On the 7th of December there were 169 nominations for military office pending in the Senate without action, and as to 168 of these it was well known that there was no objection and that the Senate was prepared to confirm as soon as they had disposed of the objections to the confirmation of General Wood, who stood at the head of the list. It seemed very desirable to avoid, if possible, the legal complications and questions which would result from throwing these 167 officers back into the positions from which they had been promoted, or possibly excluding them altogether from office in the Army—a result which nobody wishes and nobody intends, but which might be brought about upon purely technical grounds.

It was apparent that, as the Senate was about to pass from the extraordinary session to the regular session without any appreciable change, without the Senators or their presiding officer leaving the Senate Chamber, two different views might be taken in applying the provision of paragraph 3, section 2, Article II, of the Constitution, which provides as follows:

"The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions, which shall expire at the end of their next session."

(1) If that provision of the Constitution were to be applied to the actual facts and in accordance with the reality of things, it would be held that the session of the Senate had not ended, and that the extraordinary session had merely merged into the regular session, without any such end of a session as the Constitution intends to terminate a recess commission.

If this view were taken, then these officers would still continue to hold under the recess commissions issued before the 9th of November.

(2) If, on the other hand, a technical view were taken and the Constitution were applied in accordance with the theoretical idea, which had no real basis in existing facts, it might be that on the 7th of December one session of the Senate constructively ended and another session constructively began, within the meaning of the Constitution. In that view the recess commissions issued prior to the 9th of November would expire on the 7th of December.

This view, however, involves not merely the proposition that there was an end of a session of the Senate, within the meaning of the Constitution, but also the proposition that there was a recess of the Senate, within the meaning of the Constitution, for there can be no end of a session until a time is reached when there is no session, and the time when there is no session is a recess. The recess may be called "constructive," but it is no more constructive than the end of a session which is assumed to happen.

A constructive end involves a constructive recess. A real end involves a real recess. Necessarily, a vacancy caused by the expiration of a commission at the end of a session happens in the recess caused by the end of the session, and it is within the constitutional power of the President to fill up such a vacancy. My own mind leaned strongly toward the opinion that the Constitution did not intend to deal with any fine-drawn distinctions between sitting one hour under one call and the next hour under another, but that the end of a session that the constitutional provision meant was when the Senate really stopped sitting and adjourned.

Inasmuch, however, as there were two views possible, it was considered that it was appropriate to give commissions in accordance with the second view above specified, to the end that whichever way the authorities, upon whom would rest the duty of determining the legal question involved, should decide that question, the well-understood intent of the appointing power, including both the President and the Senate, might receive effect. For this reason it is understood that the second set of recess commissions were given.

It is considered quite probable that these appointments, unless it be determined that the original recess commissions still hold upon the theory of an actual continuous session of the Senate, will be subject to the provisions of section 1761 of the Revised Statutes, which reads as follows:

"No money shall be paid from the Treasury as salary to any person appointed during a recess of the Senate to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate."

Very respectfully,

ELIHU ROOT, *Secretary of War.*

Hon. REDFIELD PROCTOR,
Acting Chairman Committee on Military Affairs,
United States Senate.

Mr. PROCTOR. I ask also that the letter may be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the order is made.

Mr. TILLMAN. Now I ask that resolution 120 be read.

The PRESIDENT pro tempore. Resolution No. 120 will be read.

The Secretary read the resolution submitted by Mr. TILLMAN on the 2d instant, as follows:

Whereas Article II, section 2, of the Constitution of the United States provides:

"The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, and he shall nominate and, by and with the advice and consent of the Senate, shall appoint * * * all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law;"

And further:

"The President shall have power to fill up all vacancies which may happen during the recess of the Senate by granting commissions which shall expire at the end of the session;"

And

Whereas it is known that certain officers appointed during the recess of Congress from March 4 last to November 9, and whose appointments were not confirmed by the Senate, are now in possession of and exercising the powers and functions of said offices: Be it

Resolved, That the Judiciary Committee of the Senate be, and it is hereby, authorized and instructed to report to the Senate—

First. What constitutes a "recess of the Senate," and what are the powers and limitations of the Executive in making appointments in such cases.

Second. What legislation is necessary to prevent the holding of an office by any person or persons whose commissions issue or are held by Executive exercise of unlawful authority, if any there be.

Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. I do.

Mr. HOAR. I did not know the Senator had taken the floor.

Mr. TILLMAN. Yes, sir; I have the floor; but I will yield to the Senator from Massachusetts.

Mr. HOAR. I wish to suggest that there are a good many considerations affecting the resolution which I do not care to enter upon now one way or the other, but it occurs to me that the Senator might gain his object without using the precise language which he uses at the close of the resolution.

It seems to me that it is hardly respectful to the executive branch of the Government, when the Executive has taken some action which seems to him, according to the communication just read from the Secretary of War, in accordance with his lawful and constitutional duty, to pass a resolution asking what legislation is necessary to check an unlawful exercise of power.

Mr. TILLMAN. If any there be.

Mr. HOAR. I know; but I think, if the Senator would strike out those words, leaving the resolution to ask what legislation is necessary to prevent certain officers from holding office, he would accomplish his purpose. I do not think, under the special circumstances, that the supposition can be supported by the Senate without an implication of disrespect. It seems so to me. I suggest that the Senator can accomplish the substance of what he desires without doing it in that way.

Mr. TILLMAN. Perhaps the Senator from Massachusetts has one idea of what I desire and I have another.

Mr. HOAR. I presume the Senator from South Carolina desires to get the opinion of the committee and perhaps afterwards to have the opinion of the Senate on the question of constitutional law. I did not suppose, and I do not now suppose, that the Senator has any desire to exhibit any disrespect toward another branch of the Government.

Mr. TILLMAN. The Senator from Massachusetts was absent when this question was presented some ten days ago and rather extensively discussed, when some of the purposes and motives which actuated my bringing the attention of the Senate to it were presented. I claimed then, and I claim now, to have no other purpose than to try to get the Senate to demand that the Executive shall respect its prerogatives and rights—its clearly defined constitutional rights. That is all.

If my language is subject to the criticism of disrespect, I want to disclaim any disrespect; but I want to make myself understood. If the President has been guilty of lawlessness, of usurpation, and of an invasion of the prerogatives and rights of the Senate, I do not see why I can not, in the most respectful language which I can employ, if I believe that, say so, and have the Senate itself determine whether or not it agrees with me by passing the resolution. That is all I had in view. But we will discuss the substance and form of the resolution after we have put the facts before the Senate. Let us understand just what is involved in this issue.

Mr. President, in order to get the case, if I may so term it, clearly presented, I should like to read the letter of the Secretary of War of January 29, in answer to a resolution of inquiry, so as to put it in the RECORD. Though many Senators have read it, I shall have to quote it unless it is read, so that they themselves can hear it. He goes on in express terms to speak about the issuance of commissions.

I will read the part of the letter which I want to comment on right here, and I call the attention of the Senator from Massachusetts to it. I want him, if he will be kind enough, to give me close attention while I am endeavoring to marshal the facts. Possibly he is as well or better acquainted with the fact that I am going to state than I am myself, but for fear that his absence from the Senate has left him somewhat in ignorance of the progress of this matter, I ask his attention to the closing paragraph

of the letter of the Secretary of War of January 29 in answer to the Senate resolution of inquiry:

(3) All the officers specified in Schedule B have been reappointed, and recess commissions, of the character specified above, have been issued to them. It is the understanding of this Department that the authority of law therefor is Article II, section 2, paragraph 3, of the Constitution, which reads as follows.

I will not read that article of the Constitution, because it has been read and everybody knows what it is.

Mr. E. R. Hills, Acting Adjutant-General, makes an addition to this letter of the Secretary of War, in which he more fully sets forth what has been done. He says:

Commissions, signed by the President, were issued to all of these officers of the character usually designated "recess commissions," each of which specified: "This commission to continue in force during the pleasure of the President of the United States for the time being and until the end of the next session of the Senate."

Then there is something at the end of the entire exhibit, to which I direct the attention of the Senator from Massachusetts. The Secretary did not act on his own volition, although I have understood that it was under his advice that the President had assumed this attitude. I will now read what the President said:

WHITE HOUSE, *Washington, December 7, 1903.*

The persons above named—

Meaning the 167 officers who have been mentioned—

are hereby appointed to the offices set opposite their respective names, to rank respectively from the several dates specified in the recess commissions heretofore held by them, which expired at the end of the extraordinary session of the Senate convened on the 9th day of November, 1903.

THEODORE ROOSEVELT.

By the President:
ELIHU ROOT, *Secretary of War.*

This is the order of the President instructing these commissions to be issued.

I ask Senators to note that the President himself declares that the "commissions expired at the end of the extraordinary session of the Senate convened on the 9th day of November, 1903."

Now, Mr. President, an examination of Schedule B discloses this fact: The first appointee was Leonard Wood, to be major-general, and then follow nineteen officers, to be brigadier-generals, who have since been retired. So we have the condition further complicated by the fact that the President has issued a so-called recess commission to an officer who has not been confirmed by the Senate and who is now retired as a brigadier-general, although his real rank is that of colonel. The question as to what these nineteen officers shall receive as their retired pay is involved.

Next I want to have the Secretary read the letter of the Secretary of the Treasury in answer to the Senate inquiry in regard to the appointment of William D. Crum to be collector of the port of Charleston. The letter is dated January 27, 1904.

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE SECRETARY, TREASURY DEPARTMENT,
Washington, January 27, 1904.

MY DEAR SIR: Replying to Senate's resolution of January 25, 1904, I beg to advise, William D. Crum was appointed collector at the port of Charleston, S. C., March 20, 1903, and a temporary commission issued. Mr. Crum qualified by executing bond for $50,000 and took oath of office March 30, 1903. Mr. Crum was again appointed December 7, 1903, and has given bond in the sum of $50,000 and took the oath of office on January 9, 1904. There has been no third appointment and no fourth appointment. The same information is contained in a letter to Hon. B. R. TILLMAN, under date of January 8, 1904, and which appears in the CONGRESSIONAL RECORD of January 25, 1904.

The resolution also asks: "Is Mr. Crum now in office; and if so, under what authority of law?" William D. Crum is de facto collector at the port of Charleston, S. C. Whether he holds his position under authority of law is determinable not by the executive department of the Government, but by the judiciary, and by that only. He is not receiving pay, because of the provisions of section 1761.

Very truly, yours,

L. M. SHAW.

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

Mr. TILLMAN. Mr. President, that last document is such a remarkable one that I must, before leaving it, call attention to the statement that Mr. Crum is now the de facto collector of the port of Charleston and that his tenure is determinable only by the judiciary; that the President, having appointed him in recess last March, reappointed him on the 7th of December, commissioned him and maintained him in the office, and we are coolly informed by the Secretary of the Treasury, no doubt under the general, if not specific, instructions of the President, that the Senate has nothing more to do with the matter, and that the judiciary department or the judicial officers of this Government will determine whether Mr. Crum is lawfully in office or not.

I have here a copy, made for me by the executive clerk of the Senate, of the various steps taken in regard to Mr. Crum:

William D. Crum, to be collector of customs at Charleston, S. C. First nominated January 5, 1903 (57th Cong., 2d sess.); referred January 5, 1903; adversely reported February 18, 1903. No further action.

Second nomination March 5, 1903 (58th Cong., special session of Senate), referred March 5, 1903. No further action.

Recess commission March 20, 1903.

Third nomination November 11, 1903 (58th Cong., 1st sess.), referred November 11, 1903. No further action.

Fourth nomination December 7, 1903 (58th Cong., 2d sess.), referred December 7, 1903.

But we are informed also that he has not only been nominated on the 7th of December, but that he has been appointed on the 7th of December. Now, I want to ask my honorable friend the Senator from Massachusetts whether or not such a case has ever been known? I have been examining pretty closely, but so far I have been unable to discover a precedent for a nomination and appointment the same minute to any office subject to the approval and confirmation of the Senate. Can the Senator recall one?

We have, then, this state of facts, Mr. President: During the recess of Congress, when we were not here, the President nominated and issued temporary commissions to 167 army officers and one collector for the port of Charleston, and he notified us when Congress met in extra session on the 9th of November of his action. The Senate had these nominations under consideration, but it did not confirm any one of them.

Then, when the two sessions merged, the President pro tempore rose from his seat at 12 o'clock on December 7 and said—I quote the words from memory—"The time having arrived for the assembling of the regular session of the Fifty-eighth Congress, I therefore declare the extra session adjourned sine die." Then he struck his mallet on his desk and said, "The Senate will come to order," and the roll was called. I want to ask anybody, anywhere, if there can be, under such conditions, a recess?

Mr. LODGE. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. With pleasure.

Mr. LODGE. Mr. President, the President of the Senate on the 7th of December, when he declared the extra session of the Senate adjourned without day, left the chair and returned with the Chaplain. Then we had prayer—the regular opening of the session.

Mr. TILLMAN. The President pro tempore did not go 3 feet from his seat.

Mr. LODGE. He left his chair, went down on the floor, and came back with the Chaplain.

Mr. TILLMAN. All right; I do not want to quibble, and I am not splitting hairs here. I am endeavoring to get somebody to stand up here in the light of common sense and declare that there was a recess of the Senate in the view of the Constitution during that proceeding.

Mr. PLATT of Connecticut. Well, Mr. President, if there was no recess, then is it not true that the recess appointments, which had been theretofore made, ran over into the so-called regular session?

Mr. TILLMAN. Why, Mr. President, the Senator from Connecticut is too good a lawyer to ask me a question like that. The Senator from Connecticut must understand that our record shows that there was the end of a session. We are not discussing the question of recess. Do not mix the two words, as the Secretary of War has endeavored to do in his special pleading.

Mr. PLATT of Connecticut rose.

Mr. TILLMAN. The Senator will let me give an illustration. Precisely at 12 o'clock midnight on the 31st of December last the year 1903 died, and in one second afterwards the year 1904 was born. Does anyone claim that there could have been a recess in time then? A session is a sitting, and a recess is to withdraw from work, to retire, to quit.

Mr. PLATT of Connecticut. Now, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. TILLMAN. With pleasure.

Mr. PLATT of Connecticut. The Senator asks any Senator to say whether, under the circumstances described, he would be willing to say that there was a recess. Well, it seems to me to follow that if there was no recess there was a continuous session, and therefore the old nominations held over.

Mr. TILLMAN. That is a very attenuated thread for a great constitutional lawyer to hang a commission on. I am afraid it is like that bridge which Mohammed says souls must cross to get into Heaven, so attenuated and so slender—well, like the thousandth part of the spider's web, for instance, or something like that, I believe he describes it—but let me ask the Senator if he undertakes to make that contention, what becomes of the Constitution?

Mr. PLATT of Connecticut. Does the Senator desire me to answer now?

Mr. TILLMAN. Undoubtedly.

Mr. PLATT of Connecticut. Mr. President, I am not prepared to say what I think is the real construction of the Constitution in view of these facts; but I say that I incline to the belief, inasmuch as the purpose of the Constitution was that offices should not be vacant when a recess occurred, that the "end of the next session" may mean the end of a session, at the end of which nominations may be made.

I incline to the belief that under the circumstances "the end of the next session" meant by the Constitution is the end of this session in which we are now engaged, inasmuch as there was no appreciable lapse of time between what is called the "extra" session and what is called the "regular" session. I do not speak positively on that subject, but my mind inclines in that direction.

Mr. TILLMAN. Mr. President, I have gone into this subject somewhat exhaustively; and, so far as my investigations have led me, I find this to be the condition: There has been contention and straining for power by the Executive under this clause of the Constitution from the very beginning of the Government. There are numbers of opinions by the various Attorneys-General, who wrote them in pursuance of that well-known and well-recognized feeling of the human breast that men are always straining after power. Power always seeks its own aggrandizement, and any executive officer wants to use as much executive authority as he feels able to.

I find that while these various legal advisers of the President have strained to give the President more power in regard to appointments in one particular, which I shall speak of a little later, there has never been one up to this time who has ever undertaken to say that there was such a thing as a constructive recess and that a man could be appointed to office, a commission issued to him, and be inducted into office or maintained there between 12 o'clock and 12 o'clock of any one day. It is a brand-new thing; it is absolutely the first instance on record of any such idea having ever entered anybody's brain.

Hitherto all the contention has been over the question whether the President had the right to appoint after the Congress had adjourned and there was really a recess to fill a vacancy which had existed when the Senate was in session previously.

I have here a very interesting report, and if the Senator from Massachusetts has not examined it—I know he has had it in his hand before and has read it in the past—I want to ask him to refresh his memory by getting a copy of this report and considering the arguments that were presented and the facts that were adduced in relation to this subject in 1863.

Mind you, now, we all remember that there was a desperate war or battle between the Senate and the House of Representatives on one side and Andrew Johnson on the other, resulting, as I shall show presently, in the enactment of the tenure-of-office law, under which the power of the President to make appointments was practically annulled, and he was forbidden to remove men from office after the Congress adjourned; in fact, he was absolutely handcuffed, and that law remained on our statute books from 1867 to 1887, twenty years, before it was repealed.

I will read some of the sections of that act presently, because it looks very much as though, under these strenuous constructions of the Constitution which we are now having and the facility with which some legal lights are endeavoring to make excuses and explanations and furnish reasons why they are permissible, we will have to do something, or the Senate had just as well quit having anything to do with appointments and turn the President loose. But I want to read now out of this report. It was made by Mr. Howard, from the Judiciary Committee, January 28, 1863. If Senators have not got it, they might do very well to send up to the document room and obtain it, so that they can examine it as I go along.

The Committee on the Judiciary, to whom was referred the resolution of the Senate of the 16th ultimo in the following words, to wit: "*Resolved*, That the Committee on the Judiciary be instructed to inquire whether the practice, which to some extent prevails in some of the Departments of the Government, of appointing officers to fill vacancies which have not occurred during the recess of Congress, but which existed at the preceding session of Congress, is in accordance with the Constitution; and if not, what remedy shall be applied."

That is the resolution under which this committee acted. They treat on that very point which the Senator from Connecticut [Mr. PLATT] made or attempted to make.

If it be true that the substantial purpose of the Constitution was to keep these offices filled, it is equally true that its substantial purpose required that they should be filled by competent and fit persons, and that to insure this result the opinion of the Senate must be appealed to and taken in all cases except vacancies which occur during the recess, when, of course, they can not act or be consulted. The language of Mr. Wirt—

The Attorney-General, whose opinion had been quoted—

leaves it to be inferred that the filling of the office was the only great and paramount purpose. In this we think his argument casts out of view the qualifications of the incumbent, or at least treats them as mere incidents without special importance and entitled to no weight in interpreting the provision.

We, on the contrary, hold these qualifications to be of the highest and gravest importance, weighing heavily against the artificial interpretation he gives to the language. Why were the advice and consent of the Senate required at all but for the purpose of ascertaining and passing judgment upon these qualifications? And why, especially, was the giving of this advice and consent made a condition precedent—a sine qua non—to the appointment?

So the idea which the Senator from Connecticut advances, that the law contemplates keeping the offices filled, is brushed aside by this Republican committee of able lawyers in 1863, when that great man, Abraham Lincoln, was here and had the undivided support and love of his party and of the Northern people. They thought it was an absolute piece of nonsense that the necessity for keeping an office filled should weigh against the equal necessity and the constitutional right of the Senate to pass upon the qualifications.

Mr. PATTERSON. Who composed the committee?

Mr. TILLMAN. Well, Mr. Howard, of Michigan, a distinguished lawyer, made the report for that committee. I do not know who the other members of the Judiciary Committee were at the time. It is so far back that we have only one man here, I believe, the Senator from Iowa [Mr. ALLISON] who was then a Member of Congress, but the Senator can send up and get the names of the other members of the committee. I dare say he will find they were of that able galaxy of men who illustrated that day as lawyers and have never been surpassed, even by the present satellites or—what shall I say?—planets. We have got planets and asteroids here now, and one of them has just left the office of Secretary of War.

Mr. MITCHELL. What is the date of the report?

Mr. TILLMAN. January 28, 1863, Senate Report No. 80, Thirty-seventh Congress, third session.

Now, here is something more along the same line of the relative powers and duties and rights of the Executive and the Senate in making appointments under this clause of the Constitution:

It is obvious from the language we have quoted that the responsibility of the Senate in respect to the fitness of a person to be designated by the President for an office differs in no respect or degree from his own responsibility, for it is clear from the language that to authorize such person to enter upon and take possession of the office there must be a concurrence of the Senate in the designation. This concurrence, in contemplation of the Constitution, is just as indispensable as a nomination by the President, and both are plainly made conditions precedent to the exercise of the right of the President to appoint.

The Senate, should they see fit, might, doubtless, give in advance their advice and consent to a particular nomination, and the President might afterwards make the nomination, and then the appointment; though it would seem from the language that the President is first to nominate, and the Senate then to act; and such we believe to have been the general practice. But it is entirely clear that neither the President's nomination nor the Senate's advice and consent thereto can of themselves confer upon the person any right to the office—a right which accrues only when the President has made the appointment.

And it is quite plain that this preliminary action of the Senate upon a particular nomination was regarded by the framers of the instrument as an important safeguard and essential protection against the induction into office of an unfit person. It was presumed by the framers that the Senate, made up of members from each of the States, would possess local and personal information touching the qualifications of persons for office, enabling them to correct any error the President might commit in his selections, and they are therefore charged with the duty of examining and passing upon the fitness and propriety of his selections.

They were set as a check upon him, and in this respect possess a power of precisely the same nature and the same necessity as that of one House of Congress upon the other in the enactment of laws, and we can not hesitate to regard this power and duty of the Senate as one of the high conservative principles of the Constitution for the protection and security of the public interests and the purity, intelligence, and integrity of persons charged with the administration of the Government in its various branches.

And we do not suppose there has ever been or ever can be any serious denial that such was the object of the clause. It would, indeed, be difficult to conceive of a different object. And so important in the judgment of the convention was the attainment of this high object, that, so far as language was capable, they prohibited an appointment to be made until it should first have been advised and assented to by the Senate—with the single exception of cases of vacancy happening during the recess of the Senate.

These gentlemen even denied, and it was not disputed then by the Executive or by the Attorney-General, that it was within the power of the President to make an appointment to a vacancy that had occurred in recess if, having been submitted to the Senate, it had not been acted on.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. TILLMAN. With pleasure.

Mr. PLATT of Connecticut. Whatever that report may have said in 1863, I do not think that has been the view the Senate has taken of it.

Mr. TILLMAN. I will state right now that it has been so long under contention, and the various Presidents, one after the other, have taken the view that they had the power, whether a vacancy happened during a recess or should be found to exist after Congress had adjourned, having been submitted once, that the Presidents have exercised the power to fill it and the Senate has acquiesced, but always by a temporary appointment, and it was submitted to the Senate at the next session, but never by a direct appointment, such as the one we are now considering.

I have the very strongest case here of the kind. It was possibly the most urgently pressed case which has ever come before the Senate, and it was in the life of the late President Mckinley. I will give you the facts as I have them from the records of the executive clerk's office. Hamilton G. Ewart was nominated as district judge January 27, 1898, and failed of confirmation; on the 13th of July he was given a recess appointment; his second nomination was dated December 13, 1898, and he again failed of confirmation. Congress adjourned. He was given a second recess appointment April 13, 1899. He was nominated again on the 19th of December, 1899, and for the third time failed of confirmation. June 7, 1900, was the end of the Fifty-sixth Congress, first session, and on Jully 11, 1900, James Edmund Boyd was given a recess appointment to succeed Ewart.

Here is a case in which a district judge in North Carolina received recess appointments, was inducted into office, held it under temporary commissions until the Senate convened, but never did Mr. McKinley undertake to give him an appointment while the Senate was in session and say to us: "It is for judicial determination. He is de facto judge. You are referred to the judiciary to settle the question whether he is in office legally or not." That has remained for the strenuous days of the lamented McKinley's successor.

I have already pointed out what appear to me to be unanswerable reasons quoted from the report I have just read why the power of Congress and the right of Congress to participate in appointments and to see that none but good men are put on duty in office is explicitly and carefully guarded in the section of the Constitution from which I have read.

The idea of the Secretary of War that inconvenience might result and the idea of the Senator from Connecticut that the paramount purpose was to keep the offices filled are of too slight and inconsequential a nature to permit the Senate for a moment to yield up its constitutional rights and powers to have a say so in the matter of the character and fitness and qualifications of an appointee of the President who has been given a recess appointment under a temporary commission and has been inducted into office. Such an appointee can be perpetuated in office if we surrender our contention.

Let me ask the Senator from Connecticut what would be the result if we go on to the end of this session and General Wood is not confirmed or Mr. Crum is not confirmed? In the first place, Crum is in office. Let me show you just what the law provides in that regard. Here is the plain statute:

SEC. 2625. In the case of the disability or the death of a collector—

Which happened in Charleston—

the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death, for whose conduct the estate of such disabled or deceased collector shall be liable; and, if there be no deputy, they shall devolve upon the naval officer of the same district, if any there be; and if there be no naval officer, they shall devolve upon the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be; and if there be no such surveyor, they shall devolve upon the surveyor of the port nearest thereto and within the district.

Now, there was no vacancy in Charleston which necessitated any straining of the powers of appointment to keep a man in office who had been rejected by the Senate in one sense. I mean he came here with an unfavorable report in one instance. The Senate had him up before it a second time and did not act, and he received his recess commission, which was all in accordance with law, as I understand it. He was put into office on the 7th of December, after Congress had met in extraordinary session, which was the next session, and had failed to confirm him. Under the law and the Constitution as they have been understood heretofore he should have retired and turned over his office to his deputy and waited for the action of the Senate to confirm him or reject him.

But the President says, "This man is in office." In order that there may be no vacancy, notwithstanding that the law provides how the duties shall be performed during a vacancy, the President issues him a commission and sends his nomination to the Senate at the same time—a double-barreled gun. Who ever heard of such a proposition as this in the history of our Government?

General Wood was promoted, and by that means vacancies were created below. Then other officers were jumped into the vacancies. They depend on Wood's confirmation. Else there would be no vacancies. Yet, to prevent inconvenience to somebody or to secure a salary which is not lawfully to be claimed now under present conditions, we have the President ignoring the statute in the Crum business, ignoring the Constitution and the precedents in the Wood business, and when Senators on the other side have their attention called to it they answer with fine-spun theories; but I have not heard anybody yet who is ready to father the idea of a constructive recess.

Mr. PLATT of Connecticut. My trouble about it is that if there was no recess, constructive or otherwise, I do not see why the original appointments do not run into this session. Perhaps the Senator will answer that.

Mr. TILLMAN. I would rather answer you with facts than with my own lame exposition of the law, but I will give you some facts and then I will give you some reasons.

Mr. MITCHELL. Will the Senator from South Carolina allow me? I should like to answer that question from my present view.

Mr. PLATT of Connecticut. I should be very glad to have it answered.

Mr. MITCHELL. I think the answer is this: The recess appointment, an appointment which we all agree is proper, was one which, if not confirmed, would last only until the end of the next session. That is the provision of the Constitution, as I remember it.

Mr. TILLMAN. It does not say anything about a recess, however.

Mr. MITCHELL. Now, there was an end of the "next session," I think. I may be wrong about it. That is to say, when the regular session of the Fifty-eighth Congress commenced it certainly was an end of the extraordinary session, which was the next session after the recess appointment was made. That is the way it strikes me now. I may change my mind on examining the matter further.

Mr. PLATT of Connecticut. My mind is not fully made up, but it will be observed that the Constitution does not say anything about a regular session——

Mr. MITCHELL. No; not a word. It says "next session."

Mr. PLATT of Connecticut. Or an extraordinary session. It says the "end of their next session."

Mr. TILLMAN. Yes.

Mr. PLATT of Connecticut. Now, if the session of Congress which convened on the 9th day of November ran without end or recess into what is called the "regular session," then the original recess appointment would hold over. If it did not, if that which is called the "extra session" came to an end, then was there not some kind of a recess between that and this appointment—if that session came to an end before this began? If it ran into this session, so that there was no moment of time between the end of that session and the beginning of this, then why do not the appointments hold?

Mr. TILLMAN. I was going to call attention to two or three facts, one of which is that our officers here, who make up the records and who have been trained for years and years as to what constitutes the end of a session, have published all our documents. They have taken it for granted, as a matter of common sense, that the extraordinary session ended at noon of December 7, and that while the Senate did not abstain from business, except for possibly three or ten seconds and that the two sessions merged, the session of the extraordinary session ended.

Mr. PLATT of Connecticut. Not if they merged.

Mr. TILLMAN. Oh, look here! Nineteen hundred and three and 1904 merged on the midnight of December 31, and you can not mix them together because they did not separate. Was there a cataclysm in which there was a vacancy in time? That is too fine spun for the Senator from Connecticut to hang an argument on.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. TILLMAN. With pleasure.

Mr. PETTUS. I have a decided sympathy with the Senator from South Carolina on this general proposition, but, if he will allow me, I desire to call his attention to a section which has been overlooked in this whole matter. I started out to investigate this case as a law question.

Mr. TILLMAN. It is purely a law question and nothing else.

Mr. PETTUS. I found the statutes to which the Senator refers, one providing that if the collector's commission expires the deputy shall occupy the office, or that some other man shall, four or five of them being named. The Senator has read that statute. But I went on with the examination, and I desire to call his attention to a statute which he seems to have overlooked. I agree with him perfectly that the President can not commission a man newly during the session of Congress, and it does not make any difference what sort of a session it is; but here is a statute, the act of August 23, 1894; it is contained on page 261 of the second volume of the supplement. I can do no better than to read it.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to all officers of the customs whose terms of office have expired, or shall expire, before the appointment and qualification of their successors, and who have been performing, or shall peform, the duties of their respective offices after the date of such expiration, the salaries, compensation, fees, or emoluments authorized or provided by law, in each case, for the respective incumbents of the offices: *Provided*, That no such payment shall be made for any services rendered by any such officer wrongfully holding after the appointment and qualification of his successor.

Now, this statute evidently does make this collector a collector de facto. He was appointed, as I understand, last spring after the Senate adjourned. That appointment put him in office at all events, and he continued in office. His commission expired at the adjournment of the next session of Congress, according to the provision of the Constitution which has been read.

The President can not give him a new commission, but he is in office and continues in office even after the adjournment of Congress, holding the place, though not legally entitled to the office. He could not be appointed during the session of Congress, but he could be lawfully appointed last spring after the adjournment of Congress, and being so appointed, he was lawfully in office, and he has continued in office ever since. Now, the commission could not issue during the session of Congress, of course, but he is authorized by this act to continue in the discharge of the duties and to receive the pay.

Mr. SPOONER. The bond would be good, too.

Mr. TILLMAN. Is the Senator from Alabama through?

Mr. PETTUS. I have concluded all I care to say.

Mr. TILLMAN. With all due deference to the Senator from Alabama, that statute does not apply in this case. The trouble about the whole thing is that he never has been collector, and he can not be collector, and he can not do anything more than hold his position temporarily. The Constitution is higher than any statute; at least I have always thought so, and the statute the Senator has just read hinges on the question whether or not he ever was a collector. I say he has not been collector.

He has only had a temporary commission to fill the place until the Senate met in its next session and either confirmed or rejected him. He never was collector. He is not collector now, except de facto. He has no authority to be in office now under any interpretation or construction of the law that has been handed down to us and as all of the decisions have hitherto maintained.

There is a statute here which has been referred to by the Secretary of War and by Mr. Shaw, too. I wish to call it to the attention of the Senator from Alabama. I hope the Senator from Alabama will let me give him some law, too, from the statutes. If he will turn to section 1761 of the Revised Statutes, he will see the case we have in point here directly and positively and clearly taken up:

> No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate.

There is a provision clearly and explicitly declaring that no money shall ever be paid to this man until he is confirmed; and yet the Senator has read a statute which provides that he shall receive compensation. But that means that after he has been confirmed and had his commission issued and is not only de facto but de jure a collector. These things obtain and follow, but not before.

Mr. President, in regard to the question as to what is involved in the constitutional provision itself, I want to read from the report which I have been quoting so liberally. After quoting from Mr. Wirt, who had contended that the word "happen" was intended to mean "happen to be existing," Mr. Howard goes on to say:

> Now, it is the vacancy that is to "happen." Certainly any event which has begun and become complete must be said to have happened. But if a vacancy once exists, it has in law happened, for it is in itself an instantaneous event. It implies no continuance of the act that produces it, but takes effect and is complete and perfect at an indivisible point of time, like the beginning or end of a recess. Once in existence, it has happened, and the mere continuance of the condition of things which the occurrence produces can not, without confounding the most obvious distinctions, be taken or treated as the occurrence itself, as Mr. Wirt seems to have done.
>
> The words "during their recess" are plainly intended to qualify and limit the term "happen." The vacancy is to happen during their recess. Now, if the vacancy the President is authorized to fill may (as Mr. Wirt and his successors contend) take place indifferently during the recess or during the session, is it not evident that no meaning or effect whatever is given to the words "during their recess?" Are not those words practically expunged from the Constitution?
>
> Again, we see no propriety in forcing the language from its popular meaning in order to meet and fulfill one confessedly great purpose (the keeping of the office filled), while there is plainly another purpose of equal magnitude and importance (fitting qualifications) attached to and inseparable from the former. In such a case the argument ab inconvenienti has no force, because the anticipated evils on the one hand are counterpoised by those on the other.

Now, here is what I want Senators to consider, for it is the gist of the whole matter:

> But this forced and unnatural interpretation becomes more manifest in its results. Those results would quickly open the way to a practical deprivation of all power of the Senate over Executive appointments. For if the President may in the recess appoint to and fill an office which during a session of the Senate was vacant, he may omit to make any nomination at a subsequent session, and at the close of it again appoint him under the idea of filling a vacancy, and so on from session to session.
>
> In the hands of an ambitious, corrupt, or tyrannical Executive this use of the power would soon bring about the very state of things which the Constitution so carefully guards against, by requiring, in express terms, that the advice of the Senate shall first be taken, and its consent obtained, before an appointment shall be made. We do not hesitate to say that this great safeguard of the public rights, interests, and peace is practically prostrated and destroyed by the insidious, and, to our minds, totally unfounded construction which has been forced upon the clause.

Mr. HALE. From what is the Senator reading?

Mr. TILLMAN. I am reading from the report of Senator Howard in 1863. He was chairman of the Judiciary Committee, I think, or on that committee, and he made a most able and conclusive and exhaustive report. The whole subject of the relation between the Executive and the Senate in the matter of appointments is set forth here so luminously and so conclusively that I do not see how anybody can find any argument to controvert the position he takes.

But, Mr. President, we are face to face with a condition and not a theory. The present Executive has not only created a constructive recess in his own mind, but has acted upon that theory, and has not only nominated men here, but at the same moment has appointed them, given them commissions; and under this constructive recess idea these commissions hold until the present session of Congress expires. Then under this power which he has claimed and exercised he can appoint them again; and so on we go indefinitely. The Senate is eliminated as a factor in the matter of appointments upon which the Executive has set his heart.

Mr. McCOMAS. That report was made in the third session of what Congress?

Mr. TILLMAN. In the third session of the Thirty-seventh Congress, Reports of Committees, No. 80.

Mr. HALE. What year?

Mr. TILLMAN. In 1863, before the controversy which resulted in the tenure-of-office act had arisen with Andrew Johnson. It was made in Lincoln's Administration, and it was purely a presentation of the views of that committee in regard to appointments, after the Senate adjourned, to vacancies which had existed while it was in session.

As to this idea which now obtains and which has been acted upon, that was not in the dream of the wildest revolutionists who might have existed at that time. Here are the members of the committee which made this report: Mr. Trumbull was chairman; Mr. Foster of Connecticut, Mr. Ten Eyck of New Jersey, Mr. Harris of New York, Mr. Howard of Michigan, and Mr. Powell of Kentucky. I thank the Senator from Colorado for handing me the list of the committee.

Mr. TELLER. It was a strong committee.

Mr. TILLMAN. I have said about all I care to say, Mr. President, as I do not care to enter into any apparently partisan discussion of this question or any effort to give it any political coloring. I have sedulously and earnestly endeavored to appeal to Senators as Senators and not as Republicans or Democrats, merely trying to uphold the power and rights and dignities of this body in dealing with these matters.

I do not even care to do more than allude in passing to the fact regarding this little, measly position in my State, the collector of the port of Charleston, which is no more, you might say, as far as its importance is concerned, except the principle underlying it, than a gnat. We have not only had the President disobey the direct statutory provisions in regard to who shall perform the functions of that office when a vacancy occurs, but we have had him put into office, holding in office, nominated and issued a commission at the same moment to this man, notwithstanding the fact that the entire business community who have to deal with that office have protested and protested and protested against his unfitness and his utter disqualification for the position.

As far as General Wood is concerned, with that I have nothing to do other than to say that the two are together. They are on all fours. The one is an invasion of the rights of the Senate in regard to the Army and the other an invasion of the rights of the Senate in regard to a collector of the port.

If the President, as I said the other day, can make appointments of this kind and hold the man in office de facto in Charleston, contrary to the will of the Senators, he can do it in Boston, or in New York, or in Chicago, or any other place in the Union.

A little blaze is sometimes easily stamped out, but if you let it go on it spreads into a conflagration which sweeps away millions of property and devastates and destroys vast areas. This seems to be the little beginning of a line of—well, I do not like to use so harsh a word as usurpation, but I do not know what else to call it. The Senator from Connecticut or the Senator from Massachusetts has appealed to my respect for the Executive not to use language in the resolution which would be considered disrespectful. I want to get at the result; I want to accomplish the purpose; and that is to have the Senate declare through its Judiciary Committee that such a thing as a constructive recess is nonsense and that any appointments made in this manner are unlawful. That is what I am after.

Mr. HALE. Does the Senator think this request of his would

in any way be limited or hampered by striking out the second clause?

Mr. TILLMAN. You mean the last clause?

Mr. HALE. Yes. It is marked "second." It is not my suggestion. The Senator from Massachusetts [Mr. HOAR] suggested that amendment, and he is absent. I do not see but that the Senator will accomplish what he wants done and what I think most of us want done, that there should be an expression by the great law committee of the Senate, representing the Senate, upon a subject in which the Senate is very greatly interested. I think the Senator will accomplish all that he desires by leaving off the second clause, which perhaps throws some unnecessary reflection.

Mr. CULLOM. Where is that second clause?

Mr. HALE. It is on the second page of the resolution, the last clause.

Mr. TILLMAN. I can understand, I think, that Senators are not willing to commit themselves to an assertion, by a resolution of this character, that the Executive has exercised any unlawful authority. They know it and they want possibly to correct the evil, but still they do not want to do it officially. If they are very anxious that the resolution shall pass without those words, I will consent to expunge them. But I want to read this.

Mr. HALE. I can not speak for anyone else, but I shall certainly vote for the resolution when that clause is struck off. I am in full accord with the Senator. I do not think, as I have said before, that the Constitution is made as a pitfall for the unwary to fall into. It is an open, clear document, made by open, clear-minded, frank men; and I have no idea that they contemplated any such constructive recess. I would be glad to have the Senate direct the Judiciary Committee to report, or request them to report; but I have no doubt about the final result when it comes around under the section which has been read already this morning, that the Comptroller will make short work of this business.

Mr. TILLMAN. The trouble about that is that Crum is in office and we are calmly told by the Secretary of the Treasury that there is no way to determine whether he is there lawfully or not. He says he is there de facto, and unless we should pass some resolution which might make it possible to determine a question of this kind in the future, I would feel that a mere announcement by the Senate of its views would have little or no weight. It, of course, might be worth something.

Mr. HALE. I think so.

Mr. TILLMAN. Let me read the Senator a statute here that was thought necessary once and that I should like to see enacted again, because it was repealed in 1887. I am reading section 1771 before it was repealed:

Every person who, contrary to the four preceding sections—

You might strike out "the four preceding sections" and say "contrary to law"—

Every person who, contrary to law, accepts any appointment to or employment in any office, or holds or exercises, or attempts to hold or exercise, any such office or employment, shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than five years or fined not more than $10,000, or both.

Now, our difficulty is this: The Secretary of the Treasury tells us candidly Mr. Crum is de facto collector of the port of Charleston; that he holds the commission, and he is also here under nomination, and whether he will be confirmed or not it is for the Senate to determine. The Senate has refused to confirm him twice, and it may refuse to do so again.

But suppose it does or suppose it does not; if we would enact a law to make it unlawful for him to occupy that office and put it in the power of some citizen to go to the court and get out a warrant and get this man jerked out of there, we could stop the President from filling offices unlawfully in this way. As it is, I know of no remedy. I am willing to take out the last clause of the resolution and let the Judiciary Committee wrestle with the subject and do what it pleases with it.

The PRESIDENT pro tempore. Does the Senator modify his resolution?

Mr. TILLMAN. I modify it by striking out the last clause.

Mr. MCCOMAS. I desire to ask the Senator one question before he takes his seat.

Mr. TILLMAN. I want the resolution to come to a vote.

Mr. MCCOMAS. As the hour is near 2 o'clock——

Mr. TILLMAN. I want it to come to a vote.

Mr. MCCOMAS. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

The preamble was agreed to.

Mr. LODGE. What becomes of the other resolution? Does that go to the Committee on the Judiciary?

Mr. TILLMAN. The other resolution has gone to limbo. It will not be necessary any more here.

The PRESIDENT pro tempore. The Chair would like to have it removed from the Calendar.

Mr. TILLMAN. Take it off the Calendar and put it in the waste basket.

The PRESIDENT pro tempore. The resolution will be indefinitely postponed, and also the resolution on the same subject submitted by the Senator from South Carolina December 11, 1903.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6331) granting an increase of pension to James M. Dickey.

The message also announced that the House had passed a bill (H. R. 8889) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company;" in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its amendments to the concurrent resolution of the Senate to print the proceedings in Congress upon the acceptance of the statues of Charles Carroll of Carrollton and John Hanson, presented by the State of Maryland; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHARLES B. LANDIS, Mr. PERKINS, and Mr. TATE managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 468) granting an increase of pension to Henry Christy; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. MIERS of Indiana, and Mr. CALDERHEAD managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 892) granting an increase of pension to Abram H. Hunt; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. MIERS of Indiana, and Mr. CALDERHEAD managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 958) granting an increase of pension to Alfred H. Rogers; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. MIERS of Indiana, and Mr. CALDERHEAD managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3776) granting an increase of pension to Alfred I. Judy; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. MIERS of Indiana, and Mr. CALDERHEAD managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3903) granting an increase of pension to George C. Sherman; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. MIERS of Indiana, and Mr. CALDERHEAD managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5176) granting an increase of pension to Alonzo Dutch; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. MIERS of Indiana, and Mr. CALDERHEAD managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 6022) granting an increase of pension to George W. Travis; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. MIERS of Indiana, and Mr. CALDERHEAD managers at the conference on the part of the House.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. Now let the urgent deficiency appropriation bill be proceeded with.

The Senate resumed the consideration of the bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

The PRESIDENT pro tempore. The question is on the point of order raised by the Senator from Texas [Mr. BAILEY].

Mr. NEWLANDS. Mr. President, when I entered the Senate a few months since it was my intention to conduct myself with that unobtrusiveness that is usually expected of novitiates elected to this honorable body, and to adapt my course to the traditions

of the Senate, which seemed to require a gradual method amalgamating new members with the debating force of this body.

Only a short time ago, however, I sought to introduce into the Senate a resolution inviting Cuba to become a State in the Union. I did this simply for the sake of consistency, carrying out the line of conduct which I had marked out for myself regarding this great question when the question of reciprocity was before the House of Representatives, and intending to present my individual view that if Cuba wanted commercial union with us it would be better for her, as well as better for us, to admit her to political union, which would involve the best kind of commercial union—the freedom of trade of the Republic. I expected that that resolution would go to a committee and would there sleep.

To my great surprise, however, it was pounced upon by the "big four" of the dominant party in the Senate; was seized, taken away from the Committee on Foreign Relations, and put upon the table here for debate, analyzed, criticised, attacked, as an evidence of attempted bad faith upon the part of the Republic of the United States toward a weak sister Republic recently admitted to the family of nations.

I was told that it was an insult to make this invitation. I was told that the invitation invited Cuba to scuttle her ship; that it was an invitation to suicide, and all this regarding an invitation to a small, weak, and dependent Republic to become a great State, a sovereign State of an indestructible Union of States bound together for the general welfare and common defense. I was compelled to make a defense of that resolution.

The PRESIDENT pro tempore. The Senator from Nevada will suspend one moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 82, by Mr. BACON, favoring the negotiation by the President of a treaty with the Republic of Colombia to satisfactorily adjust and determine all differences between the United States and Colombia growing out of the recent revolution in Panama, etc.

Mr. BACON. Let it lie over.

Mr. HALE. Let it lie over with the same right it has now.

Mr. BACON. Yes.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside. The Chair hears no objection. The Senator from Nevada will proceed.

Mr. NEWLANDS. I was compelled, Mr. President, to make a defense of that resolution, to insist that it did not violate the spirit of the Teller resolution, that it maintained Cuba as a free State, simply admitting her to the Union of States, and admitting her to the incomparable advantages not only of political union but of free commercial union with these States.

I was compelled to meet Senators upon this floor who, whilst they claimed that it was an insult to invite Cuba into the Union, an insult to Cuba herself, insisted upon it that it was entirely consistent with our friendly relations with the Colombian Republic to bring the armed forces of the United States into her territory, to surround that territory with ships of war, to aid in the dismemberment of that Republic and the segregation of her insular from her continental territory.

And so yesterday I was again brought into the debate by the Senator from Wisconsin [Mr. SPOONER], who, in the debate regarding the St. Louis Exposition, saw fit to allude to some utterances of mine at Omaha in the early part of January; utterances which were addressed to party associates at a Jacksonian banquet. The Senator from Wisconsin insisted upon it that there I repudiated one of the cardinal doctrines of the Democratic party in the last campaign.

When I explained what I said at Omaha by stating that I had there declared that the issue of imperialism had been presented to the American people in the last campaign with rare and splendid eloquence, but that the conscience of the American people had been blunted by an intense commercialism and that the appeal fell upon their ears in vain, and that whilst I trusted that the Democratic party would never fail to place in its platform the repudiation of the doctrine of controlling subject peoples against their will, I did not believe that that issue, from the experience of the last campaign, would gain many votes, the Senator arraigned me for my alleged indictment of the American people; declared that he could not understand how a Senator of the United States could impute to the people of the United States that their eyes had been closed by dollars to the demands of liberty or the traditions of the Republic; that it was a bold thing to thus impeach a majority of the American people; and then, proceeding, insisted that the ideals and traditions of the American people are cherished by them and that they will not be forsaken.

The Senator seems to think that these ideals have been uniformly maintained by this country. Mr. President, I admit that the ancient ideals of the Republic were maintained throughout the entire history of the Republic until recent years; and I claim that it is only within the last six years, years of Republican domination, that these ideals have been abandoned.

Now, what were those ideals of the Republic? The great and prominent ideal of the Republic was voiced in the words of Jefferson in the Declaration of Independence that all men were created free and equal; that Government rested for its just powers upon the consent of the governed; that taxation and representation were inseparable. This was the new gospel of popular rights voiced by our country—the Messiah of the nations.

Would the Senator from Wisconsin, would the Senators of the dominant party subscribe to that doctrine now? Are the rights of men now equal when under this new theory of government we have under our flag two classes of people, part citizens and part subjects? Does our Government rest upon the consent of the governed when it embraces subject peoples desirous of national life, but governed by us without their consent and against their will?

Are taxation and representation inseparable when we have under our flag two classes of people—those who through representation participate in taxation, and those who without representation are taxed? What has become of this ideal, declared for over a hundred years by every patriot and orator in the land as the essential element of just government?

And then, later on, the great apostle of liberty, Lincoln, in the memorable debate preceding our civil war, declared that this nation could not live half slave and half free, half citizen and half subject. Would the Senator from Wisconsin subscribe to that doctrine now?

And so, later on, Mr. McKinley, unlike our present Executive, in a memorable document, submitting the entire controversy of this country with Spain to the judgment of the representatives of the people whether for peace or war, declared, after months of painful and arduous negotiation upon this subject, that forcible annexation would be criminal aggression.

I ask whether the Senator from Wisconsin subscribed to that ideal; and if so, how he reconciles the declaration of that ideal with the policy of the Republican party within the past six years, which in a war, declared for humanity and humanity alone, intended to free a people who had been oppressed from the cruelty of Spain, sought whilst freeing that people to subject another people, equally suffering from cruelty and aggression, equally capable of self-government, equally desirous of national life, to the unrestrained and uncontrolled will of our people and by criminal aggression forcibly annexed their country to ours as a colonial dependency?

I ask how he can reconcile the ideal of the lamented McKinley, that forcible annexation is criminal aggression, with the long and bloody war we had, in which an entire province was swept with fire and sword, and in which the liberties of a people desirous of freedom and of maintaining a national life were taken away?

And so it is with other ideals that had been declared by the fathers of our country. In this body, on Washington's Birthday, it is the custom to read the Farewell Address of that exalted patriot. I believe the custom is still pursued here, though of late years every word of it contains an indictment of the existing policy of the Republican party.

Let me quote a few words from Washington regarding the ideals of this country as declared by him. In that farewell address he urged that we should—

> Avoid the necessity of those overgrown military establishments which under any form of government are unauspicious to liberty.

And enjoining upon those intrusted with the administration to confine themselves within their respective constitutional spheres, he added:

> Avoid encroachments upon other departments. The spirit of encroachment tends to consolidate the powers of all the departments in one and thus to create, whatever the form of government, a real despotism.

How do these utterances apply to existing conditions? Why, Mr. President, under the Constitution of the United States the power to declare war is vested in the Congress of the United States. Under other governments, despotic in form, monarchical in character, that power belongs to the executive; but the fathers of this country, realizing that an Executive of violent and unrestrained temper might easily involve the country in war, determined to submit this great question to the deliberation of the representatives of all the people in Congress assembled, to subject it to the criticism and analysis of debate, and make the process of war necessarily slow and deliberate.

Congress alone can declare war. Yet in the face of this constitutional enactment the President of the United States has recently waged—not only declared, but waged—a successful war, ordered the armed forces of the United States to the territory of a power with which we were at peace, placed them on that territory, lined her shores with war ships, and gave notice to the Government of

that power that it should not land its troops upon its own territory for the purpose of suppressing disorder, and by this display of force so overawed a weak people that they suffered dismemberment and spoliation of territory.

Yet when we witness these encroachments of power by the Executive, so carefully guarded against by the Constitution, encroachments against which Washington warned us so solemnly, Senators of the United States, the Senators of the dominant party, instead of jealously guarding the powers conferred upon them by the Constitution, stand here in abject servility and praise the Executive, who has encroached upon one of the most important functions conferred upon them by the Constitution, for his energy in despoiling them of their constitutional power and Colombia of her territory.

And so Washington, forecasting the future, insisted that the Constitution should not be changed by encroachment; that it was better to employ the slow process of constitutional amendment if a good sought for by the country but prohibited by the Constitution was desired, and added:

But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed.

And so in this case the defense is made that the ultimate purpose of this war, thus waged in violation of the Constitution, was beneficial to this country and beneficial to collective humanity. This is the justification for the encroachment of the Executive upon the exclusive power of Congress; but Washington guards us against the argument which would lead to such an usurpation of power, and declares:

But this in one instance may be the instrument of good; it is the customary weapon by which free governments are destroyed.

So these ideals of Washington, to which I have referred, have been the traditional ideals of the Republic shattered by this Administration during the past six years. How is it with other nations? Washington, regarding our relations with other nations, said:

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. It will be worthy of a free, enlightened, and at no distant period, a great nation, to give to mankind that magnanimous and so novel example of a people always guided by an exalted justice and benevolence.

Where is that ideal to-day? Where was the justice and benevolence which controlled us in our relation to the people of the Philippines?

Where was the justice or the benevolence of our action toward the Colombian Republic, where we, having attained certain rights under a treaty of amity, mere privileges of free access and free transit through a country, privileges terminable upon a notice of one year, took advantage of them as so-called property rights and made them the base of an offensive war, an aggressive war, against Colombia, which deprived her of her most valuable territory?

Where was the justice, where was the benevolence of our action regarding that country?

Then Washington says, in speaking regarding a liberal intercourse with foreign nations:

But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive preference; consulting the natural course of things, but forcing nothing.

"Our commercial policy should hold an equal and impartial hand." How has that ideal, declared by Washington as the ideal of the Republic, been vindicated by the action of the Republican party? Within the last two months a treaty has been made with the Republic of Cuba under the stipulations of which she is to raise her tariff wall against every other country from 25 to 35 per cent higher than it exists against our country, the very purpose being to drive out of that island the English, German, and French trade, which belongs to them of right to-day, because they sell their wares cheaper than do the producers of the United States.

We propose by this treaty, under an ideal which declared for equal and impartial treatment, to drive friendly nations out of the commerce of Cuba, to appropriate it for ourselves; and this we call "impartial trade!" This the Senator calls "cherishing the ancient ideals."

Why, Mr. President, the true policy of this Republic is that in this great Union of forty-five States, which embraces over 70,000,000 people, free trade should exist everywhere and that there should be no commercial restraint, no imposition of duties at the boundary lines of the States in order to restrain domestic trade and commerce; but the ideal of the Republic, as declared by Washington, in regard to its relations with other countries was that we should seek harmony with all the nations of the world by impartial trade—free trade within the Republic, impartial trade outside of the Republic. But we seek exclusive preferences, though Washington urges as the ideal of the Republic—

Neither seeking nor granting exclusive preferences; consulting the natural course of things, but forcing nothing.

That was the ideal of Washington. Simply because we can not sell to the Cuban people as cheaply as England and Germany and France, because as a result of the tariff, we have built up trusts and monopolies here which have raised our domestic prices beyond and above the international prices, therefore we are unwilling to sell abroad for less than the domestic price.

We seek by a favored and partial arrangement—by forcing things, as Washington says—to drive friendly nations, whose friendship it should be our effort to insure, not to destroy, out of territory which they have won through all the honest and impartial methods of trade.

Let us see what other ideals have been declared by the great men of this country—great men belonging to the party which the Senator from Wisconsin [Mr. SPOONER] represents. In a message of Benjamin Harrison, received and read here December 3, 1889, he said, speaking of the Pan-American conference:

It is believed that the crowning benefit will be found in the better securities which may be devised for the maintenance of peace among all American nations, and the settlement of all contentions by methods that a Christian civilized country approves.

This was relating to the Pan-American Congress, which was held for the purpose of promoting friendly intercourse and relations between this country and our sister republics of Central and South America. What principle was most discussed there? The principle of peace and the principle of friendly arbitration as securing peace.

Benjamin Harrison properly voiced the ideal of the Republic when he declared that the crowning benefit would be found in the maintenance of peace among all American nations, and the settlement of all contentions by methods that Christian civilization approves.

What has become of that ideal within the last six years of Republican rule? We have within the last three months been embroiled in a war with a sister republic over the construction of a treaty, under which it was claimed that the spirit, not the letter, of the treaty demanded of that country in a contract, which was terminable with one year's notice—that the spirit of that contract demanded that Colombia should make to us any concession intended for the advantage of the commerce of the world which the United States might dictate, and that it must concede it in the very terms laid down by the United States without modification, alteration, or amendment.

So, upon the construction of a treaty with a friendly American republic, after the declaration of this ideal by Benjamin Harrison regarding the maintenance of universal peace upon this continent and the invocation of arbitration for that purpose, we have summoned our armed forces, under the order of the Executive, sent our armed ships, with their men and their guns, aimed at the forces of a friendly republic about to land upon their own territory for the suppression of domestic disorder, and then we say, in the language of the Senator from Wisconsin, "the American people are preserving and cherishing the ideals of the Republic."

The American ideals have been asserted by other prominent Americans. The present Executive has declared himself upon this subject. In a message of rare excellence addressed to Congress upon taking the seat of the lamented McKinley, he said regarding the Monroe doctrine:

It is no wise intended as hostile to any nation in the Old World. Still less is it intended to give cover to any aggression by one New World power at the expense of any other. It is simply a step, and a long step, toward assuring the universal peace of the world by securing the possibility of permanent peace on this hemisphere. * * * We have not the slightest desire to secure any territory at the expense of our neighbors.

And yet this very Executive has inaugurated the scheme of war against and spoliation of a sister republic, which I have outlined. Then, also, regarding The Hague tribunal, he says:

Peace can only be kept with certainty when both sides wish to keep it; but more and more the civilized peoples are realizing the wicked folly of war and are attaining that condition of just and intelligent regard for the rights of others which will, in the end, as we hope and believe, make world-wide peace possible. The peace conference at The Hague gave definite expression to this hope and belief, and marked a stride toward their attainment.

Here was another ideal of the American people voiced by an American President—world-wide peace. The Hague Tribunal had been organized as a tribunal of the nations for the peaceful settlement of their contentions, just as in our domestic affairs tribunals decide the rights of man in his relations toward his fellowmen.

So, instead of permitting the nations of the world to march like swashbucklers along the international highways with sword in belt and pistol in hand, an effort was made to submit their contentions to the great international tribunal of peace organized by the treaty-making powers of the various nations of the world.

And yet when it comes to a practical application of this ideal, what does your present Executive say in response to the inquiry of General Reyes, the representative of the Colombian Government—General Reyes, who in all matters has conducted himself with rare discretion and moderation; who, mindful of the obligations of the treaty of 1846, is seeking in an orderly way to present under that treaty Colombia's complaint and grievance against

the United States for injuries done and a wrong accomplished, and who asks that this treaty contention expressly provided for in the convention regarding The Hague tribunal as one which a country can honorably submit to arbitration?

Read the reply of the Secretary of State denying the appeal; and I ask, then, what has become of this ideal of the American people, this ideal which has been voiced by the present Executive, for international peace, for peaceful adjustment of contentions between nations.

So the present Executive in that message adds another word for peace. He says:

> Possibly no other great nation in the world is so anxious for peace as we are. There is not a single civilized power which has anything whatever to fear from aggressiveness on our part. All we want is peace, and toward this end we wish to be able to secure the same respect for our rights from others which we are eager and anxious to extend to their rights in return.

Not a single nation has anything to fear from aggressiveness on our part, the President says. Ask Colombia. The President wants peace even if he has to fight for it. His way of securing peace is to send the armed forces of the United States to attack and despoil a friendly power whose sovereignty over the spoliated territory we had by solemn treaty acknowledged.

Now, Mr. President, so much regarding the ideals of which the Senator from Wisconsin says:

> I have but an observation to make as to the reply of the Senator from Nevada, or rather his speech, as he states it. I can hardly understand how a Senator of the United States can impute to the people of the United States that their eyes have been closed by dollars to the demands of liberty or the traditions of the Republic.
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> It is a very bold thing, Mr. President, for anyone in this country to impeach a majority of the American people in that way. The ideals of the American people and the traditions of the American people belong to them, are cherished by them, Mr. President, more keenly than by any of their representatives, perhaps.
>
> I believe in the American people. I believe the sober second thought of the American people comes as near to the perfection of human wisdom as any standard among men can come; and I think no Senator may safely say to them that they have forsaken their traditions and ideals in a blind, heedless pursuit of the dollar.
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> No, Mr. President—and I did not intend to refer to this when I rose—the traditions of the American people may safely be left to the guardianship of the American people. When the excitement of the campaign has passed away, the American people think, and what they think is right.

Mr. President, I assent to the proposition urged by the Senator from Wisconsin that the traditions of the American people may safely be left to the guardianship of the American people, but I assert that they can not be safely intrusted to the guardianship of the party in power. There is not a single tradition of the Republic, not a single ideal of the Republic, that has not been shattered by the dominant party here.

It is true that you appear to have the sanction of the American people; it is true that the question of imperialism has been submitted to the people at a popular election; it is true that their verdict has been against us and for you, and so far as appearances go your policies seem thus far to have been sanctioned by the American people; but I believe, with the Senator from Wisconsin, in the sober second thought of the American people.

I believe, with him, that when the excitement of the campaign has passed away and the American people think, they will think right. May Heaven grant that this second thought, the sober thought of deliberation, may come to the American people before the conclusion of the coming campaign.

Mr. LODGE. Mr. President, an extension was given to the somewhat casual remarks which I made yesterday by the Senator from Maryland [Mr. GORMAN]. This was something which I did not anticipate, because I had no desire when I spoke to do anything more than touch on the question of the St. Louis appropriation and the general economy which has been preached in various quarters during this winter. But the Senator from Maryland thought it necessary to infer that I had admitted the failure of our policies, because I had alluded to the fact that we had been told that there was likely to be a deficit in the revenue this year.

Mr. President, for the seven months of the year which have already passed there is, if I am correctly informed, no deficit; we are about $4,000,000 ahead in income. There is no doubt, however, that the revenues and expenditures are very nearly on an equality, which I do not think an undesirable situation at all.

I believe myself that there is plenty of money for all proper, and even for reasonably liberal, expenditures; but, Mr. President, so far from our policies having been failures, I think that the figures will show the exact reverse, and I do not care to leave what I said yesterday with the possibility of any other inference being drawn from my words.

In the first place, the fact that the revenue is very near, or perhaps less than the expenditures, is principally owing to a fact which the Senator from Maryland, no doubt through inadvertence, omitted to state, that within the last three years we have reduced taxation by something over a hundred million dollars. We have removed taxation to that amount. I do not now recall that during the four years of Democratic ascendency there was any reduction of taxation or that any taxes were removed. I recall, however, very distinctly that a new tax, an income tax, was imposed during Mr. Cleveland's last Administration, which, of course, was an entirely new form of taxation.

The Senator from Maryland referred also to the decline in the excess of exports over imports. The amount of that excess no doubt has fluctuated, but I think it was an unfortunate subject to open for purposes of comparison— I mean unfortunate for the Democratic party.

I have drawn up, stated in millions, the amount of imports and the amount of exports since 1893, which I will ask to have printed with my remarks; and I find that the excess of imports in 1893 was $35,000,000; the excess of exports in 1894, $215,000,000; the excess of exports in 1895, $61,000,000; the excess of imports, that is, the adverse balance of 1896, $84,000,000.

Mr. President, I think it is worth while to compare those four years, in two of which there was an adverse balance and in the other two a favorable balance, with the years which have followed. The excess of exports in 1897 was $268,000,000; in 1898, $594,000,000; in 1899, $606,000,000; in 1900, $521,000,000; in 1901, $647,000,000; in 1902, $452,000,000; in 1903, $395,000,000.

The table referred to is as follows:

Year.	Imports.	Exports.	Excess of imports.	Excess of exports.
1893	$866,000,000	$831,000,000	$35,000,000	
1894	654,000,000	869,000,000		$215,000,000
1895	732,000,000	793,000,000		61,000,000
1896	779,000,000	863,000,000	84,000,000	
1897	764,000,000	1,032,000,000		268,000,000
1898	616,000,000	1,210,000,000		594,000,000
1899	697,000,000	1,303,000,000		606,000,000
1900	849,000,000	1,370,000,000		521,000,000
1901	823,000,000	1,460,000,000		647,000,000
1902	903,000,000	1,355,000,000		452,000,000
1903	1,025,000,000	1,420,000,000		395,000,000

Mr. LODGE. There never has been in the history of the country a period of an equal number of years or of all the years together which has approached the years since 1897 in the favorable balance of trade to the United States. There has been a decline in the last two years from the great balances of 1901 and 1899, but in order to find a comparison which shows a falling off in the excess of exports over imports in the last two years the Senator from Maryland is obliged to compare them with other years of Republican ascendency. In this last year, which he pointed out as so bad, the excess of exports over imports was far larger than in the two favorable years of Mr. Cleveland put together.

As for the revenue, even after the great reductions which we have made, I think it is well for the Senator to remember that in order to meet the deficit incurred during Mr. Cleveland's term they found it necessary to borrow, in a time of profound peace, $250,000,000, adding that amount to the permanent debt of the country.

We were charged with the expenses of a war. We met the war. We met those expenses. We met the great loan which was rendered necessary. Yet we have a balance in the Treasury to-day more than equal to that loan, and we have been steadily reducing the permanent debt ever since. We have had no deficit and we have issued no bonds to meet current expenditures. I do not think, Mr. President, it is possible to make a comparison more in favor of the wisdom of Republican policies than those figures show.

Mr. President, I was not aiming at any party question when I was speaking. The point which I desired to make was in regard to the economies which we were urged to observe during the present session. From one point of view I was very glad to see that the Committee on Appropriations, who have charge of our expenditures, and administer them with great wisdom, felt we were able to undertake this additional gift or loan to the St. Louis exposition. The point I desired to make yesterday was that if we could do that there were important branches of the public service which certainly ought not to be sacrificed, and the Senator from Maryland was kind enough to illustrate exactly what I was trying to bring out. He thinks it is more important to make this appropriation for the St. Louis fair than to undertake the immediate building of the canal. He said we had better let that wait rather than sacrifice the fair in any degree or not make this appropriation. On that, Mr. President, I do not agree.

I think the building of the Panama Canal is a greater and more immediate need of this country than any other at this moment. I think it far outweighs in importance any proposition now before the people of the United States. I think its advantages to the entire people of the United States will be greater even than our imagination can picture at the present time. If it is a question of celebrating the great Louisiana purchase, how can we celebrate it so well as by beginning on that great work across the Isthmus which is going to open a waterway to the East

for all the products of that vast region which Jefferson bought, and enable them to pass north and south, instead of compelling them to go, as they have always hitherto gone, by eastern and western routes? If we must choose in expenditures, the Senator from Maryland would have us give to this exposition and let the canal wait, and I would do exactly the reverse. In a word, Mr. President, in the matter of economies, if economies must be made, I should prefer to make them on such a matter as the fair rather than on those subjects which enter immediately into the Government service.

I do not agree, and I think all the facts will sustain me in the position, that other matters of great public importance have been sacrificed to what are called the "military expenditures." It is only two years since we passed the largest river and harbor bill ever passed in this country. We have in previous Congresses been liberal to public buildings. I approve most heartily of all those wise expenditures, and they were not stopped by the expenditures in what are known as the "military departments;" but, Mr. President, if I have to pick and choose and save in one place rather than in another, the very last place where I would economize would be on the Navy or in the defenses of the United States. Self-protection and self-defense are more important than anything else. To be rich, aggressive, undefended, and weak in a military point of view is a very sorry position for a great nation to occupy.

I regard the Navy of the United States as the one great guaranty of peace as well as of the Monroe doctrine. I believe it is more important, and that the money spent on the Navy is more vital to the country than any other money we spend. I know from past experience that the Senator from Maryland takes no new position in his hostility to naval expenditures. They seem to me to outweigh every other in their importance to the United States.

I think we ought to have a fleet which puts the protection of our coasts beyond every peril, which puts the maintenance of the Monroe doctrine beyond a doubt. And the Monroe doctrine, so near to the hearts of the entire American people, so essential to our peace and our welfare, depends absolutely upon the Navy of the United States. Therefore I think the last place to economize and the first place to spend is on the Navy and the defenses of the United States. If we are to have economy, if we are to be careful in our expenditures, let us be careful in regard to things like expositions and fairs and not undertake to sacrifice the defenses of the United States.

Mr. President, I did not call attention to this expenditure, as I said yesterday, because I am hostile to the fair, but because I do not want later and elsewhere to be met with the objection that we can not afford the essential expenditures which this Government needs in other directions, and to be told that the condition of the revenue is such that we can not make a proper authorization for the Navy of the United States; that we can not make a proper authorization for the defenses of the United States or for the harbors of the country; or that we can not make proper continuing appropriations to carry on the river and harbor works already authorized. I do not think it is wise economy to hold back on those great objects of general public interest. If it is necessary to save, let us save on the things which are not essential. Let us not by an unwise, unpatriotic parsimony endanger the Navy, the Army, and the forts which protect the very life and honor of the Republic.

Mr. President, in pointing out as I did what I thought wise economies I did not in the least intend to bring up any discussion of party policies. But if they are to be opened up for discussion I think nothing can be more desirable for the Republican party, nothing can be more strengthening, more instructive than to look back over the past and to compare the eight years now closing with the four which went before; to compare our stable currency to-day, the best in the world, with the threatened and tottering fabric which we had under the Administration of Mr. Cleveland; to compare this period of rest and security in the finances with the days when a Democratic President had to appeal to a Republican minority in the Senate to enable him to repeal a law which threatened the stability of our currency and the very existence of business; to compare the balances of trade; to compare the condition of our manufacturers; to compare the total volume of trade; to go into the entire history of the four years of Democratic supremacy and contrast them with our eight years of supremacy, and not only in matters of money and finance, but in the standing of the country abroad as well as at home.

It is a comparison, Mr. President, as I said in speaking before, that I hope we shall have the opportunity of making with direct application in the next campaign. It is a comparison that has never yet been thoroughly entered into and one Republicans would rejoice to undertake. I hope that it is coming, so that we may enter into it, as I said, with direct application to the Democratic candidate. No, Mr. President, I had no desire in what I said about economies and expenditures to open up anything like a party debate, but if that is desired I can conceive of nothing pleasanter to do, either here or before the people, than to contrast the four years from 1893 to 1897 with the eight years that have since elapsed.

Mr. GORMAN. Mr. President, it seems to me that the Senator from Massachusetts [Mr. LODGE], who states he does not desire to introduce political questions into this discussion, has gone very far in the direction of bringing them prominently before the Senate. I do not intend to follow the Senator from Massachusetts in any comparison of the Administration of Mr. Cleveland, either in expenditures or in the matter of revenue, or in exports and imports, with any subsequent Administration. It can not be made fairly. It can not be made with profit in this discussion. But it is due to say that Mr. Cleveland, when he was inaugurated in 1893, met a condition somewhat similar to the present one, as stated by the Senator from Massachusetts yesterday, only more acute, with the condition of the Treasury far less satisfactory than it is to-day, and where the outgoing Administration, under General Harrison, through his Secretary of the Treasury, had informed Congress and the country that the revenue laws which had been enacted by the Republican party, owing to the changed conditions in trade, had practically bankrupted the Treasury of the United States.

With that old discussion those of us who participated in it, as well as others, are perfectly familiar. We know that bonds for the purpose of relieving the Treasury had been ordered to be printed, and that there was upon the statute books a law in regard to the purchase of silver which had been passed during a Republican Administration and which Mr. Cleveland inherited. We know that whatever came, whether good or bad—and there was a controversy as to that—came from the enactment of that law, for which the Democratic party was in no wise responsible.

The condition was met, and in a time of great depression, with a bankrupt Treasury, with no possibility of passing revenue laws, because Congress was then opposed to the President, and it was met on the other side of the Chamber as well as on this with a patriotic desire to save the credit of the Government; and no man took a more active part than did the distinguished leader of his party on the other side, the chairman of the Committee on Appropriations, in relieving, not the Democratic President, but the Treasury of the United States.

That question has gone and has been disposed of, not, as the Senator from Massachusetts would have us believe, because of the superior intelligence or patriotism of his side of the Chamber, but by the ingenuity and the industry of man and the increased facilities for mining the precious metals, the results of which came to the relief of the country with the advent of President McKinley's Administration. The Senator from Massachusetts can not claim for his party all the great good that came from these natural causes. Prosperity came from a revival of all industries everywhere, and a demand for our products not caused by any legislation by Congress or action by the Republican Administration, but growing out of the necessities of peoples across the ocean who wanted our commodities and bought them and made us rich.

In the discussion of this matter the Senator from Massachusetts brought to our attention sharply, and I think well, the present condition in which we find the country, where the revenue laws have not been and are not now yielding a sufficient return to meet the demands of the Government. My comment upon that statement was and is, that you have entered upon the expenditure of large sums of money, not for the purpose of increasing the commerce of the country, but to prepare for war and to make this nation a great war power both on sea and on land. The expenditures on those accounts have been enormous, and were not felt while we had great prosperity and a surplus of revenue, but the time has now come when the burden is realized. In the appropriations for the Navy for last year because of this system of expenditures the appropriations reached the sum of $82,618,000. For maintaining the Army a hundred and eighteen millions and more are spent when we are at peace with all the world.

The Senator from Massachusetts, although I am sure he did not intend it, said that I have been an opponent of an increase of the Navy, and intimated that my position is one of hostility to that arm of the service, so necessary to protect us upon all the seas of the world. Anyone who so believes is in utter ignorance of my course upon that question, in which I take more pride than in anything else that has occurred during my service in the Senate. In my service upon the committee having charge of appropriations for the Navy, from the day of my entry into this body until now, I have labored with the Senator from Maine [Mr. HALE] and with others associated with us for the construction of a navy of which the whole American people might be proud, composed of ships of the first class, manned with the best of our American citizens, and I always insisted that the appropriations for it should be continued until our Navy reached a point where it is ample to guard American interests everywhere.

I had no idea that in so doing we should have, as it appears this Administration intends if its recommendations are carried out, a navy to compete with that of Germany or Great Britain in size and number of vessels and complement of men. Our conditions are not such as to require it.

I am opposed to a navy so large that we do not know what to do with the vessels, so numerous and so anxious for display that they are assembled in the waters of the Sound and sent forward through the waves for the inspection of the Commander in Chief of our Army and Navy. I desire to see a substantial navy, well equipped, fit for any service that the American people may want of it. I do not want a hundred thousand unnecessary men in time of peace merely for display. I want economy about it.

I will say to the Senator from Massachusetts that while a natural and necessary increase is right, in 1885 and 1886 and 1887, during a Democratic Administration, we protected the interests of the country, and when Venezuela was threatened by great foreign powers our Navy was sufficient; no power on earth dared interfere with the Republics south of us; and yet we did it at an expenditure of sixteen millions a year, and now the only great deed to be performed is the threatening of Colombia and the capturing of Panama at $82,000,000 a year.

It is time, Mr. President, we should talk economy. One hundred and eighteen millions should no longer be appropriated for an army in times of peace, when no nation on this earth threatens this country. As I said yesterday, you can reduce the expenditures and apply the money so saved from war preparations to the harbors of Boston and Baltimore and New York and give facilities for commerce to come and go from this country. That is all I desire.

I would save the expense on account of the Army by reducing the 100,000 men to 50,000, if you please. An army can be had at any time upon the call of the President of the United States for volunteers. Reduce the size of the Army and apply the money saved to purposes absolutely necessary for the prosperity of our country.

Mr. LODGE. May I ask the Senator from Maryland a question?

Mr. GORMAN. Certainly.

Mr. LODGE. Do I understand the Senator to say that we have an Army of a hundred thousand men?

Mr. GORMAN. Not quite a hundred thousand, but practically. A hundred thousand is the limit.

Mr. LODGE. It is less than 60,000, as a matter of fact.

Mr. GORMAN. It can be reduced to 60,000.

Mr. LODGE. It is less than 60,000 at this moment.

Mr. GORMAN. Whatever it is, the law against which I protested provides that, in the discretion of the President of the United States, it may be increased to a hundred thousand. But if it is 60,000 or less, I say to the Senator from Massachusetts that it is time Congress looked into the matter and ascertained how it is that 60,000 men cost $118,000,000 a year; more expensive by double than the French army or the English army per man; more expensive than any other army on the face of the earth. Economize there, and if it is necessary to have a great number of men in uniform, bring the expenditures and the cost of the service within reasonable bounds. Save the people's money in that direction and apply it to the improvement of ports, and, above all other things, now that we have entered upon this enterprise at St. Louis, let us carry it forward. I had nothing to do with it in the beginning, and I agree with my friends on this side of the Chamber that expenditures of this sort have grown and probably will continue to grow and that the point has been reached where they ought to be checked. But this Government entered upon that enterprise, and we have invited the governments of the world to join us at St. Louis. It is to be the great exposition of the century.

As we have participated in these invitations, I would say it would be a disgrace to permit it to be a failure. I would not hesitate a moment to give them the $5,000,000 they now ask and save it from the expenditures of the Army or the Navy.

We hear talk, Mr. President, of going back and making a comparison of the present condition of affairs with an Administration in 1892, but all the conditions have changed since then. What we ask you now to do is not to go back and make these comparisons, but to take the case as it stands.

In the war with Spain we were lavish in the expenditure of money. No Senator on the other side was more anxious than I was in giving the President of the United States—Mr. McKinley—all the power and all the money that was necessary, after we entered into that contest, to bring it to a successful conclusion. Gold or silver or bonds was not a question with me. It was what the Administration believed was necessary. I voted, and you voted, to President McKinley $50,000,000, to be placed in his hands, to be expended without an item ever being submitted to Congress before he received the money—more money than was ever placed in the hands of all the Presidents of the United States, from General Washington's time till now; more by far than was ever dreamed of by Mr. Lincoln when he was engaged in that great conflict which astonished the world. It was all done for the honor of the country and without partisanship.

But now a time has come when, because of the reduction in war taxes and the depression in trade, the revenues do not meet the expenditures. The proposition presented by the Senator from Massachusetts is in effect that we will deny to the exposition this appropriation and continue to let the harbors of the country fill up with sand, so that the great ships can not enter except by lightering or waiting, as I said yesterday, for a high tide. Notwithstanding the necessity for a public building in Washington to house the Department of Justice it shall not be built, and insufficient quarters will continue to be rented from private people in the city. But never reduce, the Senator from Massachusetts says, the expenditures on account of war or the preparation for war, because at some time we may be troubled with some nation on the face of the earth.

Mr. President, an overgrown and an unnecessary army and navy mean what? It is inevitable that the officers, the admirals without number, and captains too many to be counted in the great fleets which are unnecessary for our protection will find a way to make trouble. It appears to me that the action of the Commander in Chief, the President of the United States, in the occurrences now taking place in the Orient, in moving that unnecessary fleet from the presence and from the very ground where a conflict, if it comes, is likely to occur, was a wise precaution. There was more statesmanship shown in that act than in any other order issued to the Navy. It was done so that we might be kept out of what, as everybody thinks, was the desire of the patriotic and brave commander of that fleet to participate.

We have naval vessels everywhere. Have we not enough now? Everybody will answer "Yes," unless it is true, as was floating around in high naval circles, that we are marching around the globe with a chip on our shoulders, looking for the one great nation that troubles us more than any other in our trade relations, to get up some trouble. Who wants it?

Germany, Mr. President, is invading the markets of the whole world. Germany, with the thrift and ingenuity of her people and following our example with her tax laws, is spreading her commercial net in every country on the globe. It is the one nation that has brought England to realize that her commerce, her manufactures, and her trade are in jeopardy. It is the one nation that by a systematic effort and a thorough training of her men in all branches of the service and in the civil service is invading every country south of us on this continent, that is planting her colonies and taking possession of the banking institutions and the railroads and monopolizing the trade. It is that which is giving us trouble.

We have navy enough now to protect every inch on this continent against that power, no matter how great it is. If we want to go on and add $25,000,000 or $30,000,000 per annum to exploit ourselves on the other side of the water, that is not the true American doctrine. Protect our flag and our commerce there always, and the Navy now is sufficiently large for that purpose.

Let us get back, Mr. President, and that is the point of all I desire to say. Without a moment's thought I entered upon this discussion. Let us look at our own internal affairs and keep our own commerce intact. Give us every facility that is necessary to do it.

What person familiar with trade and commerce does not understand the great problem which confronts us? Our taxation, admitted to be too high on imports, has produced a reaction on the other side, and we have been met, because of it, with discriminations. Remove it; lower it; and make our commerce more secure.

Then, sir, remember that more than three-fourths of all the trade that goes hence to the Orient goes to-day only because of the nonenforcement of our laws. I mean by that that the rates which enable us to take the cotton from Texas and Mississippi and the grain from the Dakotas and the Middle West to the Orient are one-sixth only of the amount charged for domestic hauls of the same length. If the law were enforced you would wipe out and destroy that trade.

The reason given by the Senator from Wisconsin is that we can not deal with this question of taxation at this time in the presence of a Presidential election. There is force, absolute force, in it from the partisan view. There is also force in his statement that the business interests of the country are always somewhat disturbed during a Presidential election, and that therefore we must move cautiously and carefully lest we add to the fear or increase the disturbance. That I recognize, and I would not have it done in a broad sense of uprooting or attempting to readjust all the schedules of a great tariff. If I were in the majority party I would not advocate such a course; and as a minority member of this body I would not urge anything that added to the fear which now exists and to the further complications that I fear and believe are coming as the months pass by.

But there are branches that can be dealt with. You have de-

termined that all these great expenditures for the Army and Navy shall go on, and if that is to be your policy, collect more revenue. Pray do not sacrifice important improvements at home which are necessary for our commerce. It would be the wise policy to reduce the expenditures, as I have suggested, and give the country relief.

Mr. FORAKER. Mr. President, I had not intended to take any part in this discussion. I have felt that I would be content to simply vote for the amendment that has been reported by the Committee on Appropriations. But the discussion has taken on such features that I feel justified in detaining the Senate a few minutes until I make some observations in response to the speech that has just been made.

I want, however, before commencing that response, to say with respect to this exposition that it is a great American undertaking—just as the acquisition of the Louisiana purchase was a great American acquisition—and I regard this appropriation or this loan, whichever you may see fit to call it, as also giving rise to only an American question. I have so dealt with it, so regarded it, and have been intending so to vote. And I shall vote upon it with that kind of spirit. The good name of our Government and people is involved, and we can not afford to allow the undertaking to fail. To do so would bring reproach upon us all.

It seems to me, therefore, such being the character of this question, that it was quite out of place, to say the least of it, that there should have been injected into this debate a political question; that there should have been any criticism upon party policies, or anything said that would give rise to the character of discussion to which we have just been listening.

I was quite pleased, however, when the Senator from Maryland [Mr. GORMAN] had seen fit to introduce politics in this debate, to hear the kind of answer that was made to him a few moments ago by the Senator from Massachusetts [Mr. LODGE]. That answer made by the Senator from Massachusetts was complete as to all that had been said by the Senator from Maryland up to the time when the Senator from Massachusetts spoke. But the Senator from Maryland, in his reply to the Senator from Massachusetts, has spoken of another matter as to which I desire more particularly to speak than as to anything else.

He has talked about the condition of the country at the close of the Harrison Administration. He has told us that when Mr. Cleveland came into power, as a result of the elections of 1892, he found a bankrupt Treasury; that he found the Treasury in such a condition that it was necessary to issue bonds in order to meet a deficit, to tide over, to preserve the national credit; and he said it is a commonly known fact that steps had already been taken by the Secretary of the Treasury and other governmental officials looking to the issuing of bonds, and that that had been made necessary because of the failure of the policies which had been pursued by the Republican party during the Administration of Mr. Harrison.

Mr. President, I am surprised, in view of what may now be called the historical facts, which must be admitted by all, to hear that kind of a statement made by the Senator from Maryland.

During the Administration of President Harrison this country, as everybody knows, enjoyed a prosperity until that time absolutely unprecedented in the history of the country; a prosperity greater than any other country had ever before that time enjoyed in the history of the world. During all that period the revenues were more than equal to the expenditures. We had prosperity in our foreign commerce. We had balances of trade in our favor. We had a credit exceptionally high, never prior to that time surpassed in the history of this country.

And, Mr. President, until after the election in November, 1892, those revenues continued to be in excess of the expenditures. There was no trouble about the gold reserve or on any other account.

But what happened following the election in November, 1892, and what was the cause of it? In order that we may rightly understand that, we must recall the character of platform declaration upon which Mr. Cleveland came into power.

It will be remembered that in the platform of 1892 the Democratic party denounced the McKinley tariff law as a culminating atrocity—I think that is the phrase they used—and they demanded its immediate repeal and gave a pledge to the country that if they should succeed at the elections and have the power intrusted to them necessary thereunto, they would repeal that law and they would substitute a tariff-for-revenue-only law, which is only another name for free trade. They succeeded. The morning after the election it was announced to this country not only that Mr. Cleveland had been a second time elected President of the United States, but also that Congress would be Democratic in both Houses—a Democratic Senate and a Democratic House of Representatives.

So, Mr. President, the announcement of that election was an announcement that we were not only to have a Democratic President and a Democratic Congress, but a Democratic President and a Democratic Congress pledged to repeal the McKinley law, to change the industrial policies of the country, and substitute instead of the policy of protection the policy of free trade, or the near approach to it of a tariff for revenue only. What was the consequence? Every prudent business man in this country knew that if the industrial policies were to be thus radically changed, it would be well for him to consider what the consequences would be upon him in his business.

We commonly speak of the panic that broke upon the country in 1893 as the panic of 1893. But, Mr. President, that panic which broke upon us, apparently very suddenly, in 1893 was a panic that commenced the morning after the election in 1892. That panic commenced when the thoughtful, prudent, and conservative business men of this country read the result of that election and commenced to study what would be its consequences.

If a man was a banker he knew that a radical change in our industrial policy made it necessary that he should consider what would be the effect upon him, and, not knowing the measure of the effect, or perhaps whether it would be good or bad, determined, as he went to his place of business that morning, that he would look over the list of bills receivable and see which of his debtors he should call upon to pay; and every manufacturer, as he went to his place of business, considered whether or not he could not shorten the pay roll, and men who had given orders for materials to be manufactured commenced to consider whether they could not cancel the same or modify them.

So it went on until shortly it became known to every man in business that all his neighbors were feeling just as he was feeling, and when this feeling became general then came the breaking upon the country of that panic which brought us so much disaster and continued throughout the period of that Administration.

But, Mr. President, that is not all. When the men who were importing goods into this country and paying the tariff duties that were being collected under the McKinley law saw that the Democratic party had thus come into power and that it was pledged to a free-trade policy, that the first duty of the party under such circumstances would be to redeem that pledge to repeal the McKinley law and substitute lower duties, every such importer at once said, "I will see what I can cancel that I have been ordering."

The result was, Mr. President, that orders for goods to be imported were canceled generally throughout the country, and men who had not given orders which they had been intending to give withheld them as a consequence of that election; and so it was that not until after that election, and in consequence of that election, and what the people of the country had a right to expect as a result of it, if the Democratic party was to keep its pledge, the revenues of this country commenced to decrease. They commenced to fail because, for the reasons I have given, importations began to fall off.

That election was in November. December and January and February followed. Through the months of December and January this condition of things had so continued and was so constantly growing worse, men withholding orders for importations until they could have the benefit of Democratic free-trade tariffs, or tariffs for revenue only, which they had a right to expect to be lower, that the revenues were affected. But to what extent?

I have in my hand a copy of a letter which I want to put in the RECORD as a complete statement of that whole matter and as an answer to all that the Senator from Maryland has said. The late Hon. Charles Foster was then the Secretary of the Treasury. He died only a few weeks ago. During the campaign of last year, while he was still living, a statement somewhat similar to that which the Senator from Maryland has made with respect to the condition of the Treasury at the close of Mr. Harrison's Administration was made in Ohio by the Hon. Judson Harmon, late Attorney-General of Mr. Cleveland.

About the same time there appeared in the newspapers an interview with Mr. GAINES, a Member of the House of Representatives from Tennessee, in which he made a similar statement. Seeing these statements in the newspapers, I addressed a letter to Governor Foster, calling his intention to them, and asking him to write me what the facts were. In response to my letter I received the communication which I ask the Secretary to read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

FOSTORIA, OHIO, *October 28, 1903.*

Hon. J. B. FORAKER, *Cincinnati, Ohio.*

MY DEAR SENATOR: Your favor of the 27th this moment received. Harmon's statement is quite vague. He says: "In 1893, when the Democratic party came into power, the Republican Administration had bankrupted the Government. When Cleveland entered the White House there were bonds already signed by the Republican Administration. They had barely managed to tide over until we got into office, and then we had to take the stigma that came as the result of their unwise administration."

The charge that the Government was bankrupt when Cleveland came into power is ridiculous. The revenues up to that time, and until the end of that fiscal year, exceeded the expenditures. The usual charge is the one made by Mr. GAINES in the Nashville American, copied in the Enquirer of the 21st, that "Secretary Foster prepared plates for bonds to tide over a deficit."

The facts are that as soon as it was known that Cleveland was elected in November, 1892, it became apparent that there was great danger on account of importations being held back for lower duties that the gold reserve would fall below $100,000,000 required, not by law, but by implication of law. After consulting fully with Senator Sherman, I made up my mind that it was my duty to maintain the gold reserve even if I had to do it by the sale of bonds.

The only bonds authorized were those of the resumption act of 1875, all bearing high rates of interest and running a long time. I suppose (to assist me) Senator Sherman introduced an amendment to an appropriation bill in the Senate authorizing an issue of a 3 per cent short-time bond. Mr. Carlisle, who was then known to be the incoming Secretary, was consulted by the Senator and approved Mr. Sherman's amendment. It passed the Senate by an almost unanimous vote. This was about the 22d of February. Upon its passage, fearing that I might be compelled to use bonds for the purchase of gold, I directed the superintendent of the proper office to prepare plates for this bond; a better bond for my purposes than those already authorized.

I did this upon the belief at the time that an act approved by the incoming Secretary, that passed the Senate, receiving a large share of the Democratic votes of that body, would also pass the House. But in this I was mistaken. The House refused to pass it, and the plates were not prepared, and there were no bonds already signed, as stated by Mr. Harmon. But my letter directing the preparation is used in evidence that the plates were prepared and that a deficit existed.

To go a little further in this matter, I had fixed upon $50,000,000 as the amount of gold I would buy, and I had an understanding with the bankers in New York to this effect, but they stipulated they would take the bonds in installments of $10,000,000 a week. If this was done, it would devolve upon Secretary Carlisle to execute a part of my contract. The bankers desired Secretary Carlisle's concurrence in the arrangement.

In this emergency I called upon Senator GORMAN, stating the facts to him and saying that many of my Republican friends thought I had better not do anything in the way of the maintenance of the gold reserve, yet I deemed it my duty as Secretary of the Treasury to continue to do until the last hour of my term what I would do if I were to be continued in office. In this I was sustained by Senator Sherman.

Mr. GORMAN heartily approved and sent a messenger for Mr. Carlisle. Mr. Carlisle soon made his appearance and seemed greatly pleased at what I proposed, and next day went to see Mr. Cleveland. Upon his return I was informed that he would execute the part of the plan that would devolve upon him and that Mr. Cleveland also approved.

To sum up, the Treasury was not bankrupt at any time, and there was no deficit at any time, no plates for bonds, and no bonds were signed.

No bonds were sold. I managed to maintain the gold reserve, turning over to my successor about $103,000,000.

I believe that if the Harrison Administration had been continued the revenues and the gold reserve would have increased, and the condition then prevailing would have improved.

The panic and deplorable condition following Cleveland's election was wholly due to two causes: First, the known purpose of the Democratic party to adopt a revenue tariff, which at once affected the imports and paralyzed all industries and business, and, secondly, the known incapacity of the Democratic party then coming into power to agree upon efficient legislation, afterwards so painfully demonstrated.

Very truly, etc.,

CHARLES FOSTER.

Mr. FORAKER. Mr. President, I do not intend to undertake to elaborate what is set forth in that letter. It is a clear, straightforward statement, a statement of fact, a statement that is supported by history, a statement throughout that no man, in my opinion, can successfully challenge.

Mr. GORMAN. Will the Senator permit me to interrupt him for a moment?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. FORAKER. Yes.

Mr. GORMAN. Mr. President, apart from the statement just read as to the deficit and the falling off in the revenues being caused by the election of Mr. Cleveland and the threatened revision of the tariff laws, the letter, so far as it relates to me—and I think I have a knowledge of the whole of it—is accurate; that is to say, Secretary Foster—I think I have made this statement once before to the Senate—by direction of President Harrison himself, both of them being great and patriotic men, sought me because of my then relation to party matters on this side and handed to me a balance sheet of the Treasury conditions without, of course, going into what may have been any political considerations, and stated that he desired provision for the issuing of bonds; that he desired and President Harrison desired that the incoming Administration should have in advance of the inauguration this information. He stated, just as he states in this letter, what his course would have been about issuing a low-rate bond—a 3 per cent bond. That is all true.

That proposition was carried through the Senate after conference on both sides of the Chamber. It was defeated in the other House because some gentlemen, higher in the councils of the party than anyone on this floor determined that it was unwise and probably unnecessary to take such action. But afterwards the prediction of Secretary Foster was actually verified. During the long discussion, not of the tariff, but of the question of the coinage of silver, occupying six or eight months, the revenues decreased. Then other bonds were issued, no provision having been made for the low-interest bonds.

I acquit the Secretary of the Treasury and President Harrison of any motive of dealing with the question in a partisan standpoint or of any other motive than subserving the interests of the Government. As I stated a moment since, the revenues at that time were not sufficient for the needs of the Government. I may, in the heat of debate, have used an expression that the Government was bankrupt, but that would have been putting it too strongly. What I meant to say was, that the balance in the Treasury was not sufficient and was not considered sufficient, under the then conditions, to conduct the Government successfully.

Mr. FORAKER. Mr. President, I am glad that the Senator from Maryland states that this letter, in so far as it comes within his knowledge, is a correct and truthful statement. I know it to be such because of the character of Governor Foster, and because also of my personal knowledge, as every man has personal knowledge of public affairs with respect to these matters.

I am also pleased, Mr. President, to know that the Senator now modifies the statement he made, to which I was taking exception, namely, that the Government was bankrupt under the Harrison Administration.

Mr. GORMAN. I did not intend to use such a strong expression; and, if I did, I modify it.

Mr. FORAKER. It was a very strong expression, and I thought the Senator, when he reflected, would perhaps want to modify it. One purpose I had in calling his attention to it was to give him an opportunity to at least show that it ought to be modified.

But, Mr. President, it is true, as Secretary Foster says in that letter, that during the whole Harrison Administration and until after the Presidential election the revenues were more than sufficient to meet all the expenditures of the Government, and there was no decrease or falling off of a noticeable character, more than that which would happen on account of ordinary fluctuations, until after that election, until after the country knew the Democratic party was coming into power, pledged to inaugurate a new and a different industrial policy.

What Governor Foster says in that letter is also true to the knowledge of the Senator from Maryland, that the only reason why he was making preparation to issue those bonds, if the incoming Administration saw fit to approve of that proposition, was not his fear that the Government would not be able to meet its obligations, but that the gold reserve of $100,000,000—not required by law, but which was an established requirement because of usage—might become impaired.

Governor Foster says also in this letter that that apprehension was not well founded. Notwithstanding his fear, notwithstanding the decrease in revenues occurring at the time for the reasons mentioned by him, yet when he went out of office the gold reserve had not been impaired, for instead of $100,000,000 he had $103,000,000 in the gold reserve and an abundance of money to meet all the obligations of the Government.

Mr. President, I am not going to stand here and waste time arguing that the condition referred to was due to any failure of Republican policies under the Harrison Administration. The policies of that Administration were precisely the policies that have been pursued since, so far as economic policies and economic conditions are concerned. We had precisely the same prosperity then that we have had since, except only since we have had it in a greater degree.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Yes.

Mr. TILLMAN. Does the Senator include in that the period during which we had a so-called Democratic Administration in power?

Mr. FORAKER. No.

Mr. TILLMAN. Does he include the four years when we got all the odium of those policies and all the odium of issuing bonds and all that kind of thing?

Mr. FORAKER. I was talking about the four years preceding the period of odium, as the Senator from South Carolina sees fit to call it.

Mr. TILLMAN. I would have preferred if the Senator had said there had been no change in policies, because there was absolutely none under Mr. Cleveland. The policy of Mr. Harrison was carried out by his successor, and any results of that policy ought to be claimed by you rather than have you put them upon us.

Mr. FORAKER. I will not stop to answer that, except only to recite what the facts are in a very brief way with respect to the conditions under the Harrison Administration. During that Administration we enjoyed the highest credit that this Government had ever enjoyed until that time; during that period our foreign trade grew as it had never grown before; during that period we had no occasion whatever to issue any bonds to meet the obligations of the Government or on any other account.

Then followed the Cleveland Administration. It came in, as I said, pledged to a different policy. The Senator from South Caro-

lina [Mr. TILLMAN] wants us to believe that there was no change. There was not as much change, perhaps, made by what is known as the Wilson-Gorman tariff law as was expected by many from the McKinley law; but it was the difference, Mr. President, between having a party in power that was pledged to a policy of protection and one that had come into power pledged to the overthrow and destruction of that policy; and during the months preceding the breaking out of that panic the whole country expected a redemption of that pledge.

That was bad enough; but when the Congress assembled and undertook to legislate to carry out that pledge, something worse, apparently, for the country occurred, for then it was developed that no two Democrats in the United States understood alike what was meant by a tariff-for-revenue-only law. They passed a tariff law in the House of Representatives which was supposed to be an expression of Democratic purpose and a redemption of the Democratic pledge. They sent it here to the Senate, and I have seen it stated—I do not know whether the figures are exactly correct or not—that 1,397 mistakes in the interpretation of that pledge by the House had found their way into the bill that they passed, and called for that many amendments here in the Senate.

From one month to another the debate went on, with the panic all the while growing worse and worse and the revenues decreasing, until it became necessary for that Administration, in a time of profound peace, to issue bonds to meet the ordinary expenses of the Government; and finally the credit of this Government became so poor—or so impaired, let me say, rather—under that Administration that when the last issue of $62,000,000, I believe it was, of 5 per cent gold-bearing bonds was put upon the market it was found necessary, in order that a sale might be secured for those bonds, to organize a syndicate of bankers in Wall street through whom those bonds should be disposed of to the country.

I am not going to pursue that further. It is not necessary. But, Mr. President, what happened next? When the McKinley Administration commenced, the trade conditions were what have been indicated by the Senator from Massachusetts [Mr. LODGE].

During two of the years of the Cleveland Administration the balances of trade were against us. During only two of the four years were those balances in our favor, and then only small balances they were. But the very moment that the Republican party was successful at the elections of 1896 business conditions began to improve, slowly, hesitatingly for some months, until the Administration had come into power, and until it could be made plain to the country that less than a majority of this body would be able to so legislate with respect to the tariff as to repeal the Wilson-Gorman law and substitute the Dingley law, as it is now known, in its stead.

But as soon as that was an accomplished fact, the wheels began to turn; men were called from idleness to employment; business conditions revived, and prosperity set in and has continued without interruption until now we have the greatest prosperity in the history of this or any other country on the face of the earth.

The figures read by the Senator from Massachusetts are simply stupendous, almost incomprehensible. During the years that have passed since the McKinley Administration commenced until now our foreign commerce has so grown, and grown in our favor, that the annual balance of trade will average more than $500,000,000, every dollar of which the nations with which we trade have been compelled to pay to us, and pay to us in gold worth 100 cents all around the world. There have been no 50-cent Bryan dollars in those transactions. As a result of it, Mr. President, we have to-day in the Treasury of this country more gold belonging to the United States than was ever held by any government in the history of the world.

Not only has our foreign trade grown in that manner and to that extent and with that success, but the prosperity which it indicates is general; it is universal; it is distributed throughout the whole country; it is common to all the sections, and to no section more than to the Southern States.

A few days ago there was made in another place where men legislate a very brilliant speech, in the course of which the speaker quoted from newspapers, the leading newspapers from almost every State throughout the whole South, in order to show what the conditions were, according to those papers—almost every one of them a Democratic paper—on the 1st day of January last.

It is a most remarkable array of facts in proof of the statement I make that this prosperity does not alone belong to the Government, to be measured in balances of trade, in the high credit we enjoy, in those things that pertain to our ability to make expenditures, to our National Treasury, but that this prosperity belongs to the people throughout all the sections of this land. I want to briefly call attention to this. It can not be given too much publicity. It was a happy thought that induced this speaker to cite these newspapers. He commences with the State of Missouri. He cites first the Kansas City Journal of January 1, in which it is said:

> According to statements made by officials of the railroads running into Kansas City, every company has reason to rejoice over the business for the year just closed. One general agent said that the earnings of his road had increased 33½ per cent over 1902.

The Kansas City Star says:

> Bank clearings are not always a definite indication of business movements, but they may be taken as a reliable basis of comparison in noting progress in any one city. The clearings in Kansas City for the past year were one thousand and seventy-five millions, or an increase of eighty-six millions (9 per cent) over the record of 1902. Building records and real estate transfers show similar increase. Both the wholesale and retail merchants report gains.

I am not going to read all of these, but I want to read a few of them just to show how universal they are and how all alike tell the story of prosperity. The St. Joseph Gazette says:

> The country upon which St. Joseph depends for its maintenance is prosperous to a most gratifying degree. Crops have been fairly abundant; prices for the products of the farm and range far in excess of the average for many years.

Now I come down to Virginia, skipping quite a number of citations from other papers in Missouri. The Despatch, of Norfolk, says:

> The cities of tide-water Virginia have experienced a solid and increasing growth during the past ten years. Norfolk is in many, many ways better off to-day than a year ago. Churches, schools, charitable organizations, and business organizations have flourished and grown and improved within the year. Local bank deposits have shown a steady increase during the year, and local bank clearings also indicate an increase in the volume of business done in the city, and the record of the year past is the largest in the history of the city.

Mr. PATTERSON. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. Certainly.

Mr. PATTERSON. If prosperity is as great as it has been, if it has not diminished and is not diminishing, how does the Senator from Ohio account for the material cut in the wages of twenty-five or thirty thousand of the workmen and workwomen engaged in the New England textile fabric mills, a reported cut in wages in all the steel industries, and that there is now assembled at Indianapolis a national convention of bituminous coal miners threatening a national strike because they have been notified that after a time soon to come the wages they are receiving will be materially lessened?

Mr. FORAKER. Mr. President, there is no trouble in answering the Senator. I am not going to answer him in detail as to all the cases he puts, because it is sufficient to answer him as to one, and either that or some similar answer will be found as to each of the others. He puts the case of cotton manufacturers. It is the price of cotton, Mr. President, which has gone so high—whether on account of legitimate demand or whether on account of manipulation of stock brokers and dealers it does not matter—has gone so high as to cripple that industry, to stop a number of factories, and to turn, in consequence, a number of men into idleness.

For other causes, having nothing to do with the general policies of the country, but originating in and having their effect in spite of those policies, the steel industry has been temporarily affected, and the mining of coal has been temporarily affected, perhaps. I am not able to answer as to detailed facts all the suggestions made by the Senator, but we know that it is no unusual thing to see the representatives of labor and the representatives of capital meeting in national convention for the purpose of considering questions of wages and other questions of a similar character.

We do know, however, Mr. President, this to be a fact, that when the Republican party is in power and the people of this country are satisfied with the industrial legislation, there is never any strike, except for differences as to wages or hours or other terms. Labor strikes when it knows if it quits work to-day it can go back and find work to-morrow; capital strikes and goes out of business when you institute policies in which the people have no confidence. That is the difference between strikes under Democratic and strikes under Republican policies.

You are liable to have strikes under any Administration, although from different causes. How was it under Cleveland? Nobody struck then because he was getting less wages than he wanted. The trouble was to get any wages at all. The only striking anybody did was to strike out for a job, the first one he could hear tell of, and pursue it and get it, if he could, anywhere and at "any old price," on any kind of terms.

Now, let me pursue my remarks. I am not going to be tedious about this. I only want to show, Mr. President, that this is not a

prosperity merely of the Government, but it is a prosperity for the whole people and for all the sections of this country. I have read from newspapers in Missouri, and I read from one in Virginia.

Mr. TILLMAN rose.

Mr. FORAKER. I will get to South Carolina in a moment.

Mr. TILLMAN. I just want to ask the Senator from what he is reading? He started out to tell us he was reading from a speech; but he did not tell us where it was delivered, or when, or by whom.

Mr. FORAKER. I thought the Senator would understand that the rules of the Senate prohibit my speaking of what occurs in the other House. Therefore, I said this speech was made elsewhere.

Mr. TILLMAN. That is rather thin, Mr. President.

Mr. FORAKER. Well, I can say, I presume, that it was made in the House of Representatives, and it was made by Mr. BOUTELL of Illinois, a Member of that body.

Mr. TILLMAN. I am glad I got the information.

Mr. FORAKER. And it was made on the 26th of January. I invite the Senator's attention to it. He will find it profitable, I think, to give it careful study.

Mr. President, to go on with this, I could read to the same effect from the Petersburg Index-Appeal, to the same effect from the Jacksonville Times-Union, and from the Pensacola News, as to the condition of things in Florida; and I could read to the same effect from the Leader, a paper published in Lexington, Ky., as to the conditions existing in that State, and from the Louisville papers to the same effect. All these papers, let me remind the Senate, are of date January 1, showing the condition only a month ago, as published in these Democratic papers in their respective localities. The Atlanta Constitution, January 1, says:

Annual reports of all city officials show a bright chapter in the history of Atlanta, the year 1903 having been one of the most prosperous in its history. The clearings of 1902 were increased by $13,791,580.31. The year's record is a remarkable one, and is considered as a strong indication of the substantiability and growth of business in Atlanta.

The Augusta Chronicle and a number of other papers in that State are quoted.

Then he goes to North Carolina and from the Rural News and Observer he quotes this:

The year that closed last night has been a good one for North Carolina and the American Republic. Crops have been large and prices good. It has been a specially good year for farmers.

I quote now from the Wilmington Morning Star:

The steady increase in the commerce of Wilmington is extremely gratifying to the people of the city, and the growing importance of the chief seaport of North Carolina will alike be a source of gratification to the people of the entire State.

Now I come to South Carolina, that blessed old State, so ably represented on this floor always, and particularly now. The Charleston News and Courier is quoted from, as follows:

The banks of Columbia show by their reports that they have had a very successful year, and it follows that the people of the city have cause to be, in a large measure, satisfied with the last year's business. The total deposits in the five banks amount to $3,503,907.50, a very large sum for a city of the population of Columbia. Compared with former years, the deposits increased very much, and the bankers seem to be full of confidence of still greater proportionate increase during the present year.

Now let me read from another paper, the Greenville News:

The year 1903 has been one of unprecedented growth and general improvement. Something like $2,000,000 has been expended during the year in the erection of public and private buildings, manufacturing plants, and various other commercial enterprises. The most successful year in the history of Greenville has passed. Nineteen hundred and three has left the city greater, richer, and more prosperous than when it came.

Then I could read to the same effect from the papers of Memphis and Nashville as to the conditions of prosperity obtaining in the State of Tennessee, and so on throughout the South. I might go on reading to a very much greater extent than I have, but I have read sufficiently to support what I want to state, that this prosperity about which we talk is a prosperity not for any particular section, not for any particular class, but a prosperity for our Government, a prosperity for our country and our whole country, a prosperity for every section of our country, a prosperity for every class in our country, for I have read sufficiently to show that this prosperity has been felt and enjoyed not alone by the merchant and the banker and the manufacturer, but also by the farmer and all those in the humbler vocations and walks of life.

With this kind of prosperity throughout the country, with every newspaper in the South proclaiming it, and everybody throughout the North enjoying it, the whole country in the enjoyment of it, does not the Senator from Maryland think he should modify the statement he made yesterday, when in effect he said, as on reflection he modified his statement of the bankruptcy of the country at the close of Harrison's Administration, the policies of this country as pursued by the Republican party have resulted in failure?

Mr. President, instead of the policies pursued by the Republican party since the McKinley Administration until this time resulting in failure, they have resulted in a triumphant success the like of which has never been known and perhaps never will be again. We can not conceive of the possibility of a greater prosperity than that which the people of this country are enjoying.

Mr. President, I am not going to stand here now to defend the Army or to defend the Navy or to defend the expenditures we are making for the Army and the Navy. That is not necessary. The Army and the Navy of this country have ever, from the beginning of our history, been able, by their heroic achievements and their splendid endeavors, to defend themselves; but I will stop to call the attention of the Senator from Maryland to the fact that the law in respect to the Army authorizes an Army that shall have a maximum strength of not more than 100,000 and a minimum strength of 65,000.

Hardly had the law been passed giving the President authority to increase the Army to the maximum until the President of the United States, instead of taking steps to increase it to the maximum, as was predicted here in the Senate and elsewhere, took steps to reduce it to the minimum of 65,000 officers and men, and it has never since been above the minimum; and to-day, by the latest official report from the War Department, I see that the total strength of the Army, officers and men, is 59,181, or almost 6,000 below the minimum prescribed by law, and 40,000 below what the Senator from Maryland stated, as I understood him, and as is suggested to me by the Senator from Massachusetts [Mr. LODGE].

Now, as to the expense of our Army, we are told that it is greater than it should be for an army of 60,000 men. We were told that, I believe, by way of explanation as to why he said it was an army of 100,000 men, if I correctly understood the Senator, and we are told of the relative expense of the armies of other countries. Mr. President, it does cost more to maintain the American Army than it does to maintain any other army in the world. England pays to her soldiers the highest wages of any country other than the United States, and the United States pays twice as much to her men and officers as they do in England, speaking in round numbers.

In Germany, France, Italy, Russia, and other countries they pay far below what England pays. So if it be that our expenses are larger for an army of 60,000 men than the Senator from Maryland had calculated they should be, it is because we do what we ought to do. We remember that they are American citizens, who are for the time being serving the American Government, and we expect them when they are through with that service to come back and be a part of the sovereign governing body politic of this country and to be fit and worthy citizens to live in this country and fit and worthy to live here because they love the country, and are ready to respond to its call and stand up in defense of its flag whenever there may be necessity for it.

I do not believe, Mr. President, that the American people have any anxiety about the American Army. I believe that the American people justify the maintenance of the Army we have. We know they do. We had this question paraded and exploited and debated and discussed before the American people in the last campaign, when anti-imperialism and expansion constituted the paramount issue, so called. What was the result? The Democratic party in that campaign marched to an even greater and more fatal Waterloo for them than they found at the end of the campaign under Mr. Bryan in 1896.

No, Mr. President; if the Army is to be arraigned, either on the ground that it is too large, when we are maintaining it only at its minimum, or on the ground that it is overpaid, when we are only paying American wages, the people will answer for the Army and I need not waste any time in doing so.

As to the Navy, from the days of the Revolution to this time the American Navy has been the pride of the American people. Whoever else may have failed the American people, the American Navy never has. It is an organization of which every man in this country can be justly proud. Wherever they have carried our flag they have shown bravery and heroism equal to every emergency and a wisdom and a diplomatic capacity and ability not surpassed by those in civil life trained in diplomacy.

I do not believe the American people want us to stop increasing our Navy until we have made it commensurate in strength with the greatness of this the greatest country in the world. I believe the American people have approved the American policy known as the Monroe doctrine, and that they will hold any Administration derelict in duty that fails to be ready at all times to maintain that doctrine and to assert American rights wherever American rights may be challenged.

So it is, Mr. President, that although we have before us a question that is simply American, a question about which there should be no party lines drawn, we have yet found it necessary—I am glad to know the necessity was not occasioned by the remarks of anyone on this side of the Chamber—to refer to political policies and political administrations and political disasters and political triumphs. Perhaps it is well enough that it is so, for the record

is made up. The American people have passed judgment. Let them stop and consider, for they will be called upon to pass judgment again. We are ready for the debate and ready for the vote. We shall go forward without hesitation, expecting the same triumphant vindication next November that we had four years ago and on the previous occasions which I need not mention.

Mr. PETTUS, Mr. BAILEY, and Mr. HALE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Alabama.

Mr. PETTUS. Mr. President, I do not desire to enter into this political debate. The fact is I am a Presbyterian, and if I were desirous of having a Presbyterian minister occupy the pulpit of the Baptist Church on next Sunday I would never commence by telling the Baptist minister that sprinkling was just as good as going under the water. [Laughter.] I would never raise a question and dispute what the court said, if it was a law question, and I would never raise a question with a jury if it was a jury question. I want to get back to where we started. We started out with a discussion of the rule of the Senate, and that is the only question before the House now.

Mr. President, that Senate rule is a peculiar one. I have been here but a few days, but I have observed a good many things about that rule. I do not intend to go into a discussion of what the rule means at this time, because the Senate has interpreted it at least twenty-five times since I have been here. But do you not all remember that the junior Senator from Massachusetts [Mr. LODGE] put on as an engrossed rider on an appropriation bill all the civil government we now have in the Philippines? We fought it. Oh, yes; we fought it. We on this side were opposed to it, as a general rule, and we fought it, and we clamored for the rule. The rule says the President of the Senate may submit a question of order to the Senate itself, and the wise man in the chair [Mr. FRYE] knows exactly when to submit and when not to submit. [Laughter.]

That is what you gentlemen on the other side of the Chamber did.

There came along another appropriation bill and the Senator from Alabama [Mr. MORGAN] tried to put the Hepburn bill on it as an engrossed rider. All of you Senators on this side of the Chamber who were here then voted to put it on as an engrossed rider to that bill. Other Senators seem to have as much appreciation of this rule as the Chair has. It is a good rule, a first-rate rule. It is a rule by which every man in this Chamber, so far as I have observed, has invariably voted on the question as to whether or not a proposition is in order exactly as he wanted to vote on the measure itself when it came up. I think every member of this Chamber who has been here two years has voted on different sides of this question at least half a dozen times. Why clamor about a rule that the President of the Senate knows perfectly well how to get rid of?

Mr. BAILEY and Mr. HALE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Texas.

Mr. HALE. I have been trying to get the floor for the last half hour. I will not interfere with the Senator from Texas, but——

Mr. BAILEY. Mr. President, like the Senator from Alabama [Mr. PETTUS], I have been here but a few days and they have been very full of trouble. I do not think I have voted with the majority since I became a member of this body, and I doubt if I will be able to vote with the majority before my term expires. I am perfectly willing to be instructed in the method of interpreting the rules, which, according to the Senator from Alabama, is that the rule means whatever the Senate chooses to make it mean.

To my way of thinking we had better have no rule at all than one which the majority can waive aside when it so suits their convenience and enforce when they please. I doubt if any other body in this country would be willing to proclaim that it has no respect for the rules which it had adopted. Still I presume I can live without any rule as well as anybody else. So long as my right is preserved to object to what I do not like and to vote against what I think is unwise I shall make no serious resistance to any rule or to any method of applying the rules that may suit the Senate.

But, Mr. President, it was not for the purpose of complaining at the rules or their manner of enforcement that I rose. It was for the purpose of making some brief reply to the very eloquent and very entertaining but very illogical speech of the Senator from Ohio [Mr. FORAKER]. Following the statement of the Senator from Massachusetts [Mr. LODGE], the Senator from Ohio has asked the Senate and the country to believe that all of the prosperity both among the people and with the Government which we now witness on every hand and in which they do not more sincerely rejoice than I do is due in some way to the policies of the Republican party.

The Senator from Ohio, however, fell into the strange and, for a man of his brilliant parts, the inexcusable error of proving too much. Attributing it all to Republican policies, he finally came to his comparisons and read to the Senate copious extracts from papers which declare that the prosperity of 1903 was actually 33 per cent greater than the prosperity of 1902, and yet the country lived and produced and exchanged in 1903 under precisely the same system of laws which prevailed in 1902.

Mr. President, it has become a habit with our friends on the other side, here and elsewhere, to claim for their party all the blessings of nature and nature's God. When it rains, they take the credit for it, and when the drought blights the land they charge it to the misdeeds and follies of the Democratic party. There was a time, unfortunately, when some of our Democratic friends were led into the error of supposing that the only way to make this country Democratic was to make it unhappy—by making it believe that it was not prosperous. That time has passed, and no such delusion now enthralls us. We will make no more calamity campaigns.

My judgment is that when the country is most prosperous in a material way it has greatest need to call the Democratic party into its service in order that it may be reminded of its duties outside of the dollars and the cents.

Prosperity, sir, is not the product of politicians nor of governmental policies. It is the joint product of God and man. It comes from the benevolence of nature in giving us rain and sunshine, combined with the industry and the intelligence of the American farmers and laborers of every class. They create prosperity in spite of your laws and your policies.

If these Republican policies made such marvelous prosperity from 1897 to 1903, why did not those same policies produce the same results in prior years? The Senator from Ohio has well said that the policies which prevailed under Harrison are the same policies that prevailed under the lamented McKinley and under the one who happens to be President of the United States at this particular time.

They invite us to compare the years under Cleveland with the years under McKinley's Administration. Let us extend the comparison and take the years under Harrison and compare them with the years under Cleveland. Before I do that I desire to say that I am no apologist for Mr. Cleveland's Administration. I was as little in sympathy with it as any man who belonged to the Democratic party.

I was the first Democrat in Congress to break with him. During the last three years of his Administration they did not permit me to name a third-class postmaster in the district which I then represented in the House. Indeed, it became a practice with those who sought appointments to write to the Post-Office Department that I opposed their nomination. Under these circumstances it can well be understood that I have no disposition to apologize for Mr. Cleveland, but I have every disposition to do him and the party which elected him full justice.

His history has been written, his public life has closed, and it is as little as we can do on both sides of this Chamber to be fair toward him. He was not much more unpopular at the close of his Administration than the man will be whom you are apt to elect, if you elect anybody, to serve during the next four years. In all my experience I have never known a candidate whose nomination so many men favored and whose nomination so few men really desired as in the case of the present occupant of the White House.

Everybody is for him and nobody wants him. Before the close of his term, if you elect him, you may find it as unpleasant a task to defend his Administration as it is for us to defend Mr. Cleveland's.

But, Mr. President, let us make the comparison of exports and imports. The Senator from Massachusetts declares, and the Senator from Ohio repeated it, that under Mr. Cleveland's Administration there were but two years when the balance of trade was in our favor, and that insignificant. I tell the Senator from Ohio that the balance of trade in our favor under Cleveland's was larger than it was under the Harrison Administration.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Texas yield to the Senator from Ohio?

Mr. BAILEY. Certainly.

Mr. FORAKER. I made the statement without having looked at the figures. I made it, repeating what the Senator from Massachusetts had said in my hearing. I saw that he had figures for it. I did not pretend to state exactly all the amounts. I did not say anything about the balance of trade under the other Administration in that connection.

Mr. BAILEY. I recognize that the Senator from Ohio followed the statement of the Senator from Massachusetts, and the Senator from Massachusetts is usually very accurate in these matters—he has such facility for their preparation, because he only needs to send a note to the Department and he is amply supplied in the shortest possible order—that I hesitated to believe even my own hearing when he made that statement.

Rather than contradict him then I sent for this statement, a Government publication called the "Statistical Abstract of the United States," prepared under the authority of the Treasury Department itself, and I take from that Statistical Abstract these statements.

Under the Democratic Administration—and with the leave of the Senator from South Carolina [Mr. TILLMAN] I shall call it a Democratic Administration—under the Democratic Administration of Mr. Cleveland, from 1885 to March 4, 1889, I find that the imports——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mr. BAILEY. Certainly.

Mr. FORAKER. I call the Senator's attention to the fact that we were not talking about the first Administration of Mr. Cleveland but the second. During the first Administration there was a Republican Senate, in the first place, to make impossible such legislation.

Mr. BAILEY. All right.

Mr. FORAKER. If the Senator will bear with me still a moment——

Mr. BAILEY. Certainly.

Mr. FORAKER. Then, moreover, Mr. Cleveland was elected the first time upon a platform that did not declare in favor of a tariff for revenue only, as I remember, but it contained a pledge that there should be no legislation affecting the tariff that would seriously affect or put in jeopardy any business. I can not give the exact language, but that is the substance and effect of it. I remember it well, because all over the country the contention was that if they got into power there would be no change of policies to disturb the business of the country.

Mr. BAILEY. That is entirely satisfactory to me. I dismiss the first Administration and take the second.

Beginning under Mr. Harrison's Administration with 1890, and I take that rather than the one ending in 1889, because the first part of the fiscal year was under the Democratic and only the last four months under the Republican Administration. So I begin with 1890, and I find that our imports were $789,000,000, in round numbers, while our exports were $857,000,000.

In 1891 our imports were $844,000,000 and our exports were $884,000,000.

In 1892 our imports were $827,000,000 and our exports were $1,030,000,000.

In 1893 our imports were $886,000,000 and our exports were $847,000,000.

Mr. CLAY. That was the Cleveland Administration?

Mr. BAILEY. That is the Harrison Administration.

Mr. FORAKER. The last one?

Mr. BAILEY. I include 1893 because Harrison served for eight months during that fiscal year and Cleveland only four months.

Now, in the fiscal year ending June 30, 1894, our imports were $654,000,000 and our exports were $892,000,000.

Mr. FORAKER. Will the Senator allow me——

Mr. BAILEY. Let me finish.

Mr. FORAKER. I just wish to ask a question for information before you pass from that; that is all.

Mr. BAILEY. In 1895 our imports were $731,000,000 and our exports were $807,000,000. In 1896 the imports were $779,000,000 and the exports $882,000,000. In 1897 the imports were $764,000,000 and the exports $1,050,000,000.

Thus it appears from a Government publication itself that the balance of trade in our favor was more than twice as large under the Cleveland Administration than under the Harrison Administration.

Now, the Senator from Ohio says that the cause of the great falling off in the revenue was that immediately upon the announcement or ascertainment of Cleveland's election the people of this country revoked their import orders, importations fell off, and consequently import collections fell off. Unfortunately for the Senator from Ohio he spoke without being advised from the record, because the very year before Cleveland was elected the imports were only $827,000,000, while the year in which he was elected they were $886,000,000, and the following year they were only $654,000,000.

So in the year in which the Senator says the orders were revoked by reason of Cleveland's election, as a matter of fact the imports were larger than in the preceding year under Harrison's Administration.

Mr. FORAKER. If that statement be true, the Senator has made a mistake in reading it, or else I made a mistake in listening.

Mr. BAILEY. No.

Mr. FORAKER. What, now, were the imports for the year 1896—the year McKinley was elected?

Mr. BAILEY. The imports that year were $779,000,000.

Mr. FORAKER. What were they in 1897?

Mr. BAILEY. In 1897 they were $764,000,000. So they fell off under your Administration.

Mr. FORAKER. That was the year we were getting started, and acting under the laws of the previous Administration. Before the Senator closes the book I want to inquire about the year Cleveland was elected, in 1892. I am asking this only that I may understand the Senator.

Mr. BAILEY. They were actually larger the year he was elected than the year before. Now, there was a year in which they fell off. Anticipating a reduction of duties, importers naturally and sensibly postponed their importations in order to get the benefit of a reduction in customs duties, because plainly they could not import under the higher duties and successfully compete with competitors who imported under the lower duties of a Democratic tariff law.

Mr. FORAKER. I wanted to direct the Senator's attention to that year to know if I correctly understood him. I understood the figures, as he read them, to indicate that they did fall off immediately after the election of Cleveland as compared with the year in which he was elected.

Mr. BAILEY. No; they fell off in the fiscal year ended June 30, 1894, and that was evidently, not because Cleveland was elected, as the Senator says, but because the Democratic party was engaged in the very laudable but difficult task of framing a tariff law, and that they would fall off then everybody understood.

Now, I want to go one step further with the Senator from Ohio. He has read to the Senate a letter from ex-Secretary Foster. I know it is a pleasure to defend Secretary Foster on his part; they were personal and political friends; but Secretary Foster's letter, while literally accurate, is misleading. That letter, if accepted as it was read, would seem to imply that there was no insufficiency of revenue under the Republican tariff law known as the "McKinley Act," and yet I have here the sworn statement of Secretary Foster, made before the Committee on Ways and Means in the House, in which he says that while it is true his preparation for bonds was to repair the gold reserve, yet, independently of the bonds, he says, under oath:

> I will only say this, that if I was to have the management of the Treasury I should insist upon an increase of revenue to the extent of $50,000,000.

If the revenues were abundant, why would a Secretary of the Treasury insist upon an annual addition of $50,000,000?

Secretary Foster further says in response to the question of Hon. William L. Wilson——

Mr. FORAKER. What is the date?

Mr. BAILEY. The date of the report is March 3, 1893. The date of the hearing was February 25, 1893.

Mr. Wilson asks at a further point of the inquiry:

> Did I understand you to express a general opinion a while ago that in addition to the present sources of revenue that the revenue of the Treasury Department ought to be advanced $50,000,000 more a year?

To which question Secretary Foster replied:

> Yes, sir.
>
> Mr. MCMILLIN. Would you make that for one year or a permanent increase of revenue?
>
> Secretary FOSTER. As things are going now a permanent revenue, for two reasons. I would increase the gold reserve at least $25,000,000 if I had the money to do it with.
>
> Mr. TURNER. But your answer just now seemed to contemplate an annual increase.
>
> Secretary FOSTER. I think an annual increase of $50,000,000 would make the Treasury easy, and if I were going to manage it I would want to have it.

That is his sworn testimony.

Mr. FORAKER. He states there he has that opinion because of "the way things are going on now;" and that was the middle of February, three months after the Cleveland election.

Mr. BAILEY. But, Mr. President, surely a Republican Secretary would not be basing his opinion on what he would want under a Democratic Administration. Of course some very improbable things did occur under that Administration.

The President did appoint as Secretary of State a gentleman who had never voted the Democratic ticket, but it was not probable that he would make a like appointment for Secretary of the Treasury, and it can not be supposed that a Republican Secretary of the Treasury was basing his answer upon the supposition that he was to administer a Democratic policy.

No, sir; Secretary Foster said there ought to be $50,000,000 additional; and yet the Senator from Ohio tells the Senate and the country that abundant revenue was flowing into the Treasury under his Republican tariff law. I tell him that in order to meet the usual and ordinary expenses of the Government they used a trust fund, which had been converted into a cash asset of the Treasury.

Mr. FORAKER. I rose simply to inquire of the Senator, as he has the statistics before him, whether or not there is anything there which indicates that there was a deficit at any time during the Harrison Administration prior to the election of November 8, 1892. All I said was that there was no deficit, and that is what I understood the Senator to say.

Mr. BAILEY. That the Government actually defaulted, no; but that the Government was driven to the necessity of using what had been a trust fund to meet its current obligation is true. And after that had been done, when the Republican Treasurer turned over the office to his Democratic successor he delivered only $103,000,000 in gold.

Mr. FORAKER. To what trust fund does the Senator refer?

Mr. BAILEY. For the redemption of national-bank notes.

Mr. FORAKER. I know nothing about any such transaction.

Mr. BAILEY. If I was inclined to be sarcastic, I might say that there were many things the Senator from Ohio does not know about this matter; but the Senator from Ohio comes as near knowing what a Senator ought to know as any gentleman on this floor, and when he does not know it it may be laid down as certain that it would not be to the credit of his party for him to know it.

Mr. FORAKER. Mr. President, I appreciate the compliment which the Senator has paid me. I only rose again that I might say that the reason why I made that remark was to explain why I would not undertake to answer that. I know nothing about it. I may have known about it at the time. My attention has not been called to these matters for a long time, and I will take pleasure in looking it up and seeing to what extent trust funds were misapplied.

Mr. BAILEY. I did not say they were misapplied. I said they were converted into a cash asset of the Treasury.

Mr. FORAKER. It was a cash asset of the Treasury?

Mr. BAILEY. No; they were trust funds.

Mr. FORAKER. What was the amount of the fund?

Mr. BAILEY. I would not venture to state the amount exactly; but the Government now, instead of redeeming those old bank notes out of the trust fund, redeems them itself. The Government was entirely a solvent obligor, and it was not a misapplication or even a diversion of it. It was simply a conversion of it to meet an exigency.

I wish to say to the Senator from Ohio that it is not my habit to charge dishonesty upon my political opponents. I make no such charge, but the whole gravamen of my charge is that in order to escape a deficit they used a trust fund as a cash asset, still holding themselves liable to answer for the trust fund.

Mr. FORAKER. Can the Senator give me the date of that conversion? I want to look it up.

Mr. BAILEY. If the Senator will apply to me at my desk I will do so.

Mr. ALLISON. Will the Senator allow me?

Mr. BAILEY. Certainly.

Mr. ALLISON. The matter of which he speaks now was the change in the laws made in 1890. That is my recollection.

Mr. FORAKER. Was there any deficiency, I will ask the Senator from Iowa, with the permission of the Senator from Texas, of the revenues at that time as an occasion for that?

Mr. ALLISON. I do not wish to interfere with the Senator from Texas, but those special funds were turned into the general funds of the Treasury, I think, not on account of any deficiency in the Treasury, but because of the recommendation of the Secretary at that period that they were funds which ought to be currently in the Treasury. But under the national-bank act of 1864 they were a special fund.

Mr. BAILEY. Certainly.

Mr. ALLISON. Largely they were funds deposited in the Treasury to meet the redemption of national-bank notes of banks that had gone into liquidation or failed. The object was in the line of the opinion of a great many people at that time, that this fund ought to be in circulation and not be held as a special fund in the Treasury which could not be touched by anyone.

Mr. BAILEY. That explanation could hardly be sufficient, because as long as this fund for redemption was in the Treasury the bank note itself was in circulation or else was destroyed and would never be presented for redemption. So that explanation will hardly suffice.

Mr. ALLISON. The Senator misunderstood me—if the national-bank note was in circulation and the greenback in the Treasury. If both were in circulation, there would be an addition to the circulation.

Mr. BAILEY. But both could not be properly in circulation, because one was held for the redemption of the other. I make no complaint as to the perfect legitimacy of that transaction. It was entirely honest, but to circulate the trust fund while using the other fund too would not be a correct financial method.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Indiana?

Mr. FAIRBANKS. Will the Senator allow me to ask him a question?

Mr. BAILEY. Certainly.

Mr. FAIRBANKS. Does the Senator take into account the fact that President Harrison paid off a large amount of Government bonds, and that a large amount of the payment was made from the receipts derived from the customs and other sources?

Mr. BAILEY. He did not pay off as much as Cleveland did in the preceding Administration under precisely the same law.

Mr. FAIRBANKS. No; that was not the question I asked the Senator.

Mr. BAILEY. Neither does it fit right at this place; and I was making an irrelevant answer to an irrelevant question.

Mr. FAIRBANKS. I asked the question simply for information. As I understand it he paid a great many million dollars in liquidation of bonds of the Government out of his revenue.

Mr. BAILEY. That is true; and Mr. Cleveland had done the same and more under his first Administration.

Mr. FORAKER. When he was administering under the Republican policy.

Mr. BAILEY. Under Republican policy, I regret to say, and which policies he continued in a measure, I regret still more to say. But the contention which I am making here——

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield?

Mr. BAILEY. Certainly.

Mr. FORAKER. Would it trouble the Senator if I should ask him this question? If when Mr. Cleveland came in he found the Government bankrupt or the revenues so diminished that they were not equal to the obligation that had to be met, why was it that the Democratic party undertook to so change the tariff as to reduce the revenues?

Mr. BAILEY. We were trying to relieve the burdens of the people, and we had less thought about the revenues of the Government than we had about the burdens of taxation. But the Senator from Ohio knows, because he knows our theories as well as he does his own, that we believe that by reducing a protective duty to a revenue basis we can increase the revenues of the Government.

Mr. FORAKER. Mr. President——

Mr. MITCHELL. Will the Senator allow me?

Mr. BAILEY. One at a time.

Mr. FORAKER. I wanted to inquire of the Senator whether or not the reduction ever had that effect under Mr. Cleveland's Administration?

Mr. BAILEY. If the Supreme Court had not declared our income-tax provision unconstitutional we would have raised ample revenue for all the necessities of the Government economically administered. I am free to say I do not think we could have made many $10,000,000 gifts to expositions and have escaped a deficit.

Mr. MITCHELL. What I wanted to ask the Senator from Texas is whether the Cleveland Administration was trying to rid the people of the burden when during his second Administration there was issued $260,000,000 of bonds?

Mr. BAILEY. That was because they did not know enough to know that they could have preserved the parity between gold and silver without issuing bonds——

Mr. ALLISON. Will the Senator from Texas yield to me for a moment?

Mr. BAILEY. Certainly.

Mr. ALLISON. I have now the statute to which the Senator alluded in his observations respecting the diversion of public funds. That statute was a part of the act of July 14, 1890, when there could not possibly have been any question about a deficit either in the present or in the future in the Treasury, for the Treasury was then as amply, or not quite as amply, supplied with funds as it is now.

Mr. BAILEY. I give the Senator from Iowa and his political associates credit for being able to see two years ahead. They passed an act the title of which declared it to be "An act to reduce the revenues and equalize duties on imports, and for other purposes." That is the title of the McKinley Act.

Mr. ALLISON. Oh, no, Mr. President; this was the act of July 14, 1890, directing the purchase of silver bullion, the issuance of Treasury notes thereon, and for other purposes. This was an amplification of the general understanding at that time that we must have more silver. Under this law four and a half million ounces of silver were purchased every month. There was no question at the time this act was passed as to a deficiency, either present or remote, in the Treasury.

Mr. BAILEY. Mr. President, the Senator from Iowa is not exactly fortunate, I think, in his explanation, because this trust fund had absolutely nothing to do with the purchase of silver. It was included in the silver-purchase act, but it was simply a recognition of what everybody understood, that this fund carried as a trust fund should be covered into the general fund of the Treasury. I will go further, though I did not intend to go into that matter.

Mr. ALLISON. I only want to say to the Senator, if he will excuse me one moment——

Mr. BAILEY. Certainly.

Mr. ALLISON. This was in no sense a trust fund. It was a fund for the redemption of national-bank notes. That act was simply an amendment of the law that had been passed in 1864.

Mr. BAILEY. I think I comprehend the nature of a trust fund. Whenever a fund is left with any person, corporation, or government for a special purpose it comes within the definition of a trust fund. This fund was left in the Treasury for the redemption of the notes of national banks whose charters had expired and which had gone out of business or whose misfortunes had plunged them into bankruptcy.

I will go further, though this is a proposition which I did not care to discuss, because it is not relevant. All of this was framed with a view of simplifying the accounts of the Treasury. Even Secretary Foster, in this very hearing which I have before me, declared that he did not keep any separate account of what he called "the gold redemption fund." He declared that it belonged to the general fund of the Treasury; and another Secretary of the Treasury who followed him declared that if Congress did not provide the money to meet general appropriations he would use that gold fund for current expenses, thus sustaining Secretary Foster's position.

Mr. ALLISON. Will the Senator from Texas permit me to interrupt him a moment?

Mr. BAILEY. I will.

Mr. ALLISON. That fund was always kept in the Treasury after 1875, until by a specific act of Congress in 1900 it was set apart. It never was regarded as a trust fund in fact or segregated in any way from the general fund of the Treasury until 1900.

Mr. BAILEY. But the law which authorized the Secretary of the Treasury to sell those bonds authorized him to sell them for a specific purpose, and every Secretary of the Treasury ought to have respected the will of Congress and have reserved that gold fund against that purpose; and so they did. Secretary Foster was the first one who claimed otherwise. Senator Sherman declared in a debate in this body that it was a trust fund. It was raised during his incumbency of the Treasury office.

Mr. ALLISON. Undoubtedly.

Mr. BAILEY. And he declared that it was a trust fund.

Mr. ALLISON. If the Senator will permit me one moment, the law of 1882 provided that these bonds might be sold whenever the trust fund fell below $100,000,000. The law of 1875, which was the foundation of this fund, provided that the Secretary of the Treasury might sell bonds to maintain it without reference to any limitation, and Mr. Cleveland——

Mr. BAILEY. To maintain what?

Mr. ALLISON. To maintain the redemption fund.

Mr. BAILEY. It was a fund for the redemption of greenbacks.

Mr. ALLISON. Undoubtedly; and that fund never fell below $100,000,000 during the Administration of President Harrison or during any Administration prior to the Administration of President Cleveland, when it at one time was reduced to $47,000,000, notwithstanding Mr. Cleveland was selling bonds all the time for its replenishment; and while replenishing that fund he took the money derived therefrom to pay deficiencies which rose from month to month in the revenues as compared with the expenditures.

Mr. BAILEY. I will say to the Senator from Iowa that I reprobated the practice, and that I introduced into the House of Representatives a resolution declaring that the Secretary of the Treasury had no authority to apply that fund to any purpose except the redemption of United States notes, and the Judiciary Committee of the House of Representatives unanimously reported the resolution.

But, Mr. President, I must not be diverted into a discussion of those ancient fiscal policies. What I was contending was that there were not abundant revenues under the McKinley law, and in proof of it I read a statement from the Secretary of the Treasury, that if he had the management of it he would insist upon an increase of $50,000,000 every year.

I then said to the Senator from Ohio that in addition to the abundant revenues which he claims the McKinley law supplied they had been compelled to use a trust fund, which had been converted into a general asset of the Treasury; that they did use it; and that they barely escaped a deficit after using it is in proof by the records of the Government. That was all, and no Senator can contend to the contrary. That they did have the benefit of that fund is true. That it was a trust fund, as I understand it, because it was a fund placed in the Treasury for a special purpose, is also true.

Mr. President, there is only one more question that I desire to detain the Senate upon, and that is the remarkable explanation which the Senator from Ohio [Mr. FORAKER] offered in reply to the question of the Senator from Colorado [Mr. PATTERSON]. Very pertinently the Senator from Colorado demanded to know, if this bountiful prosperity was still enveloping us like a cloud and was still everywhere in superabundance, how it was and why it was that the wages of American laborers were being reduced; and he instanced the reduction in the textile enterprises of New England, in the great steel industry, and in the coal mines.

The Senator from Ohio, with a readiness which seemed to satisfy his friends, was prompt with the explanation that the reduction of wages in the textile factories was caused by the high price of cotton. Of course the increased price of raw material always calls either for a reduction in the cost of manufacture or an increase in the selling price, but the Senator from Ohio must know that it is always easier to increase the selling price than it is to reduce the wages of the men who work in those factories.

How often has it been asserted here, and asserted truthfully, too, that the wages of labor is the last element in a community to yield to any changed condition? That is a philosophical truth; and I venture to say that the Senator from Ohio has asserted it an hundred times. When that great financial question was before the country for discussion, how often and how truthfully was it said we would affect the price of everything before we could affect the wages of labor; with a "cheap dollar," as they described the dollar we proposed, they claimed we would immediately increase the cost of living; but they averred that it would be a long and painful process to increase the wages of labor to a corresponding point.

That was the most difficult argument we were called upon to answer, and it perhaps controlled as many votes as any one argument advanced in that debate. Yet to-day, when it suits another convenience, the distinguished Senator from Ohio responds with alacrity that the wages of labor can rise or fall in a night. No, Mr. President, if the reduction in wages in the textile factories has come, it has come through other agencies, doubtless reenforced by the recent unprecedented rise in the price of raw cotton.

But if we accept the Senator's explanation for that, how will he explain the reduction in the wage of the steel workers? Outside of cotton and wool, outside of wheat and meat products, steel is the great basic industry of this land. Except what our appetites and comfort require in the way of food and clothing, civilization could better dispense with any other commodity than steel. Let the Senator from Ohio explain to the thousands of steel workers whose wages have been reduced the cause of such reduction. Is it from an increase in the price of the raw material? Oh, no, Mr. President.

Raw material, so far from advancing to furnish a justification for reducing wages, has itself fallen in price. Is it that the stockholders in that gigantic corporation shall have larger dividends? That their greed would demand them I have no doubt, but their business prudence forbade that, and instead of attempting to increase their dividends they have actually passed the dividend on their common stock. Three years ago the preferred stock of that great steel corporation fetched almost a hundred dollars in the open market, and the common stock fetched half as much.

The wages of the workmen had been advanced; the raw material itself returned a better price to those who owned it or produced it; and yet in the midst of this wonderful and abundant prosperity this great primal industry suffers a blight; the owners of the raw material must diminish their price; the owners of the great manufacturing plants have been compelled to divide their profits, and the wages of the steel workers have been reduced. Who will volunteer an explanation of it?

Ah, Mr. President, the same conditions exist now that existed in 1892. The enormous demand for steel has been largely satisfied and there is a dearth of orders—precisely the same condition that culminated in the great Homestead riots in 1892. When Senators talk about the wonderful prosperity of the Harrison Administration they forget that the hard times, for which Cleveland suffered the odium, began under Harrison and ended under Cleveland. In the summer of 1892, long before even the most sagacious knew the issue of the Presidential battle, this land was filled with the mutterings of idle and discontented labor.

The bankruptcy of merchants and the failures of factories were chronicled daily. When the great steel works at Homestead dared to reduce the wages of its men, there ensued a struggle, memorable in the industrial annals of this Republic, so conspicuous and so important that Congress appointed a committee to investigate it. All that was before either party had made its nomination and before the verdict of the people at the polls could be foreseen.

Mr. HOPKINS. Will the Senator from Texas allow me?

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Illinois?

Mr. BAILEY. Certainly.

Mr. HOPKINS. My remembrance is that the Homestead strike

was commenced by mechanics, those with the lowest wages receiving $6.20 per day and the highest wages ranging from $16 to $17 per day.

Mr. BAILEY. That is a question as to the merits.

Mr. HOPKINS. My remembrance is that the committee that was appointed by the House of Representatives to investigate that strike individually made that report.

Mr. BAILEY. Mr. President, I am not considering the justice of that quarrel. I am simply reciting the historical fact that the quarrel occurred long before the second election of President Cleveland and occurred under the Administration of a Republican, whose character and intellect is not surpassed to-day by any man of any party. I pay that tribute willingly to the memory of Benjamin Harrison.

One word more. I said that the bad times began under Harrison and ended under Cleveland. Go and examine the record, and you will find that the advances in prices, accompanied by a corresponding improvement in the times, began before the election in 1896. That fact is impressed upon my memory indelibly, because on one occasion a Democrat, who was more enthusiastic than intelligent, began to complain to me that the gamblers had formed a pool to put up the price of wheat for the western farmer, and that they were going to defeat us in Illinois and Indiana and Iowa and through the wheat-growing States by increasing the price of wheat before the election.

Doubtless I would have recalled the conditions even without that circumstance; and when a distinguished gentleman on the other side asserted that bad times were initiated with Democratic success and ended with the Democratic Administration, I verified by the records my recollection that the rise in the price of wheat and other farm products began before the election in 1896. Even the dullest advocate on either side perfectly recognizes that it has been abundant crops and better prices that have blessed the land with this unparalleled prosperity.

Let me ask our Republican friends, who ascribe all good things to themselves and impute all evil things to us, if they believe a Republican law in this country can raise the price of wheat? Not an intelligent man on the other side will say so; and all of them, I will say, are intelligent. They might so argue for the purpose of making less intelligent men believe it, but not one of them will dare say that a law of the American Congress can put up the price of wheat, because the price of wheat is regulated in the markets of the world according to the supply of it throughout the world as compared with the demand for it throughout the world.

No Republican Senator—I had almost said that no Republican orator, but I will not venture to say that, because I will not be so rash as to limit the extravagance of speech in which the average Republican orator indulges—but no Republican Senator will declare that a Republican law can make more wheat to the acre than a Democratic law or bring a better price for wheat when made.

The Senator from Iowa, with all his popularity and well-deserved strength among the people of his State, would not dare to face them and tell them that the better prices which they received for their wheat and the better crops of wheat which they made contributed nothing to the prosperity of that State. Not one man from an agricultural community will say it; and yet the prosperity of our industrial communities depends upon the prosperity of our agricultural communities.

Unless the farmers make good crops and realize good prices for them, the manufacturers and the merchants have no customers; but when the farmers make better crops and get better prices, the merchant's store is crowded with farmers and the factory office is crowded with the merchants. It all rests at last, in the industrial as in the physical world, upon the soil.

The prosperity of this country depends upon the industry and intelligence of the men who cultivate the soil, and it is an affront to our common sense, sir, for any party in this country to assume the credit for the prosperous condition which now exists, and which, I pray God, will continue without abatement and without interruption under all administrations of every party.

The PRESIDENT pro tempore. The question before the Senate is on the question of order.

Mr. PATTERSON. Mr. President, I feel quite unwilling to allow this controversy to close without giving my views upon the questions that have been discussed by Senators on both sides.

Mr. HALE. Will the Senator give way that I may make a motion to adjourn?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Maine?

Mr. PATTERSON. For what purpose?

Mr. HALE. Does the Senator desire to go on to-night, or will he give way that I may make a motion to adjourn?

Mr. PATTERSON. I yield for that purpose.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 4344) for the relief of Vincenzo Gerardi, of Washington, D. C.;

A bill (H. R. 8686) to amend section 895 of the Code of Law for the District of Columba;

A bill (H. R. 8688) to transfer jurisdiction of reservation No. 32, in the city of Washington, D. C.; and

A bill (H. R. 10241) to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes.

HOUSE BILL REFERRED.

The bill (H. R. 8889) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company, was read twice by its title, and referred to the Committee on Commerce.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business. It will be a brief session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 5, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 4, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday was read and approved.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9319) providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak., which I will send to the desk and ask to have read.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. SPALDING, a motion to reconsider the last vote was laid on the table.

MARY J. MANKIN.

Mr. GRAFF. Mr. Speaker, I offer the following privileged resolution with committee amendments, which I will send to the desk and ask to have read.

The Clerk read as follows:

House resolution No. 154.

Resolved, That the Clerk of the House is hereby authorized and directed to pay out of the contingent fund of the House miscellaneous items, 1903, to Mary J. Mankin, widow of William H. Mankin, late an employee of the House under the direction of the Superintendent of the Capitol Building and Grounds, a sum equal to six months of his salary, and an additional sum not to exceed $250 to defray the expenses of the last illness and burial of said William H. Mankin.

The following amendments were read:

In lines 4 and 5 strike out the words "an employee" and insert in lieu thereof the words "a laborer in the employ."

In line 9 strike out the words "last illness and."

Mr. GRAFF. Mr. Speaker, this resolution conforms to the usual form adopted in such cases by the House. I move the adoption of the amendments.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman if it has been customary to make this appropriation for employees under the Superintendent of the Capitol?

Mr. GRAFF. I understand that it has been.

Mr. PAYNE. Is the gentleman sure that there is any precedent for that?

Mr. GRAFF. I was told so by the members of the committee who have been members of the Committee on Accounts before I became a member myself. The form of the resolution was investigated, and a change was made in the present resolution so as to make it conform to the others.

Mr. PAYNE. The form of the resolution is all right, if we have been in the habit of doing this thing.

Mr. GRAFF. I understand that we have been.

Mr. PAYNE. It seems to me that we ought not to do it. I

wish the gentleman would consent to have this matter deferred until he ascertains whether that is so or not.

Mr. GRAFF. I have no objection to that, and I will ask that the resolution be passed without prejudice.

The SPEAKER. Without objection, the resolution will lie over.

There was no objection.

ASSISTANT CLERK, COMMITTEE ON DISTRICT OF COLUMBIA.

Mr. GRAFF. Mr. Speaker, I offer the following privileged House resolution, No. 108, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the chairman of the Committee on the District of Columbia be, and he is hereby, authorized to appoint an assistant clerk to said committee for the sessions of the Fifty-eighth Congress, to be paid out of the contingent fund of the House of Representatives, at the rate of $6 per day.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

AMENDMENTS TO PENSION BILLS.

The SPEAKER laid before the House bills of the following titles, returned from the Senate with amendments; and thereupon the amendments were read, and, on motion of Mr. SULLOWAY, nonconcurred in, and a conference with the Senate asked; and the Speaker in each case announced the appointment of Mr. GIBSON, Mr. MIERS of Indiana, and Mr. CALDERHEAD as conferees on the part of the House:

A bill (H. R. 468) granting an increase of pension to Henry Christy;

A bill (H. R. 892) granting an increase of pension to Abram H. Hunt;

A bill (H. R. 958) granting an increase of pension to Alfred H. Rogers;

A bill (H. R. 3776) granting an increase of pension to Alfred I. Judy.

A bill (H. R. 3903) granting an increase of pension to George C. Sherman;

A bill (H. R. 5176) granting an increase of pension to Alonzo Dutch; and

A bill (H. R. 6022) granting an increase of pension to George W. Travis.

JAMES M. DICKEY.

The SPEAKER also laid before the House, with an amendment of the Senate, the bill (H. R. 6321) granting an increase of pension to James M. Dickey.

The amendment was read, as follows:

In line 8 strike out "thirty" and insert "twenty-four."

Mr. SULLOWAY. I move that the House concur in this amendment.

The motion was agreed to.

STATUES OF CHARLES CARROLL AND JOHN HANSON.

The SPEAKER also laid before the House, with a message from the Senate, the following concurrent resolution of the Senate:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the acceptance of the statues of Charles Carroll of Carrollton and John Hanson, presented by the State of Maryland, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Maryland.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with these memorials.

The message from the Senate announced that the amendments of the House, to strike out, in line 7, the word "five" and insert "three;" and to strike out, in line 8, the word "ten" and insert "twelve," had been disagreed to by the Senate, and a conference thereon requested.

Mr. CHARLES B. LANDIS. I move that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. CHARLES B. LANDIS, Mr. PERKINS, and Mr. TATE.

SESSIONS OF THE COMMITTEE ON LABOR.

Mr. GARDNER of New Jersey, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Labor be authorized to have printed and bound whatever papers and documents in connection with subjects under consideration by the committee may be necessary to the transaction of its business.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill; and, pending that motion, I ask the gentleman from Arkansas [Mr. DINSMORE] whether we can not reach an agreement as to the time during which the general debate shall continue. How long does the gentleman desire on his side?

Mr. DINSMORE. We should like to have two hours further on our side.

Mr. HITT. That would take us pretty near to the usual hour of adjournment. Can not the gentlemen on that side content themselves with an hour and a half?

Mr. DINSMORE. I can not agree to that, in view of promises I have made to gentlemen whom I am trying to take care of. I have figured the matter down pretty closely, and we can not do with less than the amount of time I have named.

Mr. HITT. Then I ask unanimous consent, Mr. Speaker, that general debate in the Committee of the Whole be closed at the end of four hours, two hours on each side, the gentleman from Arkansas [Mr. DINSMORE] controlling the time on his side, while I control the two hours or less that we may occupy.

The SPEAKER. The gentleman from Illinois [Mr. HITT] asks unanimous consent that the general debate on this bill in the Committee of the Whole close in four hours, to be equally divided between the two sides, the time on one side to be controlled by the gentleman from Illinois and on the other by the gentleman from Arkansas. Is there objection?

There was no objection.

The motion of Mr. HITT was then agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union (Mr. LACEY in the chair) and resumed the consideration of the bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905.

Mr. HITT. I yield thirty minutes to the gentleman from Pennsylvania [Mr. MORRELL].

Mr. MORRELL. Mr. Chairman, I regret that the subject-matter which will be the basis of my remarks will not be of such a character as will probably evoke the same lively interest which was manifested in the House during the debate of yesterday. However, it is a subject which is of deep importance to my constituents in my district, who are almost as much divided on this subject as the residents of Indiana and Kentucky, separated by that silver line so eloquently described by the gentleman from Mississippi, are divided on the question at issue between them.

What I propose to call to the attention of the House this morning is the subject of across-sea transportation between the United States and the Philippine Islands. There are several bills which have been introduced, both in the House and in the Senate, on this subject. Some of these bills treat of the transportation of Government supplies to the Philippines; some treat of the transportation of all freight from the United States to the Philippines; some give exclusive advantage to vessels of the United States; others do not give exclusive advantage, but all of the bills do give advantage to the shipping interests.

On the 11th of December I had the honor to introduce a bill providing that all Government supplies of any and every description, to any and all of the outlying possessions of the United States, should be transported exclusively in vessels of the United States, provided that the rate charged for such transportation shall not be more than 10 per cent in excess of the lowest rate that can be secured by competitive bids by all vessels regardless of nationality.

On December 18 last I introduced another bill applying to the general freight and passenger traffic to and from the Philippine Islands. It provides for a rebate of 15 per cent of existing duties on all goods transported to the United States in vessels of the United States, and that on all goods carrying no duty or a duty of 10 per cent or less ad valorem there shall be levied a discriminating duty of 10 per cent, if such goods are not carried in vessels of the United States, and that all vessels of foreign nationality carrying passengers shall be subject to a tax of 10 per cent upon all of the passenger fares.

Undoubtedly, Mr. Chairman, it is devoutly to be hoped and wished that, if not possible at the present moment, in the near future all freight, whether for Government purposes or for private parties, and all passengers shall be carried exclusively in vessels flying the American flag; but I very much doubt whether that is possible at the present time. Just how much special aid we should give to American vessels engaged or wishing to engage in the Philippine trade is a question of difficult adjustment. It is a question involving at once the concession properly due to the American merchant marine, the rights of other American investors affected, and the protection of the Government, and the general rights of American producers of products that go to the Philippines, and American consumers of products that come from the Philippines. And, also, we must not neglect the interests of the Filipinos themselves.

There is a bill under discussion in both branches of Congress, and being much discussed in the public prints, which provides that all transportation by sea of Government supplies shall be in Ameri-

can vessels. This bill allows no discrimination on the part of Government officials. Its enactment as presented would make it impossible to carry any Government supplies from any port anywhere in the world to any other port in a vessel other than one of the United States. For instance, under its provisions, a sack of flour, a barrel of oil, or a ton of coal could not be carried from one island of the Philippines to another if there was no American vessel at hand to carry it. That this provision goes too far I feel sure that the good sense of the committee to which this bill has been referred will so determine.

From the main provision of the bill, allowing no discretion to Government officers in charge, allowing no competition by any foreign vessels, opening as it easily does the way to combinations between American vessel owners engaged in this trade, there is danger of much embarrassment and much inconvenience to the Government, and of large increase in the appropriations which would be necessary for the transportation of Government supplies.

Now, Mr. Chairman, I shall, as far as possible, in support of the bills that I introduced and in support of my contention, refer the House to the arguments and the reports of those who are better qualified to judge with regard to this matter than myself. I would suggest that those most capable of passing judgment upon this question would be the officers who have the relations of the Philippines with the United States in charge. The Secretary of War who has just retired, one of the ablest and most efficient executive officers that this Government has ever had, an official whose devotion to the highest good of the nation, to his flag and to his party can not be questioned, has spoken with great positiveness upon this issue. His statements have come with the earnestness of a valedictory upon his retirement from public life. In a report dated January 14, 1904, and published as Senate Document No. 94, Secretary Root says:

> The great bulk of freight shipped by the War Department to the Philippines goes upon the transports owned by the United States. The remainder goes chiefly in foreign bottoms, because the owners of foreign vessels uniformly underbid the owners of American vessels. Every opportunity has been given to American vessels to compete, and the standing instructions of the Department are to prefer American vessels wherever there is such substantial equality between the bids as to make it lawful to do so.
>
> I have no doubt whatever of the wisdom of a provision which shall make it possible to do this business through the employment of American ships. I think, however, that there is great danger that the passage of this bill in its present form would involve the Government in serious difficulty and unwarranted expense. The number of American vessels available for shipment from the Atlantic coast to the Philippines is so small that a rigid requirement that shipments should be made in American vessels only would put the Government entirely at the mercy of a very few individuals, who could charge any price they wished. The only alternative to the possible payment of exorbitant prices for shipments from New York to Manila would be sending the freight by rail to the Pacific coast, and thence by ship to Manila.
>
> Your committee will observe, by examining the Quartermaster-General's report of January 13, that the average cost of transporting all classes of freight from New York to Manila during the calendar year 1903 has been $11.91 per ton of 2,000 pounds, while the average cost of transporting all classes of freight by rail from New York to San Francisco has been $28.70 per ton of 2,000 pounds; that is to say, it now costs two and one-half times as much to get freight from New York to the Pacific coast as it now costs to get it from New York to Manila. Under these circumstances, if we were confined absolutely to American bottoms for this business, we would have no way of escaping from the payment of at least three times as much as we now pay for this class of transportation.
>
> I think the same result can be accomplished and this danger avoided by changing the form of the bill so that it will authorize a preference to American shipping, providing the charge made does not exceed the prices bid by the owners of foreign vessels more than a specific percentage.
>
> A bill providing for such a preference in respect of shipments on the Pacific was introduced in the House in the first session of the Fifty-seventh Congress (H. R. 14441). It was favorably reported by the House Committee on Military Affairs (Report No. 2348). It had the warm approval of this Department, but was defeated on the floor of the House upon the avowed ground that it would amount to a kind of a ship subsidy. (See CONGRESSIONAL RECORD, vol. 35, pt. 7, pp. 6887-6891.)
>
> For greater convenience, I take the liberty of inclosing a copy of that bill as indicating the form of the provision which, it seems to me, would best accomplish the desired object of doing the Government business in such a way as to promote American shipping. I should be in favor of increasing the preference to, say, 25 or 50 per cent.

It is needless to add that the detailed compilation which follows from the Quartermaster-General in the same document amply sustains the Secretary's conclusions. The bill of the last Congress to which the Secretary refers was H. R. 14441, and authorized the acceptance of the lowest and most suitable bid offered by American-built ships for the transportation of Government supplies across the Pacific Ocean to and from the Philippines, "*Provided*, That such bid does not exceed by 10 per cent the lowest bid offered for transporting such supplies in foreign-built ships."

This bill, which was reported to the last House and was unfortunately defeated, it will be observed is in substance the same as the bill introduced by me upon the same subject at this session. Following the suggestion of the able Secretary of War, I might be willing, and I take it that this House might be willing, to increase somewhat the advantage to American vessels. I can not believe that this House will seriously consider the sweeping measure proposed which is destructive of all competition and would leave the Government, as Secretary Root says, "entirely at the mercy of a very few individuals who could charge any price they wished."

The danger of this privilege without limit is further emphasized by a second letter from the Secretary of War to the President pro tempore of the Senate. This letter was not printed as a document, but was given out at the War Department and printed in the New York Journal of Commerce of January 28. It is as follows:

[Secretary Root's second letter to Senator FRYE.]

> I am sorry you were dissatisfied with my letter about the bill limiting the transportation of Government stores to American vessels. I very much desire that business should be done by American vessels, and I have been for several years trying in various ways to get from Congress authority to prefer our own ships to foreign ships. It has seemed to me that the simplest and best way was to give our ships a preference. Two years ago I tried to get authority to give them a preference of 10 per cent, and the bill was beaten in the House. I said in my letter to you that I would be in favor of increasing the percentage to 25 or 30 per cent. I would be perfectly willing to see you go further than that and extend the limit of the preference to 50 or even 100 per cent if necessary, but I do not think that there ought to be an absolute prohibition imposed upon the officers of the Government when it is not imposed upon any of the rest of the business community.
>
> I have no objection to the business of the Government being subjected, in common with the business of the citizens of the United States generally, to the operation of a general policy such as embodied in the navigation laws regarding our coastwise trade. Such laws, wisely, I think, make all American business tributary to American shipping, and the result is, naturally and necessarily, to induce an adequate supply of shipping to do the business. But a statute which limits Government freightage alone, separate and apart from the business of the community at large, to American shipping, under a hard and fast rule which prohibits to the managers of the Government business the same facilities and opportunities which are afforded to the rest of the community, will not be adequate to attract American ships and lead them to engage in the business of which the Government freight forms a small part. There is not enough Government business to justify any such expectations. The result of such a special provision would therefore naturally be either that the Government must pay whatever the casual American vessel chooses to ask or must operate its own transports on the Atlantic at great loss, or must ship all of its stores by way of the Pacific, imposing upon the material going from the Atlantic coast the very heavy railway charges across the continent. The result of such provisions, tying the hands of the Government officers, is not merely to cause greater expense in specific cases, but it is to dishearten the officers and lead them to feel that it is useless to try to conduct business economically.
>
> While I think that the best way to accomplish what the American shipowners and shipbuilders desire, and what I desire equally with them and with you, is to authorize the preference, stated in terms of a percentage, I do not mean to say that this is the only way. I think you could accomplish substantially the same thing by the present bill by adding at the end of section 2 a clause something like the following:
>
> "That any head of a Department may suspend the operation of section 1 in regard to any particular contract for the transportation of such articles whenever, after due public advertisement, no bids for the transportation of the articles specified therein, in a vessel of the United States, shall have been received at rates which shall be deemed to be reasonable, in view of the policy of the Government to promote the employment of vessels of the United States for public purposes."
>
> Section 2, as it now stands, apparently contemplates the general suspension of section 1 under circumstances of special exigency such as to justify appeal to the President for the protection of the interests of the Government. I should think it would hardly justify going to the President in matters of detail, such as are constantly arising in letting contracts for transportation of comparatively small quantities of stores.

It strikes me, Mr. Chairman, that if the Secretary of War, an officer as able as he is, an officer who has had the regulation of all that concerns the Philippine Islands during his administration, is willing to make a concession of that kind rather than have this bill passed in its present form, I feel that it is worthy of the closest consideration by the House. Strange as it may seem, the Secretary of War is not alone, or rather has not been alone, in his desire to prevent the enactment of this legislation.

The honorable Secretary of the Navy in a personal letter to the President of the Senate, which is published in Senate Report 182, says:

> During the last fiscal year there were 3,930 tons of stores other than coal shipped to foreign ports in the following way: English bottoms, 2,179 tons; German bottoms, 1,301 tons; American bottoms, 373 tons; French bottoms, 77 tons. These shipments were made on the usual lines of transportation and did not require the chartering of any vessels. During the same period the following shipments of coal to foreign ports for naval use were made:

	Tons.
To Cavite—	
English bottoms	36,985
German bottoms	5,000
To Yokohama—English bottoms	17,388

> The transportation of all materials for the use of the Navy is governed by the provisions of sections 3718 to 3721, inclusive, of the Revised Statutes. As the bids for transportation by foreign vessels are always lower than those for transportation by American vessels, by law the Department is required to accept the former. I believe that we should ship our public stores in American bottoms and should welcome any legislation which would enable this Department to do so.

Observe, Mr. Chairman, that the facts here stated are in line with the facts stated by the Secretary of War, and that the favorable recommendation which concludes this letter is but an expression of personal opinion and desire, which, if further expanded, would doubtless be hedged in by conditions which would prevent the evil feared by the Secretary of War.

The records of the Navy Department, from all I can gather, are full of facts and of protests against positive direction in the shipment of supplies which would leave no discretion to the Department. In the report of the Bureau of Equipment for 1898, page 270, I find these words:

> The Department was still in desperate straits for transportation of coal, and the only alternative was to purchase steamers, arm and man them with

the naval forces. There were but few vessels in this country suitable for the transportation of coal and available for immediate use. When these were found their owners knew well the necessities of the Government and generally demanded exorbitant prices.

It is sad to believe, Mr. Chairman, that American citizens will take advantage of their Government in its extremity, or when they have the opportunity. Patriotism is a common virtue, but self-interest is more potent far in the everyday doings of men. The poet Burns hit a good compromise upon the characters of men when he said:

I'll no say men are villains a';
The real, harden'd, wicked,
What hae nae check but human law,
But och! mankind are unco weak,
Are to a few restricked:
An' little to be trusted;
If Self the wavering balance shake,
It's rarely right adjusted!

The coastwise laws of course apply to trade between Atlantic and Pacific seaboards. The report of the Bureau of Equipment for 1899, on page 14, says:

It is necessary, under the law, that all merchandise from the Atlantic coast to San Francisco shall be carried in American bottoms. The Bureau has encountered many difficulties in carrying out the law, so far as the transportation of coal is concerned. American ships are scarce and command very high freight rates. So far as the Bureau can ascertain, there is not a single large-size steam collier under the American flag. The freight alone on American coal from the Atlantic coast to San Francisco is sometimes as great as the entire cost of the best Cardiff coal shipped from England and delivered either at Mare Island yard or in San Francisco Bay.

Again, in 1900, the Bureau of Equipment stated in its report, on page 36:

Owing to the great scarcity of freight steamers at present, it is extremely difficult—in fact, impossible—to deliver coal at points desired at regular periods. The necessities of a Government are generally taken advantage of to extort exorbitant freight rates. In addition to these difficulties, only vessels with American registers can now be employed to carry coal to the Hawaiian Islands and to Porto Rico.

Treating the same subject in 1901, the report of the Bureau of Equipment states on page 41:

At present, owing to the scarcity of American freight vessels, the best screened admiralty Cardiff coal can be laid down at Mare Island, duty paid, for considerably less than American coal mined on the Atlantic coast, although the latter at tide water costs about half as much as the former.

On page 50 of the report of the same Department for 1902 are these words:

The freight on coal from the Atlantic coast to the Pacific ports remains at a high figure. Cardiff coal can be purchased at San Francisco, duty paid, at considerably less than coal can be shipped from the Atlantic coast. But few American vessels are offered for coal freight.

Is it not rather sad that in the effort to help our shipping we have been driven to England to buy our coal? The general cargo freight rate from New York to San Francisco is about $12 a ton, while the Government Departments are chartering foreign vessels for the Philippines at less than $6 a ton.

Rear-Admiral G. A. Converse, the present Chief of the Bureau of Equipment, took part in a hearing a few days ago before the House Committee on Naval Affairs. In the course of his remarks he expressed a laudable desire to see American freights carried in American ships, but he took strong grounds against a measure which would unconditionally force this transportation in American bottoms. In the course of that hearing he said—page 234:

While I much prefer to see American coal carried in American ships, I do not believe that the American ships available are sufficient to meet the demands of the Navy Department. I do not think the Navy Department should be the one to pay all the subsidy for building up the American merchant marine, and I do not think the Bureau of Equipment should have to increase its estimates for coal transportation beyond a reasonable amount simply to carry coal in American ships. It is my opinion, therefore, as previously stated, that there should be a means provided for carrying American coal in any vessel, giving preference to American bottoms whenever they can be obtained at a reasonable advance over the price offered by foreign ships, said advance to be limited by a certain percentage.

I had not the honor of advising with the Secretary of War or the Chief of the Bureau of Equipment before introducing my bill, and I am therefore doubly pleased that their judgment, enforced by the experience of their respective Departments, so fully justifies a limitation such as I have proposed.

The economical administration of the affairs of the Government, Mr. Chairman, is one of the highest duties that rests upon us. A duty no less high is in holding the scales of justice equally balanced between different private interests to the end that the common good of all may be best preserved. All that has been quoted and all that can be said in favor of placing some definite limit upon the advantage accorded American shipping in connection with the transportation of Government supplies certainly applies in an equal degree to the broader question of general transportation of all shipments, including the transportation of passengers, between the United States and the Philippines. The measure on this question which now seems to have the right of way in official and private and newspaper discussion provides, without qualification and without restriction, that all such shipments shall be in American vessels. In other words, it extends at one stroke the coastwise laws clear across the Pacific to the Philippine Islands. When the coastwise laws were framed, the term "coastwise" meant "along the coasts of this country." It is a tremendous stretch of legislative construction that would apply these laws automatically to possessions on the other side of the world. The bill which I presented and which I outlined in the beginning of my remarks allows fair discrimination in this trade in favor of the American merchant marine. I do not say that this bill perfectly meets the situation, but I hope that in calling it to the attention of the House and of the able and impartial committee which will pass upon the different measures proposed my suggestions may be considered.

In the act of March 8, 1902, "temporarily to provide revenue for the Philippine Islands," a clause was inserted providing that until July 1, 1904, the coastwise laws of the United States should not apply to the traffic between the United States and the Philippine Islands or to the interisland traffic of the Philippines. This clause was inserted by the Senate and agreed to in conference and accepted by the House as a part of the general bill and without the knowledge on the part of, perhaps, nine-tenths of the Members of the House that such a clause was in the bill. Indeed, we thought that this was a bridge that we would cross when we got to it. There was no discussion in the House to let us know that we had anticipated the bridge. This clause has since led to much discussion as to whether its provisions would apply automatically on July 1, 1904, or whether additional affirmative legislation is necessary to make it apply. There is room for much argument on both sides of the question, but the affirmative legislation proposed indicates a prevailing view as to its necessity. It is commonly admitted that to apply the coastwise laws on and after July 1 next to the Philippine interisland trade would practically destroy that trade owing to the lack of American vessels to conduct it. Therefore, in the legislation proposed this interisland trade is excepted from the application of the coastwise laws; and, at the same time, all doubt as to the application of these laws between the Philippines and the United States is removed by specific provision that they shall apply.

Whether they shall apply unconditionally, without regard to the cost involved and without reference to whether there are American vessels available to do the business—whether their application shall be hedged in by some such conditions or limitations as I have had the honor to propose, or whether their application shall be postponed for a fixed number of years in order to allow time for a sufficiency of American vessels to be built for the traffic—these are the phases of the question that will soon claim solution. Their unconditional application is now to the fore in the public attention and stands on all fours with the proposition to unconditionally limit the transportation of Government supplies to American vessels.

On this question also we are fortunate in having much reliable official data. The Commissioner of Navigation, in his report for 1903, says, on page 44:

Section 3 of the act of March 8, 1902, can not go into effect automatically on July 1, 1904, without almost destroying interisland trade and disturbing the trade between the United States and the archipelago. There are practically no "vessels of the United States," in the statutory sense, in the Philippines.

He says further, on the same page:

The trade between the United States and the Philippines is now conducted almost entirely in foreign bottoms. * * * American vessels in 1902 thus carried only about 3 per cent of the merchandise transported in trade between the Philippines and the United States. To confine this trade entirely to American vessels after the 1st of next July will involve a complete reversal of existing carrying conditions. This reversal will disturb trade relations unless American tonnage can be adjusted promptly to this new line of trade.

It is well known that there is no more ardent friend to American shipping than the Commissioner of Navigation. He goes on to summarize the steamers that might be available for this trade and then states that "American steam tonnage will suffice to conduct the trade between Pacific coast ports and the Philippines if the rates are satisfactory." Further, on page 45, he says:

Considerations of treaty obligations, of our general trade policy in the East, and our peculiar relations to the people of the Philippines raise this question considerably above the plane of an ordinary application of the coasting-trade law, such as was promptly and properly made in the case of Hawaii and Porto Rico.

This statement is most timely. The questions of an open-door policy in the Orient, of relieving the Philippines as far as possible from restrictions in their trade, of promoting the trade with the Philippines for their good as well as for our own should certainly make us hesitate before adopting a measure that, from all indications, would be most harmful. That the restrictions involved in the proposed legislation would fall hardest upon the Filipinos and upon the American consumers of Philippine products is too evident for discussion. On this phase of the question the last report of the Bureau of Insular Affairs, on page 36, says:

The application of the provisions of the United States statutes restricting to vessels of the United States both the coastwise trade of the islands as well

as that carried on between them and the United States after July 1, 1904, is a matter of serious moment to the Philippines.

The report goes on to show that, exclusive of supplies carried by the army transport service, 97 per cent of the Philippine exports to the United States during the fiscal year 1903, amounting to nearly $14,000,000, were carried in foreign vessels, and that approximately 90 per cent of the importations into the Philippines from the United States, amounting to something over $4,000,000, were carried in foreign vessels.

The report further shows that insular freight from New York to Manila is being sent at the approximate sliding-scale rate of $5.90 per ton (p. 38). The report also states that in the proposals and contracts with all foreign vessels this clause is inserted:

It is further expressly agreed that if during the period covered by this contract a rate as low as the contract rate is offered by any company to forward insular freight to Manila in American bottoms the insular government reserves the right to avail itself of such offer.

This is a concession to American vessels which every patriotic American should applaud; but the statement of it is followed with the words, "Not a ton of this freight was carried in an American bottom." The report goes on to say (p. 39):

The passenger steamers from San Francisco to the Orient have been crowded during the past year. I am fearful that the few American ships at present in that service will be inadequate after July 1, 1904, for the service between Manila and the United States Pacific ports, and that much inconvenience will result until others are added.

The imports from the Philippines to the United States consist chiefly of hemp, and by far the greater part of this is landed at Atlantic ports. The exports from the United States to the Philippines consist mainly of flour, canned meats, clothing, and other compact cargoes, and are shipped almost wholly from Pacific ports. There are now no American steamers from Atlantic ports in the Philippine trade. The legislation proposed would force the hemp importations to come by the Pacific coast, and the life that would be left in the hemp business, so far as the eastern manufacturers are concerned, after the increase in ocean freights would in all probability be entirely crushed out by the transcontinental freight charges. The business between the United States and the Philippines both ways is now being conducted nearly altogether by foreign tramps. The Philippines only constitute one of many ports all round the world at which they call, and freight from the Philippines forms a very small proportion of the traffic that they handle. By taking it in connection with various other traffic from various other ports they are enabled to handle it at a minimum cost, a cost which could not be expected to be met by American regular liners. It is both necessary and right, therefore, to give American vessels an advantage in this trade; but it would be most unwise and most unjust to other interests concerned to give American vessels an absolute monopoly of this trade, regardless of what it would cost. To quote from Mr. Augustus P. Loring, president of the Plymouth Cordage Company:

The imports from the Philippines to the United States, being chiefly hemp, a very bulky cargo, amount in money to $13,863,059, while the exports from the United States to the Philippines, being flour, canned meats, clothes, and hardware, or compact cargoes, amount in money to less than $4,000,000 (Report of Bureau of Insular Affairs, p. 32), and so are not sufficient to supply a third of the vessels with return cargoes; and, moreover, the exports are almost wholly from the Pacific ports, so that there are practically no return cargoes from the Atlantic ports.

Hence the vessel discharging hemp in the Atlantic port takes a cargo for South America or some European port, thence perhaps to Australia or China, and so she may again reach the Philippines and be available for hemp.

It is not imports from America, but coal from Australia, or rice from the French East Indies, both of which are among the largest imports to the Philippines (Report of Bureau of Insular Affairs, pp. 31, 32), that bring vessels to the islands. So, too, vessels discharging in Hongkong or Shanghai or other eastern ports are available for a westward cargo of hemp.

In view of these facts, it is obvious why no line of steamers to bring hemp has been established, and why, under normal conditions, such a line never would be established.

It is equally obvious that there is no American shipping adapted or available for this trade.

Of the published list of vessels supposed to be available, all except five are regular liners running regularly to other points and not available for trade between the Atlantic ports and the Philippine Islands. And the five steamers which are not liners are not engaged in the eastern trade, but are engaged in other business to abandon which and take up the Philippine trade would require considerable inducement, as stated in the report of the Commissioner of Navigation above quoted.

A section of the act of March 8, 1902, provides that "all articles, the growth and product of the Philippine Islands, admitted into the ports of the United States free of duty under the provisions of this act and coming directly from said islands to the United States for use and consumption therein, shall hereafter be exempt from any export duties imposed in the Philippine Islands."

Under this section of the act Manila hemp brought directly into the United States and there consumed receives a rebate equal to the export duty levied in the Philippines, and amounting to 35 cents per hundred pounds.

The object of this rebate was to give the American farmer his binder twine cheaper, and the American shipowner cheaper rope; but besides accomplishing this result, in the face of a very strong market for raw material, the rebate worked a second and scarcely less important result alluded to above in the report of the Bureau of Insular Affairs, but more elaborately stated by the Secretary of War in his annual report for the year 1903, pages 48 and 49:

"One effect of the legislation regulating the commercial relations between the United States and the Philippines has been to transfer the principal market for the raw material for our cordage industry from England to the United States. The total exports of hemp from the Philippines for the past five years have been as follows:

1899	$6,666,886
1900	11,398,943
1901	14,453,110
1902	15,841,316
1903	21,701,575

During the same years the hemp exports to the United States have been:

1899	$2,402,274
1900	3,446,141
1901	2,402,867
1902	7,261,459
1903	12,314,312

At the same time the importations of hemp into the United States from other countries have decreased as follows:

1899	$2,817,137
1900	2,147,598
1901	2,870,812
1902	4,236,802
1903	982,857

That is to say, while the cordage and binding-twine industry of the United States, which is so essential to American agriculture, paid a profit to European countries on about half of its raw material before this legislation, it now obtains substantially all of its raw material directly from the country of its origin without the payment of any immediate profit.

This shifting of the market is also shown by the relative exports to England and the United States in the years 1901 and 1902. In 1901 England took 65 per cent and America 26 per cent of the hemp exported. In 1902 England took only 26 per cent and America 58 per cent.

Practically all the hemp imported into America has been brought to the Atlantic ports.

The reason for this is obvious. The great bulk of the cordage business is on the eastern seacoast.

The Twelfth Census of the United States, Volume VII, pages 156, 157, 168, and 169, shows that there are 105 companies in the United States in the manufacture of twine and cordage having $29,275,470 of capital, turning out a product of $37,849,651 annually, employing 436 salaried officers at $666,936 and 15,971 employees at wages of $4,113,112 annually. Mills in the South and Middle West using no manila hemp, but cotton, flax, and jute solely, are included in this list, but there is no means of separating them in the official figures, so the whole list must be used.

Seventy-five of these companies, doing 75 per cent of the business, are on the Atlantic seashore. Two doing an absolutely insignificant business are on the Pacific coast, and practically all the rest are in the Middle West and more conveniently served from the Atlantic ports than by the way of the Pacific, the haul overland from the Pacific being twice as long as from the Atlantic and more difficult, being across the Rocky Mountains and over tracks congested by traffic, while on account of the weight of traffic being from the West to the East there is always a good chance to send freight westward from the Atlantic, as there is never enough to fill all the cars going west.

I have said that the restriction on this trade would bear heavily upon the Filipinos. This has been forcibly emphasized in a special report but recently received at the War Department from W. Morgan Shuster, collector of customs for the Philippine Islands. In discussing this very question Mr. Shuster says on page 17 of this report:

No course should be adopted which will place any additional burden in the way of freights on Philippine products shipped either locally or to the mainland territory for some years to come. For a similar reason no law should be passed which will appreciably increase the freight rates from the mainland territory to these islands. Cheap and adequate transportation between the mainland territory and these islands and between Philippine ports is vitally necessary to successful development here.

This officer, closest in charge, emphasizes the words quoted by putting them in italics. In further explanation of the importance of this question to the Philippine Islands, he says:

At the present time the greater part of the freight traffic between the Philippines and New York is carried on in foreign bottoms. So far as indications go, any law which prevented the continuance of that trade in foreign bottoms *until an equal tonnage of cheaply operated American freighters are actually available to take up that trade* and maintain healthy rate competition would result in a decided increase over the present rates of freight. This additional burden would fall upon the already weakened resources of these islands, and such a result would be more than lamentable from every standpoint. * * * It is therefore earnestly recommended that the present laws, so far as they permit foreign bottoms to trade between these islands and the mainland territory of the United States, be not changed for a period of at least five years from July 1, 1904, and that positive legislation to that effect be had by Congress at an early date.

These late official reports from the Philippine Islands and the War Department have come out since these bills were reported to the upper branch of Congress. So great was the objection to the general Philippine shipping bill urged from many quarters that a special hearing upon that measure (S. 2259) was given by the distinguished Senate Committee on the Philippines. It was a sort of post-mortem hearing in that the leaders of that great committee had already made up their minds and were determined not to change their opinions. At this hearing these honorable

gentlemen ranged themselves most emphatically on the side of the advocates of the bill and showed unmistakable and unchangeable hostility to those who saw fit to protest. The testimony of the remonstrants at that hearing—except where leave to print was granted—begins and ends with cross-questioning. That testimony makes them appear rather like witnesses in rebuttal against the State at a murder trial than like business men who came "a round unvarnished tale to deliver" upon the effects of the proposed legislation.

The remonstrants at that hearing—consisting largely of the eastern cordage manufacturers—announced their willingness to give an advance of 10 or even 25 per cent on present rates of freight to have such freight carried in American bottoms. This spirit of practical willingness to encourage the flag of their country is worthy of all commendation. They represented that the enactment of this law, which would give the steamship lines in the general trade the unlimited advantages to which Secretary Root so strongly objected as applying in the Government trade, would likely close up the cordage mills of the East, throw thousands of men out of employment, destroy many thousands of dollars invested in useful enterprises, and greatly raise the price to the consumers of binder twine and every other product of the cordage mills—that is, farmers, riggers, and shipowners.

As I have said, there are large cordage factories in my district; there are shipyards and shipping companies all around me; I have personal and political friends among them all. I would give all of them a fair chance.

Because of the languishing condition of the American merchant marine I would gladly give such special concessions—even to raising the percentage to 25 or 35 per cent—to that industry if it would not too injuriously affect other industries or the general public. Such concessions I have intended to propose in the two bills which I introduced. If further encouragement be necessary, it should be extended on the Atlantic in the trade to South America, in the trade to Africa, in the general trade with the Orient; but certainly it should not all come as a forced concession from the Philippine Islands—the American producers of exports to the Philippines, the American consumers of imports from the Philippines, and the American manufacturers of Philippine raw materials.

A bill by Mr. FRYE (S. 2263) to require the employment of vessels of the United States for public purposes.

Be it enacted, etc., That vessels of the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy; but this section shall not be construed to prohibit the transportation of such articles by any vessel owned by any Department of the Government.

SEC. 2. That the President of the United States may from time to time suspend, in whole or in part, section 1 of this act whenever, in the interests of the national defense, or for the protection of the interests of the Government, such suspension may seem to him desirable.

SEC. 3. That the Secretary of War and the Secretary of the Navy are hereby directed to enforce the provisions of this act.

SEC. 4. That all acts and parts of acts in so far as inconsistent with the provisions of this act are hereby repealed.

SEC. 5. That this act shall take effect one month after its passage.

A bill by Mr. FRYE (S. 2259) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes.

Be it enacted, etc., That on and after July 1, 1904, no merchandise shall be transported by sea, under penalty of forfeiture thereof, between ports of the United States and ports or places in the Philippine Archipelago, directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel between any port of the United States and any port or place in the Philippine Archipelago: *Provided*, That no merchandise other than that imported in such vessel from some foreign port which has been specified on the manifest as for another port, and which shall not have been unladed shall be carried between a port of the United States and a port or place in the Philippine Archipelago.

SEC. 2. That on and after July 1, 1904, no foreign vessel shall transport passengers between ports of the United States and ports or places in the Philippine Archipelago, either directly or by way of a foreign port, under a penalty of $200 for each passenger so transported and landed.

SEC. 3. That sections 1 and 2 of this act shall not apply to the transportation of merchandise or passengers between ports or places in the Philippine Archipelago. Until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Archipelago, the government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago.

SEC. 4. That sections 1 and 2 of this act shall not apply to the voyage of a vessel between a port of the United States and a port or place in the Philippine Archipelago begun before July 1, 1904.

SEC. 5. That sections 1 and 2 of this act shall not apply to vessels owned by any department of the Government.

SEC. 6. That so much of section 3 of the act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," as reads: "*Provided, however*, That until July 1, 1904, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaged in trade between the Philippine Archipelago and the United States, or between ports in the Philippine Archipelago," is hereby repealed. This section shall take effect on July 1, 1904.

SEC. 7. That this act shall not be construed to impair or affect any privilege guaranteed to Spanish ships and merchandise by the treaty of peace between the United States and Spain signed at the city of Paris on December 10, 1898, and ratified April 11, 1899.

SEC. 8. That the Secretary of Commerce and Labor shall, from time to time, issue regulations for the enforcement of this act, except as otherwise provided in section 3.

A bill by Mr. MORRELL (H. R. 7038) to provide for the transportation of Government supplies in United States vessels.

Be it enacted, etc., That the transportation by sea of United States Government supplies, of any and every description, to any and all of the outlying possessions of the United States, when in other than vessels owned by the Government, shall be effected exclusively in vessels of the United States: *Provided, however*, That the rates charged for such transportation by such United States vessels shall not be more than 10 per centum in excess of the lowest rates that can be secured for such transportation under competitive bids by vessels of every nationality.

SEC. 2. That all act and parts of acts conflicting or inconsistent with the terms of this act are hereby repealed.

SEC. 3. That this act shall take effect one month after its passage.

A bill by Mr. MORRELL (H. R. 8320) to promote the merchant marine of the United States, etc.

Be it enacted, etc., That on and after the 1st day of July, 1904, there shall be levied, collected, and paid on all goods, wares, and merchandise which shall be imported into the United States from the Philippine Archipelago or into the Philippine Archipelago from the United States, in vessels not of the United States, the same duties which are required by the act of Congress entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved the 8th day of March, 1902; but on all goods, wares, and merchandise which shall, after the 1st day of July, 1904, be transported from the United States to the Philippine Archipelago or from the Philippine Archipelago to the United States in vessels of the United States there shall be allowed a rebate of 15 per cent of the duties required by the act aforesaid.

SEC. 2. That a discriminating duty of 10 per cent ad valorem shall be levied, collected, and paid on all goods, wares, and merchandise on which there is, by the said act, imposed no duty at all, and also on all goods, wares, and merchandise on which the duty imposed by the said act is less than 10 per cent ad valorem, or is a specific duty equivalent to an ad valorem duty of less than 10 per cent; but this discriminating duty shall not apply to goods, wares, or merchandise transported from the United States to the Philippine Archipelago or from the Philippine Archipelago to the United States in vessels of the United States.

SEC. 3. That all vessels of foreign nationality engaging in the transportation of passengers between ports of the United States and ports in the Philippine Archipelago or between ports of the Philippine Archipelago and ports of the United States shall be subject to a tax equivalent to 10 per cent of the passenger fares collected by or due to the owners or agents of such vessels for the transportation of such passengers on each and every such voyage between such ports, and such tax shall be paid by the master or owner of such vessel to the collector of customs at the port of departure; and no such vessel shall be cleared at any port of the United States or the Philippine Archipelago for any such voyage until the said tax shall have been paid. The master of any vessel failing to comply with the provisions of this section or with regulations made in pursuance of this act shall be subject to a penalty of $200 for the first offense and $500 for every subsequent offense.

SEC. 4. That this act shall not apply to the voyage of a vessel between a port of the United States and a port or place in the Philippine Archipelago begun before July 1, 1904.

SEC. 5. That all laws and parts of laws in conflict with this act are hereby repealed.

Mr. DINSMORE. Mr. Chairman, I yield forty-five minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, the gentleman from Minnesota [Mr. BEDE] the other day extended to us a very cordial invitation to disband and come over and play in his yard. Now, that invitation being so cordially extended, I believe that common courtesy requires that we either accept or reject it, and if we do the latter we ought to give our reasons therefor. After mature consideration we have concluded that we can not accept that invitation for the reason, first, we feel it ought to have come from some one who has lived there longer than he has. [Laughter.] If it had come from my earnest friend from Iowa [Mr. HEPBURN], who has stood as a watchman on the Republican walls for decades, or from that venerable Athenian Patriarch from Ohio [Mr. GROSVENOR], we might have considered it seriously; but we think at least it ought to have come from some one who has lived in the Republican household long enough to get his wraps off. According to the gentleman's own statement he was first a Republican, then a Democrat, and now a Republican again—I take it a kind of political chameleon that is able to adjust his political complexion to any party in which he happens to light. [Applause and laughter on the Democratic side.]

I concede that he seems to manifest great satisfaction and peace of mind now that he is safely again in the Republican ranks; but I have not the slightest doubt that if we elect the next President—and I think we will—and thereby get control of the offices, my friend will be the first one to land flat-footed in the very middle of the Democratic camp and declare that he really never was a Republican, and then will immediately invite our friends on the other side to come over and join us and make the thing unanimous. [Applause.]

There is an additional reason why we can not disband and go over and join our friends on the other side of the Chamber. I have always been of the opinion that it is well for the country

that we have two great political parties contending for supremacy, the one holding the other in check, provided, of course, these parties are prompted in their contention from an earnest conviction of right. I have entered this body with a deep realization of the fact that to legislate for 80,000,000 people, engaged in diversified pursuits, scattered as they are over a territory reaching from the Lakes to the Gulf and from the Atlantic to the Pacific Ocean, requires not only the keen insight of the ordinary statesman, but the breadth, the courage, the integrity, and the wisdom of real statesmanship.

My opinions are perhaps worth nothing, at most but little, yet I do not believe we will do the full measure of our duty if we bend all our energies, time, and talents in trying to bring about a condition of things which we know will help only the particular industry or business in the part of the country in which we live or happen to be most interested. Neither have I any sympathy or patience with the man who stands upon this floor as a Representative of the United States and refrains from voting for a measure he believes to be wise simply because he fears the displeasure of another department of this Government. I have seen Members on the floor of this Chamber rise in their places day after day and declare they are not ashamed of the record of the Republican party.

Now, of course, Mr. Chairman, I would not question for a moment the sincerity of this statement made by gentlemen on the other side, but to the uninitiated like myself, who are somewhat familiar with the record of that party, I naturally wonder how it is possible for one to deceive himself into believing he is really proud of the record of that party.

What particular record, my friends, are you proud of? Are you proud of the record your party made prior to 1896, when you were the especial champions of free silver? Are you proud of the record your party made in 1896, in declaring in favor of international bimetallism and then stocking a Commission to prevent an agreement being made? Are you proud of the record of your party in 1900 in repudiating its former platform declarations and in its double dealings with the people of this country in declaring for the gold standard, pure and simple? Are you proud of the record of your party in opposing successfully the graduated income tax, the wisest and most equitable law that has been put upon our statute books in fifty years? Are you proud of the record of your party that has built up a tariff wall around this Government for the benefit of a few favored industries—that are to-day selling their products 5,000 miles away from their factory, after paying ocean transportation charges, for 25 per cent less than they will sell to our own people here at home? Are you proud of the record of your party that has by unwise and vicious legislation made possible the organization of trusts and monopolies that have grown so great that they are standing out to-day in open defiance to law and daily violating the same?

Are you proud of the record of your party that sustains the executive officer of our Government, who winks at these open and notorious violations of law and takes no step to punish them, notwithstanding Congress placed $500,000 in his hands for that purpose? Are you proud of the record of your party in standing for government by injunction? Are you proud of the record of your party that has permitted the gigantic and disgraceful frauds perpetrated in the Post-Office Department? Are you proud of the record of your party that has for years consistently but falsely told the American people that the consumer did not pay the tax incident to a high protective tariff, but now confess through your floor leader, as you did on the 16th of last November, that the consumer does pay the tax, that you had persistently and consistently misled them, and that while the consumer does pay the tax you are in favor of making him continue to pay it? Are you proud of the record of your party in standing by and, for the contemptible purpose of selling a few dollars' worth of goods, would see the little republic of South Africa fall a bleeding victim to sordid greed, avarice, and imperialism?

Are you proud of the record of your party in seeing a weak republic, our neighbor and for whom we in a sense agreed to stand sponsor, dismantled that we might get that which we failed to get from the rightful source and proper authority? Are you proud of the record of your party in condemning secession and treason in 1861 and now condoning, defending, and abetting it in 1903, and that, too, for the mere purpose of building a canal at a certain point? Are you proud of the record of your party in this, that the balance of trade, so far as the exportation of the products of these industries which you have and are taxing the people to protect is concerned, was last year heavily against us and was only saved to us by the real wealth producer of the country, the farmer, against whom you have continually and persistently discriminated? Mr. Wilson, the Secretary of Agriculture, says:

> During the last fourteen years there was a balance of trade in favor of farm products, without excepting any year, that amounted to $4,806,000,000. Against this was an adverse balance of trade in products other than those of the farm of $865,000,000, and the farmers not only canceled this immense obligation, but had enough left to place $3,940,000,000 to the credit of the nation when the books of international exchange were balanced.

No, my friends, I am inclined to think that when you say you are proud of the record of your party you can have reference only to the fact that you are proud that you are in and we are out.

Mr. Chairman, we were treated the other day to a very interesting recital of the unprecedented prosperity of the eleven Southern States, including my own State of Missouri. Yes; I am glad to tell the gentleman from Illinois [Mr. BOUTELL] that we are reasonably prosperous in Missouri, despite the fact that this Government, as administered by the Republican party, has discriminated against us, and I can, I think, Mr. Chairman, give to the gentleman the secret of this prosperity.

We have one of the most intelligent, energetic, enterprising white populations on earth, and, last but by no means the least important factor, a good, old-fashioned, Democratic State administration since January 1, 1873. We have the conditions the gentleman from Illinois described, not by your assistance, but in spite of you.

No gentleman will dare rise in his seat and say, in the face of the report of the Secretary of Agriculture, which I have just read, that the South and West have not saved the balance of trade to this Government this year; and no gentleman, I apprehend, will have the hardihood to say that to a protective tariff is due the credit for this condition of things, since the farmers' products are sold in the open markets of the world.

Yes; my genial good friend from Illinois [Mr. BOUTELL] said that he spent one of the happiest years of his life, immediately after the war, in Missouri. I do not doubt it; and if he thought it a pleasant place to live in then, he would think it a paradise now.

He felicitates us on having made great improvement since he lived there. He is correct in this. It will be remembered that he had the misfortune to live in Missouri when it was being controlled by one of the most disgraceful and damnable Republican administrations on the face of the earth, an administration which saddled on the people of that State in six short years an indebtedness of over $20,000,000 and a rate of taxation of 50 cents on the $100 valuation. The Democracy came into power in the State in January, 1873, and have been in control ever since, and the State now has a population of over 3,000,000 people, has paid off this indebtedness left us as a legacy by the Republican party, and now maintains four insane asylums, three normal schools, an asylum for the blind, a reform school for the boys, reform school for the girls, school of mines and metallurgy, and a university second to none in the United States, has the largest and best public school fund of any State in the Union, excepting perhaps Texas, and has absolutely the lowest rate of taxation of any State in the United States.

Yes, I say to my friend from Illinois, we have done this under a Democratic State administration and in spite of the fact of a national Republican Administration. That same indomitable spirit of the Missourian, which is characteristic of the southerner—and some of you older gentlemen ought to recognize it, you were up against it for four years from 1861 to 1865—that spirit is what has brought Dixie land out of ruin and chaos to the point where she, with the West, can and does save the balance of trade to the United States,

But, Mr. Chairman, I was somewhat surprised, nay, almost astounded, the other day at the position taken by my intelligent and earnest friend from Connecticut [Mr. HILL]. In reference to the result of tariff legislation in case the Democrats controlled the House, he said:

> What would be the effect of it? The distinguished gentleman from Mississippi would take the head of the table on the Ways and Means Committee, and the Democratic machine would dictate the policy of this country. Now, what do they represent in the industrial system of this country? There are more manufactured products in my district than are represented by the whole Democratic membership on the Ways and Means Committee.

My God! has it come to this, that the tariff system, a system that is so far-reaching in results that it affects every man, woman, and child in this broad land of ours, can only be controlled by men whose only object is to legislate in the interest of the monopolies and trusts of this country?

Has it come to this, that a man's eligibility to membership on the great Ways and Means Committee depends entirely on the number of protected industries which happen to be located in his district? Ye gods! what brazen effrontery! I suspected that these protected governmental parasites thought they just about owned this country, but I did not expect to hear the claim of ownership announced from this floor. I for one am not ready to admit their ownership of anything except the Republican party and a right they have through that party to plunder and rob the American people.

Repeating again a portion of what my friend from Connecticut [Mr. HILL] said:

Now, what do they—

Referring to the Democratic members of the Ways and Means Committee—

represent in the industrial system of this country? He—

Referring to Mr. WILLIAMS of Mississippi—

represents 1,433 votes cast at the last election.

Now, Mr. Chairman, I had supposed that each member of the Ways and Means Committee represented the same number of people, for I supposed that each member represented all the people of this country; but it seems that the gentleman from Connecticut thinks differently, and I confess it really begins to look as if that were the prevailing opinion. I take it that the gentleman's idea is that each member just represents the people in his own district; and on that basis I have looked up the record, with the following result, which I commend to my friend.

This committee is composed of seventeen members—eleven Republicans and six Democrats. Taking the first six Republicans on the committee and comparing the number of people in their districts with the six Democratic members, which I think is a fair test, we have the following result:

Ways and Means Committee.

Members.	Number of people in district.	Total.
REPUBLICANS.		
Mr. Payne, of New York	184,817	
Mr. Dalzell, of Pennsylvania	173,216	
Mr. Grosvenor, of Ohio	214,118	
Mr. Tawney, of Minnesota	210,164	
Mr. McCall, of Massachusetts	205,807	
Mr. Babcock, of Wisconsin	180,750	
Total		1,168,872
DEMOCRATS.		
Mr. Williams, of Mississippi	190,885	
Mr. Robertson, of Louisiana	211,367	
Mr. Swanson, of Virginia	175,579	
Mr. McClellan, of New York	192,819	
Mr. Cooper, of Texas	203,732	
Mr. Clark, of Missouri	197,370	
Total		1,171,752
Balance in favor of Democratic Members		2,880

Mr. CHARLES B. LANDIS. Will the gentleman yield for a question?

Mr. HAMLIN. I am busy right now.

Mr. CHARLES B. LANDIS. I was just going to ask if the gentleman would give the votes cast in those districts he has mentioned?

Mr. HAMLIN. I had presumed, Mr. Chairman, that all the people in the country were entitled to the benefit of the law, notwithstanding they may have neglected to vote.

So there can be nothing in the gentleman's contention that the Democratic members do not represent enough people.

In that same connection there was another remarkable statement made by the gentleman from Connecticut [Mr. HILL] that I desire to notice again. It was this:

There are more manufactured products in my district than are represented by the whole Democratic membership on the Ways and Means Committee.

Another way, I take it, of saying, in making up the personnel of the Ways and Means Committee—the committee that has to do with the tariff—those Members ought to be selected, and those only, who have in their districts the largest amount of manufactured products. I presume the agricultural interest is not to be considered. Let us see if he is not in error in his statement. Let us see if there are more manufactured products in his district than are represented by the whole Democratic membership on the Ways and Means Committee. I see by the Twelfth Census Report that the total value of manufactured products (not alone in the gentleman's district), but in the whole State of Connecticut, in 1900 was $352,824,106.

Now, the State of Missouri is represented on that committee by my worthy colleague, Mr. CLARK, and we out in our State do not pretend to be a manufacturing State. We are feeding the world and engage in manufacturing only as a side line, and yet the total value of our manufactured products in 1900 amounted to $385,492,784, or $32,668,678 more than the gentleman's whole State. According to my friend's own logic, I presume my colleague ought to sit a little nearer the head of the table than my friend from Connecticut.

But let us carry that a little further. Let us see what the other Democrats on the committee represent:

Democratic Members.	Total value of manufactured products in district in 1900.
Mr Williams, of Mississippi	$40,431,386
Mr. Robertson, of Louisiana	121,181,683
Mr. Swanson, of Virginia	132,172,910
Mr. McClellan, of New York	2,175,720,900
Mr. Cooper, of Texas	119,414,982
Mr. Clark, of Missouri	385,492,784
Total	2,974,420,655

But, inasmuch as there are two gentlemen on that committee from the State of New York, I will divide that State's products equally between them, and still we have the Democrats of the committee representing the magnificent sum of $1,936,557,205, as against $352,824,106 by the gentleman, giving him the entire State of Connecticut.

Mr. WM. ALDEN SMITH. That is under protection, is it not?

Mr. HAMLIN. Yes; it is under the same general law of protection, I will say. But at the same time, I say the gentleman from Connecticut is in error when he says that he represents on that committee more manufactured products than the whole Democratic membership of that committee combined.

Mr. BURLESON. It is not under protection, but in spite of it.

Mr. BARTHOLDT. Will my colleague permit a question?

Mr. HAMLIN. I would very gladly yield to the gentleman, but my time is limited, Mr. Chairman, and I think I shall have to decline to yield at this time. When I have finished, then I will be glad, if I have any time, to answer the gentleman.

Mr. BARTHOLDT. Just one short question.

The CHAIRMAN. The gentleman declines to yield.

Mr. HAMLIN. But, Mr. Chairman, what I want to impress upon the gentleman and this House is that his entire basis of reasoning is radically wrong. He fails to realize, I think, that the real wealth of this country lies west of the Allegheny Mountains; that it is the man on the farm who toils as he sings and sings as he toils that produces the wealth of this country; and I would for a moment, and that, too, without any idea of taunt, I assure my good friend, like to have him go with me up to the crest of the mountains just west of us and feast his eyes again, as doubtless he has done, on the land of Canaan as it stretches out in all its beauty and grandeur across the Ohio and Mississippi valleys, across the plains, and to the Rockies.

I would then take him down through the State of blue grass, fast horses, and hospitable people; let him sample, if he will, her principal product. Thence across the splendid State of Illinois—every foot of the way in an automobile—landing in the splendidly magnificent State of Missouri, where he will see evidences of nature's prodigality, where she has so lavishly poured out of her inexhaustible wealth of all things necessary to make that State an imperial kingdom; see her magnificent rivers, fertile valleys, beautiful plains, and classic hills—hills made necessary in order to cover up the mineral wealth that is piled like "Ossa upon Pelion;" a State where every man's a king and every woman a queen. [Applause.]

And if I could induce him to leave that State I would put him astride a jack rabbit or a cyclone and hurry him across the plains of Kansas into Colorado—the Eldorado of the West—and let him breathe deeply of that revivifying, vitalizing, health-restoring ozone of the mountains, and while there he would be enabled to see why the metallic money of our country had so expanded in the last seven years as to be able to meet the demands and needs of our people. Then we would resume our journey over the classic Rockies, landing up in the beautiful city of Portland, where, in 1905, he could witness the great exposition and see evidences of the thrift and enterprise and genius of our people in the great and almost limitless Northwest. [Applause.] And after seeing all these things, if he should conclude to return again to the Atlantic seaboard—a thing I very much doubt—I believe he would be willing to let the gentleman from Mississippi sit at the head of the Ways and Means Committee table, surrounded by his political associates, and help to form the tariff policies of this country.

No, Mr. Chairman, we on this side of the Chamber are not hostile to the manufacturing industries of this country. We would not draw a coal of fire from a single furnace or hinder the output of a single factory, but we do want and demand fair treatment. The people of this country have paid tribute to this unjust, discriminating policy, this iniquitous tariff policy of the Republican party for years and years, and now when we see the same protected industries that come whining and begging around the Capitol for more protection every time that Congress meets selling their goods to those very people against whom we have been protect-

ing them at lower prices than they will sell them to us at home, we naturally grow indignant and feel that we ought to withdraw from them that protection to at least a revenue basis, and to that extent put them on an equality with the balance of our people.

I want the consumers of this country, especially the farmers, to understand this fact: That it is no longer a disputed fact that the consumer does pay the tax imposed by a high protective tariff.

This is conceded by the gentleman from New York [Mr. PAYNE], who is the recognized leader on the Republican side of the House, for in a public speech on this floor on November 16 last, in discussing the Cuban reciprocity, he said:

And so it is we put the rate of duty higher on sugar than was absolutely necessary, because we could get this splendid revenue from the sugar duty, a revenue that came from the people of the United States who used sugar in their households.

Here, Mr. Chairman, we have the frank admission from the Republican leader that the people who use sugar, and that means the high and the low, the rich and the poor, pay this tariff tax, and again on November 20, 1903, he makes this further frank and open admission that the Democrats have always been correct in their statement that the consumer pays the tax when he says:

It is hardly necessary to call attention to the remarks of the gentleman from Missouri in my admission that a tariff on sugar, with the small amount of sugar we are producing in this country, is a revenue tariff and that the consumer pays it. No intelligent man has ever contended otherwise.

Mr. Chairman, he is the first intelligent Republican I ever heard admit it, but I commend him for it, but it seems to me it leaves him without excuse if he continues to defend a high tariff.

Now, Mr. Chairman, the Republican leader makes these damaging admissions and yet coolly notifies this House and the American people that they will not attempt to lighten their burdens, for on November 27 last, among other things, he said:

Shall we revise the tariff? Well, the Republican party is a little too wise to revise the tariff, paralyzing the business of the country, more or less, on the eve of a Presidential election.

Here, Mr. Chairman, we have it in a nutshell. He admits that the consumer pays the tax, but says the Republican party is too wise to try to revise the tariff and thereby give relief to the people on the eve of a Presidential election. But why does he say that? It can not be that he is afraid the people will not approve of a revision of the tariff, for they would be the beneficiaries; then it must be that he fears the disapproval of the monopolies and trusts of this country, from which his party gets its campaign fund with which to corrupt and disgrace the American people.

I want to ask my friends on the other side of this House this question: How can you satisfy your consciences and justify your conduct before the American people in defending a tariff policy which takes millions out of the pockets of the consumers each year, under the pretense of protecting home industries against foreign competition, when these same industries are voluntarily every day competing with the prices of foreign-made goods in the open markets of the world? You can not deny they are doing this. The American Economist, the official organ of the American Tariff League, devoted to the protection of American industries, in its issue of January 22, 1904, says:

Another objection which has considerable weight with the public is that protected manufacturers are selling their products abroad at lower prices than they obtain at home, and that this is grossly unfair to the American consumer. To this charge I assent, etc.

The writer gives as an excuse therefor that these manufacturers make more goods each year than they can sell at home, and in order to get rid of their surplus they ship them to Europe and elsewhere and sell them there for less money than they do in the United States. I apprehend, Mr. Chairman, that this will not be a satisfactory reason to the American people.

First. If it is true that these manufacturers have a surplus each year which they desire to sell at a reduced price in order to get rid of it, why do they not give the American people who have protected them the benefit of this reduction in price?

Second. No intelligent man can believe that they sell this surplus product at a loss in foreign markets, because if they did they would not be foolish enough to go on manufacturing a surplus year after year and year after year for the mere purpose of selling that surplus at a loss in the foreign markets. That they are not simply selling their surplus products abroad, but that the export trade is a part of their business as much as domestic trade, is shown by following statement taken from the American Industries of date February 1, 1904:

SHORTER HOURS MEAN LESS FOREIGN BUSINESS.

EDITOR AMERICAN INDUSTRIES: In relation to exporting goods to Europe, conditions are becoming harder each year, for the reason that manufacturers in Europe, particularly in Germany and Sweden, where labor costs are much less than here, have commenced manufacturing quite extensively our lines of furniture, so that we have to make extremely low prices to hold our trade in any of the countries of Europe, and if we were compelled to grant shorter hours the cost of production would be so increased that export business would practically be cut off. We think this question of increased cost occurring from shorter hours should have most careful consideration, as the enactment of an eight-hour law would be ruinous to the export part of our business and, we believe, would affect equally manufacturers in other lines.

MIDDLESEX.

BOSTON, *January 19.*

Third. Then if they can sell their products in foreign markets, after paying freight charges, at about 25 per cent less than they will sell them to our people at home and still make a profit, why can they not compete in the home markets, where they have no freight to pay?

Mr. Chairman, in my opinion high protection for protection's sake can not be defended at the bar of American intelligence. But the trouble now is that a big part of the money unjustly taken from the American people by reason of this iniquitous protective-tariff policy is used in propagating their nefarious doctrines throughout the country in season and out of season. In order that the people of this country may get a meager idea, at least, of the activity of these "helpless" industries, I insert here a part of the report of the secretary of the American Protective Tariff League in its nineteenth annual meeting, held in the city of New York on January 21, 1904.

FIRST VOTERS.

Some time since Mr. T. N. Ives, of our board of managers, recommended the adoption of a plan to reach "first voters" all through the United States, which took form in the issuance of Circulars No. 191 and No. 192, with which you are familiar. This enterprise is perhaps one of the most successful that we have ever undertaken and can be developed to almost an unlimited extent if the funds are available therefor. We have already listed in this office many thousands of "first voters," all of whom have received our standard documents as fast as the names and addresses have been received and verified. The enterprise has the most general indorsement of any perhaps ever undertaken by us, and the interest in the same has grown steadily from the time it was undertaken.

The plan has the personal indorsement, among others, of Hon. M. A. HANNA, United States Senator; Hon. J. H. GALLINGER, United States Senator; Hon. F. E. WARREN, United States Senator; Hon. J. C. BURROWS, United States Senator; Hon. J. T. MCCLEARY, Member of Congress; Hon. W. P. HEPBURN, Member of Congress; Hon. R. G. COUSINS, Member of Congress; Hon. WM. ALDEN SMITH, Member of Congress.

COLLEGE WORK.

The text-books of a large proportion of our colleges are based on free trade. The libraries of nearly all colleges are stocked with free-trade literature. It has been our policy for several years to obtain a list of all members of all senior classes of all colleges in the country and to send them our standard literature. We have just completed the mailing of the following documents to all college seniors:

No. 52, American Tariffs from Plymouth Rock to McKinley and Dingley, by Hon. J. H. GALLINGER, United States Senator, of New Hampshire.

No. 65, Shall the Republic Do Its Own Work, by Hon. John P. Jones, of Nevada.

No. 75, Prosperity Is the Issue, by Hon. J. H. GALLINGER, United States Senator, of New Hampshire.

As soon as the new document, No. 45, Why First Voters Should Be Protectionists, is ready for circulation, it will also be sent to all college seniors.

OUR PRESS SERVICE.

Our syndicate, press, and newspaper service has been fully maintained throughout the year, notwithstanding no campaign was in progress.

Our press service, as a whole, comprises three branches:

First. Syndicate service, consisting of 119 daily newspapers, all of which receive the important articles for publication in their respective localities on the same day that we make publication in New York.

Second. Our plate and patent-inside service, wherein we edit matter on the tariff question for all the leading press associations of the country through whom the plate or patent-inside service is furnished to local editors.

Third. Direct service of our publications to local newspapers. The list of newspapers connected with us on January 15, 1904, tabulated by States, is as follows:

Alabama	31	Nebraska	156
Arizona	24	Nevada	10
Arkansas	51	New Hampshire	35
California	164	New Jersey	104
Colorado	58	New Mexico	11
Connecticut	53	New York	370
Delaware	12	North Carolina	34
District of Columbia	12	North Dakota	151
Florida	24	Ohio	285
Georgia	29	Oklahoma	33
Idaho	20	Oregon	159
Illinois	315	Pennsylvania	464
Indiana	231	Rhode Island	23
Indian Territory	14	South Carolina	11
Iowa	376	South Dakota	124
Kansas	252	Tennessee	49
Kentucky	41	Texas	63
Louisiana	20	Utah	25
Maine	62	Vermont	76
Maryland	45	Virginia	29
Massachusetts	140	Washington	118
Michigan	328	West Virginia	84
Minnesota	254	Wisconsin	182
Mississippi	15	Wyoming	20
Missouri	194		
Montana	31	Total	5,422

It will be observed from this report that these defenders of the protective theory have invaded our schools and are seeking to fasten upon our Government perpetually this inequitable and unjust policy by enlisting the young men—"first voters"—of the country in their behalf.

The astonishing fact also appears from this report that they have subsidized 5,422 newspapers—manufacturing plants—plants where the thoughts, policies, and largely the habits of the people are manufactured, in their efforts to write protection to private enterprise in the very fundamental law of our land. I appeal to

the American people that it is high time to recognize that fundamental principle that is the basis of all just government, "Equal rights to all and special privileges to none."

Now, Mr. Chairman, it has become a part of the routine proceedings of this House to hear gentlemen on the other side rise up, automatically, I presume, each day and declare that he is in favor of a protective tariff because it protects the laboring men of this country.

It is just such hypocritical cant as this that "maketh the heart sick," and I do not believe they are going to deceive the laboring man much longer.

Mr. Chairman, if you are in favor of protecting the laboring man, why do you not give that protection directly and immediately to him? Why try to pass it around through the manufacturers and risk their dividing the benefits they derive from it with the laboring man? You give us a trust-breeding tariff which raises the cost of living of the laboring man, and you know that the manufacturer to whom you have given this protection will not raise the wages of the laboring man one cent more than he is forced to do, largely by the labor organization of this country. If you want to protect the laboring man, why do you not amend your immigration laws so as to protect him from the pauper labor of Europe, against which you pretend to be so anxious to protect him? No, my friends, if you really want to protect the laboring man, prohibit government by injunction, give him reasonable hours, prohibit the importation of cheap labor into the country, or else throw off the mask and confess that you care only for the protection of the manufacturing industries of the country, and all other people and classes may fight their battles through life as best they may.

Mr. Chairman, I am not here as the special champion of any class of people, but I am here to raise my voice in protest against any further continuance of class legislation in the interest of the industrial organizations of this country, now that they have already, under the legal advantages you have given them, grown rich, powerful, arrogant, and defiant, while labor has submitted, endured, and suffered patiently, until now it is making demands of us, many of which demands are just and reasonable. Ought we not, therefore, to equalize these benefits and give to the laborers of this country that consideration which is due them as citizens of this great Republic? While we are bestowing these showers of blessings may we not let some droppings fall on them? Oh, if we could all but fully realize the measure of our responsibility to our fellow-man and rise to the full stature of statesmanship and in legislation know no section or pursuit, we would then approach that ideal of statesmanship that would do honor to the flag we Americans love and all other nations of this earth are compelled to respect. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, I agree with the description of the beauties of Missouri given by the gentleman. Those beauties can fortunately not be spoiled or destroyed by the party in power there, but when he says that we in Missouri have prospered in spite of you, and by "you" meaning the Republican laws and policy, the Republican Administration and this Congress, I have to disagree with him and ask him this question: Does my friend seriously contend that Missouri is exempt from the operation of the beneficent laws passed by the Republican party on the question of tariff and finance, and does he think that the wonderful growth of the industries in Missouri which he has himself described would have been possible without such laws?

Mr. HAMLIN. Mr. Chairman, I will gladly answer that question. I have said that Missouri, along with other States, has enjoyed the benefits of the national legislation, if there are any benefits; but, it being an agricultural State, I contend that there are no perceptible benefits arising from legislative enactments, such as the gentleman refers to. And when I say that we have attained to the conditions which we have in spite of the Republican party and Republican legislation, I have reference to the fact that the principal Republican newspapers in that State, the mouthpieces of that party, have continually for the last twenty-five or thirty years maligned the State, the people, and everybody connected with it. [Applause on the Democratic side].

Mr. CAMPBELL. Mr. Chairman, before the gentleman from Missouri sits down I want to make just one observation.

Mr. HAMLIN. The gentleman may proceed for a question.

Mr. CAMPBELL. I have no objection to everything the gentleman claims for Missouri, but what I want to do is to enter my protest against the limited time that the gentleman from Missouri gave to the gentleman from Connecticut in Kansas in taking him across this country upon that magnificent trip. While taking him through Missouri he took time to show him the beauties there, and I have no objection to that; but when he took him to the Kansas line and put him on the back of a jack rabbit or upon the crest of a cyclone and hurried him into Colorado, I protest. [Laughter.] Why, if the gentleman from Connecticut had been permitted to observe the splendid things we have in Kansas, he would have been so enamored of it all that he would have given up his home in Connecticut and remained in Kansas. [Laughter.]

Mr. HAMLIN. Well, Mr. Chairman, the only reason I didn't make any longer stop in Kansas was that it is so like Connecticut politically that I thought it wouldn't be anything new to the gentleman from Connecticut. [Laughter.]

Mr. HITT. Mr. Chairman, I now yield to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Mr. Chairman, a few days ago, in discussing the political conditions that prevail in Cincinnati, I made some remarks to the effect that in that city, governed by George B. Cox, that impeccable gentleman who has been so highly extolled three times upon this floor during the last few weeks, that in that city and under his administration—because he is the real mayor despite all the laudation on this floor of Mr. Fleischmann—that there were sixty-four men registered from one room in which sixty-four men could not stand erect.

It appears that I have overstated the case, and as I have no desire to place the matter in any other light than is warranted by the facts, because we are always told when these charges are made that it is an attack upon the fair fame of Cincinnati. You never must say anything about corruption; you never must say anything about wrong; you never must say anything about misgovernment; you must not discuss the question of illegal or fraudulent registration, because if you do the fair fame of that city has been attacked.

It appears from the statement that I hold in my hand that so far from sixty-four men being registered from 13 Gano alley, as I then said, there were forty-five men registered on the first registration day in last October. Investigation reveals the fact that 13 Gano alley consists of two rooms, one 14 feet square and the other somewhat smaller. The only pieces of furniture in these two rooms were two chairs without any backs and an old cannon stove. So that even under the correction of the statement made here it is probable it was true when I said it was not possible for sixty-four men to stand erect in that room.

Now, Mr. Chairman, I have no desire to take up the time of the House. It is of no interest, I am sure, to my Republican friends, for they will ignore it; but I shall insert as a part of my remarks a letter from Mr. Benton S. Oppenheimer, of that city, a statement by him about the illegal registering in Cincinnati and the great difficulty that has been placed in the way of the men who attempted to purge the registration lists by the boards of election in Cincinnati, composed of Republicans and so-called Democrats:

CINCINNATI, OHIO, *January 25, 1906.*

HON. ROBERT BAKER,
House of Representatives, Washington, D. C.

MY DEAR MR. BAKER: At the request of Mr. Daniel Kiefer, of this city, I beg leave to submit to you, in as brief a form as possible, a few of the more flagrant instances of illegal registration which were discovered through our investigations prior and subsequent to the elections of April and November, 1903. Our investigations were confined chiefly to the so-called "cheap lodging houses," and became more difficult and ineffective as we became better known and our objects were revealed.

From the Silver Moon Lodging House, in precinct E of the Eighth Ward, "Soup House" Mullen's ward, 320 men registered last spring. This place contains sleeping room for, possibly, 80 men, and a careful inquiry of experienced detectives did not at any time reveal more than 130 of the men registered. On the first registration day last November about 160 more registered from this place, but in as much as it was discovered that we were keeping close watch upon it, comparatively few registered thereafter.

From Payne's restaurant, a one-story building about 20 by 40 feet, containing only an eating room, kitchen, and a lean-to room, in which the proprietor and his family slept, situated at the corner of Sixth and Culvert streets, 82 registered. Only one of these men, Payne himself, actually lived there. On the day before the election I passed there and saw three men standing in front of the place. Two had train checks in their hats and one had a Covington paper in his pocket, an indication of the fact that the process of colonization had begun.

From 233 West Fifth street (the National Lodging House) 34 men registered. Only 5 names thus given appeared in the city directory, 29 were unknown at that place, and one name in which a ballot was cast was that of a man who had died six months before.

From 27 Longworth street (the Workingman's Hotel) 78 men registered. Only 12 of these names appeared in the city directory; 14 were unknown at the place.

From 612 Lodge alley 23 registered, of whom 6 were not found, and from 611 Lodge alley (a loft over a livery stable, in which a few cots were arranged) 13 registered, of whom 3 were not found.

From 23 East Sixth street 11 registered, of whom 9 were unknown, and from 30 West Sixth street 13 registered, of whom 9 were unknown.

From 326 West Sixth street (the Enterprise Hotel) 53 registered. Only 15 names appeared in the city directory and 16 were unknown at the address given.

From the Grand saloon, located on Longworth street—otherwise known as Opera place—9 men registered. The only one of these who actually resided there was the proprietor, who occupied a room on the top floor. There was absolutely no other sleeping apartment of any description in the building, and the other names given were those of men who merely frequented the place.

From 13 Gano alley 45 men registered on the first registration day last October. Investigation revealed the fact that 13 Gano alley consists of 2 rooms, one about 14 feet square, the other somewhat smaller. The only pieces of furniture in this place were 2 chairs without backs and an old

cannon stove. I myself saw several men register from this place and receive money for such registration from the recognized Republican leader of that ward, who is also a member of council. The established price for each registration is 25 cents and for each vote is $1.

Upon the strength of the above information a petition was prepared by several representative citizens of our community and presented to the board of elections, asking for an investigation of the conditions stated and for the issuance of warrants for the arrest of all malefactors. In most instances we gave the names of those men in each place who were reported unknown at the addresses given. The board of elections turned this list over to the local police department for investigation. The police took the original registration lists, copied therefrom the names which we had not stated in our petition, and made inquiries as to them only. Of course we had been ready to admit the correctness of these names, and it was, therefore, no surprise when the police reported that our complaint was entirely without foundation. This was too raw even for the board of elections, and further investigation was demanded. Eventually the police reported several cases of illegal registration, but no warrants were issued.

Last April we secured warrants for the arrest of two men, Andrew Hunt and William Tindall, on the charge of fictitious registration. One of these men had been released from the workhouse with a batch of thirty prisoners on the morning of the last registration day for the express purpose of registering, and, faithful to his pledge, he registered twenty-six times. His companion was also a well-known workhouse character, who had registered more than once on that day. Six times, at the request of the defense, these cases were continued in the local police court in an effort to tire out the prosecuting witnesses, but inasmuch as they were not to be tired out the men were ultimately bound over to the grand jury. They were indicted, entered a plea of guilty, and were sentenced to two years' imprisonment in the penitentiary, the minimum punishment fixed by statute for fictitious registration.

Immediately before the election of last November we caused the arrest of one William Smith Gates for illegal registration. He registered from 336 George street, a restaurant conducted by his father. The father stated that his son did not live at that number, had never lived there, and only occasionally made his appearance to procure a meal. Young Gates himself admitted that he did not live at the address given, but stated that he did live in a house at 308 Longworth street. Inquiry at that number showed that although Gates was known there he had never made it his home.

Four witnesses were subpœnaed for the State. Two did not appear on the date set for hearing, and the prosecuting witness asked for a continuance in order to secure the attendance of his witnesses. Now, in the Hunt and Tindall cases the defense asked for and received six continuances, yet Judge Lueders, of the Cincinnati police court, refused to grant to the State even one continuance in the Gates case. After hearing the above testimony Judge Lueders decided that no case was presented and ordered the immediate dismissal of the defendant, and a warrant was immediately issued for the arrest of our prosecuting witness on the charge of perjury.

In such manner as this has our board of elections at various times enforced the law and our police department assisted us in the prosecution of illegal voters. As I have suggested before, this list does not purport to be exhaustive. Many instances just as flagrant might be cited, but the above will certainly indicate the extent of the election frauds in our city. I beg leave to thank you sincerely for your efforts to bring these conditions to the attention of the public, for it is only by the creation of a wholesale sentiment that we can hope at present to ameliorate them.

Very respectfully, yours, BENTON S. OPPENHEIMER.

I also insert two speeches delivered by the gentleman from Cincinnati [Mr. GOEBEL], one on the 12th of October, 1897, and the other on May 29, 1899, in which in as scathing language as any man could use he denounced George B. Cox, then, as now, the boss of the Republican city of Cincinnati.

[From the Citizens' Bulletin, January 23, 1904.]

CONGRESSMAN HERMAN P. GOEBEL—HIS EVOLUTION TO COXISM.

CHAPTER I.—*His address before the independent Republican mass meeting, October 12, 1897.*

[Enquirer, October 13, 1897, p. 5.]

We meet to-day in convention as Republicans to devise ways and means for the coming election to rid this city and county of a corrupt combination, one that has long feasted on our body politic under the disguise of nonpartisans and Democrats.

AS CITIZENS, NOT AS PARTY MEN.

In denouncing this corrupt combination I violate no duty or fealty to my party, and you and I can render it no greater service than to expose, denounce, and destroy this octopus.

We believe in the principles and doctrines of the Republican party, and we shall permit no man to question our loyalty to that party.

We also meet as citizens of a great city and county, interested in its welfare and prosperity. In our action to-day there shall be no politics. Good government can only exist when you have honest men to administer its laws. In this city and county this corrupt combination had for its sole motive and object public plunder.

It has destroyed the value of our property and driven business from the city by excessive taxation. It has burdened the homes of the poor with oppressive assessments in the interest of granite, asphalt, and brick combinations, of which it is a member. The officials of that combination have stolen the public funds. Blackmail of individuals and corporations has been levied to increase its wealth. This wealth has been vulgarly displayed in the faces of the people from whom it was stolen, and the power which this combination gained has been used to debauch and degrade the public service.

Public employees are the slaves of the boss. By the abuse of legislation enormous jobs have been authorized and valuable franchises to local corporations have been bestowed without adequate return to the public.

This is the condition that confronts us to-day. What is our duty? There is but one course open to us, namely, to expose and see that every guilty official is punished, to elect honest men to office, and to protect the good name and fame of our city.

In that way, and in that way only, you will give a better tone to the public service.

THE COMMITTEE OF TWELVE.

I am not here to decry the appointment of the committee of twelve.

It is apparent, at least to the machine, that such a committee is essential. I believe there are men on that committee honest and sincere in the objects and purposes for which they believed they were appointed.

If this committee of twelve, in whose favor the king has abdicated and now supposed to have full control of the party machine and its complete organization, will join us in the continuance of investigations of official corruption, and to expose the methods of the boss, assist in placing honest men in office and dishonest men in the penitentiary, I shall heartily cooperate with that committee, but, with all respect to some of that committee, I believe the king is still on his throne.

It is not natural to suppose that this corrupt combination will place in the hands of this committee the evidence for its destruction; that it will consent to further investigations; that it will release its hold on public offices, to the end that every member may serve a term in prison or be driven from the city. Let me say to you that it will not quickly submit to destruction. Therefore there must be no affiliation or submission on our part to this combination. It must be absolutely and completely destroyed.

A submission at this time means a suspension of all our efforts at local reform and a continuation of the power of this corrupt combination.

In our action of to-day let not party questions nor the election of a United States Senator divert our attention and lead us from the object and purpose for which we have assembled.

There certainly can be no party questions involved in seeking to destroy a corrupt combination and to elect honest men to office. I have never heard that there was politics in stealing, and I fail to read in the platform of our party or in its history that corruption is a part of its creed.

My observation has been that this corrupt combination in carrying on this warfare against the public has been strictly nonpartisan, and it will certainly permit us to say there is no politics in this movement.

If the election of Senator HANNA is essential to the success of my party, I am in favor of his election.

If his election is essential to the success and continuation of this corrupt combination, then I am opposed to his election.

Let us stand to-day to fight and destroy that public enemy that has so long controlled the destiny of our good city.

CHAPTER II.—*His address before the Independent Republican convention May 29, 1899.*

[Enquirer, May 30, 1899.]

It was 8.20 when HERMAN GOEBEL called the meeting at Pike's Opera House last night to order. At that time every chair downstairs was occupied and half the chairs in the balcony were taken. Hundreds were standing in the rear of the seats on the first floor. As Judge GOEBEL proceeded he was frequently applauded, now and then with much vociferousness.

"I assume," said Judge GOEBEL, "that it is lawful for Republicans to meet in an orderly manner and express their views on the party management. You have heard the words of the boss concerning members of the Republican party who dare to express their honest views. I say that it is an insult to every honest Republican who has this courage to be characterized by the boss as a loafer, a meddler, and a rag chewer. The call for this meeting was signed by 15,000 of the representative Republicans of this city, and when they signed that petition they meant it as a rebuke to this boss who designates independent Republicans as 'meddlers, loafers, and rag chewers.' I congratulate the Republican party on the fact that there are in Hamilton County this number of Republicans who dare to be in opposition to bossism."

[From Cincinnati Post.]

CHAPTER III.—*Interesting history.*

The Eshelby fusion ticket was elected in the fall of 1897, including a county commissioner, and later matters assumed such shape at the court-house that this commissioner had to be secured by Cox in order to save the many court-house employees. Cox ascertained that this commissioner was under obligations to HERMAN P. GOEBEL—in fact, it was stated to Cox that GOEBEL "owned him." Overtures were at once made to GOEBEL, who, up to that time, had only a passing interest in the Cox organization. GOEBEL had long cherished a desire for a seat in Congress, but never could get Cox's support. The deal was made that GOEBEL was to swing this commissioner to the support of the Republicans then in the court-house, who were all Cox men. GOEBEL "delivered the goods," and the Cox men kept their places. In return Cox was to nominate GOEBEL for Congress. He did so, but not for three years, as other influences kept J. H. Bromwell there. But Bromwell was finally retired in favor of GOEBEL.

[From CONGRESSIONAL RECORD.]

CHAPTER IV.—*His address in the House of Representatives, January 11, 1904.*

The other day, in the absence of my colleague, Mr. LONGWORTH, as well as myself, the gentleman from New York [Mr. BAKER] indulged in certain remarks relative to the city of Cincinnati. In his remarks, so utterly foreign to the matters under consideration at the time, he by inferences and innuendoes criticised the municipal administration of that city and some of its citizens.

I should have paid no attention to the remarks of the gentleman from New York if he had not made, in connection therewith, an attack upon our city and some of its citizens.

I want to say to him that Cincinnati to-day is one of the best-governed cities of the United States. At its head we have an honest, fearless, capable Republican mayor, reelected last spring by 15,000 majority, defeating the strongest man the Democratic party ever nominated, M. E. Ingalls.

We have bipartisan boards; upon them are men of the highest integrity and character, who control the election, police, and fire departments. All the elective offices are filled by Republicans. To-day Cincinnati is governed by the Republicans, whose administration has been approved and indorsed by increased majorities at every election. At the head of this organization stands Mr. George B. Cox, whom the gentleman from New York has seen fit to attack. He needs no defense at my hands. His acts and deeds are of a public character; they stand out in bold relief. It is sufficient for me to say that the party trusts him and that he has time and time again led it to victory. [Applause.]

GEORGE B. COX, PROPRIETOR OF CINCINNATI.

I also wish to incorporate in my remarks part of an article which appeared in Frank Leslie's Monthly, written by a gentleman, Gustav J. Karger, who is well known here as a correspondent of one of the Cincinnati papers, in which he describes in very lucid language the power of this private gentleman, George B. Cox, who rules the city of Cincinnati. For illustration: He asked him a question on one occasion as to what reason he ascribed his success. He replied: "I use my own judgment as to the class of candidates most acceptable to the people."

George B. Cox thus asserts that he determines who shall be candidates upon the Republican ticket in the city of Cincinnati.

An Ohio Republican convention is held, and among the candidates for attorney-general placed in the field was Harry M. Daugherty.

"Mr. Cox," I asked, "how many votes are you going to give Daugherty?"

"Not any," he replied in his gruff but not unkindly voice.

I protested mildly. I told him that Daugherty and I were friends; that I wanted him to have one vote at least.

George Kolker, now appraiser of customs in Cincinnati, another delegate, had overheard the conversation. "That's my fix exactly, George," he said.

Cox rearranged the figures on his pad.

"I'll give him eight votes," he decided a moment later.

Without consulting any of the members, without consulting any of the men who had seats in that convention from Cincinnati, he gave eight votes to Daugherty. This governor of the city of Cincinnati to these assembled gentlemen said, "I will give him eight votes."

Nor is this all. A gentleman, Mr. Bellamy Storer, was once a Member of this House. He desired to be renominated by the Republican party and Mr. Cox's statement as to this is also given. He was asked this question: "Why did you turn out Mr. Bellamy Storer?" "Bellamy Storer served two terms," says Mr. Cox. "After his first campaign he gave me no credit whatever for his nomination."

Then he gives some details unnecessary to repeat. He then says Mr. Storer came to him and explained, and he told Storer, "No matter what differences there are between you and me, it is the custom to give a Congressman a second term and I shall not depart from that custom."

Mr. George B. Cox continues:

When his second term was about to expire he came to Ohio to preside over the State convention. He called on me in Cincinnati on his way to Columbus. We talked over the question of his renomination. Conditions were peculiar, and I told him that I didn't think the party could afford to take any chances for fear of defections. We agreed, however, to talk the matter over further. He went to Columbus and presided over the convention. In the meantime some of his friends advised him to go East, that his nomination was a certainty, that he couldn't be defeated. He took that advice and did not again call on me, showing me again that he was willing to ignore me.

I then called on Charles P. Taft and asked him to accept the nomination. The next day he was nominated by acclamation instead of Mr. Storer.

Such is the power of George Barnesdale Cox, Cincinnati's uncrowned king!

Mr. FULLER. Mr. Chairman, it is with considerable trepidation and some misgivings that I arise at this time to submit a few remarks in answer to those of the gentleman from Missouri [Mr. HAMLIN] who has just taken his seat. I had not expected to inflict any of my political views upon this committee or the House of Representatives, and I have no prepared speech or carefully studied words with which to entertain or amuse the Members; but I can not find it in my heart to let pass the questions propounded by the learned gentleman from the State of Missouri without in my feeble way endeavoring as best I can to give him the answer of at least one Republican who speaks for himself alone, without assuming to commit the party to which he belongs or any other member thereof.

The gentleman closed his very able and carefully prepared remarks with what always touches a responsive chord in my heart, a eulogium on the flag of this Union, which, as he says, and says truly, "we all love, and which all other nations of the earth are bound to respect."

Yes, under the administration of the affairs of this country by the Republican party all sections of the country, North, South, East, and West are united in the ties of a common brotherhood, and are as one in love, loyalty, and respect for the glorious Stars and Stripes that to-day float over eighty millions of free and loyal and happy and prosperous people.

But this eulogium pronounced by the gentleman upon the flag does not, to my mind, harmonize exactly with the opening statements of his address this afternoon as to the record and history of the great Republican party, under which that flag has been raised to the majestic heights where it now floats in the breezes of the world, recognized among all the nations of the earth as the emblem of the greatest Republic ever born into the family of nations, and under which this nation has attained to the position it occupies as a leader among the great powers of the earth. [Applause on the Republican side.] The gentleman inquires whether we are "proud of the record made by the Republican party." Why, my dear, deluded Democratic friends, who could help being proud of such a record? I want to answer him here and now, and to say for one at least, yes; we are proud of the record made by the Republican party, and we shall continue to be proud of it as long as life shall last, and our children and our children's children will continue to "point with pride" to that record so long as patriotism, loyalty, and brilliant achievements shall command the admiration of men. [Applause on the Republican side.]

The gentleman asks if we are proud of the record made by the Republican party in the sixties on the question of secession. Oh, my Democratic friends, is not that question settled yet? But if the gentleman really meant to ask that question and really wants an answer to it, I say, yes, we are proud of the record made by the Republican party upon that question and during those years. But for the record made by the Republican party in those years, and upon all the questions which those years brought, the history of our country's greatness and glory could never have been written. I do not think he seriously meant to ask that question, because I believe that the Democratic party of to-day is as proud of the fact that the life of this nation was preserved and that the doctrine of secession was forever throttled as any Republican upon this floor. The name of the immortal Lincoln, first Republican President of this nation, and of the other Republican leaders of those days is as sacred to-day among Democrats as among Republicans; and the record of the Republican party in those days is a common heritage, and I venture to say that even my friend from Missouri is proud of the record of the Republican party in those days. Indeed, why should he not be?

Again, the gentleman from Missouri asks if we are proud of the record made by the Republican party in 1896 and in 1900 upon the question of the gold standard and in opposition to the Chicago and Kansas City platforms, which declared in favor of the free and unlimited coinage of silver at the ratio of 16 to 1 without the consent of any other nation. And again, for myself, I answer: Yes; we are proud of the record made by the Republican party upon that question and in those years. We are proud of the fact that by Republican votes, or at least by the votes of those who stood with the Republican party for financial honesty, the Democratic dogma of the free and unlimited coinage of silver has been, as was stated by the Democratic leader of the House the other day, "relegated to the rear." I fear the Democratic party, while Mr. Bryan lives, may have some trouble in keeping it to the rear; but you may trust the Republican party upon that as upon all other great national issues, and we shall take additional pride in seeing to it that it shall be kept at the rear.

Sane men of all parties now concede that the Republican party was right upon the issue forced upon the country in those years by the Democratic party, under the brilliant, erratic, and unsound leadership of Mr. Bryan. What does the gentleman from Missouri [Mr. HAMLIN] mean when he asks if we are proud of the record made in those years? Why should we not be proud when the policy of the Republican party in those years, crystallized into law, has given us, as even all Democrats must admit, such a period of real and lasting prosperity as neither this nor any other country ever before experienced in the history of the world? Yes, I thank the gentleman from Missouri [Mr. HAMLIN], we are proud of the record, and we wouldn't erase a page, a word, or a syllable of it.

Mr. DINSMORE. Mr. Chairman, I would like to ask the gentleman if there is any special significance in the fact that he omits to refer to that part of the speech of the gentleman from Missouri [Mr. HAMLIN] wherein he asks the Republican party if they were proud of their position on the question of bimetallism in 1892?

Mr. FULLER. There is no significance. I am proud of the record made by the Republican party from the time of its birth, in 1854, down to this time.

Mr. DINSMORE. Then the gentleman has no special comments to make on that year.

Mr. FULLER. I will make such comments as I desire to make. I will say that at that time the question of the free and unlimited coinage of silver at the divine ratio of 16 to 1 was not an issue. The Republican party was in favor at that time of the circulation of gold and silver upon the parity that up to that time had been maintained, but we recognized then, and we recognize more and more as the conditions of this country change, that the great Republican party that was carrying this country forward to the eminent degree of prosperity that it has attained must conform to conditions as they arise, and that is what we have done.

The Republican party never stands still; it is always advancing. It is preeminently the party of progress, and we have given to this nation a currency based upon the gold standard, where every dollar the laboring man receives for his toil is worth a dollar in gold; a currency that is good the world over and that makes business stable and does much to insure the stability and continuance of the prosperity that you upon that side have admitted and talked about during the past week.

Mr. DINSMORE. Mr. Chairman, I would like to ask the gentleman another question.

The CHAIRMAN. Does the gentleman yield?

Mr. FULLER. I yield for a question, with pleasure.

Mr. DINSMORE. I shall be glad to hear the gentleman in this connection explain to the House what the Republican party meant in its platform of 1888 when it denounced Grover Cleveland and the Democratic party for trying to demonetize silver.

Mr. FULLER. I have but a few moments' time, Mr. Chairman, and I do not propose to be taken entirely away from the subject I was discussing. I simply wish to answer the gentleman from Missouri [Mr. HAMLIN] in the statements he has made, when he finds fault with the record of the Republican party that has brought about the conditions of prosperity that exist throughout the length and breadth of this land, and of which he should be as proud as we to-day.

We are proud of the record of that party. We are proud of the

record of the Republican party under the leadership of the great Republicans of the past, from Abraham Lincoln and Ulysses S. Grant down to Garfield and Blaine and McKinley and Roosevelt. We are proud of the record made under their leadership, and we are proud of the record of that party as it is being made to-day. And, my friends upon the other side, let me tell you this: You can never win the confidence of the people of this country by simply finding fault with everything that has been done by the Republican party, nor by saying that the country is prosperous in spite of the fact that the Republican party is in power, for "spite" never made any country prosperous. You admit the prosperity, and you only "deplore" the fact that it comes, as it always does come, when the Republican party is in control of the affairs of this Government.

My Democratic friends, you should take your prosperity with better grace and quit "deploring" so much. Is it not barely possible, from the circumstantial evidence at least, that Republican policies and Republican legislation do have something to do with the country's prosperity? Do you really and honestly think you could run this Government better than we do? Do you think you could increase the prosperity of the country, or even keep it up to its present standard? The trouble is you never did do it, and you have offered the people gold bricks and silver bricks so often that they have rather lost confidence in your promises. Your dire predictions of what would happen if the Republicans were successful in 1896 and in 1900 have not panned out just as you said, and is it any wonder that the people are loath to risk their prosperity that has come with Republican administration of affairs simply because you keep up your eternal and never-ending "condemning, deploring, and viewing with alarm?"

I want to tell my Democratic friends that it is no child's play to carry on this Government in such manner as to secure the prosperity and happiness and well-being of all the people. That is what the Republican party is trying to do, and we recognize the fact that it is a big job and requires the best energies and the best thought and the greatest wisdom to be found in the entire membership of the party. The Republican party has, in my judgment, conducted the affairs of this Government wisely and well. Its policies, enacted into law, have made the country great and rich and powerful. Agriculture has prospered, manufactures have prospered, the merchants and artisans of the country have prospered, and the laboring man has prospered beyond the fondest dreams of the laboring men of any other country in the world.

You ask if we are proud of the record of the Republican party? Yes; I thank God every day of my life—and so, my Democratic friends, ought you—that He committed the destinies of this nation into the hands of the Republican party. [Applause.] And yet, notwithstanding all this, you Democrats over there talk once in a while as though you really and honestly believed that you could run this Government better than we Republicans do. That, to my mind, is an absurd idea. Why, it is all we can do some of the time to run it properly and keep things straight. What in the world would you do? I am afraid if you had the chance to run it you would get another letter in the word "run" and it would spell "r-u-i-n," because in my day that is about what we have had whenever the Democratic party had its way and undertook to do things.

As long as the Democrats have nothing to do but to find fault with the Republicans, to kick and "deplore" and "view with alarm," the country can get along with them, and very likely, in the good providence of God, they thus serve some useful purpose; but the idea of surrendering the chair of a Lincoln, a Grant, a Garfield, a McKinley, or a Roosevelt to any Democrat of the present day—well, no, I think the people will prefer to be excused. Certainly we don't want and you don't want a free-silver Bryanite in the White House, and the people don't want and will never consent to put a free trader there.

And in my humble judgment the people of this country will never trust the Democratic party with the control of this Government again until they are able to give some guaranty of their good faith when they enter the claim that they can carry on the affairs of this Government better than the Republican party has done it. You admit all sections of the country are prosperous, but unwilling to give credit where credit is due. You say it is in spite of the fact that the Republican party is in control of the Government and responsible for such control. That is a sort of special pleading that does not seem to me to constitute an argument. You might as well say that the country is prosperous in spite of the fact that God reigns.

Mr. REEDER. Mr. Chairman, I would like to ask the gentleman if he has ever observed that the country was not able to show prosperity in spite of a Democratic Administration?

Mr. FULLER. Mr. Chairman, I have observed that in the great district which I represent, and which is one of the greatest agricultural and also one of the greatest manufacturing districts in the West—the great factories of that district, Mr. Chairman, during Democratic times, when Cleveland was President and the Democratic party controlled both branches of Congress, were closed or running at half time and with half force. Hundreds and thousands of men in that district were out of employment and could find no work to do; but when Mr. McKinley was elected in 1896, when the Republican party again came into power, when the odious Wilson bill was repealed and the Dingley bill became the law of this land, once more the doctrine of protection was declared as the doctrine under which this Government should be conducted, those factories opened up, the smoke started again from the chimneys that had been smokeless before, the people again went to work, and during the days since 1896 and since 1897, when Mr. McKinley was inaugurated as President, a period of prosperity started and has continued since in that district and in that State and throughout this country such as the world has never known before in the history of this or any other country.

My earliest recollections were of another Democratic period, when James Buchanan was President of the United States, but I have no recollection that in those days we had very much prosperity "in spite of a Democratic Administration." In fact, my recollection and my reading of history both tell me that during that period of free trade or low tariffs, when the doctrine of protection had been relegated to the rear, in "spite" of all that, prosperity was not in evidence to any considerable extent. Listen a moment to what so good a Democratic authority as James Buchanan himself had to say upon that subject. In his message to Congress, December 8, 1857, he used this language:

> The earth has yielded her fruits abundantly and has bountifully rewarded the toil of the husbandman. Our great staples have commanded high prices, and up till within a brief period our manufacturing, mineral, and mechanical occupations have largely partaken of the general prosperity. We have possessed all the elements of material wealth in rich abundance, and yet, notwithstanding all these advantages, our country, in its monetary interests, is at the present moment in a deplorable condition. In the midst of unsurpassed plenty in all the productions of agriculture and in all the elements of material wealth we find our manufactures suspended, our public works retarded, our private enterprises of different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want.

Those were the good old Democratic times, and such were the conditions that existed in spite of such fact.

Comparing Republican times of to-day with any period of Democratic ascendency of which I have any knowledge, I say again, Yes, we are proud of the record of the Republican party. [Applause on the Republican side.]

I said I spoke only for myself, but on second thought I think I can safely go further and speak for some others as well. The Republicans of my district are this day and this hour assembled in convention at Ottawa, Ill. I think I may safely say that they will make it plain that they, too, are proud of the record of the Republican party. I am sure they will not "deplore" nor "condemn" nor "regret" nor "view with alarm." I am also just as sure that they will "approve," "indorse," and "commend" the Administration of President Roosevelt, and will elect two delegates to the Republican national convention who will need no instructions, but who, nevertheless, will be instructed to vote for the nomination of the present occupant of the White House as the Republican candidate for President in this year of grace 1904. Indeed, I should not be at all surprised if the Republicans there assembled were to even go so far as to "point with pride" to the entire record of the Republican party for nearly half a century.

My friends, you all know what our platform will be. The record of the Republican party is its platform all the time, and the only platform it needs. To be sure, the party never stands still, but always progresses. Each time it adds something, because its old promises have been fulfilled; it has done the things it promised to do, and if it continues to be the progressive party of the country it must find new things to do for the benefit of the American people. The Democratic party is the party of the past. For inspiration it must go back to the days of Jefferson and Jackson. The Republican party is the party of the present and the future. It is the party which does things. This time it is going to dig the Panama Canal, and the people know that when the Republican party says it is going to dig the canal the canal will be dug.

Now, what issues will the Democratic party present? No man knows. What will it advocate? No man knows. What will be its platform? No man knows. What would it do if in an evil moment the people of this country intrusted it again with control of the Government? God does not know. But I do not believe the people of this country are in the mood to take any such desperate chances as to intrust the Democratic party with control of the Government. They like prosperity too well, and they well know that this prosperity came with the advent of the Republican party to power. It came with the passage of the Dingley bill and it came as the handmaiden of the doctrine of protection.

That prosperity is admitted by our Democratic friends, and all they can do is to say that it is in spite of the fact that the Republican party is in power rather than in consequence of Republican

policies. I insist, Mr. Chairman, that it is very largely in consequence of and due to Republican policies that have been carried out in the law of this land. And I tell you, Mr. Chairman, the day is far distant when the people of this country will again consent to an era of free trade or "tariff for revenue only."

I say for one that we are proud of this doctrine of protection; we adhere to it, not in the interest of manufacturers alone, but of all classes as well; not in the interest of the East alone, but in the interest of the West and of the South as well—in the interest of all our people and of all parts and all sections of this country, and more especially in the interest of the laboring man, who, under that policy of protection, finds work at remunerative wages, at such wages as are not known in any other country under the shining sun.

I believe in a policy that will not only give to the laboring man work, but will give him good wages and enable him to educate his family, to own his home, and to stand as an equal among American citizens.

Mr. BENNY. Will the gentleman allow me a question?

Mr. FULLER. Yes, sir; if I have time.

Mr. BENNY. I would like to know what the gentleman means by a "remunerative wage."

Mr. FULLER. I mean such a wage as will make the laboring man a man who can stand up with the rest of us and believe in his own equality. I believe in such a wage as will permit the laboring man, as it does in my district, to educate his children, to own his own little home, and to live as an American citizen should live. Under the Democratic doctrine of free trade that was not the case in this country. It is the case to-day; and in answer to the gentleman from Missouri I say we are proud of the record made by the Republican party, and we propose to continue that record and that policy in the future.

Mr. VAN DUZER. Will the gentleman allow me a question?

Mr. FULLER. I will.

Mr. VAN DUZER. You speak of the high wages of the workingman under the tariff. Is it not a fact that the high wages, if you speak of them as "high wages," are due more to the organization of labor into unions than any direct benefit of the tariff?

Mr. FULLER. I believe the high rate of wages of the laboringman in this country is due to the fact that under protective tariff laws the factories of this country are enabled to run and to give employment to all men who desire employment. I believe that when you have a policy of free trade or a revenue tariff only and the factories are compelled to close and the laboring man is without work that then in the surplus of labor you can hire men at anything that will permit them to live. Labor unions never increased wages when there was no work to be had.

Mr. VAN DUZER. Then, why is it that under the high-tariff system existing at the present time the wages of the men in the silk mills and in the steel factories are being reduced? Why is it that throughout New England, where you have protection as the policy of the Republican party, wages to-day are on a decline, and the workingman is receiving less than he did two or three or four years ago?

Mr. FULLER. Oh, I can answer that without any trouble whatever. The price of wheat is not always the same; sometimes it goes up and sometimes it goes down. The law of supply and demand to a great extent governs these things. Wages may be high to-day, and next year or next month they may be lower. They are higher now than they ever were in Democratic times. Wages will not always be on the same high plane that they were last year or the year before. But wages are to-day higher upon the average, very much higher, than in any other country in this world to-day, and that I believe is due to the fact that the Republican party is in power, that a Republican tariff law is upon the statute books of the United States, and that the doctrine of protection prevails. Certain it is that the present scale of wages was unknown in this country even during any Democratic Administration.

Mr. VAN DUZER. I do not want to cut into the gentleman's time. If I am taking too much of his time, I will refrain from the questions which I wished to ask, or I shall be glad to see his time extended.

Mr. FULLER. I suggest to the gentleman that he can make his speech after I get through.

Mr. HITT. The gentleman from Illinois [Mr. FULLER] has already consumed his time.

Mr. FULLER. The gentleman from Nevada [Mr. VAN DUZER] can go on after I finish, as I am reminded that my time has already expired.

Mr. HITT (to Mr. VAN DUZER). The gentleman from Arkansas [Mr. DINSMORE] will always give you time.

Mr. FULLER. I will not yield any further, but will bring my remarks to a close.

One thing that I wish to say to my Democratic friends over there before I sit down is this: You can never in this country make any capital by taking the side of a foreign country against your own.

I have discovered that you find fault every time anything is done by the Republican party or by the Administration in matters between foreign governments and this Government. I am an American as you are Americans. I believe in my own country. I am with and for my own country as against all the world. I was about to say that I am for my country right or wrong, but that is not quite what I mean. What I do mean is this: I want my country to be right all the time; I generally think it is right, and then I give it my cheerful and earnest support. But if I should get an idea once in a while, as some seem to think all the time, that my own country, in some controversy with a foreign country like Spain or Great Britain or Colombia, is wrong—so very wrong that I can not support its policy—then I will at least give my own country the benefit of the doubt, and consider that it is just possible that I may be deceived or take the wrong view myself, and those in authority may be right and I may possibly be wrong, and if I can't take the side of my own country, I will at least not take sides against it, and will not give aid or comfort to the enemies of my country.

For myself I believe the policy of this Government in the Panama matter was right. I believe President Roosevelt was right in recognizing the independence of Panama, and I think even my Democratic friends over there would have "deplored" if he had followed any other course. My doctrine is: Stand by the Administration; stand by your own country against the world. Yes, my friend from Missouri, we are proud of the record. It is a record that will shine with added luster as the years go by. For ages it will illuminate the pages of the world's history.

Like you, sir, I close these few rambling remarks with a reference to the flag you say you love. I believe you when you say you love that flag, but remember the flag floats higher to-day than it did before the great McKinley was elected in 1896. It is more respected by the nations of the earth than it was before that time; it is better known, better loved, more respected than it ever was before, because of the fact that the Republican party has been and is in control of the affairs of this Government.

I, like the gentleman from Missouri, love that flag; I believe it is the most beautiful flag that floats, and it stands for more than any other flag of any other nation upon earth. It is the emblem of this great, free land that is to-day the greatest agricultural nation on the face of the earth, the greatest manufacturing nation, and the nation that leads in civilization and progress all the other nations of the earth.

Mr. Chairman—

> There are many flags in many lands,
> There are flags of every hue;
> But there is no flag, however grand,
> Like our own red, white, and blue.

And I am for that flag and for my country forever against the world. [Applause.]

Mr. DINSMORE. I yield twenty minutes to the gentleman from New York [Mr. SHOBER].

Mr. SHOBER. Mr. Chairman, my excuse for being on my feet at this time is to be found in a statement, made to me a few days ago by gentlemen who are in a position to know, that unless I did have something to say about this time that excellent volume of statistics and compendium of oratory published by this House, known as the CONGRESSIONAL RECORD, would not be complete. Of course, rather than see the RECORD injured by my failure to contribute, I am here for the purpose of making a few remarks to the gentlemen on the other side of the Chamber. [Applause.]

Last week we had under consideration a bill which some of us perhaps may remember with sorrow when we recall the untimely fate that overtook the paragraphs referring to mileage, and the hope that some may have entertained that the Chamber at the other end of this Capitol might perhaps revive it again and blow the breath of life into this dead corpse seems to have been dispelled. There is to be no mileage after all, so that we must over those few paragraphs drop the sympathetic tear and whisper the sympathetic words "hic jacet."

But I want to say here that in my opinion the defeat of those paragraphs was brought about very largely, if not altogether, by the excellent speech of the gentleman from New Jersey [Mr. PARKER], who went "one step further" and laid it down as an "irrefutable, indisputable, and not to be denied fact that when we come to Congress we are here until we go home." [Applause and laughter.]

During the general debate on that bill known as the "urgent deficiency bill," sometimes called the "emergency appropriation bill," many excellent speeches were made on both sides of the House.

From the speeches made on the other side of the Chamber I observe, first, that the Republican party seems to be in urgent

case. The Republicans seem to be in an emergency. I gather this from the fact that the gentleman from Minnesota [Mr. BEDE] most cordially and in a very pleasant way—doing his best to disguise the urgent case of his party—invited us to disband and come over there and make it a unanimous Presidential campaign this fall.

I should like to remark to the gentleman from Minnesota that we on this side of the Chamber do not find it quite so easy to forsake the faith of our fathers and to surrender our inborn convictions as he seems to have done. [Applause on the Democratic side.] And I also wish to add this, that it is a dangerous thing he has undertaken, because it is quite likely that if the Democratic party should conclude to accept his invitation and go over there, we might absorb the Republican party, aye, swallow it whole, hook, line, and sinker, and, sitting down on that side of the Chamber, legislate for the welfare of this country, for the good of our fellow-men—the greatest good for the greatest number—quite as easily on that side of the Chamber as on this.

He also made a remark during the course of his speech in which he said that he had heard that in New York City, a part of which I have the honor to represent, Democratic Congressmen were sometimes appointed. Well, I have heard that sometimes Republican Congressmen were elected for life, and there are instances on this floor—honored instances, I am glad to say—of that fact; but surely it is not any more astonishing that a good Democrat should be chosen without any great contest in a Democratic stronghold than that a good Republican should be chosen without any great contest in a Republican stronghold. And if New York City is Democratic, and it is the stronghold of Democracy in these great United States, it is not so astonishing that there should be only one lone Republican—an excellent friend of mine, by the way—to sit on that side of the Chamber from the city of New York.

There is another reason why it seems to me that the party represented by the gentleman over there finds itself in an urgent case—because they are at such pains to rush to the defense of the Chief Executive of this nation, an accidental Executive, by the way. Let but the least breath of criticism be blown in his direction and they are up in arms in the endeavor to protect him from the least assault. Now, he is either a good Executive or he is not. His administration of affairs must be satisfactory or it is not. If the former, neither he nor his Administration needs any defense, and the gentlemen are but wasting their time.

But I suspect that the present Administration of the nation's affairs is not altogether satisfactory to the gentlemen on that side of the Chamber. Certain it is that they are trembling at what may be the popular verdict and seek to avert impending disaster by the use of subtle argument and matchless eloquence in bolstering up a losing cause.

As has been well said, the present occupant of the White House is a man whom "everybody is for and whom nobody wants." Some of them will cry, "Hurrah for Roosevelt!" with the reservation on the side that "Mr. HANNA is a very strong man." Some of them will yell, "Hurrah for Roosevelt!" and assert as a positive fact that in the Presidential contest he can beat Tom Johnson. Their evident anxiety over the proposition and the fact that the campaign must be led, as it has to be, by the accidental occupant of the White House, shows that they are nervous, extremely nervous, so far as the outcome of this campaign is concerned.

Another evidence of the great trepidation of our friends is found in their frantic cries of "Prosperity!" They are everlastingly asserting and proving that the country is prosperous. They have filled the RECORD with figures and facts showing that the balance of trade with foreign countries is in our favor and that we are enjoying unprecedented good fortune. We know it. The fact is self-evident. The country is prosperous. But I assert, and it has been proven here by more eloquent lips than mine, that our prosperity is, after all, a one-sided prosperity; that while some few have been taking unto themselves riches in fabulous amounts the many have but added to their poverty or are still in the same old rut, scarcely rising above the conditions that prevailed ten, twelve, or fifteen years ago.

It has been proven here beyond dispute that while the wages of this country increased 12 per cent, the cost of living for those who earn the wages has been increased three times that amount, or in the neighborhood of 39 per cent. Therefore it is a manifest fact that the prosperity is not so certain, is not so widespread, and is not so perfect as idealists would like to have it or as gentlemen on that side of the Chamber would like to have it, if all the truth were admitted.

The gentleman from Illinois [Mr. BOUTELL] was at great pains to read to the Members on this side of the Chamber extracts from papers published in the Southern States and in Missouri, showing the marvelous prosperity of that blessed land in the South, as if gentlemen on this side of the Chamber did not read the papers published in their own districts, and as if it was not a conceded fact that the South is prosperous and needs not the hysterical efforts on the part of gentlemen on the other side of the Chamber to acquaint us with it.

But I say again that, prosperous though we be, North, South, East, and West, it is a one-sided prosperity.

Through the operation of certain iniquitous laws this great shower of gold has been heaped up in the laps of the favored few while the many go hungry. The coffers of the favored rich are filled to overflowing while the cupboards of the many are bare. Is it not true? With all this wealth flowing in upon us, has the little fellow in trade received any of it? Is the little storekeeper at the country crossroads, or even up in Harlem, in the city of New York, any better off than he was ten years ago? I tell you he has all he can do to pay his ever-increasing rent and make both ends meet.

Is the artisan and the mechanic in better circumstances to-day than he was before the tide of trade turned in our favor and the yellow, golden stream of wealth began to flow? Go ask him and learn, ye who prate so much about our wondrous prosperity.

Suppose our per capita wealth is greater than ever before. Does that prove anything, if all the wealth is controlled by a mere handful of men? What does per capita wealth amount to, anyhow? I read yesterday that the per capita wealth of the Osage Indians is $10,000—think of it! $10,000 for each brave, squaw, and papoose in the whole tribe. But it does not follow that we would like to change places with them.

No, gentlemen, our prosperity is not quite the kind of prosperity that means sound, vigorous health for the body politic. I believe you would like to make it so, and the efforts you have made on the floor of this House to make it appear so is proof positive that you are in sore straits on the eve of a Presidential campaign.

As a matter of fact, I don't think you know exactly what to do, so you "stand pat" and do nothing. Some of you talk loud at times about the grasping power of the trusts and their greed; but you do nothing.

A representative of your party has introduced in the other Chamber of this Congress a bill which most of you will support, that not only clips the claws of any law that might curb or regulate the trusts, but absolutely paralyzes its arm and disarms it of all power, making it practically a dead issue. Some of you came forward with the assertion that the Foraker bill was an Administration measure, and just as many hastened to say, "God forbid!"

You see you really "don't know where you are at."

Most of you are perpetually and continually raising the dust of dead and gone issues in the frantic effort to befog the minds of the people on the present situation of affairs. You not only try to do this, but you actually want to write the platform for our party and even nominate, if you can, our candidate. But, much as we love you, we will not let you do it.

There is only one thing left for you to do. Just so soon as the conventions have met you will do as they have done before. You will raise the cry of "Wolf! Wolf!" as you did in 1896 and 1900, and expect the same thing to happen. But I warn you that your fate will be like that of the boy in the fable. On one or two occasions he brought the workmen from their labor in the fields to protect him. The cry of "Wolf!" succeeded twice, but on the third occasion they did not come, and the wolf devoured him. And as I say to you, I prophesy that you gentlemen on that side of the Chamber are all ready to do the same thing over again as was done in 1896 and 1900, and by intimidation and false statements and threats endeavor to secure the laboring vote of this country. And I prophesy that the labor vote will not heed your cry, and the Democratic party will devour you.

The next thing I observed from the speeches made on that side of the Chamber on the emergency appropriation bill was that the Republicans propose to appropriate things. They have appropriated all the patriotism, all the virtue, all the honor which has ever existed in this country.

Was it the preservation of the Union? The Republican party saved it, and the Republican party alone. There were no Democrats, forsooth, under the Stars and Stripes at Fredericksburg, at Shiloh, in the Wilderness, or on the march to the sea.

And so strong is this appropriating habit that a few months ago the Republican President, in an address at Antietam, forgot to mention the hero of that battlefield because he was a Democrat. It was like playing Hamlet with Hamlet left out.

And by the same token there were none but Republicans at the battle of San Juan Hill, where Spaniards were shot in the back while running away, or in the naval fight off Santiago de Cuba. And this is fully borne out by Republican action after the war with Spain.

So that according to this theory everything belongs to the Republican party. They have appropriated all things in the heavens above, in the earth beneath, and in the waters under the earth; and in their frantic endeavor to be sure not to leave anything out

they have gone further and have appropriated things heretofore unknown. They remind me of the old dominick hen I once heard of, that kept up such a cackling and a scratching that the good old lady told her boy to go out and see if he could not find some eggs and put them under that hen to keep her quiet. The boy went out to get the eggs, and as he could not get hen eggs enough he selected a few goose eggs and put them with the others until he had a tremendous nest of eggs. Then he brought the old hen and put her on the nest. She squirmed and spread her feathers and stretched her legs and did her best, but could not cover them. When the old lady came out she said: "Why, John, what do you mean by putting all them eggs under that there hen when you know she can't kiver 'em?" "Well," said John, "I knew that she couldn't, but I just wanted to see that old dominick spread herself." The Republican party has taken so much unto itself that it is in the position of that straining hen—spreading itself. It has about all the eggs there are in the barnyard under it.

And of all the eggs that are under the Republican hen some I doubt not are goose eggs. Let us see. If perchance the sun shines warm and bright and blessed showers fall and the corn crop in the corn belt is of enormous proportion they will stand back calmly and say: "That is ours; the Republican party did that." If in the wheat belt nutritious snows and favorable elements combine to make the crop of wheat prodigious they will still stand back and say: "The wheat crop is a portion of the assets of the Republican party."

Should the nations of the earth be at war with each other and the price of wheat and of corn and of mules and of hogs mount away up the scale, increasing our exports in these products enormously, the Republican party with unblushing effrontery will shout from the house tops, "Behold how good and joyful a thing it is, brethren, to dwell under the rule of the Republican party!"

And there is the boll weevil. I confess I don't exactly know what the boll weevil is. I don't know whether it crawls on its belly or flies in the air or stalks on four feet, wearing horns and emitting smoke and flame from its fiery nostrils. But whatever kind of "critter" it is, I am told it destroys the growing cotton.

Now, let this creature get in his fine work in the Southland, and the cotton crop is reduced hundreds of thousands of bales. What happens? Cotton goes up in price, obedient to the law of supply and demand. It reached as high as 16 cents, and may go higher. That means good times and rejoicings for the cotton planter, but the Republican party smiles serenely as the prices go up and prosperity sweeps over the South, and says, "You see what wise legislators we are; what a wonderful party is ours; be thankful and rejoice that you have us."

Or, again: If men of daring and bravery, through hardships incredible and unknown, shall pierce the extreme Northwest, carving their way through ice and snow, and almost with bare hands squeeze from the frozen earth and from the adamantine rocks the wealth that has come to this country within the last six or seven years, the Republican party says: "We told you we would increase the volume of money; we said that we would give you more metallic money, and we did it—we, the Republican party."

So it goes through the whole gamut; but if, however, there happens to be a storm somewhere and a flood breaks loose, causing great hardship and distress, I doubt not they would say, this is the work of Providence, or perhaps of the Democratic party. But I want to tell you that you must be logical about it all in order to have the people of this country really stand behind you and believe you. A southern gentleman of the old school had a servant by the name of Sambo. He was very fond of telling what he could do in the forest with his gun and on the stream with his rod. His fish stories were immense and his hunting stories most beautiful to hear, and to back them up he always called upon Sambo, who invariably said, "Yes, sah; dat's so."

On one occasion he was telling some friends how he shot a deer. The head of the deer was hanging over the door of his dining room. He said: "I shot that deer in a most peculiar way. He was just on the other side of a stream and began to run up the path away from me. I had a good trusty rifle and took careful aim and fired. Strange to narrate, the bullet caught him in the left hind foot and behind the left ear and he dropped in his tracks." "Why," said his friends, "impossible. How could a bullet shoot a deer in the foot and the ear at the same time?" "Ask Sambo here; he will tell you." Sambo said: "Well, gen'men, I tell you dat's a fact. Marster got a dead bead on dat 'ar deer and just then the deer stopped to scratch his ear with his foot, and so de bullet hit 'em both." When the friends were gone, Sambo turned to his master and said: "Look yere, boss, next time you wan' me to tell you any more deer stories fer God's sake get your pints a little closer togedder." [Laughter.]

The next time you Republicans are appropriating things be logical about it, get your points together, and do not leave out anything, because there are many things you have not yet appropriated, but which you must. You must have all that is coming to you, no more and no less.

For instance, I have not heard anybody over there appropriate the fact or boast of the fact that there is scandal in the Post-Office Department. Now, that belongs to you. You must take that also. It does not stand to reason that robbery, theft, extortion, wrongdoing, and all the rest of it can go on in the Post-Office Department or in any other Department without negligence at least, culpable negligence, on the part of those who are in charge of those matters. The chiefs themselves, of divisions, even to the chief of chiefs himself is responsible for the crimes of his subordinates in office. If a man is serving in a bank and should pilfer and steal, he is punished if they can get him. But the onus of blame falls upon those whose duty it was to see that theft and robbery was not possible; that careful investigation should be made in order to prevent it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHOBER. I would ask the gentleman from Arkansas if I can have just two or three minutes more?

Mr. DINSMORE. What is it the gentleman desires?

Mr. SHOBER. That I be given two or three minutes more.

Mr. DINSMORE. I could not give the gentleman more than two minutes.

Mr. SHOBER. Two minutes will suffice. Because in connection with this matter not only will the Post-Office scandals have to be shouldered by you, but the public-land frauds as well. Then the growing power of the trusts is yours to answer for, and all the troubles that arose out of the coal strike and the evils thereof, not to mention your failure to do anything in that regard in spite of the fact that a Member of this House had submitted proof positive of an illegal conspiracy and combine on the part of those who claimed that they were doing this by divine right and the authority of God himself.

You must stand for the wrongs and the failures of those whom you place in power, and I will close my remarks by calling the attention of the House to the last report of the Attorney-General. For the prosecution of the trusts and for their curbing, and for their punishment when found doing an illegal business, the sum of $500,000 was appropriated to pay the expenses of prosecution and placed at the disposal of the Attorney-General. What was done? I read from the report of the Attorney-General, as follows:

By the appropriation act of February 25, 1903 (32 Stat., 854, 903), Congress appropriated the sum of $500,000 to be expended under the direction of the Attorney-General in the employment of special counsel and agents in the Department of Justice to conduct proceedings and prosecutions under the various trust and interstate-commerce laws.

It has now become highly important that this appropriation should be made available for the enforcement of the laws of the United States generally, and especially those relating to public lands, postal crimes and offenses, and naturalization. In respect to these three matters a grave condition of affairs exists, as shown by recent investigations and developments.

Vast portions of the public lands have been dishonestly acquired through frauds, perjuries, and forgeries; and by similar means the laws relating to the proper administration of the Post-Office Department and other branches of the public service have been grossly violated. I have just referred to the crimes and frauds practiced in connection with the subject of naturalization.

In order that the penalties provided for violation of these laws may be promptly enforced and the Government furnished with competent legal assistance for the pending investigations and prosecutions, and those which will arise throughout the country, I earnestly recommend that the said appropriation be made available for use for the purposes indicated, to be expended under my direction.

He deliberately asks that this $500,000 appropriated for the purpose of prosecuting the trusts shall be made immediately available to do what? To enforce the laws of the United States generally and those relating to the public lands and the postal crimes and offenses against naturalization.

Oh, pitiful confession! Is it possible that the United States Attorney-General, with all the officials under him at his beck and call, is unable to run down a few thieves in the Post-Office and a brace or so of rascals who had to do with the public-land frauds without invoking the aid of Congress?

What is the Department of Justice for? Why is an enormous appropriation made every year for its support? Is it not to see that the laws are enforced, that offenders against the laws are punished, and that justice is meted out in full measure?

Is it possible that the Attorney-General can not do his duty and hale rascals to justice with all the vast machinery at his command without falling back upon an appropriation made for a specific purpose?

That purpose was the prosecution of the trusts. Did he do it? Did he proceed against the coal barons, or is he going to do so?

Proof, documentary proof, of an illegal combine and conspiracy between them was laid before the Attorney-General by a Member of this House, and let us see what he did with the $500,000 special appropriation given to him for the purpose.

In his table of expenditures we find the following:

Enforcement of antitrust laws, 1903 and 1904:		
Appropriation warrant		$500,000.00
Payments during fiscal year		17,000.00
Balance July 1, 1903		483,000.00

That is all, and nothing more. Not a single solitary other reference to the trusts in a report covering several hundred pages. And the Attorney-General wants to use $483,000 of the people's money to run a few postal thieves and land grabbers to earth. It is a pitiful confession of weakness and incompetence.

And so, reverting to the cordial invitation of the gentleman from Minnesota, we Democrats, after reviewing the situation, must respectfully but firmly decline to go over there and help you Republicans hold up the pillars of your tottering temple.

Mr. DINSMORE. I now yield five minutes to the gentleman from Nevada [Mr. VAN DUZER].

Mr. VAN DUZER. Mr. Chairman, a few moments ago I asked the gentleman from Illinois [Mr. FULLER] some questions relating to labor unions and high wages, and the colloquy was interrupted by objections. I now desire, in a brief statement, to reply to the gentleman from Illinois and to take up the discussion of the questions which I refer to.

I asked the gentleman in reference to the statement he made in regard to wages, if it was not a fact that high wages throughout the country was due to the efforts of organized labor and the organization of labor unions to resist a lowering wage scale. The gentleman answered that labor and wages, like other commodities, wheat, cotton, etc., were regulated by the law of supply and demand. If the gentleman concedes that wages are regulated by supply and demand, he at once must abandon his theory that the tariff keeps up wages. How can the gentleman contend that a high protective tariff regulates wages if wages are regulated by the law of supply and demand?

The labor question, to my mind, is one of the most serious problems confronting thoughtful men, and yet it receives little recognition in this House. A great deal is claimed for labor, but little accomplished for labor. We hear continually references as to what the Republican party has done for labor. My contention is that labor has done more for herself through her unions than the Republican party has ever accomplished for her.

Labor can not win any substantial advance under Republican Administrations, whose continual obligation is to support high protection and predatory wealth. Labor has more to fear from the colonial policy of the Republican party than from any other condition to-day. The American laboring man, around whom the Republican party insists the mantle of high protection has been thrown, is in danger to-day from this very question. What is to become of the laboring man when the Republican party opens up Porto Rico, Cuba, and the Philippines to sugar, tobacco, and the manufacturing interests where cheap labor from China, Japan, and the Filipino may compete with American labor? The contract laws do not apply, nor do pauper laws nor immigration laws shut out cheap labor in our colonial possessions.

To-day the large trust interests are taking steps to import Chinese labor into Cuba and Porto Rico. To-day the Japanese, the little brown man, with all his strength, skill, and imitation, is competing with American labor because these possessions, given favorable tariff concessions from our Government, do not have laws restricting cheap labor, contract labor, or convict labor.

The contentions of the Republicans that high wages are synonymous with high protection can not be borne out by actual economic conditions, because wages are kept up by the intelligent cooperation of labor unions. If you should destroy organized labor and abolish labor unions the scale of wages would fall 50 per cent in six months. Labor has been able to oppose her intelligence to falling prices, and her righteous fight against long hours and low wages has resulted in eight-hour laws and higher wages.

Prosperity is the gift of God—the result of a generous nature, not of the Republican party. High wages and short hours are the result of two centuries of struggles of organized labor against organized greed. Labor asks only that which she is entitled to and she has kept up the wage scale by her own efforts.

Trusts are the creatures of Republican legislation. To-day the very classes who have received the most benefit from Republican legislation are the combinations striving most desperately to destroy organized labor.

To-day the manufacturers' associations are raising money, organizing a sentiment, and directing a crusade against labor unions because they realize that organized labor can successfully resist a depreciating wage scale and a lengthening labor day. If they can break down organized labor they know they can regulate the wage system, and no tariff on earth can keep wages up if once labor is at the mercy of predatory wealth. Labor is confronted with a fight for her life, and her only hope lies in maintaining the power and integrity of her unions.

Another question which the gentleman took occasion to talk about, and it is a favorite theme of the Republican party, is that we have good times during Republican Administrations and hard times and disaster when the Democratic party is in power. He spoke about the hard times of 1893. I want to call his attention to the fact that between 1888 and 1892 the Republican party had control of this Government, that there was on the statute books a Republican tariff law, and a Republican finance law in the early part of 1893, and at the time of the panic, early in 1893, which was one of the most serious panics we have had in the country, and concerning which the Republicans point with pride as the result of Democratic power, these laws were in force.

I want to call the attention of the gentleman to some facts of history. The Democratic party came into power as a result of the dissatisfaction, unrest, and hard times of the Harrison Administration. Harrison's Secretary of Treasury was already beginning to negotiate a bond issue when the party was swept from power. The conditions underlying the panic of 1893 were the result of the Harrison Administration. The Democratic party met a Republican panic. Panics leave scars upon prosperity. In 1896 McKinley was elected. The "full dinner pail" was the slogan. McKinley had not been in power six months when hard times and signs of a panic again became apparent.

The hard times of 1893 would have been repeated in 1897, succeeding the defeat of Bryan, if the extraordinary gold discoveries of the Klondike had not increased our money supply, and the Spanish-American war and the Boer war had not created a demand for our products. Eighteen hundred and ninety-six and 1897 were dark days on the Pacific coast, and the shadows of a panic were only dissipated by the discovery of gold in the Klondike, which poured her golden treasure into the commerce of the Pacific coast.

Then I ask the gentleman from Illinois [Mr. FULLER] why it is that he ascribes to the Democratic party the hard times of 1893, when it is a fact of history that the Republican party was in power four years just prior, and if hard times occurred during Democratic Administrations and good times during Republican Administrations, as the gentleman claims, how are the Republicans going to explain that fact? The gentleman also said that in 1896 we had good times in this country, the most prosperous we ever had; but the gentleman from Illinois has failed to designate in a single particular where any legislation enacted by the Republican party has ever contributed to good times in this country.

It is a notorious fact that after William McKinley took his seat for the first six months there were more failures, according to Dun and Bradstreet, than had occurred for years. It is another notorious fact that the Republican party was against a crisis in her history had it not been for the unforeseen developments which brought about the Spanish-American war.

The Spanish-American war and the great output of gold from the Klondike were the two conditions which contributed to prosperity in this country, and there was not a single legislative act upon the statute books of the country put there by the Republican party which contributed in any respect or degree to our prosperity.

Our quantitative theory of money was demonstrated to be correct because of the large supply of gold which came from Alaska and by the good times which spread abroad in this country as a result of more money being put into circulation by the Spanish-American war. And I want to say that it was the minority party in Congress that brought about and forced the Spanish-American war against the resisting policy of the Republican party at that time, which was averse to going into a war. [Applause.]

We hear a great deal from the floor of this House about high wages. We hear a great deal in this House about prosperity. But the gentleman from Illinois made the candid admission that high wages are due usually to the law of supply and demand. We have had within the past six months the closing down of the silk mills, the closing down of factories in New England.

We have had not only a wholesale reduction in the force of men employed at mills and factories in New England, but wages have been reduced and the cost of living increased.

Last summer there was a panic in New York. Wall street was stricken. The city of Pittsburg was on the verge of a panic. There was a financial tightening. Money was high, business at a standstill, and had it not been for a large wheat crop and high-priced cotton—had it not been for the American farmer—the panic of 1893 would have been a sumptuous banquet as compared to the distress of 1903. [Applause.]

It was the farmer and not the Republican party who saved the country last year. [Applause.] The argument so long indulged in of Republican prosperity and Democratic adversity is fast becoming a boomerang upon the Republican party.

I wish to make the statement at this time and right here that as far as high wages are concerned the tariff has had less influence upon wages than the efforts of organized labor. And in handling this great issue between labor and capital—between the man who struggles to accumulate enough to live upon and the man who accumulates to enjoy the sensuality of luxury—tact, wisdom, and patriotism must be called into the exercise of their highest power in order to adjust this problem in the interest of humanity.

I have listened to tariff discussions; I have listened to Panama

word pictures; I have listened to partisanship run riot, but I have yet to hear a labor discussion upon the floor of this House. The two parties here are contending over tariff schedules, over fine questions of international law; and yet it is going to be the two million and a half labor votes of organized labor who shall name the next President of the United States. While statesmen and politicians are casting about for candidates and platforms let me suggest that the storm center of the fight next fall will be in Illinois, Indiana, and New Jersey, where there is a large labor vote, and in Montana, Utah, and Colorado, where recently military authority has been used to suppress the labor unions. The labor unions have been forced to go into politics, and the ranks of organized labor is daily growing, and the next President of the United States will be the man who champions the cause of a government by the people instead of a government by the privileged classes. [Applause.]

Maintain living wages, lower the cost of living daily increasing through Republican legislation, curb the trusts, build the Panama Canal, develop internal resources, give the Philippines to the Filipinos, and build up and protect a government whose purpose is to create an artisan instead of a soldier. [Applause.]

It is not tariff schedules we need, but more work, high wages, and reasonable hours. It is the shutting out of coolie labor, the passing of an eight-hour Government law, and the abolition of convict labor which need serious attention. The American workingman wants to rest secure in his home, and if in the exercise of his inalienable rights he should run counter to the domination of predatory wealth he does not want to be incarcerated like a petty thief, and hence the question of government by injunction is of vital importance to him.

You can never deceive organized labor by tariff schedules. She will never rest the hope of high wages on a trust tariff. Believing in the old adage that "God helps those who help themselves," the American workingman will go on organizing labor unions, placing his hope of high wages in his intelligent efforts in the labor union rather than in the specious promises of tariff statesmen who are feeding the giant trust, the greatest enemy organized labor ever had. Labor opposes her intelligence to falling prices, and wages are maintained, while other commodities, unable to resist, fluctuate at the will of commerce. [Applause.]

Mr. DINSMORE. Mr. Chairman, I yield twenty minutes to the gentleman from Minnesota [Mr. LIND].

Mr. LIND. Mr. Chairman, I have so recently expressed my views on the general question of our Canadian relations that I shall not take any additional time on this occasion, except to say this, that I wish the committee to understand that in my persistent—for it may seem so to you—advocacy of better trade relations I am not prompted by any local or personal considerations. It would undoubtedly be very desirable for the people of our State, the millers of my city, the laboring men, and the railroads to handle the crops of Canada to the north of us and to participate in the development and exploitation of that great country. But for those local reasons alone I would not advocate it for a moment unless I were firmly convinced that it is for the benefit of and vital to the future and permanent interests of the whole nation.

There are men on this floor, and I hope many of them, who will live to see 150,000,000 English-speaking people on the North American continent. Think of it! One hundred and fifty millions of people speaking the same language, reading the same literature upon this great North American continent! Bearing this possibility in mind, is it not a vital question, is it not a question that appeals to every patriotic American, that appeals to every economic consideration, that this great mass of homogeneous, ethnically and historically connected people shall cooperate and work together hand in hand in amity, brotherly rivalry, and American energy to develop this great continent for a greater America?

I want to say to you that I would infinitely rather see a greater America on this continent than a greater Britain in any portion of it. [Applause on the Democratic side.] That is the question involved. Are we to continue a policy of nagging and belittling a people relatively just as great and just as good as we are? It is poor policy; it is not the part of wisdom; and I want to say, my fellow-Members, it is not Republicanism in the State of Minnesota. And it is to demonstrate that fact that I rise on this occasion rather than to address myself to the great question at length. My colleague from our State [Mr. VOLSTEAD], who occupied your time on yesterday, commented very severely on the utterances of what he termed the leading Republican paper in our State, the St. Paul Dispatch.

He had the floor. The editorial writer of that paper did not have the floor; and I propose to give it to him for a few minutes. I have always endeavored to treat that paper, and especially its editor, justly; and I now send to the Clerk's desk to be read the editorial that was commented upon by my colleague yesterday.

The Clerk read as follows:

"PLAYING HORSE."

JOHN LIND made a speech in the House. He made a very clever argument for reciprocity in general and with Canada in particular. This shows that his immersions in Populism and Democracy didn't wash all the Republicanism out of him. For reciprocity specialized is not Democratic doctrine, as the dispatch has shown, but is Republican by pre-empton. A very strange effect of this speech is reflected in dispatches from Washington. It is said that it has sent all but two of the Minnesota Representatives into opposition to any modification of our trade relations with the Dominion. It is said that Mr. VOLSTEAD will lead off in a speech in which he will think he is defending his farmer constituents who grow wheat against what Cush Davis once described as "that avalanche of wheat" which would pour over the borders and sweep away our farmers if the duty were taken off. Mr. Davis very soon learned his mistake. If Mr. VOLSTEAD's purpose is as stated, he has his lesson also to learn. A more incredible statement is that the Senators will join the opposition.

It will be a queer contretemps if the fact that a former Republican, now posing as a Democrat, who advocates a policy Minnesota Republicans have always been in favor of—so much so that a Senate committee back in the eighties investigating opinion here found but one man opposed—should make six or seven Republican Representatives and two Senators turn tail and run away from their party. We must say that it would be either a tribute to Mr. LIND's sagacity and strength, or a display of their asininity, that would very much surprise Minnesota Republicans. It would be playing politics with a vengeance, and there would be a reacting vengeance that would be unpleasant to the recipients. Minnesota can not afford to have her Representatives "play horse" with a matter of such material importance, nor will she fail to resent it if they do.

The dispatch that foreshadows this puerile course says that it will be justified by the repugnance of Minnesota farmers "to being deprived of the benefits that accrue to them from the present duties on wheat." We really wonder if there is a farmer in all this Northwest so densely ignorant that he imagines that the tariff of 25 cents a bushel benefits him by decreasing competition. We wonder far more if Mr. VOLSTEAD or any other member of the House or Senate thinks so. These must know better, but that implies that they think their farmers woefully ignorant and densely stupid.

When Senator Davis made that statement—and he made it in good faith—he was promptly informed that Manitoba wheat came over the border, paid the duty, was milled in Minneapolis, the flour exported, and 90 per cent of the duty refunded to the millers. Since then the rebate has been increased to 99 per cent.

The 1 per cent of the 25-cent duty retained by the Government is 2¼ mills one-fourth of a cent a bushel is all the "protection" given our wheat raisers by the tariff; that is the measure of the "benefits" they are getting from it. Recently the millers have been in Washington seeking relief from the law or Treasury ruling that imposes a proportional share of the duty on the bran and shorts obtained from milling Canadian wheat if sold in this market. To escape that the millers must export the offal, thus depriving our farmers of the substantial benefit of getting stock feed at lower price. We doubt if any Senator or Representative will dare to make the display of ignorance, or worse, which opposition on such a ground would reveal.

Mr. LIND. I will now ask the Clerk to read the comments of the Minneapolis Journal, the leading Republican paper of our State, on the article just read. This was published February 1.

The Clerk read as follows:

The Journal is informed that some members of the Minnesota delegation in Congress are disturbed because so much attention has been given to Congressman LIND in this and other Republican papers. They are reported to be so much disturbed that, as the Dispatch says, they are going to vehemently oppose reciprocity with Canada because LIND is for it. In view of the general favor with which Mr. LIND's attitude has been received, we should think that they would do well to see whether they can not find grounds for agreeing with him. But they seem to be afflicted with a malady that has become chronic in the Minnesota delegation—viz, disregard of public opinion in Minnesota.

In view of the easy-going habit we have fallen into of not holding our Congressmen to account, it is only natural that this malady should thrive.

The Journal has no interest in attracting attention to Mr. LIND, but as this paper, like many others in this State, believes in reciprocity with Canada, it is only right and proper that it should devote some space to men and measures that are seeking to advance it. We believe that a majority of our people believe in reciprocity with our northern neighbor and have long ago got to the bottom of the ancient fallacy as to the dangers of Canadian competition in agricultural products, which Mr. VOLSTEAD purposes to resurrect. Yet with two or three exceptions our Congressmen have chosen to ignore or contemptuously oppose Canadian reciprocity.

Mr. LIND. Now, Mr. Chairman, for the benefit of the genial Chairman of this Committee of the Whole [Mr. LACEY], who took occasion on the floor to criticise in a very kindly spirit what I said upon this subject some time ago, I desire to have read a portion of the recent message delivered by the governor of the great State of Iowa, and this will be of additional interest to members of the committee for the reason that it was uttered under the sanction of the governor's oath of office and in obedience to the requirement of the constitution of the State of Iowa that he should give his people sound advice.

The Clerk read as follows:

It is obvious that the farmers' principal desire and paramount interest is to feed as many people as possible. They sell breadstuffs and meats in their various forms, both at home and abroad, and therefore they ought to be in favor of the policy which will maintain and multiply their markets in their own country, and protect and increase their markets in other countries.

To put it in another form: It is plain that they should advocate the proposition which will add to the number of men at work in fields of industry other than agriculture at home, and which will remove burdensome restrictions and impositions which prevent a fair entry into markets abroad. Let us not be content with mere abstractions. It has been possible to make, and in my judgment it is still possible to make a treaty with Canada which would for years to come make us practically masters of the imports into that Dominion. In the last ten years American manufacturers have expended $100,000,000 in the establishment of plants in Canada which would have been kept at home, with all the labor which that implies, if there had been a fair and permanent relation existing between the two countries. Not only so, but every student of affairs knows that the chance we now have across the bor-

der will be completely destroyed unless we treat with our neighbors upon a fair reciprocal basis.

The farmers of Iowa have lost something in the foreclosure of the opportunity to feed the men who are operating the plants to which I have referred, and they will lose more when Canada raises the barrier so that England, France, and Germany will supply the material for the wonderful development upon which she is just entering and which we are so well prepared to supply. It has been said that in order to obtain these changes it will be necessary for us to let into our markets Canada's agricultural products, or some of them. I believe this to be partially true, but let me ask the farmers of Iowa whether they think they would lose in the exchange? Which would you rather do, lose the market which would be created by our vast imports into Canada or meet Canada in competition in the things which you produce? I assert confidently that in the sharp struggle with Illinois, Wisconsin, Minnesota, the Dakotas, Nebraska, Kansas, and Missouri you would never be able to discern the influence of Canada in corn, oats, barley, hay, cattle, horses, hogs, butter, and eggs.

I go further. We can make treaties with Central and South America, with France, Germany, Spain, and Italy, that will immensely increase our exports of manufactures to those countries, so that for every man deprived of employment here we can put to work ten. You ought to have a chance to feed these added nine men, and why is it not given you? Simply because of the inertia which seems to prohibit the profane foot from planting itself within the sacred precincts of the tariff schedules.

And how is it with your markets abroad? In England there is still the open door; but you know that a mighty force is now swinging it in your faces, and it may not be long before on those islands there will not even be the "gates ajar." Do you not think you ought to be alert and make some provision, if you can, for a pass key as the bolt slips into its socket?

In France you are under sore discrimination—discrimination which could be removed immediately without any substantial injury to a manufacturer in the United States.

Germany is making it harder for you all the while, and yet we rest supinely, watching with apparent satisfaction the gradual exclusion of the Iowa farmer from the markets of the German Empire.

I might continue this journey around the world, but it would serve us no useful purpose. If what I have said will not arouse the men who till the soil, who raise the cattle, horses, hogs, and hens, and produce the cheese, butter, and eggs of Iowa, I am mistaken in their intelligence and have overrated their loyalty.

Amidst the cries of the commercial conflict raging throughout the world I hear the voice of destiny saying to the men of agriculture as Roderick Dhu said to James Fitz James:

"For this is Coilantogle ford
And thou must keep thee with thy sword."

Mr. LIND. That is good doctrine. I do not think that I could improve upon it. It is in hearty accord with the sentiments of my colleagues on this side of the House. The editorials read state the facts, except possibly in the little bit of egotism contained in the first editorial, which may be pardonable considering the source.

The editor of the Dispatch says that reciprocity is preeminently and at all times Republican doctrine. Inasmuch as he evidently desires to see, seek, and promulgate the truth on this subject, I would commend the editor to the reading of that magnificent state paper of Thomas Jefferson, in which he formulated, not only for that day, but for all times and all conditions, the theory of reciprocity between nations.

I would also like to commend to his consideration the fact that the only genuine, lasting, efficient reciprocity treaty that this country ever had was inaugurated and promulgated under a Democratic President and when the Democratic party was in power—long before my day. [Applause on the Democratic side.]

Mr. Chairman, I do not care to occupy further time. I yield back whatever time I may have remaining.

Mr. DINSMORE. Mr. Chairman, there are no other speakers on this side.

Mr. HITT. Mr. Chairman, I ask that the Clerk proceed with the reading of the bill by paragraphs for amendment and discussion under the five-minute rule.

The Clerk proceeded to read the bill, and the reading was concluded without any amendment being offered.

Mr. HITT. The consideration of the bill in Committee of the Whole being now finished, I move that the committee rise and report the bill favorably to the House without amendment.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, Mr. LACEY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 11287, the diplomatic and consular appropriation bill, had directed him to report the same back with the recommendation that it pass without amendment.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH, from the Committee on Agriculture, reported a bill (H. R. 11825) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1905; which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. WILLIAMS of Mississippi. I want to reserve all points of order on this bill.

Mr. WADSWORTH. I desire to give notice that I will ask the consideration of the bill immediately after the reading of the Journal to-morrow.

DEVILS LAKE INDIANS, NORTH DAKOTA.

Mr. MARSHALL. Mr. Speaker, I call up for present consideration the special order which was fixed to follow the disposition of the diplomatic and consular appropriation bill.

The SPEAKER. The gentleman from North Dakota [Mr. MARSHALL] calls up as the special order a bill the title of which will be read.

The Clerk read as follows:

A bill (H. R. 11128) to modify and amend an agreement with the Devils Lake Indians in North Dakota.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Whereas James McLaughlin, United States Indian inspector, did, on the 2d day of November, A. D. 1901, make and conclude an agreement with the male adult Indians of the Devils Lake Reservation, in the State of North Dakota, which said agreement is in words and figures as follows:

This agreement made and entered on the 2d day of November, 1901, by and between James McLaughlin, United States Indian inspector, on the part of the United States and the Sisseton, Wahpeton, and Cut-Head bands of the Sioux tribe of Indians belonging on the Devils Lake Reservation, in the State of North Dakota, witnesseth:

ARTICLE I. The said Indians belonging on the Devils Lake Indian Reservation, N. Dak., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Devils Lake Indian Reservation now remaining unallotted, including the tract of land at present known as the Fort Totten Military Reserve, situated within the boundaries of the said Devils Lake Indian Reservation, and being a part thereof; except 6,160 acres required for allotments to sixty-one Indians of said reservation entitled to allotments, but to whom allotments have not yet been made, said sixty-one allotments to be made by the United States under the provisions of the general allotment act of February 8, 1887, as amended February 28, 1891.

ART. II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement, and in full of all claims and demands of said Indians of Devils Lake Reservation, N. Dak., arising or growing out of the erroneous survey of the western boundary of their reservation in 1875, whereby about 64,000 acres were excluded therefrom; also in full for timber taken from their reservation for use of the military post of Fort Totten, from 1867 to 1890 (covering the period from the time of its establishment to the time of its discontinuance), the United States stipulates and agrees to pay to said Indians, in the manner hereinafter provided, the sum of $345,000.

ART. III. It is agreed that of the amount to be paid to said Indians, as stipulated in Article II of this agreement, the sum of $145,000 shall be paid in cash, per capita, share and share alike, to each man, woman, and child belonging on the said Devils Lake Reservation, within four months after the ratification of this agreement, and the remainder of the said sum of $345,000, viz, $200,000, shall be paid in cash, per capita, in ten annual installments of $20,000 each, the first of which installments to be paid in the month of June following the said first payment of $145,000, and in the month of June of each year thereafter of the succeeding nine years covering the period of the said ten annual installments.

ART. IV. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Devils Lake Reservation, N. Dak., of any benefits to which they are entitled under the existing treaties or agreements not inconsistent with the provisions of this agreement.

ART. V. This agreement shall take effect and be in force when signed by United States Indian Inspector James McLaughlin, and by a majority of the male adult Indians, parties hereto, and when accepted and ratified by the Congress of the United States.

In witness whereof the said James McLaughlin, United States Indian inspector, on the part of the United States, and the male adult Indians belonging to the Devils Lake Reservation, N. Dak., have hereunto set their hands and seals at the Devils Lake Agency, Fort Totten, N. Dak., this 2d day of November, A. D. 1901.

JAMES MCLAUGHLIN,
United States Indian Inspector.

No.	Names.	Marks.	Age.
1	Tiyowaste	x	81
2	Matocatka	x	80
3	Ignatius Court		33
	(And 213 other Indian signatures.)		

We, the undersigned, hereby certify that the foregoing agreement was fully explained by us in open council to the Indians of the Devils Lake Reservation, N. Dak.; that it was fully understood by them before signing, and that the agreement was duly executed and signed by said Indians.

CHARLES WHITE,
IGNATIUS COURT,
Interpreters.

DEVILS LAKE AGENCY, N. DAK., *November 7, 1901.*

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, United States Indian inspector, and the 216 Indians of the Devils Lake Reservation, N. Dak., to the foregoing agreement.

F. RABINNOVITZ, *Agency Clerk.*
IGNATIUS COURT,
Postmaster, Fort Totten, N. Dak.

DEVILS LAKE AGENCY, N. DAK., *November 7, 1901.*

I certify that the total number of male adult Indians, over 18 years of age, belonging on the Devils Lake Reservation, N. Dak., is 296, of whom 216 have signed the foregoing agreement.

F. O. GETCHELL,
United States Indian Agent.

DEVILS LAKE AGENCY, N. DAK., *November 7, 1901.*

Therefore,

Be it enacted, etc., That said agreement be, and the same is hereby, modified and amended to read as follows:

"ARTICLE I. The said Indians belonging on the Devils Lake Indian Reservation, N. Dak., for the consideration hereinafter named, do hereby cede,

surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Devils Lake Indian Reservation now remaining unalloted, including the tract of land at present known as the "Fort Totten Military Reserve," situated within the boundaries of the said Devils Lake Indian Reservation, and being a part thereof; except 6,160 acres required for allotments to sixty-one Indians of said reservation entitled to allotments, but to whom allotments have not yet been made, said sixty-one allotments to be made by the United States under the provisions of the general allotment act of February 8, 1887, as amended February 28, 1891.

"ART. II. In consideration of the land ceded, relinquished, and conveyed by article 1 of this agreement, and in full of all claims and demands of said Indians of Devils Lake Reservation, N. Dak., arising or growing out of the erroneous survey of the western boundary of their reservation in 1875, whereby about 64,000 acres were excluded therefrom; also in full for timber taken from their reservation for use of the military post of Fort Totten, from 1867 to 1890 (covering the period from the time of its establishment to the time of its discontinuance), the United States stipulates and agrees to dispose of the same to settlers under the provisions of the homestead and town-site laws, except sections 16 and 36, or an equivalent of two sections, in each township, and except such lands as may be reserved, and to pay to said Indians the proceeds derived from the sale of said lands; and also the United States stipulates and agrees to pay for sections 16 and 36, or an equivalent of two sections, in each township, and for such lands as may be reserved for school, agency, church, and mission purposes, at the rate of $3.25 per acre.

"ART. III. It is agreed that out of the funds accruing from the sale of the said lands there shall be paid to the said Indians, in cash, per capita, share and share alike, to each man, woman, and child belonging on the said reservation, within four months after the date of the proclamation of the President of the United States opening the said lands to settlement, the sum of $145,000, or so much thereof as may have accrued from the sale of the said lands; and the remainder of the sums derived from the sale of the said lands shall be paid to the said Indians in annual installments not to exceed $30,000 in any one year, and the first of which installments to be paid in the month of June of the year following the first payment, and in the month of June of each year thereafter until the whole proceeds of the sale of the said lands shall have been disbursed.

"ART. IV. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Devils Lake Reservation, N. Dak., of any benefits to which they are entitled under the existing treaties or agreements not inconsistent with the provisions of this agreement.

"ART. V. This agreement shall take effect and be in force when accepted and ratified by the Congress of the United States."

SEC. 2. That the said agreement be, and the same is hereby, accepted, ratified, and confirmed, as herein amended.

SEC. 3. That before any of the lands ceded by said agreement are opened to settlement and entry, or otherwise disposed of, the Commissioner of Indian Affairs shall cause allotments to be made as provided by article 1 of the agreement, such allotments to conform as to quantity to the provisions of the treaty of February 19, 1867, and of the act of February 8, 1887, as amended February 28, 1891.

SEC. 4. That the lands ceded to the United States under said agreement, including the Fort Totten abandoned military reservation, which are exclusive of 6,160 acres which are required for allotments, excepting sections 16 and 36 or an equivalent of two sections in each township, and such tracts as may be reserved by the President as hereinafter provided shall be disposed of under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish war, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *And provided further*, That the price of said lands shall be $4.50 per acre for all lands entered during the first six months after the opening of the said reservation, and $3.50 per acre for all lands entered during the second six months, and $2.50 per acre for all lands entered thereafter: *Provided*, That no lands which become forfeited after having been entered shall be reentered at a less price than the original entryman agreed to pay; all the said lands to be paid for as follows: One dollar per acre when the entry is made, and the remainder in annual installments of 50 cents per acre until paid for: *Provided further*, That in case any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and held for cancellation: *And provided further*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made.

In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law, where the price of the land is $1.25 per acre: *And provided further*, That aliens who have declared their intention to become citizens of the United States may become purchasers under this act, but before proving up and acquiring title must take out their full naturalization papers: *And provided further*, That all lands herein ceded and opened to settlement under this act remaining undisposed of at the expiration of five years from the taking effect of this act may be sold and disposed of for cash under rules and regulations to be prescribed by the Secretary of the Interior: *And provided further*, That the President is hereby authorized to reserve, in his proclamation for the opening of the said lands, should he deem proper, the tracts heretofore reserved for church, mission, and agency purposes, not to exceed 900 acres, and also not exceeding two and one-half sections for the Fort Totten Indian School, and the United States stipulates and agrees to pay for said reserved lands at the rate of $3.25 per acre. The President is also authorized to reserve a tract embracing Sullys Hill, in the northeastern portion of the abandoned military reservation, about 960 acres, as a public park, more particularly for the use of the Devils Lake Indians.

SEC. 5. That sections 16 and 36 of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $3.25 per acre, and the same are hereby granted to the State of North Dakota for such purpose; and in case any of said sections, or parts thereof, of the land in the said Devils Lake Indian Reservation or Fort Totten abandoned military reservation are lost to said State of North Dakota by reason of allotments thereof to any Indian or Indians now holding the same, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to locate other lands not occupied, in the townships where said lands are lost, provided sufficient lands are to be had in the said townships, otherwise the selections to be made elsewhere within the ceded tract, which shall be paid for by the United States as provided in article 2 of the treaty as herein amended, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

SEC. 6. That the proceeds received from the sale of said lands in conformity with this act shall be paid into the Treasury of the United States and paid to the Indians belonging to the Devils Lake Reservation only, as provided in article 3 of said agreement as herein amended.

SEC. 7. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $52,000, or so much thereof as may be necessary, to pay for lands ceded to the United States for school, agency, church, and mission purposes, and for lands granted to the State of North Dakota, as herein provided.

SEC. 8. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36, or the equivalent, in each township, and such lands as may be reserved for school, agency, church, and mission purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians, to dispose of said lands, and to pay over the proceeds received from the sale thereof only as received, as herein provided.

The following amendment, recommended by the Committee on Indian Affairs, was read:

On page 10, line 14, after the word "park," strike out the words "more particularly for the use of the Devils Lake Indians."

Mr. MARSHALL. Mr. Speaker, by this bill it is proposed to modify and amend an agreement with the Devils Lake Indians, whereby the Fort Totten Indian Reservation, which belongs to them, shall be opened up for settlement.

The reservation contains in all 242,000 acres, of which, when the allotments are completed, 138,000 acres will be taken by the Indians, leaving 104,000 acres to be opened up for settlement.

The bill has been considered very carefully by the committee, and has been reported unanimously from the committee, and has the approval of the Department. Furthermore, its provisions are similar to those of the Rosebud bill, which passed this House a few days ago, the principal difference being that this provides for a tract of land containing about one-fourth as much as was embraced in the Rosebud bill.

I do not care to go into any detailed explanation of this matter, as I believe the House has a fairly good understanding of the provisions of the bill at this time, having just considered the other similar bill.

I reserve the balance of my time.

Mr. MONDELL and Mr. ROBINSON of Indiana rose.

The SPEAKER. Does the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I am heartily in favor of this legislation and believe that it is carefully drawn, that it is in the interest of the people in the region in which the lands are located, and in the interest of the Indians. I wish, however, to propose an amendment, which I have sent to the Clerk's desk.

The SPEAKER. The Clerk will read it for information.

The Clerk read as follows:

In lines 10 and 11, page 9, strike out the words "forfeited and held for cancellation" and insert the word "canceled."

Mr. MONDELL. I offer this amendment, Mr. Speaker, because I think it makes the language of that portion of the bill clearer than it is at the present time. In offering the amendment I use the language that is used in the desert-land law in cases where there has been a default in payments. I think it is best in a case of this kind, where there is a default which results in cancellation, to use language that has already been used in similar cases, which has been passed upon by the Department, and with regard to the meaning of which there can be no question. This amendment makes it clear that for nonpayment the moneys paid prior to the lapses in payment shall be forfeited and that the entry shall be canceled. I trust that the gentleman in charge of the bill will accept the amendment.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent that the amendment suggested by the gentleman from Wyoming be accepted, because I believe it is a good amendment.

Mr. SMITH of Kentucky. My attention was diverted at the time the gentleman was making his statement. Do I understand the gentleman from Wyoming to say that this amendment makes the bill conform to the language of other bills of a similar character heretofore passed?

Mr. MONDELL. It is the language used in the only bill we have passed prior to this time, relating to cash payments, a default in which forfeits the entry and prior payments. It seemed to me that there was some question with regard to the language as used in the bill and that it would be wise to use the language that has been used in cases similar to this, and with regard to which there can be no question.

Mr. SMITH of Kentucky. If that is the purpose of the amendment, I am in favor of it.

Mr. MONDELL. The purpose of the amendment is to make the meaning clear.

The SPEAKER. The gentleman from North Dakota asks unanimous consent that the amendment submitted by the gentleman from Wyoming be agreed to. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, when amendments can be voted on, I think it is an unusual course to ask the House to agree

to them by unanimous consent. The gentleman can offer his amendment in the usual way. I have no desire to object to the amendment, but I object to the form in which it is presented.

The SPEAKER. Objection is made. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBINSON of Indiana. Mr. Speaker, I desire to propound an interrogatory to the gentleman.

Mr. MARSHALL. I yield to the gentleman from Indiana for a question.

Mr. ROBINSON of Indiana. It is with reference to the appropriation provided for, $52,000 for the Government to purchase sections 16 and 36. I believe that is the amount.

Mr. MARSHALL. Yes.

Mr. ROBINSON of Indiana. May I ask the gentleman what has been the course in cases similar to this heretofore with reference to the Government purchasing these lands, and at what figure or price these lands were sold to entrymen?

Mr. MARSHALL. I wish, by way of answering the gentleman's question, to say he will understand that under the enabling act by which North Dakota was admitted into the Union provision was made whereby sections 16 and 36 were donated by the United States to the State for school purposes. Further provision was made that in the case of Indian reservations no selections could be made of these sections until the reservations were opened.

Now, then, the gentleman asks what the usual procedure has been. I will say that in three instances that I have in my mind which occurred in South Dakota, which State has identically the same provision in her enabling act as North Dakota—in fact, they were admitted under the same act—the Government not only paid for sections 16 and 36, but paid for the entire tracts. Sections 16 and 36 were given to the State of South Dakota, and the remainder was opened to settlement under the homestead law. In the case of the Big Sioux the price was $1.25 an acre. In the case of the Yankton Reservation the same thing occurred, and the price was $3.75 an acre; and in the case of the Sisseton Reservation the same thing happened, and the price was $2.50 per acre.

Mr. ROBINSON of Indiana. Now, in this case what would the entryman pay per acre for the land that he secured?

Mr. MARSHALL. In the case of the Big Sioux Reservation the entryman originally was to have paid $1.25 per acre for the first three years; after that 75 cents per acre, and after that 50 cents; and then the free-homestead law was extended; so that in the end they did not pay at all.

Mr. ROBINSON of Indiana. The acts have provided different prices for payment by the entryman. Now, the Committee in this case has raised the price to a sum higher than the usual price. My inquiry is why it would not be better policy to raise the price of the land to a sum sufficient so that there would not be required to be an appropriation directly out of the public Treasury.

Mr. MARSHALL. In the first place, the lands would not sell for any more money, at least not for any considerable sum greater, than the price asked for them—that is, $4.50 per acre. In the next place, it would be manifestly unfair to the settlers who propose to take these lands to make them pay the additional price over and above the original price intended to be paid to the Indians in order to cancel an obligation of the United States.

Mr. ROBINSON of Indiana. The Treasury of the United States is now charged with this sum that ought, it seems to me, if possible, and do justice, to be made out of the land itself. And upon the last proposition, that the condition is now changed, that except under the provisions of the irrigation act the Treasury is not reimbursed by receiving the proceeds of the sale of these lands.

Mr. MARSHALL. The gentleman will understand that the money goes to the Indians. The facts are simply these: Under the plan heretofore pursued the United States bought all of these lands and either gave them to the people in free homes or undertook to collect for them from the homesteaders.

We have now started upon another plan, whereby the United States does not assume any responsibility regarding thirty-four of the thirty-six sections in a township, and simply carries out its obligation to North Dakota, and pays for the two sections and donates them to the State. In other words, the United States has gotten rid of seventeen-eighteenths of the obligation that has been incurred in bills prior to the time that the Rosebud bill came up here.

Mr. Speaker, I ask for the previous question on the bill and amendment to its passage.

The SPEAKER. The gentleman from South Dakota moves the previous question on the bill and amendment to its final passage.

The previous question was ordered.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MARSHALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BEIDLER, indefinitely, on account of important business.

To Mr. BROWNLOW, for four days, on account of important business.

CENSUS.

Mr. CRUMPACKER. Mr. Speaker, I offer the following privileged report from the Committee on the Census.

The SPEAKER. The gentleman from Indiana makes the following privileged report, which the Clerk will read.

The Clerk read as follows:

Resolved by the House of Representatives, That the Director of the Census be, and he is hereby, directed to inform the House what persons have been selected and employed by him and the dates and periods of time for which such persons have been employed in the Census Office under the provisions of the act of March 3, 1903, which provided as follows:

"The unexpended balance of the census appropriation which, by the proviso in the act approved June 28, 1902, entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes,' was reappropriated and made available for continuing the work of taking the Twelfth Census, and for all expenses arising under and authorized by the act to provide for the permanent Census Office, approved March 6, 1902, be, and the same is hereby, made available for the purposes indicated in said proviso during the fiscal year 1904; and that said balance, or so much thereof as may be needed for the purpose, be, and the same is hereby, also made available for such expenditures as may become necessary in complying with the proclamation of the President dated September 30, 1902, pursuant to the provisions of section 6 of the act of July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' including the cost of temporarily employing such number of persons as may be necessary for the performance of said work, at a compensation not exceeding that which has heretofore been paid employees in the Census Office for doing similar work, such persons to be selected and employed by the Director at such dates and for such periods of time as he may deem proper."

And how long such employees have continued under such appointment, and, if such appointments were discontinued, for what reasons they were so discontinued.

The SPEAKER. The Chair desires to say that the Chair is of opinion that this is not a matter of privilege. It is not in the language of the rule addressed to the head of an Executive Department. The Chair merely wants to call the attention of the gentleman to the fact. Is there objection?

Mr. BARTLETT. Mr. Speaker, without questioning the Chair's ruling, I ask unanimous consent that it may be acted upon.

The SPEAKER. The Chair hears no objection.

Mr. CRUMPACKER. Then, Mr. Speaker, I move the adoption of the resolution.

The question was taken; and the resolution was agreed to.

BRIDGE OVER MONONGAHELA RIVER.

Mr. ACHESON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3578) to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostaver Township, Westmoreland County.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the bill which the Clerk will read.

The bill, with amendments, was read at length.

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. Mr. Speaker, reserving the right to object, I would like to ask the gentleman who has called up this bill whether it has been submitted to the Secretary of War and meets his approval?

Mr. WANGER. Mr. Speaker, I had the honor to report this bill from the Committee on Interstate and Foreign Commerce. The letter of the Chief of Engineers to the Secretary of War upon this proposition is printed with the report of the committee. It was submitted by the Secretary of War to the Committee on Interstate and Foreign Commerce, and the bill, with the amendments suggested, will be exactly as approved by the War Department.

Mr. SMITH of Kentucky. Then, Mr. Speaker, I have no objection.

The SPEAKER. The Chair hears no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was read the third time, and was passed.

On motion of Mr. ACHESON, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONVEYANCE OF PUBLIC ROAD, WINTHROP, MASS.

Mr. TIRRELL. Mr. Speaker, I ask unanimous consent that the bill H. R. 1909 may be taken from the Calendar and immediately considered.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to discharge the Committee of the Whole House from the consideration of the following bill, the title of which the Clerk will report, and that the same may be considered in the House.

The Clerk read as follows:

A bill (H. R. 1909) to authorize the conveyance to the town of Winthrop, Mass., for perpetual use as a public road, of a certain tract of land.

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. Mr. Speaker, I do not understand the request by the Speaker. What is the request?

The SPEAKER. The request is to discharge the Committee of the Whole House on the state of the Union from the consideration of this bill and to consider it in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convey to the town of Winthrop, in the county of Suffolk, State of Massachusetts, for perpetual use as a public road, the following-described tract of land: A strip of land 25 feet wide, extending along the northerly side of the United States military reservation at Fort Banks, from the easterly side of Elm avenue to the easterly side of Winthrop street, town of Winthrop, in the county of Suffolk, Mass.; and more particularly described as follows: "Beginning at the point of intersection of the northeasterly side of Winthrop street with the southeasterly side of the location of the Boston, Revere Beach and Lynn Railroad Company's right of way, and running thence northeasterly along the southeasterly side of said right of way for a distance of 600 feet, more or less, to the northeasterly side of Elm avenue; thence southeasterly along the northeasterly side of Elm avenue for a distance of 25 feet; thence southwesterly along a line parallel to and 25 feet distant from the southeasterly line of the location of the Boston, Revere Beach and Lynn Railroad Company's right of way to the northeasterly side of Winthrop street; thence northwesterly along the northeasterly side of Winthrop street to the point of beginning," the said land being so conveyed to the town of Winthrop in exchange for the land and easements comprised in Elm avenue, in said town of Winthrop, which was conveyed to the United States in 1891 and 1892 as a site for the construction of fortifications; and with a view to convert the said strip into as good a street as Elm avenue was at the time of its conveyance to the United States, the sum of $200 is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Chief of Engineers, United States Army, for the purpose of grading and making a road upon and through the said strip of land.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "fortifications," in line 15, page 2.

Mr. DALZELL. Mr. Speaker, reserving the right to object, I should like to ask the gentleman to make some explanation of this matter. What committee reports it?

Mr. TIRRELL. The Committee on Military Affairs reports it unanimously. Mr. Speaker, in the years 1891 and 1892, to add to the fortifications of Boston Harbor, the United States Government purchased a certain tract of land in the town of Winthrop, Mass., which is really a part of the city itself, although under a different municipal government, being located about a mile and a half from the State capital of Massachusetts. This land was purchased and the fortifications were erected. It became necessary, however, to also take a right of way which had been acquired in fee and by prescription by a large number of persons who owned land in the rear.

This right of way ran directly through the center of the land which had been taken, and there was no way, unless another right of way was laid out in the rear of this land, by which those owning property and having rights of way across it could have access from their land to the public highway. So in the adjustment of this matter it was agreed between the Government of the United States and those who had these rights of way that if they released the same to the Government of the United States as a consideration therefor there should be laid out in the rear of the land taken a right of way which should be perpetually given for the use of those who had been deprived of the right of way which they had previously acquired.

That right of way, 25 feet in width, is not necessary for fortification purposes, and is not used by the Government of the United States. It is fenced off now in accordance with the agreement then made; has been used by the people to whom it was intended to be given since that time; but there has been no act of the Government in pursuance of that agreement by which the people have any assurance as yet that they may not be deprived of it. This matter was thoroughly considered by our Government. There was a specific report made by the Assistant Secretary of War, in which he sets forth this agreement, and in which he recommends that this right of way shall be given.

Now, the only change made, and that is a change in opposition to the recommendation of the Secretary of War, is to strike out the appropriation, so that the Government will be put to no expense whatever for this tract of land ceded. It will be in accordance with the original agreement and an act of justice and equity, and on reading the report setting forth all the details specifically, to which I have only in a brief way adverted, there is not a gentleman in this House who would not be satisfied with this bill.

Mr. SMITH of Kentucky. When was this agreement made?

Mr. TIRRELL. In 1891 or 1892.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was considered, and agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. TIRRELL, a motion to reconsider the last vote was laid on the table.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 1319. An act authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity—to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10421. An act to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes;

H. R. 8686. An act to amend section 895 of the Code of Law for the District of Columbia;

H. R. 8688. An act to transfer jurisdiction of reservation No. 32, in the city of Washington, D. C.; and

H. R. 4344. An act for the relief of Vincenzo Gerardi, of Washington, D. C.

TRANSCRIPT OF RECORDS TO INDIVIDUALS.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5511) to authorize registers and receivers of United States land offices to furnish transcripts of their records to individuals.

The Clerk read the bill, as follows:

Be it enacted, etc., That registers and receivers of United States land offices shall, in addition to the fees now allowed by law, be entitled to charge and receive for making transcripts of the records in their offices for individuals, the sum of 10 cents per hundred words for each transcript so furnished; and the transcripts thus furnished, when duly certified to by them, shall be admitted as evidence in all courts of the United States and the Territories thereof with the same force and effect as the original records.

The following amendment, recommended by the committee, was read:

In line 10, after the word "thereof," insert the following: "and before all officials authorized to receive evidence."

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. Mr. Speaker, reserving the right to object, I would like to have some explanation of this measure.

Mr. MARTIN. Mr. Speaker, under the law at the present time the Commissioner of the General Land Office has full authority to make certified copies of the records in the General Land Office, but there is no law authorizing registers and receivers of the local land offices in the various districts throughout the country to make like transcripts and certifications of the official records in their offices. A great many official records in the local land offices never reach the General Land Office, and many of them are important, affecting the title of real estate throughout the country.

At present the only way of getting the official records from those offices is to induce the register voluntarily to take certain books of record to the court that may be in session. Sometimes it is a hundred miles distant in a different judicial district. This measure has been suggested by people familiar with the practice, and the necessity for it has often arisen throughout the various land districts. It is a bill prepared in the Department and was introduced by me after conference with the Commissioner of the General Land Office. I can see no possible objection to it. The purpose is plain, and it is to meet a real necessity.

Mr. SMITH of Kentucky. I would like to ask the gentleman what committee considered the bill?

Mr. MARTIN. The Committee on Public Lands.

Mr. SMITH of Kentucky. Was it a unanimous report?

Mr. MARTIN. A unanimous report.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment was considered and agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. MARTIN, a motion to reconsider the last vote was laid on the table.

ADJOURNMENT.

Mr. GROSVENOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue submitting an estimate of appropriation for settlement of claims of certain employees of the Government—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting, with a favorable recommendation, an estimate of appropriation for the construction of a customs office building at Port Eads, La.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Acting Secretary of State, transmitting a memorial of the Wales Island Packing Company praying for relief from damage resulting from the establishment of the Alaskan boundary line—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAVIS of Minnesota, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5067) to prevent the fraudulent sale of merchandise, reported the same with amendment, accompanied by a report (No. 728); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LOUDENSLAGER, from the the Committee on Pensions, to which was referred the bill of the Senate (S. 1451) granting an increase of pension to Eleanor H. Hord, reported the same without amendment, accompanied by a report (No. 706); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3400) to amend the act entitled "An act granting a pension to Flora Stanton Kalk," approved February 25, 1899, reported the same without amendment, accompanied by a report (No. 707); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2217) granting an increase of pension to Henry C. Riggs, reported the same without amendment, accompanied by a report (No. 708); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2965) granting an increase of pension to John Herzinger, reported the same without amendment, accompanied by a report (No. 709); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 70) granting an increase of pension to John G. Brown, reported the same without amendment, accompanied by a report (No. 710); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2596) granting a pension to Frances S. Hopkins, reported the same with amendment, accompanied by a report (No. 711); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1597) granting a pension to Rosa D. Mayhew, reported the same without amendment, accompanied by a report (No. 712); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2769) granting an increase of pension to William E. Armstrong, reported the same with amendment, accompanied by a report (No. 713); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8227) granting a pension to Lucius E. Polk, reported the same with amendment, accompanied by a report (No. 714); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5532) granting an increase of pension to Levi Vassar, reported the same without amendment, accompanied by a report (No. 715); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5045) granting an increase of pension to Albert S. Elmore, reported the same with amendment, accompanied by a report (No. 716); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9398) granting a pension to John Lindsey, reported the same without amendment, accompanied by a report (No. 717); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10968) granting a pension to Marceline P. Hamilton, reported the same without amendment, accompanied by a report (No. 718); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11052) granting an increase of pension to Mary Eaton Livingston, reported the same with amendment, accompanied by a report (No. 719); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9739) granting a pension to Lizzie M. Worster, reported the same with amendment, accompanied by a report (No. 720); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8984) granting an increase of pension to John I. Rundeberg, reported the same with amendment, accompanied by a report (No. 721); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8924) granting a pension to Georgia A. Whitehead, reported the same with amendment, accompanied by a report (No. 722); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10378) for the relief of Sarah J. Shell, reported the same with amendment, accompanied by a report (No. 723); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4589) granting a pension to H. H. Barrett, reported the same with amendment, accompanied by a report (No. 724); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 4407) authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce against Grady," reported the same without amendment, accompanied by a report (No. 725); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6590) granting an increase of pension to Harriet L. Potter—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8001) granting a pension to Timothy Fox—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11612) granting an increase of pension to G. H. Abney—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 11815) to limit the time within which prosecutions may be instituted against officers, agents, or employees of the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 11816) to amend section 1044 of the Revised Statutes of the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 11817) providing for the appointment of a Solicitor for the Post-Office Department and abolishing the office of Assistant Attorney-General for the Post-Office Department—to the Committee on the Judiciary.

By Mr. HEPBURN: A bill (H. R. 11818) to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: A bill (H. R. 11819) requiring certain places of business in the District of Columbia to be closed on Sunday—to the Committee on the District of Columbia.

By Mr. HITCHCOCK: A bill (H. R. 11820) to provide for macadamizing Fort Crook military boulevard from Fort Crook, Nebr., to the city limits of South Omaha, Nebr., and appropriating money therefor—to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 11821) for the establishing of military and postal roads in the district of Alaska—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 11822) providing for leave of absence to certain employees of the Government—to the Committee on Naval Affairs.

By Mr. SAMUEL W. SMITH: A bill (H. R. 11823) to authorize the Director of the Census to cooperate with the secretary of state of the State of Michigan and with officials of other States in taking the census of manufactures—to the Committee on the Census.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 11824) to amend the internal-revenue laws so as to provide for publicity of its records—to the Committee on Ways and Means.

By Mr. WADSWORTH, from the Committee on Agriculture: A bill (H. R. 11825) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1905—to the Union Calendar.

By Mr. MARTIN: A resolution (H. Res. 203) requesting the Secretary of Commerce and Labor to investigate the causes of the low prices of beef cattle in the United States since July 1, 1903—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Wisconsin: A bill (H. R. 11826) granting an increase of pension to Joseph Dean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11827) granting an increase of pension to Daniel Smith—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 11828) granting a pension to Mary E. Witten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11829) granting an increase of pension to Milton H. Wayne—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 11830) granting an increase of pension to Henry Hatel—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 11831) granting a pension to Samuel Wells—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 11832) for the relief of Frank Smith—to the Committee on Claims.

By Mr. DANIELS: A bill (H. R. 11833) granting a pension to Jennie Blackburn Johnston—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 11834) granting an increase of pension to Ephraim A. Bard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11835) granting an increase of pension to Charles B. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11836) granting an increase of pension to Comfort M. Slawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11837) granting an increase of pension to William A. De Hart—to the Committee on Invalid Pensions.

By Mr. DAVIS of Florida: A bill (H. R. 11838) granting an increase of pension to William H. Mann—to the Committee on Pensions.

By Mr. DOVENER: A bill (H. R. 11839) granting an increase of pension to Sarah J. Pugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11840) granting a pension to Isaac Brock—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 11841) referring to the Court of Claims for adjudication and determination the claims of the widow and family of Marcus P. Norton and the heirs at law of others—to the Committee on Claims.

By Mr. FLACK: A bill (H. R. 11842) granting an increase of pension to Robert Taylor—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 11843) granting an increase of pension to William Hall—to the Committee on Invalid Pensions.

By Mr. GILLETT of California: A bill (H. R. 11844) granting an increase of pension to W. A. Custer—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 11845) granting an increase of pension to David C. McVicker—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 11846) granting an increase of pension to David Kinsey—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 11847) granting an increase of pension to James B. Croly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11848) granting an increase of pension to Hanley B. Closson—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 11849) for the relief of Perry A. Kinikin—to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 11850) for the relief of Thomas McCallister—to the Committee on War Claims.

By Mr. KEHOE: A bill (H. R. 11851) granting an increase of pension to James McCue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11852) granting a pension to M. B. Thompson—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 11853) granting an increase of pension to Henry C. Keyser—to the Committee on Pensions.

By Mr. LOVERING: A bill (H. R. 11854) granting a pension to Georgiana M. Trow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11855) granting an increase of pension to John Cross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11856) granting an increase of pension to Nahum A. Gurney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11857) granting an increase of pension to John J. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11858) granting an increase of pension to Henry Arey—to the Committee on Pensions.

Also, a bill (H. R. 11859) granting an increase of pension to Deborah H. Bliss—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 11860) granting a pension to Ely L. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11861) granting a pension to Emeline S. Gosline Havner—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 11862) granting a pension to James E. Howard—to the Committee on Pensions.

Also, a bill (H. R. 11863) for the relief of John Thomas Power—to the Committee on Naval Affairs.

By Mr. PEARRE: A bill (H. R. 11864) granting an increase of pension to William A. Stone—to the Committee on Invalid Pensions.

By Mr. PIERCE: A bill (H. R. 11865) for the relief of H. S. Simmons's estate—to the Committee on War Claims.

By Mr. PORTER: A bill (H. R. 11866) removing the charge of desertion against the name of Cereah Schnepf—to the Committee on Military Affairs.

Also, a bill (H. R. 11867) granting a pension to Josephine Herbert—to the Committee on Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 11868) granting an increase of pension to Joseph S. Shepmoes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11869) granting a pension to Lawrence Mahearn—to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 11870) to correct the military record of Dean Wilson—to the Committee on Military Affairs.

By Mr. SHOBER: A bill (H. R. 11871) for the relief of Isaac A. Hopper & Son—to the Committee on Claims.

By Mr. SHULL: A bill (H. R. 11872) granting a pension to Howard S. Gardner—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 11873) for the relief of estate of William Williams—to the Committee on War Claims.

By Mr. SPALDING: A bill (H. R. 11874) for the relief of Arthur W. Kelley, of Jamestown, N. Dak.—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 11875) for the relief of John L. Hadley—to the Committee on Military Affairs.

By Mr. VREELAND: A bill (H. R. 11876) granting an increase

of pension to George W. Barber—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 11877) granting an increase of pension to Minnie C. Wilkins—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Vicksburg Cotton Exchange, relative to increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS of Pennsylvania: Resolution of the National Board of Trade, relative to the extension of the navigation laws—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS of Wisconsin: Papers to accompany bill H. R. 10172, granting a pension to Catharine A. Leonard—to the Committee on Invalid Pensions.

Also, resolutions of Frank H. Potter Post, No. 229, of Cambridge; George H. Irwin Post, No. 25, of Lodi; O. D. Pease Post, No. 94, of Watertown; Badgers Post, No. 122, of Friendship; John H. Williams Post, No. 4, of Berlin; W. J. Kershaw Post, No. 188, of Briggsville; Rousseau Post, No. 14, of Portage, and Harry Randall Post No. 202, of Dartford, all in the State of Wisconsin, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: Petition of A. B. Booth and others, of Buffalo, N. Y., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of New York Board of Trade and Transportation, relative to harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, resolution of the Buffalo Lumber Exchange, of Buffalo, N. Y., relative to increasing powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Old German Society of Buffalo, N. Y., in opposition to the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Church of the Covenant, of Buffalo, N. Y., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of Glenwood Baptist Church, Jefferson Street Church of Christ, United Brethren Church, and Church of the Covenant, all of Buffalo, N. Y., in favor of the Gallinger-Humphreys bill—to the Committee on Ways and Means.

Also, petitions of Church of the Covenant, United Brethren Church, Jefferson Street Church of Christ, and Glenwood Baptist Church, all of Buffalo, N. Y., in favor of Penrose bill to prevent use of mails by turf investment, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Jefferson Street Church of Christ, Glenwood Baptist Church, United Brethren Church, and Church of the Covenant, all of Buffalo, N. Y., against sale of liquor in Government buildings and Soldiers' Homes—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Jefferson Street Church of Christ, of Buffalo, N. Y., relative to the nullification of State liquor laws—to the Committee on the Judiciary.

Also, petition of Collins Center Club, Collins Center, N. Y., in favor of the Latimer good-roads bill—to the Committee on Agriculture.

Also, petitions of Baptist Preachers' Meeting and of the Methodist Preachers' Meeting, both of Buffalo, N. Y., relative to the closing of the Lewis and Clark Exposition on Sunday—to the Select Committee on Industrial Arts and Expositions.

Also, resolution of William Weeks Lodge, No. 572, Brotherhood of Railroad Trainmen, of Buffalo, N. Y., favoring bills H. R. 89 and 7041—to the Committee on the Judiciary.

Also, resolution of Cigar Makers' Union, No. 2, of Buffalo, N. Y., in favor of bill H. R. 6—to the Committee on Ways and Means.

Also, resolution of Manufacturers' Association of New York, relative to improvement of harbor channels of Brooklyn water front—to the Committee on Rivers and Harbors.

Also, resolution of Lake Seamen's Union, Buffalo, N. Y., in opposition to bill S. 2463—to the Committee on Interstate and Foreign Commerce.

Also, resolution of New York Produce Exchange, relative to improving Harlem (Bronx) Kills—to the Committee on Rivers and Harbors.

Also, resolution of New York Produce Exchange, relative to inspection of grain at terminal markets—to the Committee on Interstate and Foreign Commerce.

Also, petitions of United Brethren Church, of Glenwood Baptist Church, of Linus Seely and 16 others, of physicians and professional men, and of W. H. Stauffer and 185 others, all of Buffalo, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BEDE: Papers to accompany bill to pension Mary E. Whitten—to the Committee on Invalid Pensions.

Also, paper to accompany bill to increase pension of Milton H. Wayne—to the Committee on Invalid Pensions.

By Mr. BURNETT: Papers to accompany claim of George McKelvey—to the Committee on War Claims.

By Mr. CALDWELL: Letter from Bishop George F. Seymour, of Springfield, Ill., relative to the reduction of postage rates on manuscripts—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Bunker Hill, Ill., against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DARRAGH: Papers to accompany bill H. R. 9724, granting an increase of pension to William O. Lee—to the Committee on Invalid Pensions.

By Mr. DAYTON: Petition of J. H. Berry and 14 others, of Keyser, W. Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DOUGLAS: Petition of Theodore L. De Vinne and others, of New York, against an anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Theodore L. De Vinne and others, of New York, against an eight-hour law—to the Committee on Labor.

By Mr. DOVENER (by request): Petition of C. B. Stewart and 32 others, of Amos, W. Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also (by request), petition of T. B. Cox and 28 others, of Sherrard, W. Va., in favor of the Brownlow bill—to the Committee on Agriculture.

Also, papers to accompany bill to pension Sarah J. Pugh—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolution of John Flynn Post, No. 77, Grand Army of the Republic, of La Crosse, Wis., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the National Board of Trade, relative to the extension of the navigation laws—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Papers to accompany bill for the relief of Moses M. Longley—to the Committee on Military Affairs.

By Mr. GAINES of West Virginia: Petition of A. J. Carper and 39 others, of Grand View, W. Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of William T. Lawrey and 31 others, of Springdale, W. Va., in favor of the Brownlow good-roads bill—to the Committee an Agriculture.

By Mr. GOLDFOGLE: Resolutions of the senate of the State of New York, favoring the passage of the bill for the improvement of public roads—to the Committee on Agriculture.

By Mr. HAMLIN: Papers to accompany bill granting pension to David Kinsey—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of citizens of Seymour, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. JOHNSON: Papers to accompany bill H. R. 11701, for the relief of John R. Switzer—to the Committee on War Claims.

Also, papers to accompany bill H. R. 11702, for the relief of James Y. Pitts—to the Committee on War Claims.

Also, papers to accompany bill H. R. 11703, for the relief of Richard Henderson—to the Committee on War Claims.

Also, papers to accompany bill H. R. 11704, for the relief of Farley C. Sims—to the Committee on War Claims.

Also, papers to accompany bill H. R. 11705, for relief of A. Y. Thompson—to the Committee on War Claims.

Also, papers to accompany bill H. R. 11706, for the relief of Capt. Charles A. Parkins—to the Committee on War Claims.

By Mr. KLINE: Resolution of New York Board of Trade and Transportation, relative to the harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. LACEY: Petition of the Oskaloosa Commercial Club, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Rev. R. L. Adams, of Indianola, Iowa, and Rev. W. A. Longnecker, Deep River, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES B. LANDIS: Papers to accompany House bill for the relief of William H. W. Krebs—to the Committee on Military Affairs.

By Mr. LINDSAY: Resolution of the National Board of Trade, relative to the extension of the navigation laws—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New York State assembly, in favor of the enactment of bill H. R. 827, to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New York State senate, in favor of the enactment of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. LLOYD: Petition of Dr. S. Kennerly and 18 others, and Thomas J. Stephenson and 14 others, of Hannibal, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: Petition of Reuben Woolman and 23 others, and I. F. Conover and 50 others, of Woodstown, N. J., and vicinity, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MORRELL: Resolution of the National Board of Trade, relative to the extension of the navigation laws—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New York Board of Trade and Transportation, relative to the harbor of refuge, Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. PORTER: Resolution of New York Board of Trade and Transportation, relative to the harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, resolution of the National Board of Trade, relative to the extension of the navigation laws—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill H. R. 11791, for the relief of Revilow N. Spohn—to the Committee on Claims.

By Mr. PEARRE: Papers to accompany claim of J. Henry Cramer—to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: Petition of 90 citizens of Stuttgart, Ark., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of D. T. Miller, of Topeka, Ind., in opposition to a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolutions of New York State senate, favoring the Brownlow good-roads bill—to the Committee on Agriculture.

Also, resolutions of the New York legislature, and petition of Thomas B. Quinn, Andrew Beasley, and 43 other citizens and business men of Buffalo, N. Y., in favor of bill H. R. 827, to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Papers to accompany bill H. R. 11423, to pension Evelyn S. Beardslee—to the Committee on Pensions.

By Mr. SHIRAS: Resolution of Colonel J. B. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SHOBER: Papers to accompany bill for the relief of Isaac A. Hopper & Son—to the Committee on Claims.

By Mr. SMITH of Illinois: Petition of retail merchants of Murphysboro, Ill., protesting against the enactment of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of business men of the West, against enactment of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WM. ALDEN SMITH: Resolution of M. W. Dresser Post, No. 100, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SNOOK: Resolution of the Eighteenth Annual Reunion of Licking County, Ohio, favoring the admission to Soldiers' Homes of the wives of soldiers living therein—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: Petition of business men of Bridgeport, Tex., against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. McDonald and 31 others, of Canadian, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Mount Pleasant Cumberland Presbyterian Church and Sunday School, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SULLIVAN of New York: Resolutions of the New York senate, in favor of House bill 827, to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National Board of Trade, for extension of national navigation laws to Philippine commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New York senate, in favor of Federal aid in road building—to the Committee on Agriculture.

By Mr. SULLOWAY: Petitions of the Free Baptist Church, of 250 members, of Dover, N. H., and Summer C. Harne and 8 others, of Somersworth, N. H., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SULZER: Resolutions of wholesale dry-goods dealers, in opposition to parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the National Board of Trade, favoring extension of national navigation laws to Philippine commerce—to the Committee on Interstate and Foreign Commerce.

Also, protest of the New York Kerosene Oil Engine Company, against bill H. R. 7033—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the New York Board of Trade and Transportation, relative to destroying derelicts on the Atlantic Ocean—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of New York legislature, favoring the passage of bill H. R. 827, to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of New York State senate, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. THAYER: Petition of M. R. Burrage, Abner Pond, W. A. Wood, and 29 others, of Spencer, Mass., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of H. H. Legge Post, No. 25, Grand Army of the Republic, of Uxbridge, Mass., and of Union Veteran's Union, Department of Massachusetts, in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, resolution of A. B. R. Sprague Post, No. 24, Grand Army of the Republic, of Grafton, Mass., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of Rev. O. P. Schleichen and 33 others, of Erie, Mich., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WADSWORTH: Petition of the Methodist Episcopal Church and Sunday School of North Ridge and Dickersonville, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WALLACE: Petition of A. J. Anderson and 46 others, of Hope, Ark., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of citizens of Magnolia, Ark., against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of business men of the West, against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WARNOCK: Resolution of Livingston Post, No. 425, Grand Army of the Republic, Department of Ohio, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. WYNN: Petition of the Second Presbyterian Church of San Jose, Cal., in favor of the Lewis and Clark exposition—to the Select Committee on Industrial Arts and Expositions.

SENATE.

FRIDAY, *February 5, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. DOLLIVER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

SCHOONER VARIETY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Variety*, Micah Dyer, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1909) to authorize the conveyance to the town of Winthrop, Mass., for perpetual use as a public road, of a certain tract of land;

A bill (H. R. 3578) to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington

County, to a point in Rostraver Township, Westmoreland County;

A bill (H. R. 5511) to authorize registers and receivers of the United States land offices to furnish transcripts of their records to individuals;

A bill (H. R. 9319) providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak.;

A bill (H. R. 11128) to modify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, to accept and ratify the same as amended, and making appropriation and provision to carry the same into effect; and

A bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented memorials of the Maennerchor of Oklahoma, Okla.; of the German Singing Society of Cumberland, R. I.; of the German Fraeundschaftsbund, of Charleston, S. C.; of Hohenzoller Lodge, No. 652, of Barre, Vt.; of the Turn Verein of Wheeling, W. Va.; of the Concordia Society, of New Britain, Conn.; of Allemania Lodge, No. 13, of Denver, Colo.; of the Eintracht Verein, of Sacramento, Cal.; of the Turn Verein of Manning, and of the German Sick Society of Stockton, in the State of Iowa; of the Thusneld Rebekah Lodge, No. 43, of Chicago; of the German Benevolent Society of Ottawa, and of the Dramatic Society of Peoria, all in the State of Illinois; of the Rheinpfalzer Benevolent Society, of Louisville, Ky.; of the Schwabien Benefit Society, of Detroit, and of the Schwabien Verein of Jackson, in the State of Michigan; of the German Veteran Society of St. Paul; of the St. Joseph's Benevolent Society, of Stillwater; of the Badischer Unterstützungs Verein, of St. Paul; of the Turn Verein of St. Paul; of Concordia Lodge, No. 5, of St. Paul, and of Garfield Lodge, No. 22, of South Stillwater, all in the State of Minnesota; of Germania Lodge, No. 7, of St. Louis; of the Carondelet Germania Turn Verein, of Louis, and of the Schwaebischer Saengerbund, of St. Louis, all in the State of Missouri; of the Harmonia Singing Club, of Boston, Mass.; of the Osteholzer Turn Verein, of New York City; of the Stoteler Club, of Brooklyn, and of the Eintracht Singing Society, of Albany, all in the State of New York; of Harmonie Lodge, No. 13, of Cleveland; of the Logan Unterstützungs Verein, of Cincinnati; of the Rheinpfalzer Turn Verein, of Cincinnati; of the German Benevolent Society of Toledo; of the Deutscher Brueder Unterstützungs Turn Verein No. 1, of Cincinnati, and of the Deutscher Saengerbund, of Cleveland, all in the State of Ohio; of the Liederkranz of Pottsville; of the Unterstützung Verein of Philadelphia; of the German Maennerchor of Portage, and of the German Workingmen's Mutual Benefit Association, of Braddock, all in the State of Pennsylvania; of Progress Lodge, No. 99, of Milwaukee; of Schiller Lodge, No. 68, of Sheboygan; of Robert Blum Lodge, No. 4, of Milwaukee, and of the Eichenkranz Singing Society, of Milwaukee, all in the State of Wisconsin; of the National Society of Elizabeth; of the Aurora Singing Society, of New Brunswick; of the Wurttemberger Beneficial Association, of Trenton; of the Germania Bakers' Singing Society, of Paterson; of the Chambersburg Liederkranz Singing Society, of Trenton; of the Independent Schuetzen Corps, of Hoboken; of the Turn Verein of Paterson; of the Unterstützung Verein of Paterson, and of the Schuetzen Corps of Hoboken, all in the State of New Jersey, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PLATT of New York. I present a memorial of the legislature of New York, relative to an appropriation for the improvement of the highways of the country. I ask that the memorial be printed in the RECORD, and referred to the Committee on Agriculture and Forestry.

There being no objection, the memorial was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, *in Senate:*

ALBANY, *January 28, 1904.*

Whereas Hon. W. P. BROWNLOW, a Representative in Congress from Tennessee, has introduced in the House of Representatives a bill providing for an appropriation by the Federal Government of $24,000,000, to be distributed among the States of the Union according to their population for Federal cooperation in road building; and

Whereas should such a bill become a law, the State of New York will receive as its share $2,100,000; and

Whereas there is great need for improving the highways of this State:

Therefore, be it resolved, That the senate of the State of New York, believing in the principle of national, state, county, and town cooperation in the construction of main highways, not only for the benefit of the agriculturist, but for the benefit of the consumers of agricultural products, and also believing in the great proposition that the expenditure of public moneys for the purpose of improving the internal wealth and commerce of the nation is of equal importance to the spending of money on rivers and harbors, heartily indorse the provisions of the Brownlow bill and desire its passage; and

Further be it resolved, That we ask our Senators and Representatives in Congress to use all honorable efforts in passing this bill in order to secure for the State of New York the benefits of national aid in road construction; and

Be it further resolved, That a copy of this resolution be sent to Hon. JAMES W. WADSWORTH, Chairman of the Agricultural Committee, and each of the Senators and Congressmen from this State.

By order of the senate:

J. S. WHIPPLE, *Clerk.*

Mr. PLATT of New York. I present a memorial of the legislature of New York relative to the enactment of legislation to promote the efficiency of the Life-Saving Service. I ask that the memorial be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, *in Senate:*

ALBANY, *January 27, 1904.*

Whereas a bill has been introduced in the House of Representatives of the Fifty-eighth Congress of the United States, No. 827, entitled "A bill to promote the efficiency of the Life-Saving Service," which bill is designed to make provision for those connected with this important branch of the Government service, which service is constantly attended with peril, hardship, and self-sacrifice in devotion to the protection of life and commerce, numerous instances of heroic service to the cause of humanity being matters of daily record; and

Whereas, owing to lack of legislation making provision for those who may be incapacitated, owing to incidents of the service, accident, exposure, or years of service, no provision is now made for the protection of those whose duties are attended with great hazard to life and health: Therefore, be it

Resolved, If the assembly concur, that the Representatives in Congress from the State of New York be, and hereby are, requested to use their efforts in promoting the progress of said bill or some measure which, in their judgment, shall do ample justice to the class of persons designed to be benefited, and assist in its enactment into law, and that copies of these resolutions be transmitted to the Senators and Congressmen from the State of New York and to the Committee on Interstate and Foreign Commerce, to which committee the bill has been referred.

By order of the senate.

J. S. WHIPPLE, *Clerk.*

Concurred in by order of the assembly.

A. E. BAXTER, *Clerk.*

Mr. FAIRBANKS presented a memorial of the Sparks Department Store, of Summitville, Ind., and the memorial of A. W. Eiler & Bros. and sundry other citizens of Evansville, Ind., remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Christian Endeavor Society of the Presbyterian Church of Rockville, of the congregation of the United Presbyterian Church of Leroy, and of Mrs. Rosa B. Gebhart and sundry other citizens of Indiana, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Supreme Tribe of Ben Hur, of Crawfordsville, Ind., praying for the passage of the so-called post-check currency bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Joseph R. Gordon Post, No. 281, Department of Indiana, Grand Army of the Republic, of Indianapolis, Ind., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of D. B. Bowers, of Nails; of La Due & Carmer, of Auburn, and of John W. Neumann & Co., of Indianapolis, all in the State of Indiana, praying for the enactment of legislation to enlarge the powers of the Interstate-Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Methodist Episcopal Church of Fortville, Ind., and the petition of W. C. Cartwright, of Portland, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. MILLARD presented a petition of the Woman's Christian Temperance Union of Aurora, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Navy League of the United States of San Francisco, Cal., praying for the enactment of legislation providing a homogeneous fleet of war vessels of all needed classes and of the most modern approved type; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Ontario, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DRYDEN presented petitions of sundry citizens of Clinton, of the Woman's Christian Temperance Union of Boonton, of the congregation of the Reformed Church of Boonton, of the congregation of the Methodist Episcopal Church of Boonton, and of the

congregation of the Presbyterian Church of Boonton, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DOLLIVER presented a memorial of sundry citizens of Ottumwa, Iowa, remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Commercial Club of Oskaloosa, Iowa, remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Ackley, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of A. C. Taylor Post, No. 165, Department of Iowa, Grand Army of the Republic, of Algona, Iowa, and a petition of Schriver Post, No. 177, Department of Iowa, Grand Army of the Republic, of Bentonsport, Iowa, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. CULLOM presented a memorial of sundry citizens of Joliet, Ill., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Old Veteran McKinley Club, of Chicago, Ill., praying for the enactment of legislation granting a pension of $75 per month to all veterans of the war of the rebellion upon whom Congress has bestowed a medal of honor; which was referred to the Committee on Pensions.

He also presented a petition of J. M. Smith Post, No. 720, Department of Illinois, Grand Army of the Republic, of Mount Morris, Ill., and a petition of T. A. Apperson Post, No. 202, Department of Illinois, Grand Army of the Republic, of Neoga, Ill., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented sundry petitions of the Retail Merchants' Association, of Moline, Ill., praying for the enactment of legislation to regulate the manufacture and sale of food products; which were referred to the Committee on Manufactures.

He also presented a petition of W. M. Hobbs Lodge, No. 4, Brotherhood of Railroad Trainmen, of Chicago, Ill., and a petition of Decatur Lodge, No. 414, Brotherhood of Railroad Trainmen, of Decatur, Ill., praying for the passage of the so-called anti-injunction bill and also the employers' liability bill; which were referred to the Committee on the Judiciary.

Mr. TELLER presented petitions of Butler Post, No. 91, of Pueblo; of Joe Hooker Post, No. 16, of Monte Vista; of Post No. 6; of Post No. 31; of Post No. 109; of Washington Post, No. 85, and of Post No. 13, all of the Department of Colorado and Wyoming, Grand Army of the Republic, in the State of Colorado, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the Pueblo Parliamentary Club, of Pueblo; of sundry citizens of Longmont, and of the Woman's Christian Temperance Union of Platteville, all in the State of Colorado, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. MITCHELL presented sundry papers to accompany the bill (S. 2849) granting an increase of pension to Mark R. Jones; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 4126) granting an increase of pension and back pay to P. Q. Healey, alias John Quinn; which were referred to the Committee on Pensions.

Mr. ELKINS presented a petition of the Mothers' Club of Fairmont, W. Va., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Laurel Hill Post, No. 10, Department of West Virginia, Grand Army of the Republic, of West Virginia, and a petition of Hazen Post, No. 66, Department of West Virginia, Grand Army of the Republic, of West Virginia, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the Board of Trade of Cairo, Ill.; of the Chamber of Commerce of Spokane, Wash.; of the Peshtigo Good Roads Association, of Marinette County, Wis., and of the Cotton Exchange of Savannah, Ga., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Everett, Wash., praying that an appropriation be made for the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of sundry citzens of Custer, Wash., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. HOAR presented a petition of the Druggists' Association of Boston, Mass., praying for the enactment of legislation providing for the ratification of a permanent treaty of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented petitions of Charles D. Sanford Post, No. 79, of North Adams; of General Wadsworth Post, No. 63, of Natick; of Reynolds Post, No. 58, of Weymouth; of General J. G. Foster Post, No. 163, of South Framingham; of William H. Smart Post, No. 30, of Cambridge; of George A. Austin Post, No. 70, of Millbury; of Parker Post, No. 123, of Athol; of John A. Hawes Post, No. 159, of East Boston; of Major-General H. G. Berry Post, No. 40, of Malden; of Phil H. Sheridan Post, No. 34, of Salem; of Charles C. Smith Post, No. 183, of South Hadley Falls; of A. C. Monroe Post, No. 212, of East Bridgewater; of Colonel C. R. Mudge Post, No. 114, of Merrimac; of E. B. Piper Post, No. 157, of Walpole; of Fletcher Webster Post, No. 13, of Brockton; of George W. Perry Post, No. 31, of Scituate; of Major Howe Post, No. 47, of Haverhill; of George E. Sayles Post, No. 126, of Adams, and of Ozro Miller Post, No. 93, of Shelburne Falls, all of the Department of Massachusetts, Grand Army of the Republic, in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. NELSON presented a petition of the Board of Trade of St. Paul, Minn., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Men's Club of the First Methodist Episcopal Church of St. Paul, Minn., praying for the enactment of legislation to prevent nullification of State liquor laws and no-license ordinances by so-called "original packages" and other "interstate commerce" tricks; which was referred to the Committee on the Judiciary.

Mr. PLATT of Connecticut presented a petition of sundry citizens of Thompsonville, Conn., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. BEVERIDGE presented a memorial of sundry citizens of Vincennes, Ind., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Cigar Makers' Local Union, No. 399, American Federation of Labor, of Vincennes, Ind., praying for the enactment of legislation to amend section 3394 of the Revised Statutes of the United States, relating to tobacco; which was referred to the Committee on Finance.

Mr. GAMBLE presented a petition of the South Dakota Anti-Saloon League, of Mitchell, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of Rev. George H. Reed, of Concord; of the congregation of the Curtis Memorial Free Baptist Church, of Concord; of the congregation of the Congregational Church of Winchester, and of the congregation of the Universalist Church of Concord, all in the State of New Hampshire, and of Noyes Brothers & Butler, of St. Paul, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented the petition of Henry Barden, chaplain, Grand Army of the Republic, of Portland, Oreg., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

DELAWARE INDIAN LANDS.

Mr. PENROSE. I present for my colleague [Mr. QUAY] the memorial of Richard C. Adams, representing the Delaware Indians, concerning the Dawes Commission and its action in connection with the making of the Delaware segregation, etc. I move that the memorial be printed as a document in connection with Senate Document No. 58, Fifty-eighth Congress, second session, and that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Indian Affairs, to whom was referred the bill (S. 3133) to restore to the public domain a portion of the Gila River Indian Reservation, in the Territory of Arizona, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 665) for the relief of John F. Finney, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 13th ultimo, authorizing the Chippewa Indians in the State of Minnesota to dispose of the timber on their respective allotments, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Indian Affairs and printed; which was agreed to.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4100) to acquire certain ground for a Government reservation, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 3546) relating to proofs under the homestead laws, and to confirm such proofs in certain cases when made outside of the land district within which the land is situated, reported it with amendments, and submitted a report thereon.

Mr. LONG, from the Committee on Indian Affairs, to whom was referred the bill (S. 3204) permitting the Kiowa, Chickasha and Fort Smith Railway Company to sell and convey its railroad and other property in the Indian Territory to the Eastern Oklahoma Railway Company, and the Eastern Oklahoma Railway Company to lease all its railroad and other property in the Indian Territory to the Atchison, Topeka and Santa Fe Railway Company, and thereafter to sell its railroad and other property to said the Atchison, Topeka and Santa Fe Railway Company, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 7024) to name streets, avenues, alleys, highways, and reservations in that part of the District of Columbia outside of the city of Washington, and for other purposes, to report it without amendment, and to submit a report thereon.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. GALLINGER. I move that the bill (S. 2436) authorizing the Commissioners of the District of Columbia to name streets, avenues, alleys, highways, and reservations in that part of the District of Columbia outside of the city of Washington, and for other purposes, being Order of Business No. 190 on the Calendar, be indefinitely postponed, and that the House bill just reported by me be given its place on the Calendar.

The motion was agreed to.

FORT GRISWOLD, CONN.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 3800) donating gun carriages to the Connecticut commissioners for the care and preservation of Fort Griswold, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to deliver, if the same can be done without detriment to the Government, to the commissioners appointed by the governor of the State of Connecticut for the care and preservation of the Fort Griswold tract for the purpose of a public park, as provided for in the act of Congress approved June 6, 1902 (vol. 32, pt. 1, Stat. L., p. 306), four barbette carriages for 8-inch Rodman gun, front pintle, and one barbette carriage for 24-pounder rifle, front pintle.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE DEPARTMENT INVESTIGATION.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, to whom was referred the resolution submitted by Mr. GORMAN December 19, 1903, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Postmaster-General be, and he is hereby, instructed to send to the Senate the reports upon the investigation of the irregularities in the Post-Office Department, by Assistant Postmaster-General Bristow, together with the reports of Messrs. Holmes Conrad and Charles J. Bonaparte, special counsel for the Government, on the charges made by S. W. Tulloch, formerly cashier of the Washington city post-office.

VISIT OF PORTO RICAN TEACHERS.

Mr. FORAKER. I am directed by the Committee on Pacific Islands and Porto Rico to report back favorably without amendment the joint resolution (H. J. Res. 79) for the transportation of Porto Rican teachers to the United States and return, and I ask that it may be read and now considered.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War during the year 1904, at such time as requested by the governor of the island of Porto Rico, to transport from the island of Porto Rico to the United States and to return from the United States to Porto Rico, on one of the vessels engaged in the transport service of the United States, not to exceed 600 of the Porto Rican teachers in the public schools of that island, and in addition thereto not to exceed 25 necessary attendants, such teachers and attendants to be selected by the commissioner of education of the island, for the purpose of attending the various summer schools of the universities, colleges, and other institutions of learning in the United States during the year. But a subsistence charge of $1 per day for each day on such vessel shall be collected from each of such persons so transported; and the Government of the United States shall not be liable for, and shall not defray, the expenses of the teachers and attendants, or of any such of them, incurred while in the United States.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. FOSTER of Louisiana introduced a bill (S. 4125) to authorize the Little Rock and Monroe Railway Company to construct, maintain, and use a bridge across Ouachita River, in the State of Louisiana, at a point between Ouachita City and the mouth of Bayou Loutre; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL introduced a bill (S. 4126) granting an increase of pension and back pay to P. Q. Healy, alias John Quinn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM. I introduce a bill, with an accompanying statement, to which I ask the attention of the committee to which the bill shall be referred. I confess I hardly know where the bill ought to be referred. I am inclined to think that it ought to go to the Committee on Public Lands, and I will make that motion.

The bill (S. 4127) for the preservation of aboriginal monuments, ruins, and other antiquities, and for other purposes was read twice by its title.

The PRESIDENT pro tempore. The bill should go, in the opinion of the Chair, either to the Committee on Public Lands or to the Committee on the Library.

Mr. CULLOM. I debated that question myself. It occurs to me that the Committee on the Library would hardly have jurisdiction of the question.

The PRESIDENT pro tempore. The bill will be referred, then, with the accompanying paper, to the Committee on Public Lands.

Mr. CULLOM introduced a bill (S. 4128) granting an increase of pension to Peter Kaufman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4129) granting an increase of pension to William Markman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 4130) to amend sections 1288, 1293, and 1294 of the Code of the District of Columbia, relating to marriage, so as to authorize marriages according to the custom of the Society of Friends or Quakers; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLATT of New York introduced a bill (S. 4131) for the relief of Martha E. Conklin; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4132) granting an increase of pension to Addison L. Scott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 4133) for the relief of Stephen Crotty; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PERKINS introduced a bill (S. 4134) granting to the city and county of San Francisco, for water-supply purposes, the use of certain lands in a forest reservation in the State of California; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MILLARD introduced a bill (S. 4135) granting an increase of pension to Jane Francis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 4136) for the relief of Elizabeth M. Earle, administratrix of the estate of J. B. Earle, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4137) granting an increase of pension to George W. Hutchison;

A bill (S. 4138) granting a pension to Julia A. Johnson (with an accompanying paper);

A bill (S. 4139) granting a pension to John D. Henderson; and

A bill (S. 4140) granting an increase of pension to John M. Postlethwait.

Mr. McCUMBER introduced a bill (S. 4141) granting an increase of pension to Samuel A. Dickey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 4142) granting to the Davenport Water Power Company rights to construct and maintain wing dam, canal, and power station in the Mississippi River, in Scott County, Iowa; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4143) granting an increase of pension to Rufus B. Tucker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DUBOIS introduced a bill (S. 4144) for the relief of John L. Smithmeyer and Paul J. Pelz; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 4145) to quiet certain land titles in the State of Louisiana; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4146) for the relief of the heirs of Joseph L. Bernard, deceased;

A bill (S. 4147) for the relief of the heirs of Mary C. Stirling and Ruffin G. Stirling, both deceased, and S. C. Stirling, H. R. Stirling, and J. Anna Stirling, administratrix of W. R. Stirling, deceased; and

A bill (S. 4148) for the relief of the State National Bank of New Orleans, formerly Louisiana State Bank.

Mr. MARTIN introduced a bill (S. 4149) for the relief of Samuel S. Dennis; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4150) for the relief of George H. Mellen, deceased; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PLATT of Connecticut introduced a bill (S. 4151) granting an increase of pension to Thomas J. Spencer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 4152) granting an honorable discharge to John Kinchlow; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 4153) to promote the efficiency of the Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4154) granting an increase of pension to Charles Lewis; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4155) for the extension of S street, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4156) for the establishment of public convenience stations and bath houses; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. LONG introduced a bill (S. 4157) granting a pension to Elizabeth Barnes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 4158) granting an increase of pension to John C. Rassbach; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4159) granting an increase of pension to George W. Gray; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 4160) providing for a naval training station on Put in Bay Island, in Lake Erie; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4161) providing for the expenditure of money hitherto appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PETTUS introduced a joint resolution (S. R. 44) as to the provisions of "An act for the relief of certain settlers on the public lands, and to provide for the payment of certain fees, purchase money, and commission paid on void entries of public lands," approved June 16, 1880; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment proposing to appropriate $10,000 to cover costs, expenses, etc., incident to the prosecution of the suit of the United States *v.* D. L. Boyd et al., now pending in the circuit court for the western district of North Carolina, for the purpose of determining the rights of about 600 or more persons who claim to be members of the Eastern band of Cherokee Indians and entitled to share in the distribution of the funds and in the enjoyment of the lands belonging to said band of Indians, and providing for a complete census roll of said band of Indians and of the Cherokee Indians residing east of the Mississippi River, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. LODGE submitted an amendment providing that in readjusting the salaries and allowances of postmasters of the first, second, and third class no increase in salaries or allowances shall be made unless the mailing receipts of the office shall substantially balance or equal the receipts of the office from the sale of stamps, stamped envelopes, or stamped paper, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. PROCTOR submitted an amendment proposing to increase the salary of the consul at Moscow, Russia, from $2,000 to $2,500 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $8,524.10 to pay the owners of the Norwegian steamer *Ragnar* for damages arising from the collision between said steamer and the United States army transport *Sumner* in the Yangtze River, China, on March 18, 1902, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

JAMES C. WHITTEN—WITHDRAWAL OF PAPERS.

On motion of Mr. FORAKER, it was

Ordered, That leave be granted to withdraw the papers on file in the office of the Secretary of the Senate in connection with the bill (S. 3561, 57th Cong., 1st sess.) for the relief of James C. Whitten, there having been no adverse report on said bill.

REPORT OF ISTHMIAN CANAL COMMISSION.

Mr. MORGAN. I submit the following order, and ask for its immediate adoption. There is only a single copy of part 2 in the document room.

The order was agreed to, as follows:

Ordered, That the final report of the Isthmian Canal Commission, parts 1 and 2, made to the President, November, 1901, be reprinted in one volume, with the indexes thereto, and bound in cloth, for the use of the Senate.

NEBRASKA SENATORIAL INVESTIGATION.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the expenses to be incurred by the special committee appointed to investigate and report to the Senate all the facts connected with the appointment of Jacob Fisher as postmaster at Hastings, Nebr., and the leasing of the building used at this time for a post-office in that city, and particularly to investigate and report as to the action of CHARLES H. DIETRICH, a Senator from Nebraska, in connection with such appointment and leasing, be paid from the contingent fund of the Senate upon vouchers signed by the chairman of said committee.

URGENT DEFICIENCY APPROPRIATION BILL.

The PRESIDENT pro tempore. The morning business is closed.

Mr. HALE. I ask that the urgent deficiency appropriation bill be proceeded with.

The Senate resumed the consideration of the bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

Mr. PATTERSON rose.

Mr. HALE. Before the Senator from Colorado goes on, will he let me put in two or three nominal amendments to meet estimates that have come in? It will not take any time.

Mr. PATTERSON. Certainly.

Mr. HALE. On page 83 of the bill, at the end of line 19, I move to insert:

To pay the audited account of Alonzo P. Turner for paid transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, as per certificate No. 407770, $46.85.

The amendment was agreed to.

Mr. HALE. On page 50, after line 20, I move to insert:

For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. HALE. On page 4, in line 15, I move to amend the committee amendment already adopted by striking out "six" and inserting "eight," so as to read:

For expenses, not salaries, of inspection of consulates, to be expended under the direction of the Department of State, $8,000.

The PRESIDENT pro tempore. The Chair calls to the attention of the Senator from Maine [Mr. HALE] that, in the last case, the former agreement to the amendment of the committee should be reconsidered and then let the amendment be amended as suggested. It would be entered in the Journal in that way.

Mr. HALE. Very well; let that course be adopted.

The PRESIDENT pro tempore. The vote by which the amendment was agreed to will be reconsidered, there being no objection.

The question is on agreeing to the amendment now submitted by the Senator from Maine to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Maine [Mr. HALE] to page 26, lines 7, 8, and 9, the amendment of the committee, inserting "$100 and" in the appropriation for heating apparatus for public buildings. The RECORD does not show that the amendment has been agreed to.

Mr. HALE. That should be agreed to.

The PRESIDENT pro tempore. The amendment will be agreed to.

Mr. HALE. I supposed it had been agreed to.

The PRESIDENT pro tempore. It is now agreed to.

Mr. PATTERSON. Mr. President, when I took the floor yesterday afternoon just before adjournment it was with the intention of occupying it a very short time, and the mere fact of adjournment has not changed my purpose. There were some matters referred to by Senators upon both sides to which I do not give my full assent, and as they relate to matters of history I think it quite well enough that the record should be kept clean in so far as the correct statement of causes and results will tend to do so.

It would be quite disrespectful to the particular item in the appropriation bill under discussion and the point of order if I were to omit all reference to them, and while I will say something about them, but very little of my time will be occupied in that way.

I am in pretty strong sympathy with the point of order taken by the Senator from Texas [Mr. BAILEY], and also with the proposition that legislation of this character is of very doubtful propriety. Many objections may be presented, many substantial objections, but in view of the fact that nearly all the nations of the world are participating in the exposition that is to occur this year in St. Louis, I think that, whatever our objections may be to this particular legislation, we may follow in the lead of the President in justifying a treaty about which he evidently feared questions might be raised, and that was justly open to the most serious constitutional objections, and that embraces a pretty clear disregard of treaty obligations, by the proposition that he presented, namely, that we are in this instance the mandatories of collective civilization. It is a ground that will cover a multitude of objections to any kind of legislation that may be more than local in its character, and in this case I propose to salve my convictions in voting for the exposition appropriation by the claim that, in view of the interests that are involved and the number of foreign nations who are intending to participate, the Congress is the mandatory of collective civilization, and therefore substantial objections to the appropriation should be put aside.

But, very properly, Mr. President, the discussion yesterday took a wider range, and immediately upon the fact being suggested by the Senator from Massachusetts [Mr. LODGE] that we had a Treasury and revenues that would not permit anything but the most rigid economy in the matter of expenditures by reason of the possibility of a deficiency, the question of financial policy was put in issue, and might be properly discussed.

The proposition of prosperity received a great deal of attention. The Senator from Ohio [Mr. FORAKER] gave a very glowing picture of the prosperity of the country under Republican Administrations and the want of prosperity whenever a Democratic Administration took the reins of government.

I was impressed with this possibility, that all departments of industry were prosperous, in the opinion of the Senator from Ohio, except the trusts and syndicate industries, and that he desired to even up prosperity by introducing an amendment to the antitrust law which would give to the trusts and syndicates benefits that they could not now acquire, and remove from their front menaces with which they are constantly confronted.

I was struck with a peculiarity of the debate on both sides. It seemed to proceed upon the theory that whether we were in prosperous times or in bad times the condition, whatever it was, was properly traceable to the tariff schedules; that if the country was exceedingly prosperous then it was a Republican Administration that brought it about, and if the times were less prosperous, then it was by reason of the advent of a Democratic Administration or by a proposition in some Democratic platform to reform to a greater or a less degree the tariff laws of the country.

Mr. President, I believe we all concede that we have had good times, prosperous times, both in Democratic and in Republican Administrations. I think that it is conceded that from 1880 until 1890 the country enjoyed an unusual degree of prosperity, a period that embraced one full Democratic Administration and a Republican Administration and a part of a second one.

I refer to that for the purpose of suggesting what I have many times maintained. This proposition of prosperity is not so much a question of tariff schedules as it is of other causes quite far removed from tariff schedules. I do not believe that Providence does everything to bring about prosperity. I have no hesitation in admitting that bad laws and good laws have a great deal to do with the business condition of the country, with wages, with profits, with the quality of maintenance that the masses of the country acquire, and those laws may be tariff laws or they may be financial or other laws.

Nor do I believe that the amount of the balance that may happen to be in the Treasury this year or last year or next year is a sure indicia of business conditions. Nor is it so much a question of balance of trade or of exports and imports. Good times or bad times may exist with the balance of trade against us or in our favor, and either one or the other condition may exist with a surplus in the Treasury or a depleted one.

The condition of the Treasury depends too much, Mr. President, upon what may be mere accidental causes or unusual or extraordinary conditions for that to be a certain indicia of the real condition of the country.

That we did have unexampled prosperity from 1880 until well on to 1892 is borne out not only by the individual experiences of the elder people of the country, but by those who have written upon the subject, and I only take time to quote upon this subject from the History of American Coinage, written by Mr. David K. Watson, a stanch Republican of Ohio and a monometallist of the most approved type, who, writing upon the question of financial legislation, makes this statement with reference to the state of the country during the eleven or twelve years that I have called attention to:

It is said by the friends of free coinage that the effect of not coining silver has been to depress prices and cause hard times. Is this statement true? It is true that after 1892 prices generally declined and business depression prevailed throughout the United States; but it is also true that from 1880 to 1892 this country enjoyed its most prosperous period. Land brought good prices during those years, and in many cases almost doubled in value; farm products sold well; labor commanded higher wages than ever before in this country, and an idle man was a scarcity.

Then again:

The prosperity of the United States from 1880 to 1892 can not be denied. Mr. Mulhall, the most distinguished living statistician, has recently published a book entitled "The Balance Sheet of the World." In speaking of the United States he says:

"It would be impossible to find in history a parallel to the progress of the United States in the last ten years. Every day that the sun rises upon the American people it sees the addition of two and a half millions of dollars to the accumulation of wealth in the Republic, just one-third of the daily accumulation of all mankind outside of the United States."

Mr. President, Mr. Cleveland was elected in 1884. In 1888 he was renominated and defeated, and in 1892 he was again renominated and reelected. The Chicago convention which gave him his last nomination had in mind the degree of prosperity that existed under his first Administration, and after it was announced that he had received the necessary two-thirds vote the convention

broke out into a refrain, the exact words of which I have not got, but it was to the effect of—

Grover, Grover,
We'll live four years more in clover.

During Mr. Cleveland's Administration, from 1884 until 1888, the country was as prosperous as it had ever been. Those four years formed a part of the twelve years that all agree in declaring to have been the most prosperous period in the history of the country.

Mr. Cleveland gave to the United States during his first term a Democratic Administration. True, Mr. President, he had made apparent his hostility to bimetallism, but it did not take form except in utterances. No law was enacted that interfered with the then existing condition of the finances.

When Democrats, however, undertake to suggest that Mr. Cleveland's second Administration, commencing with March 4, 1893, was a period of prosperity, either unusual or relative, or at all, they are doing violence to the experience of the country and to the history as that history has been written. I will not undertake just now to state what was the cause of the panic and the depression and the bankruptcies that fell upon the country. I will simply call attention to a few historical facts, and perhaps a proper conclusion may be drawn from them.

In 1891 we recall the failure of Baring Brothers. A shiver ran through the commercial and the financial world. A great banking institution that had existed for generations, with branches in all the great capitals of the world, suffered a complete collapse, and from the moment of the announcement of that failure prosperity commenced to wane. The banks commenced to withdraw their loans. They refused new loans unless in exceptional cases.

The reason was not one of tariff or of tariff schedules. It was because the financial world was troubled. It did not know how far the causes of the Baring Brothers failure might reach, and, as upon all such occasions, the men who controlled the money commenced to gather it in and refused to allow it to go out. The result of it was a diminution of the building and other industries of all the great cities—slow at first, but gathering speed as time progressed.

Then came the election of Mr. Cleveland. Following his election by orders in council the Indian mints were closed to the coinage of silver, and in August an extra session of Congress convened under proclamation of the President for the purpose of undoing the coinage laws and inaugurating the system that has existed since.

Mr. President, there are many here who recollect the conflict on the floor of the Senate and the House, commencing, I think, upon the 8th of August and not ending until the early part of November. We then witnessed the power of an Administration determined to control the votes of so-called representatives of the people both here and in another part of the Capitol.

I have never questioned but that President Cleveland received his election as the result of an understanding that should he be elected he would pursue the course he took and use all the power, all the tremendous power and influence of the White House, to strike from the statute books of the country what is known as the purchasing clause of the Sherman law.

Mr. President, during the second of Mr. Cleveland's terms this country did not have a Democratic President. Had Mr. Cleveland made known, even by insinuation, during the campaign that his first public act would be to use the powers of the great office for which he was a candidate to stop the purchase and coinage of silver, not all the money bags of Wall street, not all the banking syndicates of the country, could have saved him from the defeat he would have deserved. When he called the extra session of Congress and put it to the Senate and House that the silver-purchasing clause of the Sherman law should be repealed, we had the spectacle of a Democratic President championing a Republican measure, and by reason of the championship of that Republican measure bringing his own party into deserved odium and making certain its defeat at the ensuing election.

I was here, Mr. President, as a spectator during several months of that controversy. I did not know what influences were brought to bear, either here or elsewhere; but all of us saw the result of the influences in the falling away of Democratic Senators and Representatives from the support of what I have always maintained was the money of the Constitution and the money of the people. With what result? Mr. President, of course the balance of trade went against us; of course our exports decreased. Who will forget the business condition of the country commencing with the early spring of 1893, immediately following the closing of the mints of India and the enactment of a Republican financial measure under the championship of a so-called Democratic President?

Mr. President, that was the forerunner of the Coxey army. There was hardly a great city of this country that was without a company or regiment or a brigade of starving and workless men camped within its borders and, to prevent worse things, forcing contributions to keep them from starving. Thousands of them made their way to this capital. They camped outside of the city or in its immediate neighborhood. It was an era of gloom, of suffering. Liquidation did not end during the four years of President Cleveland's Administration. I recall that the mills of New England were closed down.

Men went out upon the strike by thousands and tens of thousands because they received notice that their wages must be reduced. The mining camps of the West for more than a year had the locks turned upon them; their shafts were unused; men with large investments, many of them, were pauperized, and tens of thousands of starving miners were turned out on the highways and byways without means of subsistence, except that which they could get from the generous communities of the country to which they made their way.

Mr. President, while I was here during the extra session of 1893 I recollect a conversation at the Shoreham Hotel with a leading New England Republican. I protested against the course of his party and their aid-de-camp, the President. I called his attention to the condition of industry in his own locality, and suggested to him that it was the logical and necessary result of the policy that was being pursued.

He was an ardent advocate of the repeal of the silver-purchasing clause. "Why," he said, "Mr. PATTERSON, you are mistaken; the manufacturers of the country have come to the conclusion that, in connection with the repeal of the silver-purchasing clause, there must be a readjustment of the industries of the country, and the owners of the mills can better treat for lower wages with men with empty bellies than they can with those who are remuneratively employed in their mills." So, Mr. President, Mr. Cleveland's Administration was four years of gloom.

Mr. ALDRICH. Will the Senator allow me to interrupt him for a second?

Mr. PATTERSON. Certainly.

Mr. ALDRICH. I infer from the Senator's remarks that he would not look with great favor upon the possibility of a third Administration of Mr. Cleveland. I trust in this supposition I do the Senator no injustice.

Mr. PATTERSON. I certainly would not look with great favor, or with any favor, upon another Administration of Mr. Cleveland. As the Senator from Texas [Mr. BAILEY] said, he is hardly any longer in existence, hardly to be accounted with. But I feel a good deal as the Senator from Massachusetts [Mr. HOAR] said he felt, in his memoirs, in treating of a celebrated public character, that the time will never come when it will not be just and right to hold him up to the American people as an example of what a man who is false to his party and false to his country may accomplish; and I want to say to the Senator from Rhode Island [Mr. ALDRICH] that if there is any man to whom he and his friends should feel under lasting obligations it is to ex-President Cleveland, for he carried out the policy they advocated, and that, in my opinion, no Republican President would have attempted, notwithstanding it was a Republican measure. He made certain the election of Mr. McKinley, and made possible the retention of the Republican party in power ever since. The Democratic party since 1893 has been paying for the sins of a so-called Democratic President by reason of his carrying into effect a distinctively Republican measure.

When I am told that silver was a menace to the country I point to what Mr. Watson says; I point to the history of the country, that from 1880 until 1892 it was enjoying a state of unexampled prosperity; and I conclude the necessity did not arise to interfere with it, except by the misconception of conditions by one high in authority, or by reason of carrying into effect some preelection understanding between himself and the great money power of the country.

Mr. President, the prosperity the country has been enjoying is a little peculiar, quite peculiar. It has been unexampled prosperity for the rich and somewhat circumscribed prosperity for the poor. To be sure we have had bountiful crops; nature has smiled upon the country and upon the husbandmen; but with what net results? That whereas before 1896 we had comparatively few multimillionaires, the country is now graced not only with multimillionaires, but with billionaires, with hundreds of multimillionaires who before the era of great speculation set in were possessed of but ordinary wealth.

With the advent of the Republican party we have had the era of trusts, and with the era of trusts we have had an era of tremendous strikes; we have had unexampled combinations of capital and unexampled combinations of labor. The one necessarily led to the other. It became a question of self-defense, and the labor of the country undertook as best it could to meet the

crushing and grinding power that was being organized under the new industrial plan known as the "trust system," beneath which it was inevitable that they would be ground to powder unless they presented a compact, solid organization to confront it.

Mr. President, many things that President Roosevelt has done I admire. I know of no braver act that any President has ever done than when he confronted the railroad presidents upon the one hand and the representatives of the working miners upon the other and said to the railroad combinations, "You must meet with these men and reach a settlement."

I admired Mr. Roosevelt when he instituted the suit against the railroad merger, and when he instituted one other suit, I believe, against the meat trust; but the performance, Mr. President, has fallen far short of the original promise. I call the attention of the Senate to the fact that, whatever the President has done in the way of attacking the trust evil, he has never even suggested to any of the legal representatives of the Government that the criminal clause of the trust law should be enforced.

The merger case was prosecuted, and prosecuted vigorously, and is now awaiting ultimate decision by the Supreme Court of the United States. But, Mr. President, there is the beginning and the ending of the efforts of this Administration to grapple with the trusts and to make them subject to the old law of honest competition and the welfare of the people.

I am inclined to think that the President of the United States, when he entered upon the performance of the duties of his office, made necessary by the greatest crime of the centuries, meant well to the people and meant well to the law. Early in his Administration he seemed to notify the great trusts that, so far as he was concerned, he would use all the powers of his office to subject them to the dignity and the power and the majesty of the law, driving out of existence that which the law denounced and which the common sense and the humanity of the country said was a menace to a free government's existence. But it looks, Mr. President, as though the President has ever since been doing penance for his rash act. With 300 trusts and over, either securing a complete monopoly of the industries in which they are engaged or approaching to monopolies as rapidly as it is possible for them to reach it, he has contented himself with two or three civil prosecutions, ignoring altogether the one single clause in the antitrust law that is a terror to the trusts, and that the Senator from Ohio [Mr. FORAKER] is now seeking to have repealed.

They deal with these things a little differently in some countries. Great Britain is not much of a trust country. They have large corporate interests there, and they have some great aggregations of capital engaged in the different industries; but, Mr. President, only a week ago last Tuesday, under instructions of an English judge in London, one of the great trust promotors was convicted and sentenced to seven years in an English prison—Mr. J. Whitaker Wright—for offenses on all fours with the offenses of Schwab, Max Pam, and Morgan in their efforts at monopolizing great branches of industry. He swindled the English people, the lords and the commons, and there was an English judge of sufficient virtue, and an English law of sufficient virility to take him by the throat and hold him at the bar of justice while a jury of twelve men were passing upon the merits of his case. With his conviction he "shuffled off this mortal coil;" he took poison and died within an hour. There would not be many tears shed, Mr. President, if some of the great lights of the financial world, who find a habitat in the United States and operate from the great commercial centers, should seek the same ending and find it from the same cause.

Mr. President, take the billion-dollar steel trust. Its victims are numbered by the thousands. The shipbuilding trust is as palpable a swindle as was ever put upon the country; and yet we find that its promoters and those who profited by it, who have had their bank accounts swelled with the stealings they took from thousands of the American people, yet live unassailed by the law, the only punishment they receive being the curses of their victims and the execrations of every honest and law-abiding man and woman.

What this country needs more than anything else is a President who is not dependent upon the great money power of the country for his election, and will not make promises, under cover or otherwise, for the purpose of receiving the support of the bankers, the great commercial speculators, and the promoters of trusts; a President who will feel that it is as much of a crime to rob the people of $500,000,000 in the way of watered stock as it is to rob some poor man of his purse or to steal a horse from the barn of some farmer.

Mr. President, so far as I am concerned I am as pronounced a bimetallist as any man in the United States. I live in the greatest silver-producing State in the country. I realized that the free coinage of silver would not only bring prosperity to the farmers and the workingmen as well as the business men of the country, but that it would bring additional prosperity to the people whom I in part represent. I realize, Mr. President, that the immensely increased production of gold has to a great degree filled the gap that was made when the coinage of silver was practically suspended. It is proof, to my mind, of the truth of the quantitative theory of money. I realize also that by one means or another the people of the country have been induced to pronounce against—I will not say bimetallism, but against the free coinage of silver at the old-time ratio. Even the people of Colorado realize that the proposition of 16 to 1 has for the time been decided against them, but it does not follow that by reason of that belief they will throw themselves unreservedly into the arms of either the bank syndicates or the creators of trusts or those who are spending their lives in organizing monopolies, in order that they may secure the money with which to conduct an aggressive campaign.

I am glad, Mr. President, with my views upon the money question, that there is yet a man in the West with power and virtue and influence enough to make himself felt, and to utter a protest against whatever tendency there may be now, or in the future, to surrender the party, of which I am honored in calling myself a member, to those who go from one side of the political teeter to the other as their interests—their own interests, not the interests of the country—may incline them.

Mr. President, I regard the Democratic convention of 1896 as a magnificent protest against the cruelty and encroachment of the money power. As a result of the Administration of Mr. Cleveland many of the Southern Senators commenced to doubt their ability to maintain their seats in this Chamber and the continued supremacy of the Democratic party in their States. I recollect exceedingly well, as the result of Mr. Cleveland's Republican Administration, Democratic ascendency was almost lost in Alabama, in Arkansas, in Georgia, and in South Carolina.

In South Carolina, to maintain possession of that State, under the lead of TILLMAN and others the Democrats were compelled to organize the Democratic party along Populistic lines. The Democratic campaign of 1896 was a magnificent protest. Tell me it has not resulted in good! If Mr. Cleveland had been renominated in 1896, or if any Democrat representing the Cleveland theory of Democratic politics had been then nominated, instead of receiving more than 7,000,000 Democratic votes in the United States the Democratic candidate would not have received one-half of them, and a number of Southern States would have gone against the Democratic nominee. The Democratic party would pretty nearly have gone out of business if it had not been for the platform of 1896 and the magnificent leadership that that convention gave to the common people of the country.

No one recognizes more than I do that measures can not and may not always be kept at the front. No one realizes more than I do that the verdict of the American people, when it has been freely spoken and unquestionably given, should be respected; and whatever measure I have advocated—distinguishing measures from principles—whenever the people of the country have finally declared against a measure, I care not whether it is for the free coinage of silver at whatever ratio, or for any other measure, then the party is worse than insane that insures defeat by continuing to advocate the measure that is against the declared convictions of the country.

It is not wise, Mr. President, nor is it productive of results, for any party to destroy its usefulness in behalf of great measures constantly arising by standing for measures and insisting upon the enactment of laws when the people have clearly permanently taken an adverse position against them. Without reference to how other men may be guided, I will be guided in my future political course, so far as measures are concerned, by the recognition of that proposition in all of its fullness.

There is a wide difference between measures and principles. It is for that reason that the Democratic party, through evil report and good report, through disaster and through success, has after the sober second thought of the American people made itself felt, stands to-day undismayed as a national political organization, ready to meet its political antagonist with reasonably strong hopes of success; with a conviction that success will come if the party remains true to the principles upon which it was founded, that all men are created equal, that all governments derive their just powers from the consent of the governed; standing in business for the open door of opportunity to the young and the old, to the rich and the poor; standing opposed through good and evil report to the new system that prevents competition, the business principle upon which the world has grown and prospered, and from the existence of which this country became the greatest commercial power upon the face of the globe, and standing opposed to the trust principle, that places monopoly in the hands of the individual and compels the many to be the slaves of the few.

Within the past few months, Mr. President, I have heard men upon this side and upon the other deprecate the growth of social-

ism. The policy of the Republican party is the provocation of socialism. The multiplication of trusts, the increase of their power, the placing of the monopoly of all the great industries in the hands of the few is a sure step, if it shall succeed, to an effort upon the part of those who oppose private monopoly to put the monopoly in the hands of the Government. If the monopoly is held by individuals or combinations, it means that their private greed and individual interests will determine prices and production and distribution. If the Government shall control the implements of production, at least the people of the country will have a voice and an influence in the matter of the creation and distribution of the wealth labor creates.

So far as I am concerned, I feel with those who oppose socialism, that it is the greatest evil with which the country could be inflicted. I am pained at its growth and realize that its growth will continue until the provocation to the growth shall be eliminated from our industrial system. For that reason, if for no other, it is my supreme conviction that the strongest laws which the country can enact and all the great powers of the Government should be placed at the disposal of the executive arm for the purpose of throttling the trust system, putting it out of commission, that competition, either great or small, between the small industries or great industries may once more have full sway; that the young and the old, the weak and the strong, may realize that the field of commercial conquest is open to them, and that they shall not be compelled, during their short term of life, either to get within the magic circle of the few trust magnates, which it is almost impossible to do, or content themselves with being the mere hired hands of the great combinations of capital.

Mr. President, so far as the prosperity of the present day is concerned I think we may say it is on the ebb. Business has its ebb and its flow; it has its high tide and its low tide; and I am inclined to think that the prosperity of the country is now on the ebb. To what extent the tide may lower I do not know, but we do realize that there are plainly heard mutterings of discontent on the part of the employers in the West and in the East. In the mills of textile fabrics, the woolen mills, in coal mines, in the steel mills, and in those devoted to every other industry we find the announcements being made that wages must be lowered; and the process of lowering wages is going on.

I clipped from yesterday's Post an Associated Press dispatch of the meeting of the coal operators and miners at Indianapolis, and I found that the matter of difference was that the mine operators or owners were insisting upon a 12 per cent decrease in wages and the miners were insisting that the wages were little enough. This is a statement of the differences between them:

> There was great excitement among the delegates when it was seen that the moment for a declaration of a disagreement had arrived. The scale committee had reported the present wage scale as their ultimatum, and the operators insisted that nothing less than the 1902 scale, which is equivalent to a 12 per cent reduction in wages, it is claimed, would satisfy them.

These are the grounds given by the operators for the lowering of the wages: That the wages have already been lowered in other mining localities, and therefore, if they would operate at a profit, they must also have lower wages. This same Associated Press dispatch states the claims of the two sides as follows:

> They use the statement that the H. C. Frick Coal and Coke Company, operating in the Connellsville field, in Pennsylvania; the Jamison Coal and Coke Company, of Greensburg, Pa.; the Meyersdale district operators, and the Pocahontas Coal Company, in West Virginia, have all reduced wages in the last month, and they insist that they must have a lower mining rate with which to meet this competition.
>
> The grounds upon which the miners take their stand is that the competition of the operators in the central competitive field and those outside is not as keen as the operators would have them believe. The miners say that, at least in Ohio and Pennsylvania, their men have not steady work, and that all over the central competitive field the cost of living is such at this time that they can not accept a cut in wages and maintain a fair standard of living.

So we find that as the net results of the year 1903, the year that is just behind us, business stagnation is commencing, the wages of the workmen are being cut, involving more than seventy-five or a hundred thousand in the mills of New England, and the cut is not confined to the cotton mills, for it extends to the woolen mills and to the paper mills. Wages are being cut, or there is a threat that they will be, by the steel trust. Notices are given by the railroads that their operating expenses must be reduced, including as their managers declare, a cut in wages; and here are 117,000 bituminous coal miners on the verge of a strike because of the insistence on a reduction of 12 per cent in their wages, while they assert the cost of living has not diminished in the least.

Yesterday's Post was rather instructive. There was another Associated Press dispatch which illustrates the extent to which the robbery of the trusts has gone, and that the thief has even entered the ranks of those who, if they do not abet them, at least apologize for them, and that they have been pretty heavily mulcted in losses. I find by an Associated Press dispatch of Wednesday that in New York—

> Governor Odell and other up-State Republican leaders, who were induced to invest large sums in the bonds of the United States Shipbuilding Company, have decided to begin a fight against Charles M. Schwab, Max Pam, and others connected with the concern.

It continues:

> One of the shipbuilding victims was Reuben L. Fox, of the Republican State committee. Mr. Fox is one of Mr. Lauderbach's clients. He got caught for $10,000 of the shipbuilding bonds. Governor Odell paid over $180,000 in real cash for $200,000 of the bonds.

Mr. President, while all this is going on the machinery of the criminal law is idle. Either there is no law to reach these mammoth swindles and the law is confined in its operations to the miniature get-rich-quick concerns, or else the power of money, the great money combinations, are able to paralyze not only the law, but the arms of those whose sworn duty it is to execute the law.

Taking it all in all I am inclined to think that the Senator from Ohio [Mr. FORAKER] should remodel his beautifully painted picture of yesterday. At least with his master hand he should limn in the picture the trusts when they receive the additional prosperity his bill is intended to give to them. I think it would be better for the cause of truth if he would paint prosperity in its truer light, showing that while the farmer is prosperous it is not because of the tariff schedules, but because of bright skies, bountiful showers, and propitious seasons, and the demands both at home and abroad, he being the agency through which this demand is supplied.

As to the prosperity that has fallen to others of the masses, there has been an increase in wages, but there has also been an increase in the cost of living. Few of the mere laborers and mechanics of the country have reached the point—even during the past few years—when ninety days' idleness would not make them a charge upon the community in which they live. The real beneficariies of the so-called prosperity, Mr. President, are the millionaires and the multimillionaires, the speculators, those who are able to float—with the aid of the wind that is injected into them—these great industrial bubbles, and by speculating them upon the markets tranfer the money of the masses into their own pockets.

I trust, Mr. President, the Democratic party will nominate a candidate for the Presidency, whoever he may be, who will not be tainted with a suspicion of an alliance with combinations of that character. I stand for the protection of the rich as well as the poor. Honest capital should be just as sacred, whether it be in large sums or in small sums, under a Democratic Administration as under a Republican Administration; but these abnormalities of capital consolidated for the purpose of dishonestly transferring the earnings of honest toil to their own bank accounts should be taught, both by laws upon the statute books and to be enacted, that a great thief is no more to be respected than a little thief, and any swindle, whether it is by floating a ship-building trust or a steel trust, will be visited by the arm of the criminal law as surely and as speedily as a swindle that consists in selling a brass ring for a gold one or a piece of cut glass for a diamond of the purest water.

The PRESIDENT pro tempore. The question is, Is the pending amendment in order? which question has been submitted to the Senate. Senators in favor of sustaining the point of order will say "aye." [Putting the question.] By the sound, the "noes" have it. The "noes" have it, and the point of order is overruled by the Senate. The question is on agreeing to the amendment.

Mr. BAILEY. Mr. President, I accept this vote, of course, as indicating that the Senate favors the amendment. It is understood by every Senator that the vote was decisive of that question, and I shall not delay the Senate any longer.

I do, however, desire to repeat what I have said before, that if this is a proper object for the use of governmental funds, they ought to be applied as they are applied in other instances of governmental work. It ought to be a direct appropriation and not a loan. The fact that the committee has made it a loan rather than a direct appropriation strongly suggests to my mind that the committee was not entirely satisfied that it was altogether a suitable project for the expenditure of the public money. If it is the duty of this Government to aid these expositions and to see that they are made successful, then the Government ought to give that aid, as it does in all of its other expenditures, by direct appropriation. I should very much prefer, if compelled to vote for either proposition, to vote for a direct application of the money as we do to other useful public works.

However, the debate indicates, of course, that the Senate is determined to extend the aid in this way, and I do, as I can only do, protest against it.

Mr. TELLER. Mr. President, I am in favor of assisting the St. Louis Exposition to get in condition to make a reasonable and proper showing, partly because it is an American exposition and

partly because we have so connected ourselves with it that it seems to me it would be somewhat discreditable to let it fail.

I agree thoroughly with the Senator from Texas that if this is—and I think it is—a proper occasion for an appropriation of public money, it ought to be not as a loan, but as a gift. While I am not averse to seeing the Government reimbursed—as it may be, I suppose, as a stockholder in this concern—I should infinitely prefer to see the $4,600,000 made a donation than to have a precedent established that this Government has become a loaner of money. I am a member of the committee which reported this amendment. I expressed, very briefly, such an opinion in the committee. I do not now wish to be considered as interfering with or in any way delaying this appropriation, except to enter my protest against the method in which it will be made.

The PRESIDENT pro tempore. The question is on concurring in the amendment reported from the Committee of the Whole.

The amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. TELLER. Mr. President, I have listened to the political debate which has been going on. I am somewhat averse to the discussion of political affairs on an appropriation bill, and for that reason only did I refrain from replying to some of the erroneous statements made on the other side of the Chamber. I wish to say that I shall take the opportunity some day, when a bill less important than an appropriation bill is up, to show that the disturbed financial condition of the country under Mr. Cleveland's Administration did not arise from any tariff legislation by the party then in power, but that the trouble had commenced before he was elected, as can be shown by the revenues of the Government. But I will not attempt to do that this morning.

NATURALIZATION OF PORTO RICANS.

Mr. SPOONER. Some days ago I entered a motion to reconsider the vote by which the Senate passed the bill (S. 2345) to make applicable the provisions of the United States naturalization law to Porto Rico, and for other purposes. I have looked into the bill. I had no objections to it so far as it applied to Porto Rico, but I had some doubts about extending it elsewhere. I have looked carefully into it and had a conference with the Secretary of War about it, and I have no objection to it. I therefore ask leave to withdraw the motion which I then entered.

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws his motion to reconsider the vote by which the bill was passed, and the bill stands passed.

BUILDING FOR DEPARTMENT OF STATE, ETC.

The PRESIDENT pro tempore. The Chair lays before the Senate the Calendar under Rule VIII. The Secretary will state the first bill on the Calendar.

The bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor was announced as the first bill in order on the Calendar.

Mr. FAIRBANKS. Mr. President——

Mr. HALE. Let me suggest, although perhaps the Senator from Indiana was going to make the same suggestion, as he and I have conferred about it, that this is a bill which will lead to strong opposition and very considerable debate, which it can not have under Rule VIII, and if it goes over under Rule IX, as it will on an objection, some time we can agree when it shall come up and have the matter brought before the Senate, so that there can be full debate, consideration, and amendments matured for it.

Mr. FAIRBANKS. Mr. President, I realize fully that one objection carries the bill over. The Senator's suggestion is not quite so definite as I wish he were able to make it.

This, Mr. President, is a matter of very great importance. Our failure to provide suitable buildings for the proper accommodation of the business of the Government in Washington is an absolute shame. There is no great business organization in the country, there is scarcely a municipality or a State, that does not provide relatively more ample accommodations for the public business than we do for the transaction of the business of the Government in the national capital. Of course the question will lead to discussion, but unless we begin the debate we will never reach a conclusion. A bill similar to the one upon the Calendar was presented last session and went over upon the Senator's objection.

The committee is not wedded to any particular measure. If there is any better proposition than the one it has presented, it is quite willing to accept that. What it wants is to secure some additional accommodations for the three great Departments—State, Justice, and Commerce and Labor—and speedily. It is impossible to exaggerate the necessity of doing so. It is in the interest of the public service, and we should not delay unduly. Unless action is had at an early date, it is perfectly obvious to the Senator that the bill must fail at the present session of Congress. I appeal to him to enable us to expedite this matter as much as possible. We want the Senator and those who may share in his view to be heard to the fullest extent possible, but we do wish they would permit us to take up the bill at some early date.

Mr. HALE. Mr. President, I am not going into the reasons why this great project will be thoroughly resisted in every way, because it is now in the way of doing the business of considering unobjected cases, in which many members of the Senate have an interest. The rule provides that a single objection carries it to the Calendar under Rule IX. That Calendar, like any other business, is subject to the action of the Senate in being taken up and considered.

All I want is that this measure shall take the course that everything else has under Rule IX. I can not agree to any time when it shall be taken up, because I am not in favor of expediting it, but I am in favor now of getting it out of the way, so that we may go on and consider, under the suggestion made the other day by the Senator from New Hampshire [Mr. GALLINGER], the unobjected cases, and thereby relieve Senators from the necessity of continually getting up and asking unanimous consent. So my objection simply carries it to the Calendar under Rule IX, and it must take its course there.

Mr. FAIRBANKS. I am quite aware of the effect of the objection of the Senator, as I said before.

Mr. HALE. I can not agree now on any time, and, in fact, that would be improper in regard to a measure of this kind when so many other great public matters are before the Senate.

Mr. FAIRBANKS. I simply desire to make an appeal to the Senator to see if he will not consult his convenience a little later and enable us to agree on some time for taking it up.

Mr. HALE. I think quite likely that that may be done, but I do not wish to bind myself in a promise. Let the bill go to the Calendar under Rule IX, and then let us proceed with the Calendar.

The PRESIDENT pro tempore. The bill goes to the Calendar under Rule IX.

FISH HATCHERY IN OREGON.

The bill (S. 1607) granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 2, line 1, before the word "years," to strike out "two" and insert "five;" so as to make the bill read:

Be it enacted, etc., That the following-described premises, to wit: The southeast quarter of section 19, the northwest quarter of the southwest quarter of section 20, and the northwest quarter of the northeast quarter of section 30, all in township 2 north, of range 41 east, of the Willamette meridian, in the State of Oregon, be, and the same are hereby, granted to the State of Oregon, for the use of said State in maintaining and operating thereon a fish hatchery: *Provided*, That in case said State of Oregon shall at any time for a period of five years fail to maintain and operate a fish hatchery on said premises, or on some part thereof, then the grant hereinbefore made of said premises to said State shall terminate, and said premises, and the whole thereof, shall revert to the United States: *Provided further*, That the Secretary of the Interior is hereby authorized and empowered to ascertain and determine whether or not such hatchery is being maintained and operated on said premises, and if he shall at any time determine that, for a period of two years subsequent to the passage of this act, the State of Oregon has failed to maintain and operate a fish hatchery on said premises, he shall make and enter an order of record in his Department to that effect, and directing the restoration of said premises, and the whole thereof, to the public domain, and such order shall be final and conclusive, and thereupon and thereby said premises shall be restored to the public domain and freed from the operation of the grant aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF DARIUS B. RANDALL.

The bill (S. 1537) to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Percé Indians was considered as in Committee of the Whole. It proposes to pay $2,400 to the heirs of Darius B. Randall, deceased, for certain improvements situated on the Nez Percé Indian Reservation relinquished by said deceased to the United States for the use of the Nez Percé tribe of Indians.

Mr. COCKRELL. Let the report of the committee be read. It is a very short one.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. DUBOIS, from the Committee on Indian Affairs, January 7, 1904, which report is as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 1537) to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Percé Indians, having considered the same, beg to report as follows:

The amount to be paid to the heirs of Mr. Randall was recommended to be

paid by the Commissioner of Indian Affairs many years ago, but for various reasons the money was not appropriated. A full statement of the case is contained in a communication transmitted to the committee by the Secretary of the Interior.

Your committee concur in the recommendation made by the Secretary of the Interior and recommend the passage of the bill.

The communications from the Secretary of the Interior and the Commissioner of Indian Affairs are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 26, 1902.

SIR: I have the honor to acknowledge the receipt, by your reference of the 5th instant, of S. 3622, "A bill to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Percé Indians."

In response thereto I transmit herewith a copy of a report of the 21st instant from the Commissioner of Indian Affairs and its inclosure.

The Commissioner's report shows that this claim was favorably considered by his Office in 1879 and that he now recommends the passage of the bill.

The recommendation of the Commissioner meets with my approval.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 21, 1902.

SIR: This office is in receipt, by Department reference, for report, of S. 3622, a bill to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Percé Indians, referred to the Department with request for a report thereon by Hon. WILLIAM M. STEWART, chairman of the Senate Committee on Indian Affairs.

The bill appropriates $3,161, out of any money in the Treasury not otherwise appropriated, to pay to the heirs of Darius B. Randall, deceased, for certain improvements situated on the Nez Percé Indian Reservation, relinquished by said deceased to the United States for the use of the Nez Percé tribe of Indians.

Under date of January 8, 1879, this office made report upon a communication from Senator ALLISON, chairman of the Senate Committee on Indian Affairs, inclosing a copy of Senate bill 681, to provide for the payment of Loyal C. Brown, administrator of the estate of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Percé Indians, in which the Commissioner said:

"I am convinced that justice and good faith require the payment of compensation in the premises, and the only remaining question relates to the sum which should be allowed therefor. In the absence of a formal appraisement of the improvements of Mr. Randall, I am of the opinion that the sum of $1,500, as finally fixed by Messrs. Shanks and Monteith, should be adopted as the correct valuation."

He therefore recommended the passage of the bill when amended by striking out the sum of $3,161 and inserting in lieu thereof $1,500, with interest thereon at 6 per cent per annum from August 4, 1873, until paid.

It is not found that the Senate committee made any report on this bill, but on January 31, 1879, a report was made on a similar bill in the House of Representatives (H. R. Report No. 87, Forty-fifth Congress, third session), which recommended the passage of the bill with an amendment reducing the amount to $1,575, that sum to be deducted from the last of twenty installments to be paid the Nez Percé under the fifth article of the treaty of 1855. (12 Stats., 957.)

The twenty installments under said treaty have long since been paid. As the amount fixed in the present bill is less than the amount recommended in office report of January 8, 1879, with the interest therein recommended to be paid, this office recommends the passage of the bill.

A copy of said office report of January 8, 1879, is inclosed herewith.

Very respectfully, your obedient servant,

A. C. TONNER, *Acting Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 8, 1879.

SIR: I have the honor to submit herewith, for your consideration, a copy of a communication, dated the 3d instant, addressed to this office by Hon. W. B. ALLISON, chairman of the Senate Committee on Indian Affairs, inclosing a copy of Senate bill No. 681, "to provide for the payment of Loyal P. Brown, administrator of the estate of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Percé Indians," together with a copy of a written assignment of said improvements, dated August 4, 1873, given by Randall to Agent Monteith; also said agent's receipt therefor bearing the same date, and a letter from this office, dated February 18, 1875, to Hon. J. W. Nesmith.

Senator ALLISON requests the opinion of the Department upon the propriety of the passage of said bill, involving the inquiry whether any, and if any, what compensation should be allowed for said improvements.

I have the honor to report thereon as follows:

The eighth article of the treaty of June 9, 1863, with the Nez Percé Indians (14 Stat., 651) provides, among other things, for the establishment of necessary roads and highways upon the reservation belonging to said Indians and of hotels or stage stands at suitable and necessary points along said roads, the establishment and control of the latter to rest with the agent or superintendent, under rules and regulations to be prescribed by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior.

No such rules and regulations seem to have been prescribed until 1874, on the 21st of January, of which year those now in force were approved by the Secretary.

Under the foregoing treaty provisions and in pursuance of permission from Indian agents, Mr. Randall went upon said reservation, established a hotel and stage stand, known as the "Twelve-Mile House," on the Florence road, and made valuable improvements in connection therewith.

In 1873 Hons. J. P. C. Shanks, T. W. Bennett, and H. W. Reed were appointed a special commission to examine into the condition and wants of the Nez Percé Indians, and in their report, dated July 1 of that year, recommended, among other things, the removal of white settlers from their reservation.

Subsequently Messrs. Shanks, Bennett, and Agent Monteith called upon Randall and requested him to vacate his premises, assuring him that he should be compensated for his improvements. Acting upon this assurance he promptly delivered possession thereof to said agent on the 4th of August, 1873, giving the written assignment and taking the receipt hereinbefore stated.

It seems to have been agreed at such interview and when the improvements of Mr. Randall were turned over to said agent that the value thereof was $2,400 and that this sum should be the measure of the compensation allowed therefor. Agent Monteith reports, however, under date of November 23, 1874, that after said interview and delivery of possession he and Mr. Shanks, believing that their former estimate was too high, reduced it to $1,500, which sum it was agreed that the latter should report for payment. I am unable to find, however, any report from Mr. Shanks in relation thereto upon the files of this office.

In a report to this office from Agent Monteith, dated August 6, 1873, he inclosed a statement of Randall's improvements, in which their value was given at $1,575, but whether this sum was the agent's own estimate does not clearly appear.

On the 26th of January, 1875, this office made a report to the Department recommending the allowance of compensation for said improvements and submitting a draft in duplicate of a bill for that purpose, embracing also provision for another similar claim. Such duplicate drafts were submitted January 27, 1875, by the honorable Secretary to the President of the Senate and Speaker of the House of Representatives, but this office is not advised of any action having been taken by Congress thereupon.

Inspector Watkins, in a report upon the condition and administration of the Indian service upon said reservation, dated August 2, 1877, expresses his conviction that said claim ought to be paid, and recommended that an appropriation be asked therefor.

I am convinced that justice and good faith require the payment of compensation in the premises, and the only remaining question relates to the sum which should be allowed therefor. In the absence of a formal appraisement of the improvements of Mr. Randall, I am of the opinion that the sum of $1,500, as finally fixed by Messrs. Shanks and Monteith, should be adopted as the correct valuation.

I have, therefore, the honor to recommend the passage of said bill when amended as follows:

In line 3 strike out "$3,161" and insert in lieu thereof "$1,500, with interest thereon at 6 per cent per annum from August 4, 1873, until paid."

Very respectfully, your obedient servant,

E. A. HAYT, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. COCKRELL. I do not ask for the reading of the letters. They merely show that the Secretary of the Interior and the Commissioner of Indian Affairs are in favor of the bill.

Mr. PLATT of Connecticut. I think the Senate has passed a similar bill two or three times already.

Mr. COCKRELL. I think so; if not, it ought to have done so.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMMIGRANT STATION BUILDINGS AT SAN FRANCISCO.

The bill (S. 1278) to provide for the erection of buildings for an immigrant station at the port of San Francisco, Cal., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to cause to be constructed on lands now belonging to the United States at the port of San Francisco, Cal., the buildings necessary for an immigrant station, at a cost not exceeding $200,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DETENTION OF SEAMEN'S CLOTHING.

The bill (S. 3118) to amend the act approved February 18, 1895, entitled "An act to amend an act entitled 'An act to amend the laws relative to shipping commissioners,' approved August 19, 1890, and for other purposes," was considered as in Committee of the Whole. It proposes to amend so much of the act approved February 18, 1895, as reads "shall be liable to a penalty of not exceeding $100," so as to read "shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months or fined not more than $500, or both."

Mr. PLATT of Connecticut. Is the report in that case long?

Mr. COCKRELL. No; it is a short report.

Mr. PLATT of Connecticut. I should like to hear it read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. ALGER, from the Committee on Commerce, January 7, 1904:

The Committee on Commerce, to whom the subject-matter was referred, report the bill (S. 3118) to amend the act approved February 18, 1895, entitled "An act to amend an act entitled 'An act to amend the laws relative to shipping commissioners,' approved August 19, 1890, and for other purposes."

This bill is reported as a substitute for S. 2308, which was referred to this committee and by it referred to the Secretary of Commerce and Labor for his views. This substitute was suggested by that official, as will appear by his letter annexed hereto, which letter, together with others, also annexed, will sufficiently explain the necessity for the proposed legislation.

The committee recommend that the bill pass.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, December 18, 1903.

SIR: The Department has received your letter of the 12th instant, inclosing S. 2308, entitled "A bill to amend the act approved February 18, 1895, entitled 'An act to amend an act entitled "An act to amend the laws relative to shipping commissioners," approved August 19, 1890, and for other purposes,' with the request to furnish your committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

The purpose of the bill is to provide a more effective remedy against the illegal detention of seamen's clothing. The action under existing law is for a penalty, not a criminal action, and a warrant can not issue. The Department favors the purpose of the bill.

The bill referred, however, reenacts entire the act of February 18, 1895, in order to make the amendment mentioned. The application of that act, however, in various particulars, has been modified by later legislation, particularly by the seamen's act of December 21, 1898.

To reenact the act of February 18, 1895, entire, without regard to subsequent legislation, might raise questions foreign to the purpose of Senate bill 2308. The Department submits, accordingly, a substitute for Senate bill 2308,

covering only the specific purpose proposed and involving no other matters, and recommends its passage.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

DEPARTMENT OF JUSTICE,
Washington, D. C., November 23, 1903.

SIR: I beg to inclose herewith, for the information of your committee, a copy of a letter dated the 17th instant, from the United States attorney for the eastern district of New York, suggesting an amendment of the law so as to make the detention of seamen's clothing a misdemeanor, together with a copy of an act which he has drafted for that purpose.

Respectfully,

W. A. DAY,
Acting Attorney-General.

Hon. GEORGE F. HOAR,
Chairman Committee on the Judiciary, United States Senate.

BROOKLYN, N. Y., *November 17, 1903.*

SIR: I am continually having trouble with the boarding-house keepers who detain seamen's clothing.

Chapter 97 of the laws of February 18, 1895, provided, among other things, "That the clothing of any seamen shall be exempt from attachment and that any person who shall detain such clothing when demanded by the owner shall be liable to a penalty of not exceeding $100."

It has been the custom of this office for years to have such boarding-house keeper arrested, when he or she detained such seaman's clothing; and acting under instructions from your Department, I procured some time ago a complaint to be made against a boarding-house keeper, and took it before Mr. Commissioner Benedict and applied for a warrant. He came to the conclusion, after examining the law, that a warrant could not issue, as the law provided for an action for a penalty and not for a crime. I then took the matter to Judge Thomas, and after reading the law over, he, too, decided that it was an action for a penalty and not a criminal action.

This morning four sailors came in whose clothing has been detained, and I have issued a summons against the boarding-house keeper. The result of this probably will be that when the time comes to try the action these sailors will be off on the sea, and the action will lie here for years without being tried, simply because we will not be able to get the witnesses to try it.

I think that this statute should be amended to provide that any person detaining a seaman's clothing shall be deemed guilty of a misdemeanor; and I am taking the liberty of inclosing you a copy of a bill to that effect.

I am, sir, yours, with great respect,

WM. J. YOUNG, *United States Attorney.*

The ATTORNEY-GENERAL,
Washington, D. C.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING STATION AT TILLAMOOK BAY, OREGON.

The bill (S. 2698) to establish a life-saving station at or near the entrance to Tillamook Bay, Oregon, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to establish a life-saving station at or near the entrance to Tillamook Bay, on the coast of Oregon, at such point as the General Superintendent of the Life-Saving Service may recommend.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPUTY COLLECTORS OF CUSTOMS AT TACOMA AND SEATTLE.

The bill (S. 2815) authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith, was considered as in Committee of the Whole. It provides that the annual salaries to be paid to the deputy collectors of customs of each of the United States subports, Tacoma and Seattle, in the State of Washington, shall be determined and fixed by the Secretary of the Treasury, who may raise and lower the same at his discretion as the business of the ports shall warrant; such salaries, however, not to exceed the sum of $2,500 each per annum.

Mr. COCKRELL. Let the report be read in that case.

Mr. SPOONER. I should like to ask the Senator from Washington [Mr. FOSTER] if a similar bill did not pass the Senate at the last session of the last Congress?

Mr. FOSTER of Washington. Yes; it passed the Senate at a former session, but it did not pass the House.

Mr. SPOONER. Is it the same bill?

Mr. FOSTER of Washington. It is the same bill.

Mr. SPOONER. There is no change in it?

Mr. FOSTER of Washington. None.

Mr. COCKRELL. Let the report be read; it will take only a minute; it is short.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. FOSTER of Washington, from the Committee on Commerce, January 7, 1904:

The Committee on Commerce, to whom was referred the bill (S. 2815) authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Treasury Department, as will appear by the following letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 21, 1903.

SIR: Replying to a letter from the clerk of the Committee on Commerce, dated the 19th instant, inclosing copy of S. 2815, authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, I have the honor to advise you that the passage of said bill will meet with my approval.

Respectfully,

L. M. SHAW, *Secretary.*

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 9319) providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak.; and

A bill (H. R. 3578) to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County.

The bill (H. R. 1909) to authorize the conveyance to the town of Winthrop, Mass., for perpetual use as a public road, of a certain tract of land, was read twice by its title, and referred to the Committee on Military Affairs.

A bill (H. R. 5511) to authorize registers and receivers of United States land offices to furnish transcripts of their records to individuals was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 11128) to modify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, to accept and ratify the same as amended, and making appropriation and provision to carry the same into effect was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905, was read twice by its title, and referred to the Committee on Appropriations.

REPORT ON AGRICULTURAL EXPERIMENT STATIONS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith the annual report of the Office of Experiment Stations, prepared under the direction of the Secretary of Agriculture, which includes a report on the work and expenditures of the agricultural experiment stations in the United States for the fiscal year ended June 30, 1903, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

The attention of the Congress is called to the request of the Secretary of Agriculture that 5,000 copies of the report be printed for the use of the Department of Agriculture, and that provision be made to print such a report annually.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 5, 1904.*

The PRESIDENT pro tempore. The Chair is in a little doubt as to the reference of the message to the Committee on Agriculture and Forestry. It transmits the request of the Secretary of Agriculture that 5,000 copies shall be printed for the Agricultural Department in addition to the usual number to be printed.

Mr. COCKRELL. I move that the message of the President and the accompanying papers be printed as a Senate document, and that the matter be referred to the Committee on Printing to determine about the extra copies. It is just the same as if it was an annual report of the Secretary of Agriculture that is sent here. It would be ordered printed and the usual number of copies would be printed, and then extra copies could be ordered afterwards

The PRESIDENT pro tempore. The Senator from Missouri moves that the message and the accompanying papers be printed as a Senate document, and then referred to the Committee on Printing.

Mr. COCKRELL. Then refer it with the request for extra copies to the Committee on Printing.

Mr. TELLER. I have diligently listened, but I am unable to know what is going on. I should like to know what the message is and what the documents are. We can not hear back here.

The PRESIDENT pro tempore. The President has sent to the Senate the report of all the experiment stations in the United States.

Mr. SPOONER. Agricultural experiment stations?

The PRESIDENT pro tempore. Agricultural experiment stations.

Mr. COCKRELL. The annual report.

Mr. SPOONER. Ought not the message and report to go to the Committee on Agriculture and Forestry?

The PRESIDENT pro tempore. The Senator from Missouri moves that the whole matter be printed as a Senate document and referred to the Committee on Printing.

Mr. COCKRELL. That is the usual custom.

The PRESIDENT pro tempore. The Senator from Missouri moves a reference to the Committee on Printing, because the

President at the same time states that the Secretary of Agriculture desires to have 5,000 copies printed for the use of the Agricultural Department.

Mr. COCKRELL. That will go to the Committee on Printing.

Mr. CULLOM. That part of it.

Mr. COCKRELL. The request for 5,000 copies.

Mr. TELLER. Will not the message go to the Committee on Agriculture and Forestry?

Mr. COCKRELL. It is just the same as if the Secretary of Agriculture had sent in his annual report. This is the annual report of the Office of Experiment Stations. We simply receive it, and an order is made to print it, and under that order the usual number of copies, 1,700, are printed.

Mr. SPOONER. That leaves it in a condition ready to have extra copies printed.

Mr. COCKRELL. After that we pass a resolution providing how many copies shall be printed for distribution. This is just the same case. The Secretary of Agriculture asks that 5,000 copies be printed for his use. The Senate has no authority by a separate resolution to order 5,000 copies, as it will cost over $500 to print it, and we refer that part of the message to the Committee on Printing to consider the propriety of printing that number.

Mr. TELLER. It seems to me that it ought to go to the Committee on Agriculture and Forestry and not to the Committee on Printing. The message, so far as that suggestion is concerned, ought to go to the committee that will have the Agricultural appropriation bill before it. I do not mean that all the bundle of papers on the desk of the presiding officer shall go there. I think the motion of the Senator from Missouri as to those is all right, but it seems to me that the message itself should go to the Committee on Agriculture and Forestry, that they may, when they bring in the agricultural appropriation bill, provide for it. That is the proper place to provide for it, it appears to me.

Mr. COCKRELL. No, the printing is always done separately. It is rare that on a regular appropriation bill any provision is ever made for printing a document. They are brought before the Senate on the report of the Committee on Printing, and the Senate orders the publication. There is a general fund for the payment of the printing. I think we would be more apt to get extra copies by letting it go to the Committee on Printing, as is usual in all such cases.

Mr. TELLER. I understand that the message goes to both Houses. Does it not?

Mr. COCKRELL. Not necessarily so. This message would not go to both Houses.

Mr. TELLER. Not necessarily, but I should say that might be the case.

Mr. COCKRELL. I should think not. The annual report is sometimes sent to the Senate and sometimes to the House. Only one body orders it printed as a document, under the general rule.

Mr. TELLER. What I am anxious about is that the Secretary of Agriculture shall have this printing done, if he wants it done. That is about all I care in regard to the matter.

Mr. COCKRELL. I think to let it go to the Committee on Printing would be a safer way to get it.

Mr. TILLMAN. It seems to me that if this report, which on its face would purport to be the results achieved in a scientific way by the experiments made at the various experiment stations which are conducted under Government patronage, involves or embraces anything that is valuable, and I have no doubt it is valuable or it would not come here, and the reports of experiment stations are always valuable to farmers, it ought to be printed in some kind of a permanent shape. To have it printed as an ordinary document, as a pamphlet, means its speedy destruction, and is practically a waste of public money.

If we have not any general law which provides for the publication of this report, like we have for the Yearbook of the Department of Agriculture, it does look to me as though it is time there should be some provision of law under which such material as this shall be printed. It is the result of the scientific corps who are employed all over the United States at the various State experiment stations and who have been engaged in obtaining this information. It seems to me that this data, these facts, these experiments, should be put in a permanent shape, and that there should be a provision of law which would enable it to be done without this kind of a proceeding every year.

I suggest, as a farmer knowing something of the value of those experiments, that this message, with the accompanying papers, be referred to the Committee on Agriculture and Forestry, to determine what shall be done with it in the way of publication and what the form of that publication shall be. We all know the immense demand for the Yearbook of the Agricultural Department. I could very readily dispose of, and our farmers would be glad to get, 20,000 copies. My quota is some six or seven hundred copies, I think——

Mr. COCKRELL. Eleven hundred.

Mr. TILLMAN. And the entire State gets only some three or four thousand all told.

Now, this is equally as valuable and in some respects it is a more valuable document than the Yearbook, and I make a motion that these papers be sent to the Committee on Agriculture and Forestry.

Mr. COCKRELL. I hope the Senator will not prevent the publication of this document in the usual way, and just precisely as the Agricultural Report is printed. This is taking the exact course every public document that is printed for distribution takes.

Mr. TILLMAN. Is the Yearbook printed in this way?

Mr. COCKRELL. The Yearbook takes just the same course. We have 1,700 copies of the Yearbook printed.

Mr. TILLMAN. And then we have some 300,000 copies printed?

Mr. COCKRELL. We then pass a separate resolution authorizing the printing of a certain number of extra copies, so many for the Senate and so many for the House.

Mr. GALLINGER. That is right.

Mr. TILLMAN. What I am after is enough copies. The trouble is to get enough of these reports printed. The Department of Agriculture asks for 5,000. Will Senators have none?

Mr. SPOONER. That question is not involved in the motion to print as a Senate document.

Mr. COCKRELL. What I moved was the usual, ordinary, orderly way of printing a public document. We order it printed. Seventeen hundred copies of all of them—of our bills and our reports and everything of the kind—are printed, and they are distributed to different places.

Mr. CULLOM. Under the law.

Mr. TILLMAN. But they are in pamphlet form. They are not bound in cloth.

Mr. SPOONER. That is a separate proposition.

Mr. COCKRELL. I have stated that they are distributed all around to the different offices. Some go to the heads of Departments; they go to the committees and all that in an unbound form. They are not bound.

Mr. CULLOM. They have paper backs.

Mr. TILLMAN. Simply in pamphlet form.

Mr. COCKRELL. Yes; in pamphlet form. When that has been done Congress authorizes the publication of additional volumes, to be bound or not to be bound, just as the resolution authorizing them may direct.

Mr. TILLMAN. Who will determine how many copies shall be printed—the Committee on Agriculture?

Mr. COCKRELL. The Committee on Printing; that is the committee which reports back here on the question.

Mr. BATE. And after the report is made the Senate may amend it and order as many copies as it chooses.

Mr. COCKRELL. When the report comes here the Senate can double, or quadruple, or quintuple the number. What I propose is simply what has been done ten thousand times here by the Senate in an orderly way.

Mr. TILLMAN. I do not want to make my friend's hair stand up any straighter, and I shall have to subside.

Mr. BATE. It seems to me that the whole object can be accomplished by sending the message to the Committee on Agriculture and Forestry. They would report back here and ask the Senate to authorize the printing. All that can be done by send ing it to the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. What is the exact proposition of the Senator from Missouri?

Mr. COCKRELL. To print the usual number in the usual way, and then a resolution to print 5,000 copies for the Secretary of Agriculture to go to the Committee on Printing, and when the Committee on Printing reports a resolution to print 5,000 copies for the Secretary of Agriculture, if the committee does not amend it so as to provide for printing some additional copies, I shall move that additional copies shall be printed both for the Senate and House.

The PRESIDENT pro tempore. Shall the papers, after they have been printed as a Senate document, go to the Committee on Printing?

Mr. COCKRELL. Only on the request of the Secretary of Agriculture. They go to the Public Printer and are printed just like any other documents that are sent there.

The PRESIDENT pro tempore. Then the message of the President will go, of course, to the Committee on Printing.

Mr. COCKRELL. The message will go to the Committee on Printing, because the President makes a request for the printing of 5,000 extra copies, and we can not order that printing without the report of the committee.

The PRESIDENT pro tempore. If there be no objection, the order made is that the message of the President shall be referred to the Committee on Printing, and that the message and the papers accompanying the message shall be printed as a Senate document.

Mr. COCKRELL. That is right.

The PRESIDENT pro tempore. And that the maps and the illustrations shall also be printed?

Mr. COCKRELL. Oh, yes; they all go together.

The PRESIDENT pro tempore. That order is made.

The resolution referred to the Committee on Printing was reduced to writing, as follows:

Resolved, That 5,000 extra copies of the Annual Report of the Office of Experiment Stations, prepared under the direction of the Secretary of Agriculture, be printed for the use of the Department of Agriculture.

LINUS S. LUDINGTON.

Mr. BURNHAM. I ask unanimous consent to call up the bill (S. 3738) granting an increase of pension to Linus S. Ludington.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Artillery," to insert "Heavy;" in line 8, after the word "Veteran," to strike out "Volunteer," and in line 10, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Linus S. Ludington, late of Company G, First Regiment Connecticut Volunteer Heavy Artillery, and One hundred and nineteenth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELATIONS WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 82, by Mr. BACON, favoring the negotiation by the President of a treaty with the Republic of Colombia to satisfactorily adjust and determine all differences between the United States and Colombia growing out of the recent revolution in Panama, etc.

Mr. MALLORY. The several serious questions, Mr. President, which have arisen out of our recent negotiations with Colombia and the more recent insurrection on the Isthmus of Panama have been discussed in the press of the country, in the other body of Congress, and in this body very effectually, and much to the enlightenment of the public. I scarcely think that anything I can say will change the opinion of anyone who has given close attention to the debate and has informed himself of the facts connected with the subject.

But I conceive it to be my duty, inasmuch as in my capacity as a member of this body I will be called upon to ultimately act on this subject, to give a brief narrative of the facts, to state my conclusion on those facts, and present the decision which I have reached thereon as to the action which I shall take regarding it.

Mr. President, when this Senate adjourned last March the most important of its acts accomplished was the ratification on the 17th of that month of the convention commonly known as the "Hay-Herran treaty," whereby for divers considerations the Republic of Colombia granted to the United States the right to construct, operate, and control a ship canal across Colombian territory in the Department of Panama, to connect the waters of the Atlantic and Pacific oceans.

Enough has been said on this floor of the monumental and epoch-making character of the undertaking to which this Government was committed by that treaty to render unnecessary further reference to those considerations. It suffices to say that its ratification was accepted by the great majority of the people of this country as the beginning of the realization of a deeply cherished national hope that had been long deferred, and as the first practical step toward a consummation that would unfetter the trade and commerce of the world, open an indispensable avenue of communication between our Atlantic and Pacific coasts, and give us a strategic advantage of inestimable value should we unhappily ever become involved in war with one or more of the world's great powers.

It was generally understood in this country at that time, and correctly so, I believe, that the negotiations which led up to the formulation of that convention were sought for and initiated by Colombia, that her propositions with slight modifications were accepted by our Department of State, and that in ratifying it without amendment this Senate assented to concessions to Colombia in some particulars that strained to the limit the bounds of prudence and a just appreciation of the interests of the United States.

I think I can, without impropriety, express the belief, Mr. President, that the conviction that Colombia in initiating negotiations and making her proposals was sincerely desirous of speedily effecting a treaty which would be just and honorable to both nations, and that our unqualified acceptance of terms far less favorable to the United States than we could wish would secure its prompt ratification by the Colombian Congress, had a most potent influence in shaping opinion in this country and in securing almost unanimously favorable action by this body on that series of exceptionally important propositions.

The treaty so ratified was duly submitted to the Colombian Congress, which assembled at Bogota on June 20, 1903, and President Marroquin, by whose solicitation our Department of State was induced to listen to Colombia's overtures, delivered a message in which he perfunctorily expressed the opinion that it was the interest of Colombia that a canal should be constructed by the United States through her territory, but congratulated himself that the immense responsibility of coming to a decision in this particular case fell not on him, but on the Colombian Congress.

In brief, after having been the prime factor in persuading the United States to commit herself to a preference for the Panama route and to terms that we were led by him to believe were acceptable to Colombia, the Chief Executive of that State coolly remitted the whole matter to a Congress that was utterly ignorant of or indifferent to the transcendent importance of the subject. If he made any serious effort to induce that Congress to treat the matter in a manner and spirit worthy a question of such dignity and of such importance to the world in general and to the United States in particular, he failed most signally to make any record of it, and we are justified in believing that he was unwilling to do so.

Yet, Mr. President, despite this remarkable conduct on the part of her Executive, it was not unreasonable to expect that, through the legislative branch of her Government, Colombia would manifest a more courteous if not a more amicable disposition toward the United States. The facts that I have recited must have been known to the members of that Congress; they could not have been ignorant of the deep concern with which the people of this country would view any essential modification of the provisions of the treaty, nor of the very natural resentment that would be aroused in the United States should it appear that in her previous negotiations with us Colombia's action had been insincere and inspired by a purpose to deceive.

To say, Mr. President, that the treaty was deliberated, on or that it received any serious consideration while awaiting action by the Colombian Congress would be a misuse of terms.

It was made to serve from time to time as a pretext for more or less lurid oratorical outbursts, by which the political enemies and supporters of Marroquin exploited their opinions of that patriot, but that it was discussed with any intention of evolving a practical conclusion, of contributing to the realization of the great beneficent international undertaking for which the treaty was framed, is incontestably disproved by authentic evidence in our possession.

With an utter disregard of the gravity of their action—and I use the expression advisedly, Mr. President—the Colombian Senate unanimously rejected the treaty in its entirety on the 12th of last August. Subsequently a committee of three senators was appointed to devise and formulate a project or scheme for a treaty which would be acceptable to Colombia, and on August 29 that committee reported the result of its labors.

The most significant features of that project were the requirement that the New Panama Canal Company, which by article 1 of the Hay-Herran treaty was authorized to sell and transfer its rights, privileges, properties, concessions, etc, to the United States without paying the Colombian Government anything for that permission, should pay therefor on making the transfer 50,000,000 francs, and, secondly, that the government building the canal should pay to Colombia upon exchange of ratifications of the treaty $20,000,000 in American gold, which was a raise of ten million on what Colombia's plenipotentiary had stipulated for in article 25 of the treaty.

The treaty provided that beginning nine years after its ratification the United States would pay to Colombia, in addition to the $10,000,000, $250,000 annually during the life of the treaty. The committee's scheme provided for an annual payment of $150,000 in gold up to 1967, inclusive, and $400,000 thereafter, with the privilege of renewing the concessions every one hundred years on increasing the annual payment 25 per cent.

It also provided for mixed tribunals for the canal zone, and made pretty much the same provisions for the preservation of peace and order and for neutrality and sovereignty as were contained in the treaty, but the duty of looking after public sanitation was reserved to Colombia. So far as the constitutional question on which was based Colombia's alleged unwillingness to surrender any sovereign right on the Isthmus was concerned, there seems to be but little difference between the provisions of the treaty and the propositions of that committee.

It would appear, therefore, that the proposed increase of pe-

cuniary profit to Colombia embodied in the committee's scheme was efficacious in disposing of objections based on constitutional grounds.

This project or scheme was referred to another committee, which, on October 14, reported at length thereon and recommended that it be indefinitely postponed.

In its report that committee presented various arguments in support of its conclusion and submitted for consideration certain new points, which are chiefly noteworthy as revealing the committee's ignorance of or indifference to the serious character of the problem confronting it, and its purpose to "hold up" the great undertaking with the view of possibly forfeiting the property and rights of the New Panama Canal Company and compelling the United States to purchase from Colombia that property and those rights. Those new points are set forth in Senate Document No. 51, Fifty-eighth Congress, second session, page 84, and are in the following language:

The Herran-Hay treaty has ceased to exist, both because of its unanimous rejection by the Senate and because the time for the exchange of its ratifications, the 22d of September, has already expired, without any extension having been provided or asked for. Consequently the state of the case is the same that it was before the conclusion of the treaty. The first condition therein established was the permission granted to the new company to transfer its rights. The Senate having refused to accept this condition, the company has remained under obligations to fulfill its contract, and the Colombian Government is still under obligations to respect all its provisions and to cause them to be respected.

How can it be asked that Congress shall enact a law of authorizations to negotiate with a foreign government when the rights and privileges of the New Panama Canal Company are still in force?

The treaty concluded April 4, 1893, which amended those of March 23, 1878, and December 10, 1890, granted to the New Panama Canal Company an extension of ten years—that is to say, until December 31, 1904. Consequently, even without a new extension, the company will be in the full enjoyment of its rights and privileges until October of the coming year. But there is another consideration: The legislative decree No. 721 of 1900 granted to the company a new extension of six years, which begins to be reckoned next year and will end October 31, 1910.

One point now remains to be examined, which has so often been discussed by the press, a point which, now that the matter is under discussion, should be defined.

Is the extension granted by that legislative decree valid or not? In the first case—that is to say, if it is considered valid—seven years must elapse before the extension expires, and therefore any law concerning authorizations seems premature, as three sessions might still be held which would be able to examine the matter and to legislate concerning it with better data and evidence than the present Congress has; and if the extension is not valid, the aspect of the question changes entirely, and the basis of discussion will be quite different.

By the 31st of October of next year—that is to say, when the next Congress shall have met in ordinary session—the extension will have expired and every privilege with it. In that case "the Republic will become the possessor and owner, without any need of a previous judicial decision and without any indemnity, of the canal itself and of the adjuncts that belong to it, according to the contracts of 1878 and 1900."

When that time arrives, the Republic, without any impediment, will be able to contract, and will be in more clear, more definite, and more advantageous possession, both legally and materially. The authorizations which would then be given by the next Congress would be very different from those that can be given by the present one.

It is seen, therefore, that it is the duty of Congress to decide, as a previous question that can not be shirked, concerning the validity of the extension granted in 1900. We venture nothing on the subject, and we respect, in advance, the decision of Congress in so delicate a matter. Supposing that it does not ratify said extension, it is well to observe now that it would be necessary to include in the budget the appropriation that would be necessary to repay to the company the sum of 5,000,000 francs with interest.

Mr. President, by article 1 of the Hay-Herran treaty Colombia, through her plenipotentiary, expressed a willingness to permit the New Panama Canal Company to transfer to the United States its rights, privileges, properties, concessions, etc., without paying Colombia one cent for that permission; by the scheme proposed by the committee, which reported on August 29, it appeared that the wisdom of the Colombian Senate, as embodied in a select committee, found that 50,000,000 francs would be a fair compensation to Colombia for granting that permission, provided the United States would also pay to Colombia $20,000,000 in American gold; while the last committee, which for divers reasons recommended the indefinite postponement of this scheme, advised a campaign of masterly inactivity, whereby at the end of a year Colombia would possibly become the owner of the canal and its adjuncts, and presumably be in a position to sell the same to the United States for at least $50,000,000—the $40,000,000 we were to pay to the New Panama Canal Company for its rights, property, concessions, etc., and the ten millions we were to pay Colombia under article 25 of the Hay-Herran treaty.

Whether this can be regarded as the high-water mark of the cupidity of Colombia's representative statesmen and the limit of their capacity to drag a great international transaction down to the moral level of a gipsy horse trade we will never know, because President Marroquin, whose enemies have never charged him with a want of perspicacity, dissolved the session of Congress on October 31, before the project of August 29 could be brought to a vote or the report of October 14 had come up for discussion.

This was the lame and impotent conclusion of our effort to secure an isthmian canal by a treaty with Colombia. The hope had been inspired by Colombia; she had led us to believe that if we would abandon the Nicaragua project she would gladly assent to the essential provisions of the convention which her plenipotentiary had signed, only to demonstrate, at last, that she was actuated by no higher motive than to wring from us the last dollar which our eager wish to secure that canal and the resources of our Treasury would enable her to extort.

Mr. President, I do not doubt the right of a sovereign state to amend or reject a treaty, even when its material provisions are the results of her own suggestions; but I affirm that in such a case her grounds of nonconcurrence must be fair and reasonable, and she can not disclose an insincere or unworthy motive for her action without giving a just cause of offense to the other high contracting party.

That I am not singular in ascribing such insincerity and unworthiness of motive to Colombia may be gathered from the utterance of Señor Caro, a prominent Colombian senator, who, in addressing the Colombian Senate on this subject, is reported by Minister Beaupré to have said:

That the minister for foreign affairs had the notes of the American minister read to the Senate, in secret session, with the object of convincing that body of the necessity of accepting the Hay-Herran treaty, in view of the menacing attitude outlined in those communications. Finding in that secret session that the Senate disapproved the treaty and was determined to act accordingly, the Government, through Senator Lorenzo Marroquin, its spokesman, obtained a resolution demanding that those notes be read in public session, with the object of making it appear that the rejection of the treaty was influenced by a sentiment of indignation at the threatening attitude assumed by the United States minister.

This comedy became known to the Government of the United States, and it has resented it.

He was not influenced, generally, by what was reported in the newspapers; but the statement universally given expression to in the press of the United States that the Washington Government resented the criticism made against the United States minister in carrying out the orders emanating both from the President and Secretary Hay can not be without foundation. This was only one instance proving that the Colombian Government had not acted in good faith in these negotiations. The refusal on the part of President Marroquin to sign the treaty before presenting it to the Senate was another.

Whatever reasons the Government adduced as to there being no necessity for such a signature was outside the point. The intention was clear that the treaty was not signed because the Government wanted to have a loophole whereby to escape their obligations to the United States. In other words, it did not want to be under the obligation of coming forward to defend and support a treaty which was signed by its order. It was bound in good faith to the United States to do so. It was for Congress alone to accept or reject it. Had such a course been followed there would have been no reason to look forward with alarm to the attitude which the United States might adopt.

The Colombian Government had nothing to fear from the United States had it clearly done all in its power in supporting the treaty. No responsibility would then have attached to this country for the rejection of the treaty by Congress, a body which had the perfect right to reject or accept as it pleased. What he feared was that the United States might take the Isthmus from us under the just plea that we had acted in bad faith with them. The only strength which a small nation has is its good faith.

Señor Caro was apparently endowed with the gift of prophecy.

The Colombian Congress adjourned sine die on October 31. During its session, and pending action on the Hay-Herran treaty, it became evident at Bogota that if the treaty were rejected the people of Panama would in all probability make a serious effort to sever their political connection with Colombia because of their practically unanimous conviction that the construction of the canal by the United States was essential to their temporal salvation.

So little of a secret, in fact, was this that the appointment by President Marroquin of Señor Obaldia, a citizen of Panama, as governor of that Department evoked a storm of adverse criticism, based on Obaldia's well-known views regarding the connection between the canal and Panama's welfare. It was even publicly discussed in the Senate, and our Secretary of State was informed by Minister Beaupré, in a dispatch dated October 21, that the minister for foreign affairs of Colombia had, on the day previous, thought proper to declare in the Senate that in case of an insurrection in Panama the United States would be bound, under the treaty of 1846, to support the Government against Panama.

That the Colombian Government was seriously impressed with the menacing aspect of affairs on the Isthmus is apparent from the fact that on the 3d of November, at 8.30 a. m., some 470 Colombian troops, destined to garrison Panama, were landed at Colon, which, added to the Government troops at that time in the city of Panama, constituted a force of about 1,000 Colombian soldiers in the two isthmian cities. On the same morning, at 10.30, the commander of the third-rate U. S. cruiser *Nashville*, which vessel had arrived in the harbor of Colon at 5.30 the previous evening, received the following dispatch from the Acting Secretary of the Navy, viz:

NAVY DEPARTMENT,
Washington, D. C., November 3, 1903.

[Translation.]

NASHVILLE, *Care American Consul, Colon:*

Maintain free and uninterrupted transit. If interruption threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, either at Colon, Porto Bello, or other point. Send copy of instructions to the senior officer present at Panama upon arrival of *Boston*.

Have sent copy of instructions and have telegraphed *Dixie* to proceed with all possible dispatch from Kingston to Colon. Government force reported

approaching the Isthmus in vessels. Prevent their landing if in your judgment this would precipitate a conflict. Acknowledgment is required.

DARLING, *Acting.*

The same order was, on the same date, sent to the commander of the U. S. S. *Dixie*, then at Kingston, Jamaca, with a battalion of marines, numbering some 400 officers and men.

Orders to the same effect were at the same time sent to the commander of the *Boston*, at San Juan del Sur, Nicaragua, and of the *Marblehead*, at Acapulco, Mexico, commanding them to proceed with all possible dispatch to Panama and to prevent the landing of any armed force, either Government or insurgent, with hostile intent within 50 miles of Panama.

At 3.40 p. m. on the same day the Acting Secretary of State sent the following telegram to our consul-general at Panama and our consul at Colon, viz:

DEPARTMENT OF STATE,
Washington, D. C., November 3, 1903.

Uprising on Isthmus reported. Keep Department promptly and fully informed.

LOOMIS, *Acting.*

And at 8.15 the same evening received the following reply, viz:

PANAMA, *November 3, 1903.*

No uprising yet. Reported will be in the night. Situation critical.

EHRMAN.

At 9.50, one hour and thirty-five minutes later, our Acting Secretary of State received the following dispatch, viz:

PANAMA, *November 3, 1903.*
(Received 9.50 p. m.)

Uprising occurred to-night, 6; no bloodshed. Army and navy officials taken prisoners. Government will be organized to-night, consisting three consuls, also cabinet. Soldiers changed. Supposed same movement will be effected in Colon. Order prevails so far. Situation serious. Four hundred soldiers landed Colon to-day Barranquilla.

EHRMAN.

It thus appears that up to 6 o'clock in the evening of Tuesday, November 3, the Colombian Government was in undisputed possession of the territory of Panama, and that her sovereignty and lawful authority over it and the people living there were equally undisputed. Immediately on landing at Colon, on the morning of the 3d, Generals Tobal and Amaya, who commanded the newly arrived Colombian troops, proceeded by rail to Panama to arrange for quartering their soldiers, leaving Colonel Torres in command at Colon.

When the uprising occurred at Panama, Tobal and Amaya, with Governor Obaldia and a few other Colombian officials, were arrested by the revolutionists, and the Colombian troops, with their commander, General Huertas, quartered in the city of Panama, promptly gave in their adherence to the cause of the revolutionists. At the Colon end of the railroad Torres was endeavoring to arrange for transportation of his troops to Panama by rail. The railroad company declined to transport his troops without a request from the governor at Panama, and this fact was communicated to Commander Hubbard, of the *Nashville*. That afternoon about 6 o'clock Commander Hubbard was notified by the superintendent of the railroad that he had received the necessary request for transportation of the troops and that they would leave for Panama at 8 o'clock the next morning, November 4. In his report, under date of November 8, to the Secretary of the Navy, Commander Hubbard, referring to this, makes the following statement, viz:

At about 5.30 p. m. I again went on shore, and received notice from the general superintendent of the railroad that he had received the request for the transportation of the troops and that they would leave on the 8 a. m. train on the following day. I immediately went to see the general superintendent, and learned that it had just been announced that a provisional government had been established at Panama; that Generals Amaya and Tobal, the governor of Panama, and four officers, who had gone to Panama in the morning, had been seized and were held as prisoners; that they had an organized force of 1,500 troops and wished the Government troops in Colon to be sent over.

This I declined to permit, and verbally prohibited the general superintendent from giving transportation to the troops of either party.

It being then late in the evening, I sent early in the morning of November 4 written notification to the general superintendent of the Panama Railroad, to the prefect of Colon, and to the officer left in command of the Colombian troops, later ascertained to be Colonel Torres, that I had prohibited the transportation of troops in either direction, in order to preserve the free and uninterrupted transit of the Isthmus.

From this it would appear that at that hour it was the wish of Torres, in command of the Government troops at Colon, and of the provisional government at Panama, that the Colombian troops at Colon should be permitted to go by rail to Panama at 8 o'clock on the morning of the 4th, and it can not be doubted that this very singular, significant, and amicable adjustment of the transportation problem would have been arranged had not Commander Hubbard felt constrained by his orders to prevent it.

At 10.45 on the morning of the 4th the train from Panama arrived at Colon, and Torres and his command learned for the first time of the uprising at Panama and the arrest of their commanding officer. It was reported to Commander Hubbard at about 1 o'clock that day that Torres had notified the prefect of Colon, who had informed our consul at Colon, that if Generals Tobal and Amaya were not released by 2 o'clock that day, he, Torres, would open fire on Colon and kill every "United States citizen" in the place.

Thereupon Commander Hubbard advised all American citizens to take refuge in the shed of the railroad company, which advice was complied with so far as the men were concerned, while the women and children went on board the German steamer *Marcomania* and the Panama Railroad steamer *City of Washington*. In the meantime, between 1.30 and 2 p. m., forty-two United States marines were landed from the *Nashville* and took possession of the railroad building, while the *Nashville* herself patrolled close into the water front, prepared to use either small arm or shrapnel fire.

For about an hour and a half the Colombian troops, who had surrounded the railroad building, held a more or less threatening attitude, but about 3.15 Colonel Torres, who had apparently cooled down some, sought an interview with the officer commanding the marines, and after expressing himself as most friendly to Americans, claiming that there had been a misapprehension, expressed a wish to send the alcalde of Colon to Panama in order to have General Tobal direct the discontinuance of a show of force. The train was furnished, and the alcalde left for Panama.

At about 5:30 p. m. Torres proposed to withdraw his troops to a point near the outskirts of Colon if the marines would return to the *Nashville*, leaving the police in charge of Colon until the return of the alcalde the next morning. This proposition was accepted and complied with by Commander Hubbard and peace reigned in Colon during the night of the 4th.

Without dwelling longer on the details of this incident, I will state briefly that General Tobal did not give the desired order; that the marines were again landed before the arrival of the alcalde, on the morning of the 5th; that Torres and his force returned into Colon a little later; that affairs again assumed a menacing aspect; that at 7.05 p. m. the *Dixie* arrived at Colon with some four hundred United States marines, a portion of whom were landed in the city that evening, and that at 7.45 p. m. Torres and his command sailed for Cartagena on the British steamer *Oronoco*.

This left the Department of Panama in peaceful possession of the revolutionists, who had already organized a junta or provisional government, and through their committee on November 4 had notified Mr. Felix Ehrman, United States vice-consul-general at Panama, and our Department of State of the separation from Colombia of the Department of Panama with the purpose of erecting itself into the sovereign Republic of Panama.

On November 7, under instructions from our Department of State, Mr. Ehrman addressed the following communication to the committee of the Provisional Government, viz:

PANAMA, *November 7, 1903.*

Messrs. J. A. ARANGO, TOMAS ARIAS, and FEDERICO BOYD,
Committee of the Provisional Government, present.

GENTLEMEN: As it appears that the people of Panama have, by unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence, and as there is no opposition to the provisional government in the State of Panama, I have to inform you that the provisional government will be held responsible for the protection of the persons and property of citizens of the United States, as well as to keep the isthmian transit free, in accordance with obligations of existing treaties relative to the isthmian territory.

I have the honor to remain, gentlemen, very respectfully,

FELIX EHRMAN,
United States Vice-Consul-General.

It will be observed that our Department of State was prompt to impress on the new Government of Panama the latter's obligation to keep the isthmian transit free, in accordance with existing treaties relative to the isthmian territory.

On November 5 the committee informed our Department of State that they had appointed Señor Philippe Bunau-Varilla confidential agent of the Republic of Panama near our Government and Dr. Francisco V. de la Espriella as their minister of foreign affairs.

On November 11 Mr. P. Bunau-Varilla notified our Secretary of State that the Republic of Panama had designated him as envoy extraordinary and minister plenipotentiary to the United States, with full powers to negotiate; and on the 13th the President received Mr. Bunau-Varilla and accepted from him his credentials as envoy extraordinary and minister plenipotentiary.

At the beginning of this session of Congress the President transmitted to the Senate for its action thereon a treaty with the Republic of Panama, and in his annual message expressed the opinion that by it our interests are better safeguarded than by the Hay-Herran treaty and that this treaty is better in its terms than those offered to us by Costa Rica and Nicaragua. I quote from his message in this connection the following expression, viz:

At last the right to begin this great undertaking is made available. Panama has done her part. All that remains is for the American Congress to do its part and forthwith this Republic will enter upon the execution of a project colossal in its size and of well-nigh incalculable possibilities for the good of this country and the nations of mankind.

Mr. President, I have endeavored in the foregoing narrative to state as succinctly as I was able the material—and only the mate-

rial—facts that should, in my judgment, determine my action as a Senator regarding this treaty.

The details and intrinsic merits of the treaty itself can be dealt with only in executive sessions of this body; but it is urged with much vigor and eloquence, first, that the conduct of the executive branch of our Government in dealing with Colombia and Panama is quite incapable of defense or justification, and, secondly, that one who disapproves or condemns the Executive's action in any particular in that connection can not favor the ratification of the treaty without ipso facto condoning a flagrant international wrong.

To sustain the first of these propositions it is argued that certain occurrences, both in Panama and in this country, precedent to and practically coincident with the uprising in Panama, demonstrate beyond a reasonable doubt that some official or officials of the United States in position of high responsibility, through some unknown medium, incited the Panama leaders to revolt against Colombia by intimating, suggesting, or otherwise communicating to them the favorable course of action which the Executive of the United States would pursue in case of an uprising on the Isthmus.

It will be admitted that there were circumstances which gave a strong coloring and plausibility to this contention, but we are relieved of any occasion to speculate concerning them by the positive and unqualified denial of the President, made in his message to Congress on the 4th of last month. That denial is comprehensive and complete, and, so far as I am concerned, disposes of the charge definitely and conclusively.

In support of the same proposition it is also urged that the Executive violated the act of Congress commonly styled the "Spooner Act," in that when the Colombian Senate rejected the Hay-Herran treaty he did not, as required by that law, abandon the Panama route and proceed to negotiate with Nicaragua and Costa Rica for the right of way via San Juan River and Lake Nicaragua.

My understanding of the object and terms of the Spooner Act compels me to differ with those who hold this opinion.

While with the light we now have on the motives of the Colombian Executive and Congress it seems that they were not disposed at an early day to make any compact with us under which we would be able to secure a satisfactory title to the property of the New Panama Canal Company and perpetual control of a canal zone across the Isthmus on reasonable terms, still their action was not conclusive of Colombia's purpose to adhere to a policy so antagonistic to her own interest, and Congress had expressly permitted the President to keep the matter open with the Government of Colombia until a reasonable time for securing the desired rights had elapsed.

The Colombian Congress did not drop the matter with the rejection of the treaty on August 12. While they had thrown its propositions overboard with as little compunction or hesitation as if those propositions had been an orphaned litter of blind puppies, they had not abandoned consideration of the great subject to which they related, and at the time of their dissolution that Congress had before them a series of counter propositions, which were undoubtedly intended for the consideration of the United States. Can it be justly said, in view of the magnitude of the subject and the circumstances attending the negotiations with Colombia, that when the Colombian Congress adjourned the Panama route was effectually and finally barred against us, and that any further effort to secure what this Government deemed the most desirable route would involve an unreasonable consumption of time? In my judgment, Mr. President, this can not be done; and if it can not, this point of criticism of the Executive is not well taken.

The point has also been dwelt on by some of those who criticise the action of the President as being contrary to the requirements of the Spooner Act, in that he had no right to treat with any other sovereignty than Colombia for the Panama Canal concession, because the Spooner Act required him to secure the right of way across the Isthmus from the Republic of Colombia. To my mind, Mr. President, this contention subordinates the spirit and object of the Spooner Act to its letter, and is contrary to the plainest rules of statutory construction.

The territory over which we desired to secure control was as distinct and well defined as a city lot or block. The purpose to which we desired to put it—viz, a canal route across the Isthmus of Panama—was the only purpose for which we could use it, and it was quite immaterial from what owner or sovereignty we were to obtain it. To obtain the concession for that route was of the essence, to obtain it from Colombia was simply incidental. I do not think, Mr. President, that this point can be successfully maintained, and I shall dismiss it with this brief reference.

It is further urged that the Executive in recognizing the existence of a government in Panama, through the action of our consul-general, Mr. Ehrman, on the 7th of November, only four days after the outbreak of the revolution, violated a plain canon of international law, because it is a principle of law governing the recognition of all governments, and particularly those that have seceded or withdrawn from political connection with existing states, that they should not be recognized until they have established a stable government and have manifested ability to maintain their independence.

The same is said with equal force concerning the action of the President in receiving Mr. Bunau-Varilla on the 13th of November as envoy extraordinary and minister plenipotentiary of the Republic of Panama and accepting the credential tendered by him.

Under our Constitution the President is vested with authority and discretion to receive ambassadors and other public ministers. It is for him to determine whether or not he shall by receiving such a diplomatic official commit the United States to a recognition of the sovereignty and independence of the state sending the envoy.

I am quite certain that there are considerations connected with this case which would have deterred most of our Executives from taking this important and conclusive step when it was taken, and I myself believe that the President was guilty of error in acting as precipitately as he did.

But, Mr. President, in my judgment the principal wrong involved in that error was suffered by the United States, for by it a precedent has been set which is alike menacing to our peaceful relations with foreign nations and to the preservation of our well-deserved reputation for an exalted sense of right and justice.

I differ with those, Mr. President, who affirm with much emphasis of assertion that had it not been for the interference of the armed forces of the United States with the freedom of movement of the Colombian troops the revolution would have been speedily crushed. Our action may have prevented a conflict and bloodshed, which I hold, however, to be no excuse for that action under the then existing conditions; but I am free to say that it is not clear to me that it could have been crushed by Colombia, even if the United States had kept her Navy and marines out of sight of the Panama coast. The revolutionists had gained absolute control of the city of Panama, and with the Colombian troops there, who had joined the revolutionists, had at their command a force largely superior to that which General Tobal landed at Colon on the morning of the 3d of November. The people of Panama had every reason to wish for separation from the Colombian Republic, and it stands to reason that they were practically unanimous in favor of independence and autonomy. Their territory was separated from the rest of Colombia by about 300 miles of as rugged mountain wilderness as can be found on this hemisphere. On the east and south this barrier rendered them practically safe from invasion. On the west and north they had a friendly republic from which no present hostility was to be apprehended. Colombia herself was absolutely bankrupt financially, and politically was torn to pieces by perennial contests between irreconcilable factional leaders. Panama could be approached only by water, and the Colombian navy was so feeble and moribund as to be incapable of performing any more warlike duty than the transportation of such few troops as their limited size would permit. We certainly would not have permitted them to bombard either Panama or Colon.

Panama would have had the sympathy of the people of the United States, and of all people who view with approval the efforts of the downtrodden and oppressed to strike off their political shackles, and I doubt not would have been able to procure all the financial and material aid that was necessary to enable her to make a vigorous defense of her territory. If these considerations are of weight it would not seem that the alleged disparity of strength between Panama and Colombia, based on their very unequal populations, was so great as to make the effort of Panama to maintain herself against the attack of Colombia as hopeless as has been contended for.

Again, Mr. President, while the principle of international law that I have referred to is undisputed, it is also an accepted doctrine that a state, when called on to recognize the sovereignty of a new-born state, is justified in shaping her action according to what she believes to be her best interests. Conceding that the requirements for recognition have been complied with, it does not follow that the state from which recognition is sought is bound to recognize unless she sees that it is to her interest so to do.

In other words, it may be said that while a new-born state should not be recognized as sovereign and independent until she has placed herself in the position required by the law of nations, the fact that she is in such position does not impose on another state any obligation to recognize her at any particular time. Whether the recognition shall be prompt or long deferred is a matter entirely in the discretion of the recognizing state. On this principle our Government has acted in numerons instances in dealing with the question of recognizing new states.

To recognize as independent a state that has seceded from another state before the former has established a government or demonstrated her ability to maintain her independence, is an act of hostility to the latter state, and may justly be assigned as a cause of war against the recognizing state. To do so after a gov-

ernment has been established and ability to maintain it against the enemy has been demonstrated, is not inconsistent with the obligations of neutrality and can not be a just cause of war.

While, as I have indicated, it is my opinion that there was reason to believe that Panama could successfully resist the assaults that Colombia might have made on her, it is a fact that as to this there was and still is a wide difference of opinion, and she certainly, at the time of her recognition by our Government, had not shown or attempted to show what she could do in that regard.

It was purely a matter of conjecture, and will ever remain as remote from an accomplished fact. Neither was the other requirement of law for Panama's recognition an existing fact. She was not a republic, either in form or in substance, and her government was a committee, composed of a very limited number of men who had grasped the sovereignty of the state provisionally and with the avowed purpose of ultimately, at some other time, organizing such a government as is recognized by civilization. In recognizing the so-called Republic of Panama, under these circumstances, the President undoubtedly furnished Colombia with a just cause for a declaration of war against us.

This, Mr. President, was a step which I am quite sure can not be justified under that provision of our Constitution which vests in the Executive the right and power to recognize a sovereign state. The true interpretation of that clause of our Constitution would, I think, impose on the Executive the duty of ascertaining beyond any question whether his act of recognition could be justly construed as an act of hostility by any nation that had reason to object to such recognition, and if he found that his action could be so construed then it would be his duty to defer recognition, at least until he could have an opportunity of consulting that branch of our Government to which the Constitution confides the grave responsibility of declaring war.

There may be, undoubtedly, some exigencies in which the Executive has to perform some act that will probably lead to war; but such exigencies are rare, and it is very clear that the framers of the Constitution in vesting in the President the right to receive ambassadors and other public ministers did not contemplate that the power so conferred should ever be used as a substitute for a declaration of war.

To my mind, however, Mr. President, the feature connected with this incident of the Panama revolution that is most objectionable and indefensible is found in the fact that, try to defend it as we may, the Colombian Government in a time of peace, when her relations with us, though perhaps not cordial, were certainly not hostile, was prevented by our Government from attempting to assert her undeniable right to suppress disorder within her own territory, and that it is a fact that the peaceful organization of the Panama Government was probably due to our interposition.

When, in addition to this consideration, it is borne in mind that we were most solicitous to secure a right of way for a ship canal across the Isthmus of Panama, and that by our precipitate recognition of the independence of Panama we made a long stride toward the realization of that desire, it would seem to a disinterested and impartial judgment that the United States had abandoned her time-honored traditions and had recklessly subordinated the preservation of her high repute among the nations of the earth to the sordid purpose of material profit.

But, Mr. President, while it may be admitted that in the matter of recognition of the Republic of Panama something may be said, if not in justification, at least in palliation of that unprecedented step, and that some of the criticisms evoked by it have been extremely harsh and bitter, the remaining point to which those who have criticised the Executive's action have earnestly called attention is to my mind much more serious and much more difficult to defend.

In a former part of my remarks I called attention to dispatches sent by our Acting Secretary of the Navy on November 2, 1903, to the United States cruiser *Nashville* at Colon, the *Boston* at San Juan del Sur, the *Marblehead* at Acapulco, and the *Dixie* at Kingston, Jamaica. It will be observed that the dispatch directed to the commanding officer of the *Nashville* and the others were of similar import, ordered him to "prevent the landing of any armed force with hostile intent, either Government or insurgent, either at Colon, Porto Bello, or other point," adding that a Government force was reported approaching the Isthmus in vessels and that their landing should be prevented if in the judgment of that officer such landing would precipitate a conflict.

This dispatch was sent and reached its destination before a single hostile arm was raised against the sovereignty of Colombia on the Isthmus of Panama. We were at peace with Colombia, with her diplomatic representative at our capital, and our minister residing at Bogota. We had only a short time previously emphasized our recognition of the sovereignty of Colombia over the Department of Panama by undertaking to gain the consent of Colombia to the construction by us of a canal across the Isthmus.

Under the law of nations these orders to our naval commanders were in flagrant violation of the sovereign rights of Colombia and can not be successfully defended or justified, unless it can be shown beyond question that Colombia had yielded up to the United States the right possessed by every sovereignty to suppress disorder and unlawful violence within her own territory. Clearly, if we had no treaty right with Colombia empowering us to interpose between her and her prospective domestic lawbreakers, those orders commanded our officers to commit an act of war against Colombia.

It will also be observed that subsequently, after the uprising had occurred at Panama, our naval officer in command of the *Nashville* landed marines for the purpose of preventing Colombian troops who were on their way to Panama from being transported to that city. The officer in command of the Colombian troops was informed by the commander of the *Nashville* that he would not be allowed to proceed to Panama, and a conflict and probable bloodshed were averted only because the Colombian commander desisted from any forcible effort to carry out his purpose.

This conduct on our part is, of course, also unjustifiable under the law of nations, and can not be supported unless it can be shown that Colombia by treaty or concession gave the United States the right to take this action.

I have listened, Mr. President, to some of the arguments in justification of the Executive in the matter to which I am now referring, and I have read with due care and attention the arguments furnished us by the President himself in his annual message and in that of January 4 but I have failed to hear or discover anything in those arguments approximating to a justification of that action.

Article 35 of our treaty of "peace, amity, navigation, and commerce" of 1846 with New Granada, to the rights and obligations granted and imposed by which Colombia succeeded, contained reciprocal stipulations on the part of the contracting parties which may be briefly summarized as follows:

The Government of New Granada guaranteed to the Government of the United States that the right of way or transit across the Isthmus of Panama, upon any mode of communication then existing or thereafter constructed, should be open and free to the Government and citizens of the United States and for the transportation of any articles of produce, manufactures, or merchandise of lawful commerce belonging to the citizens of the United States. * * * And the Government of the United States, in order to secure to themselves the tranquil and constant enjoyment of the advantages mentioned and as an especial compensation for said advantages and other favors acquired by the treaty, guaranteed, positively and efficaciously, by that stipulation the perfect neutrality of the Isthmus of Panama, with the view that free transit from one to the other sea should not be interrupted or embarrassed in any future time while the treaty should exist; and in consequence, the United States also guaranteed in the same manner, to wit, positively and efficaciously, the right of sovereignty and property which New Granada then had and possessed over the said territory, to wit, the entire Isthmus of Panama.

The construction put upon this guaranty of neutrality by all of our Secretaries of State who have had occasion to refer to it in their State Papers has confined the obligation on the part of the United States to the preservation of the neutrality of the Isthmus against any warlike acts on the part of any foreign nation.

It has on more than one occasion been declared by such authority that the duty imposed on the United States by that stipulation did not require us to interfere in the domestic broils of New Granada or Colombia. It has been contended by some of our publicists, and with some show of reason, I think, that under that guaranty the Uinted States had the right, in case Colombia was unable to suppress disorder in Panama whereby the open and free transit across the Isthmus was obstructed, to interpose with such force as was necessary to remove such obstruction and preserve uninterrupted and unembarrassed transit by restoring the supremacy of legitimate authority.

This would be consistent with the expressed purpose of our guaranty of neutrality and with the purpose of Colombia in conceding to us free transit without interruption or embarrassment. Undoubtedly, under that clause of the treaty, we had the right when requested by her to give our aid to Colombia in suppressing disorder or insurrection on the Isthmus, whereby free and open transit was likely to be interrupted, but we were under no obligation to do so, and that right is very different from the right to prevent Colombia from taking proper steps to suppress an insurrection against her authority.

The fact that the parties to the treaty thought proper to insert after the guaranty of neutrality the further guaranty of the

right of sovereignty and property of New Granada on the Isthmus discloses their intent to exclude the idea of any release of her sovereign rights over the territory other than that which was necessary to enable the United States to comply with her guaranty of neutrality. Had there been no clause in the treaty guaranteeing the sovereignty of New Granada, the fact that she yielded any more of her sovereignty than was necessary, in order to enable the United States to perform her duty as a guarantor of neutrality, could not be inferred or gathered by implication from anything in the treaty.

Sovereignty, Mr. President, has been defined more or less tersely by different authorities on international law. From some of them I quote the following. It is—

The supreme power by which any state is governed. (Wheaton's Elements, etc., p. 115.)

The supreme, absolute, uncontrollable power by which any state is governed. (Cooley.)

The political authority, whether vested in a single individual or a number of individuals, to order and direct what is to be done by each individual in relation to the end and the object of the state. (Halleck.)

The union and exercise of all human power possessed in a state; it is a combination of all power; it is the power to do everything in a state without accountability; to make laws, to execute and apply them, to impose and collect taxes and levy contribution, to make war or peace, to form treaties of alliance or commerce with foreign nations and the like. (Story.)

Vattel, book 1, section 4, defines a sovereign state to be:

Any nation or people, whatever may be the form of its internal constitution, which governs itself independent of foreign powers.

This supreme, absolute, and uncontrollable power is necessary and essential for the self-preservation of a state, and is never yielded or surrendered, even in a minor degree, except for most compelling reasons. If relinquished to any considerable extent it necessarily means the destruction of the state's independence, which is the very life and soul of the nation.

Of the absolute and undeniable rights of states says Wheaton:

One of the most essential and important, and that which lies at the foundation of all the rest, is the right of self-preservation. It is not only a right with respect to the other states, but a duty with respect to its own members, and the most solemn and important which the state owes to them.

And Chancellor Kent tells us that—

The right of self-preservation of a nation, as well as of an individual, is paramount to all other considerations.

There is no right of sovereignty more essential and fundamental than that which empowers it to suppress and punish violation of its laws. Without it a state can not preserve its existence, and the surrender of it necessarily means the destruction of the state. Therefore every implication is against the intent of a state to give up this fundamental right, and it can only be conceded when it is done in positive, unequivocal, and express terms.

Therefore I claim, Mr. President, that had the United States not guaranteed the sovereignty of Colombia over the Department of Panama by article 35 of the treaty of 1846, it could not have been inferred, in view of the subject-matter of that treaty, the situation of the parties thereto, and the circumstances connected with its negotiation and execution, that it was the intent of either of the high contracting parties that Colombia should relinquish, in the slightest degree, her sovereign right to suppress rebellion against her authority, or lawlessness of any kind, in that territory.

Neither can that be inferred from any expressions contained in article 35, because it is in no sense inconsistent with any of the provisions of that article that Colombia should retain a right so necessary to the preservation of her sovereignty. But, Mr. President, by a distinct and substantive clause in article 35 the United States guaranteed to the Republic of New Granada and its successors, positively and efficaciously, the rights of sovereignty and property which New Granada had in that territory.

In view of these considerations, can it be consistently argued that in preventing the Government of Colombia from transporting troops from one point to another in her territory of Panama, merely on the suspicion that this might result in an interruption of transit across the Isthmus and in prohibiting her, after it was ascertained that an uprising had begun in the city of Panama against her authority, from landing troops within 50 miles of the line of transit, which troops were necessary to quell resistance to her lawful authority, we did not in so doing violate our guaranty of Colombia's sovereignty over that territory?

That our Executive and Department of State regarded it the duty of Colombia not merely to protect the persons and property of citizens of the United States in Panama, but also to keep the isthmian transit free in accordance with Colombia's obligations under the treaty of 1846, is apparently admitted by the communication of our vice-consul-general at Panama under instructions from our Department of State to the committee of the provisional government under date of November 7, 1903. In that communication our representative used the following language:

I have to inform you that the provisional government will be held responsible for the protection of persons and property of citizens of United States, as well as to keep the isthmian transit free, in accordance with obligations of existing treaties relative to the isthmian territory.

If the obligation to keep the isthmian transit free was imposed on the new-born Government of Panama because of its having succeeded to the rights and duties of Colombia under the treaty of 1846, the query naturally arises, How could our Government consistently have denied to Colombia only a few days before the right and duty, under the same treaty, to comply with the same obligation?

If Colombia could not be permitted to take necessary steps to prevent a mere possible interference with free and open transit across the Isthmus, how could it be logically or justly required of Panama to do that very thing under identically the same treaty with Colombia?

I confess, Mr. President, that I am at a loss to understand how the conflicting attitudes of our Executive in this matter can be reconciled. I regret to say that the argument of the President embodied in his message of January 4 does nothing to relieve this point of the embarrassment in which it is involved, though it does much to show that any obligations of ours or rights of Colombia under article 35 of the treaty of 1846 were not embarrassing him.

He tells us, among other things, that it was his intention to consult Congress as to whether, under the conditions occasioned by the rejection of the Hay-Herran treaty and the adjournment of the Colombian Congress without further action, it would not be proper to announce that the canal was to be dug forthwith, that we would give the terms we offered and no others, and that if such terms were not agreed to we would enter into an arrangement with Panama direct, or take whatever steps were needful in order to begin the enterprise.

It is fair to infer that such a course commended itself to him as worthy of deliberate consideration, and if such is the fact it brings out in startling relief the President's unique conception of our international rights and furnishes a key to much that is connected with this whole subject that is otherwise quite inexplicable. The proposition which the President contemplated submitting to Congress was, in plain English, to tell Colombia that if she would not concede to us all that we sought from her in her territory on the Isthmus we would, in the face of our treaty with her, in defiance of her rights under the law of nations, ignore her sovereignty over the Isthmus, deal with Panama direct, and take what other steps we thought necessary to occupy and use her territory.

In view of his subsequent summary disregard of Colombia's rights in the premises, the only surprising feature of this declaration by the President is the statement that he contemplated consulting Congress about the matter.

The fifth paragraph of article 35 of the treaty of 1846 is in the following language:

Fifth. If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

If, as the President evidently seems to think, Colombia in rejecting the Hay-Herran treaty violated or infringed on any of our just rights under article 35 of the treaty of 1846, the duty imposed on him by the provisions of that paragraph, which I have just quoted, of laying before the Colombian Government a statement of the injury complained of and demanding justice and satisfaction therefor, was as obligatory as any other requirement of that treaty and should have been complied with.

There are other points bearing on this subdivision of the question to which I might refer, and which probably are as worthy of consideration as any that I have here developed, but I have already consumed more time than I intended when I first entered on this subject, and I shall content myself with observing that in my judgment, for the reasons I have given, the action of the Executive in preventing the Colombian Government from landing her troops on her own territory, in a time of peace, and in preventing the Colombian authorities from attempting to suppress an insurrection against the law and authority of that State was a gross violation of international law and of our treaty then existing with Colombia.

Mr. President, the next and last question which presents itself for consideration in connection with this subject is whether, disapproving as I do most unreservedly and emphatically the Executive's action in the two particulars last discussed, I can favor the ratification of a treaty with Panama providing for the construction of an isthmian canal across the territory of that State without condoning the wrong which I have disapproved.

The question is one of serious importance and involves the assumption of a responsibility of the weightiest character. It would have been an easy matter if I could by any conscientious course of reasoning have brought myself to believe that the Ex-

ecutive's action in all the particulars I have referred to was free from reproach. It would have been easier and, perhaps, more politic in me, viewing the important questions involved as I do, to have remained silent and to have cast my vote in the way in which I believe a great majority of the people whom I, in part, represent on this floor would have me to vote.

By so doing I might have avoided some of the criticism which the more pronounced course that I am pursuing naturally invites. But, Mr. President, I am quite satisfied that I can favor the ratification of the pending treaty or any other treaty with the Government of Panama, if in their details they meet with my approval, and at the same time logically retain my right to disapprove of the action of the Executive in its dealings with Colombia.

Article II, section 3, of the Constitution vests in the President the right and power to recognize new states by receiving ambassadors and other public ministers. It is a power exclusively in the President, and the occasion for its exercise and the conditions under which it is to be exercised are left exclusively, and necessarily so, in the sound discretion of that officer.

It is a power that should not be used improvidently or with an improper motive, because when exercised affirmatively it fixes a status of the state recognized and of this Government, with relation to each other, imposing and conferring duties and rights on them, respectively, that can not thereafter be logically or rightfully denied or contested by either Government.

When the Executive of this Government has once fixed that status, the question of the correctness, justice, or wisdom of his action in so doing is no longer a practical question, so far as the action of the other two coordinate departments of our Government is concerned. The individual members of our highest judicial tribunal may, as individuals, disapprove or condemn the Executive's action in such a case, but in their judicial capacity, as a coordinate branch of the Government, they are bound to accept and recognize as a conclusive fact the status which has been fixed by the authority in whom the Constitution has confided the exclusive right and duty to perform the act by which that status is fixed. This principle is so well established by numerous decisions of that tribunal that it may be said to be a part of the fundamental law of the land.

The reasoning that applies in the case of the judiciary, Mr. President, is equally as forcible when we come to consider the position or attitude which the legislative department of our Government, or the Senate when acting alone in its executive capacity, under the treaty-making power, should take when confronted with an instance of recognition of a new state by the Executive, under circumstances which Congress or the Senate regards as unjustifiable.

A discretion to act or not act vested exclusively in one of our coordinate branches of Government can not be controlled by either of the other branches, and when once exercised can not be ignored or denied by either without infringing on or usurping the exclusive right or duty of the branch that has been vested with the discretion.

An act of Congress that has been constitutionally passed over his veto is binding on the President, though he may regard it as inspired by unpatriotic motives and as grossly unjust.

The income-tax decision is regarded by many of us as absolutely wrong, but the Senate in its legislative capacity can not deny that it is the law to-day. For this reason it would be wrong, if not revolutionary, in my judgment, Mr. President, for Congress to refuse to provide compensation for a minister who, having been nominated by the President and confirmed by the Senate, had under that authority undertaken to represent this Government at the capital of a state, solely because a majority in Congress believed the state in question had been unwisely, improvidently, or in any way unjustifiably recognized by the President.

The remedy or redress in such a case lies not with Congress nor with the judiciary.

It is possible that if the gravity of the Executive's abuse of discretion, in such a case as I am considering, were to present itself to a majority of Congress as of sufficient enormity, it might be practicable under the constitutional provision for impeachment to take such action as would at least exert a deterrent influence in the future; but the only certain, efficacious, conclusive, and practicable redress lies with the people of this country, who vested the Executive with that function of their sovereignty which he abused, and who by their suffrages can constitutionally express their approval or disapproval of his conduct.

Congress undoubtedly, in such a case, if it deemed proper, and the Senate alone, as in the instance of the pending treaty, might, in order to emphasize its disapproval of the Executive's action in recognizing Panama, ignore the existence of that State, and refuse to take any Congressional or Senatorial action regarding such an entity as the Republic of Panama; but I hold, Mr. President, that such a course could not be justified on any constitutional ground, and that it would lead us only into a bewildering and endless labyrinth of inconsistencies and anomalies. What Congress or either of the Houses thereof ought not to do, the individual members of those Houses ought not to desire them to do.

Since Panama has become a sovereign State, she has probably in that character and by reason of her geographical position and the recognition of her sovereignty by our Executive succeeded the Republic of Colombia in the enjoyment of the rights granted, and has incurred the obligations imposed by article 35 of our treaty of 1846 with New Granada. By that treaty the Government of the United States is obligated to preserve the neutrality of the Isthmus of Panama, which includes the entire territory of the Republic of Panama, against all foreign assailants.

It is also probably obligated to preserve the sovereignty and property rights of the Republic of Panama in the territory of Panama. By the status which was given to the Republic of Panama immediately on its recognition as a state by the Government of the United States, the Republic of Colombia assumed, so far as this Government is concerned, a different relation to Panama from that which had formerly existed, and became a nation foreign to Panama.

The conclusion, therefore, follows that should Colombia undertake to invade the territory of Panama, and Panama be unable to effectively resist such invasion, the United States, under our treaty of 1846 with New Granada, would probably be bound to use such of our military and naval force as would be necessary to expel the Colombian troops from the territory of Panama. This necessarily would mean war with Colombia, a condition which may possibly exist at an early day, and, as patriotic citizens and legislators of the United States, all of us would feel obligated to vote the necessary supplies and take all legislative action required to carry that war to a successful conclusion by protecting and maintaining the integrity of Panama as a state.

Should this Senate, therefore, reject the pending treaty for the reason assigned, we might very possibly be placed in the attitude of authorizing the expenditure of the blood and treasure of our people in order to maintain a state legally if not justly recognized by our Government, the sovereignty of which our Government is obligated by a treaty to defend, yet with which we Senators are unwilling to treat. I trust that we will escape the embarrassment of such a situation.

The Republic of Panama will doubtless exist as an independent state for many years, unless the Government of the United States shall conclude to benevolently assimilate her. Conceding that this Senate should reject the pending treaty, because by not so doing it would condone the unjustifiable action of the Executive, and next year, or the year thereafter, or at some time in the not remote future, the same or a similarly favorable treaty with the Republic of Panama, covering the same subject, were presented to us for ratification, what would then be our attitude concerning the propriety of ratification?

If there is any moral delinquency involved in ratifying it now, would a mere lapse of time serve to condone that delinquency and make what is wrong now right and just then? If not so, Mr. President, it will be impossible for anyone who now believes that he can not vote for the ratification of the treaty without condoning the much-discussed action of the President to ever look with favor on a proposition for a canal across the Isthmus of Panama so long as the Republic of Panama exists.

It is possible, Mr. President, that when the pending treaty comes to be carefully considered and analyzed there may be reasons developed why it should be amended, or even rejected; but, viewing our function and constitutional limitations as I do, I fail to see any sufficient reason why a member of this body who disapproves and condemns the President's action as I do—emphatically and unqualifiedly—should, for that reason alone, feel it his duty to antagonize the treaty.

Such action might be construed as a rebuke to the President, but, in my judgment, it would be a rebuke administered in a method and manner which we are not authorized to employ. I know of nothing more tangible or practical that it would accomplish than to remit to an indefinite future and to the multitudinous contingencies and uncertainties of the years to come the realization of a superlatively desired object of the people of the United States in general and of my own constituency in particular.

Such a step, involving an overwhelming disappointment to many millions of our citizens, and the probable destruction of any reasonable hope for an isthmian canal during our generation, should not be taken lightly nor for any but the strongest and most convincing reasons. The fact that the President has erred most seriously, as I affirm, in performing a constitutional duty imposed on him, and on him alone, is not, in my judgment, such a reason.

Mr. HEYBURN. Mr. President, it had not been my intention to take any part in the discussion of the Panama question. I have felt that it was in able hands, and that the committee hav-

ing charge of the matter primarily would present every phase and feature of it. Practically everything that could be said in regard to this question has been, from some standpoint, discussed. But we each have our differing views as to the effect and the force of the various matters involved in the Panama question.

I do not feel called upon to apologize for any act or thing that has been done by the Republican Administration in dealing with this question. No apology is necessary, because no act of the Administration has been beyond the scope of its powers and without the scope of wisdom.

The question of the recognition of the Government of Panama is a settled and determined question; it is not open for further consideration to the end of modifying or changing the act; it is not within the power of this body to do so, and were it within its power, I am satisfied that it would not meet with the approval of the majority of this body that any change should be made in any act that has been done by the Administration. The question stands to-day upon the wisdom of the negotiations that have taken place between this Government and the Government of Panama. Anything back of or behind the hour of the recognition of that Government is merely a question of inquiring into matters that can not in any way affect the action of the Senate; and in the discussion of this question as lawyers or the consideration of it as a court we do not need to go behind that day.

It may, however, be interesting that we should for a moment consider the circumstances that led up to the situation which confronts us to-day. We gather wisdom for dealing with the present question from a consideration of the conditions and circumstances out of which it grew.

The proposition to dig a canal across the Isthmus of Panama is practically as old as is the history of that country. I have no doubt the aborigines, bending the prows of their canoes against those banks, sought to find some way to cross from ocean to ocean, and since the days of the Spanish navigators who discovered this ligament binding together the two continents upon this hemisphere, the question has never been quiet. During the Administration when the affairs of state were in the hands of John Quincy Adams, steps were taken to secure the construction of such a canal.

Those efforts were not relaxed until in 1843 the Government of New Granada sent its representatives to the strong governments of the earth to see if it could not enter into some arrangement with them that would result in the construction and operation of this canal. To England, to France, to Germany, and to the United States their representatives went. That action resulted, so far as we are concerned, in the making of the treaty of 1846, which gave us a right of way and a right to participate in the enjoyment of any other rights across the Isthmus. Whatever right passed, whatever is within the purview of the term "right of way," came to us by virtue of that treaty. We paid for those rights; we entered into a solemn obligation with the Government of New Granada that we would perform certain things in consideration of the rights which they had conceded to us.

At that time, of course, it could not have been contemplated that there would be a canal as we understand it to-day, because the world had not then advanced to that point; the means of crossing the Isthmus were not up to the broad and splendid scale of the possibilities of to-day; but that was the foundation that ultimately led to the commencement of the project of digging the canal.

The treaty with reference to the right of way with those Governments contemplated that the enterprise should be a private one assisted by a government. At that time it was not contemplated that any government would undertake this as a national project, but only that they would give their encouragement and assistance to the persons or the corporations who might be willing to enter upon it.

We obtained by virtue of the treaty of 1846 this right of way, and in order to understand just what was contemplated we must look to the instructions that were given by the Government of New Granada to its representatives who went out for the purpose of securing this contract at the hands of other governments. We find a translation of them in Senate document No. 17, on page 28:

> Mr. Mosquera is authorized, first, to conclude a treaty with the Governments of Great Britain, France, the United States, Holland, and Spain, or with one or more of them, in order that the said Governments may charge themselves with the enterprise of opening a canal of large dimensions across the Isthmus of Panama.

That was in 1843, three years before the consummation of the treaty which emanated from those instructions and that effort. So, in interpreting the treaty of 1846, we have to resort to the familiar rule of taking into consideration the things which led up to it, the intent of the parties who made the contract, and we find their intent expressed in the instructions given to their minister who ultimately negotiated that treaty.

That treaty was not negotiated with Colombia. Senators have spoken of it as a treaty with Colombia, and of Colombia's rights under the treaty. That treaty, so far as the Isthmus of Panama was concerned, was one in which the guaranty of sovereignty and of neutrality ran with the land to which it was applied—to Panama. Panama was one of the states or provinces which by compact constituted a larger government at that time. She was recognized as such and spoken of as such by Mr. Polk in the message with which he transmitted the treaty to the Senate. It was the Province of Panama.

New Granada, being the center of power that governed Panama and the other provinces that constituted the Government of New Granada, speaking for this province and for the things that peculiarly belonged to it, to wit, the Isthmus of Panama and the right to cross it, entered into a treaty with the United States that the United States should guarantee the neutrality and the sovereignty of Panama. The language confines that guaranty to Panama. They did not undertake to guarantee the neutrality or sovereignty of New Granada, but only that of Panama. So long as Panama was a part of the Government of New Granada, of course no question could arise as to the local application of this treaty, but just as soon as Panama ceased to be a part of the Government of New Granada, then the question did arise as to the application of this provision in the treaty that guaranteed the neutrality and the sovereignty.

I maintain, Mr. President, that our guaranty in the treaty of 1846 does not extend, nor did it ever extend, beyond the geographical limits of Panama; and in whatever hands we find the Government of Panama, there is where the obligation of the treaty attaches. It did not attach to Bogota or to any other portion of what then constituted the Government of New Granada, but attached to Panama, and from the hour that we recognized Panama as a sovereign Government, it did not become us, nor was it necessary for us to consider the rights or the will of any other government than that of Panama. If we guaranteed the neutrality and the sovereignty in Panama, then after the recognition of Panama we could go there and we could prevent the troops of any other country on earth from landing there, because our obligation attached to that political geographical government, and no other.

If that is true, all the criticism as to the protest and the rights to be given to Colombia, as represented by its Government at Bogota, falls to the ground and the President was entirely within the scope of his power; he was within the letter and the spirit of the law that governed him when he dealt solely and alone with Panama as a separate government. I do not care, Mr. President, if that Government had not been organized an hour. More than one of the great governments of the earth has come into power in an hour, and the power has been sustained through centuries. The process of revolution is not a growing process. It is one that turns with the hand of time—quick, conclusive, just as though it had come up through the process of a constitutional convention and ratification by the people.

The Government of Panama is recognized by all the great powers of the earth. In what position would we stand to-day if we were to attempt in any measure to discredit its sovereignty or its existence? With whom else could we deal for any rights that related to the Isthmus of Panama to-day but with the Government of Panama? Would a treaty with Colombia give us any right without discrediting not only our act in recognizing the Government of Panama, but the act of every other government that has recognized it? We are certainly not in a position to make any admission here by implication that would discredit our act. No; we must recognize the fact, first, that Panama is the sovereign, and the only sovereign, power with which to deal, and we must measure the acts of the Administration as they are applicable to that sovereignty and not as they are applicable to the sovereignty of Colombia.

Colombia is said to have inherited the rights of New Granada. Perhaps she did. The fact is, as history tells us, that she seized them without conscience and without right; and it ill becomes a Government that has acted as Colombia has acted in connection with this matter and with this treaty to attempt to draw fine lines and split hairs on questions of international law and international morals.

The Government of Colombia lost its sovereignty over Panama by reason of its own perfidy, and it stands to-day a political outcast among the nations of the earth, having discredited its own representatives in their contracts with this Government.

As has been illustrated and pictured here through the dispatches and records which have been read in connection with the speeches of other Senators, Colombia has been guilty of acts of connivance that would discredit either an individual or a nation in any civilized portion of the globe.

Colombia recognized officially the existence of the Republic of Panama on the 6th day of November. It had existed then—and I care not whether it had a constitution or whether or not its gov-

ernment had been formed—it existed at least from the 4th day of November. It had been in existence three days at the time that Colombia recognized its existence.

This is what the Colombian Government, speaking through its official, says in regard to it on the 7th day of November, 1903, as we have it from our representative there:

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogota, November 7, 1903.
(Received 7.30 p. m. November 10.)

November 7, 2 p. m. General Reyes leaves next Monday for Panama invested with full powers. He has telegraphed chiefs of the insurrection that his mission is to the interests of Isthmus. He wishes answer from you before leaving to the inquiry in my telegram of yesterday and wishes to know if the American commander will be ordered to cooperate with him and with new Panama Government to arrange peace and approval of the canal treaty, which will be accepted on condition that the integrity of Colombia be preserved. He has telegraphed President of Mexico to ask the Government of the United States and all the countries represented at the Pan-American conference to aid Colombia to preserve her integrity. The question of the approval of the treaty mentioned in my telegram of yesterday will be arranged in Panama.

He had gone from Bogota to Panama for the purpose of arranging it or trying to arrange it with this new Republic, the existence of which he acknowledged. He further says:

He asks that before taking definite action you will await his arrival there, and that the Government of the United States in the meantime preserve the neutrality and transit of the Isthmus and do not recognize the new Government. Great excitement here. Martial law has been declared in the Cauca and Panama. Answer.

BEAUPRÉ.

That was the view taken of it at Bogota. They recognized that a new republic had come into existence. They were fearful that the United States Government would enter into such arrangements as would recognize that new Government of Panama, and their fears were well founded.

If that is a true and correct summing up of the situation, it seems to me that all of the discussion that has taken place—and I say it without disrespect to any gentleman who has discussed the question—of hair-splitting distinctions as to the hour and minute in which this thing and that might be done has been needless. That is a matter which rests entirely in the discretion of the President of the United States, a coordinate branch of the Government, and over whom in that respect we have no power of review. It seems to me that it is a profitless thing to engage in a debate here as to what he might or might not do when we have no power, even though he erred, of correcting him. We can only sit here as carping critics of the acts of a coordinate branch of the Government. Suppose we differed with him as to the wisdom of an act, his wisdom is placed above ours by the Constitution of the United States, and it does not make any difference what the ninety men in this body may think of it.

Mr. President, that is about all I desire to say as to that phase of the question. The building of the canal that is to cross the Isthmus of Panama commences at a port on the Atlantic and extends to one on the Pacific. Every step between those ports is a part of the construction and maintenance of that canal; and it is a question of vast importance to us. We must protect it. We must first construct it. It is admitted on all sides that it will be constructed and that we will construct it. After it is constructed we must maintain it in times of peace and in times of war. We must, in the exercise of the statesmanship vested in us as a legislative body, anticipate the conditions that may and that most surely will arise in connection with that matter.

Across the mouth of the Caribbean Sea there is a chain of islands extending from the coast of South America to the coast of our Atlantic seaboard, owned and controlled by the strongest nation of the earth. There are Bermuda, the Bahamas, and Jamaica, and half of that chain of islands extending from Porto Rico to South America, owned by England, controlled absolutely by her, constituting picket posts in the ocean at our very door. These islands in the sea are but the picket posts of the nations that occupy the continents, and it behooves us at this time to consider our relations to this great enterprise from this standpoint, too.

We have one lone little island, the island of Porto Rico, about halfway between the port of New York and that of Panama, and this island is about the only picket post that we have upon this great frontier of the future commerce of our nation in time of peace and of our Navy in time of war.

If I may digress from the line of the discussion of the Panama question so far as to refer to a resolution which I had the privilege of offering in this body, which proposed that the proper steps should be taken by the appropriate Department of this Government for the acquisition of the island of Santo Domingo, it will accord with the general line of the suggestions that I am making.

Santo Domingo is the nearest piece of land in the ocean to-day to the Panama Canal that can, under any conditions, be obtained, or the control of which can be obtained by the United States Government. It is right at the doorway of the canal. We lost Cuba. We should not have lost it, in my judgment; but we lost Cuba. Whatever its future relations with this Government may be I know not, and the future will have to take care of that question; but next beyond it lies this great island of Santo Domingo.

It seemed to be taken for granted, when the suggestion of acquiring that island was made, that it was more expansion; that it was more imperialism; that it was an effort to reach out and get new people and new territory. I had no such intention in offering the resolution. It was merely that this country might secure there, midway between our ports and this canal, a foothold that would enable us in times of war to protect not only the canal, but to protect our other little possession of Porto Rico, lying alongside of it.

Every ship that goes from the Atlantic seaboard through this canal must pass right through a little narrow channel between the island of Cuba and the island of Santo Domingo, so narrow that modern guns could cross it twice in their range. It was in view of those conditions that that suggestion was presented for the consideration of this body, and it is a part of the scheme and plan of building this interoceanic canal that we look to it at this time, not as a part of the measures under consideration by the Senate, but that it should be borne in mind as something we have got to take up and settle.

Aside from the commercial advantages—and I would not urge them; they are known; it is not a new question, but aside from the commercial advantages of its ownership—the dominion and control over that island is necessary to the security of the investment that we are about to make in the construction of the Panama Canal, and I commend it to the careful attention of the Senate at this time.

Mr. President, as has been often and appropriately suggested, the question as to the terms of this treaty or the character of it is not a question for discussion at this time or in this place; but the questions that led up to the negotiating of this treaty are a proper subject for consideration, and I believe that it has been of great benefit, not only to the enterprise of building this interoceanic canal, but of great benefit to the people of the country that they are advised by the very able discussion of this question which has taken place in this body of all the phases and features of the negotiation made by the Administration, which resulted in submitting the treaty to the Senate.

I feel that the question can be left with perfect safety in the hands in which the law has rested it; that the execution of this arrangement, if it shall be made and after it is made, may be left with safety to the conservative wisdom of the administration that will have charge of the execution of that, as of all other laws that we make.

Mr. STEWART. Mr. President, the allusion of the Senator from Idaho [Mr. HEYBURN] to Santo Domingo reminds me of a memorable struggle I witnessed in this Chamber during the first term of President Grant. With the approbation of officers of the Army and the Navy, who had just come out of the war, and on their recommendation, President Grant favored the acquisition of Santo Domingo. Delegates came here. Negotiations for a treaty were begun; but before making the treaty the President took the advice of prominent Senators. I will not designate who they were except to say that they were members of the Committee on Foreign Relations.

The treaty was negotiated. It was approved seemingly by everybody, but dissatisfaction with the Executive on the part of a few restless spirits in this body led to a discussion more bitter and more acrimonious than the discussion we have had on this occasion. Every conceivable evil motive was attributed to President Grant in his negotiation to acquire Santo Domingo.

The island would have cost us nothing; it was offered to us. The treaty was negotiated, and it was a fair one, but it was beaten by two or three votes—I do not remember exactly how many. It failed, however, to get the necessary two-thirds, although it came very near being ratified.

I do not suppose that there is anybody in the United States now, or has been since that time, who has not regretted that that treaty was rejected. It was done on account of the acrimonious feeling of opposition to President Grant by those who did not like him. He had not given them the appointments to office they wanted; he had not recognized them; he had not flattered some of them as they thought they ought to be flattered; he had not bowed down to some of them as they supposed they ought to be bowed down to. It was a mere personal fight on General Grant that lost Santo Domingo to the United States; and it was a sad fight for the United States.

Without implying that anybody here could be influenced by any such motives, I do not think great questions ought to be decided in such a manner. I should hate to see questions in which the Government is interested, in which the honor of the United States is concerned, decided on political grounds, particularly on spiteful grounds against the Executive. Even though we do not

like the Executive, we ought not to criticise and oppose acts in which the honor of the country is involved, and the opposition to the acquisition of Santo Domingo was one of those disgraceful acts committed here—not intentionally so, but growing out of passion, heat, and trivial matters which ought not to enter into the consideration of such a great question. It belittled the men connected with it, and when the history of those times is written those men will not shine as they otherwise might.

But I shall not debate the details of that controversy. I do not wish to rake up the past; I am willing that it shall now rest. I simply want to repeat that that proposition was defeated by an acrimonious personal controversy against President Grant, in which the parties making war on him were all wrong. We lost Santo Domingo, which we ought to have had, as it is the chain of defense, as was properly stated by the Senator from Idaho. I hope and believe that none of that feeling will enter into this question when we come to vote on the pending treaty. I believe every Senator here will vote on this treaty according to his judgment as to the result to be accomplished. The saying of a few things against the President will amount to nothing. That is all very well; but I believe in the final action we shall rise higher than Senators did at the time they rejected the Santo Domingo treaty. I am glad to see my Democratic friends recognizing the fact that the accomplishment of the great object which the United States wants to accomplish is paramount to any criticism that can be made of any administration.

DISTRICT COURT FOR OREGON.

Mr. MITCHELL. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3117) to expedite business in the district court of the United States for the district of Oregon. It is a short bill, reported unanimously by the Committee on the Judiciary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in case of the absence of the United States district judge for the district of Oregon from that district, or of his disability, a circuit judge of the United States of the circuit to which the district belongs may hold the district court and perform the duties of the district judge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. CULLOM. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, February 8, 1904, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate February 5, 1904.

PENSION AGENT.

Andrew T. Wood, of Mount Sterling, Ky., to be pension agent at Louisville, Ky., vice Daniel R. Collier, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 5, 1904.

SECRETARY OF LEGATION.

William W. Russell, of Maryland, now secretary of the legation at Caracas, Venezuela, to be secretary of the legation of the United States at Panama, Panama.

PROMOTION IN THE NAVY.

Chaplain William T. Helms to have the rank of commander in the Navy from the 1st day of October, 1903.

POSTMASTERS.

CALIFORNIA.

Leonard S. Calkins to be postmaster at Nevada City, in the county of Nevada and State of California.

MISSISSIPPI.

Henry C. Majure to be postmaster at Newton, in the county of Newton and State of Mississippi.

NORTH CAROLINA.

Franklin A. Barkley to be postmaster at Lincolnton, in the county of Lincoln and State of North Carolina.

William J. McDaniel to be postmaster at Rutherfordton, in the county of Rutherford and State of North Carolina.

Robert S. Templeton to be postmaster at Mooresville, in the county of Iredell and State of North Carolina.

NEW JERSEY.

James W. Danser to be postmaster at Freehold, in the county of Monmouth and State of New Jersey.

NEW YORK.

Eugene P. Strong to be postmaster at Bay Shore, in the county of Suffolk and State of New York.

VERMONT.

John Metcalf to be postmaster at Fair Haven, in the county of Rutland and State of Vermont.

TREATY WITH HAITI.

The injunction of secrecy was removed February 5, 1904, from a naturalization treaty between the United States and the Republic of Haiti, signed at Washington on March 22, 1902.

The injunction of secrecy was removed February 5, 1904, from a treaty between the United States and Haiti, signed February 28, 1903, extending the time within which may be effected the exchange of ratifications of the treaty of naturalization between the two countries, signed March 22, 1902.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 5, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11825) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1905. Pending that motion, Mr. Speaker, I would like to know if I can agree with the gentleman on the other side as to the length of general debate. How many hours does the gentleman from Virginia [Mr. LAMB] desire?

Mr. LAMB. I should think two hours on a side would be sufficient.

Mr. WADSWORTH. Suppose we agree on three hours. I have had no requests for time on this side. I think three hours are ample. I shall not take any time myself. Let us say not to exceed three hours in all.

Mr. LAMB. We would like to have two hours on this side.

Mr. WADSWORTH. Very well, not to exceed four hours, two of which will be under the control of the gentleman from Virginia.

Mr. LAMB. Very well.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent that general debate may be limited to four hours.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate may be closed in four hours. Is there objection?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House for the consideration of the agricultural appropriation bill.

The question was taken, and the motion agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11825, the agricultural appropriation bill, with Mr. POWERS of Maine in the chair.

Mr. WADSWORTH. Mr. Chairman, I shall detain the committee but a few minutes in explaining a few of the salient points of the bill, the increases in salaries, etc. By reference to the report the committee will see that the bill of last year carried a total of $5,478,160, and this year it carries $5,711,240, an increase of $233,080. In making this comparison I paid no attention to the emergency sums for the foot-and-mouth disease and the cotton-boll weevil, which were carried last year in the regular appropriation bill, and the cotton-boll weevil in the deficiency bill this year. The committee will also notice, on the bottom of the first page of the report, that the increase from 1897 to 1903 is from $3,182,902 to $5,711,240, an increase of almost $3,000,000 in seven years. On the following page (page 2) the committee will see the increases by bureaus, and will notice that all along the line the increases have been generous and sufficient to keep the Department in what I call progressive motion.

There are but two increases in the statutory salaries, and these are not made permanent. Five hundred dollars has been added to the salary of the Chief of the Bureau of Animal Industry, and $500 to the salary of the Chief of the Division of Entomology, but these increases are in the nature of additional compensation only

while the offices are held by the present incumbents. The precedent for that was established some years ago in the case of the First Assistant of the Interior Department. There have been no other increases of salaries. There have been some new places provided for on the statutory rolls, which, as we read the bill under the five-minute rule, I will explain.

Mr. PAYNE. Mr. Chairman, I would like to ask my colleague what salaries these gentlemen get now.

Mr. BURLESON. The Chief of the Division of Entomology gets $2,750.

Mr. WADSWORTH. The Chief of the Bureau of Animal Industry gets $4,500, and the Chief of the Division of Entomology gets $2,750.

Mr. PAYNE. As I understand, the increase in each case is $500.

Mr. WADSWORTH. Yes, sir; but this increase is to apply only to the present incumbents.

Mr. PAYNE. Are these gentlemen young and in good health?

Mr. WADSWORTH. They are in good, vigorous health. I hope both of them may last a good many years.

Mr. RICHARDSON of Alabama. What is the ground of this increase of salary in the Bureau of Chemistry to $39,500? Has it any relation to the pure-food bill?

Mr. WADSWORTH. Yes; it is to enable the Secretary of Agriculture to further carry on investigations into adulterated products from abroad; also, to continue the cane-sirup investigations in Georgia, in addition to the general work of the Chemistry Bureau which it has been pursuing for years.

Mr. RICHARDSON of Alabama. Then the legislation in the pure-food bill does have some connection with this?

Mr. WADSWORTH. Oh, yes. That clause in the pure-food bill covering imports from foreign countries is taken bodily from the agricultural appropriation bill, word for word.

Mr. RICHARDSON of Alabama. And is it a fact in this connection that it will be necessary to employ additional chemical assistants?

Mr. WADSWORTH. Yes; we have provided for that. We have given an additional sum of money.

Now, Mr. Chairman, if there are any further questions to be asked, I will endeavor to answer them. If not, I will yield to the gentleman from Virginia [Mr. LAMB], reserving the balance of my time.

Mr. LAMB. I yield twenty minutes to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Chairman, I desire very briefly to address myself to a feature of the agricultural appropriation bill which has been reported by the able chairman of the Agricultural Committee for present consideration.

During the first session of the present Congress I introduced a resolution which had for its principal object the restoration of the original purpose of the Government distribution of seeds. The original aim of the seed distribution, Mr. Chairman, was undoubtedly laudable. The end in view was the ascertainment of the capacity of the soil. It was the desire of the Government to extend material assistance to the producing masses by enabling them to determine the utmost capabilities of the land which gave them nourishment and life.

In order to show the original purpose of the Government seed distribution, I desire to read that section of the law creating the Agricultural Department in 1862 and to show the purpose which inspired the lawmakers of the country in the inauguration of this custom. Section 527 of the Revised Statutes of 1878 reads as follows:

> The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country or such as can be made more profitable by frequent changes from one part of our country to another.

Now, it is a matter of common knowledge that the distribution of seeds by the Department of Agriculture has departed from this useful and admirable intention. In order to support this statement, I send to the Clerk's desk the report of the Secretary of Agriculture and call attention to that paragraph which deals with the seed distribution. I ask the attention of the House to the language of the Secretary in comparison with the language of the original law, in order to show how completely the present distribution of seeds has departed from the original intention. I ask the Clerk to read.

The Clerk read as follows:

> With regard to the securing and distributing of miscellaneous garden and flower seed, the fact remains that this work does not accomplish the ends for which the law was originally framed. There are collected, put up, and distributed now, on Congressional orders, nearly 40,000,000 packets of miscellaneous vegetable and flower seeds each year. These seeds are the best that can be obtained in the market, but from the fact that large numbers of packets are wanted, the seed obtained can be of standard sorts only, such as are to be found everywhere for sale in the open market. As there is no practical object to be gained in distributing this kind of seed, it seems very desirable that some change be made. To this end it would seem wise to limit our work entirely to the securing and distributing of seeds, plants, etc., of new and rare sorts. There is still much to be done in the way of securing seeds, plants, etc., of this kind from abroad, but still more to be accomplished in careful investigations of our own possibilities in this direction. There are many valuable plants scattered all over this country which are still little known outside of their respective localities. These should be collected, tested, and distributed. There are also great possibilities of improving agricultural industries by distributing specially bred seeds and plants.

Mr. SHEPPARD. Now, Mr. Chairman, the report of the Secretary of Agriculture reveals a condition which demands immediate remedy. The Government of the United States has entered the open markets of the country for the purchase of nearly 40,000,000 packets of standard seeds. These seeds are of the commonest varieties. They are distributed at enormous expense throughout the country, regardless of the character of the soil, the nature of the climate, and the occupation of the inhabitants. They subserve no scientific purpose. They add nothing to the existing knowledge of the soil. When we are told by the Secretary that vast benefit may be accomplished through the distribution of new and untried seeds and plants of native and of foreign origin, it seems almost a crime against the agricultural interests of the country that the useless and wasteful system of the present should be permitted to continue.

I shall dismiss with the contempt it deserves the intimation that the present system is a valuable campaign adjunct and that the seeds are sown that they may flower into myriads of votes. Such an intimation is a reflection on the integrity of Congressmen and the intelligence of their constituencies. I resent the insinuation that any Member of the House owes his seat to the senseless method now in operation.

The American people understand and condemn this practice. Not a farmer is deceived by this pretended kindness. When the regular distribution is made there are no other places in the United States where these packages of seed—these Government chromos in pink and blue—are objects of greater merriment and keener ridicule than the rural post-offices around which the people gather to receive the annual dispensation of free garden seed. When the American Congress shall recognize the fact that there is as much intelligence among the people, as much ability to discover fraud, as within these storied walls, then the standard of American statesmanship will have been infinitely uplifted.

The system is erroneous in principle. It is violative of the proper functions of government; it involves a dangerous philosophy. There is no greater reason for the dissemination of standard seed, bought in the open markets and incapable of developing the possibilities of the soil, than for the gratuitous distribution of any other commodity of ordinary purchase and sale. I desire at this point to present a letter from a constituent which illuminates this proposition:

> DEAR SIR: I wish you would send me the seed and other things which I mention below: One peck of some good early corn, 1 bushel of cotton seed, and some good sorghum seed, and a union suit of clothes—a coat 38 in size, and pants 33-34—and anything else you are mind to send me. I am in need of all these things, and they will be gladly received.

[Laughter.]

Now, this gentleman had as complete a right to expect from the United States a suit of clothes, "or anything else," as he expresses it, as the seeds of standard kind. [Applause.]

It is almost universally admitted that the present custom should be changed. It can be made of unlimited value to the American farmer. It has degenerated into a miserable farce, obnoxious alike to Congress and to the people. Let us end it now. If the immense sums now expended for the mere donation of common seed to a favored few could be utilized in the manner so emphatically indicated and so justly desired by the Secretary of Agriculture, the American farmer and the American nation would profit inconceivably. It is a shameful condition of affairs that the agricultural masses, for whom fewer appropriations are made than for any other element of our citizenship, and who contribute most largely to the support of the Government, should be made the profitless beneficiaries of such empty and unpardonable legislation.

With no desire to occupy the rôle of an iconoclast or the attitude of a reformer, I shall offer an amendment at the proper time to the present bill, embodying the change which justice commends and which the Department of Agriculture will indorse. I trust that the amendment will be adopted. For if the current custom of indiscriminate distribution shall indefinitely continue, if this Congressional comedy shall drift into a continuous performance, we shall ultimately be driven to the mournful admission that we are not statesmen, but seedsmen; and it will be in order for some distinguished seedsman, some sainted hero of a score of memorable distributions, some legislative knight upon whose shield is blazoned a radish in its glory or a turnip in repose, to rise in his place with becoming gravity and move, Mr. Chairman, that the American eagle be taken from the mace and supplanted by a package of vegetable seed as the supreme emblem of the genius, the character, and the principal occupation of American statesmanship. [Laughter and applause.]

The following poem taken from a weekly newspaper in my district will indicate the trend of public sentiment on this question:

THE CONGRESSIONAL GARDEN SEEDS.

The time is at hand when I trustfully look
(How my mind on the prospect feeds)
When the mail comes in for a package or two
Of Congressional garden seeds.

'Tis strange how our "Member" my name recollects,
How he knows my desires and my needs!
'Twould glad him to notice my joy when I get
My Congressional garden seeds.

There's lettuce and onions that tardily sprout,
And "punkins" of several breeds,
And "pa'snips"—I'd scorn 'em except for the fact
They're Congressional garden seeds.

The soil I dig deep, I plant 'em with care,
Perspiration from every pore bleeds,
Then I "shoo" out the hens lest they bring up too soon
My Congressional garden seeds.

Each day to my garden with zeal I repair
And struggle with clods and with weeds,
Till a few straggling sprouts show the germinant strength
Of Congressional garden seeds.

All summer I labor and patiently wait,
Fighting slugs, borers, bugs, centipedes;
And I prune, and I water, I spray the weak shoots
Of Congressional garden seeds.

Though I sing as I gaze at my blistered hands
And my back for a short respite pleads,
Yet for "souvenirs" vainly I look; then I cuss
The Congressional garden seeds.

—*Arnold C. Davis in Mount Pleasant (Tex.) Eagle.*

[Laughter and applause.]

Mr. CANDLER. I will ask the gentleman if he will not please insert with his remarks the amendment which he proposes to offer in order that we may be advised as to what the provisions of it will be?

Mr. SHEPPARD. Yes; I shall be pleased to do so if we do not reach the matter to-day.

I want to say that this amendment will improve the present distribution of seeds; that it will carry out the original purpose of the law, and that it will provide for the distribution of new, uncommon, and untried seeds, for their special breeding, and for the better development of the agricultural possibilities of the country.

Mr. CANDLER. The gentleman does not wish to be understood, then, as opposing the distribution of seeds to the people?

Mr. SHEPPARD. I am opposed to certain features of the present system.

Mr. CANDLER. You simply want to change the system. You still want the people to have the seeds.

Mr. SHEPPARD. You have stated my position correctly.

Mr. LAMB. I yield thirty minutes to the gentleman from California [Mr. BELL].

Mr. BELL of California. Mr. Chairman, I expect to devote the time that has been assigned to me for debate on this bill to the discussion of an amendment which I intend to propose to the bill at the proper time. I shall direct all my remarks to matters that are really germane to this bill. I believe that every Member of this House recognizes the importance of this measure. I believe that every Member of this House is ready to admit that agriculture is the foundation and the strength of the Republic, and that there is no department of this Government with which we should deal with so much generosity as the Department of Agriculture. In suggesting an amendment to this bill, I do not intend thereby to cast any reflection upon the honorable committee that has had this measure under consideration; but I believe that I have personal knowledge of facts and circumstances which, if they had been fully presented to the committee, would have resulted in the change that I now seek to make.

Mr. Chairman, it is my intention to offer an amendment to this bill, upon page 18 thereof, in line 17, inserting the words "forty-seven thousand" instead of "forty thousand dollars" for the purpose of carrying on the pomological investigation of the Department of Agriculture; and further providing that the sum of $10,000, instead of $3,000, as now provided by the bill, may be used by the Department for the purpose of cooperating with the experiment station of California in the eradication of the disease of the grape known as the "Anaheim disease."

I do not want to place myself in the position of advocating only the interests of my State, the State of California, for I believe that this is a subject that interests every State in this Union in which fruit is grown or in which the grape is cultivated. While it is true that in California we raise more grapes and make more wine than all of the other States of this Union combined, yet it is a subject that will appeal to every Member upon the floor of this House.

Now, what do we want to do? The Department of Agriculture two years ago went into the State of California and established experimental vineyards for the purpose of discovering some practicable method of dealing with the phylloxera and Anaheim disease, which have wrought untold ruin and untold suffering upon the people of my State. In that State they have established but two vineyards. They have done splendid work, but that is not enough. The United States viticulturist in the employment of the Department of Agriculture has recently visited California and spent several months in the study of this question, and has made preliminary arrangements for the establishment of seven more experimental stations in that State in order that the great problem might be properly and amply dealt with.

Now, the Department of Agriculture comes to you and says that this is a necessary work, that this work should be carried on in the interest not only of the people of that great State, but in the interest of the entire country. There is no reason why this House should be at all penurious or overeconomical in allowing the Department to carry on this work.

Now, gentlemen, a great many of you do not represent vineyard districts, but I presume that every man on this floor knows something about the wine industry; but I want to tell you that you do not realize the importance of the wine industry of the State of California. The value of the vineyards in that State to-day is estimated at $38,000,000. There is to-day $100,000,000 invested in the business in that State. In 1885 a disease took a deadly hold on the vineyards of that State, known as the "phylloxera," and if you gentlemen had lived in that State as I do, if you had witnessed the ruin and destruction that was wrought by that dread disease, you would have no hesitation in giving the money that we now ask for. Now, in the county of Napa, where I have made my home for twenty years, the vineyards were simply wiped out. Those people who had all they possessed destroyed before they could hardly realize it, those men who had built comfortable homes upon lands that they owned, simply became tenants of the banks who were compelled to foreclose their liens. In the counties of Napa and Sonoma, where some six or eight million gallons of wine had been produced annually, the vineyards were simply swept out of existence, and these men who had gone there and built up their little vineyards, hoping in a few years to get their reward, were suddenly left penniless.

Now, the phylloxera was finally met by resistant vines, although there were ten years when that country was reduced almost to poverty in every vineyard section of the State. But no sooner had they planted their resistant stock when another disease came upon the vineyards of California, starting in the southern part of that State, and known as the "Anaheim disease." You gentlemen come in here with tales about the boll weevil and you appeal to us for help, and I am heartily glad that you got what you wanted, but I submit that the boll weevil in the cotton of the South was no worse than the phylloxera and the Anaheim disease in the State of California; and if this great Government of ours can come to your relief, if it can say we will reach out and help you, we will give you a quarter of a million dollars to deal with this great destroyer that is attacking your fields, are you going to say that this State of mine, when it comes to you and asks merely for the sum of $7,000, shall not receive the aid that has been given freely and generously to other great industries?

You do not know anything about California. I wish I could take you to that State and show you what we have. Why, the report of the United States viticulturist states there is an area in California that is peculiarly adapted to the cultivation of the grape larger than the entire area of France, and yet in the Republic of France they are to-day producing 1,500,000,000 gallons of wine each year, whereas in the State of California we are producing but 23,000,000 gallons.

Now, if you desire to build up that great Commonwealth, if you desire to build up agriculture in the Far West, if you want to give the vineyards of California a fair chance to thrive and to flourish and to grow, if you want that State to become the peer of sunny France, that leads to-day in the production of wine, I say you can well afford to grant these people the few dollars that they now ask.

Go out into the West! Ask yourself as you look out upon the great fertile prairies that have surrendered to the genius of man and have been converted to the good and welfare of this great people—go out into my own State, into all these great Commonwealths that have been carved from that mighty West, and I ask you what has made them great? What has placed it in the power of the farmers west of the Mississippi to pay off their mortgages and deposit their earnings and profits in the local banks and even loan to Wall street? It is agriculture, successful agriculture, good crops.

Do you people in the East think you would prosper as you now prosper; do you think that this country would be as wealthy in the East if it were not for the great domain that lies beyond the father of waters, where its fields have made it what it is? Now, I say that my State, where we stand first in the production of grapes, when we come to you and tell you that these things are

needed, when we ask for but a small sum, when the Secretary of Agriculture, who has given attention to these facts, who has investigated the cost of carrying on this work, when this Department tells you that this sum is necessary to carry on this work successfully, why is it that it can not be given to us? The Secretary placed his estimate with the committee at $47,000 for carrying on all the pomological investigations, including every kind of fruit, including all viticultural interests, and that estimate has been cut down to $40,000. I have no complaint to lodge against the committe, but I think they were not aware of what they were doing to my State when they refused to give the Secretary of Agriculture the money that is absolutely necessary to carry on this work.

As I have already said, the two stations we have there already are doing good work; everybody recognizes that fact. This United States viticulturist has paved the way for seven more. Are you going to say that his work shall be for naught? Are you going to say that we must put this off for one year? I say not. Give them the paltry sum they ask; let there be in the State of California nine experiment stations. The two largest are only 10 acres each and the other seven will average 3 or 4 acres, and it is only with these experimental vineyards that these diseases can be properly dealt with. You know that private enterprise will not take hold of this subject. You have already had experience with that; you know that men as individuals, private citizens, will not take up a great public work like that; it requires governmental aid.

The work of the United States is done in conjunction with the work of the State of California. They are laboring together, helping each other, cooperating in a matter of State and national interest. Now, gentlemen, when the time comes, I want to offer this amendment, and I hope the Committee on Agriculture will not object to it. It is a small matter indeed, but it is necessary. The Department thinks it is necessary, our people think it is necessary, and why should it not be granted? We are going along trying to solve this great problem. As I say, if I could but fasten on your minds the losses that have been sustained by the vineyards of California I believe you would unanimously grant all we desire.

Mr. BURLESON. May I ask the gentleman a question?

Mr. BELL of California. Certainly.

Mr. BURLESON. Is it not a fact that a complete remedy for phylloxera has been discovered in France?

Mr. BELL of California. Yes; and we have been planting resistant vines and endeavoring to graft onto the resistant stocks and thus get rid of the phylloxera.

Mr. BURLESON. The amount carried in this bill was partly intended for the experiments about which the gentleman from California has been talking, and what the committee refused was the amount for the experimental shipments in fruit and investigations affecting the fruit trade here and abroad. Such experiments are now being conducted by the fruit growers in the East on their own account and much more satisfactorily than the Government can make them.

Mr. BELL of California. That is partially true. The Secretary of Agriculture asked for $5,000 for the purpose of making his investigation of the Anaheim disease in the State of California. You have reduced him to $3,000. I say if you can not give us the $7,000, give us the $5,000.

Mr. BURLESON. Is it not a fact that the amount asked for experimenting with the disease has partly been allowed, but the amount that was asked for the purpose of investigating with reference to shipments of fruit and investigations of market conditions affecting the fruit trade here and abroad which are now being carried on by large dealers of fruit on their own account in the East and New England States has been refused?

Mr. BELL of California. I think the gentleman is slightly mistaken. I have looked at the estimates of the Department. I wish to settle it now, because the Secretary has asked for $5,000 and you have allowed him $3,000.

Mr. BURLESON. He asked for an allowance of $10,000, and they have allowed him an increase of $3,000. As a matter of fact, as I understand it—I may be mistaken—the allowance has been given him for conducting all the experiments relating to the diseases of grape vines in California of which you have spoken. The amount denied him was for the purpose of conducting investigations and experiments with reference to the shipment of fruit, these investigations and experiments being conducted now by the shippers of fruit in New York and New England on their own account. They say that the experiments by the Agricultural Department have been of no particular benefit to them on this particular line. For these reasons the committee refused the increase asked for this purpose.

Mr. BELL of California. Will the gentleman read the estimate of the Secretary of Agriculture for dealing with the Anaheim disease? I have just come from the committee room, and I found that it was $5,000. I have talked with Mr. George Hussman, and he says that the work can not be done for less than $10,000.

Mr. BURLESON. How long have the scientists of the Agricultural Department been investigating the disease of the grapevine referred to by the gentleman?

Mr. BELL of California. For the last two years.

Mr. BURLESON. If that is so, the amount carried in the bill last year provides for the investigations and experiments the gentleman desires. His desires can be met out of the lump sum even without any increase. I mean out of the $37,000 carried in the bill last year.

Mr. BELL of California. Is it not a fact that the Department of Agriculture estimated $5,000 for these experiments this year?

Mr. BURLESON. That may be; but for the experiments and investigation last year money was appropriated and is carried in the $37,000, and in addition to that sum we now give $3,000.

Mr. BELL of California. I have my information from the United States viticulturist, and I talked with Doctor Galloway this morning and found he had asked for $5,000 for the purpose of carrying on these investigations. The committee gave him the discretion to expend $3,000. He may have taken into consideration that he had some moneys that he could use, which, added to the $5,000, would be sufficient; but he has put his estimate into your committee at $5,000.

Mr. BURLESON. I think I am safe in assuring the gentleman that there will be no curtailment of these experiments.

Mr. BELL of California. I know that the United States viticulturist believes that the work can not be conducted for less than $10,000. However, as to that point I am perfectly willing to take the estimate of the Department of Agriculture.

Now, I have just one word more to say, and that is this: I say that for the treatment of this one disease, this anaheim disease, we should receive at least the amount that the Secretary of Agriculture has estimated. I am willing to rely upon the estimate that is in the hands of the committee. That amount is $5,000, as I read it this morning, and we should certainly have that amount to deal with this question; but in asking for the entire $7,000 additional I say we are not asking for anyting unfair or unjust; that our industry warrants it. California never yet has come on her knees to the United States Congress and asked for large appropriations. She does not propose to, but if you protect an industry in one section of the country I believe that you should grant some measure of protection to an industry that is almost as important, at least as important to the people of that State as other industries are to other sections of this Union. I think that the bill should be amended, and at the proper time I shall offer that amendment.

Mr. LAMB. Mr. Chairman, I yield twenty minutes to the gentleman from Michigan [Mr. LUCKING].

Mr. LUCKING. Mr. Chairman and gentlemen of the committee, if I can have your intelligent ear for about five or six minutes on a purely business proposition connected with this bill, I shall consider it a very great favor indeed. The Agricultural Department is now engaged in manufacturing and giving away in unlimited quantities to all who may ask for it a certain preparation known as "blackleg vaccine," which is used for the purpose of curing or preventing the disease known as the "blackleg" among animals. In my district, in the city of Detroit, Mich., is located a house which has expended about $350,000 in getting ready to manufacture and put upon the market this preparation. There are other establishments of the same kind throughout the United States. This house is known as Parke, Davis & Co., and its preparations are sold all over the world. It is the largest house engaged in the manufacture of pharmaceutical products of standard kinds in the world. It employs 275 traveling salesmen, and employs in its plant over 2,000 people.

The Agricultural Department is now manufacturing this blackleg vaccine and giving it away, as I say, in unlimited quantities to any person who may apply for it. Thousands of doses are given away to single individuals, firms, and corporations. Now, it is not my purpose to ask that this business be stopped entirely, but I am going to offer an amendment to this bill limiting the number of doses that shall be given away to any one person, firm, or corporation to 100. The abuse of this is so great as to destroy entirely the business of this concern which has prepared itself at great expense to do the business. The abuse is principally in the far Western States, where the wealthy ranchmen, who are well able to pay for this vaccine to private individuals who are engaged in the business, get from this Bureau all of this vaccine that they choose to ask for. Now, I submit that it is not right that the Government should engage in this business and destroy private enterprise in that direction, and that there is no more justice in the Department manufacturing and giving away in unlimited quantities this product than there would be to do the

same thing with quinine or smallpox vaccine, boots and shoes, or anything else, for that matter. The business was started in the beginning in the Bureau on the idea that it was experimental.

Mr. BURLESON. Right on that point, will the gentleman yield for a moment?

Mr. LUCKING. Yes.

Mr. BURLESON. Is it not a fact that the issuance of this blackleg vaccine by the Department is upon the idea that there is a chance to stamp out blackleg altogether, and that then there will be no necessity for Parke, Davis & Co. or any other firm manufacturing it, or the Government either? If the gentleman will permit me a moment more of his time, I would like to read an extract from the statement of the Secretary made before the Agricultural Committee while they were considering this bill.

Mr. LUCKING. Very well.

Mr. BURLESON. Secretary Wilson says:

Blackleg is a disease that affects young animals, mostly calves; sometimes yearlings, and, very rarely, 2 year olds. The people had great difficulty in getting serum that was powerful enough to treat it. We make it here for probably a tenth of a cent a dose; and we send out, say, a million and a half doses a year, free to the people, and the result is that wherever we send it blackleg is disappearing. We are pushing this work with the theory that if we can prevent blackleg it will die out.

In that same connection he says that blackleg vaccine is made in the laboratories of the Bureau of Animal Industry, which would be maintained anyway, and that, too, at a trifling cost.

Mr. LUCKING. I understand. That is the claim of the Bureau and I was going to state what their claim was when the gentleman interrupted me. I understand that the claim can not be supported. They have made the same claim for years past, and it is my information that blackleg is a disease which ramifies and which will continue from time to time, the same as smallpox or any other disease, and that there is no justification for the position which the Bureau takes in that direction. I submit that it is not fair to private enterprise and that it is not within the legitimate functions of government. In this connection I desire to have read from the Clerk's desk an editorial from the Oil, Paint, and Drug Reporter of the United States, which I am informed is the leading journal in that line. I ask the attention of the committee to that, and at the proper time I shall move to make the amendment suggested.

Mr. BURLESON. Before the gentleman takes his seat I should like to finish the reading of this statement of the Secretary of Agriculture.

Mr. LUCKING. The gentleman will undoubtedly have all the time he wants for any remarks on this bill.

Mr. BURLESON. I want to read this statement now in connection with the gentleman's remarks, so that the whole matter may be thoroughly understood by the House.

Mr. LUCKING. All right.

Mr. BURLESON. Secretary Wilson further says:

We are pushing this work with the theory that if we can prevent blackleg it will die out.

It is the same with rabies. If you muzzle every dog in the District of Columbia and allow no other dog to come in rabies will not come in. You could not do that. The love for the pup is stronger than the love for man, woman, or child in the District of Columbia, and dogs can not be muzzled here. That is the theory on which we are trying to experiment with blackleg, and we are succeeding. The day should come when there will not be a particle of blackleg in the United States.

Mr. BURLESON. As I understand it, Mr. Secretary, these laboratories are maintained by the Bureau of Animal Industry and its manufacture costs a mere trifle.

Secretary WILSON. Yes. Of course we are interfering with the trade, and if we destroy blackleg in cattle we will destroy their trade in blackleg serum altogether. The economic question is whether we should maintain blackleg for the benefit of these manufacturers.

I hope for these reasons, so well stated by the Secretary of Agriculture, that the gentleman will not insist on his amendment.

Mr. LUCKING. That has been the contention of the Bureau for several years past. They could make the same statement, "our theory is so and so," with reference to smallpox or any other disease which springs up from time to time. The question is simply whether we shall maintain that kind of business in a Government bureau. It does not seem to me that it is proper.

Mr. HAY. May I ask the gentleman a question?

Mr. LUCKING. Yes, sir.

Mr. HAY. The gentleman, I believe, represents the city of Detroit?

Mr. LUCKING. Yes, sir; my district is wholly in that city.

Mr. HAY. Then let me ask the gentleman how much has been spent by the Government at the city of Detroit for rivers and harbors within the last ten years?

Mr. LUCKING. I do not know that anything has been spent inside the city limits of Detroit.

Mr. HAY. I mean, of course, for the benefit of that city.

Mr. LUCKING. For the waterways of the Great Lakes I can not tell how much has been spent—perhaps the gentleman can—a great many thousands, no doubt—perhaps millions—for the benefit of a commerce which is the wonder of the world and the special pride of all Americans to-day.

Mr. STEPHENS of Texas. Is not the cattle industry the pride of all Americans? Is not the beef industry of the United States its chief industry?

Mr. LUCKING. It is one of them.

Mr. STEPHENS of Texas. Then it is entitled to as much protection as any other industry.

Mr. LUCKING. Within reasonable limits we have not any objection. We think the quantity of this article distributed by the Department should not exceed 100 doses to any one person, firm, or corporation. We believe that an abuse has grown up in the Department in connection with this matter.

I ask the Clerk to read what I have sent to the desk.

The Clerk read as follows:

GOVERNMENT MANUFACTURE OF SERUMS.

The annual report of the Chief of the Bureau of Animal Industry of the Department of Agriculture makes some interesting disclosures which lead to the conviction that the Department officials were not sincere in their original announcement that the manufacture and distribution of vaccines and serums would be confined to the scientific demonstration of the value of these remedial agents, and that the commercial production and distribution would be left to private establishments. It appears that instead of leaving the production and distribution to legitimate manufacturing firms the Bureau of Animal Industry has steadily increased the manufacture and free distribution of these products.

In 1892 the Government factory produced and distributed over 1,688,000 doses of blackleg vaccine virus, while during the past fiscal year the amount was increased to over 1,729,000 doses, and this despite the fact that it had been shown that not only many wealthy ranchmen had been supplied with Government vaccine, although amply able to pay for the commercial product, but that ranchers' supply establishments and many veterinary surgeons had been obtaining the Government product free of cost and sold it to cattle owners. The Chief of the Bureau naively remarks that the demand for the preventive remedy continues to increase, and consequently he asks for an increase in the appropriation for the increased manufacture and free distribution of this product. In other words, the Government is asked to increase the appropriation in order to enable the Bureau of Animal Industry to increase its competition with legitimate manufacturers and supply its products to a larger number of cattle owners and to enable supply concerns and veterinarians to reap a richer harvest in selling the product which the Government furnishes free of cost.

This is a class of competition the legitimate manufacturers can not contend against, and should receive the most emphatic condemnation of the lawmakers at Washington. The Government has demonstrated the value of these preventive remedies, and should now leave the manufacture and sale to those who conduct pathological laboratories as commercial enterprises. There is no need for the Government to enter into competition with private enterprise of its citizens in the manufacture of the serums, vaccines, and viruses, as the various private laboratories are able to supply all requirements, and at prices to those requiring them which are neither excessive nor burdensome.

The specious plea that the production at the public expense and free distribution is to benefit only those unable to benefit by these remedial agents does not hold good, and, as we have before shown, these supplies are diverted from their legitimate purpose and the needy are not benefited. As well might the Government engage in the manufacture of quinine or, in fact, almost any commercial product. Determined effort should be made to prevent Congress increasing the appropriation by giving the legislators full information of the working of the Government serum factory and the abuse of the Government's generosity, as well as of the unfair competition with legitimate manufacturers, who are taxed to support this unjust competition.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURRIER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4122. An act to direct the Director of the Census to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures, and for other purposes; and

S. 3916. An act to amend section 2699 of the Revised Statutes, relating to compensation of collectors of customs.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 79. Joint resolution for the transportation of Porto Rican teachers to the United States and return.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LAMB. I yield fifteen minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Chairman, I had not expected to submit any remarks at this time in reference to the bill under consideration, and there would be no necessity for doing so but for the speech of the gentleman from Texas [Mr. SHEPPARD], to whom we listened a moment ago, in reference to the seed distribution which is yearly made by the Agricultural Department. Somehow or other I feel that whenever anybody strikes a blow at the distribution of the seeds which go to the farmers and laboring men of this country and to the people generally something should be said in reply to any suggestion proposing to reduce this distribution.

The gentleman suggested that the amendment which he proposes to offer would change the system; but he added that he did not desire to be understood as saying that he was opposed to the distribution of valuable, rare, and uncommon seeds to the people, but that he was opposed to the distribution of standard seeds, like the bulk of those which are distributed under the present system.

I am glad that the gentleman expressed himself as favorable to

the distribution of some seed and that he would not favor the discontinuance of seed entirely. If there is any system which will advance this distribution in any way and increase rather than decrease the quantity of seed, I as a friend to the seed distribution would not oppose it, but I would want to be absolutely sure that it did not curtail the distribution now being made under the present law by present methods.

The farmers of this country get less than any other class of people from the Government in return for the expenditures which they are required to make. While we are making very large appropriations for all the other Departments of the Government—and I am opposed to no necessary expenditure to any Department which is for the good of the country or for the advancement of its interests or welfare—yet, while we make these large appropriations for the other Departments of the National Government—very large in proportion to the appropriations made for the Agricultural Department—it seems to me that instead of talking about cutting off the few benefits that the farmers receive at the hands of the Government through this most beneficent Department, we should enlarge the operations of that Department; and instead of reducing the distribution of seeds to the people, I would rather favor seeing it enlarged to such an extent that the requests which come up from all over the country might be readily met by the representatives of the people here on this floor.

The gentleman read a letter which he had received from a constituent of his, in which the writer asked him to send not only some seeds, but also said that he wanted a suit of clothes and one thing or another—I do not at this time remember all the items. Now, while the gentleman read that letter from some constituent who thought the Government was prepared not only to furnish seeds to the people, but was willing and anxious, through its Representatives—of whom there are none more obliging than the gentleman himself—to furnish them with clothes, he did not read to us a single letter or request which he had received from the honest, patriotic farmers of this country, asking in earnestness and seriously that he should send them the seeds to which they are entitled and which they desire to use for the experiments contemplated and intended by the Agricultural Department.

Why, Mr. Chairman, only a moment ago I put my hand in my pocket and found eight or ten letters which I received only this morning. Among them are four requests for seeds, and I dare say the gentleman has received something of the same kind this morning in his mail; if he has not, he will get such letters before the day is passed, and I venture to say he is not only receiving such requests to-day, but almost every day. The people of his district, like the people of other districts, are asking for seed provided for in the last appropriation, an appropriation just like this appropriation.

Here is one I have just received:

ABERDEEN, MISS., *February 3, 1904.*

Hon. E. S. CANDLER, Jr., *Washington, D. C.*

DEAR SIR: Please send me some garden seeds.

A simple request, it is true, but one that is entitled to consideration at my hands and at the hands of the Government of the United States.

Here is another one:

FOLLY, LEE COUNTY, MISS., *February 3, 1904.*

Please send me some garden seeds. I will appreciate it very much if you will also send me a package of flower seeds.

He not only wants the benefits to be derived from the garden seeds, but wants the flower seeds to beautify his home and make it more attractive for the good wife who presides therein.

Here is another one:

STURGIS, MISS., *February 3, 1904.*

Please send me some cotton seed, and I will appreciate it also if you will send me a package of garden seeds.

Here is another one:

VERONA, MISS., *February 3, 1904.*

Please send me some flower seed.

A modest request from a most excellent lady. God bless the ladies! They are God's noblest, sweetest, and best gift to man, and I am always delighted to hear from them and to comply with their requests when possible. [Applause.]

I simply read these four, which I find in this small package of letters that I received only a moment ago, to demonstrate the fact that the people of this country want these seeds sent to them, and when we send them we are but responding to the popular demand on the part of the people throughout the United States of America, for I dare say practically every Member of Congress receives similar requests. And if there is any class of people in this country to whose request we ought to respond and to whom we ought always to be glad to listen, it is the farmers who till the soil and who bring about the balance of trade in this country in our favor as against the world. [Applause.]

Mr. BARTLETT. Seventy-one per cent of the foreign export trade of this country in the past year consisted of farm products.

Mr. HILL of Mississippi. Does not this bill provide that the Secretary of Agriculture shall distribute seeds which are fit for the climate and locality in which they are to be planted? And does he not have that requirement in view in making the distribution?

Mr. CANDLER. It does; and it provides that the Agricultural Department shall provide fit and suitable seed for the different sections and localities of the country and distribute exactly the character of seeds which I understand the gentleman from Texas proposes to provide for in his amendment, as well as the varieties now being distributed, which he calls standard seed and which he desires to discontinue and stop.

The bill says:

For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants.

And further provides—

That the Secretary of Agriculture shall, in the purchase, testing, and distribution of such seeds, get the best seeds he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned and in which same are to be distributed, and such seeds shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States.

I thank my colleague, Mr. HILL, for that suggestion. And there is no better way, so far as that is concerned, for testing the fitness of the different varieties of seeds for the soil of this country throughout the length and breadth of it than by making an actual test with the seeds themselves by putting them into the soil. You may theorize about it, you may have your ideas, and you may come to your conclusions, but when the seed is planted and you have an actual opportunity to see the product with your own eyes and to enjoy the fruits that result from it, you no longer have to theorize, but you have a real test. Then you can see absolutely and beyond question the benefits to be derived from it and the soil that is suitable to the seed that you have planted therein.

Now, as I stated a moment ago, if there are any people in the United States of America to whom we ought to listen, it is the farmers of this broad land, and I suppose that if I had asked the gentleman from Texas [Mr. SHEPPARD] the question when he was upon the floor—and if I am not correct he can correct me—how many seeds he had sent out to his district, I would not be surprised if he had responded that he sent out his quota allowed to him under the general distribution, and that in addition thereto he went out and in order to supply the requests from his people he secured by his persuasive powers—which are great—all he could of our very kind friends from the cities who had any to spare, and then possibly applied to the Secretary of Agriculture to get an additional amount to send to his constituents.

Mr. SHEPPARD. I will say to the gentleman that I have not used all these methods.

Mr. CANDLER. Well, I have; and it has given me great pleasure to send to my constituents my full quota under the general distribution, and to secure an additional amount, so as to supply promptly the personal requests which have come to me since my quota went out.

Mr. BURLESON. Is that an answer to the proposition of the gentleman from Texas that this practice ought to be abolished?

Mr. CANDLER. Yes; for it shows that the people want these seed—and in my judgment they ought to have them—and therefore I contend that the practice ought not to be abolished.

Mr. SHEPPARD. I admire the persistence of the distinguished gentleman from Mississippi——

Mr. CANDLER. I did not understand the remark of the gentleman.

Mr. SHEPPARD. I admire the spirit and the purpose of the argument of the distinguished gentleman from Mississippi, and it in no way conflicts with the argument which I have made.

Mr. CANDLER. Is that an answer to my suggestion that the people want the seed sent out and that the distribution each year of seed as heretofore should not be discontinued or abolished?

Mr. SHEPPARD. When I first came to Congress I used almost every possible method of getting as many seeds as I could, and it seemed to me that that was the principal occupation of a new Member.

Mr. CANDLER. That is one of his occupations. You have not lost your ardor in that respect, have you?

Mr. SHEPPARD. No, indeed; but it was through that experience that I began to see the defects of the present system.

Mr. CANDLER. Have you not had numbers and numbers of personal requests for seeds after you have sent out all that you had?

Mr. SHEPPARD. Yes, quite a number; and now I will ask you if you ever received a request from any constituent of yours for articles of clothing or anything of the kind?

Mr. CANDLER. Oh, yes; I received a letter from one gentleman requesting a hat for himself [laughter] and also one for his wife—a man in Mississippi never forgets his wife [great laughter];

but the fact that your constituent asked for some clothes and mine asked for two hats is no reason to abolish the seed distribution or to change the system now in practice.

Now, then, Mr. Chairman, proceeding a little further, because I had just remarked that if there was any class of people in the United States to whom we should listen it was the farmer. Why? Because we find from the report of the Secretary of Agriculture that but for the farmers of the United States during the past year the balance of trade would have been against us and that we are indebted for our progress in the markets of foreign countries absolutely to the farmers of the United States of America. You talk to me about protection that is given to the manufacturers and the protection that is given to the various industries throughout the United States; they have never been able to protect us against the foreign powers or to keep the balance of trade in our favor.

Mr. HAMLIN. Is it not true that the farmers of this country, who have kept the balance of trade in favor of this Government, have been given less appropriations than any other Department of the Government?

Mr. CANDLER. It is true. The appropriation is about $100,000,000 for the War Department, and I dare say that the appropriations for the Navy Department will be about the same, making, practically, $200,000,000 for the implements of warfare in a time of peace, and this appropriation is between five and six millions of dollars for the Agricultural Department, the Department of the people who are pursuing their honest labor and toiling to make a living by the sweat of their brows on the farms throughout America.

Mr. SIMS. Does the gentleman know how much money has been expended for seeds during the time that they have been distributed by the Department?

Mr. CANDLER. No, sir; I do not.

Mr. SIMS. Will it altogether exceed the appropriations for the St. Louis fair?

Mr. CANDLER. It might not. I have not had an occasion or the opportunity to investigate that question.

Mr. SIMS. And they are coming here to borrow $4,600,000 more.

Mr. CANDLER. Oh, yes; I understand they want to borrow that amount for a short time. The money is now loaned to national banks, where it is being used for their interest, and it would be withdrawn from the national banks if the loan is made and loaned to the fair and be put into circulation in the South, where the people would derive some benefit from it; and then in a few months it will be returned from the treasury of the fair to the Treasury of the United States, after being accumulated by the fair from the patronage of the world. And hence the money, or a large portion of it, will be left in the South—and that will do us no harm.

I am advised by the gentleman from Virginia [Mr. HAY] that the appropriation for the Navy Department will be about $95,000,000 for this year, and hence, as I said a moment ago, the appropriations for the War Department and the Navy Department—for these two Departments—will be, in round numbers, $200,000,000 to provide implements of war in a time of peace, and for the peaceful tillers of the soil of the United States of America we only appropriate, in round numbers, about $6,000,000. One hundred and ninety-four million dollars less is given for the benefit of the farmers who till the soil; and I assert, without fear of contradiction, that there is no appropriation that is made to any department of the Government that is as valuable to the Government, as useful in the development of our foreign trade and in sustaining our prosperity as the appropriation to the Agricultural Department. [Loud and prolonged applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. I yield ten minutes more to the gentleman from Mississippi.

Mr. CANDLER. I sincerely thank my amiable friend from Virginia for his kindness. He can always be depended on to stand by the farmers. Now, I want to call attention to this appropriation for the distribution of the seed. It is, "$290,000, of which amount not more than $48,000 shall be expended for labor in the city of Washington, D. C., and $40,000 to collect and purchase valuable seeds, plants, etc., from foreign countries for experimental tests to be carried on in cooperation with the agricultural experiment stations, and not less than $202,000 shall be allowed for Congressional distribution;" hence the net appropriation for Congressional distribution of seed by Members of Congress is only $202,000.

Mr. BOWIE. Only two-thirds of that.

Mr. WADSWORTH. Two hundred and two thousand dollars is for the purchase of seed. Forty-eight thousand can be used for labor, and $40,000 for purchase of seeds from foreign countries. The gentleman from Mississippi stated the matter correctly.

Mr. CANDLER. I thank the gentleman from New York. Forty-eight thousand for labor and $40,000 for foreign seed is taken out of the $290,000, leaving $202,000 for Congressional distribution, and two-thirds of the seed purchased with that amount goes to the Representatives and Senators to be distributed among the people, and one-third is retained by the Secretary for distribution to be made by him. I am glad, however, to bear testimony to the fact that the distinguished Secretary of Agriculture, who is a farmer himself, is always very accommodating—at least I have found him so—and is always greatly interested in the welfare of the farmers and the development of agriculture in every part of this magnificent country, and hence is always ready to aid Members of Congress in responding to the personal requests of their constituents by supplying them with additional seed, as far as it is possible for him to do so out of the one-third of the seed which is reserved to be distributed by him.

Now, then, I want to call attention to this point in reference to the balance of trade, which has been kept in favor of this country by the farmers. I have the facts and figures, which are contained in a statement made by the Secretary of Agriculture, in which it is shown that we owe absolutely to the farmers the fact that the balance of trade to-day is in our favor.

I read from the last annual report of the Secretary of Agriculture:

> The immense exports from the farms of the country lead to an examination of the so-called "balance of trade." This examination reveals what seems to have escaped the attention of the public, and that is that the favorable balance of trade, everything included, is due to the still more favorable balance of trade in the products of the farm.
>
> During the thirteen years 1890-1902 the average annual excess of domestic exports over imports amounted to $275,000,000, and during the same time the annual average in favor of farm products was $337,000,000, from which it is apparent that there was an average annual adverse balance of trade in products other than those of the farm amounting to $62,000,000, which the farmers offset and had left $275,000,000 to the credit of themselves and the country.
>
> Taking the business of 1903, the comparison is much more favorable to the farmers than during the preceding thirteen-year period, since the value of domestic exports over imports was $367,000,000, the entire trade being included, while the excess for farm products was $422,000,000, which was sufficient not only to offset the unfavorable balance of trade of $56,000,000 in products other than those of the farm, but to leave, as above stated, the enormous favorable balance of $367,000,000.
>
> During the last fourteen years there was a balance of trade in favor of farm products, without excepting any year, that amounted to $4,806,000,000. Against this was an adverse balance of trade in products other than those of the farm of $865,000,000, and the farmers not only canceled this immense obligation, but had enough left to place $3,940,000,000 to the credit of the nation when the books of international exchange were balanced.
>
> These figures tersely express the immense national reserve-sustaining power of the country under present quantities of production. It is the farmers who have paid the foreign bondholders.

To recapitulate, but for the farmers last year there would have been a balance of trade against us of $56,000,000, but the farmers canceled that and left $367,000,000 to our credit. But for the farmers in the past fourteen years there would have been the enormous sum of $865,000,000 against us, but the farmers met that, settled it, and left the marvelous and almost incomprehensible sum of $3,940,000,000 to the credit of America. The crowning glory of this country is her wonderful agriculture and the amazing results it has accomplished. [Applause.]

It is the farmers who have paid our foreign bondholders and saved this country from peddling out its securities in the markets of the world and changed it from a debtor nation to a creditor nation, and if that be true, and it is a statement that can not be doubted or questioned, am I not correct when I say we owe more to the farmers of America than to any other class of people in all this country, and that instead of abolishing or curtailing the few things that they do receive at the hands of the National Government we ought to enlarge them and give them better opportunities and better benefits and greater favors, if possible, than we have ever given them in the past? [Applause.] Let us give them more seed, aid them in building "good roads," extend rural delivery of the mails as rapidly as possible, build the canal, do everything in our power to build up the agricultural interests of the country and to make the life of the farmer comfortable, profitable, and happy, and thereby render the greatest service possible to all of our constituents, because when you build up the farming interests of the country you build up every other interest in the country. The gentleman from Texas [Mr. SHEPPARD] says if we continue this system we will be known as "seedsmen" rather than "statesmen;" and I may be called a "seedsman" rather than a "statesman" because I stand here and advocate the distribution of seed to the people, and especially to the farmers; but you may call me what you please, and name me what you may, as long as I stay here, so help me God, I will raise my voice in the farmer's interest and contend for those things which I believe to be for his good, and thereby help him if I can, and by helping him benefit all the people, because to him we owe more in the past, and we are going to owe more in the future, than we owe to any other class of our citizenship. [Great applause.]

It is the farmer who in time of peace brings the balance of trade

to our shores, and it is the farmer who in time of war stands ready to go to the front and bare his breast to defend the country that he loves. It is the farmer's wife who kisses her bright-faced boy good-bye and faces the loneliness, difficulties, and dangers of isolated country life and tells him to go and remain so long as his services are necessary in the defense of his country and for the good of his people. It is she who under like circumstances gives her husband to the same cause, and whether it be in success or in difficulties, whether it be in time of peace or in war, whether it be in prosperity or in great financial crises, it is the farmer to whom we must turn at last for relief, and, thank God, we have never turned to him unless he came to our rescue and furnished the relief which was required. [Applause.]

I applaud the sentiment and the truth expressed by John Trotwood Moore in his work entitled "A Summer's Hymnal," wherein, in substance, he says: The farmer's life is a loyal and patriotic life, sustained by a faithful hand, that has grasped so often the burden of duty and carried it so unselfishly. It is a hard hand, it is true, but it is faithful and honest, and in its rough grip more gentleness dwells, more truth and honor lay, than in many another of softer parts and finer turn. It may be rough, like the roots of the oak, twisted and hardened, gnarled and knotted, in the primal fight for life with the elements of nature. But unbeautiful as it is, it has borne its full burden in the fight of civilization and the battle of the world. It may be misshapen and its joints large from strain and toil, and the veins may run through it like channels of a stream deep cut, and it may be curved in like the turn of a plow handle and deep set like the grip of an ax helve, and deep set and scarred.

But if to-day there comes an upheaval of the earth in the fusion of rock and matter, and this hand, of all earth's civilization, alone leaves its imprint there to be read eons of ages hence by beings of enlightenment and light in the museums of a higher civilization, well may it stand embedded in some kindred block of stone, not to point to the name and lineage of some prehistoric race, but through all the ages of time it would stand as the "Track of duty," the "Emblem of patriotism" in "the Man age of earth." [Prolonged applause.]

Mr. WADSWORTH. Mr. Chairman, I now yield ten minutes to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL. Mr. Chairman, this would seem to be a proper time to call the attention of the House to a slight error in the last annual report of the Commissioner of Internal Revenue. This report is a very able and interesting one, as are all the reports that have been made by the present Commissioner, and the error to which I allude is one so slight that ordinarily it would not be worthy of mention, but it has been used for purposes so serious that I deem it best to call the attention of the House to it, and through the House the attention of the country.

On page 158 of this report appears a table entitled "Receipts under the oleomargarine law during the fiscal year ending June 30, 1903." In that table appears this item: "Collections on oleomargarine imported from foreign countries, $3,171.16." At the rate of the internal-revenue tax of 15 cents a pound, this would be an internal-revenue tax upon over 21,000 pounds of imported oleomargarine.

On page 160 the Commissioner continues his figures for the months of July, August, and September of the current fiscal year, and in this table appears the item of $2,708.65 internal-revenue tax collected on imported oleomargarine, at the rate of 15 cents a pound. This would indicate an importation of over 19,000 pounds.

When I came to read this report these figures attracted my attention, figures which show that there were over 40,000 pounds of oleomargarine imported into the port of Chicago during three months, June to August, inclusive, 1903. On imported oleomargarine there is an internal-revenue tax of 15 cents a pound, and on imported oleomargarine there is a customs tax of 6 cents a pound. This would make a total tax of 21 cents a pound on 40,000 pounds of oleomargarine imported and withdrawn from consumption in Chicago in three months.

As I say, these figures seemed so astonishing to me that I made some inquiries, especially to find where this oleomargarine came from, because I happen to know that Chicago is the place where they make the best, the purest, and the sweetest oleomargarine that is turned out anywhere in the world. It is a product which is now considered by all skillful cooks superior to any kind of dairy butter for most forms of cooking and, I may add further, Mr. Chairman, a product for use on the table superior to nine-tenths of the so-called dairy butter. So I was astonished to find that 40,000 pounds of imported oleomargarine came into Chicago in ninety days, and I naturally wondered where it came from.

I made some inquiries at the Bureau of Statistics, but could get no information, as they had no such statistics. The Customs Bureau in the Treasury Department could throw no light on the subject. When the Commissioner of Internal Revenue took the matter up he found that these items were the result of a simple mistake, as appears from a letter which he sent to me under the date of January 19, 1904, which I will read. It is as follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, January 19, 1904.

Hon. H. S. BOUTELL,
House of Representatives, Washington, D. C.

SIR: In regard to your inquiry relative to imported oleomargarine received in the first district of Illinois, as shown by the Commissioner's Annual Report for the fiscal year ended June 20, 1903, pages 158 and 160, you are advised that a letter has this day been received from Collector Hertz, of Chicago, stating that he made no collections on account of imported oleomargarine during the months of June and August, 1903; that during the month of June he collected $3,171.16 and during the month of August $2,708.65 on account of oleomargarine taxed at the rate of one-fourth cent per pound; that his report on Form 23 was erroneous, and that the items which should have appeared opposite abstract 26½ were dropped one line to abstract 26½, which made the collections from oleomargarine at one-fourth cent per pound appear under oleomargarine imported from foreign countries at 15 cents per pound.

Therefore it is clearly shown that no oleomargarine imported from foreign countries was received in the first district of Illinois during the last fiscal year, or during the months of July, August, and September of the present fiscal year.

Respectfully, J. W. YERKES, *Commissioner.*

So that this whole story of 40,000 pounds of oleomargarine imported, on which a combined internal-revenue and customs tax of 21 cents a pound was paid, has simply no foundation in truth in it, and was the result of a mere clerical error made by some subordinate who filled out the blank. It would seem hardly worth while to take up the time of the House to call attention to this matter if it had not been made the basis of some very serious representations, both in the press and elsewhere. Of course the two conclusions at once drawn from the fact that such importations took place were these: First, that the present oleomargarine law was a revenue measure, and I think it would astonish the most ardent friends and supporters of this unjust and discriminating law to have it referred to as a revenue measure.

In the second place, this large importation on which had been paid the internal revenue and customs tax would tend to show that the oleomargarine industry must be an industry in which there is a hidden, secret, and enormous profit to warrant the importation of this article and the payment of a tax of 21 cents a pound on it in addition to the transportation and the cost of manufacture. And so these quotations have been used throughout the country as tending to support these two statements.

But the most serious feature of it all was that in the supplemental brief filed by the Government in the pending cases in the Supreme Court to test the constitutionality of the oleomargarine law. On page 24 of the brief these erroneous figures from this report of the Internal Revenue Commissioner were given to the court with these erroneous deductions that naturally were made therefrom that the law was a revenue law and that the oleomargarine industry was enormously profitable.

I may say, Mr. Chairman, that I took occasion to at once call the attention of the Department of Justice to the fact that there was no truth whatever in the items as given in the report, and the Solicitor-General of course at once called the attention of the court to the error which had been contained in their brief.

Mr. RICHARDSON of Alabama. Is it not the truth that the effect of the oleomargarine bill, as passed here by Congress, has been to suppress the industry of oleomargarine to the benefit of the dairy industry?

Mr. BOUTELL. Why, certainly; that was the only object of the bill.

Mr. RICHARDSON of Alabama. That was the intention of the bill?

Mr. BOUTELL. Yes.

Mr. RICHARDSON of Alabama. Using the taxing power to aid one industry to the destruction of another?

Mr. BOUTELL. Yes.

Mr. PERKINS. Has that been the result of the bill?

Mr. BOUTELL. Yes. Almost every oleomargarine factory in this country has been on its last legs for some months, and if this case in the Supreme Court is decided against the manufacturers, it will destroy the industry. I think they have suffered long enough without having to run up against such a mistake as this, used in such a serious way.

[Here the hammer fell.]

Mr. ADAMS of Wisconsin. Will the gentleman permit me to ask him a question?

Mr. BOUTELL. Certainly; if I have the time, I should be glad to have the gentleman ask me anything he wishes.

Mr. LAMB. I will yield the time to the gentleman.

Mr. ADAMS of Wisconsin. The gentleman states that the oleomargarine factories of this country are on their last legs.

Mr. BOUTELL. I understand they are in very serious condition.

Mr. ADAMS of Wisconsin. Is the gentleman aware of the fact that the total oleomargarine production for last year was 72,000,000 pounds?

Mr. BOUTELL. Yes, but that was very much below what it was the year before, I think 50 per cent less than it was two years ago.

Mr. BURLESON. In other words, this pernicious law has accomplished the object it was intended to accomplish?

Mr. BOUTELL. Yes; absolutely.

Mr. BUTLER of Pennsylvania. What was the production of oleomargarine last year?

Mr. BOUTELL. I could not give the exact figures.

Mr. BUTLER of Pennsylvania. How much above 72,000,000 pounds?

Mr. ADAMS of Wisconsin. It was 125,000,000 pounds.

Mr. BUTLER of Pennsylvania. Does the gentleman consider an industry on its last legs when it manufactures 70,000,000 pounds a year?

Mr. BOUTELL. Yes, considering the number of factories and the fact that they made 125,000,000 of pounds the year before.

Mr. BUTLER of Pennsylvania. Well, its legs will be long enough to carry it a good while yet, I think.

Mr. BOUTELL. Not if the present unjust law remains in force.

Mr. WADSWORTH. Does the gentleman from Virginia [Mr. LAMB] want to use any more time? If not, I will move that the general debate be closed and that we now take up the reading of the bill by sections under the five-minute rule.

Mr. BARTLETT. Mr. Chairman, before that is done, I would like to ask the gentleman from New York a question. I would like to know if there is any provision made in this bill which will permit the Secretary of Agriculture to pay for the services rendered by crop reporters in the different States for sending in their reports?

Mr. WADSWORTH. They are not paid in money. They are paid in the way of documents and bulletins and horse books—things of that sort. I presume the gentleman refers to the crop reporters?

Mr. BARTLETT. Yes; I mean the crop reporters.

Mr. WADSWORTH. I understand there is no complaint made by them nor is there any demand on their part that they shall receive anything. It is a voluntary work, and the Government pays them the compliment of sending them documents and bulletins and farm publications generally.

Mr. BARTLETT. I know that the Government up to this time has not been paying them, but I want to know if this bill contains any provision looking to a change in that regard?

Mr. WADSWORTH. It does not.

Mr. BARTLETT. The bill does not do it, and an effort to amend the bill in that respect of course would be enacting new legislation.

Mr. WADSWORTH. It would be subject to the point of order.

Mr. BARTLETT. And the gentleman stands ready to make such a point of order?

Mr. WADSWORTH. I should have to make it.

Mr. BARTLETT. That is all I desire to know about.

Mr. LAMB. Mr. Chairman, I yield twenty minutes to the gentleman from Virginia [Mr. MAYNARD].

Mr. MAYNARD. Mr. Chairman, I desire to call attention to the provisions of this bill embraced under the Bureau of Statistics and Salaries on page 42. The report says that this item has been increased $15,100. I suppose there is no objection on the part of any Member of this House to this provision, but representing, as I do, one of the greatest trucking sections in the United States, I feel it incumbent upon me to call the attention of the Members of the House to this item, so that it may be thoroughly understood and every Member may know the purpose of the increase and the necessity that exists and the claims these crops have for recognition and help by the General Government. The farmer engaged in growing truck produces wealth for the country and is entitled to the same consideration given growers of other important crops.

We are all familiar with the interest the Government takes in the statistical division of the Agricultural Department with reference to crop reports, frost conditions, and acreage, with reference to cotton, wheat, and other important crops raised in the United States. Mr. Chairman, there has been no report upon the subject of tobacco, rice, or trucking crops which are grown in nearly all of the States of the Union. I desire to submit for the consideration of the House a few statistics in relation to the trucking industry that I have gathered from the Agricultural Department through the courtesy of Doctor Corbett.

The trucking industry in the United States is so diverse in its nature, covers such a wide range of crops and climatic conditions that even those engaged in the industry have no adequate conception of its extent and importance. The reports of the last census, however, offer figures which enable us to present in a brief and concise form an idea of the magnitude of the industry. We are accustomed to look upon the trucking industry as a very small factor in the general agriculture of the country, but compared with the great staples corn, cotton, wheat, oats, orchard fruits, etc., the products of the truck farms take an important position. There are in the United States 5,739,657 farms, which produce crops valued at $2,910,138,663, of which amount each of the crops listed contributes the amount set opposite it in the table.

Crop.	Acres.	Value.	Value per acre.
Corn	94,916,911	$828,258,326	$8.73
Hay and forage	61,991,166	484,256,846	7.85
Cotton	24,275,101	370,708,746	15.27
Wheat	52,588,574	399,945,320	7.03
Vegetables	5,753,191	242,170,148	42.09
Oats	29,539,098	217,098,584	7.35
All fruits	----------	131,423,517	----------
Truck (alone)	----------	118,255,243	57.36
Orchard fruits	----------	85,751,840	----------
Tobacco	1,101,483	56,993,093	51.74
Small fruits	----------	25,030,877	----------
Rye	2,054,292	12,290,540	5.98
Subtropical fruits	----------	8,542,863	----------

From the foregoing table it will be noted that vegetable crops hold the fifth position in rank among the great sustaining crops of the country. The trucking industry, which is a purely commercial subdivision of this vegetable industry, ranks eighth among the great wealth-producing crops. With the exception of the aggregate value of all fruit crops, the truck industry stands next in value to the cereals and is $34,000,000 more than the value of the orchard fruits of the country. This industry returns more than twice as much to the nation as the tobacco industry and about fourteen times as much as the subtropical fruits of the country. The reason that the truck business has never been considered one of the important factors in the agriculture of the country is the comparatively small area which it covers in any particular locality. There are in all only 5,753,191 acres devoted to this industry, and for that reason it has not figured largely in the general farm operations of the country, some of which, like corn, cover 94,916,911 acres.

The character of the industry, however, is indicated by the value of the crop per acre. The average value for corn is $8.73, and for cotton $15.27, while for truck it is $57.35, almost four times as much as for cotton and seven times as much as for corn. This explains the rank of the industry and indicates its intensive character. In comparing these figures it must be borne in mind that they represent the average for all sections of the country, all grades of producers, and the whole range of trucking crops. If special crops were to be selected and the returns of the most successful grower made the basis for comparison the differences between the cereals and truck crops would appear still more striking. In many instances corn is made to yield as much as $60 to $70 per acre, while truck crops may be made to return as high as $800 to $1,000 per acre. Such returns, however, are only obtained under the best of conditions, with intelligent management, both as regards cultivation and marketing.

For purposes of comparison the general averages will be most satisfactory, as they do not represent extreme conditions, but results which can be attained by any skillful and painstaking grower. The figures presented under the head of "truck" by no means represent the commercial standing of the industry. The census reports the total vegetable industry as having a value of $242,170,148. Of this, truck is allowed $118,255,243, the market garden $67,399,348, the family garden $46,477,087, or a total of $232,131,678, thus leaving $10,038,470 as the value of the vegetable crops used by the canneries of the country, which is undoubtedly very close to the true value of the product. Taking, then, the aggregate value of the truck, the market garden, and the cannery crops, we find the wealth production from the growth of vegetables to be $195,693,061. This makes no account of the $46,477,087 worth of vegetables grown in family gardens.

If the corn, hay, and other cereal crops were to be measured by the actual amount put upon the market and sold for cash, I dare say the rating of the crops would be still more markedly changed, with the result that the vegetable crop would stand much higher than at present.

As before stated, vegetable crops are staple crops; the products are perishable, but at the same time are necessities. It is therefore impossible for any one section to monopolize the production of all or, in fact, any one of these crops. The maps here presented not only indicate the wide distribution of these crops but emphasize the magnitude and importance of the local production of these crops about the great centers of consumption. This is again emphasized by the fact that the States with the largest consuming capacity are also the greatest producers. There were in 1899 twelve States each of which reported over 175,000 acres de-

voted to vegetable growing, New York State alone growing over 542,000 acres, while Minnesota, with many adverse conditions, devoted 177,138 acres to the industry. Eleven States derived over $7,500,000 each from the industry.

New York	$25,706,430
Pennsylvania	15,832,904
Ohio	12,354,407
Illinois	10,346,797
Michigan	11,098,136
Virginia	9,083,274
Mississippi	8,725,502
New Jersey	8,425,596
Wisconsin	8,048,511
Texas	7,677,242
Iowa	7,588,856

With this vast country interested in this wealth-producing crop, I believe it will strike every Member of this House as fitting that this industry should receive at the hands of the General Government the same aid that the production of cereals, cotton, and other crops receives at the hands of the Agricultural Department. For that reason I have offered these few statistics so that Members may be able to appreciate the necessity and claims that these industries, and the trucking industry especially, have for reports of the character now furnished with reference to the other crops of the country. [Applause.]

Mr. WADSWORTH. I now yield to the gentleman from Connecticut [Mr. HENRY] such time as he may desire to occupy.

Mr. HENRY of Connecticut. Mr. Chairman, this general debate upon the agricultural appropriation bill offers a convenient opportunity for remarks explanatory of the operation and effect of the oleomargarine law.

It is now over two years since the Committee on Agriculture reported the so-called "antioleo bill," which, after a long debate and most vigorous opposition in both branches of Congress, became a law May 9, 1902, becoming operative July 1, 1902. Obviously sufficient time has elapsed to fairly indicate the effect of legislation regarded by many as too drastic. The prophecies of failure and disaster uttered upon this floor during the week's discussion which preceded the passage of the bill will be long remembered.

It was alleged that a great industry would be ruined and the manufacture of oleomargarine made unprofitable; whereas results have proven that while the production of a fraudulent article, intended to be clandestinely sold as counterfeit dairy butter, has been curtailed, yet the manufacture of a more legitimate product, usually honestly sold without deception, is still continued.

It was claimed that oleomargarine colored in imitation of yellow butter, if taxed 10 cents per pound, could not be profitably manufactured; yet the last report of the Commissioner of Internal Revenue shows that over 5,000,000 pounds of colored oleomargarine, subject to this high tax, was manufactured and sold during the first fiscal year after the law became operative.

It was said that uncolored oleomargarine could not be sold except in very limited quantities, but the Bureau reports indicate that nearly 70,000,000 pounds were sold in American markets during the last fiscal year, paying a tax of only one-fourth cent per pound, in place of the 2-cent tax formerly levied, and inferentially benefiting consumers to the extent of at least the difference of 1¾ cents per pound.

Representatives of live-stock associations and of oleo manufacturers asserted that the price of oleo oil would be largely reduced, to the great and permanent injury of the stock-growing interests of the West; whereas the highest prices ever quoted for oleo oil have been obtained since the enactment of the oleomargarine law.

Gentlemen from the cotton-growing States were alarmed for the cotton-seed oil industry, believing that the consumption of that oil would be diminished, with a consequent reduction in price. But events have shown that cotton-seed oil is used in increasing quantities and at higher prices, its larger use as a slight coloring ingredient being deemed desirable by oleo manufacturers. In fact, almost every contention made by the manufacturers of oleomargarine has been demonstrated to be false or imaginary, while the expectations and claims of the advocates of this timely and wholesome legislation have been realized and justified by well-ascertained results. So that it can now be truthfully said that, after a trial of over a year and a half, despite the efforts of unscrupulous enemies, the anti-oleo law meets the hopes of its friends and merits the approval of all consumers of dairy products, as well as of the great dairy interests of the country.

Under the provisions of section 4 of this act the sale of adulterated butter is effectually prohibited. The manufacture of process or renovated butter is regulated, and the 54,696,651 pounds of this none too desirable article of food sold during the last fiscal year was branded and marketed under the supervision of the Bureau of Internal Revenue.

The report of the Commissioner of Internal Revenue for 1902, the last year the old law was in force, shows that 126,316,427 pounds of oleomargarine were manufactured during the fiscal year ending July 1, 1902. This, together with 722,237 pounds on hand July 1, 1901, made a total production of 127,038,664 pounds. Of this quantity 3,469,199 pounds were exported, leaving 123,869,465 pounds for domestic consumption.

The Commissioner's report for 1903 shows that 5,710,407 pounds of colored oleomargarine, subject to a tax of 10 cents per pound, were manufactured during the fiscal year ending July 1, 1903, together with 67,573,689 pounds of uncolored, paying a tax of one-fourth cent per pound. Of this quantity 3,486,692 pounds were exported, leaving 69,797,404 pounds for domestic consumption, or 54,072,091 pounds less than in the preceding year.

That the production of oleomargarine is gradually decreasing is indicated by the further fact that during the months of July, August, September, October, and November of the present fiscal year there were manufactured 1,425,310 pounds of colored oleomargarine, together with 20,474,748 pounds of uncolored, making a total production for these five months of 21,900,058 pounds, while the quantity produced in the corresponding months of 1902, the first five months after the law became operative, was 1,374,930 pounds of colored and 25,537,207 pounds of uncolored, making a total production of 26,902,117 pounds, or 5,002,089 pounds more than during the first five months of the present fiscal year. The quantity manufactured during the corresponding months in 1901, under the old law and paying a tax of 2 cents per pound, was 43,529,364 pounds, or more than double the present current production.

The licenses issued under the old law in 1902 were: Manufacturers, 35; wholesale dealers, 192; retail dealers, 10,821. The licenses issued in 1903 under the new law were: Manufacturers, 31; wholesale dealers, 398; retail dealers, 26,157, indicating a wider distribution, if not more legitimate sales.

The revenue collected during the last year of the old law was $2,944,472.46; the amount collected during the first year of the new law, including the tax upon renovated butter, was $888,181.68, a sum sufficient to defray the cost of Government supervision—all that the friends and framers of the law anticipated or intended.

These statistics are most satisfactory from a dairyman's point of view, inasmuch as presumably this decrease of over 60,000,000 pounds in the production of oleomargarine since the law became operative, in July, 1902, gave place to and made possible the sale of an equal quantity of dairy or creamery butter.

With these facts before us, it may be fairly claimed that the farmers and dairymen of the country have not only been able to market an increased quantity of butter, but have also obtained slightly higher prices, and withal the consuming public have been protected from imposition and have received the article purchased.

Mr. WADSWORTH. Mr. Chairman, I understand from the gentleman from Virginia [Mr. LAMB] that there are no other gentlemen on his side who desire to address the committee; and as I have no further applications for time, I move that we now proceed to the consideration of the bill under the five-minute rule.

The CHAIRMAN. If there be no objection, the Clerk will proceed with the reading of the bill by paragraphs for amendment and debate under the five-minute rule.

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

General expenses, Bureau of Animal Industry: For carrying out the provisions of the act approved May 29, 1884, establishing the Bureau of Animal Industry, and the act approved August 30, 1890, providing for an inspection of meats and animals, and the provisions of the act approved March 3, 1891, providing for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate and foreign commerce, and for other purposes, and to prescribe rules and regulations for the safe transport and humane treatment of export cattle from the United States to foreign countries, and the amendatory act approved March 2, 1895, providing for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate and foreign commerce, and for other purposes, and also the provisions of the act approved February 2, 1903, to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes: *Provided*, That live horses be entitled to the same inspection as other animals herein named: *Provided further*, That the Secretary of Agriculture may, in his discretion, waive the requirement of a certificate with beef and other products which are exported to countries that do not require such inspection, $1,200,000; and the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, in such manner as he may think best, in the collection of information concerning live stock, dairy, and other animal products, and to prevent the spread of pleuro-pneumonia, blackleg, tuberculosis, sheep scab, glanders or farcy, hog cholera, and other diseases of animals, and for this purpose to employ as many persons in the city of Washington or elsewhere as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed

animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State to another; for improving and maintaining the Bureau Experiment Station at Bethesda, Md.; to establish, improve, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle, domestic and other animals imported at such ports as may be deemed necessary; for printing and publishing such reports relating to animal industry as he may direct; and the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other farm products of the United States, and for suitable transportation of the same; and such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the continuation and repetition of such experimental exports; and the Secretary is hereby authorized to rent a suitable building in the District of Columbia, at an annual rental of not exceeding $1,800, to be used as a laboratory for said Bureau of Animal Industry; and the employees of the Bureau of Animal Industry outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year: *Provided*, That the Secretary of Agriculture may construe the provisions of the act of March 3, 1891, as amended March 2, 1895, for the inspection of live cattle and products thereof, to include dairy products, intended for exportation to any foreign country, and may apply, under rules and regulations to be prescribed by him, the provisions of said act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said act relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified.

Mr. LUCKING. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

After the word "another" in line 7, page 12, insert the following words:
"*Provided*, That the Department or Bureau shall not give away to any one person, firm, or corporation more than 100 doses of blackleg vaccine in any one year."

Mr. WADSWORTH. Mr. Chairman, I shall have to raise the point of order against that that it is entirely new legislation.

The CHAIRMAN. The Chair is of the opinion that there are many things in this whole paragraph that might be subject to a point of order, but where they are allowed to remain in the bill by unanimous consent, the Chair thinks an amendment like that offered by the gentleman, to perfect the legislation, is not subject to the point of order.

Mr. WADSWORTH. Then I will listen to what the gentleman from Michigan has to say.

Mr. LUCKING. Mr. Chairman, I desire to add but a very few words to what I said this morning relative to the matter of this amendment.

In the first place, I desire the members of the committee to note that it is not proposed to suppress or completely put an end to the manufacture and distribution of blackleg vaccine. The amendment is simply to correct what everybody to whom I have talked privately admits to be a gross abuse, namely, the giving away of this vaccine in unlimited quantities to people who can very well afford to buy it from private sources, and to limit and prevent the destruction of private enterprise, and to stop the Government in a paternal enterprise, which is certainly wrong in principle and without any real benefit.

The point made by the gentleman from Texas [Mr. BURLESON] this morning was that this is being used experimentally with the idea of destroying blackleg entirely in this country. That argument has been used for upward of thirteen years, according to the authority that was read from the desk this morning. And a further abuse exists to this extent that it is given away so freely and with so little inquiry and with so little regard to justice that many individuals are engaged in getting it from the Bureau and reselling it to small farmers throughout certain of the States. This is stated upon what appears to be unquestionable authority, and it is not denied in the Bureau that it is given away in unlimited quantities to anybody who chooses to ask for it. Now, this amendment is simply for the purpose of limiting the number of doses to be given to any one person, firm, or corporation in one year to 100 doses, and it does seem to me that if any rancher or other farmer is so wealthy as to own so many animals that he requires more than that number in any one year he ought to be willing to pay something for it.

I submit further that this pretense of doing it in the hope of stamping out the disease is contradicted and overturned by the experience of the last fifteen years. It is wrong in principle for the Government to interfere with private enterprise, and I hope the amendment will be adopted.

Mr. LAMB. Mr. Speaker, this matter was gone over carefully by the committee, as every other item in it was, and upon the very point that has been discussed here by our friend from Michigan [Mr. LUCKING] we interrogated the Secretary of Agriculture. I should like to have the Clerk read his answers to two questions, asked by the gentleman from Texas [Mr. BURLESON] and myself.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Mr. LAMB. That leads me to make a new inquiry of you, Mr. Secretary. I have received letters saying the Government is making serum to destroy blackleg, and trying to interfere with private enterprise. I would like to hear from you on that.

Secretary WILSON. Blackleg is a disease that affects young animals, mostly calves; sometimes yearlings, and, very rarely, 2-year-olds. The people had great difficulty in getting serum that was powerful enough to treat it. We make it here for probably a tenth of a cent a dose; and we send out, say a million and a half doses a year, free to the people, and the result is that wherever we send it blackleg is disappearing. We are pushing this work with the theory that if we can prevent blackleg it will die out.

It is the same with rabies. If you muzzle every dog in the District of Columbia, and allow no other dog to come in, rabies will not come in. You could not do that. The love for the pup is stronger than the love for man, woman, or child in the District of Columbia, and dogs can not be muzzled here. That is the theory on which we are trying to experiment with blackleg, and we are succeeding. The day should come when there will not be a particle of blackleg in the United States.

Mr. BURLESON. As I understand it, Mr. Secretary, these laboratories are maintained by the Bureau of Animal Industry and its manufacture costs a mere trifle.

Secretary WILSON. Yes. Of course we are interfering with the trade, and if we destroy blackleg in cattle, we will destroy their trade in blackleg serum altogether. The economic question is whether we should maintain blackleg for the benefit of these manufacturers.

Mr. LAMB. Now, Mr. Chairman, that goes to the root of this matter. The Government is stamping out blackleg just as it did the foot-and-mouth disease, and the committee will see at once that the private business of these gentlemen referred to by the gentleman from Michigan will not be necessary after the Government has succeeded in stamping out this disease.

Mr. LUCKING. May I ask the gentleman a question?

Mr. LAMB. Yes.

Mr. LUCKING. Was not the same argument made thirteen years ago in this House, that you were stamping it out?

Mr. LAMB. I think so. Experience since then has shown that we are stamping it out, and there is the evidence given by the Secretary of Agriculture himself.

Mr. LUCKING. They might say the same thing about smallpox or anything else that they chose to experiment with.

Mr. MONDELL. Mr. Chairman, I hope the amendment offered by the gentleman from Michigan will not prevail. I do not believe that the number of doses of vaccine given to any one individual should be limited, at least the limit should not be as low as suggested by the gentleman from Michigan. The Secretary of Agriculture very clearly pointed out that the object of the Department in the distribution of this vaccine is to stamp out blackleg; and during the time that this Government has been distributing this vaccine blackleg has very largely diminished and is being gradually stamped out. The stock raisers of my State that I come in contact with, and with whom I correspond in regard to this matter, tell me that the vaccine furnished by private firms can not be depended upon; that, as a matter of fact, the Government vaccine is a specific; that on the other hand the vaccine that they obtain from the local merchants, either by reason of fault in its manufacture or by reason of the fact that it has become stale in the hands of local merchants, very often is of no value whatever, whereas the blackleg vaccine furnished by the Government is always fresh and in every case efficacious. During the time that this vaccine has been furnished by the Government, at least so far as my region is concerned, blackleg has decreased by at least one-half, indicating that, as a matter of fact, the disease is being rapidly stamped out.

Now, the gentleman from Michigan suggests that by reason of this distribution stock raisers, or those pretending to be stock raisers, who apply for the vaccine are using it as an article of merchandise. I want to call the attention of the gentleman and the House to the fact that the vaccine is never furnished except on an application indorsed by a Member of Congress or a Senator, and if the Member indorsing that application will take the pains to satisfy himself, as he should, as to the character of the applicant, there can be no question but what the vaccine will be properly and legitimately used. It has been my practice whenever an application has reached me to assure myself beyond doubt or question as to the character of the applicant and as to the fact of his being the owner of a sufficient number of cattle to require the number of doses he asks for.

Mr. BOWIE. Is it not true that the cost of a dose of this vaccine to the Government is about one-tenth of 1 cent, and that these private manufacturers sell an inferior quality at 50 cents a dose? At any rate a very much larger amount?

Mr. MONDELL. I think that in our country it is sold for 15 cents a dose in small quantities, and 10 to 12 cents a dose in large quantities.

Mr. BOWIE. It is about a hundred times as much.

Mr. MONDELL. The objection is not so much to the price, objectionable as that is, as to the quality of the vaccine obtained from private manufacturers.

Mr. BURLESON. If the gentleman will permit me, is it not a

fact that the drug stores and other places where the vaccine is kept for sale, if they fail to sell out the stock on hand in this year, carry the stock over to next year, and sell it to the stock raisers, and in consequence of that fact they do not get verile vaccine matter?

Mr. MONDELL. I think that is unquestionably true, and probably that is the reason why the vaccine obtained in the localities or in the local stores is often absolutely worthless.

Mr. BROOKS. Mr. Chairman and gentlemen, I very much hope that this amendment will not prevail. I speak for a large section, where the stock-growing interests are large and where the number of people having small stock interests is large. I want to say that in my experience I have had very many requests for the vaccine to which the gentleman from Michigan alludes, and it is true that an application to the Department for this vaccine must bear the indorsement of a Congressman, so that I think I am fairly well informed as to the sources from which the requests come in my section, and thus far the largest single requests I have had has been for fifty doses of blackleg vaccine. I know also that these requests have come in a large majority of instances from people I have personally known to be not the large stockmen or from men who were seeking to get any undue advantage, but from the smaller stock growers and smaller ranchmen. To them this favor from the Government's bounty, while insignificant in cost, is a very important thing. Many of them are somewhat remote from sources of supply, and that which they can obtain locally is often, from no fault of the original manufacturers, inert and valueless.

To obtain easily, quickly, and without expense a reliable supply has been of great assistance to the very ones who most need it. I know that it is very much desired and appreciated when received, and I feel that if the bill were to be amended it should be in the direction of making the distribution of vaccine more, rather than less, general.

I understand also that a further reason for which the Agricultural Department desires to continue this distribution as it has hitherto carried it on is that it is important on account of the protection thereby afforded to interstate commerce to eradicate the disease or to bring it where the Department can control it. The shipping of cattle from one section to another has made the existence of blackleg on the ranges a very serious menace to the stock growers of the whole country.

The interests which are protected from this danger by the distribution of vaccine certainly have a right to demand further consideration, and to check the work now, before its results have been fully accomplished, would be shortsighted in the extreme. As to the statement that vaccine obtained from the Government is sold for private gain, I can not think that this is the case to any considerable extent. Everything in my own experience is to the contrary, and it seems as though this must be a mistake. It seems to me that it is very important, therefore, for these and many other reasons, that this distribution should continue. I hope that the amendment will not prevail.

Mr. LUCKING. Mr. Chairman, if it is not out of order I would like a minute or so to make some comment. Now, the gentleman, I think from Wyoming, suggested that the limitation placed in the proposed amendment was too small, that 100 doses was below what it ought to be, and I would ask him, if he seriously entertains the proposition of the amendment at all, what he would consider a proper limitation?

Mr. MONDELL. Personally, I do not think there should be any limit.

Mr. LUCKING. Very well; then I will not ask anything further. Now, Mr. Chairman, with reference to the quality of the vaccine prepared and sold by private manufacturing institutions of the country, I desire to say that the one house which I mentioned this morning, Parke, Davis & Co., send their preparations all over the civilized world; that no house on this continent stands higher or is more careful in the preparation of its products.

Its products are used all through the Government institutions in very many of its departments, and I wish to protest vigorously against the proposition that the article which is manufactured by the Government is any better than that manufactured by Parke, Davis & Co., and I would like to ask if any gentleman connected with the Agricultural Department has ventured to say that anything of the kind was true or could be true. Furthermore, the departments now are under Government supervision which manufacture privately the blackleg vaccine.

Mr. MONDELL. Will the gentleman yield to me for a moment? I have no desire to criticise unjustly the product of any manufacturing company in the Union, and if the gentleman listened to what I have said, he will recollect that I have stated——

Mr. LUCKING. There were others who stated that, not yourself.

Mr. MONDELL (continuing). That either by reason of fault in manufacturing or by reason of deterioration of the quality of the goods by long storage they certainly did not produce as good results as the Government vaccine.

Mr. LUCKING. Well, now, Mr. Chairman, that suggests the further fact for the consideration of the members of this committee that the United States Government is actually engaged in manufacturing this stuff just as it is ordered from day to day and giving any amount of it to anybody who may choose to ask for it, and it has done that for many years. Now, thirteen years ago, according to the statistics furnished, they were putting forth nearly as much of this as now. It has increased, I think, about 250,000 doses in the last thirteen years, and I submit for the Government to engage in the business after so many years, when it started the business purely as an experiment, and we understood it was an experiment to see what could be done, that it is an enterprise which ought not any longer to continue in the way it is now being conducted. That is all I desire to say.

The question was taken, and the amendment was not agreed to.

The Clerk read as follows:

Botanical investigations and experiments: Investigations relating to medicinal, poisonous, fiber, and other economic plants, seeds, and weeds; the collection of plants, traveling expenses, and express and freight charges: for all necessary office fixtures; the purchase of paper and all other necessary supplies, materials, and apparatus; for rent and ordinary repairs of a building for office and laboratory purposes, not to exceed $3,000; for gas and electric current; for telegraph and telephone service; for the employment of investigators, local and special agents, clerks, assistants, and student scientific aids at an annual salary of $480 each, and other labor in conducting experiments in the city of Washington and elsewhere; and in collating, digesting, reporting, and illustrating the result of such experiments; subscriptions to and purchase of botanical publications for use in the division; and the preparation, illustration, and publication of reports; to investigate and publish reports upon the useful plants and plant cultures of the tropical territory of the United States, and to investigate, report upon, and introduce other plants promising to be valuable for the tropical territory of the United States, such plants and botanical and agricultural information when secured to be made available for the work of agricultural experiment stations and schools; to investigate the varieties of cereals grown in the United States or suitable for introduction, in order to standardize the naming of varieties as a basis for the experimental work of the State experiment stations, and as an assistance in commercial grading, and to investigate, in cooperation with the Bureau of Chemistry, the cause of deterioration of export grain, particularly in oceanic transit, and devise means of preventing losses from those causes, $65,000.

Mr. HAUGEN. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert on page 20, in line 4, after the word "dollars," the following:

"The Secretary of Agriculture is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (Poa compressa) are obtained under any other name than Canada blue grass or Poa compressa, to publish the results of the tests together with the names of the persons by whom the seeds were offered for sale."

Mr. HAUGEN. Mr. Chairman, I offer this amendment. It has the approval of the Agricultural Department. It is to protect the purchasers of seeds against the adulteration and misbranding of seeds and to give the Secretary of Agriculture the authority to purchase samples of seeds and test the same and, if found to be adulterated or misbranded, to publish the results of the tests together with the names of persons offering such seed for sale. I will state, also, that this amendment has been carefully considered by the Committee on Agriculture and is authorized by the committee.

Mr. COWHERD. I would like to ask the gentleman a question. I could not catch from the reading at the Clerk's desk exactly what the amendment was. I understand there is a provision which calls for the publication of the names of parties who sold the seed. What is the purpose?

Mr. HAUGEN. That is, after the seed has been found to be adulterated or misbranded.

Mr. COWHERD. Is it intended to get samples of all seeds from everybody engaged in the business in the United States?

Mr. HAUGEN. Oh, no.

Mr. WADSWORTH. When the Department thinks it is necessary.

Mr. HAUGEN. When it is deemed necessary by the Department.

Mr. BURLESON. I will state to the gentleman from Missouri that it is intended to put the public upon notice of who sells these adulterated seeds.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Arlington experimental farm: To enable the Secretary of Agriculture to continue the necessary improvements to establish and maintain a general experimental farm and agricultural station on the Arlington estate, in the State of Virginia, including employment of labor in the city of Washington or elsewhere, and for all necessary fixtures, supplies, material, apparatus, and other expenses, in accordance with the provisions of the act of Congress approved April 18, 1900, entitled "An act to set apart a portion of the Arlington

estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office," which act shall be construed to confer upon the Secretary of Agriculture and his successors jurisdiction over so much of the Government land in Alexandria County, Va., known as the Arlington estate, as lies east of the public road leading from the Aqueduct Bridge to Alexandria, Va., otherwise called the Georgetown and Alexandria road, and between said road and the Potomac River, containing about 400 acres, with the exception, however, of a strip of land as follows: Commencing at the point where the Georgetown and Alexandria road enters the Arlington estate on the north side, thence along said road 625 yards, thence in a line perpendicular to said road to the Chesapeake and Ohio Canal, thence along said canal to the north line of the reservation, $15,000.

Mr. RIXEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 23, line 8, strike out the word "fifteen" and insert the word "twenty-five" so that it will read "$25,000."

Mr. RIXEY. Mr. Chairman, this experimental farm at Arlington is the only experimental farm in the United States that belongs to the Government. It was taken from the War Department in 1900 and turned over to the Agricultural Department for the purpose of an experimental station. It contains from 300 to 400 acres, and the Agricultural Committee of this House is starving it to death. The act under which it was turned over to the Secretary of Agriculture provides:

That the declared purpose of this act is to set apart said tract of land as a general experimental farm in its broadest sense, where all that pertains to agriculture in its several and different branches, including animal industry and horticulture, may be fostered and encouraged, and the practice and science of farming in the United States advanced, promoted, and practically illustrated.

When this property was turned over to the Agricultural Department it presented the appearance which you can imagine it would after forty years of neglect. At one time the Arlington estate was among the most beautiful in Virginia, but it was confiscated in 1861–1865, and from the time it went into the hands of the Government this portion of it, the low ground of the Arlington estate, remained without any cultivation, tillage, or care for forty years. For that length of time it had been an eyesore to that portion of the State of Virginia and to this city. In 1900 it was turned over to the Agricultural Department and the Secretary was instructed to make it an experimental station, so as to be an example for agriculture in the several States of this Union. At that time the land was traversed by deep gullies, overgrown with underbrush and with not a building or a fence upon it. With the small appropriation of $15,000 the Secretary has gradually gotten the land into condition to proceed with experiments as contemplated by the law of April 18, 1900, but for two years he has appealed in vain to Congress to give him an additional appropriation.

In his last annual report he takes four or five pages of the report urging the importance of a liberal appropriation for this experimental station, and his concluding words are as follows:

The more specialized character of work which each year becomes necessary in the management of the Arlington farm demands a greater expenditure per acre under cultivation, as new and urgent problems are continually presented for solution; and in order that the work now in progress may be completed and that a few of the many new difficulties presented may each year be brought under consideration, it is respectfully recommended that at least $25,000 be set aside for use at the Arlington farm.

Mr. Chairman, there is now an appropriation by the General Government for aid to the experimental stations in the several States. This is known as the "Hatch fund," and provides for the appropriation of $15,000 to each of the several States for experimental stations. These stations are under the control of the States and not of the Federal Government. The State of New York supplements the $15,000 which this Government gives for experimental purposes with $100,000, and the State of Illinois supplements the $15,000 by an appropriation of $70,000, and yet this committee expects the Department of Agriculture to make the Arlington Experiment Station, which is larger than either and the only one owned by the Government, to be properly conducted and developed upon an expenditure of $15,000.

Mr. PAYNE. Will the gentleman state how much the State of Virginia supplements this appropriation?

Mr. RIXEY. Virginia is not expected to supplement it, but if you will turn it over to the State of Virginia we will duplicate the amount.

Mr. PAYNE. In other words, you will give $15,000?

Mr. RIXEY. This land is owned entirely by the United States Government and is controlled by the Government. It was bought by the Government, and the State of Virginia has no jurisdiction over it, because it has surrendered its jurisdiction. Why should you expect the State of Virginia to supplement the Government appropriation?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWIE. I ask that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Texas asks that the gentleman from Virginia have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. RIXEY. Mr. Chairman, I will not take the whole five minutes. I only want a minute or two. Mr. Chairman, speaking for myself, I have been disappointed in the results at the Arlington farm. I had supposed that Congress would have been liberal in its appropriations and have enabled the Secretary to go on with the developments on the lines contemplated in the act of Congress giving him jurisdiction. He says he wants to conduct experiments in agriculture as they are conducted in the States. He wants to show to the States what can be accomplished in agriculture. He is well informed and equipped for the development of the national experimental farm, but he is unable to put up the buildings or to make the experiments unless this appropriation is increased.

I submit that what the Secretary asks for is less than he ought to have. Instead of $100,000 which New York gives to its experimental stations, this Government only gives fifteen thousand to the only experimental station that it owns. I submit that the amendment ought to be adopted, and that the committee should hereafter deal with this great experimental station in a spirit commensurate with the importance and dignity of the agricultural interests—the greatest industry of our country.

Mr. HEPBURN. Mr. Chairman, I would like to ask the chairman of the committee if in his judgment a mistake has not been made in attempting to establish this experimental farm on the Arlington estate. The Arlington estate was intended, I think, for two purposes originally, neither of them an agricultural purpose, and now, for the uses of the military, they are seeking to secure additional very high-priced land in order that there may be room for the military maneuvers that ought to occur at that place. Has there not been a mistake made in taking the three or four hundred acres that lie down in the flats, admirably adapted for military maneuvers, and attempting to establish this farm at that place? I think so; and I for one would be unwilling that there should be any permanent improvements that will be destroyed when the estate is returned to the real uses for which it was purchased and to which it ought to be dedicated.

Every foot of that land is needed now for the maneuvers of the troops that from time to time will be there and that perhaps ought to be there at all times, and we ought to use that which we have and not pay, as is contemplated by certain real estate firms in this city, five hundred, a thousand, or two thousand dollars an acre for additional land in order to make needed room for military maneuvers.

Mr. WADSWORTH. Mr. Chairman, the Committee on Agriculture, I may state, has always been opposed to the establishment of a Government experimental farm. They take the ground that the experiment station in each State and Territory, to which the National Government contributes $15,000 annually, is sufficient.

In other words, that an experiment made here on the shores of the Potomac would be of no account in the State of Pennsylvania or the State of New York. Therefore, as an experimental farm it has never been popular, I may say, with the Committee on Agriculture.

Mr. HEPBURN. Will the gentleman allow me to say, for fear of being misunderstood, that I do not want to make any criticism upon the policy of the establishment of this national experimental station. I believe in it; I think it ought to be done. I do not agree with the committee on that matter; but I do believe that we have made a mistake in locating it here upon the high-priced lands so near the capital.

Mr. WADSWORTH. In considering this question, Mr. Chairman, the committee simply decided to put this experimental station on all fours with all the other experimental stations of the country. The United States Government gives $15,000 a year to the experimental stations located in each State and Territory. We have simply treated this United States experimental station exactly as we have treated those in the several States. This station can not be built up, I admit, in one year with $15,000; but I disagree with the gentleman from Virginia [Mr. RIXEY]. I think great work has been done there already under previous appropriations and the work will continue, and in ten years, with $150,000 expended there, you will have a magnificent experimental station. And let me say further to the gentleman from Virginia that Virginia is very fortunate in having two stations that the Government gives $15,000 each to.

There is the State experimental station, and then there is this experimental station. Now, the mere matter of $10,000 does not amount to very much, but we simply put it on the same ground as we put all the other stations, and, as I say, in ten or fifteen years that station will be a magnificent station with an annual appropriation of $15,000.

Mr. RIXEY. Does not the State of New York supplement the

$15,000 which the Government gives by an appropriation of over a hundred thousand dollars?

Mr. WADSWORTH. That is very true. Why does not Virginia do the same?

Mr. RIXEY. Virginia has nothing to do with this station. The policy of establishing it was decided by Congress. Four years ago Congress decided to establish this station and turned it over to the Agricultural Department. In reply to the gentleman from Iowa [Mr. HEPBURN] I desire simply to state that the Secretary of War reported that he had no use for this portion of the Arlington estate—about 300 acres of land; that the tract contained altogether about twelve hundred, and that the remainder was all that was needed for the military reservation and the national cemetery, and he would be very glad to have the river low grounds transferred to the Secretary of Agriculture. The Military Committee of the House unanimously reported the bill, and it became a law.

I know of no effort on the part of real estate men, as charged by the gentleman from Iowa, to foist upon the Government tracts of land adjacent to this capital for military purposes. So far as I know, this Government has now at the military reservation at Arlington more land than it has any use for. The 400 acres of river bottom land are admirably adapted to experimental purposes. It has been turned over to the Secretary of Agriculture for that purpose, and it seems to me to be the worst kind of economy to say that you will not increase the small appropriation which it now has. If it were put on the same footing as New York, you would give it over $100,000. The Secretary of Agriculture is, in my judgment, the most conservative member of the Government in submitting his estimates to Congress, and the Committee on Agriculture is the only committee that I know of that does in any way keep down the expenditures of its Department.

Mr. WADSWORTH. Well, the gentleman does not blame us for it, does he?

Mr. RIXEY. Oh, I do not blame the committee, but I think there is such a thing as false economy, and in this particular there is false economy, because you simply give the Secretary enough to keep the experimental farm open, without funds, however, for proper development. Why this economy in agriculture and wasteful extravagance in other Departments?

Mr. WADSWORTH. I deny utterly that statement of the gentleman. A few days ago I passed a day with Professor Galloway, of the Department, in making an inspection of what has been done on this farm. Great improvements have been made there. Fifteen thousand dollars will make still greater improvements, and $15,000 appropriated next year will continue the work. Rome was not built in a day, and we can not make that experimental station in a day.

Mr. RIXEY. Rome was not built in a day, and if Romulus and Remus had been members of the Agricultural Committee, it never would have been begun. [Laughter.]

Mr. WADSWORTH. That is a matter of ancient history that I will not discuss with the gentleman from Virginia.

The question being taken on the amendment of Mr. RIXEY, it was rejected.

The Clerk read as follows:

Purchase and distribution of valuable seeds: For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; for rent of building, not to exceed $3,000; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, printing, postal cards, gas, and electric current; traveling expenses, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $200,000, of which amount not more than $48,000 shall be expended for labor in the city of Washington, D. C., and not less than $102,000 shall be allotted for Congressional distribution.

And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of two-thirds, and no more, of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks; such franks to be furnished by the Public Printer as is now done for document slips with the names of Senators, Members, and Delegates printed thereon, and the words "United States Department of Agriculture, Congressional seed distribution," or such other phraseology as the Secretary may direct; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the 1st of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before, during the same season, been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same.

And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of valuable seeds, bulbs, shrubs, vines, cuttings, and plants: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided further*, That $40,000 of the sum thus appropriated, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries for experiments with reference to their introduction into this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests to be carried on with the cooperation of the agricultural experiment stations.

Mr. SHEPPARD. Mr. Chairman, I desire to make a point of order upon that portion of the paragraph just read, beginning at line 10, page 24, and ending with line 24, page 26. I make this point of order on the ground that the provision embraced within the lines I have specified is a change of existing law and an absolute and mandatory limitation upon the discretion of the Secretary of Agriculture vested in him by the law. May I be heard for a few moments on this point?

The CHAIRMAN. Certainly; the Chair will gladly hear the gentleman on the point of order.

Mr. SHEPPARD. Mr. Chairman, the original law on this subject is found in the Revised Statutes of 1878, section 527, which reads as follows:

The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country or such as can be made more profitable by frequent changes from one part of the country to another.

Under that provision of law the distribution of seeds is placed within the discretion of the Secretary of Agriculture.

I now desire to read from the Constitution, Manual, and Digest, page 347, the following annotation:

It has been generally held that provisions giving a new construction of law or limiting the discretion which has been exercised by officers charged with the duties of administration are changes of law within the meaning of the rule.

Now, as I understand the matter, certain limitations upon the discretion of an administrative officer are not subject to this point of order, but those limitations apply to the administrative functions of the officer, and they must not be so mandatory as to be equivalent to a direct and substantive enactment of law.

Now, under this paragraph, after the appropriation is provided for as required and authorized by law, the bill proceeds to direct the exact manner in which the Secretary of Agriculture shall conduct the distribution of seeds. Nothing is left to that discretion which has been vested in him by the solemn terms of the law. The paragraph of the bill reads, in part, as follows:

And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, etc.

It will be seen that the language is directly mandatory. The provision proceeds further to state that the distribution shall be made through Congressmen; that blanks shall be furnished by the Public Printer, such as are now furnished as document slips, with the names of Members, Senators, and Delegates printed thereon—a clause for which there is no possible authority in the statutory law, a clause for which there is no possible authorization. And the other clauses of the bill are subject to the same objection and the same criticism.

The bill, proceeding, provides a certain time of the year within which the seeds allotted to certain Senators and Representatives must be distributed. In other words, the bill proceeds, under the guise of an appropriation, to prescribe a new and substantive law—a method by which the Secretary of Agriculture is commanded to proceed with this distribution, allowing nothing to that discretion which is given him by the statute.

I ask for the ruling of the Chair upon this proposition, and afterwards I may desire to offer an amendment to the section.

Mr. WADSWORTH. I do not care to say anything upon the point of order.

The CHAIRMAN. The question raised by the gentleman from Texas [Mr. SHEPPARD] presents some difficulties. The Chair is inclined to construe the bill somewhat as if it read in a little different manner—as if it read thus:

"And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, only on the following conditions: For the purpose of testing and distribution," etc.

And while admitting that you can not place a limitation upon

the discretion of the Secretary where the law gives him a right to exercise it, yet construing this paragraph not as a limitation upon his discretion, but rather an addition, and a limitation upon which the appropriation is granted, I shall not sustain the point of order to the whole section, yet there is one provision in the section that the Chair holds to be clearly subject to the point of order. That is that part of the section commencing with the word "such," in line 2, and ending with the word "direct," in line 7, page 25:

Such franks to be furnished by the Public Printer as is now done for document slips with the names of Senators, Members, and Delegates printed thereon, and the words "United States Department of Agriculture, Congressional seed distribution," or such other phraseology as the Secretary may direct.

It seems to the Chair that this is new legislation, and that it is legislation on an appropriation bill, directing what the printing department shall do, and as the Chair understands the rules of the House, that portion of the section being subject to the point of order, it vitiates the whole section. Therefore the Chair sustains the point of order made by the gentleman from Texas.

Mr. WADSWORTH rose and was recognized, and yielded to Mr. SCOTT.

Mr. SCOTT. Mr. Chairman, I should like to ask the gentleman from Texas a question.

Mr. SHEPPARD. I understand the point of order has been sustained.

Mr. SCOTT. I desire unanimous consent to say a few words. I should like to direct a suggestion to the gentleman from Texas [Mr. SHEPPARD] if he will listen to it. I understand, of course, that his object in raising this point of order is to strike out the whole section, and under the ruling of the Chair that will be done unless the lines which the Chair has just called attention to are stricken out. The gentleman from Texas will readily understand that it will be very easy to submit this paragraph again, eliminating the objectionable lines, so that the purpose of his objection will be defeated; and it will not only be defeated, but the Members of this House will be deprived of the very great benefit conferred upon them in the matter of convenience by the lines stricken out. I wanted to ask the gentleman from Texas, in view of this fact, if he would not be willing to withdraw his point of order, so that these words, by means of which a great convenience is afforded to Members of this House and of the Senate, may still remain in the bill.

Mr. SHEPPARD. Mr. Chairman, proceeding by the same unanimous consent which has been given to the gentleman, I desire to say that the object of my entire contention has been to call attention to the irregular, impracticable, and useless manner in which the seed distribution is conducted at present. The object of my argument has never been to secure the entire abolition of the seed distribution which is provided in the law of 1862, establishing the Department of Agriculture; but my object has been simply to improve it and to place it in such a condition that it will be a true test, and will tend to the thorough development of the soil of the country, in accordance with the original intention. After withdrawing the point of order on the statement made by the gentleman from Kansas [Mr. SCOTT] I shall offer an amendment embodying my ideas, and I trust that they will receive some consideration. My purpose was simply to fix the attention of the House upon the condition of affairs with reference to the seed distribution. Having attained that object, I withdraw the point of order.

Mr. LIND. Mr. Chairman, I renew the point of order. If the Chairman entertains the suggestion of the gentleman from Texas that he can withdraw the point of order after it has been discussed and ruled upon, I certainly——

The CHAIRMAN. The Chair will not entertain the suggestion that the point of order can be withdrawn after it has been ruled upon.

Mr. LIND. That it can?

The CHAIRMAN. It can not be withdrawn after the ruling of the Chair.

Mr. SCOTT. Could it be withdrawn by unanimous consent?

The CHAIRMAN. The Chair will say to the gentleman from Kansas that he thinks the better way would be to ask unanimous consent to offer the whole section as an amendment.

Mr. SCOTT. Then, Mr. Chairman——

Mr. WADSWORTH. Mr. Chairman, the whole section having gone out under the point of order, I have the right to offer a substitute, have I not?

The CHAIRMAN. The gentleman has the right to offer a new section, and he has the right to offer the whole section by unanimous consent.

Mr. WADSWORTH. The entire section?

The CHAIRMAN. By unanimous consent is the only way, the Chair thinks, in which the gentleman could offer the whole section again after it has been struck out.

Mr. LIND. Mr. Chairman, I would like to be heard for just one minute, so as to define my position.

The CHAIRMAN. The Chair would state to the gentleman from Minnesota there is nothing before the committee.

Mr. LIND. I know there is not. I ask unanimous consent to make a statement, for not to exceed two minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that he may be permitted to speak for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LIND. Mr. Chairman, I want to say for the benefit of the chairman of this committee that I shall feel it my duty to object to unanimous consent for any proposition that involves the continuance of the present miserable, demoralizing habit of sending out seed that has no special value. [Applause.] Now, in every legislative and administrative position that I have filled I have gone as far as any other man to vote and work for the furtherance of every legitimate interest of agriculture, and have been a consistent, active supporter of the agricultural college of our State; and I doubt whether there is a better one in the United States. There may be those as good, but none better. It is doing splendid work. If one-half of the money that is wasted by our delegation from Minnesota in this work of sending out oftentimes worthless seeds were turned into the treasury of our agricultural college, we would be doing twentyfold more good for agriculture than comes from this system.

I think it is time for the membership of this House to rise to the dignity of meeting this question, as well as all other questions, on its merits. Let us take the $290.000 that we fritter away in this manner and distribute it pro rata among the agricultural colleges of this land, and the benefits to agriculture would be tenfold—aye, a hundredfold—greater.

The original scheme of the law was for the Agricultural Department—at that time we did not have good stations in the several States—to secure and send out new, rare, and valuable foreign seed for experimental purposes. This was legitimate and proper; but now it would be infinitely better to supply such seed to the various agricultural colleges than to have them distributed by Members of Congress. This is not the kind of work that we were elected to do. I am willing to do anything for my constituents, but I do not want to waste their money. I am sending out my quota of seed faithfully. It does not affect seed distribution for this session, but I say we ought to do the right thing, and cut it off for the future. Let us have one year of respite and relief, Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIND. I ask unanimous consent that I may have a minute more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that he may have one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. LIND. I say, Mr. Chairman, let the country have one year's respite, one session's respite from this work, and the membership of this House will enjoy it quite as much as our constituents. Then, if we want to go back to this miserable practice, let us reinstate it. Now we have the opportunity, without requiring individuals to go on record, to do the right thing. Let us embrace and improve this opportunity. That is all I have to say.

Mr. ROBINSON of Indiana. Mr. Chairman——

The CHAIRMAN. There is nothing before the committee. The gentleman from Minnesota was speaking by unanimous consent.

Mr. ROBINSON of Indiana. I ask unanimous consent that I may have five minutes.

Mr. FOSTER of Vermont. I object. I want to get something before the House.

Mr. WADSWORTH. Mr. Chairman, I now offer a substitute for the paragraph stricken out on the point of order.

The CHAIRMAN. The Clerk will read.

Mr. WADSWORTH. I will save time by stating to the House that on page 24, after line 9, I have reinstated that paragraph in detail with the exception of the lines at the top of page 25 commencing with the words "such franks to be furnished by the Public Printer" and ending on line 7 with the word "direct," in conformity to the ruling of the Chair.

Mr. CANDLER. Why does not the gentleman from New York read those words?

Mr. LIND. I object.

The CHAIRMAN. The gentleman has a right to offer the amendment.

Mr. LIND. I make the point of order against the amendment.

Mr. BURLESON. Will the gentleman read the words that are to be stricken out?

Mr. WADSWORTH. These are the words, commencing on line 2, page 25:

Such franks to be furnished by the Public Printer as is now done for document slips with the names of Senators, Members, and Delegates printed

thereon, and the words "United States Department of Agriculture, Congressional seed distribution," or such other phraseology as the Secretary may direct.

The CHAIRMAN. The Chair understands the gentleman from New York to ask unanimous consent that the reading of the amendment be dispensed with.

Mr. WADSWORTH. Now I offer this as an amendment.

The CHAIRMAN. The Clerk will report the amendment in the nature of a substitute.

Mr. LIND. And on the amendment I make the point of order.

The Clerk proceeded to read the section.

Mr. BOWIE. I see no use in reading it. I ask unanimous consent that we dispense with the reading, it having been read once.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the reading of the substitute or amendment be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. BAKER. Mr. Chairman, I would like to know whether the amendment offered by the chairman of the committee is identical with the bill as reported.

The CHAIRMAN. No; it is not.

Mr. BOWIE. It strikes out the part subject to the point of order.

The CHAIRMAN. If identical, it would have required unanimous consent to offer it.

Mr. LIND. Mr. Chairman, I still reserve the point of order against the amendment offered as being different from existing law on the subject, and on that point I wish to be heard very briefly.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. LIND. The existing law on this subject is found in section 527 of the Revised Statutes. Has the Chair the Revised Statutes, section 527?

The CHAIRMAN. The Chair has read it.

Mr. LIND. The Chair will observe that it reads this way:

The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country.

It shall be confined to such seeds as are rare and uncommon to the country, and this committee has no power to make an appropriation for a wholesale purchase of any sort or kind of seeds. If the chairman of the committee will offer an amendment of a reasonable amount to be expended in conformity with the section of the statute just read, I shall not object.

Mr. DE ARMOND. Mr. Chairman, it doubtless would be in accord with the spirit of the old law and would be very much better for all concerned if the seeds, plants, bulbs, cuttings, vines, etc., to be distributed were essentially of rare and valuable qualities and largely for the purpose of experimentation and introduction. I take it that under the provision of this bill as it stood and under the law as the law is the Secretary of Agriculture could invest the sum appropriated in securing those rare, valuable, and new things for distribution as the law provides. I take it that this provision as it stood in the first place, or as offered now as an amendment by the chairman of the Committee on Agriculture, does not require that the Secretary buy ordinary, cheap, or worthless seeds.

Whatever may be said theoretically about these things, and whether or not abuses may have sprung up, it is also true that many people in the country like to get packages of these seeds and put a value upon them higher, perhaps, than we do here in the House; and when we are dealing with the matter theoretically they deal with it practically. A good many of these seeds they find to be valuable—at least, they conclude they are valuable, and in the use of them by these people they prove so. A great many good varieties of seeds are introduced into neighborhoods where they are well adapted to the needs of the county, and, where once introduced, the seeds remain and are used year after year and perhaps generation after generation.

I believe while there may have been abuses in this matter, better judgment and more care may be exercised in it, and that the reform which knocks out entirely the appropriation is a reform on paper and in theory rather than a real reform, and that it appeals more to our own aesthetic notions than to the views and experiences of our constituents. I believe that if this amendment is to be restored it ought to be restored with the part stricken out in it. I do not know what objection there can be, if the seeds are to be distributed at all, to authorizing the Secretary of Agriculture, at the instance of a Member, to have blank slips prepared, with the Member's frank printed upon them and the name also of his State, if he chooses.

It is a convenience in distribution, and the cost of it is very trivial, and the objection to it is one I can not see. So, if this amendment, as offered by the chairman of the Committee on Agriculture, is to be considered before the House with a view of restoring to the bill part of the matter ruled out, I shall offer an amendment to the amendment to restore to it the other part stricken out.

Mr. LIND. If you will let me make a statement I will withdraw the point of order on that if the Chair holds that.

Mr. BOWIE. We want to get——

Mr. DE ARMOND. Now, I desire, Mr. Chairman, if it be in order, to submit an amendment to the amendment offered by the gentleman from New York, the chairman of the Committee on Agriculture, to restore to the bill this provision which has just been stricken out.

The CHAIRMAN. The Chair desires to state to the gentleman from Missouri that there is a point of order raised against the amendment presented by the gentleman from New York and the Chair thinks another amendment will not be in order until that point of order is decided.

Mr. DE ARMOND. I understood that point would be withdrawn, pending the offering of this amendment. I may be wrong about that.

The CHAIRMAN. The Chair will rule upon the point of order now, if nothing further——

Mr. DE ARMOND. Mr. Chairman, let me suggest this as to the amendment against which the point of order is made, that, subject to the point of order, if the gentleman will reserve the point of order, I would like to offer an amendment to the amendment, and let the committee consider that if it will.

Mr. LIND. I will say to the Chair that if the Chair should hold that the amendment offered by the chairman of the committee is in order, then I shall withdraw the point of order as to the other portion. If we are to retain this, I want to retain the whole machinery of the bill.

Mr. SHEPPARD. That, Mr. Chairman, was my position exactly in withdrawing the point of order.

The CHAIRMAN. As the Chair stated at first, this is a somewhat difficult question to decide, but in the opinion of the Chair the point of order raised by the gentleman from Minnesota against this amendment is not well taken, as a careful reading of the whole section of the statute will show. The Chair will read for the instruction of the House the whole of the section of the statute of which the gentleman from Minnesota read only a part. It is as follows:

SEC. 527. The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our own country to another; and the purchase or propagation and distribution of trees, plants, shrubs, vines, and cuttings shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

So the committee will see that the statute is somewhat broader than that part of it which was read by the gentleman from Minnesota. Now, the provisions here in the proposed amendment, the Chair thinks, are not necessarily in conflict with the statute when all of it is considered and its scope and purpose considered. The amendment reads:

And the Secretary of Agriculture is hereby directed to expend the said sum as nearly as practicable in the purchase, testing, and distribution of such valuable seed, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned.

The Chair does not think there is anything in that portion of the amendment which I have read which necessarily changes the original statute, or is it a change of existing law; and the Chair therefore overrules the point of order.

Mr. LIND. Then, Mr. Chairman, I withdraw my point of order as to the whole section. If necessary, I will ask unanimous consent that I may withdraw the point of order.

Mr. WADSWORTH. Mr. Chairman, if the House will adopt my amendment, I will ask unanimous consent that the paragraph mentioned by the gentleman from Missouri be reinserted.

Mr. DE ARMOND. I think the better way, Mr. Chairman, to get at that is to offer it as an amendment.

Mr. WADSWORTH. That is immaterial.

Mr. DE ARMOND. If you attempt to do it by unanimous consent it can be defeated by one Member. I offer it as an amendment, to insert in the amendment offered by the gentleman from New York that part of the original paragraph that was eliminated from it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 25, line 2, insert "such franks to be furnished by the Public Printer as is now done for document slips, with the names of Senators, Members, and Delegates printed thereon, and the words, 'United States Department of Agriculture, Congressional Seed Distribution,' or such other phraseology as the Secretary may direct."

The CHAIRMAN. The question is on the adoption of the amendment to the amendment.

Mr. SHAFROTH. Mr. Chairman, I disagree very much with the gentleman from Minnesota [Mr. LIND] and also with the gentleman from Texas [Mr. SHEPPARD] relative to the benefit of Government seed distribution. These gentlemen have overlooked, it

seems to me, the important element in the distribution of seeds, which is provided for in this section, and that is the transplanting of seeds from one portion of this great country to another. Any person who studies agriculture knows that the transplanting of ordinary seeds from one portion of the country to another, subjecting them to the various influences of climate and soil, is of great benefit and value to agriculture.

Mr. SHEPPARD. My amendment provides for that.

Mr. SHAFROTH. Yes; but it seems to me that the distribution of seeds, as the Government has been doing it, is of great value and should be continued. I want to state an experience that we have had in Colorado in the transplantation of ordinary seed. We grow in Colorado a melon called the Rocky Ford cantaloupe. It was produced by planting the ordinary seed in a different soil and under different conditions and subject to the influence of irrigation. Those seeds produced the finest cantaloupes in the world. They are shipped to the New York market and even to the London market. That transplantation was not only of benefit to the people in Colorado, but also to every State that has grown melons, because these seeds go back to the original place and there a superior melon is produced therefrom to that which was originally grown and from which the seed came. Do gentlemen say that that is not in the interest of the development of agriculture?

There have been other developments along the same lines. When we recognize that the 500 varieties of apples all originally came from the common crab apple, we must acknowledge that the transplanting of common seeds from one part of the world to another is of great value. When we take into consideration that the many varieties of peaches all came from one plant, a bitter plant that was supposed to be poisonous, we find what development is possible from transplantation and cultivation.

Within the last ten or fifteen years we have found great results from the transplanting of seed from one portion of the country with reference to sugar beets.

The quantity of saccharine matter contained in sugar beets has been doubled in the last fifteen years, and why? Because this ordinary seed has been transplanted from one portion of the country to another, development has taken place through cultivation under different climates and soils, and that very seed transplanted back to the original place from which it came has produced much sweeter beets; so that now the quantity of saccharine matter contained in sugar beets is double that which it was fifteen years ago. Is not that of advantage to agriculture? Is not that of immense benefit to the people of this country?

It may be said that this did not occur through Government distribution, but some of it evidently did. The Secretary of Agriculture has been very active in encouraging the transplantation and cultivation in different soils and climates of sugar-beet seed. It has produced great results, and I have no doubt that a large portion of it is due to the fact that it came through Government distribution. But, Mr. Chairman, it seems to me that what these gentlemen are complaining of is not even well founded from their standpoint. The farmers are not ridiculing the distribution of Government seeds. Every Member of Congress receives requests for them. I have never yet received one that indicated ridicule, and I doubt very much whether any Member of Congress has.

The people appreciate the distribution of the seeds, and they are continually reciting in letters to me that they have gotten good results; often, even, that they have preserved the seed grown therefrom, and that they have distributed the same among their neighbors. Is it possible that there is no benefit to agriculture in this? Mr. Chairman, it seems to me that from any standpoint, from the standpoint that we are giving a benefit to the farmer even if it would not produce development in cultivation, is wise, as the farmer does not get a fair distribution of the taxes that he is compelled to pay; and when we take into consideration the other fact that the transplanting and cultivation of these common seeds in various portions of the country produces wonderful development and wonderful benefit to agriculture, it seems to me no one ought to oppose the amendment that is offered. [Applause.]

Mr. ROBINSON of Indiana. Mr. Chairman, yielding to every other Member of the House his views upon this subject of seed distribution, I commend the spirit that seeks to guard against fraud and peculation in this branch of the service. I am not unmindful that our good Secretary of Agriculture was imposed upon to the extent of many thousands of dollars by seed sharks and looters whose scales were found wanting and who foisted on us and on our constituents false weights and bad seeds. But he seeks to secure good and rare seeds for distribution, and he went after the malefactors in true typical American-farmer fashion and exposed the swindle and made them disgorge. I stand up for the American farmer and want to strengthen the arm of and bear witness to the integrity of our Secretary of Agriculture, Mr. James Wilson, who seeks to bring to its highest efficiency this system, which within moderate and reasonable bounds is to be commended. In this I think I only state the sentiment of our membership in the House.

This is not the first instance where there has been presented on this floor, nor throughout the country, an objection to the distribution of seeds. I remember a few years ago the metropolitan newspapers of the country took up the subject and by a system of promotion, encouraged and advanced by the seed houses and sellers, Congress was assailed by a flood of articles and by anonymous circulars and postal cards by professional promoters in large cities, who never went out in the country long enough to breathe its honest air, and we were asked in a form indicating that some good housewife had requested to send her a package of hairpins or a card of buttons under our system of paternalism. In the same form somebody else would ask for rakes and spades and shovels, all unsigned, and the fruit of these hypocritical sentiment promoters.

Others went so far as to ask us for scoop shovels and road scrapers and thrashing machines and traction engines and all manner of farm implements; but at that time they were not thinking of from two to four hundred million to be spent in the isthmian canal for the commerce and shipping interests, a hundred million annually for Army, and a like sum for Navy, and the innumerable millions in all manner of undertakings; they could only see the comparatively few thousands for the encouragement of agriculture. This was the range of their vision and the range of their patriotism; this was the policy of the seed houses of the country who desired to sell to our farmer constituents and did not want the Secretary of Agriculture to advance and promote the farm industry by sending rare seeds to the various sections of the country.

At that time we had a Member who industriously wrote letters to the newspapers, and, prompted somewhat by the fact that he had large seed-selling interests in his district, his letters were molded to invite opposition to seed distribution. He received answers, and studiously throwing out those which did not agree with his notions he saved those to the contrary, and when he made the motion to strike out the seed distribution and argued it elaborately he asked to insert the sea of newspaper statements in his remarks, which was granted; but the House stood for it then by an almost unanimous vote, and that speech and those newspaper articles died away in the echoes and have never appeared to plague him in the agricultural State he represented.

For years this appropriation remained in the agricultural appropriation bill without question. It is producing its benefits throughout the country; we will go far if we heed the advice or the promotion of the various seed-industry interests and deny to the farmer the advantage of securing about the only thing he ever gets.

It is true that the boll-weevil appropriation of some thousands of dollars was for the farmer, and the appropriation to eradicate the foot-and-mouth disease, nearly $300,000, was for the farmer, but at the same time it was for the consumers as well. Literature is in the same line, but outside of these appropriations, if you come to consider over it in your leisure, you will find that this is about all the American farmer gets out of the paternalism of the Government, while hundreds of millions go into other channels.

Under the rules I shall ask for a division when we come to a vote upon this proposition to see how Congress stands, and that we may then give notice to the country and to those masquerading under the hypocritical pretense of patriotism when they only selfishly look to sell more seed, and thus they may find out whether or not we are decisively in favor of it or against it. [Applause.]

Mr. LIND. Mr. Chairman, I move to strike out the last word. I shall not pursue this any further. I notice that my colleagues want the seeds, and it is well that they should have them; but I want to call attention to one thing that may set our farmer constituents to thinking.

Last year you appropriated $270,000 for seeds; and I read from the Secretary's report that out of that $270,000 $42,000 in round numbers went for expenses, $48,000 went to the Brown Bag Milling Company, $1,600 for the purchase of bags, $16,000 for miscellaneous expenses. Now, when you tell your farmer constituents that you are considering their welfare, and add by way of postscript that for every 5 cents' worth of seeds that you send home it costs the Government, including transportation, something like 20 cents, they may not think that the investment is so very patriotic.

I want to say to my friend from Colorado [Mr. SHAFROTH] that if this point of order had been sustained I should immediately, or whenever we reached the section, have offered an amendment providing that the $290,000 which it was the design of the committee to devote to this purpose should be added to the appropriation for the agricultural colleges throughout the land. I did not propose to take a cent from the farmer; but I wanted to place the money where it would do the country and the great agricultural interests the most good.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Missouri [Mr. DE ARMOND].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is now upon the amendment in the shape of the paragraph as amended upon the motion of the gentleman from New York.

Mr. SHEPPARD. I rise to a parliamentary inquiry. Would not an amendment be now in order?

The CHAIRMAN. The Chair apprehends that the gentleman can offer an amendment after this vote.

Mr. SHEPPARD. I desire to amend the pending paragraph, and I understand that after it has been perfected the amendment will not be in order. Consequently I presume this is the time to submit my amendment.

The CHAIRMAN. An amendment to the pending amendment is in order.

Mr. BOWIE. I want to reserve all points of order on this amendment.

Mr. SHEPPARD. My amendment—which I desire to read myself, because I think I can make it more intelligible—proposes to add, after the words "United States," in line 19, page 24, the following:

Provided, That the purchase and distribution of seeds and plants by the Department of Agriculture shall be confined to such seeds as are rare, untried, and uncommon to the country, or such as can be or have been made more useful and more profitable by special breeding, or such seeds and plants as may be improved by transplantation from one part of the country to another.

Now, Mr. Chairman, on that amendment——

Mr. BOWIE. I wish to make a point of order on the gentleman's amendment.

The CHAIRMAN. Will the gentleman from Texas please send his amendment to the desk, so it may be read for the information of the committee?

Mr. BOWIE. I have not the slightest objection to the gentleman discussing his amendment, provided the point of order is not waived. Mr. Chairman, I simply want the point of order reserved in such a way that it will not be lost. If the gentleman from Texas can proceed to discuss his proposition without the point of order being waived, I have no objection.

The CHAIRMAN. The point of order having been reserved by the gentleman from Alabama [Mr. BOWIE], the gentleman from Texas is at liberty to proceed to discuss his amendment after it has been read.

Mr. SHEPPARD. Am I in order now for a few words of explanation?

The CHAIRMAN. The amendment of the gentleman from Texas will be read.

The amendment of Mr. SHEPPARD, as already read by him, was read by the Clerk.

Mr. SHEPPARD. Now, Mr. Chairman, I do not deny, nor have I ever denied——

Mr. HEPBURN. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is the point of order raised by the gentleman from Alabama [Mr. BOWIE] against this amendment.

Mr. SHEPPARD. I take it that I have the right to speak on the amendment.

Mr. SMITH of Kentucky. I understand that the gentleman from Alabama reserved the point of order; he did not actually make it.

Mr. BOWIE. I will give the gentleman unanimous consent, as far as I am concerned.

Mr. SHEPPARD. I regret very much that I have encountered the objection of the distinguished gentleman from Iowa. Am I in order, Mr. Chairman?

The CHAIRMAN. The gentleman is in order to discuss the point of order.

Mr. SHEPPARD. I have not denied the advantage of the Government distribution of seeds. My entire object has been to restore the original purpose of the distribution, the purpose which inspired the lawmakers of the country in the institution of the custom. My amendment follows almost absolutely the language of the organic law which creates the Department of Agriculture.

The gentleman has spoken of the advantages of transplantation. I do not deny them, and in that sense the present system, perhaps, is advantageous; but the fundamental vice of the present system lies in the fact that the Government of the United States enters into the open markets of the country as an ordinary purchaser of standard seeds of common character, whose qualities are already known and thoroughly established throughout the country. Consequently they contribute nothing to the scientific knowledge of the country. There can be absolutely no useful purpose subserved beyond the mere temporary sensation of pleasure which some few men may feel on receiving a communication from the Government.

Mr. THAYER. Mr. Chairman, I should like to ask the gentleman a question, if he is willing.

Mr. SHEPPARD. Certainly.

Mr. THAYER. I should like to know what seeds, bulbs, shrubs, vines, etc., that are now distributed would be excluded if the gentleman's amendment prevailed.

Mr. SHEPPARD. Well, we will say navy beans, for example.

Mr. THAYER. If they are grown in Texas and are replanted in Massachusetts, would you not have a right to do that under the statute as it is now?

Mr. SHEPPARD. If they can be improved by the transplantation.

Mr. THAYER. Who is to be the judge before you transplant them?

Mr. SHEPPARD. The Secretary of Agriculture, as he is the judge now.

Mr. THAYER. Then would he exclude them?

Mr. SHEPPARD. Let me read the original language of the law, in order to make my position plain. This is the creative law with reference to this seed distribution:

The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon in the country or such as can be made profitable by frequent changes from one part of our own country to another.

My amendment follows also the recommendations of the distinguished Secretary of Agriculture in his last report. Now, the Secretary of Agriculture himself states that the present seed distribution has departed absolutely from the original purpose; that it no longer subserves a scientific end. My object is simply to provide for the distribution of useful seeds, a distribution which will subserve a useful end.

The CHAIRMAN. Is the gentleman from Texas speaking to the point of order or to the merits of his proposition?

Mr. SHEPPARD. Mr. Chairman, I understood that my amendment was in order.

The CHAIRMAN. It has not yet been ruled upon.

Mr. SHEPPARD. I understood that the point of order was reserved.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] asked for the regular order, which is the discussion of the point of order made by the gentleman from Alabama [Mr. BOWIE].

Mr. SHEPPARD. I will continue on the point of order and shall take up but very few minutes of the time of the House. I have not stood for the abolition of the distribution of seeds. It is provided for in the organic law, and if properly conducted it is of immense benefit to the agricultural masses of the country. But it is an insult to the agricultural masses to send to them at their expense seeds which play absolutely no part in determining the capabilities of the soil.

The CHAIRMAN. The gentleman is not discussing the point of order, and a demand has been made for the regular order.

Mr. SHEPPARD. Very well, Mr. Chairman, my views are before the House; but as I wish my remarks to be symmetrical and connected, I should like by unanimous consent to be allowed to conclude now.

Mr. SHAFROTH. Mr. Chairman, I ask unanimous consent that the gentleman be allowed five minutes.

Mr. WADSWORTH. I suggest to the gentleman that he obtain unanimous consent to extend his remarks in the RECORD.

Mr. SHEPPARD. I appreciate the implied compliment of the distinguished gentleman from New York.

Mr. SHAFROTH. I ask unanimous consent that the gentleman be allowed three minutes in which to conclude his remarks.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the gentleman from Texas be allowed three minutes. Is there objection?

Mr. WADSWORTH. I ask for the regular order.

The CHAIRMAN. The regular order is demanded. The Chair is ready to rule upon this amendment. If the Chair has made no mistake, it is a verbatim copy of the law as it now exists. That being the case, it has been held that while it is unnecessary, and perhaps almost not good form, yet it is not strictly subject to a point of order. It is simply reenacting a portion of the United States Statutes.

Mr. WADSWORTH. Now I ask for a vote upon the amendment of the gentleman from Texas.

Mr. SHEPPARD. One or two words in further explanation of my amendment, which is now in order.

Mr. WADSWORTH. If the gentleman will pardon me——

Mr. SHEPPARD. Have I the permission of the gentleman to proceed?

Mr. WADSWORTH. How much time does the gentleman want? I move that all debate on this amendment and amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from New York moves that

all debate on the amendment and amendments thereto be closed in five minutes.

The question was taken; and the Chairman announced that the noes appeared to have it.

Several MEMBERS. Division!

The committee divided; and there were—ayes 92, noes 32.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. SHEPPARD. Mr. Chairman, I do not desire to occupy the time of the House very much further. I think that my position has been made plain. My idea is to improve and not to destroy the seed distribution, to restore its original character, to give it a scientific direction; in other words, to be fair with the American people. I have heard the statement here that this is perhaps the only thing that the farmer receives from the Government. If it is, it is certainly a humiliating condition that the only thing which the farmer receives from the Government is of so little practical benefit. I am sure that this amendment of mine puts into effect no revolutionary change. It meets the desires of the gentleman from Colorado; it meets the argument of every gentleman who has risen upon this subject.

Mr. BOWIE. Will the gentleman allow me to ask him a question?

Mr. SHEPPARD. Certainly.

Mr. BOWIE. I want to know how much benefit the gentleman's amendment will be to the law, if it is already the law, and the fact that it is the law is the reason why the amendment is ruled to be in order.

Mr. SHEPPARD. I understand that the appropriation bill, being subject to the point of order, which I, in a spirit of fairness that has not been reciprocated on the other side, withdrew, is an absolute outrage upon the original purpose of the distribution. This amendment will enable the appropriation to be of greater use to our constituents, and will enable Members to send to them seeds and plants which will determine the possibilities of the soil.

This was the original purpose of the seed distribution, a purpose which, although it may not be adopted to-day, will in the tide of the years be finally restored by Congress. There were three votes in the Committee on Agriculture against the present system. I congratulate the committee upon that fact, and while this amendment may be defeated now, the fact that the Government is going into the open market and buying indiscriminate amounts of standard seeds may lead to scandal. Already an investigation has been placed on foot by the gentleman from New York [Mr. FITZGERALD], but in some way it has been smothered. The object of my amendment is that this distribution may be placed on a scientific basis, in the hope that it may be so arranged that it will result in real value to the people. In that spirit I have offered this amendment.

Mr. CANDLER. Mr. Chairman——

Mr. WADSWORTH. What time is left?

The CHAIRMAN. The time has all expired. [Laughter.]

Mr. CANDLER. I was watching the clock, and I thought there were two minutes left.

Mr. GROSVENOR and others. Regular order!

Mr. CANDLER. We ought not to take two minutes away from the farmer. [Laughter and cries of "Vote!"]

Mr. ADAMS of Wisconsin. Mr. Chairman, I desire to make an inquiry in reference to this motion or this amendment. I make the parliamentary inquiry as to whether the amendment is drawn in such a form that it is a substitute or whether it is simply an insertion in the substitute?

Mr. PAYNE. It is an insertion.

The CHAIRMAN. It is the insertion, as an amendment to the amendment of the gentleman from New York, of a section of the Revised Statutes. The question is on the amendment offered by the gentleman from Texas to the amendment offered by the gentleman from New York.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York, as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROBINSON of Indiana. I call for a division.

The committee divided; and there were—ayes 122, noes 3.

So the amendment as amended was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House of Representatives was requested:

H. R. 10954. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 3800. An act donating gun carriages to the Connecticut commissioners for the care and preservation of Fort Griswold.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

General expenses, Bureau of Forestry: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, forest reserves, forest fires, and lumbering; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions, including the erection of the necessary buildings; to collect and distribute valuable economic forest-tree seeds and plants; for the employment of local and special agents, clerks, assistants, and other labor required in practical forestry and in conducting experiments and investigations in the city of Washington and elsewhere, and for collating, digesting, reporting, illustrating, and printing the results of such experiments and investigations; for the purchase of all necessary supplies, apparatus, and office fixtures; for freight and express charges, and traveling and other necessary expenses, $363,000, of which sum not to exceed $15,500 may be used for rent. And the employees of the Bureau of Forestry outside of the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year.

Mr. HEMENWAY. Mr. Chairman, on page 28, in line 14, after the word "buildings," I desire to offer the following amendment:

Provided, That the cost of any building erected shall not exceed $500.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 28, in line 14, after the word "buildings," insert "*Provided*, That the cost of any building erected shall not exceed $500."

Mr. WADSWORTH. I accept the amendment, Mr. Chairman.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

General expenses of entomological investigations: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of the codling moth and of the cotton-boll weevil and boll worm, with a view of ascertaining the best methods of their extermination; investigations in apiculture; investigations of the damage to forests and forest trees by insects; purchase of chemicals, insecticide apparatus, and other materials, supplies, and instruments required in conducting such experiments and investigations; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; freight and express charges, and necessary traveling expenses; rent of building; for office fixtures and supplies, telegraph and telephone services; gas and electric current; preparing, illustrating, and publishing the results of the work of the division, $12,000 of which shall be immediately available, $65,500, of which amount not to exceed $10,000 may, in the discretion of the Secretary of Agriculture, be expended for silk investigations.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment to offer on that paragraph. In line 2, after the word "insects," I offer this amendment:

Investigation of the loco plant to find a means for its destruction.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 37, in line 2, after the word "insects," insert "investigation of the loco plant to find a means for its destruction."

Mr. WADSWORTH. Mr. Chairman, that would come under the Bureau of Plant Industry and not under the Bureau of Entomology.

Mr. STEPHENS of Texas. I find just ahead of that, "Investigations of the damage to forests and forest trees by insects." But if you say it comes under that head, I will wait and offer the amendment then. The loco plant, I may state, is a poisonous plant which is very destructive to horses and cattle, and it is spreading very rapidly in the cattle-growing regions of the United States, and has caused the loss of hundreds of thousands of dollars to the cattle raisers and also to the raisers of horses.

Mr. WADSWORTH. I would say to the gentleman from Texas that is already provided for on page 18, in line 23, under the head of "Botanical investigations and experiments: Investigations relating to medicinal, poisonous, fiber, and other economic plants, seeds, and weeds." Loco is a poisonous plant and comes under that class, and the Department is probably making investigations along that line.

Mr. STEPHENS of Texas. If the gentleman thinks it is sufficient——

Mr. WADSWORTH. I do.

Mr. STEPHENS of Texas. I will withdraw the amendment.

The Clerk read as follows:

General expenses, Bureau of Statistics: Collecting domestic and foreign agricultural statistics, compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations;

subscription to, and purchase of, statistical and newspaper publications containing data for permanent comparative records; maps and charts; stationery, office supplies, blanks, blank books, circulars, paper, envelopes, postal cards, postage stamps, office fixtures, telegraph and telephone services, freight and express charges, including employment of labor in the city of Washington and elsewhere, and necessary traveling expenses: *Provided*, That the monthly crop reports issued on the 3d and 10th days of each month shall embrace statements of the conditions of the crops by States in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to and officially approved by the Secretary of Agriculture before being issued or published, $122,500, of which not more than $50,000 shall be expended for salaries in the city of Washington, D. C.

Investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States, and to secure as far as may be a change in the methods of supplying farm products to foreign countries; employment of local and special agents, clerks, assistants, and other labor required in making investigations in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such investigations; traveling expenses, and freight and express charges; telephone and telegraph services; and all necessary office fixtures and supplies, $7,500.

Total for Bureau of Statistics, $187,760.

Mr. BARTLETT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding in line 11, page 43, at the end of said line, the following: "To pay observers who make statistical reports to the Bureau of Statistics of the condition of crops, and which are used in making up the monthly crop reports herein provided, $100,000, or so much thereof as is necessary."

Mr. WADSWORTH. Mr. Chairman, I will have to raise the point of order on that. It is new legislation and increases expenditures.

Mr. BARTLETT. Do I understand the gentleman from New York—I did not hear him—makes the point of order?

Mr. WADSWORTH. I make the point of order that it is new legislation and increases expenditures.

Mr. BARTLETT. Well, Mr. Chairman, I am willing to confess that the point of order occurs to me to be good, but I was in hopes that the gentleman would not make it, at least yet——

Mr. WADSWORTH. I think the gentlemen are sufficiently rewarded with the public documents they received. There has been no complaint from them or any call for money.

Mr. BARTLETT. Mr. Chairman, I do not desire to violate any rule by speaking to the amendment while the point of order is up, but if the gentleman will permit me to say, while he reserves the point of order——

Mr. WADSWORTH. I will do that.

Mr. BARTLETT. I will not detain the House but a moment. This amendment, which I frankly confess is subject to the point of order, was made for the purpose of paying the gentlemen who are observers, who furnish the data for the Secretary of Agriculture upon which he bases his monthly report.

Mr. SCOTT. Will the gentleman permit a question?

Mr. BARTLETT. Yes.

Mr. SCOTT. Does the gentleman know the Secretary of Agriculture prefers not to have these men paid; that he made a statement before the committee that he would rather not pay them even if the money was appropriated?

Mr. BARTLETT. I did not know that, nor does that alter my view about it, with all due regard to the Secretary of Agriculture, for whom I have a very great respect and personal regard. I know this, that I have letters from one of those very competent gentlemen in my district, in which he stated that the Secretary had written him that he thought they ought to be paid and that effort would be made on this bill to provide for such payment. That is all I know about that. Now, the gentleman is correct when he states that the Secretary of Agriculture made that statement before the committee, but I am also correct in making the statement I have referred to as to what one of these gentlemen engaged in this business told me. I have a letter from him.

Mr. SCOTT. I will simply say that the Secretary stated to the committee that he thought he got better service on account of the fact that the services rendered were wholly voluntary; that the men who rendered it had pride in it and gave it better attention than if they were paid for it, and it eliminated also the idea of political patronage, so that the observers who served the Department in this respect were men of better grade than were likely to be obtained if it was a matter of salary.

Mr. BARTLETT. I do not think so, Mr. Chairman. These reports made by the voluntary observers are the most important basis upon which the Secretary issues upon the 2d and 10th of each month the report of the condition of the crops. Now, every one knows that so far as certain staple crops are concerned the reports of the Secretary of Agriculture on the 2d and 10th of each month have a most important bearing on the prices that these products bring in the market, and these reports ought to be as good as can be obtained. I do not believe that the Secretary of Agriculture is correct in his statement that you can get better or more efficient services from anybody who does it free, without any compensation at all, than you can get by obtaining competent men who are paid something for the trouble they are put to in making these reports.

Now, Mr. Chairman, that is all I desire to say. I know it is subject to a point of order, but it seems to me that those who perform the services of such great benefit to the whole country ought to be compensated for it.

The CHAIRMAN. The gentleman himself admits that it is subject to a point of order, and the Chair sustains the point of order.

The Clerk read as follows:

And the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, in the city of Washington and elsewhere, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight and express charges, illustration of the Experiment Station Record, bulletins, and reports, as he may find essential in carrying out the objects of the above acts, and the sums apportioned to the several States shall be paid quarterly in advance; and the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index; and the Secretary of Agriculture is hereby authorized to expend $45,000 of which sum to establish and maintain agricultural experiment stations in the Territories of Alaska, Hawaii, and Porto Rico, including the erection of buildings, the printing (in Hawaii and Porto Rico), illustration, and distribution of reports and bulletins: *Provided*, That not more than $15,000 shall be expended for the maintenance of such stations in any one of said Territories; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, and Porto Rico, and to apply the moneys received from the sale of such products to the maintenance of said stations; in all, $810,000: *Provided*, That $5,000 of this sum shall be used by the Secretary of Agriculture to investigate and report upon the organization and progress of farmer's institutes in the several States and Territories, and upon similar organizations in foreign countries, with special suggestions of plans and methods for making such organizations more effective for the dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations and of improved methods of agricultural practice.

Total for agricultural experiment stations, $810,000.

Mr. ADAMS of Wisconsin. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend agricultural experiment station paragraph by striking out the words "eight hundred and ten thousand," in line 16, page 46, and inserting in lieu thereof the words "one million and fifty-five thousand," and by inserting after the word "dollars," in the sixteenth line of said paragraph, the words "and from the sum hereby appropriated for the maintenance of agricultural experiment stations in accordance with said acts $20,000 shall be paid to each State and Territory entitled to the benefits of said acts."

Also amend by striking out the words "eight hundred and ten thousand" in the thirteenth and fourteenth lines, page 48, of same paragraph, and inserting the words "one million and fifty-five thousand."

Mr. WADSWORTH. Mr. Chairman, I reserve the point of order.

Mr. ADAMS of Wisconsin. Mr. Chairman, this amendment simply adds $5,000 to the appropriation which each agricultural State experimental station now receives under the act of 1887. The act of 1887 was introduced by Mr. Hatch, of Missouri, for the purpose of establishing, through the aid of the Federal Government, agricultural experiment stations in the different States.

The total appropriation under that act by this amendment would only add $240,000 to the appropriation provided in this bill, and I have asked for the passage of this amendment because the stations need the money; and I ask for it because they have done a work in the development of agricultural knowledge in making that knowledge specific, in making it valuable, in spreading it among the farmers of this country, which warrants a generous consideration on the part of the Federal Government.

The agricultural experiment stations have done more than any other one influence in the United States to bring the business of farming out of mists and fog and superstition and to put it in the realm of absolute ascertained fact. Any number of instances can be given of the specific things which these experimental stations have done. They have made a record which has been rich in value to the agriculture of the United States.

Take the one experimental station in Wisconsin and one single instance of the work which Professor Babcock did when he devised and worked out the Babcock test. Up to that time there had been no measure of the commercial value of milk, no simple way in which you could tell what milk was worth. A farmer who carried to the factory 100 pounds of milk containing 3 pounds of butter fat got as much money as the farmer who carried 100 pounds of milk that contained 5 pounds of butter fat and which was worth nearly twice as much. Mr. Babcock devised a simple test which any farmer can use, which can be used in any creamery or factory, and that test has gone all over the civilized world. It is used in Finland; it is used in England; it is used in France; it is used in Madagascar; it is used in South Africa; it is used everywhere where cows are milked to determine the value of that milk product.

Now, I want to say to you that the dairy product of the United

States amounts to $500,000,000 every year, and it has been materially benefited by the introduction of this simple process. Mr. Babcock was urged by his friends, when he made that discovery, to withdraw from the Wisconsin University, to put this into use for his own benefit, and patent the process. If he had done so, he would have become a millionaire beyond any question. But he said, "I was employed by the Federal Government to work for the farmers of this country, and they are entitled to the fruit of my labor unhampered by the cost of a patent." This one discovery has been worth more to the dairy interests of the United States than it costs to run the National Government for six months.

Not only that, but look at what we have done with cheese up there. The Wisconsin experimental station has been studying the question of curing cheese and has found out that you can send your cheese direct to the cold storage, without the intervention of any curing room, and cure it and make the finest cheese that can be produced. These are practical things. Not only that, but in every State in this Union is this same work being carried on. In Texas they are working on the development of beef breeds of cattle and in food. Up in Minnesota they are developing new varieties of wheat. In New York they are bringing out new ideas respecting the cultivation of orchards.

In Minnesota, again, they are studying the question as to the nutritive value of food, and in all the experimental stations of the United States they are studying those practical questions which lie right at the base of farm life. And I want to say to you, gentlemen, it seems to me that when we come in here and ask for a little addition of $240,000 to this appropriation for this work which is so definite and so specific and so productive of great practical results we can hardly afford to deny the request, because we have the money. We saved it for the people of this country when we turned back our mileage account. That alone is sufficient. [Applause and laughter.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to proceed for five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Wisconsin may be permitted to proceed for five minutes more. Is there objection?

There was no objection.

Mr. ADAMS of Wisconsin. Mr. Chairman, let me call the attention of gentlemen here who may think they are economical in opposing an appropriation like this to the fact that you appropriate millions of dollars to establish a Department of Commerce and Labor, without which this Government was run very well for a hundred years. I am glad you did it; I am for it. You passed an appropriation bill giving $136,000,000 to the pensioners of the wars of this country, and you did well. You go head over heels into the Panama Canal scheme, almost without a division, which means a certain expenditure of $200,000,000 and a probable expenditure of $500,000,000, and I am with you.

You do some other things. You provide for the building of a battle ship which costs $4,000,000, and which will rust upon the waters unless somebody gets foolish, and I think you do well. You give $5,000,000 to the St. Louis Exposition, where the industries and genius of America will be exhibited, and I think you do well; but when we come in here and ask for only $240,000 to add to the appropriation for these little experimental stations that are working out practical problems that lie around the lives of 9,000,000 men who toil on the farms of this country, it seems to me we are not asking too much.

I do not want to whoop it up for the farmer. I do not want to dazzle you with a lot of statistics, but this thing I do want to say about the farmers of this country: There are a lot of them, and you never hear of a lot of farmers engaged in rioting. They are the defenders of law. You never hear of a lot of farmers organizing a trust to harm anybody; and in the conflicts which are to come in this country and are certain to come between the power of capital and the power of labor the American farmer will be the man who is going to do the country the most good, because he represents not only the interests of labor but the interests of capital as well.

You are going to need him, and he will be there to stand for the dignity of American law, for the rights of property, and the rights of the men who toil; and so when in Congress you can do something like this which is definite, which does not take very much money, for Heaven's sake do it, because the American farmer and our agricultural interests deserve it. [Applause.]

Mr. WADSWORTH. Mr. Chairman, I regret very much after hearing the gentleman's eloquent speech to still feel compelled to raise the point of order that the proposed amendment changes existing law.

The CHAIRMAN. As the Chair understands the amendment it changes the law on the statute books to-day, which gives $30,000 each to agricultural colleges. That is clearly a change of existing law, and the point of order is sustained.

The Clerk read as follows:

Public road inquiries: To enable the Secretary of Agriculture to make inquiries in regard to the systems of road management throughout the United States; to make investigations in regard to the best methods of road making, and the best kinds of road-making materials in the several States; to conduct experiments; for the employment of local and special agents, clerks, assistants, and other labor required in the city of Washington and elsewhere; for collating, digesting, reporting, and illustrating the results of such investigations and experiments; for preparing, publishing, and distributing bulletins and reports; for necessary office fixtures and supplies, apparatus, and materials; telegraph and telephone service, traveling, and other necessary expenses, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, $35,000.

Mr. HEPBURN. I wish to ask the gentleman in charge of the bill [Mr. WADSWORTH] whether this sum of $35,000 is the amount asked for by the Department?

Mr. WADSWORTH. No; the Secretary asked for $65,000, but we gave $10,000 to the Bureau of Chemistry. If the gentleman will turn back to that——

Mr. HEPBURN. Well, that is understood, then?

Mr. WADSWORTH. The total appropriation here for good roads amounts to $45,000.

Mr. HEPBURN. Would you object to having this appropriation increased to $55,000?

Mr. WADSWORTH. I would seriously, because I think good and efficient work is being done under the present appropriation.

Mr. HEPBURN. I move to amend by striking out $35,000 and inserting $55,000. I make this motion because I know there is scarcely any subject that is receiving more attention throughout the country at large just now than this subject of good roads. I think there is less known perhaps about the making of good roads, in some parts of the country at least, than almost any other subject. The Department is doing good work, but would do very much better work if it had larger means at its disposal for this purpose.

Mr. BOWIE. Does the gentleman from Iowa [Mr. HEPBURN] understand that this is really an increase of $10,000 net for this service, because the $10,000 which has heretofore been used for chemical work has been transferred to another division, so that the appropriation here is net, making a real increase of $10,000?

Mr. HEPBURN. I understood that to be the statement of the chairman of the committee [Mr. WADSWORTH], that this was practically an increase.

Mr. BOWIE. Yes; practically an increase of $10,000.

Mr. HEPBURN. I do not care to take up the time of the committee, but I do think this is a matter of importance, and I hope the Committee of the Whole will sustain my amendment.

Mr. WADSWORTH. I will only say to the gentleman that the Committee on Agriculture took this matter into very careful consideration, and the increase practically granted is $10,000. I take it that nobody on the floor of this House is ready yet to have the United States Government go into localities in the several States and build roads. All that the United States ought properly to do is to disseminate information in regard to the building of roads, and perhaps with the aid of the localities to furnish an object lesson in road making. That is as far as the United States Government ought to go. Thirty-five thousand dollars, which, as already stated, is practically an increase of $10,000, is, in the judgment of the committee, an ample appropriation for this work.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. WADSWORTH. I will.

Mr. TAWNEY. The gentleman from Iowa [Mr. HEPBURN] has stated what every Member of the House knows—that there is a very strong pressure for legislation upon the subject of good roads—and the gentleman from New York himself has expressed the fear that this pressure might become so strong as to increase very materially the appropriations along that line.

Mr. WADSWORTH. When did I express that fear?

Mr. TAWNEY. A moment ago. Do you not think it a fact that if we expend a little more money in the matter of investigation such as the Agricultural Department is now making, it will tend to satisfy the Department to a very great extent?

Mr. WADSWORTH. I do not think so.

Mr. TAWNEY. And do you not think that if in the judgment of the Secretary of Agriculture it is necessary that a certain amount should be appropriated, it ought to be done?

Mr. WADSWORTH. Not necessarily, no. The committee and the Secretary of Agriculture have many honest differences of opinion as to the amount of money that can be judiciously expended within the fiscal year.

It must be remembered that this appropriation has been going on for a series of years, and will go on probably for a good many years after we are all dead. The question for this Committee of the Whole to meet here and now is how much money can be judiciously expended in the coming fiscal year.

Mr. TAWNEY. Is it not a fact that information on this subject is being disseminated more largely than it was?

Mr. WADSWORTH. I think that a certain sentiment is being "worked up" on this subject. Many of the letters I get show evidence of being worked up by some influence here.

Mr. HAUGEN. Is it not understood that the additional appropriation asked for here is for the purpose of building these sample roads; and is not the appropriation we now make sufficient to carry on the work that is now being carried on by the Department?

Mr. HEPBURN. So far as I am concerned, I have no direct information as to how the Secretary would expend this money. But he has said that he could judiciously and properly spend $60,000 in making this inquiry with the machinery that he now has. I think, with due deference to the committee, that I would rather have his opinion as to what amount it is proper to expend in making the inquiry than the opinion of gentlemen who are not nearly so conversant with the possibilities.

Mr. WADSWORTH. If that is true, I will say to the gentleman from Iowa that there is no use in having any committees.

Mr. HEPBURN. Oh, yes, there is. This is no reflection upon the committee.

Mr. WADSWORTH. If the judgment of a Cabinet officer is better than that of any committee of this House, then there is no need of any committee.

Mr. HEPBURN. I think the gentleman is supersensitive about it.

Mr. WADSWORTH. Let me say to the gentleman that since 1895-96 that investigation, which commenced with an appropriation of $10,000, has received increasing appropriations until it is now practically $45,000 in seven years. With the work they have done and are doing, and the work they will continue to do, I think every demand of the country will be met by this appropriation.

Mr. HEPBURN. Mr. Chairman, this is not a very large addition. The Secretary has said that he can properly use it. I believe that the great majority of the gentlemen in this committee have confidence in what he says. We think, however, that this will be properly expended, and therefore it is that I insist upon my amendment. I also insist that there is no reflection upon the committee, and that to agree to this amendment would not be tantamount to declaring that the great Committee of Agriculture is not important, that it does not accomplish great good, and that the country would not seriously suffer if anything should happen to it or to its efficiency.

I am not attacking the committee; I am simply saying that there is another person in the country with larger information, with better opportunities to know what he can judiciously do, than any one of them or all of them, who has disagreed with them, and I for one coincide with his opinion rather perhaps than with that more learned and astute opinion of the gentleman from New York.

Mr. WADSWORTH. One moment. I wish to call attention to the note in the estimate on the paragraph for road experiments. One of the things sought by getting the larger appropriation is "object lessons in road building," "the purchase of machinery," and going absolutely into the road-building business. Now, the committee objected to that and struck out that language, and simply confined it to disseminating knowledge in regard to road building.

Mr. HEPBURN. Yes; but you are unwilling that they should acquire this knowledge. This appropriation perhaps will enable them to secure that information that everybody wants.

Mr. HAUGEN. Mr. Chairman, just a word. I wish to say in reply to the gentleman from Iowa [Mr. HEPBURN] that the Committee on Agriculture have the utmost confidence in the Secretary of Agriculture. This committee have labored for more than a month, in sessions from 10 o'clock in the morning until 6 in the evening. We have given extensive hearings. Here is a volume of 451 pages.

All of these matters have been carefully considered, and after listening to the Secretary and the gentleman in charge of this division, Mr. Dodge, the committee concluded that the $35,000 was all that could be judiciously expended at this time. Now, if it is a proposition here to build these roads, as has been suggested, is the gentleman from Iowa now ready to build roads in Iowa at an expense of three hundred or four hundred million dollars? If that is the policy, then let us increase the appropriation.

Mr. HEPBURN. Mr. Chairman, there is no similarity between the proposition that I have made and this inane proposition of expending three or four hundred million dollars in building roads. I do not want anything of that kind. I have not advocated it. What I want is the information, properly acquired, and then disseminated throughout the country that will enable localities to build their own roads. I have not been an advocate of road building by the Federal Government.

I have never said anything of that kind here or elsewhere, but I do think that there can be no wiser expenditure of money than the expenditure of this additional $20,000 in securing the information upon this subject that is wanted in all parts of the country.

Mr. HAUGEN. My understanding is that if the total amount asked for is allowed a portion of that money will be used for the building of these expensive roads and the purchase of machinery. The committee did not deem it advisable to go into the building of these expensive roads at this time.

Mr. WADSWORTH. Let me say one word. In addition to that appropriation there are from $1,500 to $3,000 expended for printing the good-roads bulletins, so that you must add that to the cost of the good-roads bureau.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

The question was taken; and upon a division there were—ayes 40, noes 48.

Accordingly the amendment was rejected.

The Clerk resumed and completed the reading of the bill.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to turn back to page 18, and in line 17 to insert the word "five" instead of the word "three;" so that it shall read:

Forty thousand dollars, $5,000 of which sum may, in the discretion of the Secretary, be expended in cooperation with the experiment station of the State of California for studying the nature of Anaheim and other diseases of vines, and for ascertaining the best means for protecting vineyards against their ravages.

I do this at the earnest request of the gentleman from California [Mr. BELL] and other gentlemen of that delegation, who claim that this disease, Anaheim, is a serious threat to their industry. It does not increase the total appropriation, but simply makes $5,000 available for this investigation instead of three thousand.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

Mr. WADSWORTH. Now, Mr. Chairman, I move that the committee rise and report the bill, with the amendments, to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. POWERS of Maine, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11825 and had directed him to report the same back with amendments, with the recommendation that the amendments be adopted, and that the bill as amended do pass.

Mr. WADSWORTH. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, they will be submitted in gross.

The amendments were agreed to in gross.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WADSWORTH, a motion to reconsider the vote by which the bill was passed was laid on the table.

AGRICULTURAL EXPERIMENT STATIONS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Printing, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the Annual Report of the Office of Experiment Stations, prepared under the direction of the Secretary of Agriculture, which includes a report on the work and expenditures of the agricultural experiment stations in the United States for the fiscal year ended June 30, 1903, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

The attention of the Congress is called to the request of the Secretary of Agriculture that 5,000 copies of the report be printed for the use of the Department of Agriculture, and that provision be made to print such a report annually.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 5, 1904.*

ENROLLED BILLS PRESENTED TO THE PRESIDENT.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 98. Joint resolution to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same.

H. R. 6331. An act granting an increase of pension to James N. Dickey.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 707. An act to amend an act entitled "An act providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes," approved April 26, 1890.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3916. An act to amend section 2699 of the Revised Statutes, relating to compensation of collectors of customs—to the Committee on Ways and Means.

S. 4122. An act to direct the Director of the Census to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures, and for other purposes—to the Committee on the Census.

S. 3800. An act donating gun carriages to the Connecticut commissioners for the care and preservation of Fort Griswold—to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS FROM FILES.

Mr. KENNEDY obtained unanimous consent to withdraw from the files, without leaving copies thereof, the papers in the case of Henry Weimit, Fifty-seventh Congress, no adverse report having been made thereon.

ADJOURNMENT OVER UNTIL MONDAY.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

The question was taken, and the motion was agreed to.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until Monday next.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James Keizer, administrator of estate of James Glover, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Variety*, Micah Dyer, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Waccamaw River, North Carolina and South Carolina—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DE ARMOND, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8681) to detach the county of Linn, in the State of Missouri, from the western and attach it to the eastern judicial district of said State, reported the same with amendment, accompanied by a report (No. 730); which said bill and report were referred to the House Calendar.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11812) relating to applications, declaratory statements, entries, and final proofs under the homestead and other land laws, and to confirm the same in certain cases when made outside of the land district within which the land is situated, reported the same without amendment, accompanied by a report (No. 731); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8160) to declare a portion of the Minnesota River, in the State of Minnesota, not navigable, and authorizing the construction of bridges thereon, reported the same with amendment, accompanied by a report (No. 732); which said bill and report were referred to the House Calendar.

Mr. CRUMPACKER, from the Committee on the Census, to which was referred the bill of the House (H. R. 11823) to authorize the Director of the Census to cooperate with the secretary of state of the State of Michigan and with officials of other States in taking the census of manufactures, reported the same without amendment, accompanied by a report (No. 733); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 462) to construct and place a light-ship off the outer bar of Brunswick, Ga., reported the same with amendment, accompanied by a report (No. 734); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HERMANN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 1490) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 735); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LORIMER (by request): A bill (H. R. 11878) in relation to national mortgage banks—to the Committee on Banking and Currency.

By Mr. TAWNEY: A bill (H. R. 11879) to provide for the consolidation and reorganization of customs collection districts—to the Committee on Ways and Means.

By Mr. BARTLETT: A bill (H. R. 11880) to provide for the recutting of the great seal of the United States from the original model—to the Committee on the Judiciary.

By Mr. FULLER: A bill (H. R. 11881) granting pensions to soldiers and sailors who served in the war of the rebellion, and to the widows of such soldiers and sailors—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 11882) to provide public convenience stations in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. RIDER: A bill (H. R. 11883) to provide for free lectures to the people in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SOUTHARD: A bill (H. R. 11884) providing naval training station on Put in Bay Island, in Lake Erie—to the Committee on Naval Affairs.

Also, a bill (H. R. 11885) to amend section 914 of the Revised Statutes of the United States, relating to practice in the circuit and district courts—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: A bill (H. R. 11886) for the erection of a public building at Faribault, Minn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11887) to provide for the investigation of infectious diseases of domestic animals prevalent in the State of Minnesota and adjoining States—to the Committee on Agriculture.

By Mr. HEARST: A bill (H. R. 11888) to empower United States attorneys, without the direction of the Attorney-General, to enforce the act to protect trade and commerce against unlawful restraints and monopolies, and for other purposes—to the Committee on the Judiciary.

By Mr. FLOOD: A bill (H. R. 11889) for the relief of the tobacco growers—to the Committee on Ways and Means.

By Mr. WANGER: A bill (H. R. 11890) granting pensions to certain soldiers and sailors who served in the war of the rebellion, and their widows—to the Committee on Invalid Pensions.

By Mr. ALLEN (by request): A bill (H. R. 11953) to establish a public park on Columbia Heights and to make a new street on its western boundary—to the Committee on the District of Columbia.

By Mr. AIKEN: A bill (H. R. 11954) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. GIBSON: A bill (H. R. 11955) for the erection of a public building at Harriman, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A resolution (H. Res. 204) asking the Secretary of the Interior to furnish certain information relating to Indian affairs in the Indian Territory to the House of Representatives—to the Committee on Indian Affairs.

By Mr. STEVENS of Minnesota: A resolution (H. Res. 205) authorizing the purchase of 40 copies of the Compiled Statutes of the United States for 1901, with the Supplement for 1903—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 11891) granting an increase of pension to James L. Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11892) granting a pension to Clinton G. Ames—to the Committee on Invalid Pensions.

By Mr. BENNY: A bill (H. R. 11893) for the relief of George W. Spencer—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 11894) granting an increase of pension to Jeremiah Sheldon—to the Committee on Invalid Pensions.

By Mr. BREAZEALE: A bill (H. R. 11895) for the relief of the First Baptist Church of Mansfield, La.—to the Committee on War Claims.

By Mr. BUCKMAN: A bill (H. R. 11896) granting an increase of pension to Giles A. Woolsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11897) granting an increase of pension to Samuel H. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11898) granting a pension to Bailey D. Judkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11899) granting a pension to May L. Whitney—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 11900) for the relief of Shadrack H. Wren, of Izard County, Ark.—to the Committee on War Claims.

By Mr DANIELS: A bill (H. R. 11901) for the appropriation of water from the Colorado River for irrigation purposes—to the Committee on Irrigation of Arid Lands.

By Mr. GUDGER: A bill (H. R. 11902) for relief of Mrs. Mary Gaddy—to the Committee on Claims.

By Mr. HEDGE: A bill (H. R. 11903) granting a pension to Bertha C. Hoffmeister—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 11904) granting an increase of pension to Benjamin Hayden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11905) granting a pension to Rebecca Butler—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: A bill (H. R. 11906) granting a pension to Margaret Jones—to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 11907) granting an honorable discharge to Thomas B. Hanoum—to the Committee on Military Affairs.

Also, a bill (H. R. 11908) for the relief of the legal representatives of G. B. Stimpson—to the Committee on Claims.

By Mr. JACKSON of Ohio: A bill (H. R. 11909) granting a pension to Charles H. McCleary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11910) granting an increase of pension to Florian Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11911) granting an increase of pension to John F. Zeller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11912) granting an increase of pension to Henry Balskey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11913) granting an increase of pension to Erwin M. Bergstresser, now Erwin M. Harley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11914) granting an increase of pension to Charles F. Keyerleber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11915) granting an increase of pension to Patrick Conners—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11916) granting an increase of pension to Alfred Williamson—to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 11917) granting a pension to Henry Law—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11918) granting an increase of pension to Henry Older—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11919) granting an increase of pension to William F. Tarbet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11920) granting an increase of pension to Joseph P. Boals—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11921) granting an increase of pension to Alfred Snowberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11922) granting an increase of pension to George Fetterman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11923) granting an increase of pension to George J. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11924) granting an increase of pension to Andrew J. Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11925) granting an increase of pension to Ludwig Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11926) granting an increase of pension to Andrew Kinkade—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 11927) granting a pension to Paul Smith—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 11928) for the relief of James T. Kilbreth, George R. Bidwell, and Nevada N. Stranahan, as collectors of customs for the district and port of New York—to the Committee on Claims.

By Mr. LANNING: A bill (H. R. 11929) granting an increase of pension to William Antes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11930) granting an increase of pension to Virginia Hart Clark—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 11931) granting an increase of pension to B. W. Burnham—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 11932) granting a pension to Hannah Small Wiggin—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 11933) for the relief of Samuel W. Evans—to the Committee on Naval Affairs.

Also, a bill (H. R. 11934) for the relief of the legal representatives of the late firm of Lapène & Ferré—to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 11935) granting an increase of pension to John Watson—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 11936) granting an increase of pension to John L. St. Clair—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 11937) granting an increase of pension to Daniel Spurrier—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 11938) for the relief of Thomas J. Estes—to the Committee on Military Affairs.

Also, a bill (H. R. 11939) granting an increase of pension to C. C. Fisher—to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 11940) granting a pension to Mathias Hilden—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 11941) granting an increase of pension to John H. Burrowes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11942) granting a pension to William J. F. Barcus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11943) granting a pension to Mary J. Chenoweth—to the Committee on Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 11944) for the relief of John W. McCrath—to the Committee on Claims.

By Mr. THOMAS of Iowa: A bill (H. R. 11945) granting an increase of pension to John Westfall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11946) granting an increase of pension to Henry P. Swartz—to the Committee on Invalid Pensions.

By Mr. VAN DUZER: A bill (H. R. 11947) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada—to the Committee on Claims.

Also, a bill (H. R. 11948) granting a pension to Charles F. J. Stein—to the Committee on Pensions.

By Mr. WACHTER: A bill (H. R. 11949) granting a pension to Katesbury R. Warrington—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 11950) for the relief of William E. Murray—to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 11951) granting an increase of pension to Henry N. McLane—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 11952) for the relief of Noah L. Cochen—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of Apperson Post, No. 202, Grand Army of the Republic, of Neoga, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ADAMSON: Resolution of Lodge No. 649, Brotherhood of Railway Trainmen, of Columbus, Ga., indorsing the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. BARTHOLDT: Resolution of St. Louis Merchants' Exchange, in favor of increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Cramer Dry Plate Company, of St. Louis, in favor of a reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Pacific Lodge, No. 64, Brotherhood of Rail-

road Trainmen, in favor of bills H. R. 89 and 7041—to the Committee on the Judiciary.

By Mr. BARTLETT: Memorial and resolution of the general committee of the Daughters of the American Revolution, for the recutting of the Great Seal of the United States from the original model—to the Committee on the Judiciary.

By Mr. BASSETT: Resolution of the New York State assembly, relative to a bill to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Texas: Petition of Rev. R. S. Selle and others, of Dallas, Tex., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BENNY: Paper to accompany bill to correct military record of George W. Spencer—to the Committee on Military Affairs.

By Mr. BRUNDIDGE: Protest of business men of Swifton, Ark., against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. F. Smith and 35 others, J. B. Hammier, M. D., and 45 others, and Prof. W. A. Cunningham and 40 others, of Searcy, Ark., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, papers to accompany claim of Shadrach H. Wren—to the Committee on War Claims.

By Mr. BURKETT: Resolutions of organized agriculture and several agricultural societies of Nebraska, indorsing bill H. R. 8678, relative to experiment stations—to the Committee on Agriculture.

By Mr. BURNETT: Petition of V. M. Brindley and 61 other voters of Collensville, Ala., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BUTLER of Pennsylvania: Resolution of Elizabeth Temple Post, No. 138, and John Brown Post, No. 194, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: Resolution of John Buford Post, No. 89, Grand Army of the Republic, Everett, Wash., in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Resolutions of Decatur Lodge, No. 414, Brotherhood of Railroad Trainmen, of Decatur, Ill., in favor of the passage of bills H. R. 89 and 7041—to the Committee on the Judiciary.

Also, petition of business men of Edinburg, Ill., and of Nokomis, Ill., against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CANDLER: Petition of Rev. James H. Felts and 587 others, of Corinth, Miss., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CRUMPACKER: Petition of the First Presbyterian Church, William H. Wilson, pastor, of Michigan City, Ind., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of Susan H. Evans and others, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Resolution of Michael Cook Post, No. 123, Grand Army of the Republic, Faribault, Minn., in favor of service-pension bill—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolution of the Central Federation of Labor, of Troy, N. Y., in favor of bill H. R. 6—to the Committee on Ways and Means.

By Mr. DUNWELL: Resolution of G. K. Warren Post, No. 286, Grand Army of the Republic, of Brooklyn, N. Y., and of memorial and executive committee, representing 31 posts in Brooklyn, N. Y., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolution of the New York State assembly, relative to the promotion of efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of West Virginia: Petition of Theodore Alverd, State superintendent, and others, for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Resolutions of Charles Sumner Post, No. 101, of Groveland; A. W. Bartlett Post, No. 49, of Newburyport; Preston Post, No. 118, of Beverly Farms; John H. Chipman Post, No. 89, of Beverly; Colonel C. R. Mudge Post, No. 114, of Merrimac; Major How Post, No. 47, of Haverhill, and Phil A. Sheridan Post, No. 34, of Salem, all in Massachusetts, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Petition of W. W. Howe, to accompany bill H. R. 1430, for refund of taxes illegally paid—to the Committee on Claims.

Also, petition of Samuel Wymond Cooperage Company, of Aurora, Ind., against passage of bill to limit the word "conspiracy," and for other purposes—to the Committee on the Judiciary.

Also, petition of the Blish Milling Company, of Seymour, Ind., for the passage of bill H. R. 6273, to prevent the discrimination in freight between localities and commodities—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petitions of H. H. Stine and 14 others, and G. W. Walker, jr., and 43 others, of Roseville, Ohio, favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church officials and 21 other voters of Athens, Ohio, urging the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HENRY: Petition of W. W. Woodson and 94 others, for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HEPBURN: Petition of S. Samson and 70 other voters of Van Wert, Iowa, urging the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HERMANN: Petition of citizens of Oregon, against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the mayor of Woodburn, Oreg., for increasing pay of rural carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of pastors of churches for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HITT: Resolutions of Polo Post, No. 84, of Polo, Ill., and J. M. Smith Post, No. 720, of Mount Morris, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HOGG: Petitions of Rev. B. E. Hart and 32 others, of Canyon City, Colo.; Rev. J. B. Cook, representing a church membership of 550, and William L. Perry and 60 others, of Cedaredge, Colo., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petitions of Rev. Alfred Wagg and 43 others, of Red Bank, N. J.; Rev. J. H. White and 8 others, of Asbury Park, N. J., and Thomas W. Leonard and 33 others, of Atlantic Highlands, N. J., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Resolutions of Henry W. Slocum Post, No. 55, of New Jersey, and James B. McPherson Post, No. 52, of Hackensack, N. J., Grand Army of the Republic, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of B. J. Morgan and 16 others; William McConnell and 14 others, of Stanhope, N. J., and James Wiley and 43 others, of Patterson, N. J., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. JACKSON of Ohio: Papers to accompany bill to increase pension of Florian Smith—to the Committee on Invalid Pensions.

Also, papers to accompany bill to increase pension of Charles H. McCleary—to the Committee on Invalid Pensions.

By Mr. KEHOE: Petition of sundry farmers of Bourbon County, Ky., indorsing bill H. R. 9669, relative to the adulteration of blue grass, orchard grass, and clover seed—to the Committee on Agriculture.

By Mr. LANNING (by request): Petition of General Assembly of Presbyterian Church in the United States, relative to issuance of tax receipts by the Federal Government in prohibitory States, etc.—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of Rev. J. W. Stephan and 29 others, of Greenfield, Mass., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LITTLEFIELD: Petition of B. H. Davis and 24 others, of New Sharon, Me.; Rev. H. S. Trueman and 43 others, of Kingfield, Me.; C. N. Blanchard and 39 others, of Wilton, Me.; George C. Burington and 29 others, of Farmington, Me., and F. L. Porter and 11 others, of Eustis, Me., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LIVERNASH: Resolutions of the Manufacturers and Producers' Association of California, favoring the Lodge bill relating to reorganization of consular service of the United States—to the Committee on Foreign Affairs.

Also, resolutions of the board of directors of the Manufacturers and Producers' Association of California, favoring legislation for revival of American merchant marine in the foreign carrying trade—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the board of supervisors of city and county of San Francisco to the President and Congress of the United States, in relation to Tuolumne River and Lake Eleanor rights of way—to the Committee on Rivers and Harbors.

Also, resolutions of the board of directors of the Manufacturers and Producers' Association of California, favoring the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. LOUDENSLAGER: Petitions of Samuel A. Bacon and 18 others, of Haddonfield; Rev. William G. Robinson and 9 others, of Newfield; J. C. Snelbaker and 21 others, of Woodstown and vicinity, and George L. Van Alen and 16 others, of Blackwood, all in New Jersey, for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MARSHALL: Petition of E. Watts, R. Horne, and J. B. Ross, trustees of the Methodist Episcopal Church, and 9 others, of Leonard, N. Dak., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of J. W. Bliss and 22 others, of Lakota, N. Dak.; Will. H. Carliter and 67 others, of Griggs County, N. Dak., and Ezra Rose Camp and 35 others, of St. Thomas, N. Dak., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Mr. MEYER of Louisiana: Memorial to accompany bill for relief of Samuel W. Evans—to the Committee on Military Affairs.

Also, resolutions of Oscar Orillion Post, No. 14, Grand Army of the Republic, of Louisiana, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Papers to accompany bill to increase pension of Dennis Spurrier—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petitions of Jesse P. Knapp and 38 other voters of the towns of Barrington and Starkey, N. Y., and W. H. Laraby and 8 other voters of Starkey, N. Y., urging the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of New York City, relating to the transportation of merchandise between the United States and the Philippine Islands—to the Committee on the Merchant Marine and Fisheries.

By Mr. PORTER: Papers to accompany bill H. R. 11866, to correct the military record of Cereach Schnepf—to the Committee on Military Affairs.

By Mr. RIXEY: Petition of George Roberts, M. D., and 30 others, of Lincoln, Va., and vicinity, and of W. T. Davis and 32 others, of Purcellville, Va., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBERTS: Resolutions of Major-General H. G. Berry Post, No. 40, of Malden, Mass., and J. P. Gould Post, No. 75, of Stoneham Mass., Grand Army of the Republic, and Union Veterans' Union of Chelsea, Mass., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Samuel Houk, of Bingen, Ind., relative to increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: Papers to accompany bill H. R. 7619—to the Committee on the Public Lands.

By Mr. SHULL: Paper to accompany bill H. R. 11872, granting a pension to Howard S. Gardner—to the Committee on Pensions.

By Mr. SNOOK: Resolutions of Salem Evangelical Sunday School, of Defiance County, Ohio, protesting against a repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. SPERRY: Petition and papers from the National Society of the Daughters of the American Revolution, praying for a specific appropriation for the cutting of the reverse face of the Great Seal, and that it be placed in the custody of the Department of State for such purposes as may be appropriate—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Resolution of the New York State assembly, relative to the promotion of efficiency in the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Live Stock Breeders' Association of Minnesota, relative to investigation and study of infectious diseases among domestic animals—to the Committee on Agriculture.

Also, resolution of Michael Cook Post, No. 123, Grand Army of the Republic, of Faribault, Minn., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Rev. S. Phoenix and others, of Stillwater, Minn., against sale of liquor in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of citizens of Washington County, Minn., relative to compensation of rural carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the St. Paul Board of Trade, relative to increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of Iowa: Petition of 12 voters of Salix, 25 voters of Cherokee, 49 voters of Dickens, 29 voters of Ida Grove, 54 voters of Irwood, 19 voters of Hinton, 17 voters of Seney, 35 voters of Doon, and Society of Friends of Oskaloosa, all of Iowa, and 12 citizens of Croftonville, Cal., praying for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of McDowell Post, No. 391, of Early; General Bell Post, No. 332, of Kingsley; Hartley Post, No. 451, of Hartley; Winget Post, No. 226, of Winget; Kenyon Post, No. 339, of Kenyon; Mathew Gray Post, No. 93, of Ida Grove; Hanscom Post, No. 97, of Hanscom; James Miller Post, No. 503, of Marathon; Launty Post, No. 215, of Ireton; Wallar Post, No. 223, of Milford; William D. Price Post, No. 392, of Schaller; Custer Post, No. 25, of Cherokee; Stephen A. Hurlburt Post, No. 82, of Alta; Annett Post, No. 124, of Annett; General Hancock Post, No. 22, of Sioux City, and Peter Vanorman Post, No. 519, all in Iowa, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of Rev. N. E. Dennis and 23 others, of Seneca, Mich., and E. W. Ryan and 56 others, of Detroit, Mich., for the passage of the Hepburn-Dylliver bill—to the Committee on the Judiciary.

By Mr. WACHTER: Petition of the American Towing and Lightering Company, of Baltimore, against passage of bill S. 3861, relative to inspection of seagoing barges—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Merchants and Manufacturers' Association of Baltimore, in opposition to parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Resolutions of Captain H. Clay Beatty Post, No. 73, Grand Army of the Republic, of Bristol, Pa., in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: Petitions of S. G. Cooper, F. H. Ray, and others, of Canton, Madison County, Miss., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WYNN: Papers to accompany bill H. R. 3533, granting an increase of pension to Capt. R. H. McIlroy—to the Committee on Invalid Pensions.

Also, memorial of board of supervisors of the city and county of San Francisco, relative to Tuolumne River and Lake Eleanor reservoir rights of way—to the Committee on Rivers and Harbors.

SENATE.

MONDAY, *February 8, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

POST-OFFICE DEPARTMENT INVESTIGATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 5th instant, the full report of the honorable Fourth Assistant Postmaster-General, dated October 24, 1903, together with other letters, reports, and communications bearing upon the investigation of the irregularities in the Post-Office Department by Assistant Postmaster-General Bristow, etc.; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Active*, Samuel Pote, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Apollo*, John Ring, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 5th instant approved and signed the act (S. 2795) to amend an act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892.

The message also announced that the President of the United States had on the 6th instant approved and signed the act (S. 540) providing for an additional officer in the district of Chicago, in the collection district of Indiana and Illinois.

PETITIONS AND MEMORIALS.

Mr. DUBOIS presented a petition of sundry citizens of Tacoma, Wash., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. CULLOM presented a memorial of sundry citizens of Joliet, Ill., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Retail Merchants' Association of Moline, Ill., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented a petition of sundry citizens of Sumner, Ill., and petition of sundry citizens of Monmouth, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a petition of the board of trustees of the New Hampshire College of Agriculture and the Mechanic Arts, Durham, N. H., praying for the enactment of legislation to increase the Federal aid to agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Hinsdale, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Columbia Heights Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the extension of Eighth street NW., in that city; which was referred to the Committee on the District of Colombia.

He also presented a petition of the Columbia Heights Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the opening, extension, and widening or straightening of alleys in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the New England Shoe and Leather Association, of Boston, Mass., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the New England Shoe and Leather Association, of Boston, Mass., remonstrating against the enactment of legislation for the suppression of lottery traffic by insurance companies; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New England Shoe and Leather Association, of Boston, Mass., praying for the enactment of legislation to reorganize the consular service of the United States; which was referred to the Committee on Foreign Relations.

Mr. HOPKINS presented petitions of Post No. 20, of Aurora; of Colman Post, No. 508, of Mount Vernon; of Post No. 84, of Polo; of Joe Hanna Post, No. 117, of Pekin, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Murphysboro, Rockford, Lily Lake, Jacksonville, and Joliet, all in the State of Illinois, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Aermotor Company, of Chicago; of the Board of Trade of Cairo; of the Board of Trade of Chicago, and of the Board of Trade of Quincy, all in the State of Illinois, praying for the reorganization of the consular service; which were referred to the Committee on Foreign Relations.

He also presented petitions of the Woman's Christian Temperance Union of Aledo, of the United Commercial Travelers' Association of Chicago, of the Baptist Association of Middle Creek, of the congregation of the Swedish Lutheran Church of Aledo, and of the Woman's Christian Temperance Union of Sandwich, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. QUARLES presented a memorial of the Board of Trade and the Manufacturers and Jobbers' Union of La Crosse, Wis., remonstrating against the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the Good Roads Association of Peshtigo, Wis., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Wisconsin Rest Day Association, of Milwaukee, Wis., praying for the enactment of legislation to provide for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the board of regents of the University of Wisconsin, Madison, Wis., praying for the enactment of legislation to increase the Federal aid to agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of District Lodge No. 22, Independent Order of Good Templars, of Waupaca, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Whitewater, Wis., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. ANKENY presented a petition of John Buford Post, No. 89, Department of Washington, Grand Army of the Republic, of Everett, Wash., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of the Woman's Christian Temperance Union of western Washington; of the congregation of the Methodist Episcopal Church of Vancouver, and of the University Place Baptist Church, of Seattle, all in the State of Washington, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented the petition of Rev. J. W. Kerns and 51 other citizens of Burlington, Wash., and the petition of J. C. Laurence and 97 other citizens of Prescott, Wash., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of the National Live Stock Association, praying for the enactment of legislation providing for the transfer of the administration of forest reserves to the Department of Agriculture; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the National Live Stock Association, praying for the enactment of legislation giving to the Interstate Commerce Commission authority to determine what rates and practices for transportation of freights shall be established when those complained of are found, after a full hearing of all interests concerned, to be unjust and unreasonable; which was referred to the Committee on Interstate Commerce.

He also introduced a petition of the National Live Stock Association, praying that an appropriation be made to provide for the carrying forward of the investigation of poisonous plants upon the ranges, and the remedies or antidotes for such poisons, by the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Live Stock Association, praying that the Special Land Commission appointed by the President shall be given ample time and opportunity to study the varied conditions of difficult localities, and that the people of each locality be given opportunity to be heard, and, finally, that no hasty action be taken upon the Commission's report until the people have had time and opportunity to consider any plan recommended in its application to local conditions, and that if any action is finally taken whereby any part of the public ranges is placed under governmental control the administration of such may be placed under the control of the Department of Agriculture; which was referred to the Committee on Public Lands.

He also presented a petition of the National Live Stock Association, praying for the enactment of legislation providing for a classified census of live stock; which was referred to the Committee on the Census.

He also presented a petition of the National Live Stock Association, praying for an investigation of the so-called "lien land laws," and to make such modifications thereto as will effectually prevent abuses of same and consequent damage to settlers and the country; which was referred to the Committee on Public Lands.

Mr. MILLARD presented a petition of D. S. Crawford Post, No. 197, Department of Nebraska, Grand Army of the Republic, of Westpoint., Nebr, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Nebraska, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. ALGER presented a petition of Henry C. Beebe Post, No. 223, Department of Michigan, Grand Army of the Republic, of

Michigan, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. HOAR presented petitions of F. P. H. Rogers Post, No. 29, of Waltham; of George H. Thomas Post, No. 131, of Leicester; of Clara Barton Post, No. 65, of Warren; of Abraham Lincoln Post, No. 4, of Charlestown; of Allen Post, No. 67, of Manchester; of C. L. Hastings Post, No. 54, of Berlin; of U. S. Grant Post, No. 4, of Melrose; of E. M. Stanton Post, No. 147, of Amherst; of Ladd and Whitney Post, No. 185, of Lowell; of Thomas A. Parker Post, No. 195, of Pepperill; of John A. Rawlins Post, No. 43, of Marlboro; of E. P. Wallace Post, No. 122, of Amesbury; of Colonel Allen Post, No. 45, of Gloucester; of D. G. Farragut Post, No. 116, of Gardner; of W. L. Baker Post, No. 86, of Northampton; of W. B. Greene Post, No. 100, of Methuen; of Henry Clay Wade Post, No. 201, of Cottage City; of Lyon Post, No. 41, of Westfield; of Myron E. Stowell Post, No. 84, of South Deerfield; of Manton E. Taft Post, No. 162, of Turner's Falls; of Theodore Winthrop Post, No. 35, of Chelsea; of Edwin E. Day Post, No. 174, of Greenfield, and of W. W. Rockwell Post, No. 125, of Pittsfield, all of the Department of Massachusetts, Grand Army of the Republic, and of the Twenty-third Regiment, Department of Massachusetts, Union Veteran's Union, in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Norwood, Mass., remonstrating against the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the Amherst Village Improvement Association, of Amherst, Mass., praying for the passage of the so-called Calaveras big-tree bill; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of sundry citizens of Norwood, Mass., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Massachusetts Agricultural College Alumni, praying that an appropriation be made by the Federal Government for the agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Taunton Board of Trade, of Taunton, Mass., praying for the ratification of a treaty of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

Mr. DRYDEN presented a memorial of the Backus Water Motor Company, of Newark, N. J., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Christian Endeavor Society of the Calvary Presbyterian Church, of Riverton, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah, which was referred to the Committee on Privileges and Elections.

Mr. BEVERIDGE presented a memorial of the Heilman Machine Works, of Evansville, Ind., remonstrating against the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Indianapolis, Ind., remonstrating against the enactment of legislation fixing a uniform standard of classification and grading of wheat, flax, corn, and other grains; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Mount Vernon, Ind., and a memorial of the Indiana Retail Merchants' Association, remonstrating against the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Terre Haute Council, United Commercial Travelers, of Terre Haute, Ind., praying for the adoption of an amendment to section 64 of the present bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. KITTREDGE presented a memorial of the Business Men's Association of Flandreau, S. Dak., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented the petition of Rev. Ernest L. True, of Valley Springs, S. Dak., and the petition of Rev. Charles O. Walker, of Langford, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented the memorial of F. M. White and 26 other citizens of Hudson, S. Dak., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of George W. Foster and 14 other citizens of Yankton, of James M. Hobbs and 14 other citizens of Yankton, and of Hiram A. Pool and 42 other citizens of Watertown, all in the State of South Dakota, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. HALE presented a petition of the Central Labor Union of Portland, Me., praying for the enactment of legislation to modify the existing immigration law so as to apply only to such persons as advocate violence; which was referred to the Committee on Immigration.

Mr. DEPEW presented the affidavit of Jane O'Dwyer, widow of John O'Dwyer, late captain of Company E, One hundred and Fifty-fifth Regiment New York State Infantry Volunteers, praying for the enactment of legislation to correct the military record of John O'Dwyer; which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Sherman; of the congregation of the United Brethren Church of Buffalo; of the congregation of the Church of the Covenant, of Buffalo; of the congregation of the Jefferson Street Church of Christ, of Buffalo, and of the congregation of the Glenwood Baptist Church, of Buffalo, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the New York Board of Trade and Transportation of New York City, praying that an appropriation be made for the improvement of Bronx Kills and the Harlem River at that place; which was referred to the Committee on Commerce.

He also presented petitions of Luther M. Wheeler Post, No. 92, of Saratoga Springs; of Admiral Meade Post, No. 40, of Oxford; of General John B. Murray Post, No. 597, of Phelps; of Cary W. Miner Post, No. 624, of Georgetown; of J. Broadbrot Post, No. 188, of Dexter; of J. B. Butler Post, No. 111, of Pulaski; of Post No. 449, of York; of G. D. Bailey Post, No. 200, of Lowville; of Armstrong Post, No. 104, of Rhinebeck; of Sawyer Post, No. 333, of Whitesville; of Abel Smith-First Long Island Post, No. 435, of Brooklyn; of John McKee Post, No. 309, of Cambridge; of S. F. Bartle Post, No. 183, of Cuba; of John P. Buckley Post, No. 633, of Belleville; of General Lyon Post, No. 266, of Middletown; of Harry Lee Post, No. 21, of Brooklyn; of Joe Gould Post, No. 145, of Phoenix; of Chismore Post, No. 110, of Ilion; of Wilson Dean Post, No. 416, of Millport; of Admiral Farragut Post, No. 25, of Albany; of H. H. Beecher Post, No. 582, of New York; of Captain William A. Jackson Post, No. 301, of Middletown; of John M. Hutchinson Post, No. 243, of Pavilion; of Sanders Post, No. 457, of Cicero; of John A. Logan Post, No. 477, of Stamford, all of the Department of New York, Grand Army of the Republic, and of the Army and Navy Union of Sandy Hill, all in the State of New York, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the Woman's Home and Foreign Missionary Society of the Second Presbyterian Church of Saratoga Springs; of the Woman's Educational and Industrial Union of Rochester; of the Woman's Home and Foreign Missionary Society of the First Presbyterian Church of Gloversville; of the congregations of the Baptist, Congregational, and Methodist Episcopal churches of Phoenix; of sundry citizens of Sodus and New York City; of the Woman's Home Missionary Society of Moravia; of the congregation of the West Avenue Methodist Episcopal Church, of Rochester; of the congregation of the Reformed Church of Williamson; of the congregation of the First Methodist Episcopal Church of Oneida; of the Woman's Christian Temperance Union of New York City; of the congregation of the Methodist Episcopal Church of Morristown; of the congregation of the First Presbyterian Church of Troy; of sundry citizens of Amsterdam and Brooklyn; of the Woman's Home Missionary Society of Cortland; of the Woman's Christian Temperance Union of Cuba; of the congregation of the Swedish Baptist Church of Jamestown; of the Woman's Christian Temperance Union of Sherwood; of the congregation of the Parsells Avenue Baptist Church, of Rochester; of the Woman's Missionary Society of the Second Baptist Church of Rochester; of the Woman's Home and Foreign Missionary Society of Bedford; of the congregation of the First Congregational Church of Jamestown; of the congregation of the First Ward Presbyterian Church, of Syracuse; of the Woman's Christian Temperance Union of Rye; of sundry citizens of Stapleton, Tompkinsville, and New Brighton; of the congregation of the Presbyterian Church of Hudson; of the Woman's Christian Temperance Union of Lagrange; of sundry citizens of Billings and Moores Mills; of the congregation of the Methodist Episcopal Church of Deposit; of sundry citizens of Syracuse and Rochester, and of the congregation of the Second

Presbyterian Church of Saratoga Springs, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FRYE presented a petition of sundry citizens of Manahawkin, N. J., and a petition of the Woman's Christian Temperance Union of Bayou La Batre, Ala., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Board of Trade of Taunton, Mass., praying for the enactment of legislation to reorganize the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry shipowners, shipbuilders, and shipmasters of the United States, praying for the enactment of legislation denying American registry to any foreign-built vessel except prizes of war or vessels forfeited for violation of the laws of the United States; which were referred to the Committee on Commerce.

He also presented a petition of the Central Labor Union of Portland, Me., praying for the enactment of legislation to modify the present immigration law; which was referred to the Committee on Immigration.

He also presented a petition of the National Live Stock Association, of Denver, Colo., praying for the enactment of legislation providing for the transfer of the administration of forest reserves to the Department of Agriculture; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Merchants' Exchange and Board of Trade of Portland, Me., praying that an appropriation be made for completing the harbor of refuge at Point Judith, Rhode Island; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Portland, Me., and a petition of the Master Mariners' Association of Gloucester, Mass., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service; which were referred to the Committee on Commerce.

INTERNATIONAL REFORM BUREAU.

Mr. GALLINGER. I present certain papers relating to the work of the International Reform Bureau of the District of Columbia. I move that the papers be printed as a document.

The motion was agreed to.

GOLD DEPOSITS OF WICHITA MOUNTAINS.

Mr. COCKRELL. I present a paper, being a report by H. Foster Bain on the reported gold deposits of the Wichita Mountains. I move that the paper be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905, to report it with amendments, and I submit a report thereon. I shall ask the Senate to take up the bill to-morrow after the routine morning business.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7355) granting an increase of pension to Henry Barrett;

A bill (H. R. 1156) granting an increase of pension to John Pangratz;

A bill (H. R. 6588) granting an increase of pension to James H. Cummings;

A bill (H. R. 5199) granting an increase of pension to Emma M. Johnson; and

A bill (H. R. 529) granting a pension to Emma H. Higley.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 9583) granting an increase of pension to James H. Hargis;

A bill (H. R. 2923) granting an increase of pension to John G. Fairchild; and

A bill (H. R. 2920) granting an increase of pension to Daniel W. Huffman.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (H. R. 7563) granting an increase of pension to William W. Rowlett; and

A bill (S. 3039) granting a pension to Edward A. Poag.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3) to regulate electrical wiring in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3945) granting an increase of pension to Lewis Lewis; and

A bill (H. R. 7732) granting an increase of pension to Mary Chenowith.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 3032) granting an increase of pension to William Pittenger, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 819) granting an increase of pension to John B. Glover; and

A bill (S. 2563) granting an increase of pension to Elizabeth M. Banta.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3397) granting an increase of pension to George B. Christy;

A bill (H. R. 8058) granting an increase of pension to William M. Underhill; and

A bill (H. R. 8850) granting an increase of pension to Thomas Joyce.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4141) granting an increase of pension to Samuel A. Dickey;

A bill (S. 1554) granting an increase of pension to John D. Pickard;

A bill (H. R. 138) granting an increase of pension to Henry Hale;

A bill (H. R. 4578) granting a pension to Catharine M. McClanahan;

A bill (H. R. 6091) granting an increase of pension to John W. Brown;

A bill (H. R. 7447) granting an increase of pension to William Bailey;

A bill (H. R. 5699) granting an increase of pension to James P. Johnson;

A bill (H. R. 7095) granting an increase of pension to Harrison H. Hakes; and

A bill (H. R. 610) granting an increase of pension to Samuel Alexander.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom was referred the bill (S. 3481) granting an increase of pension to J. E. Harrison, reported it with amendments, and submitted a report thereon.

He also (for Mr. TALIAFERRO), from the same committee, to whom was referred the bill (H. R. 7594) granting an increase of pension to Charles H. Miller, reported it without amendment, and submitted a report thereon.

He also (for Mr. BURTON), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2649) granting an increase of pension to William S. Burch;

A bill (H. R. 2477) granting an increase of pension to Frank J. McLaughlin; and

A bill (H. R. 6705) granting an increase of pension to Edwin A. Forman.

Mr. McCUMBER (for Mr. BURTON), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6032) granting an increase of pension to Charles S. Bellows;

A bill (H. R. 6036) granting an increase of pension to John Shafer;

A bill (H. R. 8717) granting an increase of pension to Henry Edwards;

A bill (H. R. 7682) granting an increase of pension to William H. Howard;

A bill (H. R. 6701) granting an increase of pension to John A. Reeds;

A bill (H. R. 1487) granting an increase of pension to Dexter T. Drake; and

A bill (H. R. 1294) granting an increase of pension to William McBrien.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 592) granting a pension to David B. Wood; and

A bill (S. 3282) granting an increase of pension to Martha A. Hughes.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4091) granting an increase of pension to Nathan M. Gove;

A bill (S. 4090) granting an increase of pension to Charlotte J. Folsom;

A bill (S. 4052) granting a pension to Alice K. Seligson;

A bill (H. R. 1497) granting an increase of pension to Dana Cook;

A bill (H. R. 3299) granting a pension to Medie M. Flanders;

A bill (H. R. 4937) granting an increase of pension to Emily Conklin;

A bill (H. R. 7439) granting an increase of pension to Helen M. Bates;

A bill (H. R. 3298) granting a pension to Mary E. Pennock; and

A bill (H. R. 3407) granting an increase of pension to Frank Lewis.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 562) granting an increase of pension to Emeline F. Emmons;

A bill (S. 3950) granting an increase of pension to Edward Blaisdell; and

A bill (S. 354) granting an increase of pension to Clara B. Griswold.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3893) granting an increase of pension to John L. Rogers;

A bill (S. 3085) granting an increase of pension to Alexander Lane;

A bill (S. 3488) granting an increase of pension to Charles E. McIntire;

A bill (S. 3534) granting an increase of pension to John S. Parker; and

A bill (H. R. 865) granting an increase of pension to Charles C. Chase.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5609) granting an increase of pension to Benjamin F. Grigsby; and

A bill (H. R. 5471) granting an increase of pension to A. Marion Gamble.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 3037) granting a pension to William Bieber, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1591) granting an increase of pension to James Hahn;

A bill (S. 2179) granting an increase of pension to Thomas Harkison; and

A bill (S. 268) granting an increase of pension to Annie B. Johnson.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3053) granting an increase of pension to Emma E. S. Wright;

A bill (S. 2959) granting an increase of pension to Ada Johnson;

A bill (H. R. 6089) granting an increase of pension to Emma L. Nagle; and

A bill (H. R. 4251) granting an increase of pension to Joseph Hinkle.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5634) granting an increase of pension to Robert L. Miles;

A bill (H. R. 7757) granting an increase of pension to Cyrus Davidheiser;

A bill (H. R. 681) granting an increase of pension to Ella P. Kersteter;

A bill (H. R. 8207) granting an increase of pension to Charles Johnson;

A bill (H. R. 3367) granting an increase of pension to George W. Kerby;

A bill (H. R. 4325) granting an increase of pension to John A. Sills;

A bill (H. R. 6085) granting a pension to Anna M. Maier; and

A bill (H. R. 5972) granting an increase of pension to Edward A. Wilbur.

Mr. BARD, from the Committee on Indian Affairs, to whom was referred the bill (S. 3182) to pay certain Choctaw (Indian) warrants held by James M. Shackelford, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Territories, to whom was referred the bill (S. 3728) to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane and destitute persons in the district of Alaska, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4054) for the relief of Richard King; and

A bill (S. 4079) for the relief of James Denton.

Mr. WARREN. I am directed by the Committee on Claims, to whom was referred the bill (S. 1268) for the relief of James Denton, to submit an adverse report thereon and to move its indefinite postponement, as the subject-matter is covered by Senate bill 4079, just reported favorably.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1616) granting an increase of pension to Michael Donovan; and

A bill (S. 1914) granting an increase of pension to John S. Stanger.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3887) granting an increase of pension to Charles J. Clark; and

A bill (H. R. 6426) granting an increase of pension to David Z. Beidler.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4031) granting an increase of pension to Samuel R. Wasson;

A bill (H. R. 2427) granting a pension to Cynthia Thomas;

A bill (H. R. 5372) granting a pension to Mariah Kuechler;

A bill (H. R. 937) granting an increase of pension to Mark A. Shelton;

A bill (H. R. 5538) granting a pension to Jane Elizabeth Bullock;

A bill (H. R. 7072) granting a pension to Mary McCall;

A bill (H. R. 703) granting an increase of pension to Robert P. Baker; and

A bill (H. R. 3665) granting an increase of pension to Henry C. Jones.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3902) granting a pension to George F. Smith;

A bill (S. 2662) granting an increase of pension to John H. Carrow;

A bill (S. 3812) granting an increase of pension to Charles Wheatland; and

A bill (H. R. 6025) granting an increase of pension to John Herzog.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8342) granting an increase of pension to Horace E. Davis;

A bill (H. R. 7756) granting an increase of pension to Charles Schroder;

A bill (H. R. 8920) granting a pension to Harriet A. Tucker;

A bill (H. R. 6547) granting a pension to John Holzer;

A bill (H. R. 5611) granting a pension to Juliette Westbrook;

A bill (H. R. 6562) granting an increase of pension to Frances A. Thompson;

A bill (H. R. 8187) granting an increase of pension to George Jeffrey;

A bill (H. R. 3617) granting an increase of pension to Charles M. Everett;

A bill (H. R. 3815) granting an increase of pension to Hester E. Mooney;

A bill (H. R. 4887) granting an increase of pension to George N. Thorpe;

A bill (H. R. 4365) granting a pension to Barney L. Brookins;

A bill (H. R. 6023) granting an increase of pension to Charles Wigert; and

A bill (H. R. 3616) granting an increase of pension to James W. Davis.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (H. R. 8740) granting an increase of pension to Mary G. Bonesteel; and

A bill (H. R. 7699) granting an increase of pension to Martha M. del B. Cunningham.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 705) for the relief of the legal representatives of G. B. Stimpson, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 1526) providing that the Federal Government shall not grant liquor-tax receipts to persons residing in prohibition territory, State or local, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

DAVID K. WALL AND OTHERS.

Mr. TELLER. I move that the Committee on Post-Offices and Post-Roads be discharged from the further consideration of the bill (S. 3868) for the relief of David K. Wall and the heirs of John A. Witter, deceased, and that it be referred to the Committee on Claims.

The motion was agreed to.

VESSEL HOPE CLAIM.

Mr. WARREN, from the Committee on Claims, reported the following order; which was agreed to:

Ordered, That the Secretary of the Senate be directed to return to the Court of Claims the certified copy of the conclusions of fact and of law in the French spoliation claims relating to the vessel *Hope*, Ephraim Hutchins, master, in compliance with its request.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. HOAR introduced a bill (S. 4162) providing for the appointment of a Solicitor for the Post-Office Department and abolishing the office of Assistant Attorney-General for the Post-Office Department; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. STEWART introduced a bill (S. 4163) for the relief of the estate of L. J. Harris, deceased; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WARREN introduced a bill (S. 4164) to amend section 1209 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PROCTOR (for Mr. DILLINGHAM) introduced a bill (S. 4165) to provide that a term of the circuit and district court of the United States for the district of Vermont may be held at Newport; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (for Mr. DILLINGHAM) introduced a bill (S. 4166) to repeal "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, and to protect deer, moose, and caribou in Alaska; which was read twice by its title, and, on motion of Mr. BEVERIDGE, referred to the Committee on Territories.

Mr. PROCTOR introduced a bill (S. 4167) to define the statute governing the award of the Congressional medal of honor; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced a bill (S. 4168) for the relief of the officers of the Seventeenth Kentucky Cavalry Volunteers during the civil war; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4169) granting a pension to Galena Jouett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 4170) to increase the limit of cost for the purchase of site and the erection of a public building at Anderson, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4171) granting an increase of pension to Thaddeus K. Miller;

A bill (S. 4172) granting an increase of pension to Frederick Wellenkamp (with an accompanying paper);

A bill (S. 4173) granting a pension to Salina T. Helms (with an accompanying paper); and

A bill (S. 4174) granting an increase of pension to Henry Schmolsmire (with an accompanying paper).

Mr. ALGER introduced a bill (S. 4175) for the relief of Frederick K. Carlisle; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 4176) granting an increase of pension to Charles A. Bissonette; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4177) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 4178) for the extension of Erie street, in Meridian Hill; which was twice read by its title, and referred to the Committee on the District of Columbia.

Mr. SMOOT introduced a bill (S. 4179) for the relief of Susan Sanders; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. ANKENY introduced a bill (S. 4180) granting a pension to Susan E. Baker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 4181) to provide for the erection of a hall of records; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CLARK of Wyoming introduced a bill (S. 4182) for the relief of Edward C. Andre; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Foreign Relations.

Mr. PLATT of Connecticut introduced a bill (S. 4183) for the erection of a public building in the city of New Britain, Conn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McENERY introduced a bill (S. 4184) granting an increase of pension to Pauline M. Roberts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 4185) for the relief of the heirs of Laura E. Wilkinson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MALLORY introduced a bill (S. 4186) to confer jurisdiction upon the Court of Claims to hear and determine the claim of John Clibbon Brain, a citizen of the United States, formerly a first lieutenant of the Confederate States Navy, for damages in being arrested by authority of the United States in September, 1866, and detained in prison in the State of New York by the Government of the United States, without trial, until March, 1869, at which date he was released by authority of the United States; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 4187) granting an increase of pension to William G. Tompkins; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4188) granting a pension to James H. Landreth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 4189) granting a pension to Amanda Moore; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4190) granting a pension to Benjamin Botner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4191) for the relief of Smith R. Mershon; which was read twice by its title, and referred to the Committee on Claims.

Mr. PATTERSON introduced a bill (S. 4192) granting an increase of pension to James H. Whaley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 4193) providing for the appropriation of water from the Colorado River for irrigation purposes; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. CLAPP introduced a bill (S. 4194) for the erection of a public building at Red Wing, Minn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4195) for the erection of a public building at Faribault, Minn; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4196) to provide for the distribution of the reports of the United States circuit court of appeals and of the circuit and district courts; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4197) to provide for the distribu-

tion of the Federal Cases in the United States courts; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (for Mr. NELSON) introduced a bill (S. 4198) granting an increase of pension to Timothy Hayne; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KITTREDGE (for Mr. HANNA) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4199) granting a pension to William Rufus Kelly;

A bill (S. 4200) granting an increase of pension to William C. Travis;

A bill (S. 4201) granting an increase of pension to Alois Wenger;

A bill (S. 4202) granting an increase of pension to Mary Landfrit;

A bill (S. 4203) granting a pension to John C. McIntire;

A bill (S. 4204) granting a pension to Charles M. Wilson;

A bill (S. 4205) granting a pension to Richard H. Cutter;

A bill (S. 4206) granting an increase of pension to George W. Sopher;

A bill (S. 4207) granting an increase of pension to Sarah C. Winters;

A bill (S. 4208) granting an increase of pension to Sarah Forsythe Bache;

A bill (S. 4209) granting an increase of pension to Richard H. Powell;

A bill (S. 4210) granting an increase of pension to William F. Davisson;

A bill (S. 4211) granting an increase of pension to William C. Scott;

A bill (S. 4212) granting an increase of pension to Thomas E. Lott;

A bill (S. 4213) granting an increase of pension to David Gough;

A bill (S. 4214) granting an increase of pension to Ella M. Roberts;

A bill (S. 4215) granting an increase of pension to Henry Berkstresser;

A bill (S. 4216) granting an increase of pension to John Day;

A bill (S. 4217) granting an increase of pension to Thomas H. Nisewanner;

A bill (S. 4218) granting an increase of pension to James P. Rush;

A bill (S. 4219) granting an increase of pension to William A. Mullen;

A bill (S. 4220) granting an increase of pension to John Salmon;

A bill (S. 4221) granting an increase of pension to Henry C. Stroman;

A bill (S. 4222) granting an increase of pension to James L. Wing; and

A bill (S. 4223) granting an increase of pension to William P. Jackson.

Mr. KITTREDGE (for Mr. HANNA) introduced a bill (S. 4224) to correct the naval record of Alfred Burgess; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (for Mr. HANNA) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 4225) to correct the military record of Anton Smith, alias Charles E. Rohmer;

A bill (S. 4226) to remove the charge of desertion from the military record of William Andrews;

A bill (S. 4227) to correct the military record of George G. Patterson;

A bill (S. 4228) to correct the military record of Simeon Sheldon;

A bill (S. 4229) to correct the military record of John Hill;

A bill (S. 4230) to correct the military record of Lora E. Reed;

A bill (S. 4231) to correct the military record of Stephen Thompson;

A bill (S. 4232) to correct the military record of William B. McElhager; and

A bill (S. 4233) to correct the military record of Alexander D. Patton.

Mr. KITTREDGE (for Mr. HANNA) introduced a bill (S. 4234) for the relief of Emma Morris; which was read twice by its title, and referred to the Committee on Claims.

He also (for Mr. HANNA) introduced a bill (S. 4235) for the relief of Mrs. Gustavus A. Balzer; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 4236) to pay claimants for damages to private property by reason of mortar practice at Fort Preble, Me., during the fall of 1901, as reported by a board of army officers constituted to ascertain the same; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4237) granting a pension to Martha Small Wiggin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 4238) to correct the military record of John O'Dwyer; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 4239) granting an increase of pension to William H. McCann; which was read twice by its title, and, with the accompanying papers, which were ordered to be printed, referred to the Committee on Pensions.

Mr. LODGE introduced a joint resolution (S. R. 45) directing inquiry into the claim of the Wales Island Packing Company; which was read twice by its title, and referred to the Committee on Claims.

FORT SHERMAN MILITARY RESERVE, IDAHO.

Mr. DUBOIS introduced a joint resolution (S. R. 46) to dispose of the Fort Sherman abandoned military reserve in Idaho; which was read the first time by its title.

Mr. DUBOIS. I ask that the joint resolution may lie on the table, and to-morrow I shall submit some remarks on it. I particularly call the attention of the Senators from Washington to the joint resolution in order that, if they see fit, they may be present to-morrow when I submit my remarks.

The PRESIDENT pro tempore. The Senator from Idaho asks that the joint resolution may lie on the table and not receive its second reading at the present time. The Chair hears no objection, and it will lie on the table.

AMENDMENTS TO BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $10,000 for the Columbia Polytechnic Institute for the Blind, to be used for the instruction and employment of adult blind who are actually residents of the District of Columbia, and for the purchase and repair of machinery and tools, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate $5,000 annually, to be expended at the experiment station at St. Anthony Park, Minn., for the purpose of investigating infectious diseases of domestic animals prevalent in the State of Minnesota and adjoining States, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (S. 3571) to amend the act of September 19, 1890, entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes" (sections 3894 and 3929 of the Revised Statutes), and the first section of the act (of Congress) of March 2, 1895 (chapter 191), entitled "An act for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the United States" (so as to apply the provisions of existing laws to letters, postal cards, circulars, pamphlets, and publications concerning any business of, and contracts and policies of life, fire, or other insurance transmitted into any State, district, or Territory by concerns or persons not authorized to transact such business in the State, district, or Territory from which the same are transmitted); which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. ALGER submitted an amendment proposing to increase the appropriation for shelter, shooting galleries, ranges for small-arms target practice, and repairs incident thereto in the United States Army, from $35,000 to $38,000, intended to be proposed by him to the army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. QUARLES submitted an amendment authorizing the accounting officers of the Treasury to reopen and adjust the claims of New Jersey and Wisconsin, for which appropriation was made by act of Congress approved March 3, 1903, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF ALASKAN BOUNDARY TRIBUNAL.

On motion of Mr. LODGE, it was

Ordered, That the report and maps of the Alaskan Boundary Tribunal, which were ordered printed by the Senate as a Senate document, be bound in cloth.

REPORT ON KANSAS CITY (MO.) IMPROVEMENT.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to send to the Senate a copy of the report of the Board for River Improvement and Harbor Limits at Kansas City, Mo.

RHODE ISLAND STATE BUILDING AT ST. LOUIS.

Mr. COCKRELL. I offer the order which I send to the desk, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The order will be read.

The Secretary read as follows:

Ordered, That an additional illustration—the State building of Rhode Island—be published in the extra edition of the report of the St. Louis Fair Commission, authorized by Senate concurrent resolution No. 20.

Mr. COCKRELL. The document referred to in the order has already been ordered printed. The illustration of the Rhode Island building was not ready when the document was authorized to be printed. Rhode Island is the only State that has been left out.

The order was considered by unanimous consent, and agreed to.

EXPOSITION AT PORTLAND, OREG.

Mr. MITCHELL. Mr. President, I desire to give notice that on the day following the conclusion of the Panama treaty I shall ask the Senate to proceed to the consideration of Senate bill 276, in aid of the Lewis and Clark Exposition at Portland, Oreg., providing it does not at that time interfere with the appropriation bills, and at any other time when business does not seem to be particularly pressing, requiring the immediate consideration of the Senate.

HENRY CHRISTY.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 468) granting an increase of pension to Henry Christy and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MCCUMBER. I move that the Senate insist upon its amendment and agree to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

ABRAM H. HUNT.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 892) granting an increase of pension to Abram H. Hunt, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MCCUMBER. I move that the Senate insist upon its amendment and agree to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

ALBERT H. ROGERS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 958) granting an increase of pension to Albert H. Rogers, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. MCCUMBER. I move that the Senate insist upon its amendment and agree to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

ALFRED I. JUDY.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 3776) granting an increase of pension to Alfred I. Judy, and requesting a conference on the disagreeing votes of the two houses thereon.

Mr. MCCUMBER. I make the same motion in regard to this bill.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

GEORGE C. SHERMAN.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 3903) granting an increase of pension to George C. Sherman, and requesting a conference with the Senate on the disagreeing votes of the two Houses.

Mr. MCCUMBER. I make the same motion in reference to this case.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

ALONZO DUTCH.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 5176) granting an increase of pension to Alonzo Dutch, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MCCUMBER. I make a like motion in regard to this bill.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

GEORGE W. TRAVIS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6022) granting an increase of pension to George W. Travis, and requesting a conference on the disagreeing votes of the two Houses.

Mr. MCCUMBER. I make a like motion in reference to this bill.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

ISTHMIAN CANAL ROUTES.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. MORGAN] on Wednesday last asked for the printing of a certain isthmian canal document, and it was ordered. The document, on examination, I find contains maps and illustrations. The Government Printing Office will not print them unless the order includes the printing of maps and illustrations. The order also left off one small document of importance. The Chair asks leave to amend the order by adding "with the illustrations and maps, together with the message of the President of January 20, 1902." Is there objection? The Chair hears none, and the order is so amended.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 11825) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1905; in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendment to the bill (S. 200) granting an increase of pension to Austin Almy, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 1760) granting a pension to Ann A. Devore, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama managers on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6331) granting an increase of pension to James M. Dickey, and it was thereupon signed by the President pro tempore.

RELATIONS WITH COLOMBIA.

Mr. HOPKINS. I ask unanimous consent that the unfinished business be now laid before the Senate.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the unfinished business be now laid before the Senate. Is there objection? The Chair hears none. The unfinished business will be stated.

The SECRETARY. Senate resolution 82, by Mr. BACON, favoring the negotiation by the President of a treaty with the Republic of Colombia to satisfactorily adjust and determine all differences between the United States and Colombia growing out of the recent revolution in Panama, etc.

Mr. HOPKINS. Mr. President, it was not my purpose originally to submit any remarks on the question of the ratification or the rejection of the treaty now pending in the Senate between the Republic of Panama and the United States. The speeches, however, of the Senators who propose to vote against the treaty and their criticism of the attitude of our Government toward Colombia have constrained me in justification of my vote to give some of the reasons which influence me to vote for the ratification of the treaty.

It is unnecessary at this stage of the discussion to speak of the importance to the great interests of the United States of a canal uniting the waters of the Atlantic with those of the Pacific. This is conceded by everybody.

But while Senators profess to favor the construction of an isthmian canal, they vehemently oppose the treaty which grants the right to the United States to construct such a canal across the Isthmus of Panama, not upon the ground that the provisions of that treaty are not all that any patriotic American citizen could ask for, but that the manner of its procurement has been such that, as self-respecting Senators, they can not approve it. They have felt it incumbent upon them to denounce the President and Secretary Hay and to insist that the President has violated not only the Constitution of our country, but international law as well, in the recognition of the Republic of Panama and in the negotiation of the treaty which is now pending in the Senate.

Mr. President, I dissent in toto from the conclusions that have been reached on both of these propositions. I insist that our Government in all of its negotiations with the Republic of Colombia, and now with that of Panama, has not only followed the provisions of the Constitution of the United States, but kept well within the principles of international law. The executive branch of our Government is charged with our foreign relations, and to the President, under our Constitution, is the authority given to recognize the independence of Panama or to refuse such recognition as his judgment shall determine. In doing this he assumes the responsibility. That responsibility is not shared by members of this Senate. He is not beholden to the members of this Senate for his acts in thus recognizing the Republic of Panama. Fortunately, for the best interests of the Republic, his action does not depend upon the vote of Senators in either ratifying or rejecting this treaty. The people of the United States are the ones to whom he must go to account for his stewardship and the ones to whom he must appeal for a justification and approval of his acts.

That he, in recognizing the Republic of Panama, has only exercised the rights and privileges of his office is fully confirmed by repeated decisions of the Supreme Court of the United States. I call to the attention of Senators the following language of Mr. Justice McLean, speaking for the Supreme Court of the United States in the case of Williams *v.* The Suffolk Insurance Company, 3 Peters, page 420. In speaking of this identical points, the learned justice said:

> And can there be any doubt that when the executive branch of the Government, which is charged with our foreign relations, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country, it is conclusive upon the judicial department? And in this view it is not material to inquire, nor is it the province of the court to determine, whether the Executive be right or wrong. It is enough to know that in the exercise of his constitutional functions he has decided the question. Having done this under the responsibilities which belong to him, it is obligatory on the people and Government of the Union.

And in the case now pending it is not material to inquire, so far as Senators are concerned, whether the President be right or wrong. If he be wrong, this Senate can not correct that wrong. The people of the United States, who are the source of all power, will correct that, if it be a wrong, in our national election next November. If he be right, as I firmly believe him to be, they will approve and applaud his action by reelecting him to the Presidency of the United States.

The responsibility for the recognition of the Republic of Panama is his, not the Senate's. That recognition is obligatory upon this Senate, as it is upon the Supreme Court and the people of this country. It is entirely separate and distinct from the treaty which is now pending in the Senate. That treaty may be ratified or it may be rejected by the Senate, but the fact will remain that the Republic of Panama is recognized by the Government of the United States as an existing republic, and that fact can not be disturbed by any action of this body.

The adoption of the treaty makes the construction of an isthmian canal an accomplished fact. How does the rejection of this treaty leave us? Panama is no longer a part of the Colombian Republic. It is an independent nation, so recognized by all of the great nations in both the Eastern and Western hemispheres. Whatever rights we had under the treaty that was negotiated with New Granada in 1846 now rest upon this new Republic. No law, national or international, would justify our Government in aiding Colombia to destroy this new Republic. Colombia, then, can give no aid to this or any other country in the construction of an isthmian canal. Whatever negotiations may be had on that subject in the future must be had with the Republic of Panama. The rejection of the treaty would be a notification to that country that we do not care to enter into such relations with her and that we have abandoned our rights and claims to a free transit across the Isthmus by way of a canal such as is proposed in the pending treaty. This, Senators, is the situation that we must face if this treaty be defeated, and it is a question that the Senators from the several States must meet and settle with their constituents in our national election next November.

Mr. President, some of the honorable Senators who oppose this treaty say the President was too precipitate in recognizing the Republic of Panama and have entered into an elaborate system of mathematical calculations to show how closely the action of our Government followed upon the heels of the uprising in Panama. If the recognition of the Republic of Panama were one of the questions that this body had to pass upon, these suggestions from the honorable Senators might have some weight; but from every standpoint that the consideration of the treaty can be viewed it is of no moment whether the Republic of Panama was recognized by the President as an independent sovereign power three days or three years after the declaration of independence had been made by the people of that long-oppressed province.

As I have already shown, the President, in recognizing the Republic of Panama, merely exercised the power that is lodged in him by the Constitution of the United States. He alone is the judge as to the proper time to make recognition. Senators proclaimed in stentorian tones in this Hall that international law has been violated by this recognition. What principle of international law has been violated by this recognition? What authors on the subject of international law define the exact time when one government must or must not recognize the existence of another state? What decision of the Supreme Court of the United States has clearly defined the exact moment at which it is proper for the President to act? I affirm, Mr. President, that international law does not prescribe the exact time when one government in the exercise of its sovereign rights may recognize the existence of a new power or an independent government. That question is always left to the discretion of the recognizing power. In some instances it may be months or years if you please, and in others it may be practically coexistent with the declaration of independence of the new power.

If the President had violated any principle of international law in recognizing the Republic of Panama, those who would have been first heard to complain would have been our commercial and industrial rivals, the nations who are competitors with us for trade in the Orient. Have any of the great commercial nations of the world filed any protest against the early action taken by the United States in the recognition of this new Republic? I affirm, Mr. President, not one. On the contrary, I hold in my hand, and will insert in my remarks, a list of the governments which have recognized the Republic of Panama, and the dates of such recognition.

List of governments which have recognized the independence of Panama—the dates of recognition.

United States	November 13, 1903.
France	November 16, 1903.
China	November 23, 1903.
Austria-Hungary	November 27, 1903.
Germany	November 30, 1903.
Denmark	December 3, 1903.
Russia	December 6, 1903.
Sweden and Norway	December 7, 1903.
Belgium	December 9, 1903.
Nicaragua	December 15, 1903.
Peru	December 19, 1903.
Cuba	December 23, 1903.
Great Britain	December 24, 1903.
Italy	December 24, 1903.
Japan	December 28, 1903.
Costa Rica	December 28, 1903.
Switzerland	December 28, 1903.
Guatemala	January 14, 1904.
Netherlands	January 19, 1904.

I find that within less than sixty-five days from the date of the declaration of independence on the part of the Republic of Panama twenty governments have recognized the independence of this little Republic. And in this list I find such countries as Great Britain, Germany, France, and Russia. France recognized the Republic within three days after the time that the United States did; Germany within seventeen days; Great Britain within forty-one days, and Italy within forty-one days. Nicaragua, Costa Rica, Peru, Guatemala, and the Republic of Cuba, in the Western Hemisphere, have recognized the Republic of Panama. This list of countries, Mr. President, which have followed so quickly the example of the United States is the best refutation which it is possible to make of those charges made on this floor by Senators who are opposed to the ratification of the treaty between the two Republics, the United States and Panama, that the President has violated international law by the alleged precipitate manner in which he has recognized the Republic of Panama. It is not only a complete and ample refutation to the claim made, that this Government should have waited until the test had been made as to whether the Republic of Panama could sustain herself against the mother country, but it shows that remarkable unanimity of feeling that exists among the nations of the earth as to the importance of the construction of the isthmian canal across the territory of Panama.

Mr. President, if the people and the governments of these various countries which I have here named approve the action of

the United States in recognizing the Republic of Panama and negotiating this treaty for the construction of a canal, why should any American citizen object? Certainly there is nothing in the history of our relations with Colombia or the dealings of her people with the United States that entitles them to any greater consideration than has been shown by our Government during all the relations from the time of the negotiation of the Hay-Herran treaty to this present moment. This has already been shown by Senators who have addressed themselves to this subject, and I shall endeavor, Mr. President, before I close, to give some of the reasons why the people of the Province of Panama declared their independence of the Colombian Republic, and why early action was taken by the United States in recognizing the new Republic and negotiating the treaty for the construction of an isthmian canal, as provided for in the treaty now before us.

The revolution which resulted in the separation of the American colonies from the British Crown was precipitated by a minority of the colonists. During the whole period of the American Revolution there was a very substantial class of citizens in each colony that opposed the separation of the colonies from England and sympathized with the success of the British arms. If we can believe approved historians, the civil war was precipitated by a minority of the people in the several States that formed the Southern Confederacy. As the war progressed the feeling of State patriotism influenced the citizens, and they showed a unanimity of purpose and a patriotism and bravery from their standpoint that are the admiration of mankind.

The establishment of the Republic of Panama, however, Mr. President, is one that meets with the approval not only of the leaders of that young Republic, but of all classes of citizens throughout the Province. Never in the history of man has there been such universal rejoicing over the establishment of an independent government as prevails with all classes in Panama to-day. Their independence and the recognition of their Republic by all of the governments of the world are the culmination of more than forty years of agitation, of war, and of bloodshed. The arguments which have been advanced by Senators who are opposed to this treaty have ignored the rights of the people of Panama and have assumed that without just cause they have rebelled against the parent State.

These arguments of the honorable Senators who have been so insistent upon recognizing the claimed rights of the Government of Colombia have assumed that the Province of Panama is as closely associated geographically and every other way with Colombia as Virginia is with Maryland, or Massachusetts is with the other New England States. Mr. President, geographically there is no more connection between the Province of Panama and the Government at Bogota than there is between Panama or Venezuela and the new Republic of Cuba. There are hundreds of miles of dense forests, mountains, and morasses that separate the Province of Panama from the Government at Bogota, so dense and so impassable that no pathway by man has ever been made through this great strip of country that separates Panama from the Government at Bogota. Their connection is by water transportation.

The interests of the people of Panama are as separate and distinct from the Colombian Republic as are the interests of the Republic of Cuba from those of the German Empire. In the half century or more that the Province of Panama has been united with the fortunes of the various governments that now form the Republic of Colombia, the Government at Bogota has shown a disregard of the interests of the people of Panama and the development of that province that is unparalleled in the history of a civilized government. No eastern despot has ruled with more absolute power the people under his domain than has the Government at Bogota controlled the affairs of the people of Panama. The revenues that have been derived from Panama have been used by the little coterie that form the governing power at Bogota for the benefit of themselves and the states in which they were specially interested. No roads have been constructed; no schools have been established; no public improvements made that would advance the interests of the Province of Panama. The petitions of her people for greater recognition in the confederated Republic have been ignored and her rights trampled upon.

Had it not been for the intervening power of the United States Panama would long before this have gained her independence. It happened, however, Mr. President, that when the people of Panama declared their independence last November their interests in establishing an independent Republic coincided not only with the interests of our Government, but with the interests of all other civilized nations. And it is this fact and not the fact that the United States had recognized the Republic of Panama that has caused all the great commercial and industrial nations of the world to so promptly recognize the independence of the Republic of Panama.

While the United States will undoubtedly be more greatly benefited by the construction of this canal across the Isthmus of Panama than any other nation, it is true that all nations will be benefited, some in a greater degree than others; but the benefit of such a great waterway, uniting the waters of the Atlantic with those of the Pacific Ocean, is of paramount importance to all civilized governments. The attitude of Colombia since the negotiation of the Hay-Herran treaty has been such as to not only arouse the suspicions of the friends throughout the civilized world of this proposed canal, but to forfeit the good opinion of all fair-dealing nations.

During the progress of the debate on this question a number of Senators animadverted with a good deal of severity on the conduct of the President in having the *Nashville* at Colon and other war vessels and marines at Panama and Colon for the protection of American interests and to maintain a free route across the Isthmus. They have insinuated rather than made the direct charge that our Government, through the President and his Cabinet officers, connived at the uprising in Panama and are responsible for the breaking away of that Province from the Colombian Government. I have said, Mr. President, they have made no direct charge to this effect. No self-respecting Senator could well do that in view of the statement made by the President on that point, which I desire to again call to the attention of the Senate. In his message sent to the Senate January 4, in speaking upon this identical point, he said:

> I hesitate to refer to the injurious insinuations which have been made of complicity by this Government in the revolutionary movement in Panama. They are as destitute of foundation as they are of propriety. The only excuse for my mentioning them is the fear lest unthinking persons might mistake for acquiescence the silence of mere self-respect. I think proper to say, therefore, that no one connected with this Government had any part in preparing, inciting, or encouraging the late revolution on the Isthmus of Panama, and that save from the reports of our military and naval officers, given above, no one connected with this Government had any previous knowledge of the revolution except such as was accessible to any person of ordinary intelligence who read the newspapers and kept up a current acquaintance with public affairs.

Our honored Secretary of State, Mr. Hay, in his response to General Reyes on January 5 was equally as emphatic. He said:

> Equally so is the insinuation that any action of this Government prior to the revolution in Panama was the result of complicity with the plans of the revolutionists. The Government sees fit to make these denials, and makes them finally.

One would suppose, Mr. President, that after these declarations made by the President and the Secretary of State, that we should hear nothing more from those who are opposed to the ratification of the treaty on this point, and yet, as I have said, while the honorable Senators do not indulge in a direct charge, they group together all of the circumstances and facts connected with the whole history of the revolution in Colombia which in any manner—it makes no difference how remotely—connect our Government with the revolution, and present them in as forcible a manner as they can be expressed in the English language as an impeachment of the words of the President and our Secretary of State.

I, for one, Mr. President, am willing that that issue, if issue it has to be, be made here and before the people of this country. Whatever may be charged against our President, it never can be successfully intimated that he is not a thoroughly honest and truthful man. Nor can it be charged that he has not the courage of his convictions. Had our Government in any manner connived with the revolutionists to create a rebellion in Panama and cause the separation of that province from Colombia, President Roosevelt is the man who has the courage to state that and justify his acts before his countrymen.

Had the Colombian Government desired to have had the Hay-Herran treaty ratified by the Congress of that Republic, which assembled on the 20th of June last at Bogota, there is no question whatever but what the treaty would have been ratified by that Congress.

The truth is, however, Mr. President, that after the treaty was negotiated the President of that Republic and the coterie of men who are in control with him in Colombia believed that a better bargain could be made with the Government of the United States, and that an additional ten millions could be secured from the New Panama Canal Company. And instead of treating our Government in a fair and open-handed manner, they sought by dark and devious ways to defeat the treaty and to compel the United States to give them more money than was stipulated in the Hay-Herran treaty. As early as the 15th of April, 1903, our minister at Bogota, Mr. Beaupré, in a communication to our Government, said that while it was impossible to predict what the result would be as to the ratification or rejection of the treaty, yet he was certain of one thing, and that was that if the Government wished that the treaty be ratified it would be done.

And again, on the 4th of May, 1903, Mr. Beaupré, in a communication to our Secretary of State, said:

> Private discussion, which perhaps more clearly reflects the real situation, is to the effect that the price is inadequate; that a much greater sum of money can be obtained, and that the United States can be obligated to guar-

antee the sovereignty of the Colombian ports outside the Department of Panama against the invasion or seizure by foreign enemies. The one great determining point, however, is the belief that the price can be greatly augmented.

And again, on the 10th of June, 1903, Mr. Beaupré, in communication with Mr. Hay, said:

Mr. Marcini, local agent of the Panama Canal Company, has informed me that he has an official note from the Colombian Government stating that it did not think that the convention would be ratified, because of the opinion that the consideration was insufficient, but that if the canal company would pay to Colombia about $10,000,000 ratification could be secured.

And again, on the 20th of June, 1903, the day that the National Congress met in extra session, Mr. Beaupré, in a communication to Mr. Hay, said:

As I have heretofore predicted, there is a full and ample majority of the friends of the Government in both Houses of Congress, and such legislation as the Government may seriously desire will be enacted.

Seven days later Mr. Beaupré sent a telegram to Secretary Hay, in which he said:

Friends of the Government have control in Congress. I believe any legislation seriously desired by the Government will pass.

In a confidential telegram of July 12, 1903, from Mr. Beaupré to Mr. Hay, he uses this language:

—— has requested me to say to you that he does not think the treaty can be ratified without two amendments—to article 1, stipulating payment ten millions by the canal company for the right of transfer; to article 25, increasing payment to fifteen millions—and says that the treaty can be ratified at once with these amendments.

And again, on the 5th of September, 1903, Mr. Beaupré, in a communication to Secretary Hay, said:

The impressions which I set forth in my No. 6 of April 15, 1903, that there would be an attempt to secure greater concessions from the United States before a canal treaty would be ratified, are now confirmed. It is quite probable that the Government originally intended that a treaty of some sort should be passed, but apparently not the one under consideration in its entirety.

I have read enough here, Mr. President, to show that if the acting president, Mr. Marroquin, and his advisers had desired to have the Hay-Herran treaty ratified by the Congress that met in Bogota there would have been no trouble whatever in securing such ratification.

In the correspondence between our Secretary of State and General Reyes, relating to the recognition of the Republic of Panama, Secretary Hay points out clearly the fact that the Government, after negotiating this treaty with the United States, made no effort whatever to have the treaty ratified, but on the contrary connived with the enemies of the treaty for the purpose of rejecting it and securing concessions that would give to Colombia a larger sum of money than was specified in the treaty itself.

In other words, Mr. President, these communications from our minister at Bogota and statements of our Secretary of State show clearly that Colombia was not acting in good faith with the United States in the negotiation of this treaty, and did not act in good faith in presenting it to the Congress at Bogota.

But, Mr. President, what conclusively shows that President Marroquin and those with whom he was associated that formed the Government at Bogota could have as easily ratified the Hay-Herran treaty as to have rejected it is the fact that after the declaration of independence on the part of the people of Panama, and before the United States had recognized the independence of Panama, the direct offer was made to this Government that if the United States would land troops to preserve Colombian sovereignty the Colombian Government would declare martial law, and by virtue of vested constitutional authority, when public order is disturbed, would approve by decree the ratification of the canal treaty as signed, or, if the United States would prefer, would call an extra session of Congress, with new and friendly members, to meet next May and approve the treaty.

Think of it for a moment! Like a plotting criminal, trying by every device known to force the Government of the United States to pay a larger sum of money to the Colombian Government than is provided for in the Hay-Herran treaty, after it became apparent that a successful revolution had been organized in Panama, this Government has the effrontery to make the dastardly offer to the Government of the United States that if we would assist in stifling the aspirations of liberty of the people of Panama and assist the Government in reestablishing its authority over that country everything that is asked for in the Hay-Herran treaty should be granted us.

That offer of itself was enough to destroy any confidence that the people of the civilized world might have in the Government at Bogota as it was administered at the time this treaty was rejected, and to show, not only to the United States, but to the other countries which have recognized the independence of Panama, that those who are in control of the affairs there are a set of freebooters, who have endeavored to sandbag the United States out of a few million dollars of money. After having been thwarted in that, they deliberately made to this Government a proposition as cowardly and dishonorable as an apprehended thief ever made to his jailer to secure an escape. No language, Mr. President, is strong enough to condemn the attitude of the Government at Bogota in its relations with all of the interests connected with the construction of the isthmian canal. Their treatment of France and the Panama Canal Company has been in keeping with their conduct and negotiations with the United States. As I have said, they conducted their negotiations upon a plan which in private life is that of the blackleg and swindler.

The Hay-Herran treaty was exceedingly favorable to the Colombian Government. The United States went beyond what it ought to have gone in the payment of money and in guaranteeing rights and privileges to the Colombian Government; and, like a person without character, the moment it secured the concessions named in the Hay-Herran treaty undertook by every species of duplicity to put our Government in a position where it would be compelled to grant further concessions. It was while this treaty was pending before the Congress at Bogota that the first mutterings of a rebellion in Panama were heard. That rebellion, Mr. President, did not spring up in a night, as has been insinuated by some Senators who have addressed themselves to this subject. The feeling of discontent among the people of Panama was well known to the officials at Bogota, and during the progress of the debate on the Hay-Herran treaty in that Congress it was stated by representatives from Panama that if the treaty were rejected Panama would rebel and declare her independence.

It was pointed out clearly, not only to the governing forces of that Government, but to the voting members of that Congress, that the future of Panama depended upon the ratification of the treaty and the construction of an isthmian canal across her territory. And leading representatives stated in open Congress that if the treaty were rejected Panama would secede from the Colombian Republic. Colombia was warned as early as August and September last that any juggling with the rights of Panama, in refusing to approve and adopt the Hay-Herran treaty, would result in open rebellion in that territory. This information was received by our Government through our minister and through other sources, as is shown by the message of the President, and through the public press of the time. Every well-informed man, not only in the United States, but throughout the civilized world, who was at all interested in the construction of an isthmian canal, knew that Panama would secede from the Colombian Government and set up a republic of her own if there was a failure on the part of the Colombian Government to confirm and ratify the treaty for the construction of a canal as provided for in the Hay-Herran treaty.

The action of our Government was in keeping with that information. Under the treaty of 1846 we were guaranteed a free transit across the Isthmus. The President well knew that if the threats of the leaders of the province of Panama were carried into execution, and the people, as I have already shown, were ripe to support any declaration of independence upon the part of their leaders, that Colon and Panama and the line of the railroad would be the first points of collision between the Colombian Government and the people of Panama. It was his duty as the representative of our Government to take every precaution to protect our rights under the treaty of 1846 and to preserve the lives and property of our citizens in those cities and on the line of the railroad. Instead of being subjected to criticism for the promptitude with which he sent our cruisers to Colon and other points, he is entitled to the greatest praise. To my mind, Mr. President, nothing that has occurred in his entire Administration reflects greater credit than the foresight that was exercised and the promptness with which he took the necessary means to protect American interests when Panama had in fact declared her independence.

Mr. President, when we come to the last analysis on this whole subject, the President is condemned for carrying out the wishes of the great majority of the people of the United States. He is denounced for promptly responding to an overwhelming American sentiment in protecting American interests on the Isthmus, in recognizing the new Republic which was established in Panama, and in promptly negotiating a treaty which, if ratified, has secured to the United States the construction of this great canal, which has been the dream of navigators for four hundred years, an enterprise that will be the crowning glory of the twentieth century.

Mr. President, Theodore Roosevelt needs no defense at my hands. His administration of the affairs of our great Republic has been such as not only to endear him to the people of all sections of our common country, but to stamp him as one of the greatest men of this generation. He is a typical American. His every aspiration is for the greatness and the glory of his country and the well-being of the people. Carping critics may jeer at him; calumniators may revile him; but, Mr. President, they can not destroy him. It is the fate of greatness to be reviled and denounced. Our President will survive all this, as other great men of the past have survived the calumnies and slanders that have been hurled at them during their lives.

President Lincoln has been frequently referred to in this debate by Democratic Senators as a model President and an observer of the law, and one who strictly adhered to his constitutional authority. The junior Senator from Colorado [Mr. PATTERSON], in the very able speech that he made here a few days ago, in comparing Lincoln and Seward with President Roosevelt and Secretary Hay, said:

It seems to me that the President and his Secretary might well be disturbed by the shades of Lincoln and Seward. They have reversed the honest and statesmanlike dealings of Lincoln and Seward with Colombia and have flown in the face of the recognized international law of the world to accomplish their ambitious ends.

What ambitious ends have our President and Secretary of State other than the good of our common country? The recognition of the Republic of Panama and the negotiation of the treaty known as the Hay-Varilla treaty are for the interests of our common country, not to enhance the power or dignity of either of these great men. There was a time, Mr. President, when Mr. Lincoln was thought to be as bad a man as the junior Senator from Colorado now seems to think President Roosevelt. There was a time during his life when he occupied that great office of President when Democratic Senators and Representatives denounced him as a usurper and as a violator of the Constitution, and indulged in language that makes the criticism of President Roosevelt of to-day seem tame indeed.

I have had occasion, since I have discovered that the Democrats of to-day are very much in love with the Administration of President Lincoln, to examine and see how the Democrats of a little over a generation ago, who were dealing with him as the present Democratic Senators are dealing with President Roosevelt, felt and acted and spoke concerning him. I desire, Mr. President, to call to the attention of the Senate a few of the choice expressions that were indulged in from time to time by leaders of the Democratic party of a generation ago toward Mr. Lincoln.

Daniel Voorhees, of Indiana, in the Thirty-seventh Congress, third session, said on February 18, 1863:

It would be a natural supposition of every intelligent mind that an argument to prove that there is a warrant in the Constitution for this state of affairs would be an insult to the genius of the Revolution in which our liberties were won, an outrage on the great dead of that period, and a mockery to the common sense of the world. * * * At every new aggression, at every additional outrage, new advocates rise up to defend that source of patronage, wealth, and fame—the Department of the Executive.

Technical and obscure rules, cunningly devised special pleas, and skillful and deceptive sophistry, all combine in the hands of the supporters of this Administration to tear away from the people the protection of the laws of their own making. Such assistance has always waited on the most malignant efforts of tyranny. Nero had his poet laureate, and Seneca wrote his defense for the murder of his mother. The present dark hour affords ample evidence that human nature is the same that it was two thousand years ago.

Again he said, in the Thirty-seventh Congress, third session, as shown upon page 1062 of the Globe:

But whether guilty or innocent, not one single provision of the Constitution has at any time or place been complied with in the treatment of citizens arrested by Government officials.

In violation of the Constitution American citizens have been arrested for using the freedom of speech.

In violation of the Constitution their houses have been forcibly entered.

In violation of the Constitution their papers have been searched.

In violation of the Constitution their persons have been seized with armed violence.

In violation of the Constitution they have been deprived of liberty without due process of law.

In violation of the Constitution they have been held to answer infamous accusations without presentment or indictment of a grand jury.

In violation of the Constitution they have been denied the right to a speedy and public trial by an impartial jury.

In violation of the Constitution they have been carried out of the State and district in which their offenses, if any, were committed.

In violation of the Constitution they have been kept in ignorance of the nature and cause of the accusations against them.

In violation of the Constitution they have not been confronted with the witnesses against them.

And in most supreme and wicked violation of the Constitution they have been denied counsel for their defense. * * *

Sir, I challenge the worst ages of the most profligate and corrupt despots for a more intolerable picture than is here presented. In prisons, in dungeons, in cells, in solitude and desolation of heart, citizens of this free country are threatened with increased punishment if they resort to the only possible mode of approaching those in power to obtain information or trial with a view to liberty.

Many new offenses unknown to the Constitution and the laws have been created by the proclamation of the Executive, and to these it must be added that it is a crime for an innocent man, overpowered by unlawful force and wearing away his life in prison, to employ counsel to secure for him the benefit of the laws of the land. Sir, posterity will hold in remembrance the authors of these outrages—the President and his Cabinet—in order to execrate the prostitution which they have made of their high offices to the overthrow of the Constitution.

This language is lurid enough, I feel sure, if it were hurled at President Roosevelt, to satisfy the most extreme Democrat who professes to believe that he is violating our Constitution and is trampling upon international law.

During the Thirty-eighth Congress, first session (pt. 4 of the Globe, p. 68 of Appendix), Senator Powell, of Kentucky, said of Mr. Lincoln:

Sir, I would that this vacillating, dissembling, weak, and I fear wicked and corrupt, man in the White House had been infused with the wisdom, virtue, and patriotism that animated the soul and prompted the actions of the great Washington in our revolutionary struggle.

Senator Davis, of Kentucky, on January 5, 1864, offered resolutions containing the following:

The people of the loyal States are resolved into two great parties, the destructives and the conservatives. The first consists of Abraham Lincoln, his officeholders, contractors, and other followers; the second, of all men who are for ejecting Lincoln and his party from office and power.

Senator Davis, of Kentucky, on January 13, 1864 (Globe, p. 179, 1st sess. 38th Cong.), referred to President Lincoln as a "sovereign at the other end of the Avenue."

Mr. Ancona, House of Representatives, February 28, 1863 (37th Cong., 3d sess., p. 162, appendix to Globe):

It is useless to dwell upon the past folly, blunders, corruptions, and maladministrations of the Government, with the war perverted now to an utterly impracticable and hopeless purpose—the emancipation of that inferior race, the negro, destined by nature and its irreversible laws to be subservient to its superior, the white.

And Senator Breckinridge, of Kentucky, in the Thirty-seventh Congress, first session, page 138 of the Globe, said of Mr. Lincoln:

But it may be well, Mr. President, to inquire has the President of the United States assumed powers not delegated by the Constitution or the laws? I speak not now, sir, of the many acts of the President not enumerated in this resolution. * * * I think the acts here enumerated were usurpations on the part of the Executive of the United States, and that, so far from a resolution being passed ratifying and approving them, I think the Chief Magistrate of the country should be rebuked by the vote of both Houses of Congress.

Of late years our Democratic friends refer to General Grant not only as one of the most distinguished military generals of this age, but speak of his Administration in eulogistic manner and bemoan the decadence which has come over the Republican party since the days when he was President and over the Republican leaders who control the affairs of our party. To show to you, Mr. President, that these statements differ from what the Democrats of a generation ago said of President Grant, I desire to call to the attention of the Senate what Representative Bowen, of Virginia, said in the Forty-third Congress, in the second session (p. 35, Appendix to RECORD):

False to his former action and unmindful of the fact that, by the connivance of Federal power, the existing government in the State of Arkansas was called into being, the President of the United States, assuming the power of an autocrat and confessing that he winked at fraud in recognizing the Baxter government, turns now upon his offspring, like Saturn upon his children, to destroy it.

Also, to what Representative Leach, of North Carolina, said, as shown on page 192, Appendix to RECORD, Forty-third Congress, second session:

This warning is not prematurely given nor the alarm too soon sounded, because civil liberty and the sacred right of self-government have been destroyed in Louisiana by the nation's Executive through his military satraps; aye, twice has the civil government of that grievously oppressed State been stricken down by the despotic will of one man.

Also, to the speech of Senator Stevenson, of Kentucky, in the Forty-third Congress, second session, as shown on page 134, Appendix to RECORD:

Thus usurpation triumphs. What a lesson! What a result! What a sad page in the history of a free Republic! When before did an American President use the Army of the United States to uphold the subversion of a State government?

It must be apparent, Mr. President, I think to all of us, that with our Democratic brothers only dead Republicans are good Republicans. During the life of Mr. Lincoln no man was more reviled by Democratic members, both North and South, than he. In comparison with the language used during the Presidency of Mr. Lincoln and General Grant the criticisms that have thus far been indulged in against President Roosevelt seem like a gentle zephyr compared with a Kansas cyclone.

But for the purpose of placing the Republican party in a false light, and for the purpose of dwarfing the influence of President Roosevelt before the American people, these Republicans, who were traduced by the Democrats of a generation ago, are taken up as models, their virtues exploited, their great acts referred to in complimentary language, and their names placed high on the list of the honored statesmen of this country.

A generation from now, Mr. President, will find President Roosevelt placed in this great galaxy of Republican Presidents and statesmen, and the Democratic statesmen of the days in the future will refer to him in the same complimentary terms that are now used when any of our good friends on the opposite side of the Chamber refer to the "Great Emancipator" or the "Silent Soldier."

It is not my purpose, Mr. President, to prolong the discussion by reference to the many collateral questions that could be urged in defense of the attitude of our Government both toward Colombia and the new Republic of Panama.

I am for this treaty because I believe that it is in the interest of civilization that in negotiating it no part of international law has been violated and none of our constitutional rights ignored. And I believe still further, Mr. President, that when the candid historian comes to write of this period he will place this act of

President Roosevelt as one of the crowning glories of his Administration.

Mr. CLAY. Mr. President, I shall not contend that, under the general rules of international law regulating the conduct of nations in dealing with each other, we can justify our treatment of Colombia. Applying the general rules of international law to our conduct in recognizing the independence of Panama, we acted with undue haste, and, evidently, with a view of taking advantage of the revolution of Panama against Colombia to advance our commercial interests. If we had not desired the land on which we wished to construct an isthmian canal, we would not have recognized the independence of Panama. Under the general rules of international law, regulating the conduct of nations, so long as a sovereign has a reasonable hope of maintaining his authority over his insurgents, the acknowledgment of the independence of such insurgents would clearly be an international wrong.

It can not be denied—it can not be successfully disputed—that the acknowledgment of the independence of a new nation, when such a nation has forcibly separated itself from another of which it had formed an integral part, is an act of great delicacy and responsibility. It has been the policy of our fathers to avoid all interference in disputes which relate to the internal government of other nations. The general rule of international law would require that we should wait until the new nation had achieved its independence and is fully capable of maintaining that independence. Clearly, no government asserting independence and sovereignty ought to be recognized by the United States until independence has actually been accomplished.

The new nation must have in operation a civil government capable of performing the duties and fulfilling the obligations of an independent power, and that government must have the approval of a majority of the people subject to its regulations. The nation so recognized should not only have accomplished its independence, but the new nation must have the power in itself to maintain its independence before the world, and against all opposition, and discharge the duties of nationality. Applying these rules, I admit, I freely confess, that we can not justify our conduct in recognizing the independence of Panama on the third day after the revolution began.

The revolution began on the 3d of November, and we recognized the independence of Panama on the 6th of November, before independence had been accomplished, before any government had been organized, and in all probability before the Colombian Government knew the revolution had taken place. Stopping here, I would feel it my duty to vote against the ratification of a treaty with Panama. There are, however, special facts and circumstances connected with this transaction that will take it out of the general rules of international law, and to some extent justify our conduct in dealing with both Colombia and Panama. This case must be tried by every fact and circumstance connected with it; and the history of our relations heretofore with Colombia, together with her conduct and treatment of our Government, must be thoroughly understood in order to reach a just and righteous conclusion as to the merits of the controversy between Colombia and our Government. I propose to consider this controversy from three different standpoints.

First, our treaty rights with Colombia; second, Colombia's conduct in rejecting the Hay-Herran treaty; third, the importance, not only to our commerce, but to the commerce of the world, necessarily involved in the construction of an isthmian canal. These propositions I will consider in their order, and each proposition will demonstrate to thoughtful men that our Government was not bound by the general rules of international law in recognizing the independence of Panama. In 1846 our Government entered into a solemn treaty with New Granada; Colombia succeeded to the New Granadian Government, and that treaty sets forth fully the duties and obligations we owed to Colombia, as well as the duties and obligations Colombia undertook to discharge to us.

The treaty is lengthy, but only the thirty-fifth article of that treaty deals with the issue now before the Senate. It is necessary to understand that feature of the treaty in order to present the rights and privileges due to our Government from Colombia. That article provides that the citizens, vessels, and merchandise of the United States shall enjoy in the ports of Colombia all the exemptions, privileges, and immunities concerning commerce and navigation which are now, or may hereafter be, enjoyed by Colombian citizens, their vessels, and merchandise; and that this equality of favor shall be made to extend to the passengers, correspondents, and merchandise of the United States in their transit across the said territory, from one sea to the other. This feature of the treaty was intended to place our citizens on an equal footing with the citizens of Colombia in transporting passengers and merchandise across the Isthmus.

This treaty went still further, and Colombia guaranteed to the United States that the right of way or transit across the Isthmus of Panama, upon any modes of communication that may now exist or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any article of produce, manufactures, or merchandise of lawful commerce belonging to the citizens of the United States. This feature of the treaty went still further and provided that the citizens of the United States shall not be liable to any import duties whatever in transporting their merchandise from sea to sea.

Colombia also guaranteed in this treaty that the transit across the Isthmus leading from Panama to Colon should always be kept open; that at no time should the passage leading from one ocean to the other be stopped by war or any other means. Colombia clearly guaranteed to us that for all the world the route leading across the Isthmus from ocean to ocean should never be obstructed in any way whatever. She recognized, and so did we, that the civilized world was deeply and vitally interested in keeping this passage open for travel, and the treaty clearly contemplated that, so long as it lasted, Colombia should neither obstruct this passage by insurrection, revolution, civil or foreign wars.

In return for the benefits which we were to receive by virtue of this treaty, our Government guaranteed positively and efficaciously to Colombia the perfect neutrality of the entire Isthmus, and the neutrality was guaranteed on our part with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and in consequence, the United States guaranteed the rights of sovereignty and property which Colombia has and possesses over said territory. This treaty clearly contemplated that some time in the future a canal would be built across the Isthmus, connecting the two oceans, and, in the event such a canal was constructed, it was to be kept open and not in any way to be obstructed.

What does the treaty mean? How is it to be construed? What is a reasonable construction? Colombia entered into a solemn obligation to keep the transit free and unobstructed. Nothing would excuse Colombia from violating this feature of the treaty. If she failed to do so, clearly we would have the right to go there and force Colombia to perform her part of this contract.

Now, inasmuch as Colombia obligated herself by a solemn treaty, can she in any way obstruct, hinder, embarrass, or delay the passage across the Isthmus? To state the case more plainly: If Panama seceded and resolved to separate from the mother country, and organized an independent government, and Colombia resolved at the same time to subdue the revolution and to force Panama to return to the Colombian Government and submit to its sovereignty, what would this mean? Colombia would at once enter into war with Panama, Panama would resist, and then the Isthmus would become the theater of war.

If such civil war interfered with travel and commerce across the Isthmus, under our treaty, in my judgment, we would have the undoubted right to say to Colombia: You dedicated this Isthmus to peace, you are under a solemn promise to keep open and free to transit the route across the Isthmus leading from ocean to ocean, and you shall not violate that solemn treaty. It was clearly contemplated by the terms of the treaty that passage across the Isthmus should not be obstructed by any means whatever.

It was intended, so long as this treaty lasted, that this transit should always be free and open, and that no war, either foreign or domestic, should ever at any time interfere with such transit. We would have no right, however, to interfere with the internal quarrels existing between Colombia and Panama, unless such quarrels were likely to interfere with travel and commerce from ocean to ocean across the Isthmus.

If we sent our war ships there simply to keep the transit open and protect the lives and property of American citizens in the event of a revolution, then we did not violate the treaty of 1846. If we sent our warships there to encourage a revolution, to aid in bringing about a revolution, with the hope of establishing an independent government for Panama, to give to us a commercial advantage, then our conduct is inexcusable and indefensible. In this treaty we guaranteed the neutrality of the Isthmus, as well as the rights of sovereignty and property which Colombia has and possesses over said territory.

This feature of the treaty has been construed by able lawyers to mean that by guaranteeing the sovereignty of Colombia we undertook to defend her territory against civil war, and that when Panama seceded it was our duty to help Colombia put down the revolution. I do not believe that this is the proper construction to be placed on the treaty. When we guaranteed the sovereignty of Colombia over her territory, we undertook to prevent any foreign power from in any way interfering with her sovereignty or depriving her of any portion of her territory.

If Germany, France, England, or any other foreign power had made war on Colombia so as to interfere with her territory or sovereignty, then it would become our duty to defend the sover-

eignty of Colombia against foreign aggression. I do not believe this treaty obligated us to defend Colombia against internal quarrels or civil war among her own people. Under the treaty we would have no right to interfere in any way with civil war carried on in Colombia, except such civil war interfered with transit across the Isthmus of Darien. When Panama and Colombia engaged in war it was our duty to keep hands off, unless such civil war was likely in some way to interfere with travel and commerce going from one ocean to the other.

I repeat, if the President sent our warships to Colon and Panama for the purpose of protecting the lives and property of American citizens and keeping open the transit across the Isthmus, and for no other purpose, then our Government was justifiable in what we did. If, on the contrary, we sent them there to encourage a revolution, which had in fact never begun, with the hope that our presence would bring about a revolution resulting in the independence of Panama, then our conduct is most reprehensible and without excuse. We would not be justified in preventing Colombia from making war on Panama unless such war would likely interfere with travel along the line of the railroad leading from Colon to Panama. We guaranteed the neutrality of the entire Isthmus. It has been contended by some that the Isthmus was never to become the theater of war, either foreign or civil. I fear this is a strained construction.

If this be the proper construction, then we guaranteed the neutrality of the entire Isthmus, and it would be our duty to prevent either civil or foreign wars from taking place on any part of the Isthmus. Under such constructions, Colombia surrendered the right to defend her own sovereignty and territory so far as the Isthmus of Panama is concerned. Such construction would dedicate the entire Isthmus to peace, absolutely depriving Colombia of the right to suppress insurrection in Panama. I can hardly think that any such purpose was intended when the treaty was made. I do not believe Colombia surrendered the right to defend her own sovereignty. I do believe when Colombia obligated herself to us to keep this transit open, so that all the world might cross the Isthmus, then she undertook to conduct her affairs in such a way as not to at any time in the future obstruct this passage, leading from the Atlantic to the Pacific Ocean. Now, Colombia was to keep this transit free, open, and unobstructed.

We would have no right to use our Army and Navy to keep it open, unless Colombia failed to do so. When she failed to carry out this obligation, then having broken her treaty obligations, we could resort to war if necessary to enforce our treaty rights. I believe this to be a correct construction on the treaty of 1846. I have announced before that if the evidence was conclusive that our Government was in complicity with the revolutionary movement in Panama, then I could not vote for the ratification of this treaty. This would be such a wrong as we could not condone—it would not be an error of judgment, but an unconscionable act.

If anyone connected with this Government had any part in originating, inciting, or encouraging the revolution in Panama, then such action on our part would be dishonorable and should be repudiated by Congress. We would be guilty of a moral wrong. We should reap no benefits from such a disreputable transaction. The presumption is in favor of the integrity of our Government, and every doubt should be resolved in favor of our honesty. In the absence of positive and indisputable proof to the contrary, we must accept as true the statement from the executive branch of the Government.

The President in his second message tells us that no one connected with this Government had any previous knowledge of the revolution except such as was accessible to any person of ordinary intelligence who read the newspapers and kept up a current acquaintance with public affairs. He says that by unanimous action of its people, without the firing of a shot, the people of Panama declared themselves an independent republic. When I read the correspondence between the Department of State, the Department of the Navy, and the United States consul-general at Panama, and the cablegrams sent to those in charge of our warships, I was dissatisfied with the action of our Government, and this correspondence unexplained left the action of our Government in an unfavorable light, clearly indicating that we had anticipated, aided, and encouraged the revolution in Panama. Why do I say so?

This revolution never occurred until the night of November 3, 1903, and at 3 o'clock in the afternoon before it occurred the State Department wired to Colon: "Uprising on Isthmus reported. Keep Department promptly and fully informed." Signed, "Loomis, acting." Our consul promptly cabled back that no uprising had then occurred. Reported will be in the night. He afterwards cabled that the uprising occurred at 6 o'clock that night.

On the same day the State Department cabled to our war ship *Nashville*, "In the interest of peace, make every effort to prevent government troops from proceeding to Panama. The transit on the Isthmus must be kept open and order maintained." Signed "Loomis, Acting." I am sure that we had no right to prevent the government troops of Colombia from passing from Colon to Panama unless such troops were about to engage in a war that would endanger the lives and property of American citizens or in some way obstruct transit across the Isthmus.

If the Colombian troops went to Panama on a peaceful mission, or to keep open the passage across the Isthmus, or even to suppress a rebellion there, provided such troops did not interfere with the passage across the Isthmus, then we had no right to interfere with them. On November 2, 1903, the Navy Department cabled the *Nashville*, "Maintain free and uninterrupted transit. If interruption threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either government or insurgent, either at Colon, Porto Bello, or other points. Government force reported approaching the Isthmus in vessels. Prevent their landing, if this in your judgment would precipitate a conflict."

About the same time, we notified those in charge of our war ships to make every effort to keep the Colombian troops from proceeding from Colon to Panama. The Navy Department sent numerous cablegrams before the revolution occurred to those in charge of our war ships to proceed to Panama and Colon for the purpose of preventing Colombian troops from proceeding from Colon to Panama, instructing those in charge of our war ships to keep the transit of the Isthmus open. These cablegrams were sent on November 2, before the revolution occurred, and before it had been heard of in Panama and Colombia.

This correspondence naturally leads me to the conclusion that my own country had sought to bring about the revolution, and had sent one of our war ships there to encourage it and aid it in every possible way. Since I have entered public life I have been a most earnest and consistent advocate of an isthmian canal. But I have always desired that this great waterway should be built with clean hands and without offending any of the South or Central American republics. History teaches us that friendly international relations are a valuable asset for any country. We certainly ought to have the friendship of the countries where this canal is to be located.

I have not been willing to countenance any mode of dishonesty that might have been practiced to secure the construction of this great waterway. Stopping with this correspondence furnished by the State Department unexplained, I should have voted against the treaty. The President in his second message tells us that our Government had been informed that this revolution would take place in the event that Colombia rejected the Hay-Herran treaty.

Panama had given out that she would secede in the event that the treaty was rejected. He further tells us that Panama had formerly been an independent State and that he had every assurance that a revolution would occur; that every one knew that it was a possibility, but that it was not until toward the end of October, 1903, that it appeared to be a probability. He explains why our war ships were sent to Panama before the revolution occurred. It was to protect American citizens and to keep open the transit in the event of a revolution. He explained that he apprehended a revolution would occur, and that out of an abundance of caution he sent the war ships to keep open the transit.

I repeat, if the President had reason to fear that a revolution would follow the rejection of the Hay-Herran treaty, that Panama would secede, and that Colombia would send troops to put down the revolution, and that this war between Panama and Colombia would endanger the property and lives of American citizens, and embarrass or block the transit from sea to sea, then he would be justified in sending our war ships, both to protect the lives and property of American citizens and to keep open the transit across the Isthmus.

When our war ships arrived at Panama and Colon we had no right to interfere with a quarrel between Panama and Colombia, unless it was apparent that such interference was necessary to protect the lives and property of American citizens, or to keep open the transit across the Isthmus, in accordance with the terms of the treaty of 1846. I recognize that the situation in Panama, by virtue of the treaty of 1846, was different from any other place on the earth. We had a solemn and binding contract with Colombia to keep the transit open across the Isthmus; we know that Colombia had often called upon our Government to aid her in keeping this path open from sea to sea.

When our war ships landed troops at Colon they had a right to prevent the armed forces of Colombia from obstructing the open free course of commerce in the pathway across the Isthmus. We could only do so when Colombia failed to keep it open or was proceeding to block it by civil war. Our right to interfere in the domestic quarrels of Colombia was limited to protecting the lives and property of American citizens and to keeping open the transit across the Isthmus.

The treaty would not give us the right to interfere with Colombian troops landed on the Isthmus unless these troops threatened

the lives and property of American citizens or in some way attempted to interfere with transit across the Isthmus.

I refer to these facts to give my view of the treaty of 1846. It is not necessary for me to express myself as to whether or not we went beyond the power granted to us by the treaty of 1846, as I shall cast my vote in favor of the ratification of the treaty upon other grounds much more satisfactory to me than I could possibly reach on this theory of the issue. On this theory of the case, separated from other points in the controversy, I hardly think I could vote for the treaty.

It is essential that we understand, not only the treaty of 1846, but also the status of the Colombian Government for the last half dozen years and even longer, and the motives that prompted Colombia in rejecting the Hay-Herran treaty, which was intended to give us the right of way for the construction of the Panama Canal, in order to understand why our Government recognized the independence of Panama in violation of the general rules of international law.

I listened with a great deal of pleasure to the speech of the distinguished senior Senator from Alabama delivered during the last session of Congress against the ratification of the Hay-Herran treaty, contending that Colombia was in a state of civil war, and that she had no responsible constitutional government capable of discharging the functions of government, and that she was without legal and constitutional authority to negotiate a valid treaty with us for the right of way on which to construct this canal. He contended that revolution was the normal condition of Colombia, and history teaches us that his statements were absolutely correct.

In order to secure the right of way by way of the Panama route, on which to construct this canal, we have been forced to deal with such governments as we found in possession of the country where the canal was to be located. We know that internecine strife has been raging in the Republic of Colombia for a number of years. The study of Colombia shows the existence of two distinct and hostile tendencies at war since the early days of national independence. These two parties have been styled the Liberal and Conservative parties. The difference separating these two parties are so great that the transition of power from one to the other necessitates resort to violence.

The constitution of 1886 abolishes the federal form of government and centralizes all power in the President; he can suspend the constitution, and the property and the liberty of the citizens are at his mercy; he has absolute, unlimited power. The Liberals have contended most zealously against these wrongs, and, being unable to redress them, took up arms as the only means of redress. It was a struggle of life and death, as has well been said, between reaction and modern progress. Well did the senior Senator from Alabama say that revolution was the normal condition in Colombia. Well did he say that we would have to treat with an irresponsible government to procure the necessary territory on which to construct this great waterway.

So far as regularity and constitutionality is concerned, the new government in Panama will compare favorably with the existing government in Colombia. Then, again, when the Hay-Herran treaty was submitted to Colombia for ratification it was understood that the terms of the treaty were satisfactory to Colombia. It was proclaimed on the floor of the Senate and through the public press that Colombia secured every consideration she wanted in this treaty. We gave her the enormous sum of $10,000,000, when we could have secured the right of way from Costa Rica and Nicaragua for a much less sum. We had responded most liberally to the pecuniary demands of Colombia. It was certainly greatly to the commercial and financial interest of her people to put in operation this waterway.

We know that the canal was demanded by the unanimous voice of the people of Panama, where it was to be located. Undoubtedly Colombia rejected this treaty because she thought she saw a chance to force us to pay to her an exorbitant and unreasonable sum of money for the right of way through her territory on which to locate the canal. She reached the conclusion that we were forced to have this right of way, and that she would extort from us wrongfully ten more millions to fill her coffers. I do not contend that this would authorize us to take by force any part of her territory on which to build a canal, but it might be a reason why we should take advantage of a situation arising unexpectedly and acknowledge the independence of a people who would own the territory we so much desired and necessary to be used for the commerce of the world.

I have always contended that there was nothing of greater importance than the construction of an interoceanic canal. Such a canal is not only essential to our commercial development, but of great importance to our national defense. The establishment of speedy communication between the Atlantic and Pacific oceans should be delayed no longer. The party in power could have provided for the construction of such a waterway long ago. The failure to do so can in no wise be charged to our side of the chamber. We have always contended that the United States should construct this waterway at the earliest possible day. The civilized world is deeply and vitally interested in the success of this enterprise.

During the session of the Fifty-sixth Congress I set forth with particularity the benefits that would accrue by reason of the construction of the canal. I repeat them as applicable to this occasion. I said:

We know that London at the present time is the commercial center of the world. Later on I propose to take the figures and facts given us by the distinguished senior Senator from Alabama and demonstrate why this is true. I shall show that by the construction of this canal the advantages which London now enjoys in the distances from that great metropolis to the leading commercial ports of the world will be transferred to the United States. Before, however, I attempt to do so I desire to present to the Senate the advantages which we will enjoy at home in trading with our own people by the construction of this great waterway.

We know now that in order to reach New York from San Francisco by water we must travel 14,840 miles, and that so soon as this canal is constructed and put in operation the distance will be reduced to 4,907 miles, a clear saving of 9,933 miles. The distance from New York to Hongkong, by Cape Horn, is 18,180 miles; cut the canal and the distance is reduced to 10,983 miles, a clear saving each trip of 7,197 miles. We have acquired and now own the Hawaiian Islands, out in the middle of the ocean. The distance from New York to these islands by the present water route is 14,230 miles; cut the canal and the distance is reduced to 6,417 miles, a saving of 7,813 miles.

The distance from New Orleans by water to San Francisco, by way of Cape Horn, is 13,776 miles; when this waterway is constructed, connecting the two oceans, the distance is reduced to 4,107 miles, a saving of 9,669 miles. The distance from Mobile, Ala., to San Francisco is 13,763 miles; cut this canal and the distance is reduced to 4,120 miles, a saving of 9,643 miles. The distance from Savannah, in my own State, to San Francisco, is 13,289 miles; dig this canal and the distance is reduced to 4,366 miles, a saving of 8,923 miles. The distance from Galveston, Tex., to San Francisco is 13,892 miles; cut the canal and this distance is reduced to 4,230 miles, a clear saving of 9,662 miles.

The distance from Charleston to San Francisco is 13,269 miles; cut the canal and the distance is only 4,389 miles, a clear saving of 8,871 miles. Trace if you will the route which a ship must follow to pass from our Atlantic and Gulf seaports to any one of the harbors on the Pacific within the boundary of the United States. We can scarcely realize the enormous distance which a ship must travel to make a journey, leaving San Francisco, on the Pacific, to reach Boston or New York, on the Atlantic. We must travel along the coast of Central and South America, around Cape Horn, then sail back by the coast of Central America. Before we will have reached New York we will have traveled a distance of nearly 15,000 miles; when, as I have said before, if this waterway had been made, connecting the two oceans in Central America, the same trip could have been made by traveling less than 5,000 miles. It is only necessary to observe this new route between our Atlantic and Gulf ports and those upon our western shores, the route by Central America, to fully realize the advantages to accrue to our country by the construction of this waterway joining the two oceans in Central America.

How we can any longer afford to permit a gap to exist between our eastern and western coasts that is 13,000 miles in length I can not understand, and how our Republican friends on the other side of the Chamber can any longer postpone action on this important legislation, so necessary to the building up of the commerce of our country, I do not believe they can explain or justify. How they can any longer permit our Pacific States to pay one-half of the value of their wheat and lumber exported to Europe in cost of transportation I do not understand.

Who will justify the Republican party in longer postponing this great enterprise, which, as has often been said, will bring into the utmost possible near communication the eastern and western shores of North America, and in like manner into the utmost possible short communication the eastern and western shores of South America, and which will bring the western shores of South America into direct communication with the eastern shore of North America, and the eastern shores of South America into direct communication with the western shores of North America, thus making that passage of the Isthmus the key and common gateway of communication between the republics that now substantially occupy the whole habitable parts of North and South America?

A canal which, when built and completed, will furnish for ages ample waterway convenience and security for the fleets of all nations that may pass through it from ocean to ocean.

First, let us consider the benefit to accrue to the American people by putting our eastern and western coasts in direct communication with each other by the shortest practical route. Let us endeavor to give to our merchants and our farmers cheap transportation by water; then an immediate benefit will accrue to them in finding a market for our goods and wares. Let us put our Pacific coast in touch with European markets by the shortest and most practicable routes. Let us use every reasonable and just means to cheapen the cost of transportation of farm products and manufactured goods to the markets of the world. Let us give to the continental lines of railroads competition in carrying freights; then you reach the farmer, merchant, and manufacturer and benefit the American people.

It is an undisputed fact that so soon as this waterway is completed the entire Pacific coast trade will be put in direct connection with European markets by the cheapest possible transportation. Later on in my argument I will present to the Senate the benefits which will accrue to the Southern States by reason of the construction of this canal. The South is rapidly developing and will become at no distant day a great manufacturing section. The South, instead of manufacturing 20 per cent of the cotton crop, I predict will in the near future manufacture 75 per cent of the crop, and we expect to ship these goods to the markets of the world. We want cheap transportation by the most direct and shortest route to enable us to meet competition. The people of the South do not want the Government to give them anything. All we want is to be able to compete with other sections, and then we will work out our industrial problems.

A distinguished Senator said to me a few days ago that it had always been a mystery to him why Great Britain, a little island containing less than 90,000 square miles of territory, should control the markets of the world; that it was a mystery to him why Liverpool was the commercial center of the world, controlling and manipulating the sale and manufacture of cotton. But the distinguished Senator said that he had at last been able to solve the problem, and he has solved it well. In a report which Senator MORGAN, as chairman of the Committee on Interoceanic Canals, presented to the Senate on January 3, 1901, report No. 1357, part No. 6, he presents facts which are startling to me and which deserve consideration at the hands of the statesmen of the country endeavoring to shape and mold the policy of the nation.

It is a fact which can not be disputed, and which any intelligent man knows to be true, that in developing commerce the cost of transportation is a very important element. If one city or nation has a shorter route and

consequently a cheaper one to convey freight than another, the city or nation at a disadvantage can never compete with their rivals enjoying a superior advantage. This fact solves the problem why England to-day enjoys commercial supremacy over any nation in the world—a supremacy which some day will be transferred to the United States. If wise and thoughtful statesmanship shall direct the policy of this nation, that supremacy, at no distant day in the future, will be ours. The distinguished Senator and the committee of which he is chairman tell us that all the seacoasts of the world, except about one-tenth part of their length, are nearer to Liverpool than they are to New York by the usual route of sea travel.

This committee tells us the length of sea voyages from New York and from Liverpool to all the points of importance, based on the charts of the Bureau of Navigation of the Navy Department. In making these calculations, they take 18 of the leading seaports of the world. They then give the distance from Liverpool to these different seaports; also the distances from New York to these important points, showing a great advantage in favor of Liverpool. I do not know when I have found a subject of more importance and discussed in a more intelligent way than is presented by this committee. The 18 ports of the world which they have selected are as follows:

Yokohama, Tientsin, Kinchoo, Shanghai, Hongkong, Bombay, Calcutta, Singapore, Colombo, Manila, Melbourne, Auckland, San Francisco, Panama, Honolulu, Valparaiso, and Cape Town. We all know that these eighteen important ports had an enormous business and trade with Liverpool and New York, and that commercial points situated between them furnish a very important commerce to both places. The common mind will readily grasp the proposition that if vessels, in passing from Liverpool to each of these ports through the Suez Canal, travel a shorter distance than vessels sailing from New York to the same points, then freight can be conveyed cheaper to these points from Great Britain than from the United States.

Say, for instance, that eighteen vessels were to leave Liverpool on to-morrow morning, loaded with the products of Great Britain, one vessel going to each of these ports; and, at the same time, eighteen vessels were to leave New York, with American products, going to the same ports. Now, if the route from Liverpool was shorter and cheaper than the route from New York to the same places, evidently the United States could not compete with Great Britain in conveying goods to foreign markets. The distinguished Senator from Alabama tells us that eighteen vessels passing from Liverpool to each of these ports above named, through the Suez Canal, would sail 110,329 miles; that these same vessels, sailing from New York to the same ports, would cover a distance of 130,168 miles. This would be a difference in favor of Liverpool of 19,839 miles. The distinguished Senator also tells us that if the same ships made the voyage to the same ports by the way of the Cape of Good Hope the distance from Liverpool would be 135,000 miles, and the distance from New York would be 136,647 miles.

On page 7 of this report I find a most interesting and instructive table, which, to my mind, solves the reason why Great Britain has made such wonderful strides in controlling and directing the commerce of the world. I have just pointed out the fact that the distance from Liverpool to these eighteen ports of the world, by existing routes, is shorter by nearly 20,000 miles than from New York to the same ports. Now, what will be the result in the event of the construction of the Nicaraguan Canal? Take the facts and figures of the distinguished Senator from Alabama. This new route will reverse the entire situation in favor of the United States by 32,051 miles. The Senator from Alabama tells us that when this canal is constructed the distance from Liverpool to Honolulu will be by the Nicaraguan route 9,165 miles, and that the distance from New York to the same point, by the same route, will be 11,507 miles.

The distinguished Senator tells us that the distance from Liverpool to Manila by the Nicaraguan route will be 14,008 miles, and from New York to the same point will be 11,260 miles. The Senator tells us that the cutting of the canal will throw the advantage of shorter lines of travel in favor of New York, that now exists in favor of Liverpool, by at least 21 per cent. I desire to insert, as a part of my remarks, the table prepared by the distinguished Senator, which I regard of supreme importance, which table is as follows:

Distance from Liverpool via Nicaraguan Canal to—

	Miles.
Honolulu	9,165
Manila	14,008
San Francisco	13,685
Shanghai	13,685
Calcutta	17,197
Melbourne	12,753
Auckland	11,423
Hongkong	13,731
Yokohama	12,611
Kinchoo	14,255
Valparaiso	7,995
Tientsin	14,349
Singapore	15,171
Total distance	163,948

Now, to show the comparison, we will take the same table furnished by the same Senator, giving the distances from New York via the Nicaraguan Canal route to—

	Miles.
Manila	11,260
San Francisco	4,907
Shanghai	10,937
Calcutta	14,449
Melbourne	10,005
Auckland	8,695
Hongkong	10,983
Yokohama	9,863
Valparaiso	5,187
Honolulu	6,417
Kinchoo	11,507
Singapore	12,423
Tientsin	11,601
Total distance	128,224

These figures show a difference of 21 per cent in favor of New York by the Nicaraguan Canal route, while the difference against New York in favor of Liverpool, by the present route, to the several ports mentioned was largely in favor of Liverpool.

These distances, by the Suez Canal, in favor of Liverpool, have undoubtedly operated seriously to the disadvantage of American commerce; and so long as these distances continue to favor the commerce of Great Britain we can not expect American commerce to receive its share of the world's trade, and there can be no justification for failure or delay on the part of the Republican party in removing the barrier which inflicts these burdens and disadvantages on our commerce. The distinguished Senator from Alabama, in the very able report prepared by him and now printed as a Senate document, tells us with great force that if that isthmian barrier is to remain we can never have ships of sufficient number or speed to overcome the average length of more than 4,000 miles in favor of Liverpool on each voyage to and from our Atlantic and Pacific ports.

He truthfully tells us that no legislative expedient can save New York from the competition of Liverpool with a shorter line of navigation to the same ports to which New York must trade. His logic is sound and his argument, I trust, may have sufficient force to arouse the conscience of our friends on the other side of the Chamber, and to lead them to see the interests of the American people, and to advance and protect American interests. Is it possible that our friends will longer neglect this important work and suffer this little strip of land to separate the two great oceans and continue to inflict irreparable loss on American trade?

New York is a great distributing point, where American products, both of the farm and factory, are shipped to all parts of the world. They go from the south, east, north, and west to all ports of the world, and when these ports can be reached from New York by the shortest practicable routes cheap transportation will follow, resulting in greatly benefiting the American people. It is astonishing to me how any political party conversant with the situation can longer wait for the construction and completion of this great waterway.

Well did the Committee on Interoceanic Canals tell us that the Nicaraguan Canal is an indispensable factor in American commerce, because it will shorten the route of our travel, and is the only possible way to meet the advantages that have fallen to Liverpool by her geographical situation. When I study the geography of the world, and remember that at the point where this canal is to be constructed for the passage of ships between the two oceans the strip of land that separates the two oceans is so small, and the canal can be cut through it with so little expense to the Government, taking into consideration its importance to commerce, I am astonished that the American people have submitted to delay so long in demanding legislative action providing for its construction.

These arguments would not justify our Government in taking by force, or wrongfully, the territory of Colombia for canal purposes; but they are powerful reasons why our Government should have acted promptly in recognizing the independence of Panama, in order to secure from her the necessary territory for canal purposes. The President says in his second message: "In view of the manifold considerations of treaty rights and obligations, of national interests and safety, and of collective civilization by which our Government was constrained to act, the recognition of the Republic of Panama is not based upon any general principle of international law regulating the principle of revolution by which a given government is overturned, or one portion of a country separated from another."

I think it is true that there is no fixed rule which can be applied, but that each case must be judged on its own merits. It is not our mission to inquire as to whether or not Panama was justified in separating from Colombia under existing conditions. We only had to inquire had such steps taken place, and was she capable of sustaining a government of her own? If I remember correctly, France acknowledged our independence before we had any government; she not only acknowledged our independence, but sent her soldiers to fight our battles, and to assist us in establishing that independence. I do not complain that, under the circumstanecs, we acknowledged the independence hastily. My opposition heretofore had been based upon the fact that the circumstances associated my own country with the revolution, aiding, encouraging, and sustaining it; going further to sustain it than the terms of our treaty would authorize. Such conduct would be dishonorable and morally wrong. That branch of the argument, however, I have dismissed.

I come now to the reasons that have led me, after much thought, to vote in favor of the ratification of the treaty. We all agree that the terms of the treaty for the construction of the canal are more satisfactory to us than any treaty negotiated heretofore. My objection has always been to our actions previous to the negotiation of the treaty. When Colombia rejected the Hay-Herran treaty I have always believed it was the duty of the President to proceed at once and negotiate with Costa Rica and Nicaragua for the necessary land for the construction of a canal.

I have maintained that, so far as Colombia was concerned, when she rejected our treaty we should cease to treat with her for the construction of this waterway, but, under the provisions of the Spooner act, we should proceed at once to secure the necessary territory and construct the canal by the Nicaragua route. The President has not adopted this theory—the party in power agrees with him—and I am determined, so far as I am concerned, that the Republican party shall have no excuse for the failure of this great enterprise. If I can not have it located at one place, I'll have it at another, provided we do not get it by dishonest methods.

Regardless of how the independence of Panama was accomplished, beyond dispute Panama is lost to Colombia—the Rubicon has been crossed, and no one expects Panama to be restored to Colombia—the ratification or rejection of this treaty can in no way change the status of Panama in relation to Colombia; whether rightfully or wrongfully, Panama is forever lost to Colombia. Should we reject this treaty, the Republic of Panama will still exist, and, in all probability, we will be called upon to negotiate a treaty with her in the future for the right to construct this canal. Suppose Panama should continue as a republic for a quarter of a century, or even for a less time, will any one contend that we should not carry on business and govern-

mental relations with her in the future, simply because we questioned the methods whereby she achieved and maintains her independence.

If we refuse to treat with her now, because of the doubtful propriety of our conduct in maintaining her independence, will it not be true that for all time to come we will be estopped from having any dealings with Panama because of the previous history of her rebellion and independence? Who will dare say that, if this treaty is rejected, and Panama should live as a republic for as much as three years, and another treaty should be submitted for the construction of this canal, we would be estopped from ratifying it because of our previous conduct? We would answer the objection promptly, and say that the revolution is over, that Panama was lost to Colombia, that she was a well-established republic with an organized government in full possession and control of the Isthmus where the canal is to be located, and our Government could not possibly treat with any other nation for the right to construct this canal except the Republic of Panama.

Our Government, I know, will not go backward; we will not restore Panama to Colombia regardless of this treaty. If we did, in all probability many of the leading citizens of the new Republic would be hanged for treason, and, doubtless, their property would be confiscated by the Colombian Government. What do I find? The new republic of Panama is a republic in fact, whether rightfully or wrongfully. She is now proceeding to adopt a constitution, select a judiciary, and organize a constitutional government. This has been accomplished without my assistance, and, as a practical man, I am to deal with the situation as I find it. If this treaty is rejected I fear the construction of the canal will be delayed for an indefinite period.

If the treaty is ratified there can be no excuse for further delay in the construction of a waterway of vital importance to my own section, for we know the benefit to accrue to the South from a commercial standpoint, resulting from the construction of the canal, is incalculable. There is but one sentiment among the people of the South in regard to the construction of the canal. Many good men regret that it should come through questionable methods, but we must deal with the situation as we find it. Already the new Republic has been recognized, not only by the United States, but also by France, China, Austria-Hungary, Germany, Denmark, Russia, Sweden and Norway, Belgium, Nicaragua, Peru, Cuba, Great Britain, Italy, Japan, Costa Rica, Switzerland, and The Netherlands.

These nations are ready to treat with Panama as an independent republic—they are ready to negotiate treaties with her, and to carry on governmental relations with her in the future as an independent republic. Suppose Colombia should say that she owned the Isthmus, and that no canal should ever be constructed connecting the oceans, this would be a most serious blow to the commerce of the world. Such conditions would most assuredly be sufficient grounds to authorize our Government to act quickly in recognizing the independence of the people who were in actual possession of the Isthmus, in order that we might negotiate with the new nation for the construction of the canal.

Suppose there was no other route by which the canal could possibly be constructed except the route now involved; suppose Colombia owned Panama, and had it in her power to demand an unreasonable, exorbitant sum for the land on which we desired to construct the canal; or suppose Colombia should refuse to treat with us for the necessary lands for canal purposes; under such circumstances the building of the waterway would be blocked to the great injury of the commerce of the world.

Under the general rules of international law we would have no legal right to take by force any part of her territory; but this condition of affairs, I am sure, would justify prompt action on the part of our Government in recognizing the independence of Panama, originally a part of Colombia, and in possession of the territory where the canal is to be located. The act might appear to be rash, but the civilized world would justify and applaud it because of the conduct of Colombia. I do not contend that this is exactly the case we have under consideration, but it illustrates the position for which I am contending—that in recognizing the independence of a new nation struggling for independence we are not bound in every instance by the general rules of international law, but by the facts and circumstances of each particular case.

If it were not for our treaty rights, arising by virtue of the treaty of 1846, in conjunction with the rejection of the Hay-Herran treaty, the civil war that has been going on for years in Colombia, and the deep and vital interest all civilized nations feel in the construction of this waterway, uniting the two great oceans, we could not justify our conduct in recognizing the independence of Panama before independence had been accomplished.

I repeat, Mr. President, the fact that we recognized the independence of Panama, seemingly with undue haste, has not been the feature of this transaction that caused me at first to doubt the honesty and good faith of my own Government. This action on the part of our Government would not prevent me from voting for this treaty, taken in connection with all the facts and circumstances relating to and bearing upon the question at issue. The feature of this transaction most serious in its nature that has weighed upon my mind, and which at various times has almost led me to vote against the ratification of this treaty, begins before the revolution began. I have asked myself, who brought about the revolution? Would the revolution ever have taken place had not assistance been assured by our Government? I then asked myself, what right had we to say to Colombia: You shall not use your army and navy to put down a rebellion in part of your territory.

I know there can be but one answer. We had the right to prevent Colombia from carrying on war in Panama, provided such war interfered with transit across the Isthmus. This right was given to us by the treaty of 1846, but by no chain of reasoning can I reach the conclusion that we had the right to interfere with the internal quarrels of Colombia and Panama except such internal quarrels in some way embarrassed or interfered with transit across the Isthmus. I can not vote to convict my own Government of an act of dishonesty without positive and unimpeachable testimony. Such a charge against the integrity of our Government must be condemned in the absence of unquestionable proof. I deplore the fact that the circumstances surrounding this transaction are of such a nature as even to cast suspicion upon our conduct.

I am unwilling to say that the President in his message has not told us the truth so far as the Executive branch of the Government is concerned. He may be impulsive, but I do not believe that he is dishonest. I do not believe the American people have ever elevated a dishonest man to the high office he now occupies. To make such a charge would reflect on the intelligence, the wisdom, and honesty of the American people. I vote for the treaty because on this issue I find in favor of the integrity of my own country and in favor of the honesty of an American President. It will be a sad day for this Republic if any man is ever elevated to the high office of President who is dishonest.

Candor compels me to say that I have been actuated to some extent in reaching the conclusion to vote in favor of this treaty by reason of public sentiment in my own State, and by the further reason of the great commercial benefits that will certainly follow to the South by reason of the construction of the canal. It is proper that these considerations should have weight with a Senator. I could not vote to approve an act of dishonesty if the sentiment in my State approved it. The good people of my State would never approve an act of dishonesty. Good men often reach conclusions which are erroneous, because they are not conversant with all the facts and circumstances connected with the transaction. They often reverse their opinions when the whole situation is explained to them.

This is the highest evidence of their honesty and their desire to find the truth. During the pending of this treaty many Senators have been criticised because they failed to speak out in favor of its ratification. Opposition to the treaty has been construed to mean opposition to an Isthmian Canal. I have no patience with such criticism. Truth compels me to say that the Senators who have denounced our connection with the revolution and questioned our conduct in dealing with Colombia, with one or two exceptions, are now, and have ever been, the earnest and steadfast friends of an Isthmian canal.

The junior Senator from Maryland, always the loyal, devoted and consistent friend of the South, is a strong advocate of a canal. The senior Senator from Alabama has devoted his entire public life to accomplish this great work. The two Senators from Texas have labored most earnestly for the construction of this waterway, since I have been associated with them in public life. The same can be said of each Senator who has spoken against the treaty on this side of the chamber, with one exception. The charge that these Senators are opposed to a canal because of their opposition to this treaty is a malicious slander, and I have no patience with such a charge.

While I shall vote for the treaty I recognize the fact that those Senators who vote against it, on this side of the Chamber, are just as anxious to see the canal completed as I am. They have been the constant friends of a canal, and their opposition to this treaty should not be construed to mean opposition to a canal. Such a construction would be manifestly unjust. It has been difficult for the public to dissociate opposition to the treaty with opposition to the canal. I can fully appreciate the grounds on which such opposition is based. It is of vast importance that we shall have the friendship of both Colombia and Panama, the countries to be so closely connected with the operation of the canal.

It would be extremely unfortunate for any unfriendly feeling to exist between Colombia and the United States, or between Colombia and Panama. We will probably spend four or five hundred millions of dollars before this great waterway is com-

pleted. We desire above all things the friendly cooperation of the governments in close proximity to the canal where this money is to be expended. We should not hesitate to use the good offices and influences of our Government to adjust in a friendly way the difference between Panama and Colombia, and to bring about cordial and friendly relations between Colombia and our Government. If Colombia has been wronged, let reparation be promptly made. Let every doubt be given in favor of just and fair treatment of Colombia, so far as it lies within our power.

I know that it is impossible to restore Panama to Colombia. This I do not expect. We ought to be indulgent in dealing with a sister republic inferior to us in wealth, population, and military strength. What a blessing it will be to the commerce of the world if this canal can be built at an early day. I had hoped to see this canal constructed without offending any foreign Government, and especially without offending any sister republic. Let us yet hope that this great work may be carried to completion through the efforts of our country, and that through our generosity and liberality Colombia and Panama may amicably and satisfactorily adjust all of their differences.

This side of the Chamber has sought diligently to ascertain the relations our Government has sustained to the revolution in Colombia. We have been exceedingly anxious to scrutinize every act of our Government to relieve our own country, if possible, from the charge of complicity in the Panama revolution. We have thought that this course was demanded by the facts and circumstances connected with the transaction.

This duty has been discharged faithfully and fearlessly in the interests of honest government. To do less was to shirk a serious and grave responsibility. We have contended with unanimity that most diligent effort should be made to adjust amicably all differences existing between Panama and Colombia, and that if any injustice had been done Colombia on our part every reparation within our power should promptly be made.

The resolution introduced by my colleague [Mr. BACON] now before the Senate seeks to accomplish this end. The movement originated on this side of the Chamber. Let us hope that this movement may be brought to a successful termination. Such a purpose is a most laudable one, and, when accomplished, will have the approval of all conservative, patriotic, intelligent, and right-thinking people. Those who love justice, righteousness, and peace better than they love trade and commercial gain will hail with joy and delight such a solution of this important controversy.

HOUSE BILL REFERRED.

The bill (H. R. 11825) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1905, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

ELEVENTH DISTRICT LIGHT-HOUSE AND BUOY TENDER.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 3530) to provide for the construction of a light-house and buoy tender for the inspector of the eleventh light-house district.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. TELLER. I should like to know what the bill is?

Mr. NELSON. It is for the construction of a light-house and buoy tender on Lake Superior, which is recommended by the Department and unanimously reported from the Committee on Commerce.

The bill was reported from the Committee on Commerce with amendments, on page 1, line 5, after the word "district," to insert "at a cost not to exceed $130,000;" in line 9, before the word "light-house," to insert "said;" in the same line, after the word "tender," to strike out the words "for which appropriation may be made;" and on page 2, line 3, after the word "advertisement," to strike out "$130,000" and to insert "and for this purpose the sum of $130,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated;" so as to make the bill read:

Be it enacted, etc., That there shall be constructed by the Secretary of Commerce and Labor a light-house and buoy tender for use in the eleventh light-house district at a cost not to exceed $130,000; and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the said light-house and buoy tender, such draftsmen to be paid from the appropriation for building said vessel; such employment to cease and determine on or before the date when the plans for such light-house and buoy tender shall be finished and proposals for building said vessel are invited by advertisement; and for this purpose the sum of $130,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SURVEYOR OF CUSTOMS AT OMAHA, NEBR.

Mr. MILLARD. I ask unanimous consent for the present consideration of the bill (S. 1419) to fix the salary of the collector of customs at Omaha, Nebr.

Mr. TELLER. Mr. President, I am not going to object to the consideration of this bill, but when it is disposed of I think I shall insist on the Calendar being taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, in line 3, before the words "of customs," to strike out "collector" and insert "surveyor;" and in line 5, after the word "dollars," to insert "in addition to fees;" so as to make the bill read:

Be it enacted, etc., That the surveyor of customs at Omaha, Nebr., shall be paid, from and after the passage of this act, an annual salary of $1,000 in addition to fees in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to fix the salary of the surveyor of customs at Omaha, Nebr."

ARMY CHAPLAINS.

Mr. SCOTT. I should like to ask unanimous consent for the present consideration of the bill (S. 2424) to recognize and promote the efficiency of army chaplains, if the Senator from Colorado [Mr. TELLER] will not object.

Mr. TELLER. Mr. President, I have not any control over the business of the Senate, but I think the best thing for us to do is to go to the Calendar regularly. I am not, however, going to assume any control of this matter, and so I shall not object to the bill referred to by the Senator from West Virginia, though I hope we shall go to the Calendar in regular order and consider it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia for the present consideration of the bill named by him?

Mr. GALLINGER. When the Senator from Colorado [Mr. TELLER] made the suggestion a moment ago to proceed with the Calendar in order, I was about to make the same suggestion. I now say that I shall not object to the consideration of the bill which the Senator from West Virginia desires to have considered, but after that has been disposed of I shall ask for the regular order, which is the Calendar.

Mr. ALLISON. Let the bill be read.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALLISON. I should be glad to have the Senator from West Virginia explain why the latter sections of the bill have been inserted. Do they change the existing law respecting chaplains, except as to those who are to be promoted?

Mr. SCOTT. Mr. President, we all know that chaplains in the service have to be mounted. Though their pay has never been the same as that of mounted officers, yet they are regarded as mounted officers. That is the only change the bill makes, with the exception that the President, by and with the advice and consent of the Senate, is given authority, for extraordinary services rendered and for efficiency, to give the old chaplains the grade of major, though not the rank. It simply gives them the pay and allowances of a major, but they are not to exceed fifteen in number at any one time.

This bill has been urged upon the Military Committee, by whom it was very thoroughly considered, and was unanimously reported favorably.

Mr. TELLER. I ask the Senator from West Virginia how many chaplains we have in the Army?

Mr. SCOTT. Indeed, I can not answer that question. Perhaps the Senator from Missouri [Mr. COCKRELL] may be able to answer it.

Mr. COCKRELL. There is one to each regiment.

Mr. TELLER. How many does that make?

Mr. COCKRELL. There are about forty-five, I think.

Mr. GALLINGER. Forty-four or forty-five.

Mr. SCOTT. Yes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, in section 1, page 1, line 7, after the word "regimental," to strike out "(or post);" in line 12, before the word "number," to insert

"total;" and after the word "number" to insert "in the service so;" so as to make the section read:

That hereafter the President may, from time to time, select from among the chaplains of the Army any chaplains having not less than ten years' service, who shall have been commended as worthy of special distinction for exceptional efficiency by the regimental and department commanders with whose commands they have served as chaplains, and may, with the advice and consent of the Senate, promote such regimental or artillery chaplains to be chaplains with the grade, pay, and allowances of major: *Provided*, That the total number in the service so promoted shall not at any time exceed fifteen, and that the remaining chaplains shall have the grade, pay, and allowances of captain, mounted.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MANNER OF IMPORTATIONS.

The PRESIDENT pro tempore. The regular order having been demanded, the first bill on the Calendar will be stated.

The bill (S. 2816) to amend section 3095 of the Revised Statutes of the United States was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 3095 of the Revised Statutes so as to read as follows:

SEC. 3095. Except in the districts on the northern, northwestern, and western boundaries of the United States, adjoining to the Dominion of Canada or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture subject to the payment of duties shall be brought into the United States from any foreign port in any other manner than by sea, nor in any vessel of less than 30 net register tons, or landed or unladen at any other port than is directed by law, under the penalty of seizure and forfeiture of all such vessels and of the merchandise imported therein, laden or unladen in any other manner.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 3095 of the Revised Statutes of the United States, relating to manner of importation."

EMPLOYMENT OF UNITED STATES VESSELS.

The bill (S. 2263) to require the employment of vessels of the United States for public purposes was announced as next in order.

The PRESIDENT pro tempore. That bill may be passed over, if the Senate please, without objection.

SECESSION OF PANAMA.

The resolution submitted by Mr. MORGAN December 18, 1903, declaring the proposition that neither the President nor the President and the Senate, as the treaty-making power of the United States, has the lawful power to wage or declare war against any foreign power without the consent of Congress, when such country is at peace with the United States, etc., was announced as next in order.

Mr. GALLINGER. Let that resolution go over, Mr. President.

The PRESIDENT pro tempore. The resolution will go over without prejudice, if there be no objection.

HEIGHT OF BUILDINGS IN THE DISTRICT.

The bill (H. R. 7023) to regulate the height of buildings in the District of Columbia, was considered as in Committee of the Whole. It proposes to amend section 1 of an act entitled "An act to regulate the height of buildings in the District of Columbia," approved March 1, 1899, by inserting after the word "hotel," in the fourth line thereof, the words "or as a hospital or dormitory;" so that said section will read as follows:

That from and after the date of the approval of this act no combustible or nonfireproof building intended to be used or occupied as a residence, or as an appartment house or hotel, or as a hospital or dormitory in the District of Columbia shall be erected to a height of more than five stories or raised to a height exceeding 60 feet above the sidewalk, the measurement to be made as hereinafter prescribed.

Mr. TELLER. I should like to inquire of the Senator who has the bill in charge, in case persons should desire to erect a hotel here on one of the corners where there is a large open space, whether they would be limited as to the height of the building they would be permitted to construct, or whether there is some way by which they might secure permission to erect a fireproof building higher than the prescribed limit?

Mr. GALLINGER. I think the law does limit them as to the height, but it varies, of course, because of the different widths of the streets. Buildings are permitted to be erected higher on the wide streets than on the narrow streets. The only change this bill makes in the existing law is to require hospitals and dormitories to be made fireproof. The bill has no reference whatever to the height of buildings.

Mr. TELLER. The bill does not propose to make any change in that regard?

Mr. GALLINGER. It does not change the law on that subject.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SPOONER. I want to ask the Senator from New Hampshire if the bill we have just passed relates to fire escapes in the District of Columbia?

Mr. GALLINGER. It does not. I will say to the Senator it simply provides that dormitories and hospitals shall be constructed of fireproof material, as is required under existing law for certain other structures. It is a question, of course, whether there is any such thing as a fireproof building; but the intention of the Commissioners and of the Committee on the District of Columbia is to make hospitals and dormitories as safe in that regard as any other kind of building possibly can be in the District of Columbia.

Mr. SPOONER. I suppose there is a law in force in the District of Columbia in regard to fireproof buildings?

Mr. GALLINGER. There is such a law. I will say to the Senator that during the past few weeks the entire city has practically been covered by the fire officials in making examinations of buildings, including the churches of the city and the schoolhouses. The intention is to provide the most adequate facilities for escape from buildings in the District of Columbia in the event of fire.

This is not a new thing, I will say, Mr. President. During the time that my lamented predecessor, the late Senator McMillan, was chairman of the Committee on the District of Columbia, in conjunction with him we took up that question, and we made the theaters of the District of Columbia so safe that the recent inspection has failed to discover any lack in that regard. That inspection is now being extended to the schoolhouses, the churches, and other places where people congregate. I think there is probably no city so well provided for a panic or a fire as is the city of Washington at the present time.

Mr. SPOONER. Whilst I am not an expert in the fire-escape business, I have observed that in many of the fire escapes the ladders come down from story to story in front of the windows instead of coming down the blank spaces between the windows. That looks to me like a very poor fire escape, because, if a fire breaks out, it will break out through the windows and render the fire escape absolutely of no avail whatever.

Mr. GALLINGER. Of course the escape has to be through the window.

Mr. SPOONER. Of course.

Mr. GALLINGER. That is the starting point; but the fire escapes might be diverted from that particular point.

Mr. SPOONER. It seems to me that the fire escapes might be so constructed as to go down the blank space on the wall instead of having to go down from story to story in front of the windows.

Mr. GALLINGER. I think that is a very valuable suggestion.

Mr. SPOONER. I commend it to my friend.

Mr. GALLINGER. And I will commend it to the Commissioners of the District of Columbia.

Mr. GALLINGER subsequently said: It will be remembered, Mr. President, that the Senator from Maine [Mr. HALE] some time ago offered a resolution directing the Commissioners of the District of Columbia to make an investigation of the theaters and other places of entertainment in reference to their safety. The Commissioners, under date of January 23, have made report on that resolution, and I should like to insert it in the RECORD in connection with my remarks on House bill 7023, which passed a little while ago.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

The report referred to is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 23, 1904.

SENATOR: The Commissioners of the District of Columbia have the honor to make the following report on Senate resolution passed January 5, 1904, as follows:

"*Resolved*, That the Commissioners of the District of Columbia are directed to make, as soon as practicable, a full examination into the condition of all theaters and places of public entertainment in the District of Columbia, in order to see if such theaters and public places are maintained and conducted in accordance with the statutes and regulations of the District of Columbia, and whether or not any such theaters or places of entertainment are going on without proper license. The District Commissioners will make report upon said investigation to the Senate."

A preliminary report is submitted in reference to theaters, and examination is now being made of the public halls used for entertainments from time to time, but not regularly. A further report on these halls will be submitted as soon as is practicable.

There are seven theaters in the city—the Lafayette, the National, Chase's, the Columbia, the Academy of Music, Kernan's Lyceum, and the Empire.

The authority of the Commissioners to control the issuance of licenses and to prescribe regulations for the construction and alteration of the theaters

was given by act of Congress approved February 26, 1892. An amendatory act, approved March 2, 1895, required the certificate of the inspector of buildings that the theater complied with law and regulations before license could be issued. In the act approved July 1, 1902, providing for licenses to theaters, Congress directed that the certificate of the chief officer of the fire department should be obtained in addition to that of the inspector of buildings.

In accordance with the first-named act the Commissioners adopted a set of rules and regulations. These were intended to apply absolutely to all new or reconstructed theaters, and as far as possible, without causing entire reconstruction, to existing theaters. The records of the office show that the certificate required has been given each year before the licenses have been issued.

In November, 1903, at the time of the issuing of licenses, they were refused to three of the theaters—namely, Chase's, the Empire, and the Academy of Music—because the inspector of buildings and the chief of the fire department declined to certify that those theaters were in accordance with the regulations until certain changes should be made. The managers of these theaters were taken into court and they agreed to make the change within a definite limited time. After a personal inspection the Commissioners decided that these requirements, while very desirable for the protection of the public, were not of such a nature as to cause by their absence a serious and imminent source of danger, and therefore it was not considered necessary to close these theaters while the work was being done. The four other theaters received their licenses in the due course of law.

More than two years ago the chief engineer of the fire department and the fire marshal were directed to make special examination of all theaters, hotels, apartment houses, and public halls, with a view of ascertaining what was needed for protection of the public against fire. The preliminary reports indicated a dangerous condition of affairs, especially in the electrical wiring and apparatus. The electrical engineer was directed to make a special examination, which revealed very serious conditions.

The inspector of buildings, the chief engineer of the fire department, and the electrical engineer were directed to cooperate in ascertaining and removing dangerous conditions, whether such conditions were forbidden by the strict construction of the law or not. This investigation revealed many defects in the theaters. The electric wiring and apparatus were generally in an unsafe condition; in many cases worn-out insulation or improper connections brought live wires against inflammable material; exit doors were found bolted and locked; fire-fighting appliances were absent; combustibles were accumulated in dangerous places; the ventilators in the roof did not work well, and unused flues, liable to carry fire all over the theater, were open. One theater had a proscenium arch of nonfire-resisting material, and its fire escapes were insufficient.

By direction of the Commissioners, and in most cases with the cooperation of the theater managers, the reformation of this state of things began at once. The dangerous conditions were immediately remedied, all improvements required were immediately begun, and there remains now to be done only a portion of what was required in the case of the three theaters whose licenses have been withheld.

Constant and rigid inspection has been maintained through the building department, the fire department, and the electrical department. The building department sees that the regulations as to construction are carried out with respect to exit doors, escapes, aisles, stairways, walls, and lobbies; that old constructions are made as safe as possible, and that the new buildings are of fire-resisting material throughout. The electrical engineer and his assistants have brought the electric wiring and permanent apparatus of the theaters to an excellent condition and they inspect them regularly, while every Monday they inspect the electric apparatus brought by the company that is to play in the theater during the week and confiscate such apparatus as is dangerous. The chief engineer of the fire department and the fire marshal inspect every theater frequently, and a member of the fire department is on the stage during every performance to see that the regulations are complied with and to do fireman's duty in case of fire.

While many of these improvements were made before the act of 1902, that act, which requires the chief officer of the fire department as well as the inspector of buildings to certify as to the compliance of theaters with the requirements of law and regulations, has been very helpful.

These inspections have been carried on at a considerable disadvantage, because the different departments responsible for them have not had an increase in their force for the purpose. An increase of the inspecting force for the purpose of maintaining and extending this work is desirable and also additional legislation that will extend the authority of the Commissioners in this matter. The bill (S. 3) giving the Commissioners a larger power to regulate electric wiring in the District of Columbia, and providing additional inspectors for such work, would be, if enacted, of value in this relation. A similar bill has been recommended by the Commissioners for several years.

In obedience to the resolution of the Senate the Commissioners made a personal inspection of all the theaters in the city. Certain minor changes were recommended by them which the managers agreed to make, but it was found that the theaters were carrying out the regulations with the exceptions above mentioned, which, however, are being remedied.

The examination showed that the exits are all lighted with red lights on a circuit independent of the stage and plainly marked with the word "Exit;" all exits open outward and are easily opened; that all the theaters have either a proscenium arch of solid brick or other fire-resisting material between the stage and the auditorium, excepting one of those whose license has been withheld, which is under contract to put in such fire-resisting material immediately. All the theaters have genuine asbestos curtains. They have been all tested by subjecting them to a hot fire and found absolutely fireproof. All the theaters have skylights of the prescribed dimensions, self-opening, and held by a rope to be loosened by a designated employee, or by the burning of the rope. All lighting in the theaters is electrical. The switchboards and the wiring are in proper condition. The aisles of the theaters are in accordance with the regulations. The perforated pipes or automatic sprinklers above the stage, and the fire hose, extinguishers, and other appliances for fighting fire, are in apparent good order.

The managers of the theaters, in accordance with the police regulations, detail a man for fire-protection service under orders of the fire department and who is required to have no other duties during performances.

The police department sees that all doors are unlocked, exit lights lit, and the rules observed.

There are several points to which attention is invited. There are only two theaters in the city—namely, the Lafayette and the Columbia—which have been built or altered since the adoption of the regulations of 1892, and which are thoroughly fireproof. The other theaters are not fireproof, but have an arch of brick or other fire-resisting material between the stage and the auditorium, with one exception noted above, which will have this fire-resisting material within a short time. As a result, the Commissioners feel assured that should a fire take place on the stage, with this fire-resisting arch, the asbestos curtain, and the automatically opening skylights it will be confined to that part of the theater sufficiently long to enable the audience to leave the theater in a quiet and orderly manner. This, with the enforcement of the regulations about aisles, fire escapes, stairways, lighted exits, and fire appliances, is considered a reasonably safe condition in the theaters.

The perforated pipes or automatic sprinklers will be of greater value when there is greater water pressure, as there will be within the near future, as new mains are being laid and the improvements in water distribution are being completed. There is now a flow of water on the stages at the height of the apparatus, but it is doubtful whether it would prove entirely adequate. One of the theaters has a pumping arrangement to increase the pressure, and such an arrangement may be required in all the other theaters in order to increase the pressure. If Congress had granted the request of the Commissioners for a special high-pressure fire-protection water service by separate mains in the heart of the city of Washington, all the theaters would have had the benefit of it.

The provision in the regulations that all scenery, curtains, etc., shall be covered or saturated, "if practicable, with fire-resisting materials approved by the Commissioners of the District of Columbia" has not been enforced because no certain and practicable method of treatment has been known. The scenery in the Washington theaters is painted with water color and not oil, making it less inflammable. As soon as any method of treatment which is practicable and dependable is established, its application to the Washington theaters will be required.

The protections relied on principally, however, are on the ability to keep any fire originating on the stage within the limits of the stage itself for a sufficient time; on the skylights above the stage, which will allow flames and smoke to escape, and, further, on sufficient exits, provided an audience does not leave the building in uncontrollable haste.

Very respectfully,

HENRY B. F. MACFARLAND,
HENRY L. WEST,
JOHN BIDDLE,
Commissioners of the District of Columbia.

Hon. WILLIAM P. FRYE,
President Pro Tempore United States Senate,
Washington, D. C.

DISTRICT TAX SALES.

The bill (S. 2794) to amend an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,'" approved May 13, 1892, was considered as in Committee of the Whole. It proposes to amend an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,'" approved May 13, 1892, so as to read as follows:

That it shall be the duty of the assessor for the District of Columbia to prepare and keep in his office for public inspection a list of all real estate in the District of Columbia heretofore sold, or which may hereafter be sold, for the nonpayment of any general or special tax or assessment levied or assessed upon the same, said list to show the date of sale and for what taxes sold; in whose name assessed at the time of sale; the amount for which the same was sold; when and to whom conveyed, if deeded, or, if redeemed from sale, the date of redemption.

SEC. 2. That it shall be the duty of said assessor, whenever called upon, to furnish, in addition to the regular tax bills, a certified statement, over his hand and official seal, of all taxes and assessments, general and special, that may be due and unpaid at the time of making said certificate, and for each and every certificate so furnished by said assessor the party requesting the same shall pay to the collector of taxes of the District of Columbia a fee of 50 cents; and said certificate when furnished shall be a bar to the collection and recovery of any tax or assessment omitted from and which may be a lien upon the real estate mentioned in said certificate; and the assessor is hereby authorized and directed to cancel upon the records of his office any such tax or assessment so omitted from said certificate.

SEC. 3. That all acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

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The bill (S. 2229) to amend chapter 4952 of the Revised Statutes was announced as next in order.

Mr. TELLER. Mr. President, I do not see any member of the Committee on Patents in the Chamber, and as it seems to me that that bill proposes an important amendment to the copyright law, I think it had better go over without prejudice.

The PRESIDENT pro tempore. The bill will go over without prejudice.

WIDENING V STREET NW.

The bill (S. 2621) for the widening of V street NW. was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments. The first amendment was, on page 1, section 1, line 11, before the word "square," to insert "south of;" so as to make the section read:

That within twenty days after the deposit with the collector of taxes of the District of Columbia, by parties interested, of the sum of $1,250 the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land necessary for the widening of V street through square south of south of square 1296 from the west line of Thirty-fifth street west 120 feet to the line of Washington County, to the full width of 60 feet.

The amendment was agreed to.

The next amendment was, on page 3, section 4, line 8, after the word "assessed," to strike out "for" and insert "as;" and in the same line, after the word "damages," to insert "as follows, namely, one-fourth out of any money in the United States Treasury not otherwise appropriated and one-fourth;" so as to read:

SEC. 4. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United

States, ex officio commissioner of the sinking fund of the District of Columbia, upon warrant of the Commissioners of said District, one-half the amount assessed as damages as follows, namely, one-fourth out of any money in the United States Treasury not otherwise appropriated and one-fourth out of the revenues of the District of Columbia and the remainder out of the sum hereinbefore required to be deposited with the collector of taxes; etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAMING OF STREETS, AVENUES, ETC.

The bill (H. R. 7024) to name streets, avenues, alleys, highways, and reservations in that part of the District of Columbia outside of the city of Washington, and for other purposes, was considered as in Committee of the Whole. It directs the Commissioners of the District of Columbia to name or rename streets, avenues, alleys, highways, and reservations in that part of the District of Columbia lying outside of the city of Washington, under such system of naming as they shall see fit to adopt.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OPENING OF R STREET NE.

The bill (S. 1636) for the opening of R street NE. to Twenty-eighth street and of Twenty-eighth street NE. from R street to M street was considered as in Committee of the Whole. It appropriates $21,200 for the purpose of grading and macadamizing R street NE. from its intersection with Bladensburg road eastwardly to Twenty-eighth street, and Twenty-eighth street southwardly to M street, according to section 3 of the street-extension plan; but there shall be delivered to the Commissioners of the District of Columbia an unconditional dedication of the streets named and between the limits named without cost to the District of Columbia.

Mr. MALLORY. Is there a report on that bill, Mr. President?

The PRESIDENT pro tempore. There is a report.

Mr. COCKRELL. Let the report be read.

Mr. GALLINGER. There is a report made by the Senator from Maryland [Mr. GORMAN].

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read the report submitted by Mr. GORMAN on the 11th ultimo, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 1636) for the opening of R street NE. to Twenty-eighth street, and of Twenty-eighth street NE. from R street to M street, having considered the same, report thereon with a recommendation that it pass.

A similar bill was introduced in the Senate during the Fifty-seventh Congress, favorably reported, and passed by the Senate.

The report was as follows:

"The Committee on the District of Columbia, to whom was referred the bill (S. 4725) for the opening of R street NE. to Twenty-eighth street, and of Twenty-eighth street NE. from R street to M street, having considered the same, report thereon with a recommendation that it pass.

"The bill has the approval of the Commissioners of the District of Columbia, as will appear by the following letter:

"'OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
"'*Washington, April 10, 1902.*

"'SENATOR: The Commissioners have the honor to submit the following upon Senate bill 4725, Fifty-seventh Congress, first session, for the opening of R street NE. to Twenty-eighth street, and of Twenty-eighth street NE. from R street to M street, which you referred to them for report:

"'A map is inclosed herewith showing, in red, the streets proposed to be opened and improved. The cost of grading the streets is estimated at $5,000. For macadamizing the entire length it is estimated that $16,200 will be required. The bill provides that the sum of $5,000, or so much thereof as may be necessary, shall be appropriated for the purpose of grading and regulating. It will be seen that the amount named is, therefore, barely sufficient to grade the streets under the most favorable conditions.

"'In regard to the necessity of opening these streets it may be stated that there is at present no public highway through the properties lying between the Reform School, Bennings road, the Anacostia River, and the Bladensburg road, all of the outlets being private roads which are in poor condition, and which the District will not accept or improve because they do not conform to the street-extension plan. The streets proposed to be opened in this bill are according to the approved plan of street extensions, and their opening and improvement would afford a much-needed outlet to the property in this section.

"'Maps of dedication of the streets named have been prepared in this office and have been signed by the proper parties without any conditions as to their improvement. These maps are now believed to be in the hands of parties interested.

"'For the reasons stated the Commissioners would recommend favorable action on the bill.

"'Very respectfully,

"'HENRY B. F. MACFARLAND,
"'*President Board of Commissioners District of Columbia.*

"'Hon. JAMES MCMILLAN,
"'*Chairman Committee on the District of Columbia, Senate.*'"

The amount indicated in the bill which passed the Senate during the Fifty-seventh Congress was not sufficient for the purpose, but the appropriation provided by this bill is deemed to be sufficient by the Commissioners of the District of Columbia, as will appear by the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 15, 1903.

SENATOR: The Commissioners have the honor to submit the following upon Senate bill 1636, Fifty-eighth Congress, first session, for the opening of R street NE. to Twenty-eighth street, and Twenty-eighth street NE. from R street to M street, which your committee referred to them for suggestions as to the merits of the bill and the propriety of its passage:

The bill provides for the improvement of streets which are in accordance with the highway-extension plans and which the parties owning the land are ready to dedicate. These proposed streets are in a part of the District which has few highways. A bill similar to this one was introduced at the first session of the Fifty-seventh Congress and favorably reported upon by the Commissioners. The amount named in that bill was not sufficient for the purpose, but the appropriation carried by the present bill ($21,200) is sufficient.

While the Commissioners are in favor of the development of some streets in this vicinity, they do not prefer the streets mentioned in the bill to those which they have already recommended in their estimates for improvement.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia, Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. CULLOM. Mr. President——

Mr. TELLER. Let us proceed a little further with the Calendar.

Mr. CULLOM. Is there any bill on the Calendar which it is important should be disposed of this afternoon?

Mr. TELLER. Do you want to have an executive session?

Mr. CULLOM. Yes; but I am willing to run along for a little while, if there is anything which it is important should be passed this afternoon.

Mr. TELLER. I wish the Senator would wait a little while. We have not been upon the Calendar very long, and there are a good many cases which should be disposed of. We might run along for a little while.

Mr. CULLOM. I am willing to do that.

Mr. COCKRELL. That is right.

MINNESOTA HISTORICAL SOCIETY.

The joint resolution (S. R. 6) to authorize the Secretary of the Navy to donate to the Minnesota Historical Society the steering wheel of the former ship *Minnesota* was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRANSPORTATION OF NAVAL AND OTHER STORES.

The bill (S. 2437) to provide for the transportation of naval and other stores and supplies in American-built ships was announced as the next bill in order on the Calendar.

The PRESIDENT pro tempore. In the absence of my colleague, I ask that the bill may go over without prejudice.

DEPOSITIONS BEFORE NAVAL COURTS.

The bill (S. 3114) to authorize the use of depositions before naval courts in certain cases, was considered as in Committee of the Whole. It proposes that the depositions of witnesses stationed or residing at such a distance from the place at which a naval court is ordered to sit, or who are under orders and about to go to such a distance that it is not practicable to secure their personal attendance without incurring great expense or serious loss of time, if taken on reasonable notice to the opposite party and duly authenticated, may be put in evidence before such court in cases not capital.

Mr. PETTUS. I should like very much to hear the reasons for the passage of this bill. I understand it authorizes depositions to be used against a man charged with an offense.

The PRESIDENT pro tempore. There is a report, which will be read.

The Secretary read the report submitted by Mr. HALE January 12, 1904, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 3114) to authorize the use of depositions before naval courts in certain cases, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following extract from Secretary Moody's letter of July 9, 1903, sent to the chairman of the Naval Committee of both Senate and House, recommending certain legislation:

"I have the honor to invite your attention to the following matters which have been presented to the Department by the Judge-Advocate-General of the Navy:

"1. A MEASURE PROVIDING FOR THE USE OF DEPOSITIONS BEFORE NAVAL COURTS-MARTIAL AND COURTS OF INQUIRY.

"By reference to S. 1103, Fifty-seventh Congress, first session, it will be seen that a bill granting such authority passed the Senate March 3, 1902. Article 91 of the Articles of War (Rev. Stat., 1878, p. 239) authorizes the use of depositions before military courts, but like authority has never been granted in the case of naval courts.

"THE USE OF DEPOSITIONS BEFORE NAVAL COURTS.

"From report for the year 1893:

"'DEPOSITIONS.

"'Article 91 of the Articles of War provides that—

"'"The depositions of witnesses residing beyond the limits of the State, Territory, or district in which any military court may be ordered to sit, if

taken on reasonable notice to the opposite party and duly authenticated, may be read in evidence before such court in cases not capital."

"'The effect of this statute is stated in Winthrop's Military Law to be not merely to indicate when depositions shall be admissible, but to entitle parties to the depositions of witnesses when their personal testimony can not, without too great a delay or expense or other prejudice to the service, be obtained. The articles for the government of the Navy contain no similar provisions. It frequently happens in the naval service that a considerable time must elapse between the date on which an offense is committed and the convening of a naval court for the trial of the accused. In that interval witnesses may have been ordered to other duty on foreign stations at a great distance from the place where the court is being held. It is often a grave question whether the interests of the public service require that such witnesses be subpœnaed and recalled from the regular duty to which they may have been assigned, involving loss of time and expense of travel, in order that they may give testimony at the trial.

"'While it is undoubtedly desirable that the testimony of witnesses be taken in open court and in the presence of the accused in all cases where it is practicable to do so, it would seem that a provision similar to that above quoted, authorizing the introduction in evidence before naval courts of depositions of witnesses stationed or residing at such a distance from the place where such courts are held that it is not practicable to secure their personal attendance, would materially promote the administration of justice in the Navy.'

"From report for 1894:

"'DEPOSITIONS.

"'In addition to the proposed legislation heretofore mentioned, a bill was introduced in both Houses during the second session of the present Congress providing as follows:

"'"The depositions of witnesses stationed or residing at such a distance from the place where a naval court is held, or who are under orders and about to go to such a distance that it is not, in the judgment of the court, practicable to secure their personal attendance without incurring unreasonable expense and loss of time, if taken on reasonable notice to the opposite party and duly authenticated, may be put in evidence before such court."

"'No action was taken on this bill by the committees to which it was referred. For the reasons fully set forth in my last report it is believed that such legislation would be of material value in administering justice in the naval service.'

"DEPOSITIONS.

"From the report for 1895:

"'DEPOSITIONS.

"'As a rule, the witnesses whose evidence is required before naval courts-martial are persons in the naval service. Such witnesses are subject to orders at all times, and have, as a general thing, no permanent place of duty, but are transferred from one station or vessel to another whenever occasion requires. The vessels composing one squadron may be together or widely separated, as the exigencies of the service demand. In consequence of these conditions it not infrequently happens that during the interval which must elapse between the commission of an offense and the trial of the person accused, witnesses important to the prosecution or defense are ordered to distant stations. This peculiarity of the naval service renders the use of depositions, under proper restrictions, far more important than in the case of criminal prosecutions before the civil courts, where the majority of the witnesses are generally taken from the permanent population of the community in which the offense is committed.

"'The evils consequent upon these peculiar conditions are several. The Department hesitates to order the trial of an offender in cases where the accused is at some navy-yard or station in the United States while witnesses whose testimony should be had at the trial are found to be on their way to Alaska, China, or the South Atlantic station. If convened, the court might, under such circumstances, be unable justly to determine the case brought before it. On the other hand, if the trial be delayed until the witnesses return, unnecessary hardship is imposed upon the person accused, whether guilty or innocent; and if witnesses widely separated are brought together especially for the purposes of the trial serious inconvenience to the service, loss of time, and expense is entailed. It is true that by the exercise of promptness and judgment in ordering courts and by keeping important witnesses within reach these evils can be in some measure avoided; but cases arise in which this can not be done; and experience has, in my opinion, demonstrated that legislation on this subject is desirable. I am confirmed in this view by the fact that to correct similar evils arising from the same conditions (though doubtless to a less degree) in the Army, Congress has authorized the use of depositions in that branch of the service. Article 91 of the Articles of War provides that—

"'"The depositions of witnesses residing beyond the limits of the State, Territory, or district in which any military court may be ordered to sit, if taken on reasonable notice to the opposite party and duly authenticated, may be read in evidence before such court in cases not capital."

"'While carefully weighing and recognizing the objections to the use of the depositions in criminal cases under ordinary circumstances, I am nevertheless satisfied that the enactment, with reference to the Navy, of a clause similar to that above quoted, and which is in force with regard to the Army, would promote the administration of justice and tend to correct serious evils now existing, it being premised, of course, that it is by no means proposed or suggested that the examination of witnesses in open court be done away with, but that the admission of depositions be authorized only in cases where personal attendance is not practicable.'

"From the report for 1896:

"'DEPOSITIONS.

"'The power to convene naval general courts-martial is by law vested in the President, the Secretary of the Navy, or the commander in chief of a fleet or squadron, and it is, in addition, explicitly provided that "no commander of a fleet or squadron in the waters of the United States shall convene such court without express permission from the President." Upon the commission by any person in the naval service of an offense grave enough to warrant trial by general court-martial, the matter is at first made the subject of official report to the commander in chief of the squadron or to the Secretary of the Navy, as the case may be; the circumstances under which the offense was committed are then carefully considered and such investigation entered upon as may be necessary; and, finally, if the case is deemed sufficiently serious, charges and specifications are formulated and a court convened. In practice a considerable time elapses, as a rule, between the commission of an offense and the conviction or acquittal of the person accused, inasmuch as protracted correspondence is often necessary in order to satisfy the convening authority as to whether or not a court should be ordered. In the meantime witnesses having knowledge of facts important to the prosecution or defense may, through exigencies of the service, be widely scattered, and in such cases it is frequently very difficult and occasions great inconvenience and expense to obtain the attendance of witnesses without whose presence in court the interests of the accused or those of the service will materially suffer.

"'The facts necessary to establish before a naval court-martial the guilt or innocence of the accused usually rest within the knowledge of officers and men in the Navy, a peculiar class of witnesses, having as a rule no fixed or permanent station and liable to be ordered to remote duty at any moment; and it is to be observed that the evidence of this class of witnesses, in consequence of the responsibility growing out of their continued connection with the naval service, would when given by deposition undoubtedly be more than ordinarily credible.

"'The considerations above indicated, together with others discussed in a former report, lead me to believe that the enactment, with reference to the Navy, of a clause similar to that which is now in force with respect to the Army would promote the efficient administration of justice by naval courts.

"'The existing provision of law referred to is embodied in article 91 of the Articles of War, and provides that—

"'"The depositions of witnesses residing beyond the limits of the State, Territory, or district in which any military court may be ordered to sit, if taken on reasonable notice to the opposite party and duly authenticated, may be read in evidence before such court in cases not capital."

"'The draft of a provision of law on this subject, which received the Department's approval, and was embodied in a bill (H. R. 4319) introduced in the House of Representatives January 17, 1896, by Mr. Hilborn, and still pending, is as follows:

"'"The depositions of witnesses stationed or residing at such a distance from the place where a naval court is held, or who are under orders and about to go to such a distance that it is not, in the judgment of such court, practicable to secure their personal attendance without incurring unreasonable expense and loss of time, if taken on reasonable notice to the opposite party and duly authenticated, may be put in evidence before such court in cases not capital.'"

"From the report for 1897:

"'DEPOSITIONS.

"'Article 91 of the Articles of War reads as follows:

"'"The depositions of witnesses residing beyond the limits of the State, Territory, or district in which any military court may be ordered to sit, if taken on reasonable notice to the opposite party and duly authenticated, may be read in evidence before such courts in cases not capital."

"'While the provision of law above quoted is applicable to the Army only, the reasons which prompted its enactment apply with equal if not greater force to the Navy. The operations of the latter branch of the service extend over a much wider field. In the case of the Army it may be assumed that under ordinary circumstances witnesses can be found within the limits of the United States, inasmuch as, in time of peace at least, the Army does not go beyond our national borders. Witnesses serving on board naval vessels, however, are subject at any moment to be ordered to distant stations in foreign waters rendering their recall for the purpose of giving testimony a matter of expense and inconvenience. In such cases it becomes difficult to determine whether the interests of the service will be best promoted by dispensing with the testimony of witnesses serving on remote stations, and thus, perhaps, causing a failure of justice, or by ordering them to attend and testify, necessarily incurring heavy expense, loss of time, and inconvenience. The obvious remedy is the enactment with respect to the Navy of some such provision as that above quoted, which has for many years past authorized the use of depositions by military courts.

"'The draft of a provision of law designed to meet the requirements of the case was embodied in a bill introduced in the last Congress by Mr. Hilborn, of California. This proposed measure was approved by the Department in the form in which it was introduced, but it failed to become a law. It provided that—

"'"The depositions of witnesses stationed or residing at such a distance from the place where a naval court is held, or who are under orders and about to go to such a distance that it is not, in the judgment of such court, practicable to secure their personal attendance without incurring unreasonable expense and loss of time, if taken on reasonable notice to the opposite party and duly authenticated, may be put in evidence before such court in cases not capital.'"

"From the report for 1898:

"'DEPOSITIONS.

"'A further matter with respect to which legislation is necessary in order to empower naval courts to administer the duties with which they are charged by law is that of depositions. Under the law as it stands, depositions are not admissible before naval courts; and on account of the peculiar organization and duties of the Navy it frequently happens that witnesses can not be brought before courts-martial requiring their testimony. Naval vessels rarely remain long at any one point, and the personnel of the vessels themselves, as well as that of navy-yards and stations, is subject to frequent change. Salutary provisions of the regulations require that preliminary investigation and report be made in all cases where a doubt exists respecting the necessity of convening a general court-martial for the trial of an offense, and in the ordinary course such preliminary steps, the purpose of which is to avoid unnecessary resort to this extreme measure, occupy some time, and during the period intervening between the commission of an offense and the convening of a court for the trial of the offender, witnesses, if in the naval service, are frequently detached and ordered to distant duty; and civilian witnesses may, by the movements of vessels, be left in distant ports. When this state of affairs is found to exist, the Department must determine whether the interests of the service will be least prejudiced by dispensing with the testimony of witnesses serving on remote stations or residing at a great distance from the place at which the court is convened, or by bringing them before the court at large expense, and, in the case of witnesses connected with the Navy, at loss of time and inconvenience to the service.

"'Obviously these difficulties could be remedied by the enactment of a properly guarded provision authorizing the use of depositions before naval courts-martial. The Department has heretofore favored a bill, introduced in the last Congress by a member of the Naval Committee of the House, which provided that—

"'the depositions of witnesses stationed or residing at such a distance from the place at which a naval court is ordered to sit, or who are under orders and about to go to such a distance that it is not practicable to secure their personal attendance without incurring great expense or serious loss of time, if taken on reasonable notice to the opposite party and duly authenticated, may be put in evidence before such court in cases not capital."

"'While the enactment of this provision would be in the nature of new legislation so far as the Navy is concerned, the principle is not new in its application to courts-martial, since article 91 of the Articles of War authorizes the use of depositions before military courts, and it is understood that this provision has proven valuable in connection with the administration of military justice. Instances have occurred during the past year which strongly emphasize the necessity of empowering naval courts to use, under proper restrictions, depositions of important witnesses whose testimony may be essential to the ascertainment of facts respecting cases which they are called upon to adjudicate. It is therefore recommended that Congress be urged to give favorable consideration to the above-quoted or to some other suitable meas-

ure authorizing naval courts to use depositions in cases similar to those in which they would be admissible before military courts.'

"From the report for 1899:

"'DEPOSITIONS.

"'In consequence of the peculiar duty on which the officers and men of the Navy are engaged, necessitating their frequent transfer from one station to another and their assignment to duty in different parts of the world from time to time, as the needs of the service require, it very frequently happens that they can not be present before naval courts-martial and courts of inquiry to give testimony with respect to matters lying within their knowledge.

"'It is provided by the Navy Regulations that certain preliminary investigations and reports be made in all cases where doubt exists as to whether or not a general court-martial should be convened for the trial of an accused person, and pending these proceedings officers whose testimony is desirable, either on behalf of the prosecution or the defense, may be sent to distant stations. If the testimony of such officers is essential, they must be ordered to appear before the court at whatever expense and loss of time the necessary travel may occasion, or the trial must be abandoned. Such embarrassments, which frequently arise, could of course be prevented by the enactment of a properly guarded provision authorizing the use of depositions before naval courts-martial. Congress has heretofore had before it a draft of a measure introduced by a member of the Naval Committee of the House, which provided that:

"'"The depositions of witnesses stationed or residing at such a distance from the place at which a naval court is ordered to sit, or who are under orders and about to go to such a distance that it is not practicable to secure their personal attendance without incurring great expense or serious loss of time, if taken on reasonable notice to the opposite party and duly authenticated, may be put in evidence before such court in cases not capital."

"'It is believed that the use of depositions in proper cases would tend to reduce the expenses attending courts-martial on the one hand, and on the other would prove of material value in promoting the ends of justice by placing at the disposal of the prosecution or the defense, as the case may be, evidence which must, in the absence of authority for their use, be dispensed with whenever it happens that witnesses are so far away or are engaged upon such duty that it is not deemed proper to order them to appear before the court.

"'It is proper to add that under the provisions of article 91 of the Articles of War depositions have long been in use before courts-martial in the Army.'

"From the report for 1900:

"'DEPOSITIONS.

"'The matter of the use of depositions before naval courts-martial and courts of inquiry, upon which comment and recommendation have been made frequently heretofore, is still of pressing importance, and owing to the considerations mentioned in the reports of this office for previous years the interests of the service in this respect are disadvantaged by the lack of a law permitting the practice referred to, which commends itself from every point of view, and is similar to that in vogue in the Army. Congress has heretofore had before it, in the Senate and in the House, drafts of a measure containing guarded and efficient provisions covering this matter. Attention is invited to the bill, No. 1358, introduced in the Senate during the last session and reported favorably, with recommendation for passage, by the Committee on Naval Affairs, Report No. 527.'

"From the report for 1901:

"'DEPOSITIONS.

"'The events of the past few years and the experience had since the last annual report of this office have emphasized the importance and the growing need of a law permitting the use of depositions before naval courts-martial and courts of inquiry, concerning which urgent and frequent recommendations have been made previously. As stated heretofore, the practice commends itself from every point of view and is now in vogue in the Army. The recommendation is earnestly renewed that this matter receive the favorable attention of the Congress.'

"From the report for 1902:

"'DEPOSITIONS.

"'A measure providing for the use of depositions before naval courts-martial and courts of inquiry, authority for which has frequently been requested heretofore, was introduced in the Senate (S. 1103), passed by that body on the 3d of March last, and by the House referred to its Committee on Naval Affairs, but it was not reported, nor was the bill H. R. 8117, of similar purport, introduced in the House and referred to the same committee, reported by it.'"

A bill to authorize the use of depositions before naval courts in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the depositions of witnesses stationed or residing at such a distance from the place at which a naval court is ordered to sit, or who are under orders and about to go to such a distance that it is not practicable to secure their personal attendance without incurring great expense or serious loss of time, if taken on reasonable notice to the opposite party and duly authenticated, may be put in evidence before such court in cases not capital.

Mr. PETTUS. I ask that the bill may be passed over for the present without prejudice. I desire to examine the question whether you can use depositions in a criminal case like this.

Mr. HALE entered the Chamber.

Mr. LODGE. The chairman of the Committee on Naval Affairs is now present.

The PRESIDENT pro tempore. The Senator from Maine is now present.

Mr. HALE. Is there any objection to the bill, Mr. President?

The PRESIDENT pro tempore. The report has been read. The Senator from Alabama says he wishes to look into the propriety or legality of using depositions in criminal cases.

Mr. HALE. These are quasi criminal cases; that is, they are examinations ordered by the Navy Department. Almost in all cases they are for trivial offenses, and it is sometimes almost impossible to get the testimony of parties who are five hundred or a thousand miles away.

I should agree with the Senator that there ought to be no encroachment on the general principle of criminal law that the accused should be confronted with the witnesses. But the Senator sees as well as I do what the situation here is. It is not like a criminal court.

Mr. TELLER. Let the bill go over anyway.

Mr. HALE. If the Senator from Alabama wants the bill to go over, in order that he may examine it further, I have no objection.

Mr. TELLER. Let it go over.

Mr. PETTUS. I merely desire to examine the question. My inclination is to believe that you can not use a deposition in a criminal case without the consent of the accused.

Mr. HALE. You can not, undoubtedly. The bill may go over, and then the Senator and I will confer about it.

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. HALE. Without prejudice.

REMOVAL OF DERELICTS.

The bill (S. 2641) to provide for the removal of floating dangers to navigation in certain steamship lanes off the Atlantic coast of the United States, and for the construction of a suitable vessel, to be used for such purpose by the Navy Department, was considered as in Committee of the Whole. It authorizes the President to have constructed, at a cost of not exceeding $300,000, one twin-screw vessel, of about 1,000 tons displacement, to be especially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up, or otherwise destroying or of towing into port, wrecks and derelicts or other floating dangers to ocean navigation in the steamship lanes from the North Atlantic coast of the United States to or beyond the eastern limit of the Georges Bank.

Mr. HALE. I will take the suggestion of the Chair. Has a similar bill to this, reported by the Committee on Commerce, already been passed?

The PRESIDENT pro tempore. A bill similar to this, not, however, leaving the vessel within the jurisdiction of the Navy, but putting it under the Department of Commerce and Labor, and providing for a smaller vessel, to cost $200,000, I believe, was passed.

Mr. HALE. Let this bill be passed, and then we can see which bill is the proper one.

Mr. FAIRBANKS. Does it not amount practically to a duplication?

Mr. HALE. No; this bill provides that the vessel shall be under the Navy, while the other bill provided for another Department furnishing a ship or building it purposely for this service.

Mr. FAIRBANKS. But they are to accomplish the same purpose.

Mr. HALE. They are to accomplish the same purpose.

The PRESIDENT pro tempore. Well, hardly. Will the junior Senator from Maine be allowed to say just a word?

Mr. HALE. I hope so.

The PRESIDENT pro tempore. The vessel provided for in the bill passed the other day was for the southern coast from Hatteras down, where there is greater necessity for it than anywhere else. The one provided for here is for use off the coast east.

Mr. HALE. It is general. I think the bill certainly ought to be passed.

Mr. LODGE. It is for use on the ocean lanes.

Mr. MITCHELL. Is there any limit in this bill?

Mr. HALE. It is general in its terms.

Mr. MITCHELL. The reason I make the inquiry is this: A bill was here last session of Congress having for its purpose the prevention of floating logs by rafts on the Pacific Ocean along the Oregon and Washington coasts. I want to know if this bill would affect that matter.

Mr. HALE. No; it does not affect that at all. It is made applicable to the waters of the United States, wherever these derelicts are, which are very dangerous.

Mr. MITCHELL. A raft might be called, in a sense, a derelict.

Mr. HALE. It would not, technically.

Mr. MITCHELL. Technically it would not mean that.

Mr. HALE. No; a derelict is a half-sunken ship.

Mr. MITCHELL. The reason I interfere is, as I have just stated, I am opposed to legislation that will prevent the transfer of timber or logs by rafts on the waters of the Pacific Ocean.

Mr. HALE. I am inclined to think, although I did not listen to the reading of the bill, that it applies to the lanes off the Atlantic and is not confined to the Southern Atlantic. I think the language of the bill is that way. Will the Secretary read the provision which designates the waters upon which the vessel shall operate?

The Secretary read as follows:

Said vessel to be attached to the Navy Department and to be operated for the above-named purpose in the steamship lanes from the North Atlantic coast of the United States to or beyond the eastern limit of the Georges Bank.

Mr. HALE. It would not apply to the Pacific at all.

Mr. MITCHELL. It would not apply to the Pacific at all.

Mr. MALLORY. I did not exactly catch what the Senator from Maine said in reference to the bill which passed the Senate

some time ago, having been reported favorably by the Committee on Commerce, but I understood the junior Senator from Maine to say that that bill applied to derelicts in southern waters—on the South Atlantic. While that may be so, my recollection of the bill is that it made no provision for any particular location in which the vessel should act.

Mr. HALE. Let me suggest to the Senator that if this bill passes, then a little conference, in order that all waters of the Atlantic may be covered, can decide which bill shall be pressed in the other House.

Mr. MALLORY. I do not wish the Senator from Maine to understand me as opposing this measure.

Mr. HALE. No.

Mr. MALLORY. In fact, I am in favor of two vessels, and I said so in committee. But the other bill provides that the vessel shall be under the control and supervision and management of the Department of Commerce and Labor, and this bill provides for a vessel to be under the control and management of the Navy Department. The purpose and object of these vessels are the same in each case; that is, to destroy derelicts. Only this one confines it to the lanes of the trans-Atlantic ships, whereas the other does not confine it to any particular portion of the ocean. It was understood, at least that is my recollection, that she would be used particularly to destroy derelicts found along the Gulf stream.

The point to which I wish to call attention is that I should like to see two vessels. I think two vessels are necessary for this purpose; but if we are going to have two vessels, it strikes me it would be well to put them under the same management and control, rather than to have one under the Navy Department and one under the Department of Labor and Commerce. That point, if I may be permitted to say so, was considered in the Committee on Commerce, and after considerable discussion we thought it better to put the vessel under the Department of Labor and Commerce.

Mr. HALE. Let this bill pass, and then it can be decided under which Department the vessel shall be placed. It is not important which.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS-MARTIAL AT REMOTE NAVAL STATIONS.

The bill (S. 3110) to provide for the convening of general courts-martial at remote naval stations was considered as in Committee of the Whole. It proposes that the commandant of any naval station beyond the continental limits of the United States may, by express authority of the President, be empowered to convene general courts-martial for the trial of persons under his command.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEOPOLD HERBERT SCHWERIN.

Mr. DRYDEN. I should like to call up the bill (S. 2605) to authorize the appointment of Acting Asst. Surg. Leopold Herbert Schwerin, United States Navy, as an assistant surgeon in the United States Navy.

Mr. LODGE. Let us continue with the Calendar.

Mr. TELLER. I shall have to object to the request of the Senator from New Jersey. I think we ought to go on with the Calendar.

The PRESIDENT pro tempore. Objection is made. The Secretary will state the next case on the Calendar.

KALORAMA AVENUE.

The bill (S. 127) authorizing the joining of Kalorama avenue was announced as the next business in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 2, section 1, line 3, to strike out all of the bill after the word "ground" and to insert in lieu thereof the following:

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Kalorama avenue, as herein provided, such amount thereof shall be assessed, by the jury hereinafter provided for, as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said avenue as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said avenue as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said avenue as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, reject the award and assessment of said jury and all proceedings hereunder shall be null and void.

SEC. 3. That proceedings to condemn land and assess benefits, as provided for herein, shall be under the provisions of sections 3, 4, 5, 6, 7, 9, and 11 of the act of Congress approved June 6, 1900, entitled "An act for the extension of Columbia road east of Thirteenth street, and for other purposes," except that the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be payable one half out of the revenues of the District of Columbia and the other half out of any money in the United States Treasury not otherwise appropriated.

SEC. 4. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable as provided in section 5 of the act of Congress entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of the property proposed to be taken, or of property assessed for the benefits whenever such amendments will not interfere with the substantial rights of the parties interested, and any such amendment may be made after as well as before the order or judgment confirming the verdict or award aforesaid.

SEC. 5. That the sum of $300 is hereby appropriated to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, one half payable from the revenues of the District of Columbia and the other half out of any money in the United States Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLEN V. REED.

The bill (S. 2540) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy, was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to have some explanation of the bill——

Mr. LODGE. Let it go over without prejudice.

Mr. COCKRELL. Inasmuch as the appointment is to date from 1898.

Mr. HALE. Let the bill go over without prejudice.

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. GALLINGER. I will say to the Senator from Missouri that when it comes up again I will be glad to make a full explanation of the reasons why the Naval Committee have reported the bill. A similar bill has twice before been reported, and it passed the Senate at the last session of Congress.

Mr. COCKRELL. I want information as to why the commission is to date back.

Mr. GALLINGER. I would rather not undertake the explanation to-day, not being in good health.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

JOSEPH B. SARGENT.

The bill (S. 351) for the relief of Joseph B. Sargent was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Joseph B. Sargent $583.67, the same being the value of property belonging to him and illegally seized, and for money improperly and unlawfully collected from him as alleged duties and penalties by United States officials at the port of El Paso, Tex.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICARDO IGLESIAS.

The bill (S. 2845) to authorize the appointment of Ricardo Iglesias as a midshipman in the United States Navy was considered as in Committee of the Whole. It authorizes the President of the United States to appoint Ricardo Iglesias, a graduate of the Naval Academy in the class of 1903, a midshipman in the Navy of the United States, in the line of promotion, to rank at the foot of that class, provided he becomes a citizen of the United States.

Mr. BACON. I should like to ask the Senator in charge of the bill whether it is intended by the bill that this midshipman shall take precedence in rank of all classes subsequent to 1903?

Mr. PERKINS. It is not. I will say that Ricardo Iglesias was appointed by joint resolution of Congress in 1899 as a cadet at the Naval Academy. He comes from one of the first families and one of the leading families of Costa Rica. He is indorsed personally to me by the American minister. He was graduated with honors at the Naval Academy at Annapolis. He is recommended by the Superintendent of the Academy, by the Secretary of the Navy, and the Department for this appointment, upon the condition that he become—of course he is not eligible otherwise—an American citizen. If this bill shall become a law, he will then take his place at the foot of the list, the same as other cadets graduated at the same time.

Mr. BACON. I understand that.

Mr. PERKINS. He is a bright young man.

Mr. BACON. If the Senator will pardon me, I inquired because I did not know whether there had been any midshipmen appointed subsequent to the graduation of that class. If there

has been none, then of course he will not take precedence of any one previously appointed.

Mr. PERKINS. None has been appointed since.

Mr. BACON. That is the only purpose of my inquiry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CEMETERY LAND AT CENTRAL CITY, COLO.

The bill (S. 703) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows, of Central City, Colo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, to strike out the first paragraph and insert:

That the Secretary of the Interior be, and is hereby, authorized to set apart from and out of the mineral lands in Eureka mining district, Gilpin County, State of Colorado (such lands having been heretofore returned to the land office at Central City as mineral lands), a tract of land not exceeding seven acres in extent, to be used by the Independent Order of Odd Fellows, of Central City, Colo., as a cemetery, and being all that portion of the following-described tract not included in any prior valid claim, namely:

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESURVEY OF LANDS IN COLORADO.

The bill (S. 2382) providing for the resurvey of certain townships in Routt and Rio Blanco counties, in the State of Colorado, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF M STREET.

The bill (S. 1635) for the extension of M street east of Bladensburg road, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 3, on page 3, line 5, after the word "act," to insert:

And are hereby reenacted for said purpose: *Provided, however*, That notwithstanding anything contained in the aforesaid section 8 of said act, the assessments by the jury for benefits for said opening or extension shall be payable in five equal installments, with interest at the rate of 4 per cent per annum from and after sixty days after the confirmation of the verdict and award, and in all cases of payments the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment.

So as to read:

SEC. 3. That the provisions of sections 3, 4, 5, 6, 7, 8, 9, and 11 of public act No. 181, approved June 6, 1900, be, and the same are hereby, made applicable to this act, and are hereby reenacted for said purpose: *Provided*, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPOSITION AT PORTLAND, OREG.

The bill (S. 276) to provide for the celebration of the one hundredth anniversary of the exploration of the Oregon country by Capts. Meriwether Lewis and William Clark during their expedition from the Mississippi River to the Pacific Ocean in the years 1804, 1805, and 1806; and to authorize a commission representing the United States to hold at the city of Portland, in the State of Oregon, a national, international, and oriental exhibition of arts, industries, manufactures, and the products of the rivers, soil, mine, forest, and sea in said State; and to provide and assist in the erection of a memorial building in said city of Portland, to be known as the Lewis and Clark Memorial Building; and to authorize an appropriation for all said purposes, was next in order on the Calendar.

Mr. GALLINGER. Let the next bill go over.

Mr. CULLOM. I am inclined to move——

Mr. MITCHELL. What suggestion was made about the next bill on the Calendar?

Mr. GALLINGER. I suggested that it might go over for the day.

Mr. MITCHELL. I hope the Senator will withdraw his objection.

Mr. GALLINGER. I have no objection to taking it up, but I do not think the Senate will be likely to pass it to-day.

Mr. CULLOM. If it is going to be discussed——

Mr. TELLER (to Mr. MITCHELL). Let it go over.

Mr. MITCHELL. Let it go over. I shall insist, however, when we take up the Calendar again that we shall proceed with the consideration of this bill.

Mr. PLATT of Connecticut. The Senator from Oregon gave notice this morning that he would call it up on the conclusion of the Panama treaty.

Mr. CULLOM. I wish to move an executive session.

Mr. BLACKBURN. I shall have to object, unless we are to go on and consider down the Calendar.

Mr. CULLOM. The Senator from New Jersey [Mr. DRYDEN] has been trying for a good while to have a bill considered.

Mr. BLACKBURN. I am in charge of a bill which is in front of us, and if we are to go on any further with bills upon the Calendar, I think it would be better to pursue the regular order.

Mr. CULLOM. Will the Senator state what his bill is?

Mr. BLACKBURN. It is Order of Business 293, Senate bill 1553, the second bill ahead.

Mr. CULLOM. So far as the bill in behalf of Liliuokalani is concerned——

Mr. BLACKBURN. That is the bill.

Mr. CULLOM. I am sure there will be discussion about that measure.

Mr. BLACKBURN. If so, let us have it.

Mr. CULLOM. We do not want to have it to-day.

Mr. GALLINGER. I wish to withdraw my request that Senate bill 276 shall go over. I did not suppose that the Senator from Oregon wished to press that bill to-day, but as I certainly shall not oppose the bill I do not wish to interpose any objection.

Mr. MITCHELL. I thank the Senator from New Hampshire. I do not wish to proceed with it if there is any disposition to have any extended debate, of course, but I do not think there will be much debate. The bill may be read, and then we can ascertain the sense of the Senate. I ask that the bill be read for information.

The Secretary read the bill; and it was considered as in Committee of the Whole.

The bill was reported from the Select Committee on Industrial Expositions with amendments.

The first amendment was, in section 4, line 13, before the word "appointed," to strike out the words "a like number" and insert "one."

Mr. PLATT of Connecticut. What is the nature of that amendment?

The PRESIDING OFFICER (Mr. PERKINS in the chair). The amendment will be again read.

Mr. PLATT of Connecticut. But we do not get any right idea of the amendment the way it is stated.

Mr. GALLINGER. Let it be read as amended.

The PRESIDING OFFICER. It will be read as amended.

The Secretary read as follows:

That said commission, when fully organized under the provisions of this act, shall appoint two of their number to act in conjunction with one appointed by the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair.

The PRESIDING OFFICER. The amendment will be agreed to, if there be no objection. The Chair hears none, and it is agreed to.

Mr. BAILEY. Mr. President——

Mr. MITCHELL. There are two or three other amendments to be acted on.

Mr. BAILEY. It makes little difference at what point in the course of this proceeding I interpose my objection. I have never seen one of these propositions that a majority of the House, when I was there, or a majority of the Senate, now that I am here, have really believed ought to pass, and yet I have never seen one of them defeated in either House. It is practically certain that this measure is going to pass. Our successors, perhaps, will be celebrating the acquisition of the Philippines, and their successors will probably be celebrating the acquisition of Panama, and they will find other lesser historical events to celebrate.

When they have celebrated everything they can find in the histories written for school children they will probably begin over to celebrate each one of them for a second and a third time, until I venture to say that in less than twenty years there will be serious propositions presented to Congress for the Federal Government to hold annual expositions in certain great cities of this country; and although nobody will believe that it ought to be done a majority will vote to do it.

This, Mr. President, may seem rather an ungracious criticism, but it implies that while we do not always vote for what we consider right in the abstract we are persuaded by peculiar and exceptional circumstances to vote for what, though wrong as a general proposition, is right in the particular case.

I know how difficult it is to resist the persuasion of my friend from Oregon. I am as amenable to those influences as anybody else, and have no pride in thinking myself exempt from the appeals that control other men in matters of this kind. But I am so certain that this is wrong that I must oppose it. I am so certain, however, that my opposition is fruitless that I shall simply content myself with voting against it without further consuming the time of the Senate.

The PRESIDING OFFICER. The Secretary will state the next amendment proposed by the committee.

The SECRETARY. On page 4, section 4, line 18, after the word "State," it is proposed to strike out "said two" and insert "one;" in line 19 after the word "and," to strike out "a like number" and insert "one to be appointed; on page 5, line 2, after the word "shall," to strike out "appoint" and insert "select;" in the same line, before the word "member," to strike out "seventh" and insert "fifth;" in line 3, before the word "member," to strike out "seventh" and insert "fifth;" and in line 5, after the words "Secretary of the Treasury," to insert "and in case of failure to agree on such fifth member, then such member shall be selected and appointed by the Secretary of the Treasury;" so as to make the section read:

SEC. 4. That said commission, when fully organized under the provisions of this act, shall appoint two of their number to act in conjunction with one appointed by the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, a corporation organized and existing under the general laws of the State of Oregon, and having its office and principal place of business at Portland, in said State, one to be chosen from the executive committee of said corporation and one to be appointed from the Lewis and Clark Centennial Exposition Commission of the State of Oregon, to constitute a board of arbitration, to whom all matters of difference arising between said national commission and said company concerning the administration, management, or general supervision of said exposition shall be referred for determination; and in case of the failure of said board of arbitration to agree upon such matters as may be so referred, said board of arbitration shall select a fifth member thereof, such fifth member so agreed upon to be then appointed by the Secretary of the Treasury, and in case of failure to agree on such fifth member, then such member shall be selected and appointed by the Secretary of the Treasury; and the decision of said board shall be final in all matters presented to it for consideration and determination.

The amendment was agreed to.

The next amendment was, on page 8, section 13, line 22, after the words "Executive Departments," to insert "the Library of Congress;" on page 9, line 16, after the words "Executive Departments," to insert "the Librarian of Congress;" in line 22, after the word "named," to insert "and detailed;" and in line 23, after the words "Executive Departments," to insert "one by the Librarian of Congress;" so as to read:

SEC. 13. That there shall be exhibited at said exposition by the Government of the United States, from its Executive Departments, the Library of Congress, the Smithsonian Institution, the National Museum, the United States Commission of Fish and Fisheries, such articles and material as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; and the Bureau of the American Republics is hereby invited to make an exhibit illustrating the resources and international relations of the American Republics, and space in the United States Government building shall be provided for the purpose of said exhibit; and to secure a complete and harmonious arrangement of such Government exhibit, a board, to be known as the United States Government Board, shall be created, independent of the Commission hereinbefore provided, to be charged with the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles and materials as the heads of the several Executive Departments, the Librarian of Congress, the Secretary of the Smithsonian Institution, the Commissioner of Fish and Fisheries, and the Director of the Bureau of the American Republics may, respectively, decide shall be embraced in said Government exhibit. The President may also designate additional articles for exhibition. Such board shall be composed of one person to be named and detailed by the head of each Executive Department, one by the Librarian of Congress, one by the Secretary of the Smithsonian Institution, one by the Commissioner of Fish and Fisheries, etc.

The amendment was agreed to.

The next amendment was, on page 16, section 19, line 18, before the word "States," to strike out "the" and insert "several;" in the same line, after the word "States," to strike out "and Territories;" in line 20, before the word "signified," to strike out "officially;" in line 21, before the word "said," to insert "promoting;" on page 17, line 1, after the word "exposition," to strike out "to pay" and insert "including payment of;" in line 8, after the word "buildings," to strike out "and the making and care of its own exhibits at said exposition;" and in line 13, after the word "said," to strike out "Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair" and insert "National Commission;" so as to make the section read:

SEC. 19. That whereas the State of Oregon has appropriated $500,000 to assist in holding said exposition and the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair has created a fund of $400,000, with an additional fund to be raised of $100,000, to assist in holding said exposition, aggregating $1,000,000 raised by the people of the State of Oregon toward the celebration of this epoch in American history; and whereas several States of the United States and several foreign countries have already signified their intention to participate in promoting said exposition, and have appropriated large sums of money to assist in holding same, therefore there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500,000, in addition to the sums hereinbefore appropriated by this act, to aid in carrying forward said exposition, including payment of the salaries of the members and secretary of the Commission herein authorized, and such other necessary expenses as may be incurred by said Commission in the discharge of its duties in connection with said exposition, and to discharge all such other obligations incurred by the Government on account of said exposition, except for the erection of its own buildings, and except the sum appropriated for the erection of the Lewis and Clark Memorial Building, and to provide the contents thereof as hereinbefore authorized. That the money hereby appropriated shall be disbursed under the direction of the said National Commission, under rules and regulations to be prescribed by the Secretary of the Treasury, and upon vouchers to be approved by such National Commission, acting by and through its president and secretary.

The amendment was agreed to.

The next amendment was, on page 18, section 20, line 5, after the word "exhibits," to insert "the expense thereof to be paid out of the money hereinbefore appropriated;" so as to make the section read:

SEC. 20. That it is hereby made the especial duty of said national commission to provide a full and complete exhibition at said exposition of the arts, industries, manufactures, and products of the soil, mine, forest, and other resources of the Territory of Alaska, the Hawaiian Islands, the Philippine Islands, and the oriental countries, and to illustrate the commerce of the Pacific Ocean; and to that end the President of the United States is hereby authorized to designate any consul, vice-consul, or officer of the military or naval service of the United States to assist said commission in the collection of said exhibits, the expense thereof to be paid out of the money hereinbefore appropriated.

The amendment was agreed to.

The next amendment was, on page 21, after line 17, to insert as a new section the following:

SEC. 27. That no machinery shall be operated on said exposition grounds on a Sunday for the purpose of display, and all places of amusement within the inclosure of the exposition grounds shall be closed on every Sunday during the period that such exposition shall be held. Provision shall be made by those in charge of the exposition grounds for the holding of devotional exercises and sacred concerts on the grounds on Sundays.

Mr. PLATT of Connecticut. I move to amend the amendment by inserting in lieu of it what I send to the desk; and on that amendment I shall ask for the yeas and nays.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In lieu of the amendment proposed by the committee as section 27 it is proposed to insert the following:

SEC. 25. That as a condition precedent to the payment of any and all appropriations made in this act, the corporation in charge of the exposition shall contract with the Secretary of the Treasury to keep the gates closed on Sundays during the entire period of the exposition.

Mr. FULTON. Mr. President, I hope the amendment proposed as a substitute for the amendment reported by the committee will not be adopted. I call the attention of the Senate to the amendment reported by the committee, which reads as follows:

SEC. 27. That no machinery shall be operated on said exposition grounds on a Sunday for the purpose of display, and all places of amusement within the inclosure of the exposition grounds shall be closed on every Sunday during the period that such exposition shall be held. Provision shall be made by those in charge of the exposition grounds for the holding of devotional exercises and sacred concerts on the grounds on Sundays.

The amendment offered by the Senator from Connecticut reads:

That as a condition precedent to the payment of any and all appropriations made in this act, the corporation in charge of the exposition shall contract with the Secretary of the Treasury to keep the gates closed on Sundays during the entire period of the exposition.

Let me explain our position, Mr. President. You will observe that the committee amendment requires all the machinery to be closed down and all places of amusement to be closed. It provides for religious exercises and sacred concerts being held within the inclosure on Sundays.

This question has been discussed very widely in the city of Portland and throughout the State of Oregon. I was about to say that almost unanimously the people favor the amendment reported by the committee. There are some who are opposed to it, and favor the proposition suggested by the Senator from Connecticut [Mr. PLATT]—a few of the churches; but the churches and religious organizations are divided on the proposition. Quite a number of the leading church societies are strongly in favor of the proposition reported by the committee.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Texas?

Mr. FULTON. Certainly.

Mr. BAILEY. I can not quite understand why this Congress shall prescribe that anybody anywhere shall conduct religious exercises. I presume that there are a number of churches in Portland, although I am not justified in presuming that from anything I have ever seen in that country [laughter], but I presume there are, and I presume that both the inhabitants of that city and the visitors there can easily attend their churches, and no doubt they will do so.

I not only am opposed to the amendment of the Senator from Connecticut [Mr. PLATT], which proposes to close the gates of this exposition against people who must work six days in the week and would like to take their wives and children and go into that exposition on the seventh day, but I am opposed to inserting into a law of Congress any requirement that anybody shall be compelled to hold religious exercises of any kind.

Mr. LODGE. Is that in the original bill?

Mr. BAILEY. No; but it is in the amendment of the committee.

Mr. MITCHELL. I think the provision the Senator refers to should be stricken out.

Mr. BAILEY. I hope it will be.

Mr. FULTON. We have no objection to that, so far as we are concerned.

Mr. BAILEY. I believe as devoutly as anybody in churches;

I believe in the propriety of religious exercises; but I do not believe they ought to be held under the requirements of Congress.

Mr. FULTON. Mr. President, we have no objection to that portion of the bill being eliminated if, in the judgment of the Senate, it is deemed wise that that should be done. But I do not think it is required that any particular denomination shall hold devotional exercises at the exposition. It is simply required that the management shall provide that sacred concerts and devotional exercises shall be held; that is, that the opportunity to do so shall be extended to persons who desire to hold them.

I, however, agree with the Senator from Texas [Mr. BAILEY] that there is no particular reason why this should be required at all. Neither is there any particular reason, in my judgment, why the gates of the exposition should be closed on Sundays or why any portion of the exposition should be closed down, for there are many people who could not attend on any other day. The great body of the laboring people can not attend such places on any other day of the week than Sunday.

There are various good reasons, I think, why certain places of amusement should be closed on that day, because to keep them open would be very objectionable to the great body of the people. I think the places of amusement should be closed; but beyond that I do not think any requirement should be inserted in the bill. I agree with the Senator from Texas as to that.

Mr. BAILEY. I think that places of amusement and the places where people exhibit their wares as a matter of business ought to be closed.

Mr. FULTON. Yes.

Mr. MITCHELL. I will move, on line 24, page 21, section 27, in the new section reported by the committee, to strike out the words "devotional exercises and."

Mr. LODGE. Let it all be stricken out.

Mr. BLACKBURN. Yes; let it all go out.

Mr. PLATT of Connecticut. Mr. President, if I can get the floor on my amendment, I should like to make some remarks.

Mr. MITCHELL. I propose to amend the amendment of the committee by striking out in line 24, on page 21, the words I have stated, "devotional exercises and;" so as to read:

Provision shall be made by those in charge of the exposition grounds for the holding of sacred concerts on the grounds on Sundays.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the amendment, in the nature of a substitute, submitted by the Senator from Connecticut [Mr. PLATT] to the amendment of the committee as amended.

Mr. PLATT of Connecticut. Mr. President, this matter has come up unexpectedly, and so I have not had time to examine the law which provided for the Chicago Exposition and the law which provided for the Louisiana Purchase Exposition; but I desire to say—and I wish that I may have the attention of the Senate—that in the law which provided for the Chicago Exposition a clause similar to that which has been proposed by the committee for the partial closing of this exposition on Sundays was enacted. It was provided that the machinery should not be in operation—I think, perhaps, almost word for word the provision which has been recommended by the committee—but when it came to the St. Louis Exposition, substantially the amendment which I have proposed was offered and was enacted and made a part of that bill. It reads as follows:

That as a condition precedent to the payment of this appropriation the directors shall contract to close the gates to visitors on Sundays during the whole duration of the fair.

As to the Chicago Exposition it was provided:

That the Government exhibits at the World's Columbian Exposition shall not be open to the public on Sundays.

This matter was thoroughly and fully discussed in the Senate, Mr. President, at the time we passed the bill for the St. Louis Exposition; and, if I am not mistaken, an amendment similar to that which I have now offered was passed upon a yea-and-nay vote by a very large majority.

Mr. BAILEY. If the Senator from Connecticut will allow me, I do not venture to challenge the Senator's memory, but I have an idea that that provision was forced in the bill in the House of Representatives and that it was in the bill when it came to the Senate. I am not, however, entirely sure of that.

Mr. PLATT of Connecticut. I think, Mr. President, that the amendment was offered by my colleague [Mr. HAWLEY]. It was supported by him in a speech, and also by Senator Colquitt, of Georgia. That is my recollection about it.

Mr. COCKRELL. That was the Chicago Exposition. Senator Colquitt was not here when the St. Louis proposition came up.

Mr. PLATT of Connecticut. Perhaps I am mistaken about that; but, however that may be, Congress provided in the St. Louis Exposition bill that the gates should not be opened on Sundays; and I think Congress ought not to recede from that proposition.

I do not propose to discuss this matter at length. There is something to be said on both sides of the question; but I think that Congress, once having taken that stand, ought not to recede from it, and I desire to have the yeas and nays upon my amendment.

Mr. BAILEY. I am disposed to sermonize on this question, using the particular phase of it which now presents itself as a text. One Senator wants Congress to enact a Sunday-closing law in a State of the Union, and another Senator proposes that we shall have a sacred concert under the auspices and command of the Federal Congress.

Independently of an exposition, no Senator would suggest for a moment that a request or resolution of the Federal Congress proposing either would receive the slightest consideration. But our jurisdiction once attaching by this, as I believe, wrongful application, or, I will say, this unwise application of the public money, then we proceed to provide for religious ceremonies, the observance of the Sabbath, and a number of other things wholly foreign to the province of the Federal Government.

I myself believe that we could safely leave it to the State of Oregon to say whether the exposition shall be opened or closed on Sundays. If they are entitled to this help from the Federal Congress, then it comes with bad grace that the General Government shall take them by the throat and compel them to comply with our requirements, rather than leave them to comply with the requirements of the State that created the corporation which is to hold this exposition.

I do not know just how religiously inclined they are in Oregon, but I take it that the Senator from Connecticut and the Senator from Texas, if we are fortunate enough to visit the exposition, could manage to get along during our brief stay there under any system which it pleases the people of Oregon to live under all the while.

It looks to me as though the very history of this provision, as traced by the Senator from Connecticut, serves to warn us. We first began at Chicago, providing that there should be no exhibits on Sunday. That matter might have safely been left to the State of Illinois, but Congress in its wisdom took it under its own control.

Mr. LODGE. That provision had reference to the United States Government's exhibits.

Mr. BAILEY. I think it means more than that.

Mr. LODGE. No; I think only the Government exhibits were to be closed.

Mr. BAILEY. Well, so much the worse for that, and so much the stronger my objection now. We proceed along this line for ten years. Then comes the St. Louis appropriation, and then the Congress not only says there shall be no Government exhibits open to inspection on Sundays, but that the gates shall be closed. Then when we reach Portland, in Oregon, in this good year of our Lord 1904, we are confronted with a proposition to require religious exercises and sacred concerts. Thus the matter grows apace, and these local communities, in order to get Federal aid in the shape of money, are submitting their local affairs to the control of the General Government.

So far as I am concerned, I do not think the religious people of this country are looking to Congress to protect their religion. Their religion has grown and spread its blessed teachings all over this land without the aid of the laws of Congress and without even the aid of the legislatures of the several States. The religious sentiment of this country makes no such demand as this upon the American Congress. It does not require—indeed, it will not sanction—a law of Congress that assumes that the people of these communities can not be trusted to spend their Sabbath days in the proper observance of their religious duties.

If you make the fakirs close up their establishments and the merchants and manufacturers discontinue their efforts to sell their wares or even to advertise them—with that much done, then it is a kind of innocent recreation, and I should no more vote to compel them to close the gates upon the toiling population of the city where this exposition is to be held than I would vote to close the gates of the Zoo Park in the city of Washington.

But I presume my views on this question are as obsolete as my views on the appropriation. I presume that these expositions will go on as they have done, still increasing the control of the Federal Government, derived solely and purely through its financial aid. It is not generous, to say the least, to contribute something toward the assistance of this enterprise and then to compel it to submit its control in this regard to the laws of Congress.

Mr. MITCHELL. In order to meet the objection of the Senator from Texas [Mr. BAILEY], and I think his objection is well taken, I move another amendment to the amendment proposed by the committee. Commencing with the words "provision shall," in line 22, page 21, section 27, I move to strike out the remainder of the section in the following words:

Provision shall be made by those in charge of the exposition grounds for the holding of sacred concerts on the grounds on Sundays.

Mr. STEWART. Mr. President, I hope the amendment of the Senator from Oregon [Mr. MITCHELL] will prevail, and I presume it will, but I should like to remark here that I think it inappropriate for Congress to enact any legislation in regard to the religious observance of the Sabbath or any other matters pertaining to religion.

It was the most fortunate condition that ever occurred on earth that in the formation of our Constitution religious freedom was ordained. The people of the different colonies came here as believers in the creeds of various denominations. They were very radical in their beliefs, and it was many years before the residents of some of the colonies could even visit the others.

When, finally, the conflict came with Great Britain, the colonists united for the purpose of general defense, and after they had succeeded in the Revolution it was found necessary, in order to preserve the Government, that they should form a Constitution. But so jealous were they of their particular creeds—for there were different creeds in each of the colonies—that they left out any reference to creed in the Constitution and provided that each individual might worship God according to the dictates of his own conscience.

I believe that idea has done more for liberty, for religion, for progress, and for civilization than any other provision of the Constitution or any other proposition that was ever made in this or any other country.

In traveling through Europe last year and some years before I met people there alluding to our country and the blessing of the principle that here prevails, that all people may worship God according to the dictates of their own conscience.

I am utterly opposed to assuming any jurisdiction over the consciences of men or regulating their religious principles by the General Government, because our position on that question has permeated the entire world; it is world-wide; it is going on revolutionizing the bad practices of tyranny everywhere, and the people of the whole world long for that glorious privilege. All interference in the matter of religion having been removed from the province of the General Government by common consent in forming the Constitution, I agree with the Senator from Texas [Mr. BAILEY], and I am old-fashioned enough to wish to have all allusion to Sunday closing or religion left out of the bill, and let the States and local communities regulate such matters as they may see proper.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Oregon [Mr. MITCHELL] to the committee amendment.

The amendment to the amendment was agreed to.

Mr. PLATT of Connecticut. How does the text read now?

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

SEC. 27. That no machinery shall be operated on said exposition grounds on a Sunday for the purpose of display, and all places of amusement within the inclosure of the exposition grounds shall be closed on every Sunday during the period that such exposition shall be held.

The PRESIDENT pro tempore. The question now is on the amendment offered by the Senator from Connecticut [Mr. PLATT] as a substitute for the amendment of the committee as amended.

Mr. PLATT of Connecticut. The amendment of the Senator from Oregon [Mr. MITCHELL] having been made, of course there is no objection that I can see to going further and adopting the amendment which I have proposed. I do not know what the exposition is going to do on Sunday if no machinery is to be run and if no places of amusement are to be allowed.

If it is intended in good faith to live up to that, then I can not see that there is much occasion for objecting to the amendment which I propose.

Mr. FULTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. PLATT of Connecticut. Certainly.

Mr. FULTON. If the Senator from Connecticut will allow me, I will make this suggestion: There is the same objection to closing it entirely, even under the present conditions, that there would be to closing any park. Everything is to be seen. The walks are there, the buildings are there, the grounds are there, and there is very much of the display to be seen, practically just as it would be in the case of a city park. The same argument, I submit, that would require the grounds under these conditions to be closed would require every city park and every museum to be closed on Sunday.

Mr. PLATT of Connecticut. Mr. President, the Constitution recognizes Sunday as a day of rest in that it provides that Sundays shall be excluded from the ten days in which the President may hold a bill before signing, and I think when we are called upon to appropriate large sums of money to one of these exhibitions, we may very well provide that the universal sentiment that one day in seven shall be observed as a day of rest shall be observed with reference to that institution.

Mr. President, the suggestion which has been made that the amendment reported leaves it simply a park has very little significance to my mind. If you will add to it that no admission fee shall be charged on Sunday you might perhaps say that it made the exposition like a city park, but I imagine that that is not the purpose of the amendment or of the managers. If the gates are open and an admission charged we all know that there will be in that inclosure something besides a mere park to be looked at. That, Mr. President, I submit, is begging the question, or to use a very homely but appropriate and significant phrase, it is whipping the devil around a stump.

I do not wish to debate this matter at great length. I was mistaken in supposing that it was the amendment of my colleague [Mr. HAWLEY] which was adopted in the case of the St. Louis Exposition. It was, I believe, the amendment of the Senator from Colorado [Mr. TELLER]. I wish to quote from a speech made by Mr. Dingley in the House of Representatives on the occasion of the consideration of the measure relating to the World's Columbian Exposition at Chicago. He said:

There are in the first place about 12,000,000 members of Protestant churches in this country, and these have protested by convention, association, synod, conference, or individual churches, almost in a body. The dissidence has been so meager that it has only served to emphasize the unanimity. The evidence is conclusive that the great body of the attendants of these churches also are in sympathy with these protests. Three of the most distinguished Catholic archbishops of the United States—Ireland, Gross, and Riordan—have united in the protest, and voice the feelings of a large proportion of the Catholic Church. Protests have come up to us from every quarter indicating an overwhelming judgment against any step that will lead to converting our Sunday into a continental Sunday.

Why are they opposed? In the brief time allowed me I can only indicate some of the reasons without elaborating them:

1. Because they believe that if so conspicuous an example of the use of Sunday for carrying on a great national and international exposition with an admission fee is set, it will break down the barrier which now prevents theaters and all forms of so-called amusements from opening on Sunday.

2. Because they believe that the opening of the day to public amusements will in due time lead to the use of the day for business and industrial pursuits, and thus destroy Sunday as the rest day of the people. I can not conceive a greater calamity than the addition each week of another day of work and worry to the already overburdened people.

3. Because the opening of the exposition on Sunday will make it necessary for the vast army of employees, attendants, watchmen, and exhibitors of goods, and the employees of railroads, which will run excursion trains Sundays from all points within a hundred miles, to work on Sundays.

4. Because they believe that the preservation of a rest day—one day in seven—is essential to the physical health of man. All experience shows that the man who rests one day in seven maintains better health, lasts longer, and accomplishes more than those who disregard this law of health. The divine command to remember the Sabbath day rests on the physical necessities of man.

5. Because they believe that the separation of one day in seven from the other six, and the keeping of it as a day of freedom from worldly pursuits, tends to that thoughtfulness and introspection which elevates manhood and makes men better citizens. The great peril of our nation to-day is the increasing engrossment of our people in pursuit of selfish objects. Greed is overcoming manliness. Sunday is the one day that stands in the way of the triumph of greed and unscrupulousness.

6. Lastly, but first of all, in the estimation of millions, the Divine injunction to "Remember the Sabbath day and keep it holy" is regarded as a command of the Creator, to be obeyed as a religious duty, as well as an injunction which is based on the physical, moral, and spiritual necessities of our nature. And any action by the Government which should trample upon this religious conviction of so large a proportion of our people would be an unnecessary and inexcusable outrage.

Mr. President, I could not, if I occupied an hour's time, state so well the reasons why a provision for Sunday closing should be made.

If the gates are to be open and an admission fee charged, it is useless to say that the exposition will not go on. There is no halfway matter in this business. Either there must be a closing of the gates or there must be an open exhibition, to which an admission fee is charged and in which the people think they get the worth of the admission fees.

As I said before, the Senate and the Congress have once adopted this principle, have once recognized the Sabbath as a day in which the Government should not engage, or, if it contributed its money, should not permit States or incorporations to engage in the amusement business, in the show business. I ask for the yeas and nays on the amendment.

Mr. BAILEY. Mr. President, I am hardly willing to let the Senator from Connecticut [Mr. PLATT] make this purely and only a question of Sabbath observance. If the speech from which he read had been delivered in the legislature of Oregon, then undoubtedly it would have been appropriate. I am sure there is no Senator in this Chamber who desires to give any vote that tends to break down the American Sabbath day. I do not believe there is a man of intelligence, infidel or Christian, who would deny that all the people are better, for the physical reason that has been assigned, after the observance of a day of rest. Surely no Senator who believes in sacred teaching would for one moment tolerate a suggestion to profane the Sabbath.

But the Senator from Connecticut would not venture to incorporate into the permanent records of this body a statement that the Federal Government has any proper concern with the observance of the Sabbath day in any State of this Union. And my ob-

jection is that here is a proposition for the General Government to seize the opportunity presented by the aid which it is asked to extend, to project itself into a State and control its purely local regulation.

The Senator from Connecticut does not abhor murder more than I do, and yet I would not agree to incorporate in this bill a provision that the State of Oregon must give a bond or enter into a contract that it will punish any man who happens to commit a felonious homicide on those grounds. The Senator from Connecticut does not believe in the Sabbath day more than I do, and yet I would no more ingraft upon this bill a provision that the exposition company shall contract against violating the Sabbath than I would vote to ingraft upon this bill a provision that it must contract to prosecute murder.

The whole question is outside of and beyond Federal jurisdiction, and there we ought to leave it.

There is no doubt that the Congress can attach to its gift or its appropriation what condition it may please, and then it compels the exposition company to abide by the condition or reject the gift. But that does not relieve the Congress from the imputation of seizing an opportunity to project its authority into a State of this Union to control a local or municipal regulation.

The Senator from Connecticut deserves my thanks for characterizing this whole proposition as one of amusement or entertainment, and if Senators with that characterization of it in their minds can vote for it, then I can readily see that they would not hesitate to attach any kind of condition. If the Federal Government has embarked in the business of furnishing amusement and entertainment to the people of the States, it is small wonder that the Federal Government attempts at the same time to control the local and police regulations of those States.

Mr. PLATT of Connecticut. Mr. President, the suggestion of the Senator from Texas [Mr. BAILEY] that the United States should not attempt to control the matter of Sunday opening of an exhibition or exposition in a State—in this case the State of Oregon—would be very sound if he had not answered his own contention in this: When the Government is called upon to appropriate so much money and really make it a Government exposition—it is not the State of Oregon exposition—we certainly have the right and ought to attach to the grant such provisions as the Congress thinks ought to be observed in relation to the exposition, whether it be Sunday closing or anything else.

There are various other matters in here upon which we insist on the ground that we are contributing so much money to this exposition. It is to be, as I said, a Government exposition. It can not live without this Government aid. The corporation which has been incorporated in Oregon can not carry it through to successful termination without a large appropriation of money on the part of the Government. And so they come here to us and ask us, really and in fact, to establish a Government show in the State of Oregon. That is it exactly and nothing more. If we are going to do that—and I think it is about time that we stopped doing it, because if we do not there is no end to this matter—we have a right to impose conditions.

I remember when the St. Louis Exposition bill was passed that Senator after Senator rose in his place here and said he would not vote for another appropriation of Government money for such an exposition. And yet we are doing it, and, as the Senator from Texas says, we shall continue to do it.

As the Senator from Massachusetts [Mr. LODGE] says, it has come to be a matter of industrial promotion. Was not that what the Senator said?

Mr. LODGE. I said it was an industry.

Mr. PLATT of Connecticut. An industry. I will amend it a little by saying that it is a matter of industrial and amusement promotion. Just the moment one exposition, which has been made possible by aid of Government money, is well under way, a certain set of men, who make that a business, look out some other place in the United States and some other event and proceed immediately to promote the enterprise.

I have not had time to examine this bill, but I see in one provision of it that whereas the corporation has raised $400,000 and intends to raise another hundred thousand, and whereas the city of Portland or the State of Oregon has appropriated $500,000, making a million, therefore the Government is asked to appropriate a million and a half. Then I see in another section that the appropriations referred to are mentioned as two millions and a half. Now, I have not had time——

Mr. MITCHELL. The Senator from Connecticut is entirely wrong. It is very evident he has not examined the bill, because nowhere in the bill is there a statement of two million and a half.

Mr. PLATT of Connecticut. Exactly what is the amount?

Mr. MITCHELL. The amount in the bill as reported unanimously by the committee is $2,125,000; but we propose, a little later on, to strike out the sixteenth section of the bill if we can have permission.

That section provided that $250,000 of the proposed appropriation should be utilized for the purpose of erecting a Lewis and Clark memorial building, which it was thought by a good many people did not belong to a bill of this character. I myself do not think it does. I never favored that provision, and propose, as soon as I can get the floor properly, to move to strike out the sixteenth section, which treats of that subject. That will reduce the amount——

Mr. GALLINGER. Does that leave the Government appropriation a million and a half?

Mr. MITCHELL. One million seven hundred and seventy-five thousand dollars.

Mr. PLATT of Connecticut. I was mistaken in saying that in section 25 it is $2,500,000. It is $2,125,000. I think I had a right to suppose that that was the amount we were asked to appropriate, because it was in the bill, and no amendment, as I understood, had been proposed to take out any portion of it.

But let us see about the $1,775,000. When St. Louis came here, I will inquire of the Senator from St. Louis how much the people of St. Louis and the corporation raised before they asked the Government to appropriate $5,000,000?

Mr. COCKRELL. Five million dollars by the citizens of St. Louis and $5,000,000 by the city of St. Louis.

Mr. PLATT of Connecticut. That was $10,000,000.

Mr. COCKRELL. That was $10,000,000, every dollar of which had to be expended before the corporation, the Louisiana Purchase Exposition Company, had a right to one solitary penny of the five millions we appropriated.

Mr. PLATT of Connecticut. There was raised, then, from private and municipal or State sources for the St. Louis Exposition $10,000,000, upon which they came here and asked us to appropriate $5,000,000.

Now, this bill says that the exposition people have raised $500,000 surely and $400,000—that is $900,000—and they hope to raise $100,000 more, and they ask us to appropriate, not, as in the case of the Louisiana Purchase Exposition, one-half of what has thus been raised, but nearly twice as much. That is, they have raised a million, if they get the $100,000 which they hope to get—and there is no certainty they will ever get it—and they ask the Government to appropriate $1,775,000.

I submit that never before has there been such an appropriation asked of Congress. In the cases of Buffalo and South Carolina and New Orleans, according to my recollection, the Government appropriation did not exceed the amount which it was shown had been raised by private subscription and by appropriation by the States or cities. I do not know whether the $1,775,000 includes all that the Government is to pay to the commissioners who are appointed and for all the expenses of its own exhibit.

Mr. MITCHELL. It includes the pay of the commissioners and everything. The pay of the commissioners under the bill is to be deducted from any appropriation made.

Mr. PLATT of Connecticut. If that be so, we have, then, simply the proposition that the private corporation and the public corporation raising a million dollars come here and ask us to appropriate $1,775,000, and we know perfectly well that this is not the last of it. The experience through which we have just passed with regard to the loan of $4,600,000 to the St. Louis Exposition may well remind us that this is not the whole of the matter.

The amount appropriated by the Government in comparison with the amount raised by citizens and appropriated by the city of Portland or the State of Oregon, as the case may be, is such that it shows that we make this a Government exposition, and to my mind the Government has a perfect right, in appropriating this vast amount of money and in making it a Government exposition, to require an observance of the Sabbath day in the conduct of that exposition.

The PRESIDENT pro tempore. The question is on agreeing to the substitute offered by the Senator from Connecticut for the amendment of the committee, on which the yeas and nays are demanded. Is there a second?

The yeas and nays were ordered.

Mr. ALLISON. I ask that the substitute may be stated.

The PRESIDENT pro tempore. The substitute will again be stated.

The SECRETARY. In place of the amendment reported by the committee it is proposed to substitute the following:

SEC. 27. That as a condition precedent to the payment of any and all appropriations made in this act, the corporation in charge of the exposition shall contract with the Secretary of the Treasury to keep the gates closed on Sundays during the entire period of the exposition.

Mr. GALLINGER. Mr. President, simply a word. I do not know how it may be in other sections of the country, but I will say, for the benefit of the Senator from Texas and the Senate itself, that the churches of New England desire this exposition to be closed on the Sabbath day; and, in my opinion, if the gates are not closed on that day it makes very little difference what goes in

this bill of a prohibitive nature. The exposition will be practically wide open and it will be an affront to the religious sentiment of this country. For that reason I shall vote for the substitute.

The PRESIDENT pro tempore. The question is on agreeing to the substitute offered by the Senator from Connecticut for the amendment of the Committee.

The Secretary proceeded to call the roll, and Mr. ALGER responded to his name.

Mr. BACON. Will the Chair please state what is the precise question?

The PRESIDENT pro tempore. It is on the substitute offered by the Senator from Connecticut, closing the exposition on Sunday.

Mr. CULBERSON. Let the substitute be read.

Mr. LODGE. It has just been read.

The PRESIDENT pro tempore. The substitute will again be read.

The Secretary again read the substitute.

Mr. BACON. Mr. President, I desire information, if you please. Is it an addition to the committee amendment or a substitute for the amendment?

Mr. LODGE. Mr. President, I make the point of order.

The PRESIDENT pro tempore. The Senator from Massachusetts raises the point of order that a Senator has answered to his name. The roll call will be proceeded with.

Mr. BACON. I am entitled to ask for information at any time.

The Secretary resumed the calling of the roll.

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. BERRY]. If he were present, I should vote "nay." I do not know how he would vote, and so I withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. He is not present, and I withhold my vote.

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. I am not advised as to how he would vote, and therefore I will withhold my vote.

Mr. MALLORY (when Mr. TALIAFERRO'S name was called). My colleague [Mr. TALIAFERRO] is unavoidably detained from the Senate.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I do not know how he would vote. If I were at liberty to vote, I should vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY]. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. CLARK of Wyoming (after having voted in the negative). I voted in the absence of my general pair, the junior Senator from Missouri [Mr. STONE]. As he is still absent, I withdraw my vote.

Mr. KITTREDGE. I have a general pair with the junior Senator from Colorado [Mr. PATTERSON]. Not knowing how he would vote if he were present, I withhold my vote.

Mr. WARREN. It has been suggested that we should transfer pairs so that the Senator from Mississippi [Mr. MONEY] will stand paired on this question with the Senator from Maryland [Mr. MCCOMAS], thus liberating the Senator from Kentucky [Mr. BLACKBURN] and myself, so that we may vote.

Mr. BLACKBURN. That is right.

Mr. WARREN. I vote "nay."

Mr. BLACKBURN (after having voted in the negative). Then I will leave my vote stand. It is already recorded.

Mr. LATIMER. I have a general pair with the junior Senator from Illinois [Mr. HOPKINS]. I do not see him present in the Chamber, and therefore withhold my vote.

Mr. DRYDEN. I should like to announce that my colleague [Mr. KEAN] is absent from the city.

Mr. MALLORY. I transfer my pair with the Senator from Vermont [Mr. PROCTOR] to the Senator from Florida [Mr. TALIAFERRO]. The Senator from West Virginia [Mr. SCOTT] is paired with my colleague [Mr. TALIAFERRO], and this transfer will allow us to vote, if that is agreeable to the Senator from West Virginia.

Mr. SCOTT. Entirely so.

Mr. MALLORY. I vote "nay."

Mr. SCOTT. I vote "yea."

Mr. NELSON. I transfer my pair with the senior Senator from Arkansas [Mr. BERRY] to the junior Senator from New York [Mr. DEPEW], who I understand is not paired, and I vote "nay."

Mr. GALLINGER. Does the Senator know how he would vote?

Mr. NELSON. If I am correctly informed, he is not paired. He is not here. Neither Senator is here.

Mr. PERKINS. I will transfer my pair with the junior Senator from North Carolina [Mr. OVERMAN] to the senior Senator from Connecticut [Mr. HAWLEY], and vote. I vote "yea."

The result was announced—yeas 29, nays 17, as follows:

YEAS—29.

Allee,	Culberson,	Foster, La.	Platt, Conn.
Allison,	Cullom,	Frye,	Quarles,
Bard,	Dolliver,	Gallinger,	Scott,
Bate,	Dryden,	Gamble,	Spooner,
Burnham,	Dubois,	Gibson,	Teller.
Carmack,	Elkins,	Lodge,	
Clapp,	Fairbanks,	Long,	
Cockrell,	Foraker,	Perkins,	

NAYS—17.

Alger,	Foster, Wash.	Martin,	Stewart,
Bailey,	Fulton,	Mitchell,	Warren.
Ball,	Heyburn,	Nelson,	
Blackburn,	McCumber,	Newlands,	
Clay,	Mallory,	Simmons,	

NOT VOTING—44.

Aldrich,	Depew,	Kearns,	Patterson,
Ankeny,	Dietrich,	Kittredge,	Penrose,
Bacon,	Dillingham,	Latimer,	Pettus,
Berry,	Gorman,	McComas,	Platt, N. Y.
Beveridge,	Hale,	McCreary,	Proctor,
Burrows,	Hanna,	McEnery,	Quay,
Burton,	Hansbrough,	McLaurin,	Smoot,
Clark, Mont.	Hawley,	Millard,	Stone,
Clark, Wyo.	Hoar,	Money,	Taliaferro,
Clarke, Ark.	Hopkins,	Morgan,	Tillman.
Daniel,	Kean,	Overman,	Wetmore.

So the amendment proposed by Mr. PLATT of Connecticut was agreed to.

Mr. MITCHELL. I offer one more amendment. I move to strike out the sixteenth section of the bill. It is the section providing for a memorial building. Striking out the section does not in any manner disarrange the bill, but it eliminates from the bill all relation to the memorial building.

The PRESIDENT pro tempore. Does the Senator from Oregon move to strike out the entire section?

Mr. MITCHELL. The entire section—section 16, on pages 12, 13, 14, and 15 of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. MITCHELL].

The amendment was agreed to.

Mr. NELSON. On page 3, line 14, I move to strike out "seven," before the word "commissioners," and insert "three."

Mr. MITCHELL. That is, reducing the number of commissioners to three?

Mr. NELSON. Yes, sir.

Mr. MITCHELL. I have no objection to that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 2, on page 3, line 14, before the word "commissioners," strike out "seven" and insert "three."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. NELSON].

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendment——

Mr. ALLISON. The amendment suggested by the Senator from Minnesota I think will suggest also an amendment to section 4 of the bill. I do not know that the amendment is essential, but I should like to say one word respecting section 4.

Section 4 seems to providefor a board of arbitration which shall be created for the purpose of settling differences between the United States commission and the Oregon corporation or exposition company.

Section 4 provides:

That said Commission, when fully organized under the provisions of this act, shall appoint two of their number to act in conjunction with one appointed by the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, a corporation organized and existing under the general laws of the State of Oregon, and having its office and principal place of business at Portland, in said State, one to be chosen from the executive committee of said corporation, and one to be appointed from the Lewis and Clark Centennial Exposition Commission of the State of Oregon, to constitute a board of arbitration, to whom all matters of difference arising between said National Commission and said company concerning the administration, management, or general supervision of said exposition shall be referred for determination; and in case of the failure of said board of arbitration to agree upon such matters as may be so referred, said board of arbitration shall select a fifth member thereof, such fifth member so agreed upon to be then appointed by the Secretary of the Treasury, and in case of failure to agree on such fifth member, then such member shall be selected and appointed by the Secretary of the Treasury.

Under the amendment proposed by the Senator from Minnesota there will be three commissioners, and I understand there are five members of this board of arbitration provided for. It seems to me that this section 4 is not a very important section. There can be but very little to arbitrate between the local exposition company and the Commission appointed by the United States.

Mr. STEWART. What are they to arbitrate?

Mr. ALLISON. They are to arbitrate all differences "arising between said National Commission and said company concerning the administration, management, or general supervision of said exposition." That is the matter that is left to this board of arbitration.

My attention was not called until a few moments ago to this bill and to this nonpartisan commission; and, by the way, it would be rather difficult to have it appointed, it seems to me.

Mr. HOAR. What is meant by a nonpartisan commission?

Mr. ALLISON. I refer the Senator from Massachusetts to the Senator from Oregon. I do not quite understand it myself—

That a nonpartisan commission * * * shall be appointed * * * by the President, etc.

Then the third section provides for the duties of this commission:

That the commissioners so appointed shall be called together by the Secretary of State of the United States, in the city of Portland, State of Oregon, by notice, etc. * * * The said commissioners * * * shall organize by the election of their officers, and they may then, or thereafter, appoint such executive or other committees as may be deemed expedient.

I do not know how many committees they can get out of three commissioners, though I am in perfect sympathy with the Senator from Minnesota as to the number of the members of the commission.

Mr. MITCHELL. If the Senator will allow me a moment, there are really but three commissioners to be appointed now, and in view of certain amendments which relate to the bill there is no necessity for that section at all.

Section 4 of the bill as originally drafted with that section provided that the money appropriated by Congress should be disbursed by the local company, but that has all been changed so that the disbursement of money is absolutely and wholly under the control of the National Commission, which has now been reduced by the amendment of the Senator from Minnesota to three members. I do not see anything to arbitrate particularly, and therefore I move to strike out that section. Is that satisfactory to the Senator from Iowa?

Mr. ALLISON. I do not know whether it is or not. As I read the bill, and I read it only hastily, I do not see anything the Government Commission has to do except to have general supervision over the exposition.

Mr. PLATT of Connecticut. And to make a report.

Mr. ALLISON. We passed a similar bill for the St. Louis Exposition, and we provided for the appointment of nine commissioners there. We provided, as is provided here, that the commissioners should be immediately appointed and should receive their compensation beginning with their appointment and continuing six months after the close of the exposition.

It was required—as this bill, I think, requires—that they should have general supervision of the exposition.

Mr. MITCHELL. I call the attention of the Senator to this clause in the nineteenth section, on the seventeenth page, as follows:

That the money hereby appropriated shall be disbursed under the direction of the said National Commission, under rules and regulations to be prescribed by the Secretary of the Treasury, and upon vouchers to be approved by such National Commission, acting by and through its president and secretary.

Mr. ALLISON. Yes; I had observed in reading the bill hastily that it did provide for the disbursement by seven persons. Now, the disbursement is to be made under the direction of three persons. I do not see anywhere a provision here that the commissioners shall give bond for the faithful performance of their duties or that they will have any particular duties except that of disbursement.

Mr. HOAR. Section 7.

Mr. PLATT of Connecticut. They are to accept a site.

Mr. ALLISON. I will take section 6, to which the Senator called my attention. Section 6 leaves all the important questions——

Mr. HOAR. No; I did not mean to call the Senator's attention to section 6, but to the seventh section.

Mr. ALLISON. I am now on section 6. Section 6 provides:

That the allotment of space for exhibitors, classification of exhibits, plan and scope of the exposition, the appointment of all judges and examiners for the exposition, and the awarding of premiums, if any, shall all be done and performed by the said Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair.

Now, the criticism I make on section 6 is that although we have a national commission that is to disburse these funds this National Commission has no power to indicate the scope and extent of the exposition or to state how much money shall be expended in the construction of buildings or the various expenses necessary in opening up and in the preparation of the exposition.

Mr. HOAR. Just read the first line of section 7.

Mr. ALLISON. All right. It provides:

That after the plans for said exposition shall be prepared by said company and approved by said commission——

Mr. HOAR. "Approved."

Mr. ALLISON. Very well; they have the right of approval—

the rules and regulations of said corporation governing rates for entrance and admission fees, or otherwise affecting the rights, privileges, or interests of the exhibitors, or of the public, shall be fixed or established by said company.

Mr. PLATT of Connecticut. By the corporation.

Mr. ALLISON. Undoubtedly. That, of course, to some extent gives the commission power; they have the power of approval, but the scope of the exposition is to be determined by the local corporation.

I do not wish to interfere too much with the plans of the people who are organizing this exposition, but what I fear is that we will be placed in precisely the same situation we are now as respects the St. Louis Exposition, namely, that they will prepare a plan and scope for the exposition which will require us hereafter to make expenditures either by way of appropriation or by way of loan to the exposition.

So it seems to me, taking these sections as I have read them hastily, and the general scope of the bill, it is not sufficiently guarded to protect the Government of the United States.

Mr. PLATT of Connecticut. May I call the Senator's attention to one matter?

Mr. ALLISON. Certainly.

Mr. PLATT of Connecticut. I do not see that these commissioners are to receive any salary.

Mr. MITCHELL. Four thousand dollars.

Mr. SPOONER. That is never omitted.

Mr. ALLISON. They are to receive $4,000, which is to be taken out of the money which we appropriate.

Mr. PLATT of Connecticut. In what section is it provided?

Mr. ALLISON. That is very clearly provided for on page 16.

Mr. PLATT of Connecticut. I thought it was very strange if it was omitted.

Mr. ALLISON. Section 17 reads:

That the commissioners appointed by the President under this act shall receive as compensation for their services and expenses the sum of $4,000 each per annum, the same to be paid by the Secretary of the Treasury and deducted from any money appropriated for said exposition.

Mr. PLATT of Connecticut. I had not observed that. I thought they were to be paid merely their expenses.

Mr. ALLISON. They are to be paid a salary and their expenses, and all that is to be deducted from the amount appropriated in this bill.

The same provision was practically in the act for the Louisiana Purchase Exposition. The Secretary of the Treasury, under that provision, deducted $245,000 from the general appropriation made by Congress for the St. Louis Exposition, and he will deduct, of course, from this appropriation enough to pay these commissioners, who are to be three now instead of seven.

Mr. MITCHELL. Twelve thousand dollars.

Mr. ALLISON. Twelve thousand dollars a year from now until December, or whatever the month is, in 1906.

Mr. MITCHELL. After they are appointed.

Mr. ALLISON. After they are appointed, and they are to be appointed and must enter upon their duties thirty days after the passage of this act.

Mr. President, I have not had the opportunity to look into this bill very closely, but I believe that it ought to be a little more carefully and fully guarded as respects the interest of the United States, and as respects the safeguards which should be thrown around the expenditure of this money.

The bill does not disclose all that the Government will be called upon to pay. We have provided here for a reasonably elaborate governmental exhibit, which will cost at least $500,000 upon any plan that can be devised on the scope proposed in the bill.

Two hundred and fifty thousand dollars is already appropriated, as I understand it, for the Government building and an elaborate scheme of boards to be composed of members of the different Executive Departments. We have provided for Government exhibits to be transferred from Washington to Portland, Oreg., put in place there, and afterwards returned; which will certainly cost $250,000 more unless it is done with greater economy than is being practiced at St. Louis and was practiced in reference to the Government exhibits at Buffalo.

This bill may be all right, and I make these criticisms with a great deal of hesitation, because I assume it has been carefully considered by the committee having it in charge.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. ALLISON. I do.

Mr. SPOONER. The Senator has had a great deal of experience in drawing these bills——

Mr. ALLISON. No, I have not. I have had a good deal of experience in providing for appropriations upon bills drawn by others, or providing appropriations on the ground that the law required it to be done.

Mr. SPOONER. I should like to inquire of the Senator from

Iowa just what his understanding is as to the true construction of the word "nonpartisan," in section 2, where it is provided:

That a nonpartisan commission is hereby constituted, to consist of seven commissioners, to be known and designated as the National Lewis and Clark Centennial Exposition Commission, etc.

Mr. ALLISON. The Senator from Massachusetts made that same inquiry of me.

Mr. SPOONER. Does it mean not to belong to any party?

Mr. ALLISON. I suppose it means that they shall not belong to any party.

Mr. HOAR. Mugwumps, perhaps.

Mr. SPOONER. They would be of the class of people who hate the Democratic party and do not like the Republican party, who flock together.

Mr. MITCHELL. Mr. President, I suppose it is very good to joke about this matter——

Mr. SPOONER. What is meant by the word "nonpartisan," I will ask the Senator?

Mr. MITCHELL. I suppose what the promoters or writers of this bill—I was not the writer of it—intended when they used the word "nonpartisan" was, when this commission should be appointed, if constituted of five members, that three of them should be from the dominant party and the other two from the next largest party in point of numbers. This is very frequently done in legislation, and I suppose is what was intended here. I presume that is what is meant by a "a nonpartisan commission."

Mr. SPOONER. What they meant is one thing, and what the law means is another.

Mr. MITCHELL. I think a fair construction of that provision would be such as I have stated. If I were President of the United States and a provision for the appointment of a nonpartisan commission consisting of three were brought to me, I should appoint two men from the Republican party and one from the Democratic party.

Mr. SPOONER. What kind of a Democrat?

Mr. MITCHELL. Well, a good one.

Mr. SPOONER. Ordinarily where commissions consisting of three members are appointed the provision is that not more than two members of such commissions shall belong to the same political party.

Mr. ALLISON. I observe several provisions in the bill which look to me as though they ought to be more carefully guarded. For instance, the provision respecting the importation of exhibits and the transfer of them from St. Louis to Portland, Oreg. The bill may be carefully and sufficiently guarded in that respect, but I should want to have, if the committee has not already obtained it, the opinion of experts from the Treasury Department on that subject. After this bill shall have been passed and become a law all appropriations, of course, must be made in accordance with its terms.

I see also that the Postmaster-General is authorized and directed to grant to this National Commission and to the local commission the franking privilege, which is to continue until the 31st of December, 1906.

Mr. GALLINGER. Was a similar provision contained in former exposition bills?

Mr. ALLISON. I am not sure, but I do not remember having observed such a provision in any of those bills. This privilege is given to these commissions, and I do not think it has been given to other commissions in former bills.

Mr. HOAR. I should like to inquire of the Senator from Iowa if that franking privilege would not, under the meaning of that section, be very much more extensive than that which is granted to any official of the United States Government? Our franking privilege is limited to official communications with the various Departments of the Government, etc., but this is absolute and unlimited.

Mr. ALLISON. That is an excellent suggestion of the Senator from Massachusetts. It shows that we should look more carefully, it seems to me, into the various sections of this bill. I think the bill ought to be amended, certainly to require that the franking privilege should only apply to official printing or communications appertaining directly to the exposition.

There would be a very large amount of printed matter which would be passed through the mails under this provision. I hardly think we ought to grant such an extensive franking privilege as is proposed here.

Mr. MITCHELL. That can be corrected by providing that it shall only apply to official matter.

Mr. ALLISON. Undoubtedly; but I should greatly prefer to look over this bill a little more carefully before voting on it.

Mr. GALLINGER. Before the bill is acted upon, I wish to call the attention of the Senator from Oregon to the words on page 16, section 19, line 25, "in addition to the sums hereinbefore appropriated by this act." Those sums were contained in section 16, amounting to $400,000, and they were stricken out, I think.

Mr. MITCHELL. Let the word "sums" be stricken out and the word "sum" inserted.

Mr. GALLINGER. Ought not the words "in addition to the sums hereinbefore appropriated by this act" to go out entirely? Were not those sums all in section 16?

Mr. MITCHELL. No; $250,000 was in a former section. The word "sums" should be amended by making it singular.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 16, section 19, line 25, before the word "hereinbefore," it is proposed to strike out the word "sums" and insert "sum."

The amendment was agreed to.

Mr. MITCHELL. I move to amend on page 3, section 2, line 13, before the word "commission," by striking out "nonpartisan;" and line 14, after the word "commissioners," by inserting "not more than two of whom shall belong to the same political party."

The PRESIDENT pro tempore. The question is on the amendment.

Mr. NELSON. I want to be heard for a moment, Mr. President.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. NELSON. One vice, to my mind, in the bill relating to the St. Louis Exposition, was the provision establishing a nonpartisan commission composed of nine members. The bill providing for that commission gave them a salary of $5,000 a year each, $3,000 for a secretary, and $10,000 for expenses, amounting in the aggregate to $58,000 a year. I presume that commission has cost the Government, to come out of the appropriation for the St. Louis Exposition, over $60,000 a year, and it will be three years this next spring, during which time the members of that ornamental commission will have had that salary.

The real work and management of the exposition has been done by the corporation of which Governor Francis is the head. The Government commissioners have now for nearly three years drawn $5,000 salary apiece, $3,000 for their secretary, $10,000 for the expenses of the Commission, and, in addition, their traveling expenses. I do not know what those expenses may be, but I imagine that that Commission has cost the Government at least $60,000 a year. By next spring it will amount to $180,000, and they will probably linger another year and get another year's salary.

While, Mr. President, I am willing to vote aid for these expositions, for I think on the whole they are good, I do not believe we ought to fasten an ornamental commission on this exposition. I should be glad in this instance to have this bill recommitted and to have all the provisions in respect to an ornamental commission eliminated from it, because the real work, as I have said and as the Senator from Iowa has well stated, is done by the corporation in charge of it in Oregon. They are the managers and have to bear the burden of the work. Why should we encumber the exposition with an ornamental commission and have the expenses of that commission deducted from the appropriation? I would much prefer to take the amount of the salary and expenses of that ornamental commission and add it to the appropriation for the benefit of the exposition.

Mr. President, I repeat that I should be glad to see this bill recommitted and to have all the provisions in it relating to this so-called nonpartisan Commission entirely eliminated. I think that was one vice in the bill relating to the St. Louis Exposition. We know how that furnished a lot of places for retiring statesmen, and I do not want this bill to afford the same kind of opening for them.

Mr. MITCHELL. I will say, if the Senator will allow me, that the vice, if it was a vice, in the St. Louis bill was in the fact that we did not give the Commission power to supervise the expenditure of the funds. This bill not only creates a commission, but gives it control of every dollar of the fund proposed to be appropriated. The Senator talks about an ornamental commission. We do not propose to have an ornamental commission; but under whose control would the Senator place the money?

Mr. NELSON. I would place it in that body who has the real charge of the exposition, the corporation that manages it and controls it. Then the money that you propose to expend on this ornamental commission would be used for the purposes of the exposition. As it now is, all these Government commissioners will have to do will be to go around, look wise, draw their salaries, and say how the money shall be expended.

Mr. MITCHELL. It seems to me that if the nation is going to make a contribution in aid of this enterprise it ought to control the money that is appropriated for the purpose, and the control should not be given to the local company in Portland.

Mr. ALLISON. Then leave it to the Secretary of the Treasury. I will venture another suggestion to the Senator from Oregon, and that is that this commission shall cease to exist on June 30, 1906.

Mr. MITCHELL. I think there is no objection to that; and I will move that amendment.

Mr. ALLISON. The amendment is, on page 8, line 7, after the word "the," to strike out "31st day of December" and insert "30th day of June."

I should be glad if the Senator from Oregon [Mr. MITCHELL] would point out now, in view of what the Senator from Minnesota [Mr. NELSON] has said, exactly the power of this national commission as provided for in this bill.

The PRESIDENT pro tempore. The amendment on page 8 has not yet been agreed to. The amendment will be stated.

The SECRETARY. On page 8, section 11, line 7, after the word "the," it is proposed to strike out "31st day of December" and insert "30th day of June."

The amendment was agreed to.

Mr. ALLISON. Now, I should like the Senator from Oregon to give me the information I just requested in regard to the powers of the Commission.

Mr. MITCHELL. In the first place, in section 7 it is provided that after the plans for said exposition shall be prepared by said company they shall be approved by the said Commission. That is clear.

Mr. ALLISON. That is in section 7?

Mr. MITCHELL. Section 7. All of the plans in regard to this exposition are to be approved by the National Commission provided for by this bill.

Then again, later on, the bill provides that all the money appropriated or proposed to be appropriated shall be disbursed under the direction of this National Commission.

Mr. ALLISON. What section is that?

Mr. MITCHELL. I can not turn to it just at this moment.

Mr. HOAR. They shall approve or accept.

Mr. MITCHELL. Refusing to approve is to disapprove, I take it.

Mr. ALLISON. The sixth section provides:

That the allotment of space for exhibitors, classification of exhibits, plan and scope of the exposition, the appointment of all judges and examiners for the exposition, and the awarding of premiums, if any—

All these things—

shall all be done and performed by the said Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair.

The PRESIDENT pro tempore. The amendment offered to section 2 has not yet been agreed to. The amendment will be stated.

The SECRETARY. On page 3, section 2, line 13, before the word "commission," it is proposed to strike out "nonpartisan;" and after the word "commissioners" insert "not more than two of whom shall belong to the same political party."

The amendment was agreed to.

Mr. GALLINGER. Now, Mr. President, to perfect the text of the bill, if the Senator will turn to section 25 he will want to change the amount of the appropriation there made of $2,125,000. It should be, I think, $1,775,000.

Mr. MITCHELL. It should be $1,775,000.

Mr. GALLINGER. I move that amendment, Mr. President.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 21, section 25, lines 1 and 2, it is proposed to strike out "two million one hundred and twenty-five," and insert "one million seven hundred and seventy-five;" so as to make the section read:

SEC. 25. That the appropriations herein made of $1,775,000 in all shall take effect and become available immediately upon the passage of this act.

The amendment was agreed to.

Mr. PLATT of Connecticut. I move to strike out the twenty-sixth section.

Mr. MITCHELL. Is the Senator from Connecticut willing to amend that section so as to confine the franking privilege to official communications?

Mr. PLATT of Connecticut. It ought to be amended a good deal more than that. If the bill is going to be recommitted to the committee——

Mr. MITCHELL. I hope it will not be recommitted to the committee.

Mr. PLATT of Connecticut. Then it ought to be amended more than it can be by a single suggestion, I think. In the first place, I do not see how Congress can delegate to the Postmaster-General the right to extend the franking privilege to anyone. The bill does not say that this corporation shall enjoy the franking privilege, but that the Postmaster-General may grant to the Commission, under such rules and regulations—I will read the section. It provides:

SEC. 26. That the Postmaster-General of the United States be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe, to grant to the commission created by this act, and to the president, secretary, and director-general of the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, a corporation, and to such corporation, and to the president and the secretary of the Lewis and Clark centennial exposition commission of the State of Oregon the franking privilege, by means of which the free use of the United States mail until December 31, 1906, shall be enjoyed by said commission, president, secretary, director-general, and corporation aforesaid.

Mr. HOAR. Will the Senator, in order to complete his statement, permit me to observe that the franking privilege is to be enjoyed not only by this commission, but by the corporation?

Mr. PLATT of Connecticut. Exactly; and I think that if we are going to give the officers of this corporation the use of the franking privilege, it ought to be very carefully guarded, and that Congress itself ought to give it to them, and not authorize the Postmaster-General to do so.

Mr. MITCHELL. Let the section go out. I move to strike out section 26.

The amendment was agreed to.

Mr. ALLISON. On page 17, section 19, line 12, it is provided:

That the money hereby appropriated shall be disbursed under the direction of the said national commission, under rules and regulations to be prescribed by the Secretary of the Treasury, and upon vouchers to be approved by such national commission, acting by and through its president and secretary.

I see a practical difficulty under this provision. The corporation itself, the State of Oregon, the city of Portland, etc., have contributed to this fund $900,000, and the Government contributes $1,775,000. That must be in some way a common fund for the erection of the exposition buildings. I should think a safer provision would be "that the money hereby appropriated shall be expended by and under the direction of the said national commission, under rules and regulations," etc., because the language now employed would seem to indicate that the commission can only disburse the money upon vouchers approved by them.

Therefore, under this provision as it now stands, they have no control over the expenditures until the voucher period shall have arrived. They can only approve the vouchers.

Mr. FULTON. Then the Senator wishes to strike out the word "disbursed" and to insert "expended?"

Mr. ALLISON. "Expended and disbursed," or some words that will give the national commission the power to supervise the expenditures as they are made from day to day, and not simply the power to approve or disapprove the vouchers as they are presented to them.

Mr. MITCHELL. I submit to the Senator from Iowa if the provision as it stands does not do that very thing. It reads:

That the money hereby appropriated shall be disbursed under the direction of the said national commission, under rules and regulations to be prescribed by the Secretary of the Treasury—

That they may do before there are any vouchers—

and upon vouchers to be approved by such national commission, acting by and through its president and secretary.

Mr. ALLISON. Very well. Then the Senator will not object to inserting, after the words "shall be," in line 13, the words "expended by and."

Mr. MITCHELL. Not at all. There is no objection to that.

Mr. ALLISON. So that it will be read "shall be expended by and disbursed under the direction of."

Mr. MITCHELL. Very well. That is more specific.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The amendment will be stated.

The SECRETARY. On page 17, section 19, line 13, after the words "shall be," it is proposed to insert "expended by and;" so as to read:

That the money hereby appropriated shall be expended by and disbursed under the direction of the said national commission, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

On motion of Mr. MITCHELL, the title was amended so as to read: "A bill to provide for the celebration at Portland, Oreg., of the one hundredth anniversary of the exploration of the Oregon country by Capts. Meriwether Lewis and William Clark in the years 1804, 1805, and 1806, and for other purposes."

Mr. MITCHELL. I ask that the sections may be renumbered.

The PRESIDING OFFICER. The sections will be renumbered so as to run consecutively.

BUILDING FOR THE DEPARTMENT OF STATE, ETC.

Mr. FAIRBANKS. I desire to give notice that after the close of remarks with respect to Colombia and Panama to-morrow, I will move that the Senate proceed to the consideration of the bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor, provided it does not interfere with the consideration of any appropriation bill.

RELATIONS WITH COLOMBIA.

Mr. BACON. Mr. President, with the permission of the Senate, I desire to offer an amendment, in the nature of a modification, to Senate resolution No. 82, which was submitted by me. I will state that the modification I offer is one which strikes out all of the resolution after the word "Colombia," in the sixth line, and in lieu thereof inserts the words which I send to the desk.

The PRESIDING OFFICER. The Senator from Georgia, as the author of the resolution, has the right to modify it.

Mr. BACON. I ask that it may be read as it will read when modified.

The PRESIDING OFFICER. The Secretary will read the resolution as modified by the Senator from Georgia.

The SECRETARY. As modified the resolution reads as follows:

Resolved, That the President be respectfully informed that the Senate favor and advise the negotiation, with a view to its ratification, of a treaty with the Republic of Colombia, to the end that there may be peacefully and satisfactorily determined and adjusted all differences between the United States and the Republic of Colombia, with the intent of removing any cause of irritation or conflict, and of restoring the cordial relations heretofore existing between the United States and Colombia, and also of securing the hearty cooperation of the Colombian people in the construction of the canal at Panama.

The PRESIDING OFFICER. The resolution as modified will be printed.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to: and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 9, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 8, 1904.*

The House met at 12 o'clock m.

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

O Lord God, our Heavenly Father, we bless Thee for the indissoluble ties which bind Thy children together into one great family, so that when one member suffers the whole body suffers with it. Our hearts touched for the stricken people of the flame-swept city of Baltimore, we pray that the tangible aid and heartfelt sympathy which will be poured out upon them may encourage them to build their homes and business interests anew, that they may go forward even to greater success.

Hear us, we beseech Thee, O God, in the name of Jesus Christ our Lord. Amen.

The Journal of Friday's proceedings was read and approved.

URGENT DEFICIENCY BILL.

Mr. HEMENWAY. Mr. Speaker, I desire to ask unanimous consent that the Senate amendments to the urgent deficiency bill be nonconcurred in and that the House ask for a conference.

Mr. BARTLETT. Mr. Speaker——

The SPEAKER. The gentleman from Indiana asks unanimous consent that the urgent deficiency bill be taken from the Speaker's table, and the Senate amendments disagreed to, and the House ask for a conference.

Mr. BARTLETT. Mr. Speaker, I desire to say that I will not delay the consideration of this bill, but I shall not consent to the amendments being disagreed to and its being sent to conference. I shall insist, under Rule XXIII, that these amendments, the subjects-matter of which for the first time have been considered by the House, shall be considered in the House as in Committee of the Whole.

Mr. TAWNEY. Mr. Speaker, if the gentleman will withhold his objection just for one moment——

Mr. BARTLETT. Yes, sir.

Mr. HEMENWAY. I suggest that by this action the House disagrees to every one of these amendments, and there will be ample opportunity as far as one amendment is concerned—that relating to the St. Louis Exposition—for the House to discuss and vote upon it. The conference committee would in no event agree to that amendment without full discussion on the part of the House and a vote upon it by the House.

Mr. BARTLETT. Mr. Speaker, I withhold the objection in order that the gentleman from Minnesota may——

Mr. HEPBURN. Mr. Speaker, I desire to make objection to this motion by the gentleman from Indiana that the amendment carrying $4,600,000 may be considered in the Committee of the Whole.

Mr. BARTLETT. That is the purpose of my objection, I will state to the gentleman.

Mr. TAWNEY. Mr. Speaker, I was about to suggest to the gentleman from Georgia that perhaps his objection would be met if the gentleman from Indiana would simply modify his request and ask that the House nonconcur in all the Senate amendments except amendment No. 10, and reserve that amendment and ask unanimous consent that that amendment be considered in the House as in Committee of the Whole. That certainly would insure every opportunity for consideration of this amendment and also give opportunity for amendment to the amendment.

Mr. PAYNE. Mr. Speaker——

Mr. TAWNEY. I have the floor, Mr. Speaker, and I will also state to the House that in any event the committee having jurisdiction of the subject-matter of this amendment propose or intend to propose an amendment to the Senate amendment. There is no disposition to ask for a concurrence in the amendment as it passed. If opportunity is given for consideration, in the House as in Committee of the Whole, of this amendment, which the Committee on Industrial Arts and Expositions has instructed me to present, every opportunity for consideration will be given on that amendment if the gentleman from Indiana will so modify his request as to reserve Senate amendment No. 10 and ask that that amendment be considered in the House as in Committee of the Whole.

Mr. HEPBURN. Mr. Speaker, I would feel it my duty to interpose the same objection on that. I do not want it to be considered, where the gag of the previous question can be operated, until after there is fair opportunity for discussing the matter.

Mr. TAWNEY. I will say, Mr. Speaker, the gentleman, I do not think, will have any reason to complain of there not being ample time for debate.

Mr. HEPBURN. There is no reason why this should not take the ordinary course. It is a very important matter. The rule provides for it, and probably there is no proposition that will come from the Senate this session where this rule ought to be invoked more than on this one.

Mr. BARTLETT. Mr. Speaker, I yield to the gentleman——

Mr. HEMENWAY. I have not yielded the floor to anyone.

The SPEAKER. If this bill takes its course under the rule, it will have to go first to the Committee on Appropriations. Now, the Chair suggests to the gentleman from Indiana, if he so desires and asks unanimous consent, that the bill be referred to the Committee of the Whole House on the state of the Union. That would dispense with the necessity of its going to the Committee on Appropriations and being reported back. If there is objection, it would have to go to the Committee on Appropriations first.

Mr. HEMENWAY. Mr. Speaker, there is no desire on my part to prevent a full and free discussion as to these amendments. I understand that under the rule, if objection is made, this report would have to go to the Committee on Appropriations and be reported back. I am very sure it would be reported back with the recommendation that the House disagree to all the Senate amendments. So I see no reason why we should go through that form, but go into Committee of the Whole at once. I therefore, Mr. Speaker, ask unanimous consent that the bill be referred to the Committee of the Whole House on the state of the Union at once for discussion.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the bill be taken from the Speaker's table and be referred to the Committee of the Whole House on the state of the Union.

Mr. HEPBURN. Mr. Speaker, I want the reference to be so made that this particular amendment shall have separate consideration, and I make the parliamentary inquiry whether, under this request, it can have that separate consideration.

The SPEAKER. In reply to the parliamentary inquiry by the gentleman from Iowa, the Chair will say that the bill under consideration in the Committee of the Whole House on the state of the Union would be precisely as appropriation bills are considered, paragraph by paragraph, as to the Senate amendments.

Mr. HEMENWAY. Before the Chair puts that request, I want to add this: That all the other amendments be disagreed to.

Mr. BURKETT. Mr. Speaker, I want to reserve an objection there before the matter passes over.

The SPEAKER. The gentleman from Indiana has the floor. To whom does he yield?

Mr. HEMENWAY. I will yield to the gentleman from Georgia.

Mr. BARTLETT. I want to have this matter considered——

Mr. TAWNEY. Let the other amendments be nonconcurred in.

Mr. BARTLETT. Mr. Speaker, I arose and was recognized by the Chair, and withheld my objection in order that the gentleman from Minnesota might be heard. The gentleman from Indiana, as I understood, yielded the floor, and the Chair recognized me to make a statement. I have not yet had that opportunity.

The SPEAKER. The Chair may have done so, but the Chair did not undertake to take the gentleman from Indiana from the floor and give new recognition to the gentleman from Georgia. But there can be no trouble about it. The gentleman from Indiana, I have no doubt, is naturally desirous to yield to any gentleman.

Mr. HEMENWAY. Certainly; and I yield to the gentleman from Georgia to ask a question.

Mr. BARTLETT. I do not want to ask any questions. I am desirous of making a statement.

Mr. HEMENWAY. How much time does the gentleman desire?

Mr. BARTLETT. A few minutes.

Mr. HEMENWAY. I yield to the gentleman five minutes.

Mr. BURKETT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman from Indiana yields to the gentleman from Georgia five minutes, pending which the gentleman from Nebraska desires to make a parliamentary inquiry.

Mr. BURKETT. I desire to ask if the matter now pending is by unanimous consent?

The SPEAKER. The gentleman from Indiana asked unanimous consent that the bill may be taken from the Speaker's table and referred to the Committee of the Whole House on the state of the Union.

Mr. BURKETT. If an objection is interposed, the matter must go to the Committee on Appropriations?

The SPEAKER. Undoubtedly.

Mr. BURKETT. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska, and the bill is referred to the Committee on Appropriations.

PROSECUTIONS UNDER SHERMAN ANTITRUST LAW.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I make the following privileged report on House resolution No. 194.

The Clerk read the resolution, as follows:

House resolution No. 194.

Resolved, That the Attorney-General of the United States is hereby requested to send to this House for its information a full report showing respectively the dates when the various suits were instituted, which were reported by him in his communication to this House of date January 13, 1904, in response to the resolution passed by this House on January 11, 1904, calling for information among other things as to how many and what kind of legal proceedings have been instituted by him or under his direction, under the provisions of what is known as the Sherman antitrust law, and the law approved February 4, 1887, and acts amendatory thereof or supplemental thereto; and also definite information, in so far as same has not been given in said communication of January 13, 1904, as to the places where said suits are pending, and also as to whether or not he has filed in any of said cases a certificate that in his opinion such cases are of general public importance, so as to give them preference over other business, and if he has filed such certificate in any of said cases what cases he has filed it in, giving the date or dates of filing.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 2, 1904:

H. R. 7849. An act to authorize the county of Poinsett, in the State of Arkansas, to construct a bridge across the St. Charles River at or near the town of Marked Tree, in said county and State; and

H. R. 9292. An act in relation to business streets in the District of Columbia.

On February 3, 1904:

H. R. 196. An act granting a pension to Grace E. Carson;

H. R. 227. An act granting a pension to Margaret Cotter;

H. R. 616. An act granting an increase of pension to Sarah Chrysler;

H. R. 661. An act granting an increase of pension to Elizabeth E. Meckly;

H. R. 722. An act granting an increase of pension to Zachariah B. Stuart;

H. R. 864. An act granting an increase of pension to Albert Moulton;

H. R. 895. An act granting an increase of pension to Margaret M. Walker;

H. R. 907. An act granting an increase of pension to De Witt C. Parker, alias Clinton J. Parker;

H. R. 930. An act granting an increase of pension to Thomas M. Parkison;

H. R. 942. An act granting an increase of pension to James F. Hardy;

H. R. 957. An act granting an increase of pension to Alonzo Carpenter;

H. R. 990. An act granting an increase of pension to Harrison W. Fox;

H. R. 1184. An act granting an increase of pension to William F. Longenhagen;

H. R. 1288. An act granting an increase of pension to Jason Stevens;

H. R. 1517. An act granting an increase of pension to George W. Hutchison;

H. R. 1856. An act granting an increase of pension to Alexander H. Covert;

H. R. 1908. An act granting an increase of pension to Harvey D. Barr;

H. R. 2042. An act granting an increase of pension to Alvin B. Hubbard;

H. R. 2108. An act granting an increase of pension to Henry D. Wright;

H. R. 2139. An act granting an increase of pension to James W. Kight;

H. R. 2155. An act granting an increase of pension to Charles W. Bechstedt;

H. R. 2188. An act granting an increase of pension to Richard L. Cook;

H. R. 2424. An act granting a pension to Emma Butler;

H. R. 2435. An act granting a pension to Reuben Vermillion;

H. R. 2472. An act granting an increase of pension to David F. Lewis;

H. R. 2616. An act granting an increase of pension to Joseph K. Welt;

H. R. 2690. An act granting an increase of pension to Thomas Kelly;

H. R. 2991. An act granting an increase of pension to Lydia A. Topping;

H. R. 3000. An act granting an increase of pension to William C. Best;

H. R. 3001. An act granting an increase of pension to Alpheus Converse;

H. R. 3013. An act granting an increase of pension to John A. Mavity;

H. R. 3472. An act granting an increase of pension to Marcus E. Amsden;

H. R. 3743. An act granting an increase of pension to Charles E. Foley;

H. R. 3778. An act granting an increase of pension to Juliaetta Rowling;

H. R. 3821. An act granting an increase of pension to Hannah Padgett, now Riley;

H. R. 4115. An act granting an increase of pension to Joseph S. Young;

H. R. 4200. An act granting an increase of pension to Milton H. Sweet;

H. R. 4319. An act granting an increase of pension to John Sexton;

H. R. 4726. An act granting an increase of pension to Samuel B. Brightman;

H. R. 4916. An act granting an increase of pension to Allen M. Pierce;

H. R. 4935. An act granting an increase of pension to Edward T. Miller;

H. R. 5005. An act granting an increase of pension to Worthington S. Lock;

H. R. 5177. An act granting an increase of pension to William H. Clark;

H. R. 5197. An act granting an increase of pension to William C. Brown;

H. R. 5246. An act granting an increase of pension to Sebastian B. Elliott;

H. R. 5464. An act granting an increase of pension to Francis M. Northern;

H. R. 5521. An act granting an increase of pension to Charles S. Clark;

H. R. 5559. An act granting an increase of pension to Josephine C. Chase;

H. R. 5719. An act granting an increase of pension to Forbes Homiston;

H. R. 5841. An act granting an increase of pension to Abram Wilson;

H. R. 6004. An act granting an increase of pension to William C. Lyon;

H. R. 6441. An act granting an increase of pension to Peter Fillion;

H. R. 6619. An act granting an increase of pension to Benjamin R. Little;

H. R. 6830. An act granting an increase of pension to Charles E. Likes;

H. R. 6932. An act granting an increase of pension to Harvey R. King;

H. R. 6975. An act granting an increase of pension to George W. Lawson;

H. R. 7002. An act granting an increase of pension to James S. Rearden;

H. R. 7370. An act granting an increase of pension to Andrew Ivory;

H. R. 7666. An act granting an increase of pension to Laura F. Hine;

H. R. 5010. An act granting a pension to Mary F. Hamilton; and

H. R. 5043. An act granting a pension to William H. Harrison.

On February 5, 1904:

H. J. Res. 98. Joint resolution to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia.

FRAUD IN REFERENCE TO INDIAN LANDS.

Mr. JENKINS. Mr. Speaker, the Committee on the Judiciary, to whom was referred the House resolution 198, report back in lieu thereof a substitute, and recommend the adoption of the substitute, which I will send to the desk and ask to have read.

The Clerk read the substitute, as follows:

Resolved, etc., That the Attorney-General of the United States is requested, in so far as in his judgment it is not incompatible with the interests of the public service and will not prejudice any investigations or prosecutions now pending, to send to the House of Representatives, for its information, a full report made by any special examiner or examiners sent by the Department of Justice in the years 1903 or 1904 to the Indian Territory to investigate the charges of corruption made by S. M. Brosius, agent of the Indian Rights Association, or any other person, against several United States court officials in that Territory, in relation to the conduct of said officials in dealing with Indian lands and property rights; and also how many and what were the names of such examiners, and was one Leigh Chalmers one of them, and has he sent to the Department any report by letter or otherwise; if so, send it to the House for its instruction; also send to this House a copy of the instructions given by the Department of Justice to said examiners; and also a statement of all Government officials who are now or have been members of corporations known as "Tribal development or trust companies," and also state whether or not said officials who were members of such companies are now in the employ of the Government.

The SPEAKER. The question is on agreeing to the substitute resolution.

The question was taken; and the substitute resolution was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

ANN A. DEVORE.

The SPEAKER laid before the House the bill (S. 1760) granting a pension to Ann A. Devore, with a House amendment disagreed to.

The amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked for by the Senate.

The SPEAKER. The question is on the motion of the gentleman from New Jersey, that the House insist on its amendment and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed the following conferees on the part of the House: Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama.

AUSTIN ALMY.

The SPEAKER laid before the House the bill (S. 200) granting an increase of pension to Austin Almy, with a House amendment disagreed to.

The amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked for by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER appointed the following conferees on the part of the House: Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama.

SALE OF RED LAKE INDIAN RESERVATION.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that the bill (S. 1490) authorizing a sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota, be taken from the Union Calendar and considered in the House as in the Committee of the Whole House, and that the same be made a special continuing order.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the bill (S. 1490) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota, be taken from the Union Calendar and considered in the House as in the Committee of the Whole House, under the following conditions: That the same be a special continuing order, not to interfere with revenue or appropriation bills or other privileged matters. Is there objection?

Mr. PAYNE. Mr. Speaker, I would like to know what the bill is about before I give my consent.

Mr. TAWNEY. Mr. Speaker, I would state for the information of the gentleman from New York that it is a bill similar to the one considered by the House a few days ago on the request of the gentleman from South Dakota [Mr. MARSHALL].

Mr. PAYNE. I would like to ask the gentleman from Minnesota [Mr. STEENERSON] if this bill has been reported.

Mr. TAWNEY. I will state that it has been favorably reported by the Committee on Indian Affairs.

Mr. PAYNE. Is this bill a bill similar to those that were passed in regard to North and South Dakota lands?

Mr. STEENERSON. It is similar to the bill passed in regard to the Rosebud and Devils Lake reservations with this exception, that all of the land is sold and none of it is given to the State of Minnesota, inasmuch as the Supreme Court has disposed of that question.

Mr. PAYNE. There is no appropriation in the bill?

Mr. STEENERSON. No; there is no appropriation in the bill.

Mr. PAYNE. All the money received from the sale of the land goes to the Indians?

Mr. STEENERSON. It all goes to the Indians; the United States acts simply as trustee for the sale of the land and pays the money over to the Indians.

The SPEAKER. Is there objection to making this order, as requested?

Mr. PAYNE. When is the bill to be considered? Does this order take effect at once?

The SPEAKER. Oh, yes; it is to be a special continuing order. Is there objection? The Chair hears none.

BRIDGES OVER THE MINNESOTA RIVER.

Mr. DAVIS of Minnesota. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 8160) to declare a portion of the Minnesota River in the State of Minnesota not navigable and authorizing the construction of bridges thereon was read with the following amendment:

Strike out all after the enacting clause and insert the following:

"That permanent, stationary, fixed span bridges may be constructed and maintained over and across so much of the Minnesota River, within the State of Minnesota, as lies between Big Stone Lake, in said State, and the place on said river between the counties of Lesueur and Sibley, in said State, where the same is intersected and crossed by the north line of section No. 25, in township No. 112 north, of range No. 26 west of the fifth principal meridian: *Provided*, That such bridges shall each have a span not less than 40 feet wide over the main current of the stream, which span shall not be less than 20 feet high in the clear above ordinary low-water stage if constructed at or below the city of Mankato, and not less than 15 feet high in the clear above ordinary low-water stage if constructed above said city of Mankato.

"Any drawbridge now constructed across said river at or above the city of of Lesueur, in said State, and maintained by any municipal or other corporation, may be converted into a fixed span bridge, in conformity with the foregoing provisions.

"SEC. 2. That said bridges and accessory works, when built and constructed under this act and according to the terms and limitations thereof, shall be lawful structures, and said bridges shall be recognized and known as post routes, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to such bridges; and said bridges shall enjoy the rights and privileges of other post routes of the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges over said bridges.

"SEC. 3. That the United States shall have the right of way for such postal telegraph and telephone lines across said bridges as the Government may construct or control.

"SEC. 4. That Congress reserves the right to alter, amend, or repeal this act at any time."

Amend the title so as to read: "A bill to authorize the construction of bridges across a portion of the Minnesota River in the State of Minnesota."

Mr. PAYNE. I should like to know from what committee this bill is reported.

Mr. DAVIS of Minnesota. From the Committee on Interstate and Foreign Commerce.

Mr. PAYNE. They have prepared this substitute?

Mr. DAVIS of Minnesota. Well, I prepared it at their suggestion.

Mr. PAYNE. It has met their approval?

Mr. DAVIS of Minnesota. It has.

Mr. PAYNE. I should like to know whether it has met the approval of the War Department?

Mr. DAVIS of Minnesota. It has, in its present form. The Secretary of War objected to the original form, but suggested this form, and the bill has been amended to comply with his suggestion.

Mr. PAYNE. Then this form is in accordance with the suggestion of the War Department?

Mr. DAVIS of Minnesota. It is.

There being no objection, the House proceeded to the consideration of the bill.

The amendment, in the form of a substitute, reported by the Committee on Interstate and Foreign Commerce was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. In the absence of objection, the amendment proposed by the committee to the title will be agreed to.

There was no objection.

On motion of Mr. DAVIS of Minnesota, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE AMENDMENTS TO URGENT DEFICIENCY BILL.

Mr. HEMENWAY. Mr. Speaker, I report back from the Committee on Appropriations the amendments of the Senate to the bill (H. R. 10954) making appropriations to supply urgent deficiences in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

The SPEAKER. The bill with the amendments will, without objection, be referred to the Committee of the Whole House on the state of the Union.

Mr. HEMENWAY. I move that the House now resolve itself into the Committee of the Whole for the consideration of this bill.

Mr. ROBINSON of Indiana. I rise to a parliamentary inquiry—whether it is necessary now to reserve points of order.

Mr. HEMENWAY. No points of order can be made against Senate amendments.

Mr. ROBINSON of Indiana. I should like to inquire whether this bill as it comes from the Senate provides for the testing of coal at the St. Louis Exposition by machinery offered to the Government for nothing.

Mr. HEMENWAY. I understand that there is an amendment on the bill carrying $30,000 for the testing of coal. That amendment, of course, will be subject to discussion when the bill is under consideration in the Committee of the Whole.

The SPEAKER. The gentleman from Indiana [Mr. HEMENWAY] moves that the House resolve itself into the Committee of the Whole for the consideration of this bill with the amendments.

Mr. WILLIAMS of Mississippi. Before that motion is put, allow me an inquiry. I suppose if the motion be carried there will be opportunity to vote separately upon each of the Senate amendments?

The SPEAKER. The matter will be considered in the Committee of the Whole, under the rules of that committee, just as any other bill in a like position.

Mr. WILLIAMS of Mississippi. Before we go into the Committee of the Whole, I should like to have some arrangement made in regard to the control of the time.

Mr. HEMENWAY. I ask unanimous consent that the time be controlled by the gentleman from Georgia [Mr. LIVINGSTON] and myself. In making this request I will state that as there is an item—I suppose the main item to be discussed—providing an appropriation for the St. Louis World's Fair, the time, I presume, will be equally divided between those who are opposed to that proposition and those who are in favor of it.

Mr. PAYNE. Allow me to ask whether either of these two gentlemen is opposed to that amendment?

Mr. HEMENWAY. The gentlemen in charge would divide the time equally between those opposed to the proposition and those favoring it. It is well to have the time under the control of somebody.

Mr. PAYNE. I think it would be better for us to go into the Committee of the Whole under the ordinary rules. I object to the arrangement proposed.

The motion of Mr. HEMENWAY was agreed to; and accordingly the House resolved itself into the Committee of the Whole on the state of the Union (Mr. CURRIER in the chair) for the consideration of the urgent deficiency bill with the amendments of the Senate.

Mr. HEMENWAY. I ask that the Clerk report the first amendment of the Senate.

The Clerk read as follows:

Insert the following:

"For additional amount to enable the President to cooperate through diplomatic channels with the Governments of Mexico, China, Japan, and other countries, for the purpose set forth in the message of the President and accompanying notes submitted to Congress January 29, 1903, and printed as Senate Document No. 119, second session Fifty-seventh Congress, $25,000; and the Commission appointed for this purpose shall terminate July 1, 1904."

Mr. HEMENWAY. Mr. Chairman, I move to nonconcur in that amendment.

The CHAIRMAN. The gentleman from Indiana moves that the committee recommend nonconcurrence in the amendment just read. The question is on the motion of the gentleman from Indiana.

Mr. PAYNE. Mr. Chairman, I understand the motion is on nonconcurrence——

The CHAIRMAN. That is the motion.

Mr. PAYNE. I want to take the floor in opposition. I will yield such time to the gentleman from Indiana as he desires.

Mr. HEMENWAY. I will yield to the gentleman from New York.

Mr. PAYNE. I do not see how the gentleman can hold the floor when the Chair was proceeding to put the question.

Mr. HEMENWAY. I hold the floor by reason of the fact that I am recognized by the Chair and have asked for a vote upon this amendment.

Mr. PAYNE and Mr. HEPBURN. Wait a moment.

Mr. HEMENWAY. If there is to be a discussion, I will discuss it first.

Mr. HEPBURN. Mr. Chairman, a parliamentary inquiry.

Mr. PAYNE. I understood the gentleman from Indiana to make a motion to nonconcur in all the Senate amendments.

Mr. HEMENWAY. Oh, no.

Mr. PAYNE. And the Chair proceeded to put that motion.

Mr. HEMENWAY. Oh, no. If the gentleman will permit me——

Mr. PAYNE. Wait a moment. I am asking the Chair, is not that correct that the Chair commenced to put the motion——

The CHAIRMAN. Yes.

Mr. PAYNE. When I rose to ask for debate. Now, of course, if the gentleman from Indiana wishes to debate this first, that is all right, but the opposition to this four million six hundred thousand——

Mr. HEMENWAY. The gentleman from New York seems to have lost track of what is going on and of the question before the House.

Mr. PAYNE. I understood all of the Senate amendments were included in the motion.

Mr. HEMENWAY. If the gentleman will give attention——

Mr. PAYNE. Before that is done, I submit that general debate on this proposition is in order.

Mr. HEMENWAY. Why, if the Chair pleases——

The CHAIRMAN. The Chair thinks general debate is in order, and will recognize the gentleman from Indiana [Mr. HEMENWAY].

Mr. HEMENWAY. Now, I simply want to state that as to these amendments not affecting the St. Louis World's Fair we seek to nonconcur. I should like to have the attention of the gentleman from New York, so that he may understand what is proposed by the committee.

When it comes to the amendment in regard to the St. Louis World's Fair, I hope the committee will have ample time to discuss it. I do not care whether it is one, two, or three hours, or whatever time is necessary; but as to the general Senate amendments upon this bill, I simply seek to get them in conference as promptly as possible, and not waste time all through this bill discussing a matter which ought to be discussed all at one time.

Mr. PAYNE. If the gentleman will allow me a suggestion——

Mr. HEMENWAY. Yes.

Mr. PAYNE. It seems to me that if we have general debate upon this bill and upon the amendments, it may result that nobody will object to disagreeing to every Senate amendment except this particular one. After the general debate is concluded we may be able then to nonconcur in all the Senate amendments save this single amendment, and then to take a separate vote upon that. It seems to me it would be better to go on with the general debate. I am as anxious as the gentleman to get through with this bill to-day.

Mr. HEMENWAY. We must proceed in order. An amendment has been read by the Clerk. I have moved to nonconcur in that amendment.

Mr. PAYNE. The Chair has held that general debate is in order.

Mr. HEMENWAY. That amendment is numbered 1, and under the rule we have five minutes' debate on each side. As far as I am concerned, I have concluded all of the argument I desire to make upon the first amendment.

Mr. HEPBURN. Mr. Chairman, I think the gentleman is mistaken in the observation he has just made. I think the situation is just this: The Speaker held, in response to a question, that this bill, when reported back, would stand before the committee like any other appropriation bill, would stand upon the same ground, and that Members would have the same rights. Now, if this were an appropriation bill, the first order would be the reading of the bill in extenso and then general debate.

Mr. PAYNE. May I suggest right there that the reading of the bill has never been dispensed with?

Mr. HEPBURN. I was about to say that the reading has not been dispensed with. The Clerk began to read, I suppose under that rule, and having read the first section, the gentleman from Indiana immediately rose.

Mr. HEMENWAY. Oh, well, will the gentleman permit now——

Mr. HEPBURN. I think we did not understand that the bill was being read by paragraphs.

Mr. HEMENWAY. If the gentleman would prefer to enter into the discussion of the amendments in regard to the St. Louis Exposition now, in place of waiting until we get to that subject,

I have no objection; but I was proceeding upon the theory that we would dispose of the formal amendments first, and after they are disposed of take up the St. Louis amendment. Upon that amendment I hope the committee will have all the time that it wants. If the committee wants to take a week to discuss that subject, I do not care.

Mr. HEPBURN. If the gentleman will permit me, I suggest that if we pursue that course, then when you reach amendment No. 10 any man may object under the manner in which we are reading the bill now, and the debate would be limited to five minutes on a side.

Mr. HEMENWAY. That can not be, because I have not asked to dispense with the first reading of the bill, because I do not want to cut off general discussion. For that sole purpose I do not ask to dispense with the first reading of the bill; but by proceeding and disposing of the formal amendments, then I will ask that this amendment be passed until we get through with the balance of the amendments, and then we can go back and bring that before the House.

Mr. HEPBURN. There will be no disposition to interfere with the gentleman at all if we can be assured that when we come to amendment No. 10 there will be ample time for discussion of that amendment.

Mr. HEMENWAY. I will say to the gentleman there has been no request to dispense with the first reading of the bill. We can not limit discussion in the committee. We would have to go to the House to do it. I hope to dispose of the formal amendments first, and then take up this amendment last and discuss it.

Mr. TAWNEY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. The House is now in Committee of the Whole House on the state of the Union considering not the bill, but certain Senate amendments to an appropriation bill. The inquiry which I desire to make is whether the same rule applies in the Committee of the Whole with regard to the first reading of the amendments or the same rule as to general debate applies in the Committee of the Whole when you are considering Senate amendments as would apply if we were considering an original appropriation bill?

The CHAIRMAN. The Chair rules that the bill has not to be read, but that each amendment has to be read, and that there may be general debate on each amendment. If the amendment contains more than one paragraph, it may be considered under the five-minute rule, by paragraph. The Chair will recognize the gentleman from Indiana.

Mr. HEMENWAY. If there is no further discussion, I ask for a vote on the motion to nonconcur.

The CHAIRMAN. The gentleman from Indiana moves that the House nonconcur in the first Senate amendment.

The motion was agreed to.

The Clerk read as follows:

Amendment No. 2: In lines 24 and 25 strike out "$2,000" and insert "$3,500."

Mr. HEMENWAY. I move that the committee nonconcur.

The motion was agreed to.

The Clerk read as follows:

Amendment No. 3: Insert on page 3, line 1:
"For the purchase of two horses for the official use of the Department of State, $500."

Mr. HEMENWAY. I move that the committee noncur.

The motion was agreed to.

The Clerk read as follows:

Amendment No. 4: On page 3, line 22, strike out "fifteen" and insert "twenty-five."

Mr. HEMENWAY. Mr. Chairman, it seems to me to be a waste of time to go through the bill reading these separate amendments. I understand there are but two amendments that the committee desires to discuss. One is amendment No. 10 and the other is an amendment providing for the analysis of coal at the St. Louis Exposition. I ask unanimous consent, Mr. Chairman, that the committee nonconcur as to all the other amendments, and that their reading be dispensed with, unless there is some other amendment some gentleman desires to discuss.

Mr. WILLIAMS of Mississippi. Not being acquainted with the character of the amendments, I think it would be better to read them just as they come in, so that the House may understand them.

The CHAIRMAN. Objection is made.

Mr. HEMENWAY. Then, Mr. Chairman, I move that the committee nonconcur in the amendment just read.

The motion was agreed to.

The Clerk read as follows:

On page 3, line 13, insert "for expenses, not salaries, of inspection of consulates, to be expended under the direction of the Department of State, $3,000."

Mr. HEMENWAY. I move that the committee nonconcur.

The motion was agreed to.

The Clerk read as follows:

On page 5, line 5, after the word "annum," insert "Consul at Dalny, Manchuria, at the rate of $3,500 per annum."

Mr. HEMENWAY. I move that the committee nonconcur.

The motion was agreed to.

The Clerk read as follows:

On page 5, lines 6, 7, and 8, strike out "(7) $3,111.27" and insert "$4,569.60."

Mr. HEMENWAY. I move that the committee nonconcur.

The motion was agreed to.

The Clerk read as follows:

On page 5, after line 11, insert:
"For postage required to prepay matter addressed to Postal Union countries, and for postage for the Treasury Department, for the fiscal year 1903, $481.25."

Mr. HEMENWAY. I move that the committee nonconcur.

The motion was agreed to.

The Clerk read as follows:

On page 8, after line 10, insert:
"Office of the Treasurer: For the following additional employees for the balance of the fiscal year 1904, namely: For one clerk of class 3; one clerk of class 2; one clerk of class 1; nine expert counters, at the rate of $800 per annum each; one laborer; and one foreman pressman at the rate of $1,500 per annum; in all, $6,025."

Mr. HEMENWAY. I move that the committee nonconcur.

The motion was agreed to.

The Clerk proceeded to read amendment on page 8, after line 18:

Louisiana Purchase Exposition——

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent that that be passed over until the bill is read.

The CHAIRMAN. The gentleman from Indiana asks that this amendment be passed over without prejudice until the reading of the other amendments is completed. Is there objection?

Mr. MADDOX. What is that?

Mr. HEMENWAY. I ask that this be passed over until the balance of the amendments have been disposed of.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

The Clerk read as follows:

On page 9, after line 13, insert:
"Paris exposition: The following provisions of the deficiency appropriation act, approved July 1, 1902, namely: 'To complete the unfinished work of the late United States Commission to the International Exposition at Paris in 1900, and to defray the expenses of distributing the medals and diplomas awarded to exhibitors from the United States, to be expended under the direction of the President, there is hereby appropriated for such purposes such sums of money as have been covered into the Treasury as proceeds derived from the sale of furniture or other property used by the Commission, and to continue available during the fiscal year 1903, $13,875.21,' are hereby further continued and the appropriation made available from the end of said fiscal year 1903 to September 30, 1903."

Mr. HEMENWAY. Mr. Chairman, I move that the committee nonconcur in the amendment.

The motion was agreed to.

The CHAIRMAN The Chair will call the attention of the committee to the fact that in the printed bill it appears that the amendments are numbered, and hereafter the Clerk will report the amendments by numbers and not by page.

The Clerk read as follows:

Amendment No. 12: Reimbursement to the Independent Line Steamers, of Tampa, Fla.: To pay the balance due to the Independent Line Steamers, of Tampa, Fla., in full settlement of all claims said steamer line may have against the United States for damages to the steamer Manatee, due to a collision with the U. S. S. Hillsboro in Tampa Bay, Florida, on the night of November 18, 1901, $720.

Mr. HEMENWAY. I move that the committee nonconcur.

Mr. PAYNE. Mr. Chairman, I understand there is only one other amendment that any gentleman desires to have discussed besides this amendment, No. 10, and I would suggest if that gentleman will name his amendment perhaps we can nonconcur in all the others except those two, amendment No. 10 and the amendment the gentleman desires to have discussed.

Mr. WILLIAMS of Mississippi. If the gentleman will excuse me, the gentleman from Indiana made that request a while ago. There are amendments in here of which none of us have heard and of which we know nothing as to their character. Here is one: "To pay the balance due to the Independent Line Steamers, of Tampa, Fla." etc. We have not heard anything about that, and we would like to have some explanation in regard to some of these amendments.

Mr. HEMENWAY. I am asking to nonconcur in them. Of course the gentleman will understand these are Senate amendments that the House seeks to disagree to. I do not know why the Senate put it on, and I have no way of ascertaining until it goes into conference. The gentleman is asking the very question I should ask; why this item is on here I would want to know. As it is now I do not know, it being a Senate amendment.

Mr. WILLIAMS of Mississippi. I understand that, but it is very possible there might be other amendments which upon explanation the House would want to concur in.

Mr. HEMENWAY. If there are, the House will have opportunity later on to pass upon them.

Mr. WILLIAMS of Mississippi. I know that——

Mr. HEMENWAY. And all I seek to do, in asking unanimous consent to nonconcur in all the Senate amendments except those the House desires now to discuss, is, of course, that the committee on conference will take up these amendments with the Senate and ask the reason why they have inserted them in this bill.

Mr. WILLIAMS of Mississippi. Now, I find here on page 20:

To pay the balance due to the Independent Line Steamers, of Tampa, Fla., in full settlement of all claims said steamer line may have against the United States for damages to the steamer *Manatee*, due to a collision with the U. S. S. *Hillsboro* in Tampa Bay, Florida, on the night of November 18, 1901, $720.

Mr. HEMENWAY. That item was before the Committee on Appropriations of the House, and we refused to appropriate for it. It went to the Senate and the Senate put the amendment on. Of course there the judgment of the two committees at least disagreed. The Committee on Appropriations of the House turned the item down, the Committee on Appropriations of the Senate put it in, and so the question will come up in conference whether or not the item will be agreed to.

Mr. WILLIAMS of Mississippi. I just read that because that is one of the matters, for instance, that we would like to have some information upon.

Mr. HEMENWAY. All the way through the bill run these different items, which, of course, the House committee can not give information about because they have not the information.

Mr. WILLIAMS of Mississippi. Now, upon that matter you could give information, because you had it before your committee.

Mr. HEMENWAY. Of course if the gentleman prefers it, the different amendments will be reported.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 13: In line 20 strike out "eight" and insert "twelve;" so as to read as follows:

"Treasury building, Washington, D. C., special repairs: For enlarging the present drafting room of the Office of the Supervising Architect, Treasury building, Washington, D. C., in order to furnish additional working space for an increase in the force, including all necessary changes in plumbing, and all changes incident to this work; and for all materials and labor required in the execution of the work, $12,000."

Mr. HEMENWAY. I move to nonconcur.

The motion was agreed to.

The Clerk read as follows:

Amendment No. 14: Baltimore, Md., custom-house: That the Secretary of the Treasury be, and he is hereby, authorized to acquire, by purchase, condemnation, or otherwise, the property known as the Peabody property, immediately adjacent to the site of said custom-house building, abutting on Water street, Exchange place, and Post-Office avenue, in the city of Baltimore, Md., at a cost not to exceed the sum of $75,000; and the Secretary of the Treasury is hereby authorized to use for that purpose the sum of $24,988.81, remaining available from the purchase of the Merchants' National Bank property, together with an amount sufficient to make up the said sum of $75,000, from any money remaining available for the construction of said new custom-house building: *Provided*, That the total limit of cost of the site and building shall not be increased.

Mr. HEMENWAY. I move that the House nonconcur.

The motion was agreed to.

The Clerk read as follows:

Amendment No. 15: Greensboro, N. C., rent of buildings: For rental of temporary quarters and expenses incident thereto, $2,500.

Mr. HEMENWAY. I move that the committee recommend that the amendment be not concurred in.

Mr. KLUTTZ. Mr. Chairman, in the temporary absence from the Hall on committee business, of my colleague [Mr. WILLIAM W. KITCHIN], who immediately represents the Greensboro district, I want to say I hope the chairman of the committee will not press the motion to nonconcur.

Mr. HEMENWAY. I will say to the gentleman that there are many of these amendments to which we formally nonconcur to which we may concur in conference, but it is always safer to nonconcur and take them all in conference.

Mr. KLUTTZ. I just want to take this occasion—I shall not insist upon the matter—to say here I think this appropriation is absolutely necessary. The Government building at Greensboro, N. C., is now undergoing, or is shortly to undergo, repairs and enlargement. The post-office, internal-revenue office, and district and circuit courts are necessarily compelled to have temporary quarters, and provision should be made for it, and I hope the committee of conference will agree to it.

Mr. HEMENWAY. Mr. Chairman, I think this is an item that came to the Senate after the bill passed the House, and probably has merit, but it is safer to nonconcur.

Mr. KLUTTZ. Would it not be as well to concur in the amendment now?

Mr. HEMENWAY. I think not, because the House is not informed in regard to it. We have not the recommendation of the Department; that has gone to the Senate, and it is always safer to nonconcur in the amendments. Of course there are many amendments, and I doubt not that this is one of them, where the necessity was shown for them after the bill passed the House. I move, Mr. Chairman, that we nonconcur in this amendment.

Mr. KLUTTZ. I shall not further insist now, as I feel confident the conferees of the House will consent to this item remaining in the bill.

The question was taken, and the motion was agreed to.

The Clerk read the next amendment, as follows:

Los Angeles, Cal., post-office and court-house: For additional amount for enlarging the public building site belonging to the United States, as provided by section 17 of the act approved June 6, 1902, $19,700; but the limit of total cost of site and building shall not be exceeded.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend that the House nonconcur in this amendment.

Mr. McLACHLAN. Mr. Chairman, I hope that the gentleman from Indiana will not insist on his motion in regard to this item. It is a very important item, and, as the Committee of the Whole will observe, we do not increase the limit of cost as to the building and site. The facts are that $175,000 was appropriated for this additional site in Los Angeles. A suit for condemnation was brought. Just before this session the jury reported in that case, bringing in a verdict in excess of the limit of the cost of the proposed site of $19,700. The measure of damages was fixed at the time of the beginning of that suit, something like a year ago.

If this fails now, another suit must be brought, and I desire to say that the value of this property has increased enormously, and it will cost the Government from $50,000 to $100,000 more to secure the same property which has been condemned and for which this $19,700 is now provided.

The Department of Justice believes that by securing this additional sum of $19,700 at this time it can then go into court, pay the full award of the jury in the condemnation suit already tried, and take the property, and thereby save to this Government from $50,000 to $100,000. The Secretary of the Treasury wrote a special letter in regard to this matter, urging that this item be included in this bill, and I therefore urge that this amendment will be concurred in by the House.

Mr. HEMENWAY. Mr. Chairman, this item, like many others of this class, belongs to the Committee on Public Buildings and Grounds. It has no place upon an appropriation bill. It seeks to increase the limit made in the passage of a bill for the erection of public building at Los Angeles, Cal. If the Committee on Appropriations is to deal with these questions, then there will be hundreds of such cases to come before that committee. Our committee has no jurisdiction of that business. We are not informed as to the merits of these different items. They belong to another committee, and I hope the House will noncur in this amendment.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I hope also that the House will nonconcur in amendments of this character. This brings up a class of legislation at a time when the House has no time to consider it—when the question can not be looked into deliberately. It carries the jurisdiction of these questions to the wrong committee. And that is not all; it still further encourages a very vicious trend of public legislation; that is, for the Senate to put all manner of legislation upon House appropriation bills. I think the more the House restricts and limits that the better for the cause of economy and the better for the cause of good government generally. I do not know but this is a highly meritorious appropriation, but there is no way now for this committee to find out, nor will there be after the conference report for that matter, and it seems to me that legislation of this sort put upon a general appropriation bill ought to be, as a rule, defeated.

The CHAIRMAN. The gentleman from Indiana moves that the committee recommend nonconcurrence in this amendment.

The question was considered; and the motion was agreed to.

The Clerk read as follows:

Heating apparatus for public buildings: For heating, hoisting, and ventilating apparatus, $125,000.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

The Clerk read as follows:

Vaults, safes, and locks for public buildings: For vaults, safes, and locks, and repairs to the same for all public buildings under the control of the Treasury Department, exclusive of personal services, except for work done by contract, $15,000; but of this amount not exceeding $3,000 may be expended for personal services of mechanics and others employed outside of the District of Columbia in making repairs and inspecting work done.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

The Clerk read as follows:

GOVERNMENT IN THE TERRITORIES.

Legislative expenses, Territory of New Mexico: For stenographer and typewriter in secretary's office, $720.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

Mr. HEMENWAY. Now, Mr. Chairman, amendments numbered 21, 22, 23, 24, 25, and 26 relate to the District of Columbia. I ask unanimous consent that the committee recommend nonconcurrence in all those amendments.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the committee recommend nonconcurrence in amendments 20, 21, 22, 23, 24, 25, and 26. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The accounting officers of the Treasury are hereby directed, in the settlement of the accounts of George W. Baird, major and paymaster, United States Army, and lieutenant-colonel and deputy paymaster-general, United States Army, to allow such credits for payments, not to exceed $679.03, as may be recommended under authority of the Secretary of War by the Paymaster-General of the Army.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

The Clerk read as follows:

In line 12, page 31, in the section relating to the Sherman statue, strike out the word "three" and insert the word "six."

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

The Clerk read as follows:

For the purchase of supplies and equipments for use in the construction, maintenance, and repair of the submarine cable lines to Alaska, $7,000.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

Mr. HEMENWAY. Mr. Chairman, amendments numbered 30, 31, 32, and 33 relate to military affairs in the Military Academy. I ask unanimous consent that the committee recommend nonconcurrence in all those amendments.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the committee recommend nonconcurrence in amendments numbered 30, 31, 32, and 33. Is there objection?

There was no objection.

The Clerk read as follows:

Naval station, Cavite, P. I.: For extension of construction and repair joiner shop, $2,800.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

The Clerk read as follows:

For repairs of Interior Department and Pension buildings and of the old Post-Office Department building, $3,000.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

The Clerk read as follows:

For repairs and improvements to steam fire-engine house and Senate and House stables and for repairs to and paving of floors and courtyards of same, $750.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

Mr. HEMENWAY. Mr. Chairman, amendments numbered 37, 38, and 39 relate to the Government Hospital for the Insane. I ask unanimous consent that the committee recommend nonconcurrence in all those amendments.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the committee recommend nonconcurrence in the amendments numbered 37, 38, and 39. Is there objection?

There was no objection.

The Clerk read as follows:

Columbia Institution for the Deaf and Dumb: For the support of the institution, including salaries and incidental expenses, for books and illustrative apparatus, and for general repairs and improvements, $1,500.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

The Clerk read as follows:

Howard University: For urgent repairs and improvements to provide suitable protection against disaster by fire to the buildings of the university, as recommended by the inspector of buildings for the District of Columbia, $2,000.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

The Clerk read as follows:

Surveying boundaries of Yellowstone National Park: For surveying the northern and western boundaries of the Yellowstone National Park: To supply a deficiency existing in the appropriation for this purpose for the fiscal year ended June 30, 1902, $640.40.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

The Clerk read as follows:

To pay the salary due Franklin Moses as register of the land office at St. Michael, Alaska, from May 31 to July 7, $152.13.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

The Clerk read as follows:

For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $5,000, or so much thereof as may be necessary.

Mr. MONDELL. Mr. Chairman, I move that the committee recommend concurrence in this amendment. I want to say in regard to this amendment that the appropriations which have been carried for the purposes provided for in this amendment have amounted to about $10,000 a year for a great many years; that since the last annual appropriation was made Congress passed a law under which registers and receivers of the land offices are authorized to summon witnesses before them in land cases. This necessarily has resulted in a considerably increased expenditure. The officers of the Land Office were not aware of this increased expenditure, however, at the time when they made up their estimates for this bill for presentation to the committee, owing to the fact that at the beginning of the fiscal year it has been their custom to divide the appropriation among the land offices to be used if needed, and about the middle of the fiscal year to call upon the officers to return the sum unexpended.

Very much to their surprise, when they called upon the land offices a few days ago to return or report upon the unexpended balance they found that owing to the passage of the law under which the Government can now summon witnesses a largely increased expenditure had been incurred, and there were no moneys to be returned. There is no doubt that this amendment should be finally concurred in, but I am of the opinion that the committee of conference should have all of these items to pass on. That being my view of the matter, I withdraw my motion.

The CHAIRMAN. Without objection, the motion of the gentleman from Wyoming will be withdrawn.

There was no objection.

Mr. HEMENWAY. Mr. Chairman, I move that the committee recommend nonconcurrence.

The motion was agreed to.

Amendment No. 45 was read, as follows:

In the appropriation, on page 51, "for continuation of the investigation of the mineral resources of Alaska," strike out "50" and insert "100," so as to read, "$100,000."

Mr. HEMENWAY. I move that the committee recommend nonconcurrence in this amendment.

The motion was agreed to.

Amendment No. 46 was read, as follows:

For completing the report of the mineral resources of the United States and for completing a roster of all the mines of the United States, past and present, $10,000.

Mr. HEMENWAY. I move that the committee recommend nonconcurrence.

Mr. ROBINSON of Indiana. Unless there is some reason why the gentleman thinks that course ought to be pursued, I submit that as this provision is so intimately connected with the provision immediately following it might be reserved for the action of the House. I submit that suggestion.

Mr. HEMENWAY. It has nothing to do with the next item.

Mr. ROBINSON of Indiana. But it is in the line of the next proposition.

The CHAIRMAN. The gentleman from Indiana moves that the House recommend nonconcurrence in this amendment.

The motion was agreed to.

Mr. HEMENWAY. I ask unanimous consent that amendment No. 47 be passed without prejudice.

There was no objection.

Mr. HEMENWAY. Amendments 48 and 49 relate to the Fish Commission. I ask unanimous consent that the committee recommend nonconcurrence.

There was no objection, and it was ordered accordingly.

Mr. HEMENWAY. Amendments Nos. 50 and 51 relate to the Department of Justice. I ask unanimous consent that the committee recommend nonconcurrence.

There being no objection, it was ordered accordingly.

Mr. HEMENWAY. I ask unanimous consent that the committee recommend nonconcurrence in amendment No. 52.

There being no objection, it was ordered accordingly.

The Clerk proceeded to read amendment No. 53, when

Mr. HEMENWAY said: Mr. Chairman, amendments Nos. 53, 54, 55, and 56 are short amendments relating to the Post-Office Department. I ask unanimous consent that the committee recommend nonconcurrence in all these amendments.

There being no objection, it was ordered accordingly.

Mr. HEMENWAY. Amendments Nos. 57 and 58 relate to the Agricultural Department. I ask unanimous consent that the committee recommend nonconcurrence.

Mr. WILLIAMS of Mississippi. I want to move that the committee recommend concurrence—a motion which I believe takes precedence.

Mr. HEMENWAY. These items are taken care of in another bill.

Mr. WILLIAMS of Mississippi. That explanation is satisfactory. I withdraw my motion.

There being no objection, the request of Mr. HEMENWAY that the committee recommend nonconcurrence in amendments Nos. 57 and 58 was agreed to.

Amendment No. 59 was read, as follows:

To pay to John G. Ames the balance due him for compiling the Comprehensive Index to Government Publications from 1881 to 1893, authorized by joint resolution of March 3, 1897, $3,000.

Mr. HEMENWAY. I move that the committee recommend nonconcurrence in this amendment.

The motion was agreed to.

Amendment No. 60, increasing the appropriation for printing and binding for the Department of the Interior from $42,000 to $59,000, was read.

Mr. HEMENWAY. I move that the committee recommend nonconcurrence in this amendment.

The motion was agreed to.

Mr. HEMENWAY. Amendments numbered 61, 62, 63, 64, 65, 66, 67, and 68 relate to the contingent fund of the Senate. I ask unanimous consent that the committee recommend nonconcurrence in all these amendments.

The motion was agreed to.

Mr. HEMENWAY. I ask unanimous consent that the House nonconcur in amendment numbered 69.

There being no objection, it was ordered accordingly.

Amendment No. 70 was read, as follows:

For expenses incurred in connection with the taking of testimony in Cuba in claims now pending before the Commission, $5,000; and said Commission is authorized to employ in Cuba one interpreter and translator at a compensation of $200 per month.

Mr. HEMENWAY. I move that the committee recommend nonconcurrence in this amendment.

The motion was agreed to.

Mr. HEMENWAY. I ask unanimous consent that the committee recommend nonconcurrence in amendments numbered 71, 72, and 73.

There being no objection, it was ordered accordingly.

Amendment No. 74 was read, as follows:

To pay the audited account of Alonzo P. Turner for pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, as per certificate No. 407770, $46.85.

Mr. HEMENWAY. I move that the committee recommend nonconcurrence in this amendment.

There being no objection, it was ordered accordingly.

Mr. HEMENWAY. Mr. Chairman, it is probably best to dispose of amendment 47—a short amendment—before we go on to the proposition in regard to the World's Fair. I ask unanimous consent that we go back to amendment 47.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the committee now take up amendment No. 47.

Mr. HEMENWAY. And I move that the House recommend nonconcurrence in that amendment.

The CHAIRMAN. The gentleman asks unanimous consent that the committee now take up amendment No. 47. Is there objection?

There was no objection.

Amendment No. 47 is as follows:

For analyzing and testing at the Louisiana Purchase Exposition the coals and lignites of the United States in order to determine their fuel values and the most economic method for their utilization for different purposes, under the supervision of the Director of the United States Geological Survey, $30,000, to be available until expended: *Provided*, That all testing machinery and all coal and lignites to be tested shall be contributed without charge to the Government.

The CHAIRMAN. The gentleman from Indiana moves that the committee recommend nonconcurrence in the amendment.

Mr. HEMENWAY. I yield to the gentleman from Indiana [Mr. ROBINSON] five minutes' time.

Mr. ROBINSON of Indiana. Mr. Chairman, the proposition embodied in the amendment of the Senate, No. 47, is for the analyzing of coal to determine the heating properties of it by having machinery valued at three or four hundred thousand dollars furnished free to the Government, the tests to be made at the St. Louis Exposition, the products of the various coal mines of the United States being furnished to the Geological Survey for the purpose of making the tests, and providing a new appropriation of $30,000.

This proposition embodies several others with which it is well for the Members of the House to be familiar at the start. If tests are to be made by the United States Government of the quality of coal for the coal operators of the country who now have the facilities for the making of these tests, and whose province and duty it is to make their own tests of the coal from their own mines, we should note this new departure of the Government. If pursued, we shall have the pharmacists of the country asking us to test particular drugs; we shall have the inventor of a patent nostrum or medicine asking Congress with equal right to put a governmental O. K. on that nostrum or drug.

The distillers of the country will feel that they have a right to come to Congress asking the Agricultural Department or some other branch of the Government to test for them a particular brand of Old Crow whisky or any other brand of rye or corn whisky. In other words, the Government, when it is asked to make a test of this coal product of the country, is asked to make a departure in governmental province. The coal product is produced by companies that have the money to make their own tests. They are amply able and capable, and they can combine in a trust, if they wish to do so, for the purpose of making tests of their respective coals.

This proposition involves more, as is shown by the St. Louis proposition that comes to us now again, and it was involved in the Buffalo proposition and the Charleston proposition, both of which came back asking appropriations that they expressly promised not to ask. If for two years you divert $30,000 from the Federal Treasury to make these tests, with the $400,000 worth of machinery furnished free to you, you will find these gentlemen coming here at the end of that time asking you to purchase that machinery. Thus it is true you magnify the great Geological Survey branch of the Government, you create new officers and new salaries, but do you ever expect to abolish them hereafter? Vain hope it is, but at the same time you fasten a precedent that will enable all people with all manner of products to come and ask like aid of the Government and a like certificate to their particular products.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman from Indiana permit an interruption?

Mr. ROBINSON of Indiana. Certainly.

Mr. WILLIAMS of Mississippi. If the gentleman from Indiana will read the latter part of this amendment he will see that it is expressly provided that all testing machinery and all coal and lignite to be tested shall be contributed without charge to the Government.

Mr. ROBINSON of Indiana. That is true, that the amendment so provides.

Mr. WILLIAMS of Mississippi. Now, if the gentleman will read the amendment again he will see that the real purpose of it is to provide $30,000, which would pay the expenses and salaries of the United States employees engaged in the testing.

Mr. ROBINSON of Indiana. Yes.

Mr. WILLIAMS of Mississippi. As I understand, that is all the Federal Government is asked to do.

Mr. ROBINSON of Indiana. That is right—$30,000 a year.

Mr. WILLIAMS of Mississippi. Now, I understand that the reason why the Geological Survey asks that this be done now is because at the St. Louis Exposition there can be assembled fair samples of all the coal and all the lignite in the entire country.

Mr. ROBINSON of Indiana. Yes.

Mr. WILLIAMS of Mississippi. The companies not to select the samples, but the Geological Survey men to select their own samples, which are to be donated by the companies and to be sent at the expense of the companies to St. Louis.

Mr. ROBINSON of Indiana. The samples for the tests are to be donated.

Mr. WILLIAMS of Mississippi. The Geological Survey men go to the mines, select their own samples, and then the companies give them this coal and the companies pay the expense of getting the samples to St. Louis. There they will be tested, with the machinery furnished, under the same climatic conditions as to all of them, so that the comparison of samples and the tests can be perfectly fair.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ROBINSON of Indiana. I will ask the gentleman to extend to me five minutes more.

Mr. HEMENWAY. I yield to the gentleman five minutes more.

Mr. ROBINSON of Indiana. Now, that is true, Mr. Chairman. The Geological Survey asks $30,000 for the ingrafting of a system of testing coal, and we shall use the machinery owned by the coal-mine owners to do this testing.

I warn gentlemen when you find Greeks coming to you bearing figs in their hands. If we give them an appropriation of $30,000 for two years you will find them asking you to make this bureau permanent and continue this force and buy this machinery, just as we find to-day there is an appropriation by an amendment of the Senate asking us to appropriate $4,600,000 to the St. Louis Exposition, when they pledged us solemnly that they would not again

come to the House for an appropriation when we gave them before the $5,000,000.

Mr. WILLIAMS of Mississippi. Can I rely on the gentleman's indulgence for one moment's interruption?

Mr. ROBINSON of Indiana. Certainly.

Mr. WILLIAMS of Mississippi. This very same character of work is being done now by the Geological Survey, except instead of having to have the men at one place to-day they are doing it all over the country and are sending men to all the mines.

Mr. ROBINSON of Indiana. And sending men to exploit new mines and new territory, not taking the entire product of established mines, and then testing the samples; but not to any considerable extent has the Government entered even this exploring for new mines and new mine territory.

Mr. WILLIAMS of Mississippi. Not to any considerable extent, but doing that very work, and the only reason they are not doing it to a considerable extent is because they have not the same machinery and the same climatic conditions at all the mines, so that the tests can not be made under similar conditions, and thus secure efficient work.

Mr. ROBINSON of Indiana. But not to the extent of wanting an appropriation in this way. Let me ask the gentleman if the mines have not already the men and the appliances to make these tests, and if they are not doing it, showing the value of the coal, and showing the value of their own property?

Mr. WILLIAMS of Mississippi. It is made by the mines, by each mine operating, and therefore the mine will furnish the very best sample that can be furnished by their own mine, and the coal which furnishes the test of the company is an untrue, or at least unfair, test.

Mr. ROBINSON of Indiana. How would the gentleman differentiate between the Government making tests of coal property and making tests of a particular drug or a particular brand of whisky by the National Government? Why should not these private parties engaged in this business have their own tests made or have the tests made under the State jurisdiction?

Mr. WILLIAMS of Mississippi. Whisky is not a geological deposit.

Mr. ROBINSON of Indiana. Oh, no; but how would you differentiate as to the other aspects of the case? When you enter that field there will be no stopping it, and before two years there will be an attempt made for an increase in this work, just the same as there was for the Buffalo and Charleston expositions. There will be an effort made to make this a permanent bureau; and this you will have encouraged by your laws, giving this recognition of it and making precedents in the laws. If it is the policy of the Government to go into the State field and to go into the private industrial field, among men who are able to make trusts, to increase the price of the cost of their products, people who are able to pay for the tests of the samples of their own coal—if you do this you are going to enter upon that field, dangerous to my mind and not justified.

Mr. SHERLEY. I would like to ask the gentleman this question, if he will yield to me.

Mr. ROBINSON of Indiana. Certainly.

Mr. SHERLEY. The gentleman refers to the ability of the coal miners in different parts of the country to have their coal tested at their own expense.

Mr. ROBINSON of Indiana. I mean the coal operators and the owners of mines.

Mr. SHERLEY. Is it not possible, under this provision, for any man owning coal lands which have not been developed, and who is uninformed as to the quality of the coal, to have a test made that, if satisfactory, might enable him to place his coal lands on the market—one who otherwise could not bear the expense of private tests; and is not the Government test the only really valuable one?

Mr. ROBINSON of Indiana. But if you give them this bounty and paternalism the gentleman well knows that in the administration of affairs these people with large interests will all go there and be preferred and get their coal tested, and it is for the purpose of having this made for people who are amply able to make the test for themselves.

Mr. SHERLEY. The gentleman does not think it would be right and proper for them to do this.

Mr. STEPHENS of Texas. Will the gentleman from Indiana permit me to ask him a question?

Mr. ROBINSON of Indiana. Certainly.

Mr. STEPHENS of Texas. I will ask the gentleman if this is not done to prevent monopoly and if it is not done for the purpose of ascertaining whether or not coal briquettes may be made merchantable by the employment of lignite coal? I understand that in almost every State there is lignite coal which is almost valueless at present. If that can be manufactured into briquettes and can come into competition with bituminous and antharcite coal, it would furnish a cheap fuel to the nation and prevent monopoly.

Mr. ROBINSON of Indiana. I understand, then, the gentleman agrees with me except as to briquettes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEMENWAY. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I think that this work is of very considerable importance to the people of this country. I think it very well that the people should have some reliable analysis coming from some authoritative and impartial source, and the gentleman from Indiana is mistaken in thinking that this is a new thing. So far as the character of the work is concerned it has been going on already, and the very object of this amendment is that we may be able to carry it further with less expense than it has hitherto been costing, because it follows absolutely, of course, that there will be less expense when all the coals are upon one ground and tested with one sort of machinery at the same time rather than sending the men around all over the country, paying their traveling expenses while going from mine to mine, in order to do the work that is proposed to be done.

Mr. OLMSTED. If I understood the gentleman from Mississippi, he stated a moment ago that the United States Geological Department already has men engaged in this service in various parts of the country, but that it can be done more economically at St. Louis and to greater advantage. Then why not call in those men from the other parts of the country and let them do it at St. Louis under salaries which they are now receiving and without this additional expense?

Mr. WILLIAMS of Mississippi. Mr. Chairman, it would cost an additional expense for these men to be sent out to the fields—to the mines. This $30,000 is supposed to carry all the expense of sending them to St. Louis, and if they were sent to all the various mines and did identically the same work it would possibly cost $200,000. Now, I take it for granted——

Mr. ROBINSON of Indiana. Mr. Chairman——

Mr. WILLIAMS of Mississippi. Wait a minute. I take it for granted the executive chief, whoever he is, will, wherever men can be spared, from the nonnecessity of doing work in the field, send those men thus spared from the work elsewhere to St. Louis, but they are to be paid certain expenses even at St. Louis, although those expenses are less than the expenses that would have been incurred if they had been sent to the mines themselves.

Mr. ROBINSON of Indiana. But, Mr. Chairman, I suggest to the gentleman an infinitesimal amount of work so far is done as is clearly shown in this short sentence, "while isolated partial tests of coal have been made in America, no such comprehensive series of tests, etc".

Mr. WILLIAMS of Mississippi. That is very true. Now, Mr. Chairman, I have no fear of this becoming "permanent," because I have no fear the St. Louis Exposition will become "permanent." There is some very important work to be done in this connection. They are trying to make experiments with lignite, for example, putting it into briquettes to furnish a cheap fuel for the people as a substitute for the higher-priced bituminous and anthracite coal. They think with the machinery at St. Louis they can try that experiment to an issue, whether in a successful or a nonsuccessful manner I do not know.

Mr. TAWNEY. Will the gentleman from Mississippi permit? Is the gentleman from Mississippi aware of the fact that tests are now being made commercially all over the West or the Northwest with respect to the subject of lignite?

Mr. WILLIAMS of Mississippi. Yes, sir.

Mr. TAWNEY. The only difficulty in the way of the successful manufacture of briquettes from lignite is the fact that no one has yet discovered a binder that will make the briquettes of sufficient solidity or hardness so that they will stand shipment.

Mr. WILLIAMS of Mississippi. That is just what the Geological Survey proposes to do.

Mr. TAWNEY. Now, it is the fact that our people interested in the development of this industry have had all the experience of the German Government or the German people in the manufacture of briquettes, and in Germany briquettes are manufactured without any binder at all.

Mr. WILLIAMS of Mississippi. Not lignite. Those are peat briquettes.

Mr. TAWNEY. Well, peat briquettes and lignite briquettes.

Mr. WILLIAMS of Mississippi. I did not know they were manufacturing them of lignite without a binder.

Mr. TAWNEY. They are manufacturing them on a very large scale.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HEMENWAY. Does the gentleman desire additional time?

Mr. WILLIAMS of Mississippi. Yes, sir.

Mr. HEMENWAY. Then I yield to the gentleman such time as he desires.

Mr. WILLIAMS of Mississippi. I was aware of what the gentleman from Minnesota——

Mr. TAWNEY. Just one word, as the gentleman's time has been extended. Two prominent gentlemen in Minneapolis about a year or so ago took with them a mechanical engineer to Germany, and they spent some six or eight months over in Germany investigating this very thing. The gentleman said to me that he thought they could make briquettes successfully if they could get the German machinery, but that the duty on the machinery was so high it would be impossible to do it, and so they are going to undertake, and have undertaken, to make plans and specifications for the machinery here in the United States. They are now being prepared for the building, first, of the machines to manufacture the briquettes from lignite, and then for making them without any binder at all.

I do not see any necessity, as this is being done by private parties, for this appropriation. I think all the investigation the Government could make is being now made by those to whom I have alluded and by others who I know are very largely interested in the development of this country.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the Geological Survey does not agree with the gentleman in the last utterance. The machinery will be at St. Louis, the lignite will be there, the various binding materials proposed will be there, and they wish to illustrate as an object lesson to the entire people, if they can, how to manufacture these briquettes, a substitute for the more expensive fuel. Now, Mr. Chairman, I move that the House concur in the Senate amendment 47.

Mr. HEMENWAY. Mr. Chairman, of course the motion of the gentleman from Mississippi has precedence over a motion to nonconcur, but after this matter has been discussed we would like to have the House pass upon the merits of the case, because we shall feel that the conferees of the House are bound by the action of the House. As to our informal nonconcurrence here in other amendments, where there has been no discussion, naturally the conferees will not feel bound; but where the matter has been discussed and the House has passed upon it the conferees will feel bound to carry out their instructions. Therefore I hope the committee, in voting for this, will understand that they are passing upon the merits of it.

Mr. UNDERWOOD. Mr. Chairman, I did not intend to discuss this amendment, but since the gentleman from Indiana has made the announcement that the conferees will feel bound by it I feel it my duty to say a few words in favor of the adoption of the amendment. We are engaged in the United States in mining domestic coal, and we have to some extent developed a foreign coal trade. We are supplying ships from foreign ports with coal. The coal trade of Pennsylvania, West Virginia, and Alabama is attempting to get into the South American market in competition with European coal fields. We have a great many different varieties of coal in this country, from anthracite down to soft bituminous coal and lignite. Our coals are not known like the European coals. Outside of a very few coals in this country, one or two in Pennsylvania and a few in West Virginia, we have no coal that is so well known in the world to-day that you might denominate as a standard coal in the markets of the world. Now, when you are dealing with a foreign country and foreign ships you must have some standard, so that you can know what they are, how much fixed carbon there is in the coal, how much volatile matter there is, so that the captains of the ships may, in order to safely land that coal aboard their ships, determine whether there is any danger of explosion or setting their ships on fire by reason of the volatile matter contained in the coal. Therefore I think it is wise for the best interests of the country that this amendment should be adopted.

The foreign coals in all the great countries have had numerous tests. The foreign competitors in the coal trade have had their coal tested, and they are standard coals known to the shippers and known to the consumers, and when we go into the market with a new coal we have got to have something that can stand behind it. It will be of great benefit to us in the foreign markets to have the United States Government apply a test to the various coals of this country on which we can rely and which we can give to the foregn purchaser and the foreign shipper, showing exactly what he is buying from an official test by the United States Government. For that reason I think it is wise that we should adopt this amendment. I think that the expenditure is the least that we can make to have the test properly made, and as the chairman of the committee has announced that the conferees will feel bound by this vote in conference, I hope the House will adopt the proposition.

Mr. ROBINSON of Indiana. Does not the gentleman know that we have standard tables containing all these things that are credited throughout the world as much as are the tables of life insurance companies?

Mr. UNDERWOOD. There is no standard test of coal to-day that is satisfactory. The naval board has a test by which they are buying certain coal.

Mr. ROBINSON of Indiana. The business interests have tables, and so do the coal operators.

Mr. UNDERWOOD. Only business concerns; and one tests coal by one method and one by another process, so that they are not standard.

Mr. ROBINSON of Indiana. They have gone into standard tables.

Mr. UNDERWOOD. There are no standard tables on this question that are official.

Mr. ROBINSON of Indiana. They are not by the United States, I know.

Mr. UNDERWOOD. Where are these tables, by whom are they made, and how do they become standard?

Mr. ROBINSON of Indiana, Any man knows who is dealing in coal that there are tables giving the heating qualities, the amount of carbon, etc.

Mr. UNDERWOOD. Of course there are standard tables showing what ought to be in a standard coal, but where are the officials of this Government that publish a standard statement showing what are standard coals?

Mr. ROBINSON of Indiana. Why, there are those tables, I say.

Mr. UNDERWOOD. Name them.

Mr. ROBINSON of Indiana. Oh, I am not an expert on the matter, but I have referred to those tables and experts have told me about them. I will give the gentleman the statements about it.

Roper is a standard authority, and Haswell and Hawkins. Our Government has its Bureau of Standards furnishing authority, and the Navy Department for years has not been in darkness but has the light, as we all have, of its expert tests of coal, and another authority is Chief Engineer Isherwood. The books and tables are all available. Babcock, Wilcox & Co., of New York and London, under the head of steam, its generation and use, in their book of 1897, give us the "Table of American coal," as follows:

State.	Kind of coal.	Per cent of ash.	Theoretical value.	
			In heat units.	Pounds of water evaporated.
Pennsylvania	Anthracite	3.49	14.190	14.70
Do	do	6.13	13.535	14.01
Do	do	2.90	14.221	14.72
Do	Cannel	15.02	13.143	13.60
Do	Connellsville	6.50	13.368	13.84
Do	Semibituminous	10.70	13.155	13.62
Do	Stone's gas	5.00	14.021	14.51
Do	Youghiogheny	5.60	14.265	14.76
Do	Brown	9.50	12.324	12.75
Kentucky	Coking	2.75	14.391	14.89
Do	Cannel	2.00	15.198	16.76
Do	do	14.80	13.360	13.84
Do	Lignite	7.00	9.328	9.65
Illinois	Bureau County	5.20	13.025	13.48
Do	Mercer County	5.60	13.123	13.58
Do	Montauk	5.50	12.659	13.10
Indiana	Block	2.50	13.583	14.38
Do	Coking	5.66	14.146	14.64
Do	Cannel	6.00	13.097	13.56
Maryland	Cumberland	13.88	12.226	12.65
Arkansas	Lignite	5.00	9.215	9.54
Colorado	do	9.25	13.562	14.04
Do	do	4.50	13.806	14.35
Texas	do	4.50	12.962	13.41
Washington	do	3.40	11.551	11.96
Pennsylvania	Petroleum	.....	20.746	21.47

Mr. SHERLEY. Mr. Chairman, I do not desire to make any lengthy statement in regard to this matter after what has been said, but in so far as my State has a coal area greater than that of the State of Pennsylvania and much of it undeveloped, and that the trouble in developing some of that area has been due to the fact that the public at large has not had accurate information as to the value of those coals, I am very desirous of seeing the House concur in the Senate amendment. The gentleman from Indiana [Mr. ROBINSON] made his objection on the basis that the large coal-mine operators had ample money to have all the tests made that were necessary. He overlooked the fact that under this provision a man who has virgin coal lands and has not the capital sufficient to have a test made, nor the machinery, and the place where a test can be made, would have a place where he could have the test made, the accuracy of which will be accepted by the world at large.

Mr. LIVINGSTON. And without expense to him.

Mr. SHERLEY. And without expense to him, other than the transportation of his coal to St. Louis. Not only is that true, but, as has been said by the gentleman from Alabama [Mr. UNDERWOOD], there is this situation existing to-day. Take a sample of

coal to any man whom you desire to interest in the development of coal lands and tell him that what you have is a coking coal, and he immediately wants to know what proof there is of that fact. He is not willing to accept a private analysis, and you are brought up immediately with the statement that unless you have some proof to show that this coal is of fine coking quality, equal to the Connellsville coal, which makes a standard coke, you have exceedingly great difficulty in getting him interested at all.

Now, the Connellsville coke is an old established coke, but there is coal in my State superior to the Connellsville coal which today is undeveloped because there has been no method by which its value could be brought to the attention of people desiring to invest in and develop coal lands; and for the paltry sum that is carried in this appropriation to forego the opportunity that this presents to exploit the coal areas of America seems to me to be carrying economy to an absurd point. I hope the House will vote in favor of concurring in the Senate amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the House will concur in this Senate amendment. In my own State, a few years ago, the State legislature, at considerable expense, sent its State geologists to Germany for the purpose of endeavoring to ascertain whether or not semibituminous or lignite coal, found in abundance in Texas, could be manufactured advantageously into coal briquettes. In that State, and I suppose the same is true of many other States, there is quite a large territory underlain with lignite and semibituminous coals, which at present can not be used because it air-slacks and becomes coal dust. As I understand the proposition stated in this Senate amendment, the German manufacturers of briquette machinery propose to bring their machinery to St. Louis, so that any locality in the United States having this quality of coal—which coal is now valueless and useless—can ship a carload or more of it to St. Louis and have it tested in this German-made briquette machinery, and it can there be ascertained whether or not, by the purchase of such machinery, the locality shipping the coal can put in a plant of its own, so as to manufacture its coal into briquettes successfully at the mines. Therefore I hope that this amendment will be concurred in. No appropriation, in my judgment, would better subserve the interests of the entire people of the United States.

Mr. WILLIAMS of Mississippi. This is not an expenditure; this is an investment.

Mr. STEPHENS of Texas. Certainly, and an excellent investment, and, in my judgment, no better investment could be made by the people of the United States.

Mr. SPALDING. Mr. Chairman, in some of the States of the Northwest the surface is underlain by very large deposits of lignite. Now, this lignite is not of uniform quality, and it is sought to determine to what extent it can be used profitably for household purposes, for manufacturing, and for the purpose of raising water to irrigate arid lands. While some of it in certain localities can be profitably used, it still remains to be determined to what depth one must go to get the best quality, such as can be used most profitably in all these lines.

Now, these Northwestern States lie midway between the anthracite fields of the East, the bituminous fields of the Central West, and the coal fields of the further West, and coal there brings a higher price—the cost of all kinds is greater than in almost any other part of the country. And the bulk of this lignite is so great as it is found in its natural condition that the freightage on it is excessive—that is to say, it can not be carried beyond certain narrow lines to be sold at a price which will enable the people to use it to advantage. So that while the anthracite coal may have certain standards, and while the bituminous coal may have certain standards, as has been suggested here, there is great necessity for experimental efforts with the lignite obtained in these fields to determine to what extent and within what radius it can be profitably used.

And, further, there is a great necessity for experiment on this lignite to determine whether or not it can be profitably put in the form of briquettes so as to make its use more diversified and more extensive. It is of great importance to the people of the Middle West, so to speak, that these experiments should be made, and the experiments will be beneficial to the whole country. I trust that my amendment may be adopted.

Mr. HEMENWAY. I ask for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Mississippi [Mr. WILLIAMS] that the committee recommend concurrence in amendment No. 47.

The motion was agreed to.

Mr. HEMENWAY. Mr. Chairman, for fear that we may have overlooked some one amendment in this bill I ask unanimous consent that any amendment which has been overlooked be nonconcurred in. I exclude, of course, from this request the amendment in regard to the St. Louis fair.

Mr. OLMSTED. What amendment does the gentleman suspect may have been overlooked?

Mr. HEMENWAY. In running over this bill we may have passed some total which needed correction, or something of that kind.

The CHAIRMAN. The Chair will inform the gentleman from Indiana that he is assured by the Clerk that no amendment has been overlooked.

Mr. HEMENWAY. If the Clerk is very sure of that—if all the totals are correct—of course it is all right.

The CHAIRMAN. The Chair, when he makes his report to the House, will so report.

Mr. HEMENWAY. Then, Mr. Chairman, there is only one amendment now pending, I believe—amendment No. 10. I ask that that amendment be reported.

Amendment No. 10 was read, as follows:

Louisiana Purchase Exposition: For the purpose of further aiding in the payment of the cost of the construction, completion, and opening of the Louisiana Purchase Exposition, at the city of St. Louis, on or before April 30, 1904, $4,600,000; said sum to paid to the Louisiana Purchase Exposition Company on the request of the president of said company, and in amounts as follows: One million dollars upon the passage of this act, $1,000,000 during the month of February, $1,000,000 during the month of March, $1,000,000 during the month of April, and $600,000 during the month of May, 1904: *Provided*, That of said sums, $100,000 shall be paid by said Louisiana Purchase Exposition Company to, or on the order of, the board of lady managers of said exposition for such purposes as said board of lady managers shall approve and at such times as said board of lady managers shall request the same.

That to insure the application of all said moneys to the purposes for which the same is appropriated, the Secretary of the Treasury shall appoint a suitable person or persons whose duty it shall be to supervise the disbursement of the same when paid, as herein provided, and to make a full and complete report thereof to him as he may require: *Provided further*, That the amount hereby appropriated when paid to the Louisiana Purchase Exposition Company, as herein provided, shall constitute an indebtedness of the said company to the Government of the United States and shall be repaid by said company to the Treasury of the United States. That for the purpose of protecting the Government and insuring the repayment of said sum of $4,600,000, the Government shall have a first lien upon the gross receipts of said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from concessions. That before any part of this appropriation is paid, as hereinbefore provided, the said Louisiana Purchase Exposition Company shall execute, to the satisfaction of the Secretary of the Treasury, an instrument in writing giving and securing to the Government a first lien upon its said gross receipts, and said exposition company shall at the same time guarantee to the Government, under suitable penalties, that the said gross receipts are then entirely free from liens, mortgages, or other incumbrances, and that it will not pledge or in any way incumber or dispose of said receipts so as to injure or affect the right of the Government to first receive therefrom the amount to be returned to the Treasury, as herein provided.

The said Louisiana Purchase Exposition Company shall repay into the Treasury of the United States the said sum of $4,600,000, as follows: On the 15th day of June, 1904, said Louisiana Purchase Exposition Company shall report to the Secretary of the Treasury in detail the total amount of all said gross receipts received by said company from June 1 to June 15, both inclusive, and 40 per cent of such receipts shall then be paid by said company to the Secretary of the Treasury as a part payment for the loan to said company herein provided for, and after that and during the continuance of said exposition a like report in detail shall be made on the 1st day of each month and upon the 15th day of each month, and in the same manner 40 per cent of the gross receipts of said company shall be paid to the Secretary of the Treasury, as before provided, until the entire amount of $4,600,000 shall have been paid to the Secretary of the Treasury in satisfaction of said loan: *Provided further*, That if at any time after said exposition company has received the amount hereby appropriated it makes default in the application or in the repayment of said sum, or any part thereof, as herein required, then, and in that case, the Secretary of the Treasury is hereby authorized to supervise the collection and take possession of all said gross receipts and continue such supervision and possession until the full sum of said $4,600,000 has been collected and repaid into the Treasury of the United States, as herein provided.

In accepting the amount hereby appropriated the said Louisiana Purchase Exposition Company shall be taken and held to agree to all the terms and conditions upon which the same is made and upon which the same is to be repaid into the Treasury of the United States: *Provided*, That range cattle and halter-broke cattle from all sections of the United States, whether above or below the quarantine line established by the Secretary of Agriculture, may be exhibited at the Louisiana Purchase Exposition under such regulations as may be prescribed by the Secretary of Agriculture.

Mr. TAWNEY. I desire to offer an amendment to the Senate amendment; and I will state that I am directed to do so by the Committee on Industrial Arts and Expositions.

The amendment of Mr. TAWNEY was read, as follows:

Strike out, after the word "shall," in line 11, page 5, of the engrossed copy of the Senate amendments (line 6, page 12, of the printed copy), down to and including the word "loan," in line 21 of said engrossed copy (line 16 of the printed copy), and insert the following:

"At the same time be paid to the Secretary of the Treasury and thereafter, during said exposition, and until said sum of $4,600,000 shall have been fully paid as herein provided, a like detailed report of said gross receipts shall be made by said Louisiana Purchase Exposition Company on the 1st and 15th day of each month, and in the same manner and at the same time 40 per cent of said gross receipts shall be paid by said company to said Secretary of the Treasury: *Provided*, That from and after the 1st day of July, 1904, and until the said sum of $4,600,000 shall have been fully paid, the said payments on the 15th and 1st day of each and every month of 40 per cent of said gross receipts shall not be less than $500,000."

The CHAIRMAN. The question is on agreeing on this amendment to the Senate amendment.

Mr. UNDERWOOD. I ask the gentleman from Minnesota [Mr. TAWNEY] what is the difference between his amendment and the present text of the bill as it comes from the Senate? From the reading I could not catch precisely the difference.

Mr. TAWNEY. I had supposed that the general discussion on this proposition would come on a motion to concur in the Senate amendment as amended. The difference between this amend-

ment and the Senate amendment relates entirely to the repayment of the amount which it is proposed to loan to the exposition company. Under the Senate amendment the exposition company would be required to pay to the Government 40 per cent of their gross receipts, and if at the closing of the exposition the 40 per cent should be found insufficient to pay the entire indebtedness of $4,600,000, then the Government would have to come in with other creditors and participate in the distribution of whatever remaining assets there might be.

The proposition I have submitted requires the company to pay not less than $500,000 on the 15th of July, a like sum on the 1st of August, and so on until the $4,600,000 has been repaid. Now, the Government is to receive 40 per cent of the gross receipts during the month of May and the month of June. It is reasonable to suppose that 40 per cent will at least take care of the $600,000 if the subsequent months will enable them to pay $1,000,000, so that $4,000,000 will have been paid by the 1st of November, thirty days before the closing of the exposition—that is, if the amendment which I propose is adopted.

Mr. BARTLETT. The amendment of the gentleman, I think, applies to the wrong line in the bill. Probably the gentleman prepared it as an amendment to this print, and the amendment is being made to the House bill. I merely wanted to call the attention of the gentleman to that so that he could get it technically correct as to the line to which it applies.

Mr. TAWNEY. Mr. Chairman, I prepared the amendment to the House print of the urgent deficiency bill, as the Senate amendments are numbered. It is on page 12 where I propose the amendment, after the word "shall," in line 6.

Mr. BARTLETT. I think your amendment read to line 16.

Mr. TAWNEY. Line 6, down to and including the word "loan," in line 16, striking out all of that and substituting what I have sent to the Clerk's desk. It simply makes definite and certain the amount that is to be paid, beginning July 15, every two weeks.

Mr. PAYNE. When is the first payment to be made?

Mr. TAWNEY. The first payment is to be made on the 15th of June, and the second payment on the 1st of July.

Mr. MADDOX. Mr. Chairman, I should like to hear from my friend from Minnesota seriously on the proposition of the Government ever being paid back a cent if we make this loan.

Mr. TAWNEY. When the amendment is agreed to, I shall move to concur in this amendment, and will endeavor to address myself to the merits of the proposition. I understood from gentlemen around me that they had no objection to this amendment, inasmuch as it was adding a further security, or making definite and certain the fact that the Government would receive this money out of the receipts of the exposition.

Mr. SULZER. Mr. Chairman, I want to ask the gentleman from Minnesota a question.

Mr. TAWNEY. Certainly.

Mr. SULZER. I desire to know if the commissioners of the exposition favor his amendment?

Mr. TAWNEY. They are in favor of it.

Mr. SULZER. Then I shall favor it and vote for it. I want to do all I can to make this great exposition a success.

Mr. GILLETT of Massachusetts. May I ask the gentleman a question?

Mr. TAWNEY. I yield to the gentleman from Massachusetts.

Mr. GILLETT of Massachusetts. Am I mistaken in supposing that the House committee provided that all of the gross gate receipts should be devoted to the repayment of this loan, instead of 40 per cent? I understood that was the House proposition. Am I mistaken in that?

Mr. TAWNEY. The House committee prepared and submitted, at the request of one member of the subcommittee on Appropriations of the Senate, the amendment which is printed here at the beginning of page 1 of the hearings before the Committee on Industrial Arts and Expositions.

Mr. GILLETT of Massachusetts. Did you offer that as an amendment?

Mr. TAWNEY. No, but it amounts to that. The Senate amendment requires the repayment of this fund at the rate of 40 per cent of the gross receipts from paid admissions and from concessions semimonthly. The amendment which the House committee prepared provided for a lien upon the gross receipts from all paid admissions, and then required the payment of not less than $500,000 semimonthly, beginning on the 1st of July.

The Senate changed that—and the change was made at the instance of the committee, not at the request of the exposition company—and provided that if at any time the gate receipts were not sufficient the Secretary of the Treasury should supervise the collection of the gross receipts. They provided what they thought would be sufficient for the collection of the money. They gave to the Government a lien upon the gross receipts from paid admissions and from concessions, but requiring the repayment of the loan at the rate of 40 per cent of the gross receipts semimonthly, and the making of a detailed statement of the total receipts from all sources.

Mr. GILLETT of Massachusetts. Then, as I understand, the amendment that you drew was less favorable to the exposition than this Senate amendment?

Mr. TAWNEY. I think so.

Mr. GILLETT of Massachusetts. You do not offer that now?

Mr. TAWNEY. The amendment which I have offered amounts to practically the same thing, because in the amendment originally proposed by the House committee they were required to pay not less than $500,000, beginning on the 1st of July; but this makes the first payment on the 15th of June, so that the payment on the 15th of June and the payment on the 1st of July will equal what under the House amendment would have been the 1st of July payment.

In the amendment the House committee now proposes that after July 1 the payments shall not be less than $500,000; so that if 40 per cent does not equal $500,000, then in that case they will be obliged to pay the balance of the $500,000 out of the 60 per cent. Now, I will say that that must be done every two weeks, and, under the amendment I have offered, by the the 1st of November the entire amount will be paid, and if there is default in the making of any of these payments the Secretary of the Treasury is authorized and directed under this provision to take possession of the gate receipts, to collect the receipts, and to apply them to the payment of this indebtedness.

In order that there may be no question as to whether the exposition has agreed to this proposition and is thereby bound by it, there is an additional provision that in accepting this loan the exposition company shall be taken and held to agree to the conditions upon which the appropriation is made, and upon the terms and conditions upon which this indebtedness is to be repaid to the United States.

Mr. BURLESON. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. I yield to the gentleman.

Mr. BURLESON. As I understand the gentleman, the Committee on Industrial Arts and Expositions, of which the distinguished gentleman is chairman, has passed on the Senate amendment and given its approval to every part of the Senate amendment with the exception of the amendment the gentleman offers, including that portion of the Senate amendment which provides for the exhibition of range and halter-broke cattle above and below the fever line.

Mr. TAWNEY. Every other part of the Senate amendment, including that part referred to by the gentleman, is agreed to by the committee. The amendment I have just offered relates only to the repayment of the money.

Mr. CRUMPACKER. Is it the honest opinion of the gentleman that if this loan shall be made the money will be returned to the Treasury of the United States?

Mr. TAWNEY. It is the honest opinion of the chairman of the committee, and I think of even those few members of the committee who are opposed to the proposition, that it will be repaid.

Mr. CRUMPACKER. I am very glad to hear that.

Mr. TAWNEY (continuing). And that judgment is based upon the experience of Chicago. It will be conceded by everybody who knows anything of what has been done at St. Louis in the matter of buildings and grounds that it far surpasses the exposition at Chicago, and it is believed that because we are in a more prosperous period than we were in 1893, when the Chicago exposition was held, the attendance will be very much greater than at Chicago and the receipts necessarily larger.

At Chicago the number of paid admissions was over 21,000,000. The receipts from paid admissions were almost $11,000,000, and in addition to that there were other receipts received by the Chicago Exposition that made the receipts between $16,000,000 and $17,000,000.

To secure the repayment of this loan the Government of the United States has a first lien, not only declared by this act, but the act itself provides that before a dollar of this money shall be paid to the exposition company the exposition company must enter into and execute an instrument in writing, giving to the Government of the United States an express lien upon its gate receipts and receipts from concessions, and in addition to that it must guarantee that they will not dispose of or in any way incumber those receipts so as to interfere with the return of the money to the United States.

Mr. HEPBURN. I would like to ask the gentleman what became of the nearly $17,000,000 of gross receipts of the Chicago Exposition?

Mr. TAWNEY. Five millions of it went to pay the bonds that were issued as a first lien upon the gate receipts. The balance of it went to pay the expenses and debts of that exposition, and be-

tween 19 and 20 per cent was paid to the stockholders of the Chicago Exposition. This is shown in their final report.

Mr. HEPBURN. Was any of it paid to the Government?

Mr. TAWNEY. No; and no provision of the law making the appropriation required the repayment to the Government of a dollar of the appropriation.

Mr. HEPBURN. Was there even any possibility of making any return to the Government?

Mr. TAWNEY. If the Government had provided in the original appropriation for the Chicago Exposition, as the Fifty-sixth Congress provided for the original appropriation for the Louisiana Exposition, namely, that the Government should receive one-third of the net receipts, the Government would have received the same percentage that the stockholders received.

Mr. HEPBURN. How much would that have been?

Mr. TAWNEY. I can not tell the gentleman. Between 19 and 20 per cent.

Mr. HEPBURN. The Government would have received, under that reduced percentage, about 13 to 14 per cent.

Mr. TAWNEY. If the Government had participated in the final distribution it would have materially reduced the per cent received by the stockholders. That is very manifest.

Now, this amendment makes this an indebtedness. If gentlemen will read the amendment carefully they will see it is hedged about in every possible way for the protection of the Government and to insure the return of this money. It makes it an indebtedness against the exposition company, and to the extent of the gross receipts of the exposition company it makes the Government of the United States a preferred creditor and secures the repayment of the money by making it a lien upon the gross receipts. This is done both by the act and by the contract which the company must execute before they can get a dollar of this money.

Mr. PAYNE. Did the Chicago Exposition borrow money for which bonds were issued upon the gate receipts?

Mr. TAWNEY. I understand Chicago borrowed money for which bonds were issued.

Mr. PAYNE. To the amount of $5,000,000?

Mr. TAWNEY. I understand it was $5,000,000, but I will not be positive.

Mr. PAYNE. And they borrowed from banks and private individuals?

Mr. TAWNEY. Yes; in 1892.

Mr. BARTHOLDT. And that was paid back?

Mr. TAWNEY. And that was paid back.

Mr. BURKETT. Mr. Chairman——

Mr. TAWNEY. I yield to the gentleman from Nebraska.

Mr. BURKETT. As I understand, the gentleman is speaking of this being a good loan. Suppose the receipts did not pay the running expenses and leave this 40 or 60 per cent (I do not know the exact amount, 40 per cent, I understand), what would then be the result? Suppose 60 per cent is given for the management and 40 per cent for the Government loan; I think those were the figures.

Mr. TAWNEY. Yes, sir.

Mr. BURKETT. Suppose that 60 per cent left does not run the fair; then how is the Government going to get its money?

Mr. TAWNEY. If the 60 per cent does not run the fair, 40 per cent will not enable the exposition company to pay $500,000 every two weeks, and the Secretary of the Treasury will have to go in and take possession of the total receipts.

Mr. PAYNE. And run the fair?

Mr. TAWNEY. No, sir; simply collect the receipts.

Mr. BURKETT. What I am trying to get at is, What are you going to do with that fair? You say it is sure to come back. This is going to be an expensive proposition; there is to be more ground than in the Chicago Exposition; there are to be more exhibits, and it is to be larger in a great many respects, all of which means greater expense, and it is going to be more extensive than the Chicago Exposition. Now, suppose the expenses are larger than you anticipate and it will take more than the margin you have left to the exposition management, what is the management going to do when we take out this 40 per cent? Congress will not be in session then, and they can not come to Congress and ask for more money, as they have done in the past. What are you going to do in that contingency?

Mr. TAWNEY. That is a matter that will address itself to the exposition management, I will respectfully state to the gentleman from Nebraska. It is easy for gentlemen to suppose conditions that will render this exposition an absolute failure, none of which are probable. You can suppose conditions even that will render it such a failure as to be a disgrace to the United States after having invited the nations of the world here to participate in commemorating this great event; but I want to say this to the gentleman from Nebraska, that there are only two conditions, in my judgment, in view of the present prosperous conditions of the country as compared with 1893, there are only two possible conditions—they are not probable, neither of them—that will render it impossible for the Government to get back this money, and that would be a pestilence or a conflagration wiping out the gate receipts and all other receipts entirely, or a failure on the part of the Secretary of the Treasury to enforce the provisions of this law. These are the only conditions.

Mr. BURKETT. Has there been any other exhibition in our experience that has had 40 per cent profits to turn over to anybody?

Mr. TAWNEY. Yes; the Chicago Exposition had more than that. The Chicago Exposition paid all of its indebtedness.

Mr. BURKETT. According to the gentleman's figures, as I gathered them here, that was not 40 per cent by about 4½ per cent. All they saved out of it was only about 36 per cent, and that is the best return that is on record.

Mr. TAWNEY. I do not know to what the gentleman refers at all.

Mr. BURKETT. I got the figures from the report somewhere that all the indebtedness and all they paid back to the stockholders only made about 35½ per cent of the total receipts. Therefore it cost more than 60 per cent altogether to manage, and that is the best return on record. It cost more than 60 per cent to run the exposition.

Mr. TAWNEY. I beg the gentleman's pardon; the gentleman is including the cost of construction.

Mr. BURKETT. This four million and a half that they are asking for is cost of construction.

Mr. TAWNEY. The gentleman includes in his estimate the cost of construction, and we have already paid fifteen millions for that.

Mr. BURKETT. Is not this for cost of construction?

Mr. TAWNEY. A part of it.

Mr. BURKETT. Now, you are going to pay the running expenses of the exposition and anything more that it may cost to construct it, and pay this back, and you expect to do it with 40 per cent of the profits. I say there is not a fair that ever occurred that paid 40 per cent over and above the cost of construction.

Mr. TAWNEY. Is it not a fact that the Omaha Exposition paid every dollar of its indebtedness and paid 92 per cent back to the stockholders of the amount they had advanced?

Mr. BURKETT. What was the gentleman's question?

Mr. TAWNEY. I ask the gentleman if the Omaha Exposition did not pay out of its receipts the cost of construction, operating expenses, and then pay back to the stockholders 92 per cent of the total amount they contributed?

Mr. BURKETT. Yes; I made that exception when I started out, or I intended to if I did not. But the Government only gave $200,000 to the Omaha Exposition, and the State of Nebraska put in $100,000. It was a little affair, it was not expensive, it was right in the center of the continent, and was exceptionally and liberally patronized. It was the only one that ever paid to that extent.

Mr. TAWNEY. Let me give the gentleman another example. The first international exposition ever held in the United States, in 1876, when Congress appropriated $1,500,000 as a loan without taking a dollar of security; every dollar of that money was paid back by the Centennial Exposition after all the debts and expenses were paid by the exposition company.

Mr. BURKETT. Was that 40 per cent of it?

Mr. TAWNEY. I don't know whether it was 40 per cent or 60 per cent. I know that after all the indebtedness was paid this money was to be returned, and every dollar of it was returned.

Mr. HEPBURN. I would like to ask the gentleman a question.

Mr. TAWNEY. One moment, till I yield to the gentleman on my left who has been seeking to interrupt me for some time. I will yield to the gentleman from Texas.

Mr. RANDELL of Texas. I want to ask the gentleman if it is not a fact that the Chicago Exposition borrowed $5,000,000 and pledged the gate receipts therefor?

Mr. TAWNEY. Yes; it borrowed that amount in 1892, as I am informed.

Mr. RANDELL of Texas. Why can not the St. Louis company do that without appealing to Congress?

Mr. TAWNEY. That is just what the St. Louis people are trying to do. I will endeavor to answer the gentleman further later on, after I have yielded to the gentleman from Iowa.

Mr. HEPBURN. How much has the Governmant up to this time advanced to the exposition?

Mr. TAWNEY. We appropriated $5,000,000 by the act of March 3, 1901.

Mr. HEPBURN. To be returned?

Mr. TAWNEY. No.

Mr. HEPBURN. What were the terms of that grant?

Mr. TAWNEY. I will state. Section 19 of the act of March 3, 1901, is the section that appropriated the $5,000,000, and for the

information of the committee I will read the condition upon which that appropriation was made. The gentleman from Iowa and others will recollect that in the first session of the Fifty-sixth Congress, Congress enacted a law stating that when St. Louis or the exposition management had raised to the satisfaction of the Secretary of the Treasury the sum of $10,000,000, that then the Government would appropriate $5,000,000 to aid in building and carrying on the exposition.

In the second session of the Fifty-sixth Congress, which convened in December, 1900, the people from St. Louis came on here with a certificate to the effect that they had raised this sum of $10,000,000. The city of St. Louis voted $5,000,000, and the citizens of St. Louis and other parts of the Louisiana purchase territory had contributed five millions more. The mayor and the city officials certified to these facts. But that was not sufficient for the Secretary of the Treasury. He wanted to know whether the contributions were valid, whether the parties making them were able to fulfill and carry out the contribution contracts, and therefore he had the gentleman in charge of the subtreasury and the United States district attorney in St. Louis go over all the evidence, both as to the legality of the action of the city council and as to the validity of these contracts and as to the financial responsibility of the men who had subscribed to this fund. He then certified to the Fifty-sixth Congress, and that is the reason for the language with which this section begins:

SEC. 19. That whereas the Secretary of the Treasury has certified, under date of February 6, 1901, that the Louisiana Purchase Exposition Company has presented to him proof to his satisfaction that it has raised $10,000,000 for and on account of inaugurating and carrying forward an exposition at the city of St. Louis, Mo., in the year 1903, to celebrate the one hundredth anniversary of the purchase of the Louisiana territory; therefore, there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $5,000,000 to aid in carrying forward such exposition, to pay the salaries of the members and secretary of the national Commission herein authorized, and such other necessary expenses as may be incurred by said commission in the discharge of its duties in connection with said exposition; and to discharge all other obligations incurred by the Government on account of said exposition, except for the erection of its own buildings and the making and care of its own exhibits at said exposition.

That the money hereby appropriated shall be disbursed under the direction of the said Louisiana Purchase Exposition Company under rules and regulations to be prescribed by the Secretary of the Treasury and upon vouchers to be approved by him: *Provided*, That, except for the payment of the salaries and expenses of the National Commission, no part of said appropriation shall become available until the sum of $10,000,000 shall have been expended by said company on account of said exposition to the satisfaction of the Secretary of the Treasury: *Provided further*, That all sums expended by the Government on account of said exposition, including the salaries and expenses of said National Commission, except for the erection of its own buildings and the making and care of its own exhibits at said exposition, shall be limited to and paid out of the appropriation of $5,000,000 herein provided for such purpose.

Now, under that provision the expense of the National Commission was paid. The salaries of nine National Commissioners were paid out of this appropriation of $5,000,000, as well as the salary of the secretary of the Commission. Then there is a provision allowing $10,000 annually for contingent expenses, for office rent, and for other incidental expenses connected with the business of the National Commission. All of that has come out. The life of the Commission extends, I think, from March, 1901, to the 1st of July, 1905. The nine commissioners are paid each at the rate of $5,000 a year, and the gentleman can estimate about how much will be necessary to expend for that item out of the $5,000,000, none of which goes to the construction of the exposition or to its opening or to its operation.

If my memory serves me right, these amounts aggregate in the neighborhood of $249,000 or $250,000. That comes out of that $5,000,000 appropriation. In addition to that the governor-general of the Philippines, now Mr. Secretary of War Taft, when he was here in 1901, proposed to the Louisiana Purchase Exposition Company that if they would pay out of their treasury $100,000 the Philippine government would appropriate $500,000 to defray the expense of that magnificent Philippine exhibit, which will excel, perhaps, any other exhibit in the exposition. Subsequent to that came the rinderpest and the plague. Governor Taft then notified the exposition company that they could not raise the $500,000 and asked the company for a further contribution from its treasury of $100,000, and the Louisiana Purchase Exposition Company appropriated that additional sum, making in all $200,000, which goes to help make the Philippine exhibit. Of that there has been taken out now, I think, $164,000, and that which remains must come out of the $5,000,000 appropriation.

In addition to that, the Fifty-seventh Congress authorized the payment of $250,000 of this $5,000,000 in souvenir gold coins of $1 each. On one side was the head of McKinley and on the side of another set of these coins is the head of Jefferson. That $250,000 in gold coin has been turned over to the exposition management. At that time there were no gold dollar coins to be had anywhere, and it was the judgment of everybody that that coin would sell readily for not less than $3. The price was fixed at $3, and they have not been able up to the present time to dispose of more than $14,000 of them at that price, but having entered into a contract with those that did purchase at $3 each that they would sell for no less, they are not disposing of them for any less, and can ont do so. That $236,000 is available as collateral, but that is all they are worth at the present time, unless they want to pay them out for labor or on contracts.

As a matter of fact, it will be seen that for the purpose of constructing the exposition and opening the same the exposition company has received about $4,250,000. Now, the Government expressly excepted, in the act making the original appropriation, the expense of building its own building and of making its own exhibit, and in the Fifty-seventh Congress we appropriated money for the erection of the building and for the purpose of defraying the expense of the Government exhibit. In addition to that we also appropriated $40,000 for an Indian exhibit. We appropriated $50,000 to aid the Territory of Alaska in making its exhibit. We appropriated $25,000 to aid the people of the Indian Territory in making their exhibit. So that the total amount or total cost of the Government building and the Government exhibit, including these appropriations for Territories, amounts, if my memory serves me right, to a sum between $1,400,000 and $1,500,000. That will answer the question of the gentleman from Iowa [Mr. HEPBURN].

Mr. PAYNE. That is in addition to the $5,000,000?

Mr. TAWNEY. Certainly.

Mr. HEPBURN. I understand the gentleman to say that there was no pledge, no obligation for the return of this $5,000,000 or any part of it. Was it not always discussed here as a loan, and did not every advocate of that appropriation speak of it in that way?

Mr. TAWNEY. I will read the section——

Mr. HEPBURN. I ask the gentleman. He was here at the time and is absolutely familiar with the circumstances.

Mr. TAWNEY. This is the condition, to be exact, upon which the appropriation was made, and the gentleman can call it a loan or he can call it an absolute appropriation. This is the condition upon which the appropriation was made—viz, that if there was one dollar of net receipts, the Government of the United States would get 33⅓ per cent of that dollar, the city of St. Louis would get 33⅓ per cent, and the contributors to the $5,000,000 fund would get the other 33⅓ per cent. Section 20 provides that there shall be repaid into the Treasury of the United States the same proportionate amount of the dollar given by the United States as shall be repaid to either the Louisiana Purchase Exposition Company or the city of St. Louis, provided that this section shall not be taken or construed to give the United States a right to share in the proceeds of said exposition beyond the actual amount appropriated to aid in carrying forward said exposition.

Mr. DALZELL. Let me ask the gentleman a question. Was it not also expressly understood at that time that that $5,000,000 gift of the Government to the exposition was all that the Government was to be called upon to give? Was not that expressly stated on this floor?

Mr. TAWNEY. It was—not in that language.

Mr. DALZELL. In substance, was not the pledge made on the floor of the House that if that sum of $5,000,000 was given to the exposition the Government would never be called upon to contribute another dollar; and was there not a provision put in the law excluding the idea that the United States should ever be called upon to contribute anything more?

Mr. TAWNEY. I do not know of any such provision in the act.

Mr. DALZELL. Well, I will call the gentleman's attention to the language, if he will allow me, in order to avoid any trouble on this subject, for we all recollect that Congress has had some considerable experience in this industry that has grown up in the United States—of having expositions. We recollect how we had to pay out $500,000 to pay the debts of the Buffalo Exposition upon the ground——

Mr. TAWNEY. What is the gentleman's question? [Laughter.]

Mr. DALZELL. All right. I want to call the gentleman's attention to this provision in the act:

That nothing in this act shall be so construed as to create any liability of the United States——

Mr. TAWNEY. I was coming to that.

Mr. DALZELL (continuing to read):

direct or indirect, for any debt or obligation incurred, nor for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States, in settlement or liquidation of any debts or obligations created by said Commission.

Mr. TAWNEY. I am glad that the gentleman has called my attention——

Mr. DALZELL. I will ask the gentleman now, just for the purpose of getting his views on the subject, whether or not he does not consider this application now made to Congress for this additional aid to be a violation of the pledge made on the floor of the House and in the act itself?

Mr. TAWNEY. I will say to the gentleman that I do not; and I do not think the gentleman himself, good lawyer as he is, would make any claim of that kind. He knows this is not an application for an additional appropriation, but merely for the use of a certain amount of money on condition that it be repaid and upon security that will insure its return.

Mr. McCLEARY of Minnesota. If my colleague will allow me a moment, I should like to ask him whether it is not estimated that the 40 per cent here referred to will yield something like six and a half million dollars——

Mr. TAWNEY. Over eight million.

Mr. McCLEARY of Minnesota. While this loan amounts to only four and one-half million.

Mr. TAWNEY. I will say in answer to my colleague that the estimate given to the committee—and I think the reasonableness of it will appeal to any man who reads the hearings before our committee—was that 40 per cent will amount to not less than $8,000,000. Calculated on the basis of the gross receipts at the city of Chicago it would be over six million.

Mr. McCLEARY of Minnesota. And your judgment is that the attendance at St. Louis, by reason of its climatic conditions, will be more uniform and steady, and therefore larger throughout the period of the exposition?

Mr. TAWNEY. That is the judgment of the committee, and there is another reason, too, for that judgment in addition to the reason stated by my colleague—the fact that there will be no cold spring or cold fall at St. Louis and that the exposition will continue until December 1. If you draw a circle around the city of St. Louis, 500 miles in diameter, you will find that you have a much larger population, almost three times, certainly twice as large a population as if you should draw a similar circle around the city of Chicago, because to the north of Chicago you have nothing but water or waste. The city of St. Louis has in the territory surrounding it a much larger population than the city of Chicago in a corresponding expanse of territory. In addition to that there is the enormous increase in population in the Southwestern States and Territories since 1893.

More than that, in 1893 the Southern States did not participate to any great extent in the Chicago Exposition, and their people did not attend to any great extent because of the hard times then prevailing. To-day that section of our country—happily for all of us and for them—is in a more prosperous condition than it has been for a great many years, if not ever before. So that there is every reason to believe that the attendance at St. Louis will be much greater than it was at Chicago.

Mr. McCLEARY of Minnesota. So that it would not require 40 per cent? The thing that the committee and the House are concerned in is the certainty of the return of this money. Now, referring to the experience in Chicago, I understand my colleague to assert—and of course since he asserts it it must be so—that Chicago was able not only to pay $5,000,000 of a loan—a larger amount than this loan—but to return to the contributors 19 per cent of their contributions. Now, the query is, If Chicago with her attendance was able to pay $5,000,000 of a loan and 19 per cent of the contributions, why will not this company be able to pay four and one-half million dollars, since there is no further obligation to be paid by the stockholders?

Mr. TAWNEY. I think, Mr. Chairman, that anyone who will take the trouble to go through the hearings and study the proposition as to the population and attendance will agree that the Government is secure, and I am sure there is not a man on the committee who has studied this subject who is not satisfied that the security is ample to insure the repayment of this money. The objections made to the proposition are objections on constitutional, not other, grounds.

Mr. FINLEY. Will the gentleman state what the present indebtedness of the exposition company is, and how it is secured?

Mr. TAWNEY. I can not state the amount of the present indebtedness of the company. Of course they have outstanding contracts on the buildings that are not quite completed, and buildings that have been completed but have not been accepted. It is estimated, however, by Governor Francis, who is at the head of the exposition, and by Mr. Thompson, who is the treasurer and chairman of the executive committee, that this $4,600,000 will pay all of the cost of completing the exposition and the expense incident to the opening of the same and operating it until the gate receipts are ample for that purpose.

Mr. FINLEY. How is the indebtedness secured?

Mr. TAWNEY. The outstanding indebtedness of the company is not secured at all. There is no lien of any kind on any of the property, and I am authorized to repeat what the chairman of the exposition company said to the Senate committee. When they spoke about giving a lien upon the buildings, the reply was that they would be perfectly willing to do it provided in case of default the Government would pay for removing the buildings. Under its contract with the city of St. Louis that has donated the use of the beautiful Forest Park of that city the exposition company must pay for the removal or must remove the buildings.

Mr. FINLEY. I understand that the gate receipts are not mortgaged or liened at all.

Mr. TAWNEY. Not at all. Not only that, if the gentleman will pardon me, but this amendment provides that before a dollar of the money is paid to the exposition company that company must enter into a written contract with the Government of the United States not only securing this loan by an express lien which can be filed there and which will meet the requirements of the local law, but they must also stipulate in that contract, under suitable penalties, that they will not appropriate or use or divert the receipts or encumber them in any way, by mortgage or otherwise, so as to interfere in any way with the right of the Government to receive the same in payment of its loan.

Mr. FINLEY. Then I believe you hold to the proposition that the security is ample?

Mr. TAWNEY. As I said before, I think the security is ample. There are only two conditions that might happen that would interfere. One would be the destruction of the exposition so that there will be no receipts or a failure on the part of the Secretary of the Treasury to enforce the law.

Mr. FINLEY. I think the gentleman said something a moment ago in reference to the gate receipts at Chicago. Now, no loan was ever made by Congress to the Chicago Exposition on the basis of gate receipts, I believe.

Mr. TAWNEY. No; there was a direct appropriation in aid of that exposition.

Mr. FINLEY. I understand the gentleman estimates that the gate receipts will approximate something like $20,000,000. Am I correct?

Mr. TAWNEY. Yes; the total receipts.

Mr. FINLEY. Now, would not the security be ample, so that the exposition company could go to a trust company or bank and make the loan of them?

Mr. TAWNEY. I think, if the gentleman will take the trouble to look through these hearings, he will readily see why it is far better, on account of financial conditions in certain quarters, for the Government to use $4,600,000 of the $158,000,000 now in the banks, yielding the Government no income whatever, for the purpose of completing and opening this exposition which it has authorized—that it is better to take that $4,600,000 out of the surplus and apply it to this purpose and use it for three months and put it back into the Treasury than it would be to jeopardize the business interests of any of the commercial or great business centers of the country from which this money must otherwise be drawn.

Mr. FINLEY. Even on that proposition can not the Secretary of the Treasury designate the banks in St. Louis, and deposit money there to the amount of $4,600,000 without Congress making this loan?

Mr. TAWNEY. I presume he could, but it might subject him to criticism on the ground that he was discriminating in favor of those banks as against others. The gentleman is aware, I suppose, that the Secretary of the Treasury has made a call on all the banks for this proposed loan and the amount to meet the Panama Canal payments.

Mr. FINLEY. I am aware of that.

Mr. TAWNEY. And among others he has made a call on the banks of St. Louis to the extent of three million.

Mr. FINLEY. Has he not funds with which he can continue to make these deposits?

Mr. TAWNEY. I do not know whether there is sufficient surplus to enable the loaning of public money to national banks without interest, which method of loaning the public money is approved by some people who seem very much opposed to loaning the amount necessary to insure the success of the greatest exposition the world will ever see—one, too, it has authorized and invited the world to participate in making a grand success.

Mr. FINLEY. In all cases where loans are made on national bonds and ample security, United States bonds?

Mr. TAWNEY. Yes, sir.

Mr. FINLEY. I merely wanted to get the gentleman's opinion on this point.

Mr. TAWNEY. In the opinion of the committee the security for the return of this money is ample.

Mr. PAYNE. Has the gentleman any better reason for not requiring the company to borrow the money from people who are in the business of loaning money?

Mr. TAWNEY. I would like to discuss the matter in full. I was simply answering the gentleman's question. I do not think that any statement that I could make would be satisfactory to the gentleman from New York in relation to this particular subject. Nor do I think the gentleman would think it reasonable or a businesslike arrangement.

Mr. PAYNE. It would be satisfactory if a businesslike reason.

Mr. TAWNEY. I started out to discuss the proposition, and my time has all been taken up by answering questions in regard to the details of the Senate amendment.

Mr. BUTLER of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Certainly.

Mr. BUTLER of Pennsylvania. For some information. Of course, there will be some debts against this concern. Is not that true?

Mr. TAWNEY. Yes, sir.

Mr. BUTLER of Pennsylvania. Can the gentleman tell me to what extent?

Mr. TAWNEY. No, sir. I answered that a moment ago. I can not say to what extent there are obligations. I do not know that there are any due and payable. I can not answer the gentleman.

Mr. BUTLER of Pennsylvania. Please tell me what legal process or resort can be had by which those debts already existing can be postponed and the rights of the Government substituted or preferred by reason of this act of Congress. Are the receipts of this concern pledged for the debts at this time?

Mr. TAWNEY. In answer to the gentleman, I will say that the object of this loan is to pay those obligations, and under the terms of this amendment it is the duty of the Secretary of the Treasury to see that the money is applied to the purpose for which it is appropriated. That will wipe out any indebtedness for construction or for labor and material.

Mr. BUTLER of Pennsylvania. Has it got as much as $4,600,000 indebtedness at this time?

Mr. TAWNEY. No, sir; it has not.

Mr. BUTLER of Pennsylvania. Then, why do you want $4,600,000?

Mr. TAWNEY. The exposition is not completed, and there is yet ninety days in which the necessary remaining construction must be completed.

Mr. BUTLER of Pennsylvania. Do you mean to say that at that time it will be $4,600,000?

Mr. TAWNEY. The gentlemen in charge of the exposition have told the chairman of the Senate committee and have told the House committee that $4,500,000 would be sufficient to complete the exposition and would meet the obligations. So that the Congress of the United States might be satisfied that there was ample security of getting the money back, and in order to insure the application of the money to the purposes for which it is appropriated, the Secretary of the Treasury is given jurisdiction over the disbursements of this money, so that there is no possible ground for fear of the Government losing by reason of any existing contract at this time or any contract that may exist in the future, because before the money is paid a lien is filed upon the gross receipts of the exposition company.

Mr. LAWRENCE. I would like to ask the gentleman a question.

Mr. TAWNEY. I yield to the gentleman.

Mr. LAWRENCE. Has any effort been made to secure this money from banking institutions, and have they not been able to get it on account of the lack of security?

Mr. TAWNEY. I am not able to answer the question.

Mr. LAWRENCE. The hearings before your committee do not disclose that?

Mr. BARTLETT. I have here the hearings on that question.

Mr. TAWNEY. The gentleman asked if that application had been made for the loan elsewhere.

Mr. BARTLETT. Well, I have the answer to that. Mr. Thompson, the secretary, says that they never contemplated any other way of raising the money except by pledging their receipts; and Mr. Francis said that they had not considered any other way than applying to the Government.

Mr. TAWNEY. Well, the gentleman from Massachusetts will understand very well that to come to Congress for legislation of this character and admit that application for a loan had been made elsewhere and refused would be a very good reason why Congress should not make it, if private individuals were not willing to make it.

Now, Mr. Chairman, just one word in conclusion. I will say that under the terms of this amendment we now propose I want this committee to keep these facts in mind: First, the appropriation is made. Second, to insure the application of the money appropriated to the purpose for which it is appropriated the Secretary of the Treasury is given jurisdiction over the disbursements of the money. Third, it is declared to be a lien on the gross receipts of the exposition, which at Chicago aggregated more than $16,000,000. Fourth, before any of this money can be paid the exposition company must execute an instrument in writing securing to the Government of the United States a lien and a guaranty that it will under no condition encumber this security so as to interfere with the right of the Government to enforce the lien for the collection of the debt. Then it is provided that this money shall be repaid at the Treasury of the United States, beginning on the 15th day of June, by filing a detailed statement of the gross receipts and make a payment of 40 per cent of those gross receipts to apply on this loan. On the 1st of July the same is to be done, and on the 15th of July not less than $500,000 must be paid, whether 40 per cent of the gate receipts aggregate that amount or not, and thereafter on the 1st and 15th of every month until the 1st of November not less than $500,000, when the full amount of the loan will be paid.

Now, if the exposition company makes default in the application of any of this money, or applies it to any purpose for which it is not appropriated, that would constitute a default, declared so by this act, and it would authorize the Secretary of the Treasury to take possession of the gates and collect the total receipts and apply them to the payment of this indebtedness. On the other hand, if they make default at any time in the repayment of this money, the Secretary is authorized, and it is made his duty, to do the same thing. Then, in addition and as a double security, so that there can be no legal question about the exposition company having agreed to this, we make it a condition precedent that they shall agree to it, and in accepting this money they are to be held and construed to have agreed to all the conditions upon which the appropriation is made, and all the conditions upon which it is to be returned to the Treasury of the United States.

Now, this proposition to celebrate the one hundredth anniversary of the purchase of the territory of Louisiana did not originate in the city of St. Louis. At a convention held in that city in 1899, attended by representative men appointed by the governors of the several States carved out of the Louisiana territory, it was decided to commemorate that event, the first and greatest international event in the history of the United States, by holding an exposition, and the city of St. Louis, being the metropolis of that great territory, was designated as the place. The people of St. Louis and the people inhabiting the territory of the Louisiana purchase have not started out on this proposition with any idea of commercial advantage or commercial profit—none whatever.

They were actuated by a sense of duty, of patriotic duty, to the forefathers of this country, through whose sagacity and wisdom it became possible for the Government of the United States to acquire and possess this territory, thus making it also possible for the Government of the United States to become in less than one hundred years from the date of that purchase the greatest people and one of the greatest governments on the face of the globe. I think, Mr. Chairman, that the committee should not consider this matter from the commercial standpoint in any sense.

We owe to ourselves the duty of making this exposition a splendid success. We owe it because under the authority of Congress, and by its express direction, the President of the United States—President McKinley—has invited the nations of the world to participate in commemorating the acquisition of the territory of Louisiana. They have accepted that invitation, and as an evidence of the commanding respect of our nation among the nations of the world let me say that every foreign government exhibiting at St. Louis has demanded more space both for its buildings and its exhibits than was demanded at Chicago.

The foreign governments occupy 40 per cent more space at St. Louis to-day than they occupied at Chicago. There are ten more foreign governments exhibiting there than exhibited at Chicago. There are ten more States exhibiting there than exhibited at Chicago. Every State in the Union except two is participating in this exhibition, and almost all of them have erected magnificent State buildings. This increased foreign participation and increased State participation in this exposition has carried the cost of the exposition far beyond the amount originally estimated as being necessary to complete and open the exposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the gentleman may have five or ten minutes to complete his remarks.

Mr. TAWNEY. The gentlemen of the committee will understand that I have been interrupted all the time.

The CHAIRMAN. The gentleman from New York asks that unanimous consent be given to the gentleman from Minnesota to have ten minutes more time. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Chairman, as a result of these applications for increased space on the part of foreign governments that are now here upon our invitation and as our guests for the purpose of taking part in the celebration of this great international event—as a result, I say——

Mr. BUTLER of Pennsylvania. We didn't think it would be so expensive when we invited them.

Mr. TAWNEY. That was a matter that Congress should have considered before extending the invitation. When you extend an invitation to a man to dine with you, you do not stop to measure the expense after he has accepted the invitation, do you?

As a result of this increased demand for space the exposition company was obliged to build three additional exhibition palaces beyond the number originally contemplated. They started out with the idea that if they could equal Chicago they would be doing well, and estimated the cost of reproducing an exhibition like that of Chicago, and estimated that it would exceed $15,000,000. To-day they have 120 acres under roof for exhibition purposes. At Chicago they had 86 acres. To-day, at St. Louis, they have inclosed in the exhibition grounds 1,260 acres. At Chicago they had 680 acres.

This space was demanded, and it was necessary to provide for it in order to supply the governments from different parts of the world we had invited to participate in this exposition with the amount of exhibit space which they required.

Now, they also had to sewer these extended grounds. Why, gentlemen, I have a statement here showing that almost $3,000,000 have been expended on these grounds, and you can not see where a dollar of it has gone. It is all underground, placed there for sewerage, water pipes to insure to the people attending this exposition the necessary sanitary and fire protection. An insurance agent said to me only last week that they had provided the best fire protection any exposition has ever had in the history of the world.

Now, as a result of this increased cost they are here not asking for an appropriation, but simply asking for the use of $4,600,000 for a period of about ninety days. The average length of time would be about ninety days. They ask for it on security that, in the judgment of the Senate and in the judgment of the House committee that considered it, is ample to insure the repayment of every dollar of the money we are asked to advance, and it is proposed to give it to them under conditions that will compel the return of every dollar of it, if there are any gate receipts at all or if the gate receipts equal $4,600,000.

The Centennial Exposition had $1,500,000 given to them as a loan, and, after paying all the indebtedness, every dollar of that $1,500,000 was returned to the Treasurer of the United States. I feel absolutely confident that this exposition in every respect will excel any exposition that the world has ever seen or ever will. I believe that the attendance at this exposition will be far greater than that at Chicago and, inasmuch as we have provided in this amendment for the absolute return, and to prevent any misappropriation of these funds except the repayment of the loan, that the Government of the United States will have every dollar of this $4,600,000 in its Treasury before the Fifty-eighth Congress convenes next December. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTHOLDT. What is the parliamentary situation at this time?

The CHAIRMAN. A motion was made by the gentleman from Minnesota to amend the Senate amendment, and that will be followed by a motion to concur.

Mr. BARTHOLDT. The motion to concur is pending?

The CHAIRMAN. The motion to amend is pending, and that will be followed by a motion to concur in the Senate amendment with that amendment.

Mr. BARTHOLDT. No time limit has been fixed for debate?

The CHAIRMAN. No time limit has been fixed for debate.

Mr. UNDERWOOD. Mr. Chairman, as far as the amendment to this paragraph of the bill offered by the gentleman from Minnesota is concerned, I believe it improves the text of the bill and shall vote for his amendment. But after the paragraph is amended I intend to vote against the whole proposition. I am unable to find any sufficient reason why the Government of the United States should go into the business of loaning its money to a private corporation. I have heard many distinguished gentlemen on the floor of this House, and, if I am not mistaken, the distinguished gentleman from Minnesota [Mr. TAWNEY] himself, abuse the Populist party for their idea of going into partnership with the United States Government.

Mr. COCHRAN. Will the gentleman yield to me for a question?

Mr. UNDERWOOD. Certainly.

Mr. COCHRAN. I would like to ask the gentleman if he thinks this is a private corporation?

Mr. UNDERWOOD. I consider it a private corporation, although it is indulging in an enterprise that is of interest to all the people in the United States.

Mr. COCHRAN. It is not in any sense a private enterprise.

Mr. UNDERWOOD. No more than a bank or a railroad company is a private enterprise if engaged in the business of the country.

Mr. COCHRAN. Did the gentleman ever hear of a railroad or a bank that was doing business in which all the people are interested?

Mr. UNDERWOOD. I imagine a railroad is more or less of interest to every man, woman, and child in the United States to some extent.

Mr. COCHRAN. To what extent?

Mr. UNDERWOOD. To the extent that it carries the mail of these people and delivers their letters; but I do not care to go into that subject.

Mr. COCHRAN. Does the gentleman think that by going into it deep enough he could make it appear that there is any private interest to be served?

Mr. UNDERWOOD. Well, I do not know about that. I understand there is a private corporation organized and that there has been stock subscribed. I do not understand that the company was organized for the purpose of making profits, but if there are any profits made after debts are paid I take it that the stockholders who subscribe their money will reap those profits.

Mr. COCHRAN. One further question. Is it not customary in many States for the public to provide and pay the necessary expenses, including sometimes deficits, to keep up State fair associations?

Mr. UNDERWOOD. Well, possibly the public does, but it does it out of the public property.

Mr. COCHRAN. Does not the public do that out of funds raised by taxation?

Mr. UNDERWOOD. Well, I do not recall any institution——

Mr. COCHRAN. I will ask the gentleman if the State of Alabama has not made such appropriations?

Mr. UNDERWOOD. I was going to state to the gentleman that I do not recall any instance where the State of Alabama has done so. It may have done so in times past that I know not of, but of my own knowledge I know of no such thing.

Mr. COCHRAN. Does the gentleman think there is very much difference in the aspect of this as a national enterprise and a State fair association as a State enterprise?

Mr. UNDERWOOD. I can not say that I do.

Mr. COCHRAN. Is a State fair association a private enterprise?

Mr. UNDERWOOD. When it is organized by private corporations for private gain it is.

Mr. COCHRAN. And the gentleman says he does not think the St. Louis Exposition was organized for private gains.

Mr. UNDERWOOD. I do not imagine it was; but it is organized on that basis.

Mr. COCHRAN. Then the only thing the gentleman says about this is that the incorporators of the World's Fair Association incorporated under the laws as a private corporation?

Mr. UNDERWOOD. Unquestionably, and if they make a profit the profits will go into their private pockets.

Mr. COCHRAN. Can the gentleman suggest any other way in which these great public enterprises could be carried on?

Mr. UNDERWOOD. I have no desire to do that. I will leave that to my friend from Missouri.

Mr. COCHRAN. Well, I think the gentleman ought to leave it to somebody.

Mr. UNDERWOOD. I have not contended that this corporation was organized as a private corporation to serve a private purpose; but it is a private corporation. I say that when the Government of the United States attempts to go into partnership with or to lend its money to a private corporation I draw no distinction between that proposition and the proposition that was made by the farmers of this country some ten or twelve years ago, in which they advocated that the Government of the United States should lend its money to them on their wheat and their corn and their bales of cotton as collateral security.

I have heard distinguished gentlemen on that side of the floor and on this inveigh against that proposition, and challenge its constitutionality, challenge the governmental power to do such a thing; but here, when we come to a corporation in which a vast number of the people of the United States are interested, from the point of public interest or in a pecuniary way, they seem to lose sight and thought of that proposition entirely.

Mr. COCHRAN. Mr. Chairman, I would like to inquire if the gentleman regards this as an unconstitutional measure?

Mr. UNDERWOOD. Yes; I will say candidly that from my point of view I do not think the Government of the United States has the power to use money collected by taxation for the purpose of making a loan to anybody.

Mr. COCHRAN. Has the Government of the United States power to become a stockholder in a corporation?

Mr. UNDERWOOD. No; I do not think it has. That is my personal opinion.

Mr. COCHRAN. Does the gentleman regard the United States as interested to the extent of the $5,000,000 in this property of the exposition as it now stands?

Mr. UNDERWOOD. I understand that the United States Government has given to this exposition $5,000,000.

Mr. COCHRAN. Does the gentleman not also understand that in the event that any portion of the liability, including that $5,000,000, is paid, it should be paid back——

Mr. UNDERWOOD. No; I do not understand that the Government of the United States shall ever participate in the profits to any extent in the world. The gentleman may be better informed on that proposition than I am, but I understand that out of the profits the Government may get back its money, but it will never participate in any profits of the concern. I can not see the distinction between these two cases—that is, between the case of lending the people of my district money on the pig iron that is stacked in the yards, lending to a railroad company governmental money to complete the building of a railroad, and lending this exposition money of the Government to carry on this exposition.

Therefore I think it improper—for myself, at least—to vote for this paragraph. But aside from that, on the question whether the Government of the United States is secure or not, I take issue with the gentleman from Minnesota. I notice that in the Senate hearings the president of this company was distinctly asked how many people lived within a hundred miles of the city of Chicago. He was asked to estimate whether the gate receipts at St. Louis would equal those at Chicago. But he did not answer the question, although he was asked it more than once. He said, however, in response, after waiving a direct reply, that if you would draw a circle around Chicago having a radius of 500 miles and a similar circle with a radius of 500 miles around St. Louis, you would find a great many more people in the circle which inclosed St. Louis than in that which inclosed Chicago.

In the same way you might take some little interior town and draw a circle around it with a radius of 1,000 miles, and you would find more people within the radius of that circle than you would in a similar circle around the city of New York, because in one case your thousand-mile circle would extend into the Atlantic Ocean.

We know as a matter of fact that these expositions are kept up and paid for to a great extent by the people who live in the towns or cities within which the exposition is held or who live within a radius of 100 miles of such town; that from the people living beyond such a radius the gate receipts are comparatively small.

Now, sir, we find that the total gate receipts at the Chicago Exposition were only about $11,000,000—the entire gate receipts. What have we pledged here as security for the loan it is proposed the Government shall make? The gate receipts of this exposition.

Mr. TAWNEY. And the concession receipts.

Mr. UNDERWOOD. By the gentleman's amendment, provided it is adopted——

Mr. ROBERTSON of Louisiana. No; by the Senate amendment.

Mr. TAWNEY. The Government is to have a lien on the gross gate receipts, from all paid admissions, and also on all concession receipts; and the concession receipts on the basis of Chicago and Buffalo would be from 40 to 44 per cent of the gate receipts.

Mr. UNDERWOOD. As I understand the gentleman, then, the Government of the United States is pledged 40 per cent of the gate receipts to pay back this money. Now, the total gate receipts from the beginning of the Chicago Exposition down to its close amounted to only $11,000,000. You propose to allow this exposition to run for over two months—from April until June—before you take one dollar of these gate receipts.

Mr. TAWNEY. Oh, the gentleman must be fair. The exposition is not to be opened until the last day of April or the 1st of May, so that the period which the gentleman speaks of as two months would only be four weeks.

Mr. UNDERWOOD. Well, I understood the exposition was to be opened in April; I did not get the exact date.

Mr. COWHERD. The gentleman will also remember that the St. Louis fair is to run longer than the Chicago Exposition did. It is to continue a month longer.

Mr. UNDERWOOD. What I understand is that not the entire gate receipts, but 40 per cent of the gate receipts, are to be paid, beginning on the 1st of June, and you begin to take out this proportion on the 15th of June. You throw out the month of May entirely; you say that on this basis the Government will be repaid for its loan. Now, you assume that the St. Louis Exposition is to get the entire amount of gate receipts that Chicago did, with all that immense city to draw from; and the total loan that you propose to make is $4,600,000.

Mr. TAWNEY. I hope the gentleman intends to be fair in his discussion of this question.

Mr. UNDERWOOD. I am trying to be so.

Mr. TAWNEY. Then I hope the gentleman will state the facts. He has omitted to state that the lien is upon the concession receipts as well as the gate receipts, and the concession receipts will amount to 40 per cent of the gate receipts, and if the gate receipts are $11,000,000 you have 40 per cent more to add to that. The total receipts at Chicago were between $16,000,000 and $17,000,000.

Mr. UNDERWOOD. I have not had an opportunity to study the gentleman's amendment as carefully as I could wish. It provides, as I understand, that the Government shall take charge of the receipts and take out a certain portion and repay its loan. Now, is there anything in this proposition that will allow the Government to take all these concession receipts; and if not, what security is there that the Government will be repaid?

Mr. TAWNEY. The language of the amendment is clear and explicit. The Government, in the first place, has a lien by this act and by this contract on the gross gate receipts and on the gross concession receipts.

Mr. UNDERWOOD. I recognize that.

Mr. TAWNEY. Now, then, on the basis of the receipts at Chicago—assuming that the receipts at St. Louis are to be no greater than they were at Chicago—the gross receipts from these two sources would aggregate almost $17,000,000.

Mr. UNDERWOOD. You mean 40 per cent.

Mr. TAWNEY. No. I mean that the gross receipts at Chicago aggregated between $16,000,000 and $17,000,000. Now, if the St. Louis Exposition receives no more than was received at Chicago, the Government has as security for the repayment of its loan 40 per cent of about $17,000,000.

Mr. UNDERWOOD. In other words, $6,800,000.

Mr. TAWNEY. Yes, sir.

Mr. UNDERWOOD. Six million eight hundred thousand dollars, contingent on some 22,000,000 people passing through the gates.

Mr. TAWNEY. Let me call the attention of the gentleman to another fact in connection with this proposition. In the event that default is made in the payment of this money at any one of the times specified in the act, then the Secretary of the Treasury shall assume control of the gates and take possession of all the receipts upon which the Government has a lien.

Mr. UNDERWOOD. I was coming to that, and that was one of the things——

Mr. BARTHOLDT. If the gentleman will permit me, I have the paragraph here.

Mr. UNDERWOOD. I have already discovered it, I will say to the gentleman.

Mr. BARTHOLDT. The gentleman spoke of gate receipts.

Mr. TAWNEY. The gentleman from Alabama has admitted that he is mistaken.

Mr. UNDERWOOD. I understand.

Mr. BARTHOLDT. It says the gross receipts. The Secretary of the Treasury shall take possession of the gross receipts from all sources in case of default in the payment.

Mr. UNDERWOOD. I am coming to what the gentleman has just referred to—that the Government of the United States, provided there is default in the payment of $500,000, at any time, until the amount pledged to the Government has been paid, may take charge of the gate receipts. Well, now, what does that mean? He takes charge of all the receipts of this exposition provided there is default. Now, if this theory about the fair working out and paying so much money is a mistake, and the Secretary of the Treasury is compelled to take charge of these receipts, what has he to do to get his money back? He has got to run that exposition company, because if he does not pay the employees, buy the material that is necessary to run it, pay the bands, pay for the balloon ascensions, he will not get anybody there and there will not be any money. In other words, by this amendment, under a possible contingency, the Government of the United States is invited to go into partnership with a side show.

Mr. COCHRAN. Will the gentleman point out the part of it that he refers to?

Mr. UNDERWOOD. I said that there is a provision in this bill—

That if at any time after said exposition company has received the amount hereby appropriated it makes default in the application or in the repayment of said sum, or any part thereof, as herein required, then, and in that case, the Secretary of the Treasury is hereby authorized to supervise the collection and take possession of all said gross receipts and continue such supervision and possession until the full sum of said $4,600,000 has been collected and repaid into the Treasury of the United States, as herein provided.

Mr. COCHRAN. Does that make the Government in any sense a part of the management of the exposition, except to take possession of its gross receipts?

Mr. UNDERWOOD. I just stated that if he takes possession of all its gross receipts, and does nothing else, it will stop the exposition, because there will be nobody to pay the doorkeepers, to pay the ticket sellers, to pay the dime-museum men.

Mr. COCHRAN. I understood you to say that we would go into partnership with a side show. But did you say that the exposition would stop?

Mr. UNDERWOOD. Begging the gentleman's pardon, I said that some time ago. I said that this provision would force the Government, in case of a default, to take charge of the exposition and run it in order to get its money back.

Mr. ROBINSON of Indiana. And then what would happen to it when the public knew that it had been levied on?

Mr. UNDERWOOD. That is all I desire to say now about this matter, and I desire to yield the balance of my time to the gentleman from Georgia [Mr. BARTLETT].

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] is recognized for forty minutes.

Mr. BARTLETT. Mr. Chairman, I do not know that I caught exactly the statement made by the gentleman from Minnesota [Mr. TAWNEY], the chairman of the Committee on Industrial Arts and Expositions, as to the position of members on that committee. I do not think he intended to say, if he did say so, that the members of that committee were all in favor of this Senate amendment. That is what I understood him to say.

Mr. TAWNEY. On, no; the gentleman misunderstood me. I did not say so.

Mr. BARTLETT. I was informed the gentleman said that.

Mr. TAWNEY. I did not say that.

Mr. BARTLETT. I tried to interrupt the gentleman, but found it was not his desire to be interrupted.

Mr. TAWNEY. What I did say was that it was the judgment of every member of the committee that the security would be ample, and those who did object to it objected upon other grounds than that the security would be amply sufficient. That is what I intended to say.

Mr. BARTLETT. I knew the gentleman did not intend to say that all the members of the committee favored this proposition.

Mr. TAWNEY. I knew the attitude of the gentleman from Georgia and recognized it.

Mr. BARTLETT. Mr. Chairman, I am not in favor of this proposition and can not vote for it, no matter how ample I may think the security given is to protect the Government, nor can I even accept the statement of the gentleman from Minnesota that it was agreed that the security was ample. I do not think that the proposed lien will be any greater security than the simple contract of this exposition company to pay. I say I entertain views different from my friend, the gentleman from Minnesota [Mr. TAWNEY], Mr. Chairman, with reference to this proposition. I was one of seventy-five Members when the roll was called in June, 1900, who in this House went upon record as against the proposition in its inception for the Government to aid this exposition by giving it $5,000,000. I have not changed my views on this subject. I am still opposed to the policy of this Government expending the money of the people in aiding these expositions or shows of this character.

When the Government makes its own exhibit and erects the buildings for such exhibit, that is as much as should be asked. I shall not vote for anything more. I remember very well, being then a member, as I am now, of the Committee on Industrial Arts and Expositions, from whom the bill providing for the St. Louis Louisiana Purchase Exposition originally came, when all the gentlemen, one of whom is now president of this exposition and one is the treasurer, and a number of most elegant gentlemen, came before us from all parts of the country, including the present Secretary of the Treasury and governors of various States embraced in territory comprising what is known as "the Louisiana purchase," and urged us to report the bill which finally was passed March 3, 1901. It may have been well that the Congress enacted that law.

I am not going to gainsay it now. But I know full well that it was passed at the urgent solicitation of these gentlemen who now are here asking for this loan; and when we were considering the proposition to grant this, the largest sum that had been given to an exposition of this character, we were told that Missouri would pay $10,000,000 before a dollar would be expended from the Government Treasury, and that they would not follow the example of other exposition companies, which had in the past appealed to Congress for more money; that with the $10,000,000 which would be subscribed and paid in by St. Louis and her people and the $5,000,000 which the United States Government was asked to contribute, they would be amply able to inaugurate and carry to a successful end the great enterprise that was then being undertaken.

The act of Congress of March 3, 1901, to provide for holding this exposition in the twenty-fourth section provided as follows:

That nothing in this act contained shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred nor for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said Commission.

Doubtless this section was placed in the bill at the instance of the friends of the measure to aid in its passage. Surely this should estop the same gentlemen, who are now urging this Congress to extend "pecuniary assistance" to this exposition company. In good faith and conscience they should not now be heard to urge its violation.

This company who are here asking for this loan of the people's money for the purpose of carrying on the enterprise of a private corporation have made no effort to borrow money from the banks or any other source. They came to Congress in the first instance, relying doubtless on the fact that the United States Treasury is full, and upon the belief that this Congress in this age of alleged progress and extravagant expenditure of the public money will be more liberal and extravagant than any of the preceding Congresses.

In confirmation of this I read from page 25 of the hearing before the Committee on Industrial Arts and Expositions, on February 1, 1904.

Mr. GARDNER, a member of that committee, asked Governor Francis this question:

Suppose this does not meet with Congress's approval, what are you going to do then? You are going to borrow that money from private parties, I suppose?

Mr. Francis replied:

We have not considered that. I suppose that a few of us, comparatively few, would have to raise this money by mortgaging our residences, or giving personal collateral of some kind, and getting the money as fast as we can.

Mr. GARDNER. The gates won't shut?

Mr. FRANCIS. Oh, no.

And Mr. Houser, a member of the committee from St. Louis present to urge the committee to favor this proposition, said:

If it takes all our fortunes, the gates will not close.

And Mr. Thompson, a leading and well-known banker and financier of St. Louis, stated before that committee the following, to be found on page 40 of the hearings:

The people living in St. Louis are anxious to have the gates opened. Even parties who were shaking their heads at first are now enthusiastic, and there is no question in the mind of anyone connected with the exposition that it will be a grand success. Not only will it be a success as a show, but it will be a commercial success. I do not want to guarantee that without a reasonable compensation for so doing, because if I am going into the guaranty business I want a percentage, but parties who have looked the matter over and who have made estimates feel safe in saying that the original subscribers——

The CHAIRMAN. Including the Government?

Mr. THOMPSON. Yes; including the Government and the city. Everybody who has estimated carefully says that we will get back 50 per cent of our outlay, and I think if you take the figures Governor Francis has given you this morning and analyze them you will see why that is reasonable. I am satisfied it is reasonable to estimate that we will have $7,500,000 over and above the running expenses of the exposition.

So that if this proposed contract with the Government is ample security and the prospects are so flattering that this exposition will be so great a financial success these gentlemen should be able to easily borrow this money from the banks, who are legitimately in the business of lending money. They should not be permitted to borrow it from the Government of the United States, for it ought not to engage in the banking business.

I have another objection. I believe this kind of legislation is vicious and should not be upheld. The original proposition to aid in holding and contributing $5,000,000 thereto was put by the Senate upon an appropriation bill, as this one has been, passed the Senate through "Senatorial courtesy," and it was brought here and carried through the House on a vote on a conference report, had on an amendment to the sundry civil appropriation bill in June, 1900——

Mr. BARTHOLDT. Will the gentleman permit a question?

Mr. BARTLETT. Yes.

Mr. BARTHOLDT. Does my friend intend to convey the idea that St. Louis has not made good her word in raising $10,000,000?

Mr. BARTLETT. No; and nobody who understands the English language could understand that I intended to convey any such idea. I did not state it, nor insinuate it, because Governor Francis, in the hearings before the committee on last Friday and Saturday, made a statement showing that it had been done, and it could not otherwise than have been done unless the Secretary of the Treasury had violated the solemn provisions of the act under which this exposition is being held, because that act required them to be satisfied from evidence that every dollar of the $10,000,000 had been subscribed by the people of St. Louis and expended before the Secretary of the Treasury should pay out any of the $5,000,000 appropriated to this exposition; and I am sure the Secretary of the Treasury will comply with the law and that he has complied with the law.

Mr. BARTHOLDT. He has.

Mr. BARTLETT. Now, Mr. Chairman, this proposition is that the Government shall loan money to this exposition company, which is a private corporation incorporated and organized under the laws of Missouri. It is the Louisiana Purchase Exposition

Company. It has all the powers and all the attributes and all the liabilities of a private corporation. It can sue and be sued; it can incur and collect debts. It is a private undertaking aided by the Government at the request and solicitation of the corporation.

It will not do to say that because the Government in 1900 authorized the grant of and did give $5,000,000 to aid it in carrying on its business that the Government became liable as a partner and has now to contribute additional money that it might be inaugurated and successfully carried on. The act referred to distinctly negatives any liability of the United States for the acts of the corporation. These gentlemen came to Congress in 1900 and urged the passage of the measure under which they proceeded, as the hearings before our committee will show, and they came from various States and from Missouri, urging us to grant them this money upon the condition contained in this bill of March 3, 1901, urging us to aid them; and now, after we have given them the money and they want more, they come back and say you must grant us relief because you authorized this whole exposition; because you invited the nations of the world at our request you must pay more money.

This argument used by my friend the gentleman from Minnesota [Mr. TAWNEY] was not used by the president of this exposition, for when pressed to give us a reason why the Government should aid them further because the United States had invited foreign nations to participate, said (page 33 of the hearings):

> I can not say that the Government has been responsible for the cost being increased over our estimates, except to the extent that it has aided us to interest foreign countries.
>
> Mr. BARTLETT. But, as I understand it, this invitation of the General Government to foreign countries to participate in this exposition was about the same as has been extended heretofore. In other words, the language of the act is about the usual language; it is about the language used in the case of Chicago.
>
> Mr. FRANCIS. That is so.

But I repeat, Mr. Chairman, that I am not in favor of this character of legislation upon appropriation bills. I remember in recent years the Senate has time and time again added to appropriation bills, in violation of its own rules and in violation of the rules of this House, legislation of this character as "riders" on such bills. Why, we know the whole Philippine government bill was passed as a rider on the army bill in 1901; and this very identical proposition to inaugurate and start this exposition, giving $5,000,000 to it, originated in the Senate, by an amendment or a rider to the sundry civil bill, in June, 1900.

If important legislation is thus to be enacted the power and influence of the popular branch of the legislative branch of the Government is seriously curtailed and virtually destroyed, and the Senate will become the supreme legislative power. If, as is contended by some Senators, the Senate can, without reference to the House, affect the revenues of the Government by treaties, and can also pass any sort of legislation by tacking it as a rider to necessary appropriation bills, and the House submits, the power and influence of the House is destroyed. For one I do not and shall not approve such vicious practice in legislation.

That bill had been referred to a committee appointed by the House to specially consider it. These gentlemen who were advocating it had been before that committee, and had urged the committee to report a bill favoring its passage. That committee did not report a bill favoring its passage. That committee reported a bill without any recommendation whatever, and because they then were satisfied that the House would not——

Mr. LIVINGSTON. Is the gentleman not mistaken when he says they came before the Appropriations Committee that made up the deficiency bill and had a hearing, and we refused——

Mr. BARTLETT. I did not say the Appropriations Committee. If I said so I did not intend to do so.

Mr. LIVINGSTON. One other question.

Mr. BARTLETT. I do not believe my colleague would refuse the appropiation of this money at any time.

Mr. LIVINGSTON. We had no hearing and did not pass upon it. I simply desire to correct the gentleman.

Mr. BARTLETT. I do not desire to put my friend and colleague in any position that he ought not to occupy. I meant to say, and I repeat, that these gentlemen came before a committee to whom this bill, the act of March 3, 1903, had been referred by this House, the Committee on Industrial Arts and Expositions, over which the gentleman from Minnesota [Mr. TAWNEY] presides and of which I happen to have been an humble member since its organization.

They came before that committee with all the influence, with all the eloquence, with all the power they could exert, and they failed to secure a favorable recommendation from that committee for the passage of this bill; and when they found that could not be done, they went to the Senate and by means of the exercise of Senatorial courtesy, that alone exists in the United States Senate, the Senator from Missouri put it upon the sundry civil appropriation bill, and that is how this legislation originated for the Government to place its credit and its faith and promise to pay them the $5,000,000 in the first instance.

Mr. BURLESON. Mr. Chairman, the gentleman is recognized as a lawyer of ability, and I would like to submit to him this query: Aside from the question of policy of the General Government going into the exhibition business, does the gentleman believe that there is warrant under the Constitution of the United States for the General Government to make this loan to a private corporation?

Mr. BARTLETT. I do not know any express restraint placed upon the power of the Congress to donate, to give away, or throw away the money of the people if they can find enough men in Congress to vote it away. There are certain powers given to Congress providing what they shall appropriate for—armies and navies and post-offices and post-roads and the maintenance of the General Government.

There is not in the Constitution of the United States any restraining power that says that the Congress can not appropriate money to these expositions, or for such like purposes. I wish there were. I do not believe it would even then restrain a good many people from voting to squander the public money, if they desired to do so. I do not think the Constitution of the United States stands in the way of this Government lending this money to this association, if Congress sees fit to do so.

Mr. BURLESON. Right on that point, what power has Congress to make any appropriation except for governmental purposes?

Mr. BARTLETT. I do not think it ought to have the power.

Mr. BURLESON. Has it any such power?

Mr. BARTLETT. It ought not to have it. The gentleman has asked me what the provisions of the Constitution are in this respect. I do not know of any that prohibit it. It would only be arguing an inference to be drawn from the expressed commands of the Constitution. There is no expressed inhibition upon Congress from making any such appropriation as there are in the constitution of my State, which prohibits them from making appropriation except for certain specific purposes.

Mr. BURLESON. The gentleman says he knows of no provision prohibiting it. Can he put his finger upon the provision of the Constitution authorizing it?

Mr. BARTLETT. I can not; nobody can; but there are a great many things for which money is expended not authorized expressly by the Constitution. I take it for granted that this Government was authorized to collect revenues by taxation of the people and to pay it out for governmental purposes and not for expositions or for shows. I take it for granted, so far as I am concerned, and that is my political faith, that the Government of the United States, when it has more money in its coffers than it ought to have or taxes are too high and unjust, ought to reduce the rate of taxation or return the surplus back to the pockets of the people whence it came.

Mr. BURLESON. I am in thorough accord with the gentleman.

Mr. BARTLETT. But as you asked me as a lawyer, I am undertaking to give you my opinion as a lawyer.

Mr. BARTHOLDT. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Missouri?

Mr. BARTLETT. Just for a question.

Mr. BARTHOLDT. Can my friend point his finger to the provision in the Constitution of the United States or in the laws of the country which would authorize the Secretary of the Treasury to go into the open markets for the purpose of purchasing Government bonds at a higher premium merely for the purpose of relieving the money stringency?

Mr. BARTLETT. Well, Mr. Chairman, I am not going to undertake to say whether some Secretaries of the Treasury have gone into the markets and bought Government bonds or not. I apprehend the Government has a right to create a debt and to borrow money and issue bonds; and the Government has the same right that every other creditor has to go into the market and pay the bonds before they become due, like I have, if my creditor agrees to it, and the question is not at all pertinent, nor does it suggest anything to a lawyer's mind, in regard to the subject-matter of discussion.

Mr. BARTHOLDT. But it is done for the purpose of relieving the money stringency, and here is an opportunity to do the same thing to the extent of four million dollars and a half.

Mr. BARTLETT. What money stringency? Why, Mr. Chairman, I have here a statement of the banks in New York, published weekly, and this is the statement of last Saturday from the commercial papers. I also have here the statement of the Secretary of the Treasury, which shows that the banks are so far from being without money that they have $21,000,000 and over above

their surplus reserve, showing that they have more money on deposit, more money in their vaults, than they ever had before in many years.

I have here an account where the Pennsylvania Railroad on Friday last made arrangements to borrow $50,000,000 to carry on improvements for the railroad, and I have not heard of a jar or ripple in Wall street so far as money is concerned, unless it happened this morning. The rate of interest has not gone up; there has been no demand on the Secretary of the Treasury to supply a contemplated deficiency of $50,000,000. Why, Mr. Chairman, have we arrived at this stage in this great era of prosperity that the national banks, with their hundreds of millions of dollars in their vaults—on Saturday the surplus reserve in the New York national banks was over $21,000,000—are to be shaken to their centers, and that business is to be disrupted and a panic coming in the money market because the paltry sum of $4,000,000 is to be borrowed in that market? What becomes of your vaunted prosperity, what becomes of the talk about more money than you can use and of the assertion that the vaults of the banks are full to overflowing, if we can not borrow that small amount of money?

Mr. BAKER. Will the gentleman yield for a question?

Mr. BARTLETT. I would rather not be interrupted just now, but I will yield to the gentleman for a question.

Mr. BAKER. If the money is loaned by the Government, will it not be simply transferred from some bank into another bank?

Mr. BARTLETT. That is an A B C of finance which does not necessarily require an answer.

Now, Mr. Chairman, before I leave this proposition I want to state that this amendment offered by the gentleman from Minnesota is far better, in my judgment, than the original proposition that came from the Senate. The Senate amendment is either carefully or carelessly drawn, it is immaterial which. If the gate receipts do not equal 40 per cent, then the Government could get only 40 per cent of the gate receipts, and they might not at any time be sufficient to pay this loan. Under the amendment offered by the gentleman from Minnesota it provides that the Government shall get the 40 per cent, but, at any rate, $500,000 semiweekly. The amendment offered by the gentleman from Minnesota was drawn at the request of the committee, and it is carefully drawn, more so than the Senate amendment, for the exposition company is required to repay the amount loaned whether 40 per cent of its receipts suffice to do so or not.

But I do not believe, Mr. Chairman, when you come down to the question of security, that this is any security or any lien by the Government on the gross receipts. I mean by that, and every lawyer will understand it, that as between any contesting creditors of this Exposition and the Government the lien hereby provided for will not avail as against the creditors so as to give the Government in a contest in the courts a superior lien upon its receipts. I say that for the reason that when you mortgage something—and that is what this is, a mortgage—when you mortgage something there must be something in existence. There must be something in præsenti. "A man can not give that which he has not" is the language of the law.

It will not do to say that it has been held that a railroad might mortgage its income and after-acquired property and after-acquired receipts; that because the courts have held that mortgages on after-acquired property and after-acquired receipts of the railroad are subject to the mortgage that therefore this is so. There is this distinction: The railroad first mortgages the property out of which the income grows, as if you mortgaged the sheep and its next year's clip of wool; as if you mortgaged your own sheep and not some one's else; as if you mortgaged the orchard and income of next year's crop of apples. But you can not mortgage the clip of another's sheep or a flock of sheep you are to purchase or the apples in another's orchard. It is because you own the land out of which the apples grow and because you own the sheep upon the backs of which the wool grows.

I read now from Jones on Chattel Mortgages, section 140, as follows, to sustain my statement:

> One may make a valid mortgage on a thing in which he has a potential interest at the time. Thus, to use illustrations familiar since the time of Chief Justice Hobart, "Land is the mother and root of all fruits; therefore, he who hath it may grant all the fruit that may arise upon it after, and the property shall pass as soon as the fruits are extant. A person may grant all the tithe wool that he shall have in such a year, yet perhaps he shall have none, but a man can not grant what wool that he shall grow upon his sheep that he shall buy hereafter, for there he hath it neither actually nor potentially."
>
> If he owns land he may mortgage the crops that grow upon it, or if he owns sheep he may mortgage the wool to grow upon them, for the mortgagor having the present ownership of the land and sheep has a present vested right to the product, growth, or increase of the property whenever it comes into existence. He may, therefore, sell or mortgage the natural or expected growth or increase of his own property, but he can not sell or mortgage the crops to be grown upon the land of another, or the wool to be grown upon another's sheep, or upon sheep he may buy hereafter; but the mere possibility or expectancy of acquiring property, without any present interest in it, is not the object of a mortgage or sale.
>
> The fisherman may expect to catch fish; but while they are in the sea uncaught he can not make a valid sale or mortgage of them. The fact that he owns a fishing ship and is about to proceed upon a fishing voyage gives him no potential interest in the fish he may possibly catch.

In support of this the author cites the case of Lowe *v.* Pew. (108 Mass., 347.)

I read from the case of Beall *v.* White (94 U. S. Rep., p. 382, 3d headnote):

> It is only when no rule of law is infringed and the rights of third persons are not prejudiced that courts of equity will in certain cases give effect to mortgages on subsequently acquired property.

The same proposition is sustained by Story's Equity Jurisprudence (9th ed., sec. 1040) and by the cases of Dunham *v.* Railway Co. (1 Wallace, p. 254) and United States *v.* New Orleans Railroad (12 Wallace, 362).

The case of Pinnock *v.* Coe (64 U. S. Rep., p. 117) sustains my view of this lien. I read from pages 127 and 128 as follows:

> This rule is founded on the maxim that "A person can not grant a thing which he has not: Ille non habet non dat," and many authorities are referred to at law to prove the proposition, and many more might have been added from cases in equity, for equity, no more than the law, can deny it: the thing itself is an impossibility. It may at once, therefore, be admitted that whenever a party undertakes, by deed or mortgage, to grant property, real or personal, in præsenti, which does not belong to him or has no existence, the deed or mortgage, as the case may be, is inoperative and void, and this either in a court of law or equity.

I refer also to three cases in 99 U. S. Reports, to wit: Fosdick *v.* Schall, page 235; Fosdick *v.* Car Company, page 256; and Hale *v.* Frost, page 389. In these cases the court discusses the question as to what a court of equity will do in a contest between creditors and mortgagees who have a lien on after-acquired property and income arising therefrom. These decisions, in my judgment, would authorize the courts of the United States to hold in a contest between the United States and the creditors of this exposition company—in case such a contest should arise—that the United States did not get any priority or precedence over the gate receipts by reason of this act or any lien given in pursuance of this act.

Whatever may be the decisions of the State courts on this subject, though they may hold differently, the questions of law which might arise under this act will be determined in the United States courts, and in that case the rule as laid down by the Supreme Court of the United States will control. Therefore I must dissent from my distinguished friend when he says that all of us are agreed that this lien would be sufficient. I do not agree to that. I dissented at the time it was proposed.

Perhaps I did not exactly dissent, but I made the suggestion, as is shown in the copy of the hearings which I hold in my hand, to Governor Francis, and asked him whether that had occurred to him. I made the suggestion in the committee room when we were considering the proposition and I have given it some consideration. I will read from the decision of the Supreme Court, to be found in 64 United States Supreme Court Reports, in the case of Pennock *v.* Coe, wherein the court says:

> It may at once, therefore, be admitted, whenever a party undertakes by deed or mortgage to grant property, real or personal in præsenti, which does not belong to him or has no existence, the deed or mortgage, as the case may be, is inoperative and void, and this either in a court of law or equity.

I will follow that up by a suggestion from another case, as follows:

> It is only where no rule of law is infringed and the rights of third persons are not prejudiced that courts of equity will, in certain cases, give effect to mortgages of subsequently acquired property.

I have here a half dozen or more cases upon that subject and also some opinions from the law writers upon the subject, and I make bold to say here that if ever a contest comes between the United States Government and other creditors as to the validity of this lien, if it shall be made in pursuance of this act, that the lien will he declared to be a nullity, because the exposition company has not got the receipts and can not tell what they will be. It does not own the property upon which the lien is given. What the receipts will be are mere possibilities of the future, dependent upon every sort of circumstance. Whether these receipts shall be five million or six million or ten million or twenty million dollars, or more, no man can tell now.

If we shall pass this bill to-day and it be approved to-morrow, and if the Secretary of the Treasury shall decide that there is now no lien on the gate receipts—and there can be none under the law—then when he accepts, as he is directed to do, and the lien is delivered to him and he lends the money, and when the exposition shall progress, if it shall progress, to the time when this 40 per cent of the $5,000,000 is not paid and the Government takes charge of these receipts, both gate and concession, and there shall come a contest between the Government and the laborer, or those who have furnished material, or those who have loaned money to the exposition company in order to carry on this exposition, it will be found that the Government must stand upon the same plane as an ordinary creditor, having no more

right in the courts of the country than these gentlemen had in these decisions I have quoted who had mortgages on the after-acquired income of the debtor.

Whenever the United States Government abandons its function of government to engage in the business of lending money and to become a competitor with private individuals in the money market, in the banking business, it steps down at the same time upon the same plane with the other money lenders and creditors of the country. We have seen that illustrated in this country no longer ago than last year, when vessels which were being built for the Government were taken charge of by the courts, and the question in the contest was as to whether the Government had a right superior to that of other creditors. So that this lien, in my judgment, is worth no more than the lien on a simple contract undertaking of this exposition to pay the money of the Government back in the event they are called upon to do so.

Now, I have offered these suggestions and presented my view to this committee as to the validity of this lien. In my judgment it is not worth the paper upon which the amendment is written, so far as other creditors are concerned, and if such a contest arises it will be as between the Government and the other creditors a simple contract debt.

Mr. ROBB. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. BARTLETT. Yes.

Mr. ROBB. I desire to ask this question: In this case the law itself creating the lien is to be distinguished as between that and a contract between ordinary individuals, is it not?

Mr. BARTLETT. Why?

Mr. ROBB. Because the law itself authorizes the lien. The law makes it a lien if we pass this amendment.

Mr. BARTLETT. That is the only reason that it could be a lien, and that is the only opposition to the view that I have suggested.

Mr. ROBB. I have reference to the case from which the gentleman cited. Those were cases of undertaking to create a lien under a general law existing at the time, but here we have a law making a specific transaction a lien.

Mr. BARTLETT. Under the common law and, so far as I know, under the laws of all the different States, unless where specified exceptions have been made authorizing a man, for instance, to give a lien upon crops, planted or to be grown, or something of that kind, you can not make a lien upon property that is not in existence.

Mr. ROBB. But in a case where the law expressly provides for a lien of this kind, would not the court sustain it? My point is that in this case, by adopting this provision, we would authorize just this kind of a lien—would create a lien by the passage of this law.

Mr. BARTLETT. I do not think that is the fact. And I am frank to say to my friend that the suggestion he has made presented itself to my mind when I was determining whether this lien would be valid. The language of this proposed law does not create a lien; it simply says that the exposition company shall execute a lien upon the gross receipts. But the Supreme Court of the United States has said frequently that the Congress of the United States has no authority or power to pass special legislation upon any given subject; in other words, you can not adopt a provision of this kind in the form of special legislation applying in only one case.

In the case of Ellis *v.* The Railway Company (165 U. S.), as I now recall, a recovery against a railroad company was had for killing stock, and the statute of Texas provided fees amounting to $10 might be recovered in addition to the value of the stock destroyed in suits against railroad companies. The Supreme Court said that such a law was unconstitutional and void, because it undertook to specify that the railroad companies and they alone in the whole country would be subject to a recovery for attorneys' fees. It was special legislation; it was in derogation of common right and of the common law, and was therefore void.

I therefore dispute the gentleman's position, because I undertake to say that any attempted legislation in derogation of the common law and of common right, any proposed law which would undertake to prevent a creditor from having the money of his debtor applied to the payment of his debt can not stand in a court of equity or a court of law. You can not establish a preference in this way in favor of some creditors against others. In this way I undertake to dispose of the objection of my friend from Missouri; and I think the court must sustain me in my position.

Mr. Chairman, we have spent a great deal of money upon expositions of this character. I have here and will place in the RECORD a statement of the contributions by the Government to these expositions from 1876 down to the present time, not including the present proposition.

Aid or loans to expositions and expenses of Government exhibits.

Centennial Exposition, Philadelphia, 1876 (repaid to the United States in 1877)	$1,500,000.00
Government exhibit	578,500.00
New Orleans Exposition, 1884	1,350,000.00
Government exhibit	300,000.00
Cincinnati Industrial Exposition, 1884: Government exhibit	10,000.00
Louisville Southern Exposition, 1884: Government exhibit	10,000.00
Atlanta Exposition, 1895: Government exhibit and building	200,000.00
Nashville (Tenn.) Exposition, 1897: Government exhibit and building	130,000.00
Omaha Trans-Mississippi Exposition, 1898: Government exhibit and building	200,000.00
Philadelphia Exposition of American Products, etc	350,000.00
Toledo Centennial Exposition	500,000.00
Pan-American Exposition (Buffalo, N. Y.)	500,000.00
Total	5,628,500.00
Appropriations for World's Columbian Exposition	5,381,835.57
Total	11,010,335.57

Appropriations for the World's Columbian Exposition.

Government buildings:	
Act April 25, 1890	$100,000.00
Act March 3, 1891	300,000.00
Expenses World's Columbian Commission:	
Act April 25, 1890	200,000.00
Act March 3, 1891	59,500.00
Act August 5, 1892	120,000.00
Act March 3, 1893	118,185.00
	497,685.00
Board of Lady Managers, World's Columbian Commission:	
Act March 3, 1891	35,000.00
Act August 5, 1892	110,000.00
Act March 3, 1893	93,190.00
	239,190.00
Expenses Government board of control, World's Columbian Exposition:	
Act March 3, 1891	350,000.00
Act August 5, 1892	408,250.00
Act March 3, 1893	150,750.00
	909,000.00
World's Congress, World's Columbian Exposition, act March 3, 1891	2,500.00
Admission of foreign goods, World's Columbian Exposition:	
Act April 25, 1890	20,000.00
Act March 3, 1891	20,000.00
	40,000.00
Aid to World's Columbian Exposition, Columbian half dollar, act August 5, 1892	2,500,000.00
Loss on coinage of Columbian half dollar, act August 5, 1892	50,000.00
Medals and diplomas, World's Columbian Exposition, acts August 5, 1892, and March 3, 1893	103,000.00
Medals and diplomas, World's Columbian Exposition, act February 25, 1896	20,000.00
	123,000.00
Distribution of medals and diplomas, resolution of March 13, 1896	15,000.00
Expenses committee on awards (reimbursable), World's Columbian Exposition, act March 3, 1893	570,880.00
Rent of building, division of awards, Bureau of Engraving and Printing, act February 26, 1896	880.00
Acknowledgment to foreign countries for participation in World's Columbian Exposition, act August 18, 1894	2,500.00
Synopsis of Department report, World's Columbian Exposition:	
Act August 18, 1894	3,500.00
Act July 19, 1897	98.45
Compensation to George R. Davis, director-general of World's Columbian Exposition, for final report, act February 26, 1896	18,006.10
Reimbursement to Thomas W. Palmer, president of World's Columbian Commission, for final report, act of February 26, 1896	1,998.35
Payment to Thomas W. Palmer, president, etc., to pay outstanding claims, deficiency act June 8, 1896	6,517.67
Payment to N. E. Dawson for services rendered World's Columbian Commission, deficiency act July 19, 1897	500.00
Total	5,381,835.57

Mr. TAWNEY. The gentleman ought to add to those the amount that Georgia got.

Mr. BARTLETT. I have that here, and it is added in the statement I made. In reply to the gentleman's suggestion I will say that Georgia did not get a dollar out of the Government. And if I had been a Member of the House at the time that appropriation was made I should have voted against any proposition to give or loan money to that exposition in 1895. So long as my people give me the right to represent them on this floor I will continue to maintain the position that the Government has nothing to do with this kind of business.

The Atlanta Exposition got $200,000. For what? For Government exhibits and a Government building—not another cent—and that was for an exposition in the great city of Atlanta, the greatest and most progressive city in one of the greatest States of the Union, if not the greatest. That appropriation did a great deal of good. The Government has contributed to other expositions over $11,000,000, and if this bill passes the sum will reach

$22,000,000 so spent since 1876. It contributed $1,500,000 to the Centennial exposition in 1876——

Mr. HERMANN. Does not the gentleman from Georgia believe that that one exposition at Atlanta, Ga., conferred ten thousand times more benefit upon the people than the amount of money expended?

Mr. BARTLETT. Yes; I do.

Referring to the Cotton States and International Exposition, held in Atlanta, Ga., in 1895, that exposition did not receive one dollar of gratuity or aid from the Government. The Government simply put up its building and made a Government exhibit at a cost of $200,000. No city of that size had ever before undertaken so vast an enterprise which succeeded so magnificently. To use the language of a distinguished scholar and historian, Prof. E. Benjamin Andrews:

> Atlanta was the only city of its size in the world which had ever before undertaken so vast an enterprise. With less than 100,000 inhabitants at the time, 40 per cent of whom were negroes, it set on foot and carried to completion, in dull business times, one year after the World's Columbian Exposition, an exposition which outdid the California Mid-Winter Fair of 1893 and 1894, the New Orleans Exposition of 1884, and even the Centennial, being among the American expositions second only to the World's Columbian at Chicago.

Never once did they call upon the Government, but the managers of that exposition, with a public spirit and enterprise which should commend itself to the citizens of much larger cities, of more wealth, who undertake such enterprises, repeatedly supplied out of their own pockets deficiencies in the revenues, and no one ever heard of their applying to the Government for a loan.

Mr. HERMANN. Then it was a good investment.

Mr. BARTLETT. It was a good investment for the people of Georgia, and if the Government had not placed its exhibits there we would have had the exposition all the same and with the same successful results.

Now, as to the appropriation for Charleston, S. C., I voted against that.

Mr. WM. ALDEN SMITH. The gentleman must not forget the proposed celebration in Oregon of the Lewis and Clark expedition.

Mr. BARTLETT. I will cross that bridge when I come to it.

I repeat, Mr. Chairman, as the suggestion is made by my colleague, that Georgia did not receive a dollar from the Government, nor ask a dollar as a loan or gratuity, either before or after the exposition.

What did you do at Omaha? You gave Omaha $200,000 for an exhibit, nothing more.

What did you do at Philadelphia? When this country desired to celebrate the centennial of the Declaration of Independence and the birth of this Republic at the place where clustered so many historic memories, you only loaned that exposition $1,500,000, and Philadelphia paid back every dollar of it. You contributed $578,500 to a Government building exhibit at that great exposition, and that is all you gave to the place where you celebrated the birth of the independence of this our people. You contributed $578,000, and you advanced $1,500,000 afterwards to aid her, and she paid back every dollar of it, for which Philadelphia and her people are entitled to great credit.

What have you done for St. Louis? You have given that exposition $5,000,000 in cash, which is now expended, except some $275,000. Provision has been made to expend nearly $1,000,000 for the Government exhibit——

Mr. WM. ALDEN SMITH. If the gentleman was sure we should get this money back he would favor the Government loaning it to them, would he not?

Mr. BARTLETT. I would not.

Mr. WM. ALDEN SMITH. I thought the gentleman approved what had been done.

Mr. BARTLETT. The gentleman misunderstood me, or I did not make myself understood.

Mr. WM. ALDEN SMITH. I thought the gentleman approved what had been done at Philadelphia.

Mr. BARTLETT. I do not approve of lending money for that. I said that the Congress in its utmost liberality, in the desire to celebrate the greatest event that ever occurred on this continent and probably the greatest event that ever occurred in the history of the world, at the place where was born and where grew up the life of the greatest people on the face of the earth, that gave to the world its last, best hope for liberty and the preservation of constitutional republican government—Congress, in its liberality, expended $578,000.

Now, when you propose to celebrate another event—great, it is true, in the history of this country—you have already given them $5,900,000, and in addition to that you propose to go into the business of making the Government a lender of money upon a security which, in my judgment, is not valid as between this Government and other creditors of this exposition. Where are you to stop?

Some years ago there arose in this country what was known as the "Farmers' Alliance" movement. Times were hard in 1890. I believe that was under a Republican Administration, although I do not desire to say anything in reference to hard times just now at any time under any Administration. In 1890, when all the products of the farm were low in price, the farmers in my country and the farmers in all the great West formed what was known as the "Farmers' Alliance," and my good friend and colleague from Georgia [Mr. LIVINGSTON] was one of the leaders of them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I ask about ten minutes more.

The CHAIRMAN. The gentleman asks unanimous consent for ten minutes more.

Mr. PAYNE. Mr. Chairman, of course I do not like to object to the time of the gentleman being extended, but I have heard it rumored that an effort to cut off this debate would be made in a few minutes.

Mr. BARTLETT. Not by me.

Mr. PAYNE. If there is to be such an effort I should like to have some one on this side of the House heard in opposition to this proposition.

The CHAIRMAN. The Chair has not heard of any such thing.

Mr. BARTLETT. I want to state to the gentleman that I am upon this committee, of which my friend from Minnesota [Mr. TAWNEY] is the chairman.

Mr. TAWNEY. I ask, Mr. Chairman, that the time of the gentleman from Georgia be extended ten minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Georgia be extended ten minutes. Is there objection?

There was no objection.

Mr. BARTLETT. Now, Mr. Chairman, I jokingly referred to my good friend and colleague [Mr. LIVINGSTON]. I want to say that we are glad he was a member of that alliance. He did the people of Georgia and the Democratic party of Georgia a great service, both as a member of the Farmers' Alliance and as a member of the Democratic party, and we are proud of him to-day that while he was a Farmers' Alliance man he continued to be, as he now is, a strong, faithful Democrat.

They formed an association and they were anxious to have the Government loan money to them upon their cotton, which is a staple, advancing them one-half of its market value as a loan at a reasonable rate of interest. They proposed to have warehouses all over the country in which to put the cotton to secure the Government. It would have been as secure as any loan could have been made. Cotton is always a staple. There never has been a time when it would not have brought one-half of the market price.

Mr. WM. ALDEN SMITH. It is a little higher to-day.

Mr. BARTLETT. If such a scheme was on foot to-day the Government could afford to loan $50 a bale upon every bale of cotton raised in the South, but those of us who were opposed to that sort of governmental policy went before our people and attacked the scheme as being one of paternalism and socialism and as destructive of the true functions and province of government.

And while the farmers of Georgia were hard pressed for money, while they had to toil day in and day out, and many of them saw their property go to the auction block to pay their debts, yet when the proposition came up before them at the ballot box—true to their convictions, true to the great doctrines of government taught them by their fathers, true to the teachings of the founders of this Republic and of the party to which they belonged—the "subtreasury" plan and the politicans who upheld it, this unhealthy growth, from wrong policies of government, fell beneath the ballots of the sturdy yeomanry of Georgia and the South.

To-day we have not the farmer with his horny hand, his skin sunburned and brown, asking the Government to loan him money. Thank God in his Providence, He has prospered the farmer, and his surplus profits swells the Treasury to-day with the excess of exports over imports, until to-day you are more prosperous than you ever were in your life, because the farmer has made the greatest production of crops and is more prosperous than at any time in our history. Upon his sturdy shoulders he has carried us to prosperity unbounded.

But we have the farmers (?) of St. Louis, gentlemen, who are engaged in this exposition, asking us to make a loan of the people's money, without interest, to carry on the exposition they have undertaken.

For one, Mr. Chairman, I do not believe the Government was organized or intended to become a loaner of money to the people to carry on their private business. I do not believe that we are here to keep a pawnshop, in which to loan money upon any kind of security. If so, I suggest that we should take down the emblem of this Government that adorns yon mace of the sergeant-at-arms and supplant it with the "three balls pendant," the sign of a pawnbroker and money lender.

Therefore, so far as I am concerned, I shall vote against this proposition as I voted against the proposition in its inception to contribute $5,000,000 to it.

Before I take my seat I desire to call attention to what the distinguished chairman of this Committee on Appropriations [Mr. HEMENWAY] said, opening his remarks upon this very identical bill:

Mr. Chairman, before referring to the provisions of the bill which I bring before the House, I want to call attention to the condition of the Treasury of the United States. It is well in the affairs of Government as well as private affairs to take occasionally an account of stock and see "where we are at."

In view of different statements made by Members of this Congress in which legislation is suggested upon the ground that we have a large surplus in the Treasury, I think it my duty to call the attention of the House and of the country to a real problem that we are called upon to solve. It is this: How can we reduce the estimated expenses of the Government for the ensuing fiscal year $42,000,000?

Then he goes on and gives his statement and proceeds further:

There should be no legislation passed reducing revenues, and this Congress must exercise economy, not refusing any necessary item to meet the growing expenses of this great country, but to strike from the estimates and from the appropriation bills reported to this House every superfluous item. We must keep within the revenues.

Then later on he told you what should be done in coming to the assistance of the Treasury, that it might not show a deficit of $42,000,000. Yet, regardless of this, you are here to take out of the vaults of the Treasury—poured in there from the taxation of its people—$4,600,000 to aid in an exposition to which you have already contributed nearly $6,000,000.

I take it for granted when the gentleman made this statement with reference to the Treasury when he reported this bill, that the statement was correct, and when he made it it was not to alarm you and alarm the country, but he told you you had neared the danger line.

If you vote this appropriation, when the time comes you will be called upon to give it instead of their paying it back. Such has been the history of such expositions; but whether it succeeds, as I hope it will do—I hope it will be the greatest exposition that the world ever saw—whether it succeeds or is a failure, they will ask you for this money, will insist it should not be repaid.

For one I call upon those who believe as I do, that the people's money should be spent for governmental purposes, to vote against this appropriation, and following the suggestion of the distinguished chairman of the Committee on Appropriations of this House, I call upon you from that side not to walk beyond the danger line, down over the precipice and into the abyss of a deficit, and leave the Treasury where it must be replenished by the issuance of bonds in times of peace.

The people have had enough of that. The policy or the party that brings such a necessity about will receive, as it is entitled to receive, the condemnation of the American people. [Applause on the Democratic side.]

Mr. TAWNEY. Mr. Chairman, I do not know whether or not it is possible to conclude the general debate on the amendment to-day; but I ask that general debate be closed at 5 o'clock.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all general debate on the amendment be closed at 5 o'clock. Is there objection?

Mr. BURKETT. I object, Mr. Chairman.

The CHAIRMAN. Objection is made. The Chair will recognize a member of the Committee on Appropriations favoring the bill at this time, if there is any such gentleman who desires recognition.

Mr. BARTLETT. Mr. Chairman, I ask that I may be permitted to add some data in addition to the statement that I have made in connection with my remarks.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The Chair recognizes the gentleman from Nebraska.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BUTLER of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3117. An act to expedite business in the district court of the United States for the district of Oregon;

S. 3738. An act granting an increase of pension to Linus S. Ludington;

S. 2345. An act to amend the provisions of the naturalization laws of the United States, and for other purposes;

S. 2815. An act authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith;

S. 2698. An act to establish a life-saving station at or near the entrance to Tillamook Bay, Oregon;

S. 3118. An act to amend the act approved February 18, 1895, entitled "An act to amend an act entitled 'An act to amend the laws relative to shipping commissioners,' approved August 19, 1890, and for other purposes;"

S. 1278. An act to provide for the erection of buildings for an immigrant station at the port of San Francisco, Cal.;

S. 1537. An act to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Percé Indians; and

S. 1607. An act granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 958) granting an increase of pension to Alfred H. Rogers, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 892) granting an increase of pension to Abram H. Hunt, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 468) granting an increase of pension to Henry Christy, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 6022) granting an increase of pension to George W. Travis, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 5176) granting an increase of pension to Alonzo Dutch, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 3903) granting an increase of pension to George C. Sherman, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the diagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 3776) granting an increase of pension to Alfred J. Judy, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

AMENDMENTS OF THE SENATE TO URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. BURKETT. Mr. Chairman, I yield to the gentleman from Iowa such time as he may desire.

Mr. HEPBURN. Mr. Chairman, this proposition is a very simple one. It is a bold, bald, naked proposition for the Government of the United States to loan to a corporation, without interest, upon questionable security, $4,600,000. That is the proposition. It comes to us from the other end of the Capitol. It comes to us on an appropriation bill, in violation of the rules of that body, and in violation of the rules of this House.

It comes to us in the same questionable form that the original proposition did that the gentleman now states was a gift—a proposition that we did not understand four years ago—a gift of six and one-quarter million dollars to this institution. It comes in the same objectionable way—in violation of the rules of that body, in violation of the rules of this.

Mr. TAWNEY. Will the gentleman pardon me——

Mr. HEPBURN. It is part of the gentleman's proposition for this Government to invest more than $11,000,000 in this great exposition at St. Louis——

Mr. TAWNEY. I do not know whether the gentleman refers to myself when he speaks of this coming or the statement having

been made that $5,000,000 was a gift. I certainly made no statement of that kind. I said an appropriation was made on the terms of this section, which says the Government of the United States is to receive one-third of the receipts, and I would now, if the gentleman will pardon me, correct another statement. The original bill authorizing the exposition passed the House of Representatives making a $5,000,000 appropriation for the purpose of aiding and completing that exposition. It passed the House in the form of a bill as a separate proposition, and then went to the Senate, where it was amended by putting on the Charleston proposition, and it was passed, too, by a two-thirds vote of this House, not on an appropriation bill.

Mr. DALZELL. That bill was not passed in this House until, after a previous session of Congress, an amendment was put on the sundry civil appropriation bill, appropriating——

Mr. TAWNEY. I beg the gentleman's pardon; the amendment did not appropriate $5,000,000; it pledged $5,000,000.

Mr. DALZELL. Pledged it in the event of their raising $10,000,000.

Mr. PAYNE. That is what the gentleman from Iowa stated.

Mr. HEPBURN. Mr. Chairman, I am substantially correct in the statement I have made, and I will stand by it. Mr. Chairman, it is not my purpose to throw any obstacle in the way of this magnificent spectacle we are to have in the city of St. Louis during this year. With the general purpose had in view by the gentlemen who have the matter in charge I have the fullest sympathy.

I believe that every ten or fifteen years this Government could well afford to expend a few million dollars in the educational processes that come through these great international expositions. I also think that there is no criticism to be made upon the superb management that the gentlemen who have this matter in charge have exhibited. I approve of all that they have done. I even approve of the nine somewhat belated, rheumatic statesmen who constitute the Commission whose existence is complained of by the gentleman who made the opening address in favor of this proposition. He seems to feel that a grievance is had on the part of himself and others that these gentlemen are permitted to draw $50,000 a year in compensation for the ornamental features they furnish to the great enterprise. [Laughter.] I want this to succeed. I want this exposition to be the greatest that the world has ever known; but I want the gentlemen who are to be largely the beneficiaries to furnish this money. I want them to do as that once rival of theirs, the empire city at the foot of Lake Michigan, that raised the $5,000,000 that was needed after all other resources had been expended, and so I want the city of St. Louis to emulate them in that respect. It is pleading the baby act for gentlemen to come here and talk about the conditions of the money market as it affects the wealth of St. Louis. The raising of this $4,600,000 is a mere bagatelle to those men of stupendous wealth who live in that city, and I want them, while they are having so many of the great advantages of this enterprise, to pay their full share of the expenditures. St. Louis ought to do this. St. Louis is a beneficiary far beyond the city of Chicago. There is no question between the two. Here, in the first place, are $5,000,000 of permanent improvements put upon the lands largely of St. Louis. Five million dollars! You will remember what the gentleman from Minnesota told us a little while ago—that $3,000,000 had been put on the grounds in sewerage and other permanent works of that character.

Mr. TAWNEY. The exposition——

Mr. HEPBURN. The gentleman made a speech of more than an hour in which he was explaining explanations. I hope he will not interrupt me——

Mr. TAWNEY. I will ask the gentleman from Iowa if he did not deliberately interrupt me when he thought I had misstated the facts? I think the gentleman ought to yield.

Mr. HEPBURN. I will yield. Did not the gentleman from Minnesota say that $3,000,000 had been permanently put there underground?

Mr. TAWNEY. No; I did not. I said that almost $3,000,000 had been expended and that nobody could see anything of it, because it was for sewerage and in water pipes and fire protection and in the preparation of the ground. That is what I said.

Mr. HEPBURN. The statements of the gentleman are so much more certain after they are reduced to writing that I will read——

Mr. TAWNEY. Does the gentleman from Iowa think that the exposition could be held on the grounds without sanitary arrangements, sewerage, water piping, etc.? That amount has been expended for that purpose.

Mr. HEPBURN. I will read from page 38 of the hearings before the gentleman's committee on the subject of the Louisiana Purchase Exposition:

> The CHAIRMAN. I see from the statement showing the cost of the fair to date that there have been almost $3,000,000 expended there which has gone underground?
>
> Mr. FRANCIS. Yes; that is true.

There are three millions of dollars permanently planted on these grounds. Now, there is a million and two hundred and fifty thousand dollars that has been put in the permanent structure known as the "Art Building;" a million and one-quarter of dollars, making four and one-quarter millions. Shall I give the gentleman from Minnesota the page for that statement, or does he concede it?

Mr. TAWNEY. I concede that a part of the Art Building is a permanent structure.

Mr. HEPBURN. A million two hundred and fifty thousand dollars! Then there is $750,000 for permanent structure put upon the college grounds of Washington University. Is not that correct?

Mr. TAWNEY. The exposition company pays $750,000 for the use of the Washington University building for a period of three years, and the Washington University is obligated under their contract to use that money in grading and in ornamenting the grounds which are within the exposition grounds.

Mr. HEPBURN. I read from page 37, from the statement of Governor Francis:

> These buildings are all permanent, fireproof structures. Therefore, of the money at our command $750,000 will go into permanent structures for educational purposes.

That is upon the grounds of the Washington University. There are $5,000,000 of permanent improvements put upon the grounds of St. Louis and of this educational institution, money of the exposition, either the $5,000,000 raised by the city or the $5,000,000 raised by the corporation or the $5,000,000 given by the General Government.

Mr. SHERMAN. Will the gentleman from Iowa yield for a question?

Mr. HEPBURN. Yes.

Mr. SHERMAN. Does the gentleman consider that a less wise expenditure than to place the same amount of money in buildings which will remain there for only a few months and then be removed and be of no benefit to anyone?

Mr. HEPBURN. Surely not. I am making no criticism of the board; no criticism. I have been unfortunate if the gentleman has not understood me. I am approving of what these gentlemen have done. Here is $5,000,000 saved, not wasted; $5,000,000 saved to St. Louis, not wasted; and therefore I say, "Gentlemen of St. Louis, you who are largely beneficiaries from the five millions the Government has already given to you, put your hands in your pocket and take the bonds of this association for $4,600,000."

Mr. BARTHOLDT. Will the gentleman from Iowa yield?

Mr. HEPBURN. Certainly.

Mr. BARTHOLDT. As one who knows the details of this whole transaction, I should like to ask my friend from Iowa whether he does not know that $10,000,000 has been expended, raised by the city of St. Louis and expended by the corporation, before one dollar could be touched of the money appropriated by the Government, and that the improvements of which he speaks have all been from money appropriated by the city——

Mr. HEPBURN. Oh, Mr. Chairman, I decline to yield, because that is entirely impertinent to the argument I am trying to make. I am not saying that St. Louis did not raise her $5,000,000; I am not saying that the corporation did not raise its $5,000,000. They were compelled to before they could get $5,000,000 from the United States. That is conceded. They did it. Now they are getting it back. Again, Mr. Chairman, I want to call attention to the fact—and I do not criticise it at all; I am glad that it is true—I want to call attention to the fact that $40,000,000 will have been expended upon these works when the exposition opens. Am I not correct in that statement, gentlemen? Forty million dollars! Mr. Francis says, "There will have been expended when our gates open, gentlemen, $40,000,000. That will be the aggregate cost of the exposition."

Oh, it will be magnificent; no doubt of that. I am glad that they were such financiers that they might raise this stupendous sum, and I am glad that they have it in their minds and hearts to expend it in the education of the American people. It is a grand enterprise. This gentleman informs us further that of that $40,000,000, $20,000,000 has been expended in labor. Fifty per cent of all the cost of that great structure, or series of structures—seven hundred and odd buildings—is labor. Twenty millions of dollars!

Is there any dispute about that, gentlemen? If there is, I will turn to the page where the statement has been authoritatively made.

Mr. TAWNEY. Mr. Chairman, inasmuch as the gentleman has asked the question, I will say that the president of the exposition company did state to the committee that when the exposition was opened and the exhibits all installed there would have been an expenditure of about $40,000,000 on the grounds. That was his estimate. Now, if the gentleman will permit me, I have here a detailed statement of the expenditures, which I was to put

into the hearings, but neglected to do, and I want to call his attention to the fact that that involves an expenditure of about $4,000,000 by the commissionnaires for their buildings on the grounds. It involves an expenditure of nine or ten millions of dollars——

Mr. HEPBURN. Oh, Mr. Chairman, I think it is hardly fair for the gentleman to take up my time.

Mr. TAWNEY. But the gentleman has asked if that is correct.

Mr. HEPBURN. I am stating the facts. I do not care who expended it. It has been expended under directions in that locality for labor. That is what I am trying to get at.

Mr. TAWNEY. And for the buildings of the exposition.

Mr. HEPBURN. I am trying to show that the people of St. Louis—the laboring classes of St. Louis—have had $20,000,000 given to them through this great enterprise. That is what I am trying to do.

Mr. BARTHOLDT. Of the United States.

Mr. HEPBURN. No; not by the United States; but the United States has done her full share, I say. I am trying to show that the people of St. Louis have been largely the beneficiaries because of this largess of the nations and the people, and that now something ought to be done on their part in acknowledgment of it, viz, the loaning—a little, petty, trivial thing on their part—of four and a half millions of their wealth on what is called "undoubted security" for six or eight months. Mr. Chairman, not only this, the laboring classes of St. Louis have not only had this vast amount of labor, but they have had it under circumstances that make more than five millions of it a gift to them. The city of St. Louis, instead of strengthening the hands of these gentlemen who had charge of this great work and relieving them from the oppressions and extortions of labor, have simply refused or neglected to do anything and compelled these gentlemen to pay an excess of 25 per cent of the prices of labor that they were paying when they began the enterprise.

It has gone on to a limit of extortion almost incredible. Carpenters have been paid $4.40 for eight hours of work; plasterers, from $5 to $7 for eight hours of work; electrical workers, $5; iron workers, $4.40; common laborers, $2—all for eight hours' work each. Those are the prices that they have paid; an excess of 25 per cent, the president of the institution says, over the prices that they paid when the enterprise was begun. Now, then, St. Louis has had these five millions permanently placed in those grounds. The people of St. Louis have had the labor coming from twenty millions of expenditure. They have had this five millions of excess extorted from the Commission. The people of St. Louis have had it. Outsiders have had no participation in these extra and extraordinary prices that seem willingly to have been paid. Is it not true that under such circumstances St. Louis should do something?

But this is not all. It is estimated that the attendance will be vastly in excess of the attendance at the fair in the city of Chicago. Think of the millions who were there! It is not at all improbable that five, six, possibly seven millions of people will take their way to the city of St. Louis between the 1st day of May and the 1st day of December. All of these millions leave their dollars there. Suppose there are but five millions, and suppose that they are there long enough to expend $10 each. We would then have the enormous sum of $50,000,000 which will go into the coffers of the business men of that city, resultant from this fair. Under those circumstances ought they to ask the people of the United States, who the gentleman tells us have already given them $5,000,000, to loan five millions more? Gentlemen talk about this being returned. I do not believe it. It will be contrary to the experience of the United States, save in one instance. Is it fair for the patriotic people of St. Louis to ask that Democrats especially should violate the Constitution of the United States and make of the United States Government a money loaner?

Oh, I know that this is the age of progressive Democracy. They progress from the good old days of Jackson and of that time. A little while ago I saw the gentleman from Georgia, from the Atlanta district [Mr. LIVINGSTON], a progressive Democrat, who wrote the Ocala platform, which authorized the loan of greenbacks to the farmer upon a security of farm products. A progressive Democrat! Ah, he has progressed from Jackson's time, and he is progressing still. In that platform he did not propose to loan money to any but the farmers. Now they are taking in the corporations; the day of good feeling has come. They have no longer their knives and tomahawks out for the corporations. Oh, no.

Then they were willing to take security upon farm products—a wagonload of pumpkins. They have gone beyond that now. They are willing to take as their security a mortgage on the gate receipts of the show where the pumpkins may be exhibited. [Laughter.] If this is not progressive Democracy I would be glad to know what it is. [Renewed laughter.]

I am glad to know that there are gentlemen on the other side of the House who refuse to stifle their convictions with regard to the Constitution in order to accommodate their friends. "What is the Constitution between friends?" That comes from New York. It does not affect the gentleman from Georgia, I take it, as I listened to him and to what he had to say in reprobation of this prostitution of our powers.

I remember not a great many years ago when good Democrats would not vote for a grant of land for a corporation to aid in the construction of a railway, although the alternate sections that they did not grant were to reimburse the General Government through the double minimum price that was charged for them.

They thought then that the proceeds of the sale of the public lands were a part of the common treasure, belonging to all the people, to be used for governmental purposes, and only for such purposes. Now, the money of the people, the money that belongs to all the people—each man entitled to his full ownership of each individual dollar—that money can be taken from the Treasury of the United States, not for governmental uses, not to promote the general welfare, but in order to be loaned to a corporation in order to carry out this enterprise.

Mr. BARTLETT. Without interest, too.

Mr. HEPBURN. And the gentlemen say now—and I think it is "the unkindest cut of all"—"Oh, you are bound to do this; you have invited the crowned heads of Europe and all their subjects to come here." And the gentleman from Minnesota [Mr. TAWNEY] grows lachrymose in his fears that we are going to do discredit to ourselves as hosts and fail in respect to our guests. Do the gentlemen remember that the President of the United States extended these invitations at the instance of these gentlemen who are now using as a threat that very thing that they induced the Government to do? I do not think there is kindliness in that. That invitation came at the instance of these gentlemen. They were right. I do not criticise them for it; but I criticise the wisdom and propriety of using that as an argument to extort further millions from the Treasury of the United States.

Mr. TAWNEY. Will the gentleman pardon me a moment?

Mr. HEPBURN. Certainly.

Mr. TAWNEY. The act authorizing this exposition expressly authorizes and directs the President of the United States to invite foreign nations——

Mr. HEPBURN. Certainly it did; but at whose instance was that put there?

Mr. TAWNEY. It was put there by the Congress of the United States.

Mr. HEPBURN. But at whose instance? At the instance of the same gentlemen who inspired the whole act.

Mr. TAWNEY. The moment that you authorize and provide for an international exposition that necessarily implies invitations to foreign nations.

Mr. HEPBURN. Well, according to the purpose for which the gentleman uses this suggestion, it was in hostility to the purposes of these gentlemen. They did not want these invitations to be made. Oh, no! They did not want any obligations of hospitality to be created. Oh, no! Is that what you mean to say? Everybody knows that every sentence in that law that is beneficial to this institution was placed there at the instance of these gentlemen—not at the instance of the Government. Whatever requirement there is, is made in the interest of that institution. And I am not quarreling with that—not at all. I am quarreling with the specious character of the argument that the gentleman from Minnesota sought to present to the House.

Now, Mr. Chairman, I hope that no one will accuse me of hostility to this great enterprise. I want to see it succeed. I know it will succeed. I know something about the purposes, something of the ability of the men that are behind it. I know they intend to make it a success. But while I bid them godspeed, while I am full of hope for the splendor of their success, while I firmly believe that infinite benefit will come to the people of the United States from this exposition, I think the people will cheerfully pay their share as the Government has paid its share; and I want the city of St. Louis to pay her full share in compensation for the wonderful and special advantages which in the nature of things are to come to her and her people and can not be common to all of us. [Loud applause.]

Mr. PAYNE. The gentleman from Minnesota [Mr. TAWNEY] proposed to close debate about this time. I am willing to take a vote now, if he so desires.

Mr. TAWNEY. I asked unanimous consent to close debate, and objection was made. I think that, having the affirmative of the proposition, we have the right to close; and I do not think that it can be done this evening. A number of gentlemen wish to speak in favor of the proposition; and I do not think I should be justified in shutting them off.

Mr. BURKETT. Then I reserve the balance of my time.

The CHAIRMAN. The gentleman from Nebraska [Mr. BURKETT] has twenty-six minutes remaining.

Mr. HEMENWAY. In view of the statement made by the gentleman from Minnesota, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole, reported that the Committee of the Whole House on the state of the Union had had under consideration the amendments of the Senate to the urgent deficiency bill and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2345. An act to amend the provisions of the naturalization laws of the United States, and for other purposes—to the Committee on Immigration and Naturalization.

S. 1278. An act to provide for the erection of buildings for an immigrant station at the port of San Francisco, Cal.—to the Committee on Public Buildings and Grounds.

S. 1537. An act to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Percé Indians—to the Committee on Claims.

S. 1607. An act granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery—to the Committee on the Public Lands.

S. 2698. An act to establish a life-saving station at or near the entrance to Tillamook Bay, Oregon—to the Committee on Interstate and Foreign Commerce.

S. 2815. An act authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith—to the Committee on Ways and Means.

S. 3117. An act to expedite business in the district court of the United States for the district of Oregon—to the Committee on the Judiciary.

S. 3738. An act granting an increase of pension to Linus S. Ludington—to the Committee on Invalid Pensions.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

The SPEAKER announced the appointment as directors of the Columbia Institution for the Deaf and Dumb Mr. FOWLER of New Jersey and Mr. SIMS.

ADJOURNMENT.

And then, on motion of Mr. HEMENWAY (at 4 o'clock and 55 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a copy of a communication from the Chief of Ordnance, a report of tests of iron and steel and other metals—to the Committee on Manufactures, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Active*, Samuel Pote, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Apollo*, John Ring, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John A. Chandler, administrator of estate of Garrett S. Chandler, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Anne C. Livingston against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph T. Blanton, administrator of estate of Benjamin Blanton, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Puyallup and other waterways of the harbor of Tacoma—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 2009) for the relief of the estate of Sven J. Johnson, reported the same without amendment, accompanied by a report (No. 736); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 1058) for the relief of Kirby Thomas, reported the same without amendment, accompanied by a report (No. 737); which said bill and report were referred to the Private Calendar.

Mr. TRIMBLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 7535) for the relief of Jacob Swigert, late deputy collector, seventh Kentucky district, reported the same without amendment, accompanied by a report (No. 738); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 7718) for the relief of the estate of Artemus E. Gibson, reported the same without amendment, accompanied by a report (No. 739); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 3256) directing the issue of a check in lieu of a lost check drawn by Thomas J. Hobbs, disbursing clerk, in favor of Crane & Co., of Dalton, Mass., reported the same without amendment, accompanied by a report (No. 740); which said bill and report were referred to the Private Calendar.

Mr. MCNARY, from the Committee on Claims, to which was referred the bill of the House (H. R. 6937) for the relief of the heirs of Elizabeth Cushing, reported the same with amendment, accompanied by a report (No. 741); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 10511) for the relief of the estate of Mary Keating, reported the same with amendment, accompanied by a report (No. 742); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8505) for the relief of the heirs of Cyrus D. Hottenstein, deceased, reported the same with amendment, accompanied by a report (No. 743); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the Senate (S. 255) for the relief of the Farmers and Mechanics' National Bank, Philadelphia, Pa., reported the same without amendment, accompanied by a report (No. 744); which said bill and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10585) for the relief of the vestry of Christ Episcopal Church, of Holly Springs, Miss., reported the same with amendment, accompanied by a report (No. 745); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2517) granting an increase of pension to Elijah Farr, reported the same without amendment, accompanied by a report (No. 748); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 167) granting an increase of pension to J. Hudson Kibbe, reported the same without amendment, accompanied by a report (No. 749); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2543) granting an increase of pension to Ella B. Green, reported the same without amendment, accompanied by a report (No. 750); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2527) granting an increase of pension to Joseph Roberts, reported the same without amendment, accompanied by a report (No. 751); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3166) granting an increase of pension to Levi B. Lewis, reported the same without amendment, accompanied by a report (No. 752); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2577) granting an increase of pension to

Albert Marshall, reported the same without amendment, accompanied by a report (No. 753); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2712) granting an increase of pension to Harriet Billings, reported the same without amendment, accompanied by a report (No. 754); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 782) granting a pension to Mary D. Duval, reported the same without amendment, accompanied by a report (No. 755); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2797) granting an increase of pension to Edward A. Cotting, reported the same without amendment, accompanied by a report (No. 756); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2440) granting an increase of pension to George Olsen, reported the same without amendment, accompanied by a report (No. 757); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1799) granting an increase of pension to Charles E. Decker, reported the same without amendment, accompanied by a report (No. 758); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1239) granting an increase of pension to John Adamson, reported the same without amendment, accompanied by a report (No. 759); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 889) granting an increase of pension to Catherine A. Brown, reported the same without amendment, accompanied by a report (No. 760); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 38) granting an increase of pension to Miriam R. Adams, reported the same without amendment, accompanied by a report (No. 761); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 142) granting an increase of pension to Henry W. Nichols, reported the same without amendment, accompanied by a report (No. 762); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 189) granting an increase of pension to Edwin H. Wheeler, reported the same without amendment, accompanied by a report (No. 763); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 797) granting a pension to Mary H. Allen, reported the same without amendment, accompanied by a report (No. 764); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2061) granting an increase of pension to William H. Barlow, reported the same without amendment, accompanied by a report (No. 765); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2068) granting an increase of pension to Julia A. Roberts, reported the same without amendment, accompanied by a report (No. 766); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1912) granting an increase of pension to Joseph W. Booker, reported the same without amendment, accompanied by a report (No. 767); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2336) granting an increase of pension to James Reed, reported the same without amendment, accompanied by a report (No. 768); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2245) granting an increase of pension to Daniel Fritz, reported the same without amendment, accompanied by a report (No. 769); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2250) granting an increase of pension to Anna Pritchard, reported the same without amendment, accompanied by a report (No. 770); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2373) granting an increase of pension to Charles Cummings, reported the same without amendment, accompanied by a report (No. 771); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1241) granting an increase of pension to Hamlet F. Roberts, reported the same without amendment, accompanied by a report (No. 772); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1242) granting an increase of pension to Thomas Davis, reported the same without amendment, accompanied by a report (No. 773); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2374) granting an increase of pension to Alonzo Moses, reported the same without amendment, accompanied by a report (No. 774); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2230) granting an increase of pension to Matilda C. Lothrop, reported the same without amendment, accompanied by a report (No. 775); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1954), granting an increase of pension to Benton D. Bitner, reported the same without amendment, accompanied by a report (No. 776); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1956) granting an increase of pension to Seth H. Craig, reported the same without amendment, accompanied by a report (No. 777); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2093) granting an increase of pension to Victoria M. Steele, reported the same without amendment, accompanied by a report (No. 778); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 880) granting an increase of pension to Allen W. (alias Albert) Hall, reported the same without amendment, accompanied by a report (No. 779); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1356) granting a pension to Robert Kelly, reported the same without amendment, accompanied by a report (No. 780); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1802) granting an increase of pension to Isaac M. Couch, reported the same without amendment, accompanied by a report (No. 781); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 136) granting an increase of pension to Mary T. Strickland, reported the same without amendment, accompanied by a report (No. 782); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2549) granting an increase of pension to Charles W. Jellison, reported the same without amendment, accompanied by a report (No. 783); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2576) granting an increase of pension to James Redshaw, reported the same without amendment, accompanied by a report (No. 784); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2668) granting an increase of pension to Alpheus Fawcett, reported the same without amendment, accompanied by a report (No. 785); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2947) granting an increase of pension to Thomas Bratton, reported the same without amendment, accompanied by a report (No. 786); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2642) granting an increase of pension to Leonard G. Freeman, reported the same

without amendment, accompanied by a report (No. 787); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1358) granting an increase of pension to William W. Lackey, reported the same without amendment, accompanied by a report (No. 788); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 609) granting an increase of pension to John Hendricks—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10114) for the relief of the Third Presbyterian Church of New Orleans, La.—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McCARTHY: A bill (H. R. 11956) to provide for the purchase of a site and the erection of a public building thereon in the city of West Point, State of Nebraska—to the Committee on Public Buildings and Grounds.

By Mr. NORRIS: A bill (H. R. 11957) amending section 1781 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. FINLEY: A bill (H. R. 11958) providing for the erection of a monument at Kings Mountain battle ground, commemorative of General Campbell, Colonel Shelby, and others who participated in said battle on October 7, A. D. 1780—to the Committee on the Library.

By Mr. WEBB: A bill (H. R. 11959) providing for the erection of a monument at Kings Mountain battle ground, commemorative of Generals Campbell, McDowell, Colonel Shelby, and others who participated in the battle of Kings Mountain on the 7th day of October, A. D. 1780—to the Committee on the Library.

By Mr. JENKINS: A bill (H. R. 11960) providing for the appointment of additional judges in the Indian Territory and to establish a court of appeals therein, and for other purposes—to the Committee on the Judiciary.

By Mr. KALANIANAOLE: A bill (H. R. 11961) to provide an American register for the steam lighter *Pioneer*—to the Committee on the Merchant Marine and Fisheries.

By Mr. BAKER (by request): A bill (H. R. 11962) to regulate interstate commerce by competition—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 11963) regulating the practice of medicine and surgery in the Indian Territory—to the Committee on Indian Affairs.

By Mr. SHERMAN: A bill (H. R. 11964) to promote the safety of employees and travelers upon railroads, and persons living or doing business in the vicinity thereof, by prohibiting common carriers engaged in interstate commerce from transporting gunpowder and other high explosive compounds over their lines, except under certain conditions, and so forth—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: A bill (H. R. 11965) to divide Washington into two judicial districts—to the Committee on the Judiciary.

By Mr. HERMANN: A bill (H. R. 11966) to ratify and amend an agreement with the Indians located upon the Grande Ronde Reservation, in the State of Oregon, and to make an appropriation to carry the same into effect—to the Committee on Indian Affairs.

By Mr. BABCOCK: A bill (H. R. 11967) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. ALLEN: A bill (H. R. 11968) to incorporate the Washington Sanitary Housing Company—to the Committee on the District of Columbia.

By Mr. EMERICH: A bill (H. R. 11969) making appropriation for the relief of the city of Baltimore, Md.—to the Committee on Appropriations.

By Mr. WILLIAMSON: A bill (H. R. 11970) to expedite business in the district court of the United States for the district of Oregon—to the Committee on the Judiciary.

By Mr. ALLEN: A bill (H. R. 11971) providing for the construction or purchase of a steam vessel for service at Portland, Me.—to the Committee on Interstate and Foreign Commerce.

By Mr. DIXON: A bill (H. R. 11972) to authorize the Ox Bow Power Company, of South Dakota, to construct a dam across the Missouri River—to the Committee on Interstate and Foreign Commerce.

By Mr. LAMB: A bill (H. R. 11973) to amend the Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDWICK: A joint resolution (H. J. Res. 101) declaring the policy of the Government of the United States in reference to the Philippine Islands—to the Committee on Insular Affairs.

By Mr. HITT: A joint resolution (H. J. Res. 102) relating to the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerent powers—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: A joint resolution (H. J. Res. 103) providing for printing annually the report of the Director of the Office of Experiment Stations, Department of Agriculture—to the Committee on Printing.

By Mr. PATTERSON of Tennessee: A joint resolution (H. J. Res. 104) for relief of the enrolled militia of Memphis and western district of Tennessee—to the Committee on War Claims.

By Mr. JENKINS: A resolution (H. Res. 207) instructing the Clerk of the House of Representatives to purchase, for the use of the Committee on the Judiciary, the Federal Cases—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BADGER: A bill (H. R. 11974) granting an increase of pension to Melissa V. Morris—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 11975) granting an increase of pension to Marcus B. Earle—to the Committee on Pensions.

By Mr. BRICK: A bill (H. R. 11976) granting an increase of pension to Isom New—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11977) granting an increase of pension to Thomas Babcock—to the Committee on Invalid Pensions.

By Mr. BROOKS: A bill (H. R. 11978) for the relief of William H. Gowdy—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 11979) for the relief of Frank B. Smith—to the Committee on Claims.

By Mr. BRUNDIDGE: A bill (H. R. 11980) for relief of heirs of Manning Harris—to the Committee on War Claims.

By Mr. COWHERD: A bill (H. R. 11981) for the relief of the heirs of Philip Lutes—to the Committee on Claims.

Also, a bill (H. R. 11982) for the relief of the heirs or legal representatives of James B. Hassett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11983) for the relief of the heirs of Bettie T. Moore—to the Committee on War Claims.

Also, a bill (H. R. 11984) granting an increase of pension to Edward C. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11985) granting a pension to Sarah F. Hall—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 11986) granting an increase of pension to Allen H. George—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 11987) for the relief of the Lower band of Chinook Indians of the State of Washington, and the Kathlamet band of Chinook Indians of the State of Oregon—to the Committee on Indian Affairs.

By Mr. DICKERMAN: A bill (H. R. 11988) to correct the military record of Robert D. Magill—to the Committee on Military Affairs.

Also, a bill (H. R. 11989) granting a pension to Emma C. Dougal—to the Committee on Pensions.

By Mr. DIXON: A bill (H. R. 11990) for the payment to Henry B. Davis of balance due him for surveying public lands—to the Committee on Claims.

By Mr. DWIGHT: A bill (H. R. 11991) granting an increase of pension to Henry E. Phelps—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 11992) granting an increase of pension to Elbert Parker—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 11993) granting an increase of pension to William H. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11994) granting an increase of pension to Joseph D. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11995) granting a pension to C. W. Gist—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11996) granting a pension to Matilda J. Sweaney—to the Committee on Pensions.

Also, a bill (H. R. 11997) to remove the charge of desertion from the military record of Thomas Sawyers—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 11998) granting a pension to Anna L. Mills—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 11999) granting an increase of pension to William Vincent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12000) granting an increase of pension to Jonathan Danghenbaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12001) for the relief of William Vincent—to the Committee on Military Affairs.

By Mr. JACKSON of Maryland: A bill (H. R. 12002) for the relief of Robert E. Thomas, administrator de bonis non cum testamento annexo of Edward Thomas, deceased, and James George James—to the Committee on Claims.

By Mr. KLINE: A bill (H. R. 12003) granting an increase of pension to John H. Eisenhard—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 12004) granting an increase of pension to A. G. Shaff—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 12005) for the relief of the estate of Samuel Kirby, deceased—to the Committee on Claims.

By Mr. CHARLES B. LANDIS: A bill (H. R. 12006) granting an increase of pension to Amelia Coster—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 12007) granting an increase of pension to Henry R. K. Lockman—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 12008) to permit Herman Lunden to make homestead entry—to the Committee on the Public Lands.

By Mr. LUCKING: A bill (H. R. 12009) to reimburse $337.52 to Col. Phillip Kirschner—to the Committee on Claims.

Also, a bill (H. R. 12010) granting a pension to William T. Wiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12011) granting a pension to Florence J. Winters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12012) granting a pension to Peter Schmelcer—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 12013) granting an increase of pension to David H. Smith—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 12014) for the relief of Mrs. Margaret Thompson—to the Committee on Claims.

By Mr. MUDD: A bill (H. R. 12015) granting a pension to Laura J. Gladmon—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 12016) granting a pension to Andrew Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12017) for the relief of Peter Coyle—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 12018) for the relief of James H. Forsythe, executor of the estate of William Forsythe—to the Committee on Claims.

Also, a bill (H. R. 12019) for the relief of Edward Kershner—to the Committee on Naval Affairs.

By Mr. POWERS of Massachusetts: A bill (H. R. 12020) granting a pension to Henrietta E. Rice—to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 12021) granting a pension to Mary E. Steinmueller—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 12022) for the relief of Hannah B. Sabiston—to the Committee on Claims.

By Mr. SMITH of Iowa: A bill (H. R. 12023) granting a pension to Margaret Pendergast—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: A bill (H. R. 12024) granting an increase of pension to Elizabeth Brand—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 12025) for the relief of Joseph Schrembs—to the Committee on Claims.

Also, a bill (H. R. 12026) authorizing the President to appoint Ambrose C. C. Williams-Foote a lieutenant in the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 12027) granting a pension to Mary A. H. Harty—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 12028) granting a pension to Tenora Merrill Flake—to the Committee on Pensions.

Also, a bill (H. R. 12029) for the relief of Jane Reynolds—to the Committee on Pensions.

Also, a bill (H. R. 12030) for the relief of William Postell—to the Committee on Military Affairs.

Also, a bill (H. R. 12031) for the relief of Mary E. Baird—to the Committee on Pensions.

Also, a bill (H. R. 12032) granting an increase of pension to Frances J. Childers—to the Committee on Pensions.

Also, a bill (H. R. 12033) for the relief of Albert Hope—to the Committee on War Claims.

Also, a bill (H. R. 12034) for the relief of the heirs of Alfred Hightower, for supplies taken by United States Army in 1864—to the Committee on War Claims.

Also, a bill (H. R. 12035) for the relief of George W. Hansard—to the Committee on War Claims.

By Mr. WEEMS: A bill (H. R. 12036) granting an increase of pension to Jacob Wetzel—to the Committee on Invalid Pensions.

By Mr. WILSON of Arizona: A bill (H. R. 12037) granting an increase of pension to Annie E. Shipp—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 12038) granting a pension to Eliza Peel—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 12039) granting an increase of pension to Beal Pickett—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of D. N. Johnson and 29 others, of Edgar, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, memorial of the Pasteur Vaccine Company, of Chicago, Ill., protesting against the furnishing of blackleg virus by the Bureau of Animal Industry—to the Committee on Agriculture.

Also, memorial of the Syracuse Liederkranz, protesting against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, memorial of the S. B. Marts Company and 12 other concerns engaged in shipping business, protesting against the admission of foreign-built vessels to American registry—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the National Live Stock Association, praying that the control of the national forest reserves be transferred to the Department of Agriculture—to the Committee on the Public Lands.

Also, memorial of the Farmers' Social and Economic Union of Illinois, praying for legislation to prevent undue profit taking by corporations engaged in meat products—to the Committee on the Judiciary.

By Mr. ALEXANDER: Resolution of the board of aldermen of Buffalo, N. Y., in favor of bill to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of East Buffalo Lodge, No. 417, Brotherhood of Railroad Trainmen, in favor of bills H. R. 89 and 7041—to the Committee on the Judiciary.

By Mr. BIRDSALL: Petition of citizens of Waterloo, Iowa, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of S. W. Klaus and others, of Delaware County, Iowa, in opposition to the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of S. D. Kennedy and 60 others, of Goldfield, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Resolution of Kansas State Society of Labor and Industry, favoring investigation of conditions in districts in Colorado now under martial law—to the Committee on Labor.

Also, resolution of National Board of Trade, favoring application of navigation laws to Philippine commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of E. D. Baker Post, No. 40, Grand Army of the Republic, of Baldwin, Kans., in favor of Curtis pension bill—to the Committee on Invalid Pensions.

By Mr. BOWIE: Memorial of citizens and business houses of Alabama, against a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWN of Wisconsin: Resolution of Butternut Lodge, No. 295, Independent Order of Good Templars, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURKETT: Petition of manufacturers of Omaha, Nebr., in opposition to bill H. R. 89—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Lancaster, Nebr., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURLESON: Petition of the Woman's Christian Temperance Union of Fort Worth, Tex., against a statehood bill that

will unite the last of the Indian's territory to Oklahoma—to the Committee on the Territories.

By Mr. CALDERHEAD: Petition of business men of Barnes, Kans., in opposition to the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Thompson Post, No. 246, Grand Army of the Republic, of Vermilion, Kans., in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, petition of Winfield Scott, M. D., and 19 others, of Scandia, Kans., favoring the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. CANDLER: Papers to accompany claim of William Hargrave—to the Committee on War Claims.

Also, papers to accompany claim of Daniel Lewallen—to the Committee on War Claims.

By Mr. CURRIER: Petition of the Woman's Christian Temperance Union and other religious organizations of Hinsdale, N. H., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DANIELS: Statement to accompany bill H. R. 11901, relative to irrigation—to the Committee on Irrigation of Arid Lands.

Also, papers to accompany bill H. R. 4487, relative to the construction of a trail up Mount Whitney, California—to the Committee on Military Affairs.

By Mr. DAYTON: Petition of the heirs of Samuel Knott, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DRAPER: Resolution of the New York Chamber of Commerce, relative to the harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

By Mr. ESCH: Papers to accompany bill H. R. 966, granting an increase of pension to Stephen Dickerson—to the Committee on Invalid Pensions.

Also, resolutions of Manufacturers and Jobbers' Union and the Board of Trade of La Crosse, Wis., in opposition to the Gompers-Mitchell anti-injunction bill—to the Committee on the Judiciary.

By Mr. FITZGERALD: Resolution of the New York Board of Trade and Transportation, relative to the harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, resolutions of the National Board of Trade, in favor of the extension of the navigation laws—to the Committee on Interstate and Foreign Commerce.

By Mr. FLACK: Petition of residents of Saranac Lake, N. Y., in favor of the enactment of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. GIBSON: Paper to accompany claim of William D. Hudgeons—to the Committee on War Claims.

By Mr. GILBERT: Petition of residents of Lancaster, Ky., against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Petition of the Indiana Anti-Saloon League, for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Indiana Bankers' Association, for the passage of bill H. R. 5068, known as "the clean-money bill"—to the Committee on Banking and Currency.

Also, papers to accompany bill H. R. 11066, granting an increase of pension to Joshua D. Griffith—to the Committee on Invalid Pensions.

Also, protest of citizens of San Jacinto, Ind., against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GUDGER: Papers to accompany bill H. R. 9244, granting a pension to Enoch Voyles—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to Mrs. James Guthrie—to the Committee on Invalid Pensions.

Also, petition of E. B. Goelet, of Saluda, N. C., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. HAMILTON: Petition of merchants of St. Joseph County, Mich., protesting against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMLIN: Petition of J. R. Hairston and 275 others, of Howard County, Mo., asking for the passage of a good-roads bill—to the Committee on Agriculture.

Also, papers to accompany claim of David Kinsey, for pension; also affidavit to accompany claim of Matilda J. Sweaney—to the Committee on Invalid Pensions.

Also, petition of B. D. Atchley and 52 others, of Cavespring, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HEMENWAY: Petition of Michael J. Jacob and other citizens of Indiana, urging passage of the Hemenway service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Colonel William Jones Post, No. 100, and Hackleman Post, No. 64, Grand Army of the Republic, Department of Indiana, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of J. C. Privett and 52 others, of Greensburg, Iowa; also Henry Thomson and 77 voters, of Greensburg, Iowa, praying for passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HERMANN: Memorial from Commercial Club of Walla Walla, Wash., for retention of garrison at Walla Walla—to the Committee on Military Affairs.

Also, petition of Linn County (Oreg.) Business Council for increased pay to rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Chamber of Commerce of Portland, Oreg., against reimposing duty on coal—to the Committee on Ways and Means.

Also, memorial of George Wright Post, No. 1, Grand Army of the Republic, of Portland, Oreg., urging that only statues of those who were distinguished and loyal to their country be placed in Statuary Hall, in the United States Capitol—to the Committee on the Library.

By Mr. HINSHAW: Petition of C. W. Wood and 76 other voters of Aurora, Nebr., urging the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HITT: Petition of James Gilbert and 10 other voters of Winslow, Ill., protesting against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Resolution of Arrowsmith Post, Grand Army of the Republic, of Red Bank, N. J., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HUFF: Memorial of board of supervisors of the city and county of San Francisco, in relation to Tuolumne River and Lake Eleanor reservoir rights of way—to the Committee on Rivers and Harbors.

Also, resolutions of J. C. Kuhn Post, No. 539, Department of Pennsylvania, Grand Army of the Republic, favoring enactment of service-pension legislation—to the Committee on Invalid Pensions.

Also, petition of West Newton Ministerial Association, favoring the enactment of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. JAMES: Petition of R. L. Spencer and others, of Calloway, Ky., in favor of bill H. R. 3574, for the relief of farmers and tobacco growers in the United States—to the Committee on Ways and Means.

By Mr. KLINE: Petition of F. K. Miller and 12 others, of Reading, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Resolutions of the United Commercial Travelers of America, New York Council, No. 114, favoring the proposed amendment to section 64 of the bankruptcy act—to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of New York, in reference to the construction of a breakwater and harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

By Mr. LITTLEFIELD: Letter of C. F. Brown, of Pulpit Harbor, Me., and others, relative to bill H. R. 7033—to the Committee on the Merchant Marine and Fisheries.

Also, petition of residents of North Haven, Me., relative to the destruction of dogfish—to the Committee on the Merchant Marine and Fisheries.

Mr. LOUDENSLAGER: Petitions of John Baker and 34 others, and of Job T. Griscom and 32 others, of Hancock Bridge, N. J., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MAHON: Resolution of George Simpson Post, No. 44, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: Petition of property holders and residents upon M street NW., District of Columbia, protesting against permitting this residence street to be surrendered for the use of a railroad—to the Committee on the District of Columbia.

By Mr. MUDD: Paper to accompany claim of Bertram Leins, or Lewis—to the Committee on War Claims.

By Mr. NEEDHAM: Resolution of the Convention of Fruit Growers of California, relative to a parcels-post bill and a post-check currency—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Stanislaus Board of Trade, of Modesto, Cal., relative to granting to San Francisco any right in Hetch Hetchy, Lake Eleanor, or elsewhere upon Tuolumne River, etc.—to the Committee on Rivers and Harbors.

By Mr. PAGE: Petitions of M. L. Mathews, M. D., and 187 others, of East Bend, N. C., and B. Cole and 50 others, of Sanford Township, N. C., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Papers to accompany bill H. R. 11182, granting an increase of pension to William J. Murray—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Resolution of U. S. Grant Post, No. 4, of Melrose, Mass., and Theodore Winthrop Post, No. 35, of Chelsea, Mass., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Resolution of New York Chamber of Commerce, relative to the harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, resolution of the Merchants' Association of New York, relative to the repeal of the desert-land act—to the Committee on the Public Lands.

Also, memorial of the National Grange, Patrons of Husbandry, relative to good-roads bill, etc.—to the Committee on Agriculture.

Also, petition of the New York Board of Trade and Transportation, relative to the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the National Board of Trade, approving the extension of the navigation laws—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New York State senate, relative to the promotion of the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New York State senate, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, resolution of the New York Board of Trade and Transportation, relative to the harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

By Mr. SHERMAN: Papers to accompany bill H. R. 11423, granting a pension to Evelyn S. Beardslee—to the Committee on Pensions.

By Mr. WM. ALDEN SMITH: Resolution of the American Association of Masters and Pilots of Steam Vessels, Detroit Harbor, No. 47, relative to a breakwater at Rogers City, Mich.—to the Committee on Rivers and Harbors.

Also, resolution of the Shipmasters' Association, Detroit, Mich., relative to a harbor of refuge at Rogers City, Mich.—to the Committee on Rivers and Harbors.

Also, resolution of Michigan Woman's Temperance Union, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of St. Paul Yacht Club, relative to bill extending navigation laws—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLIVAN of New York: Memorial of the board of supervisors of San Francisco, in relation to Tuolumne River and Lake Eleanor reservoir rights of way—to the Committee on Rivers and Harbors.

Also, resolution of New York Board of Trade and Transportation, in relation to the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Resolution of the Chamber of Commerce, relative to the harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, petition of Union ex-prisoners of war, urging the passage of bill H. R. 9313, relative to pension—to the Committee on Invalid Pensions.

Also, resolution of United Commercial Travelers of America, New York Council, No. 114, relative to an amendment to the bankruptcy act—to the Committee on the Judiciary.

By Mr. TATE: Paper to accompany bill granting an increase of pension to Frances J. Childers; also, paper to accompany bill granting an increase of pension to Mary E. Baird—to the Committee on Invalid Pensions.

By Mr. THAYER: Resolution of Massachusetts Agricultural College Alumni Club, in favor of increasing appropriations for State experiment stations—to the Committee on Agriculture.

Also, resolutions of George H. Thomas Post, No. 131, of Leicester, Mass., and George A. Custer Post, No. 70, of Millbury, Mass., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: Papers to accompany bill H. R. 1900, granting an increase of pension to Samuel Visnow—to the Committee on Invalid Pensions.

Also, protest of citizens of the Eleventh Congressional district of Iowa, against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petitions of 35 citizens of Portville, N. Y., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WEEMS: Papers to accompany bill H. R. 8421, for the relief of Russell A. McKinley—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 9289, granting a pension to Theodore T. Bruce—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Resolutions of Carmi Post, No. 296, and Winfield Ingraham Post, No. 238, Grand Army of the Republic, Department of Illinois, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Resolutions of Post No. 33; Watkins Post, No. 68, and Stevens Post, No. 69, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *February 9, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

OFFICE OF THE TREASURER OF THE UNITED STATES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Treasurer of the United States requesting the adoption of an amendment to the legislative, executive, and judicial appropriation bill relating to the force of his office, so as to provide for nine expert counters in lieu of nine clerks, at $700 each; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

ACCEPTANCE OF DECORATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, requesting that certain United States officials be permitted to receive decorations of the order of the Legion of Honor conferred upon them by the French Government; which was referred to the Committee on Foreign Relations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed a bill (H. R. 8160) to authorize the construction of bridges across a portion of the Minnesota River in the State of Minnesota; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented memorials of Concordia Lodge, No. 5, of Cleveland; of Aurora Lodge, No. 259, of Cleveland; of Standhaft Union, No. 5, of Cleveland; of Schiller Lodge, of Massillon; of the Liederkranz of Cincinnati; of the West Cincinnati Turn Verein, of Cincinnati; of the Unterstützungs Verein of Cincinnati; of the German Teachers' Relief Association, of Cincinnati, and of the German Veterans' Association, of Springfield, all in the State of Ohio; of the F. J. Russ Hunting and Fishing Club, of Pittsburg; of the Germania Liederkranz, of Pittsburg; of the Southwart Arbeiter, of Philadelphia, and of the St. Peter's Ritter Verein, of Philadelphia, all in the State of Pennsylvania; of the Swiss National Society Helvetia, of Denver, Colo.; of the Vater John Lodge, No. 301, of New Britain, Conn.; of the Plattdeutsche Gilde, No. 16, of Michigan City, and of the Young Men's German Organization of Richmond, all in the State of Indiana; of the Maennerchor of Davenport, and of the German Mechanics' Aid Society, of Muscatine, all in the State of Iowa; of the Liederkranz of Louisville, Ky.; of Germania Lodge of the Order of Columbian Knights, of Elgin, and of the Plattdeutsche Gilde Teutonia, No. 61, of Chicago, all in the State of Illinois; of the Turn Verein of New York City; of the German Mutual Benefit Association, of Binghamton; of the Kreis Pinneberger Verein, of New York City; of the Ostener Club, of New York City; of the Allemania Association, of New York City, and of the Kreis Zevener Pleasure Club, of New York City, all in the State of New York; of Schiller Grove, No. 1, of Tacoma; of Steuben Lodge, No. 65, of Tacoma, and of the Liederkranz of Seattle, all in the State of Washington; of the Barden Maennerchor, of Milwaukee, and of Lodge No. 54, of Milwaukee, in the State of Wisconsin; of the Rutersville Lodge, of Rutersville, Tex.; of the General German Aid Society, of Portland, Oreg.; of the Hessen-Darmstaedter Verein, of Baltimore; and of the Badenser Verein, of Baltimore, all in the State of Maryland; of the German Workingmen's Society, of Petoskey, Mich.; of Germania Lodge, No. 14, of Easthampton, and of the Turn Verein of Boston, in the State of Massachusetts; of the German Society of New Orleans, La.; of the Sociale Saengerchor, of St. Louis; of the Plattdeutscher Ve-

rein of St. Joseph; of Concordia Turn Verein, of St. Louis; of the Sachsen and Thueringer Verein, of Kansas City; of Beethoven Lodge, No. 337, of Kansas City, and of Concordia Maennerchor, of St. Louis, all in the State of Missouri, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the congregation of the Baptist Church of New London, N. H., praying for the enactment of legislation to prevent the nullification of State laws relative to the sale of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Charles W. Hayes, of Dover, N. H., and a petition of the board of sinking-fund commissioners, of Portsmouth, N. H., praying for the enactment of legislation providing for the construction of good roads throughout the country; which were referred to the Committee on Agriculture and Forestry.

Mr. SCOTT presented a petition of sundry citizens of Monroe and Greenbrier counties, W. Va., praying for the enactment of legislation providing for the construction of roads throughout the country, and also for the passage of the so-called pure-food bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Wheeling, W. Va., praying for the enactment of legislation providing for the construction of roads throughout the country; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Capt. Philip G. Bien Post, No. 17, Department of West Virginia, Grand Army of the Republic, of West Virginia, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the West Virginia Conference Seminary, Buckhannon, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. GAMBLE presented the petition of C. J. Anderson and 11 other citizens of Plankinton, S. Dak., veterans of the civil war, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. KEAN. I present a concurrent resolution of the legislature of New Jersey, in favor of an appropriation for the construction of a new harbor of safety adjacent to the city of Cape May, in that State. I ask that the concurrent resolution be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the concurrent resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF NEW JERSEY.

Concurrent resolution by the senate and general assembly.

Whereas the physical formation of the New Jersey coast, with its dangerous shoals, shallow harbors, and tortuous inlets, offer no refuge to vessels of modern draft, the depth of which are increasing year by year; and

Whereas the merchant marine proceeding south oftentimes encounter unexpected gales after leaving Sandy Hook, while the entire coast of the State offers no harbor of safety; and

Whereas deeply laden vessels proceeding north or east from Delaware Breakwater frequently encounter storms that prevent their return, making a new harbor of refuge absolutely necessary; and

Whereas an association of capitalists are excavating at least 500 acres of land north of Cape May city, and propose thereby to make an inland body of water of sufficient depth for vessels of the greatest draft, and at a great outlay of individual funds to create an artificial harbor, equip it with embankments, piers, docks, and coaling wharves, all of which on a scale sufficient to meet the demands of commerce for the coming century; and

Whereas the Congress of the United States, through its River and Harbor Committee, have under consideration the needs of all rivers and harbors of the Atlantic coast, and have before them many propositions in aid of maritime commerce, including pending legislation from the Senate, looking to a cooperation on the part of the National Government in the creation of the harbor of safety, and under Federal authority deepen the approaches and maintain the channel from the high seas, known as "Cold Spring Inlet," to the mouth of the new harbor, in order to make it accessible for vessels of considerable draft: Therefore,

Resolved (*the senate concurring*), That the Senators and Representatives in Congress from the State of New Jersey be requested to arrange with the Congressional Committee on Rivers and Harbors to give early consideration to the pending legislation, having in view an appropriation commensurate with the vast undertaking to create a new harbor of safety adjacent to the city of Cape May; and be it further

Resolved, That a copy hereof be forthwith mailed to each of our Senatorial and Congressional representatives at Washington.

I hereby certify to the adoption of the foregoing resolution by the house of assembly of the State of New Jersey, on Monday the 18th day of January, A. D. 1904, the senate concurring therein on Monday the 25th day of January, A. D. 1904.

JAMES PARKER,
Clerk of the House of Assembly.

Mr. KEAN presented a petition of the board of agriculture of New Jersey, praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented a petition of sundry citizens of Jersey City and Ridgefield Park, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Union County Trades Council, of Roselle Park, N. J., praying for the adoption of certain amendments to the immigration law; which was referred to the Committee on Immigration.

He also presented a petition of sundry soldiers and sailors of the civil war of Camden, N. J., praying for the passage of the so-called prisoner-of-war bill; which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Methodist Episcopal Church of Summit, N. J., and a petition of the congregation of the Presbyterian Church of Summit, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of General A. E. Shiras Post, No. 26, Department of New Jersey, Grand Army of the Republic, of Mount Holly, N. J., and a petition of U. S. Grant Post, No. 117, Department of New Jersey, Grand Army of the Republic, of New Jersey, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. DUBOIS presented a petition of the Tscemimcenn Club, of Lewiston, Idaho, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. MCENERY presented an affidavit to accompany the bill (S. 3817) for the relief of the estates of W. R. Brown and Mrs. Elmyra Brown, deceased; which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 3815) for the relief of the estate of Jacob Israel, deceased; which was referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4028) for the relief of the estate of J. M. C. Knight; which were referred to the Committee on Claims.

Mr. HOAR presented petitions of James H. Sargent Post, No. 130, of West Medway; of Dahlgren Post, No. 2, of South Boston; of Paul Revere Post, No. 88, of Quincy; of Justin Dimick Post, No. 124, of East Bridgewater; of E. S. Clark Post, No. 115, of Massachusetts; of Edwin Humphrey Post, No. 104, of Hingham, and of John Rogers Post, No. 170, of Mansfield; all of the Department of Massachusetts, Grand Army of the Republic, in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of the United States, representing 2,000,000 members of the Baptist churches, 700,000 members of the African Methodist Church, and 550,000 members of the African Methodist Episcopal Zion Church, praying for the enactment of legislation providing for the construction of a memorial home for aged and infirm colored people; which was referred to the Committee on Military Affairs.

He also presented petitions of Diamond Lodge, No. 183, of Cambria; of Butternut Lodge, No. 295, of Butternut; and of Lodge No. 242, of Buena Vista, all of the Independent Order of Good Templars, in the State of Wisconsin, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation confining the trade between the United States and the Philippines to vessels of American registry; which was referred to the Committee on the Philippines.

Mr. BURROWS presented a petition of sundry ministers of Gaylord, Mich., and a petition of sundry citizens of Imlay City, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BATE presented the affidavit of Mary J. Roberts, of Hamilton County, Tenn., in support of the bill (S. 1339) for the relief of Mary J. Roberts and her children, to wit, John Joseph Stansifer, Eva May Deakins, Octavia Baker, Annie M. Gledhill, Ida Belle Stansifer, and Charles L. Stansifer; which was referred to the Committee on Claims.

He also presented a petition of the congregation of the Second Presbyterian Church of Knoxville, Tenn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. PROCTOR presented a petition of Ethan Allen Post, No. 3, Department of Vermont, Grand Army of the Republic, of Vergennes, Vt., and a petition of J. H. Bosworth Post, No. 53, Department of Vermont, Grand Army of the Republic, of Fair Haven, Vt., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation con-

fining the trade between the United States and the Philippines exclusively to vessels of American registry; which was referred to the Committee on the Philippines.

He also presented a petition of the Ministerium of Altoona, Pa., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the ratification of the Panama Canal treaty; which was referred to the Committee on Foreign Relations.

Mr. HEYBURN presented a petition of 63 citizens of Kootenai County, Idaho, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. McCOMAS presented the petition of Calder Little and 21 other citizens of Hereford, Md., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PATTERSON presented a petition of the Nonpartisan District Convention of Alaska, praying for the adoption of a Territorial form of government for that District; which was referred to the Committee on Territories.

He also presented a petition of Local Union No. 4, Carpenters and Joiners, of Columbus, Ohio, and a petition of the Woman's Auxiliary No. 2, of Victor, Colo., praying for the enactment of legislation to investigate the labor conditions in Colorado; which were referred to the Committee on the Judiciary.

Mr. GORMAN presented memorials of sundry property holders and residents of M street NW., of Washington, D. C., remonstrating against the enactment of legislation permitting residential streets in that city to be surrendered to the use of railroads; which were referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Alnutt Memorial Methodist Protestant Church, of Baltimore, Md., and a petition of the congregation of the Lafayette Square Presbyterian Church, of Baltimore, Md., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Middletown, Kennedyville, and Baltimore; of the congregation of the Westminster Presbyterian Church, of Georgetown; of the congregation of the Grace Presbyterian Church, of Kennedyville; of the congregation of the Worton Presbyterian Church, of Worton, and of the Woman's Christian Temperance Union of Kennedyville, all in the State of Maryland, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

REPORTS OF COMMITTEES.

Mr. FOSTER of Washington, from the Committee on Commerce, to whom was referred the bill (S. 3720) to authorize the St. Joseph and Grand Island Railway Company, in the reconstruction of the bridge across the Missouri River at or near St. Joseph, Mo., to lower said bridge and to shorten the draw spans thereof, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8889) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Eastern Railroad Company," reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 3578) to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 9319) providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak., reported it with an amendment.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 4117) to pay the members of the plumbing board of the District of Columbia from April 27, 1893, to July 1, 1898, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia; which was agreed to.

BILLS INTRODUCED.

Mr. FULTON introduced a bill (S. 4240) granting a pension to Thomas R. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON (for Mr. CLAPP) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4241) granting an increase of pension to Robert Carney;

A bill (S. 4242) granting an increase of pension to Andrew Fisher; and

A bill (S. 4243) granting an increase of pension to John Burns.

Mr. GALLINGER introduced a bill (S. 4244) to incorporate the Washington Sanitary Housing Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 4245) to fix fees and costs in the probate court of the District of Columbia and to provide for the collection and payment of the same, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. LATIMER introduced a bill (S. 4246) granting an increase of pension to Louis Groverman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 4247) granting an increase of pension to John B. Graves; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 4248) to establish a fish-hatching and fish station in the State of Idaho; which was read twice by its title, and referred to the Committee on Fisheries.

He also introduced a bill (S. 4249) granting an increase of pension to Mary Gilroy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 4250) to appropriate the sum of $40,000 to the Cape Cod Pilgrims' Memorial Association, to be used in erecting at Provincetown, Mass., a suitable memorial of the landing of the Pilgrims; which was read twice by its title, and referred to the Committee on the Library.

Mr. PENROSE introduced a bill (S. 4251) to establish a board entitled "The Naval Academy Advisory Board;" which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4252) granting an increase of pension to Eli Shockey;

A bill (S. 4253) granting a pension to Micheal Duffy (with an accompanying paper); and

A bill (S. 4254) granting an increase of pension to William H. Collingwood (with accompanying papers).

Mr. BATE introduced a bill (S. 4255) for the relief of the heirs of Jacob Towson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCOMAS introduced a bill (S. 4256) amending the statutes relating to patents, relieving medical and dental practitioners from unjust burdens imposed by patentees holding patents covering methods and devices for treating human diseases, ailments, and disabilities; which was read twice by its title, and referred to the Committee on Patents.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4257) granting an increase of pension to Jessie S. Habersham;

A bill (S. 4258) granting an increase of pension to Susan N. Kinkead (with an accompanying paper); and

A bill (S. 4259) granting an increase of pension to John Phorr.

Mr. SCOTT introduced a bill (S. 4260) for the relief of Thomas C. Sweeney; which was read twice by its title, and referred to the Committee on Claims.

Mr. BACON introduced a bill (S. 4261) for the relief of Mary E. Forrester and Alexander B. Duncan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GORMAN introduced a bill (S. 4262) for the relief of the legal representatives of Henry W. Freedley; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4263) granting an increase of pension to Antonette Stewart; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4264) referring to the Court of Claims a certain claim for demurrage and for damages to a schooner by acts of certain United States naval officers; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOAR submitted an amendment proposing to appropriate $200,000 of arrears of pay and bounty which are due the estates of deceased colored soldiers who served in the late civil war, as

found due by the accounting officers of the Treasury and repaid into the Treasury by the Commissioner of the Freedmen's Bureau, to build in the District of Columbia a memorial national home for aged and infirm colored people and to maintain the inmates of the same, intended to be proposed by him to the army appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. QUARLES submitted an amendment proposing to increase the appropriation for agricultural experiment stations from $810,000 to $1,055,000, and providing that from such sum $20,000 shall be paid to each State and Territory entitled to such benefits under the act approved March 2, 1887, and acts supplementary thereto, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 8160) to authorize the construction of bridges across a portion of the Minnesota River in the State of Minnesota was read twice by its title, and referred to the Committee on Commerce.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I ask that the diplomatic and consular appropriation bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be acted upon as they are reached.

The PRESIDENT pro tempore. The Senator from Maine asks that the formal reading be dispensed with, that the bill be read for amendment, and that the amendments of the committee shall first receive consideration. Is there objection? The Chair hears none, and that order is made.

The Secretary proceeded to read the bill.

FORT SHERMAN ABANDONED MILITARY RESERVE.

Mr. DUBOIS. I ask what became of the joint resolution I introduced yesterday, and which went over until to-day?

The PRESIDENT pro tempore. The joint resolution is on the table subject, of course, to the call of the Senator.

Mr. DUBOIS. If the Senator from Maine will indulge me just a moment, I will dispose of it.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Idaho?

Mr. HALE. An appropriation bill is now being considered. I can only yield for morning business, and I wish Senators in that respect would wait.

Mr. DUBOIS. I will say to the Senator from Maine that yesterday I introduced a joint resolution and asked that it might lie over until to-day, when I would submit some remarks upon it. I do not care to submit any remarks and will dispose of it in a moment, if the Senator will just allow it to be presented to the Senate.

Mr. HALE. There is so much debate going on upon this side of the Chamber——

The PRESIDENT pro tempore. The Senate will please be in order.

Mr. HALE. That I can not hear the Senator from Idaho.

Mr. DUBOIS. I will state to the Senator from Maine that on yesterday I introduced a joint resolution and asked that it might lie on the table and that to-day I would submit some remarks on it. I do not care to submit any remarks, but to dispose of the joint resolution quickly. It is important to me. It will take but a moment, if the Senator from Maine will allow me to call it up.

Mr. HALE. Very well.

The joint resolution (S. R. 46) to dispose of the Fort Sherman abandoned military reserve in Idaho was read the second time by its title.

Mr. DUBOIS. I move that the joint resolution be indefinitely postponed.

The motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905.

The Secretary continued the reading of the bill. The first amendment of the Committee on Appropriations was, on page 2, line 24, before the word "thousand," to strike out "six" and insert "seven;" so as to make the clause read:

Envoy extraordinary and minister plenipotentiary to Roumania, Servia, and Greece, and diplomatic agent in Bulgaria, $7,500.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries of ambassadors and ministers," on page 3, line 16, to increase the appropriation of chargés d'affaires ad interim and diplomatic officers abroad from $30,000 to $35,000.

The amendment was agreed to.

The next amendment was, on page 3, line 17, to increase the total appropriation for salaries of ambassadors and ministers from $409,500 to $415,500.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries of secretaries of embassies and legations," on page 5, line 6, after the word "Belgium," to insert "Denmark, Portugal;" and in line 9, before the word "dollars," to strike out "nine thousand" and insert "twelve thousand six hundred;" so as to make the clause read:

Secretaries of legations to Belgium, Denmark, Portugal, the Netherlands and Luxemburg, Turkey, Spain, and Brazil, at $1,800 each, $12,600.

The amendment was agreed to.

The next amendment was, on page 6, line 11, to increase the total appropriation for salaries of secretaries of embassies and legations, from $84,525 to $88,125.

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to insert:

LEGATION BUILDINGS AT SEOUL, KOREA.

For the erection of new buildings for legation purposes at Seoul, Korea, on ground owned by the United States, $30,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 20, to insert:

COLLECTION OF CONSULAR AND OTHER COMMERCIAL REPORTS.

For the cost of cablegrams in instructing consular officers to report upon matters of immediate importance to commerce and industry, and of cablegrams of consuls on such subjects; also to defray the extra expense imposed upon consular officers in collecting certain data by direction of the Department of State, $2,000.

The amendment was agreed to.

The next amendment was, in Schedule B, under the subhead "Consuls-General," on page 14, line 25, after the word "Hamburg," to insert "Lourenço Marquez;" on page 15, line 1, before the word "and," to insert "Tientsin;" and in line 2, before the word "thousand," to strike out "seventeen" and insert "twenty-four;" so as to make the clause read:

Antwerp, Halifax, Hamburg, Lourenço Marquez, Singapore, Tientsin, and Vienna, at $3,500 each, $24,500.

The amendment was agreed to.

The next amendment was, on page 15, line 3, after the words "Buenos Ayres," to insert "Chefoo;" in line 4, after the word "Frankfort," to insert "Fuchau;" in the same line, after the word "Guayaquil," to insert "Hankow;" and in line 6, before the word "thousand," to strike out "thirty-six" and insert "forty-five;" so as to make the clause read:

Apia and Nukualofa, Barcelona, Buenos Ayres, Chefoo, Coburg, Dresden, Frankfort, Fuchau, Guayaquil, Hankow, Monterey, Rome, Rotterdam, St. Gall, and Marseilles, at $3,000 each, $45,000.

The amendment was agreed to.

The next amendment was, on page 15, line 15, to increase the total appropriation for salaries of consuls-general from $155,000 to $171,000.

The amendment was agreed to.

The next amendment was, under the subhead "Consuls," in class 2, on page 16, after line 4, to strike out:

Tientsin, China.

The amendment was agreed to.

The next amendment was, in class 3, on page 16, after line 15, to strike out:

Chefoo, China.

The amendment was agreed to.

The next amendment was, on page 16, after line 16, to insert:

Chungking, China.

The amendment was agreed to.

The next amendment was, on page 16, after line 19, to strike out:

Fuchau, China.

The amendment was agreed to.

The next amendment was, on page 16, after line 22, to strike out:

Hankau, China.

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to insert:

Hangchow, China.

The amendment was agreed to.

The next amendment was, on page 17, after line 9, to insert:

Odessa, Russia.

The amendment was agreed to.

The next amendment was, in class 4, on page 18, after line 6, to insert:

Ciudad Porfirio Diaz, Mexico.

The amendment was agreed to.

The next amendment was, on page 18, after line 12, to strike out:

Lourenço Marquez, Africa.

The amendment was agreed to.

The next amendment was, on page 18, after line 14, to strike out:

Odessa, Russia.

The amendment was agreed to.

The next amendment was, in Class V, on page 19, after line 15, to insert:

Budapest, Austria-Hungary.

The amendment was agreed to.

The next amendment was, on page 19, after line 20, to strike out:

Ciudad Porfirio Diaz, Mexico.

The amendment was agreed to.

The next amendment was, in Class VI, on page 22, after line 20, to strike out:

Budapest, Austria-Hungary.

The amendment was agreed to.

The next amendment was, on page 23, after line 23, to insert:

Moncton, New Brunswick.

The amendment was agreed to.

The next amendment was, on page 24, after line 5, to insert:

Port au Prince, Haiti.

The amendment was agreed to.

The next amendment was, on page 24, after line 12, to insert:

Rouen, France.

The amendment was agreed to.

The next amendment was, on page 25, after line 4, to insert:

Turks Island, West India.

The amendment was agreed to.

The next amendment was, in Schedule C Class VII, on page 25, after line 18, to strike out:

Rouen, France.

The amendment was agreed to.

The next amendment was, on page 25, line 23, to reduce the total appropriation for salaries of consuls from $482,500 to $480,500.

The amendment was agreed to.

The next amendment was, under the subhead "Allowances for clerk hire at United States consulates," on page 27, after line 2, to insert:

Monterey, $1,400.

The amendment was agreed to.

The next amendment was, on page 27, line 15, after the word "Messina", to strike out "Monterey;" and in line 18, before the word "dollars," to strike out "eight hundred;" so as to make the clause read:

Beirut, Buenos Ayres, Cape Town, Colon, Dawson City, Dresden, Dundee, Guayaquil, Kingston (Jamaica), Leipsic, Maracaibo, Melbourne, Messina, Naples, Palermo, Panama, Port au Prince, Singapore, Smyrna, Tangier, Toronto, Tunstall, Vancouver, Vera Cruz, and Victoria, at $800 each, $20,000.

The amendment was agreed to.

The next amendment was, on page 27, line 24, to increase the appropriation for clerk hire at United States consulates at Aix-la-Chapelle, Ciudad Juarez, Ciudad Porfirio Diaz, Halifax, and Lucerne, at $640 each, from $2,600 to $3,200.

The amendment was agreed to.

The next amendment was, on page 28, line 1, before the word "Cairo," to insert "Bahia;" and in line 5, before the word "dollars," to strike out "eight thousand four hundred" and insert "nine thousand;" so as to make the clause read:

Bahia, Cairo, Cologne, Constantinople, Huddersfield, Mainz, Munich, Newcastle-on-Tyne, Nottingham, Odessa, Para, Pernambuco, Solingen, Tampico, and Zurich, at $900 each, $9,000.

The amendment was agreed to.

The next amendment was, on page 28, line 11 to increase the total appropriation for clerk hire at United States consulates from $95,500 to $96,700.

The amendment was agreed to.

The next amendment was, on page 28, line 17, before the word "thousand," to strike out "forty" and insert "twenty-five;" so as to make the clause read:

Allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk hire, no greater portion of this sum than $500 to be allowed to any one consulate in any one fiscal year, $25,000: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated.

The amendment was agreed to.

The next amendment was, on page 28, after line 19, to insert:

For thirty clerks, who shall be American citizens and shall receive not more than $1,200 a year in any one case, to enable the Secretary of State to provide clerical services at a number of the principal consulates where most needed, $36,000.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

Mr. BACON. Has the Secretary read the entire bill?

The PRESIDENT pro tempore. The entire bill.

The bill was read the third time, and passed.

RELATIONS WITH COLOMBIA.

Mr. OVERMAN. I ask unanimous consent that the Chair may lay before the Senate the Bacon resolution, in order that I may submit a few remarks.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the resolution known as the "Bacon resolution" shall now be laid before the Senate.

Mr. BACON. I understand that the resolution called up by the Senator from North Carolina is the unfinished business.

The PRESIDENT pro tempore. It is the unfinished business, but it would not have come up until 2 o'clock unless the Senator had asked unanimous consent that it might be taken up now.

Mr. BACON. I had not noticed the hour.

There being no objection, the Senate resumed the consideration of the resolution submitted by Mr. BACON on the 12th ultimo, as modified by him yesterday, as follows:

Resolved, That the President be respectfully informed that the Senate favor and advise the negotiation, with a view to its ratification, of a treaty with the Republic of Colombia, to the end that there may be peacefully and satisfactorily determined and adjusted all differences between the United States and the Republic of Colombia, with the intent of removing any cause of irritation or conflict, and of restoring the cordial relations heretofore existing between the United States and Colombia, and also of securing the hearty cooperation of the Colombian people in the construction of the canal at Panama.

Mr. OVERMAN. Mr. President, this long debate upon the pending resolutions in regard to the treaty with Panama is about to close. Being a new Senator, I have preferred to adhere to the traditions of the Senate and remain silent for a while at least. I do not now rise for the purpose of making a speech, but to make a plain statement of my position.

I have preferred to vote with my colleague, who at the very outset announced his purpose to vote for the treaty, and I have hoped, having always been a strong advocate of a canal, and knowing that a very large number if not a majority of my people and probably the people of the country desire the treaty ratified, that I could get the consent of my conscience to support it. I have heard the debate, have for myself investigated every phase of the controversy, have familiarized myself with all the facts and circumstances surrounding the revolution in Panama, and its recognition by this Government as an independent Republic, with a view, if possible, to vote for the treaty, and at the same time not violate my duty as a Senator, representing not only the great State of North Carolina, but representing my country as well.

But, Mr. President, there has been all the time standing before me an insurmountable barrier which has prevented my coming to this conclusion.

Here is a solemn treaty—the treaty of 1846—entered into between this country and New Granada—now Colombia—a solemn covenant, sealed, signed, and delivered, ratified, interchanged, and filed in the archives of each Government for its future conduct, the one to the other, for all time unless modified or repealed. It is called a treaty of "peace, amity, navigation and commerce." For the purpose of my statement I will read only a summary of the thirty-fifth article, which is as follows:

The Government of New Granada guaranteed to the Government of the United States that the right of way or transit across the Isthmus of Panama, upon any mode of communication then existing or thereafter constructed, should be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures, or merchandise of lawful commerce belonging to the citizens of the United States. * * * And the Government of the United States, in order to secure to themselves the tranquil and constant enjoyment of the advantages mentioned, and as an especial compensation for said advantages and other favors acquired by the treaty, guaranteed, positively and efficaciously, by that stipulation, the perfect neutrality of the Isthmus of Panama with the view that free transit from one to the other sea should not be interrupted or embarrassed in any future time while the treaty should exist; and, in consequence, the United States also guaranteed in the same manner—to wit, positively and efficaciously—the right of sovereignty and property which New Granada then had and possessed over the said territory, to wit, the entire Isthmus of Panama.

Therefore, Mr. President, we not only guaranteed the perfect neutrality of the Isthmus of Panama, but the United States in the most positive terms guaranteed the rights of sovereignty and property which Colombia had and possessed in the said territory, the entire Isthmus of Panama.

It is contended that the guaranty of sovereignty means only the guaranty of sovereignty as against foreign nations, and not as against secession and dismemberment from Colombia.

The friends and high contracting parties could have had no such intention. Why, Mr. President, I ask, why guarantee the sovereignty against foreign nations only when that was already guaranteed by the Monroe doctrine to Colombia, as well as all other South American republics, to the extent that no foreign nation should ever acquire any of their territory?

Besides, preceding this clause of sovereignty, as I have read, there is a clause of neutrality which has always been held and construed to mean an obligation on the part of the United States for the preservation of the Isthmus against warlike acts of foreign nations. Mr. Seward, Lincoln's great Secretary of State, said:

Neither the text nor the spirit of the stipulation in that article by which the United States engages to preserve the neutrality of the Isthmus of Panama imposes an obligation on this Government to comply with the requisition of the President of the United States of Colombia for a force to protect the Isthmus of Panama from a body of insurgents of that country. The purpose of the stipulation was to guarantee the Isthmus against seizure or invasion by a foreign power only.

Again, Secretary Seward wrote to our minister at Bogota on April 30, 1866, as follows:

The United States desire nothing else, nothing better, and nothing more in regard to the State of Colombia than the enjoyment on their part of complete and absolute sovereignty and independence. If those great interests shall ever be assailed by any power, at home or abroad, the United States will be ready, cooperating with the Government and their ally, to maintain and defend them.

Again, during Mr. Cleveland's Administration, Mr. Bayard, his Secretary of State, said:

On several occasions the Government of the United States, at the instance and always with the assent of Colombia, has, in times of civil tumult, sent its armed forces to the Isthmus of Panama to preserve American citizens and property along the transit from injuries which the Government of Colombia might at the time be unable to prevent. But in taking such steps this Government has always recognized the sovereignty and superior right of Colombia in the premises.

Then, Mr. President, the Monroe doctrine and the neutrality clause were sufficient to guarantee sovereignty as against foreign nations as to transit across the Isthmus. There is then added in this treaty, in addition to the neutrality clause, the guaranty of the sovereignty of Colombia over the entire Isthmus. It means something more than that we would guarantee her sovereignty as against foreign nations, not that we would aid her in suppressing rebellion, except at her request and for the purpose of protecting the transit across the Isthmus; but, in my judgment, it does mean and clearly means that this country will not intervene to prevent Colombia herself from suppressing a rebellion or prevent her attempting to maintain or to regain her sovereignty over the Isthmus in case of secession. Guaranteeing sovereignty means much more than simple acquiescence in sovereignty. To guarantee means "to engage, assure, or secure as a thing that may be depended on." The Constitution guarantees to each State a republican form of government, and guaranteeing a republican form of government means that the United States intends that each State shall enjoy it if it requires the whole Army and Navy of the country to accomplish it, if requested by the State.

Not only the right of sovereignty, Mr. President, but the right of property is guaranteed—the right of ownership that a sovereign has or ought to have over the Isthmus; that is, supreme government control.

What is sovereignty, Mr. President? The law books tell us that it is a combination of all power, the power to do anything and everything in a State without accountability, the right of a nation to govern itself independent of any foreign power, which includes the right to suppress revolution and to prevent dismemberment of its territory. Then, if this definition be correct, we have solemnly and positively and efficaciously guaranteed to Colombia all governmental control over the Isthmus, with the right to suppress her revolutions, secessions, and any attempts at dismemberment of her territory, without fear of interference on the part of this Government.

If France or any other power had stepped in to prevent Colombia from asserting her rights and suppressing rebellion, out duty then would have been plain to stay the hand of such interference, even without any such express obligation.

Colombia to-day, poor, weak, and helpless, a cripple and dismantled, is prevented from asserting her sovereignty over the Isthmus of Panama, was prevented from suppressing a rebellion, prevented from regaining her lost territory by this great and powerful country with whom she had entered into such friendly relation and solemn compact. No one, I take it, will deny that but for the presence of our war vessels and our hasty recognition of the new Republic the revolution would have been suppressed by Colombia in a few days. She is to-day forbidden to land her troops for the purpose of asserting her control and regaining her sovereignty over the Isthmus, because the President in his message says:

The following instructions were sent to the war vessels, the *Boston*, the *Dixie*, and the *Nashville:* "Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, at any point within 50 miles of Panama."

Why prevent their landing within 50 miles of Panama? If the President wished to protect the transit across the Isthmus, as was his duty, why not prevent the landing of troops within 5 miles, or within 10 miles, or even 25 miles of Panama? Either of these distances would have been ample for that purpose. If Colombia could not land within 50 miles, she could not land her troops at all, and making that the distance amounted to an absolute prohibition against Colombia's landing her troops anywhere upon the Isthmus. Of course it was a bloodless revolution. Colombia was tied hand and foot and could not move. She was helpless. Whether intended or not, I am not here to say; but it had the effect to stay Colombia's hands, and, weak as she is, she could not even make the attempt of asserting her rights or of regaining and maintaining her sovereignty.

It is very true that the independence of Panama has been recognized by other nations; but no country, in my judgment, would have taken this step without the example and the consent of the United States. The Republic of Panama is indeed an assured fact; but this order to the *Nashville* and the other war vessels was sent before her independence was recognized. Yes, sir; even before there was a revolution. The order is dated on November 2, and the revolution did not occur until the night of November 3. This in itself was clearly an act of war. It is very certain that if such action were taken against a nation of equal dignity as ours it would mean war.

The President in his message says, on page 6, that Secretary Hay warned Colombia time and again that grave consequences would follow her rejection of the Hay-Herran treaty. Colombia having the right to make the treaty, she certainly had the right to reject it. I voted, Mr. President, for the Hay-Herran treaty, and I, with everybody else, felt indignant that Colombia had rejected it in view of the reasonable terms proposed; but I deny that the fact that she did reject it is a justification of our subsequent action.

I want to say here that the President is my President, and I have for him the profoundest respect. When right I defend him; when wrong, if wrong, I see no reason why he should not be criticised in a spirit of fairness. I do not subscribe to the doctrine, "The king can do no wrong;" "the President, always right; right or wrong, the President." Just criticism of public servants is always wholesome in a free republic. May the day never come in this country, Mr. President, when our public servants can not be criticised by anyone wishing to do so. The Administration was evidently very much irritated when the treaty was rejected, and very justly so, but extreme strenuousness overcame better judgment.

The President admits his irritation in his message when he says (p. 6):

My intention was to consult the Congress as to whether under the circumstances it would not be proper to announce that the canal was to be dug forthwith; that we would give the terms we had offered and no others; and that if such terms were not agreed to we would enter into an arrangement with Panama direct or take what other steps were needful in order to begin the enterprise.

On November 3, the day after the order was given to our war ships to prevent the landing of troops within 50 miles of Panama, the following telegrams were sent:

DEPARTMENT OF STATE.
Washington, November 3, 1903.

Uprising on Isthmus reported. Keep Department promptly and fully informed.

LOOMIS.

Mr. Ehrman to Mr. Hay.

PANAMA, *November 3, 1903.*
(Received 8.15 p. m.)

No uprising yet. Reported will be in the night. Situation is critical.

EHRMAN.

On the night of November 3, with our war vessels in sight, a few men get together and secede, form a junta, a pronunciamento is made, signed by three men; this Government is informed, and on November 6th, within seventy-two hours, the new-born Republic is recognized as a free and independent state. Never in the history of the world was ever such haste displayed in recognizing a new state under such circumstances—a state without arms, organization, or the ability to defend itself or maintain its independence. The President himself says:

I have not denied, nor do I wish to deny, either the validity or the propriety of the general rule that a new state should not be recognized as independent till it has shown its ability to maintain its independence.

But he says also that this rule is subject to exceptions and a departure in the present case was justifiable. The rule he cites, Mr. President, is a good one; to make the exception is authorized

by no precedent that I have ever seen or heard of. We recognize a republic without a constitution, without laws, without a navy, without an army, without anything but a junta composed of three men—a newborn republic set up and recognized in the space of three days. How different, Mr. President, was the action of Andrew Jackson when Texas had seceded. Texas had a government and an army and was knocking for admission into the Union. Hear what Jackson says:

Prudence, therefore, seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognize the independence of the new government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold a government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it we are but carrying out the long-established policy of our Government, a policy which has secured to us respect and influence abroad and inspired confidence at home.

It is, Mr. President, to the best interest of "collective civilization" to build the canal and that speedily, but it is not to the interest of "collective civilization" to violate a solemn treaty obligation nor to violate a plain rule which obtains among the nations of the world. Rather is it to the interest of "collective civilization" that the same good faith, the same respect, the same sacredness which individuals should have for their contracts and agreements, the same moral principles which they hold for the government of their conduct, shall obtain among nations. I fear our action, Mr. President, will not be justified in the eyes of "collective civilization," in the eyes of the world. I fear the great influence and friendship we have always enjoyed with the South American states will be somewhat impaired.

But it is not with me a question of canal only. The canal would have been dug either at Panama or at Nicaragua no matter what our actions had been toward Colombia. The strongest advocates of the canal, Senators who for years have fought and labored for a canal, who have made it almost their life work, have spoken for it, have pleaded for it, have molded public sentiment for it, are now most strongly opposed to this treaty. With me, as it is with every Senator here, it is a question which rises far above politics and partisanship, far above dollars and cents, far above local and sectional considerations or popular clamor—it is a question of principle. Believing, as I do, that to ratify this treaty is to violate a solemn contract, to violate a well-known principle of international law, to violate that great moral principle "Might does not make right;" and believing, Mr. President, that I am best serving my country in so doing, I shall vote against the treaty.

An accomplished fact it is, but, assuming to myself no superior virtue or wisdom, accomplished, in my judgment, in wrong, I can not condone it.

Mr. CARMACK. Mr. President. I have received several petitions from commercial bodies in my State asking me to vote for the ratification of the pending treaty with Panama. Many of these petitioners are my personal and political friends, and for them and the organizations they represent I have the highest respect; yet I do not believe they could have the respect for me that I have for them if, with my understanding of the situation, I should cast a vote in accordance with their views and against my own conscience. It is because of my very high regard for them, and by way of reply to their requests, that I now undertake to restate, in as brief and comprehensive form as I may, the reasons which control my action.

I can sympathize with the feelings of men who in their zeal for a canal have taken what I believe to be a hasty and imperfect view of this question. These gentlemen have been led to believe that the ratification of this treaty and the construction of an isthmian canal are bound inseparably together. I have never believed for one moment that the fate of the canal was involved in the fate of the treaty. So firmly am I of that opinion that I should not fear to stake my political fortunes upon the hazard. So long as there remains upon the statute books a law which provides for the construction of the canal in an easy, safe, and honorable way, it is not necessary, from any point of view, for me to vote my approbation of any other way.

The strength of the President's position is in the fear of the people that he will not permit them to have a canal at all unless they accept it upon such terms and conditions as he may choose to prescribe. I beg to say that this is a groundless fear. I can assure my anxious friends that there are limits to the lawlessness of this Administration. Defeat this treaty and there remains in full force and effect the provision of the Spooner law which requires the President, upon failing to obtain the canal at Panama, to go to Nicaragua. I have never regarded seriously the threat that the President would continue, out of pure perversity, to disobey that law.

Much as he loves to have his own way, he loves much more to be President of the United States. With a mandatory law before him, and the responsibility for the failure or success of the canal upon him, he would proceed at once to the construction of the canal by the Nicaragua route. He could only escape doing so by withdrawing his intermeddling hand from Panama, permitting that State to adjust its troubles with the mother country, and then negotiating a new treaty with Colombia. In either event it would save the canal and the nation's honor. He knows but little of the gentleman in the White House who supposes that he would dare to face a Presidential campaign with a record of having defeated the canal by violating the law. And so, I repeat it, the question of defeating or obstructing the canal is not, either nearly or remotely, involved in the present aspect of the question.

Mr. President, I heartily join in the tribute paid by the Senator from Wisconsin [Mr. SPOONER] to the distinguished Senator from Alabama [Mr. MORGAN]. I agree with him that, by whatever route this canal shall be contructed, the Senator from Alabama will be known to history as the father of that great enterprise. It seems a little strange to me that he and those who follow his leadership should be expected to answer the charge of trying to defeat or obstruct the great work to which he has given the most brilliant efforts of his mind and the most fruitful years of his life. I imagine there are few people who will believe that the Senator from Alabama is bending all the energies of his great mind toward making a shameful ending of his great career.

It has been charged that we are trying to force the Administration to a route where a canal is impossible of construction. This opinion is largely due to an amazing statement from Mr. Loomis, of the State Department, that the great engineers of this country had decided that the Nicaragua route was impracticable. Many people who had not given study to the matter did not believe that a man in Mr. Loomis's position would make a statement so impudently false and unfounded as I assert this to be. Let me say that I was never an extreme partisan of a particular route. I was once prepossessed in favor of Panama out of respect for the great French engineer who selected that route.

I did not then know that De Lesseps himself preferred the Nicaragua route and had sought in vain to obtain a concession there before going to Panama. While my later preference for Nicaragua has grown and strengthened by such investigation as I have made, I have been willing always to take any practicable route that might be obtained, without measuring too critically their relative advantages. I should not now have anything to say on this matter if the immense superiority of the Panama route had not been asserted to justify the President's course and to discredit the motives of those who oppose him.

I beg to call attention to the fact that the ablest and most effective champions of an Isthmian canal have all along been in favor of the Nicaragua route, while the other was championed very early by some men, at least, who were not suspected of any too great zeal for a canal anywhere.

Different commissions, composed of the greatest engineers in this country or in the world, have reported again and again in favor of the Nicaragua route. The Senator from Colorado [Mr. TELLER] has called attention to the fact that at a meeting of the world's great engineers, held in London, all these engineers except those of France were decidedly in favor of Nicaragua. Our last Commission recommended that route, and changed its recommendation only after the canal company had enormously reduced the price of its property. The Senator from Wisconsin, while admitting the practicability of the Nicaragua route, asserts that it was no trifling preference which the Commission gave to the other. Fortunately, the Commission itself gives us a pretty exact measure of the extent of its preference. It advised this Government to pay not more than $40,000,000 for the rights and property of the Panama Canal Company, and to take the Nicaragua route if more than that should be demanded. This would have made a difference in total cost of about $5,000,000 in favor of Panama. In other words, the Commission favored the Panama route only upon the condition that it was to cost less than the other. Except for the matter of cost the Nicaragua route was preferred. I have had printed as a Senate document that Commission's own summary of the relative advantages and disadvantages of the two routes, and I assert that from its own showing the Nicaragua route is the better from a commercial point of view. I will call attention to just one statement on page 6 of that report:

Except for the items of risks and delays, the time required to pass through the canals need be taken into account only as an element in the time required by vessels to make their voyages between terminal ports. Compared on this basis, the Nicaragua route is the more advantageous for all transisthmian commerce except that originating or ending on the west coast of South America. For the commerce in which the United States is most interested, that between our Pacific ports and Atlantic ports, European and American, the Nicaragua route is shorter by about one day. The same advantage exists between our Atlantic ports and the Orient. For our Gulf ports the advantage of the Nicaragua route is nearly two days.

The Commission also shows that the canal can be more quickly constructed by at least two years by the Nicaragua than by the Panama route.

It shows furthermore that sailing vessels will be at a great

disadvantage by the Panama route, and, while the effort is made to minimize this by the statement that sailing vessels are being displaced by steamships, I believe the fact to be the other way.

I believe the statistics show that sailing vessels are largely increasing in number and will play a greater part in the transportation of products in the future than they have in the past. Men who have been to Panama and Colon have expressed to me their surprise at the vast number of sailing vessels they saw in those ports. Because of the dead calms that prevail in the regions of the Panama route these sailing vessels must continue to go round the Horn or be towed through the canal and out to sea at heavy expense.

The report further shows that health conditions are far more favorable at Nicaragua than at Panama, because of the cool and steady breezes along the former route and the dead and deadly calms along the latter. This is an element of the greatest importance in computing the cost and the difficulties of construction. It cost a man for every cross-tie to build the Panama Railroad and De Lesseps's laborers perished by the thousand. Contractors who built a railroad through the swamps of Nicaragua declare that the deaths from disease were not greater than would have been likely to occur in any other country. These unhealthful conditions will add immensely to the cost and the difficulties of constructing the Panama canal and will greatly retard the completion of the work.

Certain persons have imagined, or have pretended to believe, that my course in this matter has been inspired by partisan prejudice or antagonism to this Administration. Mr. President, my antagonism to this Administration had its origin and owes its continuance to just such acts as I have condemned in this business. I have been consistent in my opposition to everything that savors of imperialism or tyranny, and my views have never been colored by my feelings toward the Administration in power.

The Hawaiian infamy had several things in common with this Panama coup. An American minister engaged in a conspiracy to overthrow the very government to which he was accredited and with which we professed to be at peace, and American marines were landed on a false pretext to aid that conspiracy. No man was more bitterly opposed to the general course and policy of Mr. Cleveland's Administration than I was, and yet when he raised his hand against this infamy I publicly approved and applauded his act, because it was directed against a deed of perfidy and shame and in behalf of the nation's honor.

Mr. President, the experience of my own people in other days has impressed upon me the danger of permitting abuses of executive power. We may say that those days have past, and yet we know that because of conditions peculiar to the South we are subject to a more or less hostile feeling in other parts of the country. We have seen this very President abolish a Southern postoffice in violation of the law, as his own Postmaster-General had construed it, thus depriving all the people of an important community of post-office facilities because of the alleged acts of a few.

We know that this act of the President was vociferously applauded by a large proportion of the press and people of the Northern States; and we know that such an act would have been impossible, and that no man would have approved it, if the President had been dealing with a Northern instead of a Southern community.

We have seen the fugitive murderer of a prominent Southern Democrat received with honor, and given refuge and protection by the governor of a Northern State, and the President holds that governor up to the world as a model champion and defender of the law. Indeed, it was published at the time in the newspapers, and, so far as I know, never denied, that the President himself, while governor of New York, offered a safe asylum to this fugitive criminal.

We know that such a thing would have been impossible if the murdered man had been any other than a southern Democrat.

With such startling lessons before us, we of the South can not afford to say that we will oppose Executive lawlessness only when we are immediately concerned. People of other parts of the country, constituting a vast majority, may as reasonably say, as many of them have said, and do say, that they will not oppose it when it only touches us and does not affect them. Whatever others may do or say, the people of the South must cling to the Constitution and the law as their only refuge and hope of protection.

The present occupant of the White House, more than any man that ever sat there, needs to be restrained within the strict limits of the Constitution. He needs to be taught that he is not the Government and that his will is not the law.

A man who has not hesitated publicly to proclaim in the bitterest and most contemptuous language his scorn for the Congress of the United States when its acts have not accorded with his views is not likely to withhold his hand out of respect for the constitutional rights of the people, or their chosen representatives. I consider it of the greatest importance that some memorable and effective protest be made against the President's conduct. I trust there is no need to contemplate the probability of the present Executive being elected to the office he happens to hold; but that event would have a much graver significance if he should enter upon another term feeling that his lawless acts were approved, and his lawless tendencies encouraged by a vote of this Senate and of the American people.

Mr. President, others honestly take a different view, but I can not rid myself of the belief that in voting to ratify or reject the pending treaty I vote to approve or condemn the President's course. The issue, then, as it seems to me, is simply as to the rightfulness and the lawfulness of his conduct.

A great deal of irrelevant matter has been poured into this debate. We have had much talk of "mandates of civilization" and of "international eminent domain." I am not altogether displeased with the use of such expressions. The euphemisms of tyranny testify a respect for freedom, just as the mask of the burglar testifies a respect for law. But these expressions, sir, while they reveal the spirit of the Administration, have no meaning or relevancy in this debate. The state of facts which the Administration itself assumes as necessary to justify these new rules of national conduct are nowhere to be found in the transaction. There is no such law as that of "international eminent domain," and if there were there are no facts in this case to which it could be applied.

The real question lies within a narrow compass. The acts of the Administration are known. Many of the main facts have been officially communicated, and the law under which the President was acting is so plainly written that no man can misunderstand it. I have charged and undertake to prove that the President's conduct was in violation—

First. Of a fundamental principle of international law.

Second. Of the Constitution of the United States.

Third. Of the obligations of a solemn treaty.

Fourth. Of the very statute under which he was acting and from which he derived his authority to act.

I assert, first, that in the recognition of Panama he violated a fundamental principle of international law.

Let me say here that international law is not to be treated as lightly as some people are disposed to do. It is recognized in our Constitution, and the Supreme Court has again and again declared that international law is a part of the law of the land. Our greatest statesmen have again and again asserted the principle which applies to this case as being of the utmost importance to both the honor and security of this nation. President McKinley simply restated the rule followed by all his predecessors when he said that "Recognition of independent statehood is not due to a revolted dependency until all danger of its being subjected by the parent State has entirely passed away." Such is the law.

President Roosevelt recognized as the government of a sovereign state, as large as the state of Indiana, a baker's dozen of conspirators, whose so-called insurrection was not only not supported by the people, but was unknown to the people. The proof of this I have heretofore given. These alleged insurgents had not fought a single battle against the parent country; they had neither army, nor navy, nor constitution, nor courts, nor legislature, nor laws, nor any treasury except the money they had stolen, nor any form or system of government.

Unless the President can bring this act within some recognized exception to the rule, he has violated one of the most fundamental principles of international law.

This he attempts to do. He admits the "validity of the general rule that a new state should not be recognized as independent until it has shown its ability to maintain its independence." "This rule" he tells us, "is derived from the principle of nonintervention * * * but like the principle from which it is deduced, the rule is subject to exceptions; and there are, in my opinion, clear and important reasons why a *departure from it* was justified, even required, in the present instance." He admits, therefore, that his act was a "departure" from the law.

The President makes a very clear statement of the grounds upon which he acted. The duty to refrain from premature recognition is properly deduced from the general rule of nonintervention, and the exceptional right of recognition in such a case is properly deduced from the exceptional right of intervention. This is a correct statement of the doctrine, because recognition, where the intention and effect is to give moral support to an insurrection, is itself an unfriendly act and a species of intervention. In this case there was not only constructive, but actual, intervention.

The right of intervention exists only in extreme and exceptional cases. It is, in plain words, simply the right of self defense. The authorities lay down the principle that no nation can interfere with another in the exercise of its sovereign powers "unless such interference is authorized by some special compact or by such

a clear case of necessity as immediately affects its own independence, freedom, and security."

There is no compact in this case. The President does make a weak claim, unsupported by argument, of a right under the treaty of 1846, but neither he nor any of his champions have indicated a single line of that treaty from which such an extraordinary right can be derived.

Grants made by a sovereign power must be strictly construed in favor of the grantor, and none of its sovereign rights or powers can be surrendered by implication. The President's friends in this Chamber have frankly abandoned that claim. The right of intervention, then, rests solely upon the plea of a clear case of "necessity" affecting the "independence, freedom, and security" of this country. The President himself places it upon this ground, or, as he phrases it, upon the ground of "our national interests and safety."

Upon the truth of this claim his act must be tried. Let us assume that a canal across the Isthmus is absolutely necessary to "our national interests and safety." But that does not mean a canal at Panama any more than it means a canal at Nicaragua. The law under which the President was acting declared that our "national interests and safety" would be amply safeguarded by a canal on either route. So long as there was a way—an easy and honorable way—to obtain a canal without violating this great principle of international law there was no "necessity" that could justify the President's "departure."

In this case the very law under which the President was acting provided such a way by directing him to go to Nicaragua upon his failure at Panama. There was no "necessity," and, therefore, no excuse, for a violation of this principle of international law.

I have charged that the President violated the Constitution of the United States. The Constitution gives Congress the exclusive right to declare war. The President is not authorized to levy war upon a country with which we are at peace without the authority of Congress. I charge that the President violated the Constitution in that he committed acts of war against the friendly Republic of Colombia.

He sent warships to Panama, then a part of Colombia, in expectation of an insurrectionary movement which had not then occurred, and he ordered them to resist with force the landing of Colombian troops sent there to prevent this expected insurrection. An order to commit an act of war is itself a declaration of war.

After the insurrectionary movement began Colombian troops, sent there to subdue it, were kept from landing by the superior military forces of the United States. The Senator from Ohio [Mr. FORAKER] says that our action was intended to "prevent war." Secretary Hay says that Colombian troops were excluded from the Isthmus "to prevent civil war."

This was not to prevent a state of war, for that existed from the moment the standard of insurrection was raised; it was simply to prevent the Republic of Colombia from using her forces against the insurgents. The Senator from Massachusetts [Mr. LODGE] frankly confesses that the insurrection owed its success to this action of the President of the United States. Thus we have the admission from the Administration and its spokesmen that the dismemberment of Colombia was not brought about through the acts of its own insurgent citizens, but through the armed interference of this Government.

Every nation has an inherent right to defend its own sovereignty over its own territory, and when one nation by force resists the exercise of that sovereignty it is a belligerent act—an act of war. To deny that it is such is to speak the language of folly and to deny the plain meaning of words. The fact that the nation thus treated submits, out of sheer helplessness, to the wrong does not in the least change the character of the act.

Unless the President can find some express authority for resisting by military force the exercise of Colombia's sovereignty over her own territory, he has committed an act of war without authority from Congress and has violated the Constitution.

The only pretense of justification is that this Government had a right, under the treaty of 1846, to protect the freedom of the transit across the Isthmus, and that by virtue of that right the President might exercise any power he thought proper, even to the exclusion of the most ordinary and necessary acts of sovereignty on the part of Colombia.

Even if that treaty did give this country the right to protect the freedom of transit, it would be stretching it very far to use that power to the extent of supporting an insurrection. But if it shall appear that not only did this country not possess any such exclusive right to protect the transit, but that by the very terms of the treaty the right to defend the transit belonged to Colombia and not to us, then the President's armed resistance to the exercise of that right was not only a violation of the Constitution, but a violation of the treaty itself.

The language of the treaty is that "the government of New Grenada (now Colombia) guarantees to the Government of the United States that the right of way, etc., shall be open and free to the Government and citizens of the United States."

This language speaks for itself, and on the very face of it imports an engagement by Colombia to itself protect the freedom of the transit. This treaty has been construed again and again by our Presidents and Secretaries of State, and has been twice officially interpreted by other treaties.

In 1873 Secretary Fish said:

> This engagement, however, has never been acknowledged to embrace the duty of protecting the road across it from the violence of local factions. Although such protection was of late efficiently given by the force under the command of Admiral Almy, it appears to have been granted with the consent and at the instance of the local authorities. It is, however, regarded as the undoubted duty of the Colombian Government to protect the road against attacks from local insurgents. The discharge of this duty will be insisted upon.

Secretary Bayard stated our interpretation of the treaty as follows:

> On several occasions the Government of the United States, at the instance and always with the assent of Colombia, has, in times of civil tumult, sent its armed forces to the Isthmus of Panama to preserve American citizens and property along the transit from injuries which the Government of Colombia might at the time be unable to prevent. But, in taking such steps, this Government has *always recognized the sovereignty and obligation of Colombia in the premises, and has never acknowledged, but, on the contrary, has expressly disclaimed, the duty of protecting the transit against domestic disturbance.*

President Cleveland spoke of our having sent troops there at a time of local disturbance, but said that it was "in aid of the sovereignty of Colombia" and that the act was "highly appreciated" by that Government.

Thus it plainly appears that where we have undertaken to protect the transit it has been with the consent of Colombia and on her behalf and always with the recognition of Colombia's right and duty to herself protect the transit, and a disclaimer of any obligation upon our part to do so.

In the treaty of 1857, which was for the adjustment of claims for loss suffered by American citizens through the failure of the Colombian authorities to properly protect the transit, the following language is used:

> All claims of * * * citizens of the United States upon the Government of New Grenada, * * * and especially those for damages which were caused by the riot at Panama on the 15th of April, 1856, for which the said Government of New Grenada acknowledges its liability *arising out of its privilege and obligation to preserve peace and order along the transit route.*

Colombia has the "privilege and obligation to preserve peace and order along the transit route." We compelled her in the treaty of 1857 to expressly acknowledge it and to pay damages. Did the President recognize any such "privilege" on the part of Colombia "to preserve peace and order along the transit" when he refused to allow Colombian troops to be landed on the very ground that there *might be* a disturbance of peace and order along the transit route?

I now desire to call special attention to a clause in the Panama Canal treaty which was ratified by this Senate, the very treaty whose rejection by Colombia was the cause of all this trouble.

ARTICLE XXIII.

> If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and other works, the Republic of Colombia agrees to provide the forces necessary for such purpose, according to the circumstances of the case, but if the Government of Colombia can not effectively comply with this obligation, then, with the consent of or at the request of Colombia, or of her minister at Washington, or of the local authorities, civil or military, the United States shall employ such force as may be necessary for that sole purpose; and as soon as the necessity shall have ceased will withdraw the forces so employed.
>
> Under exceptional circumstances, however, on account of unforeseen or imminent danger to said canal, railways, and other works, or to the lives and property of the persons employed upon the canal, railways, and other works, the Government of the United States is authorized to act in the interest of their protection, without the necessity of obtaining the consent beforehand of the Government of Colombia; and it shall give immediate advice of the measures adopted for the purpose stated; and as soon as sufficient Colombian forces shall arrive to attend to the indicated purpose, those of the United States shall retire.

I shall not refer to the debates that occurred in secret session when that treaty was considered, but every man here knows the history of the clause I have just read. The protection of the canal was more important a thousand times than the protection of the Panama Railroad. The effect of any injury that might be done to it and the opportunities and temptations to inflict such injury would be vastly greater. We expect that canal to be freighted with the commerce of the world. It is to be the means also of quickly transferring our war ships and military forces from one coast to the other, instead of having them go to the tedious journey around the Horn, as the *Oregon* did. Yet this Government was expressly denied the right to employ its military forces for the protection of that canal except with the consent of Colombia, because the exercise of such a power would be in derogation of Colombia's sovereign rights and would be a power which she could not grant under her constitution.

Many of us, as Senators know, felt that this article did not give us sufficient power for the protection of the canal. We felt that we ought to have a right to land our forces there for its safety and protection, and to keep them there as long as we thought proper without asking the consent of Colombia. How were we answered? The answer was that this would be a grant of sovereignty which Colombia, under her constitution, had no right to make. The utmost we could possibly ask was a treaty right to act without the consent of Colombia in case of a sudden emergency, but with the express stipulation that our forces should be withdrawn as soon as the Colombian forces should arrive.

This, I say, was the very utmost that we felt we had a right to ask, because it was the very utmost that Colombia had a right to grant. In this case, when Colombian forces did arrive they were ordered not to land upon her own territory. How can Senators who then claimed that Article XXIII contained all that we could rightfully ask, and all that Colombia could lawfully give, now claim that we already possessed the treaty right to invade Colombia with our armed forces and deny to her the right to employ her troops upon her own soil to protect her own sovereignty?

These provisions of Article XXIII were not intended to surrender any rights which this Government already possessed, nor were they intended to enlarge the rights and powers of Colombia. If anything that article would have given us larger powers than we had under the treaty of 1846. It was, at most, a recognition of the sovereign rights which Colombia already possessed by the mere fact of her sovereignty and under existing treaties with the United States.

Mr. President, this Administration has itself authoritatively interpreted the treaty of 1846 in a dispatch sent by Secretary Hay to Consul Ehrman after the recognition of the new state of Panama. I have once before read this dispatch, but I will read it again:

> When you are satisfied that a de facto government, republican in form, and without substantial opposition from its own people, has been established in the state of Panama, you will enter into relations with it as the responsible government of the territory and *look to it for all due action to protect the persons and property of citizens of the United States and to keep open the isthmian transit in accordance with the obligations of existing treaties governing the relation of the United States to that territory.*

In other words, Panama inherited the rights and obligations of Colombia under the treaty of 1846, and under that treaty was herself required to defend the freedom of the transit. Panama could not inherit from Colombia any treaty right or obligation which Colombia herself did not possess. If there was likely to be a local disturbance which might interfere with the freedom of the transit, did not Colombia have a right to bring her troops there under the very terms of the treaty of 1846 as we ourselves have interpreted it, as this Administration itself has interpreted it?

What marvelous, but what convenient, changes in the interpretation of the very plain language of this treaty!

First, we say to Colombia, "The 'privilege and obligation' of defending the transit belongs to *you*, and you must pay us heavy damages for failing to do it."

Next we say, "The privilege and the obligation of defending the transit belongs to *us*, and you shall not land a single soldier on the Isthmus, even though your own sovereignty over your own territory is at stake."

Then, when by this act we have set up an independent government, we say to this new government, "You have inherited all the rights and duties of Colombia under the treaty of 1846, and by that treaty the 'privilege and obligation' of defending the transit belongs to *you*." According to old-fashioned notions, both these interpretations can not be right; but I suppose it is answer enough to say that by the first interpretation we got money, by the next we got land, and by going back again to the first we have prepared the way to get more money and more land.

It will take but few such "interpretations" to wipe the proud and imperious Republic of Panama from the map of the world. If there shall be, as there will be, trouble in Panama, we have our election between these two interpretations, according as it may suit the mood or the interest of the moment. We may say to Panama, "It is your duty to prevent a disturbance of the peace and you must pay us damages for not doing it." Or we may say, "You have no right to fight on your own territory or to use your troops for suppressing a rebellion." Then we may quietly go in with the insurgents and annex the country. I say that we have our choice to do either of these things, and if we have four more years of this strenuous Administration we shall probably do both.

I ought not to forget that the President quotes from President Buchanan and his Secretary of State, Mr. Cass, some expressions which he takes to be an assertion of this country's right to seize by force and violence the territory of other countries for the construction of a canal. It might be a proper retort to suggest that the President is appealing for support to the author of the Ostend Manifesto which declared in favor of the forcible seizure and annexation of Cuba. This manifesto was fiercely denounced by the Republican party and was once described by the present Secretary of State as the sum of all villainies. It is at least a little strange to find this gentleman now drawing his rules of conduct from such a source and acting in the very spirit of that once hated doctrine.

But Cass's language will bear no such meaning as that which the President would put upon it. Cass was speaking of existing modes of transit with respect to which we had definite treaty rights. In a subsequent dispatch, he expressly referred to and interpreted *the very dispatch quoted in the President's message.* In this he says: "Nor do they (the United States) *claim to interfere with the local governments in the determination of the questions connected with the opening of the routes;*" and then he proceeds to set forth what we do claim, and that is, in substance, that we will not permit these countries to wantonly violate the treaty rights of the United States or the contract rights of their citizens. There is no comfort here for this new doctrine of "international eminent domain."

But even supposing that Cass meant to assert the right of this Government to force its way by military power across the territory of another country, he did not mean that the President himself could commit such an act of war without authority from Congress. President Buchanan had occasion again and again to discuss questions relating to transit rights across both Nicaragua and Panama. We had a treaty with Nicaragua which gave us larger powers in the matter of protecting the transit than any that can be found in the Panama treaty of 1846. In his second annual message Mr. Buchanan said that "the executive government of this country * * * can not legitimately resort to force without the direct authority of Congress;" and that it has "no authority to enter the territory of Nicaragua even to prevent destruction of the transit and protect the lives and property of our own citizens on their passage."

He could not enter the territory of that country with an armed force without its consent or approval, because to do so would have been an act of war. He appealed again and again to Congress to give him authority by law to protect the transit across both the Panama and Nicaragua routes, claiming that Congress had a right "to confer authority to *make war* in order to meet future cases under circumstances strictly specified." "To make war." President Buchanan recognized that in asking Congress to give him authority to send the forces of the United States into Colombia or Nicaragua, even to protect the transit, he was asking for the right "to make war."

Congress took the same view. It not only held that the President had no right to exercise such a power, but that Congress itself could not grant the power, for the reason "that Congress by conferring it would violate the Constitution, that it would be a transfer of the war-making, or, strictly speaking, the war-declaring, power to the Executive." This is the language in which President Buchanan himself states the objections of Congress to giving him the authority he asked. Thus the very authority to which the President appeals condemns his acts as unwarranted by any law or any treaty, and as a violation of the Constitution of the United States.

Thus, Mr. President, it appears beyond a shadow of a doubt, from the authoritative interpretations made by our own Government, that Colombia possessed not only the general right of every sovereign to quell domestic disorder, but that her "privilege and obligation" to employ her forces upon the very line of the transit for its defense and protection is expressly recognized in existing treaties. The President in defending himself against the charge of violating the Constitution appeals to the treaty of 1846. The only effect of this defense is to call attention to the fact that in violating the Constitution he has also violated the treaty.

I have charged that the President violated the very statute which he was professing to execute.

The act known as the Spooner law charged the President with the duty of negotiating a treaty with Colombia for a canal across Panama, and in the event of failure to do so within a reasonable time to arrange for the construction of a canal by the Nicaragua route. If he failed to negotiate a treaty with Colombia and then refused to proceed upon the alternative of the statute, he violated that law. It would be no excuse to say that he obtained an opportunity to secure the canal through Panama, if that opportunity was itself obtained by unlawful means. No man can found a right upon his own wrong. He can not by violating one law discharge himself from the obligation to obey another.

The President claims that because he had a chance to make a treaty with the revolted province of Panama he was not bound to go to the Nicaragua route. It seems to me that there are some serious difficulties in the way of this argument. The President in his message professes to give "a statement of my action up to this time in executing" the Spooner law. The Spooner law had no more to do with the then unborn and unbegotten State of

Panama than it had with the moon. The President may argue that Congress was just as willing for him to make arrangements with this new State of his own creation as with the one expressly named in the statute; but that is a conclusion of his own mind and not a conclusion of law.

The President may, indeed, recognize and negotiate a treaty with this new country, which was never in the contemplation of Congress, but he does not do it in the execution of the law. That law and every dollar of appropriation contained in it dies with the ratification of this treaty. He has "executed" the law indeed, but it is in the hangman's sense of the word.

There is another fatal fallacy in the argument that by recognizing the State of Panama and making a treaty with its Government the President has absolved himself from any obligations to regard section 4 of the Spooner act. That fallacy relates to the principle I have before stated that no man can found a right upon his own wrong.

How did the President get to Panama and avoid going to Nicaragua? He admits that he made a "departure" from a great principle of law in order to get to Panama, and he bases this departure upon the ground of necessity—it was the only way to carry out the will of Congress and secure the canal. But as I have before shown it was absolutely necessary to expunge and obliterate section 4 of the Spooner Act before any such necessity could be assumed to exist. So long as that provision remained in the law there was no necessity to justify such "departure." The President had to treat that provision as a dead letter in the law and to walk over its dead body in order to get to Panama. He disregards this provision of the law in order to get there, and then excuses himself for disregarding it by the fact that he is there.

He claims that he has placed himself in a position where he is no longer required to execute a mandate of the statute, but he only reached that position by violating a fundamental principle of international law, by violating the Constitution, by violating the stipulations of a solemn treaty, and by kicking out of his way the very law in question.

But, Mr. President, the Secretary of State has made quite an ingenious plea in behalf of the President's course in this matter. In his correspondence with General Reyes, Mr. Hay says:

> In recognizing the independence of the Republic of Panama the United States necessarily assumed toward that Republic the obligations of the treaty of 1846. Intended, as the treaty was, to assure the protection of the sovereign of the Isthmus, whether the government of that sovereign ruled from Bogota or from Panama, the Republic of Panama as the successor in sovereignty of Colombia, became entitled to the rights and subject to the obligations of the treaty.

In other words, by the treaty of 1846 we were bound to guarantee Colombia's sovereignty over the Isthmus as against any foreign country; but the President, by the mere act of arbitrary recognition, having made Panama independent and Colombia a foreign country with respect to it, we are now bound, on the principle of a "covenant running with the land," to guarantee the sovereignty of Panama as against Colombia.

The Administration can override constitutional, statute, treaty, and international law with its "mandates of civilization," but how extremely nice and technical it can be when occasion requires! When we guaranteed the sovereignty of Colombia over the Isthmus I wonder if it entered into the mind of any statesman, in either country, to conceive that the President of this country might "recognize" a dozen political desperadoes, in a single town, as an independent government of a revolted province; might then forbid Colombia to assert her sovereignty over it, and base his action upon the very clause of the treaty by which we bound ourselves to uphold and defend that sovereignty! I make no pretensions as a lawyer, but I do claim to have a plain man's understanding of the obligations of a contract.

I know that I can not enter into a contract with A under which for a certain consideration I agree to perform certain services, and then discharge the obligations of that contract by performing the services for B while receiving the consideration from A. The Secretary of State says that the treaty was intended only "to assure the protection of the sovereign of the Isthmus," no matter who that sovereign might be. This is one of the numerous provisions of that treaty which this administration has written between the lines with the point of a bayonet. Our obligation was to defend the sovereignty of Colombia over the isthmus and was based upon certain considerations plainly named in the treaty. Some of these concerned the transit, but others did not. Among other things, the consideration of our guarantee was "as a special compensation for the favors acquired by the fourth, fifth, and sixth articles of this treaty."

The fourth, fifth, and sixth articles of the treaty had nothing whatever to do with the transit and no particular relation whatever to the territory of Panama. They gave certain rights and privileges to American merchants and American vessels in all the ports and all the territory of Colombia. Panama was only a very small part of Colombia, and can not discharge the obligations of the fourth, fifth, and sixth articles of that treaty, and therefore can not claim the corresponding rights for which these articles were expressly named as an important part of the consideration. We did *not* bargain to guarantee sovereignty over the isthmus to any government that might be in control of it, but only to the government that could execute the terms and obligations of this treaty, and especially the particular provisions named as the consideration of that guarantee.

Panama can not fulfill the obligation of the fourth, fifth, and sixth articles of the treaty, and she therefore can not claim the corresponding obligation of protecting her sovereignty over the Isthmus. She can not claim that obligation unless she can fully discharge the corresponding obligation.

As this Government had no treaty obligation to interfere between Colombia and Panama, it had no right to interfere. Even though by the President's act of recognition he had given Panama a nominal and legal, though not an actual, status of statehood, that did not give this Government any right to interfere between it and the parent government any more than it had a right to interfere as between any other two independent nations.

But, Mr. President, there is another fault in Secretary Hay's argument—he assumes that the President of the United States is the Government. In the passage which I have quoted he is answering General Reyes's protest against the President's action in resisting Colombia's efforts to recover her sovereignty over the Isthmus. Secretary Hay's letter was a defense of the President's action. Let us suppose that this Government is bound by treaty to make war in behalf of the sovereignty of Panama. Who can exercise that right? To declare war, or to begin war, is the exclusive right of Congress under the Constitution. Can the President "by and with the advice and consent of the Senate" abrogate that provision of the Constitution?

Can you, by treaty, transfer the war making or the war declaring power from Congress to the President? Could the President enter into an offensive and defensive alliance with England against Russia and by virtue of such a treaty plunge this country into a foreign war without the consent of Congress? I do not believe it. In the time of President Buchanan it was held that both Houses of Congress, with the approval of the President, could not authorize him to commit acts of war upon the happening of a future contingency.

No matter what may be the terms of any treaty which the President and Senate may make, he can not commit an act of war against either the greatest or the smallest nation without the consent of Congress.

But, Mr. President, the obligation to execute section 4 of the Spooner Act was upon the President long before there was any insurrection in Panama. In his eagerness to defend himself from suspicion of complicity in that business he tells us that he had prepared a message to Congress at a time when no such insurrection was anticipated, and in that message he officially recognized the hopelessness of any treaty with Colombia, and yet refused to proceed upon the alternative of the statute. Indeed, he tells us in his message that he had long anticipated Colombia's rejection of the treaty and had planned his course of action with reference to that event, utterly ignoring that provision in the law.

I am compelled in dealing with the official information sent to us to speak only of such parts as we are allowed publicly to discuss. Other important documents we can only speak of in executive session because it is "incompatible with the public interests" to discuss them otherwise; by which is meant that their publication will be "incompatible" with the interests of this Administration and "incompatible" with the statement of facts by which it has attempted to justify its course. I will simply say, and that is all I can say, that before there was any insurrection in Panama the hope of securing a treaty with Colombia had been abandoned, the expiration of "a reasonable time" had been officially recognized, and yet the Administration deliberately refused to execute the law.

Such is the record as it stands upon the law and upon the facts officially known; but there are other facts which give a deeper blackness to this transaction. By the treaty of 1846 this Government was bound to guarantee Colombia's sovereignty over the Isthmus. I will admit that this has no reference to domestic broils; but on the other hand the pledge is not confined to attacks by nations. The junior Senator from Wisconsin [Mr. QUARLES] in his very able speech correctly said that we were bound by it to resist "foreign aggression."

The senior Senator from Wisconsin correctly said that this would include a mere filibustering expedition by private persons, even though no government or sovereign power were joined in the attack. Any scheme or conspiracy, originating in a foreign country, and especially in European countries, to seize upon the territory of

Colombia would be such an attack as we were bound under the treaty of 1846 to resist. There may have been several independent movements, which finally coalesced, against Colombia, but there is strong reason to believe that the insurrection was promoted by a French corporation and a syndicate of French stock gamblers; that it was supported by their money and their intrigues.

By our treaty with Colombia, to say nothing of the Monroe doctrine, we were bound to resist such foreign aggression. Instead of that, the Navy of the United States was joined with French money and French intrigue to promote the interests of a French corporation by disrupting an American republic, and the chief of these foreign conspirators, a citizen of France, an agent of this French corporation, receives the office of highest dignity and greatest influence in the government of a so-called American Republic which he helped to create for the purposes of his corporation.

Bunau-Varilla, now minister from the State of Panama, but a citizen of France, was one of the earliest and most active supporters of this conspiracy against the integrity of Colombia. This much we know. This man was connected with the old Panama Canal Company, and the official records of his own country, including the report of the minister of justice, show that he was one of the worst of the crew whose thieving operations bankrupted that concern, brought the gray hairs of De Lesseps in shame and sorrow to the grave, and covered the French Government itself with odium and disgrace. I shall not cumber the record with quotations from official French records, but they are as I have said.

These extracts have already been published in the newspapers, and their authenticity, so far as I know, is undenied. I presume that no man here will deny their authenticity. This man is also connected with the new company, a penniless concern, organized simply to sell the wreckage and débris of the old company to the United States for as many millions as it could get and, incidentally, to gamble in its own stocks. This company was to get $40,000,000 by the ratification of the treaty with Colombia, and not a dollar if that treaty should fail. As the time fixed by law for the ratification of the treaty began to approach, with every prospect of its being defeated, the stocks of this company rapidly declined. Then it was that Bunau-Varilla left France and came to the United States.

He at once entered into relations with certain disaffected persons in Panama to bring about an insurrection in that province. The charge is made in a reputable newspaper that Bunau-Varilla agreed to furnish money, and did furnish money, through his stock jobbing French syndicate to promote this insurrection by the bribery of Colombian officers and soldiers. The very amounts of money sent by him to the conspirators in Panama are given, the very dates on which it was sent and received, and the names of the banking firms and corporations through which it was paid.

And this is not all nor the worst. Bunau-Varilla engaged with these conspirators to bring the Government of the United States to the support of their conspiracy. This statement is not based upon rumors nor the anonymous reports of a yellow newspaper. It is based upon the admissions of the conspirators themselves and upon the authority of a gentleman of the highest character and standing, Mr. Merrill A. Teague, a staff correspondent of leading Republican newspapers. His statements have been published broadcast, in the very organs of this Administration, and no man has denied them.

A committee of this Senate can have the witnesses before it and it can have the very originals of the telegraphic communications in which Bunau-Varilla assured his confederates in Panama that they could proceed with their insurrection in perfect confidence that he would redeem his promise to have the war ships of the United States on hand to support them.

Mr. President, I am willing to treat it as simply an unfortunate coincidence that every statement made by Bunau-Varilla as to the future action of this Government, the movements of its war vessels and the part which they would play in an insurrectionary movement if one should occur was verified by the event, that every promise made by this French adventurer in behalf of the United States was fulfilled to the very letter.

But there are some facts which I can not ignore. I can not ignore the fact that this man is still an acceptable representative of a foreign country to this Administration. We know how quickly De Lome was compelled to get out of this country for an insulting reference to President McKinley. We know how the British ambassador was sent packing by Mr. Cleveland for merely expressing a private opinion as to the merits of a Presidential contest. This man Bunau-Varilla holds his position here as a reward for his own claim that he had seduced this Administration into a foul and secret conspiracy against a Government with which it was then conducting friendly negotiations. I have a right to ask why it is that this characterless adventurer, whose representations, if false, are the foulest slander upon the honor and integrity of this Government, continues to be persona grata with this Administration.

It is vain to heap denunciations upon American Senators for calling attention to facts and asking for explanations so long as this base intriguer and defamer of the Government's honor is received as a diplomat and a gentleman in the city of Washington. The President declares that his Administration had no complicity in the Panama insurrection. Bunau-Varilla assumed the right to declare the plans and purposes of the Administration, and he represented it as playing the leading part in that conspiracy. I am ready to take the President's word, but to do so I must believe that Bunau-Varilla is one of the basest slanderers that ever lived or died. I am quite willing to believe that, but I want to know why he is still permitted to hold a diplomatic position here and why when he calls at the White House the President of the United States is "delighted" to see him.

Mr. President, there are some facts which, for the time being, may be more or less obscured by party passion, but which will not read well in history. One of these facts is that the treaty which we have under consideration was not made between the United States and the Government of Panama, but between the United States and the French Panama Canal Company. The regularly appointed treaty commissioners from the Government of Panama were on their way and within an hour's ride of the city of Washington when Mr. Hay and Bunau-Varilla hastily concluded and signed that treaty. While Bunau-Varilla was acting as minister of the new Government of Panama, as a reward for his alleged influence with this Administration, his sole object was to serve the interests of his French corporation.

Mr. Hay seemed anxious that no citizen or resident of Panama should have any lot or part in framing that treaty, and so he and the agent of a French corporation, between them, proceeded to fix it up without any regard whatever for the people or the Government of Panama. When the treaty went back, the junta, which represented the only thing in the way of a government in the new State, were in a most distressing plight.

If they declined to ratify the treaty, the President and Bunau Varilla, whom they considered all-powerful with the Administration at Washington, might withdraw their support from the new Government, and, as a result, the Government of Colombia would have quietly resumed its sovereignty over the Isthmus and would have hanged every man of them within forty-eight hours. To save their necks they ratified the treaty—the treaty between the Administration and the French Panama Canal Company. Some amendments to that treaty, as we know, were intended by the Administration here, but they have been abandoned, because it is not thought desirable that the newly constituted Government of Panama should have it under consideration. The treaty is not very satisfactory to the people of Panama; but it was never intended to be satisfactory to anybody except the Administration and the French Panama Canal Company, between whom its terms were arranged.

Mr. President, this Senate will ratify that treaty and the President will no doubt rejoice in his triumph over justice, honor, and the law. But I do not know the temper of the American people if the sober second thought, of which the Senator from Wisconsin spoke the other day, does not condemn his action from first to last. When that time comes the fruits of his victory will turn to ashes upon his lips. The people of the United States will come to see, if they do not now, that a nation's strength is in its honor and that only righteousness exalteth a nation, while sin is a reproach to any people. History will contrast the action of President Roosevelt in this matter with that of his illustrious predecessor.

Mr. President, a few days ago, upon an occasion that will be ever fragrant in my memory, at the home of my distinguished friend the Senator from New Jersey [Mr. DRYDEN], I had the pleasure of listening to a very strong and lucid speech on the Panama Canal by the Senator from Indiana [Mr. FAIRBANKS]. I heard him tell of the laborious efforts made by President McKinley to remove the obstacle of the Clayton-Bulwer treaty with Great Britain. That treaty for fifty years had barred the pathway of commerce and civilization across the Isthmus. Leading Republican statesmen, like Secretaries Blaine, Frelinghuysen, and others, had declared that that treaty was obsolete, and that Great Britain herself had violated it again and again.

Yet the Senator from Indiana told us of how long and patiently President McKinley had labored to secure the peaceful abrogation of that treaty, in order that no suspicion of dishonor might attach to the construction of the canal. Let me say, Mr. President, we shall get small honor for our punctiliousness in dealing with a mighty power when it is so swiftly followed by an act of brutal aggression, of violation of international law and treaty rights in dealing with a puny nation. Great Britain for fifty years barred the pathway across the entire Isthmus with a dead and violated treaty—a treaty she herself had violated and de-

stroyed. Colombia acted strictly within her rights when she rejected our treaty and left us free to construct a canal as we ourselves had provided in our own law.

Who will believe us if we say that we endured British insolence from a keen sense of national honor, where the canal itself was at stake, and trampled upon the plain rights of Columbia from a sense of justice where only the arbitrary will of one man was concerned? When history comes to judge of our action in this matter it will not discriminate between McKinley and Roosevelt, but judge us as a nation.

We are frequently told, Mr. President, that the act has been done, that it can not be undone, and that it is vain to protest against it. We have heard this argument before. I believe there are not now half a dozen Senators on either side of the Chamber who do not in their hearts regret that this country took upon itself our Philippine possessions, which have cost so many hundred million dollars, and which are not and never will be worth one single cent to the United States. I believe there are few if any Senators here who do not agree with the opinion once expressed by the Senator from Wisconsin [Mr. SPOONER] that our Philippine possessions would prove a source of military weakness and danger to the United States; that they would be of no commercial advantage, but a vast burden upon the industrial resources of the country.

Yet we were told that the act had been done and that it could not be undone. And so we continued to squander money by the hundred millions and to destroy human lives by the hundred thousand and to make the land a desert of death and famine. We are met now with the same argument, which seems to me most singularly contradictory in its very terms. We must do this thing because it has been already done.

Such an argument in its consequences can not be confined to any particular case. It means that every violation of the Constitution, the law, and the nation's honor that may be perpetrated in the future must be permitted to stand simply because it has been done.

I believe that the greatest thing that could be done for the national honor, for the rights of the people, and for lawful government would be to defeat the whole of this nefarious business and compel the President to respect and obey the law.

There are people who say that while the President's act was unlawful the means were justified by the end. I trust that no Christian Protestant who asserts this doctrine of doing evil that good may come will ever refer to it hereafter as "Jesuitical." What were the means, and what was the end? The means were a violation of international, constitutional, statute, and treaty law, joining with French adventurers to disrupt an American republic, and sowing the seeds of fear and hatred among all the countries to the south of us.

These were the means. What was the end? Not to secure a canal, but to secure a particular route favored by the Republican party and by the President for reasons of their own; to secure a route most favored by the continental railroads and least advantageous to the people, and to put $40,000,000 into the hands of a criminal French corporation, and I know not how many million dollars into the campaign fund of the Republican party.

Mr. President, I have not argued this question from a partisan point of view. In so far as I have considered the relations of the Democratic party to this question, it has been only with a desire that it should maintain its historic position as the party of constitutional government. It is necessary to the country, it is necessary to the Democratic party, that it do so. Those who despise law and righteousness in government are too well satisfied with the Republican party to leave it for a party which can never free itself entirely from the restraints of conservative traditions and which, in spite of itself, must still keep some remnants of a political conscience.

A party which has the audacity of its wickedness will always prevail over a party which has not even the courage of its convictions. The Democratic party can not succeed—it can not even live—by imitating the vices of its adversary. It has no future, it has no hope, except as the unfailing champion of those great principles that gave it life.

So long as men love truth and justice and the doctrines upon which our forefathers founded this Republic there will be a necessity for a party through which they can speak and act; and if love of righteousness and respect for law are to perish, God forbid that the Democratic party should survive!

I ask permission to print as an appendix to my remarks some letters of Mr. Merrill A. Teague, to which I referred in the course of my speech.

The PRESIDENT pro tempore. The Senator from Tennessee asks that certain letters to which he referred in his speech may be printed as an appendix. Is there objection? The Chair hears none, and that order is made.

APPENDIX.

[Baltimore American, December 10, 1903.]

IN PANAMA, THE NEW REPUBLIC—AMERICAN'S STAFF CORRESPONDENT ON THE ISTHMUS—MR. TEAGUE'S FIRST LETTER—BEGINNING OF A GRAPHIC STORY OF THE REVOLUTION THAT BROUGHT ABOUT SECESSION FROM COLOMBIA AND GAVE THE UNITED STATES THE RIGHT TO BUILD A CANAL ACROSS THE ISTHMUS—MONEY WAS THE MOTIVE OF THE REVOLUTIONISTS, AND THEIR FAITH IN THIS GOVERNMENT MADE THEM CONFIDENT OF SUCCESS—ALL WANT THE CANAL BUILT.

[By Merrill A. Teague, staff correspondent of the American.]

PANAMA, R. P., *December 7.*

The Republic of Panama stands to-day with one foot upon the wreck of Colombian maladministration, oppression, and perfidy, and the other upon the ruins of French efforts to cut a commercial waterway through the narrow isthmian strip, while both of its arms are extended in hope and supplication toward the United States.

In this strange and strained attitude the Republic is not more to be envied than it is to be pitied. Born of a revolution effected without bloodshed, it faces prospects more roseate than were ever before held out to any other nation within twenty-three days of its birth. In fact few governments, even among those whose maturity is of the ages, are more fortunately situated than is this, the baby among nations. Straight ahead of Panama, with realization of them all guaranteed by the protectorate which the United States has assumed, lies the certainty of a plethoric treasury, freedom from debt, nominal taxes, absolute security in independence, a prevailing peace, and the unlimited enrichment of her citizens through the early and inevitable development of the country's natural resources. These are advantages very few nations have ever enjoyed, but over against them must be placed the catalogue of disadvantages and deterrents—a catalogue, which excites the keenest pity.

Panama is to-day a land of indecision, hesitation, and chaos. In all the Republic's domain, comprising an area about equal to that of the State of Indiana, there is not one man, native Panamaian, who has ever demonstrated the possession of abilities of that order required of one who would successfully lead a people to the accomplishment of a great purpose. Of able business men, astute politicians, adventurers, and schemers in general there are more than any country requires; but of statesmen, diplomats, and other real leaders there are practically none at all. The very men who brought the Republic into existence—and we are speaking now of the native or quasi-native element among them—are novices in everything pertaining to the science of government. These men are now in charge of the Government, and, while there is no suspicion of their integrity or of the sincerity of their purpose, they are woefully lacking in ability to do the work they have undertaken in the way it should be done according to the situation which confronts them. The result is that upon every hand the inquiring visitor encounters ignorance, doubt, and uncertainty where there should be, if the independent movement is to be carried to its full fruition, intelligence, determination, and fixed ability.

Careful investigation shows that there is more or less reason for this condition, which stands first in the pity-exciting catalogue. This new Republic came into being without any definite political purpose. It was conceived solely of a determination to have the canal connecting the Atlantic and the Pacific constructed across the Isthmus, and at no other place. Had Colombia ratified the Hay-Herran treaty the revolution of the 3d of November would never have taken place. That is freely admitted by everybody in any way concerned in bringing about the independence of Panama. The inevitable conclusion is that the Panamaians were not sufficiently displeased with Colombian sovereignty and administration to have revolted because of any desire for real independence. That, too, is conceded by the leaders in the revolutionary movement. It is true that a strong indictment is drawn by these men against Colombia for her sins of omission and commission; but that indictment is more of an afterthought, framed for purposes of political justification, than it is a statement of independence-provoking grievances.

MONEY WAS THEIR MOTIVE.

The motive underlying the creation of the Republic was, consequently, more selfish than patriotic; more sordid than sentimental. The people of Panama, knowing better than do any other people the enormous value to them of a ship canal across the Isthmus, played for that advantage instead of for any real improvement in the condition of their Government. The riches they will realize from the construction and operation of the canal were more weighty considerations with them than was thought of political liberty; and fortunately for their purpose they found the United States ready to join hands with them. The effect of bringing a Republic into existence under such circumstances is daily becoming more and more apparent. The instigators of the movement for independence, having no such thing as Panamaian patriotism to appeal to, were forced, in order to carry out their project, to wield an influence as sordid as were their own motives. These men, who figure now as the responsible heads of the republican government, will very frankly admit that they proceeded with the scheme for independence not by addressing themselves to the desire of the Isthmians to be free from Colombia, but by secretly corrupting those who were in position to hinder execution of their purpose.

So freely are admissions of this nature made that last evening one of the members of the governing junta, frankly and without hesitation, and in return for the simple asking, gave to your correspondent a list of the men who were bribed to support the revolutionary movement, and the amount paid to each one. These bribes are termed bonuses here, and the payment of them is freely talked about in the streets and hotels; nor does any Panamaian seem to think that the men who sold their influence for stated sums in Colombian currency have in any manner compromised themselves. To such an extent was the plan of winning by corruption carried out that every dollar of public money in the former Department of Panama was attached by the revolutionists, and has since been paid out to those men who accepted bonuses from the instigators of the movement for independence. Nor was this sum sufficient to insure the success of the plan. It was used as far as it would go, and when it was exhausted the revolutionists resorted to promises, which have since been redeemed by the payment of sums taken from the loan of $300,000 made about the middle of the month to the new Republic by J. P. Morgan & Co., of New York.

FAITH IN THE UNITED STATES.

The promoters of the revolution are, therefore, compelled by experience to distrust a large proportion of those men upon whom they are now forced to rely. They know that the army and the police force was purchased to support the revolution, and, knowing that these factors are susceptible to corruption, they do not know to-day whether the military and police officials are true or untrue to the Republic. The Panamaian naval establishment stands in exactly the same position as does the army and the police force, and since it is upon these agencies that the new Government must depend in greater or less degree for its security, there is fear and suspicion discover-

able upon every hand. The weakness of the present Government, its lack of purpose and indecision, are, therefore, excusable in a measure.

The real revolutionists know that they have to deal with a good-sized company of Colombian Benedict Arnolds, and they deal cautiously and suspiciously. All they hope for is that they can keep things going as they now are until after the canal treaty is signed by the members of the junta. That act of ratification accomplished, the revolutionists will have little interest left in the Republic; and just here there enters into this consideration an element which must, perforce, be little understood in the States. That element is the bland and childlike faith of the revolutionists in the Government of the great American Republic.

It matters not what statements may be made at Washington or what stories may be current in the States, all Panama believes that the revolution was made possible by Washington's foreknowledge of what was proposed and an expressed determination by the Government at Washington to give moral and physical support to the revolutionists. There is reason for this belief, for it was not actually decided to attempt the coup which resulted in the creation of the Republic until advices were received from the States to the effect that if it should be attempted the United States would back it up. These advices were not official, so far as the Administration was concerned, but they were of such a character, as will be shown in subsequent letters, as to convince the revolutionists that all they had to do was to take the initiative and then rely upon the United States to insure the success of the project. This they did, and their earlier confidence in the support to be afforded by our Government was justified by the occurrences of the 3d and 4th of November at Colon, when marines were landed from the *Nashville* and employed to prevent Colombia's military interference for the suppression of the revolution.

THE CANAL ALL THEY WANT.

Having, therefore, had ample proof that the United States stands ready to guarantee the independence of the Republic, the revolutionists now place all their trust in America. For themselves, they are helpless in their ignorance of ways and means and in their distrust of their own people. To no other reason is attributable the decision to permit ratification of the canal treaty by the junta instead of waiting the election of a congress and the formal creation of a republican government. Upon such a contingency as an election the revolutionists dare not wait. The treaty will therefore be ratified by the junta, which has no existence in fact so far as the Republic of Panama is concerned, and the Panamaian ratification will have been deposited at Washington by the time this letter is published. Why such haste? Simply because the revolutionists look forward to only one thing beyond what they have already accomplished, and that one thing is to get the United States so bound by contract that it will be compelled through self-interest to protect the Republic against invasion from without and against interior disturbances.

So keen is this desire that it is not stretching fact in the slightest to say that once the treaty is ratified and contractural relations with the United States assumed the revolutionists will practically lose interest in the fate of Panama. They will, as a matter of course, be compelled to proceed with the erection of a regular government, but that duty will be one in which they will have little enthusiasm. The treaty will insure the canal. The canal is all that Panama wants, and with it assured, the Panamaians would be content to drift along for an indefinite period without proceeding further toward realizing the fruits of independence. Proof of this lackadaisical interest in the Republic itself is nowhere concealed. Everybody in Panama, including the members of the junta and the cabinet, will declare, if interrogated upon the point, that Panama wants nothing except the canal; that the United States can have anything it wishes if it will only construct that waterway. So free are admissions of this nature that I have had it from those high up in the Government that had the United States demanded sovereignty over the entire Republic it would have been ceded without question. As a matter of fact, the Panamaians would very gladly have relinquished the duty of organizing a government and attempting its administration. It is to this sentiment that the certainty of immediate ratification of the treaty is due.

AFRAID OF TOO MUCH MONEY.

The Panamaians wish to be relieved of responsibility for the integrity and security of the Republic they have created, and although the treaty is more liberal in its concessions to the United States than was ever anticipated it would be, the junta has not for a moment considered such a thing as rejecting it or caviling over its terms. "We would have been entirely willing to have signed our names to blank paper," said a member of the junta last evening, "and to have left it to Secretary Hay to fill in over our signatures whatever he wished to write, stipulating only, upon our part, that the covenant should contain a pledge by the United States to build the canal." That statement exactly expresses the state of affairs in Panama to-day, and in the hope that subsequent negotiations with the United States may result in that Government assuming even more responsibility than it has assumed under the canal treaty, the Panamaian revolutionists are proceeding with halting steps toward the organization of the Republic.

They are afraid of themselves, of the people with whom they will have to deal, and thoroughly suspicious of their own abilities. Señor Espanoza, one of the members of the junta, exposed the nature of this trepidation yesterday, when he said to your correspondent that Panama has only one substantial objection to the canal treaty.

"We are in a dilemma," said Señor Espanoza, "because our revenues will be reduced about three-fifths by that clause of the treaty which makes Colon and Panama free ports, thereby cutting off the import taxes now collected, but our chief objection to the treaty is that by its terms we are compelled to accept the $10,000,000 canal payment in cash. We must, in some way or other, by subsequent negotiations relieve ourselves of that requirement. It is too much money for us to undertake to handle; it is certain to be wasted and misspent if it is turned over in bulk to the Government, and in self-protection we must devise some scheme whereby not more than $2,000,000 in cash comes into our hands for current use. The remainder must be so invested and so secured and held out of the country that it will stand as a revenue-producing asset for the Government, no matter what changes may take place or who may be in charge."

THEIR UNUSUAL POSITION.

The spectacle of an independent nation being afraid to assume responsibility for the handling of such a sum as $10,000,000 in cash is doubtless unique in the history of governments, but it affords an accurate key to the situation on the Isthmus of Panama. Starting with that sum in its treasury, having no funded debt, and but $300,000 of a floating debt, with the taxes at a nominal figure, revenues sufficient for all requirements guaranteed by the canal treaty, and the peace and integrity of its domain assured by United States protection, Panama is actually helpless. Her helplessness is born of an absence of patriotism; knowledge among the more intelligent classes of the corrupt and unscrupulous character of the majority of the people of all Latin-American countries, and of the thoroughly mercenary motives for her own creation into a republic. Envy and pity must therefore play equal parts in any consideration of the state of affairs on the Isthmus. Envy for the opportunity which stretches away before a people whose independence has been so easily won; pity for the moral, physical, and personal conditions which combine to make it almost impossible for this people to avail themselves of their opportunity. Any other people would, under such circumstances, bring themselves very quickly to the enjoyment of an indeterminate season of prosperity and dignity. Cuba, with fewer substantial advantages than Panama enjoys, is doing that very thing, while here in Panama there is nothing more inspiring or admirable than an alleged republic in which the leaders have no more patriotic sentiment than a wish to avoid responsibility and a hope that the United States may do for them that which other people, from the beginning of time, have gloried in doing for themselves—secure and preserve their political independence.

[Baltimore American, December 21, 1903.]

MEN WHO MADE A NEW REPUBLIC—TRUE STORY OF THE REVOLUTION ON THE ISTHMUS—RAILROAD HAD A HAND IN IT—IT WAS BLOODLESS, BUT NONE THE LESS EFFECTIVE—NOT A CHILD OF PATRIOTISM, BUT OF GREED—PARTS PLAYED BY DOCTOR AMADOR, SEÑORS ARANGO, AND TOMAS ARIAS, THE THREE INSTIGATORS OF THE REVOLT—AMADOR'S TRIP TO THE UNITED STATES AND HIS VISIT TO WASHINGTON—VARILLA'S PART IN THE SUCCESSFUL GAME—THE MAKER OF THE FIRST FLAG.

[By Merrill A. Teague, staff correspondent of the American.]

PANAMA, R. P., *December 10, 1903.*

As has already been stated in this correspondence, the Republic of Panama owes its existence to nothing which bears any resemblance to Panamaian patriotism. The new nation is the child of greed, conceived of the project for a ship canal connecting the Atlantic and Pacific. The story of the Republic's conception and birth reads like a fairy tale. Panama—that is, the better class of Panamaians—has for years dreamed of independence of Colombia and immunity from Colombian oppression; but they lacked the power of initiative, preferring to put off until "mañana" the attempt other people would have made to-day.

The canal project forced the issue, however, and the leaders among the Panamaians met it in a manner which must, in time, win the admiration of the world, for as a political trick they did that which is without an equal—overturning a government and setting up their own independence without firing a shot or spilling a drop of blood. That success was made possible because of the certainty of support by the United States does not lessen the magnitude of the Panamaian achievement.

Early in the current year Mutis Durand was governor of the Department of Panama. He had been sent to preside over the Department from one of the other Departments in the Colombian federation, and was essentially an anti-Panamaian. It happened, therefore, when the Hay-Herran treaty had been ratified at Washington, and when the question of ratification was about to come before the Colombian Congress, that he—who had the power of appointment of the representatives of Panama—saw to it that there should go to Bogota a delegation which would not oppose any scheme Colombia might evolve. Panama, enthusiastic for the canal, recognized at once that Durand had named men who were inimical to the paramount interest of the Department, and at that moment the scheme for Panamaian independence began to assume shape.

A RAILROAD'S HAND IN IT.

This was in May last. Common report and formal statements made by those who were in the movement at the time of its inception gave to Dr. Manuel Amador Guerrero, who is now in the States in company with Frederica Boyd and Constantine Arosemena, as a member of the commission appointed to negotiate a canal treaty, credit for having launched the independent movement. But while Doctor Amador is deemed the father of Panamaian independence, it is doubtful if so much credit actually belongs to him. Rather is it logical to assume that the officials of the Panama Railroad, nearly every one of whom is an American, are the more responsible parties. The railroad corporation, which owns a splendid piece of property and which is doing a thriving business, has for about fourteen years been devoting the whole of its net earnings to defraying the expenses of the work necessary to keep the canal concession held by the New Panama Company alive. The stockholders have realized nothing from their investment in that period, and as the United States has agreed to purchase the property for $7,000,000 everybody connected with the railroad as stockholders and managers have been feverishly anxious for actual consummation of the canal project. Upon that consummation depends their ability to unload their holdings on the United States Government, and those who are really in the secret of Panamaian independence give to the influence wielded by this road the actual credit for what has been accomplished.

Every Liberal in Panama knew when Durand appointed y Soto and Teran as senators from Panama to the special session of the Colombian Congress, convened on July 20 last to consider the Hay-Herran treaty, that the canal project was in jeopardy. These two men did not represent the sentiment on the Isthmus, a fact proved by their open fight against ratification of the treaty, as well as by the fact that they have not returned to Panama since the adjournment of the Congress. At the time these two men were named as Panamaian senators Jose Agustin Arango was a senator of the Colombian Congress, representing Panama. No sooner did Durand announce his appointments than Arango announced that he would not go to Bogota to be outnumbered in the delegation by anti-Panamaians. Now, it happened that Señor Arango was then, and is now, the 'special agent" of the Panama Railroad; in other words, the company's confidential agent and lobbyist. In this capacity Señor Arango has twice visited Bogota in the interest of the canal project, to keep the concession and promote ratification with the United States Government. The evidence seems conclusive that when he refused to go to Bogota—a refusal uttered in May last—he at the same time advanced the idea of independence for the Department in case the treaty should fail.

WORK OF DOCTOR AMADOR.

Arango was not, however, the man to openly or evenly secretly foster the scheme. That duty devolved upon Doctor Amador, who is deemed the wealthiest man in the Department, and therefore who has more to gain from American occupation and the completion of the canal than has any other individual. That Arango acted as the agent of the Panama Railroad in proposing to Amador the idea of Panamaian independence is proved by subsequent developments. Amador was readily disposed to advance the project, even though it may not have originated with him, and the fact stands that he took the formal initiative as long ago as May last. At that time a meeting was held at Doctor Amador's residence, fronting the cathedral in this city. There were present Doctor Amador, Señor Arango, and Señor Tomas Arias, three men who may be set down, without danger of any contradiction, as the original instigators of the revolution of the 3d of November. At that meeting—and my informant is one who was in the scheme from the beginning and whose statements have been fully corroborated—it was decided by Amador, Arango, and Arias that if the Hay-Herran treaty should fail of ratification at Bogota a blow should be struck for Panamaian independence.

This decision reached, the plan progressed rapidly. Needing assistance in working out their plan, the original trio of conspirators carefully selected four other gentlemen who might be taken into their confidence. These four were Constantine Arosemena, a civil engineer; Ricardo Arias, brother of Tomas Arias; Frederica Boyd, and N. A. de Obarrio, the last three named

being merchants in this city and men of wealth and substance. The circle of conspirators included these seven men as long ago as the 1st of July. They met frequently, but in secret, holding their meetings in the private residence of one or the other of their number, with an occasional gathering in the office of the electric-light company, which is principally owned by Tomas Arias. All of the plans of these conspirators were predicated upon the rejection of the canal treaty, an hypothesis which had resolved itself into a certainty before the middle of August. Standing back of the conspirators, as advisers and counselors, were four Americans: Col. J. S. Shaler, superintendent of the Panama Railroad; H. G. Prescott, assistant superintendent of the railroad, in charge of the Panama end; Capt. John R. Beers, superintendent of the Panama Railroad terminals at La Boca, the Pacific terminus of the proposed canal, and Col. William M. Black, United States Army, the engineer who represents the United States Government in the work now in progress at the great Culebra cut.

SOUNDING THIS GOVERNMENT.

These four Americans were never present at a meeting of the conspirators, which meetings were held as often as two and three times a week, but they were kept fully advised as to all that was done by Señor Arango, who reported in his capacity as special agent of the railroad company. They also advised, communicating through Señor Arango, as to the different steps to be taken, and it was stated to me last evening by one of the seven that not a single thing was done by them or decided upon except it was first given the sanction of the four Americans who were privy to the scheme. It was under these conditions that the plan for Panamaian independence progressed up to the middle of August. The moment for decisive action being then in sight, it was agreed by the conspirators and their counselors that to insure the success of the project it was necessary to sound the United States Government and learn what attitude it would assume.

With that object in view, Doctor Amador sailed from Colon in September, going first to Jamaica, and thence to Boston. From Boston he journeyed to Washington without passing through New York, so that neither his presence in the States nor his visit to Washington might be known to the Colombian consul at New York. Doctor Amador's visit to Washington was for the purpose of conferring with Secretary Hay, but that official was in New Hampshire on his annual vacation, and Doctor Amador left Washington without acquainting the State Department of what the Ithmians (seven in number at that time) proposed doing. About the same time J. Gabriel Duque, a native of Cuba, but a naturalized American, now domiciled in this city, editor of the Star and Herald, of Panama, and principal owner of the Loteria de Panama, the chartered lottery of the Isthmus, also visited Washington. Mr. Duque saw Secretary Hay and discussed with him the idea of Panamaian independence, but it can be accepted as an indisputable fact that his visit was wholly unofficial and made upon his own responsibility, as he was not at that time in the secret of what Amador, Arango, Arias, and the others proposed.

VARILLA IN THE GAME.

Doctor Amador's visit to Washington having proved fruitless, and there being no longer any necessity for secrecy, he went to New York and took apartments at the Waldorf-Astoria. There he fell in with M. Philippe Bunau-Varilla, who had resided on the Isthmus as a canal engineer, and with whom he was acquainted. Varilla was then in the States in the interest of the New Panama Canal Company, and their sentiments being more or less the same, Doctor Amador unfolded to Varilla the plans of the conspirators at Panama. From this point the project progressed rapidly. Doctor Amador returned to the Isthmus early in October, and at a meeting of the seven conspirators, who gathered in the office of the electric-lighting company in Panama, he related the result of his visit to the States. He had received no assurances from any official of support, but communicated to his fellows the fact that Varilla had assured him in the most positive terms that any stroke in favor of independence, having as its primary object the grant to the American Republic of a canal concession, would be supported by the United States Government. So elated was Doctor Amador over Varilla's assurances, and so great was his confidence in the French engineer's ability to influence the Government at Washington, that he was not liable to see any further difficulties in the way of executing the project. Arango, Arias, Arosemena, and the others were slow to accept Doctor Amador's assurances, however. Varilla had not talked with them, and realizing that death for each would be the penalty should they attempt and fail, and that their only hope of success lay in support to be given them by the United States, they counseled caution and further delay.

Their views prevailed to such an extent that it was decided to defer the launching of the movement until after the Colombian Congress should have finally adjourned. Adjournment would, they argued, sound the death knell over the canal treaty and simultaneously give to the United States an incentive to support the independence of a republic on the Isthmus. The project was accordingly held in abeyance, although there was no cessation in the matter of working out the details. Realizing that if it should become necessary to deliver the blow, a commission would have to be sent to the States, the conspirators, late in October, took into their confidence Señor Manuel Espanoza, with the idea of substituting him for Federica Boyd as a member of the provisional governing junta which would have to be created, and which it was decided should be composed of Arango, who wielded all the influence of the Panama Railroad; Arias, who had been a departmental senator, federal representative, and a general officeholder, and Boyd, who represented the heavier vested interests on the Isthmus. Doctor Amador was reserved to be the candidate for president of the new republic; Constantine Arosemena was selected to be the expert member of the commission to the States to negotiate a canal agreement; De Obarrio was slated for the ministry of war, which he now holds, and Ricardo Arias was to be the active fiscal agent of the proposed new government.

None of these details were neglected, the systematic manner in which the conspirators went about their work showing that they possess unusual ability in political scheming and that they were ably advised. Proceeding in the same careful way, with a view to leaving no stone unturned to insure success, the conspirators reached, about October 27, that point at which they realized that they would need a declaration of independence. The pot was boiling then in earnest. All Panama was talking of a scheme for independence, rumors of every sort being current, but nothing definite being known. To have prepared a declaration of independence, ready for use the moment the Colombian Congress should adjourn, the conspirators took into their confidence three lawyers of Panama, all enthusiastic supporters of the canal proposition. These men were E. A. Morales, who was advised that if the scheme should go through he would be made minister of government (domestic affairs) in the provisional cabinet; C. A. Mendoza, who was slated for the ministry of justice, and J. Henriquez, whose official status has not yet been defined. Morales, Mendoza, and Henriquez undertook the work of framing in secret the declaration and to have it ready for immediate use.

CHOOSING A FLAG.

Another thing was the flag for the new Republic. The conspirators consulted over this several times. It was desired to evolve an emblem which should signify the unification of the Liberals and Conservatives into a party standing for Panamaian independence. A number of designs were submitted, but it was finally decided to adopt the combination of one red and one blue square with two white squares, one bearing a red star and the other a blue, red being the color of the Liberals and blue of the Conservatives. The design being agreed upon, a colored plate showing the proportions of the flag and its color scheme was prepared and intrusted to Doctor Amador, who advised his niece, Señorita Maria Emilia Ossa, daughter of the Chilean consul-general in this city, that there might soon come a time when a new flag would be needed in Panama and that she should have the honor of making it.

THEN ALL WAS READY.

There remained, then, only the army and navy and the police force to be looked after. Isaac Brandon & Bro. and Henry Ehrmann had charge of the departmental money, and from them it was learned that there would be no trouble in getting hold of the $145,000 on deposit belonging to the Department the moment independence should be declared. Trusted agents were then commissioned to "fix" the military and naval establishments and the police force. General Huertas, who was in command of the Colombian battalion, the garrison of the Isthmus, was approached, and was discovered to be willing to join the movement for certain stipulated considerations, chief among which was a bonus of $25,000 (silver) for himself. Gen. Ruban Varon, who commanded the Colombian gunboat *Twenty-first of November*, formerly the *Padilla*, which sunk the *Lauterro* in the battle in which Governor Alban lost his life, and which, since the revolution, has had her name changed to the *Third of November*, was also approached. He, too, was willing to become a Panamaian patriot in exchange for $25,000, and the officers and men under him on the gunboat were equally susceptible to influence, the chief engineer and chief of artillery each bargaining their support for $10,000, and the others for smaller sums. None of this money was paid in cash; but promises were made to pay it after the Republic was established, and it has since been paid.

In General Huertas's battalion were a number of officers and men whom he distrusted, so a story was artfully concocted that a revolutionary party of seventy men had landed on the coast of Chiriqui, the western province of the Department, and the officers and men under Huertas's suspicion were dispatched to quell the disturbance. Whether they know of the establishment of Panamaian independence or not at this time is a matter of conjecture, as they have not yet returned from hunting the revolutionists, nor have they been heard from. Other individuals and agencies were manipulated in manner similar to that employed in handling Huertas, Varon, and the others referred to, and so thoroughly was the work done that when the Colombian Congress adjourned on October 31 without having ratified the treaty the powder train for a Panamaian revolution had been laid and the match had actually been lighted to ignite it.

[Baltimore American, December 23, 1903.]

VARILLA PLAYED A CLEVER GAME—HURRIED PANAMA REVOLT BY A VAGUE CABLEGRAM—LOOKED FOR AMERICAN AID—UPON HIS ASSURANCE PANAMAIAN PLOTTERS FOR INDEPENDENCE DECIDED TO TAKE THE LEAP FOR POLITICAL FREEDOM—FULL STORY OF THE REVOLUTION OF NOVEMBER 3—PLAN WAS NEARLY UPSET BY WARNING SENT TO BOGOTA, BUT IN THE CRITICAL MOMENT GENERAL HUERTAS AND HIS SOLDIERS STOOD TRUE TO THE SECESSIONISTS—THE PANAMA OF TO-DAY.

[By Merrill A. Teague, staff correspondent of the American.]

PANAMA, R. P., *December 12.*

President Roosevelt has assured the American Congress that his Administration was not privy to the scheme to establish an independent republic on the Isthmus. There is absolutely no evidence discoverable here to controvert that statement in the slightest degree, yet it is an indisputable fact that the conspirators for independence at Panama believed implicitly, before they made a single open move for independence, that advance assurances of support had been given by the Government at Washington. This belief is so fixed that those in the conspiracy do not hesitate to say that the first move would never have been made had it not been that Washington had given a promise of support. For this leading of the Panamaians into striking for independence credit could be given to M. Bunau-Varilla, as it was because of a cablegram from him promising most certainly American support that the revolution was actually effected.

A cable from Bogota was received at Panama early on the 31st of October announcing the adjournment, sine die, of the special session of the Colombian Congress and the definite failure of the Hay-Herran treaty. This news was no sooner received than the conspirators, whose names have already been given in this correspondence, gathered in the parlor of the residence of Doctor Amador.

The crux of the situation had been reached, and it was the consensus of opinion that if the blow for a transisthmian canal under American ownership, and, incidentally, for Panamaian independence, was to be dealt at all it should be dealt at once. The situation having been thoroughly gone over, all accounts having been cast, and a balance having been struck by the conspirators to discover their exact status, Doctor Amador penned a telegram to M. Bunau-Varilla, and it was immediately dispatched.

In this telegram it was stated that all the plans were perfected, and that if Varilla could give any assurance of American support there would be no further hesitation. As he finished writing this cablegram Doctor Amador remarked to his fellow-conspirators:

"If this man (referring to Varilla) can move an American war ship so as to place it at the Isthmus to help us, we need hesitate no longer."

From that moment the whole plan waited on the reply from Varilla. It was received on the 1st of November, although dated the previous day. As to its contents, there are two versions, and since Doctor Amador, who has possession of the original, is in the States, the dispute as to its contents can not be settled. Enough is known, however, to justify the assertion that it was this cablegram from Varilla which actually precipitated the revolution, and that because the message contained an assurance of American support. One version of the message given to me by one of the original conspirators, who was present at the meeting on November 1 when its contents were made known, is that Varilla telegraphed, in substance, addressing the message to Doctor Amador:

"Go ahead. There will be an American war ship on either side of the Isthmus within forty-eight hours."

The other version, for which another of the original conspirators stands sponsor, is that the message was in terms about as follows:

"Go ahead. America will send ships at once to either side of the Isthmus to maintain the freedom and security of transit."

THE ARRIVAL OF A WAR SHIP.

Whether Varilla spoke with anything like authority or whether he was merely risking an assurance upon the known policy of the American Government in protecting the transit of the Isthmus is not discoverable here, but his message confirmed the conspirators in their determination to attempt the coup, and it was at that meeting decided to take the leap toward independence on the 4th of November. The plan was to turn out the garrison in Panama at 3:30 o'clock on the morning of that day and send it marching, with bands playing, through the streets to paste up printed copies of the declaration of independence. Orators were to accompany the soldiers to

harangue the crowd which would gather, and it was expected that by daylight Panama would be in a ferment of excitement, when it was planned to hold a mass meeting in the cathedral plaza and, with the people thoroughly aroused, proclaim the independence.

Fate threatened, however, to upset all of the plans of the conspirators. Miss Ossa having completed the flag, there was no longer any occasion for secrecy about the plans, and the entire Isthmus was alive with the rumors of secession. Everybody at this time was aware that the plan was to be attempted, and at the meeting of the original band of conspirators, held on the evening of November 2, in the office of the electric lighting company in Panama, it was agreed that there should be no drawing back, and that the republic should be launched the second morning following. Dismay took the place of confidence, however, on the morning of November 3, when the Colombian gunboat *Cartagena* steamed into Colon, having on board 450 Colombian soldiers. Back of the arrival of this ship there is a story the details of which are not clear.

COLOMBIA WAITED TOO LONG.

It is stated that when the talk of secession became open, some four or five days before the revolution took place, Javiaer Janguito, the Catholic bishop stationed at Panama, wired information of the conspirators' plans to the Government at Bogota. This charge is denied by Bishop Janguito; but its accuracy is insisted upon by those who are in the secret of the details of the secession. Whether the charge be true or false, it is certain that Bogota had full and complete information in advance of the Panamaian proposition to secede; but the spirit of manana, with which the whole of Central and South America is afflicted, proved fatal to the interests of the Colombian Government. She started to lock the door after the horse had been stolen. Had the *Cartagena* arrived on the 2d of November the revolution would never have taken place. As it was, it came very near an abortive attempt, for the conspirators, all except Amador, halted when the arrival of the *Cartagena* was telegraphed to the city.

There was good reason for this indecision, for the garrison at Panama numbered only 200 men and would have been no match for the force delivered by the *Cartagena* at Colon. So accurately had Colombia discounted the plans of the conspirators that she was prepared to balk them at every turn, and speedy death would have been the penalty for the movers in the enterprise. On board the *Cartagena* was Gen. Pompilio Guitterrez, who bore a decree appointing him governor of the Department of Panama, in the place of Jose Domingo de Obaldia, who was unjustly suspected at Bogota of being implicated in the plan for secession. Accompanying Guitterrez were forty-two officials, clerks, and others, the plan being for the troops on the *Cartagena* to arrest Obaldia, install Guitterrez in the governor's palace, and then turn out of office every man connected with the former administration, substituting in his place a trusted Colombian, who could be relied upon to show no leniency in dealing with the Panamaians. The soldiers sent on the gunboat were to do this work and were then to relieve the garrison at Panama, which is considered the flower of the Colombian army. The majority of the men in the Panama garrison were recruited in the southern Departments of the Republic of Panama; but they have been stationed here so long as to have become Panamaians in fact. They have married here. Nearly every one has some little business enterprise to swell his income. They have been paid (when paid at all) in Colombian silver and are entirely satisfied with their lot, caring little for anything except an opportunity to remain here.

It was this desire to be kept in Panama that eased the way for the secessionists to secure the army's support. For some weeks before the plan for independence assumed definite shape it was intimated to General Huertas, commander of the garrison, that his battalion was to be transferred to Barranquilla, on the Caribbean coast of Colombia. This meant that the men were to be taken from their homes and sent to a part of the Republic where their arrearages of pay and current wages could be satisfied with the worthless paper currency which is printed by the millions at Bogota and without regard to stability of value. The men were accordingly ripe for revolt, and their support was secured by the secessionists upon the promise to pay up the arrearages due them, to pay them steadily in the future under the Republic, and to keep them in Panama. This promise has been kept, the amount already distributed among the men of this garrison aggregating more than $100,000.

COLONEL SHALER'S DIPLOMACY.

But in laying this plan to insure the continuance of Panama as a Department of the Colombian Government Bogota counted without estimating the adroitness of the Americans on the Colon side of the Isthmus. The troops landed from the *Cartagena* on the morning of November 3, and a demand was immediately made by General Tovar, who was in command, upon Col. J. R. Shaler, general superintendent of the Panama Railroad, for transportation for the entire body across the Isthmus. Colonel Shaler was most diplomatic in his handling of the situation. He could not move the troops unless he had an order from the governor of the Department, upon which he could claim compensation for his company for the service to be rendered; but his telegraph wires were at the disposal of the two esteemed Colombian generals, Amaya being second in command, to communicate with Governor Obaldia at Panama and procure the needed order. Would they be so kind as to avail themselves of the telegraphic facilities? The two Colombian generals needed no second urging, and the wires were soon carrying their demand for an order for transportation to Governor Obaldia. But Obaldia is a native Panamaian, and, most conveniently, he was unable to understand why the Colombian Government should be sending 450 men to Panama without first advising him of its intentions. Would the two generals kindly take the train, come to Panama, and confer with him?

The dilemma was a serious one for the Colombian commanders, but with Shaler suave but obdurate and Obaldia 47 miles away and equally obstinate there was nothing for them to do but leave their troops and go in person to Panama for the necessary order for transportation. Colonel Shaler was more than pleased to assist them in every way possible. The regular morning train was just about to leave for Panama. He would hold it until Tovar and Amaya could prepare for the journey. He would, and did, attach a special private car to this train for the convenience of the two distinquished travelers, and so it was that the two commanders journeyed across the Isthmus in comfort. Arriving at Panama, they were welcomed in a way becoming their dignity. The battalion garrison, with General Huertas in command, and with the band playing a lively air, was at the station to meet them and escort them to the governor's quarters. The governor himself was at the station with his private carriage to greet the two Colombian soldiers, and it was a brilliant procession that passed through the streets of Panama. Then came the consultation with Governor Obaldia. He was obtuse and could not understand the motive in sending the soldiers, but if the generals would excuse him he would go and write the order, as what the Government at Bogota ordered must, perforce, be right and proper.

GENERAL HUERTAS TAKES A HAND.

Governor Obaldia left Tovar and Amaya and walked into the arms of a detachment of Colombian soldiers, who quietly arrested him and conveyed him to his rooms in a hotel, where he was kept a close prisoner for two days. Tovar and Amaya, having waited in vain for Obaldia's return, and becoming suspicious, repaired to the barracks to be near the soldiers, upon whom they could certainly rely. They were received at the barracks with honors. The battalion was paraded for their reception and General Huertas, of whom more hereafter, escorted them to his own rooms and charmed them with his conversation until about 5 o'clock in the afternoon. But all this palaver was lost on Tovar and Amaya. They had themselves been through revolutions and knew the signs that are carried by the air, and they demanded the truth of Huertas. Was there on foot a revolutionary movement? Huertas answered that he had heard some talk of that kind. Was he implicated? The value of concealment was lost, and Huertas answered: "To tell you the truth, Generals, I am."

"Then consider yourself under arrest," cried Tovar, to which Huertas replied:

"Very good, sir! I will step into the next room to get my sword that it may be surrendered to you."

Opening the door as he spoke, Huertas disclosed to the view of Tovar and Amaya, now thoroughly amazed, half a company of soldiers fully armed. As he threw open the door, Huertas cried to his men:

"Arrest those two men!" and in an instant Tovar and Amaya found themselves prisoners of the Colombian battalion. Almost at the same moment Jose Tovar, nephew of the general and commander of the Colombian gunboat *Bogota*, stationed at Panama, and a man whom the secessionists had not dared to approach, was arrested as he was passing through the plaza in front of the cathedral. The die had been cast—secession was a fact—and there was no drawing back. The seven original conspirators for independence immediately took charge of the situation. The flag Miss Ossa had made was sent for in haste. The proclamation of independence was produced, but as the occurences were secret to the city of Panama, it was not until the next day that a public meeting was held in the plaza to declare the independence of the Republic of Panama. The formalities of the occasion were discharged by the city council of Panama, the eleven members of which were advised of what was expected of them, and all of whom were willing and eager to join the movement which meant the construction of the canal.

AND ONLY ONE WAS KILLED.

Night was falling as this meeting was convened. The proclamation of independence was read, and each member of the city council signed his name to it. The citizens were then given an opportunity to append their signatures, and a large number availed themselves of it. Immediately after signing the proclamation the members of the city council crossed the street to the municipal building, and in their regular chamber went into formal session. The proclamation had previously been engrossed in a large record book, and the councilmen signed it again, permanent preservation being planned in that form. Sitting behind closed doors, the council passed a decree appointing Señors Arango, Arias, and Boyd as a provisional governing junta, and intrusting to them the direction of the affairs of the new Republic.

The moment, according to the reports of eyewitnesses, was not a particularly inspiring one. The affair was conducted after the fashion of any business proposition. The streets were filled with people, but there was neither shooting, shouting, nor enthusiasm, the whole transaction being viewed by the populance most phlegmatically. The city council remained in session during the evening to deal with any situation that might arise; the saloons were ordered closed for the evening; the soldiers were turned out to do patrol duty, but there was no violence or disorder, the Spanish population failing entirely to live up to its reputation for excitability. The success of the movement, so far as the city of Panama was concerned, was easily assured. Gen. Ruban Varon, commander of the gunboat *Twenty-first of November*, hoisted the flag of the new Republic over that ship as the meeting in the plaza was in progress. The *Bogota* had not been "fixed," and when he learned what was in progress Paymaster Martinez, the only officer remaining on board, took command of that vessel and steamed out of the harbor, returning about 10 o'clock the same evening to throw six or eight shells into the city, sacrificing the life of one Chinaman—the only bloodshed in the revolution—and doing an inconsiderable amount of damage to property.

From that time down to the present Panama has hardly had an opportunity to realize it is the capital of an independent Republic. The governing junta has been directing affairs, Obaldia having been relieved of his governorship; but, aside from this change in the direction of the administration and the plentitude of money, due to the payment of the bonuses agreed upon, things are to-day in Panama exactly as they were before the secession from Colombia.

[Baltimore American, December —, 1903.]

RIDDING ISTHMUS OF COLOMBIANS—CLOSING CHAPTER OF STORY OF PANAMAIAN REVOLUTION—BRIBERY AND PERSUASION—METHODS USED TO INDUCE TORRES TO SAIL AWAY WITH HIS MEN—TEMPTATION IN THE FORM OF $8,000 IN GOLD—A DESPERATE SITUATION, IN WHICH 60 AMERICANS WERE PITTED AGAINST 450 COLOMBIANS—COLONEL SHALER ARGUED WITH THE COMMANDING OFFICER OF THE CARTAGENA, AND THE SHIP DESERTED THE SOLDIERS IT HAD TRANSPORTED.

[By Merrill A. Teague, staff correspondent of the American.]

PANAMA, R. P., *December 1*.

All the necessary formalities for the establishment of a Republic, when the prime consideration was the securing of the commercial advantages to be derived from the ship canal, having been completed at Panama on Wednesday, the scene of action was suddenly shifted to Colon, where the leading officials of the Panama Railroad were keeping a close watch upon events. On the morning of the 3d of November (Tuesday), when the gunboat *Cartagena* appeared at Colon, these officials sent a mandatory order by telegraph to Capt. John R. Beers, the company's representative closest to the Panamaians, directing that under no circumstances should the scheme to win independence be abandoned or allowed to miscarry because of the arrival of a force of Colombian soldiers. This order was obeyed, and Captain Beers and Superintendent Prescott wielded an influence in forcing the original clique of conspirators to proceed with the execution of their project.

Of what happened in Panama that day, when Governor Obaldia and Generals Tovar and Amaya were arrested and the independence of the Republic proclaimed, Colon was kept in entire ignorance. All of these happenings were delayed in the execution until after the departure of the last train from Panama to Colon on that day, so that persons arriving at Colon on Tuesday evening had nothing of importance to report. The only other medium of communication across the Isthmus is by the telephone and telegraph lines controlled by the Panama Railroad. The officials of this corporation exercised a close censorship over all messages passing back and forth, and it is a fact which can not be disputed that while the independence of Panama was practically proclaimed on the evening of the 3d of November, the people of Colon—only 47 miles away—were in total ignorance of what had taken place until the arrival of the first train from Panama at 11 o'clock on the morning of the 4th of November.

When that train arrived, bringing passengers from Panama with more or less exaggerated reports of the occurrences in the metropolis of the Isthmus

the day before, Colon prepared at once for the shock she had reason to expect, because of the presence of 450 Colombian soldiers within her limits. The train from Panama brought an order from the governing junta dismissing General Cuadros from the office of governor of Colon and appointing Señor Mollendes, a mulatto of some ability, to succeed him. This was in accordance with a scheme arranged on the 2d of the month, when Mollendes was called to Panama by telegraph to meet the conspirators, at which meeting it was arranged that he should be appointed governor of this province, and he was directed to stand ready to assume the office the moment the order for his appointment should be communicated to him.

LOOKED BLACK IN COLOMBIA.

Mollendes needed no great amount of encouragement, and when the train arrived from Panama at 11 o'clock on the morning of the 4th he immediately announced himself governor of the province by appointment of the junta, and took charge of the local government. This had hardly been done when Colon was thrown into a state of great excitement by the general circulation of the news that Generals Tovar and Amaya had been arrested and were even then in prison in Panama. The 450 Colombian soldiers were quartered in the Colon barracks, a large building formerly used by the railroad as a passenger station, and these soldiers at once assumed a threatening attitude. Colonel Torres, who was left in command when Tovar and Amaya went to Panama, was most obdurate, insisting that what had been done should be undone and the mischief repaired, and promising to visit upon all concerned the direst penalties. The situation looked black for the American and other foreign element in Colon, for the number of men who could be mustered to oppose any attempt by the Colombians to work vengeance upon the town was so small as to be almost insignificant in the face of the Colombian battalion, which was well armed and equipped.

The U. S. gunboat *Nashville*, with her jackies aboard, was swinging at anchor in the harbor; but the one thing for which the secessionists and their American allies on the Isthmus were most desirous—actual American intervention—had not been accomplished. Captain Hubbard, of the *Nashville*, had, it is true, issued on the evening of the 3d an order to the Panama Railroad forbidding it to transport armed men in either direction across the Isthmus, but no American force had been landed. It was at this juncture that Governor Mollendes executed a little coup of his own, to which American intervention is directly traceable. Mollendes invited Colonel Torres, the Colombian commander, to meet him in conference at the Hotel Washington, another isthmian institution which is controlled by the Panama Railroad. Employing all his persuasive abilities, Mollendes urged Colonel Torres to reembark his troops and sail away, leaving the Isthmus to pursue its own course. This line of argument only increased Torres's bitterness. He became more defiant, even bombastic, and at half past 12 made a vehement threat that if Generals Tovar and Amaya were not given their liberty by 2 o'clock, he would turn his battalion loose and slaughter every American in Colon.

Nothing could have suited Mollendes and the other secessionists better than this threat. Mollendes waited not a minute after hearing Torres's avowal. Despite his excessive avoirdupois, he broke from the conference room in the Hotel Washington, and running all the way, covered the 300 yards to the general offices of the Panama Railroad in remarkably fast time.

AN EXCUSE FOR INTERVENTION.

There he communicated to General Superintendent Shaler the nature of Torres's threat, and in a moment more a signal was going from the small tower on top of the railroad's general office, by wigwag, to the *Nashville* to the effect that the life and property of all Americans in the city were endangered. The long-desired excuse for American intervention had at last been discovered by the secessionists, and before Torres could have communicated with his force, jackies were going over the *Nashville's* sides, constituting a landing party, small in numbers, but matchless for grit and ability to shoot. There were forty men in this party, under command of Lieutenant Commander Witzel, executive officer of the *Nashville*, and they came up to the railroad wharf with the long swinging oar pull common among man-of-war's men. They landed with a rush and double quicked to the freight shed of the Panama Railroad.

This building—a heavy stone structure—was admirably fitted for purposes of defense. It faces directly down the street, along which the Colombian troops would have had to come to attack the Americans in Colon, and the only entrance to it is a large arch, through which the trains pass. Into this arch was run a common flat car with bales of cotton laid across the end. Other bales of cotton were used to close the remainder of the opening, and the entire front of the building was barricaded with the same material. This part of the work was superintended by Colonel Black, United States Army, who happened to be in Colon from Culebra, and who cheerfully tendered to the naval force the benefit of his engineering skill. The *Nashville's* landing party had brought with them arms and ammunition those for civilians who might be disposed to assist in the work of defending American interests, and about twenty employees of the Panama Railroad and other foreigners volunteered for this service.

THE AMERICANS WERE COOL.

The situation is pronounced by Colonel Shaler, a civil-war veteran, who has been in more than one close place, to have been one of the most desperate he has ever known. Against a force of 450 Colombian soldiers there was opposed not more than 60 American sailors, marines, and civilians. A brave dash, had it been attempted by the Colombians, might have put them in command of the situation, by enabling them to overwhelm the defending force, but for some reason the dash was not attempted. All of the afternoon of the 4th the antagonists waited. The Colombians were kept closely in their garrisons, while the American force did not stir from the barricaded freight house. The latter realized that if they should be assaulted victory would almost certainly rest with the superior numbers; but they were prepared to sell their lives dearly, and their deportment at this critical stage was such as to deserve the admiration of the nation. The little company of 40 jackies was there to do the work necessary to keep transit on the Isthmus open, and never for a moment did they falter in their determination. Colonel Black and Lieutenant-Commander Witzel were cool throughout the ordeal, directing operations as calmly as though they had an army back of them, and Captain Hubbard, of the *Nashville*, did not hesitate for one instant.

While the American sailors and civilians were preparing to defend themselves and all American interests on the Colon side of the Isthmus, Governor Mollendes was continuing his negotiations with Colonel Torres. Earlier in the morning Colonel Shaler had played his cards so adroitly as to have cleared the situation of the menace offered by the presence of the Colombian gunboat *Cartagena*. When that boat reached Colon on Tuesday morning she was short of water. There was plenty of coal in her bunkers; but of water there was virtually none, and the entire available supply of fresh water for stocking ships at that port is controlled by the railroad company, which maintains and operates its own waterworks. Wishing to refill his water tanks, the *Cartagena's* commander called upon Colonel Shaler to negotiate for the needed supply. Colonel Shaler is a most kindly disposed gentleman, always ready to help a fellow-being out of a dilemma; but when the Colombian commander made his desires known, the Colonel happened, just at the moment, to remember that the Colombian Government was indebted to the railroad company to the amount of $7,000 gold for coal, water, and other supplies furnished Colombian naval vessels from time to time.

Knowing what had transpired at Panama, Colonel Shaler thought that it would be wise to collect the debt and exact payment for the water needed by the *Cartagena* before assuming the rôle of a benefactor to the Colombian naval establishment. He remembered, too, that he had received positive orders not to furnish further accommodation to Colombian naval forces, and with much regret he explained his inability to aid the Colombian commander.

ALL VERY NEATLY DONE.

The latter opined at once that Governor Obaldia, at Panama, would undertake to see to it that the delinquent bill was paid, and after some discussion upon that point asked permission to telegraph to Obaldia. Colonel Shaler was quite willing to facilitate the Colombian commander to attainment of his desires; but glancing out of his window he saw rolling into the railroad yards the morning train from Panama. The time had come when censorship over the telegraph and telephone was useless to prevent knowledge of the secession from Colombia being communicated to the troops from that Republic, so when the *Cartagena's* captain was about to telegraph to Governor Obaldia, Colonel Shaler remarked, almost casually:

"There is no governor of Panama."

The Colombian captain was naturally dumfounded at this statement and asked for an explanation, which was readily given him by Colonel Shaler, who maintained his placid demeanor and quality of gentle speech. Carefully and quietly he detailed the circumstances attendant upon the revolution of the day preceding, and clearly demonstrated to the *Cartagena's* commander that there was no governor of Panama, hence there was nobody on the Isthmus who could guarantee the payment of the railroad's bill for $7,000. It was all nicely done and the Colombian was brought to appreciate just why it was that the railroad could not refill the *Cartagena's* tanks. There was some further talk between the two men and the Colombian naval captain then left Colonel Shaler, going directly to his ship, which sailed out of the port a few minutes later, without having communicated with Colonel Torres, and leaving the troops she had landed the day before to shift for themselves.

With the *Cartagena* gone, and with the freight house in control of and strongly barricaded by the American force, Colonel Torres consented, late on the afternoon of the 4th of the month, to incline his ear to Mollendes's arguments. He, too, was brought to see the futility of opposing the inevitable and already accomplished independence of Panama, and at last consented to reembark his troops and sail away from Colon in return for $8,000 gold. The Royal Mail steamer *Orinoco* (English) was at her dock at the time, and as the charge for returning the Colombian battalion to Cartagena was only about $3,500 gold, there was a good margin of profit in the bargain Torres had driven; but to the discouragement of such patriots, it may be stated that the Colombian Government, learning of the transaction through the wide publicity given to it, compelled Torres to disgorge when he reached Cartagena. The deal having been made, the question was to raise the $8,000 necessary to make it effective. That amount in gold is not to be had on the Isthmus of Panama upon demand, and Mollendes was in somewhat of a quandary. There are, however, various ways out of a dilemma, and Mollendes bethought himself of Colonel Shaler.

It happened, very fortunately, that the Panama Railroad had $8,000 gold on hand at the time, but that corporation is not engaged in the business of transporting Colombian soldiers at its own expense. The money was forthcoming, however, and a very pretty story was then fixed up and sent to the press in the States about the generosity shown by the merchants of Colon and the promptitude with which they raised $8,000 gold (equal to $20,000 in Colombian currency) to satisfy Colonel Torres. That story was pure fiction. The fact is that when Mollendes reported his demands to Colonel Shaler that gentleman telegraphed to the firms of Isaac Brandon & Bros. and Henry Ehrmann, bankers, of Panama, who held on deposit all the public money on the Isthmus. In this telegram Colonel Shaler stated that the Isthmus could be cleared of Colombian soldiers by the payment of $8,000 gold, and asked if the bankers would reimburse the railroad from the public funds if it advanced the sum needed. Brandon & Bros. and Ehrmann lost no time in answering in the affirmative, and the $8,000 was delivered by the Panama Railroad to Governor Mollendes, who turned it over to Colonel Torres.

LOOKING AHEAD.

This transaction completed, the Colombian troops marched from the barracks to the Royal Mail dock to board the steamer for Cartagena. This dock runs at right angles to the freight house of the Panama Railroad, distant only about 100 feet, and the Colombian troops had no sooner marched out onto the dock than Lieutenant-Commander Witzel and Colonel Black swung the line of the American barricade out so as to close and command the dock on which the Colombians were massed. It was the morning of the 5th of November before all of these details had been attended to, the opposing forces having rested on their arms during the night of the 4th. After reaching the dock and being just ready to go aboard the English steamer, the Colombian troops threatened to revolt because the captain of the *Orinoco* demanded that they surrender all their arms into the ship's charge before coming aboard. The delay was protracted, the American force standing guard behind its barricade while it lasted.

The Colombians conceded the point in the end, however, and stacked arms on the dock, leaving it to the stevedores to take charge of and store them in the hold. Very soon thereafter the British steamer sailed away, and the secessionists were left in absolute and unopposed possession of the entire Isthmus, not a shot having been fired by them in the achievement of their independence.

Such is the story, in its various phases, as I have given it in this and the preceding letters, of the recent revolution on the Isthmus. That it brought into existence a new republic is a matter of secondary condition to the Isthmians, who count only upon the fact that they have brought about a condition under which the ship canal is certain to be constructed.

For their political liberty they care nothing: for the canal they are willing to play in desperation, no matter how high the stakes may be fixed, and now that they have accomplished their primary purpose and secured the establishment of an American protectorate over the Isthmus they are willing to abandon the Isthmus to its fate, serenely confident that the United States will preserve its integrity and independence and regulate whatever may, perchance, happen to go wrong.

Among the isthmians themselves talk is already current of the coming of that day when the United States will, from self-interest, be compelled to annex this country and create it into an American territory; and that prospect stretches away in the distance just as certainly as does the construction of the canal by American enterprise, ingenuity, and capital. Measuring this prospect against all that has been done in the last few months, culminating in the revolution of the 3d of November, one must set down the Republic of Panama as a contradiction of the most stupendous character.

[Baltimore American, December 28, 1903.]

ANOMALIES OF THE NEW NATION—EXISTS UNDER AN ORDINANCE OF PANAMA'S COUNCIL—THE PEOPLE NOT CONSIDERED—THOSE IN THE SEVEN PROVINCES ON THE ISTHMUS WERE NOT ASKED THEIR OPINION AS TO THE WISDOM OR UNWISDOM OF SECESSION, THE CITY COUNCIL OF PANAMA ASSUMING ENTIRE RESPONSIBILITY FOR DECLARING THE ISTHMIAN TERRITORY A FREE AND INDEPENDENT STATE—DEMAND FOR A GOVERNMENT FOUNDED UPON THE CONSENT OF THE PEOPLE.

[By Merrill A. Teague, staff correspondent of the American.]

PANAMA, REPUBLIC OF PANAMA, *December 16.*

It is not necessary to go far afield when seeking justification of the judgment that the Republic of Panama stands as a contradiction among nations. The American colonies revolted against England and set up their independence under the provocation of lesser grievances than Panama for years has been charging up against Colombia; yet Panama never found cause for rebellion and secession in Colombian oppression.

That the new Republic was born without the incentive of patriotism and with no higher purpose in view than the purely commercial one of securing the construction of a ship canal across the narrow isthmian strip has already been shown in this correspondence. Lack of resentment toward Colombia because of her oppressive administration, lack of patriotism, and lack of a national purpose political in character constitute three striking contradictions that rest at the very foundation of this new Republic's existence, and that serves to isolate it from other nations that have won their independence. The entire absence of anything resembling self-reliance and the implicit confidence shown in the United States, upon which the whole republican structure leans absolutely for support and maintenance, is a fourth in the list of strange contradictions discoverable here. There are others equally striking that may be traced without in the smallest way compromising the fact of the Republic's existence, an existence as actual as it is welcome to the people of the Isthmus. These contradictions form a vital chapter in any story which purports to cover the situation in Panama in its various phases, and they must be considered.

THE COLOMBIAN FEDERATION.

In order to get at and present them properly it may be well to start with the general proposition, anomalous though it may seem, for the Republic is a fact, that, judging by accepted standards, the Republic of Panama is nonexistant. The territory known to the Colombian Federation as the Department of Panama, and now embraced by the Republic, is a long, narrow strip of land extending in a generally easterly and westerly direction. It is about 475 miles long, measured in a straight line, and varies in width from about 47 miles between Colon and Panama to something more than 100 miles at its eastern extremity and along the eighty-first parallel of longitude. On the west it is bounded by Costa Rica, with which nation there is a long-standing boundary dispute, while on the east the Gulf of Darien and the Atrato River mark its separation from the South American mainland and the great body of the Colombian Republic. The coast line, considerably more than 1,000 miles in length, is rough and broken. The surface of the country is generally mountainous, although immense swamps and stretches of treeless upland are frequent.

Except along the coast, the country is almost entirely uninhabited, all of the towns and cities of any importance being located next the sea or very near to it. In the interior are bands of Indians, two or three of the more important tribes of which have rarely been communicated with. Vast areas in the extreme eastern and western portions of the country remain wholly unexplored, and the knowledge of what the interior holds is most limited. In this territory there are supposed to live, including Indians, about 300,000 persons. No attempt has ever been made to take a census of the population, so the figure named can only be taken as a more or less accurate estimate.

PEOPLE HAD NO VOICE IN IT.

This territory, while it stood in the Colombian federation as the Department of Panama, and therefore at the time of the secession, was divided into seven provinces, viz, Chiriqui, Los Santos, Veraguas, Panama, Colon, Bocas del Toro, and Cocia. Each of these provinces was governed by a governor, subordinate to the departmental governor. Each had its council, and each was entitled to representation—by senators and representatives—in the two branches of the Colombian Congress, which sat at Bogota.

It will be seen from this explanation that no matter how corrupt, inefficient, and oppressive the old order of things may have been, the fabric of the State was complete in all its details, the governmental structure having been carried down as perfectly in theory as it is in our own Union. It follows from this as a natural presumption that in the secessionist movement all of these provinces should have had a voice. It happens, however, that, natural as that presumption may be, it is wholly groundless in this instance. The natural corollary of the last statement is that the Republic as it stands does not represent the people of Panama—speaking now of the entire Department—and such is actually the case. It may represent them in the sense that the sentiment of all the people concurs in what has been done, but it is an indisputable fact that outside of the city of Panama the people of the new Republic had no voice whatever in the establishment of the Republic.

WERE NOT IN THE SECRET.

In previous letters I have sketched the story of the secessionist movement. It began with three men, and was executed under the supervision of those three and four others, the seven working under the advice and counsel of four Americans. Before the coup d'état others were, perforce, taken into the secret; but so closely were the plans guarded that those who were really in the secret and knew definitely the details might be counted on the fingers of the two hands. This brings us to the revolution itself, and introduces the strangest of all the contradictions discoverable in connection with the birth of this national infant. The uprising took place on the 3d day of November, being initiated by the arrest of Generals Tovar and Amaya and Governor Obaldia, which occurrences took place in the city of Panama. That city knew, of course, what had occurred the moment the arrests were effected, but Colon was kept in ignorance of the secession until the following day. It was on the 4th of the month that the public meeting was held in the Cathedral plaza, Panama, the independence of the Republic proclaimed, and the declaration of independence—or manifestation, as they call it here—was signed.

Bearing in mind the fact that seven men, aided by the soldiers and others whose support for the movement had been purchased with dollars, were alone responsible for the sudden revolution in the political status of Panama, one may wander away down a stretch of not uninteresting inquiries. Were the people of the other provinces consulted as to what it was proposed by the secessionists to do? They were not. Were the people, speaking in general terms, of the provinces of Colon and Panama let into the secret? They were not. They knew, by general rumor, that a revolution was on the tapis, but they had not been consulted nor their advice asked as to the wisdom or unwisdom of what was contemplated. Was a provisional congress, composed of delegates from the several provinces, held for the purpose of debating the project and framing a bill of separation? Nothing of the kind was ever thought of. How, then, was the affair carried through? In this simple and unique manner:

DONE BY A MUNICIPAL COUNCIL.

The little band of secessionists let the members of the city council of Panama into their secret late in October, when it became evident that a blow would have to be struck very soon or forever withheld. These city councilmen, eleven in number, were willing to further the project, so that when the public meeting was held in the Cathedral plaza, Panama, on November 4, they were all in attendance. They, too, were the first to sign the declaration of independence, and immediately after that formality they adjourned across the street to the municipal building and went into session behind closed doors. Their first act then was to pass the declaration, which had already been engrossed in a book of record, and to append their names to the engrossed copy. This done, the city council appointed the three members of the provisional governing junta, authorizing them to take charge of the affairs of the new Republic. The junta assembled at once and named the members of the provisional cabinet, and the new Republic became a fact. On the same day Porfilio Mollendes had taken charge of affairs at Colon as provisional governor, appointed by the junta; but outside of the cities of Panama and Colon and along the line of the Panama Railroad the people of the new Republic were in entire ignorance of the fact that they were no longer subjects of Colombia.

It seems almost incredible that the municipal council of a city of fewer than 25,000 people should take unto themselves the right to create a republic out of a territory equal in area to the State of Indiana; but that was what was actually done in this case. Instead of a provincial congress, the city council of Panama passed the act of independence. Every legislative formality incident to the creation of this Republic was performed by these city councilmen, no portion of the new Republic except the city of Panama having a voice, by representation, in what was done. Nor has any other portion of the new Republic had such a voice to this day. No Congress has been called to ratify the secession, nor has any one of the seven provinces been requested to assemble, in council or by mass meeting, to pass an act of ratification. There might be a parallel for this procedure if the municipal council of one of our own cities—Indianapolis, for instance, since the area of Indiana is about the same as that of Panama—should pass an ordinance declaring the State of Indiana a free and independent nation; but the average American imagination is impotent to summon such a spectacle as that into being.

But it was that very thing which was done here when the municipal council of Panama legislated for the 300,000 inhabitants of this territory in severing all their obligations of fealty to Colombia, making them free and independent, and doing these things without consulting any of those 300,000 inhabitants save an insignificant minority, restricted in numbers practically to the original band of secessionists.

HOW IT WAS PROCLAIMED.

It is not intended by the foregoing to impeach or compromise the existence of the new Republic. Such an attempt would be fatuous, for the new Republic is actual. The purpose is merely to show the incongruity of the procedure, although no Panamaian can be brought to see that there is anything national, incongruous, or contradictory in the fact that a Republic has been created by an ordinance passed by a city council. This inability of the Panamaians to realize what impresses Americans as little short of ludicrous is doubtless due to the fact that measures have been taken, though not by legislative steps, to bring the whole territory to accept the new form of government. Immediately after the creation of the Republic and the appointment of the junta by the city council of Panama the junta took steps to this end.

Emissaries were sent into the different provinces to proclaim the establishment of the Republic. These emissaries were effective orators, as are nearly all the people of these southern countries. They toured along both coasts, east and west, stopping at the principal cities. Their coming was unannounced in these cities, which, until the arrival of the emissaries, were without knowledge of the fact that Panama had seceded from Colombia. David, Chiriqui, Santiago, and other cities and towns along and adjacent to the Pacific coast; Bocas del Toro, Nombre de Dios, Porto Bello, etc., on the Caribbean shores, were visited in this way, and reports have been received from all of the emissaries, although some of them have not yet returned to Panama.

In each of these cities the emissary would, upon his arrival, employ the local band of musicians. Taking a stand in the principal plaza, he would draw his crowd by the band's efforts, and when a number sufficient for his purpose had assembled he would read the declaration of independence.

Following the reading would come his harangue, the burden of which was that the establishment of the Republic meant the construction of the ship canal by the United States across the Isthmus, and that the construction of this canal meant that the United States would pay to the Republic a sum of money sufficient to make all of the people rich and prosperous. This was done in every instance, and the orator's argument, being addressed to a people among whom poverty in its most abject form prevails, never failed to elicit enthusiastic responses in approval of what had been done. The business of the emissary was then to report to the junta that the people of that town accepted the Republic and gloried in its creation. This procedure has been followed in treating with all of the people of the Isthmus. In a more formal manner some of the provinces have communicated with the junta through their governors.

Support has been tendered in this way of men and arms to support the Republic's independence, and while it is not pretended that anything like all of the people of the Republic have been communicated with, the assurances, through the emissaries and the governors, have been sufficient in number to carry the conviction that the people of Panama generally approve the severance of their relations with Colombia. If they lack patriotism of their own, they certainly have no love for Colombia, and are glad to escape her dominion; their willingness extending to ready acceptance, after the event, of all that was done by the city council of Panama, which enjoys the unique distinction of having by simple ordinance created a republic, so far as the formal structure of this Republic is concerned. From this it will appear—and such is the indisputable fact—that the Republic of Panama exists to-day, in its governmental features, because it is unopposed. The junta is governing without opposition, and while the allegiance of none of the people, except the soldiers and sailors, has been pledged to the new Republic, the junta constitutes a governing body de jure because there is no dispute as to its authority.

A REACTION IS CERTAIN.

Into the situation created under and by these contradictory conditions and methods there enter several elements of danger. The first and most important of these is delay in giving to the Government the form of more certain acceptability to the people. The people are acquiescent now because the condition is new and novel; but how long they will remain so is problematical. The conviction is universal among them that the United States will begin actual canal operations at once. Everybody is expecting money to flow freely within the next few days, because they have been encouraged to believe that the establishment of the Republic means the immediate beginning of work on the canal. This is seen in divers ways. Hotels whose bars have been closed since the cessation of canal work by the French, fourteen years ago, are preparing to open them within a few weeks. Owners of renting property in Panama and Colon, who have accepted nominal rents from the natives and

nondescripts, are turning these people out of their premises in the expectation that within a few days there will be such an influx of Americans as to send rents booming. Speculation of every sort is rife, based upon this belief, and upon every tongue is the slogan, "The canal is coming." To Panamaians, who saw and participated in the riot of French extravagance and corruption, the fact that "the canal is coming" means flush times, and Panama can hardly restrain itself until the moment of actual operations arrives.

From this condition there is certain to be a reaction. The United States will not begin canal operations for months, for if the advice of men like Admiral Walker, Col. William Murray Black, the army sanitary expert, and other Americans now here is to be accepted months must elapse, even after the ratification of the treaty by the United States Senate, before sanitary conditions can be so improved as to permit the work of canal construction to begin. This means that a season of dire disappointment, inviting to dissatisfaction with the Government is certain to prevail, and facing this prospect the Government lacks proper recognition by the people. All thought of creating a government by the formal adoption of a constitution and the election of administrative officials waits upon Dr. Manuel Amador's return from the States, but the wiser heads believe a serious mistake is being made in thus delaying. The demand that a constitutional convention, with representatives from all the provinces, be called is becoming insistent, the more farseeing among the Panamaians believing that it is essential that the republican government be given a more substantial foundation and something upon which it can more certainly claim the adherence of the people than is possible through the mere fact that it exists now because it is without opposition.

CHURCH AND STATE.

Another disturbing factor, and one bound to assert itself sooner or later, is the conflict over the relations between church and state. The policy of the Conservatives, who for years governed the country, was that the state should support the church. The Liberals opposed this, and the sentiment among the leaders of the new Republic is that, while there should be no interference with the established religion—the Roman Catholic—the church must look to its communicants, and not to the state, for support. Among a people so poverty stricken as are the Panamaians the support of the church would mean the imposition of a serious burden; and as the padres are sure to encourage the people when the new policy shall have been actually inaugurated to think that they are being imposed upon, the religious unrest will assuredly provoke problems with which the Government will have to deal.

Already there are rumors of dissatisfaction. Jealousies are beginning to crop out among those who stood shoulder to shoulder in the creation of the Republic. The sentiment, prevalent a few days ago, that Doctor Amador should be the unopposed choice of the people for the first President of the Republic is beginning to modify, and an Arango party, fostered by powerful influences, is coming into existence, and when we remember that down here political campaigns are carried on in the form of revolutions, there is every necessity for the United States to insist upon immediate action toward the formation of a stable government chosen by the people and to which all the people will give their allegiance.

The Republic of Panama being nonexistent so far as the people are concerned and existing only because the provisional junta's authority has not been disputed, it is required, to correct this contradictory condition and to enable the serious problems which will shortly arise through disappointment and religious unrest to be properly and effectively handled, that a government be quickly established upon the consent and free participation of the people. Until that is done the Republic of Panama will continue as an anomaly, secure only in the fact that the interests of the United States are such that that Government will not permit this one to be destroyed, either by invasion from without or by disturbances within.

Mr. FULTON. Mr. President, I had not contemplated participating in this discussion until within the last few days. I do not purpose going widely into the discussion even now; but sitting here, as I have been doing, listening to the various arguments that have been advanced on each side of the questions in issue, a clearer conception of the vast importance of the work in which we are here engaged has come to me. We are here to-day engaged in preparing the way for the greatest enterprise the world has ever known, both in its magnitude and in the beneficial results that must come from it to mankind.

The completion, Mr. President, of this great work means the connection of two oceans, furnishing a highway for the ships and the navies of all nations throughout all the ages of the future. Nations will rise and fall, empires will flourish and decay, but this great work, once accomplished, will endure forever, and I confess that I have been unable to suppress a desire to go on record as one who was willing to contribute his mite to do what was in his power to advance this great work.

I do not expect to be able, Mr. President, to contribute anything in the way of argument or suggestion to what has been said. I shall content myself in briefly outlining my views without attempting to go into detail.

I have no hesitancy, I have found no difficulty, in indorsing the position the Administration has taken on this question in giving to it my full and complete indorsement for every step it has taken, for every attitude it has assumed. But I contend that under the Constitution Congress has not the power to inquire into the circumstances or the conditions under which a coordinate branch of the Government shall exercise the powers granted to it under the Constitution.

The Constitution has divided the governmental powers among three distinct and independent branches. To the Congress it has given the legislative power, to the President it has given the executive power, and to the Supreme Court the judicial power; or, in other words, in the language of the Constitution, all judicial power is vested in one Supreme Court and in such inferior courts as Congress may establish, while all the executive power is vested in the President.

Now, I shall not undertake to go into an argument to sustain the proposition that the President is empowered by the Constitution to recognize the independence of new states. That proposition has been argued so clearly, so fully, and so convincingly and unanswerably by the distinguished Senator from Maine [Mr. HALE], as set forth in Executive Document No. 56, of the Fifty-fourth Congress, second session, that I do not believe anything can be added to it. I know very well that I can add nothing to it, and I shall not attempt to do so.

But assuming, Mr. President, the correctness of the position taken there, and which I believe unquestionably is correct, that the power to recognize a new foreign state is vested by the Constitution in the President, it follows conclusively that he is the sole judge of the circumstances under which that power shall be exercised. If he is the sole judge, then, of the circumstances under which that power shall be exercised, we have no right or authority to go behind the finding he makes, and must necessarily make, that the conditions justify the act when he performs the act. No more right have we to inquire into the question by what authority, upon what evidence, or by what right he exercised such power in a given case than we have to inquire upon what testimony and upon what evidence the Supreme Court of the United States have arrived at a certain conclusion in a given cause.

Suppose, Mr. President, that an action were instituted in the name of the United States to condemn a certain tract of land for the public use, and the court should determine in that action that A was the owner of a certain interest in that land, and then it became our duty to make an appropriation to pay for that interest, and B should come here and say, "No; A was not the owner of that land; he had no title or right to it; the title was in me; the evidence upon which the court so found was false, and the court violated the law in coming to the conclusion it reached." Will it be said that we could listen to the statement of B in that regard? Will it be said that we could properly go behind the opinion of the Supreme Court and endeavor to ascertain upon what facts and upon what evidence they reached the conclusion they announced?

To put another case, Mr. President, suppose a bill shall pass though this body by a majority of one vote. Suppose prior to that time there had been a contest here as to whether or not a certain person is entitled to a seat in this body, and under that provision of the Constitution which says that each House of Congress is the sole judge of the elections, the returns, and the qualifications of their members, we determine that that party is entitled to a seat here, and he joins in voting for that bill. The President is required to either approve or disapprove all measures that pass the Congress, and the bill is sent to him.

Will it be said that he is authorized, under the law and the Constitution, to send here and inquire upon what evidence and under what circumstances we permit that man to occupy a seat in this Chamber? If the President may not do that, by what right do we pretend to criticise or condemn his action in arriving at any conclusion that he shall reach in the exercise of his powers under the Constitution, or rather, that when he, moving within his constitutional sphere, having taken a certain action, having reached a certain conclusion, by what right do we question the correctness of that conclusion? But, Mr. President, I do not deem it necessary to defend the action of the President on constitutional grounds. I have no hesitancy in saying that, in my judgment, he was warranted by the facts, warranted by the circumstances in doing exactly as he did.

What are the facts and what were the circumstances? We had a treaty with the Republic of New Granada entered into in 1846. By the terms of that treaty we are required, among other things, to guarantee to New Granada sovereignty over the Isthmus of Panama. It was never contemplated by either party to that treaty that this Government in making that guaranty was required to protect the Republic of New Granada against uprisings of her own people. That is clearly shown in the correspondence in the very early years and life of that treaty. In support of that assertion I wish to read a statement that I think has not yet been read in the course of this discussion. I read from a letter of Mr. Pombo to Mr. Seward, May 29, 1861.

Mr. Pombo was the chargé d'affaires ad interim of the Granadian Confederacy. In this communication he relates to Mr. Seward certain conditions that he says are prevailing on the Isthmus. He goes on to show that the revolutionists have taken charge of the situation there, and states that he thinks it is important that the Government of the United States in its own interest should send troops to the Isthmus, but he says—and that is what I wish to read:

> The undersigned does not mean to insinuate that the United States should interfere in the political contest which is carried on in New Granada, but, as the two Governments have become allied in what has reference to the security of the transit across the Isthmus of Panama, in virtue of the mutual guarantics, stipulated for in the thirty-fifth article of the treaty of 1846, still extant, and, as doubtless the transit is threatened with a complete stoppage of all traffic, the undersigned believes that the time has arrived when the Government of his excellency ought to cooperate with that of the Granadian Confederacy to prevent the necessity of closing the interoceanic route.

What I particularly call attention to in that statement of this representative of New Granada is that—

The undersigned does not mean to insinuate that the United States should interfere in the political contest which is carried on in New Granada.

Later on, however, another minister of New Granada applied to Mr. Seward and asked him to send troops to the Isthmus of Panama to suppress the revolutionists. Mr. Seward, answering that application, under date of May 9, 1865, said:

Mr. Seward to Mr. Burton.

No. 134.] DEPARTMENT OF STATE,
Washington, November 9, 1865.

SIR: The question which has recently arisen under the thirty-fifth article of the treaty with New Granada, as to the obligation of this Government to comply with a requisition of the President of the United States of Colombia for a force to protect the Isthmus of Panama from invasion by a body of insurgents of that country has been submitted to the consideration of the Attorney-General. His opinion is that neither the text nor the spirit of the stipulation in that article, by which the United States engages to preserve the neutrality of the Isthmus of Panama, imposes an obligation on this Government to comply with a requisition like that referred to. The purpose of the stipulation was to guarantee the Isthmus against seizure or invasion by a foreign power only. It could not have been contemplated that we were to become a party to any civil war in that country by defending the Isthmus against another party.

Mr. President, the two extracts which I have read show that such was the view of both Governments at that time. If that be true, then it must have been contemplated that if by force of a revolution by the people of Panama an independent government should be established on the Isthmus the United States would in the nature and in the reason of things extend recognition to that new government. I say that this must have been contemplated by the parties who entered into the treaty. Just exactly that thing came to pass. In the course of time a revolution did occur. But I might say that that was not anything new on the Isthmus.

Mr. FAIRBANKS. That was a normal condition.

Mr. FULTON. That was a normal condition, as the Senator from Indiana suggests. Indeed from the time of the entering into and the execution of this treaty the history of the people of Panama, and, indeed, of the entire Republic of Colombia, is but a chronicle of one revolution following quickly on the heels of another. Finally, however, a revolution occurred down there which was joined in by practically all of the people. Without dissent, so far as I have been able to discover, on the part of any particular portion of the people of Panama, a government was established and the revolution was complete.

I will admit, Mr. President, that if there had been any large proportion of the inhabitants of Panama in opposition to that Government, and if there had been any serious contention there as to whether or not the Government had been established, or as to whether or not the people resident there had given their allegiance to that Government, then there might be ground upon which to criticise the action of the President in recognizing the independence of that people. But when the people of Panama with one voice rose up and indorsed that Government, gave their allegiance to it, I ask on what authority and by what right could the President refuse to recognize them as a free and independent state? Some say: "Oh, well, there was not any need of being in a hurry about it; why should we have acted so hastily?" Let me say, in answer to this, that in the first place it is the duty of the President, under the Constitution, to determine when and under what circumstances he will exercise his constitutional prerogative.

But I undertake to say, in view of all the history and of all our relations with the people of Colombia and the Government of the Republic of Colombia, no one can fairly criticise the President if he was in somewhat of a hurry—I do not say that he was—but I say that he would have been justified in being in something of a hurry to change the conditions down there and enter into relations with the new Government.

During all the time that we have sustained relations with the people constituting the Government of the Republic of Colombia there has been constant turmoil, strife, and revolution, which has been a constant source of annoyance and irritation to the Government of the United States.

Senators, I think, will almost universally, and probably unanimously, indorse the proposition that when the Government of the United States lent its aid to the people of Cuba, secured for them their independence, and drove Spain away from the shores of the Western Hemisphere, it did right. That, I think, will be pretty generally conceded.

Why did we do right? Why were we authorized and justified in taking that step? We are told that we were justified in taking that step because of the fact that the government of Cuba, as conducted under Spanish rule, was a continuous source of disturbance, annoyance, and irritation to our people, and that, as a matter of self-protection, this Government was justified in taking the step that she did take in regard to Cuba.

I say, then, for a greater reason we would have been justified in going down there and assisting the State of Panama in securing its independence; we would have been perfectly justified in doing so upon the same doctrine and upon the same ground that we were justified, or that we justified ourselves and were justified by the entire civilized world, in extending aid to Cuba. For more than half a century the people of Panama had been struggling for their independence; struggling just as desperately as was Cuba struggling for hers; struggling against a tyranny and oppression that was just as cruel as that under which Cuba struggled and against which she fought. But the Government of the United States has at no time extended them aid.

For years the people of Panama had themselves been divided to a great extent, but finally, in this last revolution, they were entirely united, and being united, they formed their present Government.

What was the duty of the President under those circumstances but to extend to them the recognition that is due to an independent state when it has the support of all the people throughout the country over which it pretends to exercise authority? It is clearly his duty to recognize existing conditions. That is what the President did, and that is all he did.

I do not know, and I do not pretend to say, whether or not the people of Panama are made of that character of material, that sort of fiber, which, given more healthy environment and purer atmosphere in which to live and thrive, will develop a higher regard for public and private virtue in the future than they have manifested in the past.

I say I do not know what the truth is in that regard; but if such be the case, then surely it is a most fortunate thing for them and for every person who shall have anything to do with them that they have severed absolutely and finally their relations with the Republic of Colombia, for I have no confidence that any good can come out of the people of Colombia. It is a nation composed largely of highwaymen and bandits, if we may judge them by their history. Having a certain enthusiasm for the name of liberty, they have no conception of what constitutes liberty, or what the attributes of liberty are. As I have said, their whole history is a history of revolution, a history of wrongs and outrages perpetrated by the dominant party on the minority.

Nor is it true that the people of Colombia in this turbulent spirit that they have shown throughout their history are simply evidencing the unrest of a primitive people struggling up through the darkness of ignorance and savagery to the light of civilization. If that were true, we would have some patience with them and some confidence that ultimately they might arrive at a state of equilibrium. But it is not true. The real truth is, and their whole history demonstrates it, that this unrest and turbulence which has characterized them throughout all the years they have had a so-called government is but the native diabolism of a race of instinctive buccaneers.

Their territory was one of the first sections of the Western Hemisphere occupied by a European people. True, it was for some centuries under the baneful and corrupting influence of a Spanish colonial government, but for over eighty years it has been an independent state. Yet its history during that period is but a history of revolutions, of cruel and devastating civil wars, in which no principle higher than the right of the ins to plunder the outs seems ever to have been at stake.

As indicative of the character of the people and their government at the present time, I wish to read only one of a vast number of like instances reported by our minister at Bogota in 1902 before any question had arisen about this treaty:

I wish to cite a case that recently came under my personal observation: On the 3d instant Mr. Albert B. Dod, a citizen of the United States, was in Bogota on some business, intending to leave early the following morning. His two riding mules, with saddles, bridles, saddlebags, waterproofs, etc., he left at the stable of a foreigner named Turner. Mr. Dod took noon breakfast with me at my residence, after which he went to look after the animals, and there found that his saddles, bridles, etc., had been taken by a Government official, who had left a receipt for the property, fixing its value in the receipt at 1,000 pesos. It was impossible to trace the property that day, so that Mr. Dod was therefore compelled to go to a saddler and buy another outfit, which, although substantially no better than the one taken, cost him about 5,000 pesos.

Aside from the inconvenience and vexation of such a seizure, Mr. Dod is certain to be a large financial loser, for the Government insists upon its right to arbitrarily fix the value of expropriated property. Even with the good offices of this legation, I do not believe that he can get more than 1,000 pesos for his property, and even that only after months of perseverance and waiting. I am quite of the opinion that such a claim should go through the diplomatic channel.

There are dozens of stores in Bogota selling saddles, and hundreds of saddles for sale at a fair price. Therefore whence comes the urgent, immediate, and pressing emergency that would justify the forcible expropriation of Mr. Dod's property? Certainly under the system of arbitrarily fixing the value of such property it is much cheaper to get it in this way, and the day of payment is indefinitely postponed; but I can not believe it consistent with the guaranties of public treaties nor the law of nations.

And he continues commenting on the case. I do not care to read it further. I simply read it to show the character of the government that was conducted by Colombia. I submit that a government that has no higher regard for the rights of the individual and for the obligations that are imposed by common honesty is not a government out of which any good can come; it is

not a government that it becomes the United States of America to encourage.

Now, what was the treatment by the Colombian Government of the people of Panama? I do not intend to take the time to read it, but I wish to call the attention of the Senate to an article that I have taken from the Morning Oregonian, under date of December 8, 1903, written by a special correspondent from the Isthmus of Panama.

This correspondent goes on to detail the treatment that was meted out to the people of Panama by the Government of Colombia. Taxation was the only purpose for which the people of Panama were used. The only purpose for which they were employed was to pay the expenses of the Government at Bogota. The Panama Railroad, by the terms of the agreement under which it was constructed, was supposed to pay $250,000 a year, and did pay that amount. Twenty-five thousand dollars of that money was required under the agreement to go to the treasurer of Panama; yet not one dollar of that money ever found its way into the treasury of the State of Panama; every dollar of it was taken to Bogota. Taxes were collected, yet not one dollar of them was paid into the treasury of Panama or expended for its benefit; and when taxes were not sufficient, when the amount required by the Government at Bogota could not be raised by the ordinary methods of taxation, they had another method of getting money. I call attention to that.

In the article in the Morning Oregonian to which I have referred the correspondent says:

> Some twenty-five or thirty prominent conservatives of Panama gathered at Governor Alban's residence one morning in answer to an invitation to breakfast with the governor.

Then the correspondent goes on to say that after they had been invited there, and after they had assembled there, they were notified that the grounds were surrounded by soldiers, that the Government was in need of something like $100,000, and they were required to raise it, and they did raise it because of the grounds being surrounded. That argument was unanswerable. I shall not take the time to read a description of all of the abuses that are set forth in this article, but I ask permission to attach the article as an appendix to my remarks.

The PRESIDENT pro tempore. In the absence of objection, it is so ordered.

Mr. FULTON. Mr. President, I do not think the President of the United States requires any defense at my hands because of the position he has assumed in our relations with the Republics of Panama and Colombia. He certainly does not require any defense from me, and if he were wanting a defender he would not call upon me. Yet, as I have said before, I have no apologies to offer for any position he has taken or for any attitude he has assumed in our relations with those Republics.

Many severe criticisms have been passed on the President during the course of this discussion. We heard a very severe castigation administered to him to-day by the very able and eloquent Senator who preceded me in the discussion [Mr. CARMACK]; but, Mr. President, whatever may be the political future of the present occupant of the White House, whether he shall be called again by the people of this nation to preside as their Chief Executive, he will go down into history as one of the greatest, one of the purest, and one of the most patriotic men that has ever occupied the high office of President of the United States. He will have many great achievements to his credit; but, in my judgment, the one upon which his fame—his enduring fame—will rest more than upon all others will be the high, patriotic duty he performed and the service he rendered this nation in assuring to it and to the civilized world the construction of a canal across the Isthmus of Panama.

Mr. President, during this discussion a number of Senators on the other side, and I do not know but most of them, have spoken in kindly, even eulogistic, words of the lamented McKinley. I listened to those words of kindness spoken of him with the greatest interest and pleasure, because they were spoken of one whom I have ever honored, reverenced, and loved. But I could not help remembering that it had not always been so. Roosevelt is the tyrant, the Napoleon of to-day, but it was only a few short months ago when McKinley was denounced in one breath as a weak, willing, and pliant tool of designing men, and in another breath as a wicked tyrant, who was engaged in the business of oppressing a weak, an unfortunate, and a defenseless people.

But, sir, all those things have passed away. McKinley has gone to his last account; the smoke and dust of partisan strife have cleared away, and through a clearer atmosphere and with a clearer vision it is seen that McKinley, instead of having been a tyrant, was a great, noble, heroic soul, and that the people, whom it was charged he was oppressing, are to-day, under the policies inaugurated by him, enjoying a higher prosperity and greater tranquillity, public and private, than they ever painted or pictured for themselves in their wildest dreams.

I do not speak of this in any spirit of unkindness, Mr. President, but I can not but think, nor can I refrain from expressing the thought, how pleasing to him it would have been if, when surrounded by all these perplexing questions, when weighed down by the terrible sense of responsibility that these questions imposed, some of these beautiful sayings and kind expressions in his behalf might then have been uttered.

Mr. President, I sat here the other day and listened to a great speech by a great Senator on the other side of the Chamber, a gentleman to whom I always listen with interest and usually with profit, but on that day he gave utterance to a sentiment that I could wish he had failed to utter. I would not refer to it were it not for the fact that I have heard the same statement made here and elsewhere a number of times. In referring to the present President and the probability of his nomination to the Presidency this year he spoke of him as the man whom everybody is for and whom nobody wants. Does the Senator mean to tell us that all sincerity has gone out of the land and departed from the people? What means this universal voice that is going up from the Republican hosts all over the land? Do they not mean what they say, and do they not say what they mean?

The other day away out on the shores of the Pacific sea in the State of Oregon the legislature was called in extraordinary session, and the very first day they met, as if actuated by one common impulse, the Republican members of both houses met in joint assembly and unanimously adopted a resolution indorsing the Administration of Theodore Roosevelt and demanding that he be nominated to lead the Republican party in 1904. Do you suppose that those men did not mean what they said or that they did not say what they meant?

The other day there was in this city an assembly of the leading editors of representative Republican newspapers of the United States—strong men, independent men, the men who do more than all others toward molding and making public sentiment in this country. They resolved in favor of Theodore Roosevelt for President the next time. Did they not mean what they said? Did they not say what they meant? What is meant by this statement that everybody is for him and nobody wants him when men of that character and organizations of that character tell the world that he is their choice for the Presidency?

Let me tell you, sir, if you have any doubt about whom the people are for or who their choice is, go down and ask the laboring men of this or any other city. Go ask the hewers of wood and the drawers of water whom they are in favor of, and they will tell you, and the name they will give you is Roosevelt. Go down in the anthracite coal regions and ask the men who labor there whom they favor. They will tell you, and the name they will give you is Roosevelt. Go down among the dwellers in the tenement houses of the great cities of this country and ask them—they who were threatened only a few short months ago with indescribable suffering because of a shortage in the fuel supply.

Ask them who it was that came to their relief, who had the courage to bring the contending forces together, and to see that justice was dealt out to both sides and the country was saved the cruelty and suffering that would have been upon it but for that action. Ask them who did it, and ask them whom they are for and whom they want to see elected to the presidency. They will tell you, and the name will be Roosevelt. And if you are still in doubt, wait until the evening of the 8th day of November next, until there are counted the ballots that will rain into ballot boxes all day long with the name of Roosevelt electors on them, and when that result has been announced your doubt will vanish as the mist before the rising sun, because there is going to be the greatest majority, in my judgment, given to Theodore Roosevelt in November, 1904, that was ever given any man in all the history of this country.

APPENDIX.

[From the Morning Oregonian, Saturday, December 19, 1903.]

BORE MANY ILLS—PANAMA WAS EVER BLED BY COLOMBIA—NO ONE WAS SPARED—CANAL STRAW BROKE THE CAMEL'S BACK—SECESSION WELL PLANNED—LIBERALS RULED WITH HIGH HAND THEY WERE USED TO—AN ARMY RAISED BY FORCE—ADROIT WAY IN WHICH GENERAL ALBAN LED UP TO THE CLIMAX AT A BANQUET TENDERED HIS POLITICAL OPPONENTS—FEATURES OF THE SECESSION.

The rejection of the Hay-Herran canal treaty was the straw that broke the camel's back.

Ninety-nine out of every one hundred approve all that has been done toward establishing independence.

The motto of Colombia was to take everything from and give nothing to Panama.

In his last dilemma, General Alban, leader of the Liberals, extorted money from the Conservatives.

The Panamaian army was largely made by force.

Recruiting parties, without compassion, drafted every male above 10 years of age into the service. No excuses availed to secure their release. They were either shackled or their hands bound behind their backs.

[Letter No. 2, by Merrill A. Teague, staff correspondent of the Oregonian.]

PANAMA, R. P., *December 8.*

Before proceeding to a more detailed elucidation of the genesis and nature of the Republic of Panama, with which the United States is destined to have

relations of the most intimate character, it may be well to explain in detail the excuses under which the Republic justifies its creation.

Like all Latin-American republics, the history of Panama is the history of strife and turbulence. The people, while fairly well educated, are dominated by the spirit of "mañana." They are at the same time low-principled, holding in slight regard any and all obligations of fealty, thinking more of their personal divertisement, which assumes the form of cock and bull fighting, gambling fiestas, and sports of more or less questionable morality, than they do of their material welfare or mental advancement. This applies, of course, to the majority.

In the minority is the better class, men of wealth and substance, of sound ideas and strict integrity, who live well, regard their homes, and are in every way commendable. It is upon this latter class that the brunt of every movement must fall. If the Government is assailed and a revolution is to be suppressed, they are the ones who are called upon to pay the expenses. If they themselves, for the sake of their country's advancement, plan a revolution, they can only make headway in their project by resort to corruption and bribery, which demand that they make heavy personal sacrifices for the sake of that which will benefit all classes.

OWES ITS EXISTENCE TO THEM.

It is to this latter class that the Republic of Panama owes its existence. The majority, which pays no taxes, lives in squalor almost indescribable, and subsists in the meanest manner imaginable and virtually without labor, cares not one whit about independence. That majority has never been made to feel, in any way calculated to excite its resentment, the rigor of Colombian maladministration and perfidy, and to it the creation of the Republic appealed more as does a holiday than as anything of a serious business and political character.

For five years and up to about one year ago the Isthmus was the scene of revolutionary strife. There are two parties on the Isthmus, or were until the Republic was formed. These were the Liberals and the Conservatives, or, in the political parlance of the States, the "outs" and the "ins." The Liberals, prior to the creation of the Republic, had a practical monopoly on culture, refinement, intelligence, and wealth. The Conservatives were in control of the sources and agencies of the government of this Department and were sustained by the Government at Bogota, while the Liberals fought incessantly to overthrow the Conservatives and free themselves from the yoke of oppression which had been placed about their necks.

During this revolution, which only terminated when the United States consul-general, H. O. Gudger, negotiated a treaty of peace about one year ago, after the naval battle of Panama Bay, in which the Colombian gunboat *Lauferre* was sunk and Governor Carlos Alban killed, the Government exhausted its ingenuity in devising schemes for raising money and volunteers. The whole story of that revolution will never be known, for down here revolutions are nothing more than political campaigns, elections being held according to the law of the bullet and bayonet instead of by the ballot. For the better part of the five years during which this revolution raged the writ of habeas corpus and all other processes for the legal and judicial protection of life and property were suspended, either by decrees issued by the Government at Bogota or by decree of the governor of the Department of Panama.

HOW ALBAN RAISED THE MONEY.

The Government was almost, if not entirely, bankrupt, and in order to raise money levied freely upon the people. These levies were made through the departmental administration, for Bogota was helpless, the only money known there being a worthless paper currency, while the only money known or accepted in this Department was, and still is, Colombian silver. The methods adopted for levying upon the people for money to defray the expenses incident to suppressing the revolution were most heinous in character and tyrannical in operation. Outside of Panama it is generally understood that this money was raised by "voluntary subscription." Here where all the facts are known the term "voluntary subscription" is symbolical with outrage, polite plunder, and other reprehensible means, in which might figures as a solitary virtue.

One incident, the most notable among the many that are generally known and definitely authenticated, will serve to illustrate the grotesque nature of these "voluntary subscription" schemes. The revolution having been protracted for years, and the Liberals having been so thoroughly drained of money that their resources were almost entirely exhausted, Governor Alban reached a point where it was necessary for him to raise immediately a large sum of money.

Up to that time the whole expense of the revolution, on both sides, had been borne by the Liberals, who were its instigators and promoters, and who, by the "voluntary subscription" process, had been compelled to defray the expenses of suppressing that movement for which they were themselves responsible. In his last dilemma, however, Governor Alban had resort to the resources of the Conservatives, the hour having arrived when they could no longer escape extortion. The incident can best be related in the words of a Conservative who was one of the sufferers.

LED UP IN ADROIT WAY TO CLIMAX.

"Some twenty-five or thirty prominent Conservatives of Panama gathered at Governor Alban's residence one morning in answer to an invitation to breakfast with the governor," said this former Conservative in relating the incident to your correspondent. "Breakfast was served in an elaborate fashion. The conversation was general, the revolution being merely discussed in a desultory way until coffee and cigarettes were served. At that point Governor Alban entered upon an elaborate statement of the condition on the Isthmus. He detailed the progress of the revolution, praised us one and all for the stanch manner in which we had supported the Government, and finally admitted he was exceedingly hard pressed for money, declaring after an elaborate explanation that he was compelled to raise a very large sum of money immediately. Entering then upon a circumstantial account of how he had drained the Liberals until they could no longer assist the Government, he led up in an adroit way to the climax, which was reached when he drew a paper from his pocket and remarked:

"'Now, senores, I must have this money, and I am compelled, much to my regret, to ask you to assist me in raising it. I have here a subscription list, which recites that the amounts you will put down opposite your names are given voluntarily. To show that I have no desire to act unfairly, I have headed this list with my own subscription for $50,000, and I trust you will not let me outdo you in tendering the Government generous support. Incidentally, I may say that you are all under arrest. The house is surrounded by soldiers. None of you can escape.'

"And smiling suavely and bowing gracefully, the governor moved toward the exit, saying as he withdrew:

"'With your permission, I will retire for one hour. At the end of that time I shall return, and during my absence I trust that you will arrange this voluntary subscription among yourselves with a spirit of such generosity that my imperative demands can all be satisfied without annoyance.'"

AN ARMY MADE BY FORCE.

The sequel to the story is involved in no mystery. The company of Conservatives was helpless. They raged and fumed; but Alban was not a man to be trifled with, and when at the end of the hour he returned, the "voluntary subscription" had been consummated. The only parallel for this system of raising money to defray the expenses of the revolution is found in the schemes resorted to for procuring soldiers to fight with the Government forces. These soldiers were never known by any other name than "volunteers," but they were the most remarkable "volunteers" the world has ever known. All schemes of conscription were discounted by Alban's methods for increasing the strength of his army. His recruiting parties would go into the bush, away from the Liberal forces, and without compassion draft the services of every able-bodied male above 10 years of age with whom they came in contact.

These men, whether negroes or Colombians, whether Liberals or Conservatives, whether they knew what the revolution was about or not, would be taken into custody by the recruiting parties, which were always trusted and well-paid supporters of the Government. No excuses availed to secure their release. They were either shackled or had their hands bound behind their backs, and then shackled with ropes about their ankles, and were driven like cattle into the Government camps. These men were the "volunteers" of the Colombian army on the Isthmus, and it is axiomatic here that no man ever volunteered from the Isthmus for service in the army under Alban except he appeared in camp with his arms tied behind his back and a rope about his ankles. There are in existence to this day notes written by recruiting officers to camp commanders which run like this:

"I am sending you a squad of fresh volunteers. Please return the ropes at once, as I may be able to send you another squad of volunteers to-morrow or the day after."

MEN OF WEALTH HELPLESS.

Such outrages as these "volunteer subscriptions" and the procuring of "volunteers" for the army were not isolated. They were common occurrences of the times. The men of wealth who were drained of their resources by the subscription scheme remonstrated, but were helpless. Those who were drafted into the army by the roped "volunteer" process were in the same plight. I asked one of those who stands upon the records as having volunteered during the revolution why he did not desert. His answer told the whole story of the Isthmus: "Where would I have deserted to?" Here he was and here he had to remain, and when he was drafted into the army as a "volunteer" there was nothing for him to do except accept the inevitable, for Panama, save for a few miles either side of the railroad, is an impenetrable wilderness, and the deserter from the army had no haven of refuge.

MONOPOLIES OF MANY KINDS.

Besides these two processes for filling the treasury and strengthening the army Colombia was prolific of schemes for raising revenue. By a decree issued at Bogota the sale of salt was created into a government monopoly. Every merchant in the entire domain was forbidden by law to deal in this commodity, which was vended by agents of the Government and exchanged for exorbitant prices. The Department of Panama was compelled to divert her revenues from the ordinary uses and turn them over to the Federal Government, by which they were used to pay the soldiers. The Government monopolized the sale of matches, just as it did of salt, and in a land where the smoking of cigarettes is universal among those of either sex and of all ages the revenues derived from this source were not inconsiderable.

In a similar manner a monopoly was created on the sale of cigars, cigarettes, and tobacco, one firm in this city having been granted the exclusive rights for the entire Department to deal in these articles in return for the payment of $100,000 silver annually into the treasury at Bogota. Ice, too, was a monopoly, the right to manufacture and sell that luxury of the Tropics being let at a handsome figure to a concessionaire, who used his opportunity to such good advantage that, prior to the establishment of the Republic, the normal price paid in Panama for ice was 12½ cents Colombian silver a pound, equivalent to 5½ cents American currency.

ONE OF THE WORST OUTRAGES.

One of the worst outrages, however, was that perpetrated in regard to the slaughtering of beef. Under a decree issued at Bogota, a monopoly for the slaughtering of beef was created and let out to a concessionaire. By the terms of this decree it was unlawful even for the owner of a steer to kill the animal and dress it for private consumption. He had to send word to the concessionaire, who dispatched an agent to superintend the killing, collect a fee, and take possession of the hide. Every hide became at the moment of the killing, the property of the Colombian Government, and they were carefully collected, shipped to New York, and sold for the account of the Federal treasury.

The Government at Bogota realized, also, $87,000 Colombian silver annually in return for the gambling concession, which was openly sold to a firm known as Pratt & Seymour. By this concession the firm named is given the exclusive right for the entire Department to maintain and operate gambling devices. In return for this concession the firm has been paying Bogota $57,000 annually for the Pacific side of the Isthmus and $30,000 annually for the Caribbean side, where its operations are restricted to the city of Colon. In addition to the various forms of gambling conducted by this firm, it leases to saloons and other proprietors of establishments the right to maintain poker games, roulette wheels, crap tables, etc.

OTHER FORMS OF EXTORTION.

The assertion is made upon authority and fully substantiated that the Government at Bogota let slip no opportunity to secure possession of the money in the isthmian coffers, whether it was public or private in character. There are families in Panama that can show proof of the fact that within the last five years they have paid to the Colombian Government, under one form of extortion and another, not less than $100,000, while every man of vested means has been compelled by some process to surrender a portion of his wealth.

In addition to this scheme of mulcting individuals and creating monopolies in the commodities of life, the Bogota Government borrowed virtually every cent of the revenues of the Department of Panama, amounting to about $500,000 (silver) a year. To insure the success of these projects for relieving the Federal Government of the expense of suppressing the revolution on the Isthmus, Bogota has maintained a consistent attitude in permitting none save foreigners to administer the Government on the Isthmus.

Señor Jose Domingo de Obaldia, who was governor of the department at the time of the recent revolution, was the first native Panamaian to be intrusted with that office for many years, all of his predecessors, save those who served under ad interim appointments, being dispatched to Panama from remote parts of the Colombian Republic. This process insured against any leniency in the enforcement of the decrees issued at Bogota, for the governors of the department have with one accord been in touch with the federal government, as was Alban, and ready to go to any extreme to satisfy its desires.

RENTAL OF THE RAILROAD.

There is, too, another phase of the past history of Panama which is not without interest in view of recent events. Since 1857, the year in which it was completed, the Panama Railroad has been paying $250,000 (gold) into the Colombian treasury annually. Under the stipulations of the railroad conces-

sion $25,000 (gold) was to have been paid the Federal Government and $25,000 (gold) was to have been covered into the departmental treasury at Panama. Colombia has, however, taken the whole rental for the concession. This amount in gold is equivalent to about $600,000 in Colombian silver, which circulates only in the Department of Panama, and to about $5,000,000 annually in the depreciated paper currency, which is the only money known in other portions of the Colombian Republic.

The monopolization of this sum, together with the sale of concessions and the trading monopolies formerly held by the Bogota Government, means that the Federal Government has been taking $1,000,000 (silver) annually for many years past. This amount, taken out of a country in which the entire stock of silver is to-day estimated at not more than $1,500,000, or about $5 per capita, has imposed upon Panama a burden difficult to bear.

BROKE THE CAMEL'S BACK.

While practicing this extortion, Colombia has been most neglectful of the interests of Panama. In all the years the Bogota Government has been milking the Department of Panama not one dollar of the federal revenue has been spent in the Department for public improvements. There is not in existence in the whole of Panama to-day a single bridge, street, plaza, public building, or other structure of public utility or comfort the expense of which was borne by the Colombian Government. In a word, the motto at Bogota was to take everything from and give nothing to Panama.

To cap the climax Colombia rejected the Hay-Herran treaty, under which Panama hoped to see the canal constructed. That was the straw which broke the camel's back. Panama was willing to stand all her other ills, but when the mulcting processes of the Bogota Government were carried to the extreme of rejecting that treaty, the revolution flashed out to instant success, and all that has been done toward establishing Panama independence is to-day approved by 99 out of every 100 people on the Isthmus.

Reliable advices from the seven provinces in the new Republic show that there is no disposition to contest the incumbent Government, the population almost unanimously realizing that by the coup for independence the construction of the canal is assured and freedom from the maladministration and oppression which Bogota has imposed upon the Department for years is made certain.

CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

Mr. McCUMBER. At this time I should like to ask unanimous consent that to-morrow at 4 o'clock the Senate take up for consideration unobjected pension bills on the Calendar. I will say to the Senator from Illinois [Mr. CULLOM] that if that arrangement is made, I shall see that it does not interfere with an executive session, and I hope he will give us that time.

Mr. GALLINGER. I hope the Senator from North Dakota will include in his request for unanimous consent, bills correcting military records.

Mr. McCUMBER. I will include those, too.

Mr. CULLOM. If the Senator from North Dakota will add that if any Senator is then speaking in open session upon the general subject of our Panama relations he will not press his request, I shall not object.

Mr. McCUMBER. I will not press it, of course, until the address is finished.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that at 4 o'clock to-morrow consideration may be given to unobjected pension cases and bills to remove charges of desertion reported from the Military Affairs Committee, the execution of the order not to interfere, however, with any Senator who may then be addressing the Senate. Is there objection? The Chair hears none, and the order is made.

BUILDING FOR DEPARTMENT OF STATE, ETC.

Mr. FAIRBANKS and Mr. CULLOM addressed the Chair.

The PRESIDENT pro tempore. The Senator from Indiana.

Mr. FAIRBANKS. May I interrupt the Senator from Illinois?

Mr. CULLOM. The Senator from Indiana is recognized.

Mr. FAIRBANKS. Mr. President, yesterday I gave notice to the Senate that at the conclusion to-day of the addresses upon the subject of Panama I would move that the Senate take up Calendar No. 170. I trust that will be agreeable to the Senator from Illinois.

Mr. TELLER. What is the bill?

Mr. CULLOM. I rose for the purpose of moving that the Senate proceed to the consideration of executive business, the purpose being to take up the treaty this afternoon. If the bill which the Senator from Indiana proposes to call up will not take any considerable time, I am willing to yield. Will the Senator from Indiana state the nature of the bill?

Mr. TELLER. I wish the Senator from Indiana would tell us what the bill is. I have been desirous of having the Senate go to the Calendar.

Mr. FAIRBANKS. It is a bill appointing a commission to acquire a site for the construction of a building for the accommodation of the State Department, the Department of Justice, and the Department of Commerce and Labor.

Mr. TELLER. That bill will create a good deal of discussion. There will be quite decided opposition to the bill in the form in which it is drawn.

Mr. FAIRBANKS. That is quite possible, and the discussion might as well begin now as later, it seems to me.

Mr. TELLER. Not if the Senator from Illinois wants to call up the treaty.

Mr. CULLOM. I hope the Senator from Indiana will not press his request this afternoon. There are some special reasons why I desire to have the Senate proceed to the consideration of executive business for the purpose of considering the treaty.

Mr. FAIRBANKS. I realize that it is important to get the treaty out of the way, and when I gave my notice yesterday I was not aware that the Senator would ask to have an executive session this afternoon. I will withhold my motion for the time being, with the understanding, however, that it will be renewed at the earliest opportunity hereafter.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 10, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 9, 1904.

MARSHAL.

George K. Pritchard, of North Carolina, to be United States marshal for the central district of Indian Territory, vice Benjamin F. Hackett, removed.

SURVEYORS OF CUSTOMS.

William Vincent, of Illinois, to be surveyor of customs for the port of Galena, in the State of Illinois. (Reappointment.)

John M. Lenihan, of Iowa, to be surveyor of customs for the port of Dubuque, in the State of Iowa. (Reappointment.)

PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. James C. Perry, of North Carolina, to be a surgeon in the Public Health and Marine-Hospital Service of the United States.

P. A. Surg. Charles P. Wertenbaker, of Virginia, to be a surgeon in the Public Health and Marine-Hospital Service of the United States.

PROMOTIONS IN THE NAVY.

Assistant Naval Constructors Henry Williams and Henry T. Wright to be assistant naval constructors in the Navy, with the rank of lieutenant, from the 1st day of January, 1904.

Lieut. Robert B. Higgins to be lieutenant-commander in the Navy from the 11th day of October, 1903, vice Lieut. Commander James P. S. Lawrence, promoted.

Lieut. (Junior Grade) William D. Leahy to be a lieutenant in the Navy from the 31st day of December, 1903, vice Lieut. Charles W. Dyson, promoted.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of January, 1904, to fill vacancies created in that grade by an act of Congress approved March 3, 1903:

Irwin F. Landis.
Wilbur G. Briggs.
Fletcher L. Sheffield.
Henry C. Dinger.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 28th day of January, 1904, upon the completion of three years' service in their present grade:

Lloyd S. Shapley.
Adolphus E. Watson.
Chauncey Shackford.
Charles B. Hatch.
Zachariah H. Madison.

NAVAL OFFICER OF CUSTOMS.

Thomas N. Jamieson, of Illinois, to be naval officer of customs in the district of Chicago, in the State of Illinois. (New office.)

POSTMASTERS.

COLORADO.

Robert E. Hanna to be postmaster at New Windsor, in the county of Weld and State of Colorado. Office became Presidential January 1, 1904.

ILLINOIS.

Isaac W. Parkinson to be postmaster at Stockton, in the county of Jo Daviess and State of Illinois, in place of Isaac W. Parkinson. Incumbent's commission expired January 29, 1904.

MAINE.

Isaac Dyer to be postmaster at Skowhegan, in the county of Somerset and State of Maine, in place of Isaac Dyer. Incumbent's commission expires February 24, 1904.

MINNESOTA.

Jesse A. Maxwell to be postmaster at Fulda, in the county of Murray and State of Minnesota, in place of Jesse A. Maxwell. Incumbent's commission expired February 5, 1904.

NEW YORK.

Charles O. Sprague to be postmaster at Prince Bay, in the county of Richmond and State of New York. Office became Presidential January 1, 1904.

NORTH CAROLINA.

William H. Holt to be postmaster at Graham, in the county of Alamance and State of North Carolina, in place of William H. Holt. Incumbent's commission expired February 5, 1904.

NORTH DAKOTA.

Edmund K. Cavileer to be postmaster at Pembina, in the county of Pembina and State of North Dakota, in place of Edmund K. Cavileer. Incumbent's commission expires February 19, 1904.

Emil O. Ellison to be postmaster at La Moure, in the county of La Moure and State of North Dakota, in place of Emil O. Ellison. Incumbent's commission expires February 24, 1904.

Arthur H. Johnson to be postmaster at Drayton, in the county of Pembina and State of North Dakota, in place of Arthur H. Johnson. Incumbent's commission expires February 19, 1904.

WASHINGTON.

Hugh Eldridge to be postmaster at Bellingham, late Whatcom, in the county of Whatcom and State of Washington, in place of Hugh Eldridge. To change name of office.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 9, 1904.

SURVEYOR OF CUSTOMS.

Frederick A. Kuntzsch, of New York, to be surveyor of customs for the port of Syracuse, in the State of New York.

APPRAISER OF MERCHANDISE.

Fred W. Edwards, of Pennsylvania, to be appraiser of merchandise in the district of Pittsburg, in the State of Pennsylvania.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Henry D. Geddings, of Alabama, to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from November 23, 1903.

PROMOTIONS IN THE NAVY.

Lieut. Commander Isaac S. K. Reeves to be a commander in the Navy from the 27th day of December, 1903.

Lieut. Commander Albon C. Hodgson to be a commander in the Navy from the 27th day of December, 1903.

Commander James D. Adams to be a captain in the Navy from the 31st day of December, 1903.

Lieut. (Junior Grade) Charles T. Owens to be a lieutenant in the Navy from the 1st day of January, 1904.

To be lieutenants (junior grade) in the Navy from the 28th day of January, 1904:

Edward B. Fenner.
Richard D. White.
Paul B. Dungan.
Edward C. Kalbfus.
James W. L. Clement, jr.
Clark H. Woodward.
Cyrus W. Cole.
William R. Sayles, jr.
Farmer Morrison.
Samuel B. Thomas.
Alfred W. Johnson.

Asst. Surg. Richard B. Williams to be a passed assistant surgeon in the Navy from the 17th day of November, 1903.

POSTMASTERS.

COLORADO.

Michael J. Guerin to be postmaster at Salida, in the county of Chaffee and State of Colorado.

CONNECTICUT.

R. Clifford Tyler to be postmaster at Chester, in the county of Middlesex and State of Connecticut.

DELAWARE.

John K. Chambers to be postmaster at Newark, in the county of Newcastle and State of Delaware.

ILLINOIS.

James F. Crawford to be postmaster at Warsaw, in the county of Hancock and State of Illinois.

MASSACHUSETTS.

Abbie H. Souther to be postmaster at Cohasset, in the county of Norfolk and State of Massachusetts.

MICHIGAN.

Volney W. Olds to be postmaster at Hartford, in the county of Van Buren and State of Michigan.

MINNESOTA.

Simon J. McKenzie to be postmaster at Adrian, in the county of Nobles and State of Minnesota.

MISSOURI.

George B. Wade to be postmaster at Jasper, in the county of Jasper and State of Missouri.

NEW MEXICO.

Edward Quinn to be postmaster at Gallup, in the county of McKinley and Territory of New Mexico.

PENNSYLVANIA.

Robert H. Sloan to be postmaster at Clairton, in the county of Allegheny and State of Pennsylvania.

TENNESSEE.

Leander W. Dutro to be postmaster at Memphis, in the county of Shelby and State of Tennessee.

Edmund D. Hughes to be postmaster at Mountpleasant, in the county of Maury and State of Tennessee.

TEXAS.

Clinton J. Farrell to be postmaster at Vernon, in the county of Wilbarger and State of Texas.

WASHINGTON.

Grant C. Angle to be postmaster at Shelton, in the county of Mason and State of Washington.

William R. Baker to be postmaster at Colville, in the county of Stevens and State of Washington.

Judson J. Merriman to be postmaster at Lind, in the county of Adams and State of Washington.

James W. O'Connell to be postmaster at Republic, in the county of Ferry and State of Washington.

John F. Spangle to be postmaster at Cheney, in the county of Spokane and State of Washington.

George Vetter to be postmaster at Sunnyside, in the county of Yakima and State of Washington.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 9, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3530. An act to provide for the construction of a light-house and buoy tender for the inspector of the eleventh light-house district;

S. 1419. An act to fix the salary of the collector of customs at Omaha, Nebr.;

S. 2424. An act to recognize and promote the efficiency of army chaplains;

S. 2816. An act to amend section 3095 of the Revised Statutes of the United States;

S. 2621. An act for the widening of V street NW.;

S. 1636. An act for the opening of R street NE. to Twenty-eighth street and of Twenty-eighth street NE. from R street to M street;

S. R. 6. Joint resolution to authorize the Secretary of the Navy to donate to the Minnesota Historical Society the steering wheel of the former ship *Minnesota;*

S. 2641. An act to provide for the removal of floating dangers to navigation to certain steamship lanes off the Atlantic coast of the United States and for the construction of a suitable vessel to be used for such purpose by the Navy Department;

S. 3110. An act to provide for the convening of general courts-martial at remote naval stations;

S. 127. An act authorizing the joining of Kalorama avenue;

S. 351. An act for the relief of Joseph B. Sargent;

S. 2845. An act to authorize the appointment of Ricardo Iglesias as a midshipman in the United States Navy;

S. 2382. An act providing for the resurvey of certain townships in Routt and Rio Blanco counties, in the State of Colorado;

S. 1635. An act for the extension of M street east of Bladensburg road, and for other purposes;

S. 276. An act to provide for the celebration of the one hundredth anniversary of the exploration of the Oregon country by Capts. Meriwether Lewis and William Clark in the year 1804, 1805, and 1806, and for other purposes;

S. 703. An act setting apart a tract of land to be used as a

cemetery by the Independent Order of Odd Fellows of Central City, Colo.; and

S. 2794. An act to amend an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,'" approved May 13, 1892.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7024. An act to name streets, avenues, alleys, highways, and reservations in that part of the District of Columbia outside of the city of Washington, and for other purposes; and

H. R. 7023. An act to regulate the height of buildings in the District of Columbia.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 11287. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3530. An act to provide for the construction of a light-house and buoy tender for the inspector of the eleventh light-house district—to the Committee on Interstate and Foreign Commerce.

S. 1419. An act to fix the salary of the collector of customs of Omaha, Nebr.—to the Committee on Ways and Means.

S. 2424. An act to recognize and promote the efficiency of army chaplains—to the Committee on Military Affairs.

S. 2816. An act to amend section 3095 of the Revised Statutes of the United States—to the Committee on Ways and Means.

S. 2794. An act to amend an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,'" approved May 13, 1892—to the Committee on the District of Columbia.

S. 2621. An act for the widening of V street NW.—to the Committee on the District of Columbia.

S. 1636. An act for the opening of R street NE. from R street to M street—to the Committee on the District of Columbia.

S. R. 6. Joint resolution to authorize the Secretary of the Navy to donate to the Minnesota Historical Society the steering wheel of the former ship *Minnesota*—to the Committee on Naval Affairs.

S. 2641. An act to provide for the removal of floating dangers to navigation in certain steamship lanes off the Atlantic coast of the United States, and for the construction of a suitable vessel to be used for such purpose by the Navy Department—to the Committee on Interstate and Foreign Commerce.

S. 3110. An act to provide for the convening of general courts-martial at remote naval stations—to the Committee on Naval Affairs.

S. 127. An act authorizing the joining of Kalorama avenue—to the Committee on the District of Columbia.

S. 351. An act for the relief of Joseph B. Sargent—to the Committee on Claims.

S. 2845. An act to authorize the appointment of Ricardo Iglesias as a midshipman in the United States Navy—to the Committee on Naval Affairs.

S. 703. An act setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.—to the Committee on the Public Lands.

S. 2382. An act providing for the resurvey of townships in Routt and Rio Blanco counties, in the State of Colorado—to the Committee on the Public Lands.

S. 1635. An act for the extension of M street east of Bladensburg road, and for other purposes—to the Committee on the District of Columbia.

S. 276. An act to provide for the celebration of the one hundredth anniversary of the exploration of the Oregon country by Capts. Meriwether Lewis and William Clark in the years 1804, 1805, and 1806, and for other purposes—to the Committee on Industrial Arts and Expositions.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 79. Joint resolution for the transportation of Porto Rican teachers to the United States and return.

CONTESTED-ELECTION CASE—CONNELL VS. HOWELL.

Mr. DRISCOLL. Mr. Speaker, by direction of the Committee on Elections No. 3, and in pursuance of a notice given last week, I now call up for present consideration the contested-election case of William Connell *v.* George Howell, from the Tenth Congressional district of Pennsylvania.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution No. 195.

Resolved, That Hon. George Howell was not elected a Representative in the Fifty-eighth Congress from the Tenth district of the State of Pennsylvania.

Resolved, That Hon. William Connell was duly elected a Representative in the Fifty-eighth Congress from the Tenth district of the State of Pennsylvania, and is entitled to a seat therein.

Mr. McLAIN. Mr. Speaker——

Mr. DRISCOLL. I yield to the gentleman from Mississippi.

Mr. McLAIN. Mr. Speaker, I desire to offer the following resolutions as a substitute.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved, That William Connell was not elected a Member of the Fifty-eighth Congress from the Tenth Congressional district of Pennsylvania, and is not entitled to a seat therein.

Resolved, That George Howell was elected a Member of the Fifty-eighth Congress from the Tenth Congressional district of Pennsylvania, and is entitled to a seat therein.

Mr. DRISCOLL. Mr. Speaker, I wish to state here that the majority and minority of this committee have agreed between themselves that the debate on this question shall commence now and continue until to-morrow at 3 o'clock, and that then the previous question shall be considered as ordered on the resolutions offered by the committee and on the substitute, and I ask unanimous consent that that order be now made.

The SPEAKER. The gentleman from New York asks unanimous consent that debate continue upon these resolutions and the substitute until to-morrow at 3 o'clock, and that the previous question be ordered at that time on the resolutions and the substitute.

Mr. McLAIN. Mr. Speaker, I should like to ask the gentleman if the time is to be equally divided?

Mr. DRISCOLL. The time to be equally divided and to be controlled by the gentleman from Mississippi on his side and by myself on this side.

The SPEAKER. Is there objection?

There was no objection.

Mr. DRISCOLL. Mr. Speaker, before entering upon the discussion of this case on the merits it may not be inappropriate to refer briefly to the magnitude of the task involved in the examination of the record and in the preparation of the report to the House. This contest is from the Tenth Congressional district of the State of Pennsylvania, which is composed of the single and entire county of Lackawanna, located in the northeastern part of the State. The election was held on the 4th day of November, 1902. Thereafter, and within the time allowed by law, the returns from that district were canvassed and counted by the board empowered with that duty, and as the result of that canvass Hon. George Howell, the contestee, was declared to have received 13,000 votes, and in like manner Hon. William Connell, the contestant, was declared to have received 13,139 votes, and in pursuance of said count and canvass Hon. George Howell received a certificate of election by a plurality of 461 votes.

The contestant, feeling aggrieved and that he actually received a plurality of the legal votes cast, concluded to contest the election with his adversary, and within the time allowed by law filed a notice of contest, consisting of eleven counts or general charges, setting forth with much particularity and definiteness the facts and allegations on which he proposed to prosecute his case. Those allegations are contained in the record and briefly stated in the report of your committee, and would not be repeated here except to give the House some idea of the substance of contestant's claim and the grounds on which he contends that he and not the contestee was duly elected.

The contestant claims in this case that many votes were cast in said election for Member of Congress by men who were not registered and who did not make legal proof of their right to vote at said election; by men who were not of the age of 21 years on the date of said election; by men who were not citizens of the United States on the date of said election; by men who had failed to pay their taxes in conformity with the requirements of law, and by men who were not residents of the election districts in which they voted.

It also charges that there were fraudulent registrations, fraudulent voting on the basis of the same; violations of the law by judges, inspectors, and clerks of election districts; substitutions, duplications, personations; that intimidation was resorted to, moral and physical; that force, threats, and violence were used; that fraud was practiced by the election officers and other friends of the contestee, with their connivance and procurement, to such an extent as to vitiate the returns in several districts and that in those districts the law and the duty of the election officers were openly and flagrantly violated, and that the election returns were so tainted and permeated with fraud practiced by the election officers and political friends of the contestee as to vitiate the

returns from those districts and render them absolutely null and void. No question was raised by the contestee's counsel but what the evidence introduced was competent and material under the notice of contest. Neither is any question raised in the view of the minority presented to this House.

In due time the contestee filed an answer to the notice of contest, which contains a general denial of all the material facts and allegations set forth in the notice of contest and several charges of bribery and corruption on the part of the contestant and his friends, and other explanations and allegations on which it is claimed the contestee was elected. And it may be stated at the outset that none of the charges of bribery and corruption alleged in contestee's answer are sustained by the evidence. None were claimed to have been established on the argument before this committee, and no claim to that effect is made in the views of the minority. It appears that early in the hearings this part of the contestee's case was abandoned.

On this notice of contest and answer, which are the pleadings in this case, the parties proceeded to take the evidence. About 6,500 witnesses were sworn on the part of the contestant, and about 300 witnesses on the part of the contestee. Their evidence, with the exhibits, is contained in these nine books of fair dimensions, and also in these four volumes of fine printed matter, consisting of 3,824 pages. In due time the contestant filed and served a brief consisting of 456 pages, setting forth definitely the names of the men who it is claimed were illegal voters and who cast their votes for the contestee, with the evidence in each case relied on to sustain that contention. It also contains extracts of evidence of quite a large amount which it is claimed is particularly pertinent to the questions involved.

The contestee filed a brief of 101 pages, setting forth his views of the law and the facts and the reasons why, in his judgment, he should retain his seat. Thereafter the contestant filed and served a brief in reply, consisting of 84 pages. The counsel on both sides were given all the time they desired in the argument before the committee, which lasted for a whole week, the time being about equally divided. Additional typewritten briefs were served on the committee. The examination of this evidence and these exhibits and the consideration of these briefs and the authorities therein cited was the task submitted to this committee. We have given them much time and study and careful deliberation, considering the amount of evidence and number of questions involved.

We felt that it would be impossible for the Members of this House to examine the record and the briefs in this case, and we have therefore honestly striven to divest ourselves of all partisan spirit and party consideration, to the end that we may present a fair and just report and conclusion, based only on the merits of this case and on the evidence as contained in the record. A seat in this House is a distinguished honor and of much concern to the individual, but of more importance is it to the several districts in this country that they be represented only by men who are fairly and honestly elected.

BOROUGH OF DUNMORE.

Contestant vigorously attacked the returns from the first and second districts of the First Ward, the second district of the Second Ward, the third district of the Third Ward, and the first district of the Sixth Ward, all of the borough of Dunmore, for fraud, and for the reason that after the contest was commenced and when contestant was endeavoring to impound the ballots, that they might be preserved for inspection, the ballots from those districts were so mutilated by being water-soaked as to be undecipherable. It was claimed that this was done in the interest of the contestee, for the purpose of covering and concealing fraud perpetrated by the election officers.

Your committee finds that the destruction of those ballots, under the circumstances revealed by the evidence, is not free from suspicion, but it does not find sufficient evidence to establish fraud on the part of the election officers or to charge the contestee with personal responsibility for the destruction of the ballots. It therefore declined to interfere with the returns from those several districts.

Contestant also attacked the returns from the Second and Third wards of Winton and the first district of the borough of Old Forge on the ground that because of gross and palpable fraud the truth could not be obtained from the returns, and that no reliance should be placed upon them. Much evidence is contained in the record pertinent to these questions, and a large part of the time of the respective counsel in their argument was devoted to the consideration of these election districts. And your committee has taken them up and reported its conclusions with reference to them in the order in which they were considered by the respective counsel.

In its report your committee quoted several sections of the statutes of Pennsylvania composing the election law, and cites several cases from the supreme court of that State construing those statutes. Counsel for the contestee on the argument did not seriously question the law or the construction of it by the courts of Pennsylvania, as claimed by contestant's counsel. I take the liberty of quoting a few of these sections for the purpose of showing distinctly wherein they were grossly violated by the election officers and others with their consent:

CONSTITUTIONAL QUALIFICATIONS.

Every male citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections:

I. He shall have been a citizen of the United States at least one month.

II. He shall have resided in the State one year (or if, having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then six months) immediately preceding the election.

III. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

IV. If 22 years of age or upward he shall have paid, within two years, a State or county tax, which shall have been assessed at least two months, and paid at least one month before the election. (Art. VIII, sec. 1, Constitution. January 1, 1874.)

All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State. (Art. VIII, sec. 7, Constitution. January 1, 1874.)

ELECTION LAWS OF THE STATE OF PENNSYLVANIA.

For the purpose of making the original annual assessment and registration of voters in each of the election districts of this Commonwealth, it shall be the duty of each of the assessors who are required to perform any of the duties incident to the holding of elections and the registration of voters in the different election districts of this Commonwealth to visit in person each and every dwelling house in his district on the first Monday in May and the first Monday of December of each year, or as soon thereafter as may be possible and practicable, where all of said dwelling houses can not be personally visited by him on the said first Monday of May and on the first Monday of December, and to make a list, in a book prepared for that purpose by the county commissioners, of all qualified electors that he shall find, upon careful and diligent inquiry, to be bona fide residents of his district, together with the date when such dwelling house was visited by the assessor, entering them in such book in the order of which such dwelling houses are visited; and the qualified electors in each dwelling house being grouped together, and if in a city or town the names of the qualified electors shall be grouped together by streets, alleys, or courts, and the persons so found to be qualified electors shall forthwith be assessed; the assessor shall, in all cases, personally ascertain by careful and diligent inquiry of the voter or some known resident of the election district in which the voter claims the right to vote, upon what grounds each person so assessed claims to be a legally qualified voter. (Act of May 29, 1891, sec. 1, P. L., 134.)

It shall be the duty of said assessor to make a copy of said original list, with the observations and explanations required to be noted as aforesaid, to be made out as soon as practicable. It shall be his duty on or prior to the fourth Monday of May and on or prior to the second Monday of December in each year to place a copy on the door of or on the house where the election of the respective district is required to be held, and retain the original list in his possession for the inspection, free of charge, of any person resident in the said election district who shall desire to see the same; and it shall be the duty of the said assessor to assess, from time to time, on the personal application of anyone claiming the right to vote, the name of such claimant, and mark opposite the name "C. V.," and immediately assess him, noting, as in all other cases, his occupation, residence, the date of his assessment, whether a boarder or housekeeper; if a boarder, with whom he boards, and whether naturalized or designing to be, marking in all cases opposite the name the letter "N." "D.," or "I. N.," as the case may be. If the person claiming to be assessed be naturalized, he shall exhibit to the assessor his certificate of naturalization; and if he claims that he designs to be naturalized before the next ensuing election, he shall exhibit the certificate of his declaration of intention, if such previous declaration is required by the laws of the United States. (Act of May 16, 1895, sec. 2, P. L., 77.)

After the assessments have been completed on the sixty-first day before the third Tuesday of February, and on the sixty-first day before the Tuesday next following the first Monday of November in each year, the assessor shall on the following day make a return to the county commissioners of the "original registry list" thus revised and completed, and two exact copies thereof, and the county commissioners shall thereupon proceed to make out a complete list, in alphabetical order, of all persons so returned as taxables in said election district, and furnish the same, together with the necessary election blanks, to the officers of the election district on or before 7 o'clock in the morning of election, and no man shall be permitted to vote at the election on that day whose name is not on said list unless he shall make proof of his right to vote as hereinbefore required. (Act of May 16, 1895, sec. 3, P. L., 75.)

On the day of election any person whose name shall not appear on the registry of voters, and who claims the right to vote at said election, shall produce at least one qualified voter of the district as a witness to the residence of the claimant in the district in which he claims to be a voter, for the period of at least two months immediately preceding said election, which witness shall be sworn or affirmed, and subscribe a written or partly written and partly printed affidavit to the facts stated by him, which affidavit shall define clearly where the residence is of the person so claiming to be a voter; and the person so claiming the right to vote shall also take and subscribe a written or partly written and partly printed affidavit, stating, to the best of his knowledge and belief, when and where he was born; that he has been a citizen of the United States one month, and of the Commonwealth of Pennsylvania; that he has resided in the Commonwealth one year, or if formerly a qualified elector or a native-born citizen thereof, and has removed therefrom and returned, that he has resided therein six months next preceding said election; that he has resided in the district in which he claims to be a voter for the period of at least two months immediately preceding said election; that he has not moved in the district for the purpose of voting therein; that he has, if 22 years of age, or upward, paid a State or county tax within two years, which was assessed at least two months, and paid at least one month before the election; the said affidavit shall also state when and where the tax claimed to be paid by the affiant was assessed, and when and where and to whom paid; and the tax receipt therefor shall be produced for examination, unless the affiant shall state in his affidavit that it has been lost or destroyed or that he never received any; and if a naturalized citizen, shall also state when, where, and by what court he was naturalized, and shall also produce his certificate of naturalization for examination.

But if the person so claiming the right to vote shall take and subscribe an affidavit that he is a native-born citizen of the United States, or, if born elsewhere, shall state the fact in the affidavit, and shall produce evidence that he has been naturalized, or that he is entitled to citizenship by reason of his

father's naturalization, and shall further state in his affidavit that he is, at the time of making the affidavit, of the age of 21 and under 22 years; that he has been a citizen of the United States one month, and has resided in the State one year; or, if a native-born citizen of the State and removed therefrom and returned, that he has resided six months next preceding said election, and in the election district two months immediately preceding such election, he shall be entitled to vote, although he shall have not paid taxes.

The said affidavits of all persons making such claims and the affidavits of the witnesses to their residence shall be preserved by the election board, and at the close of the election they shall be inclosed with the list of voters, tally list, and other papers required by law to be filed by the return judge with the prothonotary, and shall remain on file therewith, in the prothonotary's office, subject to examination as other election papers are. * * * (Act of January 30, 1874, sec. 10, P. L. 35.)

A certificate of election is prima facie evidence of title to a seat. A contestant has the burden of proof. He must show by a fair preponderance of evidence that the certificate is not a correct expression of the legal voters of the district, and that he, and not the contestee, is, on the facts and the law, entitled to it.

In the proceedings, the taking of evidence and the presentation of this case to the committee, contestant assumed that burden. Several precincts or districts were attacked on the ground that the elections were conducted in such a reckless and lawless manner, that the whole proceedings were so permeated by fraud, as to render the returns from those districts null and void. Individual votes were attacked on the ground that the men who cast them were not legally qualified voters under the requirements of the law of the State of Pennsylvania.

I will say that in the view of the minority the legal propositions contained in the report of the committee are not questioned, and therefore it may be assumed that the minority concede the statement of law and construction of the law in the majority report to be correct.

Mr. RANDELL of Texas. I understood the gentleman to say that we of the minority conceded something. I could not understand just what he said and I will ask him please to state it.

Mr. DRISCOLL. I simply said that in your report you raised no question as to the legal proposition contained in the report of the committee, and I therefore assumed that you believed that the law as stated in that report and the constructions of the law as stated in that report were correct. Am I right?

Mr. RANDELL of Texas. I will state to the gentleman that the law as stated in the report is not correct, but, so far as I am concerned, it was not discovered to be incorrect until after the minority report was written. I supposed you had quoted the law correctly.

Mr. DRISCOLL. Do you mean that the law is not correctly stated?

Mr. RANDELL of Texas. It is not a correct statement of the law of Pennsylvania. That is what I mean.

Mr. DRISCOLL. Do you mean it is simply a typographical error? If so, I shall not raise any question as to a typographical error.

Mr. RANDELL of Texas. No; I do not refer to a typographical error at all.

Mr. JOHNSON. Mr. Speaker, the statute as set out by the majority of the committee was assumed to be correct, but since the filing of the majority report and the views of the minority we have found that one of the statutes set out in the report has been repealed or very materially amended, but I do not think that it makes much difference in the consideration of this case. That is all.

Mr. DRISCOLL. As to that I can only say that these statutes were read by counsel on both sides before the committee, back and forth, for a week, and nobody questioned but what the statutes set forth in this report are now the laws of the State of Pennsylvania, and this is the first suggestion on the part of anybody against our contention, and the first claim by anyone that these are not the existing laws of the State of Pennsylvania.

Mr. JOHNSON. I hope the gentleman will not misunderstand me. I do not think that any blame attaches to the majority of the committee. I do not think that the amendment I refer to is very material in the case.

Mr. DRISCOLL. I wish you would state it now if it is material.

Mr. JOHNSON. It is in your report, quoting from the laws of Pennsylvania, providing that the registry officers shall before the election make two alphabetical lists of the registered voters and furnish them to the managers of elections. In 1895, I think it is—I can have the statute here—the legislature of Pennsylvania amended that section by striking out all of it and substituting other language, and providing that one copy of the registry list should be furnished to the election officers.

Mr. DRISCOLL. Well, to my notion now, only one copy was supposed to be furnished by the county commissioners to the officers of election. I have treated the case on that theory.

Mr. JOHNSON. I stated that I did not think it was very material.

Mr. DRISCOLL. And I will refer briefly to those statutes so far as they are applicable to the facts in this case. There are in the county of Lackawanna a board of county commissioners. I understand that they are a bipartisan or a nonpartisan board. There is also in each election district an assessor, who is called an "election assessor." On the first Monday in May he visits every dwelling house in his election district. He takes down all the names of the male residents of legal age. He has a book something like this [exhibiting], in which he inserts the name of the person. If he is a qualified voter, he writes opposite his name "V.," that he is a voter. If he is a naturalized citizen, he writes "N." opposite his name. If of foreign birth and has taken out his first papers, he writes opposite his name "I. N.," meaning he has declared his intention.

Mr. JOHNSON. "D. I."

Mr. DRISCOLL. Not in here.

Mr. JOHNSON. The statute says declaration of intention.

Mr. DRISCOLL. "I. N.," as it is in this book.

Mr. PALMER. It is "I. N." in the statute.

Mr. McLAIN. That is, "I. N." where he intended to declare, and "D. I." when he had declared.

Mr. DRISCOLL. "I. N.," he intended to become naturalized.

Now, within sixty days before the election the election assessor returns this book to the county commissioners, and they take up this book and arrange the names in alphabetical order, and they retain the designations of "V." "D. I.," and "I. N.," indicating the legal status of the man opposite his name. On or before the day of election the county commissioners are required to deliver to the election officers of each election precinct a copy of this book where the names are alphabetically arranged, and that book is for the use of the election officers on the day of election.

Now, in addition to the statutes, I will read a section or a part of the oath of the election officers, because the election inspectors and the judges of election are required to take an oath before they commence their duties on the morning of the election, and the substance of the oath of the election inspector is as follows:

I will not receive any ticket or vote from any person other than such as I firmly believe to be, according to the provisions of the constitution and laws of this Commonwealth, entitled to vote at such election without requiring such evidence of the right to vote as is directed by law.

The oath taken by the judge of election contains this statement:

I will not give my consent that any vote or ticket shall be received from any person other than such as I firmly believe to be, according to the constitution and laws of this Commonwealth, entitled to vote at such election without requiring such evidence of the right to vote as is directed by law, etc.

This book, alphabetically arranged, is before the election officers. The law says that no man shall be permitted to vote at the election on that day whose name is not on said list unless he shall make proof of his right to vote, as required by law. In other words, these election officers shall not let any man vote, no matter who he is, high or low, unless his name appears on the list as a qualified voter.

Now, what do they do? When a man goes into the election booth there are inspectors, there are clerks, there is a judge in charge of the election. That man's name is called out aloud. The election clerks are supposed to look over their lists and see if that man's name appears on those lists as a qualified voter. If it does so appear, he is given a ticket—a ballot—can go into the booth and mark it and vote; and he may be challenged, and if challenged he is required to qualify himself by oath, but if he is not challenged and if his name appears on the book as a qualified voter he may vote. If his name does not appear on that list, he shall not be allowed to vote, unless what? Unless he swears in an affidavit stating all the facts necessary to show that he is a legal and qualified voter of the State and county and that particular district.

Now, in this district these election officers, with this book before them, allowed a large number of men to go in there and vote whose names were not on the list.

Contestee, in his brief and in the argument on the brief before our committee, claimed there were 83 such votes cast. Contestee's counsel, Mr. Ballantine, in the presence of contestee and in the presence of our committee, admitted that 50 such votes were cast and received without any affidavits.

Mr. BUTLER of Pennsylvania. Without being registered?

Mr. DRISCOLL. Without being registered and without any affidavits; and contestee's counsel, at page 18 of their brief, say that there were no affidavits taken in that district because there were no unregistered votes, although the record shows there were from 50 to 83 unregistered votes.

Mr. BENNY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. DRISCOLL. Certainly.

Mr. BENNY. Were these fifty men whose votes were received entitled to vote if they had their names placed on the list? What I mean is, were they legal voters or voters in that precinct?

Mr. DRISCOLL. So far as it appears, they were not legal voters. In other words, they were prima facie, not legal, voters.

No man is a legal voter unless his name appears on this book a qualified legal voter, and so far as we know they have not been in the country three months or they might have been brought across the border that morning. They were simply voted. Their names were not on the list. They were not required to make affidavits to qualify them to vote. The laws were grossly violated by these election officers by taking all these votes and requiring no affidavit and——

Mr. BENNY. Was there anything in the case to show the election board knew these fifty men to be bona fide residents there who had voted at some other election?

Mr. DRISCOLL. There is nothing in the record to show that they knew or did not know. Their sworn obligation was not to take any vote from a man unless his name was on the list as a voter, and when they took those votes from these fifty or eighty-three men whose names were not on the list as voters they violated their oaths and the law every time.

Mr. BENNY. Was there anything to indicate anywhere in that case how those fifty men voted—whether for Connell or for Howell?

Mr. DRISCOLL. Well, that will come up by and by.

In addition to that: In Winton both the Second and Third wards are populated largely by foreigners, by Slavs, Huns, Poles, and Italians, and that was the season of the great strike in the anthracite mines, and those people were largely miners or helpers, and they were moving around all the time. The strike had been on, and there was very much moving out from one region to another to get work somewhere else, and it appeared that from 50 to 70 votes were cast in the names of men who had formerly lived in that district and who were out of the district on the day of election. In other words, there were from fifty to seventy personations, substitutions of voters in place of dead men, and all sorts of fraudulent and illegal votes.

Now, I will admit that the election officers might be fooled a few times, but I do not see how, if they were vigilant and honest and reasonably competent, they could be fooled so many times; and when they deliberately violated their obligation, violated their oath and the law in receiving from 50 to 83 votes from men whose names were not on the list, and who gave no affidavits showing their legal right to vote, we have the right to say they were intentionally crooked in receiving those 60 or 70 votes in the names of men who were not in that election district on that day.

Mr. THAYER. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. DRISCOLL. Yes, certainly.

Mr. THAYER. As a matter of information, I understand that the county officers make out a voting list alphabetically which is given to the officers at the polling precinct.

Mr. DRISCOLL. Yes, sir; a registry list.

Mr. THAYER. I also understand, suppose the man's name was omitted by the assessor as he went on, his name will not appear on the voting list.

Mr. DRISCOLL. That is right.

Mr. THAYER. Then if that man appears at the polling place with some witness with him who knew he was there a proper length of time, and his name should have been on the list——

Mr. DRISCOLL. Yes, sir.

Mr. THAYER. He can make affidavit and would be entitled to vote?

Mr. DRISCOLL. Yes.

Mr. THAYER. Is that name then written on the voting list in addition to the printed list?

Mr. DRISCOLL. No; I will tell you. They have what they call a registry list that is sent by the county commissioners to the election officers on or before the morning of the election. The names of the people are supposed to be on that list in alphabetical order. When the voting commences, the clerk writes down "John Smith," "James Jones," according as they come in and vote, and that is called the voting list, and the man to whom you refer could come in on election day and show by affidavit that he was a qualified and legal voter of that district, and he would be entitled to vote, and the election officers would be required to receive his vote.

Mr. THAYER. I understood that much; but what I want to know is whether it was incumbent on the election officers to write his name down on the voting list that was originally tendered them?

Mr. DRISCOLL. No; they should write it down on the voting list after he has voted, but not on the registry list.

Mr. THAYER. But his name would appear on some list, would it not?

Mr. DRISCOLL. Yes.

Mr. THAYER. Now, has the committee investigated to see whether, in the borough of Winton, for instance, the names were on the original list?

Mr. DRISCOLL. As I said a minute ago, I anticipated the question the gentleman has asked me by saying that the people moved out of this district in droves during the time of the strike and had not moved back, and because they had not moved back there were other men brought in and substituted for them and voted in their places.

Mr. THAYER. Is it not a fact that this is made known to your mind simply because a few men went out around there in that borough and were unable to find the men whose names were on the voting list as living there? Isn't it a fact that it is mere hearsay of fathers and brothers and——

Mr. DRISCOLL. Mr. Speaker, I object to the gentleman making a speech in my time.

Mr. THAYER. I am asking a question.

Mr. DRISCOLL. I will answer that question by and by.

Mr. THAYER. Will you answer the question now?

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. DRISCOLL. Yes.

Mr. LITTLEFIELD. Does the law require the affidavit of which you speak to be filed with the county clerk?

Mr. DRISCOLL. It requires it to be filed with the prothonotary with the election returns.

Now, in addition to what I say, the election officers did that which was unlawful. In the Second Ward of Winton they added about fifty names, not to the polling list, but to the registry list which was sent them by the county commissioners. They had no business to interefere with the registry list, except to consult it and see that the men who came forward were qualified voters; but they did, against the law and against their duty, add fifty names in an unalphabetical order to that list.

Mr. THAYER. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. DRISCOLL. I do not yield, Mr. Speaker, because the gentleman wants to make a speech instead of asking questions.

Now, gentlemen, we come to the borough of Winton, Third Ward, which is also attacked by the contestant for fraud. In this district the contestant's counsel claim there were 80 votes received by men whose names were not on the registry list, and in proof of whose right to vote no affidavits were filed. Now, there is no question about this. Mr. Ballantine, in the presence of Mr. Howell, in the hearing before the committee, admitted that 53 of these were correct, and Mr. James Conry, a Democratic judge of election of that district, said that no affidavits were taken and filed in that district.

Now, it appears, therefore, that so far as that duty was concerned the election officers did not attempt to discharge it at all. They let everybody go up, apparently, who wanted to, and vote, and when their names were not on the list they did not require affidavits of the right to vote, as required by law.

Mr. LAWRENCE. I would like to ask the gentleman a question.

Mr. DRISCOLL. Very well.

Mr. LAWRENCE. I would like to ask if in any of these cases that you have already cited where there was alleged illegal voting there was any protest made by any of the election officers?

Mr. DRISCOLL. It does not appear that any protest was made at any time.

Mr. LAWRENCE. Am I correct that there were both minority and majority inspectors present?

Mr. DRISCOLL. I will tell you about that in a minute. In addition to this, 22 votes were received in the names of men who were not there, and 15 votes were shown to have been cast by men whose names did not appear on the voting list as returned by the election officers. Now, as I said before, when a man declares his intention to be naturalized, if not naturalized, the election assessor places before his name on this book the letters "D. I." and that means that the man has declared his intention to be naturalized.

But if these letters are here opposite the man's name on this list, it is a warning to the election officers that he can not vote without an affidavit. It should put them on guard. Yet they let about eleven of these men vote without any affidavits showing that they had gotten out their second papers or that they were legally qualified to vote.

Mr. THAYER. When these officers were called, were any of them asked questions as to whether any person coming there made an affidavit or not?

Mr. DRISCOLL. I do not quite understand the question.

Mr. THAYER. Was there a single officer asked the question whether parties coming there had made an affidavit?

Mr. DRISCOLL. Why, certainly.

Mr. THAYER. I do not find any such thing in the record.

Mr. DRISCOLL. Why, Mr. James Conry, the Democratic judge of election in the third district of Winton, swore that there were no affidavits taken at all.

Mr. THAYER. Did he not swear that there were none on file? Will the gentleman say that he swore none were taken?

Mr. DRISCOLL. Yes; that is what he said, as I understand it, that no affidavits were taken.

Mr. THAYER. I think the gentleman is mistaken.

Mr. DRISCOLL. Well, I will not claim that I may not be mistaken in my recollection of what this record of several thousand pages shows. I will not claim that I may not be mistaken about anything, but that is my recollection of it, and I am giving it as I honestly believe it to be.

Mr. JOHNSON. Mr. Speaker, Mr. Conry did make that statement, that no affidavits were taken, because nobody was allowed to vote who was not registered. Therefore no affidavits were needed.

Mr. DRISCOLL. Then, Mr. Speaker, I wish to call the attention of the gentleman from Massachusetts [Mr. THAYER] and the Members of the House to the fact that I was correct in making the statement which I made, that Mr. Conry swore on the stand that no affidavits were taken from anybody in the Third Ward of Winton, and the gentleman from South Carolina [Mr. JOHNSON] corroborates what I say.

Mr. SHULL. Mr. Speaker, I wish to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. DRISCOLL. Yes.

Mr. SHULL. Does the gentleman say that the laws of Pennsylvania prescribe that a voter behind whose name appears the letters "D. I." or "I. N." is required to make an affidavit before he is permitted to vote?

Mr. DRISCOLL. Yes.

Mr. CASSEL. Unless the voter presents his certificate.

Mr. DRISCOLL. Yes; they must qualify themselves by affidavit, and by their certificate of naturalization in addition if required. In other words, when the name is taken down in the spring he is not a legally qualified voter. He may become a legally qualified voter between that time and the election time in November. If so, he must show he has qualified himself by affidavit.

Mr. SHULL. I simply desire to ask the gentleman this question, as to whether the laws of Pennsylvania prescribe that he must make an affidavit before he is permitted to vote?

Mr. DRISCOLL. Yes.

Mr. THAYER. Mr. Speaker, may I interrupt the gentleman once more?

The SPEAKER. Does the gentleman yield to the gentleman from Massachusetts?

Mr. DRISCOLL. Yes.

Mr. THAYER. I get my information from the report of the majority, page 7, in which it states as follows:

COMMONWEALTH OF PENNSYLVANIA, *County of Lackawanna, ss:*

I, John S. Cummings, prothonotary of said county of Lackawanna in said Commonwealth——

Mr. DRISCOLL. Mr. Speaker, I object to any further reading of that in my time.

Mr. PALMER. That is a forged certificate.

Mr. DRISCOLL. That is not in this district.

Mr. THAYER. I did not say anything about any particular district.

Mr. DRISCOLL. I am talking about the third district.

Mr. THAYER. The gentleman is talking about something that I am not talking about. I want to set the gentleman right.

Mr. DRISCOLL. The gentleman from Massachusetts is talking about something that I am not talking about, and I insist upon having the floor.

Mr. THAYER. But I wish to correct the gentleman.

Mr. DRISCOLL. Mr. Speaker, I object to any more interruption from the gentleman from Massachusetts [Mr. THAYER].

Mr. THAYER. The gentleman objects to being corrected on his own report.

Mr. RANDELL of Texas. Will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Texas?

Mr. DRISCOLL. I do.

Mr. RANDELL of Texas. In order to understand the position, and that the House may understand it, I wish to know if I am correct in my understanding the gentlemen from New York [Mr. DRISCOLL] to say that where a voter's name is on the list with the letters "D. I.," showing he had declared his intention of becoming a citizen, he has to make an affidavit before he is qualified to vote, in order to vote legally?

Mr. DRISCOLL. Why, certainly; yes, he has.

Mr. RANDELL of Texas. I think the gentleman will find that the law is that he does not have to make an affidavit.

Mr. DRISCOLL. He will have to show his naturalization papers.

Mr. RANDELL of Texas. Then it is only those whose names are not on the list. If the name is on the list and the man will show his proper papers, he will be entitled to vote, and when the election officer certifies that he did vote the presumption is that he had complied with the law.

Mr. DRISCOLL. I am not sure, but if he obtained and showed his second papers that might qualify him without anything further.

Mr. PALMER. It does not.

Mr. DRISCOLL. I think he must do something further. He must qualify himself by showing that he has paid the State and county tax as required by statute.

Mr. PALMER. And that he has resided in the district.

Mr. DRISCOLL. Yes; that he had resided in the district a certain length of time. If the man has simply declared his intention he may be entitled to vote, but before he can do so he must be taxed as a voter and he must show that he has paid his tax.

Mr. RANDELL of Texas. I do not wish to take up the gentleman's time, but it may save time for me to say that our position is that the man stands in the same attitude with any other whose name is on the list. An examination of the statute will show that the assessor makes no difference as to whether the man has declared his intention or has become a citizen, provided his name is on the list.

Mr. DRISCOLL. Mr. Speaker, I must now decline to yield any further, because I wish to retain a part of my time until to-morrow; and I have taken up more time in opening this case than I intended to do.

I wish now to state a few things which were done or permitted to be done by the election officers in the Third Ward of Winton, to show how they conducted matters. For instance, Marian Dominick (p. 977) swears that he is an Italian, not naturalized; that he met Henry Lawlor, an election officer and friend of the contestee, and he says that Lawlor called him and asked him to come in and vote; he said he couldn't vote, and Lawlor said, "Go in anyway;" that he went in and voted, and Lawlor marked his ballot.

Paul Marriot (p. 1001) says that he is an Italian, not a voter, and was called by the big Lally boy (a friend of the contestee) and the following conversation occurred:

He asked me on the street; I stood on the street and he said: "Come in and vote." I said: "I can't vote; I got no citizen papers; I not a citizen myself." And he said: "That is all right; everybody votes this year." And he said: "Go in and vote." And I voted because he told me to. I had no paper.

Pesan Bastania (pp. 1016–1017) swears that he is an Italian, not naturalized and not qualified to vote. But five or six people pulled him into the booth and said: "Go on; go on." And he went in and voted.

Louis Neri (p. 1024) says that he is an Italian, not naturalized, paid no taxes, but he was hanging around the polls and voted. He gives evidence as follows:

Q. Who took you in to vote?—A. Nobody. Why, I was going for a growler of beer, and a fellow met me on the street and he said, "Did you vote?" and I said, "No;" and he said, "Go on in there and vote;" and I went in there, and he marked the card for me and gave it to me; and he said, "Put it in there;" and I put it in.

Gentlemen who will follow me will show that this is only a sample of what was done by wholesale in that district and permitted by these election officers.

But now, gentlemen, who got the benefit of these illegal votes? Was it Mr. Connell or was it Mr. Howell? Why, sir, Mr Connell's name was on the "ballot-reform" ticket and also on the straight Republican ticket. Mr. Howell's name was on the anti-machine ticket. Mr. Howell received 155 votes on the antimachine column; Mr. Connell, 24 votes on the "ballot-reform" column, but not one vote on the Republican column—not one.

Now, if those election officers—inspectors, clerks, judges, watchers—were there as Republicans, they did not vote the Republican ticket; and if they did not vote the Republican ticket it is fair to say that they were not very strenuous in the protection of Republican interests.

Mr. JOHNSON. I should like to know whether it is not the fact that Mr. Connell got more votes at that precinct than Mr. McKinley?

Mr. DRISCOLL. I do not know as to that. It was claimed on the hearing that Mr. McKinley got so many votes; it was also claimed that at the next election, when the law was enforced, a Republican was elected in that district. Those facts are not in the record, as I understand, and are not material or admissible in this hearing.

Mr. CASSEL. My colleague will allow me to say that the "ballot-reform" ticket was a full Democratic ticket with the exception of Mr. Connell's name; consequently all the votes cast at that election were cast for the Democratic candidates for county officers and governor, and all the other officers with the exception of Mr. Connell and one candidate for judge. I repeat that the "ballot-reform" ticket was a full Democratic ticket with the exception of Mr. Connell's name.

Mr. LITTLEFIELD. I should like to inquire of the chairman of the committee whether the committee agree to the assertion I

am about to read from the views of the minority, page 2. I know nothing about the matter myself; I am simply asking the chairman to explain the facts as they exist. I read from the minority report:

In this particular case, however, even if there were as many illegal votes as the majority allege, and all of them should be deducted from the contestee, he would still have a majority.

Do the committee agree that that states the matter correctly?

Mr. DRISCOLL and others. No.

Mr. LITTLEFIELD. Will the gentleman then explain that matter?

Mr. DRISCOLL. I can not do so now, because I want to go on with the point I am discussing, but that will be explained later.

I want to say that in this district there were no people representing the Republican party. The bars were thrown down; the friends of Mr. Howell went out and drummed up from the highways and byways the fellows who were working the "growlers," and everybody else, naturalized or not; they rounded them up and corralled them, and ran them in and voted them. Mr. Howell got the benefit, I claim, of such conduct on the part of these officers; and no reliance can be placed on the return. It is permeated through and through with fraud and ought to be thrown out. No dependence can be placed on the action of the judges who permitted such performances.

OLD FORGE, FIRST DISTRICT.

The performances on the part of the election officers in this district capped the climax for carelessness, crookedness, and defiance of the law and their sworn obligations. Contestant's counsel claimed on the argument that there were 158 votes cast by persons whose names did not appear on the registry list and from whom no affidavits were taken in proof of their right to vote. Those names are set forth in their brief. The counsel of the contestee in his presence admitted 90, and the contestee himself is an attorney of record of the State of Pennsylvania. And such an admission as that ought to be of some weight with the Members of this House.

Mr. JOHNSON. Does not the gentleman know that Mr. Green, one of the counsel in the case, emphatically denied that statement?

Mr. DRISCOLL. I do not think he was the leading counsel, and I do not think the gentleman from South Carolina will say he was the leading counsel.

Mr. JOHNSON. Did he dispute that evidence?

Mr. DRISCOLL. He did afterwards. He disputed almost everything that was stated by his associate and the opposing counsel, and I do not think he understood the case very well himself, and I think the gentleman from South Carolina will agree with me in this regard.

A registry list, alphabetically arranged, was on the table in the presence of those officers. When a man came in to vote it was their duty to look at the list, and if that man's name was not there to require an affidavit in proof of his right to vote. Yet it is claimed that that duty was violated 158 times, and 90 of such violations are admitted. The certificate of the prothonotary of Lackawanna County established the fact that no affidavits were taken, showing that the election officers paid no attention to the elementary requirements of the law on their part. The following is a copy of that certificate:

COMMONWEALTH OF PENNSYLVANIA,
County of Lackawanna, ss:

I, John F. Cummings, prothonotary of said county of Lackawanna, in said Commonwealth, do hereby certify that among the returns of the election held in the said county of Lackawanna on the 4th day of November, A. D. 1902, which returns are now on file in my office pursuant to law, it appears that one affidavit only was filed from the first district of Old Forge borough, in said county, which affidavit is the oath of office taken by the election officers, and that no affidavit of any voter was filed from said district.

In witness whereof I have hereunto set my hand, and have affixed the seal of court of common pleas of the said county of Lackawanna, at the city of Scranton, in the said county, this 12th day of January, A. D. 1904.

JOHN F. CUMMINGS,
Prothonotary of Lackawanna County.

In the views of the minority, a copy of this certificate is inserted in their remarks on the Second Ward of Winton by mistake. It is claimed that this certificate means nothing, yet it states distinctly that—

One affidavit only was filed from the first district of Old Forge borough, in said county, which affidavit is the oath of office taken by the election officers, and that no affidavit of any voter was filed from said district.

If several affidavits were filed, how could he truthfully state that there was only one? If he certified to a copy of all the returns from that district it would show only one affidavit, namely, the oath of the election officers. Our opponents speak of presumptions, etc., and suggest that if the certificate states that no affidavits are on file now it does not establish the fact that they never have been on file. In answer we say it is a fair presumption that the prothonotary properly performs his duty in protecting the files in his office. And if no affidavits of voters are contained in the returns from that district it is a fair presumption that no such affidavits were filed by the election officers.

Mr. YOUNG. Will the gentleman permit a question?

Mr. DRISCOLL. Yes.

Mr. YOUNG. Whose duty was it to file these affidavits with the prothonotary—the election board?

Mr. DRISCOLL. The election boards—the election officers.

Mr. JOHNSON. In reference to the certificate which purports to show that, there is no evidence on file as to the time it was made.

Mr. DRISCOLL. I wish you would argue that in your own time.

Mr. JOHNSON. I just simply wished to ask that as a question.

Mr. DRISCOLL. I wish you would argue that in your own time.

Again, when the contestant proved that 158 men had voted from whom no affidavits were taken, it was incumbent on the contestee or his counsel, when their turn came, to show if they could that the election officers attempted to discharge their duty by taking and filing some affidavits. This they failed to do, and the conclusion is therefore justified that no affidavits were taken. But that is not all.

According to the evidence about ten persons voted at that election in that district whose names did not appear on the voting list as returned by the election officers, and about eight persons were permitted to vote opposite whose names the letters "D. I." appeared on the registry list without filing affidavits, in conformity with the law, in proof of their right to vote. In this district a very large majority of the people are of foreign birth. Many of them are Poles. Frank Conowsky was a Pole, a Republican, and a ward leader among his people. The Pennsylvania law provides for watchers at elections. It says:

On the petition of five or more citizens of any election district, setting forth the fact that the appointment of overseers is a reasonable precaution to secure the purity and fairness of the election in said district, it shall be the duty of the court of common pleas of the proper county, all the law judges of the said court able to act at the time concurring, to appoint two judicious, sober, and intelligent citizens of the said district, belonging to different political parties, overseers of election to supervise the proceedings of election officers thereof, and to make report of the same as they may be required by the court. (Act January 30, 1874. Sec. 4 P. L., 33.)

Each party which has by its primary meeting, caucus, convention, or board sent to the proper officer a certificate of nomination, and each group of citizens which has sent to the proper officer a nomination paper as provided in sections 2 and 3 of this act, shall be allowed to appoint three electors to act as watchers in each voting place, without expense to the county, one of whom shall be allowed to remain in the room outside of the inclosed space. Each watcher shall be provided with a certificate from the county commissioners stating his name, the names of the persons who have appointed him, and the party or policy he represents; and no party or policy shall be represented by more than one watcher in the same voting room at any one time. Watchers shall be required to show their certificates when requested to do so. (Act of June 10, 1893, sec. 23, P. L., 419.)

Frank Conowsky was a regularly appointed watcher and had his certificate. During the early part of the day he was permitted to go inside the rail, mark ballots for those who were incompetent, and assist in the election. But during the day one Mr. Bonner, an attorney and friend of the contestee, called him and asked him who he represented. He said the Republican party. Bonner told him that unless he supported the Democratic party and Howell he would expose Conowsky's friend, Frank Appel. Conowsky refused, saying he was a Republican and would stand by the party. After that he was refused further admission in the booth and prevented from marking other ballots for his friends, although they continued to demand his assistance.

Mr. JOHNSON. Will the gentleman yield?

Mr. DRISCOLL. Yes.

Mr. JOHNSON. Does my friend mean to tell this House that because some man out on the election ground approaches a voter and asks him to vote for a certain candidate and he refuses to do it, and then this man conveys a threat to expose one of his friends who does not vote that way, that that amounts to intimidation?

Mr. DRISCOLL. I mean to say this——

Mr. JOHNSON. And do you not find as a fact that Frank Conowsky did vote for William Connell? Is not that one of the aliunde facts put down by you?

Mr. DRISCOLL. Why, I do not question that.

Mr. JOHNSON. Then he did not intimidate him.

Mr. DRISCOLL. The gentleman can refer to that in his own time. The point I am making is that he was met by Mr. Bonner, he was asked to support Howell, he was told if he did not support Howell that his friend Appell would be exposed; that he refused to support Howell and said he would stand by the Republican party. Thereafter the election officers, who were all Democrats, threw him out, and would not let him mark any more tickets for his friends, showing that Bonner conveyed that knowledge to the election officers and they acted upon it. That is the point I am making.

Now, you can raise the screen and see how things were done in that first district of Old Forge. The judge of election was an

elderly gentleman named Michael McGowan. The inspector duly chosen was a fellow named Tooley. Mr. McGowan was informed the night before election that Tooley could not act as inspector the next day, so the next morning Michael McGowan and P. F. Coyne, a Democrat, put their heads together and concluded there was nobody there that they could take who was satisfactory, and they sent for Michael Cafferty, who was some distance away. Michael Cafferty came. He was not on the registry list, he was not a qualified voter, yet they allowed him to vote without an affidavit showing his right to vote, as required by law. What next? John McGowan was a son of Michael McGowan, and he was a constable.

McAndrew, a devoted friend of the contestee, was deputy constable; McKenna, another friend of the contestee, was chief of police. There was no row or trouble in that district, and yet all these people—Tooley, Coyne, McKenna, McCafferty, Michael McEwen, John McGowan, and McAndrew—were all there bulldozing those Pollacks, shutting them out, not allowing Conowsky to mark the ballots for his friends, and acting in violation of every provision of the election law. They were strong partisans. McGowan said, I believe, he was a Howellite, first, last, and all the time. The bars were thrown down. They did everything in their power to direct the voters their way and let every Howell vote in without obstruction.

I simply say that that vote, the return of these election officers, does not import verity; that it is entitled to no credit; it should be thrown out. The ballot can not be purged, because you do not know where to commence or determine what is honest and right and what is dishonest and illegal, and therefore the only possible and reasonable thing is to throw out the whole poll.

Mr. BENNY. Will the gentleman allow me to ask him a question?

The SPEAKER. Does the gentleman yield?

Mr. DRISCOLL. I have got pretty nearly through, and I would rather not yield.

The SPEAKER. The gentleman declines to yield.

Mr. DRISCOLL. We have cited in our report many authorities on this question, and I have cited some in my remarks here, and I will ask to have extended in the RECORD some more authorities on the same proposition. There is an abundance of authority showing it is the duty of the committee, and it is the duty of the House, where such gross frauds are perpetrated as were shown by the evidence here and where the whole returns are permeated and tainted with fraud, to throw them out and let the several parties prove their votes aliunde.

In 1864, in the contested-election case of Knox *v.* Blair, Thirty-eighth Congress, Mr. Henry L. Dawes, who submitted the majority and prevailing report in a contested-election case where the question of fraud was involved, said:

> When the result in any precinct has been shown to be "so tainted with fraud that the truth can not be deducible therefrom," then it should never be permitted to form a part of the canvass. The precedents, as well as the evident requirements of truth, not only sanction, but call for the rejection of the entire poll when stamped with the characteristics here shown. (1 Bart., 538.)

The same rule substantially was followed in Finley *v.* Walls (44th Cong., Smith, 389), where the committee reported (p. 714, Rowell's Digest) that—

> The law is that where fraud is proved to have been committed by the officers of an election in conducting the election no reliance can be placed upon any of their acts, and their return must be rejected as wholly unreliable. The party claiming under the election must prove the actual vote in some other way.

In Van Wyck *v.* Green (41st Cong., 2 Bart., 641) the report of the committee contains the following paragraph:

> While the committee should be slow to throw out the whole vote of a ward or district, nevertheless, if the facts and circumstances show that the inspectors of the registry and election knowingly produced frauds, and violated the election laws, and permitted illegal voting, and the polls can't be purged, the whole vote should be thrown out.

To the same effect are the reports and decisions by the House in the case of Wise *v.* Young, Fifty-fifth Congress; Murray *v.* Elliott, Fifty-fourth Congress; Robinson *v.* Harrison, Fifty-fourth Congress, and many other cases which may be cited.

In Noyes *v.* Rockwell (52d Cong., Rowell's Digest, 476) the report of that part of the committee which was sustained by the House contains the following statement:

> Let it be remembered that fraud can rarely, if ever, be proved by direct evidence, and that the rule is whenever a sufficient number of independent circumstances which point to its existence are clearly established a prima facie case of its existence is made, and if this is not met by explanation or contradiction it becomes conclusive.

This rule is generally followed in contested-election cases and in courts.

Mr. FINLEY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. DRISCOLL. I will be through in a minute.

The SPEAKER. The gentleman declines to yield.

Mr. DRISCOLL. Now, according to the report of this committee, if you find that these three districts should be thrown out, and I believe you will, that will leave Mr. Howell a plurality of only 8.

If that is true, neither my friend from South Carolina [Mr. JOHNSON], my friend from Texas [Mr. RANDELL], nor my friend from Mississippi [Mr. MCLAIN] will claim that Mr. Howell was elected, because they will not question——

The SPEAKER. The time of the gentleman has expired.

Mr. HOWELL of Pennsylvania. Will the gentleman yield to a question? I understand the gentleman from New York——

The SPEAKER. The Chair, in conformity to the usual custom, has notified the gentleman that his hour has expired.

Mr. DRISCOLL. I will not speak any longer, because I want a few minutes to-morrow.

Mr. HOWELL of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. DRISCOLL. If it is charged to your time.

Mr. HOWELL of Pennsylvania. I mean that it shall be charged to my time. I understand you to say that the registry books that you have been calling attention to were in the hands of the election officers. Did you not say that, and do you not desire to have the House believe that those registration books have been in the hands of the election officers?

Mr. DRISCOLL. There is——

Mr. HOWELL of Pennsylvania. Say yes or no.

Mr. DRISCOLL. I will not say yes or no. I will say what I please, if you please.

Mr. HOWELL of Pennsylvania. I have asked you the direct question.

Mr. DRISCOLL. I am not on the witness stand. These are supposed to be certified copies of books which were in the hands of the election officers. With reference to the Third Ward of Winton, the list is not alphabetically arranged. I meant to state that in my remarks, but forgot it. Now, with reference to that, I am not sure whether that is a certified copy of the registry list or a certified copy of the assessor's list which got in here by mistake. At any rate, it is not alphabetically arranged. However, that does not excuse the election officers for not examining the list and allowing any person to vote except those who appeared on it as qualified voters.

Mr. HOWELL of Pennsylvania. You stated in the majority report that that book was once in the hands of the election officers. You can determine the truth of this statement in your own time, and if the county commissioners of Lackawanna County say that that book there was ever in the hands of the election officers I will move to seat the contestant.

Mr. DRISCOLL. Where do we say that in our report?

Mr. HOWELL of Pennsylvania. On page 6.

Mr. DRISCOLL. What part?

Mr. HOWELL of Pennsylvania. On the top.

> A large number of names were added to the registry list of this ward by the election officers, in violation of the law and their duty.

Mr. DRISCOLL. I did not say to this book. I said this book is a copy, and would show they were added to the list and that they had no business——

Mr. HOWELL of Pennsylvania. I simply want to understand the gentleman, if he insists that that book was in the hands of the election officers.

Mr. DRISCOLL. I said they were added to the registration list.

Mr. HOWELL of Pennsylvania. By whom?

Mr. DRISCOLL. By the election officers.

Mr. HOWELL of Pennsylvania. Well, it must have been in the hands of the election officers, then.

Mr. DRISCOLL. Either this or the original, I think, must have been.

Mr. MCLAIN. Mr. Speaker, I now yield sixty minutes to my colleague, Mr. JOHNSON.

Mr. JOHNSON. An investigation of election contests in this House reveals the fact that it was fifty years after the Government was organized before there was ever any intimation or suggestion that an election case was influenced either in the discussion or in the decision by political bias. I approached the investigation of this case absolutely without personal feeling, absolutely without political bias, determined as far as lay in my power to find the truth. After long, painstaking investigation I am here to tell you the truth as I understand it. What you may do is of no consequence to me except that I want you to do right. In criticising the report of the majority, I want it distinctly understood that I do not impugn their motive or their honesty. I can differ from a man without doubting either his integrity or his good sense. My criticism will be based upon what I believe to be sound principles of law. I have known most excellent judges for whom I had the highest respect to render decisions that were reversed upon almost every material point.

I want, before I take up this case in detail, to say that it is a dangerous doctrine, it is a damnable doctrine to throw out entire

precincts in an election. You may find that where partisan zeal has controlled it has been done, but I challenge you to show where courts of law have thrown out entire precincts. The law which is laid down in the books, the law which must commend itself to our sense of justice, is that if it is possible to purge a ballot box of illegal votes it shall be done. I do not stand for fraud; I detest it whether it is in politics or in the private walks of life. In this case there is absolutely no reason for saying that fraud was shown to such an extent as to justify throwing out entire precincts. Every illegal ballot can be ascertained. The contestant has set forth with great particularity the name of every voter that he claims cast an illegal ballot. He has referred to the testimony upon which he bases that contention.

There is nothing in the way of this committee—there is nothing in the way of this House taking up those names one by one and determining the facts judicially whether the alleged vote was illegal, and if it was illegal, and the testimony shows for whom it was cast, deduct it from the candidate who received it. If the testimony fails to show for whom it was cast, then adopt the sound rule of law that says that illegal votes, in the absence of testimony showing how they were cast, shall be deducted from the candidates in proportion to their legal votes. I want in my remarks to incorporate certain citations from authorities in regard to the law upon this point. I shall not weary your patience by reading it here, but you can read it to-morrow morning if you see fit.

In Digest of Contested-Election Cases, page 654, it was held that—

"When contestant has shown prima facie a number of illegal votes which if cast for contestee would wipe out his majority, the burden does not shift to contestee to show that they were not cast for him, but remains with contestant."

And at page 355, in same case:

"The burden of proof, even if the doctrine of declaring an uncertain election void be adopted, is, we think, as stated by the minority (the minority report was adopted by the House), on the contestant to show that more illegal votes than the returned majority of the sitting Member were cast, and either that they were cast for the sitting Member or that it is impossible to ascertain for whom they were cast, and that this impossibility is an actual impossibility arising from the circumstances of the case, and which could not have been remedied by the use of due diligence, and not an impossibility arising wholly from the absence of evidence that could have been taken. The party having the burden can not by his own neglect create the impossibility."

In Le Moyne v. Farwell, (44th Cong., Digest of Election Cases, p. 711) it was stated:

"That where fraud is shown to exist the poll shall not be rejected unless it is impossible to purge it of the fraud. It being shown that very many illegal votes had been received with the fraudulent connivance of the judges of election, and there being definite proof that at least 252 of the votes shown by the numbered ballots in the box to have been cast for contestee were illegally and fraudulently cast, the committee deducted these 252 votes from the vote of contestee."

And on page 728 further said:

"The exclusion of an entire poll is the very last resort, and it must never be done where there is any rational means by which the illegal votes can be eliminated."

In Taylor v. Reading (41st Cong., Digest of Election Cases, p. 711) it was held that—

"Fraud to be eliminated, if possible, without rejecting the returns."

"Where contestant proved that more votes were cast for him than were returned for him, and there were circumstances indicating fraud, the committee preferred not to reject the polls, but corrected the vote according to the proof."

In Burch v. Van Horn (40th Cong., Digest of Election Cases, p. 215) it is stated:

"As in this case the law furnished contestant with the name of every rejected voter and the candidate for whom he offered to vote, it would have been very easy for him to have proved the facts alleged by particular and specific evidence if they were true, and under such circumstances the production of indefinite and inconclusive evidence indicated inability to produce any other.

"The committee consider also that in order to unseat a Member of this House who has the regular certificate of election, and who is conceded to have received a majority of several hundred votes of the votes received and counted, they should be able to report whose votes were excluded that ought to have been counted; that it would not do for the committee or for the House to say that out of 2,500 rejected voters, all of whose names are unknown, they are satisfied that enough were legal voters and ought to have been counted to give the contestant a majority."

In Atkinson v. Pendleton (51st Cong., Digest of Election Cases, p. 712) it is held that—

"Returns which are tainted with fraud can not be made the foundation of the title to a seat in the House. The result should be purged of the fraud if practicable and the poll only thrown out when no other alternative remains but to give effect to the fraud or to reject the poll."

In the New Jersey case, as reported in the Digest of Contested-Election Cases, page 651, it is held that the burden of proof is on the contestant, even to the proof of a negative. It holds that "the distinction between the controversy at the polls and that before the committee is manifest. At the polls the voter is a party. When the polls are closed and an election is made the right of the party elected is complete. He is entitled to the returns, and when he is admitted to his seat there is no known principle by which he can be ejected except upon the the affirmative proof of a defect in his title.

Whoever seeks to oust him must accomplish it by proving a case. The difficulties in his path can form no possible reason why the committee should meet him halfway. The rule of reason requires that he should fully make out his case, even though it involve the proof of a negative.

In Bromberg v. Haralson (44th Cong., Digest of Contested Election Cases, p. 652), it is stated that:

"The burden of proof is always upon the contestant or the party attacking the official returns. The presumption is that the officers charged by law with the duty of ascertaining and declaring the result have discharged that duty faithfully."

In Cessna v. Myers (42d Cong., Digest of Contested Election Cases, p. 652) it is held that "the burden is upon the party attacking the legality of a vote to prove that the person whose vote is in question, voted, that the vote was for the competitor, and that the voter was lacking in some legal qualification."

In Butler v. Lehman (37th Cong., Digest of Contested Election Cases, p. 652) it is declared that:

"Allegations involving charge of crime must be established beyond a reasonable doubt."

"When a contestant makes a charge of incorrectness of returns, which involves a direct charge of crime against the election officers, the would in strict law be required to establish the charge by the same degree of proof required in a criminal case."

In Chaves v. Clover (40th Cong., Digest of Election Cases, p. 712) it is held that:

"Where it was proved that returns and poll books had been altered so as to show several hundred votes for contestee which had not been cast, the committee unanimously deducted the votes thus fraudulently added."

In Abbott v. Frost (44th Cong., Digest of Election Cases, p. 712) it is held that:

"Where it was charged that a large number of persons whose names were marked on the check list as voting did not vote, and some witnesses swore that their names were the same as those marked on the list and that they had not voted, and it was proved that a large number of persons marked could not be found in the ward by a diligent search two months after the election, and that many of them were not on the assessor's list, the committee agreed, as a compromise, to deduct 105 from the contestee's vote, the majority holding that the charges of fraud were sustained, the minority holding that they were not sustained."

In Koontz v. Coffroth (39th Cong., Digest of Election Cases, p. 720) the law is declared to be that—

"It is the duty of the committee to approach as nearly as possible the ballot box, and by an examination of all the testimony see that no legal voter is deprived of his just right to the elective franchise. * * * This committee and the House are not circumscribed by the formalities that regulate the proceedings of a board of return judges."

In English v. Hilborn, (53d Cong., Digest of Contested Election Cases, p. 721) it is declared that—

"The prime object in all such cases is, if possible, to ascertain who was the people's choice at the election in question."

In Wallace v. McKinley (48th Cong., Digest of Election Cases, p. 722) it i stated that—

"It is not sufficient to doubt the illegality of a vote, but conviction of its illegality should be reached to the exclusion of all reasonable doubt."

In Hurd v. Romeis (49th Cong., Digest of Election Cases, p. 727) it is held that—

"In the absence of proof as to how illegal votes were cast, they should either be allowed to stand or deducted from all the candidates pro rata."

In Todd v. Jayne (38th Cong., Digest of Contested Election Cases, p. 727) it is stated that—

"Where more than half the votes cast in a precinct were illegal, but from the evidence it was possible to tell the largest number that could have been illegal, and for whom they were cast, the committee rejected these votes and counted the rest."

In Barnes v. Adams (41st Cong., Digest of Election Cases, p. 727) it is held that—

"The rule is well settled that the whole vote of a precinct should not be thrown out on account of illegal votes having been cast, if it be practicable to ascertain the number of illegal votes, and the person for whom cast, in order to reject them and leave the legal votes to be counted. Legal votes are not to be thrown out in order to get rid of illegal votes unless necessity requires it as the only means of preventing the consummation of a fraud upon the ballot box."

In Barnes v. Adams (41st Cong., Digest of Contested Election Cases, p. 720) it is stated that—

"Where it was certain that illegal votes were cast, but definite proof was not made as to their number, the committee said: The presumption is always in favor of the legality of a vote which has been admitted by the proper officers; and since all elections in Kentucky are viva voce, and since the record shows how each person votes, it would not, we think, be too much to require contestant to prove the want of residence of such persons as he claims illegally voted for contestee."

Now, Mr. Speaker, the majority of the committee have found that fraud was so gross, so palpable, that the election returns are absolutely without verity, and they have therefore thrown out three precincts entirely. Even after that was done the contestee still had a majority of 8 votes. They then resorted to an effort to establish legal votes at the rejected precincts for the contestant by testimony aliunde. They find as a fact, and want you to vote as a fact, that there were 32 legal voters at those precincts who voted for the contestant. A little later I want to call attention to the testimony upon which that finding is based. Twenty-nine of the 32 alleged legal votes are proved by one man.

If you are in search of truth, I ask you as lawyers to read that man's testimony and his cross-examination.

Mr. DRISCOLL. Will the gentleman yield to me for a question?

Mr. JOHNSON. Certainly.

Mr. DRISCOLL. Does it make any difference particularly as to the proof of the aliunde vote either for Connell or against Howell above 10. For instance, if these three districts are thrown out, that leaves Howell 8 plurality. One illegal vote was shown to have been cast for Connell, and therefore 10 votes either taken away from Howell's claim or added to Connell's claim will seat Connell. Isn't that so?

Mr. JOHNSON. Yes.

Mr. DRISCOLL. Then what difference does it make about the 32 votes?

Mr. JOHNSON. Your committee, acting in a judicial capacity, bring in a report to this House which you expect this House to adopt as a judicial decision, and your committee have found that there were 32, and I want the House to examine that testimony upon which that finding is based. It is as good to prove 32 as it is to prove 8, but it does not prove either 8 or 32.

Now, gentlemen, looking around this Chamber reminds me of a story that I read of a lawyer. He was employed in a very important case involving a large sum of money. He studied the case very thoroughly; he traveled several hundred miles to the

court of appeals in order to argue the case for his client. When he rose to address the court some of the judges were reading their morning papers, some of them were writing notes, and all of them seemed to be utterly indifferent. The lawyer stopped, and the chief justice said, "Proceed." The lawyer said, "Your honors, I have given a great deal of attention to this case; I have traveled several hundred miles to argue it; I think I can say with becoming modesty that I know more about this case than your honors on the bench. But if your honors on the bench will honor me with your attention until I shall have concluded my remarks, I have no doubt but that your honors will know more about this case than I do." [Laughter.] It is useless to add that he had their attention thereafter.

Now, gentlemen, the majority of the committee recommends that the Second Ward of Winton Borough be thrown out entirely because the election officers were guilty of such gross, palpable fraud that absolutely no verity can be given to their returns. They give as their reasons: First, because the election managers, in violation of the law and in violation of their duty, added a large number of names to the registry list; second, that the election officers allowed a large number of men to vote without filing affidavits whose names were not on the registration list; third, that the election officers allowed fifty men to vote in the names of men who were not present and who did not vote; fourth, that there were substitutions and repetitions.

Now, let me call your attention to the evidence, if you want to decide this case as judges. The record in this case does not reveal the names of these election officers. Just stop and think of it! The record does not show who the election officers were at that precinct. The testimony does not show that a single man who voted at that precinct or a single man who was present that day has gone on the stand and testified to one single utterance, to one single action of these men. Is that not a remarkable statement? That you are called upon to throw out a precinct when even the names of the men who conducted the election do not appear in the evidence.

Mr. DRISCOLL. It was contended that the election officers were guilty of fraud and lawlessness. Why did not the contestee call them to apologize or explain if they could? They were his friends.

Mr. JOHNSON. But you have not shown who they were. The testimony does not show who they were. The testimony does not show the name of a single manager of the election in the Second Ward of Winton. It does not show whether they were Democrats, Republicans, or ballot-reform men. There is not a word of testimony as to whose friends they were. Nobody has come upon the stand and said that these men did anything that was improper. No man has said that they gave utterance to any expression that indicated partiality, fraud, or anything else. Nobody has said anything about them or who they were. They were not attacked in the evidence, and there was nothing for them to explain. The majority of this committee has asked you to find, as a fact, that these men were guilty of such fraud that you can not believe their returns. The committee do this on inferences drawn from poll books and registry lists, suggested for the first time by argument of counsel. Do you believe it? Not as politicians, but as lawyers, do you believe it?

Mr. PALMER. Does not the gentleman believe that if the election officers had been square and honest the contestee would have called them and taken their testimony when, at least, a prima facie case had been made out?

Mr. JOHNSON. There is no prima facie case here.

Mr. PALMER. Yes; because they received votes and put the names on the registry list without taking any affidavit.

Mr. JOHNSON. I presume the gentleman is a lawyer; I think I have seen him on the Judiciary Committee.

Mr. PALMER. An alleged lawyer. [Laughter.]

Mr. JOHNSON. I want to say this, that the man who attacks an election assumes the burden of proof, and he can not stop short of proving his case. I deny, as a proposition of law, that any party in a court of justice who has assumed the burden of proof can shift the burden upon the opposite party to show that his alleged facts are not true if he merely raises a suspicion and does not prove his allegations.

Mr. PALMER. If the defendant comes into court and confesses that a part of the plaintiff's claim is true, then the plaintiff is not called upon to prove that, is he?

Mr. JOHNSON. Why, no.

Mr. PALMER. Very well; in this case the contestee confessed that 50 of these votes——

Mr. JOHNSON. He did not do anything of the kind.

Mr. PALMER. Excuse me; he did.

Mr. JOHNSON. He did not.

Mr. PALMER. He confessed that 50 of these votes that were received in the Second Ward of Winton were received from voters not on the registration list.

Mr. JOHNSON. He did not confess anything of the kind.

Mr. PALMER. Well, the poll list and the registration list compared show it, and that is in testimony in this case.

Mr. JOHNSON. Very well; that is a matter of argument.

Mr. DRISCOLL. What does the gentleman mean by saying that the contestee did not admit that there were 50 votes received by men whose names are not on the registration list. Was not that admitted in the committee by Mr. Ballentine in the presence of Mr. Howell?

Mr. JOHNSON. No; it was not. Mr. Howell was not present. Mr. Howell's mother had died and he had gone to Pennsylvania.

Mr. DRISCOLL. Does the gentleman admit that Mr. Ballentine admitted it?

Mr. JOHNSON. Yes.

Mr. DRISCOLL. And that Mr. Ballentine was the principal attorney throughout the whole case, from beginning to end, and knew more about the case than anyone else.

Mr. JOHNSON. He admitted that there were 50 illegal votes, not that fifty now-registered men voted. A vote might be illegal for reasons unknown to the managers.

Mr. DRISCOLL. Does not the gentleman believe that he knew more about the case than Mr. Green or anybody else?

Mr. JOHNSON. No; he did not know as much about it as I do.

Mr. DRISCOLL. Does the gentleman not think that he knew more about it than Mr. Green?

Mr. JOHNSON. I don't know anything about that. I have examined the records carefully. Now, on that point, you are all lawyers. I admit that a lawyer can bind his client by an admission in a pleading. I admit that a lawyer can bind his client by an admission in writing entered upon the minutes of the court. That is all right; but to tell me that when a lawyer is arguing a case before a judge, if he misstates the facts and the record shows that he misstates the facts, the judge is bound to decide the case by what the lawyer said and not by what the record shows, is a new sort of justice to me. That is the way it happened. In the argument of the case this lawyer did say that there were 50 illegal votes at that precinct, but that does not bind anybody. The record says otherwise. We are trying the case on the record.

Mr. WEBB. Did he say they were fraudulently given?

Mr. JOHNSON. No; he did not.

Mr. PALMER. On page 18 of the contestee's brief I find this statement. He is speaking about the Second Ward of Winton Borough:

> An examination of the list of voters who voted at this election and a comparison with the registration list shows that no persons voted who were not registered. Therefore no affidavits were taken by the election officers.

Mr. JOHNSON. Yes.

Mr. PALMER. That is the reason that the lawyer gave for admitting the fact that no affidavits were taken, because nobody voted there who was not on the registration list.

Mr. JOHNSON. I have not very much more time, and I do not want to get off on side issues. I want to argue this case. The majority of the committee quote that as an admission of counsel that no affidavits were taken. Why, gentlemen, if you are going to quote that for anything, quote it for all it is worth. He makes two affirmative declarations. One is that no affidavits were taken and the other is that nobody voted who was not on the registry list. If you are going to take his statement about one, take it about the other.

Mr. PALMER. The comparison of the list shows that is not true.

Mr. JOHNSON. Now then, I want to show the House something. Here is a copy of a registration book, certified here by the county commissioners of Lackawanna County. A majority of the committee in this case have found as a fact that the election officers in the Second Ward of Winton were corrupt, were fraudulent in their conduct in that they have added the names of fifty men to that registration list in violation of the law and in violation of their duty.

Why, gentlemen, that is a serious charge. I undertake to say there is not any more proof of that fact than there is that the honored Speaker who presides over this House assassinated William McKinley.

It is hard to argue things when there is absolutely no evidence on which to base them. There is that book [exhibiting book]; the names are alphabetically arranged, but at the end of the book there are about fifty names that are not alphabetically arranged. The county commissioners of Lackawanna County certify that this is a correct copy of the registration made up in that county in May, 1902. Have they certified to a lie? Is their certificate proof? If it is, then this list of voters was made up in May, 1902, and not on the election day. Yet the majority of the committee find as a fact, and they want you to so vote, that these men were guilty of fraud and corruption because they added fifty names to that book. Are you going to do it?

Now, I want to go a step further.

Mr. YOUNG. May I ask the gentleman a question?

Mr. JOHNSON. Certainly.

Mr. YOUNG. Waiving for a moment the question of any illegal votes in this borough, is there anything in the evidence tending to show that the returns of the election officers are anything but a true statement of the votes actually cast, whether legal or not?

Mr. JOHNSON. Nobody questioned the returns until the lawyers did it in the argument and the committee did it in their report. No one has testified that the men did not count the votes openly and publicly and fairly.

Now, let me get back to this book and go one step further, my friends. I want to call your attention to the fact that the county commissioners of Lackawanna County say that that is a certified list of the registration as made up in May, 1902. If it was made up in May, 1902, and these names were put at the back of it, who did it? Certainly not the election officers. But more than that—now listen—the election officers at that precinct never had this book in their possession, and they never had in their possession the book from which this is copied. Then how in the name of common sense and common reason are you going to say that these men added those names and were guilty of fraud?

What did the election officers have? The election officers, under the law of Pennsylvania, had a certified copy that was made from the registration list. That copy that the election officers had is not introduced in evidence. Let me be understood—the county commissioners made for the election officers in the Second Ward of Winton a certified copy of the registration list. When managers got through with the election, do you know what they did with that certified copy? They did not send it back to the office of the county commissioners, where this book comes from; they put it in the ballot box. That is where it is. That is where it has been ever since the night of the 4th of November, 1902. And the ballot boxes are in the possession of the contestant, and he did not open them. He had them impounded. He gave notice that he was going to open them, yet they have not been opened to this day.

Now, gentlemen, how are you going to find that these election officers allowed anybody to vote whose name was not on the list that they had unless you have in evidence what they did have? You must either have before you the registration list that they went by or you must at least have a copy of that list.

Now, then, that list being in the hands of the contestant, or, rather, it being in the custody of the court on his motion, and as he has not introduced it, although he said he would, are you going to find that these managers of election allowed people to vote whose names were not on the list that you have never seen?

Mr. DRISCOLL. Why does the gentleman say that that book is in the possession of the contestant? Is it not in the hands of the court officers, and was not one of them selected by the contestant and the other by the contestee?

Mr. JOHNSON. I do not know anything about that.

Mr. DRISCOLL. Is not that true?

Mr. JOHNSON. Yes; they are in the possession of the court. They were impounded by the contestant, and he gave notice that he was going to open those boxes. He has not done it, and the contestee was before our committee begging with tears in his eyes that these boxes be opened, and your committee refused that request, and the contestant objected to it.

Mr. DRISCOLL. Did you not vote on that proposition against letting in that evidence?

Mr. JOHNSON. No; I did not.

Mr. DRISCOLL. Did you not vote with us that they should not be received?

Mr. JOHNSON. I voted that we should not count those ballots—certainly I did. But I never objected, I do not object now, to the boxes being opened and these lists produced. This feature of the case was not mentioned.

Mr. DRISCOLL. Is it not true that they are in the possession of the court, and that one party has as much right to them as the other?

Mr. JOHNSON. But the contestant gave notice that he was going to open them; he had them impounded.

Mr. DRISCOLL. I do not know when that notice was given.

Mr. JOHNSON. The record shows it, anyway.

You in this House are asked to find as a matter of fact that the election officers allowed fifty men to vote whose names were not on the registration list, and you have not produced before this House the list that the registration officers had or a copy made from it. If you want to find that they allowed fifty men to vote whose names were not on that list, that is your affair. The answer to that may be that the election managers had a certified copy from the office of the county commissioners, and this being a certified copy from the same source it may be claimed that the two papers are alike. Let me ask you this: Is it not as fair and as much in reason to assume that some clerk in the county commissioners' office, in consideration of $5, added names to that list that ought not to be there, as it is to assume that five sworn officers have violated their oaths of office? You can take whichever horn of the dilemma you please.

Then, again, they say that fifty men were allowed to vote in the names of men who were registered, but who were not themselves present and did not vote. There are two kinds of testimony to prove this. Listen. They hired a man to go out through the precinct, not some man who was familiar with the people there, but they hired a man, and the testimony shows it, and he went out, and if he found the voter he reported the fact that he had found the man, and that the man did not vote at the Second Ward of Winton, for he told him so. Do you catch that idea? This man who went out to hunt up testimony found John Smith and John Jones and thirty or forty other men, and he came back before the commissioners and swore that those men did not vote at Winton on the 4th day of November, 1902, because he had seen them; had talked to them, and they had told him that they did not vote there. Now, as lawyers, are you going to find, as a fact, upon incompetent testimony like that that these men were guilty of fraud and violated their oaths of office? If you want to find it, it is all right.

Mr. KLUTTZ. Were any of these fifty men examined?

Mr. JOHNSON. Not one of them.

Mr. KLUTTZ. They were all supposed to be right there?

Mr. JOHNSON. He said he found them and talked with them, and found out from them that they did not vote.

Mr. KLUTTZ. And yet they were not called?

Mr. JOHNSON. Not one of them.

Mr. LITTLEFIELD. Did they make up in that way the 200 that they contend were illegally cast—these men you are speaking of?

Mr. JOHNSON. The testimony as to how they voted was that way, but I will say to the gentleman from Maine that here is the point: The committee have found that the election officers at the Second Ward of Winton were guilty of fraud, in that they allowed fifty men to vote in the names of registered voters who were not present and did not vote. In other words, you might be a registered voter and somebody voted in your name. That is what the majority say happened, and they prove it by sending a man out into the precinct, and he found a great number of these men. He says he talked with them. He came back before the commissioner, and his testimony is: "I found John Smith, and I found John Jones; I found Peter Smalls, and they did not vote in this ward on the 4th day of November, 1902, because they told me so." They did not produce the voters to prove that they did not vote, but they produced this one man, who went all over the ward and testified for everybody.

Mr. LITTLEFIELD. Do you mean to say that is all the evidence the committee have to sustain that proposition?

Mr. JOHNSON. That is the evidence upon which one class is based, and there is one other. Now, this fellow went out and inquired——

Mr. LITTLEFIELD. What is the other?

Mr. JOHNSON. Let me explain it. He went out and inquired in the district. He says he did. He comes back and he says: "I could not find Mr. Littlefield; I could not find Mr. William Jones; I could not find Mr. John Johnson, but from the best information I could get after making thorough inquiry I am satisfied that they were not here on the 4th of last November."

Mr. YOUNG. How long after the election was that investigation made?

Mr. JOHNSON. That was in February, 1903, I think. Now, gentlemen, that is the kind of testimony upon which the finding is based that fifty men voted in the names of other men.

Mr. LITTLEFIELD. Do you mean to say that is all the evidence the committee have?

Mr. JOHNSON. That is all the evidence there is as to forty-six of them. I am going to tell you about the other four.

Mr. DRISCOLL. Supposing John Smith was a registered voter and on election day some man voted in place of John Smith. The contestant wants to show that John Smith was not there on election day, and that somebody else was voted in his place.

Mr. JOHNSON. Yes.

Mr. DRISCOLL. He sends out that man to investigate. He investigates thoroughly, and comes back and says that John Smith was not in the ward at that time. Now, of course that is not all of the evidence that might be introduced, but you could take every householder in that district and have their evidence and prove it by every man that John Smith was not living at his house, and he would have to prove it. That would be satisfactory, but they have only taken the proof of this man who has investigated it.

If they found that John Smith was there, was it not the duty of the other side to show by some one man he was there on election day?

Mr. JOHNSON. I have already said that you are trying to shift the burden of proof by bringing in incompetent testimony.

Mr. DRISCOLL. You ask an impossibility.

Mr. JOHNSON. Now, gentlemen, hear this: A man goes out into the ward and comes back and tells the court, "From the best information that I can get this man was not there." It is hearsay evidence; how far removed the Lord only knows; I do not. He may have gone to James Smith's wife and she told him that her husband told her that John Jones told him that his wife told him that her mother told her that her daughter-in-law told her that her son did not vote on that day. That is the kind of testimony it is. If this House wants to accept it and act on it and find upon that sort of evidence that these men did not vote, but that somebody voted in their names and the managers of election acted fraudulently, then you have the right to do it.

Mr. KLUTTZ. Was there any evidence who hired him?

Mr. JOHNSON. The testimony is that he was hired to hunt that matter up.

Mr. KLUTTZ. Was there any evidence of illegal voting?

Mr. JOHNSON. I do not know of any. When you come to examine this kind of thing——

Mr. LITTLEFIELD. You do not claim that it was improper to hire him to do this?

Mr. JOHNSON. I do not say that the man was not properly hired to go out and hunt information. I do say his conclusions are not competent evidence. He should have brought his informants to tell what they knew. They rely on a hired man's conclusions. He knows nothing. They do not prove it by the man's mother, his brother, or somebody who knows of his own knowledge that some man moved out of the ward the week before the election.

Mr. KENNEDY. I just want to ask the gentleman why the minority of the committee found the facts of the majority were correct as to this dead man. There was nobody to confirm that statement.

Mr. JOHNSON. The man testified that the fellow was dead, and that he went to the funeral. That is the very best of evidence.

Mr. KENNEDY. There is no testimony that he saw the man in the coffin.

Mr. JOHNSON. The witness said the man's father said that he was dead, and "I went to the funeral." I consider that competent evidence. [Laughter.]

You see when I strike legal testimony I recognize it.

Now, for instance, four men whose names appeared in that precinct as having voted appear on the stand as witnesses and say that they did not vote. Now, as to these, nobody contradicts their evidence. Why were the others who, it is alleged, did not vote called as witnesses? In many precincts in my district the election officers know every man who votes at that precinct; they know his wife and how many children he has, how old they are, how much land he has, how many horses and what color they are. I say that in country precincts like that, if the election officers were to allow three men to vote whose names are not on the list or allow somebody else to vote in their names, I would say that it was fraud. But what are the facts here? This election took place in a mining district, where nearly every man that voted was a miner; where it is matter of common knowledge, and the record in this case shows it, that the men who employed these miners do not know their names—they know them by numbers. Now, these men came rushing out of the mines, for the testimony is that they voted after the day's work was done. They came out from the bowels of the earth, covered with soot and coal dust, having earned their bread by the sweat of their faces that day, and they marched up to the polls, called out their names, and when the name was found on the registry list they voted. Are you going to hold that because four men of that class, four men who are not known by the men for whom they labor from day to day, should be so well known to the election officers that they can not be imposed upon?

Then there is one other question that I want to refer to. There is not any legal evidence here that any nonregistered man voted who did not make affidavit as the law requires.

The law of Pennsylvania provides that if a man applies to vote and his name is not on the registration list he shall not be allowed to vote unless he makes affidavit setting forth certain facts. We are bound to assume the election officers did their duty, and that if anybody applied to vote and his name was not on the list the managers required him to give an affidavit. How did they find the facts in this case that the election officers did not do it? They do not find it from any evidence in that regard. Nobody said anything about it. Although the contestant called 6,500 witnesses, nobody testified that election officers did not take affidavits; nobody testified that men were allowed to vote whose names were not on the list that the election officers had. During the argument of the case, when the contestant's counsel argued with all the force that was in him that these election precincts were fraudulent because there were names on the poll list which were not on the registration list and that no affidavits were taken from nonregistered voters, he discovered that he had failed to prove that the affidavits were not taken. Then what happened? After the case was argued he went back to the State of Pennsylvania, and on the 12th day of January, 1904, he procured from the prothonotary of that county a certificate to the effect that he had looked and he could not find any affidavits there.

Mr. DRISCOLL. That applies to Old Forge.

Mr. JOHNSON. There were two, were there not?

Mr. DRISCOLL. No, sir.

Mr. JOHNSON. Then, you have got nothing as to Ward 2 of Winton. Now, gentlemen, an officer who has custody of papers can certify copies thereof. What is the reason of the rule? Those are public papers; they are in a public place for public uses, and it is not proper that they should be carried all over the country; and the law has wisely provided that they shall have a place of deposit, that they shall be in the care of a custodian, and when they are needed that custodian under his oath of office can furnish certified copies.

One can not prove by the clerk of a court on a mere certificate that there is no judgment against a given man in a certain county. He can not say that there was a defective paper there and in his judgment it was not a judgment. He must certify the paper. He can not certify that there is no paper. Then let us go a step further. He certifies that these affidavits are not in his office. Suppose we admit that his statement of a fact in this form establishes that fact. Presumptions do not go backwards. You may prove that a man is crazy to-day. That is absolutely no evidence that he was crazy ten years ago, and you could not upon that evidence upset a will executed ten years ago or one year ago.

Mr. LITTLEFIELD. But the certificate recites they were not filed.

Mr. JOHNSON. He goes further than offering a certificate that it is not there; he makes himself a witness to say they were never there, and ought to have been sworn and examined and cross-examined just like any other witness.

Mr. YOUNG. May I interrupt the gentleman for a question?

Mr. JOHNSON. Yes, sir.

Mr. YOUNG. The gentleman from New York says that it was the duty of the election officers to file with the prothonotary these affidavits.

Mr. JOHNSON. It is.

Mr. YOUNG. Is there any evidence that the election officers filed with the prothonotary all the affidavits they got?

Mr. JOHNSON. I have tried as scrupulously as is in the power of mortal man to consider this case on the evidence, not on arguments of counsel; but I will say it was admitted on both sides that election officers frequently dumped these affidavits in the ballot box. I do not know whether they did or not.

Mr. DRISCOLL. I think Mr. Ballentine claimed; I do not believe Mr. Holgate admitted it.

Mr. JOHNSON. Mr. Holgate admitted it, and I will make you recollect it. You remember when Mr. Green came and argued the fact there were no fraudulent votes Mr. Holgate jumped up and said: "If you will take back the admission Ballentine made yesterday, I will take mine back." He pleaded the baby act. But I do not care anything about it. I say that if you were to admit that that certificate was competent as testimony, and if you were to admit these affidavits are not on file there now—and even that they never were on file—it is not any presumption that the election officers did not take them. They may have taken them and neglected to file them.

Mr. LITTLEFIELD. It was their duty to file them, and the presumption is that they discharged that duty.

Mr. JOHNSON. The presumption of law is that they filed them in the clerk's office. The neglect to file them would be irregularity, but the neglect to take them would be a crime. If you are going to presume anything against a man, you must presume an irregularity rather than a crime.

Mr. PALMER. The law is that they must file them——

Mr. JOHNSON. I say they must go to the prothonotary's office.

Mr. PALMER. Whose duty is it to send them there?

Mr. JOHNSON. It is the duty of the election officers.

Mr. PALMER. And the presumption is that they did their duty.

Mr. JOHNSON. You say that they did not do their duty, and that they acted so fraudulently that you can not believe anything they say.

Now, then, I want to go on. The majority of the committee say that because the election officers allowed men whose names had "D. I." opposite them to vote without taking affidavits that they are guilty of fraud. I want to call your attention to the law.

The law of Pennsylvania does not require a man whose declaration of intention is indicated opposite his name on the list to give an affidavit. The law says that when a man applies to vote whose name is not on the registry list he shall make an affidavit. The man whose name is on the list with "D. I." opposite is not in that class of voters who must make an affidavit in order to vote. He is on the list.

Now, then, what does it mean? The assessor shall put on the list the names of men who have filed their declaration of intention to become citizens and who intend to carry out that declaration before the next election. That is all that these letters mean. If a man comes up to the booth to vote and his name is on the list with "D. I." opposite, and he produces his naturalization certificate and shows the election officers that he has fulfilled his intention, upon that naturalization paper he can vote and no affidavit is required. Now, I do not see any lawyer from Pennsylvania denying this.

Mr. PALMER. I think the gentleman is right about that. We are like you—when we see that a thing is right, we admit it.

Mr. KLUTTZ. Speak louder.

Mr. JOHNSON. The gentleman says that the proposition is true; that if a man has "D. I." opposite his name and goes up to vote, if he has in the meanwhile become naturalized and produces his naturalization papers, then he does not have to make an affidavit. Yet the majority of this committee have found that the election officers were guilty of fraud because they allowed men with those letters opposite their names to vote. They call particular attention to the number at each of the three precincts thrown out, and infer fraud. If you want to accept that sort of an inference, you can do it. This action of the election officers, instead of being fraudulent, was legal.

Mr. WEBB. But does not the majority report state the reverse of your proposition?

Mr. JOHNSON. Yes; they say that election officers were guilty of fraud in not taking affidavits from men whose names appeared on the registry list with "D. I." against them. I have just shown that such action of the officers was not only not fraudulent, it was legal.

Mr. WEBB. They state that he must have been sworn even though his name was on the registry book.

Mr. JOHNSON. Now, Mr. Speaker, that disposes of all the ground upon which the Second Ward of Winton is thrown out. Let me repeat briefly. The election officers' names do not appear on the record, and we do not know whether they are Democrats or Republicans. We do not know anything they did except from the returns. Nobody has testified that they did anything improper, and this fraud is found by the majority of the committee by inferences from these records which I have commented upon in your presence. Now, if you see fit to find as matter of fact that these election officers, whose names are not identified, whose politics you do not know, about whom nobody has said one word, violated their oaths of office, then you can do it.

The testimony as to all three of the precincts is practically the same. I would be glad, if time permitted, to take up every statement of the majority separately and discuss it, but I can not. After they have thrown out three precincts entirely the contestee still has 8 plurality. If all the alleged illegal votes at these three precints were deducted from contestee, it would leave him a comfortable majority.

Mr. WEEMS. I would like to ask the gentleman whether it is a fact that if the committee had undertaken to purge the vote by deducting from the contestee's vote the maximum claim made by the contestant himself before the committee as to the number of illegal votes, then which of these two men would be elected?

Mr. JOHNSON. I do not quite understand.

Mr. WEEMS. Suppose the committee had thrown out in these three precincts all the illegal votes——

Mr. JOHNSON. And had deducted them from the contestee's vote, had deducted every vote that the contestant alleged was illegal, then the contestee would still be elected to this House.

Mr. PALMER. The gentleman does not mean that, does he? There were 2,002 illegal votes, and the gentleman doesn't mean that if all those had been deducted from the contestee's vote he would still be elected?

Mr. JOHNSON. I say that if you take all of the illegal votes that the contestant claims in these three precincts and deduct them from the contestee he would still be elected. Now, gentlemen, I want to say——

Mr. FOSTER of Vermont. One moment. I think, Mr. Speaker, it is important to know whether the other side concedes that fact.

Mr. PALMER. Oh, not at all.

Mr. FOSTER of Vermont. Do you concede it?

Mr. PALMER. Not for a second.

Mr. DRISCOLL. No; we do not concede it.

Mr. LITTLEFIELD. The report does not discuss that in detail.

Mr. FOSTER of Vermont. The gentleman stood up as though he did concede it.

Mr. PALMER. Does standing up concede anything?

Mr. FOSTER of Vermont. The gentleman's words indicated it.

Mr. JOHNSON. Mr. Speaker, I must hurry on.

Mr. LITTLEFIELD. Let me ask the gentleman this question: Suppose the question in controversy in the three wards was as to whom certain votes were cast for and if deducted from the contestee's vote would still leave him elected, and suppose if those votes were added to the contestant's vote the result would be changed, then you would have an element of doubt. What would the gentleman say to that situation? If it is true that the votes in doubt are uncertain as to whom they were thrown for, so that you don't know whether they all ought to be taken from the contestee or whether or not they all ought to be added to the contestant, there is an element of doubt and of uncertainty. What does the gentleman say to that condition?

Mr. JOHNSON. I know of no law for adding illegal votes to anyone's vote.

Mr. LITTLEFIELD. Suppose there are 100 votes thrown as to which there is a doubt for whom they are thrown, and you don't know whether they are thrown for the contestee or the contestant, so that by deducting from the contestee you might not reach the correct result, because the truth might show that they should have been added to the other man.

Mr. JOHNSON. If a man is an illegal voter and put a ballot in the box for Howell, there is no reason why it should be added to Connell.

Mr. LITTLEFIELD. If you deduct from the contestee you might not reach the right result.

Mr. JOHNSON. I don't think you would. I think you ought to apportion the votes among them, according to their respective legal vote.

Mr. LITTLEFIELD. But that is an arbitrary rule.

Mr. RANDELL of Texas. Let me suggest that if they are not illegal votes they ought not to be deducted from anyone, and if they are illegal they ought not to be counted for anybody.

Mr. JOHNSON. After throwing out these three precincts upon the kind of testimony I have tried to explain, they find by evidence aliunde that 32 votes were cast for the contestant. I am not going to comment on that testimony, but I hope every lawyer in this House will read it. That is the strongest argument that I can make against it, asking you to read it; and if you want to believe it, then in God's name accept it.

Mr. LITTLEFIELD. But we can not read it. It is too much.

Mr. JOHNSON. Oh, no; there is only one witness. I am not asking you to read all the evidence in the record, but we have set out in the minority report every single word of testimony to show upon what the majority find that contestant received 32 legal votes. They prove 29 of the 32 by one witness, so that you would not have to read but one man's testimony, and it is in the minority report.

Mr. LITTLEFIELD. Does the gentleman mean that the majority claim there were 200 votes that should be deducted?

Mr. PALMER. Oh, that is another thing.

Mr. JOHNSON. That is another thing, and I am coming to that now. The majority, after throwing out these three precincts and giving Mr. Howell nothing there, give the contestant 32 votes there, and 29 of those votes are found to have been cast for the contestant by one man's testimony.

Mr. LITTLEFIELD. That is, in the three precincts.

Mr. WEBB. Does the gentleman mean to say that the majority finds and holds that these three precincts were so tainted with fraud that they are cast aside entirely?

Mr. JOHNSON. Yes.

Mr. WEBB. And yet go back over these same three precincts which they have thrown out for fraud and pick out 32 votes and count them for the contestant?

Mr. JOHNSON. Yes; that is what they have done. Now, a good deal has been heard about affidavits here to-day. The laws of Pennsylvania provide that if a man goes to the polls to vote and his name is not on the registry list he can not vote unless he makes an affidavit to certain facts prescribed by law. Those affidavits are printed. They are furnished to the election managers, printed forms, with blanks to be filled out. It happened that in this election there were 420 of these affidavits upon which men swore in their votes defective, and because they were defective some of these blanks were not filled out. The votes that were cast upon defective affidavits were illegal.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. McLAIN. Mr. Speaker, I will yield the gentleman ten minutes more.

Mr. JOHNSON. The majority of the committee find, because of these blanks, that 418 of those men cast illegal votes. Listen.

Suppose there was an election law in Pennsylvania providing that if the poll clerk should spell anybody's name wrong the vote of that man should be declared illegal and deducted from the vote of the candidate for whom it had been cast. Suppose, further, that in holding an election in a Congressional district the poll clerks accidentally spelled wrong the names of 418 men, and you were called upon as a judge in your district to decide the question how those 418 men voted, do you not think it would paralyze the conscience of any man to come before your court and claim that every one of the 418 men whose names the poll clerks had misspelled voted for the same candidate? Those alleged illegal votes came from 94 different precincts in that Congressional district, and contestant claims that every one of these accidental illegal votes were cast for contestee.

Mr. DRISCOLL. Will the gentleman allow me a question?

Mr. JOHNSON. Yes; but I hope the gentleman will remember that I have only ten minutes.

Mr. DRISCOLL. Does the gentleman mean to say that we found any such thing as that?

Mr. JOHNSON. I have not said that you did.

Mr. DRISCOLL. Then what are you talking about?

Mr. JOHNSON. The contestant claimed that every one of those 418 votes was cast for the contestee, and he brought some sort of testimony for the purpose of establishing that conclusion. He had 6,500 witnesses. I have no doubt that they could have sworn the horns off a billy goat. [Laughter.] Some of them were evidently willing to do it. He found men who could undertake to saddle every one of the 418 illegal votes on the contestee. If I had five minutes more, I would like to show the kind of testimony by which that contention was sought to be supported. A fellow was furnished a list of names of men who had voted and whose affidavits were illegal.

He went out over the district, into one precinct and another—half a dozen or a dozen of them—and then he came back and testified that from the best investigation that he could make this or that man was a Democrat and voted for Howell. That is the kind of evidence upon which they want you to say that all these illegal votes were cast for contestee.

Four hundred and eighteen men to whom no moral turpitude is attached, their votes being pronounced illegal by reason of the merest accident of an official failing to fill out a blank in an affidavit, are all alleged to have voted for one candidate. The defective affidavits came from ninety-four election precincts, some of which were carried by contestant and others by contestee. Don't you know that those illegal votes were cast for the two candidates just about in the same proportion as they received legal votes?

Here is a sample of the testimony (Record, p. 1203):

By Mr. Holgate:

Q. You have, then, either personal knowledge or you have made inquiry as to the politics or the persons for whom these parties voted, have you?—A. Yes, sir.

Q. And satisfied yourself?—A. Yes, sir; perfectly.

Q. That is, as to all of them?—A. Yes, sir.

(Papers shown witness.)

Q. You have been employed, have you, in gathering information in regard to the politics of these men whose names appeared in these affidavits; as to how they voted, have you?—A. Yes, sir.

Q. Have you inquired in the second district of the Second Ward of Carbondale as to the affidavits filed in this case?—A. Yes, sir.

Q. Did you make inquiry in relation to William Healey?—A. Yes, sir.

Q. What did you ascertain in reference to his politics?

Mr. BAYLOR. Counsel for the contestee objects to the question as incompetent, immaterial, and irrelevant, and not the proper way to prove the politics of a voter.

By Mr. Holgate:

Q. What did you ascertain with reference to his politics?—A. Democrat.

Q. What did you ascertain with reference to the politics of Edward J. Healey, of the same ward and district?

Mr. BAYLOR. Counsel for the contestee object to the question as incompetent, immaterial, and irrelevant, and not the proper way to prove the politics of a voter.

The WITNESS. Democrat.

By Mr. Holgate:

Q. What did you ascertain with reference to the politics of Henry Herbert, of the same ward and district?

Mr. BAYLOR. Counsel for the contestee object to the question as incompetent, immaterial, and irrelevant, and not the proper way to prove the politics of a voter.

The WITNESS. Democrat.

This one witness's testimony covers several pages just like the above. There are pages and pages of the same sort of evidence all through the record. I give below a sample of the cross-examination of this witness, on page 1210. He is swift enough in giving his conclusions. He said, himself, that he had satisfied himself perfectly. What did it take to satisfy him? On the cross-examination he refused to answer every question that tended to bring out what facts he knew to base his conclusions on.

By Mr. Baylor:

Q. Now, you know William Haley, do you?—A. Yes, sir.

Q. And you have said he was a Democrat?—A. Yes, sir.

Q. Did you have any talk with him on election day?—A. I refuse to answer.

Q. Did he have any talk since with you about how he voted and whom he voted for?—A. I refuse to answer.

Q. E. J. Haley?—A. Democrat.

Q. Did you have any talk with him as to how he voted, or for whom he voted, or whom he supported on election day?

Mr. HOLGATE. The question is objected to as not cross-examination, and incompetent?

The WITNESS. I refuse to answer.

By Mr. Baylor:

Q. Were you there when he voted that day?

Mr. HOLGATE. We make the same objection, that it is not cross-examination.

The WITNESS. I refuse to answer.

By Mr. Baylor:

Q. Did you challenge his vote?

Mr. HOLGATE (to the witness). You need not answer as to anything that happened on election day.

The WITNESS. I refuse to answer.

By Mr. Baylor:

Q. Henry Herbert, in the Second district of the Second Ward, did you have any conversation with him on election day?—A. I refuse to answer.

Q. Did you have any conversation with him since as to how he voted, or for whom he voted on that day?—A. I refuse to answer the question.

Q. Were you there when he voted that day?—A. I refuse to answer.

Q. Did you challenge his vote?—A. I refuse to answer.

Q. P. E. Timlin?—A. Democrat.

Q. Did you see him and have any conversation with him as to how he voted or for whom he voted on that day?—A. I refuse to answer.

Mr. HOLGATE. You may say that you decline to answer these questions on the advice of counsel.

By Mr. Baylor:

Q. Joseph Colbert?—A. You have not got that right.

Mr. HOLGATE. I desire to enter another general objection to the whole of this cross-examination, and ask that it be stricken out for the reason that it is incompetent, and not cross-examination of any matter inquired of in chief.

By Mr. Baylor:

Q. Joseph Colbert; did you see him around the polls on election day?—A. I refuse to answer the question on advice of counsel.

Q. Did you have any conversation with him there that day?—A. I refuse to answer the question on advice of counsel.

Q. Now, did you have any conversation with him since as to how he voted for the office of Congressman at the last election?—A. I refuse to answer the question on advice of counsel.

Q. Did you have any conversation with him that day as to how he voted?—A. I refuse to answer on advice of counsel.

Q. Were you there when he voted?—A. I refuse to answer on advice of counsel.

Q. And did you challenge his vote?—A. I refuse to answer on advice of counsel.

Q. Thomas S. Roche; did you have a talk with him there on election day?—A. I refuse to answer the question on advice of counsel.

Q. Did you see him there that day?—A. I refuse to answer the question on advice of counsel.

Q. Have you had any conversation with him since as to how he voted?—A. I refuse to answer the question on advice of counsel.

Q. Did you have any conversation with him that day as to how he voted or for whom?—A. I refuse to answer the question on advice of counsel.

Mr. DRISCOLL. Does the gentleman say the committee found that 200 of those 418 men voted for Howell?

Mr. JOHNSON. Yes, you did.

Mr. DRISCOLL. That is a mistake. We found simply that 200 out of 2,001 illegal votes were cast for Mr. Howell. That is our finding in our report; that is the finding as stated in my remarks. Two hundred out of 2,001—a very modest finding on the evidence.

Mr. JOHNSON. Gentlemen, it is worse than I thought it was. Here they say that there is evidence that there were 2,000 illegal votes cast in the district. They say that they find as a matter of fact that 200 of these votes were cast for Mr. Howell, and they deduct that many from his vote. They find as a matter of fact that only one such vote was cast for the contestant.

Now, gentlemen, I will tell you the law on that subject, if you want to decide this question as lawyers and judges.

Mr. GILBERT. What is the testimony as to how many of those illegal votes were cast for Mr. Howell and how many for Mr. Connell?

Mr. JOHNSON. I have just told you. Out of 2,001 votes they claim that 200 were voted for contestee, and this is the way the proceedings were conducted: A fellow went out into the district—into a dozen precincts we will say; he came back and swore that he had investigated the matter, and from the best investigation he had been able to give the particular voters that he named were Democrats or were men who had voted for Mr. Howell. That is the testimony.

Mr. YOUNG. Is it not true that Mr. Connell had the Democratic nomination also—was running on the straight Democratic ticket?

Mr. JOHNSON. If I have the time, I suppose I may as well tell how that matter stands. They undertake to charge against Mr. Howell illegal votes upon no other testimony than the bare statement of a particular man that the voter was a Democrat. The record shows that the Democratic convention in Pennsylvania split; one faction nominated the contestant and the other faction nominated the contestee.

Did you know that? They had a lawsuit down at Harrisburg, Pa., to determine which was the legal Democratic nominee, and the contestant was the plaintiff in that suit, who went into court

as a plaintiff to have his name placed on the Democratic official ticket. The court decided that neither had been regularly certified to the secretary of state. The consequence was that nobody ran on the Democratic ticket. Mr. Connell ran on the Republican ticket and on the ballot-reform ticket, whatever that may mean. Mr. Howell ran on the antimachine ticket, whatever that may mean. Now, in view of the fact that the Democrats were divided, a Connell faction and a Howell faction, how are you going to stand here as lawyers and tell me that because a man testified that another was a Democrat, therefore he voted for Howell? You ought to go further and show that he was a Howell Democrat, or what brand of Democracy he belonged to. You know, unfortunately, we have got several brands. [Laughter.]

Now, gentlemen, let me finish the legal proposition I wanted to submit. They say that something like 2,000 illegal votes were cast in that district. Why didn't they sift the thing to the bottom and find out how they were cast; and in the absence of testimony showing for which man they were cast, why didn't they take them off both of the candidates according to their legal votes in the respective districts?

This illustration is used in the minority report: Suppose that a man was elected to Congress by a majority of 1 vote; and suppose there was a contest over the election and the contestant demanded that the votes should be recounted. Suppose that you open the ballot boxes and proceed to count the votes, and when you have counted 3 boxes out of 162 you find a mistake in favor of the contestant of 2 votes, and thereby put him 1 vote ahead of the contestee. Would you stop then and there?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McLAIN. I yield five minutes more to the gentleman.

Mr. JOHNSON. Would you stop then and there in the counting of those votes and seat the contestant? Do you think that would be fair? Do you think that would be judicial? You are not counting the votes for his special benefit, you are counting them to find out the truth. Well, now, here are certain alleged illegal votes. The committee find that enough of them voted for Howell, when they subtract that number from his votes, to elect the other man. Why do they not go through with the whole thing, sift those illegal votes, find out from the testimony, if they can, for whom they were cast? If the testimony shows for whom they were cast, take them from that man. If the evidence fails to show for whom they were cast, then divide them among the candidates under the rules of law.

Now, gentlemen, I have not said one-tenth of what I ought to say.

Mr. GILBERT. What would have been the result if you had thrown out the whole precinct?

Mr. JOHNSON. If we divided them among the candidates, of course the contestee would have been elected.

Mr. GILBERT. I mean the whole vote of that precinct.

Mr. JOHNSON. There were 94 precincts, and the Lord knows what the result would have been. I do not. In some of them the contestant beat the contestee three to one. In some of them the contestee beat the contestant three to one, but their vote was about equal in all those precincts where these alleged illegal votes were cast, barring the three precincts that they have thrown out.

Mr. GILBERT. I understand the precedents of the House to be that when there is so much fraud that you can not separate the legal from the illegal votes, sometimes the House has thrown out the whole precinct and sometimes it has undertaken to eliminate the fraudulent from the legal votes.

Mr. JOHNSON. When the House acts judicially, it endeavors to purge the ballot box of illegal votes. Whenever it acts in a partisan way, it throws out the precinct.

Mr. GILBERT. What I want to get at is, under the proof, can you eliminate the fraudulent votes from the legal votes?

Mr. JOHNSON. There is no trouble in the world about it. Every man whose vote is alleged to be illegal is published, and the evidence upon which they expect to prove that his vote is illegal is referred to.

Mr. GILBERT. And the party affiliations?

Mr. JOHNSON. Now, gentlemen, I have no personal feeling and no political feeling in this case. I want the House to do what is right, and that is all. There were a great many things in the record that a man might have referred to, but I preferred to make an honest legal argument. Do you know why the contestee was elected? That election took place in a district where 80 per cent of the voters were miners.

Mr. YOUNG. And on a strike.

Mr. JOHNSON. It took place just after the greatest strike in modern times. You know something of the feeling that existed. The testimony shows that the contestant was a coal operator. The men who elected the Congressman from that district were coal miners. Are you surprised at the way they cast their votes? If you want to throw out three precincts because of fraud, if you want to say that election officers have been guilty of fraud because they allowed men to vote who are unknown to their own employers, whose names no Member of this House can either spell or pronounce, who frequently and generally have an American name and a foreign name, who may be registered in their foreign name and the poll clerk wrote down their American name, all in the absence of the list the officers were provided with, to do it.

I have no more idea how those names are pronounced than my 4-year-old boy. Possibly if we knew how the name is pronounced we could look at the poll list and find the name as the clerk spelled it. Now, take this case, consider it on incompetent, hearsay evidence, if you will; find fraud on such insufficient testimony, if you want to; throw out precincts and seat a man that the people did not elect, and unseat the man they did elect. Do that if you want to; it is nothing to me. But if you do, do not stand upon this floor hereafter and tell us how much you admire the virtue and intelligence of the laboring men of this country. Do not go back to your districts and exhaust all the adjectives in the dictionary to find beautiful words to tell the laboring men how you love them, but just go to your laboring men and say: "We kicked the man out of Congress that your fellow-laborers elected up in the Tenth district of Pennsylvania." [Loud applause on the Democratic side.]

Mr. DRISCOLL. I now yield to the gentleman from Iowa.

Mr. JOHNSON. Mr. Speaker, there were a few quotations of law and a few extracts from the testimony that I intended to read to the House, but for lack of time I did not do that. I would like to have the permission of the House to incorporate them in my remarks.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DRISCOLL. Mr. Speaker, I ask the same privilege.

The SPEAKER pro tempore. The gentleman from New York asks the same privilege. [After a pause.] The Chair hears no objection.

Mr. BIRDSALL. Mr. Speaker, the questions involved in this case should be determined upon principles of equity and good conscience uninfluenced by political considerations or any consideration whatever save to do equal and exact justice between the parties. We have in the pending case a printed record of nearly 4,000 pages, a record encumbered by much testimony of an incompetent character, out of all which it has been a laborious task for the committee to whom the duty was assigned to sift the chaff and ascertain the truth. Realizing that it is impossible for every Member of this House to go through the record, and that many must rely upon the integrity as well as the judgment of the individual members of the committee, any statement made should bear the imprint of truth and be verified by the record. I have endeavored to give this case a careful examination and judicial consideration, and have joined in the report of the majority not only because I believe it will receive the support of this House, but because it meets my conscientious approbation and approval. Upon the intelligent voter and the purity of the ballot rests the security of government. A republic without intelligence, and that of a high order, is a paradox and an impossibility. Under our system, with the elective franchise so freely extended, the constantly menacing danger is the ballot in the hands of ignorance, supplemented by fraud and corruption at the ballot box. It behooves us, therefore, to put the stamp of our disapproval upon every act which tends to debauch the elector or defile the election.

A careful review of the election laws of the State of Pennsylvania and the decisions of its courts thereunder serve to show that, by reason of its complex population engaged in operating its mines and embraced within the many populous cities which it contains, strenuous efforts have been made to protect the citizen in his right to vote and the State against frauds at the ballot box. Yet this case illustrates how weak and impotent are the laws enacted in the face of careless action or designing fraud upon the part of the officers chosen to execute them.

To fully understand and justly weigh the merits of this case it is important to understand the election laws of the Commonwealth of Pennsylvania. The organic law, or constitution, fixes the following qualifications for suffrage:

ARTICLE VIII, SECTION 1, CONSTITUTION 1874.

Every male citizen 21 years of age possessing the following qualifications shall be entitled to vote at all elections:

First. He shall have been a citizen of the United States at least one month.

Second. He shall have resided in the State one year (or, if having previously been a qualified voter or native-born citizen of the State, he shall have removed therefrom and returned six months) immediately preceding the election.

Third. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

Fourth. If 22 years of age, or upwards, he shall have paid, within two years, a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

ARTICLE VIII, SECTION 7, CONSTITUTION 1874.

All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State.

Article VIII, section 4, of the constitution of the Commonwealth of Pennsylvania, of 1874, provided that every ballot should be numbered in the order in which it was received, and the numbers recorded by the election officers on the list of voters opposite the name of the elector who presented the ballot. It also provided that any elector might write his name upon the ticket or cause the same to be written thereon and attested by a citizen of the district.

This last provision of the constitution was stricken out in 1901 by an amendment to the constitution as follows:

AMENDMENT.

Strike out section 4 of Article VIII and insert in place thereof as follows: "SEC. 4. All elections by the citizens shall be by ballot or by such other method as shall be provided by law: *Provided*, That secrecy in voting be preserved."

The election laws of the State of Pennsylvania, act of May 29, 1891, provided that for the purpose of making the original annual assessment and registration of voters in each of the election districts of this Commonwealth it shall be the duty of each of the assessors who are required to perform any of the duties incident to the holding of elections and the registration of voters in the different election districts of this Commonwealth to visit in person each and every dwelling house in his district on the first Monday in May and the first Monday in December of each year, or as soon thereafter as may be possible and practicable, and to make a list, in a book prepared for that purpose by the county commissioners, of all qualified electors that he shall find upon careful and diligent inquiry to be bona fide residents of his district.

By the act of May 16, 1895, it is made the duty of the assessor to make a copy of said original list, and on or prior to the fourth Monday of May and on or prior to the second Monday in December in each year to place a copy on the door of or on the house where the election of the respective district is required to be held and retain the original list in his possession for the inspection, free of charge, of any person resident in the said election district who shall desire to see the same, and it is also made the duty of said assessor to assess from time to time, on the personal application of anyone claiming the right to vote, the name of such claimant, and mark opposite the name "C. V.," and immediately assess him, noting, as in all other cases, his occupation, residence, the date of his assessment, whether a boarder or housekeeper; if a boarder, with whom he boards, and whether naturalized or designing to be, marking in all cases opposite the name the letter "N.," "D.," or "I. N.," as the case may be.

By section 3 of the act of May 16, 1895, it is further provided that after the assessments have been completed, and on the sixty-first day before the third Tuesday of February and on the sixty-first day before the Tuesday next following the first Monday of November of each year, the assessor shall, on the following day, make a return to the county commissioners of the "original registry list" thus revised and completed and two exact copies thereof, and the county commissioners shall thereupon proceed to make out a complete list in alphabetical order of all persons so returned as taxables in said election district and to furnish the same, together with the necessary election blanks, to the officers of the election district on or before 7 o'clock in the morning of election; and no man shall be permitted to vote at the election on that day whose name is not on said list unless he shall make proof of his right to vote as hereinbefore required.

The qualifications required to be shown and the steps necessary to be taken by those who are not on the register list are contained in section 10 of the act of January 30, 1874, and are as follows:

On the day of election any person whose name shall not appear on the registry of voters, and who claims the right to vote at said election, shall produce at least one qualified voter of the district as a witness to the residence of the claimant in the district in which he claims to be a voter, for the period of at least two months immediately preceding said election, which witness shall be sworn or affirmed, and subscribe a written or partly written and partly printed affidavit to the facts stated by him, which affidavit shall define clearly where the residence is of the person so claiming to be a voter; and, in addition, the person so claiming the right to vote shall also take and subscribe a written or partly written and partly printed affidavit, stating, to the best of his knowledge and belief, when and where he was born; that he has been a citizen of the United States one month, and of the Commonwealth of Pennsylvania; that he has resided in the Commonwealth one year, or if formerly a qualified elector or a native-born citizen thereof, and has removed therefrom and returned; that he has resided therein six months next preceding said election; that he has resided in the district in which he claims to be a voter for a period at least two months immediately preceding said election; that he has not moved in the district for the purpose of voting therein; that he has, if 22 years of age, or upwards, paid a State or county tax within two years, which was assessed at least two months, and paid at least one month before the election; the said affidavit shall also state when and where the tax claimed to be paid by the affiant was assessed, and when, and where, and to whom paid; and the tax receipt therefor shall be produced for examination, unless he shall state in his affidavit that it has been lost or destroyed, or that he never received any.

These affidavits, under the same section, must be preserved by the election board, and at the close of the election inclosed with the list of voters, tally list, and other papers required by law to be filed by the return judge with the prothonotary, and shall remain on file therewith, in the prothonotary's office, subject to examination as other election papers are.

It will be observed that under the act of May 28, 1891, and the act of May 16, 1895, the registry lists are completed by the assessors and delivered to the county commissioners on the sixty-first day preceding election. These are denominated the "Original registry lists," and the county commissioners thereupon proceed to make out in alphabetical order a complete list of all persons returned as taxables in said election districts and furnish the same on or before 7 o'clock in the morning of election to the election officers, and it is expressly declared that no man shall be permitted to vote at the election on that day whose name is not on said lists unless he shall make proof of his right to vote as hereinbefore required.

Prior to July, 1897, a local statute of the Commonwealth of the State of Pennsylvania provided that in the county of Lackawanna collection of taxes might be made by any collector by leaving the amount or a statement thereof with the employer of a citizen, and such employer could deduct the same from the wages due such person, and it constituted a good payment of the tax for all purposes.

On July 15, 1897, the following act was passed:

PAYMENT OF TAX.

SECTION 1. That from and after the passage of this act it shall be unlawful for any person or persons to pay or cause to be paid any occupation or poll tax assessed against any elector, except on written and signed order of such elector authorizing such payments to be made, which written and signed order must be presented at least thirty days prior to the date at which such elector desires to vote.

SEC. 2. That it shall be unlawful for any officer, clerk, or other person authorized to collect taxes and receipt therefor, to receive payment of or receipt for any occupation or poll tax, assessed for State or county purposes, from any person other than the elector, except upon his written and signed order authorizing such payments to be made.

SEC. 3. It shall be unlawful for any person to vote or attempt to vote at any election upon a tax receipt obtained in violation of this act.

This act, it will be seen, provides that it shall be unlawful for any officer to receive payment of or receipt for any occupation or poll tax assessed for State or county purposes from any person other than the elector except upon his written or signed order authorizing such payments to be made, and further provides that it shall be unlawful for any person to vote or attempt to vote upon a tax receipt obtained in violation of this act.

Before entering upon their duties, the election officers, inspectors, and judges are required to take an oath which provides, in substance, that they will not receive any ticket or vote from any person other than such as they firmly believe to be, according to the provisions of the Constitution and the laws of the Commonwealth, entitled to vote at such election without requiring such evidence of the right to vote as is directed by law; that they will use their best endeavors to prevent any fraud, deceit, or abuse in carrying on the same by citizens qualified to vote, or others, and in all things truly, impartially, and faithfully perform their duties respecting the same to the best of their judgment and abilities.

By section 16 of the act of June 10, 1893, of the Commonwealth of Pennsylvania, the county commissioners provide for each election district at every election therein two copies of the assessor's lists of voters, one copy to be called the "Ballot check list," for the inspectors in charge of the ballots, and the other copy to be called the "Voting check list," to be used in marking the names of those who have voted.

By section 19 of the same act it is provided that no persons other than the election officers and voters admitted as hereinafter provided shall be permitted within the guard rail, except peace officers by authority of the said election officers for the purpose of keeping order and enforcing the law.

Section 21 of the same act prescribes the manner in which the vote takes place, and is quite material in the consideration of this case. It is as follows:

SEC. 21. Any person desiring to vote shall give his name and residence to one of the election officers in charge of the ballot, who shall thereupon announce the same in a loud and distinct tone of voice, and if such name is found upon the ballot check list by the inspector or clerks in charge thereof, he shall likewise repeat the said name, and the voters shall be allowed to enter the space inclosed by the guard rail, unless his right to vote is challenged. No person whose name is not on the said list or whose right to vote shall be challenged by a qualified citizen, shall be admitted within the said guard rail until he has established his right to a vote in the manner now provided by law, and his name, if not on the check lists, shall then be added to both lists.

By section 23 of the same act it is provided that no voter, not an election officer, shall be allowed to reenter the inclosed space after he has once left it, except to give help as hereinafter described. Each voter's name shall be checked on the voting check list by the officer having charge thereof as soon as he has cast his vote in the manner now provided by law. The same section also provides that each political party shall be allowed to appoint three electors to act as watchers in each voting place, one of whom shall be allowed to remain in the room outside of the inclosed space. The same section also provides that until the polls are

closed no person shall be allowed in the room outside of the inclosed space except these watchers, voters not exceeding ten at any one time who are waiting their turn to prepare their ballots, and peace officers when necessary for the preservation of the peace.

Under the constitutional provisions above set forth no person above 22 years of age can vote unless he shall have paid, within two years, a State or county tax, which shall have been assessed at least two months and paid at least one month before election.

By the act of May 16, 1895, provisions are made for the registry of his name upon proof of his qualifications as a citizen and taxpayer, and when so entered upon the list he is prima facie entitled to vote, and the voting list made thereform, in the absence of a challenge, is conclusive upon the election officers of his right so to do. In the absence of his name upon the voting list he is required by the same act to make proof of his right to vote, and such statute expressly provides that no man shall be permitted to vote unless such proof is made. To establish his right to vote independent of the voting list, if his name does not appear thereon, he is required by the act of January 30, 1874, above set out, to produce at least one qualified voter in the district as a witness to his residence in the district in which he claims to be a voter for the period of at least two months immediately preceding said election, which witness is required to be sworn or affirmed and subscribe to a written or partly written and partly printed affidavit to the facts stated by him, and which affidavit must clearly define where the residence is of the person so claiming to be a voter. In addition, the person claiming to be a voter shall also make and subscribe to a written or partly written and partly printed affidavit stating, among other things, where he was born, etc.

These provisions of the statute of Pennsylvania are mandatory, and have been so held by the supreme court of the State of Pennsylvania. In McDonough's case (105 Pennsylvania Statutes) it was held that—

> The vote of an elector not upon the registered list can not be received without the form of the proof required by the act. Such vote is illegal when tendered, and can not be shown to be a legal one on the subsequent investigations into the election of the person returned, and this construction in no way infringes the constitutional rights of the voter.
>
> The object of the affidavit is to prevent fraudulent voting, and for this purpose it furnishes the foundation for indictment for perjury, if false. The affidavit must therefore be sufficiently specific to show upon its face, without reference to any other fact or circumstance, that the voter has the right which he claims, and must be sufficiently specific to found thereon an indictment for perjury, if the allegations were willfully false.

This construction is affirmed and expressly approved by the supreme court of Pennsylvania in Cusick's case, reported in 136 Pennsylvania Statutes, 459, which case also holds that the affidavit must be specific as to residence, taxes, and citizenship, and that a general affidavit averring the qualifications in the language of the Constitution is insufficient.

An examination of the evidence shows that at least 350 of the affidavits filed by persons required to make proof of their right to vote independent of the registry list were defective, but the evidence to my mind only satisfactorily shows that 11 of the persons so voting voted for the contestee, George Howell. Likewise, an examination of the evidence discloses that many persons who voted were disqualified for the nonpayment of taxes, but the evidence as for whom the ballots were cast is unsatisfactory in many cases, under the strict rules adopted by the committee for the determination of that question. In many cases, however, the evidence is clear and satisfactory.

The election returns for the first district of Old Forge, second and third precincts of Winton borough are, in my judgment, rightly rejected.

It is not the policy of the law to throw too many obstacles in the way of investigating the correctness and bona fides of election returns. The true policy to maintain and perpetuate the vote by the ballot is found in jealously guarding its purity, in placing no fine-drawn metaphysical obstructions in the way of testing election returns charged as false and fraudulent, and insuring to the people by a jealous, vigilant, and determined investigation of election frauds that there is a saving spirit in the public tribunals charged with such investigation, ready to do them justice if their suffrages have been tampered with by fraud or misapprehended through error, and it is in the spirit of this rule that questions respecting evidence in contested-election cases should be solved. (Reed *v.* Kneass, 2 Pars. 584, Bright's Election Cases, 366.)

While a mere irregularity which does not affect the result will not vitiate the returns, yet when the provisions of the law have been entirely disregarded by the officers and their conduct has been such as to render their returns utterly unworthy of credit, the return must be rejected. In such case the return proves nothing. (McCrary on Elections, sec. 511; Bright's Election Cases, 493; McKenzie *v.* Buxton, Forty-second Congress; Smith *v.* Shelly, 2 Ells., 18; Lowe *v.* Wheeler, 2 Ells., 61; Finley *v.* Walls, Smith, 367.)

It does not follow that the legal voter is thereby disfranchised, as his vote may be proved by evidence aliende, and when so proved may be counted. (See cases above cited.)

The general rule is that when the return is set aside both parties must prove their vote by other evidence, the court proceeding without reference to what appears upon the face of the returns. (McCrary on Elections, sec. 505, fourth edition.)

Returns may be impeached by evidence of persons that they voted for a particular person at the polls to show that more votes were cast for him than were counted and by evidence that unauthorized persons participated in the election or count. They are also impeached when fraud is shown in the reception of illegal votes and the poll can not be purged or when the evidence for any reason discloses that they can not be safely relied upon. (Reed *v.* Kneass, 2 Pars., 584; Bright's Election Cases, 366; Reed *v.* Julian, 2 Bart., 822; Bell *v.* Snyder Smith, 247; McCrary on Elections, sec. 491, 4th edition.)

Tested by these rules and principles in the light of the evidence in this case, the conclusion seems inevitable that the returns from this district should be rejected as unworthy of credit. We have seen how the voting list furnished the judges of elections is carefully prepared by the county commissioners.

The composition of the board of elections will also be noted. Two judges and two inspectors are supposed to stand guard and protect the purity of the election. On the Saturday or Monday preceding election two copies of the assessor's lists of voters are delivered to the judges of elections, one copy, called the "ballot check list," for the inspectors in charge of the ballot; the other copy, called the "voting check list," to be used in marking the names of those who have voted. Any person desiring to vote must give his name and residence to one of the election officers in charge of the ballots, who must thereupon announce the same in a loud and distinct tone of voice; and if such name is found upon the ballot check list by inspectors in charge thereof, he shall likewise repeat said name and the voter shall be allowed to enter the space inclosed by the guard rail, unless his right to vote is challenged. No person whose name is not on said list or whose right to vote is challenged shall be admitted within the guard rail until he has established his right to vote. Until the polls are closed no person is allowed in the room outside of the closed space, excepting the watchers, voters not exceeding ten at any one time who are waiting their turn to prepare their ballots, and peace officers when necessary for the preservation of the peace.

I desire also in this connection to call particular attention to section 33 of the act of June 10, 1893, which act, after defining the duties of the election officers and the particular manner in which the election shall be carried on, provides:

> Any public officer, upon whom the duty is imposed by this act, who shall negligently or willfully fail to perform such duties, or who shall negligently perform it in such a way as to hinder the objects of this act, or who shall negligently or willfully violate any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to be fined not exceeding $1,000, or to undergo imprisonment for not more than one year, or both, at the discretion of the court.

It will be observed that vigilant care is enjoined as a positive duty and a negligent performance, though not willful, of such duty is punishable under the statute. The purpose of the act would fail if it were otherwise. Negligence in the performance of public duty is not ordinarily a crime, but it becomes such in reality when frauds are thereby permitted upon the elective franchise; hence to enforce the duty strictly upon the election officers negligence in the performance of such duty is equally condemned with a willful violation. I assume that the term "negligence" as used in this statute means a failure to exercise that degree of care in the observance of the requirements of the law as an ordinarily prudent man would exercise under like or similar conditions and circumstances.

I desire especially to call the attention of the House to some of the testimony bearing upon the conduct of the election officers in the districts in question and to the manner in which such elections were conducted:

Dominick Russ, on page 974 of the record, testified in substance as follows: That he lived in Clark street, in the Third Ward of Winton; that he was born in Italy; that he has no citizen's paper, and never had any; that he was a laborer in the Dolph mines; that at about 1 or 2 o'clock in the afternoon of November 4, 1902, one John Elly came to his house and asked him if he could vote him. He told him he had no paper and had no right to vote, and Elly replied that that made no difference; that Elly then took him over to the saloon, where they had a glass of beer, and then to the polls: that he took him into the election room, past the officers; that he knew each one of the election officers personally, but could not tell their names; that Elly went into the booth with him and marked his ballot; that he did not know how he voted: that he went and voted because Elly asked him to go and told him he could vote even if he was not a citizen; that he made no affidavit and signed no paper that day.

Testimony of Marian Dominick, on pages 977 and 978 of the record:

Marian Dominick, called and sworn for contestant.

Direct examination by Mr. Holgate:

Q. Your name is Marian Dominick?—A. Marian Dominick.
Q. Where do you live?
(Interpreter.)
Q. You live in the Third Ward of Winton?—A. In Jessup.
Q. That is in the Third Ward of Winton, isn't it?—A. Yes, sir.
Q. And you work at the Dolph Colliery mines, do you?—A. Yes, sir.
Q. Born in Italy, was you?—A. Yes, sir.
Q. Got a paper, a citizen paper?—A. No.
Q. Never had one?—A. No.
Q. Never asked for one, did you?—A. No, sir.
Q. You remember last election day?—A. Yes, sir.
Q. Was it on November 4, last November?—A. Yes, sir.
Q. Now, what time did you leave your work that day?—A. Maybe 4 o'clock.
Q. Four o'clock?—A. Yes, sir.
Q. Did you go home from work at 4 o'clock?—A. About 3 o'clock.
Q. Do you know Henry Lawler up there, the tax collector?—A. Yes, sir.
Q. Did you see him on that day?—A. Yes, sir; he was there, and he called me.
Q. Now, what did he say to you?—A. He asked me in to vote, and I told him I could not vote, and he said, "Go in anyway," and I went in and I voted.
Q. Now, did he take hold of you when you went to vote?—A. He was at the door, and he asked me in there.
Q. Did he go in with you?—A. Yes, sir.
Q. Now, was he on the election board that day?—A. Yes, sir.
Q. And he went into the room—went right into the room with you, did he?—A. Yes, sir; took me in there.
Q. Did you take a ballot?—A. Henry gave me a ballot.
Q. Henry got it and gave it to you?—A. Yes, sir.
Q. Now, when you got your ballot Henry and you went into that little room together, did you?—A. Yes, sir.
Q. Who made the mark on that ballot?—A. Himself.
Q. Who did?—A. Lawler.
Q. Did he ask you how you wanted to vote—Lawler?—A. He did not tell me anything.
Q. And then he marked the ballot, did he?—A. Yes, sir.
Q. Do you know whom you voted for that day?—A. No; I don't know.
Q. Did Lawler tell you whom you voted for?—A. No, sir.
Q. Did he say anything about that?—A. Yes; he told me for the Socialist Labor.
Q. Did you see Benni Betti there that day?—A. Yes, sir.
Q. And did you see any other Italians around the polls that day?—A. Yes, sir; I see them, but I was only there a little while.
Q. Were there many of them there when you saw them?—A. Yes; there was around the polls, inside the polls and outside.
Q. Was Mr. Lawler and Mr. Elly talking to them?—A. Yes, sir.
Q. Did you see any others taken into the voting place the same way that you was by Mr. Lawler or Mr. Elly?—A. No, sir.
Q. Any others that were in there while you were there?—A. Yes, sir; there was many of them.
Q. Did you see the men there whose names appear on this list?
(List read by interpreter.)
Q. Bassillio Berdetti?—A. No, sir.
Q. Dominick Bresci?—A. No, sir; why, there was too many; I could not remember who they were there.
Q. Peter Galli?—A. No, sir.
Q. Peter Spagoni?—A. No, sir; I don't know him.
Q. Dominick Spagoni?—A. Yes, sir.
Q. Dominick Gatti—Dominick Gotti?—A. I don't know this man.
Q. Eugen Coucuotte?—A. No.
Q. Berdet Coucouette?—A. Yes, sir.
Q. John Nari?—A. Yes, sir.
Q. Frederick Nari?—A. No, sir.
Q. Kachakik Ricci?—A. No.
Q. Eusebia Pertucia?—A. Yes, sir.
Q. Celeste Partionara?—A. No; I don't know him.
Q. Crime Partionara?—A. No.
Q. John Dominick?—A. I know the first names, but I don't know their last names.
Q. That is all.

Cross-examination by Mr. Howell:

Q. You say you got home from work about 4 o'clock—3 or 4 o'clock. What time did you get home from work; about what time?—A. Over about 3 o'clock.
Q. Did anybody come to your house when you got home?—A. No, sir; I went out at the booth.
Q. Did anybody come there to the house after you?—A. No.
Q. Now, what time did you go down to the booth?—A. Between 4 and half-past 4.
Q. Why did you go down to the booth?—A. For the reason that there was lots of people there that day, and I thought I would go over there and see what was going on.
Q. Who was the first man that you met down there?—A. There was Benni Betti, and there was lots of them there.
Q. Where did you meet Lawler, the tax collector?—A. They were outside the booth.
Q. You did meet Lawler there, did you?—A. Why, he asked me to go to vote, and I told him that I could not vote, and he took me in there.
Q. Did he push you in there?—A. Why, he asked me to go in and vote, and I told him that I could not vote, and he said "Go in," and I went, and told him something to the clerk; and he asked me what my name was, and then they gave me a ballot and went to mark the ballot.
Q. Did you mark the ballot in the booth?—A. No, sir.
Q. You said that Mr. Lawler wanted you to vote the Socialist Labor candidate. Did you tell Lawler how to mark that ballot?—A. Why, I did not tell him anything, because I did not know how to read and write. He told me that he marked for the Labor Sociality.
Q. Are you a Labor-Socialist?
Mr. HOLGATE. Objected to; not cross-examination.

By Mr. Howell:

Q. How many Italians are there in that election district?—A. Many of them.
Q. About how many?—A. Over 50; I can't exactly tell you the number; there is quite a number. There is quite a number; I don't know exactly the number.

Alfonso Grandonetti testified, on pages 994 and 995 of the record, as follows:

Alfonso Grandonetti, called and sworn for contestant.

Direct examination by Mr. Holgate:

Q. Do you live in the Third Ward of Winton?—A. Yes, sir.
Q. That is in Jessup?—A. Yes, sir.
Q. You were born in Italy, were you?—A. Yes, sir.
Q. How old are you?—A. About 35.
Q. Have you got a citizen paper?—A. No.
Q. Never had any?—A. No.
Q. You voted at the election held last fall for the office of Congressman, did you?—A. Yes, sir.
Q. Under what name?—A. I don't know; I never voted myself; another fellow voted.
Q. What was the name they called you when you went there?—A. Jimmy Grand.
Q. That is the name they gave you down there?—A. Yes, sir.
Q. And you say another man marked your ballot?—A. Yes, sir; another fellow with me, name of Danty.
Q. You voted for the office of Congressman?—A. No.
Q. He marked your ballot, you went in?—A. Yes, sir.
Q. Did he ask you to go in?—A. Yes, sir.
Q. Pulled you in there, did he?—A. Yes, sir.
Q. That is all.

Cross-examination by Mr. Howell:

Q. Who pulled you in there?—A. Fellow by the name of Danty.
Q. (By Mr. Holgate.) Danty Chicolla?—A. Yes, sir.
Q. (By Mr. Howell.) What time of day did you vote?—A. Oh, about 9 o'clock, or 10 o'clock.
Q. In the morning?—A. Yes, sir.
Q. Were there many in there then?—A. At that time the majority of them were Italians.
Q. Were there many in the booth when you voted?—A. Yes, sir.
Q. Why did you go down to the polls?—A. They call me.
Q. Did you go down there to vote?—A. Yes, sir.
Q. You went down there to vote?—A. Yes, sir; Danty called me to come and vote, and I went to vote.
Q. That is all.

Now, 12 o'clock and 30 minutes postmeridian, the taking of depositions on the part of the contestant is continued to 1 o'clock and 15 minutes postmeridian.

Now, 1.15 o'clock p. m., the taking of depositions on the part of the contestant is continued, pursuant to adjournment.

Paul Marriot, pages 1000 and 1001 of the record, testified as follows:

Paul Marriot, called and sworn for contestant.

Direct examination by Mr. Holgate:

Q. Where do you live?—A. Up to Jessup.
Q. That is the Third Ward of Winton?—A. Yes, sir.
Q. On what street or road do you live?—A. Well, I don't know the street.
Q. Nor road?—A. Yes, sir.
Q. Don't you know the name of it?—A. Oh, the Moosic Mountain road.
Q. Who is your nearest neighbor there?—A. Oh, Figgins's house.
Q. That is not a hotel or saloon?—A. No.
Q. Isn't there a hotel or a saloon near you?—A. Yes; I know there Marazenni's; owns a saloon.
Q. How long have you lived there?—A. Oh, I live—I go just in the first of the month now.
Q. Where did you live last November?—A. Oh, last November I lived just a couple of months.
Q. Right in the same place?—A. Same place.
Q. How long have you lived up there in Winton?—A. Up here?
Q. Yes.—A. Oh, I live eight years no.
Q. Where was you born?—A. In Italy.
Q. How old are you?—A. Thirty-three years.
Q. How long have you been in this country?—A. Eight years.
Q. Show me your citizen paper?—A. Oh, I no got any.
Q. No paper?—A. No, sir.
Q. Never had any?—A. No; I never got before.
Q. You read and write English?—A. No.
Q. Have you got a tax receipt?—A. No; I paid two times ago; I lost receipt now.
Q. You have not paid any taxes in two years, have you?—A. I think one year.
Q. Do you know what kind of a tax?—A. It was, I think, school tax; I don't know.
Q. School tax?—A. I don't know, I think it was; I ain't sure.
Q. Can you read and write English?—A. No; I can't.
Q. Did you mark your own ballot last fall?—A. No I marked; another man for me.
Q. Was there another man marked it for you?—A. Yes, sir.
Q. Who was the man?—A. Oh, Lally's boy, the big one; I don't know his name; he brought me to vote; he bring me.
Q. Did he come for you?—A. Yes, sir.
Q. Come to your house?—A. He asked me on the street; I stood on the street and he said, "Come in and vote."
Q. What did you say to him?—A. I said, "I can't vote, I got no citizen papers; I not a citizen myself;" and he said, "That is all right, everybody votes this year," and he said, "Go in and vote." And I voted because he told me to. I had no paper.
Q. This was Mr. Lally told you that?—A. Yes, sir; big boy.
Q. What Lally are you talking about, now?—A. He butcher before.
Q. And where does he live?—A. Oh, he lives in just that street where I live myself.
Q. And did he keep a butcher shop?—A. No, not now; over in the mountains.
Q. Do you know what his politics is?—A. No.
Q. Was he a Democrat or a Republican?—A. I don't know, I don't know, I don't know; he marked it himself; I did not know.
Q. What was he himself?—A. I don't know.
Q. And he asked you in there, did he?—A. Yes, sir.
Q. And you told him that you never voted there, did you?—A. Yes, sir.
Q. And you told him that you did not vote because you had no paper?—A. Yes, sir.
Q. And that you could not vote?—A. Yes, sir.
Q. And he said, "Go on, it makes no difference?"—A. Yes; he told me that.
Q. And you and he went into the polling place together?—A. Yes, sir.
Q. And you got a ticket; you got a ballot, did you?—A. Yes, sir.
Q. From the officers?—A. Yes, sir.

Q. And you did not say anything to the officers, did you?—A. I don't know.
Q. Did you say anything to them?—A. No; I did not.
Q. And you and Lally went into that little room?—A. Yes, sir; into the little booth together, and he marked it and gave it to me and I took it out.
Q. He marked it himself?—A. Yes, sir.
Q. And you did not tell him you wanted to have it marked?—A. No.
Q. And you did not care how he marked it?—A. Sure, I didn't care; sure.
Q. And you simply went in there and voted because he wanted you to do it?—A. Yes, sir.
Q. That is all?—A. Yes, sir.
Q. And that is the only reason?—A. Yes, sir; he says to me, "Mike, you go in there," and I go, sure.
Q. And do you know how he marked it?—A. Well, I don't know.
Q. Did he put more than one cross on it?—A. He marked a couple of marks; made a couple of marks.
Q. And that is all that you know about it?—A. Yes, sir; that is all.
Q. That is all.

Cross-examination by Mr. Howell:

Q. That is all.

Joseph Hiznay, called and sworn for contestant.

Louis Passancis, on page 1014 of the record, testified as follows:

Louis Passancis, called and sworn for contestant.

Direct examination by Mr. Gilroy:

Q. Where do you live, Louis?—A. Jessup.
Q. In Jessup?—A. Yes, sir.
Q. Do you know what ward in Winton Borough that is in?—A. It is right up here—it is Jessup.
Q. Do you know where you voted when you voted?—A. Yes, sir.
Q. Where did you vote—what house?—A. Tom Reddington's hotel.
Q. That is in the Third Ward, isn't it?—A. Yes, sir.
Q. Where were you born?—A. In Italy.
Q. When?—A. I don't know.
Q. How old are you now?—A. Twenty-four.
Q. When were you 24; or when will you be 24?—A. Was 24 the month of July.
Q. Month of last July?—A. Yes, sir.
Q. In last July, in the month of July, you were 24 years of age—in July, 1902?—A. Yes, sir.
Q. When did you come to this country?—A. Six years.
Q. You are and have been six years in this country?—A. Yes, sir.
Q. When will it be six years?—A. Six years last July.
Q. Six years last July you came to this country?—A. Yes, sir.
Q. Where did you land?—A. New York.
Q. Then you came to Jessup?—A. Yes, sir.
Q. Came right here to Jessup?—A. Yes, sir.
Q. Have you got your naturalization paper here with you?—A. No.
Q. Were you ever naturalized?—A. No.
Q. Never naturalized?—A. No.
Q. Did you ever pay taxes?—A. Yes, sir.
Q. And did you vote last fall for the office of Congressman at the election held on the 4th of November, 1902?—A. I don't remember for whom I voted.
Q. Did you vote at the election at Tom Reddington's hotel last fall?—A. Yes, sir.
Q. For the whole ticket?—A. All of them voted, and I voted, too.
Q. What do you mean by saying all of them voted?—A. They were saying that all could vote, and I went and voted.
Q. Who told you that they all could vote?—A. Why, nobody said anything to me; but I seen everybody went to vote, and so I went and voted.
Q. Were you challenged?—A. No, sir.
Q. That is all.

No cross-examination.

Zugo Thresbrose, on page 1014 of the record, testified as follows:

Zugo Thresbrose, called and sworn for contestant.

Direct examination by Mr. Gilroy:

Q. Where do you live, Zugo?—A. Jessup.
(Interpreter.)
Q. Where were you born?—A. Italy.
Q. When; how old are you?—A. 1871.
Q. Did you vote for the office of Congressman at the election held last fall, on the 4th day of November, 1902?—A. Yes, sir.
Q. Where did you vote?—A. Jessup.
Q. Where?—A. Tom Reddington's place.
Q. The polls were held there. When did you come to the United States?—A. Two years ago.
Q. Have you a naturalization paper?—A. No.
Q. And you voted, did you?—A. Yes, sir.
Q. Ever pay any taxes?—A. Yes, sir; why, I paid taxes, but I have not got any receipts.
Q. That is all.

No cross-examination.

Tony Belli, on page 1015 of the record, testified as follows:

Tony Belli, called and sworn for contestant.

Direct examination by Mr. Gilroy:

Q. Where do live, Tony?—A. In Jessup.
Q. You talk English all right?—A. Oh, not too good.
Q. Where were you born—in Italy?—A. In Italy.
Q. When?—A. I don't know.
Q. When did you come to this country?—A. 1893.
Q. Did you vote at the election held on the 4th day of November, 1902, for the office of Congressman?—A. Yes, sir.
Q. What polling place or ward was it, if you know?—A. Same place.
Q. Same place the others voted?—A. Yes, sir.
Q. At Mr. Reddington's hotel?—A. Yes, sir.
Q. Have you got any citizen's papers?—A. No.
Q. Never had any?—A. No.
Q. Did you ever pay any taxes?—A. All the time.
Q. How long have you been in Jessup?—A. Nine years.
Q. You voted for the office of Congressman at the election held last fall, on the 4th day of November, did you?—A. Yes, sir.
Q. That is all.

No cross-examination.

John Sylvester, on page 1015 of the record, testified as follows;

John Sylvester, called and sworn for contestant.

Direct examination by Mr. Gilroy:

Q. Where do you live?—A. Jessup.
Q. Where were you born?—A. Italy.
Q. When; how old are you?—A. 1884.
Q. When did you come to this country?—A. Eight years ago.
Q. Did you vote for the office of Congressman at the election last fall, held on the 4th day of November, 1902?—A. Yes, sir.
Q. Where did you vote?—A. Tom Reddington's.
Q. Up in Jessup?—A. Yes, sir.
Q. When did you come to the United States?—A. That is eight years.
Q. Have you got a certificate of naturalization?—A. I have half a paper.
Q. And you have not got a second paper?—A. No; not yet.
Q. And did you ever pay any taxes up there?—A. Yes, sir.
Q. That is all.

Cross-examination by Mr. Howell:

Q. What do you mean by "half a paper?"—A. The first paper.
Q. Have you got it?—A. Yes, sir.
Q. Let me see it.
(Witness produces paper.)

Mr. GILROY. The witness produces a certificate of a declaration to become a citizen, declared before J. H. Thomas, clerk, on the 3d day of October, A. D. 1896, and certified the record the same date.

Mr. HOWELL. It is a declaration of intention to become a citizen. That is all.

Pesan Bastania, on page 1016 of the record, testified as follows:

Pesan Bastania, called and sworn for contestant.

Direct examination by Mr. Gilroy:

Q. Where do you live?—A. Yes, sir; in Jessup.
Q. In what ward?—A. Tom Reddington's.
Q. You voted at Tom Reddington's, did you?—A. Yes, sir.
Q. Did you vote at Tom Reddington's on November 4, 1902, for the office of Congressman?—A. Yes, sir.
Q. Where were you born, and how old are you?—A. 1870, April.
Q. In Italy?—A. Italy.
Q. When did you come to the United States?—A. Seven years ago.
Q. How long have you been in Jessup?—A. All seven years.
Q. All of the seven years?—A. All of the time.
Q. Have you got a naturalization paper?—A. No, sir.
Q. Did you ever get one?—A. No, sir.
Q. And you voted up there with the rest of the boys?—A. Yes, sir; but I was in the street, and seven or eight of them grabbed hold of me, and took me in to vote.
Q. You did not want to vote?—A. No.
Q. Did you mark your own ballot?—A. No.
Q. Who marked it?—A. The barber.
Q. The barber and the tax collector?—A. I don't know what is his name.
Q. He is the barber, is he?—A. Yes, sir.
Q. And he is tax collector, too?—A. Yes, sir.
Q. Did he tell you you had a right to vote?—A. He told everybody they could vote.
Q. Did he tell you you had a good right, and draw you in?—A. Yes, sir.
Q. Did he ask the men who were sitting there on the board whether he could mark your ballot for you or not?—A. Yes, sir.
Q. That is all.

Cross-examination by Mr. Howell:

Q. Who was it pulled you into the booth?—A. There was five or six told me, "Go on; go on;" and I went in.
Q. (By Mr. GILROY.) Was Lawler one of them—the barber?—A. The barber called me.

Mr. GILROY. That will do.
Mr. HOWELL. That is all.

John Bunomi, on page 1019 of the record, testified as follows:

John Bunomi, called and sworn for contestant.

Direct examination by Mr. Gilroy:

Q. Where do you live, John?—A. Jessup.
Q. Where were you born—born in Italy?—A. Yes, sir.
Q. How old are you?—A. Twenty-seven years old.
Q. Did you vote at the election held on the 4th day of November, 1902, for the office of Congressman?—A. Yes, sir.
Q. Where did you vote?—A. Tom Reddington's.
Q. That is the Third Ward of the borough of Winton, isn't it?—A. I don't know whether it is the Third or the Fourth.
Q. That is the Third Ward. When did you come to this country?—A. Seven years.
Q. Seven years in this country?—A. Yes, sir.
Q. Have you got a naturalization paper?—A. No, sir; I have taxes here.
Q. Do you have a naturalization paper?—A. No, sir.
Q. Never had a naturalization paper?—A. No, sir.
Q. That is all.

No cross-examination.

Mrego Fidat, on pages 1020 and 1021, testified as follows:

Mrego Fidat, called and sworn for contestant.

Direct examination by Mr. Gilroy:

Q. Where do you live, Mrego?—A. Jessup.
Q. Where were you born?—A. In Italy.
Q. When?—A. The 13th of August, 1866.
Q. Did you vote for the office of Congressman at the election held on the 4th day of November, 1902?—A. Yes, sir.
Q. Where did you vote?—A. At Jessup.
Q. Third Ward?—A. Reddington's.
Q. Voted at Reddington's?—A. Yes, sir.
Q. Have you got naturalization papers?—A. No, sir.
Q. How long have you been in this country?—A. Three years.
Q. Who asked you to vote?—A. I don't know him.
Q. Did you mark your own ballot or mark your own ticket?—A. Lawler.
Q. Lawler marked it for you, did he?—A. Yes, sir.
Q. Was that the barber?—A. I don't know anybody up there.
Q. That is all.

No cross-examination.

Dante Pretno, on page 1021 of the record, testified as follows:

Dante Pretho, called and sworn for contestant.

Direct examination by Mr. Gilroy:

Q. Where do you live?—A. Jessup.
Q. That is the Third Ward of Winton?—A. Yes, sir.
Q. Where were you born?—A. Italy.
Q. When? How old are you?—A. Thirty-seven.
Q. When did you come to this country; how many years ago?—A. Eighteen months.
Q. Eighteen months in this country. Did you vote for the office of Congressman at the election held on the 4th of November, 1902?—A. Yes, sir.

Q. You did vote?—A. Yes, sir.
Q. Have you papers, citizen papers?—A. No.
Q. Who told you to vote?—A. They took me in there.
Q. Who took you in there?—A. I live right near there.
Q. You live right near there. Some English fellow took you in there?—A. Yes, sir.
Q. Who was it?—A. I don't know.
Q. Don't you know him? Did he mark your ballot for you?—A. Fellow took me in there and marked my ticket, and I don't know what he did.
Q. You did not ask any of the board to have this fellow go in there with you?—A. No.
Q. You were not challenged? Nobody challenged your vote—stopped you from voting?—A. No.

Frank Caprai, on page 1022 of the record, testified as follows:

Frank Caprai, called and sworn for contestant.

Direct examination by Mr. Gilroy:

Q. Where do you live?—A. Jessup.
Q. You live in Jessup?—A. Yes, sir.
Q. How long have you lived over in Jessup?—A. Fifteen months.
Q. Where did you live before that?—A. No before.
Q. When did you come over from Italy?—A. Fifteen months.
Q. Fifteen months over from Italy?—A. Yes, sir.
Q. You were born in Italy?—A. Yes, sir.
Q. And you are living now in the Third Ward of Winton, up there in Jessup?—A. Yes, sir.
Q. Did you vote at the election held up there on the 4th day of November, 1902, last November, for the office of Congressman?—A. Yes, sir.
Q. You did vote?—A. Yes, sir.
Q. Where did you vote?—A. At Tom Reddington's; yes, sir.
Q. Have you got naturalization papers?—A. No.
Q. How old are you?—Twenty-five.
Q. Who marked your ballot?—A. Yes, sir.
Q. Who did?—A. Myself.
Q. Marked it yourself?—A. Marked it myself.
Q. That is all.
No cross-examination.

Louis Neri, on page 1024 of the record, testified as follows:

Louis Neri, called and sworn for contestant.

Direct examination by Mr. Gilroy:

Q. Where do you live?—A. Jessup.
Q. How long have you lived up there, Louis?—A. About eight years.
Q. How long have you been in this country?—A. Eight years.
Q. When were you born, and how old are you?—A. I was born in Italy; 33 years.
Q. Did you vote at the election held on the 4th of November for the office of Congressman, up at Tom Reddington's there?—A. Yes, sir.
Q. Have you any naturalization papers with you?—A. No; one taxes there.
Q. Have you got a paper from the court, a naturalization paper?—A. No.
Q. Who took you in to vote?—A. Nobody. Why, I was going for a growler of beer, and a fellow met me on the street and he said, "Did you vote?" and I said "No," and he said, "Go on in there and vote;" and I went in there, and he marked the card for me and gave it to me, and he said, "Put it in there," and I put it in.
Q. Did you go in the little booth to vote?—A. Yes, sir.
Q. You were in there?—A. Yes, sir; I don't know; he marked my ticket.
Q. Somebody handed you a paper, and you just put it into the box?—A. Yes, sir.
Q. That is all.
No cross-examination.

Michael Colleran, on page 1070 of the record, testified as follows:

Michael Colleran, called and sworn for contestant.

Direct examination by Mr. Holgate.

Q. Your name is Colleran?—A. Yes, sir.
Q. You live in the Second Ward of the borough of Winton?—A. Yes, sir.
Q. What street or road do you live on?—A. Olyphant road.
Q. Is there any cross street near you?—A. One.
Q. What is the name of it?—A. I don't know.
Q. Is there a saloon or hotel near you?—A. No.
Q. Schoolhouse or church?—A. No.
Q. Or breaker?—A. No.
Q. Who is your nearest neighbor?—A. George Koto.
Q. How long have you lived there?—A. Well, I have lived up in that ward about two years.
Q. How long have you lived in that district?—A. About the same.
Q. Where was you born?—A. Ireland.
Q. How old are you?—A. About 30.
Q. Is your father alive?—A. No, sir.
Q. Dead?—A. Yes, sir.
Q. When did he die?—A. I was about 6 years old.
Q. Was he in the country when he came here—when you came here?—A. No, sir.
Q. Was he ever in this country?—A. No, sir.
Q. Let me see your citizen papers?—A. I haven't got any.
Q. You voted at the election held on the 4th of last November for the office of Congressman?—A. Yes, sir.
Q. That is all.

Cross-examination by Mr. Howell:

Q. I understood you to say that you came to this country with your father?—A. No.
Q. Where was you born?—A. Ireland.
Q. You have your father's papers?—A. No, sir.

Angelo Groscelli, on page 1023 of the record, testified as follows:

Angelo Groscelli, called and sworn for contestant.

Direct examination by Mr. Gilroy:

Q. Where do you live, Angelo?—A. Jessup.
Q. Is that in the Third Ward of Winton?—A. Yes, sir.
Q. Born in Italy, were you?—A. Yes, sir.
Q. When were you born there? How old are you?—A. Who—me?
Q. Yes.—A. Nineteen years old.
Q. When will you be 20 years old?—A. No.
Q. Not yet?—A. No.
Q. At your next birthday you will be 20 years old?—A. Yes, sir.
Q. Did you vote at the election held on the 4th of November, 1902, for the office of Congressman?—A. Yes, sir.
Q. Where did you vote?—A. I don't know; some place.
Q. Did you vote?—A. Yes, sir.
Q. At Tom Reddington's?—A. Yes, sir.
Q. And that is the Third Ward of Winton?—A. Yes, sir.
Q. Who asked you to vote?—A. Americano.
Q. Who was he?—A. Why, I was going down the road; fellow called me over to go and vote, and I don't know him.
Q. Did you ever see him before?—A. No, sir.
Q. You never saw him before?—A. No.
Q. And you never paid any taxes, of course?—A. No.
Q. Did you vote yourself?—A. Yes, sir.
Q. Marked your ballot yourself?—A. Yes, sir. They showed me where to vote, to make the mark, and I went inside and voted.
Q. Who showed you?—A. Some fellow.
Q. How many times did you mark your ballot?—A. Once.
Q. Only once, up at the top?—A. Yes, sir.
Q. Do you remember where it was, about what corner it was?—A. I don't know, of course.
Q. About the middle of the sheet?—A. Why, he told me to mark here, and that is where I marked.
Q. Do you remember where that place was? Was it about the middle of the sheet?—A. The second.
Q. Are you sure it was the second?—A. I ain't not sure.
Q. You are sure that it was not the first?—A. No; it was not the first.
Q. That is all.
No cross-examination.

The testimony of these witnesses, of which many like cases can be found in the record, served to show the gross carelessness and negligent manner in which the election was conducted by the officers in charge. In this connection, also, I wish to call attention to that portion of the statute of Pennsylvania requiring that the ballot boxes containing the ballots, after they are counted and deposited therein, shall be securely locked, taped, and sealed, with the names of the judges written thereon in such manner that no one can tamper with the boxes without leaving evidence thereof; that the boxes when so sealed must be deposited with the nearest justice of the peace, and upon this point James Conroy, one of the judges, testifies, on page 1095 of the record, that there were no strips of tape put over the boxes in his election district; that there were no seals in any way; that the boxes were simply locked. This testimony is also confirmed by the testimony of P. W. Stokes, one of the commissioners, who was afterwards appointed to collect and impound the ballots by the United States district judge of Pennsylvania (found on p. 1135 of the record). He testifies that the ballot boxes in the wards in controversy were not locked and sealed as required in the statute.

The manner in which the election was conducted in the Third Ward of Winton Borough is also shown by the testimony of James Conry, found on pages 1091, 1092, 1093, 1094, and 1095 of the record. He testifies, on page 1095, that no affidavits were made or filed with the election board that day; on page 1093, that but one challenge was made; that he saw Italians going in and coming out, but that when the overseers would not pay any attention to it he did not.

In considering the manner in which the election was conducted the statutes relating to the right of assistance should also be noted. It provides that if any voter declares to the election officers that by reason of any disability he desires assistance in the preparation of his ballot he shall be permitted by the judge of the election to select a qualified voter in the election district to aid him in the preparation of his ballot, such preparation being made in a voting compartment. The purpose of this law is clearly apparent, namely, to enable the honest voter, whom from physical disability, or otherwise, needs assistance to secure it in preparing his ballot. He must so declare his need to the election officers. It should not be made the means whereby unscrupulous men are permitted to enter the booth and see that the purchased vote is rightly delivered.

The testimony hereinbefore quoted shows that illegal voters, without any declaration whatever to the judges, were accompanied by adherents of contestee into the voting booths, and in truth did the voting for the foreigner who was indifferent as for whom he voted.

In the face of the positive injunctions of the law as to the care in the exercise of their duty, how, in the light of this testimony, can we conclude that an honest election was held? How could the election officers on this record defend themselves from the charge of negligently performing their duties; and if they can not, it is folly to urge that conduct which subjects them to the penalty of the law does not amount to such fraud as will vitiate their returns?

Mr. THAYER. Will the gentleman yield to me?

Mr. BIRDSALL. I yield to the gentleman.

Mr. THAYER. I want to ask the gentleman, who has just quoted from the Pennsylvania statute, if you find that it directs that when a person finds that he is not on the register list and makes affidavit of his right to vote, the law directs that the officer shall place those affidavits with the voting list and return them to the county seat—wherever they go? Is not that simply directory; and if the officers should fail to do that, should you then permit the voter an opportunity to vote, and after voting, deprive him of his vote?

Mr. BIRDSALL. This provision, I will say in reply to the gentleman, has been held by the supreme court of Pennsylvania to

be absolutely mandatory. There is no escape from the conclusion of the authorities which I cite.

The evidence, to my mind, establishes such gross negligence and a willful violation of the law as to render their acts and returns unworthy of belief in any tribunal worthy to investigate them. It is difficult, indeed, to find a single provision of the law that was not violated in some one of the districts in question. A few of these violations may be noted, as clearly shown by the evidence already alluded to and elsewhere found in the record, namely:

The reception of known illegal votes;
The appointment of a disqualified inspector;
The denial of the right of assistance;
The permission to accompany voters to the booths and mark their ballots when no assistance was demanded;
The acceptance of votes from nonregistered persons who made no affidavits;
The reception of votes on defective affidavits;
The presence of peace officers in the voting places;
The rejection of Republican watchers;
The failure to seal the ballot boxes as required by law;
The failure to deposit them as required by law; and
The electioneering of one of the inspectors.

If such gross violations of the law as are shown in this case are permitted to stand and meet with our approval, then we may as well desist in all efforts to enact laws for the protection of the ballot. No man can with honesty be the beneficiary of such frauds. Let us set a higher standard for the conduct of election officers and keep as pure as possible the fountain of authority in this Government.

Mr. LITTLEFIELD. As I understand it, the committee relied on both propositions?

Mr. BIRDSALL. The committee relied on all these points, and I desire to say that the gentleman who preceded me is entirely mistaken in saying that the majority of the committee rely on the character of the testimony that he refers to, and which is set out in the minority report in determining the fact that an illegal vote was cast. A stronger rule was adopted by the majority of the committee than met with my approval. I think there is sufficient evidence in this record to establish the fact that between 1,500 and 1,600 of these illegal votes were cast for Mr. Howell. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BIRDSALL. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAIN. Mr. Speaker, I yield twenty minutes to the gentleman from Iowa [Mr. WADE].

Mr. WADE. Mr. Speaker, of course what I shall have to say in the brief time that has been allotted to me must be very general in its character. No lawyer can examine the record in this case without feeling the utter helplessness of grasping the situation that is presented there in that district, the consideration of which is before this House. In the record here we have the testimony of some 7,000 witnesses and briefs and arguments of several hundred pages. It is not necessary for me to say that I make no pretense of having read all of the evidence in this case, but I have read sufficient of the evidence in this case to convince me that from the time that this contestee, this young lawyer, just starting out in life, became an aspirant for this office that he has been subjected to a series of outrages which are seldom equaled in electoral contests in this country.

He was subjected to an outrage when the nomination which he sought was stolen from him; he was subjected to an outrage in the character of campaign which he had to meet; and if perchance the report of the majority of this committee should be sustained by the gentlemen of this House, I say that that would be a grave imposition upon his legal rights and upon the rights of the people who elected him to this office.

Now, at the outset, to make a few general observations, it is all right to set up an ideal condition which we would like to see exist at every polling place, but this can not be realized, for we all know that there is scarcely a precinct in the United States in which illegal votes are not cast at every election.

Election laws are strict. They should be strict, and in the weakness of humanity and the absence of information upon these laws mistakes will occur and in the heat of campaigns wrongs will be done by the overzealous friends of candidates, so we must not try to measure up to the ideal of a condition which would be desirable if it were practicable. Now, I do not see what there is to be expected here in the nature of partisan feeling. I have not been in this House long enough, perhaps, to understand these things. I realize that times come when a party upon whom the responsibility for enacting legislation rests is short of a good working majority. I realize that those times come and that in such times partisan action takes the place of judicial determination.

It has occurred in Democratic Congresses and in Republican Congresses; but in this House, with the majority which the other side now possesses, I can not for a moment consider that this question shall be determined upon any partisan basis. And then, Mr. Speaker, when we turn to the platform upon which Mr. Connell was nominated in the alleged Democratic convention, we find little, it seems to me, to appeal to the gentlemen upon the other side of this House. I am going to read portions of this platform.

> We recognize the necessity of cleansing our Commonwealth from the stain that has come upon her by the unparalleled corruption of the boss rule of QUAY and his subservient, dishonest tools, and denounce the corrupt methods by which this rule debauches the legislature and dominates every department of State affairs for the purpose of securing "plums" for himself and retainers, in total disregard of the interests of the honest people of this State. * * *
>
> We congratulate the Democratic party in Lackawanna County upon the splendid victory achieved in the election of the ticket in 1901, and pledge our untiring efforts to elect the ticket this day nominated, and for this purpose we ask the cooperation of all fair-minded citizens in the county of Lackawanna.

I know if a Republican in my State should ever accept a nomination upon a platform of that kind he would soon be put out of circulation.

Now, Mr. Speaker, there is another thing we should take into consideration in this matter, and that is the result of this election. This man—Mr. Howell—was forced to go upon a ticket of his own because of the difficulties originating in this alleged Democratic convention, the details of which can not be gone into in this short time.

Mr. LITTLEFIELD. Was not Connell subject to the same embarrassment?

Mr. WADE. No; he had the Republican nomination also.

Mr. LITTLEFIELD. But before that convention he had that embarrassment.

Mr. WADE. Of course Connell was nominated by this "rump" convention, as it was called, but this is the result: At that election every Democrat upon the ticket was elected, the governor receiving in that district some 5,000 majority, and the other gentleman upon the same ticket with Mr. Howell, I believe the judge of the orphans' court, received a majority of some sixteen hundred votes, and those figures throw a vast flood of light upon the proposition I want to submit to this House. I am not going to go through the testimony in detail or attempt to discuss the problems with which the members of the committee are necessarily more familiar than I am; but I am going to present a proposition here which appeals to me as a lawyer as establishing not only that Mr. Howell is not illegally elected, but that many of the votes, hundreds of the votes, thousands of the votes, received by Mr. Connell were illegal votes.

Now, let us look at this thing. What is the report of this committee? The report of this committee is that there are three precincts which have been thrown out. There is not any lawyer who can justify that result, and I have not time to refer to the authorities; there is not any lawyer who can justify that action until it reaches a point where you can not find a respectable number of legal votes in a precinct, and this has been repeatedly held by this House in Congressional contests. The next thing that was done was to take 32 of these votes from these precincts which had been eliminated and give them to the contestant.

I do not deny the legal proposition that where you throw out precincts the contestant may by competent proof establish the fact that there were legal votes there to which he is entitled; but I say there is no lawyer who can read the testimony upon this point from which this committee extracts 32 votes or squeezes 32 votes—I say there is no lawyer who can read it and agree with the proposition. I want to submit to you lawyers and you business men what you think of this sort of evidence:

James T. Flynn, sworn.
Q. Do you know Mike Hignay?—A. Yes, sir.
Q. Whom did he support last fall?—A. Mr. Connell.
Q. And John F. Loftus, you are acquainted with him?—A. Yes, sir.
Q. Whom did he support?—A. Connell.
Q. John R. Evans?—A. Yes, sir; he was postmaster; he was a Connell man; he is dead.
Q. John Grosh?—A. I don't know him.

I will not go further because that offers a fair sample of much of the evidence in this case to show the fact that certain illegal votes were cast for Howell. Is there any lawyer here that would contemplate for a moment that sort of evidence as being admissible in a court of justice from a justice of the peace to the Supreme Court? But they have not only taken these 32 votes, for that leaves only a margin of 8 to work upon, which they knew could not be sustained under that evidence. There were in that district 2,002 illegal votes cast.

Mr. DRISCOLL. May I ask the gentleman a question?

Mr. WADE. Certainly.

Mr. DRISCOLL. Has the gentleman read the evidence?

Mr. WADE. I stated at the beginning that I had not read all the evidence.

Mr. DRISCOLL. Has the gentleman read our report?

Mr. WADE. Yes; I have it in my hand.

Mr. DRISCOLL. Does the gentleman know how the vote would stand if all three districts were thrown out?

Mr. WADE. As I understand the report, Connell would have a plurality of 8.

Mr. DRISCOLL. Connell would have 24.

Mr. WADE. Now; let me ask if the gentleman from New York has read all the evidence?

Mr. DRISCOLL. No, I do not claim that I have. [Laughter on the Democratic side.] But I have read some of it.

Mr. WADE. I want to say, Mr. Speaker, that I shall be very glad if any gentleman will call my attention to any misstatement, because I am liable to be mistaken in regard to these figures. I want to adhere to the facts as presented by the report.

Now, there were 2,002 illegal votes cast in this district. What is the situation? We have a contest here in which one man has 24 majority and a vote of which there are 2,002 illegal votes cast. What happens in a case of that kind? Legally, what is the rule? Why, the general rule is in courts that these illegal ballots shall be taken from each side proportionately. Isn't that right? But in bodies that have the power to order a new election this rule is not followed. Where it affects the result of the whole election it is declared void, and the parties are subjected to a new election. Is not that the rule? I will refer, as an authority for that proposition, to the contested-election case in 1 Ellsworth, pages 93 and 94, and also to McCrary on Elections, section 496. McCrary says:

This is probably the safest rule that can be adopted in a court of justice, where there is no power to order a new election and where great injury would result from declaring the office vacant, but it is manifest that it may sometimes work a great hardship, inasmuch as the truth might be, if it could be shown, that all the illegal votes were on one side, while it is scarcely to be presumed that they would ever be divided between the candidates in exact proportion to their whole vote. But the rule which, in the absence of proof as to how illegal votes were cast, would deduct them all from the majority candidate is much more unreasonable and dangerous. Of the two evils the least should be chosen. We see here, however, how important it is that it should, if possible, be made to appear, either by direct or circumstantial evidence, for whom each illegal vote was cast.

In a legislative body having power to order a new election, and in any other tribunal having the same power, it will doubtless generally be regarded as safer and more conducive to the ends of justice to order such new election than to reach a result by the application of the rule above stated.

This rule is sustained by the action of this House. But now I am passing beyond that proposition. I say that the most that could be done would be to declare the seat vacant. But it ought not to be declared vacant, because here are over 1,800 illegal votes, and they say there is no evidence for whom they were cast. I want to show you from the record in this case that there are sufficient facts and circumstances to indicate to any reasonable man that they were cast for Connell. I want to say it in as brief a way as I can. We lawyers understand that fraud is hard to prove. It must be proven by facts and circumstances, and sometimes the facts and circumstances must be very slight.

You will find here at the beginning of the first volume of the evidence—and it is about the same all the way through—a sample of what I want to call the attention of the gentleman to. After this contest was commenced—there were six or seven thousand witnesses to be examined—the contestant goes out there and, as I am informed and the record shows, starts in to take testimony in three or four places, inquiring into the validity of these votes. Now, let us see the nature and character of this testimony. I read from the first page of the first volume of the evidence of William R. Davis. He was asked where he lived, etc., and says he is a single man; and is asked how long he lived in Lackawanna County, and says he lived there twenty-two years. He is asked if he paid any taxes, and he said, "No;" and therefore he was disqualified from voting:

Q. Did you vote at the last election, held on the 4th day of November, 1902?—A. No, sir.
Q. You are positive about that?—A. Yes.

Then, coming down to the next witness:

Q. Have you any tax receipts?—A. I have, but lost them.
Q. Did you vote at the last election?—A. I did; yes, sir.

Just as soon as the witness said that he voted at the last election—and that is pursued here through hundreds of pages—the counsel examining the witness stops and does not pursue his legal right to ask that witness for whom he voted.

Now, we all know that in the ordinary course of events this did not disqualify this witness from objecting to the question on any ground except that it might incriminate him—a privilege which he might waive—and every lawyer knows that if contestant did not feel there was danger in asking him who he voted for, he would do so. Nay, more, if he were not convinced that the answer would be that he voted for his client, the lawyer would have asked him. But it even goes further than that. I have examined page after page and witness after witness, and they are all of the same character all the way through. In every witness's testimony, as soon as that question was answered, as though he were examined by a diagram and a square and compass, the examination is chopped right off.

[Here the hammer fell.]

Mr. McLAIN. Mr. Speaker, I yield the gentleman five minutes more.

Mr. WADE. Now I will make the point without further examining the testimony. There is in this record, following it further, instance after instance where counsel for Mr. Howell asks the witness for whom he voted and where counsel for Mr. Connell objected to the question, and not only objected, but told the witness that he did not have to answer the question. Not only that, but told the commissioner that he must tell the witness not to answer. Not only that, but the commissioner undertakes to rule upon evidence and tell the witness not to answer. What does that indicate?

Why, it indicates—the rule which is well recognized in these cases and in all cases—that where a man seeks to suppress the evidence, where a man destroys a paper, where a man refuses to call to the stand and examine a witness who is within his reach, the presumption obtains that that witness, if examined, or that question, if asked, would be against him. That rule is applied in every court of the United States, and I wish to close now by showing that it has been applied by this House in the I Ellsworth, at page 122, in election contest of Finley *v.* Bisbee.

Contestee shows by proof that 74 foreign-born persons voted without complying with section 8, Article IV, of the Constitution. Fifty-three of these testify themselves that they voted for contestant, four others that they voted the whole Democratic ticket. Seventeen others are called and testify that they voted without producing the necessary certificates. They were asked by contestee for whom they voted for Congress, and were told by the contestant's counsel they were not required by law to disclose that fact, and thereupon they refused to answer for whom they voted. We are of opinion, their votes being illegal, they were bound to answer, and refusing to do so at the suggestion of contestant's counsel is very strong presumptive evidence that they voted for contestant.

So in a case reported in Mobley before this House—a contested-election case—the same rule is laid down.

Gentlemen, if you will examine fifty pages of this evidence and observe the guarded care with which the contestant avoids opening the door for the admission of the fact as to whom these illegal votes were cast for, you will reach a state of mind which would force you, if you were upon the bench deciding the question, to say that the presumption is that these men voted for this man, because otherwise they would have been asked how they voted or the evidence would have been permitted to be introduced when an answer was sought to that question. Yet there are now more than 1,800 of those witnesses summoned by the contestant who are in that situation. Eighteen hundred illegal votes; yet the counsel who examined those witnesses did not dare to ask them the question!

Mr. COOPER of Pennsylvania. Will the gentleman permit me to ask him a question?

Mr. WADE. Yes, sir.

Mr. COOPER of Pennsylvania. Will the gentleman state the date of that decision that he has just been quoting—the decision of the court of Pennsylvania?

Mr. WADE. It is not from a Pennsylvania court, but is a report of a committee of this House on a contested-election case.

Mr. COOPER of Pennsylvania. Then I will ask the gentleman whether he is aware that an act of 1895, known as the "ballot law of Pennsylvania," prohibits the voter from disclosing how he voted and makes it an indictable crime for him to do so?

Mr. WADE. But it has not been held——

Mr. COOPER of Pennsylvania. I ask the gentleman whether he is aware of that act of 1895, in force when that election was held, making it a crime for the voter to disclose for whom he voted?

Mr. JOHNSON. That applies to a legal voter; not to an illegal voter.

Mr. WADE. I could read from authorities, if I had the time——

Mr. COOPER of Pennsylvania. My question was as to whether the gentleman knew of the statute of Pennsylvania to which I referred.

Mr. WADE. I know there is some such statute of the State of Pennsylvania, but there is not any statute, to my knowledge, which prevents an inquiry from a man who has shown he is not a legal voter, but is a violator of the law.

Mr. Speaker, I appeal to the fairness and the justice of the gentlemen upon the other side in behalf of this young man who has been forced into this unequal contest. Did time permit I would like to discuss these questions further, but I have said enough. It seems to me to indicate that the claims of the contestant are based upon illegal votes, and that it would be rank injustice to seat him as a Member of this House.

Did time permit I would like to go into the evidence showing the manner in which Connell secured his votes, and it is a chapter

in the evidence which should condemn the course of this contestant before this House or before any other tribunal.

Mr. DRISCOLL. I should like to ask the gentleman a question, if he will yield.

The SPEAKER pro tempore (Mr. BOUTELL). The time of the gentleman has again expired.

Mr. WADE. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. DRISCOLL. I yield to the gentleman from New York [Mr. STERLING] thirty minutes.

Mr. STERLING. Mr. Speaker, it seems to me that this discussion ought to be confined to the questions that are made in this record. The remarks made by the gentleman from Iowa have not been based to any extent upon the record that was before this committee and is now before this House. I can not understand what the platform which the gentleman read has to do with the question that this House has to decide.

In this great mass of testimony there are but two questions of importance—but two questions that need be considered by any Member who is called to vote on the issues that are here made. This discussion ought not to go beyond those questions, because what is said outside of the record simply misleads instead of giving information of the real issues.

One question, and the important one, it seems to me, in this case—the one that practically determines whether the contestant or the contestee is entitled to this seat—is involved in the testimony contained in the record with reference to the First and Second wards of Winton borough and the first district of Old Forge. In those three precincts the contestee received a majority of the votes as they were returned—a majority of 453. It is charged by the contestant that these returns are so tainted with fraud, that the misconduct of the officers of those precincts was so reckless and so lawless, that these returns should be thrown out, and the entire vote, unless there be votes proven aliunde for one of the parties or the other, should be rejected.

The law of Pennsylvania under which these officers acted—the statute taken in connection with the construction of the statute by the highest court in that Commonwealth—is to the effect that these officers shall take an oath—and these officers did take an oath—that they would not receive and would not consent that any other person should receive any ballot except from a person who under the constitution and the statutes was entitled to vote at that election; that is to say, the officers of that election said on their oath that they knew the law of Pennsylvania and that they would obey the law.

And we have a right to assume that they knew it, and gentlemen can not say on the floor of this House that these men might have been mistaken; that they might have misconstrued the law; that perhaps they did not know their duty. They said on their oaths that they did know their duty under the law, and they were bound under the law to perform it.

The statute of Pennsylvania says that no man shall be entitled to vote at any election in that State unless his name is on the list of registration or unless he makes an affidavit proving his qualifications as a voter. And it is no hardship. The man whose name is on the list of registration is bound to make the same proof, and if a voter neglects to get his name on the list of registration is it a hardship on him to require of him, when he presents himself at the voting place, the same proof as was required of every man whose name was put upon the list of registration?

Did they do this? I say that this record shows that in the Second Ward of Winton there were 80 ballots cast at that election by men whose names were not upon the list of registration. In the Third Ward of Winton there were eighty-three names—eighty-three persons who cast ballots at that election whose names were not upon the list of registration. At the first district of Old Forge, out of a vote of 418, there were 158 men who voted whose names were not on the list of registration, and in not one of these precincts—where over 800 ballots were cast, where more than 300 persons voted whose names were not on the list of registration—was there a single voter who made an affidavit that he was a qualified voter at that election. Now, how is it possible for these officers of election to say they did not know the law when they swore that they would consent to receive no ballot except that of a voter who was qualified under the constitution and the laws of the State to cast his vote at that election? They had the registration list before them.

The law said that when a man presented himself at the polling place and offered to vote the officers of election should refer to the list of registration and see if his name was on that list, and if it was not on that list they must refuse to accept his ballot. Then, if he cared to make an affidavit, if he cared to prove that he was a legal voter, he could make an affidavit, and then vote. Yet these officers in more than 300 instances, in almost one-half of all the votes that were cast at those polling places, failed to perform their sworn duty under the statutes and the constitution of the State.

In the Second Ward of Winton more than one-third of the men who voted were not on the list of registration and did not make an affidavit. In the Second Ward of Winton almost one-half of the voters were not on the list of registration. In the first district of Old Forge more than one-third of all the votes that were cast were cast by men whose names were not on the list of registration, and not a single affidavit was filed. Why, what evidence is necessary? Is it necessary to prove that these men knew the law, when they said on their oaths that they knew it and that they would follow it? They say, "Why did not the contestant produce these officials of election on the witness stand to testify whether or not they violated the law?"

I say to you, gentlemen representing the contestee in this case, why did you not produce them in court? Why did you not bring them into court and prove by them that they did follow the law? We could not compel them to testify if, as we say or as the contestant says, they violated the law; but if, as you say, they followed the law, you could have compelled them to testify. So I say to you that it is too late in this proceeding—the time has gone by when you can say that the officers of this election were not called. The record, which was the best evidence in any court and the best evidence in any committee, showed for itself that these names were not on the list of registration, that they made no affidavits, and this record shows that these men did vote.

Now, if this ballot is tainted, if there are a large number of illegal votes, what should be done? The gentleman from South Carolina said the law is that this ballot must be purged. He said that the law required that the illegal votes be sifted out, so as not to deprive any lawful voter of the right to cast his ballot. Well, that is the law; and the courts say and committees have said that where a ballot is so tainted with fraud that it is impossible to find out the truth, to discover who voted legally and who voted illegally, then the entire poll must be thrown out. But whose duty is it, in case the legal votes can be determined, in case it may be discovered who voted rightfully and who voted wrongfully—whose duty is it to purge the ballot and give to the citizen that voted rightfully and under the law his right of franchise? It is a serious proposition, but the law does not impose upon this House or this committee that heard this case the burden of purging the ballot.

When the contestant alleges the ballot is tainted with fraud, and when he has proven his allegation as set forth in his notice of contest in this case, then he can rest, if he cares to, and the burden shifts, where? The burden shifts to the contestant to prove the votes that were cast legally for him and to the contestee to prove the legal votes that were cast for him.

Now, we are not in the dark on this proposition. We have abundance of law as to the question where the burden of proof rests in that case. I want to read some citations which I have gathered here on this question, which seem to me to entirely answer the controversy made by the gentlemen representing the contestee as to whether or not this ballot could have been purged, and whose duty it was to purge it.

In the contested-election case of Washburn *v.* Vorhees, reported in 2 Bartlett, page 590, is the following:

> If fraud is clearly shown to exist to such an extent as to satisfy the mind that the return does not show the truth, and no evidence is furnished by either party to the contest from which the truth may be deduced, then no alternative is left but to reject such returns.

The record is made in this case. These parties, both of them, have had their day to take their testimony. The statute of Pennsylvania prescribes that the contestant shall have forty days to put in his testimouy and the contestee shall have forty days to put in his testimony, and I say to you that the record is that the contestee in this case devoted but eleven of his forty days to the taking of testimony. He had abundance of time; he had the power of the law right there in that district where the election was held. He had commissioners provided by the statutes of the United States before whom this testimony could be had, before whom it could be taken; and if he wanted to purge the poll and prove for himself, for his benefit, the legal votes cast for him in these three precincts, then I say he was bound to do it, and he can not complain now. He is estopped from coming before this House or the committee that has heard this case and arguing the ballots ought to be purged. Again, in the case of Finley *v.* Wall, reported in Smith, page 389, it is said:

> Where returns are cast out for fraud, the party claiming under the election—

And the contestee in this case is claiming a majority of 453 in these precincts in this election—

> The party claiming under the election must prove the actual vote in some way.

Again, it is said in Clayton *v.* Breckinridge, reported in Rowell, page 691:

When returns are impeached, they can not be received for any purpose, but only those votes proved aliunde can be counted. Each party can only be credited with such votes at the box in question as he may show by other evidence.

Again, in another case, this language is used:

When returns are shown to be false, the respective parties are thrown back on such evidence as it may be in their power to produce to show for whom votes were cast. Votes thus proved must be counted; those not proven must be disregarded.

The books are full of decisions along that line. Any suggestion that may come from any gentleman speaking for the contestee to the effect that the committee should have prorated the illegal votes between the contestee and the contestant according to the total number of the votes that each received, or the proposition that all these illegal votes should have been counted against the contestee in this case, is purely a fiction. I say there is no law anywhere, at least so far as I have been able to find, that authorizes any such proceeding in disposing of the illegal votes. Now, I submit to any gentleman here, Why ought we to charge up all these illegal votes against the contestee? We do not know whether all of them were cast for the contestee or not. Why should we charge any of them against the contestant? We do not know whether any of them were cast for him or not, except as the record shows by aliunde proof. But suppose there were no other fact. Suppose that there were frauds and a number of illegal votes were proven. What right have you to charge an illegal vote against any man or against either of them unless the record discloses for whom the illegal vote was cast?

You can not do it. It is purely a fiction, and it is an arbitrary proposition that has no foundation in the law and no foundation in reason. The law, so far as I have been able to find—and I think it is the law everywhere in this country—is that where a ballot is tainted with fraud, where it is corrupt, where misconduct and illegality on the part of officers of the election show that illegal votes were cast, it is the duty of the tribunal passing upon that contested case to cast out the entire ballot and say to the parties, as the law says to them: Now, if you care to, you can prove for yourself, you can prove for your own benefit, any illegal votes which were cast for you.

Mr. LITTLEFIELD. You mean any lawful votes.

Mr. STERLING. I mean any lawful votes that were cast for you. Now, the contestant did undertake to prove by aliunde evidence some legal votes cast for him. There is considerable testimony in this case here by the contestant to the fact that a large number of persons in these precincts, voting legally, had cast their ballots for him, and the committee determined that there were at least 32 of them proven to the satisfaction of the committee. Did the contestee avail himself of the privilege under that provision of law? Did he call a single witness to prove his legal votes in those precincts? If he did not, and the record shows that he did not, then I say that it is too late; he is estopped now from complaining of the fact that the ballot was not purged entirely.

Mr. LITTLEFIELD. Was any request made to give him opportunity to do that?

Mr. STERLING. By himself?

Mr. LITTLEFIELD. Yes, or on his part.

Mr. KENNEDY. He had forty days and only used thirty-one hours for taking testimony.

Mr. LITTLEFIELD. Did not make any effort?

Mr. LANNING. May I interrupt to ask the question as to what evidence there is in the case to support——

Mr. RANDELL of Texas. Mr. Speaker, we can not hear what is going on over there——

Mr. LITTLEFIELD. That is, by what kind of evidence the 32 votes were supported?

Mr. STERLING. I will consider that now.

Mr. KENNEDY. The testimony in some cases was the testimony of the man who marked the ballot of the legal voter.

Mr. RANDELL of Texas. Mr. Speaker, we would like to know what is going on on that side of the House; nobody can hear except two or three on that side.

The SPEAKER. The point of order is well taken and gentlemen interrogating the speaker will kindly address the Chair.

Mr. STERLING. The question arises what kind of testimony is competent to prove how a vote was cast. Where the ballot is secret, the ballot does not disclose the fact. What is the next best evidence? The party who casts the vote, and in that regard I desire to call attention particularly to the statement made by the gentleman from Iowa, that in the pages of this record it appears that when the contestee had asked witnesses as to how they had voted the contestant interposed an objection and stated and instructed the witness that he need not answer. We are not complaining of that. The gentleman representing the contestee is complaining of the character of the evidence, and I desire to call his attention now to the testimony of the very witness from which he read, Mr. Flynn, who testified that some of these persons who voted legally in these precincts had voted for Mr. Connell, and that same witness was asked by the attorney for the contestant for whom he voted, what his politics were, and the contestee objected and instructed that witness that he need not answer.

Mr. LITTLEFIELD. So the objections were mutual?

Mr. STERLING. Yes, sir. Both the contestee and contestant seem to have tried this case on the theory that a voter was not permitted and could not be required to testify as to how he voted, and the pages of this record are full of objections made by counsel for contestee when contestant sought to prove by a witness as to how he voted. I say the record is full of objections and instructions from their mouths to the witnesses to the effect that they were not required to——

Mr. LITTLEFIELD. Make that statement.

Mr. STERLING (continuing). Make that statement as to how they voted. So he is estopped now from complaining that the evidence in this case as to how these men voted did not come from the mouths of the voters themselves. He told these witnesses that they need not disclose that fact, and witness after witness took advantage of the instruction and this information as to what their rights were under the law and refused to tell under the instructions of counsel for the contestee as to how he voted.

Mr. JOHNSON. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. STERLING. Certainly.

Mr. JOHNSON. Is it not a fact that the record shows that the contestee's counsel, wherever the question was asked how the witness voted, said to the witness that he need not answer the question; that it was his privilege to refuse?

Mr. STERLING. That is what I have said the record shows.

Mr. JOHNSON. And is it not a fact that the contestant's counsel instructed the witness not to answer? In other words, he did not stop by telling him it was his right to keep secret how he voted, but he told him not to tell.

Mr. STERLING. That is not the record. I do not pretend to say what the counsel for the contestant or the counsel for the contestee said in each instance all through this record, but I say that the objections and reasons for the objections and the instructions to the witnesses and the reasons they gave for giving the witnesses instructions were substantially the same on both sides through all the pages of this record. This is the point I desire to make: You having tried this case on the theory that the voters themselves could not be required to disclose how they voted, you can not complain now that that kind of evidence is not before this committee and before this House. The Lord knows that we would have been glad to have had it; but you have placed yourselves in that position, and why now should you complain?

Now, in reply to the question of the gentleman, I want to call your attention to the testimony of the witness read by the gentleman from Iowa. It is convenient here now to call attention to the position taken by the counsel for the contestee on that very question by this very witness. I am quoting from the testimony of Flynn. The counsel for the contestant asked what was his politics—that is, the witness's politics. He asked, "Do you know James Flynn?" That is the witness himself. He said, "Yes." He was asked, "What is your politics?" The witness answers, "Mine?" And the question is, "Yes; yours." Mr. Ballentine, attorney for the contestee, says, "You don't have to answer that question if you don't want to." I am reading on page 26 of the views of the minority, a little above the middle of the page. That is the witness that the gentleman from Iowa read from on that same page.

The gentleman from Iowa also said this is the character of his testimony, and he read as follows: "Patrick J. Walsh; do you know him?" "Yes." "Was he supporting Connell?" "Yes." Now, that is not all the evidence of James Flynn. The evidence farther down on the same page, on cross-examination of Flynn, is, "Are you attempting to tell whom these men voted for?" And the witness says, "Yes; the men told me so."

Now, the question is whether or not the declaration made by the voters themselves is competent to prove how they voted. If the ballot does not disclose the facts, if the witness himself is not allowed to testify, where are you going for proof as to how this or that man voted in any election? Is it impossible to purge the ballot for the reason that these two classes of evidence are barred under the law? The next best evidence, and the only evidence that is left for any party in a case of this kind, is to prove what? Why, to prove what the voter said, prove his declarations, prove what political party he belongs to.

Mr. YOUNG. Will the gentleman yield for a question?

Mr. STERLING. Certainly.

Mr. YOUNG. When the witness from his own testimony has shown that he was not a legal voter, does not his privilege of secrecy cease, he being no longer a voter?

Mr. KENNEDY. He has the privilege of not being compelled to furnish evidence to convict himself.

Mr. STERLING. There is one reason why a legal voter is not bound to disclose how he voted, and that is the fact that it is a secret ballot, and the law expressly says that he does not have to tell that fact. But when the man is an illegal voter there are two reasons why he does not have to tell how he cast his ballot. The first one is that the law provides that no man, whether an illegal or a legal voter, has to tell how he voted, and the other one is, being an illegal voter, having committed a crime, he does not have to testify for the reason that he does not have to criminate himself.

Permit me to read from some very well-considered cases the rule as to the admissibility of declarations of the voter as to how he voted. In Vallandigham *v.* Campbell (1 Bartlett, 231) the Hon. L. Q. C. Lamar in an opinion says:

> The American cases have, indeed, been mainly directed to the question of receiving the declarations of voters. As to the latter, and besides several prior cases, the point was expressly and deliberately decided in the great New Jersey case in 1840, usually known as the Broad Seal case, and the evidence was unanimously received and a number of votes determined upon it. This precedent has been generally approved ever since, and the undersigned attach more importance to it than usual, because it was unanimous in a highly partisan case, and because of the great ability and distinction of the gentlemen who composed the committee. The same rule of evidence as to the declarations of voters, both as to qualifications and vote, was deliberately adopted by the legislature of Maryland in 1819, as also in the legislature of other States and courts having special jurisdiction to try contested elections.
>
> As to a number of voters whose declarations are given in evidence, it appears upon the papers and testimony that their attendance as witnesses could not be procured. But it is not necessary in such cases to first call the voter and see if he will claim his privilege of refusing to answer. It was not done in any of the cases decided by the British Parliament. It is not necessary in settlement of cases where the declarations of the parishioner may be given in evidence (1 Greenleaf on Evidence, sec. 175), and the Supreme Court of the United States has expressly decided that where a witness can not be compelled to answer he need not be called. (6 Peters' Reports, 352, 367.)

In the case of Delano *v.* Morgan the committee held as follows:

> As both parties claim that a large number of persons not qualified electors voted at this election, it is necessary to determine what evidence shall be taken to show for which candidate such votes were cast. For whom a vote is given, by the laws of Ohio, is a secret properly known only to the voter himself, and he is never required to disclose it. This fact must therefore often be determined by circumstantial evidence alone.
>
> To what political party a voter belonged, whose partisan he had been, whose friends claimed for him the right to vote at the time, what he said of his intention before, and his act after voting are circumstances which each claimant has endeavored to prove, and which the committee has considered in making up its verdict. In this action they are governed by precedent as well as principle. The same ruling obtained in the celebrated case from New Jersey, decided in 1840, and known as the "broad seal" case, and also in the Vallandigham *v.* Campbell, decided in 1858. (See Bartlett's Contested Elections, pp. 28 and 233.) If it is not to be inferred from this kind of evidence for whom an illegal vote was cast, it can not, except in a few instances, be ascertained at all. Any number of illegal votes, once placed in the ballot box, either by the deception or connivance of the board, can never after be excluded unless the whole poll is rejected or the fraudulent voters voluntarily confess their crime. When, therefore, an illegal vote is shown to have been cast, the committee have endeavored to ascertain from circumstantial evidence, when positive proof could not be given, for whom it was cast and deduct it from his count. (Delano *v.* Morgan, 2 Bartlett, 168.)

Text writers on the law of contested elections have adopted the same rule. Paine says:

> When the secret ballot is used, it is ordinarily more difficult to show for whom an illegal vote was cast than to prove its illegality. Recourse is sometimes had to the unsworn admissions or declarations of the voter himself. In England, where the vote was formerly given viva voce, the declarations of the voters could be received in evidence to set aside the election of a member of Parliament; as also, to diminish the poll, by removing an illegal vote, or to prove bribery of the voters; but they were not admissible on a charge of bribery against a candidate. Upon the authority of the English cases the court of appeals of the State of New York in 1868 said: "In the case at bar the disqualification was proven by the voter himself; but these authorities abundantly sustain the position that the declaration of the voter as to his want of qualification would have been admissible and legal evidence." It is to be observed that the question now under consideration did not arise in the New York case, and yet the dictum of the judge was followed by the supreme court of Wisconsin in a case in which the question did arise. The latter court said: "The objection to this evidence is that it was hearsay. To a certain extent this may be so; but the well-settled and uniform practice is to allow it in contests of this nature."

The SPEAKER pro tempore (Mr. BOUTELL). The time of the gentleman has expired.

Mr. DRISCOLL. I yield to the gentleman five minutes more.

Mr. STERLING. On that point let me say further that there is a broad distinction to be made between testimony coming from a witness who has cast a legal ballot and one who has cast an illegal ballot. I say in the case of the man that has cast an illegal ballot it is very questionable whether under the law, if he has cast it illegally, wilfully, whether he can be permitted to testify or not, or whether his evidence is competent, and let me tell you the reason, and there is authority for it in cases which have been before this House time and time again. The illegal voter knows that the election has passed and that his ballot has been impeached, and he knows that if he tells the truth, if he testifies for whom that ballot was cast, then it will be taken away from the man for whom he voted.

But if he testified falsely about it, if he testifies that he voted for the other man, then his illegal ballot will not only be counted for his friend in the contest, but one will be taken away from the other party, thus giving to the illegal voter, if his testimony as to how he has voted is made competent, the power, in effect, to cast two illegal ballots at the same election. This is a strong inducement to the corrupt voter to testify falsely with impunity and without fear of the consequences of perjury for the reason that the actual fact is known only to himself.

Now, there is just one other matter to which I desire to refer, and that is this: There are, according to the admissions of counsel for the contestee in this case, more than 1,000 illegal votes outside of these three precincts. More than 1,100, it is charged by the contestant, voted illegally for the reason that they had not paid their taxes under the statute, as is required, before election, and the counsel for the contestee admitted that there were about 800 of them; and I say that of the 418 votes that were cast on illegal affidavits, counsel for contestee admitted that at least 300 of them were illegal, and thus it is with the 800 illegal ballots in the three wards I have named where they are tainted with fraud; and with more than 1,000 illegal ballots elsewhere in the district, we have more than 1,800 illegal ballots in that district.

Something has been said by the gentleman speaking for the contestee to the effect that there was a presumption in this case that had to be overcome by the contestant, and that that presumption was that the certificate of election imported verity in this case. I say that where the contestee obtained only 461 plurality by the returns, and where the contestant has proceeded and proven beyond question, beyond doubt, that more than 1,800 of the ballots cast are illegal, that presumption is destroyed and overcome, and then there is no further burden on him to overcome a presumption that the election certificate imports a verity. On the contrary, the proof in this case made by the contestant in this regard does not only overcome that presumption, but it proves absolutely and beyond a doubt that this election certificate does not import a verity.

What is a presumption? This is not a conclusive presumption. It is not a presumption that requires proof beyond a reasonable doubt to overcome it. It is a mere naked presumption, which says to the contestant: You must take the first step in this proceeding. The scales are now balanced, and you must proceed by competent evidence to turn the scale, even in the estimation of a hair, and if you have done that, you have made out a prima facie case. It will not do—and I want to impress that fact upon the gentlemen on this side of this Hall—for them to turn to one page and say: "Here is the evidence that shows how John Smith or William Jones voted." This record of 4,000 pages is full of that. Some of it is here with reference to how John Smith voted; some of it is over there, and some of it in another volume. There were 6,500 witnesses called by this contestant to make out his case, and instead of gentlemen complaining, as they do in their minority report, that he exercised too much energy, that he showed too much interest in the matter, he ought to be given credit for doing what he could to bring the facts before this committee and before this House as to the truth which we all seek in the matter.

My time has almost expired, and I desire to say in conclusion that in my judgment we owe it not only to this contestant—for it involves broader rights than the rights of a single individual; it involves the rights of the whole people and of this Congress; it involves the very fountain source of popular government and institutions; and so I say we owe it not only to this contestant but to the whole people that we denounce every act that violates the purity of the ballot and that we nullify every result that flows from such violation. Of all laws the election laws should be the purest in form and the most faithful in enforcement. A poll is sacred only as it expresses the will of the people. There is no sanctity thrown around a poll vitiated by fraud, and there is no sanctity around the poll of these three precincts. [Applause on the Republican side.]

Mr. McLAIN. I yield ten minutes to the gentleman from Pennsylvania [Mr. SHULL].

Mr. SHULL. Mr. Speaker, I take it that as a part of the history of this case the fact that William Connell received the nomination of the Democratic rump convention as a candidate for Congress is important. While it is true that the courts of Pennsylvania decided that this nomination was irregular, so that he was not allowed to be in the Democratic column as a candidate, it is important in this case, for the reason that the majority of the committee in arriving at their conclusion desire this House to arrive at the same conclusion—namely, that in the rejected election districts the Democrats had a majority of the officers, and if they were derelict in their duty or in any way perpetrated fraud they did it in the interest of the contestee.

I desire to say that the contestee in this case made this fight without any party organization back of him. It is true that he received the nomination of the Democratic convention, but through some irregularity his nomination was rejected by the court and he was relegated to the necessity of taking out a nomination under the head of "Antimachine."

I recite this for the reason that I think it important in the consideration of the subject from that standpoint; and I think it just as important that it should appear as a part of the history of this case that the contestant, for the purpose of electing himself to this body, was willing to ride any horse, so it was a winning one; or perchance he was so enamored of the company of Robert E. Pattison, a man who is better hated by the stalwart Republicans of the State of Pennsylvania than any man living in that State, that he desired to keep company with him.

While the course of my remarks will of necessity be somewhat irregular, I desire to call the attention of the House to several statements that have been made by gentlemen upon the other side; and the first of these is the one relative to illegal voters.

Under the law of Pennsylvania, as construed by its supreme court time and time again, it has been decided that while the ballot in that State is a secret one it is secret for the protection only of the legal voter, and that when a voter is proven to have voted illegally—so proven by his own evidence—he can be compelled to testify for whom he voted, or by other evidence, for he stands incriminated without testifying for whom he voted. If that is good law—if that is the law of the Commonwealth of Pennsylvania—then that was the primary evidence to be introduced by the contestant in every instance, preparatory to proving how the man voted. If from some cause perchance the illegal voter could not be reached, then by showing that fact upon the record they would be permitted to introduce secondary evidence, provided the secondary evidence was of a proper character. But in taking this evidence no such course was pursued, nor was it attempted to be pursued.

Before paying some little attention to the majority report I refer to another thing which is a part of the history of this case and appears as a part of the record in the evidence as brought to the House, and that is the conduct of a commission that was appointed to take the testimony in this contest. Under the laws of the State of Pennsylvania—and I presume under the laws of every Commonwealth of this country—a commission appointed by a court is simply a conduit, a medium to bring evidence to the court, the same as a master in chancery. If that is true, if that is good law, then it was the duty of this commission in every instance to take down all that occurred before them; not to rule upon the evidence, not to rule what was competent and what was incompetent. Their proper function was to take down the questions, the objections, if any, of the attorneys, and the answers to the questions; and the ruling on it would be made later by the judicial body.

To the election laws as quoted by the majority I take no exception beyond the fact that the law of 1895 relative to county commissioners and assessors is not properly quoted in their report. It is not the law of 1895, but it is a clause of a law quoted or recited for amendment.

In 1895, after the constitutional amendment doing away with the numbering of the ballots, the necessity of an assessor producing to the county commissioners, in addition to the original entry list, two lists was wiped out. The same is true of the two lists which were required under the older act to be issued by the commissioners and by them given to the election board prior to the opening of the poll. Under the old law when two lists were issued one was styled by the election officers a ballot check list; the other was styled a voters' check list. At the time of the closing of the polls the voters' check list was sealed, with the mutilated ballots, the unused ballots, the affidavits of the election officers, the affidavits, if any, of the voters, the election returns, the tally sheets; and these were forwarded to the prothonotary of the court in any county as the custodian of those papers.

The other list was by the election officers sealed up in the ballot box with the other papers required by law, including the ballots. Why this should be quoted, that there should be two lists, I can not conceive, except for the purpose of misleading the House and misleading this committee into supposing that there were a number of lists, copies of the original registry lists, and therefore making it appear plausible for an ingenious and not overscrupulous attorney to foist upon this committee and upon the House a certified copy of an original entry list that never was and never could have been in the possession of an election officer—for the purpose of what? For the purpose of proving that the election officers had committed fraud through and by an instrument that the law presumes they never saw. The list that went into the hands of the election officers—a copy of the original registry list—was by them sealed up, or presumed to have been sealed up, in the ballot box.

If there were any persons voting whose names were not on the original registry lists as produced to them in alphabetical order, those names would appear at the bottom of their list. If so, then it would become necessary on the part of the election officers to have taken such affidavit as is prescribed by the statutes of the State and return them with the other papers to the prothonotary of the court.

The committee in fairness should have quoted the election law relative to overseers, which permits—

> On petition of five voters of any given district, the appointment by the court of each county of overseers for each district, one from each party. That the said overseers so appointed shall have the qualifications of an election officer; shall be present from the time of opening the poll until the closing thereof; be present at the counting of the ballots, and sign with the election officers the return of the district for which he may be appointed.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. SHULL. I should like to have five minutes more.

Mr. McLAIN. Mr. Speaker, I yield to the gentleman five minutes more.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. SHULL. The election law of Pennsylvania requires that the election officers of any given district shall place the alphabetical registry list sent to them by the commissioners, after counting the vote, in the ballot box with the ballots and other papers prescribed by law. Such being the case, it must be evident to any unbiased man that without opening the ballot box in any given election district it would be a physical impossibility to show by documentary evidence whether or not any names of any persons had been added thereto by any election officer unless he be endowed by the Creator with a fluoroscopic eye or a radioactive optic.

With these original registry lists wiped out of existence it must be apparent from what appears on the record itself and the law applicable thereto that the committee is relegated to a decision of this case upon a mass of testimony covering about 500 pages, which, if the most liberal construction of the laws of evidence was applied to it, could be reduced to ten pages. I contend, Mr. Speaker, that the ruling of the commission made every particle of the evidence that was taken by them purely ex parte where the right of cross-examination was denied, and therefore that it could not and should not be used in this case if any pretense of law is to apply. This same remark applies to two affidavits that were taken and that are spread on this record, one of which purports to be a certified copy from the prothonotary of Lackawanna County that there are now no affidavits filed in his office with the other election papers of the district of first and second Winton and first Old Forge.

This evidence is practically worthless for the reason that it proves nothing. Those affidavits might not be there to-day, but is this conclusive evidence to prove fraud or irregularity on the part of election officers, in that those affidavits were not filed at the time prescribed by law? If this be accepted as evidence, why anyone in any court would be able to prove or disprove anything.

Further than that, I desire to say that this part of the election law of Pennsylvania is not mandatory. It is simply directory, and the failure of an election officer to comply with this law does not in any way invalidate the election of any given district.

THE THIRD WARD OF WINTON.

The committee in their report state:

> Notwithstanding the plain, unequivocal statement in the statute which provides that no man shall be permitted to vote at the election on that day whose name is not on said registry list unless he shall make proof of his right to vote, as hereinbefore required, and notwithstanding the oaths of said election officers above set forth, they permitted in this ward a large number of men to vote whose names were not on the registry list without affidavits in proof of their right to vote, as required by law.

The only evidence offered that would be admitted by any court of justice in support of any irregularity at this poll is that of Gabrille Kelli, who swears that he did not vote. His name is on the original registry list and is also on the voting list. And Mike Cholish, who swears he did not vote, and his name is on the original registry list and also on the polling list.

The fact developed in these two cases shows clearly that they were instances of personations; in other words, that some other persons voted under the names of each of these two men. While personations might under certain conditions be conclusive evidence of fraud on the part of election officers, yet no one could so infer in an election district composed largely of Slavs, Huns, Lithuanians, and Italians, people of different ethnological stock, of different ideals, and characterized by marked lingual differences, gathered in colonies by themselves, and known to their employers and the natives generally only by number or by names indicative of some personal appearance or characteristic.

No unbiased man would state that the personations practiced on an election board of a district composed of this sort of inhabitants could even by inference be accused of fraud or negligence.

The only other instance which it is attempted by testimony that comes anyway near to the dignity of evidence is that of Tom (John) Sevak, or Tom (John) Seval, or Tom (John) Sowal, who seems to be the same man, assessed under the name of Thomas Sowal, who swears that his name is Sevak, and that he had in this district a brother by the name of George Sevak, who is registered also as George Sowal, indicating simply that there is a difference in the spelling of the name, and nothing more.

John Conry, the only election officer in this district who was sworn, testifies that there were no affidavits of voters taken by the election board of that district for the reason that no one voted who was not on the registry list. The contestant's attorney seems to have impressed upon the majority of the committee that where a person is marked "D. I." and "I. N." on the registry lists in the hands of the election officers that this is notice to the election officers that this man is not a legal voter and must make affidavit before his vote is received. This is positively not the law of Pennsylvania. Under the law of Pennsylvania, if a man who is so marked on the registry list offers to vote, he must present his naturalization paper, and after doing this he is in the same position as any other registered voter without any letters or words following his name.

The contestant calls a witness by the name of Beni Betti, who swears that there was a conspiracy between him and a man by the name of Lawler to vote men who were not legal voters, and that he and Lawler gathered the men, and that a man by the name of John Lally voted them. They also called Lawler to prove the same thing, and he denied the statement of Beni Betti. It is shown that John Lally was a Republican. The contestant did not call Lally to substantiate or deny the statement of the apparently subsidized Beni Betti, so that the contestant proves and disproves his own allegation, and how much credence can be given the uncorroborated evidence of a self-confessed criminal in the face of the majority of the election board being Democratic, the coconspirator a Democrat, and the ballot marker a Republican, and in the presence of a Republican overseer appointed by the court? And how can that in any way indicate that these foreigners were rounded up and corralled by the friends of the contestee, taken in, and voted by the connivance of the election officers? The respective votes of the contestant and the contestee did not vary materially from the proportionate vote cast at the preceding general election. That the election machinery was apparently in the hands of Mr. Howell's friends seems a piece of witticism in that the contestant had back of him the Republican party, the ballot reformers, and a part of the Democratic party, and the contestee no party organization, and the balance of this paragraph only intensifies the humor.

THE SECOND WARD OF WINTON.

The evidence of Wallace Barber and Frank Lavcoski is that they did not vote. Their names are on the polling list and, therefore, are evidence of personations. A professional witness, who swears en bloc to the residence and politics of many persons, swears that Thomas Wright and John Mackey, whose names are on the original registry list and on the voting list, are both dead. If this is true it makes the total personations in this district four, and the character of the voters or electors in this district or ward are the same as in the Third Ward and, therefore, should not be construed as indicating fraud on the part of the election officers. Thomas Moore, Thomas O'Conner, and Richard Hasley swear that they voted. They were not registered and made no affidavit, being the only three witnesses to show ignorance, incompetency, or negligence in the discharge by the election officers of their duty, and I submit whether the casting of this number of illegal votes would warrant the throwing out or rejecting the vote of the whole ward, and thus punish the legal electors of this district for the violation of the election laws by the election officers by the receipt of these votes. Do the precedents of this body warrant so drastic a measure where it is possible to purge and to strike out the illegal or fraudulent votes?

The principle underlying all the decisions of the supreme court of the State of Pennsylvania on contest cases is that the ballot should be purged of illegal or fraudulent votes where it is possible. The disfranchisement of a large body of men who are not only entitled to the elective franchise but who exercise that right in complete conformity of law would be simply monstrous. If this were the rule it would be possible for wicked and designing men to disfranchise thousands of honest voters. Such construction of law will never prevail. The terms of the law must be subordinated to its spirit and purpose.

OLD FORGE, FIRST DISTRICT.

In this district there is no evidence of any violation of the election laws of the Commonwealth of Pennsylvania. The contestant offers as evidence a certificate of John F. Cummings, a prothonotary of Lackawanna County, a document which would not be received as evidence in any court or before any judicial body for the reason that it is ex parte; further, it is not an affidavit relative to a record, neither is it an affidavit to a file as contemplated by law for the reason that under the election laws of the Commonwealth of Pennsylvania the prothonotaries of the courts of each county are simply the custodians of the election returns of his county. If it were admitted as evidence it proves nothing, for the reason that it simply states what is now in his possession as prothonotary, not what was in his possession at the time the returns from that ward came into his possession.

There is no evidence that anyone voted whose name did not appear on the voting list as returned and the alphabetical registry list that is in the ballot box. Neither is there any evidence of duplicates or substitutions. It is true, however, that persons voted opposite whose name the letters "D. I." and "I. N." appeared on the registry list without filing affidavits, for the reason that the law does not require any affidavit to be filed. The election board in this district sent for one Michael Cafferty to fill a vacancy of inspector. He was not registered. He voted, but there is no evidence that he did not make an affidavit required by law. There is no evidence that any peace officer or any other officer at this election polled with friends of the contestee, or that threats were used.

It is true that a Republican watcher by the name of Karnoski was forcibly ejected, and it is also true that if the election officers, of themselves or by means of peace officers, had not ejected this man they would have been derelict in their duty, for the reason that it was proven that this man was violating the election laws of the State by electioneering for the contestant; the law being that all persons are prohibited from electioneering within any election room or within 60 feet thereof.

It is also true that there was another Republican watcher present at this poll all day, and it is also true that there was also present a Republican overseer, who, under the law, was compelled to remain at that poll from the time of its opening until the vote was counted, the ballot box sealed, and the return countersigned by himself. There is no evidence that the right of challenge was denied one man, one man swearing that he challenged one vote. The judge of the election swears that the vote challenged at that poll was not received.

The only evidence that voters were denied the right to make their own selections of persons to assist them in marking their ballots is that this professional ballot marker, Karnoski, after being ejected for violation of the law, was allowed to mark no more ballots, and there is not a scintilla of evidence that any ballots were marked contrary to the desire or instruction of voters, and I submit whether there is anything relative to the conducting of the election at this poll that would justify the statement that the election in the district was conducted in a high-handed manner and without regard to the provisions of the laws of the State. The contest as presented to the House is a parody on justice—comedy that is about to be elevated to the dignity of a tragedy. [Applause on the Democratic side.]

Mr. McLAIN. Mr. Speaker, I would like to inquire how much time we have consumed?

The SPEAKER pro tempore (Mr. BOUTELL). On the Republican side there have been one hundred and forty minutes used, and on the other side one hundred and twenty-four minutes.

Mr. McLAIN. Mr. Speaker, I yield fifteen minutes to the gentleman from Massachusetts [Mr. THAYER].

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. THAYER] is recognized for fifteen minutes.

Mr. THAYER. Mr. Speaker, I think I bring to the consideration of this majority resolution for unseating the contestee as open and unbiased a mind as there is in this House; but I should be false to myself and false to my constituents did I not enter my protest against the passage of this majority resolution.

It appears that the contestee was elected by 461 votes in Lackawanna County to a seat in this House from the Tenth district of Pennsylvania. The purpose of this resolution now is to seek to eject him from the House and to reinstate our good friend Mr. Connell, who was defeated by 461 majority at the last election, and this is undertaken on the ground of fraud, practiced by Mr. Howell and his friends.

Now, Mr. Speaker, let us go back to the beginning of the campaign and ferret out the fraud, if there is any, participated in by anybody and everybody participating in this election. We can not go over all the evidence, over 4,000 pages, of the finest print we often see, in giving the evidence that was taken in this contested-election case, seven-tenths of it in my opinion having no relevancy to the case whatever. But I would like to set up a few milestones along the route, in order that we can take our bearings and see "where we are at."

It has been claimed that this man should be unseated because of fraud in polling the vote for the contestee. Let us see what

parties up in Pennsylvania were most accountable for fraud happening that day. Well, it seems there was a Democratic convention in the county of Lackawanna on the 23d day of September last. From the reports which I have heard of the elections up in Pennsylvania the last few years I had come to believe that there were no Democrats tolerated up there, and I was astonished to learn not only that there are any Democrats up there but that one county is strongly Democratic, and I hope in the time yet to come, and not very far distant, that the little leaven nurtured up in the northwest portion of Pennsylvania may leaven the whole lump.

The Democracy in that sturdy little county met in convention with 192 delegates, and it seems that in some unxeplainable way and by some unspeakable means there were 32 delegates in this convention that had been tarred by the Connell stick. They came into the convention and undertook to run it on the principle that the tail could wag the dog. The scheme didn't work. They were squelched and ousted. The immortal thirty-two, those stalwart patriots who would not stoop to fraud and connivance, withdrew from the convention and set up a rump convention and nominated, as they had been requested to, Mr. Connell, one of the most prominent leaders of the Republican ring in that ring-governed Republican State—an excellent gentleman withal, but a violent Democratic hater from start to finish.

Think of it, Mr. Speaker, these 32 veneered Democrats sneaking into a Democratic convention and failing to capture the convention, then setting up a rump convention, and then nominating the Republican nominee, and he, too, one of the rankest of rank Republicans in that ring-ruled Republican State of Pennsylvania. The other 160 delegates remained in their convention and nominated Mr. Howell. About when, Mr. Speaker, did the fraud business begin up in that district, and who were the conspicuous actors?

It seems that there were some technical irregularities found in the proceedings of these two conventions. It does not appear in this mass of printed evidence, so far as I have followed it, just what the irregularities were; but in some way each of these nominations was thrown out by those who are empowered with authority to make up the ticket. I do not know what sort of Democratic representatives they were who went out. It's a new breed, and we have none of them up our way.

But these bolters and hirelings had succeeded at least in one thing. They had deprived the Democratic voters of Lackawanna County of the right to have the name "Democratic candidate" on their ticket, because, as I understand the law of Pennsylvania, when a party fails for any cause to make a regular nomination in convention, and a candidate is nominated on nomination papers, he is not permitted to take any part of the party name to which he belongs. And so in this case Mr. Howell could not have his name in any way connected with the word "Democrat." It could not be "Independent Democrat," "Citizens Democrat," "Popular Democrat," "Regular Democrat," or in any way whatever connect his name with the word "Democrat."

So Mr. Howell ran under the title "Antimachine," and it was a very appropriate title if he could not run under the name of his own party, for he was running, in spite of all their efforts, against "the machine," which the Connell men had attempted to use against him. So you see, Mr. Speaker, that the Democratic party was met at the very threshold of this campaign by those who deprecate and despise fraud and intrigue.

I do not accuse Mr. Connell of this despicable conduct I have shown, for personally I have a great respect for Mr. Connell, but unfortunately he has to share the obloquy of his scheming political manager. I have sat in this House with Mr. Connell for several years, and our relations have always been the most kindly and pleasant; and I know but little of Mr. Howell; was never introduced to him until this morning. I am standing here contending for what appears most clearly to be the right in this matter; and I would rather be right even than that Mr. Howell should be continued in his seat here.

Now, let us see whether the ballot boxes have been stuffed by Democrats or not. I can not go into all the details of this matter, for I am very much limited in my time, but Mr. Pattison, Democratic candidate for governor, the old war horse of the Democratic party in Pennsylvania, received in Lackawanna County a majority of 5,000 votes. Let me give it exactly, so that there may be no mistake. Robert E. Pattison received 5,625 majority of votes in this identically same Congressional district in which Mr. Howell received a majority of 461.

Mr. George Guthrie received a majority of 3,890 as the Democratic candidate for lieutenant-governor; James Nolan, Democratic candidate for secretary of internal affairs, received a majority of 2,287; M. F. Sando, antimachine candidate for orphans' court judge of Lackawanna County, received 1,837 plurality, while poor Howell received the least of all, only 461 majority. This much-heralded "fraud machine" seems to be much out of gear when it is put in operation to roll up majorities for Mr. Howell. But, my friends, let us see how the good people of Lackawanna County looked upon this much-vaunted "fraud" claim in the election of 1902.

My friends, the judge of probate and secretary of internal affairs, elected at the same time by the Democrats of Lackawanna, have taken their seats and are now serenely holding office, although they received far larger majorities than did Mr. Howell. Nobody has questioned their election. No one has gone howling "Fraud!" through the county. Everybody apparently is perfectly satisfied, probably in large measure because they know that, fortunately or unfortunately, the county is safely Democratic. But for reasons best known, as I believe, to the politics of Pennsylvania, politics of a kind that do not and can not flourish elsewhere on earth, it has seemed necessary and highly essential to put Mr. Connell back in a seat in this body, and it must be done, law or no law, conscience or no conscience.

Now, Mr. Speaker, suppose we go a little further and find out something more about this fraud we have heard so much about. The gang started in first, as I told you, to nominate their Republican candidate through Democratic channels by an attempt to steal and control the regular Democratic convention; and they failed in that, but they did succeed in keeping the name "Democrat" off the Democratic ticket, and compelled Mr. Howell to run without his party's name.

Let us see now about frauds. It seems, in referring to the testimony of one Mr. John Early, taken before the committee, that those in Mr. Connell's interest wanted to influence Mr. Early to take the Democratic vote in his mining district over to Mr. Connell; and while I have not time to read all this choice evidence of these highly moral and fraud-despising managers of Mr. Connell's campaign, let me read some of the choice bits of the conversation that took place between Mr. Early and Mr. Grimes, who, by the way, seems at one time to have been warden in the county jail, and if he is not very careful he will swop places with some of those jail birds he had under his care, and instead of being warden he will be behind the bars himself. Mr. Michael Grimes, once warden of the county jail, came to Mr. Early by appointment, and this is the conversation they had:

"Your name is John Early?" I said, "Yes, sir." He said, "You are president of the Gipsey Grove Local?" I said, "Yes, sir." He said, "You told me you have not decided how you are in politics." I said, "Yes, sir." He said, "We will give you $1,000 in clear money—you don't have to pay a cent yourself for any expenses—to work for William Connell," he says, "and we will also pay your traveling expenses, and you can name every man in Dunmore who will work for William Connell." He says, "Remember this thousand dollars is clear money; all other expenses will be paid," he says. "What do you think of that?" I said, "That's all right." He says, "You can get the money if you come down here;" he says, "This thousand dollars will be paid to you before you undertake to do any work for us whatever; that money will be paid down to you."

I have not time in the few minutes left me to read more. Suffice it to say that the reported evidence in this case shows that one of Mr. Connell's managers sought to bribe Mr. Early, who was an officer in one of the labor organizations, with an offer of $1,000 to work for Mr. Connell's election; but that is not all. They have some Italians over there, squads of them, that nobody knows the names of, and they go by numbers, and it seems that some friend of Mr. Connell came in there and went to a high muck-a-muck in the Italian crowd and offered him $160 if he could get his company to vote for Mr. Connell and work for him. This is the testimony:

Q. Do you mean this $160 was paid to the men who are members of that society—do you know Luigo Marosh well?—A. Yes; about seven years.
Q. Do you live in the same district as he lives?—A. Yes, sir.
Q. How many votes were there for Mr. Connell in the club?—A. Luigo Marosh wanted to get all the votes for William Connell.
Q. How many were there who wanted to vote for Mr. Connell?—A. Nobody except that Luigo Marosh.

That is the way this grand old Republican party and its heelers, and so on—I can not stop to read it all—started out to detect fraud. And they come to this House and ask us to find that the officers, made up of Democrats and Republicans, are all a pack of frauds, because they permitted some Poles, Armenians, Italians, and what not to vote when they did not, and nobody else, know their names, or could pronounce them if they did know them. Everywhere they went by numbers rather than by names. Now, Mr. Speaker, I have not time to go into this as I wish, but I want to say to this House now, that even if you throw out in these three parishes, two in Winton and one in Old Forge, every vote that the contestant claims was procured by fraud, and every vote that was not legally cast and accounted for as cast for Mr. Howell, then you will throw out only 321 votes.

I am not here to assent to or deny that they should not be counted for Mr. Howell, and I have not the time to go through with the evidence sufficiently to satisfy myself on that question, but I wish the House to note that I am now quoting from the majority report, the Republican report, on page 6, and here it ap-

pears and is stated in direct terms that the contestant's counsel claimed, so says the report, "that in the Third Ward of Winton 80 votes were received from persons whose names were not on the registry list and from whom no affidavits were required in proof of their right to vote as required by law."

In the Second Ward there were 83—and only 83, as contestant's counsel claim—and in Old Forge there were 158. These are all the votes that the claimant claims were illegal or fraudulently delivered in these three boroughs. Now, if you take all these votes in these wards out, and assume they were cast for Mr. Howell, of which there is nowhere to be found in the report of the evidence any proof whatever, we shall then have 321 votes, and only 321 votes to be cast aside, but that will not overcome the majority of 461, which Mr. Howell had. He will then have a majority of 140, and it seems that the majority of the committee, not satisfied with taking away from Mr. Howell all the fraudulent votes the contestant's counsel claims were fraudulently cast for Mr. Howell, go further and throw out all the votes of these three wards, and that does the trick.

It would seem to one attempting to do exact justice in the premises that if it has been determined just how many fraudulent votes were cast and all those were thrown out no one would have just cause to complain, but the committee has gone further and thrown out the legal votes with the others and thus disfranchised all the honest votes in those three wards as well as the dishonest ones.

The committee in their report recommend that we wipe out all the votes in these three Democratic wards and then go over the rest of the State and take 200 votes more out of about 2,000 that the claimant alleges, but does not prove, were fraudulently cast, just to get up a little respectably appearing majority on the other side, and we will then have reduced the majority of Mr. Howell to nothing and give a majority for Mr. Connell.

In their report they do not claim that they have ascertained the number of votes fraudulently cast for Mr. Howell, but guess at it when they say, as they do in their report, that "at least there are 200 fraudulent votes which should be thrown out."

I say to any fair-minded man on the other side of the House, is it anything more than fair and just, if the claimant goes before the committee and he claims that only 231 votes in these three wards were wrongfully polled, that we should not disfranchise all the other voters in these wards when you know that there are only 231 illegal votes claimed to have been polled for Mr. Howell?

Why, is it not better to say that we will only throw out the 231 claimed by the contestant to have been fraudulently cast and leave the rest as an honest vote? If you do this, my friends, Mr. Howell will have a majority. And now let us consider how they get 200 votes more to be taken from Mr. Howell. The committee seeks to go beyond these three wards out into the other 160 districts all over Lackawanna County and see if they can not scrape up a little majority for Mr. Connell, and this is the method of proving that certain men did not vote who are recorded as having voted. They say they found on the list used a man had voted by the name of "A," and they sent out runners into the neighborhood where "A" is supposed to live.

That runner goes to whoever he sees fit for information, and gets it. Perhaps it is a friend or neighbor or some relative, and they tell him that the man was not here on election day; that he was over in another town or perhaps in another county. You would naturally suppose, would you not, that when this runner got that information he would go over to that town where he was informed A was and ascertain from him the fact whether he did or did not vote, and that when he secured from A the facts would summon him before the commissioner who was taking the evidence and let him testify as to the fact whether he voted or not? This would seem to be the plain duty of the runner if he was only anxious that truth should prevail. But this was never done in a single instance, as the records in the proceedings show.

This runner took the hearsay evidence of those in the neighborhood, and then he comes back and goes before the commissioner and testifies in answer to the interrogatory of Mr. Donovan, Mr. Connell's counsel, who, by the way, seems a sort of veneered Serjeant Buzfuz. He is asked, "Did you look for this man?" "Yes." "Did you make diligent search for him?" "Yes." "Were you satisfied that he was not there?" "Yes." "Then," says Serjeant Buzfuz, "we will conclude that he didn't vote." [Laughter and applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THAYER. I have but just got started. If no one else demands the time I should like to continue a little while longer.

Mr. McLAIN. I have no more time now at my disposal.

Mr. DRISCOLL. Mr. Speaker, how much time has been occupied on each side?

The SPEAKER pro tempore. One hundred and thirty-nine minutes by the minority and one hundred and forty minutes by the majority.

Mr. McLAIN. We ask the other side to use some of their time now.

Mr. DRISCOLL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James D. Sipe, administrator of estate of Asa S. Baugher, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of State, requesting that permission be granted to certain officers to accept decorations from foreign governments—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. B. Brown, administrator of estate of Mitchell Brown, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the Western Branch of the Nation Home for Disabled Volunteer Soldiers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for superintendent's lodge, national cemetery, Gettysburg, Pa.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8435) to amend the act of Congress of March 11, 1902, relating to homesteads, reported the same with amendment, accompanied by a report (No. 888); which said bill and report were referred to the House Calendar.

Mr. BROWN of Wisconsin, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11966) to ratify and amend an agreement with the Indians located upon the Grande Ronde Reservation, in the State of Oregon, and to make an appropriation to carry the same into effect, reported the same without amendment, accompanied by a report (No. 889); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11676) to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect, reported the same without amendment, accompanied by a report (No. 890); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10761) to authorize the Secretary of War to accept from the citizens of Missoula, Mont., deeds donating to the United States certain lands for the enlargement of the military reservation of Fort Missoula, Mont., reported the same without amendment, accompanied by a report (No. 891); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 352) for the relief of the

representatives of M. F. Merritt, deceased, reported the same without amendment, accompanied by a report (No. 790); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10991) granting an increase of pension to Frances C. McFarland, reported the same with amendment, accompanied by a report (No. 791); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1623) granting an increase of pension to John H. Reed, reported the same with amendment, accompanied by a report (No. 792); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11310) granting a pension to John W. Swisher, reported the same with amendment, accompanied by a report (No. 793); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11076) granting an increase of pension to Elvira Miller, reported the same with amendment, accompanied by a report (No. 794); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10694) granting an increase of pension to Alderson T. Keen, reported the same with amendment, accompanied by a report (No. 795); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9903) granting an increase of pension to George W. Harlan, reported the same with amendment, accompanied by a report (No. 796); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11556) granting an increase of pension to Edward M. Tappen, reported the same with amendment, accompanied by a report (No. 797); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10046) granting an increase of pension to Thomas Jefferson Campton, reported the same with amendment, accompanied by a report (No. 798); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11113) granting an increase of pension to Silas G. Soules, reported the same with amendment, accompanied by a report (No. 799); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11319) granting an increase of pension to Mary C. Arnold, reported the same with amendment, accompanied by a report (No. 800); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9753) granting an increase of pension to Sarah J. Loomis, reported the same with amendment, accompanied by a report (No. 801); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11343) granting an increase of pension to Matthew S. Priest, reported the same with amendment, accompanied by a report (No. 802); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10180) granting an increase of pension to William E. McDowell, reported the same without amendment, accompanied by a report (No. 803); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6703) granting an increase of pension to Levi Remick, reported the same with amendment, accompanied by a report (No. 804); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8410) granting an increase of pension to George B. Fairhead, reported the same with amendment, accompanied by a report (No. 805); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10648) granting an increase of pension to Agnes Shearer, reported the same with amendment, accompanied by a report (No. 806); which said bill and reported were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7248) granting a pension to R. H. Cooke, reported the same with amendment, accompanied by a report (No. 807); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8272) granting an increase of pension to Stephen Elliott, reported the same with amendment, accompanied by a report (No. 808); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9256) granting an increase of pension to Enoch Stahler, reported the same with amendment, accompanied by a report (No. 809); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11413) granting an increase of pension to Jasper F. Morton, reported the same with amendment, accompanied by a report (No. 810); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9035) granting an increase of pension to Joseph Branen, reported the same with amendment, accompanied by a report (No. 811); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8925) granting an increase of pension to John Weaver, reported the same without amendment, accompanied by a report (No. 812); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8835) granting an increase of pension to Charles H. Jackson, reported the same with amendment, accompanied by a report (No. 813); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6814) granting an increase of pension to Edward W. Miller, reported the same with amendment, accompanied by a report (No. 814); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9037) granting a pension to Alice W. Clarke, reported the same with amendment, accompanied by a report (No. 815); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8998) granting an increase of pension to Henry L. Beach, reported the same with amendment, accompanied by a report (No. 816); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6816) granting an increase of pension to Frederick Ratzel, reported the same with amendment, accompanied by a report (No. 817); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9127) granting a pension to Moses Schuman, reported the same with amendment, accompanied by a report (No. 818); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4964) granting an increase of pension to C. E. Mink, reported the same with amendment, accompanied by a report (No. 819); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5999) granting an increase of pension to Ann J. Whitney, reported the same with amendment, accompanied by a report (No. 820); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4198) granting an increase of pension to Edwin Lake, reported the same without amendment, accompanied by a report (No. 821); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5155) granting an increase of pension to John J. Tompkins, reported the same with amendment, accompanied by a report (No. 822); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4630) granting an increase of pension to T. S. Collins, reported the same with amendment, accompanied by a report (No. 823); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4872) granting

an increase of pension to Albert W. Bradbury, reported the same without amendment, accompanied by a report (No. 824); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4449) granting an increase of pension to William Brown, reported the same with amendment, accompanied by a report (No. 825); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2001) granting a pension to Nora J. Glahn, reported the same with amendment, accompanied by a report (No. 826); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2204) granting an increase of pension to Addison B. Stone, reported the same with amendment, accompanied by a report (No. 827); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1339) granting an increase of pension to Joseph Scott, reported the same with amendment, accompanied by a report (No. 828); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 720) granting an increase of pension to Frank L. Gray, reported the same without amendment, accompanied by a report (No. 829); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2692) granting an increase of pension to Elwood Finley, reported the same with amendment, accompanied by a report (No. 830); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2192) granting an increase of pension to William O. Smith, reported the same with amendment, accompanied by a report (No. 831); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2976) granting a pension to Enoch J. Evans, reported the same with amendment, accompanied by a report (No. 832); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2947) granting an increase of pension to William F. Thompson, reported the same with amendment, accompanied by a report (No. 833); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2995) granting a pension to Mary Korth, reported the same with amendment, accompanied by a report (No. 834); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 936) granting an increase of pension to William Millian, reported the same without amendment, accompanied by a report (No. 835); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4192) granting an increase of pension to Frederick A. Slocum, reported the same with amendment, accompanied by a report (No. 836); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4719) granting an increase of pension to Joseph F. Carter, reported the same with amendment, accompanied by a report (No. 837); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6335) granting an increase of pension to James A. Barnes, reported the same with amendment, accompanied by a report (No. 838); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3936) granting an increase of pension to Isaac Frazier, reported the same with amendment, accompanied by a report (No. 839); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4605) granting an increase of pension to William Herlinger, reported the same with amendment, accompanied by a report (No. 840); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5750) granting a pension to William Cassidy, reported the same with amendment, accompanied by a report (No. 841); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5580) granting a pension to Celia C. Owen, reported the same with amendment, accompanied by a report (No. 842); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10748) granting an increase of pension to Kate Ridgeway, reported the same with amendment, accompanied by a report (No. 843); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5342) granting a pension to Jane E. Sutfin, reported the same with amendment, accompanied by a report (No. 844); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11194) granting an increase of pension to Frank S. Nickerson, reported the same with amendment, accompanied by a report (No. 845); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4326) granting an increase of pension to Wilfred C. McCardell, reported the same with amendment, accompanied by a report (No. 846); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9980) granting an increase of pension to Edwin A. Haradon, reported the same with amendment, accompanied by a report (No. 847); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4151) granting a pension to John W. Foland, reported the same with amendment, accompanied by a report (No. 848); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10850) granting an increase of pension to Adaline L. Powers, reported the same with amendment, accompanied by a report (No. 849); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8970) granting an increase of pension to Charles B. Hart, reported the same without amendment, accompanied by a report (No. 850); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10194) granting an increase of pension to Marion Long, reported the same without amendment, accompanied by a report (No. 851); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7436) granting an increase of pension to James Smith, reported the same with amendment, accompanied by a report (No. 852); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10700) granting a pension to Ella D. Madden, reported the same with amendment, accompanied by a report (No. 853); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9125) granting an increase of pension to William S. King, reported the same with amendment, accompanied by a report (No. 854); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6602) granting an increase of pension to B. F. Hackett, reported the same with amendment, accompanied by a report (No. 855); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7659) granting a pension to Emma M. Elliott, reported the same with amendment, accompanied by a report (No. 856); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8991) granting an increase of pension to William E. Mattison, reported the same with amendment, accompanied by a report (No. 857); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8966) granting an increase of pension to James M. Fink, reported the

same with amendment, accompanied by a report (No. 858); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9061) granting a pension to Henrietta A. Buell, reported the same with amendment, accompanied by a report (No. 859); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8811) granting an increase of pension to James Dougherty, reported the same with amendment, accompanied by a report (No. 860); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8284) granting an increase of pension to Samuel G. Woods, reported the same without amendment, accompanied by a report (No. 861); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7066) granting a pension to Elizabeth B. Constant, reported the same with amendment, accompanied by a report (No. 862); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7096) granting an increase of pension to Eva A. Burgess, reported the same without amendment, accompanied by a report (No. 863); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6618) granting an increase of pension to Henry C. Coffin, reported the same with amendment, accompanied by a report (No. 864); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2930) granting an increase of pension to L. M. Greene, reported the same with amendment, accompanied by a report (No. 865); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2573) granting an increase of pension to William G. Cronkite, reported the same with amendment, accompanied by a report (No. 866); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2116) to increase the pension of Richard C. Ivory, reported the same with amendment, accompanied by a report (No. 867); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1566) granting an increase of pension to Ellis T. Peirce, reported the same with amendment, accompanied by a report (No. 868); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1485) granting an increase of pension to Franklin Ferguson, reported the same with amendment, accompanied by a report (No. 869); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1563) granting a pension to Ory Warriner, reported the same with amendment, accompanied by a report (No. 870); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 941) granting an increase of pension to William D. Taylor, reported the same with amendment, accompanied by a report (No. 871); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1314) granting a pension to Denison L. Brown, reported the same with amendment, accompanied by a report (No. 872); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 846) granting an increase of pension to Catharine W. Collins, reported the same without amendment, accompanied by a report (No. 873); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2215) granting a pension to Sallie H. Hoffecker, reported the same without amendment, accompanied by a report (No. 874); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2441) granting an increase of pension to Frank Lee, reported the same without amendment, accompanied by a report (No. 875); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2558) granting an increase of pension to Sallie H. Kincaid, reported the same without amendment, accompanied by a report (No. 876); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2557) granting a pension to Johniken L. Mynatt, reported the same without amendment, accompanied by a report (No. 877); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2889) granting an increase of pension to John Beaird, reported the same without amendment, accompanied by a report (No. 878); which said bill and report were referred to the Private Calender.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 962) granting an increase of pension to Jennet Thoits, reported the same without amendment, accompanied by a report (No. 879); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4405) to correct the military record of Carl W. Albrecht, reported the same without amendment, accompanied by a report (No. 880); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1330) granting a pension to Jerry S. Fish, reported the same with amendment, accompanied by a report (No. 881); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2561) granting an increase of pension to Mathias S. Friend, reported the same without amendment, accompanied by a report (No. 882); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2841) granting a pension to Jane Patte son, reported the same without amendment, accompanied by a report (No. 883); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1532) granting an increase of pension to Electa Allen, reported the same without amendment, accompanied by a report (No. 884); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2924) granting an increase of pension to Samuel E. Cormany, reported the same without amendment, accompanied by a report (No. 885); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2103) granting an increase of pension to John L. McVey, reported the same without amendment, accompanied by a report (No. 886); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1937) granting an increase of pension to Samuel Richards, reported the same without amendment, accompanied by a report (No. 887); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 11525) appropriating payment for services to be rendered in securing just trials for laboring men in the Navy—Committee on Claims discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 11838) granting an increase of pension to William H. Mann—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOGG: A bill (H. R. 12040) to provide for the purchase of a site and the erection of a public building thereon at Grand Junction, Colo.—to the Committee on Public Buildings and Grounds.

By Mr. HOUSTON: A bill (H. R. 12041) to modify and simplify the pension laws of the United States—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 12042) to protect the rights of women citizens of the United States to register and vote for Members of the House of Representatives—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, a bill (H. R. 12043) to provide for an examination to determine the feasibility of reclaiming the overflowed lands of the Kootenai River in northern Idaho and Montana—to the Committee on the Public Lands.

By Mr. YOUNG: A bill (H. R. 12044) to authorize the establishment of a life-saving station at or near Eagle Harbor, Keweenaw Point, Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNTER: A bill (H. R. 12138) making appropriation to provide current literature for reading and recreation rooms at army posts—to the Committee on Military Affairs.

By Mr. WM. ALDEN SMITH: A joint resolution (H. J. Res. 105) providing for the erection of a monument in Arlington Cemetery to the memory of Charles Vernon Gridley, late captain, United States Navy—to the Committee on the Library.

Also, a resolution (H. Res. 208) providing for certain clerical employment by the Committee on Rules—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 12045) granting a pension to John H. Stevens—to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 12046) for the relief of John Coulliard—to the Committee on Claims.

By Mr. BARTLETT: A bill (H. R. 12047) granting a pension to Mary S. Platt—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 12048) granting an increase of pension to Maria Leuckart—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 12049) granting an increase of pension to Andrew J. Molder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12050) granting an increase of pension to David R. Luttrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12051) granting a pension to William R. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12052) granting a pension to Walter P. Mitchell—to the Committee on Invalid Pensions.

By Mr. BROWN of Pennsylvania: A bill (H. R. 12053) granting an increase of pension to James Large—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12054) granting a pension to Daniel W. Radebaugh—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 12055) granting an increase of pension to Henry S. Stowell—to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 12056) granting an increase of pension to Kerzia Cherry—to the Committee on Pensions.

By Mr. CLARK: A bill (H. R. 12057) granting an increase of pension to John M. C. Rentfro—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 12058) granting an increase of pension to John W. Dickey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12059) granting an increase of pension to Michael Cover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12060) granting an increase of pension to William P. Foust—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12061) granting a pension to Rachel Fleegel—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 12062) granting a pension to Edward H. Bennett—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 12063) granting an increase of pension to George S. Myers—to the Committee on Invalid Pensions.

By Mr. DICK: A bill (H. R. 12064) granting an increase of pension to Amos L. Hood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12065) granting an increase of pension to Esther Crane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12066) granting an increase of pension to Edrick J. Frary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12067) granting an increase of pension to John R. Wolfe—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 12068) for the relief of the estate of Jesse Hollingshead, deceased, late of Benton County, Ark.—to the Committee on War Claims.

By Mr. DRESSER: A bill (H. R. 12069) granting an increase of pension to Joseph Eckley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12070) for the relief of Clayton S. Gardner—to the Committee on Claims.

Also, a bill (H. R. 12071) for the relief of Clayton S. Gardner—to the Committee on Claims.

By Mr. GAINES of West Virginia: A bill (H. R. 12072) for the relief of J. D. Coleman—to the Committee on War Claims.

By Mr. GILLET of New York: A bill (H. R. 12073) granting an increase of pension to Eliza J. Gardner—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 12074) granting an increase of pension to Francis Goake—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 12075) granting an increase of pension to Loren S. Axtell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12076) granting an increase of pension to Matthew Stewart—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 12077) granting an increase of pension and restoration of pension to Nelson Jenks—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 12078) granting an increase of pension to James H. Robinson—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 12079) granting a pension to Mary G. Mew—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 12080) granting an increase of pension to James A. Zabriskie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12081) granting an increase of pension to Joseph B. Leatherman—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 12082) granting an increase of pension to Adline Petara—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12083) granting an increase of pension to William A. Aultman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12084) granting an increase of pension to John Hartley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12085) granting an increase of pension to Rudolph Burkhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12086) granting a pension to William Hudson—to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 12087) granting an increase of pension to George S. Woods—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 12088) granting an increase of pension to James M. Watts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12089) granting an increase of pension to William H. Dooley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12090) granting an increase of pension to William R. Clark—to the Committee on Invalid Pensions.

By Mr. LANNING: A bill (H. R. 12091) for the relief of Second Lieut. Gouverneur V. Packer, Twenty-fourth United States Infantry—to the Committee on Military Affairs.

By Mr. LITTLE: A bill (H. R. 12092) correcting the military record of Jesse L. Meeks—to the Committee on Military Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 12093) granting an increase of pension to Sarah A. McMurtrie—to the Committee on Pensions.

By Mr. MURDOCK: A bill (H. R. 12094) granting an increase of pension to James T. McKinstry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12095) granting an increase of pension to Henry Benfer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12096) granting an increase of pension to August Siederman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12097) granting an increase of pension to Royal C. Johnson—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 12098) to correct the military record of James McMillan—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 12099) granting an increase of pension to Edwin M. Slayton—to the Committee on Invalid Pensions.

By Mr. PIERCE: A bill (H. R. 12100) for the relief of the trustees of the Cumberland Presbyterian Church and Masonic Lodge, of Rutherford, Gibson County, Tenn.—to the Committee on War Claims.

By Mr. POWERS of Massachusetts: A bill (H. R. 12101) to correct the military record of Henry Rockwood—to the Committee on Military Affairs.

By Mr. REID: A bill (H. R. 12102) granting a pension to Lavall C. Obarr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12103) to correct the military record of Harry

Miller and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12104) for the relief of La Grange College—to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: A bill (H. R. 12105) granting an increase of pension to James A. Pinson—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 12106) granting an increase of pension to Stephen Rogers—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 12107) to refund to the Greenbrier Distillery Company taxes paid on whisky destroyed—to the Committee on Claims.

Also, a bill (H. R. 12108) for the relief of Mary Douglas Griffiths—to the Committee on Claims.

Also, a bill (H. R. 12109) granting a pension to Charles F. Williams—to the Committee on Pensions.

By Mr. SIBLEY: A bill (H. R. 12110) authorizing the Commissioner of Patents to extend the patent issued to William Richards for extracting oil from oil wells and oil-bearing rock, and tubes therefor—to the Committee on Patents.

By Mr. WM. ALDEN SMITH: A bill (H. R. 12111) granting a pension to Mary Fitz Gibbons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12112) for the relief of Alonzo Vangordon—to the Committee on War Claims.

By Mr. SOUTHARD: A bill (H. R. 12113) granting an increase of pension to Walter Eckel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12114) granting an increase of pension to Henry De Groff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12115) granting an increase of pension to Henry Hahn—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 12116) for the relief of Civil Engineer P. C. Asserson, retired—to the Committee on Naval Affairs.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 12117) for the relief of the heirs of William Pitcher and Axel Hayford, and Samuel Otis and George B. Fergusson—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 12118) for the relief of Warren W. Keen—to the Committee on Claims.

By Mr. TAYLOR: A bill (H. R. 12119) for the relief of Hannah J. Jones, executrix of Emanuel Jones, deceased, a British subject—to the Committee on Foreign Affairs.

By Mr. WATSON: A bill (H. R. 12120) granting an increase of pension to David C. Benjamin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12121) granting an increase of pension to Aurelian B. Armington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12122) granting an increase of pension to George W. Guire—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12123) granting an increase of pension to Alexander Renn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12124) granting an increase of pension to Thomas J. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12125) granting an increase of pension to Henry Bachman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12126) granting an increase of pension to William Ewin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12127) granting an increase of pension to Asa A. Farmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12128) granting an increase of pension to David Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12129) granting an increase of pension to John F. Casper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12130) to remove the charge of desertion from the record of Michael Fitzgerald—to the Committee on Military Affairs.

Also, a bill (H. R. 12131) granting an increase of pension to Edward R. Chapman—to the Committee on Pensions.

By Mr. BURTON: A bill (H. R. 12132) granting a pension to Mary L. McClure—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 12133) granting an increase of pension to James Johnson—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 12134) granting an increase of pension to Albert Haldeman—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 12135) granting an increase of pension to William Rummel—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12136) granting an increase of pension to Maria S. Benson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12137) for the relief of Emeline E. Musgrave—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of the Philadelphia Board of Trade, asking for favorable action upon bills S. 2259 and 2263—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Antlers Republican Club, protesting against the removal of the United States district court from Antlers, Ind. T., to Hugo, Ind. T.—to the Committee on the Judiciary.

By Mr. ACHESON: Resolution of Philadelphia Board of Trade, relative to confining the trade between the United States and the Philippines to vessels of American registry—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of James Noble Post, No. 348, Grand Army of the Republic, West Alexander, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ADAMS of Pennsylvania: Resolution of Philadelphia Board of Trade, relative to confining the trade between the United States and the Philippines to vessels of American registry—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the National Board of Trade, relative to the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. ALLEN: Paper to accompany claim of John Coulliard—to the Committee on Claims.

By Mr. BARTLETT: Petition of C. B. Holleman and 18 other voters; W. H. Hatcher and 21 other voters; W. H. Reynolds and 29 other voters; La Mar, Taylor & Riley Drug Company and 70 voters, and E. A. Middlebrooks and 80 other voters, protesting against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BASSETT: Petition of New York Board of Trade and Transportation, against increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BENTON: Papers to accompany bill granting increase of pension to David R. Luttrell—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Walter P. Mitchell—to the Committee on Invalid Pensions.

Also, paper to accompany bill granting pension to William R. Collins—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to Andrew J. Molder—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of L. G. Borst and 48 others, of Brookings, S. Dak., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURLEIGH: Papers to accompany bill granting increase of pension to Henry S. Stowell—to the Committee on Pensions.

Also, petition of the Woman's Christian Temperance Union and 37 others, of Fairfield, Me., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Charles L. Stevens Post, No. 76, Grand Army of the Republic, Department of Maine, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: Petition of Rev. Henry C. Sperbeck and 12 others, of West Grove, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Edwin P. Sellew and 61 others, of Darbyboro, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Avondale Woman's Christian Temperance Union, of Avondale, Pa., against sale of liquors in Soldiers' Homes and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. CALDERHEAD: Petitions of C. A. Tripp and 35 others, of Herington; E. A. Tripp and 49 others, of Herington; J. F. Clark and 39 others, of Tescott; Robert L. Kepperling and 71 others, of Junction City, and Robert L. Kepperling and 68 others, of Junction City, all in Kansas, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the board of regents of the Kansas State Agricultural College, in favor of bill H. R. 8678, to increase appropriations for experiment stations—to the Committee on Agriculture.

Also, resolution of James B. McPherson Post, No. 87, Grand Army of the Republic, Department of Kansas, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of John Dillon Post, Grand Army of the Republic, and the Woman's Relief Corps, in favor of Calderhead-Dolliver service-pension bill—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Petition of producers and oil operators of the Third Congressional district of Kansas, favoring the passage of bill H. R. 9636—to the Committee on Indian Affairs.

Also, petition of 200 members of the First Christian Church of Chetopa, Kans., in favor of the passage of the Hepburn bill, H. R. 4072; also petition of H. Cox and 29 others, of Lowell, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of James B. McPherson Post, No. 87, Grand Army of the Republic, of Kansas, favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

Also, resolutions of the board of regents of the Kansas State Agricultural College, for additional appropriations for agricultural experiment stations—to the Committee on Agriculture.

By Mr. CASSINGHAM: Papers to accompany bill H. R. 11058, granting a pension to Mary Apple—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 6332, granting a pension to Rachel Davis—to the Committee on Invalid Pensions.

By Mr. CLARK (by request): Petition of T. J. Terril and others, of Bowling Green, Ky., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of citizens of Lincoln County, Mo., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. COOPER of Pennsylvania: Resolution of George D. Bayard Post, No. 178, of Belle Vernon, Fayette County, Grand Army of the Republic, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. DANIELS: Papers to accompany bill granting a pension to George S. Myers—to the Committee on Invalid Pensions.

Also, resolutions of Pomona Board of Trade, favoring the improvement of the inner harbor at San Pedro, Cal.—to the Committee on Rivers and Harbors.

By Mr. DINSMORE: Paper to accompany bill to increase pension of Samuel H. Johnson—to the Committee on Invalid Pensions.

Also, paper to accompany claim of the estate of Jesse Hollingshead—to the Committee on War Claims.

Also, petition of A. J. White and 89 others, of Springdale, Ark., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DRAPER: Resolution of the Philadelphia Board of Trade, in favor of bills S. 2259 and 2263, relative to confining the trade between the United States and the Philippines to vessels of American registry—to the Committee on the Merchant Marine and Fisheries.

By Mr. DRESSER: Paper to accompany claim of Clayton S. Gardner—to the Committee on Claims.

Also, petition of Clayton S. Gardner, of Howard, Pa., asking for reimbursement for moneys expended by him for medicines and medical attendance while on a furlough—to the Committee on War Claims.

By Mr. ESCH: Resolution of the Board of Trade of La Crosse, Wis., relative to closing the custom-house at La Crosse, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. FITZGERALD: Resolution of New York Council, No. 114, United Commercial Travelers of America, in favor of amending the bankruptcy law—to the Committee on the Judiciary.

Also, resolution of the Chamber of Commerce of New York, relative to completing the harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, resolution of the Philadelphia Board of Trade, relative to confining trade between United States and the Philippines to American registry vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Resolutions of Philadelphia Board of Trade, in relation to Philippine commerce—to the Committee on Insular Affairs.

By Mr. GRANGER: Petition of H. W. Watjen and 36 other voters, of Warren; E. S. Vaughn and 4 other voters, of Warren; W. S. McAdam and 24 other voters, of Providence; Benjamin Greene and 19 other voters, of Portsmouth; J. B. Mott and 37 other voters, of Block Island, and Charles Peckham and 44 other voters, of Middletown, all in Rhode Island, for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GREENE: Petition of C. A. Davis and other shipbuilders, favoring such legislation as shall deny American registry to any foreign-built vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMILTON: Resolution of Henry M. Liddle Post, No. 131, Department of Michigan, Grand Army of the Republic, favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAMLIN: Petition of Virgil Walker and 11 others of Brighton, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HASKINS: Resolution of the Sixth Corps, No. 112; Ellsworth Post, No. 25, and U. S. Grant Post, No. 96, Grand Army of the Republic, Department of Vermont, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of Hooker Post, No. 5; Woodbury Post, No. 63, and O. O. Howard Post, No. 33, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of James M. Wilson and 19 other voters, of Oelwein, Fayette County, State of Iowa, in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of George W. S. Dodge Post, No. 132, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Ossian, Iowa, against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HEDGE: Resolutions of George H. Emerson Post, No. 268, and Ed Hamlin Post, No. 112, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the Clay Woman's Christian Temperance Union and 16 others, of Clay; Carl Stiefel and 12 others, of Henry County; C. E. Hamilton and 15 others, J. M. Hooley and 14 others, of Henry County, and W. G. Wilson and 70 others, of Mount Pleasant, all in Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Resolution of the Chamber of Commerce of New Haven, in favor of harbor of refuge at Hortons Point—to the Committee on Rivers and Harbors.

By Mr. HILDEBRANT: Papers to accompany bill H. R. 1471, granting an increase of pension to Hill C. Crawford; papers to accompany bill granting an increase of pension to John Hartley; papers to accompany bill H. R. 6007, granting a pension to James H. Berryman, and papers to accompany bill granting an increase of pension to Adline Petard—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Resolutions of organized agriculture and other agricultural societies of Nebraska, in favor of bill H. R. 8678—to the Committee on Agriculture.

By Mr. HOGG: Petition of M. E. Hanks and 37 others, of Salida, Colo., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HUFF: Resolution of Philadelphia Board of Trade, relative to the extension of the navigation laws—to the Committee on Interstate and Foreign Commerce

By Mr. HUMPHREY of Washington: Paper to accompany bill granting a pension to Walter F. Horner—to the Committee on Pensions.

By Mr. KELIHER: Resolutions of New England Shoe and Leather Association, relative to changes in the consular service—to the Committee on Foreign Affairs.

Also, resolutions of New England Shoe and Leather Association, for legislation relative to freight rates—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Massachusetts Agricultural College Alumni Club, favoring additional appropriations for State experiment stations—to the Committee on Agriculture.

Also, resolutions of the National Association of Agricultural Implement and Vehicle Manufacturers, relative to forestry and irrigation—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the National Association of Agricultural and Implement and Vehicle Manufacturers, favoring the policy of reciprocity—to the Committee on Ways and Means.

Also, resolution of the Rochester Chamber of Commerce, in the interest of more adequate waterways in the State of New York—to the Committee on Railways and Canals.

Also, resolutions of the Massachusetts legislature, relative to Government control or ownership of anthracite mines—to the Committee on Mines and Mining.

Also, resolutions of the Massachusetts legislature, recommending a stated international congress to deliberate on questions of common interest to the nations—to the Committee on the Judiciary.

Also, resolutions of the Boston Associated Board of Trade, recommending continuance of the rebate of the duty on coal—to the Committee on Ways and Means.

Also, resolutions of the Philadelphia city council, for a deeper channel in Delaware River and Bay and in the harbor of Philadelphia—to the Committee on Rivers and Harbors.

Also, resolution of the Boston Metal Trades Association, opposing the anti-injunction bill now before Congress—to the Committee on the Judiciary.

Also, resolution of the Boston Metal Trades Association, opposing so-called eight-hour legislation—to the Committee on Labor.

Also, resolution of John A. Andrews Post, No. 15, Grand Army of the Republic, of Boston; Union Veterans' Union, of Chelsea; Edwin W. Rand, Company L, First Massachusetts Heavy Artillery; Abraham Lincoln Post, No. 4, Grand Army of the Republic, of Charlestown, and Charles Russell Lowell Post, No. 7, Grand Army of the Republic, of Boston, all in Massachusetts, favoring a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the National German-American Alliance, recommending legislation in the interests of immigration—to the Committee on Immigration and Naturalization.

Also resolutions of the National Business League, of Chicago, Ill., recommending legislation providing for the enlargement of the United States Navy—to the Committee on Naval Affairs.

Also, resolution of the city council of Salem, Mass., indorsing the McCall bill for the suspension of navigation laws for the purpose of facilitating the transportation of coal—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Board of Trade of Gloucester, Mass., indorsing proposed legislation to provide for pensions for members of the Life-Saving Service and for their widows and minor children—to the Committee on Pensions.

Also, resolution of the Atlantic Coast Marine Firemen's Union, protesting against the McCall bill providing for coastwise trade for ninety days for foreign tramp vessels—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of Boston Lodge, No. 80, I. O. S. B., of Boston; Star Lodge, No. 309, O. B. A.; Pride of Massachusetts Lodge, No. 181, of Boston, and B'nai Jacob Lodge, No. 89, I. O. A. I., of Boston, protesting against methods and practice of immigration officers in deportation cases of Jewish immigrants—to the Committee on Foreign Affairs.

By Mr. KETCHAM: Petition of Albert I. Akin, secretary of Patterson (N. Y.) Grange, No. 939, and 70 members, favoring passage of Brownlow good-roads bill—to the Committee on Agriculture.

Also, petition of D. T. Slater and 38 others, of Windham, Greene County, N. Y., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KLINE: Resolution of Samuel Kress Post, No. 284, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Philadelphia Board of Trade, relative to confining the trade between the United States and the Philippines to vessels of American registry—to the Committee on the Merchant Marine and Fisheries.

By Mr. LACEY: Petition of citizens of Ottumwa, Iowa, protesting against enactment of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of H. A. Towne and 38 other voters, of Whiting, Monona County, Iowa, and of J. A. Hahn and 41 other voters, of Colfax, Iowa, favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LITTLEFIELD: Memorial of Lamb Transportation Company and 33 other firms, individuals, and corporations engaged in the shipping business, protesting against admission of foreign-built ships to American registry—to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUDENSLAGER: Resolution of the legislature of the State of New Jersey, in favor of the improvement of the harbor adjacent to the city of Cape May, N. J.—to the Committee on Rivers and Harbors.

By Mr. McMORRAN: Petition of Theodore Blake, mayor of Lapeer, Mich., and 46 other voters of that city; also petition of C. M. Campbell and 20 other voters of the same city, urging passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MARSHALL: Petition of James Ferguson and 13 other voters, of Grandin, Cass County, N. Dak.; C. D. Locklin and 31 other voters, of Rolette County, N. Dak., and J. Woolsey and 31 other voters, of Wahpeton, N. Dak., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of F. B. Smith and 25 other voters, of Leal, Barnes County, N. Dak., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. METCALF: Petitions of Walter W. Bradley and 27 others, W. Clyde Smith and 28 others, and of C. J. Hill and 35 others, of Berkeley, Cal., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MURDOCK: Petition of W. H. Barr and 45 others, of Ransom, Kans., and of George R. Blake and 79 others, of St. John, Kans., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of James B. McPherson Post, No. 87, Grand Army of the Republic, of McPherson, Kans., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. PORTER: Resolution of the Philadelphia Board of Trade, relative to confining the trade between the United States and the Philippines to vessels of American registry—to the Committee on the Merchant Marine and Fisheries.

By Mr. POWERS of Massachusetts: Resolutions of E. B. Piper Post, No. 157, of Walpole; J. Orsen Fiske Post, No. 105; Reynolds Post, No. 58, of Weymouth; Galen Orr Post, No. 181, of Needham; Moses Ellis Post, No. 117; E. P. Carpenter Post, No. 91, of Foxboro; Major E. F. Fletcher Post, No. 22; P. G. Wymcur Post, No. 6, of Hollister; Prentiss M. Whiting Post, No. 192, and James H. Sargent Post, No. 130, Grand Army of the Republic, Department of Massachusetts, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RANDELL of Texas: Petition of pastors of Christian, Methodist, Baptist, and Cumberland Presbyterian churches, and 70 other voters, of Mineral Wells, Tex., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. REEDER: Petition of ex-soldiers of the civil war, 1861–1865, in favor of the Curtis service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of James B. McPherson Post, No. 87, Grand Army of the Republic, Department of Kansas, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RIDER: Resolution of the senate of New York State, favoring the bill to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of United States Commercial Travelers of America, New York Council, No. 114, favoring an amendment to the bankruptcy bill—to the Committee on the Judiciary.

Also, resolution of Philadelphia Board of Trade, relating to trade between United States and Philippine Islands—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the board of supervisors of the city and county of San Francisco, Cal., in relation to Tuolumne River and Lake Eleanor reservoir rights of way—to the Committee on Rivers and Harbors.

By Mr. ROBERTS: Petition of Everett L. Lewis and 15 others, of Lynn, Mass., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Chelsea Board of Trade, in favor of arbitration treaties between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, resolution of General Lauder Post, No. 5, Grand Army of the Republic, of Lynn, Mass., in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: Petition to accompany bill granting a pension to W. J. Murray—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petitions of George Warcup, of Huntertown, Ind., and Ed. F. Koenemann & Co., of Hoagland, Ind., favoring the passage of the Cooper Interstate Commerce Commission bill (H. R. 6273)—to the Committee on Interstate and Foreign Commerce.

By Mr. RODEY: Resolution of the Mesilla Valley Farmers' Institute, in favor of bill (H. R. 8678)—to the Committee on Agriculture.

By Mr. SHAFROTH: Petition of the Woman's Christian Temperance Union and 47 others, of Fort Lupton, Colo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SIBLEY: Papers relating to a certain patent granted William Richards—to the Committee on Patents.

Also, resolution of Captain George Stow Post, No. 274, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: Petition of citizens of Benton, Ill., in favor of bills granting a pension of $30 per month to Martin H. Ozment, Isaac N. Wilhite, and George W. Williams—to the Committee on Invalid Pensions.

Also, resolution of the Farmers' Social and Economic Union of Illinois, relative to the price of live stock—to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of 85 members of the Haven Methodist Episcopal Church, of Wayne, Mich., and of C. E. Pearce and 33 others, of Oak Grove, Mich., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Petition of Adam F. Andrews and 60 other voters, of Fenton, Mich., for the passage of the Hepburn Dolliver bill—to the Committee on the Judiciary.

By Mr. WM. ALDEN SMITH: Resolution of Custer Post, No. 5, Department of Michigan, Grand Army of the Republic, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: Petition of Rev. D. H. Smith and 70 other voters, of Mineral Wells, Tex., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SPERRY: Resolution of the Chamber of Commerce of New Haven, Conn., favoring the construction of a breakwater at harbor of refuge at Hortons Point—to the Committee on Rivers and Harbors.

Also, resolution of the Chamber of Commerce of New Haven, Conn., relative to arbitration treaties between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. STEENERSON: Petition of the Minnesota State Court, Catholic Order of Foresters, in favor of the acceptance of the statue of Father James Marquette—to the Committee on the Library.

By Mr. STERLING: Petition of merchants of Washburn, Ill., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Resolutions of the Philadelphia Board of Trade, favoring speedy action on bills S. 2259 and 2263; also, report of the committee on railway transportation of the New York Board of Trade and Transportation, in relation to the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON: Paper to accompany bill H. R. 11950, for the relief of William E. Murray—to the Committee on Claims.

By Mr. WEEMS: Papers to accompany bill H. R. 12036, granting an increase of pension to Jacob Weitzel—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany bill granting a pension to Susan Wycaugh—to the Committee on Invalid Pensions.

Also, papers to accompany claim of Lola Qualls for pension—to the Committee on Invalid Pensions.

Also, paper to accompany bill granting an increase of pension to Alexander Renn—to the Committee on Invalid Pensions.

By Mr. WYNN: Resolution of the Board of Trade of Pomona, Cal., relative to the improvement of inner harbor—to the Committee on Rivers and Harbors.

SENATE.

WEDNESDAY, *February 10, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

DELOS K. LONEWOLF.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Acting Commissioner of Indian Affairs calling attention to the claim of Delos K. Lonewolf, a Kiowa Indian, for the value of certain improvements owned by him and situated upon the lands formerly occupied by him, but now included within the limits of the lands reserved for the Kiowa Agency, Oklahoma; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

LEGATION BUILDINGS AT PEKING, CHINA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State submitting an estimate of appropriation to complete the new buildings for the United States legation at Peking, China, and for the purposes of securing a suitable supply of water, $50,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 79) for the transportation of Porto Rican teachers to the United States and return; and it was thereupon signed by the President pro tempore.

CREDENTIALS.

Mr. McCOMAS presented the credentials of Isidor Rayner, chosen by the legislature of the State of Maryland a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Woman's Christian Temperance Union of Albion, N. Y., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented memorials of Gleichheit Mannie Lodge, No. 71, of Waterbury, Conn.; of the Liederkranz Maennerchor, of Evansville, Ind.; of the Turn Verein of Peoria; of the German Aid Society of Decatur; of the Turngemeinde of Rock Island; of the Helvetia Sharpshooters' Society, of Highland; of the German Workingmen's Benevolent Society, of Joliet, and of Zirkunft Lodge, No. 596, of Chicago, all in the State of Illinois; of the Mozart Maennerchor Glee Club, of Lawrence; of the Fidelia Musical and Educational Corporation, of Boston, and of the German-American Singing Society, of Boston, all in the State of Massachusetts; of Schiller Hive, No. 6742, of Port Huron, and of Schiller Lodge, No. 43, of Jackson, all in the State of Michigan; of the Bowling Club of St. Paul; of the West Side Turn Verein, of St. Paul, and of the Turn Verein of St. Paul, all in the State of Minnesota; of the Baden Saengerbund, of St. Louis; of the Harugari Saengerbund, of St. Louis, and of the South St. Louis Bundeschor, of St. Louis, all in the State of Missouri; of the Schiller Lodge, of Manchester, N. H.; of the German Pioneer Verein, of Newark, and of the Gottfried Krueger Association, of Newark, in the State of New Jersey; of the German-American Relief Association, of Olean; of Savonia Lodge, No. 270, of Rochester; of the Schuetzen Bund, of New York City, and of Lodge No. 481, of Utica, all in the State of New York; of the Junger Maennerchor, of Cincinnati; of the Schwabien Benefit Association, of Dayton, and of the German Beneficial Union, of Dayton, all in the State of Ohio; of the Lewisburg Shooting Club, of Covington, and of the German Aid Society of Lexington, in the State of Kentucky; of the Beethoven Maennerchor, of East Pittsburg, Pa.; of the German Veteran Society of Tacoma, Wash.; of Concordia Aid Society, of La Crosse, and of the Welfen Club, of Milwaukee, all in the State of Wisconsin, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PLATT of New York presented a petition of the board of aldermen of New York City, praying for the enactment of legislation providing for the erection of two additional post-office buildings in that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of John A. Logan Post, No. 477, of Stamford; of Sanders Post, No. 457, of Cicero; of F. E. Kiker Post, No. 62, of New York City; and of Alexander Hamilton Post, No. 182, of New York City, all of the Department of New York, Grand Army of the Republic, in the State of New York, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the congregation of the Baptist Church of Montour Falls, of the Woman's Christian Temperance Union of Montour Falls, of sundry citizens of Montour Falls and Melrose, of the congregation of the Methodist Episcopal Church of Gainesville, and of the congregation of the Methodist Episcopal Church of West Chazy, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Patchogue, of the congregation of the Second Presbyterian Church of Saratoga Springs, of the Woman's Home and Foreign Missionary Society of the Second Presbyterian Church of Saratoga Springs, of the Woman's Christian Temperance Union of Richford, of the Young Woman's Industrial Club of Saratoga Springs, and of sundry citizens of Suffolk County, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of the Larkin Soap Company, of Buffalo; of the Business Men's Association of Schenectady; of the Watson Wagon Company, of Canastota; of Ellwood Wilson, of Saranac Lake; of B. F. Couch & Co., of Buffalo; of sundry citizens of Saranac Lake, and of John Kelly, of Rochester, all in the State of New York, praying for the passage of the so-called "Brownlow good-roads bill;" which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of the State of New York, praying for the enactment of legislation providing for an extension until the year 1909 of the law restricting to vessels of the United States the transportation of passengers, etc., from one port to another, not to be applicable to foreign vessels engaged in trade between the Philippines and the United States; which was referred to the Committee on the Philippines.

Mr. FAIRBANKS presented a petition of the Antisaloon League of Fortville, Ind., and a petition of the Indiana State Antisaloon League, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FOSTER of Washington presented a petition of sundry citizens of Washington, praying for the enactment of legislation providing for the construction and maintenance of good roads throughout the country; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of John Buford Post, No. 89, Department of Washington, Grand Army of the Republic, of Everett, Wash., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. CULLOM presented the memorial of A. R. Barnes and 10 other citizens of Chicago, Ill., remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented the petition of W. J. Davidson and 57 other citizens of Decatur, Ill., praying for the enactment of legislation

to prohibit the sale of intoxicating liquors in Soldiers' Homes; which was referred to the Committee on Military Affairs.

Mr. LONG (for Mr. BURTON) presented a petition of Chanute Post, No. 129, Department of Kansas, Grand Army of the Republic, of Chanute, Kans., and a petition of McPherson Post, No. 87, Department of Kansas, Grand Army of the Republic, of McPherson, Kans., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also (for Mr. BURTON) presented a petition of sundry citizens of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also (for Mr. BURTON) presented a petition of the Kansas State Society of Labor and Industry, praying for the enactment of legislation to investigate the labor conditions in Colorado; which was referred to the Committee on the Judiciary.

He also (for Mr. BURTON) presented a petition of the Board of Regents of the Kansas State Agricultural College, praying for the enactment of legislation to increase the Federal aid to agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. BURTON) presented a memorial of sundry citizens of Salina, Kans., remonstrating against the enactment of legislation restricting or abridging the right of suffrage to citizens of Oklahoma Territory, etc.; which was referred to the Committee on Territories.

Mr. HALE presented a petition of the Board of Trade of Portland, Me., praying for the enactment of legislation providing for the completion of the work at the harbor of refuge, Point Judith, R. I.; which was referred to the Committee on Commerce.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation creating an American system of navigating naval reserves; which was referred to the Committee on Naval Affairs.

He also presented a petition of the New England Psychological Society, of Worcester, Mass., praying for the establishment of a Government laboratory at Washington for the study of the abnormal classes; which was referred to the Committee on Education and Labor.

Mr. HOAR presented the petition of Alfred I. Noble, secretary of the New England Psychological Society, of Worcester, Mass., praying for the enactment of legislation providing for the establishment of a laboratory at Washington, D. C., for the study of abnormal classes; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Lisbon, Iowa, and a petition of sundry citizens of Troy, Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He presented a petition of Puritan Lodge, No. 621, Brotherhood of Railroad Trainmen, of Boston, Mass., praying for the passage of the so-called Grosvenor anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented petitions of Charles H. Stevens Post, No. 53, of Leominster; of Ward Post, No. 90, of Danvers; of Captain Horace Niles Post, No. 110, of Randolph; of Sergeant Plunkett Post, No. 184, of Ashburnham; of George S. Boutwell Post, No. 98, of Ayer; of Gilman C. Parker Post, No. 153, of Winchindon; of H. S. Greenleaf Post, No. 20, of Colrain; of Charles Beck Post, No. 56, of Cambridge; of C. C. Phillips Post, No. 14, of Hopkinton; of Frazer A. Stearns Post, No. 37, of Spencer, and of D. Willard Robinson Post, No. 12, of Naswell, all of the Department of Massachusetts, Grand Army of the Republic, in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. LODGE presented a petition of the Young Men's Club of the Boston Highlands Methodist Episcopal Church, of Dorchester, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry shipowners, shipbuilders, and shipmasters of the United States interested in the American merchant marine, praying for the enactment of legislation to prohibit American registry to any foreign-built vessel except prizes of war or vessels forfeited for violation of the laws of the United States; which was referred to the Committee on Commerce.

He also presented petitions of Burbank Post, No. 33, of Woburn; of Reynolds Post, No. 58, of Weymouth; of W. H. Smart Post, No. 30, of Cambridge; of P. G. Wyman Post, No. 6, of Holliston; of George A. Custer Post, No. 70, of Millbury; of McPherson Post, No. 73, of Abington; of W. R. Rodman Post, No. 1, of New Bedford; of George D. Wells Post, No. 28, of West Boylston; of R. R. Clark Post, No. 167; of J. P. Gould Post, No. 75, of Stoneham; of John A. Andrews Post, No. 15, of Boston; of Francis Washburn Post, No. 92, of Brighton; of Preston Post, No. 188, of Beverly Farms; of William H. Bartlett Post, No. 3, of Taunton; of Charles Russel Lowell Post, No. 7, of Boston; of Maj. E. F. Fletcher Post, No. 22; of E. P. Carpenter Post, No. 91, of Roxboro; of John H. Chipman Post, No. 89, of Beverly; of Major-General H. G. Berry Post, No. 40, of Malden; of Major Howe Post, No. 47, of Haverhill; of Parker Post, No. 123, of Athol; of G. E. Sayles Post, No. 126, of Adams; of John A. Hawes Post, No. 159, of East Boston; of Fletcher Webster Post, No. 13, of Brockton; of Ozro Miller Post, No. 93, of Shelburne Falls; of Colonel C. R. Mudge Post, No. 114, of Merrimac; of A. C. Monroe Post, No. 212, of East Bridgewater; of C. C. Smith Post, No. 183, of Hadley Falls; of Phil H. Sheridan Post, No. 34, of Salem; of J. H. Sargent Post, No. 130, of West Medway; of H. S. Greenleaf Post, No. 20, of Colerain; of C. C. Phillips Post, No. 14, of Hopkinson; of F. A. Stearns Post, No. 37, of Spencer; of Boston Post, No. 200, of Boston; of Charles Beck Post, No. 56, of Cambridge; of Paul Revere Post, No. 88, of Quincy; of E. S. Clark Post, No. 115; of John Rogers Post, No. 170, of Mansfield; of Edwin Humphrey Post, No. 104, of Hingham; of Justin Dimick Post, No. 124, of East Bridgewater; of Dahlgren Post, No. 2; of E. M. Staunton Post, No. 147, of Amherst; of Thomas A. Parker Post, No. 195, of Pepperell; of Clara Barton Post, No. 65, of Warren; of George H. Thomas Post, No. 131, of Leicester; of J. Orson Fiske Post, No. 105; of F. P. H. Rogers Post, No. 27, of Waltham; of Capt. C. S. Hastings Post, No. 54, of Berlin; of U. S. Grant Post, No. 4, of Melrose; of Allen Post, No. 67, of Manchester; of Abraham Lincoln Post, No. 11, of Charlestown; of Ladd and Whitney Post, No. 185, of Lowell; of John A. Rawlins Post, No. 43, of Marlboro; of Colonel Allen Post, No. 45, of Gloucester; of E. P. Wallace Post, No. 122, of Amesbury; of W. W. Rockwell Post, No. 125, of Pittsfield; of Henry Clay Wade Post, No. 201, of Cottage City; of Col. W. B. Greene Post, No. 100, of Methuen; of William L. Baker Post, No. 86, of Northampton; of D. G. Farragut Post, No. 116, of Gardner; of General Lander Post, No. 5, of Lynn; of E. Day Post, No. 174, of Greenfield; of Lyon Post, No. 41, of Westfield; of Manton E. Taft Post, No. 162, of Turners Falls; of Myron E. Stowell Post, No. 84, of South Deerfield; of Theodore Winthrop Post, No. 35, of Chelsea; of George W. Perry Post, No. 131, of Situate; of General J. G. Foster Post, No. 163, of South Framingham; of E. B. Piper Post, No. 157, of Walpole; of Ezra Bateheller Post, No. 51, of North Brookfield; of Robert A. Bell Post, No. 134, of Boston; of Francis Gould Post, No. 36, of Arlington; of Collingwood Post, No. 76, of Plymouth; of Moses Ellis Post, No. 117, of Medfield; of John A. Logan Post, No. 186, of Cambridge; of Richard Borden Post, No. 146, of Fall River; of A. W. Bartlett Post, No. 49, of Newburyport; of Colonel Prescott Post, No. 18, of Ashland; of Old Concord Post, No. 180, of Concord; of Charles Sumner Post, No. 101, of Groveland; of A. B. R. Sprague Post, No. 24, of Grafton; of William B. Eaton Post, No. 199, of Revere; of E. K. Wilcox Post, No. 116, of Springfield; of Nathaniel Lyon Post, No. 61, of Webster; of Reno Post, No. 9, of Hudson; of Charles D. Sanford Post, No. 79, of North Adams; of R. A. Peirce Post, No. 190, of New Bedford; of H. H. Legge Post, No. 25, of Uxbridge; of Otis W. Wallace Post, No. 106, of Rockport; of Prentiss M. Whitney Post, No. 192; of E. G. Griggs Post, No. 97, of Belchertown, and of General Wadsworth Post, No. 63, of Natick, of the Department of Massachusetts, Grand Army of the Republic, and of the Twenty-third Massachusetts Regiment, Union Veteran Union, all in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. PROCTOR presented a petition of the New England Psychological Society, of Worcester, Mass., praying for the establishment of a laboratory at Washington, D. C., under the Federal Government, for the study of the abnormal classes; which was referred to the Committee on the Judiciary.

Mr. HEYBURN presented a petition of the Chamber of Commerce of Genesee, Idaho, praying for the enactment of legislation providing for the construction and maintenance of good roads throughout the country; which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a petition of the East Washington Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the acquiring by the District of the right of way on Pennsylvania avenue east and its opening up to the District line; which was referred to the Committee on the District of Columbia.

He also presented petitions of Cold River Grange, No. 19, of Acworth; of Sunapee Lake Grange, of Newbury; of the Trojan Grange, of Troy; of Sugar River Grange, of Charlestown, and of Grange No. 276, of Hillsboro County, all of the Order of Patrons of Husbandry, in the State of New Hampshire, praying for the enactment of legislation providing for the purchase of a national forest reserve in the White Mountains of that State; which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. COCKRELL. I present the affidavit of Dr. Charles E. Houser, of Lafayette County, Mo., and the affidavit of A. D. Tan-

yer, of Johnson County, Mo. I move that the affidavits be referred to the Committee on Pensions to accompany the bill (S. 103) granting an increase of pension to A. D. Tanyer.

The motion was agreed to.

Mr. FRYE presented a memorial of sundry citizens of Phoenix, Ariz., remonstrating against the admission of New Mexico and Arizona into the Union as one State; which was referred to the Committee on Territories.

He also presented a petition of the New England Psychological Society, of Worcester, Mass., praying for the establishment of a laboratory at Washington, D. C., for the study of the abnormal classes; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 2052) for the relief of Samuel S. Weaver, reported it without amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 269) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes; and

A bill (S. 701) to validate certain certificates of soldiers' additional homestead right.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2667) for the relief of the estate of R. W. Bullock, deceased, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Louisiana, from the Committee on Claims, to whom was referred the bill (S. 2467) for the relief of the Citizens' Bank of Louisiana, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Commerce, to whom was referred the bill (S. 3780) authorizing the Yankton, Norfolk and Southwestern Railway Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 4084) for the relief of Caroline Lochboehler, of the District of Columbia, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1646) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2876) for the relief of Sarah E. Jenkins, reported it with amendments, and submitted a report thereon.

REPORT OF ISTHMIAN CANAL COMMISSION.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 43) to provide for the printing of 3,500 copies of the report of the Isthmian Canal Commission, to report it favorably with an amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Printing was, after the word "Commission," in line 4, to insert "with illustrations," so as to make the joint resolution read:

Resolved, etc., That there be printed 3,500 copies of the report of the Isthmian Canal Commission, with illustrations, of which 1,000 shall be for the use of the Senate, 2,000 for the House of Representatives, and 500 for the Isthmian Canal Commission.

The amendment was agreed to.

Mr. COCKRELL. I move, in line 4, after the word "report," to add "and appendixes."

Mr. PLATT of New York. That amendment is entirely satisfactory.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I move that the title of the resolution be changed. There is no necessity to have a joint resolution for this purpose. A concurrent resolution is just as good. I do not know that there is much difference in them, but I move that "joint" be stricken out and "concurrent" inserted. We will try it anyway.

The PRESIDENT pro tempore. Then the several votes by which the joint resolution was ordered to be engrossed and finally passed will be reconsidered and the resolution will be amended, making it a concurrent instead of a joint resolution.

Mr. HOAR. Let the title be read.

The SECRETARY. Concurrent resolution to provide for the printing of 3,500 copies of the report of the Isthmian Canal Commission.

The PRESIDENT pro tempore. Will the Senate agree to the concurrent resolution?

The concurrent resolution was agreed to.

COURT OF CLAIMS DIGEST.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 41) to provide for the printing of a digest of the decisions of the Court of Claims, together with the rules of practice and the statutes relating to that court, to report it favorably without amendment, and I ask for its present consideration. A similar resolution has been passed through the Senate in two Congresses, and I ask that the joint resolution be put on its passage.

The Secretary read the joint resolution, as follows:

Resolved by the Senate, etc., That there be printed a digest of the decisions of the Court of Claims, including the statutes relating to and the rules of practice of that court, prepared by Chapman W. Maupin; that there be printed 500 copies for the use of the Treasury Department, 2,000 copies for the use of the Attorney-General, 250 copies for the use of the War Department, 250 copies for the use of the Navy Department, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for public sale, the whole edition to be bound in sheep; said digest to be printed under the editorial supervision of Chapman W. Maupin, the preparation and editing of said digest by him to be paid for, out of any money in the Treasury not otherwise appropriated, at a price not to exceed the sum of $2,500, which sum is hereby appropriated in full payment for said work, except the cost of printing and binding the same, and shall not be payable until said work shall have been printed; nor shall any money be paid out on account of said work until the Court of Claims, or some member thereof, shall certify that the work, as completed, is satisfactory to that court.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HOAR. I should like to inquire of the chairman of the Committee on Printing whether the provision that the book is to be bound in sheep excludes the one copy bound in red morocco which Senators always get of all documents?

Mr. PLATT of New York. I suppose it does, unless it is so specified in the joint resolution.

Mr. HOAR. I wish that that might be reserved in the joint resolution.

Mr. PLATT of New York. Will the Senator move an amendment?

Mr. HOAR. Yes.

Mr. COCKRELL. I do not think that a resolution of this kind will interfere with the general provision. I have not so understood it at any time.

Mr. HOAR. The sheep binding is exceedingly perishable. It rots.

Mr. COCKRELL. It is a nuisance.

Mr. HOAR. It rots under the operation of gas. There is a deposit in a gas-lighted room which makes the leather of sheep and calf binding very perishable after a few years. I believe investigations which have been made show that the most permanent binding, as well as one of the cheapest forms of binding, and the most permanent color, as well as one of the cheapest forms of color, is the red Turkey morocco, of which we get one bound volume each.

This digest of decisions of the Court of Claims is likely to be a book of permanent value. I should like that the one copy which goes to Senators should be bound in morocco, and I therefore desire to put into the joint resolution a proviso:

Provided, That this shall not be construed to prevent the furnishing of one copy bound in red morocco to every member of the Senate and House.

Or something of that sort.

Mr. PLATT of New York. I accept that amendment.

Mr. WARREN. It is my understanding that a Senator has the right to have one copy of any bound document that comes to him rebound, no matter how it may be bound. The proposition here to bind in sheep is, as I understand it, simply to take care of the books in usual law-book binding rather than to have them in paper, as public documents usually are, and it is not to interfere with the usual rule of the Senate.

Mr. HOAR. If the Senator thinks it does not, I will not trouble the Senate with the amendment.

Mr. WARREN. Perhaps the Senator knows better than I do about it, but they have always rebound a volume for me when I asked that it be done.

Mr. HOAR. The chairman of the Committee on Printing said he had understood that the joint resolution would exclude our getting a copy bound in morocco unless there was an exception made in the joint resolution. I defer to his opinion on this subject.

Mr. PLATT of New York. It is well enough to put it in the amendment.

Mr. WARREN. There is no objection to it.

Mr. COCKRELL. I should like to ask about the cost of bind-

ing in sheep. I think it is the worst possible binding we could have. I would rather have it in cloth than in sheep. Cloth will last a little while, and sheep will not. It seems to me that any kind of binding would be preferable to sheep.

Mr. PLATT of New York. Will the Senator from Missouri move an amendment?

Mr. COCKRELL. I am not sufficiently acquainted with the cost of the different kinds of binding to designate which is preferable, but I am certain that some kinds of binding are as cheap as sheep, if not cheaper, and much better.

Mr. WARREN. I wish to ask the Senator from Missouri if it would not be a good plan to amend the joint resolution by eliminating all reference to binding and leave it with the Committee on Printing to designate in what way the volumes shall be bound?

Mr. HOAR. I suppose the sheep binding is the ordinary law-book binding, the binding of all the books for the law library.

Mr. COCKRELL. I know it is.

Mr. WARREN. The only intention of the joint resolution is to have the digest prepared and bound in the way that other law books are finished.

Mr. HALE. The Senator from Massachusetts has just made a suggestion which lodged in my mind, that almost all bound documents are bound in sheep. Almost all law books, text-books, reports of State courts, and the reports of the Federal courts are in sheep binding. If anyone goes into a great law library what meet him are rows upon rows in sheep, and so with the books of lawyers in their own libraries. I suppose it has been considered a safe kind of binding. It is not as agreeable in appearance as other binding, but it has served its purpose for a great many years.

What I wanted to ask the Senator in charge of the joint resolution besides is, what does the digest cover?

Mr. PLATT of New York. Let the title be read again.

Mr. HALE. Let the first part of the joint resolution be read.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

That there be printed a digest of the decisions of the Court of Claims, including the statutes relating to and the rules of practice of that court.

Mr. HALE. Now, here is a valuable court, which has been rendering decisions for more than thirty years.

Mr. COCKRELL. For over forty years.

Mr. HALE. Does the Senator know that there is not to-day a digest of the reports of the Court of Claims?

Mr. PLATT of New York. I will ask the Senator from Wyoming [Mr. WARREN] who introduced the joint resolution as to that.

Mr. HALE. I wish the Senator would explain it. I can hardly see how otherwise the decisions of that court could have been of any use to the public or to the profession. Every lawyer and every man with any experience in any kind of literature knows that any work is practically good for nothing unless it has a good digest.

Mr. ALLISON. And an index.

Mr. HALE. And an index besides. It is the case with every law book and every important series of law reports. I know in my own State we provide every few years for a good digest, bringing the reports up to the time when we provide for it, and in ten years we provide for another digest, and the volumes are all thoroughly indexed besides.

I wish the Senator who fathers this proposition would tell us what there is to-day existing, and whether this is a crying need, or whether it is a work which has been compiled by some one who wants to get paid for it. We have a great deal of that sort of business before the Senate constantly. Somebody or other in a vacation, usually some one who is drawing pay from the Government, who is a salaried employee or official, sets to work to get up a compilation, a digest, a statement of appropriations; and we are very liberal and very generous about it and let it go. We spend thousands upon thousands and tens of thousands of dollars every year on just such matters.

Now, this particular matter is all as unknown to me as if it were in the blackest of darkness. I do not know if anything of that kind obtains; but I wish the Senator would tell us, first, what is the situation of these reports as to the present digest, who it is who is to make this digest, whether he is connected with the Government in any way or connected with the court, and whether he is a lawyer; for one who is not a good lawyer can not make a digest. A man who is not a good lawyer can not make a digest any more than a farm hand can build a cottage. It is a faculty that must be matured and sharpened by knowledge of the law. I wish the Senator from Wyoming would explain just what are the circumstances surrounding this matter.

Mr. WARREN. Mr. President, I will state to the Senator from Maine that I am not as familiar at this hour with the matter as at a former day. I can only say that it was carefully looked up by the Committee on Claims in the last Congress. There is no digest covering the ground that this publication proposes to cover, and the court is now using the typewritten copy of a portion of this work, which has been prepared by Mr. Maupin, a lawyer.

The Court of Claims is, I understand, making some use of a partial digest, or a portion of this proposed digest, which is at present in a typewritten form, and of course there is only one copy or at most two or three copies. The court has recommended that it be printed, desiring it for its own use and for others who have to consult decisions of the Court of Claims.

I depended at the time, of course, and so did the committee, quite largely upon the recommendation of the court, and I have not that or the other papers at hand at the present moment. As far as I am concerned, I am perfectly willing that the joint resolution shall lie over for a day, so that we may look up the matter further.

Mr. HALE. I do not want to interfere with what may be a valuable thing; but I think the Senate ought to know upon what ground the court recommended this publication, who it is who has made or is making the digest, whether he is an employee of the court or is a clerk, and what is the basis. Perhaps the Senator from New York had better let the joint resolution go over, and then the Senator from Wyoming will furnish us with the authority of the court.

Mr. PLATT of New York. That course will be entirely satisfactory.

Mr. HALE. Let it go over, Mr. President.

The PRESIDENT pro tempore. The joint resolution goes to the Calendar.

Mr. WARREN. I do not thus understand it that the proposition is to take it to the Calendar, but it is that it shall go over and come up to-morrow.

Mr. HALE. Let the Senator from New York withdraw his report and then he can make it to-morrow morning.

Mr. PLATT of New York. I will withdraw the report.

The PRESIDENT pro tempore. The Senator from New York asks leave to withdraw the report. The Chair hears no objection, and the report is withdrawn.

NEBRASKA SENATORIAL INVESTIGATION.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HOAR on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the expenses to be incurred by the special committee appointed to investigate and report to the Senate all the facts connected with the appointment of Jacob Fisher as postmaster at Hastings, Nebr., and the leasing of the building used at this time for a post-office in that city, and particularly to investigate and report as to the action of CHARLES H. DIETRICH, a Senator from Nebraska, in connection with such appointment and leasing, be paid from the contingent fund of the Senate upon vouchers signed by the chairman of said committee.

COMPILATION OF TREATIES IN FORCE.

Mr. CULLOM. From the Committee on Foreign Relations I report a resolution which I ask may be considered at this time.

The resolution was read, as follows:

Resolved, That a revised edition of the Compilation of Treaties in Force be prepared under the direction of the Committee on Foreign Relations and that there be inserted in said revised edition all treaties proclaimed and in force at the end of the present session, and that there shall be printed 1,500 copies of said revised edition, 1,000 for the use of the House of Representatives and 500 for the use of the Senate.

The PRESIDENT pro tempore. Did the Senator from Illinois intend this as a Senate resolution only?

Mr. CULLOM. I suppose it is not necessary to make it a concurrent resolution.

The PRESIDENT pro tempore. It provides for the printing of a certain number of copies for the use of the House as well as the Senate.

Mr. CULLOM. It would have to be a joint resolution, I suppose, in that case.

Mr. COCKRELL. Or a concurrent resolution.

The PRESIDENT pro tempore. Or a concurrent resolution. The Chair thinks that it should be referred to the Committee on Printing.

Mr. CULLOM. I ask that it be referred to the Committee on Printing.

Mr. BACON. I suggest that before the reference is made it be converted into a concurrent resolution.

Mr. CULLOM. I am not inclined to do that, because of the difficulty in getting action upon it in that form. I ask that the resolution be referred to the Committee on Printing.

Mr. BACON. The publication ought to be confined to the use of the Senate if it is to remain a simple Senate resolution.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Printing.

PRINTING OF REPORT ON ALASKA.

Mr. PATTERSON. I am directed by the Committee on Territories to ask unanimous consent to have printed as a Senate docu-

ment the Report of the Operations of the United States Revenue Steamer *Nunivak* on the Yukon River Station, Alaska, 1899 and 1901.

I will state to the Senate that it is a very important work. It gives a vast amount of valuable information touching the interior of Alaska of which the Senate and the House should be in possession. About 500 copies were printed for the use of the Treasury Department, but the edition is exhausted. We desire to have it reprinted as a Senate document, including the plates. The plates, of course, are in the possession of the printing department.

The PRESIDENT pro tempore. The Senator from Colorado asks that the Report of the Operations of the United States Revenue Steamer *Nunivak* may be printed as a Senate document. Is there objection? The Chair hears none, and the order is made. Are there illustrations?

Mr. PATTERSON. There are.

The PRESIDENT pro tempore. Then the printing should include maps and illustrations.

Mr. PATTERSON. That is the desire of the committee.

There being no objection, the order was reduced to writing, and agreed to, as follows:

Ordered, That the Report of the Cperations of the United States Revenue Steamer *Nunivak* on the Yukon River Station, Alaska, 1899-1901, together with the maps and illustrations, be printed as a document.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 4265) for the relief of Fred McDonald; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4266) for the relief of Charles M. Peirce; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4267) to grade the consular service; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. CULLOM introduced a bill (S. 4268) granting a pension to Edward Prince; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 4269) for the relief of William E. Murray; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4270) revising and amending the laws in force in the Indian Territory relating to the organization and jurisdiction of the United States court, the establishment of a court of appeals, and putting in force in said Territory certain laws of the United States and of the State of Arkansas; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SCOTT introduced a bill (S. 4271) granting an increase of pension to Mell Moore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 4272) granting a pension to Hannah Raike; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 4273) granting an increase of pension to Frazee A. Campbell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 4274) granting an increase of pension to Richard H. Black; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4275) granting a pension to Nancy Noxon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4276) for the relief of the estate of Charles L. Perkins; which was read twice by its title, and referred to the Committee on Claims.

Mr. ANKENY introduced a bill (S. 4277) for the relief of John M. Hill; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 4278) to provide for the erection of a public building at the city of Yonkers, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4279) for the relief of George Sewell, chief engineer, United States Navy, retired; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. WARREN introduced a bill (S. 4280) providing for medals of honor; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LONG introduced a bill (S. 4281) granting a pension to Frankie Fisher; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. BURTON) introduced a bill (S. 4282) for the relief of Frederick M. George; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (for Mr. BURTON) introduced a bill (S. 4283) for the improvement of that portion of Oakwood Cemetery, at Parsons, Kans., which is owned by Antietam Post, No. 64, Grand Army of the Republic; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 4284) granting an increase of pension to Rebecca Hankins; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of Rebecca Hankins, 93 years old, and the widow of Nimrod Hankins, private of Capt. Stephen Hunter's company of Tennessee militia, together with the affidavit of Dr. H. J. Rankin, petition of 8 citizens, certificate of Dr. A. W. Parish, letter of W. T. Baird indorsed by Thomas J. Dockery, and certificate of Mrs. Mary Chase. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 4285) granting an increase of pension to John H. Shands; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of John H. Shands, 83 years old, together with the affidavits of Dr. N. F. Kelly and A. S. Harrison, and a petition of citizens. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. McCREARY introduced a bill (S. 4286) granting an increase of pension to Charles M. Carey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4287) granting a pension to J. W. Poor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 4288) for the relief of Andrew H. Plemmons; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4289) granting an increase of pension to William Flinn; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4290) for the relief of the Seamen's Friend Society, of Wilmington, N. C.;

A bill (S. 4291) for the relief of the trustees of the Diocese of East Carolina;

A bill (S. 4292) for the relief of the estate of Rayford Brewington, deceased;

A bill (S. 4293) for the relief of the heirs of Cicero M. Davis;

A bill (S. 4294) for the relief of the heirs of C. H. Foy;

A bill (S. 4295) for the relief of C. G. Perkins;

A bill (S. 4296) for the relief of the widow of R. D. Hay;

A bill (S. 4297) for the relief of James W. Adams and of the estate of Solomon N. Adams;

A bill (S. 4298) for the relief of John I. Rowland;

A bill (S. 4299) for the relief of the estate of Samuel T. Carrow, deceased;

A bill (S. 4300) for the relief of John Wilson;

A bill (S. 4301) for the relief of Sidney T. Dupuy and George R. Dupuy, the only surviving heirs of George R. Dupuy, deceased;

A bill (S. 4302) for the relief of Homer W. Styron;

A bill (S. 4303) for the relief of the estate of William C. Lewis;

A bill (S. 4304) for the relief of the heirs and distributees of H. W. Hargrove; and

A bill (S. 4305) for the relief of John Burke Morris.

Mr. HOAR introduced a bill (S. 4306) relating to the competency of witnesses in the United States courts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McENERY introduced a bill (S. 4307) for the relief of the estate of Archibald D. Palmer, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 4308) granting an increase of pension to Mary E. Pillow; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4309) for the relief of William E. Anderson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4310) for the relief of the estate of Hugh Davis, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 4311) to amend section 1044 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO BILLS.

Mr. PROCTOR submitted an amendment proposing to appropriate $70,000 for the purchase of current literature for army

posts, intended to be proposed by him to the army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to appropriate $2,000,000 for the acquisition of a site for a post-office building in the city of New York, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. ANKENY submitted an amendment intended to be proposed by him to the bill (S. 1375) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892;" which were referred to the Committee on Pensions, and ordered to be printed.

Mr. HOAR submitted an amendment proposing to appropriate $5,000 to pay Robert Brent Mosher for the exclusive right, title, and interest in and to the copyright and plates of the book entitled "Executive Register of the United States, 1789–1902," intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to appropriate $500,000, or so much thereof as may be necessary, for the acquisition of square No. 324 in the city of Washington, D. C., as a site for an addition to the post-office building, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. KEAN submitted an amendment proposing to appropriate $20,000 to pay Capt. Ormond M. Lissak, Ordnance Department, United States Army, as a reward for certain labor devices now in use for the Frankford Arsenal, Philadelphia, Pa., intended to be proposed by him to the army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

WILMINGTON (DEL.) HARBOR IMPROVEMENT.

Mr. BALL submitted the following concurrent resolution; which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the Wilmington Harbor, Delaware (including the Christiana and Brandywine rivers), with the view to their improvement and to insure the permanency of the channel in the Christiana River to the depth of at least 21 feet.

LONG ISLAND (NEW YORK) IMPROVEMENT.

Mr. DEPEW submitted the following concurrent resolution; which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made and estimates to be submitted of the cost of dredging Lloyds Harbor to a depth of 12 feet and otherwise improving the channel between Huntington Bay and Cold Spring Harbor, Long Island, New York, so as to meet the demands of commerce.

RELATIONS WITH COLOMBIA.

Mr. McCUMBER. I ask unanimous consent that the unfinished business be now laid before the Senate.

There being no objection, the Senate resumed the consideration of the resolution submitted by Mr. BACON on the 12th ultimo, as modified by him on the 8th instant, as follows:

Resolved, That the President be respectfully informed that the Senate favor and advise the negotiation, with a view to its ratification, of a treaty with the Republic of Colombia, to the end that there may be peacefully and satisfactorily determined and adjusted all differences between the United States and the Republic of Colombia, with the intent of removing any cause of irritation or conflict, and of restoring the cordial relations heretofore existing between the United States and Colombia, and also of securing the hearty cooperation of the Colombian people in the construction of the canal at Panama.

Mr. McCUMBER. Mr. President, at the opening of this discussion but two general points were considered by the Senate. The first was the attitude of the President of the United States in carrying out the provisions of the Spooner law. The second was the attitude of the President and the Administration in reference to affairs connected with the Panama insurrection.

Since that time the debate has broadened out to such an extent that it has taken into consideration many other things than those two cardinal propositions; and it might not be inappropriate to converge this argument back to the original two propositions, the only propositions that, it seems to me, are worthy of consideration at this time.

It seems to me, Mr. President, in the discussion so far, that too little stress has been laid upon the duty which was imposed upon the President of the United States under the Spooner Act to secure right of way across the Isthmus of Panama. That duty was imposed upon him as the agent of the United States. I am well aware that there was an alternative provision in that law that the President, if he was unable to secure the requisite concession from the Colombian Government, should then proceed to enter into negotiations for the Nicaraguan route. But I do not believe, Mr. President, that there were many Senators who voted for that provision with the understanding or expectation that it would ever be called into being. It was considered really as a kind of diplomatic hint to the Colombian Government that this Government was not entirely at its mercy; and I believe it was so considered by nearly every Senator upon this floor.

The discussion so far on the opposite side of the Chamber seems to have gone upon the assumption that if the Colombian Government, in the first instance, should have declined our overtures for a proper treaty, it was then the duty of the President of the United States, without any further effort, without any further consideration, to immediately abandon the project of a canal across the Isthmus of Panama and proceed at once to secure the requisite agreement with the Governments of Nicaragua and Costa Rica for a canal by the Nicaraguan route.

This, Mr. President, was not the spirit of that law. A duty was imposed upon the President of the United States—a duty which he could not abandon until he had exercised all of the diplomatic power of the Government to secure for the United States the particular route which the Congress of the United States had stated in their law they desired.

Mr. President, the whole question of the attitude and action of the President and the executive branches of the Government in reference to the treaty for a canal across the Isthmus of Panama, in reference to the law authorizing the President to enter into negotiations for the Nicaragua route in the event of his failure to secure the requisite authority from Colombia, and of his duty in reference to the Panama revolution, when shorn of all verbiage, reduces itself to two simple propositions:

First. Has there been any time since the 28th day of June, 1902, the date of the Spooner law, up to the present time when the President of the United States could have properly abandoned his efforts to secure a treaty for the construction of the canal across the Isthmus of Panama and to have proceeded to enter into negotiations for the northern route?

Second. Has the President of the United States by any act since the threatened uprising in Panama up to the present time failed to follow the precepts of international law, to follow the precedents of American policy in reference to the South American Republics, or has he in any manner taken any step in reference to the revolutionary movement not dictated by sound judgment, by international justice, or by his patriotic duty to the American people?

Mr. President, all that has been done so far by the Administration has been given to the Senate and House of Representatives. Every act, every order, every direction given by the President of the United States or by any officers of the Administration has been laid before the Senate, and the President, in a special note to this House, has declared absolutely that this Government has not taken any step or done any act to instigate a revolution in Panama, nor has it taken any side whatever in the controversy. The President of the United States having made this statement, I do not believe that there is a Senator upon this floor who will gainsay its absolute verity. I believe all will concede that that statement is absolutely true.

This eliminates, therefore, from this discussion the proposition that the President of the United States or the Administration is responsible in any manner whatever for the uprising on the Isthmus of Panama or responsible for any acts which have been done in connection with the revolutionary movement.

The course of the Administration in reference to this matter has not been demonstrated by a single act or instruction, but by a series of acts and instructions covering a period from the time the duty was first imposed upon him by the Spooner Act up to the present time. And every act, every order, and every instruction given by the Administration must be considered together in their entirety to determine their propriety. And I would ask any Senator to lay his finger on that point in the history of the whole transaction where it became the duty of the President to abandon his efforts to secure what the American people had made it his duty to secure—the right of way across the Isthmus of Panama for a canal.

The matter intrusted to him was one of no small concern. It was one of the most colossal enterprises ever entered upon or ever intrusted to a nation or its ruler. It had never had its equal in the history of the world; it was to affect the commercial interests of this country in a measure beyond computation; it was to change and guide into new channels the ocean traffic of the whole world; it was, therefore, to affect all the people of all the nations of the world, and it was to affect them for all time; it was to affect our national defense beyond any and all acts that had ever been passed; it was to connect the two great oceans, to connect our Atlantic and our Pacific coast lines, which to-day are separated by

about 9,000 miles of sea around the entire South American continent. It was a matter which would involve the expenditure of probably half a billion dollars before the canal would be complete and ready for the world's traffic.

The American people had spoken, Mr. President, for that particular route; they had spoken not in unmeaning terms of their choice. There were grave and potent national reasons for this particular route, reasons that affect the safety of the canal itself and the safety of vessels passing through it. Why this route was regarded as preeminently the proper one was considered fully on this floor. Those reasons were discussed by Members of Congress and by the press of the country. They were reasons which had the convincing power to change previous opinions as to location. Chief among those reasons was, first, a canal that could in time be made a sea-level canal, and, second, a canal that could be traversed in the shortest possible time by our war vessels. When the President of the United States acted upon the trust committed to him, he knew these conditions, he knew the importance of this particular location, and he knew that he was expected to secure the route selected by the American Congress. We said to him, "Secure the Panama route as our coast line." That was what he set about doing, and so long as any reasonable hope was held out to him it would have been a recreant act on his part to have turned to the alternative provided in the law. Considering his acts in the light of that duty, I want to know at what period of time or on the occurrence of what event or act by the Colombian Congress he could have turned his attention to Ni aragua without inviting the criticism and even the condemnation of the people whose interest he was to subserve?

Let us take up in their order just a few of the leading incidents in the history of diplomatic efforts to carry out the provisions of the Spooner Act, remembering, Mr. President, that communication between this country and its representative at Bogota had been a matter of almost daily correspondence.

Acting upon the authority contained in this act, the President secured from the Bogota Government the proposed treaty which this Government was to acquiesce in. The treaty was submitted. It was hampered by many conditions obnoxious to the country, but these conditions were not allowed to weigh as against the necessity of this particular route. In other words, we were willing to accept them rather than to have more favorable conditions attached to a less favorable location. This treaty was finally accepted by the American people and returned for the concurrence of the Colombian legislature. What has taken place since that time is fresh in the mind of every public man, and yet it seems to me that it will not be amiss at this time to recall a few of the most important acts, orders, and correspondence which passed between the executive branches of our Government and our representatives at Bogota and Panama. I have selected a number of them which I shall read, so as to show their continuity and the continued hope which was held out to the President that there was no necessity at any time to abandon this enterprise.

On the 9th day of July Mr. Beaupré sent the following message to Secretary Hay:

[Confidential.]

—— has requested me to say to you he does not think the treaty can be ratified without two amendments: To article 1, stipulating payment ten millions by the canal company for the right to transfer; to article 25, increasing payment to fifteen millions, and says that treaty can be ratified at once with these amendments. He asks your views confidentially.

On the 13th day of July Secretary Hay responded to this request, as follows:

Hay to Beaupré.

JULY 13.

Neither of the proposed amendments mentioned in your telegram received to-day would stand any chance of acceptance by the Senate of the United States, while any amendment whatever, or any unnecessary delay in the ratification of the treaty would greatly imperil its consummation.

Certainly at this time the President could not have abandoned the enterprise for a canal across the Isthmus of Panama.

On the 12th of August Mr. Beaupré sent the following message:

Beaupré to Hay.

AUGUST 12. (Received 15th.)

The treaty was rejected by the Senate to-day in its entirety. Confidential. Do not accept this as final. There is still some hope. Wait for further advices.

Certainly this would have been an inopportune moment for the President of the United States to have abandoned his efforts to secure a canal across the Isthmus of Panama.

Again, on August 12, the following messages were sent:

Beaupré to Hay.

AUGUST 12. (Received 23d.)

The most important speech made was that of General Ospina. It was to the effect that while desiring canal he could not give his vote for the ratification of the treaty because the terms were contrary to the provisions of the constitution. He implied that to bring negotiations to a conclusion the constitution should be modified so as to allow negotiations to be brought to a successful conclusion without prejudice to the honor of the country. * * * He intimated that the Congress should be immediately dismissed by a decree for the purpose of modifying the constitution. Upon that a new law will be passed authorizing the executive without further recourse to Congress to conclude a canal treaty with the United States.

Beaupré to Hay.

AUGUST 12.

—— called to inform me that this day's action of Congress was in accordance with plans perfected by the Government and influential senators and citizens in the belief that the treaty could not now be passed without amendments, but within a very short time such a reaction public sentiment can be created as will enable the President to present the treaty and secure its passage without amendments.

Here, Mr. President, was the hope again held out to the American people that the particular route which we had selected could be secured.

Passing now to August 15, we have another message from Mr. Beaupré to Mr. Hay:

Beaupré to Hay.

AUGUST 15.

I have the honor to report that the most intensely critical period for the canal treaty seems to have passed; that now there is some hope for a satisfactory conclusion. Since the rejection of the treaty on the 12th instant there has been an almost hysterical condition of alarm and uncertainty in Bogota as to future action of the United States. * * * When finally large posters were put up all over the city announcing that because of a desire to maintain the most cordial relations with the United States a joint committee would be appointed by Congress to confer as to the way and means of an agreement for the construction of a canal, I am certain that there was a genuine feeling of relief.

When action was taken on the 12th instant no one in authority believed that it was final.

General Ospina, chairman of the new committee, stated to a friend of mine yesterday that the main objections to the treaty rested upon lawful and constitutional grounds; that the treaty was not unconstitutional, but contrary to law 2 of 1836 and law 153 of 1887; that the committee could recommend the annulment of these laws, which, if done, would permit the ratification of the treaty with some trivial amendment intended to soothe the apparent inconsistency of the two votes.

The feasible scheme, however, and the one most generally talked of as being likely to be adopted is to frame a law authorizing the Executive to continue and finish the negotiations for a canal without further recourse to Congress.

Beaupré to Hay.

AUGUST 17. (Received 25th.)

The President informs me that Congress will pass law authorizing him to continue and finish negotiations for canal, but what conditions will be specified he can not state at the present moment.

Twelve days later, on the 29th of August, Mr. Beaupré sent the following message to Secretary Hay:

Hay to Beaupré.

AUGUST 29.

The President is bound by the isthmian-canal statutes, commonly called the "Spooner law." By its provisions he is given a reasonable time to arrange a satisfactory treaty with Colombia. When, in his judgment, the reasonable time has expired, and he has not been able to make a satisfactory arrangement as to the Panama route, he will then proceed to carry into effect the alternative of the statute. Meantime the President will enter into no engagement restraining his freedom of action under the statute.

Up to this time, Mr. President, there was no interim in which the President of the United States could have said that the time was now opportune for him to reject further consideration of a treaty for an isthmian canal across the Isthmus of Panama.

On September 5 Mr. Beaupré sent the following message to Secretary Hay:

Beaupré to Hay.

SEPTEMBER 5. (Received 11th.)

Have received telegram 29th. The committee have reported a law which approves the rejection of the treaty and authorizes the President to conclude treaties with Panama for canal.

Then follows requirement for annual payment of $250,000, transfer of property to Colombia in 1967, canal company permitted to transfer on payment to Colombia of ten millions.

Lease of zone for one hundred years, not including Panama or Colon; annual rental $150,000 until 1967; lease renewing every hundred years, on payment of 25 per cent increase. Colombia to receive from contracting government twenty millions on ratification of treaty.

On the 11th of September the following message passed between them:

Beaupré to Hay.

SEPTEMBER 11.

I have the honor to report that events of interest have taken place in connection with the appointment of Senator Obaldia to the post of governor of the Department of Panama. Senator Obaldia's separatist tendencies are well known, and he is reported to have said that should the canal treaty not pass the Department of Panama would declare its independence and would be right in doing so.

This was the first intimation, Mr. President, we had of the probability that there would be a revolution at that time, and yet no word of encouragement passed from the executive department, the Department of State simply attempting right along to secure this coveted treaty for the Panama Canal.

On the 30th of September Mr. Beaupré sent to Secretary Hay the following message:

Beaupré to Hay.

SEPTEMBER 30.

Senator Rivas said that by simply rejecting this proposed law and adding no further legislation the Government would be left at full liberty to negotiate without restriction such terms as could be obtained and would be honorable and just to the contracting parties. He felt confident that this plan would be accepted by the Senate and confirmed by the Chamber of Representatives.

If the Senate takes this step, and there seems to be a reasonable probability that it will, the canal matter will stand just as it did the day after its rejection on August 12, or, in fact, as it did before the treaty was signed in Washington on January 22, 1903.

Passing now to the 17th of October, Mr. Beaupré sent the following message to Secretary Hay:

Beaupré to Hay.

OCTOBER 17. (Received 19.)

Have received information confidentially that there was a meeting of the cabinet yesterday to discuss the question of renewing canal negotiations with the United States and that the adjournment of Congress will be followed by the mission of a special envoy to Washington for that purpose. The President's message dissolving Congress will be delivered probably before the 30th instant.

When we had been notified by the Colombian Government that, notwithstanding the rejection of this treaty, they would immediately send a special envoy to Washington for the purpose of renewing negotiations, I submit that the President of the United States, under the duty imposed upon him by the Spooner Act, could not, without being recreant to that duty, have at that time refused to consider further overtures on the part of the Colombian Government.

Beaupré to Hay.

OCTOBER 21.

I have the honor to inform you that there is no disguising the alarm existing as to the possible action of the Government of the United States should the feeling of dissatisfaction undoubtedly existing in the Department of Panama find expression in overt acts. The alarm took the form of a heated debate in the Senate yesterday, when the Government was again attacked for the appointment of Senator Obaldia as governor of Panama. The reply elicited from the minister for foreign affairs was rather significant. He read an extract from the treaty of 1846, in which the United States guaranteed Colombian sovereignty on the Isthmus, and assured the Senate that in case of an insurrection in the Department of Panama the United States would be bound to support the Government. * * *

The situation is disturbing, and now a further delay is quite apparently for the purpose of awaiting the action of President Roosevelt in his message to the special session of our Congress, which is to meet, it is understood here, on the 9th proximo, and the attitude of that Congress upon receiving the President's message.

Beaupré to Hay.

OCTOBER 23. (Received 24th.)

The report of the committee not yet discussed. It appears to me the Congress is playing a waiting game, evidently with the object of ascertaining the attitude of the President of the United States in message to the extra session of Congress and of that body. It is said that Congress will not adjourn until the 14th proximo. The minister of foreign affairs gives me private information that at the next meeting the cabinet will again discuss the canal question, it being proposed to send an envoy extraordinary and minister plenipotentiary and also a commission of three prominent men to Washington to renew negotiations.

Beaupré to Hay.

OCTOBER 31. (Received November 6.)

Congress adjourned to-day. No action has been taken upon the last report concerning the canal. Therefore nothing more than the vote of August 12 rejecting the treaty was done. The people here have great anxiety over conflicting report of secession movements in the Cauca and Panama.

Come down now to the 1st day of November, 1903. It will be recalled that this was ten days after the call for the extra session of Congress. At this time the following message from Mr. Beaupré to Secretary Hay was received:

Beaupré to Hay.

NOVEMBER 1. (Received November 3.)

With regard to canal (Government) states that Colombian chargé d'affaires has been instructed to inform the Government of the United States that the Colombian Government would consider new negotiations, which it is believed would be accepted by the next session of Congress. Therefore, if the Government of the United States still desires to open a canal, which it is presumed that it does, as neither by act nor word has it shown other intention, it is to be hoped that the great work will be carried out in the end through Colombian territory.

Considering, Mr. President, that at this time the special session of Congress had already been called, and at this time the Colombian Government itself, for reasons which it may have considered valid, still desired further consideration, I want to ask any Senator if he can conscientiously say that, under the Spooner Act, the President of the United States could even at this time have abandoned his efforts and rejected the overtures on the part of the Colombian Government to carry that law into effect?

On the 6th day of November Mr. Beaupré sent to Secretary Hay the following message:

Beaupré to Hay.

NOVEMBER 6. (Received 8th.)

Knowing that the revolution has already commenced in Panama, —— says that if Government of the United States will land troops to preserve the Colombian sovereignty and the transit, if requested by the Colombian chargé d'affaires, this Government will declare martial law, and by virtue of vested constitutional authority when public order is restored, will approve by decree the ratification of the canal treaty as signed; or, if the Government of the United States prefers, will call extra session of Congress with new and friendly members next May to approve the treaty.

As to construction of our duty as to Colombian sovereignty, see letter, Seward to Burton, Document No. 51, page 99, as follows:

I read this message at this time, Mr. President, because I shall comment upon it a little further on in my address.

I wish now to consider for a few moments some of the messages which passed between the Department of State and our representatives at Colon and at Panama. We have now reached a point up to November 4, 1903. This is a message from Acting Secretary Loomis to Mr. Ehrman:

Loomis to Ehrman.

NOVEMBER 4.

Communicate with commander of gunboat, Bogota, and state plainly that this Government, being responsible for maintaining peace and keeping transit open across the Isthmus, desires him to refrain from wantonly shelling the city. We shall have a naval force in two days and are now ordering men from the *Nashville* to Panama in the interests of peace.

Is there anything in this early message, Mr. President, to indicate the intention upon the part of the Government of the United States or the Administration in any way to prevent the Colombian Government from putting down the attempted rebellion in Panama? It is simply a declaration that we shall protect the transit under our treaty. Mr. Ehrman, on the 5th day of November, sends back the following message:

Ehrman to Hay.

NOVEMBER 5.

Colombian troops reembarked per Royal Mail for Cartagena. Bogota supposed at Buenaventura. Quiet prevails.

On the 6th day of November there was not, I believe, a single Colombian soldier upon the Isthmus of Panama. On that day the following message was sent from Mr. Ehrman to Secretary Hay:

Ehrman to Hay.

NOVEMBER 6.

The situation is peaceful. Isthmian movement has obtained so far success. Colon and interior provinces have enthusiastically joined independence. Not any Colombian soldiers known on isthmian soil at present. Pagella equipped to pursue Bogota. Bunau-Varilla has been appointed officially confidential agent of the Republic of Panama at Washington.

What message up to this time, up to the very time in which there was not a single Colombian soldier left upon the Isthmus of Panama, would lead any man to believe that it was the intention of this Government to interfere in the conflict between the Province of Panama and the Colombian Government?

On the 6th day of November we have the following message from Secretary Hay to Mr. Ehrman:

Hay to Ehrman.

NOVEMBER 6.

The people of Panama have by apparently unanimous movement dissolved their political connection with the Republic of Colombia and resumed their independence. When you are satisfied that a de facto government, republican in form and without substantial opposition from its own people, has been established in the State of Panama, you will enter into relations with it as the responsible government of the territory and look to it for all due action to protect the persons and property of the citizens of the United States and to keep open the isthmian transit in accordance with the obligations of existing treaties governing the relation of the United States to that territory.

There is the first message that was sent at the time it is stated we acknowledged the independence of Panama. Is there anything in that instruction which is contrary to the precepts of international law? Secretary Hay says:

When you are satisfied that a de facto government, republican in form and without substantial opposition from its own people, has been established in the State of Panama, you will enter into relations with it.

Is that not in accordance with international law? Is not that the rule which is followed by every great nation in the world? What else could the Secretary of State have done at that time? There was no attempt at interference, there was nothing to signify that our representative should be hasty, but that he should wait until there was an absolute government there and no substantial opposition to it anywhere. That condition prevailed, Mr. President, when we acknowledged the independence of Panama.

Let us consider the conditions at the other end of the route across the Isthmus:

Malmros to Hay.

NOVEMBER 3.

Revolution imminent. Government forces on the Isthmus about 500 men. Their official promised to support revolution. Fire department, Panama, 441, are well organized and favor revolution. Government vessel *Cartagena*, with about 400 men, arrived early to-day with new commander in chief, Tobar. Was not expected until November 10. Tobar's arrival is not probable to stop revolution.

Malmros to Hay.

NOVEMBER 3.

Troops from vessel *Cartagena* have disembarked; are encamping on Pacific dock, awaiting orders to proceed to Panama from commander in chief, who went there this morning. No message for *Nashville* received.

On the 4th day of November, from the same city, we have the following:

Malmros to Hay.

NOVEMBER 4.

Revolutionary committee of six in Panama at 6 p. m. took charge of revolutionary movement. General Tobar and five officers taken prisoners. Panama in possession of committee with consent of entire population. This fact appears not known as yet to conservatives in Colon. Panama committee expect to have 1,500 armed men by this time.

On the next day we find the following message from Malmros to Hay:

Malmros to Hay.

NOVEMBER 5.

All Colombian soldiers at Colon now, 7 p. m., going on board Royal Mail steamer returning to Cartagena. Vessel supposed to be *Dixie* in sight.

I will quote but one more of these messages, and this is from the Navy Department, sent on the 3d day of November to the *Nashville*, at Colon:

NAVY DEPARTMENT, *November 3.*

NASHVILLE, *Colon:*

In the interest of peace make every effort to prevent Government troops at Colon from proceeding to Panama. The transit of the Isthmus must be kept open and order maintained. Acknowledge.

DARLING, *Acting.*

Mr. President, on the 6th day of November there was not a single Colombian soldier on the Isthmus of Panama; there was not a single Colombian soldier, so far as we know, on his way at that time; every one had surrendered to the Panama authorities, and there was no objection to the revolution anywhere upon the Isthmus. The people rose as one individual and supported the revolution. They set up a government of their own. What could the Government of the United States have done but to recognize it as a de facto government? What other government was there that could have been recognized to protect our interests and to protect our treaty rights at that place?

The President knew, Mr. President, as everyone then knew, that if the treaty was repudiated by the Colombian Government the Province of Panama would probably revolt and set up an independent government, and would then offer us the right of way across the Isthmus.

Now, if that is true, and all the records show that it is true, is it not another very strong reason why the President should have awaited the probable outcome of this proposed and intended revolution? Is it not a reason why he should defer opening negotiations with Nicaragua, bearing in mind at all times that it was his first, his primary duty to secure this route, if it could be secured, not necessarily from the parties that then controlled the Colombian Government, but from any party or any authority representing that Government or representing the district across which the canal was proposed to be built?

Very extended argument has been made here, Mr. President, upon the proposition that the Government of Colombia was not in any way in duty bound to grant us the right of way across the Isthmus of Panama. I can not agree with that proposition. I take the position that under the treaty of 1846 we not only had the right to guarantee the neutrality of any means or method of crossing the Isthmus of Panama, but at that time we had in connection with it an implied grant that upon reasonable considerations we might build a canal across the Isthmus.

I wish to call attention to just one portion of the treaty of 1846 with New Granada. Under article 35 we find the following:

The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States and for the transportation of any articles of produce, manufactures, or merchandise, of lawful commerce belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is under like circumstances levied upon and collected from the Granadian citizens.

There is clearly implied in this a grant of a right of way across the Isthmus for the purpose of building a canal. It may not be as clear as might possibly be expected, but inasmuch as we may say there is a latent ambiguity there, then we have a right to go to the surrounding circumstances to determine what was the real meaning of the parties to the contract in these provisions. That is shown in the message of the President of the United States of February 15, 1847, to Congress. In the message transmitting this very treaty he states:

It will be perceived by the thirty-fifth article of this treaty that New Granada proposes to guarantee to the Government and citizens of the United States the right of passage across the Isthmus of Panama, over the natural roads, and over any canal or railroad which may be constructed to unite the two seas, on condition that the United States shall make a similar guaranty to New Granada of the neutrality of this portion of her territory and her sovereignty over the same.

What is the consideration that is expressed by the President of the United States? It is simply that in consideration of this guaranty of neutrality and the guaranty of the protection of the rights of Colombia as against any foreign country Colombia upon her part guarantees not only the neutrality of this zone, but in addition thereto she gave us the implied right to construct a canal across the Isthmus.

Again, the President states:

4. In entering into the mutual guaranties proposed by the 35th article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus.

If the United States, as the chief of the American nations, should first become a party to this guaranty, it can not be doubted—indeed, it is confidently expected by the Government of New Granada—that similar guaranties will be given to that Republic by Great Britain and France. Should the proposition thus tendered be rejected, we may deprive the United States of the just influence which its acceptance might secure to them and confer the glory and benefits of being first among the nations in concluding such an arrangement upon the Government either of Great Britain or France. That either of these Governments would embrace the offer can not well be doubted; because there does not appear to be any other effectual means of securing to all nations the advantages of this important passage but the guaranty of great commercial powers that the Isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

The President goes on to say:

Besides, such a guaranty is almost indispensable to the construction of a rail road or canal across the territory. Neither sovereign states nor individuals would expend their capital in the construction of these expensive works without some such security for their investments.

Mr. President, I have read these extracts from this message for the purpose of showing that it was the expectation and the intent in entering into this treaty that it would be followed during the life of the treaty with a canal across the Isthmus of Panama.

Mr. President, if the Colombian Government was so recreant to its own interest, so blind to its own duty, as to decline this most favorable treaty, which its own Government had submitted to this country for ratification, that its people rose and threw off its yoke, was it not the duty then of the President of the United States, acting on behalf of his people, charged with the duty of securing a strip of land across the Panama Isthmus, to wait, and if a government was established there which had some sense of right—and I might almost say decency, when I consider the dishonorable proposition submitted to this Government, of being a party to the robbery of the New Panama Canal Company—and should tender a proper treaty, to accept that treaty?

While I am not prepared to advocate the policy of international eminent domain to be followed by this Government under any circumstances that I know of, I can say that the great end to be gained, the colossal importance to this country of an easement over this little strip of land, the importance to 80,000,000 now living and to the hundreds of millions in a not remote future; when I consider the vast importance of the project as a matter of national defense; when I recall that we offered an exorbitant price for the right that ought in all conscience to have been gladly given; when I recall that our proposed act would equally benefit the people of Colombia and could not under any possible contingency be detrimental to their interest; when I recall the meager number, the mere handful, of people obstructing the progress of the whole world for no higher or more patriotic reason than that of levying a tribute, an exorbitant tribute, upon necessity; when I recall all these things, I want to say that if conditions had not reached the point where a rule of international eminent domain would have been reconcilable with a clear national conscience, they certainly were crowding close and very close to that line.

At least it must be said with absolute certainty that the conditions reached that point where executive diplomacy should be pressed to its full limit and seize upon any legitimate opportunity which would secure its beneficent object.

Mr. President, suppose the Egyptian government had refused under any reasonable circumstances and conditions to have allowed the Suez Canal to be cut across the Isthmus of Suez? Does anyone for a moment believe that the combined nations of Europe would not have compelled her under reasonable terms and conditions to have yielded this point? And does anyone believe that the public opinion of the world would not have justified such action, call it by what name you see fit?

But, Mr. President, it was not necessary in this case that we should go to that limit. Nothing approaching it even was exercised. All that was necessary was that when Panama did revolt, had set up a separate government, when she had at least a de facto government capable of acting for the people and to which the people yielded obedience, the President should recognize it as a government, and he was justified in recognizing it for the very purpose of securing this treaty if for no other purpose.

Mr. President, it is unnecessary under our Constitution to discuss the question whether the President or Congress has the power to acknowlege or recognize any government. It is enough to say that for good and sufficient reasons that power was by the Constitution of the United States conferred upon the President; and that power having been conferred upon him without let or hindrance, or even the advice of Congress, it was intended that his judgment, and his judgment alone, should determine whether a country had gained its independence and the conditions precedent which would authorize him in his own judgment to exercise the executive function of recognizing such a government as one of the nations of the world.

Was this not, in fact, such a government? Let us see. Was it less a government at the time it was recognized as such by the President than it is at the present time?

Is it not an independent self-government now? If not, what power is controlling the Isthmus of Panama? Was this authority impeded in any way or was there any imminent danger of the Province being subjugated by the Colombian Government on the

6th day of November, 1903? Were the people themselves supporting the revolutionary movement inaugurated by what you may call the leaders, if you see fit? Was any Colombian army then in Panama territory able to subjugate the Isthmus? On the 6th day of November there was not a Colombian soldier left in the Province.

But, Mr. President, it is stated that they have no legislature there; that they have none of the requisites of a government; that they have no courts or any system of protecting the rights of the people. I am not aware that this is true; I am not aware that the rights of these people are not safeguarded as much to-day as they ever have been in the history of that Province. I am willing to admit that no such form of republican government exists in that territory as exists in the United States. "Republican form of government" has a certain meaning in this country. It means the orderly election of officials by a people supreme in their authority and acting upon their own judgment. But if that were to be taken as a standard, there has never been a South American republic up to the present time. It is not for us and not for the Executive to scan too closely the methods by which any South American republic is to be governed and gauge them by an American standard. If the people are satisfied with the form of government, and if it is not a monarchial government—for I take it that this Government is in duty bound to discourage a monarchial system and to see that every country upon this side of the Atlantic Ocean which has thrown off monarchial forms of government shall remain a republic—it is the duty of this Government to recognize the power in control.

If, as a matter of fact, the action of the Executive was accentuated by the desire of securing a proper treaty that he so early acknowledged the de facto Government of Panama, he was certainly, in my opinion, and I believe in the opinion of the American people, justified in so doing.

We must remember, Mr. President, that the President was made our agent to secure that particular route. That was the primary object. He was to use the diplomacy of the Government of the United States for that particular object, and certainly he could not excuse himself until he had exhausted all the power of the Government, legitimately exercised, to secure this canal treaty. Had he done anything else, then instead of observing the Spooner law, he would have disobeyed it, beyond any possible question; and not only in spirit but the letter of that law.

In a matter of this kind, Mr. President, three or four days or a week is of little importance. The same kind of government that we recognized was within a half a month recognized by every great power of the Old World, and these powers, I believe, intend to act strictly upon international precedents and law.

These people set up an independent government, and almost coincident with that act they tendered us just what we had asked; they tendered us a strip of land over which we would have absolute control, equivalent to complete sovereignty, a treaty a hundredfold more favorable than that first submitted by the Colombian Government. Could the President now refuse? If he did so, what would be his position before the people? Would he be fulfilling the obligations of law imposing upon him the duty to secure this transit, or would he be violating the law?

Mr. President, the responsibility now lies with Congress. We can now say whether or not we will accept from Panama what was refused us by Colombia. The opportunity now presents itself for us to secure the canal which has been the hope and aspiration of the American people for more than half a century. What is the duty now of Congress, irrespective of party or partisan feeling?

Can any Senator who at heart favors an isthmian canal excuse himself from voting for this treaty on the ground that his judgment did not coincide with that of the President upon the advisability of acknowledging the Republic of Panama?

It is the judgment of the President which is to govern in that case, a coordinate branch of this Government. This condition is now presented to us here: There is a Republic of Panama. There is an independent Government there. That Government now presents to us a treaty, and I fail to see how any man can fall back on any excuse that the President's judgment was not well exercised in admitting a representative from Panama after she had gained her independence, after she had expelled from her territory every Colombian soldier.

The second proposition—and I will be brief on it—is this:

Has the President of the United States by any act, since the threatened uprising in Panama up to the present time, failed to follow the precepts of international law or precedents of American policy? It is freely admitted by both sides of this controversy that the President had full knowledge of the fact of the contemplated outbreak in the Province of Panama. There were grave reasons why an outbreak or revolution should be inaugurated. Such revolutions had been inaugurated or started before with much less provocation. It was morally certain that an uprising was about to occur and that the seat of hostilities would be in the vicinity of the transit, which we were expected and which we were in duty bound by our treaty to guard.

Now, Mr. President, having all of this knowledge, was it the duty of the President to take cognizance of that fact and be prepared to guard our property rights, our treaty obligations, and the rights of our citizens in case they were threatened, remembering that the country had acted before to protect such interest and such transit? Was it his duty to have American cruisers in the immediate vicinity?

No matter what view is taken as to the duty of Colombia to protect both the transit and the citizens, did the President do wrong in being prepared to defend either at a moment's notice? If he did, then every President for the last fifty years has committed the same offense. Suppose excesses had occurred there, would he have been held responsible? It would not have been necessary in a German port or a British port or a French port to have had armed cruisers awaiting their domestic broils. The history of these people shows that they are capable of protecting not only the lives of their citizens, but of foreigners also. This is not the condition in our South American Republics.

To-day we have an armed cruiser at Seoul, Korea. War is threatened in the Far East. Every great nation of the world having commercial interests over there, every great nation of the world whose citizens have been in business there and have interests to be protected, anticipating the inability of either Russia or Japan to protect these citizens and these rights, has sent over armed cruisers to the vicinity of this contemplated war. The President has done the same upon South American shores, not only to protect our own citizens, but to be prepared to carry out our treaty obligations. Up to this time, therefore, no charge can be brought against the Administration for its readiness and for the acts that it performed in connection with this uprising.

Mr. President, suppose we accept the proposition that the treaty with New Granada contained no provision which would authorize this Government to interfere with the attempt of Colombia to put down an insurrection, even when the center of that insurrection and the revolutionary forces were in the zone of transit which this Government sought to protect. Still there rises the question which I submit has not yet been answered: What step was taken by the President which ought not to have been taken under the circumstances? There can be no question but what the treaty did authorize this Government to determine for itself what contingencies would authorize it to act in the defense of that transit, and to protect it without being first called upon by the Colombian Government.

The main complaint, however, is lodged against the order given by the head of the Department to one of the commanders of the American vessel to prevent, if possible, the landing of Colombian troops within 50 miles of this transit, anticipating and believing that such landing would in effect obstruct free transit from ocean to ocean. This was not a direction given by the President of the United States to another country, but it was a secret dispatch sent, not by him, but by the head of a Department to the officer under him. And this dispatch, when taken in connection with all the other dispatches from the same Department, shows not an intent on the part of the Navy Department to interfere with the Government of Colombia in attempting to subdue the rebellion in its own territory, but taken in connection with all the other dispatches it shows clearly and only an intent to prevent such hostilities as might endanger the free transit.

Whatever view may be taken as to the expediency of this message, this fact appears: The Colombians did land; they were not prevented from landing; they were not kept a distance of 50 miles; they entered into the zone of transit, and armies of both sides were transferred upon the isthmian railway.

The prohibition in effect went no further than strong efforts on the part of the commanders of our vessels to prevent such acts of war as would endanger the peaceful transit over this line of railway. Four hundred soldiers were there, and without striking a blow they surrendered to a few insurgent policemen. The United States did not ask them to surrender, and it certainly could not compel them to fight.

Not only this, but Colombia herself called upon this country to maintain her sovereignty over that country. That act of itself indicated that she felt unable to protect the transit herself. If it was necessary for her to call upon this Government for aid to put down a Panama revolution, then I want to ask any man on earth if the condition had not arisen which would justify this country in taking the initiative to protect that transit? Colombia acknowledged that she could not protect it; she acknowledged that she could not put down the revolution within her borders.

Mr. President, no self-respecting nation on the face of the earth would ever call in the forces of a foreign country, ask them to land upon her soil and put down a revolution or a rebellion in one of her own provinces, unless she had reached that stage in which

she considered that she was unable to do it herself. You have to admit either that the Government of Colombia was not able to put down this rebellion or else that she is not a Government entitled to the respect of any civilized government in the world.

It has even been contended upon this floor that under this treaty the United States was bound to protect or maintain the sovereignty of Colombia over the Isthmus of Panama. I can not believe that any attorney will seriously contend for that proposition. In other words, if that proposition were to be accepted, in addition to what has been said against it here on the floor—and I shall not repeat those arguments—the United States would be authorized under that treaty to revoke or make a new constitution for the Colombian States, containing provisions which they thus far had refused to incorporate as a part of their constitution. The constitution, as I understand, under which Panama became a State of the Colombian Government, called at one time the "United States of Colombia," gave that State and every other State absolute authority to withdraw from the Union whenever they saw fit.

Therefore, if we took the initiative to hold Panama and make her continue a province of the Colombian Government, we would be violating the very constitution under which she was an integral part of that Government,

But it is claimed that the Panama Government could not stand for a moment except it had the moral support of the Government of the United States. Mr. President, she is entitled to our moral support, and if that is all that is necessary for her to make a stand I believe she has such a strong moral support throughout the entire United States that no power of Colombia could ever bring back that Province and make it a part of the Colombian Government.

It is said also that it could not exist unless it was backed by the armies and the Government of the United States. The facts do not justify this conclusion. Estimating the amount of money, as shown in some of the records here, that it required to effect the surrender of 400 Colombian soldiers and their officers to the insurgents, I would say that if they could raise $150,000 they could hold out indefinitely against the whole Colombian Government.

Now, Mr. President, I have reviewed to some extent the conditions which led up to the insurrection; I have referred to all the conditions and messages which bore upon the duty of the President under the Spooner Act, and I have failed entirely to find a point at which the President could have abandoned his efforts to secure the canal without absolutely avoiding the spirit as well as the absolute letter of that law. And I fail to see, Mr. President, after looking over all the corespondence, wherein the Administration could have done otherwise than it did in reference to the Panama revolution.

So we are brought face to face with a simple proposition: Will we carry out the wishes of the American people for a Panama Canal? There is no excuse which can possibly be urged in any manner that will meet this plain proposition. We are not going, and no other country in the world is ever going, to put Panama back into the Colombian jurisdiction and make her a part of that territory. So we have before us the proposition of a splendid treaty that has been secured a hundredfold better than anything we have ever had before. Now, what excuse can we give to the American people for not accepting this proposition so favorable to the Government, and one which this Government has been trying to secure for many long years?

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 9th instant approved and signed the act (S. 707) to amend an act entitled "An act providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes," approved April 26, 1890.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and twenty-five minutes spent in executive session the doors were reopened.

SERENUS KILBOURNE.

The bill (H. R. 8748) for the relief of Serenus Kilbourne was considered as in Committee of the Whole. It provides that Serenus Kilbourne, of Battery L, First United States Artillery, shall be held not to have deserted on July 31, 1865, but shall be held to have been discharged as of that date, and that the Secretary of War is authorized to issue to him an honorable discharge in accordance therewith.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. PAUL.

The bill (S. 1834) granting an increase of pension to John W. Paul was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Paul, late of Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ASHLEY C. RIGGS.

The bill (S. 2122) granting a pension to Ashley C. Riggs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ashley C. Riggs, late of Capt. James M. Morgan's company, Iowa Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. DAY.

The bill (H. R. 1316) granting an increase of pension to George W. Day was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Day, late of Company I, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. DOLLIVER. Mr. President, my impression is that this is a case in which the reduction ought not to be made.

Mr. McCUMBER. Shall the report be read?

Mr. DOLLIVER. I should like to have the report read. I have sent for it.

Mr. McCUMBER. I ask the Secretary to read the report.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. McCUMBER on the 1st instant, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1316) granting an increase of pension to George W. Day, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted and the passage of the bill is recommended, amended, however, by striking out the word "forty" in line 8 and inserting in lieu thereof the word "thirty," it being the policy of your committee not to recommend increase beyond that rate to any soldier pensioned under the act of June 27, 1890.

The House report is as follows:

"George W. Day, now 60 years of age, served as a private in Company I, Twelfth Wisconsin Infantry, from November 3, 1861, to July 16, 1865, when honorably discharged.

"He was captured at Rome, Ga., June 3, 1864, and reported at Benton Barracks Mo., April 26, 1865, having been paroled, and was under treatment in January, 1862, for rubeola.

"His claim to pension under the general law, filed in April, 1874, and based upon chronic diarrhea alleged to have been contracted while a prisoner of war, was admitted in 1881 at $2 per month from discharge, and was made to terminate December 23, 1879, upon the ground that the disability had ceased to exist, a certificate of medical examination of that date failing to reveal the existence of chronic diarrhea or any of its effects.

"Claims for restoration to the roll under the general law on account of this disability were rejected, the last one in May, 1898, upon the ground that a pensionable disability from chronic diarrhea had not existed since the soldier's name was dropped from the roll; and a claim for scurvy and results and disease of the liver was also rejected at the same time upon the ground that a disability from these causes had not existed since the filing of the claim.

"He is now pensioned under the act of June 27, 1890, at $12 per month for total inability to earn a support by manual labor by reason of rheumatism and paralysis.

"The soldier never filed a claim for pension under the general law on account of rheumatism, but stated in his claim under the act of June 27, 1890, that he contracted such rheumatism while in Cahaba Prison, Alabama, in March, 1865, owing to exposure by lying in the water, the Alabama River having overflown its banks, etc., and filed testimony in the Pension Bureau as to treatment for rheumatism since 1879.

"An affidavit of the beneficiary, filed in the Pension Bureau, sets forth that while in Cahaba prison he suffered from scurvy, chronic diarrhea, and rheumatism; that he had been subject to rheumatism ever since his discharge; that he had been confined to his bed for five months prior to December, 1892; that he was taken down with rheumatism and confined to his bed for three months, not being able to move either hands or feet, and had some one with him as an attendant all the time; that he is now, in December, 1902, unable to go around except by the use of crutches, has no power in his limbs, and is unable to undress himself or attend to calls of nature without assistance.

"There has also been filed the testimony of two comrades, who alleged that they were in Cahaba Prison with the beneficiary, who testified that upon his release from said prison the beneficiary was suffering from rheumatism and scurvy; and the evidence of neighbors and acquaintances that he had been suffering with rheumatism for years and also with scurvy; that since July, 1902, he had been suffering with that disability and paralysis, and had been helpless and confined to his bed; and medical testimony as to treatment for paralysis since July 23, 1902.

"The last medical examination in the case, made on March 4, 1903, upon which the beneficiary was granted a pension of $12 per month under the act of June 27, 1890, describes his physical condition as follows:

"'There is some swelling at the joint of the right knee. Has paralysis, the result of acute multiple neuritis. The affection is present in both hands; the loss of power accompanied by rigidity of the fingers with flexion of middle and ring finger, which are bent in upon palm. The grasp is feeble in both hands, and there is commencing atrophy of the small muscles. Buttons his clothes with difficulty and very slowly. Is about on crutches. There is impairment of coordination. The onset of the attack was gradual and accompanied by pain and helplessness.'

"Pension Bureau papers show that the beneficiary has no means of support aside from his pension except his homestead, worth about $1,200 and encumbered by $750.

"Medical and other testimony filed with your committee shows that the beneficiary is suffering from extensor paralysis affecting both lower and upper extremities; that his hands are so drawn out of shape from the effects of this disease that he is unable to dress or undress without assistance.

"A letter of the adjutant of the George H. Thomas Post, No. 23, Grand Army of the Republic, of Iowa, addressed to the Member who introduced this bill, and also filed with your committee, sets forth that the beneficiary's physical condition is of such a nature to justify Congressional relief; that although the post is opposed to private pension legislation, such legislation, however, was a necessity in his case, it being one of exceptional merit.

"In view of the testimony filed tending to show that the soldier contracted rheumatism while a prisoner of war, and taking into consideration that he requires the aid of a second person, that he rendered faithful service for nearly four years, and is destitute, an increase of his pension to $40 per month is justified.

"The passage of the bill is therefore recommended."

Mr. McCUMBER. I desire to say to the Senator from Iowa that in granting pensions where the soldier is totally disabled from performing any labor, is wholly unable to do anything himself and is in destitute circumstances, $30 is the maximum allowed by the Senate Committee on Pensions. That amount is only increased when the disability of the soldier is such that he requires the constant or nearly constant attendance of a third person to take care of him, and then an amount beyond the $30 is allowed sufficient to pay a reasonable compensation for the care that is given him.

In this case the record discloses simply that he has paralysis; that he gets around on crutches; that he needs some assistance in buttoning his clothes in dressing. The record does not disclose, as I read it, that he requires any further assistance. And following the rule which is applied in all cases, it seemed to your committee that we could not take this one case out of the general rule without doing injustice to many others who are similarly situated.

I hope the Senator from Iowa will see his way clear to coincide with this salutary rule on the part of the Senate committee.

Mr. DOLLIVER. Mr. President, I think the rule stated is a very salutary one, but in this case I am informed by resolutions of the Grand Army post that the situation of the claimant is that of entire helplessness; that his condition is one of total paralysis or practically so, and, in my opinion, he should come within the exception which has been so well stated by the Senator from North Dakota.

The medical examination of 1903, about a year ago, distinctly states that the onset of this attack of paralysis was gradual, accompanied by pain and helplessness. I am informed that the condition of the claimant now is one of total helplessness. It is a case which appeals very strongly to my sympathy, and I should think it would come within the exception.

Mr. McCUMBER. I suggest, if it be agreeable to the Senator from Iowa, that if he has further evidence in this case than that which was presented to the committee, as we adopted simply the House report as to the conditions, we pass the bill over at the present time, and I shall be very glad to consider any further testimony which may be adduced.

Mr. DOLLIVER. That is entirely satisfactory to me.

The PRESIDENT pro tempore. The bill will be passed over.

GEORGE W. WETHERELL.

The bill (S. 727) granting a pension to George W. Wetherell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Wetherell, late of Company C, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George W. Wetherell."

DAN H. WALLACE.

The bill (S. 3362) granting an increase of pension to Daniel H. Wallace was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of" where it occurs the first time, to strike out the name "Daniel" and insert "Dan;" in line 7, after the word "Infantry," to insert "war with Spain;" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dan H. Wallace, late of Company H, First Regiment North Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Dan H. Wallace."

MARY S. CLARK.

The bill (S. 935) granting a pension to Mary S. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "first" and insert "second;" in line 8, after the word "pay," to strike out "him" and insert "her;" and in line 9, before the word "dollars," to strike out "seventeen" and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Clark, widow of William H. Clark, late second lieutenant Company G, Eighth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $15 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN MOORE.

The bill (H. R. 5367) granting an increase of pension to Franklin Moore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Moore, late major, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JONATHAN J. SMITH.

The bill (H. R. 8376) granting an increase of pension to Jonathan J. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan J. Smith, late of Company F, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

THOMAS SPRINGER.

The bill (H. R. 6342) granting an increase of pension to Thomas Springer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Springer, late of Company H, One hundred and fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS ADELSPERGER.

The bill (H. R. 165) granting an increase of pension to Thomas Adelsperger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Adelsperger, late first lieutenant and adjutant, Eighty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BLANCHARD.

The bill (H. R. 1906) granting an increase of pension to George W. Blanchard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Blanchard, late of Company G, Second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH HARDY.

The bill (H. R. 3272) granting an increase of pension to Elizabeth Hardy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Hardy, widow of David L. Hardy, late captain Company M, First Regiment Colorado Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADOLPH HEISER.

The bill (H. R. 5718) granting an increase of pension to Adolph Heiser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adolph Heiser, late of Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMETT COLE.

The bill (H. R. 198) granting an increase of pension to Emmett Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emmett Cole, late of Company F, Eighth Regiment Michigan Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES ANDERSON.

The bill (H. R. 2040) granting a pension to James Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Anderson, late of Company C, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WINTZ.

The bill (H. R. 2553) granting an increase of pension to George Wintz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Wintz, late of Company B, One hundred and Eighteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY WURTZ.

The bill (H. R. 4323) granting an increase of pension to Mary Wurtz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Wurtz, widow of Peter Wurtz, late of Company A, One hundred and twentieth Regiment Indiana Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAMILTON E. BURRITT.

The bill (H. R. 4276) granting an increase of pension to Hamilton E. Burritt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hamilton E. Burritt, late of Company I, Fifth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES F. EMERY.

The bill (H. R. 812) granting an increase of pension to Charles F. Emery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Emery, late captain and assistant quartermaster, United States Volunteers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL LANDY.

The bill (H. R. 195) granting a pension to Michael Landy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Landy, late landsman, United States Navy, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. SINES.

The bill (H. R. 660) granting an increase of pension to John S. Sines was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Sines, late of Company B, Fifth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID P. M'DONALD.

The bill (H. R. 4759) granting an increase of pension to David P. McDonald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David P. McDonald, late of Company B, Sixth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. HIBBERT.

The bill (H. R. 4915) granting an increase of pension to James W. Hibbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Hibbert, late of Company I, Fifty-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANSON HEFFRON.

The bill (H. R. 6028) granting an increase of pension to Anson Heffron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anson Heffron, late of Company A, Twenty-fourth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR CHAPMAN.

The bill (H. R. 689) granting an increase of pension to Edgar Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar Chapman, late of Company K, First Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. WALLACE.

The bill (H. R. 6442) granting an increase of pension to James P. Wallace was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Wallace, late of Company G, Forty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET A. COOK.

The bill (H. R. 1883) granting a pension to Harriet A. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet A. Cook, helpless and dependent daughter of Edward Cook, late of Company E, Thirty-third Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month.

Mr. McCUMBER. I have just received information by letter from the Representative who introduced this bill, stating that the

widow has remarried since the bill was reported, and hence she would not be entitled to a pension either under the rules of the Senate or under the general law. I therefore move that the bill be indefinitely postponed.

The motion was agreed to.

JOSEPH H. COOPER.

The bill (H. R. 6947) granting an increase of pension to Joseph H. Cooper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Cooper, late of Company I, Twenty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA LAFFERTY.

The bill (H. R. 8728) granting a pension to Matilda Lafferty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda Lafferty, widow of Edward Lafferty, late captain Company E, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTHEW WOODWORTH.

The bill (S. 1796) granting an increase of pension to Matthew Woodworth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthew Woodworth, late of Company H, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. MORGAN.

The bill (S. 1803) granting an increase of pension to John M. Morgan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Morgan, late of Company I, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSHUA HARLAN.

The bill (H. R. 5865) granting an increase of pension to Joshua Harlan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua Harlan, late of Company I, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN WATT.

The bill (H. R. 2809) granting an increase of pension to John Watt, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Watt, late of Company H, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM J. SHEPARD.

The bill (H. R. 4526) granting an increase of pension to William J. Shepard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Shepard, late of Company D, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES W. BLACK.

The bill (H. R. 1483) granting an increase of pension to James W. Black was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Black, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. HART.

The bill (H. R. 3411) granting an increase of pension to William J. Hart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Hart, late first lieutenant Company G, Tenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALPHEUS D. BROWN.

The bill (H. R. 6061) granting an increase of pension to Alpheus D. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alpheus D. Brown, late of Company D, Eleventh Regiment Illinois Volunteer Infantry, and Company G, Twenty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID WARENTZ.

The bill (H. R. 5883) granting an increase of pension to David Warentz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Warentz, late of Company B, Seventy-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SWEPSTON B. W. STEPHENS.

The bill (S. 3480) granting an increase of pension to Swepston B. W. Stephens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Swepston B. W. Stephens, late of Captain Winston Stephens's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MANLUFF W. REYNOLDS.

The bill (S. 3415) granting an increase of pension to Manluff W. Reynolds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Manluff W. Reynolds, late of Company K, Sixth Regiment, and Company G, Eleventh Regiment, New Jersey Volun-

teer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADOLPHUS N. PACETTY.

The bill (S. 2322) granting a pension to Adolphus N. Pacetty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adolphus N. Pacetty, late captain, Pacetty's boat company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADALINE SHAW LOVEJOY.

The bill (H. R. 5534) granting an increase of pension to Adaline Shaw Lovejoy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adaline Shaw Lovejoy, widow of John B. Lovejoy, late of Capt. John Jones's company, Georgia Volunteers, Cherokee Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIZA PHILLIPS.

The bill (H. R. 2822) granting an increase of pension to Louiza Phillips was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louiza Phillips, widow of William C. Phillips, late of Captain Boston's company, Alabama Volunteers, Creek Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. WHEELER.

The bill (H. R. 4946) granting a pension to James F. Wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Wheeler, late of Company K, First Regiment Texas Volunteer Rifles, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN O. RICE.

The bill (H. R. 7799) granting an increase of pension to John O. Rice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John O. Rice, late of Company I, Third Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW BLACK.

The bill (H. R. 7798) granting an increase of pension to Andrew Black was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Black, late of the U. S. S. *Pittsburg*, United States Navy, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINERVA J. BURTON.

The bill (H. R. 219) granting a pension to Minerva J. Burton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minerva J. Burton, widow of Thomas Burton, late of Company L, Fifth Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOLLIE J. MITCHELL.

The bill (H. R. 249) granting an increase of pension to Mollie J. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mollie J. Mitchell, widow of Richard P. Mitchell, late surgeon, First Regiment Tennessee Volunteer Light Artillery, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALEB ARNETT.

The bill (H. R. 4136) granting an increase of pension to Caleb Arnett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caleb Arnett, late of Company C, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES W. HOUSER.

The bill (S. 2359) to correct the military record of James W. Houser, was considered as in Committee of the Whole. It authorizes the Secretary of War to remove the charge of desertion from the military record of James W. Houser, late of Company E, Twelfth United States Infantry, and to grant him an honorable discharge from the military service of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL ROLLINS.

The bill (S. 1272) granting an increase of pension to Samuel Rollins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Rollins, late of Company F, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAOMI GREEN.

The bill (S. 2490) granting a pension to Naomi Green was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Naomi Green, helpless and dependent child of Horace S. Green, late of Company B, Third Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET H. HOWLETT.

The bill (S. 2278) granting an increase of pension to Harriet H. Howlett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventeen" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet H. Howlett, widow of Robert Howlett, late of Company E, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. HUGHES.

The bill (S. 1392) granting an increase of pension to Mary A. Hughes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Hughes, widow of Thomas F. Hughes, late captain, Sixteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRY HALLER.

The bill (H. R. 6582) granting an increase of pension to Harry Haller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harry Haller, late of Company H, Tenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MINNIE GUSLER.

The bill (H. R. 4045) granting a pension to Minnie Gusler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "Ohio," to insert "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minnie Gusler, helpless and dependent child of George Gusler, late of Company F, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN HAWKER.

The bill (H. R. 3521) granting an increase of pension to John Hawker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hawker, late chaplain Twenty-ninth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT E. POGUE.

The bill (H. R. 3172) granting an increase of pension to Robert E. Pogue was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert E. Pogue, late second lieutenant Company C, Second Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. CONNER.

The bill (H. R. 6020) granting an increase of pension to William P. Conner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William P. Conner, late of Company G, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERI SUMMY.

The bill (H. R. 561) granting an increase of pension to Eri Summy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eri Summy, late of the First Battery Wisconsin Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THERESA B. NASH.

The bill (H. R. 4625) granting a pension to Theresa B. Nash was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theresa B. Nash, widow of Warren C. Nash, late of Companies E and D, Nineteenth Regiment United States Infantry, and to pay her a pension of $8 per month, such pension to cease upon proof that the soldier is still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA A. MATHIAS.

The bill (H. R. 7515) granting a pension to Rebecca A. Mathias was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca A. Mathias, widow of John C. Mathias, late captain Company A, Sixty-fifth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M'DONALD.

The bill (H. R. 2201) granting an increase of pension to George McDonald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George McDonald, late of Company A, First Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JABEZ PERKINS.

The bill (H. R. 7374) granting an increase of pension to Jabez Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jabez Perkins, late surgeon, United States Volunteers, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE B. DAVIS.

The bill (H. R. 6065) granting an increase of pension to George B. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George B. Davis, late of Company F, Sixtieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA S. SMITH.

The bill (H. R. 8123) granting a pension to Eliza S. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza S. Smith, widow of Samuel B. Smith, late captain Company K, Ninety-third Regiment Ohio Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY WILFONG.

The bill (S. 1280) granting an increase of pension to Henry Wilfong was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Wilfong, late of Company F, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JERNINGHAM BOONE.

The bill (S. 3527) granting an increase of pension to Jerningham Boone was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerningham Boone, late surgeon, Thirteenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY V. CARSON.

The bill (S. 3267) granting an increase of pension to Mary V. Carson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary V. Carson, widow of John T. Carson, late of Company F, Third Regiment Potomac Home Brigade, Maryland Vol-

unteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW J. WILLIAMS.

The bill (S. 2043) granting an increase of pension to Andrew J. Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Williams, late of Company H, Eighth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. CHAMBERLAIN.

The bill (S. 3569) granting an increase of pension to John A. Chamberlain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Chamberlain, late of Company G, Fourth Regiment Maryland Volunteer Infantry, and Ninety-fifth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA LYON.

The bill (S. 2838) granting a pension to Louisa Lyon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "assistant," to insert "first;" and in line 8, before the word "and," to insert "Mississippi Marine Brigade United States Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Lyon, widow of Samuel Lyon, late first assistant engineer ram T. D. Horner, Mississippi Marine Brigade United States Volunteers, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BLANCHE L. CHUNN.

The bill (S. 1642) granting an increase of pension to Blanche L. Chunn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "late," to strike out "deceased;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Blanche L. Chunn, widow of Frederick Chunn, late assistant paymaster, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MALLIE GWYNN.

The bill (H. R. 2019) granting a pension to Mary Gwynn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Gwynn," to strike out "Mary" and insert "Mallie;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mallie Gwynn, widow of Jonathan Gwynn, late of Light Battery Mississippi Marine Brigade, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mallie Gwynn."

WILHELMINA MILLER.

The bill (H. R. 134) granting a pension to Wilhelmina Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilhelmina Miller, widow of Erhardt Miller, late of artillery company, Sixty-fifth Regiment New York Volunteer Militia, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. HEREFORD.

The bill (H. R. 5617) granting an increase of pension to William P. Hereford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William P. Hereford, late of Company A, Second Regiment United States Dragoons, Florida Indian war, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP SNOW.

The bill (H. R. 5818) granting an increase of pension to Philip Snow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Snow, late of Company F, Eleventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES P. CLARKE.

The bill (H. R. 3345) granting an increase of pension to Charles P. Clarke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles P. Clarke, late captain Company F, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. FILLER.

The bill (H. R. 5720) granting an increase of pension to William T. Filler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Filler, late of Company E, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE B. ABBOTT.

The bill (S. 3839) granting an increase of pension to George B. Abbott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Abbott, late of Company H, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. GALLINGER. Mr. President, I hope that the amendment will be disagreed to. This is a soldier who is almost totally blind, as well as having other disabilities of a very serious nature. A medical examination rated him at $42 per month. The report of the committee says:

Evidence of his physicians and neighbors shows that he is almost totally blind, and his general condition such that he is wholly incapacitated for manual labor or for earning a support.

Evidence accompanying the bill shows claimant to be financially poor and in need of relief. He has an invalid wife to support and has no means except his pension. It is very probable that his blindness is the result of his military service, and your committee are of opinion that his claim is a worthy one for action by Congress.

If it could have been completely established that his blindness was due to his military service he would be receiving $72 per month. That was impossible to establish, but there are such equities in this case, Mr. President, that it seems to me the bill ought not to be amended. I have noticed that we passed several bills of a somewhat similar nature to-day at $30 per month—some of them House bills—and in one or two cases the soldier was pensioned under the act of June 27, 1890, so that he did not have to prove any disability of service origin.

I know of this man, Mr. President; I know that he is in an extremely bad condition, and I trust the chairman of the committee will agree to have the amendment disagreed to.

Mr. McCUMBER. Inasmuch as I have not had an opportunity to look the matter over carefully, I ask the Senator to allow the amendment to be agreed to at the present time, and I will consider the matter.

Mr. GALLINGER. I prefer that it may be acted on now one way or the other.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY LUCETTA ARNOLD.

The bill (S. 360) granting an increase of pension to Mary Lucetta Arnold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Lucetta Arnold, widow of Isaac Arnold, jr., late lieutenant-colonel, Ordnance Department, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THERON T. LAMPHERE.

The bill (S. 1530) granting an increase of pension to Theron T. Lamphere was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theron T. Lamphere, late of Company E, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGIE S. BARBOUR.

The bill (H. R. 9029) granting a pension to Georgie S. Barbour was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Georgie S. Barbour, widow of Thomas S. Barbour, late of the ram *Dick Fulton*, Mississippi Marine Brigade, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY S. M'ALISTER.

The bill (H. R. 734) granting an increase of pension to Henry S. McAlister was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry S. McAlister, late of Company A, Sixth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES K. BLYE.

The bill (H. R. 727) granting an increase of pension to James K. Blye was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James K. Blye, late of Company A, Eleventh and Sixth Regiments New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY D. TOWSLEY.

The bill (H. R. 2111) granting an increase of pension to Henry D. Towsley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry D. Towsley, late of First Independent Battery Vermont Volunteer Light Artillery, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GUSTUS S. REMICK.

The bill (H. R. 8729) granting an increase of pension to Gustus S. Remick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gustus S. Remick, late of the First Battery Vermont Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. CRAIGUE.

The bill (H. R. 3337) granting an increase of pension to Mary A. Craigue was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Craigue, widow of William W. Craigue, late of Company D, Seventeenth Regiment Maine Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK CANNON.

The bill (H. R. 1859) granting an increase of pension to Patrick Cannon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Cannon, late of Company H, Fifth Regiment United States Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIETT B. RILEY.

The bill (H. R. 1855) granting a pension to Harriett B. Riley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriett B. Riley, widow of William E. Riley, late captain Company K, First Regiment Connecticut Volunteer Cavalry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE GARDNER.

The bill (H. R. 2016) granting an increase of pension to George Gardner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Gardner, late of Company A, Second Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DUDLEY R. W. WILLIAMS.

The bill (H. R. 2932) granting a pension to Dudley R. W. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dudley R. W. Williams, late of Captain Parker's company, Iowa Mounted Volunteers, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY HUFF.

The bill (H. R. 6352) granting a pension to Mary Huff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, after the word "dollars," to strike out "each;" and in line 9, after the word "account," to insert "of each;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Huff, widow of George W. Huff, late of the Eleventh Battery, United States Field Artillery, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of the said George W. Huff until they reach the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY E. MELDRUM.

The bill (H. R. 4457) granting an increase of pension to Mary E. Meldrum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Meldrum, widow of Albert R. Meldrum, late first lieutenant Companies I and E, Fifth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. LAWTON.

The bill (H. R. 754) granting a pension to John M. Lawton was considered as in Committee of the Whole. It proposes to place on

the pension roll the name of John M. Lawton, late of Company C, Third Regiment United States Volunteer Engineers, war with Spain, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THERESA NEBRICH.

The bill (H. R. 6994) granting an increase of pension to Theresa Nebrich was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theresa Nebrich, widow of Henry Nebrich, late musician, Twenty-first Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. JONES.

The bill (H. R. 2912) granting an increase of pension to Elizabeth A. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Jones, widow of James H. Jones, late of Captain Urquhart's company, Georgia Volunteers, Creek Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS S. HOWARD.

The bill (H. R. 2916) granting an increase of pension to Francis S. Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis S. Howard, late of Capt. John Loyal's independent company, Georgia Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS C. POND.

The bill (H. R. 4629) granting an increase of pension to Thomas C. Pond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas C. Pond, late of Company B, First Provisional Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM TURNER.

The bill (S. 3656) granting an increase of pension to William Turner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Turner, late of Company K, Second Regiment Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM CONOVER.

The bill (S. 2966) granting a pension to William Conover was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Conover, late of Company B, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CARLOTTA E. HOOPER.

The bill (S. 2221) granting a pension to Carlotta E. Hooper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to strike out the letter "C." and insert the name "Calvin;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carlotta E. Hooper, widow of Calvin L. Hooper, late captain, United States Revenue-Cutter Service, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY DORITY.

The bill (S. 2929) granting a pension to Henry Dority was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Dority, late Nineteenth unassigned company, Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VINCENT DE FRIETAS.

The bill (S. 294) granting a pension to Vincent de Frietas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Vincent de Frietas, late officers' steward, U. S. S. *Vincennes*, United States Navy, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. WHEELER.

The bill (H. R. 5299) granting an increase of pension to Sarah E. Wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Wheeler, widow of Elijah H. Wheeler, late of Company G, Forty-third Regiment Massachusetts Volunteer Infantry, Company G, Thirty-seventh Regiment, and first lieutenant Company I, Thirty-sixth Regiment United States Colored Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said Elijah H. Wheeler until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARVIN NASH.

The bill (H. R. 5531) granting an increase of pension to Marvin Nash was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marvin Nash, late of Company G, First Regiment Michigan Volunteer Mechanics and Engineers, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM C. NULL.

The bill (H. R. 6071) granting an increase of pension to Abraham C. Null was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham C. Null, late of Company G, One hundred and fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA LINDHORST.

The bill (H. R. 5528) granting a pension to Maria Lindhorst was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria Lindhorst, widow of George H. Lindhorst, late of Company I, Third Regiment United States Reserve Corps, Missouri Volunteer Infantry, and to pay her a pension of $8 per month, such pension to cease upon proof that the soldier is still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. PRATT.

The bill (H. R. 3435) granting an increase of pension to John M. Pratt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Pratt, late of Company N, Second Regiment Missouri Mounted Volunteer Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES R. HAUPTLY.

The bill (H. R. 5555) granting an increase of pension to James R. Hauptly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Hauptly, late of Company C, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RICHARD WILKS.

The bill (S. 3470) granting an increase of pension to Richard Wilks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Company," to strike out the words "Captain Jones's;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Wilks, late of Company K, Second Regiment Illinois Foot Volunteers, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY F. PENTZER.

The bill (S. 3405) granting an increase of pension to Mary F. Pentzer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Patrick H. Pentzer," to strike out "Captain;" and in line 7, before the word "Company," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Pentzer, widow of Patrick H. Pentzer, late captain Company C, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY P. HOWARD.

The bill (S. 3413) granting a pension to Henry P. Howard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry P. Howard, late Commissary Department, United States Army, war with Mexico, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID C. COLEMAN.

The bill (S. 2863) granting an increase of pension to David C. Coleman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Coleman, late of Company K, Fifth Regiment Indiana Volunteers, war with Mexico, and lieutenant-colonel Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES R. COLLINS.

The bill (S. 2200) granting an increase of pension to Charles R. Collins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles R. Collins, late of Company B, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE F. HARTER.

The bill (S. 1257) to remove the charge of desertion from the military record of George F. Harter was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end of the bill the following proviso:

Provided, That no pay, bounty, or allowance, or other emolument shall accrue by virtue of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of George F. Harter, late private of Company D, Seventeenth Regiment Indiana Volunteer Infantry, and to issue to said Harter an honorable discharge from said service, to be dated October 8, 1862: *Provided*, That no pay, bounty, or allowance, or other emolument shall accrue by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. POSEY.

The bill (S. 2817) to remove the charge of desertion against George W. Posey was considered as in Committee of the Whole. It authorizes the Secretary of War to remove the charge of desertion against George W. Posey, late a private in Company A, Twentieth Wisconsin Infantry Volunteers, and also a private in Company B, Thirty-fifth Wisconsin Infantry Volunteers, and to issue to him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY BARRETT.

The bill (H. R. 7355) granting an increase of pension to Henry Barrett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Barrett, late of Company I, Fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN PANGRATZ.

The bill (H. R. 1156) granting an increase of pension to John Pangratz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Pangratz, late of Company E, Sixteenth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. CUMMINGS.

The bill (H. R. 6588) granting an increase of pension to James H. Cummings was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Cummings, late of Company B, Eleventh Regiment Michigan Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA M. JOHNSON.

The bill (H. R. 5199) granting an increase of pension to Emma M. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma M. Johnson, widow of Arthur M. Johnson, late of Company E, First Regiment Ohio Volunteer Light Artillery, and to pay her a pension of $20 per month in lieu of that she is now receiving; but in the event of the death of Tracy M. Johnson, helpless and dependent child of said Arthur M. Johnson, the additional pension herein granted shall cease and determine.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA H. HIGLEY.

The bill (H. R. 529) granting a pension to Emma H. Higley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma H. Higley, widow of Alonzo Higley, late of the Tenth Regiment Ohio Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. HARGIS.

The bill (H. R. 9583) granting an increase of pension to James H. Hargis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Hargis, late of Company C, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN G. FAIRCHILD.

The bill (H. R. 2923) granting an increase of pension to John G. Fairchild was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Fairchild, late of Company B, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DANIEL W. HUFFMAN.

The bill (H. R. 2920) granting an increase of pension to Daniel W. Huffman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel W. Huffman, late first lieutenant Company B and second lieutenant Company C, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LEWIS LEWIS.

The bill (S. 3945) granting an increase of pension to Lewis Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Lewis, late of Company D, Sixth Regiment United States Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY CHENOWITH.

The bill (H. R. 7732) granting an increase of pension to Mary Chenowith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Chenowith, dependent mother of William M. Chenowith, late of Company A, Thirteenth Regiment Missouri Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM PITTENGER.

The bill (H. R. 3032) granting an increase of pension to William Pittenger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty-five" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Pittenger, late of Company G, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN B. GLOVER.

The bill (S. 819) granting an increase of pension to John B. Glover was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Glover, late captain Company D, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH M. BANTA.

The bill (S. 2563) granting an increase of pension to Elizabeth M. Banta was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 7, before the word "Seventh," to insert "and major;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth M. Banta, widow of William C. Banta, late captain Company B and major Seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE B. CHRISTY.

The bill (S. 3397) granting an increase of pension to George B. Christy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Christy, late surgeon Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. UNDERHILL.

The bill (H. R. 8058) granting an increase of pension to William M. Underhill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Underhill, late first lieutenant Company A, Fifth Regiment Michigan Volunteer Cavalry and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THOMAS JOYCE.

The bill (H. R. 8850) granting an increase of pension to Thomas Joyce was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "B" and insert "D;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Joyce, late of Company D, Second Regiment United States Infantry, Florida Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL A. DICKEY.

The bill (S. 4141) granting an increase of pension to Samuel A. Dickey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel A. Dickey, late of Company A, First Regiment California Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN D. PICKARD.

The bill (S. 1554) granting an increase of pension to John D. Pickard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John D. Pickard, late of Company D, Seventh Regiment Iowa Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY HALE.

The bill (H. R. 138) granting an increase of pension to Henry Hale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Hale, late of Company D, Twenty-fifth Regiment Michigan Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE M. M'CLANAHAN.

The bill (H. R. 4578) granting a pension to Catharine M. McClanahan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine M. McClanahan, widow of John W. McClanahan, late colonel Fifty-third Regiment Illinois Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BROWN.

The bill (H. R. 6091) granting an increase of pension to John W. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Brown, late of Company A, Second Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BAILEY.

The bill (H. R. 7447) granting an increase of pension to William Bailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Bailey, late of Company B, Eighth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. JOHNSON.

The bill (H. R. 5699) granting an increase of pension to James P. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Johnson, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRISON H. HAKES.

The bill (H. R. 7095) granting an increase of pension to Harrison H. Hakes, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harrison H. Hakes, late first lieutenant Company B, Eighth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL ALEXANDER.

The bill (H. R. 610) granting an increase of pension to Samuel Alexander was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Alexander, late of Company H, Twenty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. HARRISON.

The bill (S. 3481) granting an increase of pension to J. E. Harrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Harrison, late of Captain Dell's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James E. Harrison."

CHARLES H. MILLER.

The bill (H. R. 7594) granting an increase of pension to Charles H. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Miller, late of Company K, Fourth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. BURCH.

The bill (S. 2649) granting an increase of pension to William S. Burch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Burch, late of Company I, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWIN A. FORMAN.

The bill (H. R. 6705) granting an increase of pension to Edwin A. Forman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin A. Forman, late of Company A, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FRANK J. M'LAUGHLIN.

The bill (H. R. 2477) granting an increase of pension to Frank J. McLaughlin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank J. McLaughlin, late of Company E, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES S. BELLOWS.

The bill (H. R. 6032) granting an increase of pension to Charles S. Bellows was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles S. Bellows,

late of Company A, One hundred and sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SHAFER.

The bill (H. R. 6036) granting an increase of pension to John Shafer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Shafer, late of Company H, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and Fortieth Company, Second Battalion, Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY EDWARDS.

The bill (H. R. 8717) granting an increase of pension to Henry Edwards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Edwards, late of Company E, Eighteenth Regiment, and Company D, Thirteenth Regiment, Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. HOWARD.

The bill (H. R. 7682) granting an increase of pension to William H. Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Howard, late of Company K, Fourth Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. REEDS.

The bill (H. R. 6701) granting an increase of pension to John A. Reeds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Reeds, late of Company H, Twelfth Regiment Kansas Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEXTER T. DRAKE.

The bill (H. R. 1487) granting an increase of pension to Dexter T. Drake was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dexter T. Drake, late first lieutenant Company G, Tenth Regiment, and Company H, Second Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'BRIEN.

The bill (H. R. 1294) granting an increase of pension to William McBrien was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William McBrien, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN M. GOVE.

The bill (S. 4091) granting an increase of pension to Nathan M. Gove was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan M. Gove, late musician, Third Regiment New Hampshire Volunteer Infantry, and Second Brigade, Tenth Army Corps, United States Volunteers, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE J. FOLSOM.

The bill (S. 4090) granting an increase of pension to Charlotte J. Folsom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charlotte J. Folsom, widow of Asa Folsom, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALICE K. SELIGSON.

The bill (S. 4052) granting a pension to Alice K. Seligson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice K. Seligson, widow of Herman A. Seligson, late lieutenant-colonel Ninth Regiment Vermont Volunteer Infantry, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DANA COOK.

The bill (H. R. 1497) granting an increase of pension to Dana Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dana Cook, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and One hundred and seventy-first Company, Second Battalion, Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEDIE M. FLANDERS.

The bill (H. R. 3299) granting a pension to Medie M. Flanders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Medie M. Flanders, widow of Charles C. Flanders, late of Company G, First Regiment New Hampshire Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY CONKLIN.

The bill (H. R. 4937) granting an increase of pension to Emily Conklin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily Conklin, widow of James L. Conklin, late of Company A, Fifth Regiment Connecticut Volunteer Infantry, and to pay her a pension of $24 per month in lieu of that she is now receiving: *Provided, however*, That in the event of the death of the helpless child, Cora B. Conklin, on whose account the pension of Emily Conklin is increased, the pension of said Emily Conklin shall continue only at the rate of $12 per month from and after the date of death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN M. BATES.

The bill (H. R. 7439) granting an increase of pension to Helen M. Bates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen M. Bates, widow of George E. Bates, late of Company G, Thirteenth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. PENNOCK.

The bill (H. R. 3298) granting a pension to Mary E. Pennock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Pennock, widow of Cyrus Pennock, late of Company B, Sixteenth Regiment Kansas Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK LEWIS.

The bill (H. R. 3407) granting an increase of pension to Frank Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Lewis, late of Company A, First Regiment Maine Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMELINE F. EMMONS.

The bill (S. 562) granting an increase of pension to Emeline F. Emmons was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Company," to strike out "of;" and in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emeline F. Emmons, widow of George W. Emmons, late captain Company G, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA B. GRISWOLD.

The bill (S. 354) granting an increase of pension to Clara B. Griswold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "captain," to insert "Company L;" and in line 8, after the word "of," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara B. Griswold, widow of Dennis K. Griswold, late captain Company L, Second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD BLAISDELL.

The bill (S. 3950) granting an increase of pension to Edward Blaisdell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of" and insert "second lieutenant;" and in line 8, before the word "dollars," to insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Blaisdell, late second lieutenant Company H, Eleventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. ROGERS.

The bill (S. 3893) granting an increase of pension to John L. Rogers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Rogers, late of Company G, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER LANE.

The bill (S. 3085) granting an increase of pension to Alexander Lane was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Lane, late of Company F, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. M'INTIRE.

The bill (S. 3488) granting an increase of pension to Charles E. McIntire was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. McIntire, late of Company G, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. PARKER.

The bill (S. 3534) granting an increase of pension to John S. Parker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Parker, late of Company E, Purnell Legion Maryland Volunteer Infantry, and captain Company C, Third Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES C. CHASE.

The bill (H. R. 865) granting an increase of pension to Charles C. Chase was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "G" and insert the letter "L;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Chase, late captain Company L, First Regiment District of Columbia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BENJAMIN F. GRIGSBY.

The bill (H. R. 5609) granting an increase of pension to Benjamin F. Grigsby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Grigsby, late of Company I, Second Regiment Tennessee Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. MARION GAMBLE.

The bill (H. R. 5471) granting an increase of pension to A. Marion Gamble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of A. Marion Gamble, late major Sixth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES HAHN.

The bill (S. 1591) granting an increase of pension to James Hahn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "sergeant and;" in the same line, before the word "Company," to strike out "of;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Hahn, late first lieutenant Company H, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS HARKISON.

The bill (S. 2179) granting an increase of pension to Thomas Harkison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "First," to insert "Regiment;" and in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Harkison, late of Company G, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE B. JOHNSON.

The bill (S. 268) granting an increase of pension to Annie B. Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "George," to strike out "Lieutenant-Colonel;" in line 7, before the word "Twenty-ninth," to insert "late lieutenant-colonel;" and in line 9, before the word "dollars," to strike out "fifty" and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie B. Johnson, widow of George E. Johnson, late lieutenant-colonel Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA E. S. WRIGHT.

The bill (S. 3053) granting an increase of pension to Emma E. S. Wright was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma E. S. Wright, widow of David V. N. Wright, late acting master, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADA JOHNSON.

The bill (S. 2959) granting an increase of pension to Ada Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada Johnson, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA L. NAGLE.

The bill (H. R. 6089) granting an increase of pension to Emma L. Nagle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Company," to strike out the letter "C" and insert the letter "I;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma L. Nagle, widow of Frederick Nagle, late of Company I, Third Regiment, Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOSEPH HINKLE.

The bill (H. R. 4251) granting an increase of pension to Joseph Hinkle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Hinkle, late of Company B, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ROBERT L. MILES.

The bill (H. R. 5634) granting an increase of pension to Robert L. Miles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert L. Miles, late first lieutenant Company H, Twenty-eighth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS DAVIDHEISER.

The bill (H. R. 7757) granting an increase of pension to Cyrus Davidheiser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrus Davidheiser, late of Independent Battery D, Pennsylvania Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA P. KERSTETER.

The bill (H. R. 681) granting an increase of pension to Ella P. Kersteter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella P. Kersteter, widow of Thomas J. Kersteter, late of Companies E and B, Twelfth Regiment United States Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES JOHNSON.

The bill (H. R. 8207) granting an increase of pension to Charles Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Johnson, late of Company G, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and Company E, Fourth Regiment Delaware Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. KERBY.

The bill (H. R. 3367) granting an increase of pension to George W. Kerby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Kerby, late of Independent Company, Patapsco Guards, Maryland Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. SILLS.

The bill (H. R. 4325) granting an increase of pension to John A. Sills was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Sills, late of Company E, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA M. MAIER.

The bill (H. R. 6085) granting a pension to Anna M. Maier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna M. Maier, widow of Markus Maier, late of Company A, Fourth Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD A. WILBUR.

The bill (H. R. 5972) granting an increase of pension to Edward A. Wilbur was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward A. Wilbur, late of Company I, Fiftieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL DONOVAN.

The bill (S. 1616) granting an increase of pension to Michael Donovan was considered as in Committee on the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "and Company F, Thirtieth Regiment United States Infantry;" and in

line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Donovan, late of Company E, Two hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and Company F, Thirtieth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. STANGER.

The bill (S. 1944) granting an increase of pension to John S. Stanger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of;" and in line 9, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Stanger, late second lieutenant Company H, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES J. CLARK.

The bill (S. 3887) granting an increase of pension to Charles J. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles J. Clark, late lieutenant-colonel Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID Z. BEIDLER.

The bill (H. R. 6426) granting an increase of pension to David Z. Beidler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out the word "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Z. Beidler, late of Company D, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL R. WASSON.

The bill (H. R. 4031) granting an increase of pension to Samuel R. Wasson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel R. Wasson, late of Company G, First Regiment Ohio Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYNTHIA THOMAS.

The bill (H. R. 2427) granting a pension to Cynthia Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia Thomas, widow of Charles Thomas, alias John Young, late of Company D, Eighth Regiment United States Infantry, Florida Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIAH KUECHLER.

The bill (H. R. 5372) granting a pension to Mariah Kuechler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mariah Kuechler, late nurse, Medical Department, United States Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARK A. SHELTON.

The bill (H. R. 937) granting an increase of pension to Mark A. Shelton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mark A. Shelton, late of Company A, Second Battalion Missouri State Militia Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE ELIZABETH BULLOCK.

The bill (H. R. 5538) granting a pension to Jane Elizabeth Bullock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane Elizabeth Bullock, widow of Charles W. Bullock, late of Captain Goodloe's company, Second Regiment Texas Mounted Volunteers, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M'CALL.

The bill (H. R. 7072) granting a pension to Mary McCall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary McCall, widow of John McCall, late of Company K, First Regiment Tennessee Volunteer Cavalry, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT P. BAKER.

The bill (H. R. 703) granting an increase of pension to Robert P. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert P. Baker, late of Captain Dagley's company, Texas Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. JONES.

The bill (H. R. 3665) granting an increase of pension to Henry C. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Jones, late of Company A, Forty-ninth Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE F. SMITH.

The bill (S. 3902) granting a pension to George F. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Regiment," to insert "and Company F, Seventh Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Smith, late of Company H, Sixth Regiment, and Company F, Seventh Regiment, Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. CARROW.

The bill (S. 2662) granting an increase of pension to John H. Carrow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Carrow, late second lieutenant Company D, First Battalion Delaware Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES WHEATLAND.

The bill (S. 3812) granting an increase of pension to Charles Wheatland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Wheatland, late of Company D, Thirty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HERZOG.

The bill (H. R. 6025) granting an increase of pension to John Herzog was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Herzog, late of Company F, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HORACE E. DAVIS.

The bill (H. R. 8342) granting an increase of pension to Horace E. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace E. Davis, late of Company G, Second Regiment New York Volunteer Mounted Rifles, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES SCHRODER.

The bill (H. R. 7756) granting an increase of pension to Charles Schroder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Schroder, late of Company C, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET A. TUCKER.

The bill (H. R. 8920) granting a pension to Harriet A. Tucker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet A. Tucker, widow of William E. Tucker, late of Company K, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HOLZER.

The bill (H. R. 6547) granting a pension to John Holzer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Holzer, late of Company H, First Regiment Delaware Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIETTE WESTBROOK.

The bill (H. R. 5611) granting a pension to Juliette Westbrook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Juliette Westbrook, dependent stepmother of Martin Westbrook, late of Company E, One hundred and eleventh Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES A. THOMPSON.

The bill (H. R. 6562) granting an increase of pension to Frances A. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances A. Thompson, widow of John W. Thompson, late acting ensign, United States Navy, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE JEFFREY.

The bill (H. R. 8187) granting an increase of pension to George Jeffrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Jeffrey, late of Company A, Fifth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES M. EVERETT.

The bill (H. R. 3617) granting an increase of pension to Charles M. Everett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles M. Everett, late of Company E, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HESTER E. MOONEY.

The bill (H. R. 3815) granting an increase of pension to Hester E. Mooney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hester E. Mooney, widow of James J. Mooney, late lieutenant-colonel Forty-second Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE N. THORPE.

The bill (H. R. 4887) granting an increase of pension to George N. Thorpe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George N. Thorpe, late of Company C, Ninety-first Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARNEY L. BROOKINS.

The bill (H. R. 4365) granting a pension to Barney L. Brookins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Barney L. Brookins, late of Company D, Fifty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES WIGERT.

The bill (H. R. 6023) granting an increase of pension to Charles Wigert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Wigert, late of Company B, One hundred and thirty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. DAVIS.

The bill (H. R. 3616) granting an increase of pension to James W. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Davis, late of Company F, Fifty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADJOURNMENT.

Mr. PETTUS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 11, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 10, 1904.

COLLECTOR OF CUSTOMS.

Herbert Morissey, of Massachusetts, to be collector of customs for the district of Plymouth, in the State of Massachusetts. (Reappointment.)

PROMOTIONS IN THE NAVY.

Lieut. Commander Alexander Sharp, jr., to be a commander in the Navy from the 4th day of February, 1904 (subject to exam-

inations required by law), vice Commander James K. Cogswell, promoted.

Ensign Roe W. Vincent to be a lieutenant (junior grade) in the Navy from the 28th day of January, 1904, upon the completion of three years' service in his present grade.

POSTMASTERS.

MAINE.

George L. Thompson to be postmaster at Brunswick, in the county of Cumberland and State of Maine, in place of Charles E. Townsend. Incumbent's commission expired February 2, 1904.

MICHIGAN.

Walter W. Harrington to be postmaster at Northbranch, in the county of Lapeer and State of Michigan, in place of Walter W. Harrington. Incumbent's commission expires March 31, 1904.

MINNESOTA.

Ole C. Enge to be postmaster at Elmore, in the county of Faribault and State of Minnesota, in place of Ole C. Enge. Incumbent's commission expired January 17, 1904.

MONTANA.

Walter Alderson to be postmaster at Red Lodge, in the county of Carbon and State of Montana, in place of Walter Alderson. Incumbent's commission expired January 23, 1904.

NEBRASKA.

James L. Lashbrook to be postmaster at Oxford, in the county of Furnas and State of Nebraska, in place of James L. Lashbrook. Incumbent's commission expired January 23, 1904.

NEW JERSEY.

Edward Burroughs to be postmaster at Metuchen, in the county of Middlesex and State of New Jersey, in place of Edward Burroughs. Incumbent's commission expires February 24, 1904.

NEW YORK.

Winfield S. Spencer to be postmaster at New Rochelle, in the county of Westchester and State of New York, in place of Charles Earwicker, deceased.

Myron A. Wheeler to be postmaster at Churchville, in the county of Monroe and State of New York. Office became Presidential January 1, 1904.

Henry F. Zimmerlin to be postmaster at Lyons, in the county of Wayne and State of New York, in place of George L. Carver. Incumbent's commission expired December 13, 1903.

TEXAS.

John Harvey to be postmaster at Meridian, in the county of Bosque and State of Texas, in place of John Harvey. Incumbent's commission expired February 2, 1904.

W. L. Higginbotham to be postmaster at Howe, in the county of Grayson and State of Texas. Office became Presidential October 1, 1903.

Wesley C. Parchman to be postmaster at Mount Vernon, in the county of Franklin and State of Texas. Office became Presidential January 1, 1904.

Rudolph L. Reuser to be postmaster at Runge, in the county of Karnes and State of Texas. Office became Presidential October 1, 1903.

Robert A. Rollins to be postmaster at Merkel, in the county of Taylor and State of Texas. Office became Presidential January 1, 1904.

VIRGINIA.

Charles E. Welch to be postmaster at Phœbus, in the county of Elizabeth City and State of Virginia, in place of Charles E. Welch. Incumbent's commission expires February 24, 1904.

WASHINGTON.

George W. Edgerton to be postmaster at Puyallup, in the county of Pierce and State of Washington, in place of Charles E. Hallenbeck, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 10, 1904.

NAVAL OFFICER OF CUSTOMS.

Thomas N. Jamieson, of Illinois, to be naval officer of customs in the district of Chicago, in the State of Illinois.

PENSION AGENT.

Andrew T. Wood, of Mount Sterling, Ky., to be pension agent at Louisville, Ky.

POSTMASTER.

MARYLAND.

Walton C. Orrell to be postmaster at Centerville, in the county of Queen Anne and State of Maryland.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 10, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY NOBLE COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CONTESTED-ELECTION CASE—CONNELL VS. HOWELL.

Mr. DRISCOLL. Mr. Speaker, I move that the House now take up the election case of Connell against Howell, and I will yield to the gentleman from Pennsylvania [Mr. CASSEL].

Mr. MCLAIN. Mr. Speaker, I would like to inquire how the time stands?

The SPEAKER. The time so far has been evenly divided with the exception of one minute.

Mr. MCLAIN. How much time is remaining?

The SPEAKER. Two hours and fifty-five minutes, to be equally divided to-day.

Mr. DRISCOLL. I now yield to the gentleman from Pennsylvania [Mr. CASSEL] such time as he may desire.

Mr. CASSEL. Mr. Speaker, the contested-election case of Connell versus Howell is one which has been given very careful consideration by Elections Committee No. 3, and the results of that investigation have been very fully given to this House by the chairman of the committee.

I want to say, however, that in my judgment this is a case in which both contestant and contestee are thoroughly honest and upright men, and I do not think that anyone in the investigation has accused the contestee of being a party to any irregularities that may have occurred at the time of his election, and he has been very fair and manly in his statements in reference to the case, stating frankly and openly that unless he was given a fair and honest majority of all votes cast at the election he did not wish to retain his seat.

It was with this idea in my mind that I went into the investigation with the other members of the committee, with the results as stated in our report, although personally I would have favored a report showing a larger majority for Mr. Connell, as I am convinced that under the laws of the State of Pennsylvania there were many illegal votes cast that should have been deducted from the votes reported for Mr. Howell.

The results have been brought about by the very strong partisan feelings on the part of many of the election boards who held this election. The laws of Pennsylvania have been made to insure an honest election and a strictly secret ballot. As a member of the Pennsylvania legislature I have helped to pass a number of these laws, and it has been and is the aim of that State to protect its elections and to have honest returns.

The qualifications of a voter in Pennsylvania are: Residence, a small tax, and American citizenship. Our residence clause states that a man must live within the State one year, and must have been registered in the district at least sixty days before the election, at which time a poll tax is levied against him. If he is a single man this poll tax is 50 cents, and if a married man the poll tax is 25 cents. By the payment of this amount of tax a man is entitled to vote for a period of two years, but the tax must be paid thirty days before the election at which he intends to vote. This tax had become a source through which votes could be purchased by the heads of certain organizations buying up these poll taxes, and in this way keeping a man from his vote unless he voted with the organization holding these tax receipts. In order to overcome this the legislature of Pennsylvania passed a law which reads as follows:

PAYMENT OF TAX.

SECTION 1. That from and after the passage of this act it shall be unlawful for any person or persons to pay or cause to be paid any occupation or poll tax assessed against any elector, except on written and signed order of such elector authorizing such payments to be made, which written and signed order must be presented at least thirty days prior to the date at which such elector desires to vote.

SEC. 2. That it shall be unlawful for any officer, clerk, or other person authorized to collect taxes and receipt therefor to receive payment of or receipt for any occupation or poll tax assessed for State or county purposes from any person other than the elector, except upon his written and signed order authorizing such payments to be made.

SEC. 3. It shall be unlawful for any person to vote or attempt to vote at any election upon a tax receipt obtained in violation of this act. (Act of 15th July, 1897, P. L., 276.)

There is no question but what thousands of votes were cast in Lackawanna County in the election of November 4, 1902, the voters of which were not entitled to a vote because this tax was not paid. If the legislature of Pennsylvania had the right to make a qualification of this kind, then these votes were illegal and should be excluded from the returns.

The law of our State also gives citizens the privilege of voting in case their names are left off the registration list, provided they can prove at the polls that they are entitled to a vote. In this district there were between 400 and 500 affidavits filed which were

defective. Some of them were not even signed by the voter, others were filled up partially, but many blanks were left unfilled, and consequently I think all these votes should be deducted from the results.

The testimony has been taken of competent witnesses which goes to prove that a large number of these votes were cast for Mr. Howell, and, being illegal, should be deducted from the vote given to him in the returns.

One of the greatest wrongs, however, in the whole proceeding was the voting of a great many unnaturalized foreigners. Pennsylvania has been one of the greatest States in the Union for receiving into its borders people from all the nations on the face of the earth. It has been its pleasure to make many of the best citizens of our country out of these foreign-born people; but our State is very jealous of its citizenship, and I think that the Congress of the United States should throw around the naturalization law still greater restrictions. To be an American citizen is one of the greatest honors which a man can have, and for us to give this citizenship to foreign-born people without character, education, or principle, and who have no knowledge of the laws of our country, who have no interest in the broad ideas of liberty which have been established in the minds of our own children, is a great mistake, and our own people will soon lose the great honor which they have for their citizenship if we continue to lower the standard of this citizenship as we have in the past.

There were many of this class of men who voted at the election in Lackawanna County in November, 1902, who had not even taken out their declaration of becoming citizens. They had no papers of any kind to show citizenship, and yet the election officers, partisans and all belonging to one party, in many cases allowed them to vote, and in some instances sent for them to come and vote, knowing they were not entitled to the privilege.

Mr. Speaker, in the argument made yesterday by the gentleman from Massachusetts [Mr. THAYER] in reference to the majority given at the election in November, 1902, for Mr. Pattison, candidate for governor, and comparing it with the majority given for Mr. Howell, he asked the question why the difference in votes.

This question, in my mind, is a very simple one, and has been explained in the testimony given to us in the report. The Democrats of Lackawanna County are very much like the Democrats throughout the rest of the United States. They are united on local issues, but divided on national issues and platforms.

It has been shown to us here very plainly that a large proportion of the Democrats of Lackawanna County in convention nominated Mr. Connell as their candidate for Congress. It has also been shown that the minority, a part of the Democratic party, withdrew from that convention and nominated Mr. Howell for the same office. This matter was taken before the State courts at Harrisburg, and in their rulings both names were removed from the ballot. Consequently Mr. Howell was placed in nomination by nomination papers, and Mr. Connell was placed in nomination by the Republican party and also by nomination papers. The Democratic party was divided on this issue and, while they were united in their support for governor of Pennsylvania, it divided their vote when it came to ballot for a Member of Congress.

Consequently it explains to us very plainly why the difference in votes was occasioned. There was a great deal of talk here yesterday in reference to the throwing out of the three wards—one in Old Forge and two in Winton. I want to say that there are five wards in the borough of Dunmore that, according to the testimony, should have been rejected and thrown out of this count. Mr. Howell's majority in these five wards was 164 votes. His majority in the three wards which were thrown out was 453 votes, so that without putting into the record any votes except from these eight districts Mr. Connell's majority would have been 158 votes. But there has been given to us in the record, fully and plainly, the testimony, as has been stated here, of 6,500 witnesses. Many of these have not been pertinent to the issue, but the witnesses that have been pertinent to the issue have been named in the brief presented by the contestant.

He has named the parties, he has referred to their testimony by page, and to their politics by page as well, and this House has before it in this report a full and complete statement of each of these illegal voters and, as near as possible, as to how each voted. We find in this that there were 386 disqualified for the reason that they did not make legal proof sufficient to warrant them in voting. There were 379 votes cast of nonnaturalized persons. Every one of these men appeared upon the witness stand and stated that they were not naturalized, and that they had voted for Congressman on this day in November, 1902. There were 875 who voted who testified themselves that they had not paid a tax within two years, the limit of time which is required to pay a tax in the State of Pennsylvania. This is their own testimony, not that of hearsay.

Mr. BENNY. Did these 379 witnesses the gentleman speaks of testify for whom they voted on that day?

Mr. CASSEL. The majority of them did not.

Mr. BENNY. Were they asked the question?

Mr. CASSEL. They were not. As was stated here yesterday, both counsel for the contestee and the contestant stated that it was not necessary for them to answer that question, but their politics was proven plainly by the associations which they kept, by the people who brought them there and voted them, by the people who marked their tickets, by the people who urged them to come down to vote, and who stated openly for whom they were voting and working on that day.

Mr. BENNY. Do I understand that the gentleman has deducted these 379 from Mr. Howell's total count?

Mr. CASSEL. We have not in the report of the majority, but in the statement that I wish to make before I close I will state that I have deducted 379 votes, in order to prove what I believe should have been Mr. Connell's majority, amounting to 2,394, instead of 223 as shown by the majority report. There were 151 votes proven of nonresidents; there were 172 voters who had received illegal assistance; there were 92 people whose names are on the register list as having voted, but who swore themselves that they were not present on that day and did not vote at that election. These make in all 1,707 votes outside of the illegal affidavits of persons who are reported as having voted on that day and whose votes were illegal. The matter of the admission of these votes of course has been left to that part of the committee composed of lawyers. My ideas of the results of this election are as follows:

According to the official returns, Mr. Connell received 13,139 votes. Mr. Howell received 13,600 votes. The Second and Third wards of Winton, the first district of Old Forge, and the five wards of Dunmore should be thrown out. This would deduct from Mr. Connell's vote 488 votes and from Mr. Howell's vote 1,105, which would leave Mr. Connell a total of 12,651 and Mr. Howell a total of 12,495. But to this must be added the 32 votes which have been proven for Mr. Connell, which would make his vote 12,683; and from Mr. Howell's vote we must deduct these illegal votes which have been proven by good testimony, as I believe, 2,206, leaving him a total of 10,289. This would give a majority of 2,394 for Mr. Connell. I believe these figures to be as nearly correct as they can be had from this great mass of testimony which has been brought before our committee, and I think that Mr. Connell's majority is not only what has been stated by the majority report, but it should be a great many more, as I have shown.

I might go further into an explanation of the election laws of the State of Pennsylvania. They are simple, and yet supposed to be entirely fair. The judge and inspectors of election are elected by the people. We have one judge and two inspectors, who are chosen in February of each year, and each voter can vote for but one inspector, thus generally giving the minority one inspector. These inspectors each then appoint a clerk, and the board consists of these five men.

There appears to be a misunderstanding in reference to the registration book in the hands of the election officers on the day of election. The law is very plain when it says that the county commissioners shall make up a check list from the registration book, and this shall be placed in the hands of the inspectors of election, and they shall mark opposite the names of the voters when the ballots are cast by them. The original registration book is not placed in the hands of the officers. Any names not found in these check lists in the hands of the inspectors, or any names under which any disqualifications are marked, of course, are not entitled to a vote unless affidavits are filed showing they are citizens and residents of the district.

As I have said before, the trouble in the districts in question appears to have been due to the fact that the officers in these districts were apparently strong partisans, and determined to bring about results without reference to justice or law. [Applause.]

Mr. McLAIN. Mr. Speaker, I yield fifteen minutes to the gentleman from Pennsylvania [Mr. SHIRAS].

Mr. SHIRAS. Mr. Speaker, I have examined the majority and minority reports in this case. I have also looked over the evidence that was considered material, and I consulted at a considerable length of time with the majority of the members that composed the Republican majority in this committee. Notwithstanding the consideration given to the report of the majority, I find I am unable to agree in the recommendations made by my party colleagues. In the first place, permit me to say that I do not question for an instant the sincerity of the gentlemen who compose the majority of this committee. Anyone who listened to the remarks of the gentleman from Iowa [Mr. BIRDSALL] and the chairman of this committee, the gentleman from New York [Mr. DRISCOLL], must be impressed with the fact that these men believe they are right.

They are also to be credited with the fact that they had to deal with one of the most difficult cases in point of extent of testimony and number of witnesses of any case that has been presented here for years.

Now, I do not question their sincerity; and, under ordinary circumstances, I take it, it is the duty of Members of this House to follow the suggestions and recommendations made by the majority of the committee that has examined a case of this kind. While, therefore, I do not question the sincerity of my fellow-members who wrote this majority report, neither do I question very seriously their judgment up to a certain point. When you come to examine the majority report down to a certain point, it will be found they were substantially right, but when they become impregnated with the germs of "aliundeism" they seem to act, as it appears to me, with utter disregard to the law that should control in a case of this kind.

In a few moments I shall refer briefly to the question of aliunde evidence; but before touching upon that point I want to say to my Republican colleagues that this is admittedly a close case from the standpoint of the majority. There are 6,500 witnesses and 2,500 pages of testimony, and doubtless thousands and tens of thousands of dollars were spent in preparing this issue for this body to consider. And what was the result? The majority find a plurality of 223 votes in favor of the contestant out of a total of 28,000 votes cast in that district. They have taken the position, necessarily, that if there had been a change of 112 votes in that district Mr. Connell—the contestant—would have been defeated.

Now, gentlemen, you must remember that while that is conceded by the majority of the committee representing this side of the House, the Democrats do not concede that the result was so close. You must take the situation as it existed there; and there are equities in the case that seem to me to throw a great deal of light on the situation. In the first place, we are told that we ought to follow the majority of the committee because of the great volume of testimony taken. Now, gentlemen, let me tell you those are wooden guns piled up there. If you have listened to the debate up to the present time you must have been satisfied of the fact that the case rests upon a very few pages of testimony and several very simple propositions of law.

The testimony relied upon here is substantially quoted in the minority report. If any Member will take the two reports and go off quietly by himself for an hour and analyze this case, he will come to a conclusion without the necessity of looking into the testimony further; or if he has listened to the debate of yesterday, he must in the same way have reached a conclusion as to how he should vote.

Now, the idea of any Republican here trying to hide behind that mass of testimony, and saying, "I am unable to delve into all the depths of this case and come to a conclusion, and I can satisfy my conscience by following the lead of this committee," is, it seems to me, fallacious. Some gentlemen on this side undertake to throw the responsibility on the committee in that way. They say: "I believe the members of the committee to be honest, conscientious men. They have gone through this mass of testimony, and we can not do better, under the circumstances, than follow their conclusion."

On that point I wish your attention. The determination of this case does not require the consideration of the testimony to any great extent. The testimony upon which the issue here turns has been repeatedly read and referred to on both sides of the House.

Mr. DRISCOLL. Does the gentleman mean to say that all the material evidence has been read?

Mr. SHIRAS. All the material evidence, the evidence that you rely upon, has been mentioned, its character analyzed and presented to the House.

Mr. DRISCOLL. We could not do that in a week.

Mr. SHIRAS. When you come to consider the questions of law involved here, if you are inclined to give due weight to those questions, nine-tenths of this testimony must be ruled out absolutely.

Mr. CASSEL. Has the gentleman read the briefs of the contestant and contestee in this case?

Mr. SHIRAS. I have read the report very carefully three or four times and have consulted with practically every member of the majority of the committee except Mr. DRISCOLL, whom I tried to see several times. I say the report——

Mr. CASSEL. I am speaking of the briefs which set forth the case as presented by the two committees.

Mr. SHIRAS. As I have already said, I have not attempted to read all the testimony in the case, because I have taken the word of the majority as well as the minority of the committee that the material evidence on which they rely has been presented.

I think it can be shown that the great mass of this testimony must be ruled out, not only because it comes under the head of aliunde proof, but because this aliunde evidence can not be applied owing to the failure to connect it up with the votes thrown out; and when you come to consider the matter, therefore, it will be found that four or five thousand pages of this testimony can not properly be considered.

Now, let us look at another feature of this case. The Tenth district of Pennsylvania in 1902 was Democratic. The Democratic candidate for governor carried it by some five or six thousand majority; and before the election every Republican who knew anything about the state of the case in that district knew that there was very little question that the Democratic Congressional candidate would carry that district, although ordinarily a Republican district.

Consequently, the Democrats knowing this, and knowing that they had more than a fighting chance, there was every reason in the world why they should put forward a representative Democrat to lead them to the victory which would surely come to them in that district when the votes were cast in 1902.

Mr. GILBERT. What were the changed conditions that led people to think it would go Democratic?

Mr. SHIRAS. There was a series of labor strikes growing out of the coal business there, and Mr. Connell was one of the leading coal operators, and it was natural under those conditions to expect reprisals.

The county of Lackawanna gave the Democratic candidate for governor between five and six thousand majority. Now, the Democrats, knowing that this was coming, saw their duty, and they therefore expected to nominate a Democratic candidate, because in that ordinarily Republican district they expected to elect their candidate.

Now, what happened? The kind friends of the contestant went into a Democratic convention, disrupted it, and, with a very small minority of the convention apparently, got the Democratic nomination. Although he is coming here to-day charging fraud against the Democracy, he received and filed a Democratic certificate of nomination in Dauphin County. Mr. Howell, who had the majority of the convention, also received a Democratic nomination, and that was filed in Dauphin County. A contest arose, and the courts of Pennsylvania decided that the nomination given to Mr. Connell was illegal and threw him off the Democratic ticket.

Mr. SWANSON. Do you mean he claimed to be the Democratic nominee?

Mr. SHIRAS. Yes.

Mr. GILBERT. What proportion of that convention voted for Mr. Connell?

Mr. OLMSTED. Will my colleague permit a question?

Mr. SHIRAS. Yes.

Mr. GILBERT. What proportion of the Democrats in that convention——

Mr. SHIRAS. I have yielded to my colleague, Mr. OLMSTED.

Mr. OLMSTED. I understood you to find fault with the Democratic convention for nominating or attempting to nominate a Republican.

Mr. GILBERT. As a Democrat.

Mr. SHIRAS. I say Mr. Connell went to a Democratic convention and was nominated.

Mr. OLMSTED. Let me ask my colleague if he himself was not nominated by a Democratic organization?

Mr. SHIRAS. Yes, and the three other Republican Congressmen in Allegheny County also received Citizens' nominations. Mr. DALZELL himself received a Citizens' nomination, although he did not receive a Democratic nomination.

Mr. OLMSTED. Did you receive Democratic support and were you elected in that way against the regular Republican nominee? Is not that the fact?

Mr. SHIRAS. That is not the fact, sir, as stated. I ran as an avowed Republican, and, as is often the case, received several party nominations.

Mr. KLUTTZ. The Democrats did not vote for you, did they?

Mr. OLMSTED. A good many of them did. [Laughter.]

Mr. SHIRAS. As this matter is becoming a little personal, perhaps I had better refer briefly to the political situation in Allegheny County. We have not any Democratic party in Allegheny County practically, for they have joined in the fight for good government; we have two Republican parties there. If the Democrats had run a Democratic candidate in my district against two Republicans, he would not receive probably more than 4,000 votes out of the 30,000 votes cast.

Mr. CONNELL. To which party do you belong?

Mr. SHIRAS. When the vote was taken there I had 14,500 votes; the other Republican had about 14,500 votes, so there was but a very small difference between the two, but the vote that was cast there for me represented the untrammeled, nonoffice-holding vote in my district. I think I got practically every fair-minded, untrammeled Republican vote in that district in that particular contest. [Laughter.] I will tell you why I think so.

Mr. OLMSTED. Then there are 14,500 trammeled Republicans in that district? [Laughter.]

Mr. SHIRAS. No; but there are thousands of officeholders in that district, Federal, State, and county [laughter], and two or three thousand relatives. Now, I got few of those votes.

Mr. CASSEL. What was the majority in that district?

Mr. SHIRAS. The majority in that district was 18.

Mr. CASSEL. What has become of the parties that nominated you at that time? Have not they gone back into the Republican party?

Mr. SHIRAS. I am not going back into the pedigree of Allegheny County politics. No one can understand them, and I can not expect the gentleman to understand them.

Mr. GILBERT. There is no contest about your seat.

Mr. SHIRAS. The gentleman refers to the 18 majority as apparently indicating that I did not represent the Republicans in my district, intimating that if I did I would have had a larger majority.

Mr. OLMSTED. No; I think it simply shows that you have become one the 6,000 officeholders. [Laughter.]

Mr. SHIRAS. You look at it from a different point of view. Now let me tell you gentlemen about that district. My Republican opponent ran on the "organization" Republican ticket, on the same ticket as Governor Pennypacker, on the so-called "straight Republican ticket." Governor Pennypacker carried the Twenty-ninth Congressional district by 20,000 majority, and my Republican opponent was not elected. Did the Democrats do that? My opponent ran 20,000 votes behind the Republican State ticket in this Congressional district. Could he have been more badly defeated?

Mr. KENNEDY. The same thing occurred over in Lackawanna, did it not?

Mr. SHIRAS. I am being diverted from what I was saying.

Mr. GILBERT. Now will the gentleman answer my question? What proportion of the Democrats in the convention in this Congressional district were in favor of the nomination of Mr. Connell as the Democratic nominee?

Mr. THAYER. Thirty-two out of 192.

Mr. SHIRAS. Now, gentlemen, you do not want to hear me on what the Democrats of Allegheny County could, would, or should have done, or my political pedigree, but it is simply a question of fact, "Who was elected?" and you can not see who has been elected, for the Committee on Elections have so limited the inquiry that not over fifteen of the witnesses whose testimony was taken is material to this issue.

Mr. SIBLEY. Let me call your attention——

Mr. SHIRAS. Let me give the reason, because I do not want to make a statement and then have to analyze it before I go on. I started to say that the result of this Democratic convention was that not only was Mr. Connell's nomination thrown off the Democratic ticket, but Mr. Howell, the admitted Democrat, who positively was a Democrat and whom the Democrats knew had a chance of election, was also thrown off the Democratic ticket.

The SPEAKER. The time of the gentleman has expired.

Mr. McLAIN. I will yield the gentleman ten minutes more if he desires it.

Mr. SHIRAS. The controversy that arose in this Democratic convention, in which the contestant desired to carry off the prize, is not material, or ought not to be, except for one phase. Everyone here who is candid will admit that if Mr. Howell had been before his district on the straight Democratic ticket, it would have given him four to five thousand Democratic majority, and he would have certainly gotten it but for the extraordinary and peculiar methods of procedure of that Democratic convention.

Therefore I say, gentlemen, the question in this controversy is as to the alleged Democratic convention, with a Republican candidate, and an actual Democratic candidate. I take it that all Republican Members here who are in favor of fair play well know that Mr. Howell got 461 majority, instead of the 4,000 or 5,000 he ordinarily would have had. It is difficult for this committee to show that all these votes were intentionally fraudulent. I take the position that in the consideration of this case there is no doubt that the committee has failed to fully understand the subsequent effect of this Democratic convention when figuring upon the majority that Howell would have had.

Mr. CASSEL. Do you mean to say that the committee, which has given two weeks' continuous work in going over this evidence and testimony, four weeks almost, commencing at 10 o'clock in the morning and continuing until 5 o'clock, and giving through their report their conclusions that they have arrived at, that they do not know more of it than you, when you say that you have not been able even to read it?

Mr. SHIRAS. I have been trying to get to the very proposition, because the bulk, perhaps, of this testimony, showing what you did, is what has led up to my general proposition, viz, whether you have established the fact of Mr. Connell being entitled to a seat under this evidence. Now, what do you do? You find 461 plurality in favor of the Democratic candidate, and you change that to 223 in favor of the contestant. How do you do that? Up to a certain point the committee did not go astray. It showed, I think, good judgment when it took up the case of these three precincts, which they charged to have been, on their face, full of fraud. To take these up and with careful judgment proceed to determine how they would get at the fraud and what effect the fraud had on the general result.

But they did not treat it fairly. In the first place, they found 50 illegal votes of persons who had not paid their taxes, 50 illegal votes of persons who had not registered, and those, to some extent, were technically illegal votes, but instead of taking those votes out of Old Forge and the Second and Third wards of Winton, and even charging all against Mr. Howell, what did they do? They threw out the entire 797 votes, though Mr. Howell had 454 majority.

Mr. McLAIN. May the gentleman allow me to interrupt him for a moment just to say I will allow him as much time as he wants and he can proceed as he desires.

Mr. SHIRAS. Now, that, gentlemen, is the starting point of this case. Here are districts that cast 797 votes that gave Mr. Howell 625 votes and 172 to the contestant, and an admission that part of these were technically illegal ballots and not fraudulent in the worst sense. They threw out those 797 votes, and they do not show in the evidence taken in Old Forge and in the Second and Third wards of Winton that any single one—mark me—that a single one of those fraudulent votes had been cast for Mr. Howell, but, on the contrary, the only evidence of illegal votes cast was that they were cast for the contestant. Is that not correct, I ask the gentleman from New York?

Mr. SWANSON. You mean that there was no fraud on the ballot box?

Mr. SHIRAS. I say in the proof they did not attempt to prove any of those illegal votes had been cast for Mr. Howell.

Mr. SWANSON. They were simply people who voted not being properly registered.

Mr. SHIRAS. There may have been false impersonations, there may have been cases of extreme frauds, but I am not defending that; I am analyzing how they got at the question of the separate fraudulent votes or assumed illegal votes——

Mr. GILBERT. They cast that vote to Mr. Howell without any proof——

Mr. SHIRAS. They found nothing, in my judgment, which should lead to the throwing out of the entire precincts. The result of that was that Mr. Howell still had 8 majority and then they went back and by aliunde proof—here is the dangerous point in their process, by aliunde proof—they found that 32 of those 797 votes had been cast for Mr. Connell. Now, what was the result, gentlemen, of that finding? It was this: Here were three precincts with 797 votes and with the large majority of 454 for Mr. Howell which were absolutely thrown out. They destroyed this entire vote, yet found Mr. Howell elected by 8 majority. They then go back and go over the embers, you might say, of the destroyed votes and find 32 for Mr. Connell, and turn that Democratic district, which gave 454 majority for Mr. Howell, over to Mr. Connell by a unanimous vote—32 for Connell, nothing for Howell. It seems incredible.

Mr. SWANSON. Which gave that majority?

Mr. SHIRAS. Yes.

Mr. DRISCOLL. Will the gentleman yield for a question?

Mr. SHIRAS. Certainly.

Mr. DRISCOLL. Is not that the ordinary practice, that when a district or poll is thrown out for fraud, to go back and prove votes cast for both parties by evidence aliunde? Was that not done in the Fifty-fifth Congress in the case of Wise *v.* Young and in many other cases?

Mr. SHIRAS. I do not think it was ever done under conditions as they existed in this case.

Mr. DRISCOLL. No two conditions in elections are exactly alike, but where we throw out votes of certain districts because of fraud, the practice for both parties is to go back and prove the votes cast for their candidates aliunde.

Mr. SHIRAS. Now, I want to ask a question in return. Is it not a fact that those three districts cast 797 votes, which gave Mr. Howell a majority of 454 votes, and by throwing out those precincts it still left a majority of 8, and that the action of the committee in finding those 32 votes put the result in favor of Mr. Connell?

Mr. DRISCOLL. Why, yes, but—— [Applause on the Democratic side.] Oh, there is nothing to cheer about this; we are dealing in facts here. We stated it yesterday ourselves, and it is not necessary for a Mugwump from Pennsylvania to state it over again. I simply say, is it not the invariable rule? Did not Mr. Howell have the same chance to go back and prove his votes in

those districts? Did he not have the same opportunity to prove them if he wanted to?

Mr. SHIRAS. Now, gentlemen, I am trying to talk about the equities in this case.

Mr. NORRIS. May I ask the gentleman a question?

Mr. SHIRAS. Certainly.

Mr. NORRIS. In your judgment, was the committee justified in throwing out the three precincts? Do you agree with them in that?

Mr. SHIRAS. I do not agree with them on that point. I do not criticise them very harshly, but I do not agree with them. What I think they ought to have done is, having found about 125 irregular votes, some technically irregular and some absolutely fraudulent, they should have deducted those votes, even if they deducted them all from Howell. That would have been bad enough, but to throw them all out was unfair, in my judgment.

Mr. CASSEL. In the report of the Second Ward of Winton, 184 votes were cast for Howell and 178 votes were declared and proved fraudulent.

Mr. SHIRAS. Who found them fraudulent?

Mr. CASSEL. They were shown to be fraudulent by the evidence.

Mr. SHIRAS. Now, we find the case stands in this way. That when they took the disputed districts this great number of votes, amounting to nearly 800, were thrown out of the three precincts, making a unanimous vote for Connell of 32 to nothing. That, if sustained, would elect Connell by 24 majority. Now, that does not look like much of a plurality to come into the House here with, with thousands of pages of testimony at an expense of thousands of dollars, showing only a plurality of 24. Well, what does the committee do? They had a taste of "aliundeism," and they then did what, to my mind, is the one illegal proposition that bars out most of this testimony. The testimony was taken showing that 1,700 illegal votes were cast; yes, upward of 2,000. If I am incorrect I wish the chairman would correct me——

Mr. DRISCOLL. Two thousand and two.

Mr. SHIRAS. Two thousand and two; and when the committee came to consider these votes they were of the opinion that there were a number of fraudulent votes, and under aliunde proof they attempted to show that a great number had been cast for Mr. Howell, and thousands and thousands of pages of testimony were taken upon that branch of the case. I do not say it was wrong to take the testimony upon that point, but I say that when the committee came to make the report they really barred out the testimony and have prevented its consideration by the House. They found, I repeat, that there were 1,700 illegal votes; and what did they do? They file a report in which they say that "at least 200 votes"—that is the language of the report—"at least 200" of these votes were cast for Howell.

When they came to make the report, you find that in round numbers they deduct 200 from Howell. Let me show you what that means. Upon an investigation of the attitude of the members of the committee we find that they can not tell who the various parties were, what their names were, or where they were located. Is this not most extraordinary? In my mind it is the turning point in this case. Not only we as Republicans can not know, but the opposition are powerless to pass upon the two questions that arise in each of these 200 cases: Was the vote illegal, and was it cast for Mr. Howell? It is the introduction of this bad precedent that arouses in the main my opposition.

Thus, having agreed that there were 1,700 illegal votes, and believing that "at least 200" of them were cast for Mr. Howell, they promptly charge them up and take from his count 200 votes that are not identified by name or voting precinct.

Mr. KENNEDY. Why, they were passed upon by the majority of the committee.

Mr. SHIRAS. I would like to ask the gentleman a question. Does the gentleman mean to say that his committee passed upon these 200 votes and has got them entered on the record, in the minutes, as 200 voters from certain precincts? And by a vote of the committee determined that they were illegal?

Mr. KENNEDY. The committee passed upon 200. In my judgment there are a thousand.

Mr. SHIRAS. Now, I want to ask the gentleman how he passed on those 200. Where are they? What are their names? Why does the committee not have them in its report?

Mr. KENNEDY. I did not draw the report.

Mr. RANDELL of Texas. The committee did not pass on the 200.

Mr. SHIRAS. I am not saying there were not 200 illegal votes there. I am not saying that they ought not to be deducted, if you can prove them, but I say you have to do it in a legal way. Let me say to the members of the majority of this committee that when they had a vote that they wanted to deduct from Mr. Howell's count, one of the gentlemen should have said, "Mr. Chairman, I move you that the vote of John Smith, illegal by false registration or nonpayment of taxes, which vote the evidence shows has been cast for Mr. Howell, shall be deducted from his count." That should have been put to a vote of the entire committee, and if the committee affirmatively by its majority struck that out, the Republicans and Democrats voting upon it, then that vote should have been taken from the count of Mr. Howell.

But what have you done? You have simply come to the conclusion—all of you, as individuals—that there were "at least 200" illegal votes out of 1,700 that were cast for Mr. Howell, and you have deducted them without identifying them by the name of the voter or voting precinct, a thing I never heard of, even in the "solid South." Now, unless the members of this committee can deny what I say here—that they have taken 200 votes that they can not identify—it seems to me that it shows the dangerous character of the aliunde evidence, and it is upon that that this gentleman [pointing] relies for obtaining his seat.

Mr. CASSEL. Mr. Speaker, let me answer that just here. First, the members of the minority say that these questions were not discussed by the majority who signed this report. The majority report was signed by the majority members of this committee, and it was not submitted to the minority. We passed a resolution by vote of the committee stating that we thought that Mr. Connell was entitled to his seat. The majority then prepared this report and signed it.

Mr. SHIRAS. Let me ask the gentleman a question——

Mr. JOHNSON. Mr. Speaker, will the gentleman let me make a statement right here? I do not want to take any of his time.

Mr. SHIRAS. I will yield to the gentleman.

Mr. JOHNSON. The majority of the committee furnished the minority of the committee the names of the thirty-two voters whose testimony was established by aliunde evidence. We are able to examine them and see for ourselves whether there is anything upon which to base it. They do not furnish us any of the list of the 200 men that they say illegally voted for Mr. Howell, and we can not examine that, and the House can not.

Mr. DRISCOLL. Mr. Speaker, I would like to ask right here the gentleman from South Carolina a question. Is it true that the majority furnished the minority those thirty-two names? Is it not true that I asked one member to furnish the names that he had examined to the rest of us, and also to the members of the minority?

Mr. JOHNSON. May I make another statement?

Mr. SHIRAS. Mr. Speaker, I have not yielded to the gentleman from New York [Mr. DRISCOLL].

Mr. JOHNSON. May I answer the gentleman's question?

The SPEAKER. Does the gentleman yield?

Mr. SHIRAS. Yes; I will yield to the gentleman from South Carolina.

Mr. JOHNSON. The majority of the committee divided up this work. That is the reason they do not know any more about it. One man examined one part of the record and another man another. I examined all of it. That is the difference. [Laughter.] One member of the committee who made up the list of the 32 aliunde votes handed that list to the ranking member of the minority of the committee, and the majority of the committee adopted his work.

Mr. FOSTER of Illinois. Let me ask this question, Is there any evidence in the record showing that the 200 votes thus thrown out were cast for Mr. Howell?

Mr. JOHNSON. We do not know whose votes those 200 were; the names are not given.

Mr. SHIRAS. Now, I should like to make this reply to the gentleman from Pennsylvania [Mr. CASSEL]. He having admitted that he and his five colleagues on the committee passed upon these 200 votes; suppose that on the question of charging up those votes for Mr. Howell or taking them away from him there had been a division among those six members of the committee; suppose the vote had been 4 to 2, then, if the Democratic members had come in and voted on that question, that vote would not have been thrown out.

In other words, there was only a majority of a majority voting upon that question of striking out these votes. The result is that the committee itself does not know what those 200 votes represent. They could not agree and have not agreed on that point. Those votes are simply floating in the air, without name or habitation. No one can identify those voters. No member of the committee or anyone else can do so.

Mr. CASSEL. I believe that I speak truthfully when I say that at least four of the six members of the majority of the committee, after having gone over the testimony in the case name by name and man by man, comparing the testimony on the one side and on the other, were in favor of putting into this report anywhere from 500 to 1,000 of those people.

Mr. SHIRAS. It would not have been any worse if you had done so.

Mr. CASSEL. We were satisfied, and supposed the majority of the committee would be.

Mr. SHIRAS. I am simply asking for fair play in this matter. I say that unless you show whose votes those 200 were, they ought not to be thrown out. It seems to me this is only ordinary fair play.

Mr. DRISCOLL. Will the gentleman allow me to ask one more question—that is all?

Mr. SHIRAS. Certainly.

Mr. DRISCOLL. If those three districts—the Second and Third wards of Winton and the first district of Old Forge—are thrown out, how does that leave the vote?

Mr. SHIRAS. It leaves the vote 8 in favor of Mr. Howell.

Mr. DRISCOLL. Now, is it not true that Mr. Howell did not try to prove aliunde any of the votes cast for him or any of the illegal votes alleged to have been cast for Mr. Connell? That is true, is it not?

Mr. SHIRAS. I will make a practical answer to that question in this way: It was competent, perhaps, for Mr. Howell to prove by aliunde testimony the whole 2,000 votes, and it would have cost him $10,000 or $15,000. That sort of proceeding on the other side cost the contestant probably $50,000. Such a contest of "aliundeism" would be a farce, and the prize would go to the biggest purse.

Mr. DRISCOLL. If you have read the evidence, have you any doubt that at least, we will say, 10 illegal votes, because that number would be sufficient, were shown by evidence aliunde but competent to have been cast for Mr. Howell? Have you any doubt about that?

Mr. SHIRAS. I did not quite catch the purport of the gentleman's question.

Mr. DRISCOLL. Is there not aliunde evidence sufficient to show that at least 10 of these illegal votes were cast for Mr. Howell?

Mr. SHIRAS. I do not think so, upon the evidence.

Mr. DRISCOLL. Have you examined it?

Mr. SHIRAS. I have examined the testimony on which the supporters of the contestant rely.

Mr. DRISCOLL. You have not read it fully; you have not read the whole of it.

Mr. SHIRAS. But you have not identified the voters. That is the reason I say that this evidence should have been barred out.

Mr. FOSTER of Illinois. Has the gentleman any doubt that at least 20 of those votes were cast for Mr. Howell?

Mr. SHIRAS. Not the least.

Now, I want to call attention to another point. In these disputed districts only 32 votes have been proved for Mr. Connell, where 172 are returned. Were the rest of the votes returned for Mr. Connell legal or illegal? Unless this question is determined, it seems to me you have not proved anything. The danger that arises in a case of this kind is clearly shown in respect to these 200 votes.

Now, Mr. Speaker, I have taken more time than I expected. This is simply a question of asking for fair play. I do not believe it right to delegate our consciences in a close case like this to the committee and allow them to determine the whole question of law and of fact. I have no hesitation in coming to the conclusion that it is unfair to the sitting Member, unfair to the Tenth Congressional district, unfair to the State of Pennsylvania, and unfair to the Republican party to unseat Mr. Howell. [Loud applause.]

Mr. DRISCOLL. I now yield to the gentleman from Ohio [Mr. KENNEDY] for forty minutes.

Mr. KENNEDY. Mr. Speaker, in rising to discuss the question in this contested-election case, I consider myself fortunate that I am surrounded by men trained in the law, who know generally the elementary rules of law. I shall, therefore, use none of my time in attempting to supplement the very able presentation of the law applicable made by my colleagues who have argued and presented this case to this House.

I shall confine myself principally to the facts involved and incidentally to such principles of law as arise in that discussion.

The gentleman from South Carolina [Mr. JOHNSON] made a statement here that if all the illegal votes which were found to have been cast in those three disputed wards were taken from George Howell he would still be elected. This I dispute, and I wish to call the attention of the House to a computation which I have prepared from the finding of the majority of the committee along the line suggested by the gentleman from South Carolina [Mr. JOHNSON].

I want to say right here in this connection that in the hearing before our committee, which was protracted, lasting an entire week, certain admissions were made, and I want to call the attention of the House to the circumstances under which those admissions were made.

When the argument opened we stood in the presence of this record a little appalled at the amount of work that the committee thought was before it, and when Mr. Balentine, representing the contestee, arose to talk I inquired of him whether or not certain admissions could not be agreed upon by counsel, so as to shorten the labor of the committee, calling his attention directly to the claim of the contestant to the great number of votes in these three wards cast by men whose names were not on the registration list. That was at the beginning of the hearing, and he said that the figures presented by the attorney for the contestant were inaccurate in this regard.

I forget what the exact figures were with reference to the Second Ward of Winton, but it was something like 83 votes that the contestant claimed had been cast in this way, the names of those who cast them not appearing upon the registry list. Mr. Balentine said that there were 50 in that ward, that the balance of the 83 names on that list were not names that did not appear on the registry list, but that they were substitutions.

Now I want to call the attention of the House to what substitutions meant under all the circumstances of this case. The way in which this election was conducted in these three precincts—and the method was the same throughout this whole day of iniquity in those three precincts—was this: They permitted everybody to vote. The evidence is abundant and uncontradicted upon that subject. Men came in during the early part of that day, and their names were written down on the poll book, whatever name a man gave being put down.

In Old Forge the first two names of the men who voted on that day were names that did not appear upon the registry list. Early in the day they started in that way, but as the day progressed it occurred to some one in that conspiracy that that was not a slick manner of doing this thing.

Toward the close of the day the method had changed. In place of writing new names that did not appear upon the registry list upon the poll books they picked out names on the registry list, and they had the voter vote in lieu of some man who was dead or some one who had moved out of that district. These facts are sustained by the record. There is no room for question. In substituting the names of voters who presented themselves first, for names appearing on the registry list, it chanced in a great many cases that the election officers and those doing this iniquitous act had some man vote in lieu of a man who was not then present, but the man himself coming in and voting afterwards under the same name. Proof is abundant in this record of the witnesses who testified that they voted but once, whose names appear twice. Mr. Holgate, the attorney for contestant, put in this list of names a great number of names of men whose names appeared in that way.

Now, the argument arose early, and it was fiercely contested before our committee as to what was the probative effect of these two different kinds of illegal votes. The contention upon one side was that where a man's name did not appear at all upon the registry list that was an evidence of fraud that could not be explained—that it demonstrated corruption and fraud. Upon the other side it was said that where a man simply came in and substituted or voted as a substitute for some one whose name was upon the registry list, while the vote would be illegal just the same—there was no contention about that and no denial of it—yet there was a contention that it did not tend to show corruption upon the part of the judges themselves, and that was the issue that we were trying before that committee. I want Members to remember that. So they separated these illegal votes into two classes, and Mr. Balentine at the opening of that argument, in the way I have just described, made this admission, and he made it with his cocounsel sitting by and assenting to it. He admitted that in Winton, Second Ward, there were fifty men who voted without making affidavits, whose names were not on the registry lists. In the Third Ward there were fifty-three, and in Old Forge ninety.

The argument progressed for an entire week, and as it was being concluded, counsel for contestant having demonstrated to the minds of the entire committee, I believe, that these facts existed, every fourth man coming in there and putting in a ballot when his name was not on the registry list, when the law of Pennsylvania made it a crime for the election officers to receive that vote, he also admitted, under those circumstances, that there were no affidavits made. Now, when it occurred to Mr. Green's mind that that admission was so important, so controlling in this great question of the corruption of these officers, at the very last moment, in the close of the case, he undertook to withdraw that admission, when the proceedings had been conducted through the entire argument of the case on the theory that these admissions were established facts in the case and that no inquiry need be made further about them. Take Winton, in the Second Ward 50 illegal votes for want of registry of the voters. There was a list there, a list of names, the names are all given, and that admission was made. It was argued before the committee. The names were before the committee. They are not set forth in our report.

There were some eighty-three names on the list, Mr. Ballentine contending that the balance of the names, thirty-three, on that list were substitutions that had been, by mistake, carried into and put into the wrong class in the brief of the contestant. They were substitutions, duplications, and illegal votes for various reasons. Minors voted there; men that were not naturalized; men who had not paid their taxes.

In all the report of our committee found that there were 135 illegal votes in the Second Ward of Winton.

Now, lest this may be denied, I want to read the finding of the committee upon that subject:

The contestant's counsel claimed in the argument that there were 83 such votes, and their names are set forth in his brief. Contestee's counsel, in his presence, admitted 50.

This is on page 5. Then turning to the next page:

In the neighborhood of 50 votes were received in the names of men who were present and did not vote. Votes were received in the names of dead men. Several duplications were received. A large number of names were added to the registry list of this ward by the election officers in violation of the law and their duty. The illegal votes received amounted to much more than a majority of the votes cast and counted.

The exact number that the committee agreed upon as that number was 85 in this class, aside from the 50. Then we come to Winton Third Ward. Illegal votes in that ward, 80; and the contestee's counsel in his presence admitted 53; substitutions, 22; and substitutions of another class, 15—making 90 illegal votes in that precinct. This is taken from the report of the committee. In the first district of the Old Forge, illegal votes, not registered, 20 names, not written on poll books, with 20 or more Italians, voted in the names of other persons, 120 or 121, making in all 346 illegal votes in these three precincts, which the gentleman asserted could be deducted from the count of Mr. Howell and he would still be elected. Take the illegal vote of these precincts, 346, together with 200 illegal votes that we found outside of these districts to have been cast for Howell from Howell's vote and Mr. Connell would be elected by 74 votes. This is based upon the theory that you can purge the returns of these election districts.

Mr. JOHNSON. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. KENNEDY. I yield to the gentleman.

Mr. JOHNSON. I presume the gentleman is referring to what I said?

Mr. KENNEDY. I am.

Mr. JOHNSON. I said this: That if you were to deduct from the contestee every alleged illegal vote at these three precincts he would still be elected.

Mr. KENNEDY. But we took into consideration the other votes.

Mr. JOHNSON. If you throw out all the votes entirely, he is still elected. You have got to go outside of these precincts to get your 200 illegal votes in order to elect the contestant.

Mr. DRISCOLL. You do not mean that. If you really mean that, we will take you at your word.

Mr. JOHNSON. I always stand by my word.

Mr. KENNEDY. I decline to yield further.

Mr. JOHNSON. I merely wanted to correct the gentleman from Ohio.

Mr. KENNEDY. Now, let us go for a moment into the question of purging these returns. I am delighted with my friend from South Carolina; while he was upon the floor of this House he exclaimed with energy and force, "Why not purge these returns?" The majority of the committee say that these returns must be purged. The circumstances in this case are such and so peculiar that these returns must be purged. Let us, then, come to the question of in what way these returns can be purged and the true situation out there in Lackawanna County.

Why, the evidence in this record shows clearly that those three districts were like a deserted village at that time. There had been an exodus from these districts just a short time prior. Men had gone away; houses were empty. This conspiracy of election officers captured the polls, and they voted more votes by far than all the people who were there, Italians and everybody else.

Mr. JOHNSON. Will the gentleman allow me to ask a question? I know he has not very much time, but has the gentleman from Ohio taken the trouble to examine the registry list and poll list to ascertain what percentage of the registered vote was polled at those precincts?

Mr. KENNEDY. I have not figured the percentages.

Mr. JOHNSON. I venture to say in not one of the three precincts thrown out was 75 per cent of the registered vote polled, and in one of the three precincts not 50 per cent.

Mr. KENNEDY. I agree with the gentleman; that is correct. The legal voters of those precincts, a great number of people there had moved out of the district, had gone to other coal banks or somewhere else to work. The places were almost deserted when these election officers started in to hold this election. I am sorry for them on account of their absolute lack of good sense and judgment in resorting to the frauds that they adopted and the methods they followed.

They could have effected their object without having the returns show a single vote cast that was not registered. They could have put in all the illegal votes they wanted to put in by adopting the methods they did adopt later in the day, by having men vote as substitutes for men whose names were upon the registry lists. As the sun went down on that day the method changed, and the proof in this record shows it. The Italians came there in the evening and they voted under other names; they voted in the names of people whose names were upon that registry list. That is significant, and I want to call the attention of the House to the impossibility of that transaction except the election officers themselves acted in collusion with them. How did an Italian know what name to give? He had to have recourse to the registry list in the hands of election officers, and as the sun went down on that day they began to vote as substitutes for dead men, substitutes for men who were away in other counties, and the proof upon this is as clear as Holy Writ.

Now I want to reproduce some of the suggestions that came before our committee as to the absolute impossibility of a man voting whose name was not upon the registry list of those precincts. The law required and the judge of election took a solemn oath that he would not permit such men to vote unless they made the affidavit required by law. Those judges were furnished upon that morning with blank affidavits for that purpose. They could not have been ignorant of their duty under the law. Men began to come in there. The first two who came in did not have their names upon the registry list, and that was in Old Forge. All day long, or during the day, at least one-fourth of the voters of those three precincts voted in that way, and in the three precincts not one single affidavit was exacted of them. What does that mean? I would like to hear anyone attempt to explain such conduct upon the part of public officers having the purity of the ballot in charge upon any theory except that of actual fraud.

Mr. FOSTER of Illinois. Will the gentleman allow me a question?

Mr. KENNEDY. I would if I could hear it.

Mr. FOSTER of Illinois. Does the record show for whom those votes were cast?

Mr. KENNEDY. It does not show for whom they were cast.

Mr. FOSTER of Illinois. Therefore the committee have concluded they were cast for Mr. Howell; is not that the conclusion of the committee?

Mr. KENNEDY. They have not so concluded. We have concluded, sir, that there was no honest election in those districts. We have concluded, further than that, that there is no way of purging that return so as to make a finding that is based upon anything but conjecture and that the parties should be relegated to the other rule and prove aliunde the vote they received. Now, it is contended that some other sort of purging of those returns can be resorted to or could be resorted to in this case. I have no quarrel with the rule suggested, that appears as quoted in the minority report, and announced by my predecessor, Mr. Taylor, in this House, one for whose ability and learning in the law I have the profoundest respect.

It says that this rule shall not be resorted to except in cases where we are compelled to resort to it, and I contend that this is such a case. Now, we have here in these three election districts the election boards, and the proof is clear upon that subject, the election officers themselves going outside of the booth inviting Italians to come in and vote, and when told that they were not naturalized, saying, "It makes no difference; everybody votes;" and everybody did vote. The Republican watcher in Old Forge, a man who had been appointed and had gone to that polling place to see that fairness and justice was done, was excluded from the polling place.

He was a Pole, well acquainted with a large number of Poles living in that district. They came there and asked the judge that Mr. Conowski might be permitted to mark their ballots. The law of Pennsylvania provides that every voter shall have that privilege. The judge of election himself said: "Conowski can not come in; there are others here." There was a large party of Poles on that occasion that came to that polling place and wanted to vote and wanted Conowski to mark their ballots. He had a certificate issued by the proper authority authorizing him to go into the polling place for that purpose. The law of the land provided that he could go there and had as much right in being there as the judge of elections himself.

Mr. JOHNSON. May I ask the gentleman a question?

Mr. KENNEDY. Certainly.

Mr. JOHNSON. Does not the law of Pennsylvania provide that each political party shall have three watchers at the polls, and only one of the three can be inside of the guard rail?

Mr. KENNEDY. The gentleman has stated the law of Penn-

sylvania correctly with one exception. I do not think the word "only" is there.

Mr. JOHNSON. "One only;" I will get the law.

Mr. KENNEDY. I do not care about that. Mr. Conowski was called out of that election booth. He had been permitted to be in there half a day, and he was called out by an active Howell partisan and urged to work for Howell. He said he wouldn't do it. When he went back to go in he could not get into the polling place, and he did not get in there again that day.

I do not care, Mr. Speaker, whether this man had a right in there under his certificate as a watcher for the Republican party or not. He had that right as a man selected by these voters to mark their ballots. He was there with twenty, or some such number, of Poles, and they wanted him, Frank Conowski, to mark their ballots. They testify in the record that they went in and begged the judge to let him mark their ballots. He said, "There are others here that can mark your ballots." They testified that they had no faith in the others and they went away, the whole Polish vote in that precinct declining to vote on that occasion. How can we tell how many there were, or who they intended to vote for, so as to give credit to the candidate and have their votes counted? Because when one goes and offers his vote, in a legal way, under his right and under the law, whether that vote is received or not, he has an absolute right to prove it aliunde and have it counted.

Now, Mr. Speaker, we have that iniquity going on in that way all day long until the day closed. Then when the day's work is done these conspirators get together for a common purpose, and nobody can read this in the record and be in doubt of that; they came together for a common purpose, they sit down and they write out their returns with their hands dirty and dripping with fraud, and we are asked what verity that return purports. We of the North—we, reared up there where it is a felony, where it is a crime that makes a man infamous to rape the ballot—believe that their returns should prove nothing, and the law supports us in that. Authorities are abundant. What can we predicate upon the returns of a set of conspirators like these?

Mr. BENNY. Will the gentleman yield for a question?

Mr. KENNEDY. Yes.

Mr. BENNY. Has the committee any information or evidence to show that the same mind that directed the conspiracy in the Democratic convention so as to give the Democratic nomination to Mr. Connell did not also direct the other conspiracy that you call attention to—the conspiracy in the board of elections?

Mr. KENNEDY. I do not know what conspiracy was in the Democratic convention. The committee did not go into that conspiracy to any great extent, for we thought it was impertinent to the issue before the committee. We did go into the question of where this other conspiracy had its initiative, and there was no doubt in the record where that was. Mr. Conowski was called out, he was threatened, and when he refused to turn over he was refused admittance again—and then, Great God, my friends, the result of this election shows it. In a precinct that cast 180 fraudulent votes, Mr. Connell did not get one on the Republican ticket.

Mr. HOWELL of Pennsylvania. Mr. Speaker, the gentleman has asserted with remarkable strength that Frank Conowski, the Republican watcher, was put out of the election booth. Now, I want to ask the gentleman this question: Does not Michael McGowan, the judge of elections, tell you, in language too plain to be misunderstood, that he was put out because he was electioneering in the booth, and does not the testimony of the chief officer there tell you that he was electioneering in the booth; and I will ask the gentleman further if he proposes to stand up here and justify a violation of the law of Pennsylvania, which does not allow electioneering within 60 feet of the booth? [Applause on the Democratic side.]

Mr. KENNEDY. Mr. Speaker, I decline to yield further. There is a great mass of testimony——

Mr. GILLESPIE. But, Mr. Speaker, I would ask the gentleman whether the record does show that.

Mr. KENNEDY. I will state that I think Mr. McGowan undertook to make that apology for his conduct. [Laughter on the Democratic side.] He did not attempt to apologize or explain his refusal to allow watchers or men there to mark the ballots for citizens. He was not called for that purpose. He did not attempt to make an apology for it, and the proof in this record shows not only what I have recited, but it shows that when men asked Republicans in the voting place to mark their ballots he had the peace officers immediately order those men out, refusing to permit them to mark the ballots.

Mr. JOHNSON. Will the gentleman permit me to correct him? I understood the gentleman to say that at this precinct where Conowski was put out Mr. Connell did not receive a single vote on the Republican ticket.

Mr. KENNEDY. Well, I think I was mistaken in that regard, Mr. Speaker.

Mr. JOHNSON. I want to call the gentleman's attention to the fact——

Mr. KENNEDY. If I remember, it was at Old Forge where he was put out.

Mr. JOHNSON. It was at Old Forge, and Mr. Connell received 117 votes at that precinct.

Mr. KENNEDY. Yes; and 117 votes were nowhere like the number of illegal votes cast in the precinct.

Mr. JOHNSON. So that not quite all the illegal votes were cast for him.

Mr. KENNEDY. Mr. Speaker, how can we purge these returns? What court in Christendom would predicate anything upon the acts of men taken red-handed in the violation of the laws of their country? If we are correct in our conclusion that there was conspiracy among these election officers, then would you have us take their word for it that Mr. Connell in that precinct of Winton did not get one vote? Why, if they would go on all day long receiving every fourth man that presented himself, knowing that the vote was illegal, putting it in contrary to their solemn oaths, which they did——

Mr. RANDELL of Texas. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman yield?

Mr. KENNEDY. Mr. Speaker, I can not permit interruptions. I have so little time, and I have so much to say. Now, they did do that thing, and they did it knowingly. Why, they could not help but know it. Under all those circumstances they are corrupt felons, and in the prosecution of their act, before the act is completed and as a part of it, they sit down and they make this return, which gentlemen stand and beg before this House to be regarded as a sacred thing, because, forsooth, officers of the law made it! I say that it is contrary to every idea of justice to predicate any fact upon a proposition so monstrous as that. Why, they were working and putting in illegal votes; they were going out into the byways and hedges and dragging them in—the officers themselves—telling them and circulating the story that everybody was voting. Now——

Mr. RANDELL of Texas. Mr. Speaker, I will ask the gentleman to yield for a question.

The SPEAKER. Does the gentleman yield?

Mr. KENNEDY. I do.

Mr. RANDELL of Texas. Will the gentleman name one single witness that testified to any improper act on the part of any election judge in those three precincts—just one man?

Mr. KENNEDY. Mr. Lally was an election officer in Old Forge, was he not? And there is testimony of at least four or five. When I say I can not name them I think the gentleman will excuse me, because they are Italians with Italian names.

Mr. RANDELL of Texas. I would like the gentleman to name the particular fact that any of them testified to, and I ask if it is not a fact that there is not any evidence whatever to support the statement of the gentleman, no testimony whatever from any witness?

Mr. KENNEDY. I assert that that fact was established to my entire satisfaction, and I do not think I reached the conclusion on account of any prejudice.

Mr. RANDELL of Texas. But it is not in the record.

Mr. KENNEDY. Now, Mr. Speaker, I want to go for a moment to the other questions in this case. We were confronted by a large mass of evidence. We passed, as we believed, on the law and facts in those three districts of Winton and Old Forge, as we were required to pass.

Mr. RANDELL of Texas. Will the gentleman yield a moment?

Mr. KENNEDY. I can not consent to yield further.

Coming to this mass of evidence, which is like a great haystack, we have the issue whether our report is to be sustained; and I stand here to affirm that no man can give a reason why it should not be. No man upon the other side of the House has suggested any method by which that return down there could be purged. Who knows how many substitutions there were? We found in some precincts as high as a hundred proven to the entire satisfaction of our committee. But who can say that we found half of them?

Now, believing that the report of this committee ought to be and will be followed by this House, we go into that great mass of evidence to determine whether or not a large number of illegal voters cast their votes for George Howell.

Right here I want to recur to the subject of admissions. In the hearings the matter came up as to whether or not the attorneys for the contestee claimed there was any proof in this great record showing that any of these illegal voters cast their votes for Mr. Connell. He said they had not gone into that question. They had offered no evidence to prove the votes of illegal voters.

[Here the hammer fell.]

Mr. DRISCOLL. I yield five minutes more to the gentleman.

Mr. KENNEDY. Mr. Holgate said there was one case of that

kind, the evidence of which was disclosed while the testimony was being taken.

Now, when we approached that testimony, it was as if this House had submitted to this committee the question of whether or not in that great haystack there were rats to a greater number than eight or nine. We went out and hunted and hunted, and we found 200 rats. We saw them. The committee all saw them. There were many more than I discovered; there were evidences all around us of more rats. It seemed unreasonable to go through, clear through, that entire stack, straw by straw, when we had already found so many illegal votes that were cast for Mr. Howell.

Mr. RANDELL of Texas. Will the gentleman please name one of those votes?

Mr. KENNEDY. Yes, sir; I should be glad to name 200, if I had the time.

Mr. RANDELL of Texas. Then please give us a list of those 200 names. If you can give it now, why could you not give it before?

Mr. KENNEDY. Mr. Speaker, allow me to say in reference to the evidence of this character that I think the minority of the committee in their report have selected perhaps the most abortive evidence in this entire record—in that respect a most unsatisfactory record—such evidence as the majority did not rely on in their finding.

Mr. LITTLEFIELD. Hearsay evidence?

Mr. KENNEDY. Yes, sir; evidence that was incompetent, and they set it forth here as an example.

Mr. RANDELL of Texas. Is it set forth there as all the evidence on the subject?

Mr. KENNEDY. I believe you say it is all the evidence.

Now, Mr. Speaker, I turn to page 2177 and I read from the testimony of Mathew McLean:

Direct examination by Mr. Gilroy:

Q. Where do you live?—A. I live in Jermyn at present.
Q. Where did you live in 1902?—A. I lived in Mayfield.
Q. What election district?—A. The first.
Q. How long had you resided there prior to November 4, 1902?—A. I wasn't there at November 4; I moved down here shortly before the election; I think I was down here the day before the election.
Q. That is, you are a married man?—A. Yes, sir.
Q. You moved your family down here the day before the election?—A. Yes, sir.
Q. What day did you move down?—A. I can't exactly say.
Q. Do you remember the day you moved down—what day of the week it was?—A. I don't know.

He was an illegal voter, not having resided in the precinct. Besides he had paid no taxes.

Mr. JOHNSON. How did he vote?

Mr. KENNEDY. I am coming to that.

I read further from the evidence of this same witness:

Cross-examination by Mr. Howell:

Q. When did your father come to this country?—A. I think it was in the year 1888.
Q. How old were you when your father came to this country?—A. I was just turning 9 years.

I read further:

Q. Have you any objection in saying who you voted for for Representative in Congress for the Tenth Congressional district, at the election held November 4, 1902?—A. I voted for Mr. Howell.

I now read from the testimony of Clark Kilpatrick on page 2196:

Direct examination by Mr. Gilroy:

Q. Where do you live?—A. Mayfield.
Q. In what district?—A. I think it is in the First Ward.
Q. Where were you born?—A. Born in Roxbury, Delaware County, N. Y.
Q. At what time?—A. The 11th day of October, 1870.
Q. Did you vote at the election held November 4, 1902, for the office of Representative in Congress for the Tenth Congressional district of Pennsylvania, in the First Ward of Mayfield?—A. Yes, sir.
Q. How long have you been a resident of Pennsylvania?—A. The last time I have been here; I have been here about a year and six months.
Q. In Pennsylvania?—A. Yes, sir.
Q. That is, continuously?—A. Yes, sir.
Q. You came here when?—A. I came here—I think it was somewheres around the 16th of September, 1901.
Q. From where did you come?—A. From Hancock, Delaware County, N. Y.; not work; I live here now.
Q. That is the First Ward of Mayfield?—A. Yes, sir.
Q. You lived there continuously since September, 1901, up until the 4th of November, the day of this election?—A. Yes, sir.
Q. Have you a State or a county tax receipt?—A. No, sir.
Q. Did you receive any assistance in marking your ballot?—A. I did not.
Q. Entered the booth alone?—A. Yes, sir.
Q. Did you swear in your vote?—A. I did not.
Q. File an affidavit?—A. No, sir.
Q. Have you any objection to telling us for whom you voted for Congress?
Mr. HOWELL. We object to the question.
Q. For whom did you vote for Congress?—A. I voted for Mr. Howell; I am not ashamed of how I voted.

Mr. DRISCOLL. I yield to the gentleman four minutes more.

Mr. LITTLEFIELD. Do I understand the gentleman that he has 200 substantially as well-established cases as that?

Mr. KENNEDY. Substantially as well-established as that, and not one syllable of that evidence is referred to in this report of the minority.

Mr. PAYNE. And they say that is all the evidence there is on the subject.

Mr. KENNEDY. They say that is all the evidence there is.

Mr. GROSVENOR. That is one of the greatest games of bluff that I have ever seen attempted in an election case.

Mr. RANDELL of Texas. We say that is all the evidence with reference to those three wards.

Mr. JOHNSON. You have read from the testimony of two men who say they voted for Howell.

Mr. KENNEDY. Yes.

Mr. JOHNSON. Are there a dozen men in the whole record who tell for whom they voted, as these two men did?

Mr. BIRDSALL. We have got forty or fifty here.

Mr. KENNEDY. Now, I refer to page 2188, to the testimony of Edwin Hicks:

Edwin Hicks, called and sworn.

Direct examination by Mr. Gilroy:

Q. Where do you live?—A. Mayfield.
Q. What ward?—A. The First Ward.
Q. Where were you born?—A. America.
Q. What place?—A. California.
Q. When were you born?—A. 1880.
Q. What day and month?—A. The 25th of January.
Q. How old were you on November 4, 1902?—A. Going for 23.
Q. You were 22 years old?—A. Yes, sir.
Q. How long have you lived in Pennsylvania?—A. Seventeen years.
Q. How long have you lived in the election district of the First Ward of Mayfield?—A. One year and three months.
Q. How long had you resided there prior to November 4, 1902?—A. Eight or nine months, I suppose.
Q. Did you live there continuously for those nine months?—A. Yes, sir.
Q. When did you go to Mayfield, the First Ward?—A. The 29th of October.
Q. What year?—A. 1901.
Q. That is when you went to Mayfield?—A. Yes, sir.
Q. Did you move immediately into the First Ward?—A. Yes.
Q. You were a resident there over a year before this election?—A. Yes, sir.
Q. Have you a State or county tax receipt?—A. No, sir.
Q. Never had?—A. No, sir.
Q. You were 22 years—going on 23 years—at the time of this election?—A. Yes, sir.
Q. Never paid any taxes?—A. No, sir.
Q. You voted at the election held November 4, 1902, in the First Ward of the Borough of Mayfield, for the office of Representative in Congress for the Tenth Congressional district of Pennsylvania?—A. Yes, sir.
Q. You voted for Mr. Howell?—A. Yes, sir.

Cross-examination by Mr. Howell:

Q. Were you of the age of 21 years November 4, 1902?—A. Yes, sir.
Q. Were you under 22 years of age at that time?—A. No, sir; I was over.
Q. Have you paid a State or county tax?—A. No, sir.

In the very able and eloquent address of the gentleman from South Carolina [Mr. JOHNSON] he impliedly asserted that the laboring men, the great order of Mine Workers of America, were responsible for the frauds in these three contested districts, saying:

> If you throw out these precincts do not stand on this floor hereafter and tell us how much you admire the virtue and intelligence of the laboring men of this country. Do not go back to your districts and exhaust all the adjectives in the dictionary to find beautiful words to tell the laboring men how much you love them.

The active conspirators whom the evidence discloses to have been responsible for the corruption and fraud in these election districts were not the laboring men. The proof discloses that they were justices of the peace, constables, tax collectors, and politicians. The laboring men were defrauded, deprived of their votes through their machinations and their wickedness. I have no fear that the great body of laboring men will not approve, and fully approve, of the action of the majority of this committee. I represent one of the greatest laboring districts in this nation. There are many of the United Mine Workers of America as well as all of the other great labor organizations in this country there, and I want to say here that no order of men has ever existed that prize higher nor more sacredly the right of an untrammeled and pure ballot than do they. The right of suffrage is the brightest jewel in the crown of their citizenship. Whatever corruption, fraud, or crime menaces the purity of the ballot, we can lift our hands and strike with the absolute assurance of their entire approval.

In conclusion, I desire to present herewith the following table of votes cast, counted, and canvassed for the Hon. George Howell, which, in my opinion, are satisfactorily and sufficiently proven to have been cast for him, and which, under the testimony in this case, are illegal and should not have been counted:

Second Ward, Dickson City, Pa.—Isaac Dawe, Samuel Lane, Michael Swingle, Adam Hapler, Michael Biglin, John Gilgallon, Robert Hall, Robert Shotten, Thompson Hall, John Dooley, John H. Gilgallon, George Cooper, James Countman, C. Pressman, Conrad Reis, Martin Chesterfield, William J. Williams, William Lewis, Patrick Gilgallon, John Ketrick, James H. Rudon, George Mensch, and A. K. Detweiler.

Fourth Ward, third district, Carbondale, Pa.—Thomas O'Neill, John Dugan, and James Toolan.

Second Ward, Blakely, Pa.—Evan Griffiths, Dan. Jones, and Anthony Wrightson.

Third Ward, Blakely, Pa.—Conney Bergheiser, L. S. Grovenor, Charley Rolls, and Ivor H. Thomas.

Third Ward, Olyphant, Pa.—Charles Hanlin, James J. Dixon, John Richards, Evan Reese, George King, Evan John, and Robert Gill.

Second Ward, Jermyn, Pa.—George Griffiths, Wallace Trotter, Charles Reynolds, Thomas Trotter, Herman Keifer, and Robert Trotter.

Fifth Ward, first district, Scranton, Pa.—Samuel Dawson, John J. Hart, Patrick McDade, John Reilly, August Seamon, Otto Swikert, John Marquith,

Frank McGinty, Patrick J. Cawley, James Vanston, John A. Hughes, George Kane William Raymond, and David S. Williams.

Fourth Ward, second district, Scranton, Pa.—James H. Woodward.

First Ward, Mayfield, Pa.—Samuel Cooper, Matthew McLane, James A. Evans, Edwin Hicks, John Reeves, David Elkins, James Friend, Clark Kilpatrick, Thomas Padden, William Jenkins, David Jenkins, John Wasley, William Jessup, and William McCartney.

First district, First Ward, Archbald, Pa.—Michael Gaughan and Bernard Loftus.

Second district, First Ward, Archbald, Pa.—Kazimer Zreger.

Second Ward, Archbald, Pa.—Joseph Munley.

Third Ward, Archbald, Pa.—Martin Noon, John Smith, and Rocko Wellsbolso.

Fourth Ward, third district, Scranton, Pa.—Allan Crumpton, Patrick Brown, Robert E. Duffy, Fred. M. Decker, T. W. Evans, Michael Gibbons, Simon Hopkins, Ernest Hokerson, Christian Hess, Lawrence Jones, John G. Jones, Frank Jennings, Daniel E. Lewis, Frank McGinty, Francis Moran, and Otto Schillinger.

Fourth Ward, fourth district, Scranton, Pa.—Joseph B. Gaynor, G. P. Heister, Arch Miller, and Richard Phillips.

Fifth Ward, first district, Scranton, Pa.—Harry J. Bertzel, William H. Deyoe, Edward Davis, Tony Fasero, Michael Fox, L. E. Giles, David Jenkins, John Kearney, John McAndrew, F. C. Pecario, H. E. Pessario, William J. Rush, William Tobias, Davis Tobias, Luigi Villoni, and D. J. Vonmaur.

First Ward, Mayfield, Pa.—Fred Stephens, Martin Moyles, Patrick Gallagher, George Martin, Harry Burke, David Williams, Chauncey Peck, Jonas Williams, Charles Munn, William Shager, Richard Lewis, Patrick Durkin, Harry Crossin, Daniel Krise, Edwin Pugh, John Davit, William P. David, Charles Bjork, William E. David, Robert Kelly, James Cole, Thomas Green, Michael Grady, George Holleran, Thomas Hart, Bernard Coggins, James Edmunds, Bartley Goggins, John Gallagher, M. G. McNeary, Thomas Reilly, James Quinn, John McGarry, Patrick Lawler, Alex. Kimoz, Patrick Cunningham, Cake Dementra, Nicholas Franka, Bartley Gildea, James Holleran, Stephen Harpiak, Patrick Lawler, and Thomas Scott.

Third Ward, Mayfield, Pa.—Timothy Brady, John R. Grady, Thomas Green, James Meehan, Michael Lally, John F. Farrell, Peter Solomon, Patrick Ruddy, Michael Barrett, John J. Ruddy, and Harry Bowden.

Fourth district, Fifth Ward, Scranton, Pa.—Alfred Cappel, Benjamin Evans, Thomas James, David E. Morgan, John Mulkeary, J. C. Pearce, Sanford Phillips, Henry Schreck, David H. Thomas, and John Wright.

First district, Sixth Ward, Scranton, Pa.—Michael D. Cain, James Conway, John Devine, James Gilmartin, John Klopinoski, John R. McLean, Patrick Reap, and Michael Walsh.

Second district, Fifth Ward, Scranton, Pa.—William A. Geiger, David J. Lewis, George H. Lotz, and John McNee.

Third district, Fifth Ward, Scranton, Pa.—Patrick H. Buckley, Patrick Cooney, John Devers, A. J. Driscoll, William H. Davis, Henry Davis, Patrick J. Hughes, Martin Jordan, Joseph Kizer, Gwilym Maddoc, William Matthewa, Robert Moran, Frank Novak, Charles Slagis, Michael Walsh, and Adam Walkovich.

First Ward, Dickson City, Pa.—Robert S. Reed, Luke Hall, John Reilly, William McConnell, Jerry Geary, jr., Patrick Logan, George Miller, Charles Pickering, John Hall, Benjamin Jones, Anthony Uder, William Jones, sr., Joe Buckrod, Pat Cavanaugh, Steve Freke, Brian Fallon, James Cook, William J. Foy, John Geary, Pat Dougherty, Anthony Dougherty, and Thomas Peach.

Mr. McLAIN. I yield to the gentleman from New Jersey [Mr. LANNING].

Mr. LANNING. Mr. Speaker, it does not seem to me that this case presents for our consideration any question of difficulty. It is true I have not read the 4,000 pages of testimony. It is also true that I have not read the so-called "brief" of the counsel for the contestant of 400 pages, or the so-called "brief" of the counsel for the contestee of 100 pages; but I have read and reread with care the majority and minority reports.

This case was referred by the House to a committee who have given their time and thought to it and have come to us with majority and minority reports.

The reasonable way for us to handle it—indeed, the only way we may do so, is by considering these reports, for it is practically impossible for us to read the testimony or even for us to give careful consideration to the printed briefs.

Now, I will ask the gentlemen of the House to turn to page 11 of the majority report and follow me as I refer to a few figures, which figures are conceded in the minority report. It appears that Mr. Connell, according to the returns, had 13,159 votes, and that after deducting from them the returns of the three disputed districts he had remaining 12,967 votes, and that Mr. Howell had, according to the sworn returns from the Congressional district, 13,600 votes, and that after deducting from them the returns of the three disputed districts he had 12,975 votes. After deducting, then, the returns from these three disputed districts, Mr. Howell had a majority of 8 votes.

Now, Mr. Speaker, from the information that I gather from the majority report, and especially from the minority report, my mind leans to the conclusion that the majority of the committee are right in their decision that the returns from these three disputed districts are so vitiated by fraud that they are utterly unreliable and should be rejected. But I do not reach the same conclusion that they do with respect to the residue of their work. After having made these deductions they add to the remaining votes for Mr. Connell 32 which they say were proven by evidence aliunde the returns to have been cast for Mr. Connell.

Now, it is of importance for us to know what kind of evidence they had before them to support these 32 votes, and if we turn to page 25 of the minority report we will find a list of the names of thirty-two men whom it is said cast these 32 votes, and, following the list, the testimony upon which the addition of these 32 votes is said to be justified. Now, I call attention to the character of this testimony, beginning on page 26, the testimony of James T. Flynn. If you have that report in your hands and follow the names on page 25, you will see that they are taken up in that order.

Q. And Mr. Watts was also supporting Mr. Connell for Congress, was he?—A. Yes, sir.
Q. Patrick J. Walsh, do you know him?—A. Yes, sir.
Q. Was he supporting Mr. Connell?—A. Yes, sir.
Q. Do you know Daniel Dyer up there also?—A. Yes, sir.
Q. Was he supporting Mr. Connell in the last campaign?—A. He was.
Q. Do you know John Kearney?—A. Yes, sir.
Q. Was he supporting Mr. Connell in the last campaign?—A. Yes, sir.
Q. Do you know John E. Walsh?—A. Yes, sir.
Q. Was he supporting Mr. Connell in that campaign?—A. He was.
Q. Do you know John Macker?—A. Well, Macker—I don't know that gentleman.

And so I might go through the entire list of thirty-two names, and you will find that that is the character of the testimony which it is said here by the majority of the committee justifies them in adding 32 votes to the number of votes cast for Mr. Connell.

Mr. DRISCOLL. Will the gentleman allow me to ask him a question?

Mr. LANNING. If I have made an erroneous statement, I will yield.

Mr. DRISCOLL. Not that you meant to—

Mr. LANNING. If you think I have. If you think I have made an erroneous statement you may ask me a question.

Mr. DRISCOLL. I do not put it on the ground that you have made an erroneous statement.

Mr. LANNING. Then I must decline to yield.

Mr. DRISCOLL. I will say it myself by and by.

Mr. LANNING. I think that will be better.

Now, it will be observed that the testimony extracted from this witness was that these other thirty-two men were at the polls in these three districts supporting Mr. Connell on election day in 1902. Was that testimony from which we may justly infer that these thirty-two men voted for Mr. Connell? That is the inference the majority of the committee will have us draw.

They say, or at least it has been said on the floor by some one or more, that the statute of Pennsylvania is of such a character that it makes it a crime for any man to disclose for whom he has voted, and that therefore they can not call these voters themselves and compel them to tell for whom they had voted. Mr. Speaker, whether the statute of Pennsylvania when properly construed does prevent the court from compelling a witness in any proper case to tell for whom he voted——

Mr. JOHNSON. I do not like to take the gentleman's time, but will you allow me to state that the statute of Pennsylvania——

Mr. LANNING. That can be done afterwards. I am going to concede that we are told the statute is of such a character.

Mr. JOHNSON. Let me explain that it is not.

Mr. LANNING. Very well.

Mr. JOHNSON. The statute of Pennsylvania is to prevent bribery and keep men from showing the ticket while voting, not——

Mr. LANNING. I doubt whether the statute of Pennsylvania could have the construction that has been given to it here, but conceding that it could, then I doubt whether, when the Congress of the United States is engaged in its constitutional right and high prerogative of investigating the question as to which of two contestants is entitled to membership here, any State can set limits to that investigation, and therefore it seems to me that these voters might have been called and compelled to tell for whom they voted; but conceding that that may be an erroneous position, an unsound position to assume, still, when the majority of the committee tells us that thirty-two men voted for Mr. Connell, we have the right to ask of them that they prove it by testimony of a character that will be admitted under the ordinary rules of evidence, and the character of the testimony is that which I have read to you. Now, was that testimony intended to be proof as to how these men voted? What did the counsel who asked these questions that I have read to you think of it? On the top of page 33 of the minority report you will find out. On cross-examination of this same Flynn the question was:

Q. About what time of day Charles Woods voted?

Mr. DONOVAN. We object to that as not cross-examination. The list of voters he had, is as to the fact of whether he voted. The counsel for the contestee claims to have a list before him, and now it is certainly not cross-examination; it does not matter whether the men voted or not, and it is useless.

Mr. BALENTINE. In answer to the objection, we say this, Mr. Commissioner, that he has asked whether these men whose names he has given—whether these men voted at the last election.

Mr. DONOVAN. No, sir; he was not asked if they voted; I asked no such question about their voting. Whom they were supporting; I spoke of supporting, not voting; that might include their voting, but I spoke of supporting.

Now, my point is this, that if the direct evidence of this witness, Flynn, is to be taken as proof tending to show that these thirty-two men voted for Connell, then it was perfectly legitimate cross-examination to ask him what he knew about these thirty-two men voting for Mr. Connell, and I will ask if there is any lawyer in this House who will dispute that proposition? Now, it seems to me that the evidence concerning the addition of the

32 votes is not satisfactory and that the majority of the committee have erred in adding the 32 votes to the number that were left to Mr. Connell after rejecting the returns from these three disputed districts.

Neither can I agree with the majority of the committee in their conclusion that 200 votes should be deducted from what remained to Mr. Howell after rejecting the returns from the three disputed districts.

The majority of the committee find that, outside of the three disputed districts, 2,002 illegal votes were received. Of these 2,002 votes, the majority find that 200 votes were shown to have been cast for Mr. Howell, and therefore they deduct these latter votes from the 12,975 votes remaining to him after rejecting the returns from the three disputed districts, leaving to him but 12,775 votes.

But we are not given the name of a single one of the 200 persons in whose names these votes were cast, nor have we from the majority of the committee any statement of the character of the evidence upon which they have concluded that these 200 votes were cast for Mr. Howell, except that, in their opinion, it was "competent and sufficient" evidence. The minority of the committee say, concerning these 200 votes:

> We are neither able ourselves to examine the evidence upon which their finding—

That is, the finding of the majority—

> is based nor can we invite the attention of the House to it.

Are we, in the face of such a record and sitting as judges to hear and decide this case, to accept the naked statement of the conclusion of the majority of the committee and adopt it as our judgment, without information as to who cast these votes, or as to where they were cast, or as to why they are alleged to be illegal?

I can not agree that it appears with sufficient clearness that we ought to deduct the 200 votes from those returned in favor of Mr. Howell.

Mr. Speaker, I have already stated that I am disposed to think that the majority of the committee have correctly concluded that the returns for the three disputed districts, being the Second and Third wards of the borough of Winton and the first district of Old Forge, should be rejected on the ground that they are so vitiated by fraud as to make them unworthy of credence. But I can not agree that the 32 votes which the majority of the committee added to Mr. Connell's return should be so added, or that the 200 votes which they deducted from Mr. Howell's returns should be so deducted.

My conclusion, therefore, is that, upon the facts as they are presented to us by the majority and minority reports, we should find that Mr. Howell has 12,975 votes and Mr. Connell 12,967 votes, and that Mr. Howell is entitled to retain his seat as a Member of this House.

Mr. STERLING. Mr. Speaker, I ask unanimous consent to extend my remarks of yesterday in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks of yesterday in the RECORD. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

Mr. McLAIN. I desire to ask the gentleman on the other side if he desires to consume any of his time now?

Mr. DRISCOLL. If the gentlemen on that side have more than one speaker to follow I think he ought to speak now, as we have used up a little more time than we anticipated.

Mr. McLAIN. Mr. Speaker, how much time has this side remaining?

The SPEAKER. The gentleman has thirty-six minutes remaining.

Mr. McLAIN. Mr. Speaker, from my observation of the results of contested-election cases since I have been a Member of the House, I am thoroughly persuaded that the cases on which there is a majority and minority report are decided, as a rule, upon party lines. Almost without exception each Member votes according to the views expressed in the report made by his party friends upon the committee. Indeed, I would have been content to allow this case to go before the House without any remarks from me had it not been the pleasure of the Speaker to assign me a place upon the Elections Committee considering this matter. Under these circumstances, I feel that I should give the House some expression of my views. In doing this we claim that the minority report should be sustained, and we feel absolutely confident that we are armed with the law and evidence in support of that position. So strongly do we believe in the justness of our cause that we have some hopes of securing at least a few votes from the dominant party.

In presenting my views it will be my aim to do so in a fair and impartial manner, freed from bias and prejudice, certainly from any unkind or offensive remarks toward anyone. I shall say nothing that is not warranted by the evidence, but of such things as are supported by the testimony I shall speak plainly. It is presumed that this House will sit here as a jury to hear the arguments presented by each side, and then decide it upon the law and facts. But, Mr. Speaker, here comes the trouble. Each Member will content himself by following the report of that part of the committee which is of the same political faith to which he bears allegiance. This is the general rule. Of course some few have heretofore acted otherwise, and possibly in this case there may be some to so act.

Mr. Speaker, I have listened with some degree of interest to the very able arguments presented by those in the interest of the contestant, Mr. William Connell. From their standpoint he and the people of the Tenth Congressional district of the State of Pennsylvania have been cheated, defrauded, and robbed. Mr. Connell is represented to you as a man clean of hand, clean of heart, and clean of purpose, and is by right your Congressman. From this it might appear that I intend to make an assault upon him. I have no attack to make upon the personal character of the gentleman. Be it said to his credit that he has forced and cut his way to financial success through many trials and difficulties, springing from the humble calling of a common laborer in the mines of his county to that of a millionaire many times over. It is manifest that the school in which he started life was a school of trial—the very best school from which great men are made. But, Mr. Speaker, with all this glorious and magnificent record behind him, I do take issue with the assertion so confidently made that the people of the Tenth Congressional district of the State of Pennsylvania have been robbed, cheated, and defrauded out of their votes. Mr. Speaker, there is another side to this question, which I will now proceed to present in a logical, impassionate, and succinct manner. By way of parenthesis, I will say right here that Mr. Howell and his supporters have been persistently, and I might say malignantly, persecuted by Mr. Connell from the very inception of this campaign.

Contestee has been compelled to fight his way inch by inch, step by step, to his seat in this House, and Mr. Connell, his rich and powerful enemy, has been the lion in his path, not only as the nominee of his party, but he actively, aggressively, and without warrant invaded the Democratic convention when it nominated Mr. Howell as its standard bearer and rent it asunder by means and causes which I will not dwell on now; but I am happy to say, Mr. Speaker, that Mr. Howell, by the aid of his loyal and true friends, has defeated his rich and powerful enemy at every turn so far, and we sincerely hope that he will defeat him again before this House on this occasion.

Before going any further on this line let me call the attention of the House to the condition surrounding this Congressional fight. It has an interesting history. The scenes enacted during the coal strike, from the 12th day of May to the 16th day of October, 1902, preceding this election in November of that year are stirring. At the risk of being tedious I will briefly relate them. It throws a flood of light upon this case and will materially aid, in my judgment, the House in a correct solution of same. The Tenth Congressional district of Pennsylvania is located in the heart of the anthracite region and consists of one county, Lackawanna. Scranton is its chief city, being a city of about 150,000 inhabitants.

Mr. Speaker, it is a known fact that this was one of the fiercest strikes that has touched this continent, commencing May 12, 1902, and lasting until October 16 following. This strike was ordered by the United Mine Workers of America. I am not here to discuss this strike. Its history is familiar to all. In contestant's brief he says, in substance, that the Tenth Congressional district of Pennsylvania is located in the heart of the anthracite region. In that section labor is completely and thoroughly organized. The United Mine Workers of America is the dominant, controlling force there, and its subordinate lodges or "locals," as they are designated, have their abiding places in more than 60 per cent of the territory of Lackawanna County. Its orders are unhesitatingly obeyed. In the late spring of 1902 all the men engaged in and about the several coal-mining operations in the county of Lackawanna were ordered by the executive board of the organization above mentioned to stop work. The struggle was between employer and employee in the first instance, but it finally broadened out to a contest between capital and labor, and in the last analysis every man who was in any manner interested as owner or operator in the mining or transportation of anthracite fell within the ban of the "locals" associated with the United Mine Workers of America.

Many of these locals issued orders amounting to a blacklisting of men financially interested in the anthracite industry of this region, and in some instances positive orders were given that no man so interested or concerned should be supported for any political office by any member of the particular "local" giving the order, regardless of the individual's preference.

Hon. William Connell, the contestant, was largely interested as owner and operator in the coal-producing business of this entire section, and the force of this conspiracy was principally directed

against his candidacy for Member of the House of Representatives in the Fifty-eighth Congress of the United States from the Tenth Congressional district of the State of Pennsylvania.

Under these stirring times so graphically said by contestant in his brief this campaign was waged. On the 6th day of July of that year the Republicans duly nominated William Connell by a primary election as its "standard bearer."

The Democratic convention of this district assembled on the 16th of September, 1902, to nominate some one for Congress, orphans' court judge, and county commissioner and a mine inspector. Now, gentlemen of the House, here is where Mr. Connell and his followers, which included all the mine owners and sympathizers, got in some of their fine work. When this convention assembled, a desperate and determined effort was made to capture the same for the Republican nominee, Mr. Connell, for Congress, and thereby get his name upon the regular Democratic ticket. You now begin to see that the fight between the employer and the employee, or, at this stage, it might be more appropriate to say between capital and labor, was intense and fierce.

Party allegiance was forgotten in a great measure, but be it said to the credit of the Democratic party, this plan failed of its purpose. Those delegates who entered into this conspiracy were in the minority, and as soon as they discovered they were defeated in their plans they bolted the convention and held one at another place, and proceeded to nominate William Connell and at once filed a certificate of his nomination with the secretary of the Commonwealth. The delegates remaining with the regular convention nominated Hon. George Howell for Congress, nominated candidates for orphans' court judge, county commissioner, and mine inspector. I am reliably informed that the original convention was composed of 192 delegates, and only 32 bolted, leaving 160 participating in the regular convention. Certificates of the nominations made by them were filed with the secretary of the Commonwealth. The validity of the nomination of George Howell was contested by William Connell and his followers in the courts of that county, and both certificates filed before the secretary of the Commonwealth were declared by that tribunal invalid and the nomination of both the Democratic candidates for Congress and the Democratic candidate for orphans' court judge were stricken from the regular Democratic ticket, and this ticket was made up with a blank where the names of the candidates for these offices should have been.

In the meantime William Howell and his followers, anticipating this result, had gotten up nomination papers for him and the orphans' court judge to run for Congress and this judgeship respectively. The title they chose was that of "Antimachine party." The reason that this was done was from the fact that under the laws of the State of Pennsylvania no ticket can be put in the field by nomination papers using singly or in combination a name which resembles one already in the field. The result of this situation was that the regular Democratic ticket voted in the county of Lackawanna was under the caption of the "Antimachine party" ticket, and every candidate upon it received a majority of the votes cast, and they were duly declared elected.

Mr. Connell at this stage of the proceedings began to hunt around for excuses for his defeat. He challenged the correctness of the vote in many of the precincts in this Congressional district. He charged illegal voting, fraud, and corruption from start to finish, but signally fails to show it, though he has taken the testimony of many witnesses—6,500 in all—touching the allegation of fraud lodged against each of these voting places thus challenged. He has failed because the fraud does not exist. As we have shown, the contestant and the contestee were candidates for Congress in this district, the contestant being the Republican candidate and the contestee the Democratic candidate. Mr. Howell, the contestee, was elected by a clear majority of 641, evidenced by the official returns. Upon these returns a certificate of election was issued him, by virtue of which he holds his seat in this House. Mr. Connell, the contestant, alleges that at this general election the contestee was not duly elected to Congress from this district, but claims that he received the majority of the legal votes cast at said election, and that he is entitled to the seat in this Congress as Representative from the said district. The official returns give Howell 13,600 and Connell 13,139, thus showing 26,739 votes returned for both.

We, with perfect confidence, assert that these returns are practically true and correct. Mr. Connell denies this and says that they are false, fraudulent, and not entitled to credit. We think we are now prepared to defend them against this unwarranted attack.

Now, Mr. Speaker, it is a well-known rule of law that when fraud is charged the burden is always upon the contestant to show both fraud and injury to himself in the conduct of the election and count of the vote, and that he must also show that he received the greatest number of legal votes. Unless he can show that he has received a majority of the legal votes cast he can not complain of irregularity or fraud unless he can affirmatively show that he was thereby damaged. Mr. Paine, in his work on The Law of Elections, in section 762, states tersely and completely the law when he says:

> The burden of proof is always upon the party attacking the official returns. The presumption is that the officers, charged by the law with the duty of ascertaining and declaring the result, have performed that duty faithfully. The action of a board of supervisors of election, when in due form, is prima facie correct and must stand until it is shown, by extrinsic evidence, to be illegal or unjust. The presumption is always against the commission of a fraudulent or illegal act, and in favor of the honesty and correctness of the official acts of a sworn officer. The true rule, while it may not require the exclusion of all reasonable doubt, does require clear and satisfactory proof of fraud or mistake before the legal presumption in favor of the correctness of the acts of sworn officers will be nullified. (Paine, sec. 762.)

Mr. Speaker, the decisions on this line all concur that—

> The machinery of the election laws is designed to elicit an expression of the will of the electors in the choice of officers. The fundamental principle is that the election shall terminate according to the will of the majority or plurality of those qualified to vote, and if this has been realized, a mere omission of statutory observances, prescribing the details for conducting an election, will not vitiate it. If the election was held at the proper time and place and under the supervision of competent persons, mere irregularities, which concern the form of conducting it, will not avail to avoid it, unless it be shown that legal votes have been rejected or illegal votes received and that, because of one or the other or both, the result does not conform to the will of the voters or uncertainty has been cast upon the result. No failure of duty, which is no more than an irregularity on the part of the registrars, inspectors, and canvassers of the ballots, shall stand in the way of the popular verdict. When the popular will is ascertained, the design of the law is complete and accomplished.

Keeping these principles of the law before us, we will apply them to the facts of the case as we unfold them in the line of our argument.

He has made sweeping charges against the people of the Tenth Congressional district. Contestant has crowded page after page of testimony into the record, making the longest record, so I am informed, ever filed in a contested election in this House. But they have not shown that he received a majority of the votes. They have shown no substantial fraud. It is true some irregularities in the conduct of the election have been shown, some illegal votes have been received, some for one cause, some for another. But, Mr. Speaker, as I have stated, mere irregularities, which concern the form of conducting an election, will not vitiate it unless it be shown that legal votes have been rejected or illegal votes received and that, because of one or the other or both, the result does not conform to the will of the voters.

He has failed to show that, and appeals to you to throw out certain precincts entirely and other precincts partially, but he has failed to make out his case by submitting competent material and legal evidence. The majority of the committee before whom this case was referred have narrowed the issue down to three boxes, the Second and Third wards of Winton and the first district of Old Forge. These three boxes, the majority of the committee contend, should be thrown out and the 33 votes cast at these boxes should be counted for Mr. Connell on proof aliunde. The returns in these three boxes are as follows:

	Connell.	Howell.
Old Forge, first district	113	288
Winton, Second Ward	20	182
Winton, Third Ward	31	155
Total	164	625

Giving Howell 461 majority.

If these three boxes are thrown out, this still leaves the Hon. George Howell 8 majority. They have not quite got him yet. What is their next step? They attempt to prove aliunde that 33 votes in these three boxes they are attempting to throw out voted for Connell, thereby giving the majority to Mr. Connell by about 12 votes. Let us address ourselves to these two propositions: Shall these three boxes be thrown out? If so, have they proved aliunde that 33 votes were cast in them for Mr. Connell?

It might be well to state right here that the summary of the findings of the majority of the committee were as follows, to wit:

According to the certified returns of the canvassing board in the Tenth Congressional district of Pennsylvania, these candidates received votes as follows:		
William Connell		13,139
The official returns from the Second and Third wards of Winton and the first district of Old Forge are as follows:		
Winton, Second Ward, Connell	31	
Winton, Third Ward, Connell	24	
Old Forge, first district, Connell	117	
		172
		12,967
Votes proven aliunde to have been cast for Connell in the Second and Third wards of Winton and the first district of Old Forge, and which should be added to his count		32
		12,999
Deduct illegal vote		1
Connell's total legal vote		12,998

George Howell		13,600
The official returns from the Second and Third wards of Winton and the first district of Old Forge are as follows:		
Winton, Second Ward, Howell	182	
Winton, Third Ward, Howell	155	
Old Forge, first district, Howell	288	
		625
		12,975
Deduct from Howell's count on account of illegal votes proven aliunde to have been cast for him, as above set forth		200
Howell's total legal vote		12,775
Connell's total legal vote		12,998
Howell's total legal vote		12,775
Connell's plurality		223

It therefore follows that William Connell was duly elected Representative in Congress from the Tenth Congressional district of the State of Pennsylvania.

Such are the findings of the majority of the committee. They find that such gross and palpable fraud was connived at and practiced by the election officers at the precincts of first district of Old Forge, Second and Third wards of Winton, as to deprive the returns of any verity whatever, and they accordingly recommend that the entire returns at these three precincts named should be cast out. We, the minority, in our report, which I had the honor to submit to this House, say, in substance, that we are unable to discover any testimony that shows or tends to show fraud on the part of the election officers. In another part of my remarks I will call attention to the facts and endeavor to show that the inferences and conclusions of the majority are not warranted. Assuming, for the purpose of discussion only, that there were as many illegal votes as the majority allege at the precincts cast out entirely by them, we insist that the method adopted was harsh and unjust. The true rule, in consonance with common sense and common justice, and sustained by the weight of authority, is that the polls should be purged of illegal votes if it can possibly be done. Mr. Taylor, of Ohio, who took high rank in the House both on account of his ability as a lawyer and his fairness as a man, in the case of Taylor *v.* Miner, said:

> This drastic method is never to be resorted to except in case of absolute and unavoidable necessity. The doctrine of throwing out entire returns by reason of fraud, while tolerable in theory, and sometimes essential in practice, is, nevertheless, most vicious and unhappy in its application. I doubt if a single instance will be found in a legislative contested-election case where a proposition to strike out an entire return, if of the substance of the case, was decided on any other than party lines. A principle thus fostered and thus abused is not a principle to be invoked except where the exigencies of the case absolutely demand it.

The supreme court of Pennsylvania in Chadwick *v.* Melvin (Brightley's Election Case, 551) states the doctrine very strongly "that there is nothing which will justify the striking out of an entire division but an inability to decipher the returns or a showing that not a single legal vote was polled, or that no election was legally held."

In Le Moyne *v.* Farwell, Forty-fourth Congress, Digest of Election Cases, page 711, it was stated:

> That where fraud is shown to exist the poll shall not be rejected unless it is impossible to purge it of the fraud. It being shown that very many illegal votes had been received with the fraudulent connivance of the judges of election, and there being definite proof that at least 252 of the votes shown by the numbered ballots in the box to have been cast for contestee were illegally and fraudulently cast, the committee deducted these 252 votes from the vote of contestee.

And on page 728 it further said:

> The exclusion of an entire poll is the very last resort, and it must never be done where there is any rational means by which the illegal votes can be eliminated.

In the New Jersey case, as reported in the Digest of Contested Election Cases, page 651, it is held that the burden of proof is on the contestant, even to the proof of a negative. It holds that—

> The distinction between the controversy at the polls and that before the committee is manifest. At the polls, the voter is a party. When the polls are closed and an election is made, the right of the party elected is complete. He is entitled to the returns, and when he is admitted to his seat there is no known principle by which he can be ejected except upon the affirmative proof of a defect in his title. Whoever seeks to oust him must accomplish it by proving a case. The difficulties in his path can form no possible reason why the committee should meet him halfway. The rule of reason requires that he should fully make out his case, even though it involve the proof of a negative.

In Bromberg *v.* Haralson, Forty-fourth Congress, Digest of Contested Election Cases, page 652, it is stated that—

> The burden of proof is always upon the contestant or the party attacking the official returns. The presumption is that the officers charged by law with the duty of ascertaining and declaring the result have discharged that duty faithfully.

In Cessna *v.* Myers, Forty-second Congress, Digest of Contested Election Cases, page 652, it is held that—

> The burden is upon the party attacking the legality of a vote to prove that the person whose vote is in question voted, that the vote was for the competitor, and that the voter was lacking in some legal qualification.

In Butler *v.* Lehman, Thirty-seventh Congress, Digest of Contested Election Cases, page 652, it is declared that—

> Allegations involving charge of crime must be established beyond a reasonable doubt.
>
> When a contestant makes a charge of incorrectness of returns, which involves a direct charge of crime against the election officers, he would in strict law be required to establish the charge by the same degree of proof required in a criminal case.

In Taylor *v.* Reading, Forty-first Congress, it was held that—

> Fraud to be eliminated if possible without rejecting the returns.
>
> Where contestant proved that more votes were cast for him than were returned to him, and there were circumstances indicating fraud, the committee preferred not to reject the polls, but corrected the vote according to the proof.

In Atkinson *v.* Pendleton, Fifty-first Congress, it is held that—

> Returns which are tainted with fraud can not be made the foundation of the title to a seat in the House. The results should be purged of the fraud if practicable and the poll only thrown out, when no other alternative remains, but to give effect to the fraud or to reject the polls.

In Barnes *v.* Adams, Forty-first Congress (Digest of Election Cases, p. 727), it is held that—

> The rule is well settled that the whole vote of a precinct should not be thrown out on account of illegal votes having been cast, if it be practicable to ascertain the number of illegal votes, and the person for whom cast, in order to reject them and leave the legal votes to be counted. Legal votes are not to be thrown out in order to get rid of illegal votes unless necessity requires it as the only means of preventing the consummation of a fraud upon the ballot box.

All the above authorities hold that the entire vote should not be thrown out except in very extreme cases.

In the matter of purging the poll, McCrary, on page 225, section 300, lays down three rules when the evidence fails to establish how the illegal votes were cast: First, declare the election void; second, divide the illegal votes among the candidates in proportion to the whole vote of each; third, deduct the illegal votes from the candidate having the highest vote. The third proposition is so drastic, harsh, and unjust that we apprehend few men would, acting judicially, invoke it. In this particular case, however, even if there were as many illegal votes as the majority allege, and all of them should be deducted from the contestee, he would still have a majority. We insist that the three polls complained of should be purged by deducting the illegal votes from such candidate as received them if the evidence establishes how they were cast. In the absence of proof as to which candidate received the illegal votes, then we submit that they should be divided between the two candidates in proportion to the whole vote each received.

No difficulty is in the way of this plain, simple, legal method of disposing of the illegal votes. The names of the alleged illegal votes are given. The grounds upon which the votes are claimed to be illegal are printed in the record. Beyond all this, an effort was made to show that the illegal votes were cast for the contestee. There was nothing to hinder the committee from passing one by one upon every alleged illegal vote. If they became satisfied that the vote was illegal, they could then examine the testimony as to who received it. If the evidence established this fact, the proper deduction followed necessarily. If the evidence failed to show who got the benefit of the illegal vote, it should have been divided between the candidates under the rule laid down by McCrary on Elections.

Now, Mr. Speaker, the facts of this case have been so ably discussed by the gentlemen who have preceded me in this argument that I deem it unnecessary to dwell at any length upon them.

Permit me to call your attention to Winton Borough, Second Ward. This is one of the boxes they seek to throw out. The official returns at this ward give George Howell 182 and William Connell 31. The majority of the committee give as their reason for throwing out this ward, first, that the election officers permitted 50 men to vote whose names were not on the registry without taking the affidavits required by the laws of Pennsylvania; second, that in the neighborhood of 50 votes were received in the names of men who were not present and did not vote; third, that a large number of names were added to the registry list by the election officers in violation of the laws and in violation of their duty; fourth, that there were several duplications and votes received in the names of dead men.

Now, let us examine these findings in their order. The majority of the committee insist that the reception of so large a number of illegal votes from nonregistered persons who filed no affidavits can be accounted for on no other grounds than that of gross and palpable fraud, connived at, encouraged, and participated in by the managers of the election. Of the vast number of officers connected with the holding of the election of this box not one of them was called to the stand in the case, and no witness has testified to any act or utterance of said election managers.

Then the only ground for rejecting the precinct is the unwarranted inference that such a large number of illegal votes could not have been cast without fraud. There is no competent testimony in the record to show that anyone voted who was not en-

titled to do so. It is true that the counsel for contestant argued strenuously that there were many names on the poll list that could not be found upon the registration list, and he further charged that no affidavits were required of the nonregistered voters. We assert with absolute confidence there is no legal proof in the record that the managers of the election failed to take affidavit, as the law required, from all persons who applied to vote and who were not registered. Now, some days after the argument had closed, the counsel for contestant filed with the committee a certificate, which is as follows:

COMMONWEALTH OF PENNSYLVANIA, *County of Lackawanna:*

I, John F. Cummings, prothonotary of said county of Lackawanna, in said Commonwealth, do hereby certify that among the returns of election held in the said county of Lackawanna on the 4th day of November, A. D. 1902, which returns are now on file in my office, pursuant to law, it appears that one affidavit only was filed from the first district of Old Forge Borough, in said county, which affidavit is the oath of office taken by the election officer, and that no affidavit of any voter was filed from said district.

In witness whereof I have hereunto set my hand and have affixed the seal of court of common pleas of said county of Lackawanna, at the city of Scranton, in the said county, this 12th day of January, A. D. 1904.

JOHN F. CUMMINGS,
Prothonotary of Lackawanna County.

It must be manifest to anyone that this certificate is not competent evidence. This certificate is to the effect that no affidavits of unregistered voters are on file in the office of the prothonotary. I take it that it is a well-established rule of law that an officer having custody of official papers can make certified copies thereof which are competent evidence, but he can not certify that a paper does not exist. He is under the law authorized to certify to records, but not to the nonexistence of records. If the fact that a paper is not in his office is sought to be proved, he should be sworn, examined, and cross-examined like any other witness. The election officers may have taken the affidavits as the law required and by carelessness, accident, or otherwise failed to file them. The law of Pennsylvania requires that after the election officers shall have taken the affidavits of nonregistered voters and canvassed the votes and announced the result they shall make out triplicate returns and shall then place said affidavits in an envelope along with the list of voters, a tally sheet, and their oaths as election officers and deliver them to one of their number, designated as a return judge, and that he, not the board, shall deliver the same to the prothonotary's office, subject to examination as other election papers are.

It occurs to us that the contestee is not required to prove that these affidavits were actually delivered to the prothonotary by the return judge, for the manifest reason that the contestant has the burden of proving that the affidavits were not taken, and the fact that he has shown or attempted to show by the above certificate that they were not filed in the prothonotary's office does not establish the fact that they were not taken. In support of this position I respectfully refer to section 762 of Paine on Election, where Curtin *v.* Yocum is cited, and where the doctrine is stated in the following language, to wit:

The failure of the officers of election to return to the prothonotary's office the affidavits of nonregistered voters does not raise the presumption that they also failed to require such affidavits.

If we are correct in this view of the law there is not one word of testimony that the election managers allowed fifty persons or any other number to vote without affidavits. If contestant really desired to establish this one fact beyond all controversy it was in his power to do so, but he has seen proper to pass by the best evidence which was accessible to him, and he has been contented with the introduction of evidence of a technical, inferential, and of an unsatisfactory character in support of his position.

Now, Mr. Speaker, we come to the Third Ward of Winton. The official returns at this ward give George Howell 155 and William Connell 24. The reasons assigned by the majority for throwing out this box are of the same nature as those in the Second Ward of Winton. The judge of elections at this precinct testified that no one voted at that box who was not registered, and therefore, for that reason, no affidavits were taken. It is claimed by the contestant that some voted in this box in the names of men who were absent, and that some voted whose names were not entered upon the poll list. In support of these allegations contestant has introduced F. A. Snyder, Beni Betti, and Domineck Cherntom as witnesses. In my judgment they absolutely failed to sustain these allegations. Their testimony upon its face is unsatisfactory. I have not the time to quote it to the House. You will find it printed in full in the report of the minority in this case, which now lies upon the desk of each Member. I ask the Members to read this testimony, and I feel sure that if they will do so they will not place any confidence in it whatever.

But I must pass on to Old Forge district. At this box George Howell received 288 votes and William Connell received 117. The majority of the committee asked that this box be thrown out because "peace officers were present, apparently assisting the election officers, who were friends of the contestee; threats were used; a Republican watcher was forcibly ejected; the right of challenge was denied; voters were denied the right to make their own selections of persons to assist them in marking their ballots, and ballots were marked contrary to instruction of voters, and the election generally in this district was conducted in a high-handed manner and without regard to the provisions of law and the sworn obligations of the election officers." Now, Mr. Speaker, these are sweeping charges, but they have not been proved. The one man above all who should know whether these allegations are true or false was old man Michael McGowan, who was the judge of the election at this box. This old gentleman is 73 years of age, and he says: "The election was the most peaceable and orderly election ever held at Old Forge." The only man who raises any complaint whatever is Frank Conowsky. If one will carefully read the testimony in this case, he will be thoroughly convinced that Conowsky was properly ejected.

Then there is another witness that throws a flood of light upon this point. I allude to Lewis Williams, the Republican overseer, who, by the way, appointed Frank Conowsky as the Republican watcher. Lewis Williams was present in an official capacity to see that no wrong was done the Republican party, and in his sworn testimony he does not say one word about "the unlawful and high-handed action of the managers." The chief witness for the contestant was Frank Conowsky, and if one will read his testimony carefully I am sure it will impress him as being very unsatisfactory. As the facts connected with this box have been so ably presented by other speakers and they are so fully set out in the report of the minority, I will not consume any further time on this point. I will now pass to the discussion of the aliunde votes. After throwing out these three boxes by the majority of the committee it still leaves George Howell with 8 majority. In order to overcome this they have resorted to aliunde evidence to ascertain what legal votes were given the contestant. They are of the opinion that the following men have been shown by competent evidence to have voted for Connell:

Winton Borough, Second Ward.—Charles Watts, Patrick A. Walsh, Daniel Dyer, John Kearney, John E. Walsh, Anthony O'Connor, E. M. Sickrells, Thos. Watts, John Ward, Frank Regan, John Finicu, Michael Chone, William Higgins, Patrick Walsh, Albert Balderson, Jas. Walters, Jas. Malone, Chas. Decker, P. Nelon, Patrick Davitt, Michael McCormick, Patrick Judge, jr., Jas. March, John Davitt, John Lawler, John McCloy, and Michael Bierwich.

Winton, Third Ward.—Mike Hignay, John F. Loftus, John R. Evans, and Thos. Ruane.

Old Forge, first district.—Frank Conowsky.

Now, Mr. Speaker, one witness, James F. Flynn, is called to support this allegation. It is him that they rely upon for proof of all these aliunde votes except 3. If any Member will take the time to read his testimony, which will be found printed in full in the minority report, he will say that his testimony is wholly incompetent, unreliable, for reasons appearing upon its face.

Mr. Speaker, the record in this case discloses the fact that the contestant has shown great interest in the prosecution in this case against the contestee. It shows that 6,500 witnesses were sworn and introduced by contestant and only 312 by contestee. The evidence alone fills four large volumes containing 3,824 pages of fine printed matter. Along this line I wish to call the attention of the House to this one fact, that in their effort to throw out the First and Second wards of Winton and first district of Old Forge they have not called one of the election officers in any of these boxes to testify in this case.

At that election there were nine tickets, viz, Republican, Democrat, Prohibitionist, Socialist, Citizen, Ballot Reform, Union. Under the law each of these three boxes had one judge, two inspectors, two clerks. In addition to that each one of these parties was entitled to nine watchers, which would make twenty-seven at each box; and the three boxes would make eighty-one in all. They had two overseers to each party, making eighteen at each box, and the three boxes, making fifty-four overseers divided among all these parties. This makes 150 officers that attended the three boxes, and I say to this House that the contestant in all his zeal in making out his case has not called a single one of these parties save Frank Conowski. Now, I ask you in all candor, Why did did he not do that, when the evidence shows that he burned the wood and sifted the ashes in gathering up his testimony? He hired men to go out and drum up this testimony, and not one of these parties has he introduced. Now, Mr. Speaker, I am trespassing on the time of other gentlemen, but I wish to say that I was somewhat discouraged when we began this case, but I now feel more hopeful. I think the majority of this House is beginning to believe that if this man can be turned out upon this testimony, there is not a man in this House whose majority is 1,000 or less but what could be deprived of his seat, especially if his contestant is backed up by such a man as William Connell, with his millions and ten lawyers to hunt up the testimony.

There is another thing I want to allude to. There has been a good deal said about illegal registry. Mr. Speaker, under the law the county commissioners make out two copies of the original registry and send them to the officers of each voting place. These

are made out in alphabetical order. Each inspector takes one, and when a man comes up to vote his name is called out and the other marks "voted." When a man comes up who is not registered by reason of any cause he makes the proper affidavit. Then what is done? When he qualifies his name is written on this registry list. It is written on the only list they have there. I want to ask the other side how do they know that the parties were not registered when these very registry lists were impounded by the contestant himself and are now in the courts? We have never seen them. If they had produced them, perhaps scores of these parties they say were not registered might be found upon the registry. I will ask the chairman where are they? If he does not answer, I can. They are to-day in the ballot boxes. Where are the ballot boxes? They are to-day in the courts. Now, you can see at a glance that if anyone qualified on the day of election his name should be on that list. What do they do? The contestant goes to the original registry in the commissioners' office and compares it with the poll list, and every man that he finds not on that original list he says is an illegal voter.

We claim that if the registry lists that the officers had were before us perhaps it would show that every man that they claim was not qualified is upon that list. [Applause.] Now, Mr. Speaker, I make that as a challenge.

Mr. DRISCOLL. Will the gentleman yield for a question?

Mr. McLAIN. Yes.

Mr. DRISCOLL. Is it not true that Mr. Balentine brought a lot of the original lists, and is it not true that we said that if you wanted to bring certified lists in they could bring them in and put them in evidence?

Mr. McLAIN. Yes.

Mr. DRISCOLL. Why didn't you bring them in?

Mr. McLAIN. He, contestee, stood before the committee from the time it opened, begging that the ballot boxes be produced and brought in before the committee.

Mr. DRISCOLL. Did not the gentleman vote against producing the ballot boxes?

Mr. McLAIN. I voted against bringing the votes for the purpose of counting them.

Mr. DRISCOLL. Did you not vote against producing the ballot boxes?

Mr. McLAIN. There was some question of that kind. I admit it. On reflection, I did so vote in the committee. I will say right here that I was like the balance of the committee at the start—did not understand the situation thoroughly. If I had known as much about the case then as I know to-day I do not believe you could have got a majority report from the committee in favor of contestant. I will confess that I did not understand the case thoroughly at that time, but since I have investigated it, I say to this House that the registry lists are to-day in that ballot box. [Applause on the Democratic side.]

Mr. Speaker, it has cropped out in this case that Mr. Connell is a multimillionaire. The other day I clipped the following from one of the leading daily papers of this city:

William Connell was born in Nova Scotia, and began life in the Pennsylvania coal regions, working down in the bowels of the earth with the ordinary miner's pick and outfit and earning the princely sum of 40 cents a day. The story of his rise to wealth is substantially the story of many another man's rise to affluence. He acquired the money and no one ever accused him of being dishonest in getting it. Not many years ago he sold out his mining interests to a coal trust, and now receives from that concern the handsome revenue of $1,000 a day, payable every Saturday night. This income is to continue for ten years. Besides this amount turned into his coffers every week, Mr. Connell's wealth is variously estimated between ten and twenty-five millions of dollars.

I take it that the above history of Mr. Connell is substantially correct. I do not allude to it for the purpose of arousing prejudice, but to throw light on what I am about to say. Mr. Howell is a very poor man. He is charged with fraud and corruption in this election, yet, I take it, he has not a dollar beyond his monthly earnings. I am told he was superintendent of schools before he came to Congress. This campaign was waged during the great coal strike, and Lackawanna County was the scene of this great disturbance. The miners were opposed to Connell because he had been a coal operator. Howell entered the fight without a dollar, while Connell had his millions. When the result of the election was declared, Howell had 13,600 votes and William Connell 13,139.

The result of the election shows, further, that all the candidates on the Democratic ticket received large majorities in Lackawanna County. The plurality for Robert E. Pattison for governor was 5,625; George Guthrie, lieutenant-governor, 3,890; James Noland, secretary of internal affairs, 3,287, and M. F. Sandow, orphans' court judge, 1,837. This shows beyond question that the Democrats swept the county of Lackawanna by a large majority. Mr. Howell, candidate for Congress, received the smallest plurality of any of the candidates—461.

Mr. Howell got the certificate of election. Evidently Mr. Connell's ambition was crushed. He took his case to the election commissioners and lost. He next summoned to his aid nine able lawyers residing in his district. Then this contest began. Fraud and corrruption were freely charged to Howell and his followers by Connell. Here comes in the humorous part of the whole affair. Connell with his millions! Howell without a dollar! With these facts before you let the fair and impartial mind judge who was better equipped to act wrong. It does occur to me that Connell is asking his party friends in the House to do for him what his constituents had refused to do—to give him a seat in this House. [Loud applause on the Democratic side.]

Mr. WILLIAMS of Mississippi. Mr. Speaker, I would ask the gentleman in charge of the time on the other side if he has more than one speaker upon his list. If so, he ought to produce him now. He has a right to the close, but not to close with two speeches.

Mr. McLAIN. Will the gentleman upon the other side answer that question?

Mr. DRISCOLL. Mr. Speaker, we have only thirty minutes left, and I would say that if the gentleman on the other side has more than one speaker he ought to have one of them speak now.

Mr. WILLIAMS of Mississippi. If the gentleman will pardon me, he is entitled to the close, but he is not entitled to two closes. Therefore he ought to consume some of the time now.

Mr. DRISCOLL. Very well; I will yield fifteen minutes to the gentleman from Pennsylvania [Mr. PALMER].

Mr. PALMER. Mr. Speaker, there is one very interesting development in this matter, and that is the development of a conscience on the other side of the House. It is the first time in three years that I have had the honor to sit in this body when any such thing has been apparent. All who have spoken have assured us that conscience was their only guide and mentor in the matter.

Mr. BURLESON. There is no manifestation of one upon the Republican side, however. [Laughter.]

Mr. PALMER. The trouble with this case is that the Republican conscience has become a little too active. I hope this manifestation will continue. There certainly was none of it in the Butler case in the last session of the Fifty-seventh Congress, which presented the most outrageous conglomeration of frauds that were ever perpetrated on the ballot box. There was not a single gentleman on the other side of the aisle whose conscience was stimulated to vote against seating a man in whose behalf every offense that could possibly be conceived against the election laws, including ballot-box stuffing, false personation, forgery, perjury, personal violence, everything short of murder had been perpetrated. I said I hope this manifestation of conscience will continue, so that if in the inscrutable purposes of a divine Providence it should ever seem to be necessary to furnish this country with another administration in which these gentlemen have a majority, it is to be hoped, I say, that conscience will still be active when they have a majority on these committees and when they have the power to seat and unseat Members. I have waited three years for an opportunity to witness this manifestation.

"Prophets and kings desired it long, but died without the sight."

What we are all after in this case is the truth. I agree that all are equally conscientious and all equally desirous of arriving at the exact truth of this controversy. It was submitted by the House to a committee consisting of nine Members. The testimony has convinced six of these nine Members that Mr. Connell is entitled to this seat and that Mr. Howell ought to be unseated. The testimony has equally satisfied three of the nine Members that there is no evidence whatever in the case, not one spark or scintilla of evidence, that would justify the House in unseating the sitting Member. The fact that this decision is on party lines is of no consequence. It may be conceded that all of these gentlemen are equally intelligent, that they are equally able, and that they are equally conscientious. So that the question comes back, What is the truth? Are the six mistaken and are the three right, or are the six right and are the three mistaken?

Let us look at it from a common-sense standpoint for a minute or two and in the light of human experience. It is objected that the best evidence of the facts upon which the majority conclusion was reached has not been produced. The real question is not whether the best evidence has been produced, but the question is whether the evidence is such as, uncontradicted, ought to satisfy a reasonable man under the circumstances, taking everything into consideration, that the facts exist. Consider that little ward of Winton borough, where the majority of the committee find that 100 fraudulent votes were cast. The committee say fifty men voted in that ward who were not on the registry, who filed no affidavits. Under the decision of the highest court of the State of Pennsylvania those votes were illegal and void, and no outside testimony could ever make them good. What is the evidence on which the majority of this committee find that conclusion? First, it was perfectly easy to satisfy themselves that these

voters were not on the registry list by comparing the poll list with the registry.

Mr. JOHNSON. But that they have not done.

Mr. PALMER. That they did do. It is said that this registry list which was used by the election officers on that occasion is in the ballot box. Well, let it be granted that it was.

Mr. JOHNSON. Does not the gentleman think, as a lawyer and as a citizen of Pennsylvania, that they are?

Mr. PALMER. Why, certainly it is in the ballot box; but the original from which that registry list was made is in the commissioner's office in the city of Scranton, and there was not the slightest trouble in comparing that poll list with the registry and with ascertaining the fact, at least, that there were fifty men who voted at that election who were not registered on that list.

Unless they filed the affidavits that the law prescribes, they were illegal voters. Did they file the affidavits? It was the duty of the election officers to transmit those affidavits, if they were filed, to the prothonotary of the court and put them on file there. They do not go into the ballot boxes, but they go to the prothonotary. The prothonotary certified that no such affidavits were ever filed there.

Mr. JOHNSON. Will the gentleman allow me to correct him?

Mr. PALMER. No; I will not, just now.

Mr. JOHNSON. I know my friend does not want to make a mistake; he is too good a man for that.

Mr. PALMER. I will admit that I am a good man. [Laughter.]

Mr. JOHNSON. The certificate to which the gentleman refers related only to Old Forge; there is no evidence as to Winton—none in the world.

Mr. PALMER. If that certificate pertains only to Old Forge, then is there other evidence that there were no affidavits filed at the Second Ward of Winton?

Mr. JOHNSON. None in the world.

Mr. PALMER. I will tell you what evidence there was. There was the evidence of Mr. Howell's lawyer, who stood up before this committee and admitted that no affidavits were filed in that ward; the evidence that the counsel of the contestee put into his printed brief on page 18 that there were no affidavits filed in that ward. He says there were no affidavits filed in that ward because there were no voters who voted who were not registered.

From the beginning of this case until the end there has never been a denial on the part of anybody that there were fifty men who voted in that ward on that day who were not registered. It is not until this case comes to be argued here in this House that this fact is denied. They are now making that claim in the face of their own admissions in their printed brief and in their argument before the committee.

Mr. Speaker, if it were true that the fifty men who voted and who were claimed to be nonregistered did in fact file affidavits, would not the contestee in this case have been swift to call the election officers to prove it? Could he not have proved in just one minute by calling the judge of the election or the clerk of the election, or any inspector of the election, that no man voted on that occasion who was not on the registry for whom an affidavit was not taken? Could he not have explained that these affidavits were transmitted to the prothonotary, and were lost on the road or eaten up by mice or abstracted by the enemy.

Sometimes the facts which are not proven speak as conclusively and as forcibly as facts which are proven; and when from the beginning it was contended that these fifty nonregistered voters voted without affidavits, and when the contestee failed to attempt to establish the fact that affidavits were filed, that seems to me to be at least some evidence on which the majority of the committee could base their finding.

The committee finds that there were fifty men who were returned as having voted in that precinct who were not there at all. I suppose the best evidence in proof of this fact would have been to summon the men themselves if they could be found on the face of the earth, to bring them before a commissioner and take their testimony that they were not present and did not vote. That was not the course pursued. A man was sent out who was not a stranger—a man who was a tax collector and assessor in that little borough of Winton, who knew every man, woman, dog, and cat in the place. They sent him out with a list in his hand of fifty men who were returned as having voted there, but who did not in fact vote, as it was alleged. He was sent out to ascertain facts, and he came back and reported that A had moved away, that B was in some other country, that C had died, etc. Nobody contradicted his testimony or doubted his veracity. It may not have been the highest or best form of evidence; but in the absence of any contradictory proof which Mr. Howell could have made, if any such existed, it was enough to satisfy a reasonable man of the fact.

If the testimony satisfied the majority of the committee, then they had a right to make that finding. Granted that the best evidence was not produced. Is there a man here who doubts for a single moment that it is a fact that the fifty men whose votes were returned as having been cast on that occasion were not there and that they had moved away from that place and did not vote at that election.

It was found in that ward of Winton borough that more than a majority of all the votes cast were illegal votes; that this return on which Mr. Howell had 150-odd majority in that ward was a false return—a return which instead of importing truth imported falsehood; that no reliance could be put upon it. What is to be done with this return? Under the well-settled principles of law it must be rejected. What happens next? There was no possibility of purging that poll. How could you purge the poll? The provision for a numbered ballot had been abolished through the effort of some idiotic so-called "reformers." The last chance that we had in Pennsylvania to purge a poll has been taken away by a constitutional amendment abolishing the numbered ballot.

The only way that the poll could be purged would be to call every voter who voted there to state for whom he voted. The ballot in Pennsylvania is secret, and no man can be compelled to tell how he voted. Of course if a man's vote is illegal he shields himself on the ground that he is not bound to criminate himself by testifying that he voted at all or for whom he voted. If his vote is not illegal, he is not bound to tell anybody for whom he voted. Therefore the proposition that the ballot box could be purged, that it could be ascertained how many legal votes and how many illegal votes were cast and for whom was simply impossible. The other rule of law that applies to such a case is that the return shall be rejected when it does not import truth or is tainted with fraud, and then each party shall have an opportunity to prove how many legal votes he actually received in that poll. That opportunity Mr. Connell embraced, and he was able to prove that in these two wards of Winton and in the Old Forge precinct at least thirty-one persons who were legal voters cast their ballots for him.

Again, it was said that this was not established by the best evidence. It is not a question whether it was proved by the best evidence, but the question is whether any man here doubts the fact that these thirty-one Republicans who had been supporting Mr. Connell and who declared afterwards that they had voted for him—is there a doubt that they did so vote? Is there a doubt that those 31 votes ought to have been given to him? The question is whether the fact exists, and whether in the absence of any contradiction the evidence is such as to justify a belief in the mind of a reasonable man.

[Here the hammer fell.]

Mr. McLAIN. Mr. Speaker, it was the intention of my colleague [Mr. RANDELL of Texas], who is on the committee, to address the House to-day, but he, like myself, has not the time. I now yield the balance of the time to the contestee [Mr. Howell].

The SPEAKER. The gentleman has thirty-six minutes, which he yields to the gentleman from Pennsylvania [Mr. Howell].

Mr. HOWELL of Pennsylvania. Mr. Speaker, the Hon. William Connell was renominated by the Republican party of Lackawanna County, which is the Tenth Congressional district of Pennsylvania, some time in July, 1902. His certificate of nomination was regularly filed with the secretary of the Commonwealth, at Harrisburg.

The Democratic party held its convention in Scranton, some time in September—September 16, I believe—1902, and at that convention, as usual, there were some Connell Democrats—some Connell conspirators. After we had elected a permanent chairman; after George Howell had been nominated for Congress; after Judge Sando had been nominated for the orphans' court, thirty-five of those conspirators bolted the convention, went to Melvin's Hall, and there organized a rump convention, which nominated the Hon. William Connell upon a Democratic ticket and a Democratic platform diametrically opposed to the Republican platform indorsed by the Republicans in July, 1902.

Judge WADE has read that platform for you, and I will not repeat it, for my time is short; but we want to call your attention to this fact: Mr. Connell was not only pleased with the action of that rump convention—he was not only pleased with that Democratic platform, but he publicly indorsed both by filing his certificate of nomination with the secretary of the Commonwealth of Pennsylvania. Further, he was bold enough not only to file his certificate of nomination as a Democratic candidate, but he petitioned and prayed the Dauphin County court to declare my certificate invalid and to erase my name from the Democratic column.

After a trial lasting many days, after the examination of carloads of witnesses sent on by the contestant from Scranton to Harrisburg, that court decided that my certificate was invalid, and also his.

Knocked out of the Democratic column, robbed of a nomination, George Howell went home, filed 3,000 signatures, took them to Harrisburg, and got his name in a column known as the "anti-machine column." George Howell had but two weeks to conduct his campaign, but when the vote was counted, canvassed, and returned, a plurality of 461 votes declared not only the success of George Howell as an antimachine candidate for Congress, but it expressed the disapproval of a man who wanted to be both Republican and Democrat. [Applause on the Democratic side.] For George Howell carried the Republican strongholds of Lackawanna County.

Mr. CONNELL (the contestant). Where?

Mr. HOWELL of Pennsylvania. I carried the west side by 792 votes.

Mr. CONNELL. That is Democratic.

Mr. HOWELL of Pennsylvania. The Republican city of Scranton is not a Democratic stronghold. The west side is a Republican stronghold, and I carried it, and the returns will show it.

Mr. CONNELL. The gentleman is mistaken.

Mr. HOWELL of Pennsylvania. I want my time. I simply tell you the fact that I carried the Republican stronghold of Lackawanna County, which is the west side of the city of Scranton.

Mr. CONNELL. That is not so.

Several MEMBERS. Order! Order!

Mr. McLAIN. I submit to the Chair whether the gentleman, Mr. Connell, who is not a Member of the House, as I take it, has a right to interrupt the gentleman?

The SPEAKER. The contestant can only address the House by its permission, which has not been given.

Mr. CONNELL. Have I not that right?

The SPEAKER. The gentleman from Pennsylvania will proceed without interruption. He declines to yield. [Applause on the Democratic side.]

Mr. HOWELL of Pennsylvania. The Republicans of Lackawanna County are loyal to the Republican party and loyal to Republican principles. They believe, however, in the existence of two great parties and the right of representation. They would not destroy the Democratic party, because they know that the Republican party has been made stronger and better by its opposition. Had Mr. Connell not attempted to run as a Democratic candidate; had he relied upon his individual strength and party prestige, I tell you frankly and freely I believe he would be occupying a seat on the other side of the House to-day, honored and respected for his allegiance and loyalty to the Republican party and Republican principles.

If a lawyer goes into court and asks damages for injury to his client and it can be shown that his client is guilty of contributory negligence, the case is thrown out. The contestant in this case is guilty not only of contributory negligence by accepting a Democratic nomination, but he is guilty of violating a fundamental law which gives to every party in every State the right of representation on the ballot. The monuments at Yorktown, Bennington, Saratoga, and Bunker Hill stand for the right of representation in all its varied forms. God forbid the day when all men think alike and one party dominates the land. I have no desire to consume the time of the House or digress from the main issues in this contest, but the people of Lackawanna County have been recklessly charged with gross and flagrant violations of election laws, illegal voting, fraud, bribery, and corruption, and I deem it my duty and high privilege on this occasion to say a word in their defense.

Reading the notice of contest, you would be led to believe that Lackawanna County, the home of the miner and the heart of the anthracite region, is a district where men have no regard for law, where civic virtue is dead, and where anarchy is king. Lackawanna County, Mr. Speaker, is not a seething pile of political corruption, as the contestant would have you believe. This district has a reputation to be envied, and I will prove this statement, not by appealing to the imagination, but by the facts, figures, and testimony furnished this House by the contestant himself, who has attempted to defame the county that gave him his great wealth and the good people who raised him to his present proud political eminence.

In that notice of contest contestant alleges that 13,584 men voted for George Howell who had not resided in the election district where they voted the specified time required by law; that 10,253 ballots were marked by my friends and fraudulently cast by my agents; that 13,600 men voted for George Howell who had not paid their taxes, and, last but not least, though George Howell's name did not appear in the Democratic column, he alleges that 21,243 ballots marked in the circle at the head of the Democratic column were counted for George Howell. These statements or allegations are so wild, rash, reckless, and erratic that no rational mind can conceive them to be true. If they are true, there was not a legal vote cast for George Howell out of 13,600.

There may be some element of truth in each and every allegation made by the contestant, and if there is, I desire that it be carefully weighed by the House; but his boldest allegation, one that imputes gross fraud, contains not a single grain of truth. Contestant sets forth as his strongest allegation that 21,245 ballots marked with the circle at the head of the Democratic column were counted for George Howell. Now, Mr. Speaker, what is the testimony? What are the facts? On November 5, the morning after the election, one named Decker lodged information with the court of Lackawanna County to the effect that the election board in the second district, Third Ward, of Scranton, counted ballots with a cross in the Democratic circle for George Howell. The court immediately ordered the board to appear. They were examined, and it was found that the board did count 7 votes thus marked for George Howell. The court immediately ordered 7 votes deducted from George Howell's total vote in the district. Were any other ballots similarly marked and counted for George Howell? In the testimony of 6,500 witnesses you can't find one.

These facts and figures may form no part of the majority report, but they have been sent broadcast over this land, imputing dishonesty to the people of Lackawanna County, giving them a reputation for lawlessness which they do not deserve. The contestant in this case has been the foremost man and political leader in Lackawanna County for twelve long years. The political methods devised by him were the methods accepted by all lieutenants; his power was so supreme the political machine never moved except when oiled and guided by his deft and cunning hand, and I tell you now that, if such a corrupt condition existed in Lackawanna County as he would have you believe, it is high time the political leadership of the county was changed and the contestant, William Connell, held responsible for his stewardship as a political boss in that county for the last twelve years.

Expecting a retort from friends of the contestant to the effect that contestee made some bold allegations, too, which were not proven—not sustained by the evidence—permit me to read some of these allegations and tell you why they were not proven, why they were not sustained.

We alleged the following:

"Fourth. That one John Gibbons, an agent and employee of yours, the contestant, gave to Charles H. Schadt, high sheriff of Lackawanna County and a Democratic party leader in said Congressional district, the sum of $2,500 for the purpose, as specifically stated by said Gibbons to Schadt, of procuring election officers in said Congressional district to make false returns, by which more votes than cast for you, the contestant, were to be counted, returned, and canvassed for you.

"Fifth. That said John Gibbons, agent as aforesaid of you, the contestant, being the indorser on a note for $1,000 given by John J. Fahey, the chairman of the convention called by the Democratic party in this district to nominate a candidate for Congress, offered the said John J. Fahey that he would take up said note for said Fahey and relieve him from any liability thereon provided that he, the said Fahey, would use his influence as chairman of said convention to have it indorse the candidacy of yourself for Congress in this district.

"Sixth. That one James S. McAnulty, one of your agents, gave to Wade M. Finn a check for the sum of $150 for the purpose of bribing voters to vote for you in the Congressional district at said election.

"Seventh. That said James S. McAnulty, as well as others acting as your agents, disbursed many other large sums of money to other persons for the purpose of bribing voters to vote for you in said election."

Of those designated in the allegations just read, we put upon the witness stand one John J. Fahey, who was chairman of the Democratic convention. His testimony, to say the least, is very interesting. He testifies on page 3108 that John Gibbons, a Connell Democrat, would take care of his note of $1,000 if he, Fahey, would play fair at the convention. I may not be familiar with human nature, I may not know the true code of political ethics, but as I understand human nature and the political world, men at conventions offer money, not as an inducement to play fair, but to play crooked.

John Early's testimony, read by the gentleman from Massachusetts [Mr. THAYER], is found on page 3081 and stands uncontradicted.

The allegations made by Wade M. Finn, Charles H. Schadt, and James McAnulty were not sustained because they disobeyed the subpœna issued by the commissioner of the contestee. But what did we do when they failed to respond to this subpœna? We went before the United States commissioner and had them arrested; but what was the result? As soon as the commissioner had placed two of them under bail, United States District Attorney McCarroll was sent for, and at the hearing of Wade M. Finn he declared that the subpœna issued was defective, because the locus

or place for hearing was not sufficiently and specifically designated. The subpœna reads as follows:

[Copy of subpœna. William Connell, contestant, *v.* George Howell, contestee. In re hearing before commissioner sur contested election of Representative in Congress.]

To Charles H. Schadt, of the Sixteenth Ward of Scranton, greeting:

You are hereby notified and commanded that, laying aside all, and all manner of business, you be and appear in your own proper person, and have with you your naturalization certificate, or your father's naturalization certificate, and receipts for State and county taxes paid between November 4, 1900, and October 4, 1902, before W. W. Baylor, notary public, a commissioner duly appointed, at court-house, court room No. 2, on Thursday, the 19th day of February, 1903, at 9 o'clock in the forenoon, then and there to give evidence touching the matter of the contested election of Hon. George Howell to a seat in the House of Representatives in the Fifty-eighth Congress of the United States, wherein Hon. William Connell is the contestant and Hon. George Howell is the contestee, on behalf of the contestee.

Hereof fail not under penalty prescribed by law.

Witness my hand and seal at Scranton, Lackawanna County, Pa., the 13th day of February, A. D. 1903.

[SEAL.] W. W. BAYLOR,
Commissioner and Notary Public.

[Seal of W. W. Baylor, commissioner and notary public.]
My commission expires January 19, 1907.
A true and attested copy.

R. E. FENTON.

Scranton is on the subpœna twice; there is but one county seat in the Tenth Congressional district, one court room No. 2, and every man subpœnaed was an old resident of Scranton. Charles H. Schadt had been high sheriff and Wade M. Finn a member of the council for many years, yet our learned United States district attorney saw fit to rely upon the technicality and ordered those in custody discharged. I may be wrong from a legal standpoint, but I think that the refusal of these witnesses to testify in obedience to the subpœna issued should be taken as an admission that they were possessed of information and had knowledge of facts which would prove the allegations of the contestee.

Again, Mr. Speaker, let us examine some of the agencies that cooperated to defeat the contestant. Mr. Connell conspired not only to defeat himself by accepting a Democratic nomination, but the times, the environment, the economic conditions of the county, worked against him. Let me read from the contestant's brief:

The Tenth Congressional district of the Commonwealth of Pennsylvania is located in the heart of the anthracite region. In that section labor is completely and thoroughly organized. The United Mine Workers of America is the dominant controlling force there, and its subordinate lodges, or "locals," as they are designated, have their abiding places in more than 60 per cent of the territory of Lackawanna County. It is an "imperium in imperio," and its orders are unhesitatingly obeyed.

Hon. William Connell, the contestant, was largely interested, as owner and operator, in the coal-producing business of this entire section, and the force of this conspiracy was principally directed against his candidacy for Member of the House of Representatives in the Fifty-eighth Congress of the United States from the Tenth Congressional district of the State of Pennsylvania.

All this I freely and frankly admit. In the Tenth Congressional district labor was completely and thoroughly organized. The lodges or locals had their abiding places in more than 60 per cent of the territory of Lackawanna County; and now, sir, I ask you, if this be all true, and you assert it, why was my election an unnatural result, for as the miner votes in Lackawanna County so goes the election. [Applause on the Democratic side.]

Again, looking at natural conditions and natural results, what do the returns indicate? Every candidate upon the antimachine ticket, upon which I ran, received a majority of the vote cast in the county and was duly declared elected. Robert E. Pattison, the Democratic candidate for governor, received a plurality of 5,000; George Guthrie, Democratic candidate for lieutenant governor, 3,890; James Nolan, candidate for secretary of internal affairs, 3,287, and M. F. Sando, candidate for orphans' county judge of Lackawanna County, running under exactly the same conditions as George Howell ran, got a majority of 1,837. Facing these facts, who will say that Howell's election was a surprise or an unexpected result when the Democrats swept the county?

Again permit me to eradicate a false impression. The contestant in his brief seeks to convey the impression that at the time of the election there was great excitement in the county, that lawlessness prevailed, that a strike was in progress, and that soldiers were on guard to suppress violence and disorder. Such was not the condition in Lackawanna County on election day. At the time of the election the strike was over, the military forces had been withdrawn, men had returned to work satisfied that the mine Commission appointed by President Roosevelt would deal fairly with them. The election in all respects was the most orderly and legally conducted election ever held in the county. Not a single arrest or charge was made on election day, immediately before or after. There is not one scintilla of evidence in the testimony of 6,500 witnesses that shows one act of violence or intimidation at any of the 163 polling places in the county of Lackawanna.

Having recited the history of the case, let us now examine the majority report. That report asks you first to throw out the Second Ward of Winton because votes were recorded in the names of men who were not present on election day and did not vote. Now, gentlemen, what is the testimony? One M. J. Gaughan, a paid professional searcher and collector of testimony, whose home was not in Winton, but in Olyphant, who gathered his information three months after the election, who was not in or near the polls in Winton borough on election day, goes upon the stand and testifies from secondhand hearsay evidence that forty or fifty men were not present at the polls on election day and did not vote. If such testimony can be introduced and relied upon, no man's seat in this House is secure for a single day. Again, this witness, M. J. Gaughan, in my judgment is utterly unworthy of belief. Any man who goes upon the witness stand and testifies that he knows personally every man in Winton borough, a mining district of 3,000 inhabitants, composed principally of Poles, Slavs, Huns, and Italians, shifting and moving constantly, is either an ignorant man or a deliberate perjurer. [Applause on the Democratic side.] Employers of long experience in this district and throughout Pennsylvania find it so difficult to remember the names and faces of the foreign miner and laborer that surnames and Christian names are practically unknown and unheard. The Poles, Slavs, Huns, and Italians go by number, not by name. Those of you who live in farming communities with a settled population may be inclined to believe that Gaughan knew personally 3,000 men in Winton borough, but those of you who reside in mining districts know that his statement is absolutely false.

Further, the majority report declares that votes were received by the election officers in the names of dead men. How many such votes were received in the names of dead men? Only two, Thomas Wright and John Mackey. Thomas Wright's name is on the registry list and voting list, but Gaughan, this paid professional searcher, tells you upon information received from Wright's father that he, Thomas Wright, died in Pittsburg September 20, 1902. You may believe Gaughan if you are so disposed, but I will accept the written registry book, the written voting list, and that fair presumption of law that sworn officers did their duty—nothing to the contrary appearing in this record—rather than accept the testimony of this man Gaughan, with a wonderful memory, a wonderful nose for scenting the trail of lost men, a wonderful ear for gossip, secondhand information.

Regarding John Mackey, the other dead man, I have good reasons for believing that he was alive on election day and that he voted. A witness called by contestant says that he was killed November 15, 1901; but is he not mistaken? The assessor by law is compelled to make a house-to-house canvass in May of each year, and write in his registry book a full and complete list of all the voters in his district. The assessor, John Loftus, made such a canvass in May, 1902; and what do we find? Do we find the name of John Mackey recorded by the assessor? Yes, sir. Recorded by him in a house-to-house canvass made seven months after Mackey is said to be dead. Now, Mr. Speaker, are you going to ignore, set aside, this written record made by an officer under oath, at a time when there was no party feeling or party politics in the air, when this contest was not dreamed of, and accept the oral testimony of a witness at a time when party feeling ran high, when this contest had engendered political strife and political hatred? I believe not. When you look at this record there is but one conclusion—John Mackey was alive on election day and voted.

Again, it is alleged that many votes were cast by men whose names could not be found on the registry list in this ward. Similar allegations are made for the Third Ward of Winton and the first district of Old Forge, and as these districts are composed principally of Poles, Slavs, Hungarians, and Italians one answer will suffice for all. In Pennsylvania, it is true, names on the voting list should correspond with names on the registry list, but to make them correspond under existing conditions in these districts is an impossibility. I hold in my hand a list of the names from the Second Ward of Winton, copied from contestant's brief, and I assert, without fear of successful contradiction, that there are not two men in this intelligent body that can pronounce or spell them correctly: Theodore Gruzdioloonicz, James Elneges, John Michaels, Joseph Batnicak, Joseph Iratt, John Saveon, Vasil Juzinoc, Vasil Ladmrak, Vasil Ladmirjak, Andrew Grusalanick, Joe Yutsco, Vasil Zuynioc, Korse Jubiancy, Jacob Magarin, Silvertie Marsala, Duherij Michalay, John Francke, Steve Revildjack, Joe Maslar, Frank Laskovskie, Mack Annlkoski, Michael Hanaha, Michael Horiahra, Anthony Sekovic, Valentine Rugrec, Andrew Senick, Steve Waslar, Martin Makala, John Senko, Peter Giszar, Hric Pavander, Mich Oaph, Jacob Lustick, Andrew Dalosh, Andrew Malnar, John Novack, Mich Harksum, Joe Skovina, George Pedracki, Steve Korach, John Varhalak, Joseph Marshler, Paul Kackosh, George Kackosh, John Kovalisky, Charles Savicky, Theodore Grusdlovick, John Pliska, John Olorin, Thomas Davitt, Paul Michaulic, John Marck.

I will go farther and say that you can not find five professors in Yale, Harvard, or Princeton that can spell and write these names correctly when correctly pronounced to them. Is it not unreasonable then, to expect miners, unskilled and untrained, with but the rudiments of an education, to spell these names correctly, to make the voting list correspond to the registry list. Further, is it not unfair, unjust, and harsh to accuse these hard-working people of fraud when neither you nor I could perform the task imposed or placed upon them by the law?

Let us now pass to the Third Ward of Winton. The star witness for the contestant, and the chief witness upon whom he relies to establish irregularities and fraud by the election officers, is one Benni Betti. It is alleged that Benni Betti and H. V. Lawlor, the tax collector, with the assistance of one named Lally, voted twenty unnaturalized Italians in the Third Ward of Winton. If Benni Betti is reliable, if his testimony is trustworthy, it certainly is against us; but who is Benni Betti, and what is he? Are you going to believe him? Are you going to believe a man who could not qualify as a voter, one who could not produce his certificate of naturalization or his tax receipts, a man who sold his honor, his manhood, and his highest American privilege for a glass of beer and 25 cents? [Applause on the Democratic side.] Are you going to believe the sworn officers of this election board of Americans guilty of fraud on the testimony of this unwashed dago, this unnaturalized subject who said that all these Italians voted and still not one of their names appear upon the voting list? (Reply brief, p. 48.)

Again, Mr. Speaker, does H. V. Lawlor, their own witness, corroborate Benni Betti? No, sir. Lawlor denies in toto every statement made by Benni Betti. When James Conry, judge of the election, and their own witness, was asked about Lawlor voting these Italians in a bunch, he said Lawlor voted some that day, but he always asked permission and never asked in a bunch. But, Mr. Speaker, suppose the statements found in the majority report are true; that Benni Betti and H. V. Lawlor did corral these Italians and turn them over to John Lally, and, further, that he marked all their ballots, pray tell me what right have you to believe or even suspect, these Italians having been turned over to John Lally, that their ballots were marked for the contestee? John Lally is a loyal Republican, ever has been, and was a faithful Republican inspector at the polls that day. Do you doubt his politics? James Conry, their own witness, testifies on page 1011 that he never saw John Lally at a Democratic caucus or a Democratic convention, and Peter Lawlor, one of their own witnesses, testifies on page 1098 that John Lally is a Republican. The Republicans of that district were not working for the Democratic party that day. The contestant received more votes in the Second and Third wards of Winton than did President McKinley. President McKinley's total vote in the Second and Third wards of Winton was 50; the contestant's 55, and any Republican who gets more votes than William McKinley in a Democratic district ought not to cry "Fraud."

Before leaving the Third Ward of Winton let me call your attention to the third paragraph on page 6 of the majority report. It read as follows:

> Where the letters "D. I." appear opposite a name on the registry list they indicate that the man is of foreign birth and has declared his intention to become a citizen of the United States. They also indicate clearly that such a man is not entitled to vote, unless he qualify himself by an affidavit in conformity with the law, taken by the election officers and filed with the returns. Those letters are intended to and should put the election officers on guard. There is no honest reason why they should accept votes from such men without the required affidavits.

They would have you believe that where the letters "D. I." appear opposite a man's name on the registry list, made in May by the assessor, he couldn't vote in November. If a man's name is recorded by the assessor in May and he is naturalized in June—and this is frequently the case—he isn't required to make an affidavit when he votes. The production of his naturalization certificate to the election officers is all the law requires. An election officer has no power to go behind a certificate of naturalization and demand additional proof. (1 Brewster, 273; 2 Brewster, 138.)

Again, the registered voter who is challenged need not subscribe to an affidavit. If registered and challenged for nonpayment of tax he can, by taking an oath orally, qualify himself and vote legally. (Eighth Penn. Dist. Reports, p. 595.)

The statements found in this majority report concerning affidavits are certainly a revelation to those familiar with the practice of the election laws in Pennsylvania. A man marked "D. I." on the registry list can vote in November if naturalized in June and he produces his certificate of naturalization to the election officers. Again, the registered voter is not compelled to take and subscribe to the affidavit when he is challenged. On the contrary, proof on his part may be made by parol. (Eighth Penn. Dist. Reports, p. 595.)

OLD FORGE.

The election officers of Old Forge were so ably defended by the gentleman from South Carolina [Mr. JOHNSON] that I shall simply call attention briefly to one fact regarding this district.

The gentleman from Iowa [Mr. BIRDSALL] recited with great particularity yesterday the misdeeds and irregularities of the election officers of Old Forge. He would have you believe that this election board violated every election law, permitted gross irregularities, and committed great fraud, but I desire to remind you of one thing. Every booth on election day was guarded by two overseers, whose plain duty it is to carefully observe the action of the board, and if things are not conducted in accordance with the law and spirit of the law such violations as are observed must be reported immediately to the court. After the election held in November, 1902, not a single overseer in Old Forge and Second and Third wards of Winton, reported a single irregularity.

Is it not fair to presume that these overseers on election day did their duty, and if there had been any irregularities that they would have reported to the court? The fact of the matter is, Mr. Speaker, no man in Old Forge ever dreamed of any irregularity on the part of the officers until this contest was instituted and Mr. Baring with his detectives got to work in Old Forge. To hold this election board of Old Forge guilty of fraud is to put a premium on political corruption, sanction the purchase of votes, and commend the debauchery of the ballot. If there was anything done at Old Forge on election day that was not square, why, pray tell me, didn't Mr. Mason or Mr. Judge, the two Republican members of that board, protest? Why didn't Mr. Williams, the Republican watcher who was in the booth all day, why didn't he protest or say something about this irregularity before this contest began?

Mr. Speaker, before this House can throw out the Second Ward and Third Ward of Winton and the first district of Old Forge, this House must accept as competent testimony the evidence gathered by that paid professional searcher, M. J. Gaughan, who gathered his evidence three months after the election.

2. This House must believe Benni Betti, who sold his vote for a glass of beer and 25 cents.

3. This House must give more weight to the testimony of Frank Conowsky, a political paymaster, than they do to the testimony of Michael McGowan, judge of election, and the peace officer and the constable, both sworn officers of the law.

4. This House must believe that a man can not vote in November, though naturalized in June, if the letters "D. I." appear opposite his name in the assessor's registry book made by him in May.

5. You must believe that the registry books introduced here by the contestant have been in the hands of the election officers.

6. You must believe that the miner, untrained and unschooled, can make the voting list correspond to the registry list when 90 per cent of the names in these districts are names of Huns, Slavs, Poles, and Italians.

Now, Mr. Speaker, let me discuss another matter aside from the three districts asked to be thrown out. If you and I go into court to try a case as lawyers, and you offer in evidence a document or instrument of any kind, I certainly have the right to examine that document or instrument. What was done in this case? Before we began to take testimony the contestant, by an order of the United States district court, impounded all the ballot boxes or their contents. After hearing testimony for some time in the Second and Third wards of Winton, Mr. Holgate, counsel for contestant, offered in evidence the ballot boxes of the Second and Third wards of Winton and said that these ballot boxes would be opened at Scranton at a time certain. Mr. Holgate never fulfilled that promise, and when we requested the committee to make him stand by his offer and bring the boxes here they denied our request. These boxes contained the only registry list used by the election officer on election day; these boxes contained positive evidence of the fraud alleged by the contestant; these boxes contain the evidence of his election or mine—yet he fears to bring them in and face the contents, but skulks behind a Republican majority and refuses to face his own evidence offered in this case. "Thus does conscience make cowards of us all."

I will be charitable. I may not understand why this House refuses to open the boxes, but I do know that where a plaintiff suppresses evidence in court his suppression is a confession of guilt.

There are other questions, Mr. Speaker, involved in this case; but why should I weary the House? Can I hope for a judicial determination of this case? Can I hope that some Republican has asked the question, Is my party master or servant? I recognize the fact that there are two kinds of party allegiance. One is a rigid, unyielding determination to obey party leaders. It is such allegiance as a subject owes to his king, and a man who believes in this kind of allegiance is a liegeman of the party, contented to sing in a quiet undertone, "It is not for me to reason why, but do or die."

On the other hand, the second kind of allegiance stands for independence, and an independence that is a notice and a warning to party and party leaders to do no wrong or be condemned. It is a fealty or party spirit subservient to reason, guided and controlled by conscience.

Stranger as I am in this House, I know not which kind of allegiance is in your heart—whether you believe in the citizen who holds his party to a strict accountability or believe in the man who is held by his party to a strict accountability. Speaking for myself, I am the slave of no party or creed. I believe that the man who is true to himself can not be false to his party, his country, or his God.

Now, gentlemen, my time has about expired and I must yield. If you believe that George Howell, who never sought this Democratic nomination; who never asked a man for a vote; who never spent one dollar for electioneering purposes; who spent seventeen years of his life just preceding this election as a schoolmaster; who ran at a time when the Democrats swept the county—if you believe he was not honestly elected, vote for the contestant, William Connell. On the other hand, if you believe that William Connell, the foremost political leader in Lackawanna County, the man who had his right hand on the Republican machine and his left hand on the Democratic machine, who wanted to play the double rôle of Republican and Democrat—if you believe that he was not honestly elected, vote for the contestee, George Howell. [Great applause on the Democratic side.]

The SPEAKER. The time of the minority has expired, and the gentleman from New York [Mr. DRISCOLL] is recognized for fifteen minutes.

Mr. DRISCOLL. Mr. Speaker, I heartily congratulate the Members of this body at the approaching close of this debate and contest. I congratulate the committee, both the minority and majority thereof, and I really feel like congratulating myself first, because working through these large volumes is a good deal like drudgery, and the task is not a pleasant one. If a man does not agree with his party sometimes, he is criticised, and if he believes his party's candidate is honestly and fairly elected, and stands up for his views, then other people may say that he is biased and influenced by partisanship rather than by the merits. Now, our friends on the other side, the gentleman from Massachusetts [Mr. THAYER] and the gentleman from South Carolina [Mr. JOHNSON], said they came into this case and commenced the examination of the evidence with minds unbiased and open.

I do not question their sincerity for a minute, but let me state our mutual record and experience, that you may see whether they or we can be said to have undertaken this case with minds free from prejudice, bias, or partisanship. The same three gentlemen who signed the minority views in this case were in the Fifty-seventh Congress. They were all on this same Committee on Elections. There were several cases before this committee, and in every case we decided in favor of the Democrat. Mr. Jack, of Pennsylvania, then on this committee, wrote a report in favor of a Democrat in one case where the election was hotly contested, and all these Democratic members concurred, and the report was unanimous.

In another contested case I wrote the report in favor of the Democrat, and these same three gentlemen heartily concurred in that. We were all harmonious in the last Congress. When we met this year I supposed and hoped that we might agree again, but when a majority of this committee agreed on a report in favor of a Republican, they promptly disagreed, and I began to think they are good natured and concur only when we find in favor of a Democrat.

My sympathies are with the laboring man and with the poor fellow who is making an uphill struggle, and therefore when the committee commenced work on this case my sympathies were with Mr. Howell. By disposition I am inclined to favor the under dog in a fight.

But I sat in this case judicially; I examined this record, and I spent a month on it, and I came to the conclusion that I could not find for him without bending over backward. I admit that the gentlemen on the other side can examine this record superficially and find subjects for criticism. I admit that there is a great deal of evidence here which is incompetent—some of it in answer to leading questions, some of it hearsay, some of it conclusions instead of facts. There is much that is incompetent, but there is much of it that is material and competent and establishes the conclusions which we find. I admit, further, that you gentlemen may go into this record and out of the 6,500 witnesses called by the contestant criticise many of them.

You can make fun of their evidence and can find excuses to air your views on election cases if you wish, but if you examine this record as thoroughly as we have you will find that, while there is a lot of poor evidence, there is also a lot of honest, substantial, reliable evidence, on which we predicate this report which we present to you. The gentleman from Pennsylvania [Mr. SHIRAS] says he was never in the committee room; he never saw the record; he never examined the briefs; he simply read the two reports, and he comes to the conclusion that we made a mistake. But he seemed to agree with the report except as to the proof of votes by aliunde evidence.

The contestee seemed to think he was making progress on this side of the Chamber, and yielded time also to the gentleman from New Jersey [Mr. LANNING], who claimed his mind was open when he examined this case. He is inclined to side with our opponents, but says that our report is correct in its conclusion that the two wards of Winton and the first district of Old Forge should be thrown out for fraud.

Now, I want the gentleman from New Jersey [Mr. LANNING] to listen to what I say. I will ask him if he considered we were correct in that conclusion?

Mr. LANNING. Yes.

Mr. DRISCOLL. In the throwing out of those three districts and that your mind was open and unbiased?

Mr. LANNING. Yes.

Mr. DRISCOLL. And willing to find in favor of Mr. Howell if the evidence justified it. Now, if we were justified in throwing out those three districts that would leave Mr. Howell only 8 plurality. Everybody agrees to that.

Now, we claim we have proved by aliunde evidence in those three districts 32 votes for Mr. Connell. We claim at least 200 votes out of the 2,002 illegal votes were shown by competent evidence aliunde to have been cast for Mr. Howell. I wish to call the attention of the gentleman from South Carolina [Mr. JOHNSON] to what I say. The gentleman from New Jersey [Mr. LANNING] says that we were correct in throwing out those three districts. I will ask the gentleman from South Carolina if he agrees with him?

Mr. JOHNSON. No; I do not.

Mr. DRISCOLL. Very well; all right. Mr. LANNING says that the only question in his mind is that we have not proved enough votes to overcome the plurality of 8 for Mr. Howell, if those three districts are thrown out. Does the gentleman stand up here as a man and say that we have not by evidence satisfactory to him overcome that plurality of 8? Does the gentleman say so as a man and as a lawyer?

Mr. JOHNSON. I do not think you have proven 6 votes by competent evidence.

Mr. DRISCOLL. Did you not in the committee room admit that 8 were proven?

Mr. JOHNSON. I do not remember that I did. I will say that whenever in reading over the testimony it appeared that the witness had voted, I said, "The fact is so."

Mr. DRISCOLL. And were there not about thirteen of those cases where you said, "The fact is so?"

Mr. JOHNSON. I do not remember how many.

Mr. DRISCOLL. Do you deny that there were thirteen?

Mr. JOHNSON. I do not believe that there were six.

Mr. DRISCOLL. Now, one word in conclusion. Judge BIRDSALL, who addressed the House yesterday on this question—who has been on the bench and is a well-poised lawyer—said that about fourteen or fifteen hundred of those 2,000 illegal ballots were cast for Mr. Howell. And another gentleman from Ohio [Mr. KENNEDY], who has spoken this morning, has said that 600 or 800 or 1,000 of those votes were cast for Mr. Howell. I suppose I was one of the conservative members of that committee. I did not go as high in my estimate as some of the rest; but I had no doubt that on the evidence at least 200 of those votes were cast for Mr. Howell.

Mr. JOHNSON rose.

Mr. DRISCOLL. I can not yield further for interruption.

Mr. JOHNSON. Why have you not given us the names of those 200, so that we could examine the testimony on the subject?

Mr. DRISCOLL. That was not necessary when we showed that only 10 illegal votes were required to overcome the apparent plurality for Mr. Howell after those three precincts were thrown out. Nobody questioned this in the committee. It was unnecessary to set out the names with the pages of the evidence.

One thing more. You gentlemen from South Carolina and you gentlemen from other Southern States, where you have "the grandfather clause" in your constitutions——

Mr. JOHNSON. We have not.

Mr. DRISCOLL. Well, you will have if you are not stopped. But let me tell you that the patience of the American people is about exhausted. The time is coming when you will have to take off your hats and bow to the majesty of the Federal Constitution. You will have to reduce your representation in this House or obey the supreme law of the land.

Mr. BARTLETT and several other Members. We do obey it.

Mr. FINLEY. We have no "grandfather clause" in the constitution of South Carolina.

Mr. DRISCOLL. I will not be interrupted any more.

Mr. FINLEY. You certainly misstate the fact.

Mr. BARTLETT. May I interrupt the gentleman a moment?
Mr. DRISCOLL. No; I have only a minute more.
Mr. RANDELL of Texas. Is not the gentleman ashamed to appeal——
Mr. DRISCOLL. I will not be interrupted.
The SPEAKER. The gentleman declines to be interrupted.
Mr. DRISCOLL. Yes; I decline to be interrupted.
You people have your constitutions; you have your election laws. They are very strict, and you enforce them. You think that we ought to recognize your constitutions and your laws within your several States. I say to you to be consistent you should uphold the laws of Pennsylvania, and according to those laws and the facts in this case George Howell was not elected and William Connell was. [Applause on the Republican side.] One word more. Pennsylvania does not enact laws for the purpose of shutting out at her elections any Pole or Slav or Italian, if he is a qualified voter. You do pass your laws to shut out voters.
Some of you gentlemen yesterday spoke about the labor vote. We are not afraid of the labor vote in our districts. The people who cast that vote are honest, sensible people. They want to vote once and only once, and our laws provide for that, and you need not be afraid of the labor vote. They are disfranchised now anyway under your constitutions and your laws.
Mr. RANDELL of Texas. That statement is not the fact so far as Texas is concerned.
Mr. DRISCOLL. My time is up; I simply want to say to you gentlemen across the aisle if you want to be consistent, if you want to do to us as you would have us do to you, stand by the law of Pennsylvania; maintain the dignity and majesty of that law and enforce it, so that no man shall vote more than once; so that foreigners, as soon as they land here, shall not be allowed to be "run in" and voted where the bars are let down. Protect the ballot box, protect the citizenship, and you will be serving your country better than by listening to appeals here for sympathy in behalf of George Howell. I believe that in this case you ought to stand up and support us in this vote.
Mr. JOHNSON. The gentleman has one minute; I wish he would let me interrupt him.
Mr. DRISCOLL. Well, go on; take your minute.
Mr. JOHNSON. I want to say this——
The SPEAKER. Does the gentleman from New York [Mr. DRISCOLL] yield?
Mr. DRISCOLL. No, I do not yield. I ask for a vote now.
The SPEAKER. The gentleman declines to yield.
Mr. DRISCOLL. I ask for a vote.
Mr. JOHNSON. There is no doubt about the law of the State of Pennsylvania.
Mr. WILLIAMS of Mississippi. Now, will the gentleman——
Mr. DRISCOLL. Mr. Speaker, I ask for a vote.
The SPEAKER. The gentleman from New York has two minutes remaining.
Mr. WILLIAMS of Mississippi. In that two minutes will the gentleman pardon one question?
Mr. DRISCOLL. I ask for a vote now, Mr. Speaker.
The SPEAKER. If there be no objection, the previous question will be considered as ordered and the question taken.
Mr. WILLIAMS of Mississippi. This is a question so easy to answer——
The SPEAKER. The Chair hears no objection.
Mr. JOHNSON. I have been governed by the law of Pennsylvania——
The SPEAKER. The debate is over. Gentlemen will please be seated. The Clerk will report the amendment.
The Clerk read as follows:

Strike out all after the word "*Resolved*" and insert:
"That William Connell was not elected a Member of the Fifty-eighth Congress from the Tenth Congressional district of Pennsylvania, and is not entitled to a seat therein.
"*Resolved*, That George Howell was elected a Member of the Fifty-eighth Congress from the Tenth Congressional district of Pennsylvania, and is entitled to a seat therein.

Mr. WILLIAMS of Mississippi. Mr. Speaker——
The SPEAKER. The question is on the amendment.
Mr. WILLIAMS of Mississippi. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. WILLIAMS of Mississippi. Is it admissible to call for a division of the two resolutions?
The SPEAKER. Not as the Chair understands it, on the amendment. It will have to be voted upon as a whole.
The question was taken on the amendment; and the Speaker announced that the noes appeared to have it.
Mr. WILLIAMS of Mississippi. Let us have a division.
Pending the division,
Mr. PAYNE. Let us have the yeas and nays.
The yeas and nays were ordered.
The question was taken on agreeing to the amendment; and there were—yeas 150, nays 161, answered "present" 5, not voting 67, as follows:

YEAS—150.

Adamson,	Fitzpatrick,	Lester,	Shafroth,
Aiken,	Flood,	Lever,	Sheppard,
Badger,	Foster, Ill.	Lind,	Sherley,
Baker,	Garner,	Lindsay,	Shiras,
Bankhead,	Gilbert,	Little,	Shober,
Bartlett,	Gillespie,	Livernash,	Shull,
Bassett,	Glass,	Livingston,	Sims,
Beall, Tex.	Goldfogle,	Lloyd,	Slayden,
Bell, Cal.	Goulden,	McAndrews,	Small,
Benny,	Granger,	McDermott,	Smith, Tex.
Benton,	Gregg,	McLain,	Snook,
Bowers,	Griffith,	McNary,	Southall,
Bowie,	Griggs,	Macon,	Spight,
Brantley,	Gudger,	Maddox,	Stephens, Tex.
Breazeale,	Hamlin,	Maynard,	Sullivan, Mass.
Broussard,	Hardwick,	Meyer, La.	Sullivan, N. Y.
Brundidge,	Harrison,	Moon, Tenn.	Sulzer,
Burgess,	Hay,	Padgett,	Swanson,
Burleson,	Hearst,	Page,	Talbott,
Butler, Mo.	Henry, Tex.	Patterson, N. C.	Tate,
Byrd,	Hill, Miss.	Pinckney,	Thayer,
Caldwell,	Hitchcock,	Pujo,	Thomas, N. C.
Candler,	Hopkins,	Rainey,	Thompson,
Cassingham,	Houston,	Randell, Tex.	Trimble,
Clark,	Hughes, N. J.	Ransdell, La.	Underwood,
Clayton,	Humphreys, Miss.	Reid,	Van Duzer,
Cochran,	Hunt,	Richardson, Ala.	Wade,
Cooper, Tex.	Johnson,	Richardson, Tenn.	Wallace,
Cowherd,	Jones, Va.	Rider,	Webb,
Crowley,	Keliher,	Rixey,	Weisse,
Davey, La.	Kitchin, Claude	Robb,	Wiley, Ala.
De Armond,	Kitchin, Wm. W.	Robertson, La.	Williams, Ill.
Dickerman,	Kline,	Robinson, Ark.	Williams, Miss.
Dinsmore,	Kluttz,	Robinson, Ind.	Wilson, N. Y.
Dougherty,	Lamar, Fla.	Russell,	Wynn,
Emerich,	Lamb,	Ryan,	Zenor.
Field,	Lanning,	Scarborough,	
Finley,	Legare,	Scudder,	

NAYS—161.

Acheson,	Douglas,	Ketcham,	Porter,
Adams, Pa.	Dovener,	Kinkaid,	Powers, Me.
Adams, Wis.	Draper,	Knapp,	Powers, Mass.
Allen,	Dresser,	Knopf,	Reeder,
Ames,	Driscoll,	Lacey,	Roberts,
Babcock,	Dunwell,	Lafean,	Rodenberg,
Bartholdt,	Dwight,	Landis, Chas. B.	Scott,
Bates,	Esch,	Lawrence,	Sherman,
Bingham,	Flack,	Lilley,	Sibley,
Birdsall,	Fordney,	Littlefield,	Slemp,
Bishop,	Foss,	Longworth,	Smith, Ill.
Bradley,	Fowler,	Lorimer,	Smith, Iowa
Brandegee,	French,	Loud,	Smith, Samuel W.
Brick,	Fuller,	Loudenslager,	Smith, Wm. Alden
Brooks,	Gardner, Mass.	Lovering,	Smith, Pa.
Brown, Pa.	Gibson,	McCarthy,	Southard,
Brown, Wis.	Gillet, N. Y.	McCreary, Pa.	Spalding,
Brownlow,	Gillett, Cal.	McLachlan,	Sperry,
Buckman,	Gillett, Mass.	McMorran,	Steenerson,
Burke,	Goebel,	Mahon,	Sterling,
Burkett,	Graff,	Marsh,	Stevens, Minn.
Burleigh,	Greene,	Marshall,	Sulloway,
Burton,	Grosvenor,	Martin,	Tawney,
Butler, Pa.	Haskins,	Metcalf,	Thomas, Iowa
Campbell,	Haugen,	Moon, Pa.	Tirrell,
Cassel,	Hedge,	Morgan,	Van Voorhis,
Conner,	Hemenway,	Morrell,	Volstead,
Cooper, Pa.	Henry, Conn.	Mudd,	Vreeland,
Cooper, Wis.	Hepburn,	Murdock,	Wadsworth,
Cousins,	Hermann,	Needham,	Wanger,
Crumpacker,	Hinshaw,	Nevin,	Warnock,
Currier,	Hogg,	Norris,	Weems,
Curtis,	Holliday,	Olmsted,	Wiley, N. J.
Cushman,	Howell, N. J.	Otis,	Williamson,
Dalzell,	Howell, Utah	Otjen,	Wilson, Ill.
Daniels,	Huff,	Overstreet,	Woodyard,
Darragh,	Humphrey, Wash.	Palmer,	Wright,
Davis, Minn.	Jackson, Md.	Patterson, Pa.	The Speaker.
Deemer,	Jackson, Ohio	Payne,	
Dick,	Jones, Wash.	Pearre,	
Dixon,	Kennedy,	Perkins,	

ANSWERED "PRESENT"—5.

Foster, Vt.	Jenkins,	Lucking,	Taylor.
Howard,			

NOT VOTING—67.

Alexander,	Gaines, W. Va.	Landis, Frederick	Rucker,
Bede,	Garber,	Lewis,	Ruppert,
Beidler,	Gardner, Mich.	Littauer,	Shackleford,
Boutell,	Gardner, N. J.	McCall,	Smith, Ky.
Bowersock,	Gooch,	McCleary, Minn.	Smith, N. Y.
Burnett,	Hamilton,	Mahoney,	Snapp,
Calderhead,	Hildebrant,	Mann,	Southwick,
Capron,	Hill, Conn.	Miers, Ind.	Sparkman,
Croft,	Hitt,	Miller,	Stafford,
Cromer,	Howell, Pa.	Minor,	Stanley,
Davidson,	Hughes, W. Va.	Mondell,	Townsend,
Davis, Fla.	Hull,	Parker,	Vandiver,
Dayton,	Hunter,	Patterson, Tenn.	Wachter,
Denny,	James,	Pierce,	Warner,
Evans,	Kehoe,	Pou,	Watson,
Fitzgerald,	Kyle,	Prince,	Young.
Gaines, Tenn.	Lamar, Mo.	Rhea,	

So the amendment was rejected.
The Clerk announced the following pairs:
Until further notice:
Mr. TOWNSEND with Mr. LUCKING.

Mr. WACHTER with Mr. DENNY.
Mr. MCCLEARY of Minnesota with Mr. PIERCE.
Mr. SMITH of New York with Mr. PATTERSON of Tennessee.
Mr. HUGHES of West Virginia with Mr. KEHOE.
Mr. CROMER with Mr. MIERS of Indiana.
Mr. FREDERICK LANDIS with Mr. STANLEY.
Mr. WATSON with Mr. ZENOR.
Mr. ALEXANDER with Mr. SPARKMAN.
Mr. LITTAUER with Mr. RUPPERT.
Mr. KYLE with Mr. GARBER.
Mr. BEIDLER with Mr. HOWARD.
Mr. SNAPP with Mr. MAHONEY.
Mr. DAVIDSON with Mr. FITZGERALD.
Mr. SOUTHWICK with Mr. CROFT.
Mr. HILL of Connecticut with Mr. GAINES of Tennessee.
Mr. HAMILTON with Mr. LAMAR of Missouri.
For the session:
Mr. FOSTER of Vermont with Mr. POU.
Until February 13:
Mr. HUNTER with Mr. RHEA.
Until February 15:
Mr. GAINES of West Virginia with Mr. SMITH of Kentucky.
For this day:
Mr. DAYTON with Mr. LEWIS of Georgia.
Mr. HITT with Mr. DAVIS of Florida.
Mr. JENKINS with Mr. SHACKLEFORD.
Mr. GARDNER of Michigan with Mr. TAYLOR.
Mr. CAPRON with Mr. VANDIVER.
Mr. MANN with Mr. JAMES.
Mr. BOUTELL with Mr. GOOCH.
On this vote:
Mr. MONDELL with Mr. BURNETT.
Mr. HILDEBRANT with Mr. RUCKER.

Mr. DRISCOLL. Mr. Speaker, I ask for a recapitulation of the vote.

The SPEAKER. The gentleman from New York asks for a recapitulation of the vote.

Mr. DRISCOLL. I withdraw that request.

The SPEAKER. The gentleman withdraws his request. Call my name.

The name of the Speaker was called, and he voted "nay."

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the resolutions proposed by the committee, which the Clerk will report.

The Clerk read as follows:

Resolved, That Hon. George Howell was not elected a Representative in the Fifty-eighth Congress from the Tenth district of the State of Pennsylvania.

Resolved, That Hon. William Connell was duly elected a Representative in the Fifty-eighth Congress from the Tenth district of the State of Pennsylvania, and is entitled to a seat therein.

Mr. WILLIAMS of Mississippi. Mr. Speaker, as the resolutions contain two separate propositions, I ask for a division of the question.

The SPEAKER. The gentleman from Mississippi demands a division. The question will then be upon the first resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Hon. George Howell was not elected a Representative in the Fifty-eighth Congress from the Tenth district of the State of Pennsylvania.

Mr. GROSVENOR. I make the point of order that we have already voted upon that proposition.

Mr. WILLIAMS of Mississippi. I ask for the yeas and nays on the proposition.

The SPEAKER. The amendment offered by the minority covered both propositions. The amendment was not agreed to, and the question now recurs on the resolution as reported by the majority. Being two propositions, the gentleman from Mississippi demands a division. It seems to the Chair that he is entitled to a division, and the question is upon the first proposition, which the Clerk will again report.

The Clerk read as follows:

Resolved, That Hon. George Howell was not elected a Representative in the Fifty-eighth Congress from the Tenth district of the State of Pennsylvania.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

Mr. WILLIAMS of Mississippi. Upon second thought, I will not call for the yeas and nays upon that proposition.

Mr. PAYNE. Upon second thought, I will call for the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 148, answered "present" 5, not voting 70, as follows:

YEAS—160.

Acheson,	Douglas,	Kennedy,	Pearre,
Adams, Pa.	Dovener,	Ketcham,	Perkins,
Adams, Wis.	Draper,	Kinkaid,	Porter,
Allen,	Dresser,	Knapp,	Powers, Me.
Ames,	Driscoll,	Knopf,	Powers, Mass.
Babcock,	Dunwell,	Lacey,	Reeder,
Bartholdt,	Dwight,	Lafean,	Roberts,
Bates,	Esch,	Landis, Chas. B.	Rodenberg,
Birdsall,	Flack,	Lawrence,	Scott,
Bishop,	Fordney,	Lilley,	Sherman,
Bradley,	Foss,	Littlefield,	Sibley,
Brandegee,	Fowler,	Longworth,	Slemp,
Brick,	French,	Lorimer,	Smith, Ill.
Brooks,	Fuller,	Loud,	Smith, Iowa.
Brown, Pa.	Gardner, Mass.	Loudenslager,	Smith, Samuel W.
Brown, Wis.	Gibson,	Lovering,	Smith, Wm. Alden
Brownlow,	Gillet, N. Y.	McCarthy,	Smith, Pa.
Buckman,	Gillett, Cal.	McCreary, Pa.	Southard,
Burke,	Gillett, Mass.	McLachlan,	Spalding,
Burkett,	Goebel,	McMorran,	Sperry,
Burleigh,	Graff,	Mahon,	Steenerson,
Burton,	Greene,	Marsh,	Sterling,
Butler, Pa.	Grosvenor,	Marshall,	Stevens, Minn.
Calderhead,	Haskins,	Martin,	Sulloway,
Campbell,	Haugen,	Metcalf,	Tawney,
Cassel,	Hedge,	Moon, Pa.	Thomas, Iowa
Conner,	Hemenway,	Morgan,	Tirrell,
Cooper, Pa.	Henry, Conn.	Morrell,	Van Voorhis,
Cousins,	Hepburn,	Mudd,	Volstead,
Crumpacker,	Hermann,	Murdock,	Vreeland,
Currier,	Hinshaw,	Needham,	Wadsworth,
Curtis,	Hogg,	Nevin,	Wanger,
Cushman,	Holliday,	Norris,	Warnock,
Dalzell,	Howell, N. J.	Olmsted,	Weems,
Daniels,	Howell, Utah	Otis,	Wiley, N. J.
Darragh,	Huff,	Otjen,	Williamson,
Davis, Minn.	Humphrey, Wash.	Overstreet,	Wilson, Ill.
Deemer,	Jackson, Md.	Palmer,	Woodyard,
Dick,	Jackson, Ohio	Patterson, Pa.	Wright,
Dixon,	Jones, Wash.	Payne,	The Speaker.

NAYS—148.

Adamson,	Finley,	Lanning,	Scarborough,
Aiken,	Fitzpatrick,	Legare,	Scudder,
Badger,	Flood,	Lester,	Shafroth,
Baker,	Foster, Ill.	Lever,	Sheppard,
Bankhead,	Garner,	Lind,	Sherley,
Bartlett,	Gilbert,	Lindsay,	Shiras,
Bassett,	Gillespie,	Little,	Shober,
Beall, Tex.	Glass,	Livernash,	Shull,
Bell, Cal.	Goldfogle,	Livingston,	Sims,
Benny,	Goulden,	Lloyd,	Slayden,
Benton,	Granger,	McLain,	Small,
Bowers,	Gregg,	McNary,	Smith, Tex.
Bowie,	Griffith,	Macon,	Snook,
Brantley,	Griggs,	Maddox,	Southall,
Breazeale,	Gudger,	Maynard,	Spight,
Broussard,	Hamlin,	Meyer, La.	Stephens, Tex.
Brundidge,	Hardwick,	Moon, Tenn.	Sullivan, Mass.
Burgess,	Harrison,	Padgett,	Sullivan, N. Y.
Burleson,	Hay,	Page,	Sulzer,
Butler, Mo.	Hearst,	Parker,	Swanson,
Byrd,	Henry, Tex.	Patterson, N. C.	Talbott,
Caldwell,	Hill, Miss.	Pinckney,	Tate,
Candler,	Hitchcock,	Pujo,	Thayer,
Cassingham,	Hopkins,	Rainey,	Thomas, N. C.
Clark,	Houston,	Randell, Tex.	Thompson,
Clayton,	Hughes, N. J.	Ransdell, La.	Trimble,
Cochran,	Humphreys, Miss.	Reid,	Underwood,
Cooper, Tex.	Hunt,	Richardson, Ala.	Van Duzer,
Cowherd,	Johnson,	Richardson, Tenn.	Wade,
Crowley,	Jones, Va.	Rider,	Wallace,
Davey, La.	Kelifer,	Rixey,	Webb,
De Armond,	Kitchin, Claude	Robb,	Weisse,
Dickerman,	Kitchin, Wm. W.	Robertson, La.	Wiley, Ala.
Dinsmore,	Kline,	Robinson, Ark.	Williams, Ill.
Dougherty,	Kluttz,	Robinson, Ind.	Williams, Miss.
Emerich,	Lamar, Fla.	Russell,	Wilson, N. Y.
Field,	Lamb,	Ryan,	Wynn.

ANSWERED "PRESENT"—5.

Foster, Vt.	Jenkins,	Taylor,	Watson.
Howard,			

NOT VOTING—70.

Alexander,	Gaines, W. Va.	Lewis,	Rucker,
Bede,	Garber,	Littauer,	Ruppert,
Beidler,	Gardner, Mich.	Lucking,	Shackleford,
Bingham,	Gardner, N. J.	McAndrews,	Smith, Ky.
Boutell,	Gooch,	McCall,	Smith, N. Y.
Bowersock,	Hamilton,	McCleary, Minn.	Snapp,
Burnett,	Hildebrant,	McDermott,	Southwick,
Capron,	Hill, Conn.	Mahoney,	Sparkman,
Cooper, Wis.	Hitt,	Mann,	Stafford,
Croft,	Howell, Pa.	Miers, Ind.	Stanley,
Cromer,	Hughes, W. Va.	Miller,	Townsend,
Davidson,	Hull,	Minor,	Vandiver,
Davis, Fla.	Hunter,	Mondell,	Wachter,
Dayton,	James,	Patterson, Tenn.	Warner,
Denny,	Kehoe,	Pierce,	Young,
Evans,	Kyle,	Pou,	Zenor.
Fitzgerald,	Lamar, Mo.	Prince,	
Gaines, Tenn.	Landis, Frederick	Rhea,	

So the resolution was rejected.

The SPEAKER. The Clerk will call my name.

The name of the Speaker was called, and he voted "yea."

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the second resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Hon. William Connell was duly elected a Representative in the Fifty-eighth Congress from the Tenth district of the State of Pennsylvania, and is entitled to a seat therein.

Mr. WILLIAMS of Mississippi. Mr. Speaker, in order to save time, I will ask for the yeas and nays on that vote.

The yeas and nays were ordered.

So the question was taken; and there were—yeas 159, nays 148, answered "present" 4, not voting 72, as follows:

YEAS—159.

Acheson,	Douglas,	Kennedy,	Pearre,
Adams, Pa.	Dovener,	Ketcham,	Perkins,
Adams, Wis.	Draper,	Kinkaid,	Porter,
Allen,	Dresser,	Knapp,	Powers, Me.
Ames,	Driscoll,	Knopf,	Powers, Mass.
Babcock,	Dunwell,	Lacey,	Reeder,
Bartholdt,	Dwight,	Lafean,	Roberts,
Bates,	Esch,	Landis, Chas. B.	Rodenberg,
Birdsall,	Flack,	Lawrence,	Scott,
Bishop,	Fordney,	Lilley,	Sherman,
Bradley,	Foss,	Littlefield,	Sibley,
Brandegee,	Fowler,	Longworth,	Slemp,
Brick,	French,	Lorimer,	Smith, Ill.
Brooks,	Fuller,	Loud,	Smith, Iowa
Brown, Pa.	Gardner, Mass.	Loudenslager,	Smith, Samuel W.
Brown, Wis.	Gibson,	Lovering,	Smith, Wm. Alden
Brownlow,	Gillet, N. Y.	McCarthy,	Smith, Pa.
Buckman,	Gillett, Cal.	McCreary, Pa.	Spalding,
Burke,	Gillett, Mass.	McLachlan,	Sperry,
Burkett,	Goebel,	McMorran,	Steenerson,
Burleigh,	Graff,	Mahon,	Sterling,
Burton,	Greene,	Marsh,	Stevens, Minn.
Butler, Pa.	Grosvenor,	Marshall,	Sulloway,
Calderhead,	Haskins,	Martin,	Tawney,
Campbell,	Haugen,	Metcalf,	Thomas, Iowa
Cassel,	Hedge,	Moon, Pa.	Tirrell,
Conner,	Hemenway,	Morgan,	Van Voorhis,
Cooper, Pa.	Henry, Conn.	Morrell,	Volstead,
Cousins,	Hepburn,	Mudd,	Vreeland,
Crumpacker,	Hermann,	Murdock,	Wadsworth,
Currier,	Hinshaw,	Needham,	Wanger,
Curtis,	Hogg,	Nevin,	Warnock,
Cushman,	Holliday,	Norris,	Weems,
Dalzell,	Howell, N. J.	Olmsted,	Wiley, N. J.
Daniels,	Howell, Utah	Otis,	Williamson,
Darragh,	Huff,	Otjen,	Wilson, Ill.
Davis, Minn.	Humphrey, Wash.	Overstreet,	Woodyard,
Deemer,	Jackson, Md.	Palmer,	Wright,
Dick,	Jackson, Ohio	Patterson, Pa.	The Speaker.
Dixon,	Jones, Wash.	Payne,	

NAYS—148.

Adamson,	Finley,	Lanning,	Russell,
Aiken,	Fitzpatrick,	Legare,	Ryan.
Badger,	Flood,	Lester,	Scarborough,
Baker	Foster, Ill.	Lever,	Scudder,
Bankhead,	Garner,	Lind,	Shafroth,
Bartlett,	Gilbert,	Lindsay,	Sheppard,
Bassett,	Gillespie,	Little,	Sherley,
Beall, Tex.	Glass,	Livernash,	Shiras,
Bell, Cal.	Goldfogle,	Livingston,	Shober,
Benny,	Goulden,	Lloyd,	Shull,
Benton,	Granger,	McAndrews,	Sims,
Bowers,	Gregg,	McDermott,	Slayden,
Bowie,	Griffith,	McLain,	Small,
Brantley,	Griggs,	McNary,	Smith, Tex.
Breazeale,	Gudger,	Macon,	Snook,
Broussard,	Hamlin,	Maddox,	Southall,
Brundidge,	Hardwick,	Maynard,	Spight,
Burgess,	Harrison,	Meyer, La.	Stephens, Tex.
Burleson,	Hay,	Moon, Tenn.	Sullivan, Mass.
Butler, Mo.	Hearst,	Padgett,	Sullivan, N. Y.
Byrd,	Henry, Tex.	Page,	Sulzer,
Caldwell,	Hill, Miss.	Parker,	Swanson,
Candler,	Hitchcock,	Patterson, N. C.	Tate,
Cassingham,	Hopkins,	Pinckney,	Thayer,
Clark,	Houston,	Pujo,	Thomas, N. C.
Clayton,	Hughes, N. J.	Rainey,	Thompson,
Cochran,	Humphreys, Miss.	Randell, Tex.	Trimble,
Cooper, Tex.	Hunt,	Ransdell, La.	Underwood,
Cowherd,	Johnson,	Reid,	Van Duzer,
Crowley,	Jones, Va.	Richardson, Ala.	Wade,
Davey, La.	Keliher,	Richardson, Tenn.	Wallace,
De Armond,	Kitchin, Claude	Rider,	Webb,
Dickerman,	Kitchin, Wm. W.	Rixey,	Weisse,
Dinsmore,	Kline,	Robb,	Wiley, Ala.
Dougherty,	Kluttz,	Robertson, La.	Williams, Ill.
Emerich,	Lamar, Fla.	Robinson, Ark.	Williams, Miss.
Field,	Lamb,	Robinson, Ind.	Wynn.

ANSWERED "PRESENT"—4.

Howard,	Jenkins,	Taylor,	Watson.

NOT VOTING—72.

Alexander,	Gaines, Tenn.	Landis, Frederick	Ruppert,
Bede,	Gaines, W. Va.	Lewis,	Shackleford,
Beidler,	Garber,	Littauer,	Smith, Ky.
Bingham,	Gardner, Mich.	Lucking,	Smith, N. Y.
Boutell,	Gardner, N. J.	McCall,	Snapp,
Bowersock,	Gooch,	McCleary, Minn.	Southard,
Burnett,	Hamilton,	Mahoney,	Southwick,
Capron,	Hildebrant,	Mann,	Sparkman,
Cooper, Wis.	Hill, Conn.	Miers, Ind.	Stafford,
Croft,	Hitt,	Miller,	Stanley,
Cromer,	Howell, Pa.	Minor,	Talbott,
Davidson,	Hughes, W. Va.	Mondell,	Townsend,
Davis, Fla.	Hull,	Patterson, Tenn.	Vandiver,
Dayton,	Hunter,	Pierce,	Wachter,
Denny,	James,	Pou,	Warner,
Evans,	Kehoe,	Prince,	Wilson, N. Y.
Fitzgerald,	Kyle,	Rhea,	Young,
Foster, Vt.	Lamar, Mo.	Rucker,	Zenor.

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. EVANS with Mr. TALBOTT.

Mr. MILLER with Mr. WILSON of New York.

The result of the vote was announced as above recorded.

SWEARING IN OF A MEMBER-ELECT.

William Connell, a Representative-elect from the Tenth Congressional district of Pennsylvania, appeared before the bar of the House and took the oath prescribed by law.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On February 8, 1904:

H. R. 8686. An act to amend section 1895 of the Code of Law for the District of Columbia.

On February 9, 1904:

H. R. 4344. An act for the relief of Vincenzo Gerardi, of Washington, D. C.

On February 10, 1904:

H. R. 8688. An act to transfer jurisdiction of reservation No. 32, in the city of Washington, D. C.

URGENT DEFICIENCY BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill, and I ask, Mr. Speaker, before putting that motion, unanimous consent that all debate on the item now pending be closed at 2 o'clock to-morrow.

The SPEAKER. The gentleman from Indiana asks unanimous consent that all debate upon item No. 10 be closed to-morrow at 2 o'clock. Is there objection?

Mr. TAWNEY. Mr. Speaker, I ask the gentleman from Indiana, or rather call his attention to the fact that the matter pending is the amendment to the Senate amendment which I offered, and the request, I think, should be that all debate on the Senate amendment and amendments thereto be closed at 2 o'clock.

The SPEAKER. The gentleman qualifies his request, and the Chair understands he asks unanimous consent that all debate on the amendment and amendments to the amendment be closed to-morrow at 2 o'clock.

Mr. BARTLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTLETT. I want to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I desire to know whether the gentleman from Indiana means, if that request is granted, to limit all debate—general debate and debate under the five-minute rule—in the Committee of the Whole on the state of the Union when it considers this proposition? The committee has proceeded thus far as though we were having general debate. We have not had any debate up to this time under the five-minute rule.

The SPEAKER. The Chair understands that the request is that all debate shall close at 2 o'clock.

Mr. HEMENWAY. If the gentleman will permit me, I have made inquiries of parties who are interested as to the time that would be necessary. Some of those in opposition to the item thought that an hour would be sufficient, and others thought two hours would be sufficient. So I ask unanimous consent that we might have two hours and forty-five minutes.

Mr. BARTLETT. I have no objection to that.

Mr. UNDERWOOD. Mr. Speaker, I would like to know what division of time is proposed.

Mr. HEMENWAY. I should say the time should be equally divided between those in favor of the item and those in opposition.

Mr. UNDERWOOD. Then, Mr. Speaker, I ask that the leader on this side, Mr. WILLIAMS, may control half of the time and the chairman of the committee the other half.

Mr. WILLIAMS of Mississippi. Oh, no; let the gentleman from Georgia control it.

Mr. UNDERWOOD. I ask, then, that one-half of the time be controlled by the chairman of the committee and the other half by the gentleman from Georgia [Mr. BARTLETT], who is opposed to the item.

Mr. HEMENWAY. As far as I am concerned, if I should control the time, I should simply turn it over to the parties interested on the one side and the other of this amendment, so that the time will be equally divided between those who oppose and those who favor the amendment.

Mr. BURKETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKETT. When we closed the consideration of this on Monday evening I had the floor and there was some time remaining to my credit.

The SPEAKER. The gentleman had twenty-six minutes remaining.

Mr. BURKETT. If this proposition is accepted, will I be entitled to that time?

The SPEAKER. The Chair is of opinion that unanimous consent referred to would cut the gentleman off unless he gets a new recognition. Is there objection?

Mr. PAYNE. One moment, Mr. Speaker. I hope the gentleman from Alabama will not insist on his request. This is not a matter that is divided by party lines. Those who are opposed to the proposition have taken most of the time on that side of the House.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I was going to suggest that I thought there would be no difficulty in the way of an agreement, providing it is understood that the time will be equally divided between those in favor of the item and those opposed to it.

Mr. PAYNE. I think with that proposition there would be no objection.

Mr. TAWNEY. If the gentleman from Georgia is to control the time in opposition because of his being a ranking minority member of the committee that reports in favor of it, I think the chairman ought to control the other half.

Mr. PAYNE. Suppose we leave that out and simply divide the time.

Mr. UNDERWOOD. But who shall determine which gentleman is to have time?

Mr. CLAYTON. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. WILLIAMS of Mississippi. Mr. Speaker, before that motion is put, I would like to get an agreement, for I think we can get one.

The SPEAKER. The regular order has been demanded.

Mr. CLAYTON. With the assurance of the leader on this side, Mr. WILLIAMS of Mississippi, that we can probably get an agreement, Mr. Speaker, which the leader on the other side, Mr. PAYNE, was not able to do, I withdraw my request for the regular order.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I ask unanimous consent that the time for closing the debate upon the amendment and the amendment to the amendment be fixed at 2 o'clock to-morrow, and that the time for debate be controlled by the Chair, the Chair to divide the time equally between those in favor and those opposed to the pending amendment.

The SPEAKER. Is there objection to the request made by the gentleman from Mississippi? [After a pause.] The Chair hears none, and it is so ordered.

The motion of Mr. HEMENWAY was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURRIER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

Mr. TAWNEY. Mr. Chairman, I yield——

The CHAIRMAN. The Chair does not understand that the gentleman from Minnesota controls the time.

Mr. TAWNEY. That is true, Mr. Chairman, but I want to state that before that agreement was made, when it was proposed that the gentleman from Georgia and I would control the time, the gentleman from Missouri [Mr. COWHERD] asked for the first recognition.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri. How much time does the gentleman want?

Mr. COWHERD. I do not know, Mr. Chairman. I suppose I am recognized for an hour.

Mr. SHERMAN. Mr. Chairman, I rise to a parliamentary inquiry. Under the agreement that was entered into just before we went into the committee, the division of the time was left with the Chair. Is it not possible for the Chair, under that agreement, to apportion out the time as the Chair sees fit and not give one full hour to any particular individual who is recognized?

Mr. COWHERD. Mr. Chairman, I will say that I did not intend to occupy one hour.

Mr. SHERMAN. I did not suppose the gentleman did, but I would like to get this thing settled.

The CHAIRMAN. The Chair thinks he has that right. Of course the friends of the proposition are entitled to recognition now, and such time as the gentleman from Missouri [Mr. COWHERD] consumes will be taken from their time.

Mr. SHERMAN. I understood that, Mr. Chairman. I do not wish to curtail the gentleman at all, only I wanted it understood as to whether or not the Chair held that any gentleman who was recognized was recognized for an hour. If so, there could be only two gentlemen speak.

The CHAIRMAN. The Chair does not hold that way, and in the future will limit the time.

Mr. COWHERD. Mr. Chairman, I would be glad to make an arrangement right now, if any gentleman on the other side wishes to talk, to divide the time we will consume this evening.

Mr. CLARK. Mr. Chairman, I will make a proposition myself. Let us take fifteen minutes at a clip on each side. That is perfectly fair, it seems to me. [Applause and laughter.] The gentleman from Missouri [Mr. COWHERD] wants more than that. He already has the floor. But after that time let it be divided so that each side will have fifteen minutes at a clip, and either toe the mark or quit talking.

The CHAIRMAN. The Chair has recognized the gentleman from Missouri, and with the consent of the gentleman from Missouri he would be glad to make that ruling.

Mr. COWHERD. I am perfectly willing. I suppose that would have to be by unanimous consent.

The CHAIRMAN. The gentleman from Missouri is recognized for fifteen minutes.

Mr. COWHERD. Mr. Chairman, this proposition has already been debated at some considerable length, and I take it that the objections offered by the gentlemen who have opposed the measure cover the ground that will be taken by the opposition. If I rightly understand them, two arguments only are advanced against the measure—first, that the loan is unconstitutional, and, second, that St. Louis having already been the recipient of substantial favors should bear this burden herself. I want to say to the distinguished gentlemen who have raised the constitutional question that it seems to me they are talking about ten years too late, at least. Long ago this question was settled in the United States. When the great Chicago Exposition was held that matter was thrashed out on the floor of this House. Some of the ablest lawyers of the United States discussed it, and by an overwhelming majority Congress decided that it was constitutional, and that decision has stood until this day and has been repeated over and over again by the action of Congress upon similar appropriations.

If there was any question as to the constitutionality of this measure, I want to submit to the gentlemen here representing the various constituencies of all the States in the Union that this matter has been settled in another way that should at least offer some salve to the conscience of those who fear the Constitution is being violated. If it were desired to amend the Constitution, you would pass a resolution, submit it to the States, and when approved by the legislatures of three-fourths of the States it would become the highest law of the land. Forty-three out of the forty-five States of this Union have passed upon this proposition, and by their legislatures have said to you, their Representatives upon this floor, that they believe in the constitutionality of such an appropriation, and they likewise believe in the expediency of it; so I say to the gentlemen who question the constitutionality of the measure the very legislatures vested with the power to make constitutional law have approved such appropriations, and that should be sufficient to satisfy your quibbles.

It seems to me, therefore, that the constitutional argument must fade both because it is barred by limitation and because it is overridden by the will of the people of the United States expressed through the legislatures of the various States of the Union. Then, what remains of the objections to the granting of this appropriation? I take it, Mr. Chairman, that the first and foremost of all, the one that appealed most strongly to the gentlemen upon the floor, was the argument of the distinguished gentleman from Iowa [Mr. HEPBURN], who always makes the best speech that can be made upon any subject, and it little affects the quality of the speech whether it be on the right side or the wrong side of the subject. But was he fair in dealing with the great city that is here appealing for this aid? What was his argument, or the strongest portion of it? His contention was that, although St. Louis had done her part in putting up ten millions to the Government's five for the purpose of holding this national fair, although the need for more money admittedly came from the demand for additional space made largely by the foreign nations we had invited to exhibit there, although the management of the exposition company had been beyond criticism, yet he contended that $5,000,000 had been spent by that management in permanent improvements for the city of St. Louis, and therefore that city should advance the money needed to carry this national enterprise on to its full fruition.

Let us look at the facts and see on what this argument is based. The gentleman said first that the evidence shows that $3,000,000 has been spent there (as the chairman of the Committee on Industrial Arts and Expositions said) "under the ground;" therefore the gentleman from Iowa assumed that it was for a sewerage system and a permanent improvement. Mark you, gentlemen, that exposition is to be held upon a portion of the great Forest

Park, of St. Louis, a park of 1,350 acres of ground, and when this park was turned over to the exposition company it was compelled to give a bond, a personal bond signed by the directors of that company, that when this exposition is over they will remove the buildings and restore the park to its original condition, fit for the purposes for which it was intended to be used.

Suppose you had $3,000,000 spent on sewerage there. I appeal to you whether it is not within the intelligence of any boy in any village of the United States who ever saw a park that you could not spend $3,000,000, or $1,000,000, or even one tithe of that amount in a sewerage system for Forest Park and make it a permanent improvement? What do you want with a sewerage system in a forest park? As a matter of fact, these gentlemen have got to take out the improvements that the gentleman from Iowa says are a permanent gain to the city of St. Louis.

This $3,000,000 was not spent for sewerage. A small portion went for that; a considerable portion was spent in laying the conduits for the millions of electric lights that are to flash there in myriad shape along the façades of those great buildings, beneath the dancing waters of the cascade, over all the grounds, delighting the eyes of the millions of people from all over the world who will come there. Are the conduits, carrying these innumerable wires, to be any permanent improvement to a forest park? Can you use those millions of lights when those exposition buildings are razed and the land turned back to the purpose for which it was originally intended—a park for the city? These temporary buildings had to be equipped with a costly system of water pipes to protect them from fire. When the buildings are razed will those standing pipes be a permanent improvement for a forest park in the city of St. Louis?

A large sum has been spent in paving, laying out avenues and courts, and building walks. When these buildings are torn down those highways and streets must be dug up; the material in them must be carted off, the place must be refilled, and the greensward must grow there to cover the scars that the demolition of these buildings will have left. Is that a permanent improvement for the city of St. Louis? Yet that was the great argument of the great debater of this House—the argument on which we are asked not to vote this loan. I admit that the Fine Arts Building will be a permanent structure—not for the advantage of St. Louis, but because they had to put up a fireproof structure in order to get the owners of those priceless treasures of art to lend them for exposition purposes.

Now, the only other buildings that are at all permanent in their nature were put on the Washington University grounds—put there because by building four buildings they got the use of nine for three years, with 100 acres of land, more cheaply than they could have erected the nine buildings of a temporary character.

So, as a matter of fact, the gentleman's contention of $5,000,000 spent in permanent improvements for the city of St. Louis dwindles to one art building—and that building had to be a fireproof structure in order to secure for that exposition the art treasures of the world.

I shall not follow the gentleman in his tirade against the city because of the increased price of labor. I heard the gentleman from Iowa and the gentleman from Illinois argue here but a few days ago that the price of labor had increased all over the land, and because the St. Louis company had to meet that condition, as people engaged in building have had to meet it everywhere, he finds a reason to vote against this measure.

The fact is that this exposition company had to do its work within a specific time. If the cost of labor was raised somewhat by the fact that in that locality there was a great demand to be met within a short time, then labor did no more than the cotton growers of the South are doing to-day; no more than the wheat growers of the West and the cattle raisers of Texas will do next month if war in foreign countries increases the demand for their commodities.

The exposition company simply met a serious situation as fairly as they could in the spirit in which reasonable men would meet it anywhere, and they got the best terms possible for the smallest concession.

But it is said St. Louis has already profited by the expenditure of this money and must profit immensely in the future.

The city of St. Louis has appropriated $10,000,000—$5,000,000 from the city, $5,000,000 raised by its citizens. The city of St. Louis in addition to that has expended out of the funds of its citizens, drawn largely from its banks, $10,000,000 more in improvements in the city and improvements on the streets to get ready to act in fitting manner as the hostess of the nation to visitors from all the world.

I want to say here that no man who has ever studied the history of international expositions would ever ask that one of them be brought to his city with the idea that there was going to be an immediate commercial profit as distinguished from that which the advertisement might bring in the future. The great expositions have not been paying ventures to the cities that have held them, with possibly few exceptions. Paris is peculiarly situated. Paris is the one visiting point of all France, and every tourist and every traveler who touches the Continent or crosses the ocean goes to Paris, whether there is an exposition there or not. Therefore some of the Paris expositions have been successful. Yet even there some have not been successful as money-making enterprises. I think every man in this House who is a resident of the city of Chicago will bear me out in the statement that the great world's fair of 1893 was not a successful commercial enterprise for the city of Chicago. I have been told it was years before she recovered from the reaction which followed. These great expositions are beneficial commercial enterprises for the nation in which they are held, but for the city that bears the brunt of the burden in preparing for them; for the city that spends, as St. Louis does, $20,000,000 out of its own pocket to make ready for it; for the city that suffers, as every great city has suffered, from a building boom that builds beyond the present needs of the community and leaves its capital lying idle for the four or five years succeeding the exposition; for that city an exposition is as likely to prove a commercial disaster as a commercial success.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COWHERD. I will ask that I have about three minutes more. I thought I had until a quarter to 5.

Mr. CLARK. Mr. Chairman, I excepted Mr. COWHERD especially from the fifteen-minutes arrangement.

The CHAIRMAN. The Chair did not so understand.

Mr. CLARK. I ask that the gentleman have ten minutes, to be taken out of our time.

Mr. COWHERD. Five minutes is all I care for.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. COWHERD. Mr. Chairman, while I believe there is no question of the constitutional right to make appropriations for a national exposition, I do not believe we ought to appropriate for any exposition except one national in character.

I would be willing to see adopted a policy under which we would have in this country a great national exposition every fifteen or twenty years, to be held in some one of the great cities of the country large enough to accommodate the crowds that gather on such occasions, and would be willing to commit the Government to the policy of appropriating any reasonable sum for the purpose of fostering that exposition upon the condition that the city where it was to be held should raise double the amount appropriated by the Government, as has been done in the city of St. Louis. I do not believe, however, that any exposition local in its character or less than international in its scope is entitled to receive any consideration at the hands of Congress. Holding to this belief, I am not startled nor terrified when gentlemen talk of the magnitude of this appropriation. As I have said, it is in my opinion only those expositions of sufficient magnitude to demand a large appropriation that are entitled to our consideration.

The St. Louis Exposition is to be the greatest the world has ever seen, and that you may appreciate this fact, let me call your attention to some statistics I have gathered regarding former expositions that were considered of world-wide importance at the time when they were held.

I believe it is conceded that the first world's fair, in the proper sense of the term, was the one held in London in 1851, organized by Prince Albert, Queen Victoria's royal consort. And in my humble judgment that great man did nothing in the course of his exceedingly useful life that more entitled him to be held in the memory and affection of his people than the work he did in connection with that great exposition. It brought the nations of the earth nearer together and turned the steps of the English people toward those paths of peace in which his royal wife toiled for so many years to hold them.

This exposition was held in the Crystal Palace, erected for that purpose, which cost but $965,000 and occupied less than 8 acres of land. The Paris exposition of 1855 cost $5,000,000. London held a world's fair again in 1862, which covered 24 acres of ground and cost two million three hundred thousand. Paris in 1867 covered with its exposition buildings 45 acres of ground, with about 70 acres more used for agricultural and floral purposes. Vienna in 1873 occupied in total area of ground within its exposition fence 686 acres. The cost of the buildings was $7,850,000.

The Centennial, held at Philadelphia in 1876, inclosed within its fence 285 acres of ground. The cost I can not give accurately, but suppose it was about $4,000,000, because that was the amount contributed by the State and city, including the million and a half borrowed from the Government.

The Paris Exposition of 1889 occupied 173 acres of ground, with a total cost of $8,300,000. The Chicago Exposition of 1893 held under roof a space of 86 acres and inclosed within its fence 690 acres, with a total cost when it was opened of about $22,000,000.

At St. Louis this year there will be under roof 128 acres of ground, while the exposition grounds proper will cover 1,240 acres, about twice the area of the Chicago and as much as the Chicago, Paris, and Buffalo expositions combined.

From these figures one may derive some idea of the magnitude of the task that St. Louis has undertaken on behalf of the people of the United States. I do not agree with the gentlemen who contend that this is a waste of money. I believe that a great exposition, holding within itself an epitome of the highest industries of the people of the earth, bringing together the best products of hand and mind from all the nations of the earth to contend in friendly rivalry for the prizes offered, presenting to its visitors in the concrete the story of the world's progress and civilization—such an exposition I believe is the greatest education that the mind of man has yet conceived for the benefit of humanity. The country still feels the impetus that was given alike to our science and commerce by the great fair held in Chicago ten years ago. There is not a country village in all the land where architecture was not improved or encouraged and love of learning stimulated by that great exposition. I believe, too, that these expositions are a benefit not only commercially and from an educational standpoint, but that they promote comity among the nations of the earth and bring us nearer to that peace of which the angels sang above the manger at Bethlehem.

I believe that every dollar of this loan will be honestly accounted for and returned. I believe it is better, in the present condition of the money market, to take the money from the idle accumulation in the vault of the Treasury than to draw it from the active channels of trade. And I believe that every man who votes for this measure now, so that we may fittingly celebrate the centennial of the Louisiana purchase, the second greatest epoch in the history of the nation, will have the approval of his constituents to-day and their earnest congratulation when they view, this summer at St. Louis, that wondrous city, the fairest vision that was ever conceived by the mind of magician or wrought by the hand of artist from senseless stone and plaster into a thing of life and beauty. [Loud applause.]

Mr. HARRISON. Mr. Chairman, I had not intended to be drawn into this debate upon the proposed loan of $4,600,000 to the St. Louis Exposition, and I have asked for only five minutes on the question. I have no intention of making an extended speech on the subject, but as a member of the Committee on Industrial Arts and Expositions I have thought it only proper to make two points in answer to the speech made by the chairman of our committee, the gentleman from Minnesota [Mr. TAWNEY]. I would like to say in the first place that I yield to no man upon this floor in my admiration for this exposition company and for the magnificent work they are attempting. I hope with all my heart that this great exposition will be the success that its friends anticipate. But at the same time I can not allow the opportunity to pass to correct an impression of the gentleman from Minnesota, as stated in his speech, that all the members of our committee, even those who are opposed to the bill, are satisfied as to the security offered.

Now, Mr. Chairman, the management of this exposition company have come here to us and offered what they consider a business proposition. Under these circumstances it is unfair so to appeal to the House of Representatives as to stir up sentiment. We are appealed to as business men and not as sentimentalists. From that point of view I for one, as a member of this committee, am not satisfied that the United States will under all circumstances get back the $4,600,000 that we are now asked to lend this exposition company. To be sure, if the exposition is a success the Government will get this money back; if the exposition is a failure, we will not only fail to get our money back, but we will probably have the same gentlemen come here and ask us to make up the deficiency. In that sense we are invited to speculate.

Mr. Chairman, my objection is based also upon another ground. I am unable to see any warrant for calling this loan constitutional. The gentleman from Missouri [Mr. COWHERD] who spoke last has referred to the constitutionality of this proposed loan as being based upon the action of almost all of the various State legislatures in appropriating funds of their respective States for State exhibitions at the exposition in St. Louis. That is not at all relevant to the question of the constitutionality of a proposition to have the United States lend money to the exposition company. We can not be convinced of that, nor do I know of any precedents which will warrant any such action on our part.

The United States has under the Constitution the right to gather this money by taxation and to appropriate it for any and every governmental purpose; but nowhere do I find any authority for the loan of this money to any corporation for any purpose.

Now, the gentleman from Minnesota has cited as a precedent for action on our part the action of the Congress of the United States in appropriating money as a pro forma loan to the Centennial Exposition in 1876. I say, gentlemen, much as I respect his judgment, that I do not consider that appropriation a loan. If you will allow me, I shall read a few words from the act appropriating the money for the Centennial Exposition. The act says:

That the sum of $1,500,000, to complete the centennial buildings and other preparations, be, and the same is hereby, appropriated out of any moneys in the United States Treasury not otherwise appropriated. * * * *Provided*, That in the distribution of any moneys that may remain in the treasury of the centennial board of finance after the payment of its debts * * * the appropriation herein made shall be paid in full into the Treasury of the United States, before any dividend or percentage of the profits shall be paid to the holders of said stock.

Mr. Chairman, this seems to me to have placed the United States at that time, not in the position of a creditor, but of a preferred stockholder. In that sense they were practically upon the same footing as we are in our original appropriation of $5,000,000 to the St. Louis exposition. This entitles us to share in one-third of the profits there and then after the payment of all debts of the exposition company. The appropriation for the Centennial Exposition entitled the United States to be paid back their money after the payment of all debts and before the common stockholders, so to speak, received any dividend on their stock. In other words, I consider that this first appropriation was not a loan such as can now be cited as a precedent, but was distinctly an appropriation out and out, with the provision that under certain conditions the money should revert back to the United States. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Massachusetts [Mr. GILLETT] is recognized for ten minutes.

Mr. GILLETT of Massachusetts. Mr. Chairman, we all agree with the enthusiastic feelings of the gentleman from Missouri [Mr. COWHERD] about the success of this fair. Nobody, whatever their views about this loan, has any question or any difference about that. I am sure, too, that every Member of this side of the House enjoyed the novel constitutional argument of the gentleman from Missouri, and I am sure we will be in the future very apt to refer to it and commend it to his associates.

But it seems to me that the argument which is made in favor of this appropriation is a severe indictment of the gentlemen who are managing this fair. We are told that they need this $4,600,000 in order to open the fair successfully. We are told all the nations of the world have been invited to come here, and if we do not give this money we will be disgraced, because the fair can not be properly opened. If that is so, Mr. Chairman, if the gentlemen who are managing this exposition have been so improvident, so reckless, so shortsighted; if they, knowing what money they had, knowing what work they had to do, knowing its scope, having the duty of calculating its probable growth and shaping their resources accordingly, have expended all their funds and exhausted all their credit before they are able to even open the fair, then I think they have been reckless and improvident; and if the nations of the world and the monarchs who have been invited should come here and find no fair, it is not the Congress of the United States or the people of the United States who will in the first instance be disgraced, but it is the management of this fair.

Mr. TAWNEY. Will the gentleman permit an interruption right there?

Mr. GILLETT of Massachusetts. Certainly.

Mr. TAWNEY. It was expresly stated both on the floor——

Mr. GILLETT of Massachusetts. I only yielded for a question, as I have only ten minutes.

Mr. TAWNEY. Does the gentleman know that the plan originally contemplated involved an expenditure of only $15,000,000, the amount which they had, and this additional expenditure is the result of increased space demanded by foreign nations and by States which was not contemplated and could not be contemplated at the time the expenditure started?

Mr. GILLETT of Massachusetts. Mr. Chairman, that does not affect the argument at all.

Mr. TAWNEY. It affects the question of extravagance, however.

Mr. GILLETT of Massachusetts. These gentlemen knew all the time what they had to do. They knew what applications were coming in, and if they did not have money enough and could not see how to get money enough to meet them they ought to have refused them. It was their duty to make their resources and their expenditures balance. They were not given indefinite authority to contract for anything they wished, and they had no business to enter into obligations unless they had some means of meeting them. They would not do it in their own business affairs, and any man who enters into an obligation and does not have some idea how he is going to meet it except by applying for charity, as they are doing here, is wholly lacking in business judgment.

Mr. SCUDDER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. GILLETT of Massachusetts. I can not yield.

But, Mr. Chairman, I do not believe at all that these gentlemen are so improvident, so reckless as the advocates for this appro-

priation would have us think. I do not believe this argument which is made in their favor is genuine. I know the gentlemen, many of them, and I have a great respect and admiration for them. I believe that this fair has thus far been managed with remarkable ability, energy, and enterprise. I believe the gentlemen who are managing it are farsighted; I believe that those nine gentlemen representing the United States are not simply ornamental, although they are certainly that; I believe they are useful, and I believe that this management has not gone recklessly on and expended all their money and exhausted all their credit so that they can not open this fair unless the United States Treasury is opened to them. I believe they know, if they do not get this money from us, where they can get it. I notice that a gentleman said on the floor of the House that they had made no requests elsewhere for this money.

Mr. Chairman, I believe that is a mistake. I believe these gentlemen have business foresight, and I believe before they would be left entirely without funds to open this fair they would provide some avenue where they could replenish their exchequer in case the United States Congress does not grant them what they want. If this bill is really the only resource to prevent bankruptcy, if they say they have no other method of getting this money, if they have gone forward and spent all their money and exhausted all their credit without knowing where they are going to get enough to open the fair respectably, if they have come to the end of their resources and are really butting their heads against the wall of bankruptcy, I say this amendment ought to have on it a condition that they should resign and that business men of foresight should have the expenditure of this four million and a half dollars who would cut their garment according to their cloth. But I do not believe that any such condition exists. I believe they can get this money elsewhere, and they know where they can get it. I believe, and I know, that they are men of sagacity and ability, and that they have not come here because this is their only refuge from insolvency. They can borrow it as Chicago did, but of course they come first to the United States Congress. I do not blame them. Everybody does the same. We are easy. They would like to get the money without paying interest. They would like to get the money without any obligation, so that in a case of conflagration or pestilence they or their friends are not the losers. But it is not a fair business proposition. I think we ought to stand by what we have already done.

And I must confess, Mr. Chairman, that it excites my indignation the way men come and get one appropriation from Congress on the express statement that that is all they will ask, and then come again before a great while and because we have given some make that very fact the ground for demanding more. I think we ought to stop it. There seems to be something connected with all these exhibitions that rather demoralizes us. I do not know of any cases in my Congressional career where votes have been cast so much from personal feeling and so little because of the merits of the proposition as on these fairs. It seems to me that there has been more rounding up of Members, not upon the merits of the question, but from friendship and good-fellowship, in these matters than any other. I think it ought to stop. It is hard for us to have colleagues come right to us and press us to vote for their bill and refuse it. And yet the danger of it is that it involves not simply the bill that we pass, but it carries behind it a whole train of other bills.

It demoralizes our sentiments; it gets us in the habit of voting for questions, not on their merits, not because they are right, but because there is a lobby right on the floor of Members constantly besieging and begging us to vote. Moreover, it leads not only to that one vote, but we know that other votes depend upon it, and that men vote for one measure not because they approve it, but because somebody has voted for their measure. I read recently, and I presume you all have, that a Member of Congress said he believed that the law was unconstitutional, and he thought it was illegal, but that he should vote for it because he voted for the bill for his own State, which he thought was also unconstitutional and illegal, and got his "steal," and therefore he felt, as a matter of reciprocity, that he must vote for succeeding "steals."

That was expressed in rather more frank and brutal language than we often hear, but we all know that trouble pervades all these measures. Now, I think in this case, when we all know what was said at the beginning, that they would make no further request, it is audacious for them to come and ask for more; it is unbusinesslike, and we are setting an exceedingly bad precedent. Whether you get the money back again or not nobody knows; but I do not think we ought to give the aid asked, because I believe the energetic and sagacious men who are running this fair know where they can get the money and that they ought to keep their faith and borrow it as a business transaction and stand by their original proposition to be satisfied with the first generous appropriation.

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10954, the urgent deficiency bill, and had come to no resolution thereon.

CARRIAGES AND HORSES MAINTAINED BY DEPARTMENT OF STATE.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered printed and referred to the Committee on Expenditures in the State Department:

To the House of Representatives:

I transmit herewith the response of the Secretary of State to the resolution adopted by the House of Representatives on January 25, 1904, calling for information in regard to carriages, horses, etc., maintained at Government expense by the Department of State.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 9, 1904.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLAYTON, indefinitely, while acting as a member of the subcommittee taking testimony in Florida in the impeachment proceedings against United States Judge Swayne.

To Mr. PATTERSON of Tennessee, indefinitely, on account of illness in his family.

To Mr. ALLEN of Maine, for four days, on account of important business.

To Mr. CUSHMAN, for five days, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, reference of the Senate joint resolution No. 37, providing for the editions to be printed of the annual and special reports of the Librarian of Congress, was changed from the Committee on the Library to the Committee on Printing.

ADJOURNMENT.

Then, on motion of Mr. HEMENWAY (at 5 o'clock and 4 minutes p. m.), the House adjourned untill to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting, with a copy of a communication from the Acting Commissioner of Indian Affairs, papers relating to the claim of Lone Wolf—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TAWNEY, from the Select Committee on Industrial Arts and Expositions, to which was referred the bill of the House (H. R. 11135) amending an act approved March 3, 1901, entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri," reported the same without amendment, accompanied by a report (No. 893); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DIXON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 6787) to confirm and validate patents to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River, reported the same without amendment, accompanied by a report (No. 895); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 121) granting additional lands adjacent to its site to the University of Montana, reported the same with amendment, accompanied by a report (No. 896); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 719) granting an increase of pension to John H. Willey, reported the same with amendment, accompanied by a report (No. 892); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 10688) for the relief of Johann A. Killian, reported the same with amendment, accompanied by a report (No. 894); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11345) granting a pension to Joseph H. Huie, reported the same with amendment; accompanied by a report (No. 897); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11021) granting an increase of pension to Joseph Weems, reported the same without amendment, accompanied by a report (No. 898); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8849) to pension James S. Lauderdale, reported the same with amendment, accompanied by a report (No. 899); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5849) granting an increase of pension to Catharine R. Brown, reported the same with amendment, accompanied by a report (No. 900); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8771) granting a pension to Walter F. Horner, reported the same with amendment, accompanied by a report (No. 901); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9587) granting an increase of pension to Bartlett S. Haggard, reported the same with amendment, accompanied by a report (No. 902); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8922) granting a pension to Martha E. Nolen, reported the same with amendment, accompanied by a report (No. 903); which said bill and report were referred to the Private Calendar.

Mr. HOUSTON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7368) granting a pension to Annie G. Norwood; reported the same with amendment, accompanied by a report (No. 904); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RIXEY (by request): A bill (H. R. 12139) providing for a school of practical agriculture for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROWNLOW: A bill (H. R. 12140) to increase the efficiency of the Army of the United States, and for other purposes—to the Committee on Military Affairs.

By Mr. RODEY (by request): A bill (H. R. 12141) to protect ancient ruins on the public domain—to the Committee on the Public Lands.

Also, a bill (H. R. 12142) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891—to the Committee on the Judiciary.

By Mr. PATTERSON of Tennessee: A bill (H. R. 12143) to abrogate the treaty of August 20, 1899, made and entered into between John C. Bates, brigadier-general, United States Volunteers, and the Sultan of the Sulu Archipelago—to the Committee on Insular Affairs.

By Mr. JONES of Virginia: A bill (H. R. 12144) to establish a light and fog-signal station at Ragged Point, Potomac River, Virginia—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12145) to establish a lighted beacon at the mouth of Pungoteague Creek, Chesapeake Bay, Virginia—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12146) to establish a light on the shoal off Cherry Point, Piankatank River, Virginia—to the Committee on Interstate and Foreign Commerce.

By Mr. KLUTTZ: A bill (H. R. 12147) to amend chapter 749, second session Fifty-seventh Congress, approved February 23, 1903, being "An act to establish United States courts at Wilkesboro, N. C."—to the Committee on the Judiciary.

By Mr. FOWLER: A bill (H. R. 12148) to provide for the verification of papers by national banking associations—to the Committee on Banking and Currency.

By Mr. WILSON of New York: A bill (H. R. 12149) to establish a national military park at Fort Reno, District of Columbia, and for other purposes—to the Committee on Military Affairs.

By Mr. DARRAGH: A bill (H. R. 12150) to establish storm-warning stations at St. James, Beaver Island, Lake Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN: A bill (H. R. 12151) appropriating $80,000 for the improvement of the Missouri River at St. Joseph, Mo.—to the Committee on Rivers and Harbors.

By Mr. LOUDENSLAGER: A bill (H. R. 12152) relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 12153) granting pensions in certain cases to widows of soldiers and sailors who served in the Union Army or Navy during the war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12154) granting a pension to soldiers and sailors in certain cases, and so forth—to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Wisconsin: A bill (H. R. 12155) granting a pension to Nancy Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12156) granting an increase of pension to Nina Holvenstot—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12157) granting an increase of pension to Asher D. Bice—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 12158) granting an increase of pension to L. L. Smith—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 12159) granting an increase of pension to R. M. Nesbitt—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 12160) for the relief of the legal representatives of Henry Fulenwider, deceased—to the Committee on Claims.

By Mr. COCHRAN: A bill (H. R. 12161) for the relief of John F. Tyler—to the Committee on Military Affairs.

Also, a bill (H. R. 12162) granting a pension to Mary B. Root—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12163) granting an increase of pension to Joseph Rea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12164) granting an increase of pension to Joseph Davis—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 12165) granting a pension to Sarah A. Gillham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12166) granting a pension to Isaac M. Ashford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12167) granting a pension to Elizabeth Burnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12168) granting a pension to Emaranda Somerville—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12169) granting an increase of pension to C. McCord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12170) granting an increase of pension to Joseph H. Whitehead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12171) granting an increase of pension to John Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12172) granting an increase of pension to John L. Parrott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12173) granting an increase of pension to Thomas J. Mahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12174) granting an increase of pension to John Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12175) granting an increase of pension to William H. Rupert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12176) granting an increase of pension to Henry V. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12177) granting an increase of pension to Isaac W. Waters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12178) granting an increase of pension to John H. Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12179) granting an increase of pension to Joseph H. Whitehead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12180) granting a pension to Reuben R. Ballinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12181) granting a pension to Sarah A. Tanquary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12182) granting a pension to Martha C. Wilderman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12183) granting an increase of pension to William T. Bright—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 12184) granting a pension to John Cornish—to the Committee on Pensions.

By Mr. FIELD: A bill (H. R. 12185) for the relief of the estate of Joseph Brugere, deceased, late of Orleans Parish, La.—to the Committee on War Claims.

By Mr. GROSVENOR: A bill (H. R. 12186) granting an increase of pension to Charles W. Timms—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 12187) granting a pension to Jersey A. Meuser—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12188) granting an increase of pension to John M. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12189) granting a pension to T. J. Treadway—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 12190) granting a pension to Clarine J. Brinton—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 12191) granting an increase of pension to Henry D. Filkins—to the Committee on Invalid Pensions.

By Mr. KLUTTZ: A bill (H. R. 12192) granting an honorable discharge to Calloway Harton—to the Committee on Military Affairs.

By Mr. LANNING: A bill (H. R. 12193) granting an increase of pension to Clementine Pullen—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 12194) granting an increase of pension to Nathaniel Warren—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 12195) granting an increase of pension to David A. Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12196) referring to the Court of Claims a certain claim for demurrage and for damages to a schooner by acts of certain United States naval officers—to the Committee on Claims.

By Mr. MARSH: A bill (H. R. 12197) granting an increase of pension to Daniel M. Candor—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 12198) for the relief of the State National Bank of New Orleans, formerly Louisiana State Bank—to the Committee on Claims.

By Mr. MUDD: A bill (H. R. 12199) granting an increase of pension to James Bramble—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 12200) for the relief of Francis C. Renner and W. A. Renner, executors of Isaac Renner, deceased—to the Committee on War Claims.

By Mr. POWERS of Maine: A bill (H. R. 12201) granting an increase of pension to James Burroughs—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 12202) granting an increase of pension to John Baughman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12203) granting a pension to Samantha A. Nelson—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 12204) for the relief of veterans of the Confederacy—to the Committee on Military Affairs.

By Mr. ROBINSON of Arkansas: A bill (H. R. 12205) to authorize Centennial Lodge and Ozark Lodge, Knights of Pythias, to erect and maintain a sanitarium and bath house on the Government reservation at the city of Hot Springs, Ark.—to the Committee on the Public Lands.

By Mr. SHAFROTH: A bill (H. R. 12206) for the relief of George B. Hughes—to the Committee on Claims.

By Mr. SMITH of New York: A bill (H. R. 12207) granting an increase of pension to Lewis C. Briggs—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 12208) granting a pension to Marceny Goodell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12209) granting a pension to Sarah C. Choate—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 12210) granting an increase of pension to James C. Town—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 12211) granting an increase of pension to Joseph G. Reid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12212) granting a pension to John M. Dowell—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 12213) for the relief of the estate of George M. Coker, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12214) for the relief of Martha S. Carmichael—to the Committee on War Claims.

By Mr. CONNER: A bill (H. R. 12215) granting an increase of pension to Peder Knudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12216) for the relief of Nancy Jane Stevens—to the Committee on Claims.

Also, a bill (H. R. 12217) granting an increase of pension to Ira K. Eaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12218) granting an increase of pension to David S. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12219) granting an increase of pension to Charles H. Smith—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Admiral Farragut Post, No. 602, Grand Army of the Republic, of Chicago, Ill., praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of citizens of Phoenix, Ariz., protesting against legislation for uniting the Territories of Arizona and New Mexico—to the Committee on the Territories.

Also, petition of B. R. Burton and 89 other voters of Hoopeston, Ill., urging passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ADAMS of Pennsylvania: Petition of the National Board of Trade, of Cleveland, Ohio, favoring passage of bill H. R. 8460—to the Committee on the Public Lands.

Also, resolution of the National Board of Trade, relating to prepaid postage on third-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Board of Trade, for the passage of the post-check bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Board of Trade, protesting against the anticoupon law—to the Committee on Ways and Means.

Also, petition of the National Board of Trade, asking for change in laws in storage in bond—to the Committee on Ways and Means.

Also, petition of the National Board of Trade, relating to currency—to the Committee on Banking and Currency.

Also, petition of the National Board of Trade, relating to trademark rights—to the Committee on Patents.

By Mr. AIKEN: Petition of John A. Harris, of Abbeville, S. C., favoring the passage of bill H. R. 9050, for a drawback on certain imported materials—to the Committee on Ways and Means.

By Mr. ALEXANDER: Petition of Licensed Tugmen's Association, No. 4, Buffalo, N. Y., opposing building of dredges by the Government—to the Committee on Rivers and Harbors.

Also, resolution of Miscellaneous Trades Section, United Trades and Labor Council, of Erie County, Buffalo, N. Y., in favor of the anticoupon bill—to the Committee on Ways and Means.

By Mr. BABCOCK: Papers to accompany bill H. R. 11452, granting pension to Ann Jones—to the Committee on Invalid Pensions.

By Mr. BENTON: Petition of D. E. Snider and 34 others, of Alba, Mo.; Rev. E. Simpson and 58 others, of Sarcoxie, Mo.; A. V. Calhoun and 44 others, of Verona, Mo.; Joel H. Hood and 31 others, of Jasper County, Mo., and J. S. Wilson and 21 others, of Madison, Mo., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Petition of business men of Redfield, Kans., protesting against passage of the parcels-post bill; also, petition of business men of Wellsville, Kans., favoring 1-cent letter postage and in opposition to the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the board of regents of the Kansas State Agricultural College, urging increased appropriation for Kansas experiment station—to the Committee on Agriculture.

By Mr. BRICK: Petition of E. F. McNabb and 38 other mem-

bers of the Grand Army of the Republic, of Anten, Ind., favoring passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, petition of C. W. Scott and 72 other members of the Grand Army of the Republic, asking increase of pension to James C. Wattleworth—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: Papers to accompany bill H. R. 11609, granting an increase of pension to George Schermerhorn; also papers to accompany bill H. R. 11896, granting an increase of pension to Giles A. Woolsey; also papers to accompany bill H. R. 11604, granting a pension to Annie M. Emmerson—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of A. H. Thompson and 17 others, Rev. R. C. Lemon and 57 others, and T. W. Smith and 33 others, all of University Place, Nebr., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of J. S. W. Dean, of Nebraska City, Nebr., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. BUTLER of Pennsylvania: Petition of the Oxford Preparative Meeting of Friends, of Oxford, Pa., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CAPRON: Petitions of Nathaniel King and 24 others, of Providence; William Richardson and 17 others, of Cranston; Gideon T. Collins and 25 others, of Westerly, and Narragansett Baptist Church, all in Rhode Island, favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CASSEL: Resolutions of John Hipple Post, No. 353, of Bainbridge, Pa.; Lieutenant William H. Child Post, No. 226, of Marietta, Pa.; Captain George H. Hess Post, No. 571, of Safe Harbor, Pa.; John M. Good Post, No. 502; Post No. 47, of Mount Joy, Pa.; Admiral Reynolds Post, No. 405, of Lancaster, Pa., and Captain J. N. Neff Post, No. 406, of Strasburg, Pa., Grand Army of the Republic, all in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CROWLEY: Papers to accompany bill to increase pension of Henry V. Stewart—to the Committee on Invalid Pensions.

Also, papers to accompany bill for an increase of pension of William H. Rupert—to the Committee on Invalid Pensions.

Also, affidavits to accompany bill to pension Emaranda Somerville—to the Committee on Invalid Pensions.

Also, affidavits to accompany bill to pension Elizabeth Burdett—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolutions of Philadelphia Board of Trade, as to legislation extending coastwise trade to the Philippine Islands—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of Pittsburg Post, No. 206, Grand Army of the Republic, Department of Pennsylvania, for a service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of Post No. 117, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the Shakespeare Club, Conneautville, Pa., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DARRAGH: Resolution of McPherson Post, No. 18, Grand Army of the Republic, of Michigan, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 10496, granting increase of pension to Lafayette F. Hall—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10980, granting increase of pension to Baron Blanchard—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 9725, granting increase of pension to Allison M. Munn—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: Papers to accompany claim for relief of Joseph Brugere, of Orleans Parish, La.—to the Committee on Claims.

By Mr. DE ARMOND (by request): Petition of W. R. Wilson and 35 other members of the Grand Army of the Republic, of Foster, Mo., favoring the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. DEEMER: Resolutions of N. G. Brown Post, of Blossburg, Pa., urging passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of P. S. Vanderzer and other voters of Reus, N. Y., urging passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of the National Board of Trade, urging repeal of timber and stone act, desert-land act, and the commutation clause of the homestead act—to the Committee on Agriculture.

By Mr. DWIGHT: Petition of the Ancient Order of Hibernians, Broome County, N. Y., favoring the passage of a bill for the erection of a monument to the late Commodore Barry, United States Navy—to the Committee on the Library.

Also, petition of citizens of Taylor, Cortland County, N. Y., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ESCH: Petition of National Board of Trade of Cleveland, Ohio, favoring passage of bill H. R. 8460—to the Committee on the Public Lands.

By Mr. FOSS: Petition in support of bill H. R. 11402, granting an increase of pension to Agnes B. Hesler—to the Committee on Invalid Pensions.

By Mr. FOWLER: Resolutions of Union County (N. J.) Trades Council, protesting against the exclusion and deportation of an alien on account of his opinions—to the Committee on Immigration and Naturalization.

Also, petitions of Isaac H. Blanchard and others, of Orange, N. J., in opposition to the anti-injunction bill and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of the Village Improvement Association of Cranford, N. J., in support of the pure-food bill—to the Committee on Agriculture.

Also, resolution of New Jersey State Council, St. Patrick's Alliance of America, in favor of a monument to Commodore John Barry—to the Committee on the Library.

Also, petition of the Methodist Episcopal Church and 32 others, of Succasunna, N. J., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of John G. Tolmie Post, No. 50; Ulric Dahlgren Post, No. 25, of Elizabeth; Judson Kirkpatrick Post, No. 64; H. T. A. Torbert Post, No. 24, of Morristown; Winfield Scott Post, No. 75, of Plainfield, and John F. Reynolds Post, No. 66, of Washington, all in New Jersey, Grand Army of the Republic, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. FULLER: Resolution of the National Board of Trade of Cleveland, Ohio, favoring the extension of national navigation laws to the Philippines—to the Committee on Insular Affairs.

Also, petition of the Rockford Grocers' Association, of Rockford, Ill., protesting against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of Massachusetts: Petitions of Post No. 106, of Rockford; Post No. 67, of Manchester; Post No. 45, of Gloucester; Post No. 122, of Amesbury, and Post No. 90, of Danvers, all in Massachusetts, Grand Army of the Republic, favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Rev. A. J. Marsh and 39 other voters, of Lynn, Mass., and Rev. Owen E. Hardy and 19 other voters, of West Peabody, Mass., in favor of the Dolliver-Hepburn bill—to the Committee on the Judiciary.

By Mr. GILLESPIE: Petition of J. M. Crunteher and 19 other voters, of Dublin, Tex., urging passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Resolution of the National Board of Trade, asking for legislation to prohibit the American flag being used for advertising purposes—to the Committee on Military Affairs.

By Mr. GRAFF: Resolutions of Colonel Nodine Post, No. 140, of Champaign; Cyrus Hall Post, No. 138, of Shelbyville; Lowry Post, No. 137, of Clinton; Chillicothe Post, No. 136, of Chillicothe; Alvah Paul Post, No. 133, of Terre Haute; Colonel Harney Post, No. 131, of Rushville; A. C. Harding Post, No. 127, of Roseville; T. S. Bowers Post, No. 125, of Mount Carmel; Thomas Layton Post, No. 121, of Lewiston; R. B. Hayes Post, No. 120, of Plano; Joe Hanna Post, No. 117, of Pekin; Forrest Post, No. 114, of Forrest; Woodruff Post, No. 113, of Washburn; Loomis Post, No. 106, of Duquoin; Monroe Post, No. 100, of Casey; John A. Davis Post, No. 98, of Freeport; McLain Post, No. 78, of Beardstown; George Spaulding Post, No. 60, of Geneva; Abingdon Post, No. 58, of Abingdon; W. H. L. Wallace Post, No. 55, of Centralia; John Brown Post, No. 50, of Chicago; Veteran Post, No. 49, of Elgin; Batavia Post, No. 48, of Batavia; U. S. Grant Post, No. 28, of Chicago; Williams Post, No. 25, of Watseka; John Wood Post, No. 96, of Quincy; Randolph Post, No. 93, of Tonica; Eli Bawyer Post, No. 92, of Olney; Yates Post, No. 8, of Effingham; General George Crook Post, No. 81, of Kirkwood; Scott Post, No. 70, of Gibson; Joe Hooker Post, No. 69, of Canton; Streator Post, No. 68, of Streator; Colonel John Bryner Post, No. 67, of Peoria; G. L. Nevins Post, No. 1, of Rockford; Aaron Weider Post, No. 75, of Fairbury, and George H. Thomas Post, No. 5, of Chicago, all in Illinois, Grand Army of the Republic, urging passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Papers to accompany bill for relief of Elymas F. Wilkens—to the Committee on Invalid Pensions.

Also, petition of O. E. Faulkner and 10 other voters, of Aurora,

Ind., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GROSVENOR: Affidavit of Charles W. Timms, to accompany bill for an increase of pension—to the Committee on Invalid Pensions.

Also, resolution of the Ohio General Assembly, favoring bill for locating a naval training station at Put in Bay (South Bass) Island, Lake Erie—to the Committee on Naval Affairs.

Also, resolution of the National Board of Trade, favoring legislation extending the national navigation laws—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the National Board of Trade, favoring special commission regarding merchant marine and shipping—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMLIN: Certificate of Doctor Tucker and affidavit of L. B. Cole and others, in support of pension claim of Mary E. Smith—to the Committee on Invalid Pensions.

By Mr. HASKINS: Resolutions of George H. Phelps Post, No. 114; C. B. Lawton Post, No. 44; George C. Randall Post, No. 82, and Henry F. Freeman Post, No. 98, Grand Army of the Republic, Department of Vermont, urging passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAY: Petition of C. W. Trussell and 33 other voters, of Opequon, Va., for passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HEMENWAY: Petition of J. R. Jones and 3 other voters, of Bethel, Ind.; W. H. Paterson and 50 other voters, of Princeton, Ind.; R. H. Toole and 69 other voters, of Smith Township, Ind., and Rev. Charles Tinsley and 16 other voters, of Evansville, Ind., urging passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Resolution of the New Haven Chamber of Commerce, relative to international arbitration—to the Committee on Foreign Affairs.

By Mr. HERMANN: Petition of the Chamber of Commerce of Astoria, Oreg., for the improvement of the Columbia River—to the Committee on Rivers and Harbors.

Also, petition of the director-general of the Lewis and Clark Exposition, that the exposition be kept open on Sundays—to the Select Committee on Industrial Arts and Expositions.

By Mr. HOGG: Resolutions of Sedgwick Post, Grand Army of the Republic, of Durango, Colo., favoring passage of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Pueblo Central Woman's Christian Temperance Union, of Pueblo, Colo., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HUNTER: Petition of E. S. Gooch and 400 other voters, of Pulask County, Ky., urging passage of Brownlow good-roads bill—to the Committee on Agriculture.

Also, petition of W. L. Brochman and 12 others, of Glens Fork, Ky., urging passage of Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. KLUTTZ (by request): Papers to accompany bill for relief of Calloway Harton—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of Mrs. William Gerry Slade and 338 others, for the passage of a law prohibiting the exportation of prehistoric objects and the preservation of the same—to the Committee on the Public Lands.

By Mr. LINDSAY: Resolution of the Philadelphia Board of Trade, favoring the passage of bills S. 2259 and 2263, confining the trade between the United States and the Philippines exclusively to vessels of American registry—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the National Board of Trade of Philadelphia, favoring passage of bill S. 932—to the Committee on the Public Lands.

By Mr. LITTLEFIELD: Resolution of the Philadelphia Board of Trade, urging passage of bills S. 2259 and 2263, confining the trade between the United States and the Philippines to vessels of American registry—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Citizens' Alliance of Denver, Colo., urging legislation to prevent boycotting and picketing—to the Committee on the Judiciary.

Also, petition of Rev. I. A. Flint and 49 other voters, of Warren, Me., and W. R. Walter and 14 other voters, of North Waldoboro, Me., for passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: Petition of Rev. E. A. Miller and 17 other voters, of Alloway; R. B. Stephenson and 12 other voters, of Haddonfield; Rev. William G. Mayer and 38 other voters, of Pennis Grove, and W. L. Long, M. D., and 20 other voters, of Haddonfield, all in New Jersey, favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McNARY: Petition of Ralph J. Haughton and 18 other voters, of Weymouth, Mass., urging passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of 185 members of Haven Methodist Episcopal Church, of Detroit, Mich., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of L. D. Coe and 75 other voters, of Romeo, Mich., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MADDOX: Papers to accompany claim of William L. Strain, of Gordon County, Ga.; papers to accompany claim of Simeon Stevens, of Gordon County, Ga., and papers to accompany claim of Edward Sebastian, of Gordon County, Ga.—to the Committee on Claims.

By Mr. MARTIN: Petition of Bruce McVay and 17 other voters, of Highmore, S. Dak., and A. Robinson and 20 other voters, of Highmore, S. Dak., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PORTER: Resolutions of the National Board of Trade, relating to the timber and stone act, the desert-land act, and the commutation clause of the homestead act—to the Committee on Agriculture.

By Mr. POWERS: Paper to accompany bill granting an increase of pension to James Burroughs—to the Committee on Invalid Pensions.

Mr. RICHARDSON of Alabama: Paper to accompany bill H. R. 10929, for the relief of heirs of George O. Ragland, deceased, of Madison County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill H. R. 4072, favoring Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RIDER: Resolution of the National Board of Trade of Cleveland, Ohio, favoring paasage of bill H. R. 8460, providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture—to the Committee on the Public Lands.

Also, resolution of the Chamber of Commerce of the State of New York, favoring passage of bill for breakwater and harbor of refuge at Point Judith—to the Committee on Rivers and Harbors.

Also, resolution of the Chamber of Commerce of the State of New York, in favor of speedy legislation to increase the post-office facilities in the city of New York—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Indiana: Petition of Hagerty Brothers, of Scott, Ind., in opposition to the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Clugston, Miller & Co. and 12 citizens of South Whitley, Ind., in opposition to the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolutions of the Philadelphia Board of Trade, for passage of bills S. 2259 and 2263, confining trade between the United States and the Philippines to vessels of American registry—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the board of aldermen of Buffalo, N. Y., favoring bill to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New York Board of Trade, opposing the Quarles-Cooper bill to enlarge the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the National Board of Trade, favoring the extending of the United States navigation laws to the Philippines—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL W. SMITH: Petition of A. Roedel and 29 other voters, of Milford, Mich., urging the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition for relief of Marceny Goodell—to the Committee on Invalid Pensions.

Also, petition of Charles T. Foster Post, No. 42, Grand Army of the Republic, Lansing, Mich., urging passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. SMITH of New York: Petitions of Woman's Christian Temperance Union and other societies and of J. F. Page and 30 others, of Esopus, N. Y., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. STERLING: Petition of Samuel Walker Post, No. 205, Grand Army of the Republic, of Mount Pulaski, Ill., for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of Chicago District, Minnesota Conference, Evangelical Lutheran Augustana, Synod of North America, for the passage of Hepburn bill to restrict sale of liquor in original packages—to the Committee on the Judiciary.

Also, petition of Minnesota State Court, Catholic Order of Foresters, for acceptance of the statue of Father Marquette—to the Committee on the Library.

Also, resolutions of the Commercial Club of St. Paul, Minn., in

favor of improvements on the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, resolutions of patrons of rural free delivery of Washington County, Minn., for increase in salary of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN of Massachusetts: Papers to accompany bill H. R. 11194, for the relief of Frank S. Nickerson—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 11262, for the relief of John Hegarty—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 11192, for increase of pension to William Seymour Alden—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 11193, for the relief of William F. Griffin—to the Committee on Invalid Pensions.

By Mr. TALBOTT: Petition of Franklin Street Methodist Episcopal Church and 45 voters of Baltimore, Md., and W. S. Edwards and 13 other voters of Baltimore, Md., for passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. TATE: Papers to accompany bill H. R. 6733, for increase of pension—to the Committee on Pensions.

By Mr. TAWNEY: Resolution of Upper Mississippi Improvement Association, for the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, papers to accompany bill for an increase of pension to James C. Town—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Petition of Samuel B. Cooper and 60 others, in support of a bill to still further regulate interstate commerce relating to transportation of liquors—to the Committee on the Judiciary.

Also, petition of Albert T. Noble, for the establishment of a laboratory at Washington for study of the abnormal classes—to the Committee on the District of Columbia.

By Mr. WADSWORTH: Petition of J. J. Turton and 42 other voters, of Perry, N. Y., and Methodist, Baptist, and Presbyterian churches of Geneseo, N. Y., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WEBB: Petition and papers for the relief of Joseph H. Huffman—to the Committee on Claims.

By Mr. WILSON: Resolution of United Commercial Travelers of America, favoring an amendment to the bankruptcy act—to the Committee on the Judiciary.

By Mr. WRIGHT: Resolutions of Philander Billings Post, No. 392; Roberts Post, No. 437, and Jacob Maynard Post, No. 377, Grand Army of the Republic, Department of Pennsylvania, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *February 11, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and the opinion of the court filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Maria*, Thomas Gardner, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and the opinion of the court filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Nancy*, William Ward, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and the opinion of the court filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Lucy*, Matthias Rider, master; which, with the accompanying paper, was referred to th Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of George W. Sherman and sundry other citizens of South Bristol, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of Charles T. Page, of Concord, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DRYDEN. I present a concurrent resolution of the legislature of New Jersey, in favor of an appropriation for the improvement of the harbor adjacent to Cape May, in that State, which I ask be referred to the Committee on Commerce.

The PRESIDENT pro tempore. Does the Senator from New Jersey desire to have it printed in the RECORD?

Mr. DRYDEN. It has already been printed in the RECORD, having been presented by my colleague.

The PRESIDENT pro tempore. Then it is not necessary. It will be referred to the Committee on Commerce.

Mr. DRYDEN presented a petition of the State board of agriculture of Trenton, N. J., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented petitions of sundry citizens of Glenwood, of the Christian Endeavor Society of Hancocks Bridge, of the Christian Endeavor Society of the Baptist Church of Clinton, and of the congregation of the First Presbyterian Church of Bordentown, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Board of Trade of Jersey City, N. J., praying for the enactment of legislation providing for the destruction of derelicts, and also providing for the ratification of an Anglo-American treaty of arbitration and conciliation for the settlement of all questions between the United States and Great Britain; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Orange, East Orange, Arlington, and Elizabeth, all in the State of New Jersey, remonstrating against the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Orange, Arlington, East Orange, and Elizabeth, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Union County Council, of Elizabeth, N. J., praying for the adoption of certain amendments to the present immigration laws; which was referred to the Committee on Immigration.

He also presented a petition of sundry soldiers and sailors of the civil war, residents of Camden, N. J., praying for the passage of the so-called prisoner-of-war bill; which was referred to the Committee on Pensions.

Mr. BURNHAM presented a petition of the Woman's Christian Temperance Union of Lempster, N. H., and a petition of the Woman's Christian Temperance Union of Whitefield, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FULTON presented a petition of sundry citizens of Cleone, Oreg., praying that the rural free-delivery letter carriers be granted a salary of $850 per annum based upon a graded scale; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented a petition of the Manufacturers' Association of Chicago, Ill., praying that the Commissioner of Indian Affairs issue an order directing that the opening of bids for the next annual purchase of clothing be held in that city; which was referred to the Committee on Indian Affairs.

Mr. HOAR presented petitions of Samuel F. Woods Post, No. 179, of Barre; of Needham Post, No. 39, of Lawrence; of O. H. P. Sargent Post, No. 252, of Essex; of Everett Peabody Post, No. 108, of Georgetown, and of Ezra Batcheller Post, No. 51, of North Brookfield, all of the Department of Massachusetts, Grand Army of the Republic, in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of the congregation of the Methodist Episcopal Church of Union Mills, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of sundry citizens of Moline, Ill., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the passage of the so-called eight-hour

bill; which was referred to the Committee on Education and Labor.

He also presented petitions of McLeansboro Post, No. 483, of McLeansboro; of Culver Post, No. 512, of White Hall, and of Bowen Post, No. 17, of Wilmington, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Centralia, Ill., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Ladies' Missionary Society of the Presbyterian Church of Brighton Ill., and a petition of the congregations of the Methodist Episcopal, Presbyterian, and German Methodist Episcopal churches of Brighton, all in the State of Illinois, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. MITCHELL presented a petition of sundry citizens of Cleone, Oreg., praying that the rural free-delivery letter carriers be granted a maximum salary of $850 per annum, based on a graded scale; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of Connecticut presented the memorial of Theodore Bodenwein, of New London, Conn., remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of the International Arbitration Committee of New Haven, Conn., and a petition of the Chamber of Commerce of New Haven, Conn., praying for the enactment of legislation providing for the submission to The Hague of all questions of dispute between the United States and Great Britain; which were referred to the Committee on Foreign Relations.

CALAVERAS GROVES OF BIG TREES.

Mr. PLATT of Connecticut. I have a letter from Prof. William R. Dudley, of the Leland Stanford University, of California, relating to the Calaveras groves of big trees in California. It presents some new facts relating to them and is extremely interesting. I move the letter be printed as a Senate document and referred to the Committee on Forest Reservations and the Protection of Game.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the amendment submitted by Mr. HOAR on the 10th instant proposing to appropriate $5,000 to pay Robert Brent Mosher for the exclusive right, title, and interest in and to the copyright and plates of the book entitled "Executive Register of the United States, 1789–1902," intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 2939) to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 1425) for the relief of Eleonora G. Goldsborough, reported it with an amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3981) for the erection of an additional suitable building, cistern, oil house, and other necessary improvements at the New Dungeness light-house, in the State of Washington.

A bill (S. 3982) making an additional appropriation for the Battery Point post light, in the State of Washington; and

A bill (S. 3983) providing for additional employees' quarters at the Robinson Point post light station, State of Washington.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 3932) to establish a light and fog signal at or near Black Ledge, New London Harbor, entrance to New London Harbor, Long Island Sound, Connecticut, reported it without amendment, and submitted a report thereon.

Mr. GAMBLE. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3779) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect, to report adversely thereon, and recommend that the bill be postponed indefinitely, a House bill for this purpose having been reported favorably by the same committee.

The bill was postponed indefinitely.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 2112) authorizing the Indian allottees in the Puyallup Indian Reservation, State of Washington, to alienate allotted lands, confirming title to allotted lands sold since March 3, 1903, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 4007) to authorize an increase in the appropriation for a dwelling for assistant keepers at Point Bonita, California, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4004) to establish at Cape Mendocino, California, quarters for the light keeper;

A bill (S. 4005) to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California; and

A bill (S. 4006) to authorize the construction of quarters for light-house keepers at Point Conception, California.

Mr. DIETRICH, from the Committee on Public Lands, to whom was referred the bill (S. 2284) for the relief of John T. Wertz and Walter H. Shupe, reported it without amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 4003) to establish a fog signal at Quarry Point, Angel Island, Bay of San Francisco, California, reported it with an amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Foreign Relations, to whom the subject was referred, reported a joint resolution (S. R. 48) authorizing the President to extend an invitation to the International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington; which was read twice by its title.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 174) for the relief of Mary C. Mayers, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Territories, to whom was referred the bill (S. 3336) to provide an additional district judge for the district of Alaska, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 4164) to amend section 1209 of the Revised Statutes, reported it with amendments.

OUACHITA RIVER BRIDGE.

Mr. ELKINS. I am directed by the Committee on Commerce, to whom was referred the bill (S. 4125) to authorize the Little Rock and Monroe Railway Company to construct, maintain, and use a bride across Ouachita River, in the State of Louisiana, at a point between Ouachita city and Bayou Loutre, to report it favorably with amendments, and I submit a written report. I ask for its present consideration.

The Secretary read the bill.

Mr. ELKINS. I ask that the letter of the Secretary of War embodied in the report be read. It recommends the passage of the bill as proposed to be amended.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The first amendment of the Committee on Commerce was, in section 1, page 1, line 8, to strike out "acceptable;" in the same line, after the word "to," to insert "be;" in line 9, before the word "approved," to strike out "and;" in the same line, after the word "War," to strike out "and in accordance with such location and plans as may be approved by the Secretary of War;" and on page 2, line 4, after the word "trains," to strike out the word "and;" so as to read:

That the Little Rock and Monroe Railway Company, a corporation existing under the laws of Arkansas, its successors and assigns, be, and is hereby, authorized to construct and maintain a bridge and all approaches thereto across the Ouachita River, in the State of Louisiana, between Ouachita City and the mouth of Bayou Loutre, at a point to be approved by the Secretary of War, and to lay on or over said bridge a track or tracks and use the same for its business as a common carrier. Said company, or its successors and assigns, are hereby authorized to build, construct, maintain, and use any and all trestles, roadbeds, tracks, appurtenances, and things that may be necessary for proper approaches to said bridge and for the use of the same as a railroad bridge, as aforesaid; that said bridge shall be constructed to provide for the passage of railroad trains, to be used by the Little Rock and Monroe Railway Company, its successors and assigns, for the conduct of its and their business as a common carrier, and at the option of said company, or its successors and assigns, may be used for the passage of wagons and all kinds of vehicles, and for foot passengers, for such reasonable rates of toll as may be fixed by said company, or its successors and assigns, and approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 9, to strike out the word "the," before "riprapping;" and in line 11 to strike out "also that," before "piers;" so as to make the section read:

SEC. 3. That all piers shall be built as nearly as may be parallel with the current of the river at that stage of water when it is most important for navigation, and the bridge itself shall be built as nearly as may be at right angles thereto; and riprapping or other protection for imperfect foundations which will lessen the required waterway shall not be permitted; and piers which will produce cross-currents or bars dangerous to navigation shall not be constructed; and if, after construction, any piers or accessory works are found to produce the above-mentioned effects, or if any riprapping or other protection prohibited by this section is found to exist, the nuisance shall be abated or corrected under the direction of the Secretary of War at the expense of the company or persons owning, controlling, or operating said bridge.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 1, to strike out "any" and insert "the" before "corporation;" in line 20 to strike out "that," before "said;" and in line 23, after the word "Board," to strike out "for the security of navigation;" so as to make the section read:

SEC. 5. That the corporation, company, or persons owning, controlling, or operating the bridge built under the authority of this act shall build and maintain at all times as accessory work to such bridge such booms, piers, dikes, guard fences, and similar devices as may be necessary to insure at all times a permanent channel for a sufficient distance above and below the bridge site and for the guiding of rafts, steamboats, and other craft safely under or through said bridge; and if at any time after the construction of the bridge and its accessory works the approaches to draw openings, channel spans, or raft passages in said bridge are found to be dangerous or difficult of access by river traffic the Secretary of War may, upon the recommendation of the Chief of Engineers, United States Army, order the corporation, company, or persons owning, controlling, or operating said bridge to construct, under his direction, and to maintain such additional sheer booms, dikes, and other devices as will obviate the difficulty mentioned, which additional sheer booms, dikes, and other devices shall be built and maintained at their own expense by said company or persons, and said company or persons shall maintain, at their own expense, from sunset to sunrise, such lights and other signals on said bridge as may be required by the Light-House Board.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 6, after the word "location," to strike out "for;" in line 7, after the word "river," to strike out "and;" and in line 8, after the word "water," to strike out all of the section down to and including the word "floats" in line 17 and insert "the force and direction of the currents;" so as to read:

SEC. 6. That the bridge authorized to be constructed by this act shall be located and built under and subject to such regulations for the security of navigation on said river as the Secretary of War shall prescribe; and to secure that object said corporation shall submit for his examination a design and drawing of the bridge, piers, approaches, and accessory works, and a map of the location, giving for a space of 1 mile above and 1 mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, the force and direction of the currents.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 18, to strike out the words "shall give;" and after the word "such," in the same line, to insert "further;" so as to read:

The maps shall also show the location of other bridges in the vicinity, and such further information as the Secretary of War may require for a full and satisfactory understanding of the subject; and the construction of the proposed bridge shall not be commenced until the location and plans thereof are approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 9, page 7, line 14, to strike out "said" before "postal;" so as to make the section read:

SEC. 9. That the bridge constructed, maintained, and operated under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation of said mails, troops, and munitions of war over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal, telegraph, and telephone purposes over said bridge.

The amendment was agreed to.

The next amendment was, in section 10, page 7, line 16, after the word "unless," to insert "actual construction of;" after "shall be," in line 17, to insert "commenced within one year and;" and in line 18, to strike out "of effect" before "hereof;" so as to make the section read:

SEC. 10. That this act shall be null and void unless actual construction of said bridge shall be commenced within one year and completed within three years from the date hereof: *Provided, however*, That the Secretary of War may, on showing of good faith in construction of said bridge, extend the time for completion of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMPILATION OF TREATIES IN FORCE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution submitted yesterday by the Senator from Illinois [Mr. CULLOM], to report it favorably without amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That a revised edition of The Compilation of Treaties in Force be prepared under the direction of the Committee on Foreign Relations, and that there be inserted in said revised edition all treaties proclaimed and in force at the end of the present session, and that there shall be printed 1,500 copies of said revised edition, 1,000 for the use of the House of Representatives and 500 for the use of the Senate.

Mr. CULLOM. That is now a Senate resolution?

Mr. PLATT of New York. It is a Senate resolution.

The PRESIDENT pro tempore. It is rather a peculiar resolution. It appears to be a Senate resolution, and it provides for printing 1,000 copies for the House of Representatives.

Mr. CULLOM. I think, if the Senator from New York will allow me to make a suggestion, that the provision for printing a certain number of copies for the House of Representatives had better be dropped out.

Mr. PLATT of New York. I am entirely satisfied to have it dropped out.

Mr. COCKRELL. I suggest that evidently the printing will cost over $500. The Senate has no right to order the publication of a work costing over that sum, and it should be made a concurrent resolution.

Mr. CULLOM. I do not want the delay of a concurrent resolution or the uncertainty of its passage. I think, if the provision in reference to printing copies for the House is dropped out, it will be unnecessary to make it anything except a Senate resolution.

Mr. COCKRELL. Can 500 copies be printed for $500?

Mr. CULLOM. I have no doubt that it can.

Mr. COCKRELL. I doubt it very seriously.

Mr. PLATT of New York. It can be printed for less than $500.

Mr. GALLINGER. Most of the matter is in plates now.

Mr. CULLOM. I suggest that the resolution be amended by striking out the portion which provides for printing for the House.

Mr. PLATT of New York. I accept the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In lines 6 and 7 strike out the words "one thousand for the use of the House of Representatives and."

Mr. GALLINGER. And strike out "fifteen hundred" and substitute "five hundred."

The PRESIDENT pro tempore. The resolution as modified will be read.

The Secretary read as follows:

Resolved, That a revised edition of "The Compilation of Treaties in Force" be prepared, under the direction of the Committee on Foreign Relations, and that there be inserted in said revised edition all treaties proclaimed and in force at the end of the present session; and that there shall be printed 500 copies of said revised edition for the use of the Senate.

Mr. CULLOM. That will do.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

SHIP CANAL ACROSS FLORIDA.

Mr. MALLORY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2808) to authorize the Secretary of War to cause a survey or surveys to be made to determine the practicability and cost of a tidewater ship canal across the State of Florida, to report it adversely, and to report in lieu thereof a concurrent resolution, for which I ask present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Resolved, by the Senate (the House of Representatives concurring therein), That the Secretary of War is hereby authorized and directed to cause a survey or surveys to be made across the State of Florida from the Atlantic Ocean to the Gulf of Mexico, using such natural water courses as may be available, with a view to determining upon the most practicable route for a ship canal of tide-water level between the waters of the Atlantic Ocean and the waters of the Gulf of Mexico and the feasibility and cost of constructing such canal of sufficient capacity for the largest ocean-going ships; and he is directed further to report fully to Congress thereupon as early as practicable after such survey or surveys have been completed.

That the sum of $25,000, or as much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to defray the cost of such survey or surveys.

Mr. COCKRELL. Is it a Senate resolution?

The PRESIDENT pro tempore. It is a concurrent resolution, but it contains an appropriation, and of course it can not be a concurrent resolution. Does the Senator from Florida desire to have it changed to a joint resolution?

Mr. MALLORY. Yes, sir; I ask that that change be made.

The PRESIDENT pro tempore. It will be changed to a joint resolution.

The joint resolution (S. R. 47) to authorize the Secretary of War to cause a survey or surveys to be made to determine the practicability and cost of a tide-water ship canal across the State of Florida was read twice, and considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate bill 2803 will be postponed indefinitely.

WILMINGTON (DEL.) HARBOR IMPROVEMENT.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the concurrent resolution submitted yesterday by Mr. BALL, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the Wilmington Harbor, Delaware (including the Christiana and Brandywine rivers), with the view to their improvement and to insure the permanency of the channel in the Christiana River to the depth of at least 21 feet.

BRUNSWICK (GA.) HARBOR IMPROVEMENT.

Mr. CLAY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3924) for survey and estimate of cost of deepening Brunswick (Ga.) inner harbor and outer bar, to report it adversely; and in lieu thereof I report a concurrent resolution, which I ask may be adopted.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring therein), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the outer bar of Brunswick, Ga., and of the inner harbor of Brunswick, Ga., and to furnish therefrom estimates showing the cost of obtaining a channel of ample width to accommodate the commerce of said port, and extending from the wharves in said inner harbor, through said outer bar, to the ocean, and of the following depths at mean high tide, to wit, 27 feet, 28 feet, 29 feet, and 30 feet; that is to say, the Secretary of War is directed to furnish a separate estimate of the cost of obtaining a channel at each of said depths; and the Secretary of War is hereby further directed to report whether or not in his opinion it is advisable, if these increased depths, or any one or more of them, shall be obtained, that the present channel across said outer bar should be straightened.

The PRESIDENT pro tempore. Senate bill 3924 will be postponed indefinitely.

BILLS INTRODUCED.

Mr. BALL introduced a bill (S. 4312) to correct the military record of W. H. Cleaden; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4313) to correct the military record of Ezekiel Stewart; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 4314) to pay Joseph Hunter certain arrearages of pension; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present a copy of the military record of Dr. Joseph Hunter, of Clinton, Mo., late of Company F, One hundred and twenty-sixth Regiment Illinois Volunteers; also a copy of private act No. 716, granting a pension to Joseph Hunter, M. D., and Senate report No. 2068, Fiftieth Congress, first session. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. DRYDEN introduced a bill (S. 4315) for the relief of George B. Hughes; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 4316) providing for the appointment of additional judges in the Indian Territory, and to establish a court of appeals therein, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also introduced a bill (S. 4317) granting an increase of pension to Sarah L. Augur; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DIETRICH introduced a bill (S. 4318) granting an increase of pension to Augustus E. Orbeton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 4319) to promote the safety of employees and travelers upon railroads, and persons living or doing business in the vicinity thereof, by prohibiting common carriers engaged in interstate commerce from transporting gunpowder and other high explosive compounds over their lines, except under certain conditions, and so forth; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. BURNHAM introduced a bill (S. 4320) granting a pension to Melvina R. Chesley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 4321) for a public building for the United States Geological Survey at Washington, D. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SIMMONS introduced a bill (S. 4322) making an appropriation for the purchase from Forsyth County of a site and building for a post-office and other Government offices in Winston-Salem, N. C., and to authorize the sale of the present post-office site in Winston-Salem to Forsyth County; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SCOTT introduced a bill (S. 4323) granting a pension to Daniel Perdew; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 4324) granting an increase of pension to James Veitch; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4325) granting an increase of pension to William Q. Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 4326) for the relief of certain enlisted men of the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. CULLOM introduced a bill (S. 4327) placing Hugh T. Reed on the retired list with rank of captain; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4328) granting a pension to Nathan Bighan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 4329) granting an increase of pension to Mary E. Nesmith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 4330) to complete the Jefferson memorial object-lesson road; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. HANSBROUGH introduced a bill (S. 4331) granting an increase of pension to Lydia A. Patch; which was read twice by its title, and referred to the Committee on Pensions.

ADMISSION OF NEW MEXICO.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (S. 878) to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was referred to the Committee on Territories, and ordered to be printed.

PRINTING FOR DISTRICT OF COLUMBIA COMMITTEE.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be, and is hereby, authorized to have printed and bound such papers and documents for the use of said committee as may be deemed necessary in connection with subjects considered or to be considered by the said committee.

COMPILATION OF NAVAL APPROPRIATION ACTS, ETC.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed and bound in cloth 300 copies of Senate Document No. 100, Fifty-eighth Congress, second session, for the use of the Committee on Naval Affairs of the Senate.

LOUISIANA PURCHASE EXPOSITION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of December, 1903, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 11, 1904.*

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and ten minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had dis-

agreed to certain amendments of the Senate to the bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes; agrees to the amendment of the Senate numbered 47 to the bill, and agrees to the amendment numbered 10 with an amendment; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEMENWAY, Mr. VAN VOORHIS, and Mr. LIVINGSTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 7023) to amend an act to regulate the height of buildings in the District of Columbia; and

A bill (H. R. 7024) to name streets, alleys, highways, and reservations in that part of the District of Columbia outside of the city of Washington, and for other purposes.

THE PANAMA CANAL.

Mr. MORGAN. I desire to give notice that to-morrow morning, after the routine morning business, I shall address the Senate on the resolutions relating to the Panama Canal.

URGENT DEFICIENCY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments to the bill, that it disagree to the amendment of the House of Representatives to amendment numbered 10, and that it agree to the conference asked for by the House on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

Mr. PETTUS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 12, 1904, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 11, 1904.

PROMOTIONS IN THE NAVY.

Assistant Naval Constructors Henry Williams and Henry T. Wright to be assistant naval constructors in the Navy, with the rank of lieutenant, from the 1st day of January, 1904.

Lieut. Robert B. Higgins to be a lieutenant-commander in the Navy from the 11th day of October, 1903.

Lieut. (Junior Grade) William D. Leahy to be a lieutenant in the Navy from the 31st day of December, 1903.

To be lieutenants.

Irwin F. Landis.
Wilbur G. Briggs.
Fletcher L. Sheffield.
Henry C. Dinger.

To be lieutenants (junior grade).

Lloyd S. Shapley.
Adolphus E. Watson.
Chauncey Shackford.
Charles B. Hatch.
Zachariah H. Madison.

SURVEYORS OF CUSTOMS.

William Vincent, of Illinois, to be surveyor of customs for the port of Galena, in the State of Illinois.

John M. Lenihan, of Iowa, to be surveyor of customs for the port of Dubuque, in the State of Iowa.

POSTMASTERS.

MINNESOTA.

Jesse A. Maxwell to be postmaster at Fulda, in the county of Murray and State of Minnesota.

NEW YORK.

Charles O. Sprague to be postmaster at Prince Bay, in the county of Richmond and State of New York.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 11, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

NAVAL APPROPRIATION BILL.

Mr. FOSS, by direction of the Committee on Naval Affairs, reported the bill (H. R. 12220) making appropriations for the naval service for the fiscal year ending June 30, 1905, and for other purposes, which was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Indiana. Mr. Speaker, I reserve all points of order.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (S. 2345) to make applicable the provisions of the naturalization laws of the United States to Porto Rico, and for other purposes, was changed from the Committee on Immigration and Naturalization to the Committee on Insular Affairs.

LEAVE TO PRINT.

Mr. SHULL. Mr. Speaker, I ask unanimous consent that Mr. George Howell be permitted to extend his remarks in the RECORD. That request was made yesterday, but I think the Speaker did not understand it.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that Mr. Howell be granted the privilege of extending his remarks in the RECORD. Is there objection?

There was no objection.

URGENT DEFICIENCY BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

Mr. TAWNEY. Mr. Speaker, pending that motion, I desire to say that there are a great many gentlemen on this side of the House who would like to speak for a few moments in favor of this proposition. It will be impossible for them to do so unless the time can be extended. I have been requested to ask unanimous consent that the time for taking the vote be fixed at 2.30 instead of at 2 o'clock, and that the time be divided equally between the two sides, and I make that request at this time.

The SPEAKER. The gentleman from Minnesota, pending the motion of the gentleman from Indiana, asks unanimous consent that the time for debate be extended until 2.30 p. m., the time to be divided equally between those in favor and those opposed to the amendments under discussion. Is there objection?

Mr. HEPBURN. Mr. Speaker, I am advised that there are several gentlemen who expect to be absent from the House shortly after 2 o'clock. I therefore object.

The SPEAKER. The gentleman from Iowa objects. The question now is on the motion of the gentleman from Indiana, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The question was taken; and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill, with Mr. CURRIER in the chair.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] is recognized for eight minutes.

Mr. CRUMPACKER. Mr. Chairman, I believe that Congress ought to adopt a different policy from that heretofore pursued in relation to the question of expositions. It seems to me that the proper policy for Congress to pursue is to make one exposition a national affair about once in each generation, and to withhold appropriations from the public fund for all expositions that are essentially local in their character. Too much money has been wasted in appropriations to aid local expositions. They are too frequent to have a national interest, and Federal aid ought to be withheld from them excepting, perhaps, a sufficient amount to make a proper Federal exhibit. The Federal Government ought to pursue the same policy toward them as is pursued by the several States, aside from the one in which they are held. But the Louisiana Purchase Exposition is essentially a national enterprise.

It is not local beyond the element of habitation. Of course all expositions must be located somewhere; but that enterprise has been nationalized by action of Congress by making the appropriation of $5,000,000 in the first instance and by the creation of a commission to act as an advisory board in respect to the installation and management of the institution.

The question of the constitutionality of the proposed legislation has been raised during this discussion. I do not believe, Mr. Chairman, that there is anything at all in that question. If Congress had the power in the first instance to appropriate $5,000,000 toward promoting the enterprise, it has the power now to appropriate $4,600,000 to promote the same end. The only distinction between the two appropriations is that the present one is not a donation and adequate provision is made for the return of the money to the public Treasury, and I respectfully submit that that element does not make it unconstitutional.

The power to appropriate—the power to donate, if you please—carries with it the power to make a loan; and I repeat, this has come to be a national enterprise.

Mr. LITTLEFIELD. Does the gentleman think that the first appropriation for this object makes the second one constitutional?

Mr. CRUMPACKER. I am not discussing the relative constitutionality of these appropriations. They are in line with appropriations that have been made by every Congress for perhaps the last fifty years. It is not a constitutional function of the Federal Government to bestow benefactions or to administer charities; yet it is a frequent thing for Congress to vote money out of the Federal Treasury for such objects. It is not in line with appropriations carrying out express constitutional functions of the Federal Government, but Congress has unlimited discretion in determining what objects are proper for the expenditure of public money.

Mr. Chairman, it was originally contemplated that this enterprise could be made a complete success with the sum of $15,000,000. But during the process of its construction and development it has become evident that it will require a greater amount of money.

Such has been the demand for space and privileges that it has expanded and developed into a much larger affair than its promoters originally dreamed would be possible. The question now before the House is, Shall the undertaking be made a splendid, complete success? There is no doubt that it will be a creditable affair, even if the Federal Government refuses to appropriate or to loan a single additional dollar to the undertaking. But can the people of this country, who all have a pride in this great institution, afford to permit only a partial or moderate success? There will be collected at this exposition the best intellect, the best enterprise, the most splendid genius of the civilized world; and the prestige of this great country will in some respects be measured by the display that will be made at this mighty gathering.

The gentleman from Iowa [Mr. HEPBURN] criticised the proposition on the ground that this is a local affair. He said that the people of St. Louis ought to bear this additional expense, ought to be required to provide the necessary funds. What have the people of St. Louis already done? They have put into the enterprise $10,000,000, aside from the expenditure of almost an equal amount in putting their municipal household in order that they may creditably receive the people of the United States and the representatives of the arts and industries from all parts of the civilized world. They have expended $10,000,000 directly, and that amounts, according to the census of 1900, to $16 for every man, woman, and child within that city; it amounts to about $75 for every man 21 years of age or upward within that city.

The Federal Government, whose enterprise this is, has already appropriated $5,000,000. That amounts to 6¼ cents per capita of all the people in the country; and if we loan this additional $4,600,000, our constituents will have to expend less than 12½ cents per capita by reason of this appropriation, while St. Louis has already put into the enterprise, an essentially national enterprise, $16 per capita from her own citizens.

Mr. Chairman, I have examined the amendment with a good deal of care; and I have no doubt that it provides a valid, legal lien in favor of the Federal Government upon the gross receipts of the exposition; and under the operation of the amendment, when adopted, it will be the imperative duty of the Secretary of the Treasury, in the event that the managers of the enterprise fail to make the payments provided for, to insist upon a supervision of the collection of the gate receipts and the application of the money toward the payment of this loan.

Even if this were an absolute gift, if I regarded it as necessary for the complete success of this great undertaking, I should vote for it. But I believe this appropriation to be only a loan; and I have no doubt that every single dollar of it will be paid—that adequate security has already been provided, so that the loan is amply and abundantly safeguarded.

The question, Mr. Chairman, is: Shall the Federal Government add this mere pittance to the burdens of the people of the country in order to make a complete success of this enterprise, or shall we remit the question to the city of St. Louis, whose people have already been taxed so heavily to promote this common undertaking?

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] is recognized for two minutes.

Mr. BARTHOLDT. Mr. Chairman, in the brief time allotted to me it is impossible to meet the various objections which have been raised to the pending proposition or to do simple justice to its real merits. Therefore, I shall not stop to inquire into the constitutional objections which have found expression on this floor, nor shall I attempt to answer those who haughtily find fault with the efforts of the friends of the amendment to secure votes for its adoption. Nor will I even occupy my time with those who are busily engaged to defeat it because of personal grievances and disappointments. I merely want to call attention to the inconsistency of all these wise critics who, while fondling the child and admiring its beauty and praising its parents, are about to clutch its throat and strangle it to death.

Certain it is, Mr. Chairman, that we shall not have attained to the height of national development and civilization of which we are wont to boast until expenditures for a universal exposition to be held on American soil will be regarded just as legitimate under our Constitution and laws as the expenditures for armies and navies and for war purposes. Fortunately, and to the credit and glory of our institutions and of the framers of the Constitution, be it said that there is nothing in that great charter which could be so construed as to prohibit a function such as we here ask the Government to exercise.

We have no national university. We have no national theater. We do not endow any institution of learning except West Point and Annapolis, where the picked youth of the land are being trained and drilled in the arts of war. What, I ask, are we doing as a Congress, a Government, and a nation for the arts of peace? What are we doing to prevent war? What are we doing for the cause of international arbitration? What are we doing to encourage the sciences, the arts, and the industries? What are we doing to stimulate, by peaceful rivalry of our Commonwealths and by comparisons with other nations, the latent forces of American genius? Nothing, except it be by Uncle Sam extending his aid to and thus lightening the burdens, the responsibilities, and the sacrifices of those who are engaged in organizing and inaugurating for the benefit of the whole country that gigantic undertaking, the world's fair of 1904. This, if any constituent should ask the question, is the real justification for our affirmative vote on the original appropriation as well as on this temporary loan.

It has been suggested on this floor by no less a person than the distinguished gentleman from Iowa, Mr. HEPBURN—and never has his eloquence been made to serve a more uncharitable cause—that the city of St. Louis assume the additional burden. No one who is at all familiar with the sacrifices already made by that city will seriously advance such a proposition. Shall I recount them? We first raised $5,000,000 by individual subscription. Have you a realizing sense of the enormity of this task? If in your communities and cities you have ever attempted to raise, for any charitable or public purpose, an amount equivalent to a contribution of $8 from every man, woman, and child, then you know, and not until then, what it means to collect $100,000 fifty times over. But that is not all, Mr. Chairman. The municipality then taxed the property of its citizens to the extent of $5,000,000 more, and in addition to that more than ten millions have been invested by our citizens in street improvements, new hotels, and other enterprises in connection with the fair.

This makes a grand total, raised in one single American city, of over $20,000,000, or $32 to each head of the population. Is there an example in history of public spirit, civic pride, and patriotism to equal this? And, gentlemen, this does not exhaust the sacrifices made by my city upon the altar of the nation. She has given up her largest and most beautiful park, which in area is second only to Fairmount Park in Philadelphia, for this great national purpose. A forest was cut down which can not be replaced in an hundred years. Superb trees, whose mighty crowns looked down as mute but approving witnesses upon the very beginnings of our national life, upon the transfer of Louisiana Territory and upon the first log houses which marked the site where the great metropolis of the Mississippi Valley now stands, were cut down to make room for the execution of the nation's mandate. All the money in the Treasury could not repay our citizens for the loss of this beautiful forest and for what they have thus freely given to the country and the world. And can you estimate in dollars and cents the sum total of energy and time which the unpaid high officials of the exposition company and the hundred prominent citizens of St. Louis who compose the board of directors have expended for years to make the fair a success, their only compensation being the thought that they were engaged in an effort which would redound to the credit and glory of their country? Instead of criticism and censure, these gentlemen, it seems to me, deserve the highest approbation.

We are no beggars. When, a few years ago, in the district

which I have the honor to represent, nearly 8,000 houses were partially or wholly destroyed by a cyclone causing a calamity as great as the appalling loss of property at Baltimore, we did not hold out our hands either to the nation or to individuals, but declined all outside aid and helped ourselves. This example of local pride demonstrates to the satisfaction, I hope, of every fair-minded man on this floor that if it was in our power we would surely help ourselves in this instance. And if Congress, after due deliberation, should refuse to aid us, though the Government itself is known to be a partner in the concern, could anyone name a private banker that would?

Fifty-four foreign governments are participants in the fair with exhibits and structures and an expenditure of over $10,000,000. The representatives of all nations, races, and creeds are now getting ready to comply with the invitation extended to them by the President of the United States upon the authority of the Congress. What if to-day the news were flashed across the oceans that the American Congress has refused even a temporary advance to make possible the completion of the exposition and the opening of the doors at the specified time? Would it exonerate the American Government and people in the eyes of the civilized world, even if all the criticism you heap upon the exposition management were deserved and just? God forbid such a disgrace and humiliation!

All these reasons, Mr. Chairman, which impel me, as the representative of a St. Louis constituency, to vote for this amendment, appeal with equal force to the representative of every other constituency, because, let us repeat it again and again, it is not a St. Louis or a Missouri fair. It belongs as much to Maine and California, to Texas and Michigan, as it does to my city and State. It is an exposition authorized by and carried on under the auspices of the Government of the United States, and its success is consequently the concern of every American citizen. And who has profited from it so far? Why, over 90 per cent of the timber required for the nineteen great exhibit palaces and the countless other structures have been furnished by the Southern States; twenty Commonwealths are interested in the building contracts, and nearly the whole Union has contributed material, labor, and experts for the great undertaking.

Mr. Chairman, we have gloried in the evidences of a reunited country when the Spanish war broke out, but the great work of peace organized at St. Louis will demonstrate more emphatically and more beautifully the idea of one common country and a union indissoluble and inseparable, because all sections and elements of our population have a common interest in it, and all are contributing the results of their best endeavors in every field of human activity.

We marvel at the magnificent structures of ancient Greece and Rome, and in beholding their ruins to-day we are bound to reverently acknowledge the public spirit which was the inspiring motive of their construction. Let the United States in 1904 give evidence to the world that the same public spirit actuates the people of this Republic; that it is born of and a necessary corollary of our free institutions, and do not let this House by its vote to-day veto the proposition that this lesson, this message to the world, shall be the crowning glory of the universal exposition of 1904. [Applause.]

The CHAIRMAN. The gentleman from Nebraska [Mr. HINSHAW] is recognized for five minutes.

Mr. HINSHAW. Mr. Chairman, I am opposed to this appropriation for several reasons. One reason is that the last Congress has already appropriated something like $6,000,000 in aid of this project, which is certainly ample, and the exposition should have kept within the bounds of that appropriation. I am opposed to it further because this appropriation, if made, in my judgment, will not be a loan, but will be a gift, and before this session expires, or at the next session, this Commission will come back here and ask for a further appropriation for deficiencies.

I would suggest that instead of spending this money in this manner it should be appropriated for more useful purposes. I know how well the chairman of the Committee on Appropriations [Mr. HEMENWAY] and the other members of his committee have sought to hold down the appropriations in this Congress. They have made a splendid effort in that direction. I know how well the gentleman from Indiana [Mr. OVERSTREET], chairman of the Post-Office Committee, has attempted to hold in proper check the appropriations through his committee.

I know the wonderful onslaught that has been made upon the Post-Office Committee for necessary appropriations in the line of rural free delivery, and I want to say to you that it is of more importance that this Congress should do something toward properly compensating the 20,000 rural carriers of this country, who are not adequately paid, than it is to give this money to the exposition at St. Louis. The amount proposed to be expended here would pay our 20,000 carriers $225 per year additional to what they now receive. They are the most poorly paid men in the service of the United States. This appropriation would give them almost a sufficient amount for two years to come in the way of additional pay, which they so sorely need all over this country. Nothing projected by the American Congress has so come home to the hearts of the people of this country as the rural carrier service. It is a more beneficent thing, it is a greater thing for education, than the St. Louis exposition. Nor do I believe that the St. Louis exposition will be crippled in any manner by the failure of this Congress to make this appropriation.

As the gentleman from Indiana has said, it will be a creditable showing in any event. It has received money enough. There are other purposes for which this money could be more beneficently used. There have been introduced into this Congress a large number of bills for the purpose of giving service pensions to the soldiers of this Republic. I know how well the Speaker of this House has sought to curtail appropriations. I think he is doing a splendid service in that regard, but there is a great demand all over this country for additional appropriations for soldiers of this Republic who have not been adequately cared for by the Pension Bureau of this great Government, and I would say to you that it would be a better thing if this four and one-half million dollars should be given to the soldiers of the nation who so bravely served in the war of the rebellion than to give it for this purpose.

We shall soon be called upon to appropriate $10,000,000 to pay the Panama Republic the money going to that Republic for the Panama Canal. The sum of $40,000,000 more will be paid to the French company to extinguish their title to this property. I say this money would better be applied to the partial payment of this $50,000,000 than for this purpose.

It seems to me that this money is needed in a thousand ways, in far more urgent matters than for the expansion of this already large appropriation. I can not support this measure because I believe the money would be improvidently expended. [Applause.]

[Here the hammer fell.]

Mr. BURKETT. Mr. Chairman, in the short time that I shall take I shall not discuss the constitutional phase of this question. I will say, however, in reference to this, that if it is not unconstitutional it ought to be unconstitutional. I want to say in the beginning that there is no one here, I take it, disposed in any way to cripple the St. Louis Exposition. There is no one but wants it to go on and be the great success that it promises and that we hope it will be; and if anyone will read the hearings before the committee in reference to this exposition he will find that it is going on whether this appropriation is made or not.

The question sifts itself simply down to this proposition: Are we going to loan them money without interest from the Government Treasury, or are they to go somewhere else, into the money markets, and borrow $4,600,000, the same as Buffalo did, the same as Chicago did, and the same as all the other expositions have done?

The exposition is not in peril, as the officers themselves say. The question is only, Where shall they get the money they now need, of the Government or of private parties? They can not come to us and say they can not do this, for they have told us how much more ground they have, and how many more of exhibits they will have, and how much greater the exposition is going to be in every particular than any heretofore. Take the case of the other expositions. Chicago borrowed $5,000,000 in 1893, and certainly the conditions are better for borrowing money now than they were then. Buffalo borrowed $2,000,000 with which carry out their exposition.

Now, Mr. Chairman, I want to ask this question of every Member on this floor who has received a telegram to-day—and all these telegrams have been one way, of course—and let me say this proposition has seemed to have behind it not only a most gigantic lobby, but also a very energetic one. From all sections of the country paid telegrams have been sent in here telling us how to vote on this proposition. Now, the question is: Have you heard from all the people of your district who are interested in the proposition of where the money from our Federal Treasury is going to? I have here their estimation of the population of the United States at 84,000,000 of people, as given by the president of the exposition in his remarks before the committee. There are 84,000,000 of people that are going to pay this $4,600,000 we are asked to appropriate. According to their estimation only one in eighteen of all the total population of the United States is going to attend this exposition. That is their estimate, made under conditions that favored their making it as large as possible. They estimate that 5,000,000 people will attend this exposition that 84,000,000 people will pay for.

Now, the question comes, Whose money are we using, and who are we using it for? Is it not our duty to consider the 84,000,000 people interested in this question who pay the taxes that make up this stupendous fund, rather than the few who are interested in St. Louis?

Now, I took up the statistics in reference to the different expo-

sitions that have been held in this country, and I want to call the attention of the committee to them, for the figures are significant. They show the enormity of this proposition, for to all the other expositions we have ever held in this country the Congress has appropriated $10,650,937—for all of them put together! This St. Louis Exposition has already had given to it by Congress $6,483,000. This, together with the $4,600,000 now asked for, will make a total of $11,083,000 for this one exposition! Compare now, if you will. All other expositions heretofore have had altogether $10,650,937. St. Louis, if this bill goes through, will have $11,083,000. I want to show the stupendous amount of nerve it requires, or perhaps gall, for a community to come in here, after having been so liberally treated as the people of St. Louis have been by Congress, and ask us further to put up an additional $4,600,000.

I can not quite accept all that has been said with reference to the frugality and economy in the conduct of matters down there. As brought out by the gentleman from Iowa, $5,000,000 of the expenditures already made goes for permanent improvements, benefiting the people of St. Louis. On looking over the report of the United States Commission I found out some more things that they had spent money for that, perhaps, may be interesting and that has resulted to the benefit of that city alone. They say that the whole world is anxious to come here to St. Louis to celebrate this great event. They speak of it as a great patriotic duty that St. Louis has had imposed upon her of caring for this exposition. They tell of the sacrifices that St. Louis has made for the benefit of the world and mankind and that all men and all nations and all States are interested. Let me tell you just how interested they are. Let me tell you of that anxiety from their own statement.

They have taken nation after nation and State after State by the very throat, as it were, and dragged them into the proposition from the beginning. No such gigantic scheme of promotion has ever been undertaken, it may be said to their credit as promoters of this fair. They began by calling the governors of various States together, as has been stated, and from that time to this the cost of exploitation has been an enormous one. Five hundred and forty-eight thousand four hundred and seventy-eight dollars and twenty-three cents so far has been paid out for the exploitation of this St. Louis Exposition. They have been lobbying the world in the interest of this exposition and it has cost that amount. Do not lay the responsibility on the world or on the States or the National Government. It originated in St. Louis, and it has taken three years and more than half a million dollars to get the rest of the world interested. Last spring $219,608.82 was spent in the dedication of these exposition grounds out there. Does the committee disclose what right they had to spend the money appropriated for the exposition for dedicatory exercises that resulted only in bringing crowds to St. Louis and thus redounding to her benefit? Sir, it was not given for such things as entertainments and bringing people to St. Louis. Two hundred and nineteen thousand dollars and over of the money which we appropriated went for the dedication of the grounds last spring.

In this same report of the Commission I find that they paid out as a preliminary expense $34,314.28. They paid out in one sum, as shown in this report, for entertainment of guests $18,312.62; for other ceremonies they have paid out $14,137.68, making a total in exploitation, dedications, entertainments, and miscellaneous ceremonies there of $834,851.63. And now they come in here with empty pockets, with an impoverished treasury. I should think their treasury would be empty. And now, after that enormous and preposterous expenditure, they ask this Congress to appropriate out of the people's money $4,600,000 to carry on that same sort of régime and that same class of expenditures.

I want to say to you, as has been suggested, that there are public buildings required in this country that we are unable to build. I remember that there are four post-offices in this country that have been brought to our attention where the people are walking from the first floor to the fourth floor and the fifth floor because we have thought we did not have money enough to build elevators to take the people up. I remember the condition of the post-office at Los Angeles, and we know the condition over in New York City. We know the demands the rural free-delivery carriers are presenting to us, and I have hoped their bill could be passed and their salaries raised as they ask, but we are met with the proposition and we had it told to us so eloquently when this bill was first taken up by the chairman of the Appropriation Committee that we must be economical in this session of Congress or we would have a deficiency in the Treasury confronting us.

I ask you, how are you going to meet your people when you go home? How will you meet the patrons of rural free delivery and others interested in the extension of that splendid service? What will you say to the rural carriers if their salaries are not made adequate and just? We are informed that it has been decreed that no river and harbor appropriations will be made this session because the watchword is economy. The people of the West are anxious that a couple of hundred thousand dollars or more be expended to take snags out of the Missouri River and to protect its banks, in order that we might have a great waterway from the Dakotas down by St. Louis to the Gulf of Mexico and out to the sea in that way, and also that millions of dollars of property may be saved from being washed away. We are met with the proposition that the Government has not sufficient funds, and it can not undertake to open that great interstate highway because we must be economical.

Mr. THAYER. Mr. Chairman——

Mr. BURKETT. I can not yield; my time is so limited. There is another exposition to occur out across the continent, in the western portion of this country, and we will be met with the same proposition when it comes in the House. How are you going to excuse yourselves to your people when you can not get an appropriation for more than a Government building and an exhibit for your exposition out there when you have appropriated $11,000,000 and over of the money of the Treasury in this country for this exposition in St. Louis? Yet, sir, in my judgment, if this appropriation goes through the Lewis and Clark Exposition will be cut off with very little appropriation. I say it is too big; it is too large; it is preposterous to ask the representatives of the people to pay out this money in the face of all that confronts us.

Only this morning I received a letter, as I presume many of you have received similar ones, calling my attention to the fact that the experiment stations at the agricultural colleges of the various States of the Union were asking for a little more money in order that they might broaden their experiments in agriculture, so as to be of more benefit to the farmers, and yet we are told all along the line, in the agricultural bill, in all the appropriation bills that have come in, that we must cut down all these expenses, that we must limit these expenditures to the minimum. Why? Because we will have a deficiency in the Treasury, as the chairman of the Appropriations Committee said.

We have been taught this economy by the great leaders of the House; we have been taught to be careful and conservative in our disposition of the public funds. I say it is a wrong time now to change front. It is a question that is bound to come home to every one of us. It is your welfare, and the people's welfare. This four and one-half millions would build a public building in every Congressional district in this country. We want one in my district, and almost every one of your districts needs one and ought to have it, and yet we have heard that we can not have a public-building bill, because we must be economical, and yet at the same time we are asked to vote to appropriate more than $11,000,000 for one place, one locality. Gentlemen, it is too large; it is too much to ask of us. Congress has already been liberal beyond measure. Let St. Louis put her shoulder to the wheel and take care of the remainder.

Mr. Chairman, I yield the rest of my time to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER of Pennsylvania. Mr. Chairman, I am much obliged to the gentleman from Nebraska for this opportunity. For the past eight years it has been said to us by men in whom we have confidence in this House that we are the trustees of the people's money. There is not a court in the United States that would not be impeached if it authorized a trustee to make a loan of the money in his hands belonging to another upon such security as is offered by this bill. It is admitted by the chairman of this commission that this money can not be borrowed except security is offered, unless it is borrowed from the United States. The admission is made by him in his printed statement that unless this Government takes this risk and loans money upon which no security is offered it can not be borrowed unless private security is given.

This Government has been induced to go into the show business at St. Louis. There are three parties to the agreement: St. Louis is one, the Government of the United States is another, and a corporation is a third. And yet the city of St. Louis and this corporation have the effrontery to ask this Government to loan all this money upon no security whatever. I submit to the people who advocate this loan that it is but fair toward our Government, and toward our Treasury, and toward the interests we have obligated ourselves to keep, that each one should loan one-third of the money; that if we have an interest equal to one-third the Government should not be called upon to loan more than one-third of the money necessary to pay present indebtedness and discharge that of the future.

Furthermore, Mr. Chairman, the figures show that four million and a half dollars will not pay the expenses incurred and yet to be incurred to enable this great exposition to open without debt or liability. Forty millions of dollars will be the expenditure. The different appropriations made by all parties and institutions interested amount to but $33,000,000. If the appropriation asked for here should pass, there will yet remain unpaid $2,400,000 when the gates of this show open. Where is the balance to come from? The question has not been answered; and, furthermore, the information

has been refused by the chairman of this exposition corporation. The chairman of the St. Louis exposition has neglected to submit to this House the information what the expenses amount to and to whom disbursements have been paid. No prudent person lives, Mr. Chairman, who would make a loan upon any such security as that offered here.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The gentleman from Iowa [Mr. SMITH] is recognized for fifteen minutes.

Mr. SMITH of Iowa. Mr. Chairman, three objections have been made to the Senate amendment with reference to the St. Louis Exposition. First, that it authorizes a loan and that the Government has no legal right to make a loan; second, that the security is inadequate; third, that there are no sufficient reasons for making the loan. It is indeed strange that at this late day it should be asserted that the Government of the United States has no legal authority to make a loan. In the first Administration under the Constitution the Government entered upon a policy of loaning money to banks, and specifically to the United States Bank. A few years rolled away, and after elaborate arguments upon the constitutional questions involved, this Government loaned $28,000,000 to the States of this Union. After the establishment of the present system of national banks, the Government of the United States entered upon a policy of loaning money to those banks, and to-day has $160,000,000 so loaned to them.

At the time of the construction of the transcontinental railways the Government loaned to those railways the bonds of the United States. Surely if it can loan bonds it can loan money.

Mr. HARRISON. May I ask the gentleman a question?

Mr. SMITH of Iowa. In view of the brief time I have, I do not wish to be interrupted now. After I get through, if there is any time remaining, I will be happy to answer questions.

In 1876, when the first international exposition was given in this country, the entire aid furnished to Philadelphia was a loan, and nothing but a loan. This Government has proceeded upon the policy of making loans for various purposes, from the Administration of George Washington until this hour. [Applause.] It is therefore a strange doctrine to hear preached now that there is no power in the Government of the United States to make loans.

I admit that I have not sufficiently fine reasoning faculties to be able to understand the proposition that this Government can advance money to expositions to be kept forever, but has not the constitutional power to advance money to exhibitions to be returned. The distinction in a constitutional sense is too refined for me to comprehend.

I turn, then, to the question, Is this loan reasonably safe? I want to call attention in that connection to some of the figures with reference to the Chicago Exposition. I have here a telegram from the auditor of the Chicago Exposition, from which it appears that the receipts from that exposition, exclusive of the after-exposition admissions and of wreckage, were $14,195,645. That the entire expense of carrying on the exposition, from the day it opened until it closed, was $3,471,000, leaving net receipts of $10,734,440 for distribution to pay the debts of the corporation and dividends to the stockholders of the corporation.

By reason of that fact the Chicago Exposition succeeded in paying a bonded and floating indebtedness upon it at the day it was opened of $9,268,358. It has paid $1,086,000 in dividends to its stockholders. It has paid $1,000,000 in clearing the grounds and in after-exposition expenses, and it has $500,000 still in the treasury and undistributed. This exposition as planned at St Louis will in every respect exceed in magnitude the Chicago Exposition. The Chicago Exposition was up to that time the most wonderful in the history of the world, but the Chicago Exposition had under roof 85 acres of ground, while the St. Louis Exposition has under roof 128 acres of ground, or 50 per cent more than the exposition at the city of Chicago. The grounds at Chicago were 680 acres; the grounds at St. Louis are 1,240 acres.

It thus appears that even should there be a tremendous falling off in receipts this exposition would be abundantly able to pay this money back to the Government. The Chicago Exposition opened, as I have stated, with more than $9,000,000 of indebtedness. This exposition, far greater in magnitude, will open with only $4,600,000 of indebtedness. The Chicago Exposition paid all of its indebtedness and had a large amount to pay in dividends upon the stock. How can it be conceived that this exposition, so much greater than the Chicago Exposition, will fall so much below it in receipts as not to be able to pay $4,600,000 of indebtedness, less than half the indebtedness of the Chicago Exposition and more than 50 per cent a greater exposition? But that is not all.

The Chicago Exposition was held in the year of the panic. This exposition is about to be held in highly prosperous times, and by reason of the high price of cotton in that great region tributary to this great exposition the people to the south of it are more prosperous than they have ever been in their history. Is it to be believed that with increased prosperity everywhere, and a much greater prosperity to the south, that this exposition, 50 per cent greater in magnitude and in some respects a hundred per cent greater, will fall far below the receipts at Chicago? But if these receipts fall off $6,000,000 from the receipts of Chicago, and if the expenses were as high as Chicago, still every dollar of this indebtedness would be paid back to the Government of the United States before Congress convened in next December. As expenses are made greater by greater attendance, it is inconceivable that there could be a falling off of six millions in receipts without a falling off in the expenses of administration.

It takes twice as many gate keepers to let a million people pass through as it does to let half a million pass through, and the expenses necessarily fall off as the crowd falls off. So that it is safe to say that if this exposition had half the attendance of Chicago it would still pay back every cent of this money to the Government of the United States before Congress convenes next winter. It seems to me that this is an answer to the suggestion made upon the floor the other day that perhaps the 60 per cent of the receipts left to this company would not be sufficient to pay the running expenses of the institution. At Chicago the running expenses were less than 25 per cent of the receipts, and more than 75 per cent of the receipts were left for the payment of debts and of dividends.

Now, I want to pass from that question to the question of the permanent improvements in the city of St. Louis. It seems to me that the statements that have been made on that subject are unintentionally unfair. In the first place, it is claimed that great buildings have been erected for the Washington University. Washington University had purchased 110 acres of land, now part of the grounds of this exposition, nearly ten years ago. It had erected upon this land magnificent granite buildings, worth nearly a million of dollars. These grounds were necessary in the exposition grounds, and these buildings could be used in connection with the exposition. The exposition management therefore made a contract by which they leased that property which had cost about a million and a half, exclusive of interest, for $750,000 for three years, upon the stipulation that the whole $750,000 was to be put into the erection upon these grounds of buildings, and the grading of the grounds to make them suitable for exposition purposes, and that these buildings were also to be used by the exposition management.

Thus the exposition management, for a rental of $250,000 a year, rented property worth more than $2,000,000 that was of as much use to this exposition as if the buildings had been constructed by it. This was a highly profitable enterprise for the exposition management.

Now I turn for a moment to the question of the $3,000,000 alleged to have been expended for permanent improvements for the benefit of the city of St. Louis. There is not any $3,000,000; the aggregate of underground improvements is $2,497,000. Let me refer to some of the items which are embraced in this sum of $2,497,000.

Fire protection, 50 miles of pipe, $550,000.
Domestic water supply, 60 miles of pipe, $220,000.

Little or none of that can be of any value in a forest park.

Gas pipe, 25 miles, $30,000.

Substantially none of that can be of any permanent value in a forest park.

Plumbing, $250,000.
Walks and roadways, 75 miles, 20 feet wide, $400,000.

Of what utility can walks arranged with reference to the location of these buildings be as a permanent improvement to the city of St. Louis?

Fences, entrances, ticket booths, $80,000.
Grading, 2,000,000 cubic yards, to adapt this park to the situation of these buildings, $500,000.

These are the "permanent" accessions to the city of St. Louis from the expenditure of the alleged $3,000,000.

But it is also asserted that a million and a quarter of dollars has been put into a permanent art hall. I want to say that this hall is of brick, and it is absolutely indispensable in order to obtain there the art treasures proposed to be exhibited. And it does not approximate in quality or in beauty that splendid Memorial Hall which still embellishes Fairmount Park in the city of Philadelphia.

Nothing whatever has been expended in permanent improvements except what was absolutely indispensable for the purpose of giving this exhibition; and but a trifling part of these improvements can be of any permanent value to the people of the city of St. Louis. So much for this charge that the city of St. Louis has obtained $5,000,000 for local purposes out of this exposition.

I say this loan is a safe one. Then why should we make it? We should make it because the city of St. Louis has only half as much banking capital as the city of Chicago had at the time of the Chicago exposition and only a fourth as much of bank deposits. This city, without the bank assets that the city of Chicago had at the

time of its exposition, has succeeded in financing this institution until it is ready to open, within $4,600,000, while the people of Chicago were compelled to open their exposition with $9,200,000 of indebtedness. The people of St. Louis have done wonders. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa [Mr. SMITH] has expired. The Chair recognizes the gentleman from Alabama [Mr. RICHARDSON] for five minutes.

Mr. RICHARDSON of Alabama. Mr. Chairman, in the short time allowed me I shall confine my remarks to the proposition so earnestly contended for on this floor that the Government ought to take money out of the Treasury and loan it to the Louisiana Purchase Exposition. This proposition is simply to loan $4,600,000 to a corporation, to be repaid within a certain time. Now, if it were conceded, Mr. Chairman—which I do not—that there is constitutional warrant and authority for the Government to do this, yet I would contend in opposing this proposition that it is absolutely unfair and unjust and unwise, from a business standpoint, to vote the money of the people away in this manner, and based on such security as is offered. This proposition, presented as it is with a pledge or security for the repayment of the money, should be treated as a business matter, subject to business rules.

Is it possible that any man or any institution in this country familiar with business matters who has money to loan as a safe and reliable investment would risk his money in such a loan as this? It appears that this exposition has by mismanagement, misgovernment, and bad business principles and unparalleled extravagance rushed on into bankruptcy. Can such an institution as that come fairly and justly under such conditions and appeal to business men to loan money to put it upon its feet? What guaranty have we that this money will be paid back? If we judge the future from the past, it is but a slim one. What, I ask, is the financial condition to-day of the Louisiana Purchase Exposition? Let me call attention to the evidence of the director-general of this institution before the Committee on Industrial Arts and Expositions. Here is what he says on page 34 of the hearings before that committee:

Mr. FRANCIS. Gentlemen, a great amount of this money that we are asking has already been earned and is due upon contracts. There will be over $2,000,000 of this money that we will have to pay on contracts already signed. I had $122,000 in vouchers when I left that I could not pay because we did not have the money. We had about $300,000 left, but we had to reserve that to pay our day laborers on Saturday. Then, there is a great deal of work we will have to do as soon as the spring opens that we can not let out by contract. This four and a half million dollars will enable us to open the exposition, and we can not do it on any less.

Mr. Chairman, here is a great industrial exposition that this Government has helped that comes and admits through its director-general that its expenditures have been, it seems to me, in many respects reckless, and that after the expenditure of $15,000,000, if the Government does not come forward and advance four and a half millions more in addition to the $5,000,000 already advanced by the Government, this exposition will hardly be able to throw open its gates. The argument is that because the Government has advanced heretofore $5,000,000, now the duty devolves on Congress to put up $4,600,000 more to save the enterprise from a failure. Why not apply that argument and reasoning to the stockholders of the Louisiana Purchase Exposition and the municipality of St. Louis, who jointly have subscribed $10,000,000 to the exposition? The stockholders and the city of St. Louis are each to receive one-third of the net profits after all expenses are paid. Why come to Congress as a business matter and ask Congress to put up enough money to protect the interest of the other joint stockholders? That is the direct question and a practical one.

Mr. Chairman, on such a proposition as this we are acting here in the nature of a fiduciary capacity, and there is not a court in any State in this Union that would not hold responsible in damages an agent acting in a fiduciary capacity who would loan money under these conditions, and make him actionable in damages. It would be declared that the agent had loaned the money of his principal in a reckless manner and without due care. Mr. Chairman, there are other matters I should like to refer to. I heard yesterday with profound amazement the distinguished gentleman from Missouri [Mr. COWHERD] say that this proposition was constitutional, and being constitutional that this money ought not to be loaned by the Government to any institution save a large and great one that was expending a great deal of money.

I have great respect for the ability of the gentleman from Missouri, but I would be glad, indeed, if he would be so kind as to refer me to any section or paragraph or word in the Constitution that warrants such a use of the public money as is here proposed.

I find that section 8 of the Constitution says:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States, but all duties, imposts, and excises shall be uniform throughout the United States.

Again, the Constitution says the Congress shall have power "to borrow money on the credit of the United States."

It can not be that the distinguished gentleman from Missouri believed that this proposed loan was authorized under the "general welfare" clause of the above section, because he said, as I recall his language, that the money should not be loaned by the Government to anything but these large, expensive, and glittering expositions. It is true that the people who get up the county and State fairs and expositions bear the burden of the taxes that contribute the money as a loan to carry on these splendid expositions, but the Constitution discriminated against your county and State fairs and no money can be loaned you by the Government, but it must all go to Louisiana Purchase Exposition and expositions of like nature.

Mr. Chairman, I do not believe that the Government ought ever to occupy the position of a lender of its money to any individual or corporation or to any enterprise, local or national. I believe this to be a fundamental principle of our Constitution. I with hesitancy concede that conditions might arise that would excuse or justify a donation by Congress, when some great calamity has befallen the people or where some great enterprise of general benefit to the people claims such a donation. Congress already has complied with this condition in an appropriation of $5,000,000 to the Louisiana Purchase Exposition; but this proposition is to ask Congress to make a straight-out loan.

I do not, Mr. Chairman, propose to say one word that would be harmful to the success of the St. Louis Exposition, but it behooves us to meet the situation as it is presented to us fairly and boldly, discuss it as we would were we as individuals approached as a business matter for the loan of money. That is the way to test this loan proposition fairly. I have already pointed out to the committee that to-day the Louisiana Purchase Exposition Company is behind on its contracts to the enormous amount of $2,000,000, and that this amount will be used out of the loan now sought from the Government to restore the financial credit and standing of the exposition company. That is the condition to-day.

We are earnestly assured if we make this loan, with these discouraging conditions staring us in the face, that every dollar of the money the Government loans will be paid back according to the stipulated agreement and conditions provided in amendment "10," made by the Senate on the urgent deficiency bill of the House. We are to be paid out of the gross receipts of the exposition company.

Governor Francis, the director-general, makes his estimate that there will be 30,000,000 paid admissions at 50 cents each. The concessions, he says, will amount to $6,000,000, making a grand total of $21,000,000. How does he arrive at these estimates? It is an easy matter when a man wants to borrow money to make an estimate of profits, and I say, after reading the evidence given by Governor Francis before the committee, if his judgment and business estimates are as bad in the matter of gate receipts as it has been in the mistaken judgment and estimates that he has made in the past as to the costs of the exposition, that there will be nothing in the way of receipts to reimburse the Government for its loan of $4,600,000.

I call the committee's attention to the spectacular basis upon which the estimate of receipts is made up:

He bases this estimate upon the population of the tributary country. The population of our country during the Chicago Exposition was 69,000,000 in round numbers. In eleven years we think it is safe to calculate upon an increase of 25 per cent in population. Twenty-five per cent of 69,000,000 is a little over 17,000,000—17,250,000. Add that to 69,000,000 and you have 86,250,000. We base this calculation upon a population of 84,000,000. That does not include the increased population caused by our new possessions; it does not count the Filipinos or the Hawaiians or the Porto Ricans.

You are familiar with the immigration statistics and know how the population has been increasing in that way during the past year. A population of 84,000,000, basing the increase on an average increase throughout the country, will give to the States contributory to St. Louis, running no farther east than Indiana and no farther west than Colorado and taking in the Mississippi Valley, a population in that territory of 26,000,000 people.

We think it fair—indeed, we think it very moderate—to estimate that of the 26,000,000 people inhabiting those States 4,000,000 will visit the exposition, and that those 4,000,000 people will go into the exposition an average of five times. That takes in all St. Louis and all East St. Louis and the cities on the east side of the Mississippi River and all of the territory immediately contiguous to St. Louis.

If that is correct, if 4,000,000 people out of 26,000,000 people enter the exposition, and enter its gates an average of five times, that will be 20,000,000 alone. Now, taking the 26,000,000 from the 84,000,000 population, we have 58,000,000 left. That takes in the Atlantic seaboard; that takes in the country west of the Rockies, and takes in the country as far west as Indiana. In that territory are 58,000,000 people. We think a very moderate estimate is that 1,000,000 of those 58,000,000 will attend the fair and, coming a longer distance, they will stay longer than the people who come a shorter distance, and will enter the exposition, we say, seven times. If so, that will add 7,000,000 people to our 20,000,000 people, making 27,000,000 people.

Now, we estimate that there will be 100,000 visitors from foreign countries. That includes the entire Orient and all the European countries and includes Mexico and Canada, which have close and direct rail connection with St. Louis; that includes all of Central and South America. Our information is to the effect that they are making preparations in those countries to visit the exposition in large numbers, and we have the same reports from Europe, namely, that large numbers are coming from there and other parts of the world as well. If 100,000 come that distance, we think it is safe to estimate

that they will go on an average of twenty times each. That will make 2,000,000 more in addition, making a total of 29,000,000 people. At 50 cents each that would be $14,500,000.

I ask, in all sincerity, Is not all this chimerical, mere talk? The director-general seems to forget in his lurid and extravagant calculations that the people of the United States have become somewhat wearied and tired of expositions, because when you see one you see generally what all others have.

This ought to be a large factor in his estimate. Would any man of business judgment risk his money on such conjectural estimates? Why, Mr. Chairman, bad weather or the war between Japan and Russia could easily upset and undo the entire estimate, and then, as a matter of course, the company would come back to Congress and ask to be discharged from its contract to repay the Government. That is the usual road all such matters travel.

Mr. Chairman, there is another view that I have of this matter outside of the constitutional objection and the business matter, and that is this: It is well understood that the spirit of economy is predominating in this Congress, so much so that it has already been announced that there would be no river and harbor bill, no public buildings bill, made up during this present Congress.

I would myself infinitely prefer to see this large sum of $4,600,000 appropriated by the Government to the improvement of our rivers and harbors and to building Government buildings for the use of the people as post-office buildings and court-houses than to see it loaned to the St. Louis exposition.

Why, Mr. Chairman, if this sum that is to be loaned by the Government was used in building a good, comfortable post-office building at county seats, say at a cost of $10,000 or $12,000 each, how many people of our country would be made happy by having a good, comfortable post-office building? They would far exceed in numbers the magnificent estimates made by Governor Francis on the paid admissions.

The people all over the country are aroused about the matter of Government aid for the improvement of their public roads. I am an earnest advocate of this aid being given by the Government, safeguarded in the proper way. But the objection comes up already that it is unconstitutional to help the people improve their public roads with money from the common Treasury. Suppose, Mr. Chairman, that this $4,600,000 that we are asked to loan to this exposition—with scarcely a ray of hope of its repayment—should be used in the improvement of the public roads in four of the States of the Union. What a transformation it would make. What a happy, prosperous, and contented people we would find when this amount of money had been spent on their public roads. They would hold up their hands and call their Government blessed.

So it is if this amount were placed on the internal waterways of some of the States it would increase the commercial traffic and prosperity of the people bordering on these waterways a hundred fold. I do not, Mr. Chairman, refer to these matters in a complaining or carping spirit, but the demand is justly coming up from all sections of the country, north, south, east, and west, that some at least of the immense revenues of the country must be used at home and for the commercial benefit of the interests of the masses of our people. These matters it behooves the Congress to heed.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] is recognized for five minutes.

Mr. DALZELL. Mr. Chairman, I assume that no one will dispute the probable grandeur of the St. Louis Exposition and that there is no American who will not be proud of the success of that exposition. But this is not a question that is to be settled to-day by reference to fountains, pictures, rhetoric, and all that sort of thing. It is a plain, practical, business question, and as representatives of plain, practical, business people we ought to deal with it as such.

What is the question? The St. Louis Exposition Society is a private corporation of the State of Missouri. It is engaged in a great work. It has been recognized as a national work. Congress has given to the aid of that private corporation in this national work $5,000,000, and given it upon the pledge made on this floor that if the $5,000,000 were given the United States would not be called upon to give anything more. I set that aside, however. I set aside the question of the constitutionality of the loan, and I come down to the plain, practical, business question, Can you justify to your constituents the loaning of $4,600,000 to this private corporation out of the Treasury of the United States, in view of the obligations now resting upon that Treasury?

Let us look at it a moment. This money is to come out of the Treasury of the United States. There are certain prior claims upon that Treasury. Can these prior claims be satisfied and this $4,600,000 be safely loaned? That is the question. Let me quote to you from the chairman of the Committee on Appropriations. This is his statement as to the condition of the Treasury:

In view of different statements made by Members of this Congress in which legislation is suggested upon the ground that we have a large surplus in the Treasury, I think it my duty to call the attention of the House and of the country to a real problem that we are called upon to solve. It is this: How can we reduce the estimated expenses of the Government for the ensuing fiscal year $42,000,000?

The total estimates submitted at the beginning of this session for ordinary expenses, exclusive of $56,500,000 required to meet the sinking fund, amount to $727,474,206.79.

In addition, more than ten millions in the nature of supplemental estimates have come to the Committee on Appropriations by reference of the House. Those that have gone to other committees and still more that will follow that will come to Congress before the session closes will surely increase that sum at least $15,000,000. The arbitrary cut made in the Engineer's estimates for contract work on rivers and harbors, which will probably not be sustained if the contract obligations are met, amounts to $4,843,716. Adding these sums to the original estimates makes a grand total of $747,317,922.79.

The total revenues are estimated by the Secretary of the Treasury for the fiscal year beginning July 1 next at $704,472,090.72. Estimates in excess of the probable total revenues, $42,845,832.07.

Then the chairman further goes on to say:

The present net cash balance in the Treasury amounts to $224,000,000. This sum is likely to be materially diminished in the near future (1) by payment on account of the isthmian canal, $50,000,000; (2) by requisition on account of unexpended balances of appropriations, which are: For increase of the Navy, $27,000,000; for rivers and harbors, $37,000,000; for public buildings, $17,000,000; total, $131,000,000.

Thus if all outstanding obligations fixed by appropriations already made were liquidated the net cash in the Treasury would be reduced to the dangerously low-water mark of $93,000,000, a sum less than it has reached at any period since the era of depression that antedated the beginning of Mr. McKinley's first Administration.

There yet remains to be appropriated to meet contract obligations authorized chiefly by the last Congress on account of public works as follows:

For increase of the Navy	$82,718,659.00
For rivers and harbors	36,628,364.89
For public buildings	17,161,609.34
Total	136,509,233.23

The estimates of appropriations required to be made at this session on account of the foregoing are:

For increase of the Navy	$38,226,860.00
For rivers and harbors (engineers' estimates)	13,540,753.00
For public buildings	9,037,208.00
Total	60,804,821.00

There should be no legislation passed reducing revenues, and this Congress must exercise economy, not refusing any necessary item to meet the growing expenses of this great country, but to strike from the estimates and from the appropriation bills reported to this House every superfluous item. We must keep within the revenues.

That is to say, taking into account the estimates for the running of the Government, for the ordinary conduct of its affairs from day to day, at the end of this fiscal year there will be a deficit in the Treasury of $42,000,000.

Now, we have many things conceded to be necessary that we can not appropriate for because of the condition of the Treasury and the demand for economy.

For instance, you go up here to the War Department to have an interview relating to your official business with an officer of that Department, and you are told that he is to be found down on Pennsylvania avenue somewhere in the second story of a rented building. Why is he not provided with an office? Because we must exercise economy. And that is only one instance, of which there are many. To cite another: There is, in my district, according to the report of the engineer in charge, a public work that, unless immediate appropriation be made for its repair, will collapse and destroy the entire navigation of a river. I can not get an appropriation for it. Why? Because we can not afford a river and harbor bill.

There are demands of many kinds, believed by those making them to be legitimate demands, that no response can be made to because we must exercise economy.

In that we all acquiesce. But how shall we satisfy our constituents when we further acquiesce in withholding appropriations from their legitimate projects and in giving $4,600,000 to St. Louis for its exposition?

Oh, but, it is said, this is a loan. I venture to say that no man familiar with our dealings with expositions in the past believes in his heart that any cent of this money will ever be repaid. The next thing that we will be called upon to do will be to release our claim.

I am opposed to this measure as extravagant and unjustifiable.

The CHAIRMAN. The gentleman from Illinois [Mr. RODENBERG] is recognized for ten minutes.

Mr. RODENBERG. Mr. Chairman, I can not refrain from expressing my surprise and also my regret at the peculiar character of some of the objections that have been urged against the adoption of this amendment. I do not agree with the gentleman from Pennsylvania [Mr. DALZELL] that the only question involved in this proposition is merely one of dollars and cents. The question that presents itself to us is this: Shall we, the representatives of the people, confronted as we are with an honest and straightforward presentation of the unavoidable difficulties that have been encountered in carrying through this great national enterprise—shall we refuse to do our duty by the people and the people's exposition simply to preserve a reputation for questionable and

wholly indefensible economy in legislation? Shall we for the first time in our history do violence to that magnificent spirit of national liberality which has always characterized the American people in order to maintain the delusion that parsimony is an attribute of statesmanship?

I believe in economy. I believe in protecting the Treasury of the United States against all unwarranted and unjustifiable expenditures. I have no sympathy, however, and but little patience, with that peculiar brand of inconsistent and contradictory economy which so often manifests itself in this House, and which earnestly and pathetically advocates an appropriation for some purely local and wholly unimportant purpose, and in the same breath denies fair and proper treatment to some great national enterprise in whose success every public-spirited citizen of the United States has an intense personal interest.

Mr. Chairman, the Louisiana Purchase Exposition is not a sectional undertaking. It does not belong, as some seem to think, to the city of St. Louis. Its glories are not confined to the narrow limits of the State of Missouri. Its influence reaches far beyond the boundaries of that splendid domain which to-day stands as an enduring monument to the constructive genius and statesmanship of Thomas Jefferson. It is your exposition; it is my exposition; it is an American exposition; it is a universal exposition; it will be an epitome of American thought, American genius, American advancement, and American civilization.

I believe that President Francis and the gentlemen associated with him, who are charged with responsibility for the successful inauguration and completion of this gigantic enterprise, are engaged in a great and patriotic work. Instead of censure we should give them praise; instead of abuse they should receive encouragement; instead of meeting with objections in this Chamber they should receive our cordial support and enthusiastic cooperation. I know and you know that they are not working for personal glory or aggrandizement. Theirs is altogether a labor of love. They are performing patriotic and laborious service for you and for me and for every American citizen.

Mr. Chairman, the surprising statement has been made in this debate that the citizens of St. Louis have not discharged their full duty toward this exposition; that they have been derelict in the loyalty of their support of this great project. It has been argued that the city itself will enjoy such special and extraordinary advantages by reason of the holding of this exposition within its corporate limits that the people there should be compelled to pay out of their already depleted finances the sum necessary to complete this great undertaking.

Mr. Chairman, I deny the accuracy of that statement and characterize it as an unfair, an unjust, and an ungenerous reflection on the public spirit of the citizens of the metropolis of the Mississippi Valley. St. Louis has done her full duty. She has been weighed in the balance of civic and national pride and not found wanting.

Does any gentleman believe for a moment that the $10,000,000 donated to the fair itself is all that the city of St. Louis has invested in that enterprise? Do you count for naught the disinterested and devoted services of 100 of her most distinguished and progressive citizens? Do you intend to refuse to give her credit for the millions upon millions of dollars invested in additional railroad and street car facilities, in new hotels, restaurants, and apartment buildings whose construction is made necessary in order to feed and house the visitors to the fair? Do you remember Buffalo? Do you recall the experience of Chicago? Do you remember the miles upon miles of stately buildings that remained vacant for years after the Columbian Exposition closed its doors?

Ah, gentlemen, you may speak of the special and extraordinary advantages that accrue to a city in which an international exposition is held, but the fact remains that the dreary record of special and extraordinary advantages of the Columbian fair, so far as the city of Chicago was concerned, will be found in the foreclosure proceedings in the chancery courts of Cook County. I have heard it estimated by conservative business men of Chicago, and I have no doubt the statement will be borne out by the representatives of that wonderful city in this Chamber, that the financial loss occasioned by that fair was not less than $20,000,000 in excess of her voluntary donations. But Chicago's loss was the nation's gain. A new impetus was given to our export trade. Our foreign commerce was expanded, and to-day the people of the United States realize that the investment was a profitable one for them as a whole.

You ask why does not the management borrow these $4,600,000 in the city of St. Louis. I answer by saying that the drain on the financial resources of the city has been exceptionally severe. The per capita cost of this exposition to the people of St. Louis already approximates $30 for every man, woman, and child. I maintain that it is not right, it is not fair, to ask her to assume this additional and tremendous burden at this time. I do not believe that we should insist on taxing the generosity of her citizenship to the point of absolute injustice and imposition. The world can not but admire the pluck and patriotic determination of any city that will cheerfully undertake an international contract of this magnitude.

The distinguished gentleman from Iowa [Mr. HEPBURN], for the brilliancy of whose intellect and eloquence of speech I have a more sincere admiration than for that of any other gentleman in this Chamber, in his speech last Monday also directed the attention of the House to an item of $5,000,000 which he says has been invested in permanent improvements to be used for all time to come by the city of St. Louis. I want to emphasize the statement of the gentleman from Missouri [Mr. COWHERD] that three-fifths of that amount, or $3,000,000, have been expended in grading the grounds, digging sewers and water courses, filling up depressions, laying pipes and mains, and inaugurating a perfect and complete system of sanitation. While these improvements may be regarded as permanent in their nature, I would like to know of what practical value they will be to St. Louis after the great fair is numbered with the historical events of the past? Forest Park, in which this exposition is located, marks the extreme western limits of the city. It is far removed from the center of population, and the site is hardly available for any permanent public purpose.

If the value of this kind of investment to future generations can be computed in dollars and cents, then I would like to know what were the lasting benefits that accrued to the city of Chicago by reason of her compulsory investment in this same character of permanent improvements in Jackson Park?

There is an item of $1,250,000 for a permanent art building. In justification of that item I want to say that the great artists of the world, as well as the owners of famous and invaluable works of art, declined to exhibit their priceless paintings and rare sculpture unless such exhibition could be made in a building of architectural beauty and absolutely fireproof in every way. The action of the management in complying with this reasonable request is certainly worthy of commendation. The play of Hamlet without the melancholy prince would be even more interesting than a universal exposition in which the progress of art was not a distinctive feature.

The other item of $750,000, which has been paid to Washington University, can not properly be classed as a permanent improvement. Washington University is not a State university. It is an endowed educational institution, and one of the best in the western country. The money paid to the university is in the nature of rental for three years' use of the commodious granite buildings for the offices of the World's Fair management. And I maintain that if the management had been compelled to construct its own administration buildings, supply the heating and lighting apparatus, pay the insurance and repairs, etc., it would have cost far in excess of $750,000.

So that after all the single item of $1,250,000 remains as an available permanent improvement to remind the citizens of St. Louis and of the country of the glories of an exposition, in the building of which there were spent approximately $40,000,000.

Mr. Chairman, we are fond of boasting of the wonderful development of our national resources and the large increase in our material wealth. I have been riveted to my seat for hours by the inspiring eloquence of the gentleman from Iowa when speaking of our wonderful industrial and commercial progress. We claim to-day, and justly so, not only commercial supremacy, but also preeminence among the nations of the earth in the field of art, literature, invention, and scientific research. But when we are called upon to present to the world and to civilization the practical evidence of our remarkable achievements, there are those among us who object, and when we analyze their objections we find that they may be summed up in the question, Does it pay? Looking at it from this standpoint, from the commercial standpoint, I say: Yes, it will pay the nation as a whole. It will prove a profitable investment for the United States. It will bring financial returns to the country at large a hundred fold.

The great Columbian Exposition at Chicago, in which the civilized nations participated, gave to them the first practical demonstration of the superiority of the product of the American mine, the American farm, and the American workshop. It was there that the Englishman first learned of the superior construction and durability of our locomotives. It was there that the Korean first conceived the idea of inaugurating an American electric railway system in his own far-away country. It was there that the Frenchman learned to use our silks and drink our wines. It was there that the people of every country under the sun first became impressed with the importance and the necessity of entering into closer trade relations with the United States. Let us continue this glorious system of education which has proved of such incalculable advantage to us in the past. Ten years have passed since the Chicago fair. Let us show the world what a decade of real, live American progress means.

You are not asked to vote an additional appropriation for this exposition. You are simply asked for a loan of $4,600,000 to com-

plete this enterprise under restrictions which amply secure the Government against the possibility of a loss. I believe as firmly as I believe anything that every dollar of that loan will be repaid into the Treasury of the United States.

Gentlemen, the eyes of the world are upon us to-day. We have invited all nations to participate in this universal exposition. Our invitation has been accepted. It was extended not at the instance of the exposition management, as the gentleman from Iowa [Mr. HEPBURN] seems to think, but at the instance of the enlightened public sentiment of the American people, at the instance of that commendable spirit of comity, of courtesy, and good will that prevails among all friendly powers. By our own act, on the 1st day of next May we will become the proud host of the civilized world. As for me, I am in favor of extending a royal welcome to our guests and preparing for them a feast that will be commensurate with the dignity, the greatness, the wealth, and the grandeur of the American Republic. [Loud applause.]

Mr. RODENBERG. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman from Massachusetts [Mr. LAWRENCE] is recognized.

Mr. LAWRENCE. Mr. Chairman, it seems to me that the Government has gone to the very limit in appropriating money for exposition purposes. I am opposed to any further appropriations for the St. Louis Exposition, and I am equally opposed to any so-called loan. If we are to aid that exposition still further, I think we should do so by a gift and not deceive ourselves or anyone else by calling it a loan. It is a grave question whether we, the guardians of the people's money, have any right to make an appropriation of this character for a purpose which is not a governmental purpose. But I realize that the Government is committed to the policy. Other expositions are on the way, and Congress will undoubtedly continue to make appropriations for them until the end of time.

There is, however, every reason why such appropriations should be most carefully considered and made with due regard for economy. When the initial appropriation of $5,000,000 for the St. Louis Exposition was made it was a most generous one; it was all that could be asked or expected. We clearly understood that no more would be asked for. I think there can be no doubt that the managers of the exposition so understood it themselves. Consequently they come now before Congress asking, not for an appropriation, but for a loan. It would have been more businesslike and shown more convincing evidence of good faith if the managers had made some effort to secure this money in the usual way from banking institutions. The evidence given before the Committee on Industrial Arts and Expositions shows that no such attempt was ever made.

That fact at least raises a suspicion that the security is not good or that there is no expectation of the debt ever being paid. Personally I can not believe that there is any chance of its payment. I admire the optimism of some of the friends of this exposition. I firmly believe that it will, in a general way, be a great success. I certainly hope so; but, Mr. Chairman, expositions are not a financial success, and it will be a perfect marvel if this one proves to be such. There will certainly be some hard-luck story which the managers can tell as a reason why they were unable to pay this debt, why the exposition was not a financial success, and why it is necessary for Congress to make a still further appropriation to make up a deficit.

We are told that our surplus is likely to become a deficit, and that it is necessary to practice economy in governmental expenditures. The Panama Canal, it is estimated, will cost $200,000,000. As a matter of fact, it is likely to cost very much more. The expense of maintaining and constructing our Navy is an enormous one, and it is now said by those in a position to know that we need not expect hereafter any naval appropriation bill which will carry an appropriation of less than $100,000,000. A service-pension bill is on the way, which, if passed by Congress, will add about $50,000,000 more to our annual expenditures.

Surely some one should call a halt, and economy is, in fact, being observed in certain directions. There is to be no general river and harbor bill at this session of Congress, in spite of the fact that in various sections of our country there is a most urgent demand for appropriations in behalf of needed improvements in aid of our growing commerce. There is to be no public-building bill, in spite of the fact that in various parts of the country buildings are absolutely needed for the proper transaction of the public business. The Members of this House have unanimously, with a heroism rarely equaled and never surpassed, declined to accept the mileage to which they were legally entitled. Let the good work go on. If the rule of economy is to be applied—and I believe it should—it should certainly be applied to the proposition now before the House. Let us save this $4,600,000 for purposes which are demanded in the interests of the people. I hope the Members of the House will emphatically refuse to make this appropriation. To my mind it is an extravagant, unwarranted, and unjustifiable use of the people's money. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

SENATE AMENDMENT TO URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] is recognized for ten minutes.

Mr. SHERMAN. Mr. Chairman, I favor concurrence in the Senate amendment with the amendment offered by the gentleman from Minnesota, chairman of the Committee on Industrial Arts and Expositions. I take it, Mr. Chairman, that no one seriously contends that the Constitution prohibits our passing this provision. My fervid and eloquent friend from Nebraska [Mr. BURKETT] says that if the Constitution does not prohibit it, it ought to do so. Recognizing, as he must at that time have noted, the absence of my lovable and learned friend from Georgia [Mr. BARTLETT], the custodian of the Constitution, and he, the gentleman from Nebraska, acting as custodian of the Treasury, I was surprised that he did not at the time ask unanimous consent that the Constitution be amended.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield to me?

Mr. SHERMAN. My time is brief, and I do not wish to be interrupted.

Mr. BARTLETT. The gentleman has referred to me, and I think it is but fair that he should let me interrupt him.

Mr. SHERMAN. Oh, very well; I will yield to the lovable gentleman.

Mr. BARTLETT. The gentleman has misunderstood everything I said if he believes that I took the position that Congress was prohibited by the Constitution from making this appropriation. I never said so, and if the gentleman had given attention to my speech he would know that I declined to say so.

Mr. SHERMAN. I am very glad to know that the gentleman thinks that we have the right to make the appropriation, although he does not think it proper. The gentleman from Iowa [Mr. HEPBURN] insists that the amendment here is in violation of the rules of the Senate. I am surprised that that statement should be made on the floor at this time. That statement can frequently be made about appropriations that come into this House from the Senate, but in this instance the point of order was raised against the amendment in the Senate, and the presiding officer held that the amendment was in order.

I think the proposition before us is, Is there any obligation on the part of the Government to make this appropriation? Is it reasonable that we should make it? Is there reasonable probability that the loan will be returned?

As to the obligation of the Government, it seems to me that after we had passed the first bill, which committed this Government to the expenditure of $5,000,000—a proposition which had the support of the gentleman from Iowa, but had my opposition in its inception—after we had passed that, then I believe we were obligated, in all reason and all fairness, to do all things that we could to see this exposition through to a finish. I ought not to be surprised at the position of the gentleman from Iowa in having advocated embarking on this proposition and then abandoning it, because I noticed the other day in the public press that he made the assertion that he never yet had embarked in any business enterprise whatever which yielded one cent of profit, saving the purchase of a cow for $50, which his wife sold for $70. [Laughter.]

I believe, Mr. Chairman, that the Government is under a moral obligation to loan its credit to the St. Louis Exposition because of the original declaration of Congress. I believe that the obligation of the St. Louis exposition is all we need and require to insure the return of this money. I speak of the obligation separate from the lien which is proposed upon the gate receipts. The obligation, sir, is the obligation of a great corporation with great assets, and even were the lien not created, I believe the obligation would be sufficient to insure the return to the Treasury of the money now advanced. The experience of all expositions held in this country—all great expositions and some small ones—warrants the belief that the amount of receipts at St. Louis will be vastly in excess of the amount required to repay every cent that the Government now is asked to advance in aid of this exposition.

The gentleman from Nebraska [Mr. BURKETT] suggests, Mr. Chairman, that the exposition will be seen by only one of every

sixteen of the citizens of this country, and therefore he concludes that it will be of benefit to only one-sixteenth of the population of the Government. That is a very narrow view to take. The exposition will be of benefit not merely to the few who go to St. Louis, not merely to the citizens there, but to every citizen in this country. Expositions always are. Let me read to you the words McKinley uttered at Buffalo while the death messenger was waiting outside his door:

> Expositions are the timekeepers of progress; they record the world's advancement; they stimulate the energy, enterprise, and intellect of the people and quicken human genius; they go into the home; they broaden and brighten the daily life of the people; they open mighty storehouses of information to the student. Every exposition, great or small, has helped to some onward step. Comparison of ideas is always educational, and as such instructs the brain and hand of man.

Mr. Chairman, believing as I do that this Government is morally obligated to see this exposition through to a finish; believing as I do that every cent advanced by this provision will be returned to the Treasury of the United States; believing as I do that this grand exposition will be of lasting benefit, not only to the St. Louis people and to the people of Missouri alone, but to all the citizens in this country, I earnestly advocate the concurrence in the amendment of the Senate.

Now, the balance of my time I desire to yield to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. SHERMAN. I have already yielded my time to the gentleman from Massachusetts.

Mr. LOVERING. Mr. Chairman, I am in favor of concurring in the Senate amendment because I believe that, as amended by the House, every dollar of the loan which it carries will be returned to the United States Treasury before the close of the exposition.

I am in favor of this amendment because I believe that the people of this country will be paid many times more than the mere amount of the loan and many times more than the entire cost of the exposition in the benefits that will come to them.

Great expositions mark great epochs in our history. They mark the great onward progress in civilization, science, mechanics, art, architecture, and the welfare of the people. Take, for instance, the exposition of 1876, in Philadelphia. There were many features of that exposition, either one of which was an ample warrant for its being held, and either one of which has conferred benefits upon the people worth many times the whole cost of the exposition.

I will cite but one or two features—domestic architecture. A great step forward in domestic architecture of the country dates from this time. The English Government built on the grounds of the exposition a model domestic home, which was the inspiration of all architects who have since contrived and designed attractive, beautiful, comfortable, and inexpensive houses. It was a model of harmony in its lines and proportions, and it has been many thousand times reproduced in principle if not exactly on the same plans.

Since that time homes tastefully decorated and well furnished have been possible for people of small means.

Another great feature in the exposition of 1876 was a revelation in sanitation. The knowledge diffused throughout the country at that time was, and has ever since been, of incalculable value to the people of our country. In this one department alone the people were benefited to an extent many times more than the entire cost of the exposition.

I could refer to many other features which are hardly of less value than those I have named. I believe that every exposition that has been held in our country, whether it has been financially successful or not, has benefited the whole people far beyond any extent that is measured by the cost.

So far from their being extravagancies or luxuries with only a local value, I believe that they are economic necessities, and to do them justice we should deal with them not with a niggardly but a bountiful hand.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] is recognized for five minutes.

Mr. GROSVENOR. Mr. Chairman, I had hoped that I might find myself in a position to vote for this measure. My hope was fallacious. I have listened very attentively to the arguments made here to-day. I was very forcibly struck by the argument of the gentleman from New York [Mr. SHERMAN], who closed his remarks a few moments ago, when he said that the Constitution of the United States did not prohibit this loan. The burden of showing the propriety of this loan is upon the other side of this question, and it is the first time that I have ever heard a lawyer argue that that which is not prohibited in the Constitution is granted to the Congress as a power. I do not care whether Congress has the power or not. There is no grant in the Constitution, no word of the Constitution that justifies the position of the gentleman from New York.

The gentleman from Iowa [Mr. SMITH] points out a great number of loans and gifts that the Government has given to the people. We gave, for instance, to the suffering people of South Carolina, and we have given to a great many charitable objects. There is no provision of the Constitution justifying that. I admit all of that. But here comes a very different sort of question, a question to which I am going to refer in but one direction. The gentleman from Iowa [Mr. SMITH] says that this is a grand money-making scheme, and he demonstrates by those figures which he read to the House that there is an abundance of money. If it is so easy to figure out an enormous profit, I suggest that it would be well enough to let some of those gentlemen interested in the work and who pledged themselves that they would not come here and ask for any more money take hold of that very profitable and very promising scheme and loan the money. Then comes the gentleman from Illinois, and he says that they are poor—the representative of the local interests out there at East St. Louis—and he describes them as in a condition of practical bankruptcy.

Now, which are we to believe? Are we to loan this money to these people because they are rich and independent, or are we to loan it to them because they are poor and bankrupt? Let me point out a suggestion in regard to this security. The Government of the United States is entitled under the former gift to one-third of the net profits, to be paid back to the United States. Now, these gentlemen come very kindly forward and say this: "It is very true that we pledged you one-third of the profits and we promised that the five millions should be the last dollar we would ever ask for; still we want you to give us four and a half millions more, and if we make any money we will pay one-third of it to you out of your own money." That is the proposition exactly, and no man can state it differently. They propose to take the money that they have promised to pay on the five million dollar loan and pay it back to us on the four and a half million dollar loan.

Suppose that they undertake to carry this out. Let us see where we may land. The United States is already entitled to the net one-third profits. The corporation out there, or each of its stockholders, holds an indefeasible right to every dollar that is earned by that corporation. These gentlemen come here unauthorized, so far as I can see, and, without any act of the corporation, pledge the entire gate receipts to the extent of four million and a half dollars, ousting all those men who have put up their money from any participation in the proceeds of the gate receipts. Suppose there is a default made and the Secretary of the Treasury, making an unheard-of proposition, goes out there and undertakes to sequestrate the gate receipts, undertakes by some process to seize the gate receipts. How long do you think it would be until the whole concern would be placed in the hands of a receiver under the control of the United States court to settle the rights of all the people who have put their money into that concern? What right has this corporation or its agent to come here and pledge the receipts that belong to the men who have contributed their money? The whole thing is unfortunate, and I shall not vote for it.

[Here the hammer fell.]

Mr. FIELD. Mr. Chairman, I admit that great advantages will result to the State of Texas, which I in part have the honor to represent, from the St. Louis Exposition. I know and appreciate the intimate and extensive commercial relations of my State with this great and enterprising city, and while, from a business standpoint, I would be justifiable in rejecting this proposition to loan to a private corporation $4,600,000 on the precarious security offered, yet so strong is my inclination to aid in this great enterprise that notwithstanding this objection I might support the amendment if I were not sincerely convinced that Congress has no right, under the Constitution, to make any such loan of money. I belong to the old school of Democracy and believe in a strict construction of the Constitution, and while some Democrats now assert that for ten years past we have recognized the constitutional right of Congress to make donations of this kind, however strong my inclination might be I have never been able to find any warrant in the Constitution for Congress to loan the money of the people to any individual or corporation for any purpose whatsoever.

During this discussion I was humiliated, as a Democrat, when the gentleman from Iowa [Mr. HEPBURN], a leader of his party and a Republican of Republicans, from the vantage ground he occupied, pointed out to Members on this side of the Chamber the well-known position of the Democratic party on such questions and tauntingly charged them with inconsistency.

Mr. Chairman, but a few years ago the question of the right of the Government to loan money to the people on security was discussed in every schoolhouse in the South and the West. At that time the price of farm products was so depressed as to no longer

return to the potent farmer the cost of production, and in their dire distress a large number of this most worthy class of our citizens turned to the Government for relief, asking that the Government, from its overflowing Treasury, make them temporary loans on their farm products, a character of security much better than that now offered.

The Democratic party, true to its principles, opposed this policy, and on account of the apparent reasonableness of the demand were unable to satisfactorily answer its opponents until it intrenched itself behind the Constitution and insisted—and rightly, too—that Congress had no right under the Constitution to loan the money in the Treasury, and in this impregnable position Democrats were able to overcome all opposition.

The same principle is involved in the amendment offered; and it seems to me if we support it, we stultify ourselves and contradict our past Democratic record, for I repeat that we have no constitutional right to take from the Treasury the money of the people and loan it to an individual or corporation on any kind of security. It would be a departure from the strict construction of the Constitution, as given to it by our fathers, and break down the defense behind which our party has stood during its lifelong struggle for economy in the administration of the Government. [Loud applause.]

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] is now recognized for fifteen minutes.

Mr. PAYNE. Mr. Chairman, the growth of "the show business" or "the show industry," to borrow a common phrase, in the United States has been marvelous. In 1876 we celebrated the greatest event in our history, the birth of the nation, by an exposition at Philadelphia. Then no one interested in it thought of coming to Congress and asking for an appropriation of $5,000,000 or for a million and a half; but they begged Congress to loan them a million and a half of dollars, to be paid out of the profits of the undertaking; and that money was paid, I believe, at the end of litigation in which one of the Members of the House figured at that time.

Next came the exposition at Chicago—that wonderful exposition—the largest and grandest ever undertaken in the world up to that time. Chicago received an appropriation from the General Government; and then the people interested in that exposition went to work to complete the enterprise. On the threshold of the opening they found themselves, as St. Louis finds herself to-day, lacking $5,000,000—yes, lacking $9,000,000, as it appeared then, in order to open the gates. What did they do? They did just what every business corporation should do. They borrowed the money themselves. They went to private individuals; they went to bankers; they pledged their gate receipts. But they borrowed $5,000,000 and went on with their exposition. And this five million was afterwards repaid.

The next exposition of importance was that at Buffalo. And I want to speak of Buffalo, because if I do not somebody else will. I see that my friend from Indiana is now taking notes. They started in for the Pan-American Exposition; they raised their money; they built their buildings; they prepared to open. They borrowed in the first place, I think, $2,000,000, pledging their gate receipts for that amount. They did not come to the Congress of the United States. They went to individuals and to bankers in a little city half the size of St. Louis and borrowed their $2,000,000 on their gate receipts. They then came down here to Washington to ask Congress to loan them $500,000, and they went home again, hardly daring to bring the proposition before the Congress of the United States, because they were met with such a cold shoulder. And then they put up $500,000 more and mortgaged their gate receipts again for the second $500,000. They went to work and carried out their exposition.

Of course, we remember the pall that fell over the exposition. McKinley was assassinated there, and the gate receipts did not increase as they had everywhere else, and the exposition association was left with a large debt upon them. They owed $500,000 to small contractors and mechanics, and they came here and asked Congress to appropriate that $500,000. That was not all their indebtedness. The men who put the second $500,000 on the gate receipts never got a dollar. The men who put up the first $2,000,000 got $1,900,000. There were other and large contractors over and above the $500,000 that never got a dollar. No man who subscribed for the stock ever got a dollar in return. They stood their loss. We gave them the $500,000 appropriation, and I voted for that appropriation. I can not say that I did it cheerfully, because it was the most reluctant vote that I ever gave in my life; but I did it to pay up the debts that they owed to laborers and to small contractors.

Well, now comes along the St. Louis Exposition. Gentlemen come here and say that we are responsible for that show. Why? The gentleman from Minnesota attempted to show that the nation had forced it upon St. Louis; that eighteen governors met there, and it was their sentiment that the show should be held and that St. Louis should be the spot. If I remember correctly, the governor of Missouri invited the eighteen governors to come there, and the governor of Missouri was asked to invite them by the prominent citizens of the city of St. Louis for the purpose of booming the show at the very outset. Forced upon St. Louis! Why, they wanted it.

Mr. THAYER rose.

The CHAIRMAN. Does the gentleman yield?

Mr. PAYNE. No, I can not yield; I have not time.

The CHAIRMAN. The gentleman declines to yield.

Mr. PAYNE. They wanted to get the exposition. Now, are they going to get anything back for the money they have expended? The gentleman from Iowa on my right [Mr. HEPBURN] figured out $5,000,000 in permanent improvements. The other gentleman from Iowa on my left [Mr. SMITH] thought there was not over $1,000,000 in permanent improvements that they were getting back. How, then, will they get their money back? Why, I was talking with a Representative from the city of Buffalo only yesterday and he said although these Buffalo men lost every dollar that they put into the exposition they got the money back, some of them from the increased rents during the year of the exposition, some in one way and some in another, and the city of Buffalo had over twenty new factories established within the next year, attracted there because the people were present at the exposition at Buffalo.

Oh, it is not altogether a losing operation. It is said we are bound to vote this money because we recognized the enterprise and because we passed the act by which the exposition was inaugurated. Well, we did pass it, and we put these words into it:

That nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debt or obligation created by said Commission.

They say we are bound to help them because we passed that act, when it was nominated in the very bond itself that we should not be called upon for a dollar in the way of liability for expenses.

Mr. HEPBURN. Read the thirteenth section. It is a great deal stronger.

Mr. PAYNE. The thirteenth section says:

That the United States shall not in any manner nor under any circumstances be liable for any of the acts, doings, proceedings, or representations of the said Louisiana Purchase Exposition Company, its officers, agents, or employees, or any of them, or for the service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them.

Mr. BARTLETT. Read the twenty-fourth section.

Mr. PAYNE. I can not read the whole act. These limitations are all through the act. Yet we are asked to appropriate this money because, they say, we are responsible in some way.

Mr. Francis says that we are not responsible for the increased expenses unless it be that when they sent their agents abroad the ambassadors and the consular agents did what they could for them.

So we are not responsible for this money. Why did they not get it from private sources?

Mr. BUTLER of Pennsylvania. Because they say they can not get it.

Mr. PAYNE. Not that they can not get it, for they have not tried to get it.

Mr. BUTLER of Pennsylvania. They say they can not borrow it unless they give security.

Mr. PAYNE. They have never made any effort to borrow it.

Mr. LITTLEFIELD. There is nothing to show that they have.

Mr. PAYNE. No; they have conferred among themselves about it, and they have concluded that if we do not give them the money they will raise it.

Mr. BUTLER of Pennsylvania. And will have to give security.

Mr. PAYNE. They will have to raise it. They may have to give personal security.

Mr. BUTLER of Pennsylvania. They say they will.

Mr. PAYNE. But the gates will open all the same, though Congress does not loan them a dollar. It shows that they know they can get the money in the city of St Louis, that the money is there. Well, if there is any hesitancy about loaning the money it is because the bankers of St. Louis have not yet gone into the pawnbroker business of taking pledges of gate receipts for four million and a half of money.

But they can get it. The show will go on if we do not appropriate this money. Why do they ask for the money? Governor Francis says: "We are asking for a loan for which we propose to offer undoubted security"—that if we do accept this proposition the Government will incur no risk whatever. "We ask only for a loan, and we think we are offering a security here that is not only ample, but on which any of us would lend if we had the money to lend."

Why, if the security is undoubted, and considered so in St. Louis, they know where they can get the money on undoubted security. Why do they not do as Chicago did? Why do they not do as Buffalo did, pledging her gate receipts to go on with her

exposition? Why do they come here? Oh, Mr. Francis says they think it is for the interest of the people of the United States and of the Government to put this money into circulation. It is deposited now in the national banks, and deposited on the security of bonds of the United States, and he thinks it is for the interest of the people to put that money into circulation. Why, does he not know that money is deposited in the banks for the very purpose of putting it into circulation among the people by the banks loaning it out? It goes out among the people, and it is circulating now and has been circulating ever since it was put in the banks. He fails to show any good reason why the Government of the United States should loan that money to him. Why should we give up our good security, the gilt-edge bonds of the United States, for even the "good security" he has—the gate receipts of this exposition?

Mr. Chairman, I confess I can not understand the figures presented by this commission. Why, they do not say that this $4,500,000 will find the gates open free of debt. They fail to show anywhere that when the gates are open the institution will be out of debt, and every man knows that it can not be out of debt.

Mr. BUTLER of Pennsylvania. It is $3,000,000 in debt now.

Mr. PAYNE. The Chicago Exposition cost $22,000,000 up to the time of the opening of the gates. This will cost $2,000,000 more than Chicago for labor. They boast here that their roofs cover 50 per cent more acreage than they had in Chicago. They boast that they have doubled the number of acres, including the parks, that they had in Chicago. They have built roads, they have built bridges and walks, and they have built reservoirs, and they have covered up $5,000,000 in these grounds.

In every way it should cost more than it did at Chicago. Twenty-two millions and $2,000,000 for labor, $24,000,000; 50 per cent more of roofing over buildings—$30,000,000 to open this exposition. They are very careful not to get down to the facts and figures and show just what they have expended and what they have got to do in the future. When they get this open and the show running, then there are other expenses they are looking into to see how they can provide for them. A million dollars for the entertainment of foreign jurors. They are considering the question now as to whether they can pay these jurors or not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent for leave to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY. Mr. Chairman, the gentlemen who have argued this question are all begging the question, commencing with my distinguished friend from Pennsylvania.

The gentleman from Nebraska said that the free rural delivery carriers could not have their salaries increased and a pension bill could not pass; another gentleman says that public-building bills can not pass, and the gentleman from New York gets up and states that Chicago mortgaged her gate receipts for $5,000,000. Every cent of it was paid and $9,000,000 was paid, and $1,068,000 was paid to the stockholders afterwards, and there is $500,000 in the treasury.

Then gentlemen—the gentleman from Pennsylvania, Mr. DALZELL, the gentleman from Nebraska, Mr. BURKETT, the gentleman from Nebraska, Mr. HINSHAW, and others—who stand here and argue if this appropriation passes there can be no public-building bill, there can be no increased salaries for rural free-delivery carriers, there can be no other appropriation are begging the question. They are not meeting it fairly. The only question is, Will this money be paid back and ought the Government under the circumstances loan it to this world's fair exposition? Now, where are we? The Government is a one-third stockholder in this transaction. We are the owners of one-third of the stock, the city of St. Louis is the owner of one-third of the stock, and the citizens of the city of St. Louis are the owners of the other one-third of the stock.

In other words, there is $15,000,000 invested—$5,000,000 by the Government, $5,000,000 by the city of St. Louis, and $5,000,000 by the citizens of the city of St. Louis. They thought this money was sufficient to build the buildings necessary and open the gates of this world's fair; but what happened? Why, Germany came along and demanded more space than anyone ever dreamed they would demand, as well as Italy and France. Germany, Belgium, and Japan recently threatened to withdraw their exhibits unless they were given more space. What could the men in charge of this exposition do—either give them more space and give to the country the greatest exposition the world has ever known or say they would not do it.

Now, the gentlemen opposing this loan are quarreling with the city of St. Louis. I am sorry they can not broaden out and see that this is a great national exposition. That magnificent city is the metropolis of the Mississippi Valley, with Indiana, Illinois, Missouri, Iowa, Kansas, and the Southern States surrounding her. They are wasting their time quarreling at this great city. They can not get beyond the bark and get to the heart of this proposition and realize that fifty-three foreign countries are to be represented at the world's fair; that the eyes of the whole world are upon the United States, and a failure of the exposition means a failure of this country, and the success of the exposition means the success of the United States; and every schoolboy who visits the fair, if it is a success, will be proud of the fact that he lives in the United States and that we gave to the world such an exposition. [Applause.]

Let us get away from this little quarrel about St. Louis. Let us get away from this little quarrel whether some one man or other out at St. Louis is going to make a dollar. Let us look at it as we ought to look at it—from the standpoint of a great country never satisfied with giving the world as good an exposition as any country ever did. The people of the United States are not satisfied with that kind of an exposition. We are only satisfied when we can give them the greatest exposition that has ever been known to the history of the world. Now, what has happened? Demands for space have come, demands that this thing be broadened out along every line——

Mr. HEPBURN. Mr. Chairman——

Mr. HEMENWAY. I can not be interrupted, because I have only a few minutes. Forty-two States are exhibiting there, ten more than ever exhibited before at any exposition. Fifty-three foreign countries are to have exhibits at St. Louis. Are the fifty-three foreign countries invited to the United States? Are they there to please St. Louis or did they come here to exhibit in an international exposition at the invitation of the Government of the United States? They are not looking to St. Louis to make this exposition a success, but these fifty-three foreign nations are looking to the United States to make it a success; and I want to say to you that in Congress this very day we ought to give these people the power to make it the greatest success ever known in the world in the way of an exposition, and it does not cost us a dollar to do it. Why, there is absolutely no doubt on earth but what every single cent of this money will be paid back. Why? The provision in this bill is that 40 per cent of the gross receipts of the exposition shall be paid upon this debt, and if on July 15 the payments do not amount to $500,000 then they are to take enough money out of the money they have received to pay the $500,000.

Then on the 1st day of August they are to pay $500,000 more, on the 15th of August $500,000 more, and continuing to pay $500,000 every fifteen days until the debt is paid. Some one says: "What if they do not pay?" Then if they do not pay it becomes the duty of the Secretary of the Treasury of the United States to take charge of the exposition, take charge of its gates, and take charge of its receipts; take every dollar that is necessary to pay this loan. In view of the fact that at Chicago over $14,000,000 of money was taken in from May 1 to November 1, in view of the fact that the expenses of conducting that exposition from May 1 to November 1 was only three and a half million dollars, it stands to reason that the United States will get back every dollar of this money.

Then when you say that you can not have a public-building bill, you can not have that or you can not have this if you vote this money out of the Treasury, you are begging the question, because you know that every dollar of this money will come back into the Treasury. The passing of this item will not stop for one second any appropriation that ought to be passed by this House. I have heard gentlemen say, "Why, HEMENWAY, do you stand for this when you have been all the time advocating economy?" Yes; I have advocated economy, but I will not go so far upon that line that I forget my country. [Applause.] I will not go so far that I will forget the foreign countries that are here, who have been invited here and depend upon us to make the exposition a success. We invited them here and we are going to take care of them, and I sincerely hope that Congress will grant this loan of $4,600,000.

Yes; gentlemen say it is a little matter, but when it was coming to some of the great Eastern States some of the gentlemen so vigorous to-day were not quite so vigorous then.

Mr. PAYNE. Where were you at that time?

Mr. HEMENWAY. I was against the $500,000 for Buffalo, and I will vote against giving this exposition one dollar of money, but I will not vote against loaning the money in view of the fact that it is absolutely certain that it will come back again to the Treasury of the United States. [Applause.]

The CHAIRMAN. The time fixed for closing debate has arrived. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I move that the committee recommend concurrence in Senate amendment No. 10 as amended.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were 137 ayes and 87 noes.

Mr. BARTLETT. Tellers, Mr. Chairman.

Tellers were ordered; and the Chair appointed Mr. TAWNEY and Mr. BARTLETT as tellers.

The question was again taken; and the tellers reported 161 ayes and 95 noes.

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that Senate amendment No. 47 be concurred in; that Senate amendment No. 10 be concurred in as amended, and that all other amendments be nonconcurred in.

Mr. HEPBURN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. Does this motion include a separate vote on amendment No. 10?

Mr. HEMENWAY. No.

The CHAIRMAN. The Chair will state that that is a matter for the House.

The motion of Mr. HEMENWAY was then agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10954, with Senate amendments thereto, and had directed him to report that the committee recommended concurrence in Senate amendment No. 47, concurrence with an amendment in Senate amendment No. 10, and nonconcurrence in all the other amendments.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. HEPBURN. I demand a separate vote on amendment No. 10.

Mr. BARTLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARLETT. I rise for the purpose of demanding a separate vote on Senate amendment No. 10 as amended.

The SPEAKER. The first question is on the recommendation of the committee to concur in Senate amendment No. 47.

The question was taken, and Senate amendment No. 47 was concurred in.

The SPEAKER. The question now is on nonconcurrence in all other amendments except amendment No. 10.

The question was taken, and all other amendments except Senate amendment No. 10 were nonconcurred in.

The SPEAKER. The question now is on concurring in Senate amendment No. 10 as amended.

Mr. BARTLETT. Upon that question, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 106, answered "present" 8, not voting 96, as follows:

YEAS—172.

Adams, Wis.	Dunwell,	Lind,	Rodenberg,
Alexander,	Dwight,	Lindsay,	Ryan,
Badger,	Emerich,	Littauer,	Scott,
Baker,	Esch,	Little,	Scudder,
Bartholdt,	Flack,	Livingston,	Shackleford,
Bell, Cal.	Fordney,	Lloyd,	Shafroth,
Benny,	Foss,	Longworth,	Sherley,
Benton,	Foster, Ill.	Lorimer,	Sherman,
Birdsall,	French,	Loud,	Shiras,
Bowie,	Gibson,	Loudenslager,	Shober,
Breazeale,	Gillet, N. Y.	Lovering,	Sibley,
Brick,	Glass,	McAndrews,	Small,
Brooks,	Goebel,	McLachlan,	Smith, Ill.
Brownlow,	Goldfogle,	McLain,	Smith, Iowa
Brundidge,	Goulden,	McMorran,	Smith, Samuel W.
Buckman,	Graff,	McNary,	Southall,
Burke,	Griffith,	Macon,	Spalding,
Burleigh,	Hamlin,	Marsh,	Spight,
Butler, Mo.	Hangen,	Marshall,	Steenerson,
Calderhead,	Hearst,	Martin,	Sterling,
Caldwell,	Hedge,	Maynard,	Stevens, Minn.
Candler,	Hemenway,	Metcalf,	Sullivan, N. Y.
Cassel,	Henry, Conn.	Meyer, La.	Sulzer,
Clark,	Hermann,	Moon, Pa.	Talbott,
Cochran,	Hill, Miss.	Morgan,	Tawney,
Connell,	Hopkins,	Mudd,	Taylor,
Cooper, Wis.	Houston,	Murdock,	Thayer,
Cowherd,	Howell, Utah	Otis,	Thompson,
Crowley,	Hughes, N. J.	Otjen,	Vandiver,
Crumpacker,	Humphrey, Wash.	Patterson, Pa.	Van Duzer,
Currier,	Humphreys, Miss.	Porter,	Van Voorhis,
Curtis,	Hunt,	Powers, Me.	Volstead,
Daniels,	Hunter,	Powers, Mass.	Vreeland,
Davey, La.	Jackson, Md.	Pujo,	Wade,
Davis, Minn.	Jackson, Ohio	Rainey,	Watson,
De Armond,	Jones, Wash.	Ransdell, La.	Weems,
Denny,	Kelliher,	Reeder,	Weisse,
Dinsmore,	Kennedy,	Reid,	Wiley, N. J.
Dixon,	Knopf,	Rider,	Williams, Ill.
Douglas,	Lamar, Fla.	Rixey,	Williamson,
Dovener,	Lamb,	Robb,	Wilson, Ill.
Draper,	Landis, Chas. B.	Robertson, La.	Woodyard,
Dresser,	Legare,	Robinson, Ark.	Young.

NAYS—106.

Acheson,	Bowers,	Burleson,	Conner,
Adams, Pa.	Brandegee,	Burton,	Cooper, Pa.
Aiken,	Brantley,	Butler, Pa.	Cooper, Tex.
Bartlett,	Brown, Wis.	Byrd,	Dalzell,
Bassett,	Burgess,	Campbell,	Field,
Beall, Tex.	Burkett,	Cassingham,	Finley,
Fitzpatrick,	Johnson,	Moon, Tenn.	Slemp,
Foster, Vt.	Jones, Va.	Needham,	Smith, Pa.
Fowler,	Kinkaid,	Norris,	Smith, Tex.
Gaines, Tenn.	Kitchin, Claude	Olmsted,	Snook,
Garner,	Kitchin, Wm. W.	Overstreet,	Sperry,
Gillespie,	Kline,	Padgett,	Stafford,
Gillett, Mass.	Kluttz,	Page,	Stephens, Tex.
Granger,	Knapp,	Parker,	Sullivan, Mass.
Gregg,	Lacey,	Patterson, N. C.	Tate,
Grosvenor,	Lanning,	Payne,	Thomas, Iowa.
Harrison,	Lawrence,	Perkins,	Thomas, N. C.
Haskins,	Lester,	Pinckney,	Tirrell,
Hay,	Lever,	Randell, Tex.	Underwood,
Henry, Tex.	Lilley,	Richardson, Ala.	Warnock,
Hepburn,	Littlefield,	Robinson, Ind.	Webb,
Hinshaw,	Livernash,	Russell,	Wiley, Ala.
Hitchcock,	McCarthy,	Scarborough,	Williams, Miss.
Hogg,	McCreary, Pa.	Sheppard,	Wright,
Holliday,	Maddox,	Shull,	Wynn.
Howell, N. J.	Mann,	Sims,	
Huff,	Miers, Ind.	Slayden,	

ANSWERED "PRESENT"—8.

Adamson,	Griggs,	McCall,	Roberts,
Flood,	Howard,	Mahon,	Trimble.

NOT VOTING—96.

Allen,	Dayton,	Hughes, W. Va.	Pou,
Ames,	Deemer,	Hull,	Prince,
Babcock,	Dick,	James,	Rhea,
Bankhead,	Dickerman,	Jenkins,	Richardson, Tenn.
Bates,	Dougherty,	Kehoe,	Rucker,
Bede,	Driscoll,	Ketcham,	Ruppert,
Beidler,	Evans,	Kyle,	Smith, Ky.
Bingham,	Fitzgerald,	Lafean,	Smith, Wm. Alden
Bishop,	Fuller,	Lamar, Mo.	Smith, N. Y.
Boutell,	Gaines, W. Va.	Landis, Frederick	Snapp,
Bowersock,	Garber,	Lewis,	Southard,
Bradley,	Gardner, Mass.	Lucking,	Southwick,
Broussard,	Gardner, Mich.	McCleary, Minn.	Sparkman,
Brown, Pa.	Gardner, N. J.	McDermott,	Stanley,
Burnett,	Gilbert,	Mahoney,	Sulloway,
Capron,	Gillett, Cal.	Miller,	Swanson,
Clayton,	Gooch,	Minor,	Townsend,
Cousins,	Greene,	Mondell,	Wachter,
Croft,	Gudger,	Morrell,	Wadsworth,
Cromer,	Hamilton,	Nevin,	Wallace,
Cushman,	Hardwick,	Palmer,	Wanger,
Darragh,	Hildebrant,	Patterson, Tenn.	Warner,
Davidson,	Hill, Conn.	Pearre,	Wilson, N. Y.
Davis, Fla.	Hitt,	Pierce,	Zenor.

The Clerk announced the following pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. BOUTELL with Mr. GRIGGS.

Mr. DEEMER with Mr. SHULL.

Until further notice:

Mr. BEIDLER with Mr. HOWARD.

Mr. KYLE with Mr. GARBER.

Mr. HUGHES of West Virginia with Mr. KEHOE.

Mr. TOWNSEND with Mr. LUCKING.

Mr. PALMER with Mr. CLAYTON.

Mr. BROWN of Pennsylvania with Mr. WALLACE.

Mr. FREDERICK LANDIS with Mr. STANLEY.

Mr. DAVIDSON with Mr. FITZGERALD.

Mr. HILDEBRANT with Mr. RUCKER.

Mr. BATES with Mr. PATTERSON of Tennessee.

Until Thursday:

Mr. HILL of Connecticut with Mr. GAINES of Tennessee.

Until Friday:

Mr. HAMILTON with Mr. LAMAR of Missouri.

Until the 15th:

Mr. GAINES of West Virginia with Mr. SMITH of Kentucky.

For this day:

Mr. WARNER with Mr. DOUGHERTY.

Mr. JENKINS with Mr. JAMES.

Mr. MILLER with Mr. WILSON of New York.

Mr. DARRAGH with Mr. CROFT.

Mr. HITT with Mr. DAVIS of Florida.

Mr. GARDNER of Michigan with Mr. GILBERT.

Mr. WM. ALDEN SMITH with Mr. RUPPERT.

Mr. WADSWORTH with Mr. SWANSON.

Mr. DICK with Mr. GUDGER.

Mr. BABCOCK with Mr. MCDERMOTT.

Mr. WACHTER with Mr. RICHARDSON of Tennessee.

For this vote:

Mr. COUSINS with Mr. BANKHEAD.

Mr. SMITH of New York with Mr. GOOCH.

Mr. GARDNER of Massachusetts with Mr. HARDWICK.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. LAFEAN with Mr. TRIMBLE.

Mr. BINGHAM with Mr. MAHONEY.

Mr. BEDE with Mr. BURNETT.

Mr. CUSHMAN with Mr. POU.

Mr. BISHOP with Mr. ZENOR.

Mr. MCCLEARY of Minnesota with Mr. MCCALL.

Mr. GILLETT of California with Mr. SPARKMAN.

Mr. GARDNER of New Jersey with Mr. DICKERMAN.
Mr. GREENE with Mr. RHEA.
Mr. SNAPP with Mr. PIERCE.
Mr. KETCHAM with Mr. FLOOD.
Mr. DAYTON with Mr. LEWIS.
Mr. SOUTHWICK with Mr. MAHON.

Mr. GRIGGS. Mr. Speaker, I notice that I am paired with the gentleman from Illinois, Mr. BOUTELL. Therefore I should like to change my vote from "no" to "present."

The name of Mr. GRIGGS being again called, he answered "present."

Mr. McCALL. Mr. Speaker, I voted "no," but I am in doubt whether the pair that I made with the gentleman from Minnesota, Mr. McCLEARY, is still "on;" so I should like to change my vote and answer "present."

The name of Mr. McCALL being again called, he answered "present."

Mr. TRIMBLE. Mr. Speaker, I should like to be noted as present. I am paired.

The name of Mr. TRIMBLE being again called, he answered "present."

Mr. ADAMSON. Mr. Speaker, did the gentleman from Pennsylvania, Mr. WANGER, vote?

The SPEAKER. He did not.

Mr. ADAMSON. Not having been advised as to his position on this question, I wish to withdraw my vote and answer "present."

The name of Mr. ADAMSON being again called, he answered "present."

The result of the vote was announced as above stated.

CONFEREES APPOINTED.

Mr. HEMENWAY. Mr. Speaker, I move that the House request a conference with the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the urgent deficiency appropriation bill.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HEMENWAY, Mr. VAN VOORHIS, and Mr. LIVINGSTON as conferees on the part of the House.

EXPENDITURES OF LOUISIANA PURCHASE EXPOSITION COMMITTEE.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Industrial Arts and Expositions, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of December, 1903, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 11, 1904.*

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States, for his approval, joint resolution of the following title:

H. J. Res. 79. A joint resolution for the transportation of Porto Rican teachers to the United States and return.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7023. An act to amend an act to regulate the height of buildings in the District of Columbia; and

H. R. 7024. An act to name streets, alleys, highways, and reservations in that part of the District of Columbia outside of the city of Washington, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1834. An act granting an increase of pension to John W. Paul;
S. 2122. An act granting a pension to Ashley C. Riggs;
S. 727. An act granting a pension to George W. Wetherell;
S. 3362. An act granting an increase of pension to Daniel H. Wallace;
S. 935. An act granting a pension to Mary S. Clark;
S. 1796. An act granting an increase of pension to Matthew Woodworth;
S. 1803. An act granting an increase of pension to John M. Morgan;
S. 3480. An act granting an increase of pension to Swepston B. W. Stephens;
S. 3415. An act granting an increase of pension to Manluff W. Reynolds;
S. 2322. An act granting a pension to Adolphus N. Pacetty;
S. 2359. An act to correct the military record of James W. Houser;
S. 1272. An act granting an increase of pension to Samuel Rollins;
S. 2490. An act granting a pension to Naomi Green;
S. 2278. An act granting an increase of pension to Harriet H. Howlett;
S. 1392. An act granting an increase of pension to Mary A. Hughes;
S. 1280. An act granting an increase of pension to Henry Wilfong;
S. 3527. An act granting an increase of pension to Jerningham Boone;
S. 3267. An act granting an increase of pension to Mary V. Carson;
S. 2043. An act granting an increase of pension to Andrew J. Williams;
S. 3569. An act granting an increase of pension to John A. Chamberlain;
S. 2338. An act granting a pension to Louisa Lyon;
S. 1642. An act granting an increase of pension to Blanche L. Chunn;
S. 3839. An act granting an increase of pension to George B. Abbott;
S. 360. An act granting an increase of pension to Mary Lucetta Arnold;
S. 1530. An act granting an increase of pension to Theron T. Lamphere;
S. 3656. An act granting an increase of pension to William Turner;
S. 2966. An act granting a pension to William Conover;
S. 2221. An act granting a pension to Carlotta E. Hooper;
S. 2969. An act granting a pension to Henry Dority;
S. 294. An act granting a pension to Vincent de Frietas;
S. 3470. An act granting an increase of pension to Richard Wilks;
S. 3405. An act granting an increase of pension to Mary F. Pentzer;
S. 3413. An act granting a pension to Henry P. Howard;
S. 2863. An act granting an increase of pension to David C. Coleman;
S. 2200. An act granting an increase of pension to Charles R. Collins;
S. 1257. An act to remove the charge of desertion from the military record of George F. Harter;
S. 2817. An act to remove the charge of desertion against George W. Posey;
S. 3945. An act granting an increase of pension to Lewis Lewis;
S. 819. An act granting an increase of pension to John B. Glover;
S. 2563. An act granting an increase of pension to Elizabeth M. Banta;
S. 3397. An act granting an increase of pension to George B. Christy;
S. 4141. An act granting an increase of pension to Samuel A. Dickey;
S. 1554. An act granting an increase of pension to John D. Pickard;
S. 3481. An act granting an increase of pension to J. E. Harrison;
S. 2649. An act granting an increase of pension to William S. Burch;
S. 4091. An act granting an increase of pension to Nathan M. Gove;
S. 4090. An act granting an increase of pension to Charlotte J. Folsom;
S. 4052. An act granting a pension to Alice K. Seligson;
S. 563. An act granting an increase of pension to Emeline F. Emmons;
S. 354. An act granting an increase of pension to Clara B. Griswold;
S. 3930. An act granting an increase of pension to Edward Blaisdell;
S. 3893. An act granting an increase of pension to John L. Rogers;
S. 3085. An act granting an increase of pension to Alexander Lane;
S. 3488. An act granting an increase of pension to Charles E. McIntire;
S. 3534. An act granting an increase of pension to John S. Parker;
S. 1591. An act granting an increase of pension to James Hahn;
S. 2179. An act granting an increase of pension to Thomas Harkison;
S. 268. An act granting an increase of pension Annie B. Johnson;

S. 3053. An act granting an increase of pension to Emma E. S. Wright;
S. 2959. An act granting an increase of pension to Ada Johnson;
S. 1616. An act granting an increase of pension to Michael Donovan;
S. 1944. An act granting an increase of pension to John S. Stanger;
S. 3887. An act granting an increase of pension to Charles J. Clark;
S. 3902. An act granting a pension to George F. Smith;
S. 2662. An act granting an increase of pension to John H. Carrow; and
S. 3812. An act granting an increase of pension to Charles Wheatland.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 5367. An act granting an increase of pension to Franklin Moore;
H. R. 8376. An act granting an increase of pension to Jonathan J. Smith;
H. R. 5865. An act granting an increase of pension to Joshua Harlan;
H. R. 2809. An act granting an increase of pension to John Watt;
H. R. 4526. An act granting an increase of pension to William J. Shepard;
H. R. 4136. An act granting an increase of pension to Caleb Arnett;
H. R. 6582. An act granting an increase of pension to Harry Haller;
H. R. 4045. An act granting a pension to Minnie Gusler;
H. R. 2019. An act granting a pension to Mary Gwynn;
H. R. 6352. An act granting a pension to Mary Huff;
H. R. 5555. An act granting an increase of pension to James R. Hauptly;
H. R. 9583. An act granting an increase of pension to James H. Hargis;
H. R. 2923. An act granting an increase of pension to John G. Fairchild;
H. R. 2920. An act granting an increase of pension to Daniel W. Huffman;
H. R. 3032. An act granting an increase of pension to William Pittenger;
H. R. 8058. An act granting an increase of pension to William M. Underhill;
H. R. 8850. An act granting an increase of pension to Thomas Joyce;
H. R. 6705. An act granting an increase of pension to Edwin A. Forman;
H. R. 2477. An act granting an increase of pension to Frank J. McLaughlin;
H. R. 865. An act granting an increase of pension to Charles C. Chase;
H. R. 6089. An act granting an increase of pension to Emma L. Nagle;
H. R. 4251. An act granting an increase of pension to Joseph Hinkle;
H. R. 6426. An act granting an increase of pension to David Z. Beidler;
H. R. 6025. An act granting an increase of pension to John Herzog; and

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8616. An act granting an increase of pension to James W. Davis;
H. R. 6023. An act granting an increase of pension to Charles Wigert;
H. R. 4365. An act granting a pension to Barney L. Brookins;
H. R. 4887. An act granting an increase of pension to George N. Thorpe;
H. R. 3815. An act granting an increase of pension to Hester E. Mooney;
H. R. 3617. An act granting an increase of pension to Charles M. Everett;
H. R. 8187. An act granting an increase of pension to George Jeffrey;
H. R. 6562. An act granting an increase of pension to Frances A. Thompson;
H. R. 5611. An act granting a pension to Juliette Westbrook;
H. R. 6547. An act granting a pension to John Holzer;
H. R. 8920. An act granting a pension to Harriet A. Tucker;
H. R. 7756. An act granting an increase of pension to Charles Schroder;
H. R. 8342. An act granting an increase of pension to Horace E. Davis;
H. R. 3665. An act granting an increase of pension to Henry C. Jones;
H. R. 703. An act granting an increase of pension to Robert P. Baker;
H. R. 7072. An act granting a pension to Mary McCall;
H. R. 5538. An act granting a pension to Jane Elizabeth Bullock;
H. R. 937. An act granting an increase of pension to Mark A. Shelton;
H. R. 5372. An act granting a pension to Mariah Kuechler;
H. R. 2427. An act granting a pension to Cynthia Thomas;
H. R. 4031. An act granting an increase of pension to Samuel R. Wasson;
H. R. 5972. An act granting an increase of pension to Edward A. Wilber;
H. R. 6085. An act granting a pension to Anna M. Maier;
H. R. 4325. An act granting an increase of pension to John A. Sills;
H. R. 3367. An act granting an increase of pension to George W. Kerby;
H. R. 8207. An act granting an increase of pension to Charles Johnson;
H. R. 681. An act granting an increase of pension to Ella P. Kersteter;
H. R. 7757. An act granting an increase of pension to Cyrus Davidheiser;
H. R. 5634. An act granting an increase of pension to Robert L. Miles;
H. R. 5471. An act granting an increase of pension to A. Marion Gamble;
H. R. 5609. An act granting an increase of pension to Benjamin F. Grigsby;
H. R. 3407. An act granting an increase of pension to Frank Lewis;
H. R. 3298. An act granting a pension to Mary E. Pennock;
H. R. 7439. An act granting an increase of pension to Helen M. Bates;
H. R. 4937. An act granting an increase of pension to Emily Conklin;
H. R. 3299. An act granting a pension to Medie M. Flanders;
H. R. 1497. An act granting an increase of pension to Dana Cook;
H. R. 1294. An act granting an increase of pension to William McBrien;
H. R. 1487. An act granting an increase of pension to Dexter T. Drake;
H. R. 6701. An act granting an increase of pension to John A. Reeds;
H. R. 7682. An act granting an increase of pension to William H. Howard;
H. R. 8717. An act granting an increase of pension to Henry Edwards;
H. R. 6036. An act granting an increase of pension to John Shafer;
H. R. 6032. An act granting an increase of pension to Charles S. Bellows;
H. R. 7594. An act granting an increase of pension to Charles H. Miller;
H. R. 610. An act granting an increase of pension to Samuel Alexander;
H. R. 7095. An act granting an increase of pension to Harrison H. Hakes;
H. R. 5699. An act granting an increase of pension to James P. Johnson;
H. R. 7447. An act granting an increase of pension to William Bailey;
H. R. 6091. An act granting an increase of pension to John W. Brown;
H. R. 4578. An act granting an increase of pension to Catherine M. McClanahan;
H. R. 138. An act granting an increase of pension to Henry Hale;
H. R. 7732. An act granting an increase of pension to Mary Chenowith;
H. R. 529. An act granting a pension to Emma H. Higley;
H. R. 5199. An act granting an increase of pension to Emma M. Johnson;
H. R. 6588. An act granting an increase of pension to James H. Cummings;
H. R. 1156. An act granting an increase of pension to John Pangratz;
H. R. 7355. An act granting an increase of pension to Henry Barrett;
H. R. 3435. An act granting an increase of pension to John M. Pratt;
H. R. 5528. An act granting a pension to Maria Lindhorst;

H. R. 6071. An act granting an increase of pension to Abraham C. Null;
H. R. 5531. An act granting an increase of pension to Marvin Nash;
H. R. 5299. An act granting an increase of pension to Sarah E. Wheeler;
H. R. 4629. An act granting an increase of pension to Thomas C. Pond;
H. R. 2916. An act granting an increase of pension to Francis S. Howard;
H. R. 2912. An act granting an increase of pension to Elizabeth A. Jones;
H. R. 6994. An act granting an increase of pension to Theresa Nebrich;
H. R. 754. An act granting a pension to John M. Lawton;
H. R. 4457. An act granting an increase of pension to Mary E. Meldrum;
H. R. 2932. An act granting a pension to Dudley R. W. Williams;
H. R. 2016. An act granting an increase of pension to George Gardner;
H. R. 1855. An act granting a pension to Harriett B. Riley;
H. R. 1859. An act granting increase of pension to Patrick Cannon;
H. R. 3337. An act granting an increase of pension to Mary A. Craigue;
H. R. 8720. An act granting an increase of pension to Gustus S. Remick;
H. R. 2111. An act granting an increase of pension to Henry D. Towsley;
H. R. 727. An act granting an increase of pension to James K. Blye;
H. R. 734. An act granting an increase of pension to Henry S. McAlister;
H. R. 9029. An act granting a pension to George S. Barbour;
H. R. 5720. An act granting an increase of pension to William T. Filler;
H. R. 3345. An act granting an increase of pension to Charles P. Clarke;
H. R. 5818. An act granting an increase of pension to Philip Snow;
H. R. 5617. An act granting an increase of pension to William P. Hereford;
H. R. 134. An act granting a pension to Wilhelmina Miller;
H. R. 8123. An act granting a pension to Eliza S. Smith;
H. R. 6005. An act granting an increase of pension to George B. Davis;
H. R. 7374. An act granting an increase of pension to Jabez Perkins;
H. R. 2201. An act granting an increase of pension to George McDonald;
H. R. 7515. An act granting a pension to Rebecca A. Mathias;
H. R. 4625. An act granting a pension to Theresa B. Nash;
H. R. 561. An act granting an increase of pension to Eri Summy;
H. R. 6020. An act granting an increase of pension to William P. Conner;
H. R. 3172. An act granting an increase of pension to Robert E. Pogue;
H. R. 3521. An act granting an increase of pension to John Hawker;
H. R. 249. An act granting an increase of pension to Mollie J. Mitchell;
H. R. 219. An act granting an increase of pension to Minerva J. Burton;
H. R. 7798. An act granting an increase of pension to Andrew Black;
H. R. 7799. An act granting an increase of pension to John O. Rice;
H. R. 4946. An act granting a pension to James F. Wheeler;
H. R. 2823. An act granting an increase of pension to Louiza Phillips;
H. R. 5534. An act granting an increase of pension to Adaline Shaw Lovejoy;
H. R. 5883. An act granting an increase of pension to David Warentz;
H. R. 6061. An act granting an increase of pension to Alpheus D. Brown;
H. R. 3411. An act granting an increase of pension to William J. Hart;
H. R. 1483. An act granting an increase of pension to James W. Black;
H. R. 8728. An act granting a pension to Matilda Lafferty;
H. R. 6947. An act granting an increase of pension to Joseph H. Cooper;
H. R. 6442. An act granting an increase of pension to James P. Wallace;
H. R. 689. An act granting an increase of pension to Edgar Chapman;
H. R. 6028. An act granting an increase of pension to Anson Heffron;
H. R. 4915. An act granting an increase of pension to James W. Hibbert;
H. R. 4759. An act granting an increase of pension to David P. McDonald;
H. R. 660. An act granting an increase of pension to John S. Sines;
H. R. 195. An act granting a pension to Michael Landy;
H. R. 812. An act granting an increase of pension to Charles F. Emery;
H. R. 4276. An act granting an increase of pension to Hamilton E. Burritt;
H. R. 4323. An act granting an increase of pension to May Wurtz;
H. R. 2553. An act granting an increase of pension to George Wintz;
H. R. 2040. An act granting a pension to James Anderson;
H. R. 198. An act granting an increase of pension to Emmett Cole;
H. R. 5718. An act granting an increase of pension to Adolph Heiser;
H. R. 3272. An act granting an increase of pension to Elizabeth Hardy;
H. R. 1906. An act granting an increase of pension to George W. Blanchard;
H. R. 165. An act granting an increase of pension to Thomas Adelsperger;
H. R. 6342. An act granting an increase of pension to Thomas Springer; and
H. R. 8748. An act for the relief of Serenus Kilbourne.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 42.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the Wilmington Harbor, Delaware (including the Christiana and Brandywine rivers), with the view to their improvement and to insure the permanency of the channel in the Christiana River to the depth of at least 21 feet.

Senate concurrent resolution 40.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of the report and appendices of the Isthmian Canal Commission, with illustrations, of which 1,000 shall be for the use of the Senate, 2,000 for the House of Representatives, and 500 for the Isthmian Canal Commission.

Senate concurrent resolution No. 43.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the outer bar of Brunswick, Ga., and of the inner harbor of Brunswick, Ga., and to furnish therefrom estimates showing the cost of obtaining a channel of ample width to accommodate the commerce of said port, and extending from the wharves in said inner harbor, through said outer bar to the ocean, and of the following depths at mean high tide, to wit, 27 feet, 28 feet, 29 feet, and 30 feet; that is to say, the Secretary of War is directed to furnish a separate estimate of the cost of obtaining a channel at each of said depths; and the Secretary of War is hereby further directed to report whether or not in his opinion it is advisable, if these increased depths or any one or more of them shall be obtained, that the present channel across said outer bar should be straightened.

CROW INDIANS OF MONTANA.

Mr. DIXON. Mr. Speaker, I ask unanimous consent that after the disposition of the special order the bill (H. R. 11676) to ratify and amend an agreement with the Crow Indians of Montana be made the special order, not to interfere with revenue or appropriation bills or bills on the Private Calendar or with any business that is privileged under the rules, and that the bill be considered in the House.

The SPEAKER having restated the request of Mr. DIXON, there was no objection; and it was ordered accordingly.

GOVERNMENT OF TERRITORY OF HAWAII.

Mr. POWERS of Maine. I ask unanimous consent for the present consideration of House bill No. 7274.

The title of the bill was read, as follows:

A bill (H. R. 7274) to amend section 76 of an act entitled "An act to provide a government for the Territory of Hawaii."

Mr. WILLIAMS of Mississippi. Reserving the right to object, I ask that the bill be read in full.

The bill was read, as follows:

Be it enacted, etc., That section 76 of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, be, and the same is hereby, amended to read as follows:

"SEC. 76. That there shall be a superintendent of public instruction, who shall have the powers and perform the duties conferred upon and required of the minister of public instruction by the laws of Hawaii as amended by the act, and subject to modification by the legislature.

"It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in reports in 1905, and every five years

thereafter, statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as Congress may by law direct. The said Commissioner is especially charged to ascertain the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress."

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. ROBINSON of Indiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF SPEECHES ON ST. LOUIS EXPOSITION.

Mr. TAWNEY. I ask unanimous consent that the Members of the House who have addressed the Committee of the Whole on the subject of the Louisiana Purchase Exposition be allowed the privilege of extending their remarks in the RECORD.

There being no objection, leave was granted accordingly.

ADMINISTRATION OF LAND LAWS.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read the bill, as follows:

A bill (H. R. 11812) relating to applications, declaratory statements, entries, and final proofs under the homestead and other land laws, and to confirm the same in certain cases when made outside of the land district within which the land is situated.

Be it enacted, etc., That whenever it shall appear to the Commissioner of the General Land Office that an error has heretofore been made by the officers of any local land office in receiving any application, declaratory statement, entry, or final proof under the homestead or other land laws, and that there was no fraud practiced by the entryman, and that there are no prior adverse claimants to the land described in the entry, and that no other reason why the title should not vest in the entryman exists, except that said application, declaratory statement, entry, or proof was not made within the land district in which the lands applied for are situated, as provided by the act of March 11, 1902, such entry or proof shall be confirmed.

SEC. 2. That this act shall be in force from and after its passage and approval.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I should like to have an explanation of the bill, reserving the right to object.

Mr. MARSHALL. Mr. Speaker, this bill simply provides for legalizing entries and proofs under our land law, where the same were made erroneously outside of the land district in which the land lies.

Prior to 1902 there was a law providing that an entryman desiring to make entry or desiring to make proof might go to the nearest county seat, even though it were outside of the land district in which the land lies. In 1902 a law was passed which required proofs to be made within the land district. Partially through the negligence of the Land Department at Washington, the registers and receivers were not notified in a manner or their attention was not called to this change of the law in a manner sufficiently strong to make them change their rules and regulations. As a result, a large number of entries and proofs were permitted by the local land offices to be made under the old law. This bill simply legalizes that particular feature of the entries and proofs, and it is approved by the Department.

Mr. ROBINSON of Indiana. Mr. Speaker, I should like to ask the gentleman if he has any word from the Secretary of the Interior upon this subject?

Mr. MARSHALL. Yes; the matter has been submitted to the Secretary of the Interior and the Commissioner of the General Land Office and is approved heartily by both of them.

Mr. TAWNEY. Is the bill reported favorably by the committee?

Mr. MARSHALL. Unanimously reported by the committee.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MARSHALL, a motion to reconsider the last vote was laid on the table.

FIFTH JUDICIAL CIRCUIT.

Mr. WILEY of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9658) to amend the first section of an act providing that the circuit court of appeals for the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, approved January 30, 1903.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the first section of the act providing that the circuit court of appeals for the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, approved January 30, 1903, be, and the same is hereby, amended by striking out the concluding words of said section, to wit, "on the first Monday in September in each year," and inserting in lieu thereof the words "on the third Monday in October in each year."

The amendment recommended by the Committee on the Judiciary was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. STEENERSON. Mr. Speaker, I call up the bill (S. 1490) to authorize the sale of a part of what is known as the Red Lake Indian Reservation.

The SPEAKER. That is a continuing order. It can be called up at any time.

Mr. STEENERSON. Well, I call it up.

The SPEAKER. The Chair will suggest to the gentleman that there are one or two other matters that the Chair would be glad to lay before the House.

Mr. STEENERSON. All right.

CERTAIN LANDS IN MINNESOTA.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1558) to grant to the State of Minnesota certain vacant lands in said State for forestry purposes.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill and to consider the same in the House at the present time. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the northwest quarter of the northwest quarter and the southeast quarter of the southwest quarter (80 acres, more or less) of section 6, township 134 north, range 29 west, fifth principal meridian, being vacant public land adapted for forestry purposes and adjoining a forest reserve belonging to the State of Minnesota, be, and the same is hereby, granted to said State of Minnesota for forestry purposes; but this act shall not prejudice any right to any of said land that may have been acquired by any other party previous to its passage.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I shall have to object.

The SPEAKER. The gentleman from Mississippi objects.

Mr. TAWNEY. I suggest to the gentleman that he withhold his objection pending a statement.

Mr. WILLIAMS of Mississippi. I will reserve the objection while the gentleman makes his statement; but this bill establishes a precedent——

Mr. VOLSTEAD. I will make this explanation: John S. Pillsbury, late governor of the State of Minnesota, donated to the State something over a thousand acres of land. It was cut-over timber land that is almost entirely worthless. The State has been engaged for some time in the work of reforesting that particular tract of land. It may be called a park or a forest reserve, as you please. This particular tract of about 80 acres which it is sought to obtain for the State comes right up against the land belonging to the State and joins it on three sides. The land has practically no value except for the purpose for which we desire to use it—that is, to use it in connection with the other as a forest reserve.

The State is now about to enter upon it, if it can secure it upon the plan proposed, and cultivate timber on this particular tract. It seems to me, in view of the fact that we are giving land for park purposes and for other similar purposes, that this is a proper grant, and it certainly would be doing nobody any harm. This piece of land is away out from any city; it is not suitable for agricultural purposes; it is cut-over timber land. It certainly can not be worth more than two or three dollars an acre. Only a few years ago it would not have been worth 25 cents an acre. For the purpose sought it may have a value; and it seems to me that as this bill has been recommended by the Committee on Public Lands of the Senate, recommended by the committee of the House, and there is no objection, so far as I understand, from any of the Departments, though it has been submitted to them, it is proper that the bill pass.

Mr. GAINES of Tennessee. What is it used for now?

Mr. VOLSTEAD. It is not used for anything.

Mr. LACEY. Will the gentleman yield to me now for a moment?

Mr. VOLSTEAD. I yield to the gentleman from Iowa.

Mr. LACEY. Mr. Speaker, I would state that the area of cut-over land in Minnesota is very large. The method of reforesting it involves a considerable expense by way of experiment. The State can better make those experiments than anybody. This is a small area of land immediately adjoining a tract owned by the State, and is a good object lesson for them to experiment upon, so that outsiders, private individuals, may get the benefit of their experiments.

Mr. WILLIAMS of Mississippi. Will the gentleman from Iowa allow me to ask him this question: If we establish the precedent

of granting the States public lands for forestry purposes, has the gentleman any idea of where it is going to stop?

Mr. LACEY. Well, of course, each one of these propositions must rest upon its own bottom. This is a very small tract. Does my friend remember the area?

Mr. STEVENS of Minnesota. Eighty acres.

Mr. LACEY. Eighty acres. It is adjacent to another tract of land belonging to the State. The State tract is not quite adequate for a fair experiment, and therefore the request is made to add this additional public land, which of course might be taken up by a homesteader or by anybody or in any other way by private individuals, but it is the purpose here to give it to the State to experiment upon.

Mr. WILLIAMS of Mississippi. I think, from my standpoint, this would be setting up a bad precedent, and I should be compelled to object.

The SPEAKER. The gentleman from Mississippi objects.

DEVELOPMENT OF THE MERCHANT MARINE.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I move that the House do now adjourn.

The SPEAKER. The gentleman can make that motion if he desires, but the Chair recognized the gentleman, as he supposed, in accordance with a previous request for asking unanimous consent touching an order.

Mr. GROSVENOR. I am ready to do that. I was misled by a gentleman suggesting the motion to adjourn. I did not understand the Chair. I ask unanimous consent, Mr. Speaker, that immediately after the reading of the Journal on Saturday, one week from the coming Saturday, the 20th day of the month, be set apart for the consideration of House bill 7056; that the same shall be a continuing order, not to take the place of appropriation bills or contested-election cases or other privileged matters, until Tuesday of the following week, and then, after six hours' debate on a side, a vote shall be taken upon the bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent that on February 20 next House bill 7056 be made a special order and continue as a special order until the following Tuesday—not to interfere with appropriation revenue, or other privileged bills—and then, after six hours' discussion on a side, the vote to be taken. The Clerk will report the bill by title.

Mr. WILLIAMS of Mississippi. I do not see the senior member of the minority of that committee in his seat, but I am informed, as I catch it, that is the arrangement which he told me had been entered into.

Mr. GROSVENOR. I have described it exactly as we agreed.

Mr. WILLIAMS of Mississippi. That is as I understand the arrangement that had been agreed to.

The Clerk read as follows:

A bill (H. R. 7056) creating a commission to consider and recommend legislation for the development of the American merchant marine, and for other purposes.

The SPEAKER. Is there objection?

Mr. DE ARMOND. Mr. Speaker, I object.

The SPEAKER. The gentleman from Missouri objects.

FIELD OPERATIONS OF THE BUREAU OF SOILS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 41) providing for a change in the method of printing the report on field operations of the Bureau of Soils, Department of Agriculture.

Resolved, etc., That in addition to the number of copies of the report on field operations of the Bureau of Soils, Department of Agriculture, provided for by joint resolution No. 8, Fifty-sixth Congress, approved February 23, 1901, and which may hereafter be published in one or more volumes, there be printed, as soon as the manuscript can be prepared, with the necessary maps and illustrations to accompany it, a report of each area surveyed, in the form of advance sheets, of which 500 copies shall be for the use of each Senator from the State, 2,000 copies for the use of each Representative for the Congressional district or districts in which the survey is made, and 1,000 copies for the use of the Department of Agriculture.

The SPEAKER. Is there objection?

Mr. CASSEL. I object.

Mr. CHARLES B. LANDIS. I would like to ask the gentleman from Pennsylvania to withdraw his objection until I can make a statement. From a remark the gentleman from Pennsylvania made, I gather that he objects to the immediate consideration of this report because of the expense incident to the publication.

I will say in this connection that this amendment to the resolution now in force reduces the expense of this annual publication about 25 per cent and enables the Agricultural Department to distribute the maps and the data gathered more promptly, and makes the work more effective, and an objection will not only greatly impair the work as originally designed, but it will result in the present public resolution standing, which will carry with it an expenditure of about 25 per cent more than this amendment proposes.

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, will the gentleman from Indiana allow me to make a statement? If so, I think I can show the gentleman from Pennsylvania [Mr. CASSEL] why this resolution ought to pass.

Mr. CHARLES B. LANDIS. Just a moment. I want to say in this connection, Mr. Speaker, this is a work which has been carried on by the Agricultural Department for several years, the result being an analysis of the soils in various parts of the country, and as the law now stands the result of these analyses has not been announced to the localities interested for probably a year to eighteen months after the examination and the analysis have taken place, and this amendment provides that as soon as the report is made and the analyses received the maps shall be prepared and the distribution made with special reference to the State and Congressional district where the work is performed.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman a question, and that is, if the report of the committee shows the cost of this? I could not hear all the gentleman said.

Mr. CHARLES B. LANDIS. The cost of this under the public resolution as now done is annually in the neighborhood of $67,000. We believe the work when done, as proposed in this amendment, will reduce the cost about 25 per cent.

Mr. PAYNE. I am glad to get the gentleman's statement, and I want to suggest right here, in former Congresses it has been the custom of the Committee on Printing to report the probable cost when they report a bill for printing, or a resolution; and I will say to the gentleman I hope he will include that in the future, so as to be able to give the House that information.

Mr. CHARLES B. LANDIS. I understand that has always been done when a report originated. This work has been going on from year to year, and the annual expenditure has been in the neighborhood of $37,000. The usual and formal estimate can not well be furnished on reports not yet in manuscript.

Mr. GAINES of Tennessee. I want to state, Mr. Speaker, to the gentleman who objected to this matter, that these are the facts: The Secretary of Agriculture, Mr. Wilson, has in his Department what is known as a "Bureau of Soil Survey." His soils experts, say, will come to your district and go to other districts, and they intend to go over all the Congressional districts throughout the United States in the course of time and examine the soil, and reports are made, put upon paper, and sent in to the Secretary of Agriculture, where the work is completed and made ready to print, but, unless they are all sent in at one time, and it is impracticable and impossible to do so, the Secretary of Agriculture can not publish the books containing these reports until they are filed with him.

Now, he desires to have these reports published as they are completed here in his Department, so that they can be sent out in leaflet form to the farmers in the Congressional districts where the work has been done and sent out in a few days or weeks after it is filed in his office. Sometimes he has to wait to do so twelve months, until all the reports come in. Now, in my own district I am laboring under this very trouble. The report from Davidson County has been completed for some time, and the farmers out there are writing for it now. I asked him to give me a synopsis of it, but he could not do that. If this resolution is passed, that would be printed and all the other surveys would be printed that are now lying completed in his office which can not be published until this great book of reports is sent in and it is ready to be published.

Mr. CHARLES B. LANDIS. And in the meantime the local interest in the analyses has died out.

Mr. GAINES of Tennessee. Exactly, and you send a report—this annual book—to Davidson County, for instance, of a survey made up in Maine, and they do not need that at all, and vice versa; but if the pamphlet is sent of Davidson County the farmers need and want it, and want it to-day, and this measure would give it to them, and so in all the surveys made.

Mr. BURLESON. Mr. Speaker, I desire to submit for the consideration of the gentleman from Pennsylvania this suggestion: This matter was carefully considered by the Committee on Agriculture, and a subcommittee was appointed by that committee to bring the subject dealt with in this resolution to the attention of the Committee on Printing and to urge its adoption in the interest of economy.

Mr. CHARLES B. LANDIS. And effectiveness.

Mr. BURLESON. The Committee on Agriculture unanimously indorsed this resolution, after giving same careful consideration, and I hope the gentleman will withdraw his objection.

Mr. CASSEL. Mr. Speaker, I objected to the proposition because I objected to this amount of money being spent for this service and distributed throughout the United States, because I did not believe that it amounted to anything or was of any advan-

tage to the farmer, but if this resolution is going to reduce expenses and save the Government any money, I will withdraw my objection. But I want to say if by any means I can cut out this part of the agricultural work I shall certainly join with anyone else in doing it, because I believe it is merely money being spent in this way unnecessarily and without result, but under the circumstances I will withdraw my objection at the present time.

The SPEAKER. The gentleman withdraws his objection.

Mr. MAHON. Mr. Speaker, I renew it.

The SPEAKER. Objection is made, and the Chair recognizes the gentleman from Minnesota [Mr. STEENERSON] to call up a special order.

RED LAKE INDIAN RESERVATION, STATE OF MINNESOTA.

Mr. STEENERSON. Mr. Speaker, I now call up the bill (S. 4490) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota, which was made a special order. I ask for the reading of the amendment, in the nature of a substitute, to the Senate bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Whereas James McLaughlin, United States Indian inspector, did, on the 10th day of March, A. D. 1902, make and conclude an agreement with the adult male Indians of the Red Lake Reservation, in the State of Minnesota; which said agreement is in words and figures as follows:

"This agreement made and entered into this 10th day of March, 1902, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Red Lake and Pembina bands of Chippewa Indians belonging on the Red Lake Reservation in the State of Minnesota, witnesseth:

"ARTICLE I. The said Indians belonging on the Red Lake Indian Reservation, Minn., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Red Lake Indian Reservation situate within the boundaries of Red Lake County, Minn., as said county is at present defined and organized, the tract hereby ceded being more particularly described as embracing all that part of the said Red Lake Indian Reservation lying west of the range line between ranges 38 and 39 west of the fifth principal meridian, the tract of land hereby ceded approximating 256,152 acres; and also hereby agree that all of said Indians now residing on the tract hereby ceded shall remove to the diminished reservation within six months after the ratification of this agreement, and shall be paid not exceeding $5,000 in cash by the Indians of said Red Lake Reservation out of the first payment received by them from the proceeds of this cession; said $5,000, or so much thereof as may be necessary, to be paid equitably to those thus removing, in proportion to the value of their respective improvements, which payment by said Red Lake Indians shall be in full for all improvements which they will abandon, and also for the removal within the diminished reservation of their dead from where they are now buried on the tract hereby ceded.

"ART. II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to pay to said Indians, in the manner hereinafter provided, the sum of $1,000,000.

"ART. III. It is understood that of the amount to be paid to said Indians, as stipulated by Article II of this agreement, the sum of $250,000 shall be paid in cash, per capita, share and share alike, to each man, woman, and child belonging on said Red Lake Indian Reservation, within ninety days after the ratification of this agreement, and the remainder of the said sum of $1,000,000, viz, $750,000, shall be paid in cash, per capita, in fifteen annual installments of $50,000 each, the first of which fifteen annual installments to be paid in the month of October of the year following that in which payment of the said $250,000 is made, as provided in this agreement, and in the month of October of each year thereafter of the succeeding fourteen years, covering the period of said fifteen annual installments.

"ART. IV. It is further agreed that the said Indians belonging on said Red Lake Indian Reservation, Minn., shall possess their diminished reservation independent of all other bands of the Chippewa tribe of Indians, and shall be entitled to allotments thereon of 160 acres each, of either agricultural or pine land, the different classes of land to be apportioned as equitably as possible among the allottees.

"ART. V. It is understood that nothing in this agreement shall be construed to deprive the said Indians belonging on the Red Lake Indian Reservation, Minn., of any benefits to which they are entitled under existing treaties for agreements not inconsistent with the provisions of this agreement.

"ART. VI. This agreement shall take effect and be in force when signed by United States Indian Inspector James McLaughlin and by a majority of the male adult Indians, parties hereto, and when accepted and ratified by the Congress of the United States.

"In witness whereof the said James McLaughlin, United States Indian inspector, on the part of the United States, and the male adult Indians belonging on the Red Lake Indian Reservation, Minn., have hereunto set their hands and seals at Red Lake Indian Agency, Minn., this 10th day of March, A. D. 1902.

"JAMES MCLAUGHLIN, [SEAL.]
"*United States Indian Inspector.*

No.	Name.		Mark.	Age.	
1	Kay bay no din	Chief	x	67	(Seal.)
2	Mays ko ko noy ay	do	x	70	(Seal.)
3	Pay she ke shig	do	x	35	(Seal.)
4	Nay ay tow up	do	x	54	(Seal.)
5	Ak mun e ay ke zhig	do	x	76	(Seal.)
6	I con je gwon abe	do	x	63	(Seal.)
7	Kay bay gah bow	do	x	55	(Seal.)

And 213 other male adult Indians."

We, the undersigned, hereby certify that the foregoing agreement was fully explained by us in open council to the Indians of the Red Lake Reservation, Minn.; that it was fully understood by them before signing, and that the agreement was duly executed and signed by said Indians.

JOS. C. ROY,
C. W. MORRISON,
PETER GRAVES,
Interpreters.

RED LAKE AGENCY, MINN., *March 12, 1902.*

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, United States Indian inspector, and the 220 Indians of the Red Lake Reservation, Minn., to the foregoing agreement.

DANIEL SULLIVAN,
Overseer in charge of Subagency.
FRANK H. KRATKA,
Mayor of Thief River Falls, Minn.
B. L. FAIRBANKS,
White Earth Agency, Minn.

RED LAKE AGENCY, MINN., *March 12, 1902.*

I hereby certify that the total number of male adult Indians over 18 years of age belonging on the Red Lake Reservation is 334, of whom 220 have signed the foregoing agreement.

G. L. SCOTT,
Major, Tenth Cavalry, Acting Indian Agent.

LEECH LAKE AGENCY, MINN., *March 17, 1902.*

And

Whereas it is deemed for the best interests of the said Indians that said agreement be amended and modified as hereafter provided: Therefore,

Be it enacted, etc., ARTICLE I. The said Indians belonging on the Red Lake Indian Reservation, Minn., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Red Lake Indian Reservation lying west of the range line between ranges 39 and 39, west of the fifth principal meridian, the tract of land hereby ceded approximating 256,152 acres, and also hereby agree that all of said Indians now residing on the tract hereby ceded shall remove to the diminished reservation within six months after the ratification of this agreement, and shall be paid not exceeding $20,000 in cash by the Indians of said Red Lake Reservation out of the first payment received by them from the proceeds of this cession, said $20,000, or so much thereof as may be necessary, to be paid equitably to those thus removing, in proportion to the value of their respective improvements, which payment by said Red Lake Indians shall be in full for all improvements which they will abandon, and also for the removal within the diminished reservation of their dead from where they now are buried on the tract hereby ceded.

ART. II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement the United States stipulates and agrees to sell, subject to the homestead laws of the United States, under rules and regulations to be prescribed by the Secretary of the Interior, in tracts not to exceed 160 acres to each individual, all of said lands, except lands remaining unsold after five years from the first sale hereunder, which may be sold without reference to the provisions of the homestead law. Said lands shall be sold for not less than $4 per acre, and shall be sold upon the following terms: One-fifth of the purchase price to be paid at the time of sale and the balance of the purchase price of said land to be paid in five equal annual installments due in one, two, three, four, and five years from date of sale, respectively, and to pay over to said Indians all of the proceeds realized from the sale of said lands as herein provided.

ART. III. It is understood that of the amount realized from the sale of said lands a sum of not exceeding $300,000 shall be paid in cash per capita, share and share alike, to each man, woman, and child belonging on said Red Lake Indian Reservation within ninety days after the first sale herein provided for, and the remainder of the proceeds of the sale of said lands shall be paid in cash per capita in fifteen annual installments, the first of which fifteen annual installments is to be paid in the month of October of the year following that in which the payment of the said $300,000 is made, as provided in this agreement, and in the month of October of each year thereafter, and all moneys received after the expiration of said fifteen years shall be apportioned in like manner among said Indians and paid to them on the 1st day of October in each year.

ART. IV. It is further agreed that the said Indians belonging on the said Red Lake Indian Reservation, Minn., shall possess their diminished reservation independent of all other bands of the Chippewa tribe of Indians and shall be entitled to allotments thereon of 160 acres each, of either agricultural or pine land, the different classes of land to be apportioned as equitably as possible among the allottees.

ART. V. It is understood that nothing in this agreement shall be construed to deprive the said Indians belonging on the Red Lake Indian Reservation, Minn., of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this agreement. It is the intention of this agreement that the United States shall act as trustee for said Indians to dispose of said land and to expend and pay over the proceeds as received from the sale thereof only as received, as herein provided.

ART. VI. This agreement shall take effect and be in force when accepted and ratified by the Congress of the United States.

SEC. 2. That said agreement be, and the same is hereby, accepted and ratified as herein amended.

SEC. 3. That the Secretary of the Interior is hereby authorized and directed to sell, subject to the homestead laws of the United States, under such rules and regulations as he may prescribe, in tracts not to exceed 160 acres to each individual, all that part of the Red Lake Reservation, in the State of Minnesota, lying westerly of the range line between ranges 38 and 39 west of the fifth principal meridian, approximating 256,000 acres. And the said land shall be sold for not less than $4 per acre, and shall be sold upon the following terms: One-fifth of the price bid therefor to be paid at the time the bid is made, and the balance of the purchase price of said land to be paid in five equal annual installments, due in one, two, three, four, and five years from date of sale, respectively, payment to be made to the receiver of the United States land office for the district in which said land may be situated. And in case any purchaser fails to make such annual payments promptly when due, or within sixty days thereafter, all rights in and to the land covered by his or her purchase shall at once cease, and any payments made shall thereupon be forfeited, and the Secretary of the Interior shall thereupon declare such forfeiture by reoffering said land for sale.

And no patent shall issue to the purchaser until the purchaser shall have paid the purchase price and in all respects complied with the terms and provisions of the homestead laws of the United States: *Provided*, That such purchaser shall have the right of commutation, as provided by section 2301 of the Revised Statutes of the United States, by paying for the land at the price for which it sold, receiving credit for payments previously made: *Provided further*, That such purchaser shall make his final proof conformable to the homestead laws within six years from the date of sale; that aliens who have declared their intention to become citizens of the United States may become purchasers under this act, but before making final proof and acquiring title must take out their full naturalization papers; and that persons who may have heretofore exhausted their rights under the homestead law may become purchasers under this act: *Provided further*, That after the first sale hereunder shall be closed, the lands remaining unsold shall be subject to sale and entry at the price of $4 per acre by qualified purchasers, subject to the same terms and conditions as herein prescribed as to lands sold at said first sale: *Provided further*, That all lands above described which shall remain unsold at the expiration of five years from the date of the first sale hereunder shall

be offered for sale at not less than $4 per acre (and lands remaining unsold after such sale shall be subject to private entry and sale at said price), without any conditions whatever except the payment of the purchase price: *And provided further*, That wherever the boundary line of said reservation runs diagonally so as to divide any Government subdivision of a section, and the owner of that portion of such subdivision now being outside of the reservation becomes the purchaser of that portion of such subdivision lying within the reservation, residence and improvements upon either portions of such subdivision as provided by the homestead law shall constitute a compliance as to all such Government subdivisions.

All of the Indians residing upon the tract above described shall remove therefrom to the diminished reservation within six months after the passage of this act; and there is hereby appropriated from the proceeds of said sale the sum of $20,000, or so much thereof as may be necessary, to be paid to those thus removing in proportion to their respective improvements, which payment to the said Red Lake Indians shall be in full for all improvements which they will abandon, and also for the expense of removal within the diminished reservation of their dead from where they are now buried on the tract above described, and the expense of making allotments.

The proceeds of said lands as realized from time to time shall be paid into the United States Treasury to the credit of the Indians belonging on said reservation. Of the amount realized from the sale of said lands a sum not exceedings $300,000 shall be paid in cash, per capita, share and share alike, to each man, woman, and child belonging on said Red Lake Indian Reservation within ninety days after the first sale herein provided for, and the remainder of the proceeds of the sale of said lands shall be paid in cash, per capita, in fifteen annual installments, the first installment to be paid in the month of October of the year following that in which the payment of the $300,000 is made; and all moneys received after the expiration of said fifteen years shall be apportioned in like manner among said Indians and paid to them on the 1st day of October in each year.

The Secretary of the Interior is hereby vested with full power and authority to make such rules and regulations as to the time of notice, manner of sale, and other matters incident to the carrying out of the provisions of this act as he may deem necessary, and with authority to continue making sale of said lands until all of said lands shall have been sold.

In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is $1.25 per acre.

SEC. 4. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided.

SEC. 5. That this act shall take effect and be in force from and after its passage.

Mr. STEENERSON. Mr. Speaker, I desire to make a brief statement concerning this bill. The agreement set out in the bill was negotiated—under authority of law passed in 1901—by the Secretary of the Interior, or through an Indian inspector, with these Indians. This agreement was made in March, 1902, and provided that the Indians should cede this tract of land, consisting of 256,126.28 acres, to the United States, in consideration of which the United States should pay them $1,000,000, or approximately $3.90 an acre.

The Secretary of the Interior transmitted this agreement to the last Congress and recommended that it be ratified and carried out, but for reasons well known, although the Senate passed a bill, the House of Representatives failed to do so on the ground that they did not desire to appropriate money for the purchase of Indian lands. It therefore became necessary in this case, as in the case of the Rosebud Indians of South Dakota and the Devils Lake Indians of North Dakota, to modify the agreement so that the land should be sold by the United States and the proceeds turned over to the Indians.

This modification has been made in a manner similar to that of the Rosebud and the Devils Lake reservations, which the House has already passed upon.

The bill under immediate consideration is a Senate bill, and the provisions constituting the amendment were all considered by the Committee on Indian Affairs, and provides for this change, so that the land shall be sold. Instead of the United States being a purchaser, it simply acts as trustee and sells the land subject to the homestead laws.

It takes no money out of the Treasury. These appropriations that are made are to be taken out of the proceeds that are derived from the sale. This land, I will say, is all agricultural land, so reported, and although there are a few marshy places it will undoubtedly bring a great deal more to the Indians when sold as provided for in this bill than it would if the United States had paid $1,000,000.

Mr. PAYNE. There is no school land set apart in this bill, and so no appropriation is made.

Mr. STEENERSON. No. No preparation was made for school lands for this reason: In the case of State of Minnesota against Hitchcock the United States Supreme Court held that Minnesota was entitled to indemnity land, and it has selected the indemnity land outside.

Mr. PAYNE. All right; let us pass the bill.

Mr. STEPHENS of Texas. Mr. Speaker, this bill came from the Committee on Indian Affairs upon a unanimous report, and is in accord with the policy recently adopted to open up all Indian lands where a treaty has been properly made. The treaty in this case has been properly made, and the bill as drawn has no objectionable features.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The question was taken; and the amendment was agreed to.

The amendment in the nature of a preamble was agreed to.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. STEENERSON, a motion to reconsider the last vote was laid on the table.

FIFTH JUDICIAL DISTRICT.

Mr. WILEY of Alabama. Mr. Speaker, earlier in the day I asked unanimous consent for the present consideration of the bill (H. R. 9648) regulating the holding of terms of court in the fifth judicial circuit. I now find that that bill passed at an earlier day of the session. I therefore ask unanimous consent to vacate all proceedings touching that bill at this time.

The SPEAKER. The gentleman from Alabama asks unanimous consent to vacate all proceedings had earlier in the day touching the bill (H. R. 9648) to amend the first section of an act providing that the circuit court of appeals for the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

FIELD OPERATIONS OF THE BUREAU OF SOILS.

Mr. CHARLES B. LANDIS. Mr. Speaker, the objection to the present consideration of the House joint resolution No. 41, providing for a change in the method of printing the report on field operations of the Bureau of Soils, Department of Agriculture, has been withdrawn, and I renew my request for unanimous consent.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The resolution was ordered to be engrossed and read a third time, read the third time, and passed.

REPORTS OF LIBRARIAN OF CONGRESS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution No. 37, providing for the editions to be printed of the annual and special reports of the Librarian of Congress, which I will send to the desk and ask to have read, with an amendment thereto.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the following Senate joint resolution, which the Clerk will report.

The Clerk read as follows:

Strike out all between the word "cloth," in line 6, and the word "five," in line 9; so that the resolution as amended will read as follows:

"*Resolved, etc.*, That of the annual and special reports of the Librarian of Congress hereafter submitted to Congress, but including the report for 1903, there be printed and bound in cloth 5,000 copies for the use of the Library of Congress."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I will ask the gentleman the expense of this.

Mr. CHARLES B. LANDIS. The annual expense of this publication is $2,326.35.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution as amended.

The question was taken; and the resolution was ordered to be read a third time, read the third time, and passed.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution No. 28.

Mr. DIXON. Mr. Speaker, I object. I call for the regular order.

The SPEAKER. The gentleman from Montana calls for the regular order.

AGREEMENT WITH INDIANS OF CROW RESERVATION.

Mr. DIXON. Mr. Speaker, I call up the bill (H. R. 11676) to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect, and in that connection ask unanimous consent that the reading of the whereases of the bill be omitted and that it be read by the Clerk, commencing on line 1, page 10.

The SPEAKER. The gentleman from Montana asks unanimous consent that the Clerk omit the reading of the whereases of the bill and read only that portion of the bill indicated. Is there objection?

There was no objection.

The bill is as follows:

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, acting for and on behalf the United States, did, on the 14th day of August,

A. D. 1899, make and conclude an agreement with the Indians of the Crow Reservation, in Montana, which said agreement is in words and figures as follows:

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, being duly appointed as commissioners on behalf of the United States by the Secretary of the Interior under and by virtue of an act of Congress approved June 10, 1896 (29 U. S. Stat. L., p. 341), entitled "An act making appropriations for current and contingent expenses of the Indian Bureau of the Interior Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes," and by said act being authorized to negotiate with the Crow Indians, in the State of Montana, for the cession of a portion of their reservation; and whereas the Indians residing on and having rights upon the said Crow Indian Reservation, in the State of Montana, are willing to dispose of a portion of their surplus lands:

Now, therefore, this agreement made and entered into by and between the aforesaid commissioners on behalf of the United States of America and the headmen and a majority of the male adults residing upon and having rights on the Crow Indian Reservation in the State of Montana, witnesseth:

ARTICLE I. That the said Indians of the Crow Reservation do hereby cede, grant, and relinquish to the United States all right, title, and interest which they may have to the lands embraced within and bounded by the following-described lines: Beginning at the northeast corner of the said Crow Indian Reservation; thence running due south to a point lying due east of the northeast corner of the Fort Custer Military Reservation; thence running due west to the northwest corner of said Fort Custer Military Reservation; thence due south to the southwest corner of said Fort Custer Military Reservation; thence due west to the intersection of the line between sections 10 and 11, township 2 south, range 28 east of the principal meridian of Montana; thence due north to the intersection of the Montana base line; thence due west to the intersection of the western boundary of the Crow Indian Reservation; thence in a northeasterly direction, following the present boundary of said reservation, to point of beginning.

ART. II. That in consideration of the land ceded, granted, and relinquished as aforesaid, the United States stipulates and agrees to pay to and expend for the Indians of the said reservation $1,150,000, in the following manner, to wit:

Ninety thousand dollars, or so much thereof as may be necessary, shall be expended under the direction of the Secretary of the Interior in the extension and completion, including the necessary laterals, of the system of irrigation now being constructed on said reservation.

Ten thousand dollars shall be expended, under the direction of the Secretary of the Interior, in the building, extension, or completion of individual Indian ditches: *Provided*, That none of the above sum shall be expended without the knowledge and consent of the Indian agent.

One hundred thousand dollars shall be placed in the Treasury of the United States to the credit of the Crow Indians as a trust fund, the same to remain in the Treasury for fifteen years, and shall draw interest at the rate of 4 per cent per annum, said interest to be expended by the Secretary of the Interior in maintaining and managing said irrigation system.

Provided further, That at the expiration of the fifteen years above mentioned such disposition shall be made of said fund as the Indians, with the consent of the Secretary of the Interior, may determine.

Two hundred and forty thousand dollars shall be expended, under the direction of the Secretary of the Interior, in the purchase of 2-year-old southern heifers, the same to be placed upon the Crow Indian Reservation, and added to the present herd now owned in common by the Crow tribe of Indians.

Additional amounts may be expended for cattle from time to time at the request of the Indians, under the direction of the Secretary of the Interior.

Provided further, That during the year 1902 all cattle owned at that time in common by the Crow tribe of Indians shall be divided equally between said Indians, share and share alike to every man, woman, and child having rights upon the Crow Reservation.

Fifteen thousand dollars shall be spent in the purchase of jackasses or stallions, either or both, in the discretion of the Secretary of the Interior, the same to be placed upon the Crow Reservation for the benefit of the Crow Indians.

Forty thousand dollars shall be expended under the direction of the Secretary of the Interior in the purchase of 2-year-old ewes, the same to be placed upon the Crow Reservation for the benefit of the Crow Indians.

Forty thousand dollars, or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in fencing the Crow Reservation, said fence to be built of six strands of galvanized barbed cattle wire, with either cedar posts not less than 4 inches in diameter at the small end, or iron posts set 16 feet apart with three metallic stays between each two posts; said fence to be well built and properly braced and anchored.

One hundred thousand dollars, or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in the erection, purchase, and repair of such school buildings as he may deem necessary.

Ten thousand dollars shall be expended by the Secretary of the Interior in the erection and furnishing of a hospital at the agency for the benefit of the Crow Indians.

Fifty thousand dollars shall be placed in the Treasury of the United States to the credit of the Crow tribe of Indians as a trust fund, and shall bear interest at the rate of 4 per cent per annum, said interest to be used, under direction of the Secretary of the Interior, to cover necessary expenses of maintaining said hospital.

Fifty thousand dollars shall be deposited in the Treasury of the United States to the credit of the Crow tribe of Indians, the same to be expended for their benefit from time to time by the Secretary of the Interior, in such manner as he may direct.

Three thousand dollars, or as much thereof as may be necessary, is hereby appropriated and set apart to pay the expenses of ten Crow Indians, two interpreters, and the agent to visit Washington at such time as permission is received from the Secretary of the Interior.

The balance of the principal sum due the Crow Indians under this agreement shall be placed in the Treasury of the United States to their credit as a trust fund and shall bear interest at the rate of 4 per cent per annum; said interest to be added annually to the principal and an annual annuity payment of $12 per capita shall be paid, in cash, to every man, woman, and child having rights upon the reservation; said annuity to be paid semiannually in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

Provided further, That $200,000 of the last-named sum may be expended in the further purchase of cattle or sheep should a majority of the Indians so decide and the same be approved by the Secretary of the Interior.

Provided further, That when each object for which a specific appropriation has been made in this agreement shall have been fully carried out and completed then the balance remaining of said appropriation may be expended for the benefit of the Crow tribe or placed to their credit in such manner as the Secretary of the Interior may determine.

It is further agreed that in the construction of ditches, dams, canals, and fences that no contract shall be awarded nor employment given to other than Crow Indians, or whites intermarried with them, except that any Indian employed in construction may hire white men to work for him if he so desires.

Provided further, That nothing herein contained shall be construed to prevent the employment of such engineers or other skilled employees or to prevent the employment of white labor where it is impracticable for the Crows to perform the same.

None of the money due to the said Indians under this agreement shall be subject to the payment of any claims, judgments, [or] demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.

ART. III. All lands upon that portion of the reservation hereby granted, ceded, and relinquished which have, prior to the date of this agreement, been allotted in severalty to Indians of the Crow tribe shall be reserved for said Indians, or where any Indians have homes on such lands they shall not be removed therefrom without their consent, and those not allotted may receive allotments on the lands they now occupy. But in case any prefer to move they may select land elsewhere on that portion of said reservation not hereby ceded, granted, or relinquished and not occupied by any other Indians, and should they decide not to move their improvements then the same may be sold for their benefit, said sale to be approved by the Secretary of the Interior, and the cash proceeds shall be paid to the Indian or Indians whose improvements shall be so sold.

ART. IV. That for the purpose of segregating the ceded lands from the diminished reservation the new boundary lines described in Article I of this agreement shall, when necessary, be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments, the cost of said survey to be paid by the United States.

ART. V. The water from streams on that portion of the reservation now sold, which is necessary for irrigating on land actually cultivated and in use, shall be reserved for the Indians now using the same so long as said Indians remain where they now live.

ART. VI. It is further agreed that a statement of all expenditures under the various provisions of this agreement shall be sent to the agent of the Crow Indians twice a year, or at such times as the Secretary of the Interior may direct, showing the amounts expended and the balance remaining on hand in each of the several funds.

ART. VII. The existing provisions of all former treaties with the Crow tribe of Indians not inconsistent with the provisions of this agreement, are hereby continued in force and effect, and all provisions thereof inconsistent herewith are hereby repealed.

ART. VIII. This agreement shall take effect and be in force when signed by the commissioners and a majority of the male Indians of the Crow tribe over 18 years of age, and ratified by the Congress of the United States, and should any article in the agreement fail of confirmation by Congress, then the whole shall be null and void.

Signed on the part of the United States Government by the commissioners aforesaid and by the following Indians of the Crow tribe having rights on the Crow Reservation in the State of Montana.

CROW AGENCY, MONT., *August 14, 1899.*

CHARLES G. HOYT, *Commissioner.*
JAMES H. MCNEELY, *Commissioner.*
BENJAMIN F. BARGE, *Commissioner.*
PRETTY (x mark) EAGLE.
PLENTY COOS.
TWO (x mark) LEGGINS.
(And 535 others.)

Witness:
FRED. E. MILLER.

I hereby certify that I was chosen by the Indians to act as interpreter during the councils held to discuss the foregoing agreement; that I truly interpreted for the commissioners and for the Indians, and that they thoroughly understand the entire matter.

CARL LEIDER, *Interpreter.*

Witness:
C. N. CROTSENBURG.

We hereby certify that we were present at the councils held to discuss the foregoing agreement; that we understand the Crow language, and that the provisions of this agreement were correctly interpreted to the Indians, and that they understood the entire matter.

FRANK SHANE.
W. M. LEIGHTON.
GEORGE H. PEASE.

Witnesses:
H. J. SHOBE.
F. G. MATTOON.

CROW AGENCY, MONT., *August 14, 1899.*

CROW AGENCY, MONT., *August 14, 1899.*

I hereby certify that 317 Indians constitute a majority of the male adult Indians over 18 years old residing on or having rights upon the Crow Indian Reservation, in the State of Montana.

J. E. EDWARDS,
United States Indian Agent.

And

Whereas the Indians of said Crow Reservation consented to the modification of the aforesaid agreement, as evidenced by an instrument executed by them on the 27th day of April, A. D. 1901, in words and figures as follows:

CROW AGENCY, MONT., *April 27, 1901.*

We, the undersigned members of the Crow tribe of Indians, hereby consent and agree to the amendment of an agreement concluded with our tribe August 14, 1899, by the addition of the following article thereto. Article IX—The right to take out water upon the diminished reservation subject to any prior claim of the Indians thereto by reason of previous appropriation, and the right to construct, maintain, and operate dams, flumes, and canals upon and across the said diminished reservation for the purpose of irrigating lands within any portion of the ceded tract, are hereby granted, such rights to be exercised by persons, companies, or corporations under such rules, regulations, and requirements as may be prescribed by the Secretary of the Interior.

RICHARD WALLACE. (X)
TWO LEGGINS. (X)
MEDICINE EAGLE. (X)
(And 523 more Indian signatures.)

We certify on honor that we were present and witnessed the signing of the above agreement by the adult male members of the Crow tribe of Indians, numbered from 1 to 526.

F. G. MATTOON.
FRED E. MILLER.

I certify on honor that I interpreted the above amendment to the agreement and the succeeding agreement for the Indians, and that they fully understood the conditions of the same, and that I witnessed the signing of same by the adult male members of the Crow tribe of Indians, numbered from 1 to 526.

T. LAFORGE, *Interpreter.*

I certify on honor that the Indians whose names are attached to the above list, numbered from 1 to 526, are all adult male members of the Crow tribe of

Indians, and that each one is entitled to and does receive an equal portion of the benefits of the Crow tribe of Indians, and are entitled to signify their willingness to the above undertaking. I further certify that 323 Indians constitute a majority of the adult male Crow Indians having rights on the Crow Indian Reservation in the State of Montana.

J. E. EDWARDS,
United States Indian Agent.

Therefore,

Be it enacted, etc., That said agreement be, and the same is hereby, modified and amended to read as follows:

"ARTICLE I. That the said Indians of the Crow Reservation do hereby cede, grant, and relinquish to the United States all right, title, and interest which they may have to the lands embraced within and bounded by the following-described lines: Beginning at the northeast corner of the said Crow Indian Reservation; thence running due south to a point lying due east of the northeast corner of the Fort Custer Military Reservation; thence running due west to the northwest corner of said Fort Custer Military Reservation; thence due south to the southwest corner of said Fort Custer Military Reservation; thence due west to the intersection of the line between sections 10 and 11, township 2 south, range 28 east of the principal meridian of Montana; thence due north to the intersection of the Montana base line; thence due west to the intersection of the western boundary of the Crow Indian Reservation; thence in a northeasterly direction, following the present boundary of said reservation to point of beginning.

"ART. II. That in consideration of the land ceded, granted, relinquished, and conveyed by Article I of this agreement the United States stipulates and agrees to dispose of the same as hereinafter provided under the provisions of the homestead, town-site, and mineral-land laws, except sections 16 and 36, or an equivalent of two sections in each township, at not less than $3 per acre, the United States to pay for sections 16 and 36, or an equivalent of two sections in each township, at $1.25 per acre, and to pay the said Indians the proceeds derived from the sale of said lands, and for the said sections 16 and 36, or an equivalent of two sections in each township, as follows:

"Ninety thousand dollars, or so much thereof as may be necessary, shall be expended, under the direction of the Secretary of the Interior, in the extension and completion, including the necessary laterals, of the system of irrigation now being constructed on said reservation.

"One hundred thousand dollars shall be placed in the Treasury of the United States to the credit of the Crow Indians as a trust fund, the same to remain in the Treasury for fifteen years and shall draw interest at the rate of 4 per cent per annum, said interest to be expended by the Secretary of the Interior in maintaining and managing said irrigation system: *Provided further*, That at the expiration of the fifteen years above mentioned such disposition shall be made of said funds as the Indians, with the consent of the Secretary of the Interior, may determine.

"Two hundred and forty thousand dollars shall be expended, under the direction of the Secretary of the Interior, in the purchase of 2-year-old southern heifers, the same to be placed upon the Crow Indian Reservation and added to the present herd now owned in common by the Crow tribe of Indians.

"Additional amounts may be expended for cattle from time to time, at the request of the Indians, under the direction of the Secretary of the Interior.

"Fifteen thousand dollars shall be spent in the purchase of jacknasses or stallions, either or both, in the discretion of the Secretary of the Interior, the same to be placed upon the Crow Reservation for the benefit of the Crow Indians.

"Forty thousand dollars shall be expended under the direction of the Secretary of the Interior in the purchase of 2-year-old ewes, the same to be placed upon the Crow Reservation for the benefit of the Crow Indians.

"Forty thousand dollars, or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in fencing the Crow Reservation, said fence to be built of six strands of galvanized barbed cattle wire, with either cedar posts not less than 4 inches in diameter at the small end or iron posts set 16 feet apart, with three metallic stays between each two posts; said fence to be well built and properly braced and anchored.

"One hundred thousand dollars, or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in the erection, purchase, and repair of such school buildings as he may deem necessary.

"Ten thousand dollars shall be expended by the Secretary of the Interior in the erection and furnishing of a hospital at the agency for the benefit of the Crow Indians.

"Fifty thousand dollars shall be placed in the Treasury of the United States to the credit of the Crow tribe of Indians as a trust fund, and shall bear interest at the rate of 4 per cent per annum; said interest to be used, under direction of the Secretary of the Interior, to cover necessary expenses of maintaining said hospital.

"Fifty thousand dollars shall be deposited in the Treasury of the United States to the credit of the Crow tribe of Indians, the same to be expended for their benefit from time to time by the Secretary of the Interior, in such manner as he may direct.

"Three thousand dollars, or as much thereof as may be necessary, may be expended to pay the expenses of ten Crow Indians, two interpreters, and the agent to visit Washington at such time as permission is received from the Secretary of the Interior: *Provided further*, That should the funds accruing to the Indians from the sale of their lands render it advisable, the Secretary of the Interior may expend the further sum of $200,000 in the further purchase of cattle or sheep, should a majority of the Indians so decide and the same be approved by the Secretary of the Interior: *Provided further*, That when each object for which a specific appropriation has been made in this agreement shall have been fully carried out and completed then the balance remaining of said appropriation may be expended for the benefit of the Crow tribe or placed to their credit in such manner as the Secretary of the Interior may determine: *Provided further*, That the Secretary of the Interior may, in his discretion, while the funds for the several purposes above named are accruing from the sale and disposition of the lands, make per capita cash payments from the proceeds at such times and in such amounts to every man, woman, and child, share and share alike, having tribal rights on the reservation, as he may deem for their best interests.

"It is further agreed that in the construction of ditches, dams, canals, and fences no contract shall be awarded nor employment given to other than Crow Indians or whites intermarried with them, except that any Indian employed in construction may hire white men to work for him if he so desires: *Provided further*, That nothing herein contained shall be construed to prevent the employment of such engineers or other skilled employees, or to prevent the employment of white labor where it is impracticable for the Crows to perform the same.

"That none of the money due to the said Indians under this agreement shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement. And the various expenditures and payments required to be made under the provisions of this article shall be made as the funds therefor are available as herein provided, and shall be prorated, apportioned, and made in such proportions and amounts as in the opinion of the Secretary of the Interior the needs and requirements of the Indians and their best interests shall warrant and demand.

"ART. III. All lands upon that portion of the reservation hereby granted, ceded, and relinquished which have, prior to the date of this agreement, been allotted in severalty to Indians of the Crow tribe shall be reserved for said Indians, or where any Indians have homes on such lands they shall not be removed therefrom without their consent, and those not allotted may receive allotments on the lands they now occupy. But in case any prefer to move they may select land elsewhere on that portion of said reservation not hereby ceded, granted, or relinquished, and not occupied by any other Indians, and should they decide not to move their improvements, then the same may be sold for their benefit, said sale to be approved by the Secretary of the Interior, and the cash proceeds shall be paid to the Indian or Indians whose improvements shall be so sold.

"ART IV. That for the purpose of segregating the ceded lands from the diminished reservation the new boundary lines described in Article I of this agreement shall, when necessary, be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments, the cost of said survey to be paid by the United States.

"ART. V. The water from streams on that portion of the reservation now sold which is necessary for irrigating land actually cultivated and in use shall be reserved for the Indians now using the same so long as said Indians remain where they now live.

"ART. VI. It is further agreed that a statement of all expenditures under the various provisions of this agreement shall be sent to the agent of the Crow Indians twice a year, or at such times as the Secretary of the Interior may direct, showing the amounts expended and the balance remaining on hand in each of the several funds.

"ART. VII. The existing provisions of all former treaties with the Crow tribe of Indians not inconsistent with the provisions of this agreement are hereby continued in force and effect, and all provisions thereof inconsistent herewith are hereby repealed.

"ART. VIII. The right to take out water upon the diminished reservation subject to any prior claim of the Indians thereto by reason of previous appropriation, and the right to construct, maintain, and operate dams, flumes, and canals upon and across the said diminished reservation for the purpose of irrigating lands within any portion of the ceded tract are hereby granted, such rights to be exercised by persons, companies, or corporations under such rules, regulations, and requirements as may be prescribed by the Secretary of the Interior.

"ART. IX. This agreement shall take effect and be in force when accepted and ratified by the Congress of the United States."

SEC. 2. That the said agreement be, and the same is hereby, accepted, ratified, and confirmed, as herein amended.

SEC. 3. That for the purpose of surveying and marking so much of the boundary line of the tract ceded and relinquished by the Indians as may be necessary to segregate the same from the lands reserved by them, as provided in article 4 of said agreement, the sum of $1,200, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 4. That the Commissioner of Indian Affairs shall cause allotments to be made, in manner and quantity as provided by existing law, of the lands occupied and cultivated by any Indians on the portion of the reservation by said agreement ceded and relinquished, as required by article 3 thereof; and where such Indian occupants elect to remove to the diminished reservation he shall cause a schedule to be prepared showing the names of such occupants, the descriptions of the lands, and the character of the improvements thereon. Such improvements shall then be appraised and sold under the direction of the Secretary of the Interior to the highest bidder, no sale to be for less than the appraised value, the proceeds to be paid to the respective Indian occupants as required by said article 3: *Provided*, That the purchaser of such improvements shall have a preference right, if otherwise entitled, of thirty days after the land becomes subject to entry within which to enter the lands upon which the improvements are located, not exceeding 160 acres, in compliance with the provisions herein governing the disposition of said ceded lands.

The Secretary of the Interior shall fix a reasonable time within which such Indian occupants shall elect whether they will remain on the ceded tract or remove to the diminished reservation, and where they elect to remove he shall also fix a reasonable time within which such occupants must remove their improvements if they should choose to do so instead of having the same appraised and sold.

SEC. 5. That before any of the lands by this agreement ceded are opened to settlement or entry the Commissioner of Indian Affairs shall cause the allotments to be made and the schedule to be prepared, as provided for in section 4 of this act, and a duplicate of said schedule shall be filed with the Commissioner of the General Land Office.

Upon the completion of such allotments and the filing of such schedule the residue of such ceded lands, except sections 16 and 36, or lands in lieu thereof, which shall be reserved for common school purposes, and are hereby granted to the State of Montana for such purpose, shall be disposed of under the homestead, town-site, and mineral-land laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *And provided further*, That the price of said lands shall be $3 per acre, when entered under the homestead laws, to be paid as follows:

One dollar per acre when entry is made, and 40 cents per acre each year thereafter until the sum of $3 per acre shall have been paid.

In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is $1.25 per acre.

Lands entered under the town-site and mineral-land laws shall be paid for in amount and manner as provided by said laws, and in case any entryman fails to make such payment, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be held for cancellation and canceled: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made: *And provided further*, That all lands herein ceded and opened to settlement under this act remaining undisposed of at the expiration of four years from the opening of the said lands to entry shall be sold and disposed of under sealed bids to the highest bidder for cash, under rules and regulations to be prescribed by the Secretary of the Interior, at not less than $1.25 per acre and in tracts not to exceed 640 acres to any one person.

SEC. 6. That the proceeds received from the sale of said lands in conformity with this act shall be paid into the Treasury of the United States, and paid to the Crow Indians or expended on their account only as provided in article 2 of said agreement as herein amended.

No lands in sections 16 and 36 now occupied, as set forth in article 3 of the agreement herein ratified, shall be reserved for school purposes, but the State of Montana shall be entitled to indemnity for any lands so occupied; and the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized in the tract herein ceded to locate other lands not occupied, which shall be paid for by the United States, as herein provided, in quantity equal to the loss, and such selection shall be made prior to the opening of such lands to settlement.

SEC. 7. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $90,000, or so much thereof as may be necessary, to pay, at the rate $1.25 per acre, for the lands granted to the State of Montana as provided in section 5 of this act.

SEC. 8. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided.

The SPEAKER. The question is on agreeing to the preamble.

The question was taken; and the preamble was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. DIXON, a motion to reconsider the last vote was laid on the table.

CENSUS OF MANUFACTURES.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 11823) to authorize the Director of the Census to cooperate with the secretary of state of the State of Michigan and with officials of other States in taking a census of manufactures, and to take the same up in the House for present consideration.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Director of the Census is hereby authorized and empowered to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures and shall equitably share the expenses thereof, the results of which may be accepted by the United States as its census of manufactures for that State for the year 1905: *Provided*, That the expenditures incident to this cooperation shall not exceed $20,000, such expenditures to be paid from the fund appropriated for the expenses of the field work of the census for the fiscal year ending June 30, 1905. And the Director of the Census may, in his discretion, cooperate with the officials of other States which take a like census in so far as it may aid in the collection of statistics of manufactures required by existing law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the last vote was laid on the table.

UNITED STATES COURT AT MARIETTA, IND. T.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19) establishing a United States court at Marietta, Ind. T., which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That in addition to the places now provided by law for holding courts in the southern judicial district of Indian Territory court shall be held in the town of Marietta, and all laws regulating the holding of courts in the Indian Territory shall be applicable to the said court hereby created in the said town of Marietta.

SEC. 2. That the territory described in this section shall be known as recording district No. 26.

"Beginning at a point where range line between ranges 2 and 3 west reaches Red River, being the corner of district No. 20; thence down Red River with all its meanderings to the range line between ranges 3 and 4 east, being corner of district No. 21; thence north on said range line to township line between Nos. 5 and 6 south; thence west on said township line to where it intersects township line between townships 2 and 3 west, same being east line of district No. 20; thence south on said township line to Red River." The place of recording in such district shall be at the town of Marietta, and the provisions of the act of Congress, approved February 19, 1903, shall apply to this district where applicable.

SEC. 3. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

TERMS OF COURT, NORTHERN DISTRICT, WEST VIRGINIA.

Mr. DAYTON. I ask unanimous consent for the present consideration of the bill (S. 1935) providing for the holding of an additional term of court in the northern district of West Virginia at Martinsburg, W. Va.

The bill was read, as follows:

Be it enacted, etc., That in addition to the courts heretofore held in the northern district for the State of West Virginia, there shall be held an additional term of court at Martinsburg, W. Va., on the second Tuesday in May in each year.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to a third reading, read the third time, and passed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DEEMER, for four days, on account of important business.

To Mr. BURTON, for two days, on account of important business.

ADJOURNMENT.

And then, on motion of Mr. PAYNE (at 4 o'clock and 10 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Attorney-General, submitting a reply to the inquiry of the House in relation to charges against United States court officials in the Indian Territory—to the Committee on the Judiciary, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Lucy*, Matthias Rider, master—to the Committee on Claims, and ordered to be printed.

A letter from the assissant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Maria*, Thomas Gardner, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Nancy*, William Ward, master—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Attorney-General, submitting a reply to the inquiry of the House as to the institution of various suits under the so-called Sherman antitrust law—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for shooting galleries and ranges—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3317) authorizing the Secretary of the Interior to grant right of way for pipe lines through Indian lands, reported the same with amendment, accompanied by a report (No. 906); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3800) donating gun carriages to the Connecticut commissioners for the care and preservation of Fort Griswold, reported the same without amendment, accompanied by a report (No. 907); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 23) in relation to pharmacy in the Indian Territory, reported the same with amendment, accompanied by a report (No. 908); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11963) regulating the practice of medicine and surgery in the Indian Territory, reported the same without amendment, accompanied by a report (No. 909); which said bill and report were referred to the House Calendar.

Mr. CHARLES B. LANDIS, from the Committee on Printing, to which was referred the joint resolution of the Senate (S. R. 28) authorizing the printing of additional copies of Agricultural Bulletin No. 124, being a report on irrigation in Utah, reported the same without amendment, accompanied by a report (No. 910); which said joint resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 7094) granting a pension to Herbert Mueller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8620) granting an increase of pension to Celia M. Viven—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOSS, from the Committee on Naval Affairs: A bill (H. R. 12220) making appropriations for the naval service for the fiscal year ending June 30, 1905, and for other purposes—to the Union Calendar.

By Mr. HINSHAW: A bill (H. R. 12221) to provide for the payment of medical expenses of sick officers and enlisted men of the Army while absent from duty with leave or on furlough—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 12222) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. SNOOK: A bill (H. R. 12223) to provide for the erection of a monument to Gen. Anthony Wayne, at Defiance, Ohio—to the Committee on the Library.

By Mr. MINOR: A bill (H. R. 12224) to amend section 4 of chapter 29 of the act amendatory of Revised Statutes, 4417, approved December 21, 1898—to the Committee on the Merchant Marine and Fisheries.

By Mr. PAYNE: A bill (H. R. 12225) to amend sections 2959, 2960, 2962, and 2975 of the Revised Statutes—to the Committee on Ways and Means.

By Mr. BOWERS: A bill (H. R. 12226) to amend chapter 182, volume 28, of the Statutes at Large of the United States, so as to relieve homestead entrymen on naval reserve lands in Mississippi and Alabama from the payment of greater prices for said lands than in other cases—to the Committee on the Public Lands.

By Mr. RIXEY: A bill (H. R. 12227) to increase the limit of cost for the erection of an addition to the public building at Alexandria, Va.—to the Committee on Public Buildings and Grounds.

By Mr. STEVENS of Minnesota: A bill (H. R. 12228) to provide for the distribution of the Federal Cases in the United States courts—to the Committee on the Judiciary.

Also, a bill (H. R. 12229) to provide for the distribution of the reports of the United States circuit court of appeals and of the circuit and district courts—to the Committee on the Judiciary.

By Mr. LIVERNASH: A bill (H. R. 12230) to prohibit the employment aboard vessels holding American register of Chinese persons not entitled to admission to the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. DIXON: A bill (H. R. 12231) for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment—to the Committee on Indian Affairs.

By Mr. DAVEY of Louisiana: A bill (H. R. 12232) for the relief of the nurses who served in the Spanish-American war—to the Committee on Pensions.

Also, a bill (H. R. 12233) to authorize the location of a Branch Home for Disabled Volunteer Soldiers and Sailors in either of the States of Louisiana or Mississippi, and for other purposes—to the Committee on Military Affairs.

By Mr. BURKE: A bill (H. R. 12234) relative to fees and commissions on final entry or commutation of homestead entries—to the Committee on the Public Lands.

By Mr. JONES of Washington: A bill (H. R. 12235) to provide for the opening of the remaining portion of the Colville Reservation, in the State of Washington, and for other purposes—to the Committee on Indian Affairs.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 12236) to authorize a survey of the Big Sunflower River, Mississippi, with the view to erecting locks and dams therein—to the Committee on Rivers and Harbors.

By Mr. JENKINS: A bill (H. R. 12237) to provide for the appointment, duties, compensation, and inspection of accounts of commissioners in Alaska, and for other purposes—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: A bill (H. R. 12238) to annex a portion of Arizona Territory to the State of Utah—to the Committee on the Territories.

By Mr. McCALL: A bill (H. R. 12239) for the erection of a public building at Woburn, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. MAYNARD: A concurrent resolution (H. C. Res. 41) directing the Secretary of War to cause an examination and survey to be made of the channel of the southern branch of the Elizabeth River between the Norfolk Navy-Yard and Gilmerton, Va.—to the Committee on Rivers and Harbors.

Also, a concurrent resolution (H. C. Res. 42) directing the Secretary of War to cause an examination and survey to be made of the channel of the eastern branch of the Elizabeth River at Norfolk, Va.—to the Committee on Rivers and Harbors.

By Mr. RIDER: A resolution (H. Res. 209) instructing the Committee on Agriculture to inquire into errors, etc., in the administration and execution of existing laws affecting the Department of Agriculture, particularly the Bureau of Chemistry—to the Committee on Rules.

By Mr. PEARRE: A resolution (H. Res. 210) referring H. R. 11551 to the Court of Claims—to the Committee on War Claims.

By Mr. ESCH: A resolution (H. Res. 211) directing the Interstate Commerce Commission to send copies of all petitions, briefs, arguments, and testimony to the House relative to relieving common carriers by railroad from, or extending the time in which they shall comply with, any of the provisions of the safety appliance acts of March 2, 1893, and March 2, 1903; also copies of all orders made by the Commission with respect to said acts—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: A resolution (H. Res. 212) for the consideration of H. R. 7056—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 12240) granting a pension to Stewart Hardee—to the Committee on Pensions.

By Mr. BENTON: A bill (H. R. 12241) for the relief of M. J. Conley, heir of Harmon Conley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12242) for the relief of Paschal Henshaw—to the Committee on War Claims.

Also, a bill (H. R. 12243) granting an increase of pension to John S. Mosier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12244) granting an increase of pension to Henry H. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12245) granting an increase of pension to William Lathrop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12246) granting an increase of pension to Joseph C. Grissom—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 12247) granting an increase of pension to Laura S. Picking—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 12248) granting an increase of pension to Hezekiah Bruce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12249) granting a pension to Jesse S. Bean—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 12250) granting a pension to Sampson Snyder—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 12251) granting a pension to Christopher H. Fource—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 12252) granting an increase of pension to James Baremore, alias James Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12253) granting an increase of pension to Margaret Dilley—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 12254) granting an increase of pension to Mathew H. Bevan—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 12255) granting an increase of pension to Benjamin F. Gudgell—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12256) granting a pension to Ella Q. Parish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12257) granting a pension to Greenville R. Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12258) granting a pension to M. P. M. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12259) correcting the record of Harison Pack and granting him a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 12260) correcting the record of D. B. Porter and granting him a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 12261) correcting the record of J. H. Porter and granting him a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 12262) granting an increase of pension to Mary H. Atkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12263) granting an increase of pension to John W. Puckett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12264) granting an increase of pension to James Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12265) for the relief of Dillard Martin—to the Committee on Claims.

Also, a bill (H. R. 12266) for the relief of Dillard Martin—to the Committee on Claims.

Also, a bill (H. R. 12267) for the relief of J. C. Creed—to the Committee on Claims.

By Mr. HOWELL of Utah: A bill (H. R. 12268) granting a pension to Jane K. Carpenter—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 12269) for the relief of John M. Hill—to the Committee on Claims.

By Mr. KLUTTZ: A bill (H. R. 12270) for the relief of Mrs. Nancy Gregg—to the Committee on Claims.

Also, a bill (H. R. 12271) for the relief of William Lewis Bryan—to the Committee on Claims.

Also, a bill (H. R. 12272) to correct the military record of Shadrack F. Brown—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 12273) granting authority to the President, in his discretion, to restore certain midshipmen of the naval service—to the Committee on Naval Affairs.

By Mr. MANN: A bill (H. R. 12274) granting an increase of pension to Fenton Tinsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12275) granting an increase of pension to David T. Corbin—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 12276) granting an increase of pension to Isaac W. Acker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12277) granting an increase of pension to James A. Rapp—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 12278) granting an increase of pension to Thomas J. Young—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 12279) to correct the military record of Wilbur C. Stephens—to the Committee on Military Affairs.

By Mr. OLMSTED: A bill (H. R. 12280) granting a pension to John Culp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12281) granting an increase of pension to Lewis C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12282) granting a pension to Annetta Vale—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 12283) for the relief of Sampson Kinnea—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12284) for the relief of John Stinson—to the Committee on Claims.

Also, a bill (H. R. 12285) for the relief of A. J. Stinson—to the Committee on Claims.

Also, a bill (H. R. 12286) granting a pension to Rebecca Martin—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 12287) for the relief of the estate of James Hendrix—to the Committee on War Claims.

Also, a bill (H. R. 12288) for the relief of Jesse J. Clemmons—to the Committee on Military Affairs.

Also, a bill (H. R. 12289) for the relief of the estate of Richard L. Hendrix, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12290) for the relief of the estate of Mrs. Cloa Giles—to the Committee on War Claims.

Also, a bill (H. R. 12291) for the relief of the estate of Jesse Giles—to the Committee on War Claims.

Also, a bill (H. R. 12292) for the relief of Mrs. Sarah M. King—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 12293) for the relief of George A. Russell, administrator of Stephen Chadwick, deceased—to the Committee on War Claims.

By Mr. SOUTHWICK: A bill (H. R. 12294) granting an increase of pension to Rose MacFarlane—to the Committee on Invalid Pensions.

By Mr. VAN DUZER: A bill (H. R. 12295) for the relief of the county of White Pine, State of Nevada—to the Committee on Indian Affairs.

Also, a bill (H. R. 12296) for the relief of the estate of L. J. Harris, deceased—to the Committee on Indian Affairs.

Also, a bill (H. R. 12297) granting a pension to James P. Hurst—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 12298) for the relief of Joseph H. Huffman—to the Committee on Claims.

By Mr. WILEY of Alabama: A bill (H. R. 12299) for the relief of A. L. Hall—to the Committee on Claims.

Also, a bill (H. R. 12300) for the relief of A. L. Hall—to the Committee on Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12301) to remove the charge of desertion from the military record of D. L. d'Elysee, alias Leopold Böhm—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the general assembly of Ohio, in favor of the establishment of a naval training station at Put in Bay, Ohio—to the Committee on Naval Affairs.

Also, resolution of the Board of Trade of San Francisco, protesting against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ACHESON: Resolution of Starkweather Post, No. 60, Grand Army of the Republic, Monongahela, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: Petition of Frank Sibley and 2 others, of Buffalo, N. Y., against the eight-hour bill—to the Committee on Labor.

Also, petition of Frank Sibley and 2 others, of Buffalo, N. Y., against the anticonspiracy and anti-injunction bills—to the Committee on the Judiciary.

Also, resolution of Local Union No. 6, United Clothing Cutters and Trimmers, of Buffalo, N. Y., in favor of bill H. R. 6—to the Committee on Ways and Means.

By Mr. BENNY: Resolution of Zabuskie Post, No. 38, Grand Army of the Republic, Department of New Jersey, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of G. Van Houton Post, No. 3, and General Sherman Post, No. 100, Grand Army of the Republic, Department of New Jersey, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. BENTON: Petition of Rev. R. Sims and 56 others, of Mount Vernon, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, papers to accompany bill granting an increase of pension to Henry H. Martin—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Paschal Henshaw—to the Committee on War Claims.

Also, papers to accompany bill granting increase of pension to William Lapher—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Joseph C. Grissom—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to John S. Mosier—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of M. J. Conley, heir of Harmon Conley, deceased—to the Committee on War Claims.

By Mr. BIRDSALL: Resolution of G. E. Boynton Lodge, No. 138, Brotherhood of Railroad Trainmen, of Eagle Grove, Iowa, in favor of bills H. R. 89 and 7041—to the Committee on the Judiciary.

Also, petition of David Beatty, sr., and others, of Cascade, Iowa, in favor of a good-roads law—to the Committee on Agriculture.

Also, resolution of O. S. Fowler Post, No. 346, Grand Army of the Republic, of Lamont, Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of James Dalton, mayor, and 65 others, of Jessup, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Resolution of National Board of Trade of Cleveland, Ohio, favoring the repeal of desert-land act—to the Committee on the Public Lands.

Also, resolution of James G. McPherson Post, No. 87, Grand Army of the Republic, of McPherson, Kans., in favor of passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of J. E. Jewett, M. D., and 16 other voters, of Moran, Kans., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Philadelphia Board of Trade, favoring passage of bills S. 2259 and 2263, confining trade between the Philippines and the United States to vessels of American registry—to the Committee on the Merchant Marine and Fisheries.

By Mr. BRICK: Petition of a Grand Army of the Republic post, Department of Indiana, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BROOKS: Petition of citizens and residents of Colorado, relative to amending the immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of merchants and business men of Colorado Springs, Colo., against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mrs. McGlashan and 44 other voters, of Fountain, Colo., and Mrs. M. E. Hanks and 46 other voters, of Salida, Colo., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BROWN of Wisconsin: Resolution of State board of agriculture of Wisconsin, favoring passage of bill H. R. 8678,

providing for increase of funds for agricultural experiments—to the Committee on Agriculture.

By Mr. CALDERHEAD: Petition of residents of the Fifth Congressional district of Kansas, against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Christian Temperance Union and other societies of Frankfort, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of citizens of Cedar Rapids, Iowa, opposing the passage of parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Grand Army of the Republic post at Soldiers' Home, Marshalltown, Iowa, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Grand Army of the Republic post at Tipton, Iowa, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of G. W. Bailor and 14 other voters, of Rhodes, Iowa, favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of W. S. Hall and 40 others, of Vinton, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DANIELS: Paper to accompany bill granting increase of pension to David Campbell—to the Committee on Invalid Pension.

Also, petition of Guyton Fisher and 22 others, of San Bernardino, Cal.; Rev. W. G. Conley and 25 others, of Redlands, Cal., and Rev. R. L. Bruce and 34 others, of San Bernardino, Cal., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Papers to accompany bill H. R. 2992, granting pension to Solomon B. Umphrey—to the Committee on Invalid Pensions.

Also, resolution of Lytle Post, No. 59, Grand Army of the Republic, of Brownstone, Minn., favoring passage of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of A. J. Grover and 10 other voters of Goodhome, Minn., favoring increase of salaries of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DOUGLAS: Petition of James R. Thomas and others, opposing anti-injunction bill—to the Committee on the Judiciary.

Also, petition of James R. Thomas and others, opposing eight-hour bill—to the Committee on Labor.

By Mr. DRESSER: Papers to accompany bill H. R. 7702, granting an increase of pension to Jackson Gearhart—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolution of the Wisconsin State board of agriculture, in favor of bill H. R. 8678—to the Committee on Agriculture.

Also, resolution of Howard F. Pruyn Post, No. 168, of Dorchester, Wis., and William McKinley Post, No. 15, of Wisconsin, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of F. W. Hatch and 20 others, of Eau Claire, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FULLER: Papers to accompany bill granting an increase of pension to James Baremore, alias James Baker—to the Committee on Invalid Pensions.

Also, resolution of the National Board of Trade, relative to the repeal of the desert-land act—to the Committee on the Public Lands.

Also, resolution of T. S. Terry Post, No. 463, Grand Army of the Republic, of Shabbona, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Resolution of Monona Post, No. 495, of Monona; J. J. Stillman Post, No. 194, of Waukon; Tom Howard Post, No. 101; Abernethy Post, No. 48, of West Union, and Reynolds Post, No. 47, of Maynard, Iowa, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAY: Papers to accompany claim of James H. Bitzer—to the Committee on War Claims.

By Mr. HEDGE: Petition of the First Congregational Church of Danville, Iowa, relative to the sale of intoxicating liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the First Congregational Church of Danville, Iowa, relative to the nullification of State liquor laws—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Resolution of the legislature of New Jersey, urging improvement of Cape May Harbor—to the Committee on Rivers and Harbors.

Also, petition of Rev. E. C. Hancock and 55 other voters, of Ocean Grove, N. J., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KALANIANAOLE: Resolution of the Honolulu Chamber of Commerce, favoring the Lodge bill to reorganize the consular service of the United States—to the Committee on Foreign Affairs.

Also, resolution of the Honolulu Chamber of Commerce, favoring Federal aid to the Lewis and Clark Exposition to be held at Portland, Oreg.—to the Select Committee on Industrial Arts and Expositions.

By Mr. LILLEY: Resolution of the Chamber of Commerce of New Haven, Conn., indorsing a national arbitration conference—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of McLoughlin Brothers, publishers, of Brooklyn, N. Y., against eight-hour law and anti-injunction bill—to the Committee on Labor.

By Mr. LIVERNASH: Petition of Mrs. Sarah Clay Bennett, chairman of the Federal suffrage committee of the National American Women Suffrage Association, of Richmond, Ky., favoring extension of franchise to women—to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of the city of Sacramento, Cal., favoring the enactment of a law to provide for the location and establishment of an additional district court at Sacramento, Cal.—to the Committee on the Judiciary.

Also, resolution of the Board of Trade of San Francisco, opposing the passage of parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Humboldt Chamber of Commerce, favoring appropriations of Federal funds in aid of the Lewis and Clark Exposition to be held in the city of Portland, Oreg.—to the Select Committee on Industrial Arts and Expositions.

By Mr. McMORRAN: Petition of P. Epes and 42 other voters, of Maple Valley, Mich., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MAHON: Resolution of Lieutenant Arnold Lobach Post, No. 297, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MANN: Papers to accompany bill H. R. 11086, granting a pension to Charles W. Crary—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 11087, granting a pension to John Eckerman—to the Committee on Invalid Pensions.

Also, resolutions of L. H. Drury Post, No. 467, of Grand Crossing; G. W. Spencer Post, No. 489, of Riverdale; A. E. Burnside Post, No. 109, of South Chicago, and J. B. Wyman Post, No. 521, of Pullman, Ill., Grand Army of the Republic, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Chicago, Ill., opposing the passage of the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of merchants of Chicago, Ill., opposing the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Resolution of the Board of Trade of San Bernardina, Cal., against statehood of Arizona and New Mexico—to the Committee on the Territories.

By Mr. OLMSTED: Petition of the First Methodist Episcopal Church of Steelton, Pa., relative to the nullification of State liquor laws—to the Committee on the Judiciary.

By Mr. OTIS: Petition of citizens of Yonkers, N. Y., favoring passage of the McCumber anticanteen law and opposing the sale of liquor in Soldiers' Homes and all other Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. OTJEN: Petition of A. G. Wright and other citizens of Milwaukee, Wis., against an eight-hour bill—to the Committee on Labor.

Also, petition of citizens of Milwaukee, Wis., against an anti-injunction bill—to the Committee on the Judiciary.

By Mr. PEARRE: Papers to accompany bill H. R. 6983, relating to the claim of Susanna Fleming—to the Committee on Claims.

By Mr. RAINEY: Resolution of Culver Post, No. 512, Grand Army of the Republic, of Whitehall, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of John C. Bridgewater, of Bridgewater, Ill., opposing the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of citizens of Osborne County, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RIDER: Petition of the New York Board of Trade and Transportation, relative to the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Indiana: Petition of J. Harvey Knauer

and 4 others, of Corunna, Ind., and W. J. Krahn and 4 others, of Fairfield Center, Ind., against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolution of the National Board of Trade, relative to the repeal of the desert-land act—to the Committee on the Public Lands.

Also, resolutions of the New York Chamber of Commerce, relative to a harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, resolutions of Licensed Tugmen's Protective Association of the Great Lakes, against the practice of the Government in building dredges—to the Committee on Rivers and Harbors.

By Mr. SHERLEY: Papers to accompany bill H. R. 7498, granting a pension to Miranda Berkhead—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 7500, granting a pension to Mary E. Springer—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 7501, granting increase of pension to Emily Catlin—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: Petition of citizens of Benton, Ill., against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN of New York: Resolution of the Southern Lumber Manufacturers' Association, relative to the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the American Maritime League, relative to the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the New York Chamber of Commerce, relative to the completion of the harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, resolution of the Philadelphia Board of Trade, relative to confining the trade between United States and the Philippines to vessels of American registry—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the National Board of Trade, relative to the repeal of the desert-land act, etc.—to the Committee on the Public Lands.

Also, resolution of the United Commercial Travelers of America, Council No. 114, relative to amending the bankruptcy bill—to the Committee on the Judiciary.

By Mr. THAYER: Resolution of Frazier A. Hearns Post, No. 37, Grand Army of the Republic, of Spencer, Mass., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. VAN DUZER: Petition of R. W. Williams and 12 other voters, of Reno, Nev., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WEBB: Paper to accompany claim of Joseph H Huffman—to the Committee on Claims.

By Mr. WILLIAMS of Illinois: Paper to accompany bill to correct military record of D. L. d'Elysee, alias Leopold Böhm—to the Committee on Military Affairs.

SENATE.

FRIDAY, *February 12, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company for the year ended December 31, 1903; which was referred to the Committee on the District of Columbia, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *John*, David Lufkin, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Lucy*, Henry Brightman, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 1935) providing for the holding of an additional term of court in the northern district of West Virginia at Martinsburg, W. Va..

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 19) establishing a United States court at Marietta, Ind. T.;

A bill (H. R. 7274) to amend section 76 of an act entitled "An act to provide a government for the Territory of Hawaii;"

A bill (H. R. 11676) to ratify and amend an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect;

A bill (H. R. 11812) relating to applications, declaratory statements, entries, and final proofs under the homestead and other land laws, and to confirm the same in certain cases when made outside of the land district within which the land is situated; and

A bill (H. R. 11823) to authorize the Director of the Census to cooperate with the secretary of state of the State of Michigan and with officials of other States in taking the census of manufactures.

The message further announced that the House had passed with amendments the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (S. 1490) to authorize the sale of a part of what is known as the "Red Lake Reservation," in the State of Minnesota; and

A joint resolution (S. R. 37) providing for the editions to be printed of the annual and special reports of the Librarian of Congress.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore. The Chair appoints the Senator from Idaho [Mr HEYBURN] to read Washington's Farewell Address on the 22d day of February.

CREDENTIALS.

Mr. MARTIN presented the credentials of JOHN WARWICK DANIEL, chosen by the legislature of the State of Virginia a Senator from that State for the term commencing March 4, 1905; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution of the legislature of Ohio, praying Congress to locate the proposed naval training station on the Great Lakes on Put in Bay (South Bass) Island, Lake Erie; which was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, as follows:

Joint resolution asking Congress to locate naval training station at Put in Bay, Ohio.

Whereas the attention of the general assembly of Ohio has been called to legislation now pending in Congress of the United States in furtherance of the legislation enacted June 30, 1902, proposing the establishment of a naval training station at some point upon the chain of Great Lakes; and

Whereas the members of the general assembly of Ohio, having in mind the general requirements indicated in the order of the honorable Secretary of the Navy, dated July 5, 1902, as most needful in a location for the proposed naval training station, and having in view the local conditions deemed essential for such a location, respectfully invite the attention of Congress to Put in Bay Island, Lake Erie, as a location preeminently fitted to meet all such physical requirements, and, furthermore, we believe that the historic associations of this locality, remembrance of which will forever fire the hearts of our people with patriotism and pride, would be an inspiration to that essential devotion to duty and esprit de corps so desirable to be developed in our young citizens: Therefore, be it

Resolved by the general assembly of the State of Ohio, That the Congress of the United States be, and it is hereby, memorialized and earnestly invited to locate the naval training station, which it proposes to establish at some point upon the chain of Great Lakes, on Put in Bay (South Bass) Island, Lake Erie, not only because of the superior physical advantages this location offers, but also as a fitting tribute to the memory and achievements of that loyal officer and citizen, Commodore Perry, and his heroic command; and be it further

Resolved, That the Senators and Members of the House of Representatives from Ohio in the Congress of the United States be, and they are hereby, requested to urge Congress to adopt such legislation as may be necessary to secure the establishment of said proposed naval training station on said island.

Resolved, That the secretary of state of Ohio transmit immediately upon the passage of this resolution a copy thereof to the Senate of the United States, and to the House of Representatives of the United States, and to each of the Representatives of Ohio therein.

GEORGE T. THOMAS,
Speaker of the House of Representatives.
GEORGE H. CHAMBERLAIN,
President pro tempore of the Senate.

Adopted February 5, 1904.

UNITED STATES OF AMERICA, *Ohio, Office of the Secretary of State:*

I, Lewis G. Laylin, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original rolls now on file in this office and in my official custody as secretary of state, as required by the laws of the State of Ohio, of a joint resolution adopted by the general assembly of the State of Ohio on the 5th day of February, A. D. 1904.

In testimony whereof I have hereunto subscribed my name and affixed my official seal at Columbus the 5th day of February, A. D. 1904.

[SEAL.] LEWIS C. LAYLIN,
Secretary of State.

The PRESIDENT pro tempore presented memorials of Lodge No. 3967, of Ameckeville, Tex.; of Germania Lodge, No. 6, of

Milwaukee, and of the Turners' Mutual Benefit Association, of Milwaukee, in the State of Wisconsin; of the Fair Hill Baker Unterstützungs Verein, of Philadelphia, Pa.; of Humboldt Lodge, No. 197, of Easthampton, Mass.; of the Ramelle Club, of Davenport, Iowa; of the Deutscher Landwehr Verein, of Trenton, N. J.; of the Gambrinus Beneficial Association, of Lucas County; of Capital City Lodge, No. 86, of Columbus, and of the United Singers of Cincinnati, all in the State of Ohio, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of Local Union No. 1343, United Mine Workers of America, of Acme, W. Va., praying for the passage of the so-called anti-injunction and eight-hour bills; which was referred to the Committee on the Judiciary.

Mr. CULLOM. I present a series of resolutions adopted by the Commercial Club of Chicago, Ill., which is a very large and strong organization, favoring the submission of all questions in dispute between the United States and Great Britain to The Hague. I move that the resolutions be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HOAR presented petitions of J. W. Lawton Post, No. 85, of Ware; of Washburn Post, No. 175, of Lancaster, and Willard C. Kinsley Post, No. 139, of Somerville, all of the Department of Massachusetts, Grand Army of the Republic, in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. McCUMBER presented a petition of sundry citizens of Oberon, N. Dak., praying for the opening up to settlement of the Devil's Lake Indian Reservation; which was referred to the Committee on Indian Affairs.

Mr. FOSTER of Washington presented a petition of the congregation of the First Presbyterian Church of Bellingham, Wash., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Local Union No. 325, Cigar Makers' International Union of America, of Spokane, Wash., praying for the passage of the so-called anticoupon present-giving bill; which was referred to the Committee on Finance.

He also presented a petition of J. M. Corse Post, No. 98, Department of Washington, Grand Army of the Republic, of Colville, Wash., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. MILLARD presented a petition of 106 citizens of Nebraska, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. ALGER presented a petition of the Farmers' Institute, of Grand Traverse County, Mich., praying for the enactment of legislation establishing a Bureau of Public Roads under the control of the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregation of the Presbyterian Church of Big Rapids, of sundry citizens of Big Rapids, and of the Missionary Society of Big Rapids, all in the State of Michigan, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. LONG presented a petition of sundry citizens of Salina, Kans., praying for the enactment of legislation providing for the admission of the Territory of Oklahoma into the Union as a State, with a provision against the restriction of suffrage; which was referred to the Committee on Territories.

He also presented a petition of the Board of Regents of the Kansas State Agricultural College, Manhattan, Kans., praying for the enactment of legislation providing Federal aid in support of State agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Christian Temperance Union of Frankfort, and of sundry citizens of Lewis, Rice County, and Osborne County, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of the Philomath Club, of Dodge City; of the congregations of the Presbyterian, Methodist Episcopal, and Christian churches of Caldwell, and of sundry citizens of Dodge City, all in the State of Kansas, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Mulvane Post, No. 203, of Mulvane; of Harper Post, No. 251, of Harper; of McPherson Post, No. 87, of McPherson, and of Chanute Post, No. 129, of Chanute, all of the Department of Kansas, Grand Army of the Republic, in the State of Kansas, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the State Bank of Commerce, of Marion, and of the Watson Mill Company, of Wichita, in the State of Kansas, and of McLaughlin & Farrar, of Pawhuska, Okla. T., praying for the passage of the so-called Brownlow good-roads bill; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Concordia Council, No. 36, United Commercial Travelers, of Salina, Kans., praying for the adoption of an amendment to the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the Kansas State Society of Labor and Industry, of Topeka, Kans., praying for the enactment of legislation providing for an investigation of the labor troubles in Colorado; which was referred to the Committee on the Judiciary.

He also presented sundry papers to accompany the bill (S. 4281) granting a pension to Frankie Fisher; which were referred to the Committee on Pensions.

Mr. BARD presented sundry papers to accompany the bill (S. 1337) for the relief of Sarah McClay, administratrix of Robert McClay, deceased; which were referred to the Committee on Claims.

Mr. NELSON presented a petition of the Columbian Club, of Minneapolis, Minn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Scranton Post, No. 33, Department of Minnesota, Grand Army of the Republic, of Fergus Falls, Minn., and a petition of Michael Cook Post, No. 123, Department of Minnesota, Grand Army of the Republic, of Faribault, Minn., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the congregation of the Merriam Park Presbyterian Church, of St. Paul; of the congregation of the Cook Street Methodist Episcopal Church, of St. Paul, and of sundry citizens of St. Paul, all in the State of Minnesota, praying for the enactment of legislation to prevent the nullification of State liquor laws; which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the congregation of the Fourth Baptist Church of Providence, R. I., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the Horticultural Society of Newport; of Pomona Grange, No. 2, Patrons of Husbandry, of Hope Valley; and of Valley Grange, No. 7, Patrons of Husbandry, of Hope Valley, all in the State of Rhode Island, praying for the enactment of legislation providing Federal aid in support of State agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

Mr. ALLISON presented petitions of O. S. Fowler Post, No. 346, of Lamont; of Henry Dillon Post, No. 150, of Emmetsburg, and of Southerland Post, No. 171, of Waucoma, all of the Department of Iowa, Grand Army of the Republic, in the State of Iowa, and of Farragut Post, No. 602, Department of Illinois, Grand Army of the Republic, of Chicago, Ill., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of G. E. Boynton Lodge, No. 138, Brotherhood of Railroad Trainmen, of Eaglegrove, Iowa, praying for the enactment of the so-called Grosvenor anti-injunction conspiracy bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Congregational Church of Danville, Iowa, praying for the enactment of legislation to prevent nullification of State liquor laws; which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Anita, Iowa, and a memorial of sundry citizens of Remsen, Iowa, remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Congregational Church of Danville, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. SPOONER presented a petition of H. M. Brown Post, No. 146, Department of Wisconsin, Grand Army of the Republic, of Columbus, Wis., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the regents of the University of Madison, Wis., praying for the enactment of legislation providing Federal aid in support of State agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Maude M. Sanders and Agnes H. Knudson, of Racine, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Manufacturers and Jobbers' Union of La Crosse, Wis., and a memorial of the Board of Trade of La Crosse, Wis., remonstrating against the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented a petition of the Wisconsin State Board of Agriculture, of Madison, Wis., praying for the enactment of legislation providing Federal aid in support of State agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Waukesha Council, No. 237, United Commercial Travelers, of Waukesha, Wis., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Waukesha Council, No. 237, United Commercial Travelers, of Waukesha, Wis., praying for the adoption of certain amendments to the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Union Church of Waupun; of Anchor Lodge, No. 63, Independent Order of Good Templars, of Suamico; of Auburn Lodge, No. 128, Indedendent Order of Good Templars, of Auburn; of the congregation of the Union Valley Methodist Episcopal Church, of Union Mills; of Diamond Lodge, No. 183, Independent Order of Good Templars, of Cambria, and of Butternut Lodge, No. 295, Independent Order of Good Templars, of Butternut, all in the State of Wisconsin, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of William Forbes Cooley, of Littleton, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DUBOIS presented a petition of Garret A. Hobart Post, No. 27, Department of Idaho, Grand Army of the Republic, of Nampa, Idaho, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of sundry settlers of the Indian Pasture Reserve No. 3, of Oklahoma, praying for the opening of certain lands to settlement and allowing filings to be made thereon; which was referred to the Committee on Public Lands.

Mr. HEYBURN presented a petition of McKinley Post, No. 30, Department of Idaho, Grand Army of the Republic, of Idaho, and a petition of George H. Thomas Post, No. 9, Department of Idaho, Grand Army of the Republic, of Idaho, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. SIMMONS presented sundry papers to accompany the bill (S. 2736) for the relief of the heirs of Nancy Burfield, deceased; which were referred to the Committee on Claims.

COURT OF CLAIMS DIGEST.

Mr. PLATT of New York. From the Committee on Printing I renew my report of the joint resolution (S. R. 41) to provide for the printing of a digest of the decisions of the Court of Claims, together with the rules of practice of and the statutes relating to that court. It is the joint resolution which was introduced by the Senator from Wyoming [Mr. WARREN] and which I reported day before yesterday, when, after discussion, I withdrew the report. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. WARREN. Mr. President, when the joint resolution was brought before the Senate a few days ago, the senior Senator from Maine [Mr. HALE] made some very pertinent inquiries; and as it had been nearly two years since I had closely examined the matter I suggested that it might go over. I should like now to answer the inquiries then made.

The Senator from Maine stated, what we all acknowledge to be the correct view of the case, that the man who prepares a digest should be a lawyer; that he should be a good lawyer, and preferably one who has had some experience in such work.

He also suggested an inquiry as to whether or not the man who prepared this work was, during the time of such preparation, in the employ of the Government. I will state that the digest was prepared by Mr. Chapman W. Maupin, a lawyer, who is at present law clerk in the Office of the Solicitor of the Treasury. He was appointed a clerk on the temporary roll in the Treasury Department in 1898, and commenced this digest work about that time. Later on, by a clause in an appropriation act, I believe, the position of law clerk in the Solicitor's office was provided for, and Mr. Maupin was appointed to fill the position.

Prior to his employment by the Government, Mr. Maupin practiced law in the District of Columbia. While so practicing he prepared the digest, which I hold in my hand, of the decisions and reports of the courts of the District of Columbia, covering a period from 1790 to 1898. This digest was prepared and submitted to the Bar Association of the District, and after making use of the typewritten copy for about a year it was adopted by that association, the expenses assumed, and its publication provided for, the association paying Mr. Maupin in some 400 copies of the work as finally finished, bound in sheep.

I do not see the Senator from Virginia [Mr. DANIEL] in his seat at the present moment, but I notice that in his work, "Daniel on Negotiable Instruments," he was assisted by Mr. Maupin, and that the valuable work done by him is properly acknowledged in the preface to the fourth edition, as follows:

> In the collection and digest of cases for this edition, I have been greatly assisted by the diligent and discriminating labors of my valued friend, Mr. Chapman W. Maupin, of the Bedford City bar, to whom I render my acknowledgments.

I observe also that Mr. Maupin is the author of a legal work entitled, "Maupin on Marketable Title to Real Estate," etc., the book which I now exhibit.

His present work—the digest in question—is recommended by the Court of Claims through its chief justice. It is recommended by the Solicitor of the Treasury Department, by the Comptroller of the Treasury Department, by the Attorney-General, and others, and I have here some letters which came in this morning's mail, unsolicited by me, brought out probably through parties having read the remarks made the other day in the Senate respecting the joint resolution. These letters are all commendatory of the work and of Mr. Maupin, its author. I submit three of them, as follows:

COURT OF CLAIMS CHAMBERS,
Washington, February 11, 1908.

Hon. FRANCIS E. WARREN,
Chairman Senate Committee on Claims.

SIR: I have read in the CONGRESSIONAL RECORD of yesterday the remarks in the Senate relating to the publication of the Court of Claims Digest, prepared by Mr. Chapman W. Maupin.

I am informed that the letters heretofore written by myself, the Attorney-General, and others to your committee recommending the publication of this digest by the Government have been mislaid and can not now be found. Were they to be had they would show the grounds upon which we have advised the publication of the digest.

Judging from the use of the digest in a typewritten form, and from the manner in which Mr. Maupin's District of Columbia Digest has been received by the bench and bar of the District, I believe that the Court of Claims Digest prepared by him, when completed, with amendments which I have suggested to him, will be acceptable and satisfactory to the court and a very great assistance to the legal profession, and especially so to those who do not reside in the city of Washington and who do not possess a complete set of the Court of Claims Reports, now numbering 38 volumes.

Respectfully,

CHARLES C. NOTT,
Chief Justice.

OFFICE OF THE SOLICITOR OF THE TREASURY,
Washington, D. C., February 11, 1908.

Hon. FRANCIS E. WARREN,
Chairman Committee on Claims, United States Senate.

DEAR SIR: Mr. Maupin, who prepared the Court of Claims Digest, the publication of which is before the Senate for consideration, is a law clerk in this office. It seems proper for me to state that the preparation of the digest would not come within the scope of Mr. Maupin's duties, and also that his preparation of the digest has in no degree interfered with his official duties.

I take the liberty to further say that Mr. Maupin is an able and painstaking lawyer, and has always been a diligent and valuable man in this Bureau. I would not be putting it too strong if I should say that in my judgment there has never been one who has been worth more to the Department.

He has had large experience in work of this kind, having been a member of the editorial staff of the West Publishing Company and having also done work in preparing for publication the American and English Encyclopedia of Law. As a maker of briefs he is as valuable as any lawyer I have ever known. If you will look at the preface to the fourth edition of "Daniel on Negotiable Instruments," you will learn in what esteem he is held by the Hon. JOHN W. DANIEL, Senator from Virginia.

Very respectfully,

MAURICE D. O'CONNELL.

WASHINGTON, D. C., *February 11, 1908.*

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.

DEAR SENATOR: I have just read with much interest the discussion in the Senate yesterday on Senate joint resolution 41, to provide for the printing of a digest of the decisions of the Court of Claims, etc.

With reference to the inquiry which was made whether there is not already a digest in existence, I will state that the facts in regard to that are as follows:

The last digest prepared of the decisions of the Court of Claims, and the only one now in existence, was gotten up nearly thirty years ago. The officially published edition has the date 1876 on the backing. As a matter of fact, the last volume digested is the tenth, which ends in 1875, and the title page of the digest shows that it ends with that year. Since the publication of that digest twenty-eight more volumes of the decisions of the Court of Claims have been published. The last volume, just recently out of press, is the thirty-eighth, and a number of decisions have already been rendered which will form a part of the thirty-ninth volume.

The decisions rendered since those covered by the existing digest therefore constitute about three-quarters of the total number of decisions of the court, and being later are of course by far the most important for those having occasion to examine the decisions of the court. It is impossible at present to ascertain the existence of a decision on a given point without an examination of the separate indexes of all the volumes, and even then the decision is apt to be missed in the course of examination of such a number of separate indexes.

I have had occasion to look through the digest named in the pending joint resolution. While I have not given it a critical examination, I am satisfied, both from such examination as I have made and from the character of work previously done by its editor in digesting our local reports, that it is a useful and valuable publication.

Hoping these suggestions may be of some assistance to you in the matter, I am,

Very truly, yours, GEORGE A. KING.

This work was commenced contemporaneously with Mr. Maupin's employment by the Government, and was done during evenings, holidays, on leave, and at odd times. These two books now in my hand, which have been borrowed from the Court of Claims, represent a part of the completed typewritten work. This typewritten work is now being used continually by the Court of Claims. The balance of the work brings the manuscript digest up to date, or nearly so, and is in loose, typewritten sheets, additional to the books which I exhibit.

Mr. HALE. That does not represent the form in which the digest is to be published?

Mr. WARREN. Not at all; it is the manuscript.

Mr. HALE. But it is the manuscript, typewritten copy?

Mr. WARREN. Yes.

I wish to answer further in relation to the inquiry made by the Senator from Maine, which I considered a proper one to have been made and one that should be answered.

He asked, "What is the present condition as to digest of the Court of Claims?" The thirty-eighth volume of reports, to May, 1903, has just been published. The only digest in existence is the small book which I have here in hand, and which covers the first ten volumes only. This digest which we propose to publish covers all the work done—the decisions from the establishment of the court up to this date. It includes the entire thirty-eight volumes.

Judge Nott, in his letter already submitted, speaks of former letters written me which have in some way gone astray. Since I can not just now find them I will submit in their place four letters written to Mr. Maupin, one to Representative GRAFF, chairman of the House Committee on Claims, and copies of a couple of letters to me.

I will not read these letters now unless the Senator from Maine desires it. I shall be glad to have them go into the RECORD as a part of my remarks.

The PRESIDENT pro tempore. The Chair hears no objection.

The letters referred to are as follows:

[Letter from Chief Justice Nott.]

COURT OF CLAIMS CHAMBERS,
Washington, December 21, 1900.

CHAPMAN W. MAUPIN,
Office Solicitor of the Treasury, Washington, D. C.

DEAR SIR: The judges have examined with great interest your Digest of the Court of Claims Reports in typewritten form, and, so far as their examinations have gone, give the work their unqualified approval.

Nothing has been published of the kind since the digest of 1876, which included only the first ten of the present thirty-five volumes. The work is wanted by members of the bar, but still more by the accounting and disbursing officers of the Government. They rely upon the decisions of the courts as their absolute guide of all matters of contract and governmental liability, and thirty-five volumes are more than the ordinary executive officer can examine when a new question arises or master for the ordinary discharge of his duties.

In this connection I call your attention to the thirty-fifth volume, which is now in print. It should, if possible, be incorporated in the digest. If it is not possible for you to do so, certainly some decisions which modify or overrule previous cases should be noted in the digest. For instance, under Court of Claims II, jurisdiction in general, 16, the digest says: "It is not necessary that a claim shall be rejected by the accounting officer before an action can be brought," etc. But in Collins's case (35 C. Cls., 146) you will find that that is not the law in such cases as Ravesies (the case cited by you) at the present time.

It will doubtless be a convenience to accounting and disbursing officers and to the bar throughout the country if you will insert at the beginning of the book the statutes still in force which relate to the jurisdiction of the court, viz, the Revised Statutes, the act 4th July, 1864 (not repealed by the Revised Statutes), the Bowman Act, the French spoliation act, the Tucker Act, and the Indian depredation act.

Respectfully, etc., CHARLES C. NOTT.

[Letter from Comptroller of the Treasury.]

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, December 28, 1900.

CHAPMAN W. MAUPIN, Esq.,
Office of the Solicitor of the Treasury.

SIR: I have given your Digest of the Court of Claims Reports, in typewritten form, a hasty examination, and in so far as I am able to judge from this examination it is a most excellent work and will fill a long-felt want of the accounting officers of the Treasury.

The plan of the work is most excellent, and it will no doubt prove an invaluable aid to those of us who are interested and governed to a large extent by the decisions of the Court of Claims.

If you will pardon a suggestion, I would advise that blank leaves and pages be left in the back, so that its users may be enabled to keep it up to date by indexing and digesting therein the decisions of the courts as they subsequently appear under their proper headings and indexes.

Yours, truly, R. J. TRACEWELL,
Comptroller.

[Letter from Auditor of the Treasury.]

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR TREASURY DEPARTMENT,
Washington, D. C., January 5, 1901.

Mr. CHAPMAN W. MAUPIN,
Washington, D. C.

DEAR SIR: I have examined your Digest of the Court of Claims Reports and cheerfully recommend it as a valuable production.

I hope that suitable provision will be made to supply the accounting offices with copies of the work. Its use would greatly economize time and labor and also increase the efficiency of the service in the examination and settlement of accounts.

Yours, very truly, W. E. ANDREWS, *Auditor.*

COURT OF CLAIMS,
Washington, D. C., May 15, 1901.

DEAR SIR: Is the Digest which you showed us last winter in course of publication; and if so, when will it be issued? If it has not been published, what would it cost you to furnish the court with a typewritten copy such as you exhibited to us?

Respectfully, C. C. NOTT.

CHAPMAN W. MAUPIN, Esq.,
Treasury Department.

UNITED STATES SENATE,
Washington, January 26, 1903.

Mr. CHAPMAN W. MAUPIN,
Office of the Solicitor of the Treasury,
Washington, D. C.

DEAR SIR: Yours of the 23d instant is before me. The manuscript volumes of the Court of Claims Digest, which it is proposed be published by Congress, is now on file in this office, and should the House Committee on Printing desire them, they are available for its use and will be delivered upon request. The papers accompanying the resolution are on file in the office of the Secretary of the Senate, and they likewise are available to the House Committee.

Yours, very truly, A. H. HOWE, *Clerk.*

[Letter from Attorney-General.]

DEPARTMENT OF JUSTICE,
Washington, D. C., March 28, 1903.

Hon. JOSEPH V. GRAFF,
Chairman Committee on Claims, House of Representatives.

SIR: I have recently had submitted to my consideration the manuscript of a Digest of the Decisions of the Court of Claims covering thirty-five volumes of the reports of that court (the thirty-sixth volume having recently been published since this manuscript was completed), together with all the decisions of the Supreme Court relating to claims against the United States. Accompanying the same was a copy of a letter addressed to the chairman of the Committee on Claims of the Senate from Hon. C. C. Nott, chief justice of the Court of Claims, who has been a member of that court since February, 1865; a copy of a letter of the Comptroller of the Treasury, Hon. R. J. Tracewell, to the chairman of the Committee on Claims of the House of Representatives, and a letter from Mr. James A. Finch, the librarian of the Department of Justice, addressed to Mr. Chapman W. Maupin, the author of the digest.

In all of these communications the digest is very highly commended and the need of such a work strongly set forth. The digest has also been examined by the Assistant Attorney-General who is charged with the defense of suits in the Court of Claims, and he joins in these indorsements of the character of the work and in the opinion that its publication will prove of great practical use to many officials of the Government.

I am satisfied that these recommendations are fully warranted, and I accordingly recommend a joint resolution providing for the printing of the digest.

Very respectfully, P. C. KNOX, *Attorney-General.*

[Copy of letter from Chief Justice Nott.]

COURT OF CLAIMS CHAMBERS,
Washington, January 21, 1902.

Hon. FRANCIS E. WARREN,
Chairman Committee on Claims, United States Senate.

SIR: In 1876 I prepared a digest of the Court of Claims decisions, embracing the first ten volumes of the reports and including the decisions of the Supreme Court in claims cases, and with this communication I send a copy of that digest. Having everything relating to the adjudication of claims against the United States in one volume and the statutes relating to the jurisdiction of the court, etc., it was found to be a most useful book, not only by the bar, but also by the accounting and disbursing officers of the Government, including those of the Quartermaster and Commissary departments, and even by members of the Committees on Claims of the two Houses of Congress. Since then no digest of the decisions has been published.

Mr. Chapman W. Maupin, who published a Digest of the Decisions of the Supreme Court of the District of Columbia, has recently prepared a digest on the lines of my digest, above alluded to, which embraces the thirty-five volumes of the Court of Claims decisions and all of the decisions of the Supreme Court relating to claims against the United States. We esteem this so highly that, with Mr. Maupin's consent, we have had a typewritten copy made for the use of the court.

I am now informed that the Comptroller of the Treasury has recommended its publication by Congress for the use of the accounting and disbursing officers of the Government. So far as the judges are concerned, the fact that one of them has been on the bench since 1865, and their familiarity with their own decisions enables them to get along, with more or less inconvenience, without the publication of such a digest; but it certainly will be of very great assistance to the bar, and especially to lawyers who do not reside in the city of Washington, and who really have no practicable means for finding out what has been decided in regard to the legal liabilities of the Government.

Very respectfully, C. C. NOTT.

[Copy of letter sent by Comptroller to Senate Committee on Claims.]

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, June 9, 1902.

Hon. FRANCIS E. WARREN,
Chairman of the Senate Committee on Claims.

SIR: I have examined the Digest of the Decisions of the Court of Claims, prepared by Mr. Chapman W. Maupin, of this city.

Such a digest is much needed, particularly by the accounting officers of the Treasury Department and by all officers of the Government charged with

the duty of making public contracts. I will require ten copies for this division of the Treasury Department.

I am satisfied that Mr. Maupin's work has been thoroughly and accurately done, and would recommend that it be printed under the authority of Congress.

Very respectfully, ROBERT J. TRACEWELL,
Comptroller of the Treasury.

I am sending to the desk a memorandum of the action taken in the Senate during the last Congress. The memorandum was as follows:

DIGEST OF COURT OF CLAIMS DECISIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 126) to provide for the printing of a digest of the decisions of the Court of Claims, together with the rules of practice of and the statutes relating to that court, to report it favorably with amendments, and I ask for its present consideration.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Printing were, in line 12 on page 1, before the word "copies," to fill the blank with "one thousand;" and in line 3 on page 2 to fill the blank before "dollars" with "two thousand five hundred;" so as to make the joint resolution read:

"*Resolved, etc.*, That there be printed a digest of the decisions of the Court of Claims, including the statutes relating to, and the rules of practice of, that court, prepared by Chapman W. Maupin; that there be printed 500 copies for the use of the Treasury Department, 2,000 copies for the use of the Attorney-General, 250 copies for the use of the War Department, 250 copies for the use of the Navy Department, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for public sale, the whole edition to be bound in sheep; said digest to be printed under the editorial supervision of Chapman W. Maupin, the preparation and editing of said digest by him to be paid for, out of any money in the Treasury not otherwise appropriated, at a price not to exceed the sum of $2,500, which sum is hereby appropriated in full payment for said work, except the cost of printing and binding the same, and shall not be payable until said work shall have been printed; nor shall any money be paid out on account of said work until the Court of Claims, or some member thereof, shall certify that the work, as completed, is satisfactory to that court."

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WARREN. As to the matter of binding, I assume that a work of this value should be well bound. I have for a great many years—in fact, all my life—seen law books bound in sheep or calf. I can scarcely go into a law library or a lawyer's office where I do not see shelves filled with books bound in that form. My idea in proposing in the joint resolution that this digest should be bound in calf or sheep was that it might not take the usual course of being bound in paper or without board covers, as public documents are often issued. I assumed that Senators who desire to have a morocco-bound copy would still have the same right and privilege which now exists respecting other documents.

Now, I have no choice as to the binding, and if those who use law books more than I do, and who believe this work should have a better binding than that proposed, will offer some amendment, I shall not oppose it.

I think that this work ought to be printed, and I think the amount of $2,500 is but small compensation to the man who has compiled it, and has spent six years in its preparation, and who will, under the joint resolution, be required to edit, proof read, and oversee the work until it is completed. I think the work should not be confined, as it is now, to typewritten copies for the court only.

As the Senator from Maine will understand, the Committee on Claims has constant use for the decisions of the Court of Claims, and a digest is of great value, and it seems to me it is also of great value to other committees and to the several Departments of the Government.

The letters submitted set forth that it is important not only to the courts, but to the various Departments.

Mr. HALE. Mr. President, I think the Senator from Wyoming has made out a good case. He has shown that while we have been publishing the reports of the Court of Claims from year to year, there is no good digest; that there is only an old and very incomplete digest. Every lawyer and every student of law knows that reports are good for nothing without good digests. I think the Senator has established that proposition.

I think, also, he has shown that this compilation has been undertaken by a competent man—a lawyer who has had private practice and has had service in the Departments of a legal and important kind—and that he can do the work well.

I believe the Senator has shown that the cost is not unreasonable. With the joint resolution as it is, the digest being bound, as all law reports are, in sheep, I am satisfied that the point raised by the Senator from Massachusetts [Mr. HOAR] does not need to be taken care of, and every Senator can have his copy or two copies bound in morocco. With the joint resolution providing for good binding in sheep, as is the case with all other law reports, I shall make no further objection to it.

Mr. ALLISON. Mr. President, I am not quite sure that the joint resolution provides for the full compensation of the author and editor of this book. I think that is a little indistinct as provided for in the joint resolution.

Mr. HALE. Let that part be read and let us see.

The PRESIDENT pro tempore. The entire joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That there be printed a digest of the decisions of the Court of Claims, including the statutes relating to and the rules of practice of that court, prepared by Chapman W. Maupin; that there be printed 500 copies for the use of the Treasury Department, 2,000 copies for the use of the Attorney-General, 250 copies for the use of the War Department, 250 copies for the use of the Navy Department, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for public sale, the whole edition to be bound in sheep; said digest to be printed under the editorial supervision of Chapman W. Maupin, the preparation and editing of said digest by him to be paid for, out of any money in the Treasury not otherwise appropriated, at a price not to exceed the sum of $2,500, which sum is hereby appropriated in full payment for said work, except the cost of printing and binding the same, and shall not be payable until said work shall have been printed; nor shall any money be paid out on account of said work until the Court of Claims, or some member thereof, shall certify that the work, as completed, is satisfactory to that court.

Mr. HOAR. Who is to determine the amount to be paid? It says a sum not exceeding twenty-five hundred dollars. Now, who is to determine that?

Mr. ALLISON. I think that is a defect, also.

Mr. HOAR. Should it not also state who shall have the copyright, who shall own the book?

Mr. ALLISON. I think so.

Mr. HOAR. I do not know anything about the merits of this work, but there has been great discussion of late years regarding the claim of a copyright in a Government work, as the Senator knows very well.

Mr. ALLISON. It seems to me that the provision for payment is rather vague. It does not state distinctly whether this sum is to be paid to Mr. Maupin for his services or to be paid for clerical and other work that he is to secure in the preparation of the digest. I think the joint resolution ought to provide that whatever sum we appropriate shall be in full for his services and labor in the preparation of the work and in reading the proof.

Mr. WARREN. The intention is that it shall be in full payment, and if the Senator will suggest an amendment such as he thinks would cover it, I would be very glad to support it.

Mr. ALLISON. It reads:

Said digest to be printed under the editorial supervision of Chapman W. Maupin, the preparation and editing of said digest by him to be paid for.

I should say "a sum not exceeding twenty-five hundred dollars." I think he ought to be paid for all services the sum of twenty-five hundred dollars. It should read:

Said digest to be printed under the editorial supervision of Chapman W. Maupin, who shall prepare——

Mr. SPOONER. I think the Senator from Wyoming had better let the joint resolution go over for a day.

Mr. ALLISON. I think so. We ought to fix the amount Mr. Maupin is to receive for all the work he does in connection with the digest.

Mr. WARREN. I hope the amendment which has been suggested may be adopted. I do not like to have the joint resolution get into a position where it will go to the Calendar. If it can lie over without losing its place, very well. The matter is important and there should not be unnecessary delay.

Mr. ALLISON. Certainly.

Mr. WARREN. To be perfected and taken up at a later hour, I suggest.

Mr. ALLISON. That certainly can be done. I ask unanimous consent that that may be done.

The PRESIDENT pro tempore. The Chair did not understand the Senator's request.

Mr. ALLISON. I ask unanimous consent that the joint resolution may go over without prejudice until to-morrow, to be taken up then.

The PRESIDENT pro tempore. The Senator from Iowa asks that the joint resolution may go over until to-morrow and then be taken up for consideration.

Mr. ALLISON. Without prejudice.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

TITLES OF BILLS AMENDING STATUTES.

Mr. WARREN. Mr. President, I ask the attention of the senior Senator from Massachusetts [Mr. HOAR] for a moment.

I was the subject yesterday of a slight criticism from that Senator, because of a bill which I introduced to amend the statutes. He said, and very justly said, that the title of a bill should state its character and purpose, and if to amend the statutes it should state in what regard, i. e., the title should convey the meaning or effect in some degree of the proposed measure. I had not been as well informed, perhaps, as I should have been in the proprieties of legislation.

Mr. HOAR. If the Senator will pardon me, I did not even know that he had introduced the bill.

Mr. WARREN. I understand that.

Mr. HOAR. I stated that that had been a very general practice. I have no doubt I have been at fault, not as to bills which

I have prepared myself, but sometimes bills have been sent to me from the Department and elsewhere and I have introduced them without correcting the title. I do not think the Senator is in fault more than anyone else.

Mr. WARREN. I understood that, but I wanted to show to the Senator the true situation. I introduced my bill among the first days of February. Yesterday was the 11th day of February. I call the attention of the Senate now to a bill which the senior Senator from Massachusetts himself introduced on the 10th day of February, the title of which is "A bill to amend section 1044 of the Revised Statutes," and that is all there is to its title.

Mr. HOAR. If the Senator will pardon me, I will say what is not in the least an excuse, for it is no excuse—I have myself been a very grave offender in this matter. In point of fact, there are bills sent to me from the Department of Justice as chairman of the Judiciary Committee. When my clerk receives them he puts them into the desk with bills to be introduced, and I introduce them and send them up in a bundle of bills sometimes, never looking at them myself at all. That is the way this bill got in. But I do not understand that that is any excuse. It is not like Adam saying that the woman did it. It is my fault not to have looked at the bill myself.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. This little incident is out of order entirely.

Mr. WARREN. Yes, I know; but I ask unanimous consent for a moment, because I think this is an important matter. I may have introduced a bill that was sent to me from the War Department in the manner in which it came to me, and the Senator on the following day, or several days following, may have introduced one that came to him from the Department of Justice in the same way. But the Senator, on the very day following an act of that kind, undertook to effect a reform, and did, I believe, a good service to the Senate in exposing a wrong practice. I take it he did not blame me—and the Senator says that he did not—though I was the author of the bill, or I introduced it, and I do not blame him for doing the very same thing at about the very same time; but as the matter is up I want to say that his suggestion was a most excellent one, and I only instance his fault—as well as my own—to show how prevalent is the practice.

In my opinion the Senator is right. Every bill should state in its title the purpose of the bill, in addition to stating the section of the statute it proposes to amend.

The PRESIDENT pro tempore. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (S. 2402) to secure sanitary dairy products for the District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6289) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 810) to authorize the detail of George F. Ormsby in the interest of commerce, reported it without amendment, and submitted a report thereon.

Mr. LONG, from the Committee on Indian Affairs, to whom was referred the bill (S. 3205) authorizing the Secretary of the Interior to acquire the title to lands within certain Indian reservations, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 6345) for the relief of the State of Iowa, reported it without amendment.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 4280) providing for medals of honor, reported it with amendments, and submitted a report thereon.

He also (for Mr. PETTUS) submitted a report to accompany the bill (S. 4164) to amend section 1209 of the Revised Statutes, heretofore reported.

BILLS INTRODUCED.

Mr. HEYBURN introduced a bill (S. 4332) granting an increase of pension to Durbin L. Badley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4333) granting an increase of pension to Orlando J. Ralph; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 4334) for the relief of the administrator of the estate of Gotlob Groezinger; which was read twice by its title, and referred to the Committee on Finance.

Mr. HOAR introduced a bill (S. 4335) to amend the act entitled "An act to determine the jurisdiction of the circuit courts of the United States, to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875, and the acts additional thereto; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WETMORE introduced a bill (S. 4336) for the relief of Capt. E. St. John Greble and other officers and enlisted men of the United States Army; which was read twice by its title, and referred to the Committee on Claims.

Mr. DIETRICH introduced a bill (S. 4337) granting an increase of pension to William H. Hess; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 4338) for the relief of James C. Burke; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4339) granting an increase of pension to Henry D. Fulton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 4340) granting an increase of pension to Rose MacFarlane; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DUBOIS introduced a bill (S. 4341) granting an increase of pension to Henry Armstrong; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 4342) granting a pension to John O'Brien; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 4343) for the relief of Talton T. Davis; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLISON introduced a bill (S. 4344) granting an increase of pension to Frank Dittman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 4345) granting an increase of pension to Albison Shaw; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 4346) to allow physcians who have practiced ten years or more in any State of the United States to practice in the District of Columbia without examination, on payment of fee, who can furnish a certificate of good moral character from the medical board of the State in which they practiced; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PATTERSON introduced a bill (S. 4347) to provide for the purchase of a site and the erection of a public building thereon at Grand Junction, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4348) granting a pension to John E. Force; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4349) granting an increase of pension to Laura Ann Seaton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 4350) authorizing the President to appoint Ambrose C. G. Williams-Foote a lieutenant in the United States Army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. OVERMAN introduced a bill (S. 4351) to provide for the enlarging of the United States court building at Asheville, N. C., containing the United States court room, post-office, clerk's office, and internal-revenue offices; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GAMBLE introduced a bill (S. 4352) relative to fees and commissions on final entry or commutation of homestead entries; which was read twice by its title, and referred to the Committee on Public Lands.

SACRAMENTO RIVER IMPROVEMENT.

Mr. PERKINS. I introduce a joint resolution, and ask for its present consideration.

The joint resolution (S. R. 49) to provide for the expenditure of funds heretofore appropriated for the improvement of the Sacramento River was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the unexpended balance of appropriations made in the river and harbor act of March 3, 1899, and the sundry civil act of June 6, 1900, for improving Sacramento River, California, from the city of Sacramento to the mouth, may, in the discretion of the Secretary of War, be applied to the improvement of the said river anywhere between its mouth and the head of navigation.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO BILLS.

Mr. ALGER submitted an amendment proposing to appropriate $75 to pay Maj. William H. Arthur, Medical Department, United States Army, for money lost through errors in descriptive list of Second Regiment, United States Infantry, intended to be proposed by him to the army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GORMAN submitted an amendment proposing to increase the salary of the chief engineer, Library of Congress, from $1,500 to $1,800 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PETTUS submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

CLOCK IN SENATE CHAMBER.

Mr. SPOONER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to procure and place in front of the press gallery a clock as nearly as practicable in form and design like the one now in use in the Chamber.

AMERICAN INSTITUTE AT PARIS, FRANCE.

On motion of Mr. FRYE, it was

Ordered, That there be printed as Senate Document No. 121A 500 copies of the attached papers, 300 copies for the Senate document room and 200 copies for use of the State Department, together with the maps and illustration.

PURCHASE FROM NEW PANAMA CANAL COMPANY.

Mr. MORGAN. Mr. President, I desire, in pursuance of the notice I gave yesterday, to call up Senate resolution 57, for the purpose of submitting some remarks upon it, which I will be compelled, in consideration of my condition, to ask my friend from Tennessee [Mr. CARMACK] to read. I will take the floor for that purpose. It is not necessary to have the resolution read. It has been read.

The PRESIDENT pro tempore. The Senator from Alabama calls up a resolution which will be stated.

The SECRETARY. Resolution No. 57, submitted by Mr. MORGAN December 15, 1903, calling upon the Attorney-General to report whether he has made, or is making, on behalf of the United States a purchase from the New Panama Canal Company of any property rights, etc., that were granted by the Republic of Colombia to N. B. Wyse, etc.

The PRESIDENT pro tempore. The Chair hopes that the Senate will be in order. The Senator from Alabama is troubled as to his throat, and the Senate ought to be quiet.

Mr. CARMACK. The Senator from Alabama requests that I may be permitted to read his speech for him.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. MORGAN'S speech was read by Mr. CARMACK, as follows:

Mr. MORGAN. Mr. President, much weight is given to the untoward and painful condition in which the country is placed by the devotion of the President, or, more properly, his infatuation, as to the location of the isthmian canal at Panama in excusing his plain and express disobedience of law, with the assertion that his actions are always heroically patriotic and his motives are an open book to be read of all men.

If open and defiant disobedience of law can be thus justified, I would, for one, add my tribute of indulgent praise for a reckless act done for a worthy cause, if the act was, indeed, unselfish and if the cause was worthy of the espousal of an American President.

The President, when he was first placed in reach of the power to influence the location of an isthmian canal, resolved that it should be constructed at Panama. Whether this resolve was wise or merely heroic, it was fixed and admitted of no opposition. It was his opinion; and I leave to him the task, in history and in our future experience, to justify it at his own risk, and am glad that I will not share with him any of its responsibilities.

If I had time to array against his conjectures the sedate judgment of multitudes of able and honest men who have devoted many years, at great public and private expense, to the demonstration of the idleness of his convictions, no such array of witnesses has ever appeared on such an occasion to contest a fatal delusion.

In governmental actions, carefully based upon explorations and official surveys of the two routes by men of the highest scientific ability, four Presidents—Grant, Arthur, Harrison, and McKinley—have decided against him on occasions and under circumstances of grave deliberation and have recorded their convictions in conclusive executive action.

Among these he stands alone and defiant, doubtless, to his profound satisfaction.

Among the Secretaries of State not one of any party gives support in his written opinion to the President's attitude, unless the present Secretary may do so. I would not inflict upon him the misfortune of saying that he does.

Every report of every committee in Congress, of which there are many, is adverse to the choice of the President for the Panama route. Among these reports are those of great and wise statesmen, such as Edmunds, Evarts, Brown, and Sherman. Every commission, of which there have been five, that has examined or surveyed canal lines in Central America has reported adversely to the choice of the President, and the Senate and the House of Representatives, in four different Congresses, have voted against the President's choice, in favor of the Nicaragua route, by such majorities as no great question ever commanded in successive and detached votes.

The Isthmian Canal Commission chosen by President McKinley, upon whose preliminary report he entered into compacts with Nicaragua and Costa Rica that are still binding agreements, reported twice in favor of the Nicaragua route and have twice stated under oath the facts upon which those reports were based.

Their final report was made in November, 1901, to the present Executive, who made no recommendation to Congress, as the statute expressly required him to do. The first Hepburn bill had passed the House in the Fifty-sixth Congress, after earnest discussion and in defiance of the Clayton-Bulwer treaty, by the vote of the entire body with the exception of 26 votes.

President McKinley, using the language of that bill, on December 1, 1900, had made the compacts with Costa Rica and Nicaragua that granted to us all that the Hepburn bill proposed to acquire.

The second Hepburn bill passed the House of Representatives in the Fifty-seventh Congress with only 2 votes in the negative, was sent to the Senate, referred to the Committee on Interoceanic Canals, and was reported back to the Senate with the votes of three distinguished Republican Senators in the affirmative.

Up to that time, and up to the beginning of the extra session of Congress in November, 1903, there had never been any known effort at party alignment on any feature of the isthmian canal question. No other great question was ever so free from the influence of party organization or partisan politics.

This was a happy augury for the country, and was more conspicuously a subject of congratulation because the Democratic party in the convention at Kansas City, under the leadership of the chairman of the executive committee, had pronounced in favor of the Nicaragua route.

No political power was then great enough to make a political question of an isthmian canal.

When the second Hepburn bill passed the House of Representatives, after full discussion, in favor of the Nicaragua route, no great measure had ever received from Congress or the people such demonstrative and united support in all the history of the country.

After that the President waited two years before he made known to Congress his preference for the Panama route and his determination that a canal should be constructed there and that no canal should be opened on the Nicaragua route.

In his annual message to Congress in December, 1903, the President gave the first official statement of his views and determination as to the location and construction of an isthmian canal at Panama. In that message he submitted no information or advice to Congress with a view to its action on the canal question.

He merely announced his determination to secure by treaty the consent of the Senate to a certain state of facts that he had created, in part, contrary to law, by his will and exertion as the Chief Executive of the United States and as the Commander in Chief of its Army and Navy and, in part, by the diplomatic fiction that the head of the Government, republican in form, has the prerogative power to create facts, conditions, estoppels, and results that are conclusive on Congress and the people and are beyond their power to question or deny.

In an explanatory message, a few days later, he stated in substance that it had been his purpose to submit the question of the location of the canal at Panama to Congress, and to ask its advice on the subject; but later he concluded to proceed in what he had done without such assistance. The flattering siren of absolutism had then sounded its trumpet in his ears.

The frank avowal to Congress of this purpose to enforce his will as the absolute ruler of the destiny of the Republic is quite beyond the American idea of imperial power and royal immunity.

No American holding the trust of public office, and especially the office of President of the United States, has been suspected of entertaining purposes, thus avowed, that would cost the King of Great Britain his crown if not his head.

The apparent innocence and naïveté of the declaration would never screen him among a people whose previous oppressions would remind them of the danger to the country of a ruler who openly violates the law.

In their consciousness of liberty secured by law they are too content to suspect that more than the spectacular play of campaign politics is meant by such heroic exhibitions.

It is the self-reliance of a self-governing people that, alone,

saves them from the rudest shock and the angry expression of resentment at such official announcements.

Yet this message is applauded by the President's political associates on the floor of the Senate as the brave announcement of a man whose political course is animated with the courage of a brave heart that is an open book that all men may read.

On the facts of this case as they are shown by the record I must deny that the conduct of the President in this matter has been that of a true knight who wears his heart on his sleeve.

If the followers of a Republican President are willing to march in the procession of lawbreakers, with bowed heads and disapproving consciences, because he is supposed to control the next nomination for the Presidency, they need not expect a free people to follow them for the sake of party harmony. Being Americans, they are in harmony with the Constitution and the laws, not with those who openly disobey them and contemptuously spurn them.

The period of two years, from January, 1902, to January, 1904, was occupied by the President in the development of his plans to overrule and break down all that had been done by his predecessor, Mr. McKinley, and by Congress and the engineers, the canal commissions, and the people in the location of the canal on the Nicaragua route and its location at Panama, in the positive disobedience of the Spooner law.

These plans and purposes were as fixed in his mind in January, 1902, as he has declared them to be in January, 1904, at which date he made his first official declaration and his first intimation of his purpose and of the full development of his plan.

His plan was not completed until November 3, 1903. From that date he rushed it into execution by assuming powers in violation of the Constitution, the law of nations, the statute laws of neutrality of the United States, and by violating the express mandate of the Spooner law.

That law was enacted for the purpose of locating and beginning the construction of an isthmian canal without further legislation, and it located the canal either on the Panama or the Nicaraguan route. It was so understood. It was so accepted on all sides, and its provisions were adequate to that purpose in every particular.

There is no obscurity or flaw in that act, and the President has found no loophole in its provisions that he can suggest as a reason or excuse for his direct and open violation of its provisions. Even the mooted question of his discretion as to a "reasonable time" for opening negotiations with Nicaragua and Costa Rica or as to a reasonable time for acquiring canal concessions at Panama by treaty with Colombia is disposed of in his annual message of December, 1903, in which he says:

> As matters turned out, the question of a reasonable time did not enter into the matter at all.

Matters turned out as he had determined they should turn out, and not as that law contemplated, but in utter repugnance to the Spooner law. There was not a man in Congress or elsewhere who contemplated that the conditions of the Spooner law for the location of the canal at Panama, with the consent of Colombia, could be complied with by locating it there against the consent of Colombia.

It is an affront to common sense and a breach of faith so to pervert the Spooner law.

The accomplishment of his purpose would wait on nothing, and the President pushed it with force and arms until he had so involved his political party and the Senate and the country in it, until extreme embarrassment attended every possible effort to escape from the toils he had thrown around us.

I will refer to some of the leading steps taken during this two years' campaign of the President to show that the President has not dealt with the country in the open, bold, and courageous fashion for which he is applauded on the floor of the Senate by his political followers, and also by some others who, while denouncing his methods, and even his motives, follow his lead because it promises great gains, if successful, or else the destruction of any isthmian canal, through motives of revenge, should they dare to refuse to follow him or should presume to demand that the President, like other officials and citizens, shall be required to obey the law.

I will be brief in the enumeration of these facts, as they have been to some extent discussed in the general debate on the Hay-Varilla treaty.

I will state the facts that show the several steps taken by the President toward the completion of his purpose to locate and construct a canal at Panama in their chronological order, without discussing the reasons for their existence, none of which have been stated or explained by him or by anyone who has spoken for him.

We are left to draw our conclusions without the aid of any explanations.

The second Hepburn bill had been before the House of Representatives for several days, under a rule that required a final vote on the 13th of January, 1902. On that day it passed the House by a practically unanimous vote, and was sent to the Senate.

M. Edouard Lampré, secretary of the New Panama Canal Company, had been sent by it from Paris, and was en route to Washington when the following cable dispatch was sent to M. Bœufvé, who was a member of the French embassy at Washington:

PARIS, *January 4, 1902—8.53 a. m.*

BŒUFVÉ, *Washington:*

Inform Admiral Walker immediately, and without awaiting Lampré's arrival, that the company declares itself ready to transfer to the Government of the United States, on payment of $40,000,000, its properties and concessions, estimated at that amount by the Isthmian Canal Commission in its last report, page 103, in conformity with the terms and conditions of the estimates of said report.

BÔ,
President of the Board.

Other cablegrams followed, beginning with that to Admiral Walker on the 9th of January—the day of the passage of the Hepburn bill in the House, as follows:

PARIS, *January 9, 1902—4.07 p. m.*

Admiral WALKER,
President Isthmian Canal Commission,
Corcoran Building, Washington:

The New Panama Canal Company declares that it is ready to accept for the totality, without exception, of its property and rights on the Isthmus the amount of $40,000,000, the above offer to remain in force up to March 4, 1903.

BÔ,
President of the Board.

—

PARIS, *January 11, 1902—4.17 p. m.*

Admiral WALKER,
President Isthmian Canal Commission,
Corcoran Building, Washington:

Offer of sale of all our property applies also to all maps and archives in Paris.

BÔ,
President of the Board.

—

PARIS, *January 14, 1902—9.45 p. m.*

Admiral WALKER,
President Isthmian Canal Commission,
Corcoran Building, Washington:

We send by mail letter confirming cable 11th January, and, under registered package, judgment August 2, agreement with liquidator, and three extracts showing powers of board. All these documents are certified to by the United States consulate-general.

BÔ,
President of the Board.

The action of the President on that proposition is only known through the following statement of Admiral Walker, dated January 18, 1902:

DEPARTMENT OF STATE, ISTHMIAN CANAL COMMISSION,
Washington, D. C., January 18, 1902.

The PRESIDENT OF THE UNITED STATES.

SIR: The Isthmian Canal Commission has the honor to submit the following report upon the proposition of the New Panama Canal Company to sell and dispose of all its rights, property, and unfinished work to the United States for $40,000,000.

At a meeting of the stockholders of the New Panama Canal Company held on the 21st of December last full power was given to the board of directors of the company to negotiate for the transfer of its property, concessions, and unfinished work to the United States, its action to be subject to formal ratification by the stockholders. In accordance with this action the board indicated its desire, through its representative in this city, to offer a proposition to make such transfer to the United States for the price mentioned.

Thereupon by your oral direction the president of the Commission conferred with Mr. Edouard Lampré, secretary-general of the New Panama Canal Company. He also received several cablegrams from Mr. Marius Bô, the newly chosen president of the company in Paris. The results of these conferences and communications have been considered at a meeting of the Commission called for that purpose

The first cablegram was dated in Paris on the 4th of January, and it stated that the company was ready to transfer to the United States its property and concessions for $40,000,000, and that the offer would remain open until the 4th of March, 1903. As it was not clear whether this offer included all the property of the company, further correspondence ensued, and it was made clear that the proposition was intended to cover the entire property of the company upon the Isthmus of Panama, all the stock of the Panama Railroad Company held for its use and benefit, and the maps, plans, archives, and records in Paris.

A communication and explanatory documents, duly certified, containing a fuller statement than is embraced in the cablegrams, but to the same effect, are on their way to the United States by mail, and copies of them have been deposited with the ambassador of the United States at Paris, who has acknowledged their receipt by cable to the Secretary of State.

This statement purports to be a report of the Isthmian Canal Commission, that was functus officio in November, 1901, when it made its final report to the President.

That paper professed to be the unanimous report of the Isthmian Canal Commission, but it omitted the dissent of Prof. Lewis M. Haupt, one of the commissioners, that was entered on the minutes, as follows:

> He [Professor Haupt] still believed that the Nicaragua route was the better of the two, but that the scope of the investigation had expanded beyond the mere question as to which route had the superior advantages, in view of the political situation and the great probability, if not certainty, of a divided report being used by the opponents of any canal to defeat legislation. It was a question, therefore, of Panama or nothing, and, as he believed firmly in the necessity of an isthmian waterway for the general good, he had concluded that his duty to his country would be best fulfilled by waiving his objections and signing the report, with the understanding that this statement of his reasons be entered upon the minutes.

The President's intervention in the preparation of the report is shown in the following extract:

Thereupon, by your oral direction, the president of the Commission conferred with M. Edouard Lampré, secretary-general of the New Panama Canal Company.

That company was thus taken into the confidence of the President in the settlement of a project for overturning the will of the people, expressed in the votes of their representatives in Congress, and he was the only person invited to the counsels of the Isthmian Canal Commission.

The haste of this proceeding is shown by the following extract from that report:

He [Admiral Walker] also received several cablegrams from Mr. Marius Bô, the newly chosen president of the company, in Paris. The results of these conferences and communications have been considered at a meeting of the Commission called for that purpose.

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The report of the Commission was sent to Congress in a message of the President dated January 20, 1902.

The next act of the President is shown by the letter of the Secretary of State to Mr. Concha, minister from Colombia, as follows:

DEPARTMENT OF STATE,
Washington, April 21, 1902.

SIR: I have the honor to acknowledge receipt at your hands of a communication dated the 31st of March, 1902, and another of the 18th of April, inclosing a proposal of the Republic of Colombia for a concessionary convention or treaty between the Republic of Colombia and that of the United States of America respecting the completion, maintenance, operation, control, and protection of an interoceanic canal over the Isthmus of Panama.

I am directed by the President to inform you that I shall be ready to sign with you the proposed convention as soon as—

First. The Congress of the United States shall have authorized the President to enter into such an agreement; and

Second. As soon as the law officers of this Government shall have decided upon the question of the title which the New Panama Canal Company is able to give to all the properties and rights claimed by it and pertaining to a canal across the Isthmus and covered by the pending proposal.

Accept, sir, the renewed assurances of my highest consideration.

JOHN HAY.

Señor Don JOSÉ VICENTE CONCHA, etc.

In the papers accompanying this letter is the letter from Cromwell, acting as general counsel for the New Panama Canal Company, to the Secretary of State, which Mr. Concha styles "an expository communication," approved by him. It is a strange sandwich in diplomatic correspondence, but it sets forth the New Panama Canal Company, not as an intruder or intervenor in our highest and most important relations with Colombia, but as a recognized negotiator and as the next friend of Colombia.

The part of the "expository communication" that places the canal company in the lead and control of the national high contracting powers and makes their treaty engagements to depend on the consent of that company for their operative force is thus stated in article 1 of the concluded negotiation:

ARTICLE I.

The Government of Colombia authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or part of the shares of that company, with the exception of the public lands situated outside of the zone hereinafter specified now corresponding to the concessions to both said enterprises, which public lands shall revert to the Republic of Colombia.

But it is understood that Colombia reserves all its rights to the special shares in the capital of the New Panama Canal Company, to which reference is made in Article IV of the contract of December 10, 1890, which shares shall be paid their full nominal value at least.

The railroad company (and the United States as owner of the enterprise) shall be free from the obligations imposed by the railroad concession, excepting as to the payment at maturity by the railroad company of the outstanding bonds issued by said railroad company.

I will read Mr. Cromwell's "expository communication" as proof of the President's knowledge of all the fair promises, pledges, and prognostications of Cromwell and Concha, and of himself as well, as to the outcome of the joint work of Cromwell, representing the canal company and Colombia as a chosen medium of honest fraternity, and of Concha, as the accredited minister of Colombia, and of Hay, the instructed Secretary of the President.

It will remind us of "the happy days we went gypsying" with Colombia, and it is a pleasant preface to the later days when the President went to war for Marroquin, against the Liberals, to keep him on his legs until he could negotiate the Hay-Herran treaty and procure its ratification.

The ornate glorification of the "expository" over his victim, the Nicaragua route, is the only point he had gained until a new opportunity for professional success was found in the treaty before the Senate, when he betrayed his noble and beloved Colombia and ran off with Panama, her truant daughter.

Hear Cromwell on Colombia:

[The New Willard, Washington, D. C., Sullivan & Cromwell, 49 and 51 Wall street.]

NEW YORK, *March 31, 1902.*

Hon. JOHN HAY,
Secretary of State, Washington, D. C.

SIR: In connection with the presentation by Señor José Vicente Concha, minister plenipotentiary and envoy extraordinary from the Republic of Colombia, of a proposed concessionary convention or treaty between the United States and Colombia to further the completion, operation, control, and protection of the Panama Canal by the United States, I have been requested by the minister, in view of my relation to the subject as general counsel of the Panama Canal Company, and of my knowledge of the minister's views derived from our daily conferences in the preparation of the treaty, to submit the following reflections:

Colombia welcomes the United States to its territory, and will facilitate in every way reasonable within its power the consummation of the desires and needs of the United States for the completion, operation, maintenance, control, and protection of the interoceanic canal across its domain, subject, of course, to the sovereignty of Colombia, and a reasonable and just convention between the two nations.

Colombia views with admiration, as does the rest of the world, the splendid magnanimity, the far-seeing statesmanship, the virile and comprehensive policy which moves this people to construct the greatest undertaking which has ever engaged the attention of mankind, not for its own benefit alone, nor with selfish preference to its own commerce, but for the common benefit upon equal terms and under universal neutrality in times of peace for all the peoples of the earth.

History does not furnish another instance of such national generosity, patriotism, and wisdom.

This could not but call out from Colombia the warmest response; and that nation takes pride in associating herself with an affair conducted upon such an elevated plane of national and international duty and concern.

The Isthmian Canal Commission, a most distinguished and able body, selected with such care by President McKinley to consider all possible isthmian canal routes and to determine which of them it is most to the interest of the United States to acquire, has reported unanimously that the Panama route is the most practicable and feasible route for an isthmian canal to be under the control, management, and ownership of the United States. Therefore the solution of the problem only involves two other conditions:

1. The sale by the New Panama Canal Company to the United States of the concession, property, and rights of the canal, with the shares of the Panama Railroad Company, and,

2. A new concessionary convention or treaty with Colombia.

The first of these two conditions already has been made easy of fulfillment in the formal acceptance by the New Panama Canal Company of the valuation fixed by the Isthmian Canal Commission—$40,000,000—and by its duly authorized proposal to the United States for a sale of the property at that price, subject, of course, to a satisfactory convention being arrived at between the United States and Colombia.

The sole remaining condition, then, is the determination of the concessionary and treaty relations of the United States to a zone of territory across the Isthmus of Panama necessary for the consummation of the undertaking.

There has not been a moment in which Colombia has not entertained the keenest desire to further the design of the United States, and this sentiment has prevailed under each succeeding administration in Colombia and alike in both of the great national parties who alternately have ruled in that country.

This sentiment is neither newborn nor inspired by hope of pecuniary gain. The two nations are old friends, and this feeling assumed practical form in 1846, when the treaty of that year was made, which expressly provided for the construction of this canal, in furtherance of which Colombia guaranteed to the United States the free transit of the Isthmus and granted extraordinary concessions to the people and commerce of the United States upon terms of perfect equality with its own citizens, while the United States, in turn, guaranteed the neutrality of the Isthmus and of the canal to be constructed upon it, as well as the sovereignty of Colombia over that territory.

It is a significant fact that this treaty of 1846-1848, assuring to the United States special rights and privileges upon the Isthmus of Panama in connection with any interoceanic canal or railroad across the Isthmus of Panama, antedates the Clayton-Bulwer treaty. The treaty of 1846-1848 is in full force, as it has continued to be without change from the date of its execution.

Colombia has never made a treaty with any other nation upon the subject of an isthmian canal, although it was at liberty to do so.

These treaty ties cemented their joint designs for the construction of a new highway for the world and have held the two nations together in common interests and unbroken friendship for more than a half century.

By granting the concessions now owned by the New Panama Canal Company and by furthering the construction of the canal to its present advanced stage of completion by the old and new Panama Canal companies, Colombia initiated the great work which now, happily, the United States may consummate.

While the minister of Colombia was in Washington for more than a year waiting for the moment when the subject could be seriously and attentively discussed, it is only since January 4, 1902, that anything could be definitely said or done, since then, and then only, was a definite proposal of sale made by the canal company. Immediately thereupon, however, the Government of Colombia, requiring the services of its then minister in other important fields, designated its minister of war, Señor Concha, as minister plenipotentiary and envoy extraordinary, to come at once from Bogota to Washington, charged with its ripest views and amplest instructions, to confer with the executive authorities of the United States, and, after exchange of information and opinions, to reach a satisfactory convention.

Minister Concha has devoted himself, since his arrival a few weeks ago, absorbingly to this task, and is prepared to reach a conclusion with the executive officers of the Government.

He is fully empowered to negotiate and sign a treaty, subject only to the ratification of the Colombian Congress, as in like cases with all nations.

But Colombia is in the dark as to the precise desires and needs of the United States upon the subject, and Minister Concha can not, of course, anticipate in his first statement all the reasonable requirements of this Government.

He wishes, however, to manifest in the most hearty manner the desire of his Government to facilitate the purposes of the United States, and this disposition is manifested by the comprehensive convention which he has this day submitted to you, but not as an ultimatum.

The establishment of a canal convention involves, as you are so well aware, besides the utilization of a canal zone for the construction, operation, maintenance, control, and protection of a canal, railroad, and auxiliary works, as

well as a grant renewable perpetually and a consent to the sale by the New Panama Canal Company (all of which Colombia concedes in the convention submitted), but also numerous other grave questions relating to judicial procedure, punishment of crimes, the capture of criminals, sanitary and police regulations of Panama and Colon, proper regard to the vested interests upon the Isthmus, exemption of the United States from all forms of taxes, port charges, or other dues, etc.

Quite aside from pecuniary matters, these are subjects which only can be examined and negotiated directly with you in person, and are impossible of negotiation with the Houses of Congress.

Permit me to call attention to the facts that a canal convention in respect of the Isthmus of Panama necessarily involves considerations which do not relate to a section where there is but a wilderness, uninhabited by man and producing no income to the nation.

The convention respecting the Panama route covers a zone which has been the pathway of commerce across the continent for four hundred years, with important cities at its termini, with villages along the route, with a settled population, with considerable property, and with important vested interests, are to be taken into consideration.

All this represents an increment of value in civilizing influences, in means of protection, in expenditures of national funds for improvement and development, as well as in certitude of engineering plans, of all which the United States now may derive the benefit.

It would be neither in order nor fitting for the canal company or myself to express any views, one way or the other, upon any of the provisions of the proposed treaty, and our reserve in that regard will be noted. However, I beg to refer, by special request of the minister, to Article XXV of his proposed treaty, and which article relates to the pecuniary terms.

Colombia is prepared to discuss, negotiate, and decide upon the precise sum or sums which may be reasonable for the United States to pay and for Colombia to ask, but as the subject is in the hands of Congress, and it seems impracticable at the moment to secure a definite expression of the views of the United States upon the subject, Colombia manifests its good faith and reasonableness by proposing that the annuity shall be only such sum as mutually may be agreed upon between the nations, or, failing in such agreement, such fair and reasonable amount as may be determined by a high commission presided over by the president of the International Peace Tribunal of The Hague, the remaining members being nominated in equal number by the two nations.

Such annuity would only be fixed once in a hundred years. The national requirements of Colombia make a payment of $7,000,000 desirable, and you will note the provisions on that head; but I also ask you to note that Colombia *waives the annuity for the first fourteen years.* This method insures to the United States the concessionary rights which it requires and which can not be affected or interrupted by any difference or delay respecting the ascertainment of the annuity.

The United States is only required to pay such sum as it may agree upon or as so may be determined to be fair and reasonable. Colombia does not ask more than what may be determined to be fair and reasonable, and surely the United States does not wish to do less than that.

I have the honor to be, Mr. Secretary, your obedient servant,

WM. NELSON CROMWELL,
General Counsel New Panama Canal Company.

This must be delightful reading to the President.

In the letter of May 15, 1903, that inclosed the papers I have just commented upon, Mr. Hay inclosed a negotiation with Nicaragua and made a statement as to a negotiation with Costa Rica for canal concessions that followed and completed the McKinley agreements of 1900.

The Senate is fully informed by a letter of Mr. Hay in its possession that the negotiations with Costa Rica and Nicaragua were perfectly satisfactory to the Government.

The chief point of comparison between these negotiations of Costa Rica and Nicaragua and the Hay-Concha agreement is that the cost of the concessions was the same between the competing routes. Colombia agreed to sell her concessions for $7,000,000, and Nicaragua agreed to sell hers for $6,000,000, and Costa Rica agreed to sell hers for $1,000,000, making the cost the same on both routes for the concessions.

This official information, coming from the President, settled all inquiry and suggestion as to any desire of his for the Panama route that would cause him to agree to add $3,000,000 to the sum in favor of Colombia in the Hay-Herran treaty. These facts were presented to Congress as a solemn assurance that Colombia was bound to accept $7,000,000 in payment for her concessions.

The Spooner bill passed, on the report of the committee of conference, without any suggestion or suspicion of the addition of $3,000,000 to the price that the President had informed Congress that Colombia had agreed to take for her concessions.

I can state, in my place, that the Spooner law could not have been enacted if that $3,000,000 had been added to the price to be paid Colombia for her concessions. Without some explanation, this concession of the President to Colombia in the Hay-Herran treaty is only attributable to his fixed purpose to have the canal located at Panama, cost what it might in money or in war, or in disobedience of law.

Thus early in this programme of compulsion this fatal determination is disclosed, which, in its financial features and in its subordination to the New Panama Canal Company, backed by France, is repeated in article 22 of the treaty now before the Senate.

I will further establish the desperate nature of this purpose by showing the difference in the conduct of the President in Marroquin's war with the Liberals in Panama in 1901 and 1902, when he aided Marroquin to defeat them, and in the present war with Marroquin in Panama, in which he is aiding the Liberals to dismember Colombia. In both cases the canal at Panama was the real object of his intervention with the armed forces of the United States.

In 1902 he intervened to sustain Marroquin, to enable and to induce him to negotiate the Hay-Herran treaty and to secure its ratification. In the war of 1903–4 in Panama the President assisted the Liberals to destroy Marroquin's power and that of his Government because the Congress of Colombia refused to ratify the Hay-Herran treaty.

I will not further discuss the action of the President in respect of the military situation in Panama as it is at this time. That matter has been fully discussed upon facts, all of which are not as yet known to the country.

Every day, however, new statements are made by the incautious and supercilious persons who were concerned in creating our strange attitude in Panama that bring dissatisfaction to the country. In the coming campaign for the Presidency an inviting field will be opened to the spellbinders on both sides that I heartily wish could be occupied by the truth, established by undeniable records.

It is the truth and the holy character of simple justice that requires me to resort to the records to sustain the statements I have just made as to the attitude of the President in these two wars in Panama, and to show that it is and has been his fixed determination to locate and construct a canal at Panama that has controlled his action, first, for Marroquin and his position as President of Colombia, and then against him and the integrity of the Republic of Colombia.

His change of attitude is separated only by the lapse of a single year—from November, 1902, to November, 1903.

In 1898, late in the year, an outbreak of civil war occurred in Colombia as the immediate result of the rejection by the Congress of Colombia of a bargain with the New Panama Canal Company for an extension of the the Wyse canal concession of 1878 from the 31st of October, 1904, until the 31st of October, 1910.

I need not go over the facts I have so often shown, that no one has controverted, to establish the truth of the proposition that the rejection of this offer, with its inducement of $1,000,000 French gold, was the immediate cause of the outbreak of revolt in many departments of Colombia. I respectfully challenge any Senator to show any other cause for that war. And, if that was the cause of it, I may with equal confidence warn any honest man against its approval by his vote in the Senate on the ratification of this treaty.

It was, of course, expected that the tide of war would reach Panama, and to provide against interference with our treaty obligations to protect the transit across the Isthmus it was our duty to stand ready to afford that protection.

As early as January, 1900, President McKinley had the *Scorpion* at Cartagena, Colombia, on the lookout for the advent of the war in Panama. The first report was from Lieutenant-Commander Sargent, on the 17th of January, which I will read:

U. S. S. SCORPION,
Cartagena, Republic of Colombia, January 17, 1900.

SIR: 1. I have the honor to report that the first news of any importance for many weeks concerning the revolution in Colombia has been promulgated officially to-day. It was received in the shape of a telegram from the governor of this Department at Barranquilla, repeating another received by him from General Cassabianca at Bucaramanga under the date of January 4.

2. In this telegram the governor confirms the rumors of a decisive victory over the revolutionary forces of General Uribe-Uribe at Bucaramanga, which is situated in the mountains of the central part of the Department of Santander, about 450 miles from Cartagena, near the source of the Lebrija River, a branch of the Magdalena. He also reports that General Lujan has completely routed the revolutionists under Vargas Santos, near Cerrito, Department of Antioquia; that Cucuta, in the northeast part of Santander, having been evacuated by the rebels, was to be occupied on the 4th by 2,000 men under the command of General Dominguez, and that all guerrillas on the river Magdalena had disappeared.

On January 4, also, a force of 3,000 men, under General Velez, moved toward Bogota for the purpose of pacifying that portion of the country and to open communication with the capital.

3. This news, presumably reliable, tends to show that the Government forces have been successful. Meantime, however, the country is more or less demoralized and in a lawless condition. Government adherents and revolutionists murder each other when convenient, forced loans go on, Government vessels cruise along the coast burning villages and impressing men, committing outrages of every description, and all business is paralyzed.

The authorities are very hard up for money, as their principal reliance, the revenue from customs, is materially reduced on account of the general stagnation of all commercial transactions.

I am, sir, very respectfully,

N. SARGENT,
Lieutenant-Commander, U. S. Navy, Commanding.

THE SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

After that reports dated June 6, 7, and 10 show that there was no disturbance of the transit at Panama, though several fights had occurred between the opposing forces.

On September 15, 23, and 30 the same accounts of peaceful conditions at Panama are given as to conditions at Colon and Panama by our commanding officers.

On October 1, 1901, Commander McCrea reports as follows:

U. S. S. MACHIAS,
Colon, Colombia, October 1, 1901.

SIR: I have to report the result of my efforts to get at the existing political situation here in Colon along the railway and northern coast, and regret only that more definite news can not be obtained.

2. I find that there is a strong undercurrent of discontent, which is grow-

ing desperate and resentful among the poorer classes. Times are hard, and the Government is blamed by all the citizens. Prominent or declared Liberals are punished by imprisonment. As evidence of this, the prisons are kept full both here and in Panama.

3. Rumors of the scouting by the Government troops near Panama are confirmed by the railroad officials, but they do not complain of the least interference in the traffic. The trains are running on time, but the armed guards are increased in number, amounting now to twenty men on each passenger train.

4. The steamer *Sunrise* reports all quiet at Boca del Toro, also that the naphtha launch "borrowed" from the United States consular agent by the insurgent troops was returned to him in accordance with the promise to Lieutenant-Commander Sargent, without thanks or apology, also without damage.

5. The health conditions continue unsatisfactory, but I am pleased to report the health of this ship's company as being excellent. Smallpox and fever of the pernicious variety prevail in the city, so I have taken all precautions to avoid them by moving well out into the harbor and restricting liberty.

6. The commander of the *Suchet* has requested orders north on account of his increasing sick list.

7. Altogether, there is little of value to report, either of alarming or pacifying nature.

8. We are making a survey of the waters and land surrounding this anchorage, a report of which will be sent, when completed, through Captain Perry of the *Iowa*, to the Department.

Very respectfully,

HENRY MCCREA,
Lieut. Commander, United States Navy, Commanding.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

On October 7 Captain Perry reports as follows:

No. 1589.]

U. S. S. IOWA,
Panama, Colombia, October 7, 1901.

SIR: Since my last report another week has passed without any military or political change on the Isthmus proper, the same condition of peace and quiet existing in Panama and Colon and along the line of the Panama Railroad as has prevailed for more than a year.

And Captain McCrea reports as follows, on October 12:

U. S. S. MACHIAS,
Colon, Colombia, October 12, 1901.

SIR: 1. There are no material changes in the condition of affairs here in Colon, though one hears of "wars and rumors of war" at various points all over the Republic of Colombia.

2. From reliable sources I learn that the Liberal leader, Diaz, feeling much encouraged over the reported successes of his party at Bocas del Toro and the well-known discontent existing among the Government troops on the Isthmus, due to their having received no pay for five weeks, has issued a proclamation calling upon all loyal Colombians to join him near Panama, where he has plenty of arms and ammunition for everybody.

Diaz has also invited General Alban to meet him outside the city limits, the only known reply being that General Alban is building stone barricades on the outskirts of Panama toward La Boca.

All this in Panama; Colon has not even this much to break the monotony, everything being most peaceful, and the normal traffic of peace goes on without interruption.

3. I am pleased to report that we have no sick and that the shore doctor says smallpox has disappeared from Colon entirely. Of course I shall continue to take every precaution to maintain the good health of the crew, and to that end have ordered the coal delivered alongside in lighters, which makes it cost about 10 cents more per ton.

Very respectfully, your obedient servant,

HENRY MCCREA,
Lieutenant-Commander, United States Navy, Commanding.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

These reports continue in the same peaceful tenor until November 20, when the insurgents took possession of Colon without fighting. They remained until November 29, when they surrendered to United States forces, laid down their arms, and were paroled.

On April 28, 1902, Captain Reisinger said:

3. The situation here now would seem to indicate that there is not much probability of any serious conflict between the two parties in the near future. The governmental forces on the Isthmus, mainly at Panama, so greatly outnumber the Liberal forces in the vicinity that it would seem to justify the opinion expressed above.

The consul-general at Panama has expressed himself most decidedly against the possibility of trouble for several months. As I have before stated, I think more is to be feared from the troops that are massed here in case they are not paid. The only cause of anxiety on the Panama side seems to be the *Padilla* and several other small gunboats in possession of the insurgents in these waters.

On September 10 Commander Potter telegraphs the Secretary of the Navy, as follows:

PANAMA, *September 10, 1902.*

SECRETARY NAVY, *Washington:*

Two thousand men surrendered to revolutionists at Agua Dulce, Colombia. Revolutionists reported advancing near Panama, Colombia.

POTTER.

What I have quoted from the report of the Secretary of the Navy shows that the presence of the belligerent armies in Panama had not materially delayed the transit on the Isthmus, and that Colombia had not been prevented from the use of the railroad for military purposes until actual fighting on the line of the road had occurred, and then the prohibition of the use of the road was the same to both parties until the battle of Agua Dulce resulted in the very important victory for the Liberals on the 30th of August, 1902.

The danger of the overthrow of Marroquin in Panama by this great victory suddenly changed the attitude of the President toward the belligerents, and he gave to Marroquin every advantage over Herrera.

To establish this and to prove the fact that it was to secure the negotiation and ratification of the Hay-Herran treaty, as the particular purpose of the active interference of the President in support of Marroquin, I will now make further quotations from the report of the Secretary of the Navy.

When the civil war reached Panama, Marroquin was guarding the isthmian transit and using it to send troops and munitions of war back and forth on the Panama Railroad.

Since January, 1900, the United States had war vessels on both coasts of the Isthmus looking after the interests of her citizens, but had no occasion to protect the transit until November 21, 1901, when the governor of Panama sent the following note to our consul-general at Panama, which, with the replies thereto, I now read:

PANAMA, *November 21, 1901.*

CONSUL-GENERAL OF THE UNITED STATES:

Yesterday, while I acquainted his honor, the civil and military chief of the Department, of the facts you gave me notice of in your esteemed letter of even date, reaggravated by the capture of Colon by the rebels that menace the line, I informed our minister at Washington as follows:

"Colon is being stormed. Scanty forces here. You must settle traffic affair. Answer."

The object of the above is to demand of the American Government to comply with the engagements contracted by said Government with ours in conformity with article 35 of the treaty of 1848, until our Government gets through with its operations of pacification and can devote its action to the security of the international traffic.

I am so far without any answer either from our minister at Washington or from the civil and military chief; but it being impossible, for the moment, to the Government to take such measures as are needed to assure effectually the free transit across the Isthmus on account of the larger portion of our available forces being operated against the rebels in other places, it is my opinion that the moment has arrived for the United States to comply with the obligation contracted as per the text of the final part of the above-referred treaty of 1846.

With sentiments of the highest consideration, I have the honor to be, Mr. Consul-General,

Your most obedient servant,

ARISTIDES ARJONA.

CONSULAR SERVICE OF THE UNITED STATES,
Panama, November 21, 1901.

To His Excellency the GOVERNOR, *Panama.*

SIR: In response to your communication of this date, I beg to say that I understand you as saying, first, that the Colombian Government is unable to give adequate protection to the Panama Railroad Company, its property, and the transit of the Isthmus between Panama and Colon.

Second, that you desire the United States Government to afford this protection, under the thirty-fifth section of the treaty of 1846 between Colombia and the United States Government.

A copy of your letter has been furnished Capt. Thomas Perry, commander of the battle ship *Iowa*, for such consideration as he may deem necessary, and I have cabled the contents to Washington.

I may be permitted to say that recent instructions indicate an indisposition on the part of the United States to land troops unless the same becomes essentially necessary. Such action is of such serious character that it is to be hoped that it may be avoided.

At this time all is quiet along the line, the trains are moving unmolested, and telegraphic communication has been fully established. So that at this moment there does not seem to exist necessity for such an extraordinary move on the part of the United States.

I may say, however, that in the event of a repetition of the unlawful acts such as were committed last Monday and Tuesday, the United States will land a sufficient force to effectually protect the transit of the Isthmus.

Inclosed find copy of letter from Captain Perry.

With best wishes, I am, sir,

Very respectfully,

H. A. GUDGER,
United States Consul-General.

U. S. S. IOWA,
Panama, Colombia, November 21, 1901.

SIR: I have the honor to acknowledge the receipt of your letter of this date inclosing a communication from Acting Governor Aristides Arjona in which he states that it is "impossible for the moment for the Government (Panama) to take such measures as are needed to assure effectually the free transit across the Isthmus * * * it is my (his) opinion that the moment has arrived for the United States to comply with the obligation contracted as per the text of the final part of the treaty of 1846."

2. In reply I desire to state that it is my opinion that the obligation on the part of the United States arises after the Colombian Government has exhausted its means to maintain the transit and to prevent interference therewith. As the Colombian Government has made no effort to do these things it can not be said that the obligation is upon the United States. However, this is a point that I shall leave to be discussed by the diplomatic representatives of the two Governments.

3. In its weakness, at a time when the transit is open and in full operation, the acting governor states that his Government is unable to perform its obligation. This without having made any efforts to do so. I will therefore, just as soon as there is any interference with the free transit of the Isthmus, occupy the line with forces under my command and supervise it.

Very respectfully,

THOMAS PERRY,
Captain, United States Navy, Commanding.

The UNITED STATES CONSUL-GENERAL,
Panama, Colombia.

This affair soon passed off, and our troops were not used afterwards to protect the transit until after the defeat of Marroquin at Agua Dulce, after a protracted siege, in the last days of August, 1902.

On the 20th of November, 1901, Secretary of the Navy Long sent the following dispatch to Captain Perry:

WASHINGTON, *November 20, 1901.*

PERRY, *Iowa, Panama:*

Notify all persons, including leader insurgents, interference with transit must immediately cease, otherwise you will land force and maintain free transit and telegraphic communication.

Consult with Gudger.

LONG.

On November 21 and 22, 1901, Captain Perry sent the following dispatches to the Secretary of the Navy:

PANAMA, *November 21, 1901.*

SECRETARY OF THE NAVY, *Washington:*

Everything quiet. No further interference since notification. Transit and telegraphic communication open. Shall land force if there should be further interference. Colon in possession of Liberals, and quiet.

PERRY.

—

PANAMA, *November 21, 1901.*

SECRETARY OF THE NAVY, *Washington:*

Since previous dispatch acting governor notifies consul of his inability to protect transit, and calls upon United States to protect it. As transit is open and normal, and company asks no protection, I see no necessity to land force until further interference, as directed in your dispatch of yesterday.

PERRY.

—

PANAMA, *November 22, 1901.*

SECRETARY OF THE NAVY, *Washington:*

Situation quite satisfactory to us. Liberals along line inclined to protect rather than interfere. All trains moving. Alban returned and left again for Chorrerra. Expressed satisfaction that United States did not find it necessary to land force. Said he was better able to protect now, having more troops in Panama. I have instructed McCrea to reembark detachment when he deems it no longer necessary to protect company's property at Colon, and not to sail without my authority.

PERRY.

In the early months of 1902 the forces of the Liberals were recruited in the Department of Panama, and Marroquin held Colon and Panama and other places, including Agua Dulce, and increased his forces by sending considerable bodies from Cartagena. None of these were excluded from passing over the Panama Railroad.

Several battles occurred at different places, distant from the railroad, with varying success to the respective belligerents.

Herrera received consignments of arms and ammunition, via Nicaragua, at places on the Bay of Panama, and began to concentrate for an assault on Marroquin's forces at Agua Dulce, and skirmishes occurred in that quarter between detached forces, with decided success to the Liberals under Herrera.

The siege of Agua Dulce by Herrera occupied the month of August and a considerable part of July.

Such information as to its progress as came to our naval officers was sent by cable to the Secretary of the Navy.

On June 16, 1902, Captain Reisinger informed the Secretary of the Navy that the Colombian Government had withdrawn its guards from the protection of the railroad, and on the 23d of June an expedition of Government troops had gone northward and had landed at Antone, about 50 miles west of Panama, and would move toward David and Agua Dulce.

On August 4 Captain Potter informed the Secretary of the Navy that—

It is reported that fighting has been in progress at Agua Dulce for two days and there is great anxiety as to the result.

On the 11th of August Captain Potter reports:

Nothing is known as to the heavy fighting reported at Agua Dulce on the 29th and 30th ultimo, and again on the 2d instant. Should insurgents gain a decisive victory the situation would be critical.

On the 18th of August Captain Potter informs the Government that—

No reliable information has been received in regard to the result of the operations at Agua Dulce. It is believed that the Government forces are surrounded and can not hold out much longer.

3. The authorities are very apprehensive of an attack on Panama and have very few troops to defend the place, and have no means of bringing more from other points.

—

PANAMA, *August 21, 1902.*

SECRETARY OF NAVY, *Washington:*

Boyaca, with 800 men, was captured by revolutionists on July 30.

POTTER.

On September 1, 1902, Commander Potter informs the Secretary of the Navy that—

3. The Government is receiving some reenforcements by way of Colon and is strengthening defenses at Panama.

On the 3d of September, 1902, Commander Potter states, in a dispatch to the Secretary of the Navy:

The Government conceded that 2,000 men surrendered to the revolutionists at Agua Dulce on the 30th of August.

2. The revolutionists are reported to be advancing on Panama.

As soon as information unfavorable to the Government of Colombia reached Washington, the following dispatches were sent out to our war vessels:

PANAMA, *September 1, 1902.*

SECRETARY OF THE NAVY,
Washington, D. C.:

Cipher message this morning revolutionists near railroad line; situation serious; transit across Isthmus still open.

POTTER.

—

PANAMA, *September 10, 1902.*

SECRETARY NAVY, *Washington:*

Two thousand men surrendered to revolutionists at Agua Dulce, Colombia. Revolutionists reported advancing near Panama.

POTTER.

WASHINGTON, *September 8, 1902.*

MCCREA,
Machias, Navy-Yard, Boston, Mass. (Commandant):

Proceed Washington without delay.

MOODY.

—

WASHINGTON, *September 11, 1902.*

POTTER, *Ranger, Panama:*

Report by telegraph situation, especially condition transit across Isthmus.

MOODY.

—

PANAMA, *September 11, 1902.*

SECRETARY NAVY, *Washington:*

Government has occupied portion of land belonging to Canal Company Hospital. Anticipating attack immediately on Panama. This ship can not land force sufficient for the protection of American interests.

POTTER.

—

WASHINGTON, *September 11, 1902.*

MCLEAN, *Cincinnati, Cape Haitien:*

Proceed Colon immediately.

MOODY.

—

SEPTEMBER 11, 1902.

RANGER, *Panama:*

Cincinnati and *Wisconsin* have been ordered to proceed to the Isthmus; the *Panther*, with 300 marines, to follow.

MOODY.

—

SEPTEMBER 12, 1902.

RANGER, *Panama:*

United States guarantee perfect neutrality of Isthmus and that a free transit from sea to sea be not interrupted or embarrassed. United States of Colombia guarantee right of way or transit across Isthmus open and free to Government and citizens of United States and their property.

Any transportation of troops which might contravene these provisions of treaty should not be sanctioned by you, nor should use of road be permitted which might convert the line of transit into theater of hostility.

MOODY.

—

WASHINGTON, *September 11, 1902.*

CASEY, *Wisconsin, Bremerton, Wash.:*

Send *Wisconsin* Panama immediately if *Boston* is not ready.

MOODY.

—

Panama, September 12, 1902.

SECRETARY NAVY, *Washington:*

Request instructions regarding transportation Government troops or revolutionists in the event of landing force for the protection of railroad.

POTTER.

—

WASHINGTON, *September 12, 1902.*

CASEY, *Wisconsin, Bremerton, Wash.:*

You will remain in *Wisconsin*. Expedite her departure. Have telegraphed San Francisco to have stores and coal ready so you will not be detained. The Department desires *Wisconsin* to reach Panama at an early date. Authority granted to transfer Walter H. Warner to *Independence*.

MOODY.

The effect of the surrender at Agua Dulce was to cause our Government to send its war ships to Colon and Panama under the hurry orders I have just quoted. The object was to protect the transit, which was in no danger from the forces of the revolutionists under Herrera, but beyond question to save the Government of Marroquin, then about to receive a fatal blow, the real inducement being to save the then incomplete negotiation of the Hay-Herran treaty and its final ratification by a Congress to be chosen in Colombia.

The following correspondence leaves no doubt on the subject:

NAVY DEPARTMENT,
Washington, September 13, 1902.

SIR: The Department incloses herewith a copy of a letter from the Secretary of State in reference to the question of using your good offices to restore peace on the Isthmus of Panama.

The Department desires you to act in accordance with the provisions of this letter until the arrival of the *Wisconsin*, with Admiral Casey on board, at Panama, when you will please inform the Admiral as to the existing conditions, that he may continue the effort to establish peace.

Very respectfully,

W. H. MOODY, *Secretary.*

THE COMMANDING OFFICER,
U. S. S. Cincinnati.

Then the canal negotiation comes into view as the inducement for our military intervention, at the request of Marroquin, and it never ceases to appear or to be overlooked by our President until the Liberal army is placed hors de combat and Marroquin is secure in his office of President of Colombia. They worked together for the treaty by destroying the victorious army of Herrera.

DEPARTMENT OF STATE,
Washington, September 16, 1902.

SIR: I have the honor to submit to you confidentially the question of exerting good offices to restore peace on the Isthmus of Panama, as propounded in the following telegram from the United States minister to Colombia:

BOGOTA, *September 11, 1902.*

SECRETARY OF STATE, *Washington:*

Minister for foreign affairs desires me to inform you that his Government would appreciate your good offices to bring about peace in the country, especially on the Isthmus, where the revolution is strong. This Government has no new terms to offer, but thinks your good offices may avail to induce revolutionists to accept terms heretofore offered, and thus prevent other-

wise inevitable heavy loss of life. Minister for foreign affairs added: "Not only is the question of humanity involved, but so long as the war lasts Congress will not be convened, and therefore the continuance of war will delay submission of the canal matter to the Congress."

Minister for foreign affairs emphasized this last point as being well to present to your consideration.

HART.

Upon the receipt of this telegram I communicated with the President, saying to him that in view of the urgency of the situation on the Isthmus, the isolation of the United States legation at Bogota, which seemed to make communication by the minister dilatory, if not impractical, and the absence from Panama on leave of the consul-general, Mr. Gudger, it might be proper to consider whether the commander of the U. S. S. *Cincinnati*, now at Colon, should be advised of this request of the minister for foreign affairs of Colombia and instructed to use his good offices in the suggested sense.

I have received from the President a telegram approving of my suggestion as to intrusting such a mission to the commander of the *Cincinnati*.

The precedents in which our naval commanders have lent their good offices to bring about peace in Central America during the past years will serve to guide Commander McLean in the execution of such instruction as you may deem proper to give him in this regard.

The cooperation of the United States consul at Colon will be cheerfully given to Commander McLean, and I shall be pleased to telegraph to the consul in that sense if you desire.

I have the honor to be, sir, your obedient servant,

ALVEY A. ADEE, *Acting Secretary.*

The SECRETARY OF THE NAVY.

U. S. S. CINCINNATI,
Colon, Colombia, September 20, 1902.

SIR: I acknowledge the receipt this date of the following cablegram:

CINCINNATI, *Colon:*

United States guarantee perfect neutrality of Isthmus and that a free transit from sea to sea be not interrupted or embarrassed. United States of Colombia guarantee right of way or transit across Isthmus open and free to Government and citizens of United States and their property.

Any transportation of troops which might contravene these propositions of the treaty should not be sanctioned by you, nor use of road be permitted which might convert the line of transit into theater of hostility. Transportation of Government troops not in violation of treaty, and which will not endanger transit or provoke hostilities, may not be objectionable. The Department must rely on your judgment to decide such questions, as the conditions may change from day to day. Consult Department freely when in doubt.

MOODY.

Very repectfully,

T. C. McLEAN.

That the way was carefully opened to Marroquin to save himself and his Government from the loss of the Department of Panama to the Liberals, under Herrera, by the action of the President is, if possible, still more clearly shown in the following dispatches, which give the full right of way to Marroquin to handle his forces and munitions of war over the Panama Railroad:

Mr. Hart to Mr. Hay.

LEGATION OF THE UNITED STATES,
Bogota, October 6, 1902.

The President invited me to a conference this afternoon for the purpose of showing me a telegram in which governor of Panama complains that the American admiral forbids the passage of Colombian troops and munitions of war over railroad.

The President desires me to impress upon you that unless railroad company be allowed to comply with article 19 of contract with Colombian Government it will be impossible to deal successfully with the revolution in the Department of Panama, and asks that you instruct American commander to permit railroad company to comply with contract.

HART.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, October 6, 1902.

SIR: I have the honor to quote below, for your information, the translation of a cipher telegram received to-day from Rear-Admiral Casey, at Panama, Colombia:

PANAMA, *October 5, 1902.*

SECRETARY OF THE NAVY, *Washington:*

Governor Salazar returned my call yesterday and strongly protested against any restriction of Colombian Government use of road as an invasion of sovereign and treaty rights, and requested transportation of consignment arms and ammunition, Colon to Panama, received by steamer and loaded on cars before my order prohibiting such transportation.

I have received a letter from General Herrera, insurgent, protesting against transportation troops and all contraband of war. Claims rights of belligerents, saying that he may be compelled to enforce them, and after October 22 threatens to disturb free and uninterrupted transit if Colombian Government allowed to transport contraband of war. Can Herrera dictate to us? Ammunition can be transported safely by occupying road; if so, however, another battalion marines necessary. Situation otherwise unchanged. No uneasiness whatever.

CASEY.

I have the honor to be, sir, your obedient servant,

WILLIAM H. MOODY, *Secretary.*

Admiral Casey took command of all the forces at Panama and soon got into trouble with Marroquin's Government by his impartial effort to observe neutrality between the belligerents. His orders were in strict keeping with his duty under our laws and our treaty obligations, but that did not meet the requirements of the occasion.

Casey was allowed his discretion in doubtful cases under the following dispatch, but he did not know that the Hay-Herran negotiation was to control him in military operations in Panama:

[Translation.—Confidential.]

SEPTEMBER 20, 1902.

CINCINNATI, *Colon (via Bermuda):*

United States guarantee perfect neutrality of Isthmus and that a free transit from sea to sea be not interrupted or embarrassed. United States of Colombia guarantee right of way or transit across Isthmus open and free to Government and citizens of United States and their property.

Any transportation of troops which might contravene these provisions of treaty should not be sanctioned by you, nor should use of road be permitted which might convert the line of transit into theater of hostility. Transportation of Government troops not in violation of treaty and which will not endanger transit or provoke hostilities may not be objectionable. The Department must rely on your judgment to decide such questions, as the conditions may change from day to day. Consult the Department freely when in doubt.

MOODY.

Casey changed his regulations in obedience to orders, and Perdemo forced the victorious Liberals to the wall.

The following correspondence shows how these changes were understood at Panama:

PANAMA, *October 11, 1902.*

DEAR ADMIRAL: I am transmitting herewith a memorandum which I received from a reliable person who has just arrived on the German steamer in Colon.

Yours, very truly,

FELIX EHRMAN.

Rear-Admiral SILAS CASEY,
United States Flagship Wisconsin, Bay of Panama.

MEMORANDUM.

On board the German steamer arrived at Colon this morning from the Colombian ports came a reliable person, who gives the following information:

A battle was fought at the Cienega, Department of Magdalena, and the revolution under the command of Gen. Clodomiro Castillo was defeated.

Gen. Rafael Uribe Uribe did not wait in Tenerife, Department of Magdalena, for the Government forces operating on him, but retreated at their proximity.

Four thousand men from the Government are persecuting Castillo's disbanded people and Uribe's small army.

The interior of the Republic is quiet; the Magdalena River is now perfectly free.

Six thousand men from the Government army are coming down the river. General Perdomo is in Barranquilla and will sail for Colon on board of the Government gunboat *Cartagena*, with his staff.

[Clipped from the Panama Star and Herald, October 12, 1902.]

CASEY DIRECTED TO BE LESS STRICT.

WASHINGTON, *October 10.*

Acting on the mild protest received from the Colombian Government and to avoid any appearance of taking sides with the revolution on the Isthmus, Acting Secretary Darling, of the Navy, to-day directed Casey, at Panama, to use moderate methods as far as possible in preserving the transit on the Panama Railroad.

BOGOTA DISPLEASED AT HIS ORDERS.

Casey's recent order that no combatants be transported on the railroad caused great dissatisfaction at Bogota, and United States Minister Hart was informed that Colombia thought that Casey's order prevented Colombia's efforts to crush the revolution.

Secretaries Hay and Darling conferred with regard to the question this morning.

DECLINED FOR FEAR OF ENDANGERING TRANSIT.

The United States has several times declared its neutrality to the revolution. Casey's course of action has the sanction of the Department. He declined to transport the Government troops because he feared that their presence aboard the trains would provoke an attack by the revolutionists.

It was decided to-day that it would be better not to have the declination to transport Government troops stand as a rule, and Casey was so informed by a dispatch from the Navy Department. He was advised to transport the Colombian Government troops, unless he feels that to do so would convert the line of transit into a theater of hostilities.

The third, fifth, eleventh, and twelfth paragraphs of the report of Admiral Casey of October 20 show how we crushed Herrera for the purpose of sustaining Marroquin, as follows:

3. General Perdomo, of the Colombian Government, said to be clothed with ministerial powers, arrived at Colon on the 16th.

I had previously directed Commander Wilson, senior officer present there, to extend to the General, on arrival, transit across the Isthmus should he desire to visit Panama. The offer was accepted, and the General, with a numerous staff, came over in the afternoon, his train strongly guarded by a company of marines. On the afternoon of the 18th, accompanied by my personal staff and our vice-consul-general, Mr. Felix Ehrman, I called and was most cordially received by him.

5. A great deal of sickness prevails among the Colombian troops, especially at Colon, where the death rate is about from ten to twelve a day. It is less than at Panama. The disease seems to be mostly dysentery, with some yellow fever.

11. Judging from conditions now existing and from information I am able to obtain, there seems little prospect of a speedy termination of this strife. Panama and Colon are practically besieged; troops at neither place dare to go beyond their intrenchments.

I firmly believe if our men were removed from shore the insurgents would be in Panama in forty-eight hours. I think the Government, therefore, is very willing that they should remain, making occasional mild objections, which really it does not mean shall be taken seriously.

12. Great things were expected on Perdomo's arrival; but as he came attended only by numerous generals, of which there were apparently already a surfeit in the city, I fail to see how he can accomplish much.

On the return of the victorious Liberals from Agua Dulce fighting occurred on the railroad between Matachin and Colon.

As the trains would pass the battle was suspended. A party of Liberals occupied Colon without any disturbance of the people.

The French and American naval commanders agreed that they must be removed from Colon, and after conferring with General de la Rosa, their commander, and a display of force, he surrendered to General Alban, commanding Marroquin's forces.

This was the first party that surrendered under the policy adopted by our Government, and I will read Captain Perry's account of it:

14. Soon afterwards a meeting of the commanding naval officers who were to assume control of the city of Colon was held on board of the *Marietta*. A copy of the agreement is inclosed herewith.

15. It having been agreed that 300 men would be sufficient to control the city during the interim, I stated that the United States was prepared to supply that number. The French commander expressed a desire to land for the protection of the French concession in Colon a sufficient number for that purpose.

I offered to give him the number required from my command, but as he appeared insistent, stating that his Government would not be satisfied if anything should happen without his own men being there, I promptly yielded the point. A part of the agreement was that it was our opinion that the probable time that would be necessary for them to remain on shore would not extend beyond the morning of Saturday, November 30, 1901, being less than twenty-four hours.

16. General de la Rosa, having expressed a wish that he, with his brother, be excepted from the general indulgence offered by General Alban to the Liberal forces, we commanding officers signed a memorandum on that subject, a copy of which is herewith inclosed.

17. Thursday, November 28, the day of the surrender, passed quietly and peaceably, the terms being carried out as agreed upon, both at the conference and in accord with the arrangements made by the commanding officers.

A force of 150 men arrived from Panama at 10.45 a. m., under command of Lieutenant-Commander Peters, which, with about 150 from the *Marietta* and *Machias*, made a total United States force of about 300. At 11 o'clock a. m. this force was drawn up in front of the cuartel and opposite it, the Liberal forces about to surrender, numbering about 100, under the command of General de la Rosa, on the opposite side of the street. The commanding officers of foreign men-of-war, including H. B. M. S. *Tribune* and French cruiser *Suchet*, together with the consuls of the United States, England, and France, being present, General de la Rosa formally turned over the control of the city to the charge and control of the commanding officers.

The Liberal troops then deposited their arms and munitions of war, when the Liberal flag was hauled down. Much feeling was shown at this time by the whole Liberal command, a large majority of them being in tears. United States sentries were then posted at the cuartel and at all necessary places in the city excepting the French concession, and our battalion marched off for dinner and to be ready in case of need during the three hours interim.

On the 3d of November, 1902, General Herrera addressed the following note to Admiral Casey:

BOERI, *November 3, 1903.*

SIR: I wish to thank you very much for the interest you manifest in the well-being, the peace, and the tranquillity of Colombia, of which you have given undoubted proofs in your former actions and in the contents of your kind communication of October 28, which I have just received.

In a note dated to-day I express to Gen. Victor M. Salazar my wish to confer on the subject of peace on board the battle ship *Wisconsin* in accordance with the kind invitation you have extended us, and I am in hopes that he will make the necessary arrangements for my transport to Panama Bay.

With expressions of the highest consideration and respect,

I am, your obedient servant,

B. HERRERA.

SILAS CASEY,
Commander in Chief Pacific Station.

The victorious Liberal general was thus defeated by the landing of our marines to prevent an attack on Panama, in which Admiral Casey twice admitted in his dispatches that they would have been successful, and by his turning over the railroad to General Perdomo for the transportation of his troops between Colon and Panama their success was made possible.

Herrera's pathetic letter of November 2, 1902, in which he prefers "the peace and tranquillity of Colombia" to the success of his army is a reproach to the United States, the deep sting of which was not fully felt until the 3d of November, 1903.

We destroyed the Liberal army in Panama in November, 1902, to keep Marroquin in power until the Hay-Herran treaty could be ratified, and failing in that we destroyed Marroquin and Colombia on the 3d of November, 1903, for the purpose of getting a canal concession on the Isthmus.

The capitulation of Herrera was signed on the 21st of November, 1902, and the ratification of the Hay-Herran treaty was provided for in article 7.

This record, reported in messages of the President of the United States, fixes an indelible sentence of inconsistency and wrong upon the country that in both wars in Panama, the one of 1902 and the other in 1903, we took sides first with the Jesuits against the Liberals and then with the Liberals against the Jesuits, and that our change of attitude was alone due to the determination of our President that our great national work should be done at Panama and nowhere else, is a violation of the express mandate of the Spooner law.

If the use of our war resources in supporting Colombia, led by Marroquin, in November, 1902, was justifiable, there can be no justification in using them against Colombia, led by Marroquin, in November, 1903.

The surrender of Herrera was made under a capitulation with General Perdomo on the 21st of November, 1902, the seventh and eighth articles of which are as follows:

ARTICLE 7. In accordance with the desire of the Government and the nation, as soon as public order is restored an edict of convocation to elections will be issued, regarding the members for Congress, in respect to which the Government engages itself to use all its authority to effect it with purity and legality, as was promised by the vice-president in the response given to a memorial signed by various Liberals of Bogota the 14th of April the present year. To this Congress will be submitted for consideration the following questions of high national interests:

(a) The negotiations relating to the Panama Canal.

(b) The reforms presented to the Congress in 1898, by the vice-president of the Republic.

(c) The reformation of the monetary system of the country, in which paper money serves as a base, making the rentals to the Republic from contract on the canal inalienable.

ARTICLE 8. The recognition of the Government's authority by the members of the united armies of Cauca and Panama and by all forces or people that desire to receive this treaty.

In a report of November 3 by Admiral Casey to the Secretary of the Navy, he had inclosed the following account of the coming of General Perdomo to Panama and its connection with the canal negotiations:

[General news letter. (By mail.)]

THE ISTHMIAN SITUATION—GENERAL PERDOMO'S IMPORTANT MISSION—POWERFUL ARMY COMING THAT WILL CLEAR RAILROAD LINES OF GUERRILLA BANDS—AMERICAN FORCES CAN THEN BE RELIEVED FROM SHORE DUTY.

COLON, *October 20, 1902.*

New York, October 20, 1902. A dispatch dated Panama, October 17, gives the following account of the situation on the Isthmus:

General Perdomo yesterday notified the foreign consuls here that he had assumed the functions of supreme commander of the Colombian forces in the Isthmus.

General Perdomo has taken an active part in the military affairs of Colombia during the last thirty years, and this notwithstanding the fact that he is one of the richest land and cattle owners in the Departments of Tolima and Cundinamarca. In an interview this morning he said:

"With the exception of the Department of Panama, where General Herrera has his forces, and a few guerrilla bands in the Departments of Magdalena and Bolivar, the Republic is pacified. Traders travel through the country and are protected by the Government.

"I have been agreeably impressed with the American forces on the Isthmus. At Colon the American consul visited me and was very kind and amiable. The commanding officer of the American marines placed a guard of honor on the train which brought me across, and this guard was put under my orders. Acting Superintendent Prescott of the railroad offered me his private car for the trip.

"As a result of my observation with the American forces I have absolutely no fear that any difficulty will arise between Colombia and the American forces here or the railroad company. I think the landing of the United States marines has been effective in maintaining free transit over the Isthmus.

"I expect soon to have a powerful army here, and will then clear the railroad line of guerrilla bands, whose only object is to create complications between Colombia and the United States. I shall then be able to relieve the American forces doing shore duty on the Isthmus.

"I am a great friend of the United States, and I admire that country. I and all Colombians favor the construction of a canal by the Americans, and my principal object in pacifying the Isthmus is to make possible a meeting of the Colombian Congress to consider the canal bill. On the arrival here of our newly acquired cruiser *Bogota*, from San Francisco—and she is expected shortly—I will concentrate my forces in this Department and begin my campaign immediately. The Colombian Government can send $0,000 [misprint in newspaper] men here, but 10,000 men is all I require."

The eleventh paragraph of the report of Admiral Casey of October 13 to the Secretary of the Navy uncovers the whole situation, as follows:

11. I inclose a clipping from the Panama Star and Herald of October 12, 1902. In this connection I take occasion to inform the Department that I have refrained, as far as possible, from in any way embarrassing the officials of the Colombian Government, except so far as is absolutely necessary in my judgment to maintain uninterrupted and unembarrassed transit and to prevent the line of transit from being converted into a theater of hostilities.

I shall decide such questions as the conditions may change from day to day, and when in doubt will consult the Department. Further in this connection, I have to inform the Department that I have been unable to learn of any effort on the part of the Colombian Government to crush the revolution in this district just prior to or since my arrival at Panama.

On the other hand, it is my opinion that if it were not for the restraining influence of our naval force here Panama would fall an easy victim to the combined land forces and gunboats of the insurgents.

Very respectfully,

SILAS CASEY,
Rear-Admiral, U. S. Navy,
Commander in Chief, U. S. Naval Force, Pacific Station.

The SECRETARY OF THE NAVY.

Admiral Casey proceeded to open negotiations for the capitulation of Herrera's army as soon as the further prosecution of the Liberal war with Marroquin was rendered impossible. He begun by sending Herrera the following note:

U. S. FLAGSHIP WISCONSIN,
Panama, Colombia, October 2, 1902.

SIR: 1. I have the honor to inform you that I have been authorized by my Government to offer my friendly services to the leaders of the contending parties in the Republic of Colombia, with a view to bringing about a friendly meeting between them, and a discussion of their differences, to the end that they may mutually agree upon such terms as will put an end to the strife and restore peace and tranquillity in the Republic.

2. In pursuance of the above desire, I called upon Governor Salazar on the 8th instant, accompanied by the United States vice-consul-general, Mr. Felix Ehrman, and tendered my good offices, which the governor accepted cordially, and informed me that he would be most pleased to have a friendly meeting with you, as suggested by me, for such amicable discussion, with a view to the settlement of existing differences and the restoration of peace.

3. I have the honor and pleasure to offer you my good offices in arranging for a friendly meeting and discussion with Governor Salazar, if you so desire, and would be most pleased to have you meet on board my flagship *Wisconsin*, at anchor off Panama.

4. It will be most gratifying to me and the Government I have the honor to represent if I can in any way be useful in prompting the restoration of peace and tranquillity in your country.

I have the honor to remain, yours, very cordially,

SILAS CASEY,
Rear-Admiral, U. S. Navy,
Commander in Chief U. S. Naval Force, Pacific Station.

Gen. BENJAMIN HERRERA,
Chief of Revolutionary Forces, District of Panama.

And the following order to Casey closes the door against all denial of the purpose of the entire campaign:

OCTOBER 29, 1902.

CASEY, *Wisconsin, Panama:*

While approving your attitude, the Department wishes to impress upon you that the relations of the United States with Colombia are much strained. You must adopt measures as conciliatory as is consistent with dignity United States, overlooking matter of minor importance. Negotiations for ship canal are at present at a standstill on account of a feeling of irritation on part of Colombian representative.

DARLING.

This completed the mission of the naval forces of the United States so suddenly concentrated at Panama in August and September, 1902, and secured Marroquin in his supremacy in Colombia.

No one can conceal from himself the fact that Marroquin appealed to the President of the United States for aid in suppressing the Liberals in Colombia, who had revolted nearly three years before on account of the extension of the Wyse concessions from 1904 to 1910, and that the President, in order to get the Hay-Herran treaty ratified, had actively aided Marroquin to overthrow Herrera and his victorious army.

The circle is complete, and within it are two years of our history and four years of the history of Colombia that have no parallel in grievous wrongs and audacious violations of law.

At the beginning and at the end, which the Senate is about to confirm, the New Panama Canal Company, backed by France, has been the real cause of all this indescribable sacrifice of human life, property, and national honor that now involves us in a sea of trouble, with worse to come.

This circle of history, from January, 1902, to January, 1904, while it was being enacted by the President in the secret councils of his high office, into which the American people never pry with curious or suspecting inquiry, was a sealed book to everybody until it was opened in his annual message to Congress in December, 1903.

It was an astonishment to the whole world, especially in the announcement that the President had determined to openly disobey the Spooner law in order to fulfill his preordained purpose to open a canal at Panama, or else that no canal would be constructed.

It is not surprising, in view of all that has occurred, that his lawless resolution alarmed some of our southern people, but it is surprising that they run to cover, under the shelter of the Presidential guns, rather than find it in a faithful reliance upon the Constitution and the laws, guarded by the abiding good faith and virtue of the American people.

The temptation of a supposed good bargain with the New Panama Canal Company drew him to the Panama route, which they had long since abandoned under the provisions of the Wyse concession, and from that hour he surrendered the policy and the powers of the United States to the guidance of that company.

It had inflicted civil war upon Colombia to compel that Republic to extend the Wyse concession from 1904 to 1910.

When that war reached Panama, and Herrera, the general of the Liberal army, had won the day and was ready to drive out Marroquin's army, the President moved in with our war ships and saved Marroquin.

There was trouble with Concha, as there had been with Silva, in closing the negotiation of a treaty with Colombia, and Marroquin made that the pretext for demanding our intervention in aid of his war in Panama, and it was granted.

Concha refused to sign the Hay-Herran treaty after it was agreed upon, because his conscience would not permit him to disobey the constitution and laws of Colombia, and he was recalled, but continued in office as minister to the United States, leaving Herran in charge of the legation as chargé d'affaires. He was instructed to sign the treaty, and did so.

Bunau-Varilla claims the credit of this diplomatic strategy. I hope that he alone is entitled to that distinction.

The treaty failed of ratification by the Congress of Colombia, and all our work in keeping Marroquin in office was lost.

Yet the canal transit was secured under the protection of the Marroquin Government, but the treaty went by the board and the proposed canal concessions with it, and the $40,000,000 for the New Panama Canal Company disappeared behind a clouded horizon.

France was called in to assist in restoring its power in Panama and came to the rescue.

All of a sudden we discovered that the exercise of sovereignty by the Marroquin Government was a threat against the security of the transit. We forgot how we had aided Marroquin in protecting the transit in 1903, while we thereby secured him in office as President of Colombia, and we suddenly turned upon his troops, sent to Panama to preserve the sovereignty of Colombia and the enforcement of its laws, and expelled them under the assumption that their appearance on that part of the Isthmus would endanger the transit.

All this confusion and repugnance as to the attitude of our Government toward Colombia and Panama and toward the security of the transit and the sovereignty of Colombia came from the determination of the President to locate the canal at Panama in despite of the Spooner law.

In every stage of the proceeding the New Panama Canal Company led, if it did not dictate, the policy of the President, and Bunau-Varilla and Cromwell were in at the death.

Mr. MORGAN. Mr. President, I ask that the resolution may remain on the table, without prejudice, subject to call.

The PRESIDENT pro tempore. The Senator from Alabama ask that the resolution may lie on the table without prejudice, subject to his call. Is there objection? The Chair hear none, and that order is made.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. CULLOM. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 7274) to amend section 76 of an act entitled "An act to provide a government for the Territory of Hawaii," was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

The bill (H. R. 19) establishing a United States court at Marietta, Ind. T., was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 11676) to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 11812) relating to applications, declaratory statements, entries, and final proofs under the homestead and other land laws, and to confirm the same in certain cases when made outside of the land district within which the land is situated, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 11823) to authorize the Director of the Census to cooperate with the secretary of state of the State of Michigan and with officials of other States in taking the census of manufacturers was read twice by its title, and referred to the Committee on the Census.

REPORTS OF THE LIBRARIAN OF CONGRESS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 37) providing for the editions to be printed of the annual and special reports of the Librarian of Congress; which was referred to the Committee on the Library.

RED LAKE RESERVATION IN MINNESOTA.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 1490) to authorize the sale of a part of what is known as the Red Lake Reservation, in the State of Minnesota. The amendment will be read.

The Secretary read the amendment, which was to strike out all after the enacting clause of the bill and insert:

That said agreement be, and the same is hereby, modified and amended so as to read as follows:

"ARTICLE I. The said Indians belonging on the Red Lake Indian Reservation, Minn., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Red Lake Indian Reservation lying west of the range line between ranges 38 and 39, west of the fifth principal meridian, the tract of land hereby ceded approximating 256,152 acres, and also hereby agree that all of said Indians now residing on the tract hereby ceded shall remove to the diminished reservation within six months after the ratification of this agreement, and shall be paid not exceeding $20,000 in cash by the Indians of said Red Lake Reservation out of the first payment received by them from the proceeds of this cession, said $20,000, or so much thereof as may be necessary, to be paid equitably to those thus removing, in proportion to the value of their respective improvements, which payment by said Red Lake Indians shall be in full for all improvements which they will abandon, and also for the removal within the diminished reservation of their dead from where they now are buried on the tract hereby ceded.

"ART. II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement the United States stipulates and agrees to sell, subject to the homestead laws of the United States, under rules and regulations to be prescribed by the Secretary of the Interior, in tracts not to exceed 160 acres to each individual, all of said lands, except lands remaining unsold after five years from the first sale hereunder, which may be sold without reference to the provisions of the homestead law. Said land shall be sold for not less than $4 per acre, and shall be sold upon the following terms: One-fifth of the purchase price to be paid at the time of sale and the balance of the purchase price of said land to be paid in five equal annual installments due in one, two, three, four, and five years from date of sale, respectively, and to pay over to said Indians all of the proceeds realized from the sale of the said lands as herein provided.

"ART. III. It is understood that of the amount realized from the sale of said lands a sum of not exceeding $300,000 shall be paid in cash per capita, share and share alike, to each man, woman, and child belonging on said Red Lake Indian Reservation within ninety days after the first sale herein provided for, and the remainder of the proceeds of the sale of said lands shall be paid in cash per capita in fifteen annual installments, the first of which fifteen annual installments is to be paid in the month of October of the year following that in which the payment of the said $300,000 is made, as provided in this agreement, and in the month of October of each year thereafter, and all moneys received after the expiration of said fifteen years shall be apportioned in like manner among said Indians and paid to them on the 1st day of October in each year.

"ART. IV. It is further agreed that the said Indians belonging on the said Red Lake Indian Reservation, Minn., shall possess their diminished reservation independent of all other bands of the Chippewa tribe of Indians and shall be entitled to allotments thereon of 160 acres each, of either agricultural or pine land, the different classes of land to be apportioned as equitably as possible among the allottees.

"ART. V. It is understood that nothing in this agreement shall be construed to deprive the said Indians belonging on the Red Lake Indian Reservation, Minn., of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this agreement. It is the intention of this agreement that the United States shall act as trustee for said Indians to dispose of said land and to expend and pay over the proceeds as received from the sale thereof only as received, as herein provided.

"ART. VI. This agreement shall take effect and be in force when accepted and ratified by the Congress of the United States."

SEC. 2. That said agreement be, and the same is hereby, accepted and ratified as herein amended.

SEC. 3. That the Secretary of the Interior is hereby authorized and directed to sell, subject to the homestead laws of the United States, under such rules and regulations as he may prescribe, in tracts not to exceed 160 acres to each individual, all that part of the Red Lake Reservation, in the State of Minnesota, lying westerly of the range line between ranges 38 and 39 west of the fifth principal meridian, approximating 256,000 acres. And the said land shall be sold for not less than $4 per acre, and shall be sold upon the following terms: One-fifth of the price bid therefor to be paid at the time the bid is made, and the balance of the purchase price of said land to be paid in five equal installments, due in one, two, three, four, and five years from date of sale, respectively, payment to be made to the receiver of the United States land office for the district in which said land may be situated. And in case any purchaser fails to make such annual payments promptly when due, or within sixty days thereafter, all rights in and to the land covered by his or her purchase shall at once cease, and any payments made shall thereupon be forfeited, and the Secretary of the Interior shall thereupon declare such forfeiture by reoffering said land for sale.

And no patent shall issue to the purchaser until the purchaser shall have paid the purchase price and in all respects complied with the terms and provisions of the homestead laws of the United States: *Provided*, That such purchaser shall have the right of commutation as provided by section 2301 of the Revised Statutes of the United States, by paying for the land at the price for which it sold, receiving credit for payments previously made: *Provided further*, That such purchaser shall make his final proof conformable to the homestead laws within six years from the date of sale; that aliens who have declared their intention to become citizens of the United States may become purchasers under this act, but before making final proof and acquiring title must take out their full naturalization papers; and that persons who may have heretofore exhausted their rights under the homestead law may become purchasers under this act: *Provided further*, That after the first sale hereunder shall be closed, the lands remaining unsold shall be subject to sale and entry at the price of $4 per acre by qualified purchasers, subject to the same terms and conditions as herein prescribed as to lands sold at said first sale: *Provided further*, That all lands above described which shall remain unsold at the expiration of five years from the date of the first sale hereunder shall be offered for sale at not less than $4 per acre (and lands remaining untold after such sale shall be subject to private entry and sale at said price), without any conditions whatever except the payment of the purchase price: *And provided further*, That wherever the boundary line of said reservation runs diagonally so as to divide any Government subdivision of a section, and the owner of that portion of such subdivision now being outside of the reservation becomes the purchaser of that portion of such subdivision lying within the reservation, residence and improvements upon either portions of such subdivision as provided by the homestead law shall constitute a compliance as to all such Government subdivisions.

All of the Indians residing upon the tract above described shall remove therefrom to the diminished reservation within six months after the passage of this act; and there is hereby appropriated from the proceeds of said sale the sum of $20,000, or so much thereof as may be necessary, to be paid to those thus removing in proportion to their respective improvements, which payment to the said Red Lake Indians shall be in full for all improvements which they will abandon, and also for the expense of removal within the diminished reservation of their dead from where they are now buried on the tract above described, and the expense of making allotments.

The proceeds of said lands as realized from time to time shall be paid into the United States Treasury to the credit of the Indians belonging on said reservation. Of the amount realized from the sale of said lands a sum not exceeding $300,000 shall be paid in cash, per capita, share and share alike, to each man, woman, and child belonging on said Red Lake Indian Reservation within ninety days after the first sale herein provided for, and the remainder of the proceeds of the sale of said lands shall be paid in cash, per capita, in fifteen annual installments, the first installment to be paid in the month of October of the year following that in which the payment of the $300,000 is made; and all moneys received after the expiration of said fifteen years shall be apportioned in like manner among said Indians and paid to them on the 1st day of October in each year.

The Secretary of the Interior is hereby vested with full power and authority to make such rules and regulations as to the time of notice, manner of sale, and other matters incident to the carrying out of the provisions of this act as he may deem necessary, and with authority to continue making sale of said lands until all of said lands shall have been sold.

In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is $1.25 per acre.

SEC. 4. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend any pay over the proceeds received from the sale thereof only as received as herein provided.

SEC. 5. That this act shall take effect and be in force from and after its passage.

The House of Representatives further amended the bill by prefixing thereto the following preamble:

Whereas James McLaughlin, United States Indian inspector, did, on the 10th day of March, A. D. 1902, make and conclude an agreement with the adult male Indians of the Red Lake Reservation, in the State of Minnesota, which said agreement is in words and figures as follows:

"This agreement made and entered into this 10th day of March, 1902, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Red Lake and Pembina bands of Chippewa Indians belonging on the Red Lake Reservation in the State of Minnesota, witnesseth:

"ARTICLE I. The said Indians belonging on the Red Lake Indian Reservation, Minn., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Red Lake Indian Reservation situate within the boundaries of Red Lake County, Minn., as said county is at present defined and organized, the tract hereby ceded being more particularly described as embracing all that part of the said Red Lake Indian Reservation lying west of the range line between ranges 38 and 39 west of the fifth principal meridian, the tract of land hereby ceded approximating 256,152 acres, and also hereby agree that all of said Indians now residing on the tract hereby ceded shall remove to the diminished reservation within six months after the ratification of this agreement, and shall be paid not exceeding $5,000 in cash by the Indians of said Red Lake Reservation out of the first payment received by them from the proceeds of this cession, said $5,000, or so much thereof as may be necessary, to be paid equitable to those thus removing, in proportion to the value of their respective improvements, which payment by said Red Lake Indians shall be in full for all improvements which they will abandon, and also for the removal within the diminished reservation of their dead from where they are now buried on the tract hereby ceded.

"ART. II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement the United States stipulates and agrees to pay to said Indians, in the manner hereinafter provided, the sum of $1,000,000.

"ART. III. It is understood that of the amount to be paid to said Indians, as stipulated by Article II of this agreement, the sum of $250,000 shall be paid in cash, per capita, share and share alike, to each man, woman, and child belonging on said Red Lake Indian Reservation, within ninety days after the ratification of this agreement, and the remainder of the said sum of $1,000,000, viz, $750,000, shall be paid in cash, per capita, in fifteen annual installments of $50,000 each, the first of which fifteen annual installments to be paid in the month of October of the year following that in which payment of the said $250,000 is made, as provided in this agreement, and in the month of October of each year thereafter of the succeeding fourteen years, covering the period of said fifteen annual installments.

"ART. IV. It is further agreed that the said Indians belonging on said Red Lake Indian Reservation, Minn., shall possess their diminished reservation independent of all other bands of the Chippewa tribe of Indians and shall be entitled to allotments thereon of 160 acres each, of either agricultural or pine land, the different class of land to be apportioned as equitably as possible among the allottees.

"ART. V. It is understood that nothing in this agreement shall be construed to deprive the said Indians belonging on the Red Lake Indian Reservation, Minn., of any benefits to which they are entitled under existing treaties for agreements not inconsistent with the provisions of this agreement.

"ART. VI. This agreement shall take effect and be in force when signed by United States Indian Inspector James McLaughlin and by a majority of the male adult Indians, parties hereto, and when accepted and ratified by the Congress of the United States.

"In witness whereof the said James McLaughlin, United States Indian inspector, on the part of the United States, and the male adult Indians belonging on the Red Lake Indian Reservation, Minn., have hereunto set their hands and seals at Red Lake Indian Agency, Minn., this 10th day of March, A. D. 1902.

"JAMES MCLAUGHLIN, [SEAL.]
"*United States Indian Inspector.*

No.	Name.		Mark.	Age.	
1	Kay bay no din	Chief	x	67	(Seal.)
2	Mays ko ko noy ay	do	x	70	(Seal.)
3	Pay she ke shig	do	x	35	(Seal.)
4	Nay ay tow up	do	x	54	(Seal.)
5	Ak mun e ay ke zhig	do	x	76	(Seal.)
6	I con je gwon abe	do	x	63	(Seal.)
7	Kay bay gah bow	do	x	55	(Seal.)

And 213 other male adult Indians."

We, the undersigned, hereby certify that the foregoing agreement was fully explained by us in open council to the Indians of the Red Lake Reservation, Minn.; that it was fully understood by them before signing, and that the agreement was duly executed and signed by said Indians.

JOS. C. ROY,
C. W. MORRISON,
PETER GRAVES,
Interpreters.

RED LAKE AGENCY, MINN., *March 12, 1902.*

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, United States Indian inspector, and the 220 Indians of the Red Lake Reservation, Minn., to the foregoing agreement.

DANIEL SULLIVAN,
Overseer in charge of Subagency.
FRANK H. KRATKA,
Mayor of Thief River Falls, Minn.
B. L. FAIRBANKS,
White Earth Agency, Minn.

RED LAKE AGENCY, MINN., *March 12, 1902.*

I hereby certify that the total number of male adult Indians, over 18 years of age, belonging on the Red Lake Reservation, is 334, of whom 220 have signed the foregoing agreement.

G. L. SCOTT,
Major Tenth Cavalry, Acting Indian Agent.

LEECH LAKE AGENCY, MINN., *March 17, 1902.*

And—

Whereas it is deemed for the best interests of the said Indians that said agreement be amended and modified as hereafter provided: Therefore,

Mr. NELSON. I move that the Senate concur in the amendment of the House of Representatives.

Mr. KEAN. May I inquire of the Senator whether this is the same bill that appears on the Calendar as No. 635 in the Order of Business, which was reported by the Senator from South Dakota [Mr. GAMBLE]?

Mr. NELSON. No. This bill relates to the Red Lake Reservation, in the State of Minnesota; and it meets with the approval of the Committee on Indian Affairs.

The PRESIDENT pro tempore. The question is on the motion

of the Senator from Minnesota [Mr. NELSON] that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

The preamble was concurred in.

CONSIDERATION OF THE CALENDAR.

Mr. GALLINGER. I hope we may now go to the Calendar, Mr. President.

The PRESIDENT pro tempore. The Secretary will state the first bill on the Calendar.

JAMES F. M'INDOE.

The bill (S. 1501) for the relief of James F. McIndoe was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay to James F. McIndoe, captain, Corps of Engineers, late first lieutenant, Corps of Engineers, United States Army, $1,142.70, that being the value of his personal effects destroyed by fire on the 13th of February, 1901, through the destruction by fire of the engineer quarters at Fort Hancock, N. J., as determined by a board of survey which met by order of Major-General Brooke at Fort Hancock, N. J., on the 15th of March, 1901.

Mr. PLATT of Connecticut. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. FULTON on the 14th ultimo.

Mr. PLATT of Connecticut. I do not care to have the report read further, but I should like to have it all printed in the RECORD.

The PRESIDENT pro tempore. It will be printed in the RECORD.

The report is as follows:

The Committee on Claims, to whom was referred the bill (S. 1501) for the relief of James F. McIndoe, begs leave to report as follows:

The purpose of this bill is to reimburse James F. McIndoe, captain, Corps of Engineers, in the sum of $1,142.70, being the value of his personal effects destroyed by fire on the 13th day of February, 1901, through the destruction by fire of the engineer quarters at Fort Hancock, N. J., as determined by a board of survey which met by order of Major-General Brooke at Fort Hancock, N. J., on the 15th day of March, 1901.

A bill similar to this was introduced in the first session Fifty-seventh Congress (S. 5531), was favorably reported by the Committee on Claims, and passed the Senate.

The evidence in this case shows that while Captain McIndoe was serving the United States in charge of fortification work at Fort Hancock, and while residing in the building provided by the United States for the officer charged with said duties, the same was totally destroyed by fire on the morning of February 13, 1901, due to defective construction of a chimney and to inflammable materials entering into the construction of the house. It appears from the testimony in the case that the fire originated from a defect in the chimney of the house. The fire burned very rapidly, and, according to the testimony of the witnesses, in twenty minutes after the fire was discovered access to the second floor was impossible.

Captain McIndoe testifies that every possible effort was made to save the building and property belonging to the United States; that owing to the efforts made to save the property of the United States the property of his own was destroyed of the value set out in this bill. The testimony of Captain McIndoe is corroborated by a number of other witnesses as to the origin of the fire and the speed with which it consumed the building occupied by him as a home. It further appears from the testimony of witnesses that owing to the high wind prevailing Captain McIndoe ordered the men under his control to desist from the efforts in saving his own property in order that their services might be used in preventing the ignition of other buildings belonging to the Government close at hand, and in which valuable supplies were stored.

In the opinion of the board of survey, Captain McIndoe sacrificed his personal property, which could probably have been saved, since the fire started in the attic of the building which he occupied, to save the Government property. The board of survey fixes the value of the property destroyed at the amount claimed in this bill, and which they claim was an amount of personal property reasonably useful, necessary, and proper for the claimant to have in the public service in the line of duty, and had Captain McIndoe, instead of trying to save the Government property, cared for his personal belongings, he could have saved them. They were, therefore, in the opinion of the board, lost while the claimant was protecting Government property, and they recommend that he be reimbursed in the amount of $1,142.70.

This claim was presented to the Auditor of the War Department and by him disallowed upon the ground that the destruction of the property for which reimbursement is claimed was not caused by an exigency of the military service, whereby the claimant was deprived of the control over said property which he would have had in civil life, or whereby the property was subjected to dangers not ordinarily incident to its use in civil life; and on the further ground that it did not appear that the destruction was caused by this claimant giving his attention to the saving of the property belonging to the United States.

As pointed out above, it appears to your committee that the testimony in this case shows that this property was lost while this claimant was giving his attention to the saving of the property of the United States.

The law authorizing a recovery in cases of this character provides that the proper officers of the Treasury shall "determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service, under the following circumstances:

"First. When such loss or destruction was without fault or negligence on the part of the claimant."

(The second item has no application to this case.)

"Third. Where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the time and under similar circumstances."

The testimony in this case shows that the property of claimant was in an extra hazardous position by exigency of the military service. It appears from the testimony that the quarters occupied were the only quarters at Fort Hancock provided for the engineer officer on duty there.

It further appears that the location of the building was outside of the limits of every protection provided at the post against fire, and beyond adequate water supply for extinguishing fires. The testimony also shows that Captain McIndoe and others who were assisting him in efforts to put out the fire were compelled to carry water in pails for that purpose.

It appears to your committee that if Captain McIndoe had been at liberty to select his own place of residence he would have exercised ordinary care, and would have selected a place surrounded by the usual protection against fire.

After considering all of the testimony presented and the findings of the board of survey, and noting the recommendation of the said board, your committee is of the opinion that the demand of this claimant is just and that this bill should pass.

Mr. PLATT of Connecticut. The report shows that this case is peculiar in this respect, that the officer in charge devoted his attention to saving the public buildings and neglected his own property, and that he might have saved his own property if he had not devoted his attention to the Government property. I make no objection to the bill.

Mr. WARREN. Right here I will say further that it shows that the fire started through no fault of his.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT TO EX-QUEEN LILIUOKALANI.

The bill (S. 1553) for payment to Liliuokalani, formerly Queen of the Kingdom of Hawaii, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pacific Islands and Porto Rico with an amendment, in line 6, before the word "hundred," to insert "two;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Liliuokalani, formerly Queen of the Kingdom of Hawaii, in full satisfaction and discharge of all claim, legal and equitable, $200,000.

Mr. PLATT of Connecticut. I wish to propose an amendment, to strike out all after the word "Hawaii," in line 5, down to and including the word "equitable," in line 6.

Mr. HOAR. The Senator is not heard here.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed to strike out, in lines 5 and 6, the following:

In full satisfaction and discharge of all claim, legal and equitable.

Mr. KEAN. Mr. President, is there a report accompanying the bill?

Mr. PLATT of Connecticut. The purpose of the amendment is to make it a gift, without stating what we pay it for.

Mr. BLACKBURN. What is the motion of the Senator from Connecticut?

Mr. PLATT of Connecticut. That we strike out from the bill the following words:

In full satisfaction and discharge of all claim, legal and equitable.

I do not think she has any claim, legal or equitable.

Mr. BLACKBURN. There will be no divergence between the Senator from Connecticut and myself as to her having no legal claim.

Mr. PLATT of Connecticut. We may just as well strike out those words and pay her the $200,000 without stating what we pay it for.

Mr. BLACKBURN. I hope the amendment will not be adopted.

Mr. HOAR. I think myself the ex-Queen has equitable rights. If the Senator from Connecticut does not care to recognize them——

Mr. BLACKBURN. If I am entitled to the floor, I want to say——

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BLACKBURN. I want to say that the report made by the Committee on Pacific Islands and Porto Rico accompanying this bill is a unanimous report. In that report it is expressly conceded that the beneficiary of this proposed legislation has no legal claim against the Government, but it is as expressly contended that she has a well-grounded equitable claim.

Mr. SPOONER. May I inquire of the Senator what is the equity?

Mr. BLACKBURN. I answer the Senator from Wisconsin and say that that equity, in the opinion of the committee, consists in this: Since the dethronement of the Queen and the taking possession of the Crown lands, which were hers so long as she retained the sovereignty of those islands, the Government has received for ten years, in round numbers, an average yearly rental of $45,000 from those lands. So about a half million of money has been collected since her dethronement as the rents of the Crown lands alone. In addition——

Mr. SPOONER. Does the committee predicate anything upon the theory that she was dethroned by the United States?

Mr. BLACKBURN. No. That, of course, was her contention and that of her adherents; but the committee in its report expressly disclaims any such purpose as that. In express language

the committee holds that she has no legal claim against this Government for anything; but the committee recommends the payment of the $200,000, based upon the one item of consideration which I have stated in answer to the Senator from Wisconsin, and other considerations. These Crown lands were hers during her sovereignty. Whenever she ceased to be the sovereign, the Queen, of those islands, the Crown lands ceased to belong to her. In other words, they belonged to the Crown.

Mr. GALLINGER. Will the Senator from Kentucky permit me? The Senator speaks of a report. I find no report accompanying the bill at this session of Congress. Was a report made in the last Congress?

Mr. BLACKBURN. It was, by this committee, and was adopted for these purposes here. I would be glad to have that report read to the Senate, for it will show——

Mr. CULLOM. I think it ought to be read.

Mr. BLACKBURN. It will show that the proposition of the payment of this money to her is not based altogether upon her deprivation of the rents of the Crown lands, which since her dethronement, as I tell you, have amounted to a half million that we have collected from them.

Mr. MITCHELL. The exact amount is $432,378.06.

Mr. BLACKBURN. That is right—$432,378.06, an average of $45,039.38 every year.

Mr. CULLOM. That amount has been put into the United States Treasury?

Mr. BLACKBURN. Yes, sir.

Now, as an additional consideration moving the committee to recommend the payment of this money, all of her personal property—I do not mean personal property; I mean property in contradistinction to her title to the Crown lands, the real estate that she had, the fee being in her—was taken.

Mr. SPOONER. Taken by whom—the Republic of Hawaii?

Mr. BLACKBURN. The Republic established there upon the dethronement of the Queen.

Now, Mr. President, admitting, as the committee freely does, that this claimant has no status in court, that she has no legal ground upon which she can make any demand upon this Government, the committee by its unanimous action, in consideration of the facts that I have stated here, recommend that the sum of $200,000 be paid to her.

It must be understood and admitted—no one will deny it—that the conditions attaching were peculiarly hard upon this dethroned sovereign. There she was in more than comfortable circumstances. She had an annual rental of about $50,000 from lands that belonged to her so long as sovereignty was vested in her. She had a comfortable estate in her own right, all of which was lost. She was left with those retainers and dependents that you might naturally expect a sovereign to have depending upon her.

The legislature of Hawaii undertook to make provision, so far as it felt that it was able to do it, by voting her a stipend of $15,000 a year; and that it did. Taking the condition of the resources of the islands——

Mr. MITCHELL. Will the Senator allow me? It was $15,000 for two years.

Mr. BLACKBURN. Two years. There was a limit, and that was the limit. The two years' limit applied to that grant made by the legislature of the islands of Hawaii.

The whole case is stated. This dethroned Queen has no rights in law. She can not prosecute any demand against the Government. It is conceded in advance. It is simply a question of grace that commends itself to the conscience and the sense of fair dealing of every man here.

Mr. SPOONER. I should like the Senator to be, if he can, a little more explicit as to her equity from the standpoint of the United States. I understand that it is conceded that the Crown lands belonged to the Crown, to the Government.

Mr. BLACKBURN. There is no controversy about that.

Mr. SPOONER. And that when by revolution she was dethroned and the government was changed, the title passed to the new sovereign——

Mr. BLACKBURN. Yes.

Mr. SPOONER. Being a republic.

Mr. BLACKBURN. Yes.

Mr. HOAR. As her successor.

Mr. SPOONER. That would not establish an equity.

Mr. HOAR. It is a part of the story.

Mr. SPOONER. Queens, like individuals, take their chances in this world of the vicissitudes of life. People have fortunes and lose them. Many a woman who has lived in luxury finds when her protector is removed by the hand of death that her method of living must change, and all that. It is all very sad, but of course it is perfectly clear from the Senator's statement that no claim could possibly have arisen in equity by this change in government, so far as the Crown lands go, even against the Republic of Hawaii, I should think.

How long was it after the Republic of Hawaii was established before we annexed Hawaii? I have forgotten.

Mr. BLACKBURN. I can not give the Senator the exact date of annexation.

Mr. HOAR. Four or five years.

Mr. SPOONER. I can not for the life of me see any equity——

Mr. BLACKBURN. The overthrow of the Queen's Government occurred on the 17th of January, 1893.

Mr. SPOONER. When did we annex the islands?

Mr. BLACKBURN. That exact date I am not prepared to give the Senate.

Mr. HOAR. In the winter of 1897-98.

Mr. SPOONER. I suppose the rentals which the Senator figures in the aggregate to amount to $400,000 include the rentals received by the Republic of Hawaii from the time of its establishment to the time of annexation?

Mr. BLACKBURN. They were received by the Republic of Hawaii.

Mr. SPOONER. Up to the time of annexation?

Mr. BLACKBURN. Up to the time of the annexation of the islands to the United States.

Mr. SPOONER. Yes.

Mr. BLACKBURN. The United States Government did not receive it.

Mr. SPOONER. But has received it since?

Mr. BLACKBURN. But has received it since the date of annexation.

Mr. SPOONER. That is to say, the Territory has received it. Have we?

Mr. MITCHELL. No; the United States received it.

Mr. BLACKBURN. The United States has seen fit to apply to the uses of the Hawaiian Islands the money here described, but it was the United States that made the application of the money and not——

Mr. SPOONER. If she had no claim whatever upon the Crown lands, there is nothing to argue from that.

Mr. BLACKBURN. The Senator——

Mr. SPOONER. I should like to ask the Senator what there is to be said a little more explicitly about the other lands that she owned in fee and which it is supposed the United States has acquired. There might be some equity in that which we should recognize.

Mr. BLACKBURN. I have no right to assume, and I do not assume, that the Senator wants to involve me in any discussion——

Mr. SPOONER. I have forgotten the fact.

Mr. BLACKBURN. Of the question as to whether the United States Government is to any extent or in any degree responsible for the overthrow of this Queen's Government.

Mr. SPOONER. Oh, no.

Mr. BLACKBURN. I have very decided convictions in my own mind about that responsibility.

Mr. SPOONER. If we were, there might be some theory of equity on which we ought to pay, perhaps.

Mr. BLACKBURN. I have very pronounced opinions upon that subject, and the Senator may not agree with those conclusions; but that is beside the question presented by this committee.

Mr. SPOONER. What I should like to have the Senator point me to—he may have done so when the matter was before the Senate at the last session—is what equity is based upon the loss of the lands to which she had the fee. I do not see how, if she had the fee, it could be lost without some judicial proceeding. I would not suppose annexation could do it, but there may be something in that phase of the case which would afford an equitable basis for an appropriation.

Mr. BLACKBURN. I have not before me the report made to the last Congress by this committee upon the bill.

Mr. KEAN. Mr. President——

Mr. BLACKBURN. I think probably the Senator from Oregon has that report at his desk.

Mr. PLATT of Connecticut. I do not think there was any report.

Mr. KEAN. We have not been able to find any.

Mr. PLATT of Connecticut. I do not think there was any report made.

Mr. MITCHELL. The Senator from Kentucky is speaking of the report made by the committee.

Mr. BLACKBURN. The report made by the committee to the Fifty-seventh Congress.

Mr. PLATT of Connecticut. I have sent to the document room for it, and they can not find it.

Mr. BLACKBURN. Has the Senator from Oregon the report before him?

Mr. MITCHELL. Yes, sir.

Mr. KEAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from New Jersey?

Mr. PLATT of Connecticut. That is the report of a committee which went to the Hawaiian Islands.

Mr. MITCHELL. Yes, sir——

Mr. PLATT of Connecticut. It is not a report on this bill?

Mr. MITCHELL. And it has been indorsed by the full committee.

Mr. BLACKBURN. The full committee.

Mr. MITCHELL. The Committee on Pacific Islands and Porto Rico.

Mr. PLATT of Connecticut. But it is not a report made by the committee on this bill.

Mr. MITCHELL. No.

Mr. KEAN. I see that we are proceeding with the Calendar under Rule VIII, and I suppose an objection will carry this bill over.

The PRESIDENT pro tempore. No; the Senate is not proceeding under Rule VIII. It applies up to 2 o'clock, and not after 2 o'clock.

Mr. BLACKBURN. I suggest to the Senator from New Jersey——

Mr. KEAN. I merely asked the question.

Mr. BLACKBURN. I was going to suggest to the Senator from New Jersey that I would hardly be disposed to yield the floor to have that objection made.

Mr. KEAN. We have sent and tried to get copies of the report, and the clerks have been unable to get them.

Mr. BLACKBURN. The report was made by a subcommittee that was sent to the Hawaiian Islands. The subcommittee treated of this matter very elaborately and fully in the report which it made to the full committee. The full committee indorsed it and unanimously recommended the passage of this bill.

The point the Senator from Wisconsin is inquiring about now is as to the additional ground for the basing of an equity as to the extent of the property owned by this Queen in fee as in contradistinction to the holding that she had as sovereign of what is known as the "Crown lands."

Mr. SPOONER. Yes.

Mr. BLACKBURN. Now, that, I believe, is treated of in the report in the hands of the Senator from Oregon.

Mr. MITCHELL. Will the Senator from Kentucky allow me?

Mr. BLACKBURN. Certainly.

Mr. MITCHELL. I do not understand that any lands that the Queen held in fee were ever appropriated by the United States.

Mr. SPOONER. They could not be.

Mr. MITCHELL. They could not be and were not. What is in the mind of the Senator who has charge of the bill is the fact that a great amount of her personal property, which was her individual property, was taken.

Mr. SPOONER. Taken by whom?

Mr. MITCHELL. Taken——

Mr. BLACKBURN. By the Republic of Hawaii?

Mr. MITCHELL. Taken by the Republic of Hawaii and appropriated.

Mr. BLACKBURN. Now, further answering the Senator from Wisconsin——

Mr. MITCHELL. Will the Senator from Kentucky allow me at this point?

Mr. BLACKBURN. Yes.

Mr. MITCHELL. I wish to read, if the Senator will allow me for a moment, the conclusions reached by the committee after discussing at some length the whole situation; the nature of her claims; the nature of these Crown lands, so called, and the amount of rentals paid in from year to year. The committee concluded thus:

> First. That the legal and equitable title to all the lands hereinbefore referred to as "Crown lands" is in the United States, and has been since the date of annexation.
>
> Second. The legal title to these lands never vested personally in the former Queen Liliuokalani, but was held by her as sovereign in trust for herself as sovereign and her successors on the throne.
>
> Third. From the date she ascended the throne to the date of her dethronement Queen Liliuokalani was entitled, as her individual separate estate, with the right to use and dispose of it as she pleased, to the entire rents accruing from these "Crown lands."

That was her personal property. If there had been no change in government in the islands; if she was still living as she is and had not been dethroned, she would to-day be entitled, as her individual separate property, to dispose of it as she might see proper—to give it away or use it in any shape, manner, or form, to the entire rentals of these Crown lands.

> Fourth. That by the dethronement of the Queen and the establishment of a provisional government in its stead, which was recognized not only by the people of Hawaii, including the ex-Queen, but by all the civilized nations of the globe, all legal claim of the late Queen to any of these Crown lands and to any future revenues arising therefrom was, under the well-understood principles of international law, at once and forever cut off; and
>
> Fifth. Whatever allowance is made to the ex-Queen by the Government of the United States can not and must not be based upon any legal right upon her part or be in recognition of any legal claim on her part on account of loss of her sovereignty or Crown lands, but must rest solely upon considerations of national grace, public and private justice, political policy, and fair, equitable dealing upon the part of a great and powerful nation—principles always recognized in the great unerring forum of the individual and national conscience.
>
> * * * * * * *
>
> Your committee further finds, from an examination of the records of the late Republic and the existing Territorial government, that the total amount of rentals of these crown lands received by the Government since the date of the queen's overthrow, January 17, 1893, to September 1, 1902, was $432,378.06, or an average per annum for a period of nine years and six months of $45,039.38, and all of which have since the date of the overthrow been taken and used by the respective governments which succeeded the monarchy, namely, the provisional government, the Republic, and later and now the Territorial government.

That is the case, Mr. President, as I understand it.

Mr. STEWART. Does the United States get the money now?

Mr. MITCHELL. The United States is receiving the money now.

Mr. SPOONER. If the ex-Queen is entitled to a moiety, why give her a lump sum?

Mr. MITCHELL. There is no suggestion in the report, from beginning to end, that she should have a moiety or any other sum as a matter of absolute right, but on the principle of national grace and fair play, under all the circumstances, between a great and powerful nation and those people, it is suggested that it would be good policy on the part of the Government, to say nothing else, to make her recompense of some kind, of some amount, not necessarily to be gauged by the amount of rentals received.

I will state that the committee, on visiting the islands, was forced into this inquiry very much against its will; but, as the report shows, the petition was presented at length on the Queen's part and a demand was made on the committee that we investigate the facts and make such report as we might think proper under the circumstances. We did. We inquired into the sentiment of the people there, and we found one thing that very agreeably surprised me, Mr. President. Before I visited those islands and heard the testimony of all sides I had been led to believe from what had been uttered in the Senate some years ago and what I had seen in the papers that this lady was not entitled to any consideration from anybody. Commencing with Governor Dole, who was born there, witness after witness was called upon the stand and sworn, all classes and parties being heard—parties who represented the monarchy, parties who represented those who had pulled down the monarchy—and without a solitary dissenting voice they all testified to the high character of that woman.

Mr. HEYBURN. Mr. President——

Mr. MITCHELL. One moment.

They testified not only to her high character, but to her many good qualities as a woman, a literary woman, a charitable woman, as a woman whose character and reputation had never been assailed by those who knew her, but only by those who did not know her. And furthermore they gave it as their opinion, without a dissenting voice, that nothing could go so far to harmonize matters in that new part of our country as to do something in the way of a contribution to the Queen, not based on any legal or equitable claim, if you please.

Mr. SPOONER. Why do you not put it in that way?

Mr. MITCHELL. That is the way we do put it. That is the way the report puts it. It was stated that nothing would go so far to harmonize matters and quiet matters in those islands. Now I will hear the Senator from Idaho.

Mr. HEYBURN. I should like to ask the Senator by what process——

Mr. MITCHELL. I will state to the Senator that I am speaking in the time of the Senator from Kentucky.

Mr. BLACKBURN. I am entirely willing that the Senator should go on.

Mr. HEYBURN. I should like to know by what process the title to the lands that were the personal property of the Queen passed from her.

Mr. SPOONER. There were none.

Mr. HEYBURN. And to whom did they pass?

Mr. BLACKBURN. This Government had nothing to do with any loss that the Queen sustained in the matter of any property belonging to herself in fee. This Government had nothing to do, it is assumed by the committee in its report, with the conversion of the rentals from the Crown lands, even to the provisional government and the Republic of Hawaii.

But, answering first the question submitted by the Senator from Wisconsin, I would say that it is not exactly the case that he described, that so often unfortunately occurs where people are brought down from affluence to want. In this case the poverty which overtook this dethroned monarch was not the result of any fault of hers. It was as the result of a political revolution.

Now, admitting for the sake of the argument that this Government had nothing to do with bringing about that condition of affairs; admitting for the sake of the argument that this Govern-

ment had no collusion with or knowledge of the intention and purposes that resulted in the dethronement of this Queen, still the fact remains that this Government did become the recipient of that very overthrow of government to the extent of the rentals of these lands from the date of the annexation of the Hawaiian Islands until now.

Mr. HEYBURN. Will the Senator permit me to ask him a question at that point which seems pertinent?

Mr. BLACKBURN. Yes.

Mr. HEYBURN. The Crown lands do not appeal to me at all as the basis of any sympathy or the foundation for making an appropriation.

Mr. BLACKBURN. Then I am afraid we can not reach the Senator's sympathy at all.

Mr. HEYBURN. But I understood the Senator to say that there were, in addition to those Crown lands, certain lands the fee of which was in the Queen.

Mr. BLACKBURN. No; I did not say lands. I said property and estate that this woman had in her own right.

Mr. CLAY. Will the Senator let me ask him a question?

Mr. HEYBURN. I understood the Senator to say "lands."

Mr. BLACKBURN. No; I did not say "lands."

Mr. HEYBURN. Then I should like to ask if the Senator can give us any information as to the character of that estate and to whom it passed when it passed from her?

Mr. BLACKBURN. The Senator from Oregon [Mr. MITCHELL] has already answered that question and told you that the property passed into the hands of the provisional government.

Mr. SPOONER. The personalty?

Mr. BLACKBURN. Yes; the personalty that she had in her own right.

Mr. HEYBURN. Do I understand that the only personal estate that she had and that she lost was the rental of the Crown lands?

Mr. BLACKBURN. No; by no means.

Mr. CLAY. I will ask the Senator if it is not true that she sets forth in her petition (and that petition is copied in the report which has just been read by the senior Senator from Oregon), that she has lost these Crown lands, and that she has lost the rent of them, and is it not true that she bases her entire claim for equity on the ground that she lost the rent of those lands, and that she does not make any claim that she lost any property which she had?

Mr. BLACKBURN. No; that is not true.

Mr. CLAY. I have the petition here before me, I will state to the Senator, and I have just read it.

Mr. BLACKBURN. I have the brief filed by her counsel in my hand. That is not true. Upon the contrary, it is expressly set up, not as a basis upon which to predicate a legal demand against the Government, but as a matter properly to be considered, that all of the property, of the estate, of the personalty, of which she was possessed, independent of her right of sovereignty, passed from her possession and was taken forcible possession of by the Government that succeeded the crown government.

Mr. CLAY. Did our Government get any of it?

Mr. BLACKBURN. If our Government did not, our Government's ward did. The provisional government was the one that succeeded the monarchy. The Republic of Hawaii succeeded the provisional government. Then came the process of annexation of the Hawaiian Islands to this Government, and from the day of the dethronement of this woman either the provisional government or the Republic of Hawaii or the Government of the United States has been the recipient, in the order named, of a rental of, in round numbers, $50,000 a year, of which this woman was deprived.

The Senator from Georgia states the case correctly. She does say that her rents from the Crown lands were cut off. She does say that whatever estate she had aside from and independent of the Crown lands was taken from her. Both statements are true. Both statements are here to-day without contradiction.

Now, she comes, not in her own right nor in her own person, but she comes before the Senate through a committee of this body and asks that this sum of money shall be given to her; and that committee, speaking for her, frankly concedes that there is no legal claim upon which she can rest.

It is needless to go into the broader question as to whether there is an equitable claim. The Senator from Wisconsin thinks there is not. That question may be determined by what construction you put upon the term equity. If equity means a claim that reaches to an honest conscience, then it seems to me, as it seemed to this committee, that this woman has an equitable claim.

It is not really binding the cases the Senator from Wisconsin seemed to suppose—cases of misfortune where poverty comes to those who have been inured to luxury. This is a stronger case. Not only did this poverty come to this woman without fault of her own, but, waiving the question as to whether it was brought about by the action of the Federal Government, it must be admitted that our Government has become the beneficiary of her misfortunes to the extent of several times over the amount that it is proposed by this bill to donate to her.

Now, I have but one more thing to say, and that I have already said. There is no ground here upon which to base a legal claim. There is no ground here upon which an action could be brought against a government, even if the government would waive its sovereignty and admit itself liable to be sued. There is no ground here upon which a bill could be predicated in a court of equity. That is all conceded. It is frankly admitted that the only proposition submitted to the Senate to determine is as to whether in good conscience and fair dealing this bill should not pass.

Mr. SPOONER. Mr. President, it is a little difficult, because somewhat ungracious, perhaps, for one to antagonize a proposition so persuasively presented as this is by the Senator from Kentucky. He is a sympathetic man, and I think most of us are sympathetic men. I have listened to all he has had to say, and all the Senator from Oregon [Mr. MITCHELL] has had to say, and I can not for the life of me see from their statement upon what conceivable basis this appropriation can be justified.

We are not appropriating our own money. We are the conservators of the money belonging to the United States, raised by taxation in one form and another. We go to the limit sometimes in appropriations out of sympathy. Here is a proposition to appropriate $200,000 out of the Treasury to Liliuokalani, the dethroned Queen of the Hawaiians.

It certainly is not enough to warrant this appropriation that she is a woman of good character—that, as far as I am concerned, goes without saying—or that she is a woman of literary taste and ability. We have many a woman in this country of fine literary taste and ability struggling from day to day to live, even. But the Government can not appropriate money to aid them on any such ground as that, although kind-hearted people who are affluent might well enough help, and they many times do; and sometimes help is withheld where it might be easily given.

It is not pretended that her loss of the Crown lands affords any legal or equitable basis. I ask my friend from Oregon——

Mr. MITCHELL. I have already stated that it furnishes no basis for either a legal or an equitable claim that may be enforced in the courts.

Mr. SPOONER. Oh, Mr. President!

Mr. MITCHELL. At the same time the Senator knows there is a court of conscience. There is a court of fair play, as between nations, between countries, between governments, that has no place and is not recognized in a court. The Senator is lawyer enough (because he is one of the best lawyers if not the very best in the United States) to know that.

Mr. SPOONER. I hope I am lawyer enough to see that the observations of the Senator form not even a shadow of a foundation for this appropriation. He admits, as he must admit, that there is no legal claim and that there is no equitable claim which could be enforced.

Mr. MITCHELL. In a court.

Mr. SPOONER. In a court.

Mr. MITCHELL. I admit it.

Mr. SPOONER. I yield as quickly to an appeal to conscience, and so does the Senator, and so do the Senate, and so does the country, as any man or body of men in this world. Where is the appeal to conscience on what the Senator states in this case? Nothing, Mr. President; absolutely nothing. Why not? Liliuokalani was the sovereign of the Hawaiias. She was dethroned as sovereigns all through the history of the world have been dethroned—not by us. The Senator does not claim that we were the cause of her dethronement. If the Senator urged that and asked us to do penance by this appropriation for a governmental wrong, there would be something to debate. But they dispute that. They are careful to file a caveat as to that.

Now, what is there left? On the ruins of the monarchy was erected the Republic of Hawaii, which by operation of law became the successor of the monarchy in the ownership, and therefore in the right to the usufruct of the Crown lands. The Republic of Hawaii existed as a government, taking to herself the rental and profits of this land, for four years or more, until by agreement or compact between the United States and the Republic of Hawaii that Republic committed suicide and became merged with the United States, the property of the United States.

I can readily believe that the men who dethroned her out there and her followers surround these kind-hearted members of the Senate and favor an appropriation of this kind to Liliuokalani. Perhaps they who dethroned her feel that they wronged her and would be glad to have some other purse than theirs open to reparation for their wrong. But the Senators do not urge that.

We took Hawaii, Mr. President. I voted against it. I think it would have been better for Hawaii had she not been acquired by the United States, and I think our purposes would have been subserved quite as well by fortifying and improving Pearl Harbor, which we owned. But that has gone by.

What was our agreement with Hawaii? Did she come to us

without cost? Did we take her to govern her and protect her and safeguard her people for all time without burden? There is an inherent burden in such an ownership.

But we did more than that. We assumed, in the joint resolution by which we acquired Hawaii, the public indebtedness of Hawaii of every description, with a simple proviso that it should not exceed $4,000,000. I have no doubt it reached that maximum. Has the Senator information about that?

Mr. MITCHELL. It was more.

Mr. SPOONER. I remember after that we passed some laws which added largely to the expenditures. The United States therefore did not simply embrace the Republic of Hawaii and hold it in its embrace. It bought the territory, took the debt, and is expending large sums of money, I take it, as is true as to other territory, in administering from the national standpoint their affairs.

Now, Mr. President, there is not a shadow of foundation for this claim so far as the Crown lands are concerned, nothing that would appeal to the court, nothing that can appeal to the conscience of a trustee who is called upon to pay out other people's money.

Mr. MITCHELL. The Senate thought differently once, because it passed this precise bill in the last Congress.

Mr. SPOONER. I opposed it.

Mr. MITCHELL. You are consistent.

Mr. SPOONER. I know I am consistent. It does not follow because the Senate passes bills that they ought to be passed.

Mr. MITCHELL. And it does not follow because the Senator opposes bills that they ought not to pass.

Mr. SPOONER. No. Notwithstanding my opposition to this bill, it passed, and perhaps it will pass now, but it will not pass with my vote.

Mr. PLATT of Connecticut. Not this bill passed.

Mr. SPOONER. I do not know about this particular bill.

Mr. KEAN. It was an appropriation of $200,000 made in an appropriation bill.

Mr. MITCHELL. The amount was the same.

Mr. SPOONER. Now, therefore, out of the Crown lands what is left? This shadowy claim for personal property which passed from the empire or monarchy to the Republic. What was it for which we are to pay $200,000? After a rather vigorous cross-examination I have elicited from the Senator from Oregon, who must know the fact, that it was furniture. We can replace that furniture, I presume, by an expenditure very much short of $200,000.

Mr. PLATT of Connecticut. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. PLATT of Connecticut. I can not find in the petition which was presented by the ex-Queen to this committee that she makes any mention of having lost any furniture.

Mr. MITCHELL. I wish to state, if the Senator from Wisconsin will allow me, that there is really no claim of that character presented. The Senator is right. There is nothing in her petition of that kind. It came into the case in the way of some testimony and in the way of briefs of parties. I never took a particle of stock in it so far as that is concerned.

Mr. PLATT of Connecticut. I can not find in the report which the subcommittee made to the full committee that they placed any stress upon that.

Mr. MITCHELL. I wish to state, as one member of the committee, that, in my judgment, if there is not some kind of claim on the part of this woman growing out of the Crown lands—that is, out of the proceeds of the Crown lands—then I do not think she has any claim at all, and she ought not to have a cent. That is my opinion and has been from the first in regard to this matter. But I do think, and I have always thought since I have investigated it, that there is a claim here, not a legal claim, not an equitable one that could be enforced in a court, but one which as between this great nation and the former sovereign of Hawaii ought to have consideration.

Mr. SPOONER. Mr. President, there is not.

Mr. MITCHELL. The Senator understands what I mean. He did from the first, but would not admit it.

Mr. SPOONER. I only understand what the Senator means by what the Senator says.

Mr. MITCHELL. I have said the same thing all the time.

Mr. SPOONER. I understand the Senator to say that there is no claim here, in his judgment, either legal or equitable.

Mr. MITCHELL. The Senator did not put in the qualification. I did not state the proposition as he has stated it.

Mr. SPOONER. No; I am going to state the balance of it. The thing is as unsubstantial

> As a painted ship
> Upon a painted ocean.

That is all there is to it.

Now, what international question is there here, Mr. President? Hawaii is not a nation. There is no international relation between the United States and Hawaii. The Republic of Hawaii, the independent Republic of Hawaii, is dead. She agreed to annex her territory, and died in the operation.

When the Senator talks about international questions, there is nothing on earth except the claim of Liliuokalani that she was once a monarch and is a monarch no longer; that she had once a large income from Crown lands and is no longer entitled to an income from Crown lands, and that in process of time for $4,000,000, and vastly more, this Republic has acquired Hawaii, and therefore we ought to pay her $200,000.

Mr. OVERMAN. May I ask the Senator a question?

Mr. SPOONER. Certainly.

Mr. OVERMAN. I do not exactly understand the status of the Crown lands, and I should like to have the Senator inform me. Was the title in the hands of the Queen or in the monarchy?

Mr. SPOONER. The title was in the Government. It was in the Queen and her successors on the throne. The fee was not in the individual. It was passed by succession.

Mr. OVERMAN. It was public land.

Mr. SPOONER. Public land, which passed by succession. When the monarchy was destroyed and the new government erected in its place it became of course the owner of what had been the Crown lands. That is all there is to it.

Mr. WARREN. The Queen had the income.

Mr. SPOONER. Of course the income was for her special benefit. She was entitled to the income, but after she ceased to be entitled to the income, when her sovereignty, by virtue of which alone she was entitled to any benefit from those lands, was destroyed, that ended it, so far as she was concerned, as much as if she had died.

Now, others may vote, and will vote, upon this proposition as they choose. I can not vote for it.

Mr. PLATT of Connecticut. Mr. President, the amendment which I proposed was more for the purpose of bringing the character of this claim distinctly before the Senate than because I cared whether those words remained in the bill or not. Here is a bill which proposes to pay Liliuokalani, formerly Queen of the Kingdom of Hawaii, "in full satisfaction and discharge of all claim, legal and equitable, $200,000." I moved to strike out the words "in full satisfaction and discharge of all claim, legal and equitable." I am now told by those who favor the bill that it is admitted that this ex-Queen has no claim, legal or equitable, and yet they report a bill here which proposes to pay her $200,000 in discharge of all her claim, legal and equitable, against the Government of the United States.

It being admitted that she has no claim, legal or equitable, the words ought to go out, at any rate, and if anything is to be paid, it ought to be a mere naked gratuity.

Mr. KEAN. A gift.

Mr. PLATT of Connecticut. A gift; and that is the ground upon which I find the subcommittee put it. I have had time to look over their report to the full committee hastily, and they say what I shall read. I think the Senator from Oregon read it. They say:

> Fifth. Whatever allowance is made to the ex-Queen by the Government of the United States can not and must not be based upon any legal right upon her part or be in recognition of any legal claim on her part on account of loss of her sovereignty of Crown lands, but must rest solely upon considerations of national grace, public and private justice, political policy, and fair, equitable dealing upon the part of a great and powerful nation, principles always recognized in the great unerring forum of the individual and national conscience.

So that we come to this: Is there any reason why, upon "considerations of national grace, public and private justice, political policy, and fair, equitable dealing," we should pass this little bill of $200,000 for this ex-Queen? It seems to me, Mr. President, that even upon this ground this bill can not be sustained. I think the committee ought not to have inserted those words, "national grace." What is national grace? I do not see that that has anything to do with the matter.

"Public and private justice." It is admitted that there is no payment to be made here on the ground of either public or private justice.

"Political policy." What is there of political policy which should lead this Government to make this appropriation?

"Fair, equitable dealing upon the part of a great and powerful nation." It has been admitted in the discussion here that there is no equitable claim and no legal claim. What the committee ought to have said, if they wanted to put it upon the exact ground on which they are putting it here, is "on account of our sympathy for the ex-Queen."

Mr. BLACKBURN. Will the Senator allow me to ask him a question?

Mr. PLATT of Connecticut. Yes.

Mr. BLACKBURN. Suppose the Senator's amendment were agreed to and the phraseology he suggests were employed, would he then support the bill?

Mr. PLATT of Connecticut. No, Mr. President; I think I would not.

Mr. BLACKBURN. I thought not.

Mr. PLATT of Connecticut. Not because I claim to have less sympathy than other Senators, but because I do not think that is a good ground on which to vote away the Government money. As the Senator from Wisconsin [Mr. SPOONER] well said, it is hard to oppose claims which appeal to the sympathies of Senators, but I think we ought to do it. I do not think we can establish the principle here, whenever any person comes to us with an appeal which reaches our sympathies, that we are to donate to them the public money.

With regard to the matter of pensions, if we were simply to grant pensions according to our sympathies, there would be no end of the amount of money this Government would pay out. It would bankrupt the Government. We do not collect money enough year by year to pay to the old soldiers and their widows in this country the amount which our sympathies would call upon us to pay them. We must have rules about all these matters, and it would be establishing a very bad precedent to pay out the Government money simply upon the ground of sympmpathy.

Mr. HEYBURN. Mr. President, it seems to me that this bill might be denominated "A bill to provide for the payment of five years' salary in arrears to the ex-Queen of Hawaii." She was not the Queen of Hawaii when we took the steps which resulted in our acquiring that country. Her income is said to have been about $40,000 a year, derived from the public lands, or Crown lands, as they were termed. When we dealt with the Government which then was in control of Hawaii, there were no Crown lands belonging to this ex-Queen. They had passed to the Government with which we dealt, and by virtue of the public resolution approved July 7, 1898, they passed to us.

The inquiry which I made of the Senator who represented this measure when it first came up to-day was for the purpose of determining whether there was a claim on her part for anything at all beyond or outside of the public lands.

Had there been any lands the fee of which rested in the Queen, then they would not have been affected by anything which has resulted from the transfer of sovereignty, because the title to private lands was not affected by that transfer. It remained just where it was before. I desired to obtain the information as to whether or not there were any such lands, and then to follow it with the inquiry as to why we should be making provision here to indemnify the ex-Queen for the loss of lands when she had not lost them. If she owned any property in Hawaii she owns it now, unless she has voluntarily parted with it.

I have before me the instrument by which sovereignty or title to the Crown lands, as they are termed, passed to the United States; and it does not propose to pass title to the United States out of any person to any private lands.

It seems to me that a payment of this kind is a tacit admission that the Government did something for which it should make indemnity; it carries that sentiment with it. We did not deal with this deposed Queen at all in acquiring sovereignty over those lands. We dealt with a recognized government, which passed to us what it had; and this Queen passed to us nothing that she had. It is the flimsiest kind of a claim to assert that she lost the income from those lands. She never had the income except by virtue of her sovereignty. We did not recognize her sovereignty; we did not deal with her on the strength of her sovereignty; and, consequently, we owe her nothing either in law or in equity.

If you are going to make a present of $200,000 to this deposed Queen, say so candidly, and let the bill read in that way, that this sum of money shall be paid to her because of the high character she bears and the high esteem in which we hold her, and be candid with the people; but to vote away $200,000 under an implied, tacit admission that we have done some wrong to the person to whom we vote it does not meet with my approval, and shall not receive my vote.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Connecticut [Mr. PLATT] will be stated.

The SECRETARY. In line 5, after the word "Hawaii," it is proposed to strike out "in full satisfaction and discharge of all claim, legal and equitable."

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment reported by the Committee on Pacific Islands and Porto Rico will now be stated.

The SECRETARY. In line 6, before the word "hundred," the committee propose to fill the blank by inserting the word "two;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Liliuokalani, formerly Queen of the Kingdom of Hawaii, $200,000.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was rejected.

Mr. MALLORY. I should like to inquire whether the rejection of that amendment does not leave a blank in the bill?

The PRESIDENT pro tempore. It does leave a blank.

Mr. MALLORY. The blank ought to be filled. I suggest as an amendment that the word "hundred" be stricken out and "one hundred and fifty" be inserted in lieu thereof; so as to read "one hundred and fifty thousand dollars."

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Florida [Mr. MALLORY]. [Putting the question.] The noes appear to have it.

Mr. MALLORY. I think I shall have to ask for a division on that, Mr. President.

Mr. GALLINGER. I will ask for the yeas and nays on the amendment. We may as well have the yeas and nays on it.

The yeas and nays were ordered.

Mr. McCREARY. I ask that the amendment may be again stated, Mr. President.

The PRESIDENT pro tempore. The amendment will be again stated.

The SECRETARY. In line 6, before the word "thousand," it is proposed to strike out "hundred" and insert "one hundred and fifty."

Mr. SPOONER. Is it in order, Mr. President, to move to recommit the bill?

The PRESIDENT pro tempore. It is.

Mr. SPOONER. Then I move that the bill be recommitted to the committee from which it came.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wisconsin to recommit the bill to the Committee on Pacific Islands and Porto Rico.

Mr. MITCHELL. On that motion I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. QUARLES]. Not knowing how he would vote if present, I withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN]. I do not see him in the Chamber, and so I will withhold my vote.

Mr. GAMBLE (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. NEWLANDS]. As I do not see him in the Chamber and I do not know how he would vote if present, I withhold my vote.

Mr. McCREARY (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HANNA]. I do not know how he would vote if present. If I were at liberty to vote, I should vote "nay."

Mr. MILLARD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. CLARKE]. I do not see him in his seat, and therefore I will withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. BERRY], and therefore withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I think I recall the circumstance that heretofore he took strong ground one way or the other on this matter; but, however that may be, I do not feel at liberty to vote, and will withhold my vote.

The roll call was concluded.

Mr. ALLISON. I inquire if the senior Senator from Missouri [Mr. COCKRELL] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. ALLISON. I am paired with that Senator, and therefore will refrain from voting.

Mr. CLAY (after having voted in the negative). I inquire if the junior Senator from Massachusetts [Mr. LODGE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CLAY. I have a general pair with the junior Senator from Massachusetts, and therefore I will withdraw my vote.

Mr. BLACKBURN (after having voted in the negative). I desire to ask if the senior Senator from Maryland [Mr. McCOMAS] has voted?

The PRESIDENT pro tempore. The Chair is informed he has not.

Mr. BLACKBURN. I have a general pair with the senior Senator from Maryland. I do not know how he would vote if he were here, and so I will withdraw my vote.

Mr. NELSON. The senior Senator from Maryland is here in the Chamber.

Mr. BLACKBURN. Then I will let my vote stand.

Mr. NELSON. I find I was mistaken in my statement. I meant the junior Senator from Maryland [Mr. GORMAN].

Mr. BLACKBURN. I understand that no quorum has voted.

The result was announced—yeas 16, nays 19, as follows:

YEAS—16.

Bard,	Hansbrough,	Kittredge,	Platt, Conn.
Burnham,	Heyburn,	Latimer,	Proctor,
Frye,	Hopkins,	Long,	Smoot,
Gallinger,	Kean,	Overman,	Spooner.

NAYS—19.

Bacon,	Dubois,	McCumber,	Stewart,
Bate,	Foster, La.	Mallory,	Stone,
Blackburn,	Fulton,	Mitchell,	Teller,
Carmack,	Gorman,	Patterson,	Wetmore.
Clark, Wyo.	Hoar,	Perkins,	

NOT VOTING—55.

Aldrich,	Clay,	Gamble,	Morgan,
Alger,	Cockrell,	Gibson,	Nelson,
Allee,	Culberson,	Hale,	Newlands,
Allison,	Cullom,	Hanna,	Penrose,
Ankeny,	Daniel,	Hawley,	Pettus,
Bailey,	Depew,	Kearns,	Platt, N. Y.
Ball,	Dietrich,	Lodge,	Quarles,
Berry,	Dillingham,	McComas,	Quay,
Beveridge,	Dolliver,	McCreary,	Scott,
Burrows,	Dryden,	McEnery,	Simmons,
Burton,	Elkins,	McLaurin,	Taliaferro,
Clapp,	Fairbanks,	Martin,	Tillman,
Clark, Mont.	Foraker,	Millard,	Warren.
Clarke, Ark.	Foster, Wash.	Money,	

The PRESIDENT pro tempore. The absence of a quorum being disclosed, the Secretary will call the roll.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate adjourned until Monday, February 15, 1904, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 12, 1904.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Charles P. Wertenbaker, of Virginia, to be a surgeon in the Public Health and Marine-Hospital Service of the United States.

COLLECTOR OF CUSTOMS.

Herbert Morissey, of Massachusetts, to be collector of customs for the district of Plymouth, in the State of Massachusetts.

POSTMASTERS.

MAINE.

Isaac Dyer to be postmaster at Skowhegan, in the county of Somerset and State of Maine.

George L. Thompson to be postmaster at Brunswick, in the county of Cumberland and State of Maine.

TEXAS.

John Harvey to be postmaster at Meridian, in the county of Bosque and State of Texas.

W. L. Higginbotham to be postmaster at Howe, in the county of Grayson and State of Texas.

Wesley C. Parchman to be postmaster at Mount Vernon, in the county of Franklin and State of Texas.

Rudolph L. Reuser to be postmaster at Runge, in the county of Karnes and State of Texas.

Robert A. Rollins to be postmaster at Merkel, in the county of Taylor and State of Texas.

VIRGINIA.

Charles E. Welch to be postmaster at Phœbus, in the county of Elizabeth City and State of Virginia.

WASHINGTON.

Hugh Eldridge to be postmaster at Bellingham, late Whatcom, in the county of Whatcom and State of Washington.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 12, 1904.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

O Thou who hast ever been our refuge and our strength, our inspiration, and our guide through all the vicissitudes of the past, we bless Thee for our Republic, now known and honored in all the earth, and we most fervently pray that it may continue a potent factor in the civilizing influences of the world; we thank Thee for the illustrious souls whose names gild the pages of our history and whose deeds will live in the hearts of men. We are minded to-day of one of the foremost in our nation's annals, "who, great in his goodness and good in his greatness," bore the sorrows of his people, East, West, North, and South, through four years of civil strife and died a martyr to his convictions. "Peace to his ashes and repose to his soul." His was the suffering; ours but a humble tribute to his memory. Help us so to live that men will rise up and call us blessed; and Thine be the praise, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION.

Mr. GAINES of Tennessee. Mr. Speaker, I desire, with the consent of the House, to make a statement about my vote yesterday. I voted against the St. Louis Exposition loan, intending to withdraw that vote in the event that the gentleman from Connecticut [Mr. HILL] was not present and voting. At the time I should have withdrawn my vote my attention was diverted to another matter until too late to do so. A few moments after the House adjourned I received a telegram from Mr. HILL stating, what I had supposed to be the fact, that he was opposed, like myself, to that proposition, and that I could vote as I pleased.

ADJOURNMENT TILL MONDAY.

Mr. PAYNE. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

FUNERAL EXPENSES, ETC., OF WILLIAM H. MANKIN.

Mr. GRAFF. I desire to report back with amendments from the Committee on Accounts a privileged resolution.

The resolution No. 154 was read, as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay out of the contingent fund of the House miscellaneous items, 1903, to Mary J. Mankin, widow of William H. Mankin, late an employee of the House under the direction of the Superintendent of the Capitol Building and Grounds, a sum equal to six months of his salary, and an additional sum not to exceed $250 to defray the expenses of the last illness and burial of said William H. Mankin.

The following amendments, reported by the Committee on Accounts, were read:

In lines 4 and 5 strike out the words "an employee" and insert "a laborer in the employ."

In line 9 strike out the words "last illness and."

Mr. GRAFF. Mr. Speaker, I wish to say by way of explanation that when I reported this resolution in the House a few days ago, an inquiry was made by the gentleman from New York [Mr. PAYNE] as to whether this man had been an employee of the Architect of the Capitol or had been on the regular House roll. At that time I was not in possession of the facts, and the matter was passed over until I could ascertain them. I have now ascertained that he was on the regular House roll, so that his case comes clearly within the custom which has been adopted by the House in regard to these matters. I move the adoption of the resolution with the amendments.

Mr. STEPHENS of Texas. Allow me to inquire whether there are any precedents for this appropriation?

Mr. GRAFF. Oh, yes; a long line.

Mr. BARTLETT. As I understand, Mr. Speaker, this is a report from the Committee on Accounts with reference to the burial expenses and six months' pay of an employee of the House.

Mr. GRAFF. Yes, sir. The only question about the matter was as to whether he had been on the regular House roll or not.

Mr. BARTLETT. He was, I understand.

Mr. GRAFF. Yes, sir.

The question being taken on the amendments reported by the committee, they were agreed to; and the resolution as amended was adopted.

CRIMINAL CASES IN THE INDIAN TERRITORY.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10136) authorizing bail in criminal cases upon appeal in the courts of Indian Territory.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of a bill which the Clerk will read.

The bill was read, as follows:

Be it enacted, etc., That upon appeals in all criminal cases from inferior courts to the United States district courts, and from the district courts to the court of appeals, in the Indian Territory, the defendants shall be admitted to bail pending the final determination of the cases upon appeal except in capital cases. The amount of bail shall be fixed by the court trying the case or by one of the judges of the court of appeals and taken and approved by the marshal of the district in which the prosecution is pending. Such bond shall be conditional for the appearance of the defendant at all times, when required in the prosecution of said appeal, and that he will surrender himself in execution of the final judgment therein.

SEC. 2. That the provisions of this act shall apply to all cases now pending upon appeal in the courts of the Indian Territory.

The following amendments, recommended by the Committee on the Judiciary, were read:

In line 8, after the word "fixed," insert the words "and the bond shall be approved."

In line 10, after the word "appeals," strike out "and taken and approved by the marshal of the district in which the prosecution is pending."

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, I should like to hear an explanation regarding this bill from the gentleman from Arkansas [Mr. LITTLE].

Mr. PAYNE. Reserving the right to object, I wish to ask the gentleman from Arkansas a question. I notice the amendment strikes out the words "providing for the approval of the bond by the marshal" and inserts the words "and the bond shall be ap-

proved." I wish to ask the gentleman who will approve the bond?

Mr. LITTLE. The judge who tries the case in the trial court.

Mr. PAYNE. The amendment does not show that, and I wanted to get at the fact.

Mr. LITTLE. It so appears in the bill as amended.

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. LITTLE, a motion to reconsider the last vote was laid on the table.

GRANDE RONDE RESERVATION, OREG.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 11966) providing for the ratification of an agreement with the Indians of the Grande Ronde Reservation, in the State of Oregon, be taken from the Union Calendar and considered in the House as in Committee of the Whole, and that the same be made a special order, not to interfere with revenue or appropriation bills or other privileged matters.

The SPEAKER. The gentleman from Oregon makes a request which the Clerk will report.

The Clerk read as follows:

That the bill (H. R. 11966) providing for the ratification of an agreement with the Indians of the Grande Ronde Reservation, in the State of Oregon, be taken from the Union Calendar and considered in the House as in Committee of the Whole, and that the same be made a special order, not to interfere with revenue or appropriation bills or other privileged matters.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I should like to ask the gentleman from Oregon whether this bill contains the same provisions that the other bills contained that have passed the House in reference to Indian lands?

Mr. HERMANN. It is substantially the same as those which have recently passed, except that it does not appropriate any money whatever. It provides for the sale of the lands and the obtaining of the money due the Indians from the proceeds of the land.

Mr. PAYNE. How much land is involved?

Mr. HERMANN. About 28,000 acres—a small tract of land. The bill is unanimously reported from the Committee on Indian Affairs.

The SPEAKER. Is there objection?

There was no objection.

PENSIONS.

And then, on motion of Mr. SULLOWAY, the House resolved itself into the Committee of the Whole for the consideration of bills on the Private Calendar under the rule, with Mr. HEDGE in the chair.

JOHN THOMPSON.

The next business on the Private Calendar was the bill (H. R. 4674) granting an increase of pension to John Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Thompson, late private of Company I, One hundred and sixth Illinois Infantry, and pay him a pension of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private."
In line 7, before the word "Illinois," insert the word "Regiment."
In same line, before the word "Infantry," insert the word "Volunteer."
In same line, after the word "pension," insert the words "at the rate."
In line 8 strike out the word "six."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE HAYDEN.

The next business on the Private Calendar was the bill (H. R. 3909) granting an increase of pension to George Hayden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Hayden, late of Company D, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company B, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MELINDA H. CHAPMAN.

The next business on the Private Calendar was the bill (S. 2643) granting an increase of pension to Melinda H. Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melinda H. Chapman, widow of Adolphus J. Chapman, late of Company C, Second Regiment Iowa Volunteer Infantry, and first lieutenant and adjutant Fourteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES H. SACKETT.

The next business on the Private Calendar was the bill (H. R. 9273) granting an increase of pension to James H. Sackett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James H. Sackett, late of Company I, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Sackett, late of Company I, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DELIA B. STUART.

The next business on the Private Calendar was the bill (S. 2858) granting an increase of pension to Delia B. Stuart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delia B. Stuart, widow of John Stuart, late of Battery H, Second Regiment United States Artillery, and Company A, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY H. HOUGHTON.

The next business on the Private Calendar was the bill (S. 1689) granting an increase of pension to Henry H. Houghton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Houghton, late of Company H, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HIRAM B. COZINE.

The next business on the Private Calendar was the bill (H. R. 7719) granting an increase of pension to Hiram B. Cozine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram B. Cozine, late of Company E, Sixth Regiment New York Cavalry Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers."
In same line, before the word "Cavalry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FREDERICK BELLMAN.

The next business on the Private Calendar was the bill (S. 1688) granting an increase of pension to Frederick Bellman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Bellman, late of Company E, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNIE DORFNER.

The next business on the Private Calendar was the bill (H. R. 5610) granting a pension to Annie Dorfner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Annie Dorfner, widow of Jacob Dorfner, late of Company D, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM W. MISNER.

The next business on the Private Calendar was the bill (S. 2392) granting an increase of pension to William W. Misner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Misner, late of Company F, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARGARET H. BOOTH.

The next business on the Private Calendar was the bill (H. R. 9633) granting a pension to Margaret Hutcheson Booth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Hutcheson Booth, widow of Henry Booth, late of Company A, Eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hutcheson" and insert in lieu thereof the letter "H."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Margaret H. Booth."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABBIE E. WEBSTER.

The next business on the Private Calendar was the bill (H. R. 4392) granting a pension to Abbie E. Webster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie E. Webster, widow of Byron G. Webster, late of Captain Barker's Dragoons, Illinois State Militia, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCES GRAY.

The next business on the Private Calendar was the bill (S. 265) granting an increase of pension to Frances Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances Gray, widow of John F. S. Gray, late captain Company A, Twentieth Regiment New York Volunteer Infantry, and captain and assistant adjutant-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ABNER B. EDSON.

The next business on the Private Calendar was the bill (S. 2509) granting an increase of pension to Abner B. Edson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner B. Edson, late second lieutenant Company C, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS WILLIAMS.

The next business on the Private Calendar was the bill (S. 2126) granting an increase of pension to Thomas Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Williams, alias Thomas W. Lennox, late of Company B, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES W. HOFFMAN.

The next business on the Private Calendar was the bill (H. R. 3910) granting an increase of pension to Charles W. Hoffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Hoffman, late of Company E, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE A. SEEBOLD.

The next business on the Private Calendar was the bill (S. 2128) granting an increase of pension to George A. Seebold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Seebold, late of Company E, Fifth-first Regiment Pennsylvania Volunteer Infantry, and Company F, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID T. TOWLES.

The next business on the Private Calendar was the bill (H. R. 1851) granting an increase of pension to David T. Towles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David T. Towles, late of Company A, Thirteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CASWELL P. FORD.

The next business on the Private Calendar was the bill (H. R. 8718) granting a pension to Caswell P. Ford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caswell P. Ford, late colonel of the Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Caswell P. Ford."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMBROSE W. SEVERANCE.

The next business on the Private Calendar was the bill (S. 1911) granting an increase of pension to Ambrose W. Severance.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ambrose W. Severance, late of Company D, Second Battalion, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMMA M'FARLAND.

The next business on the Private Calendar was the bill (S. 2548) granting an increase of pension to Emma McFarland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma McFarland, widow of Edmund McFarland, late of United States ship Supply, United States Navy,

and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ISABELLA PHELPS.

The next business on the Private Calendar was the bill (H. R. 4624) granting a pension to Isabella Phelps.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabella Phelps, widow of William Henry Phelps, late of Company G, First Regiment Michigan Infantry, and pay her a pension at the rate of $12 per month on and after the passage of this act.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Henry" and insert in lieu thereof the letter "H."
In same line, before the word "Infantry," insert the word "Volunteer."
In line 8 strike out the words "on and after," and all of line 9.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA M. PIERCE.

The next business on the Private Calendar was the bill (H. R. 4679) granting an increase of pension to Martha M. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha M. Pierce, widow of Wilbur F. Pierce, late captain of Company K, Eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "of."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY VON KUSSEROW.

The next business on the Private Calendar was the bill (S. 980) granting an increase of pension to Mary Von Kusserow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Von Kusserow, widow of Charles Von Kusserow, late captain Company D, Thirty-second New York Independent Battery, and lieutenant-colonel Second Regiment United States Veteran Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH G. THOMAS.

The next business on the Private Calendar was the bill (H. R. 4180) granting an increase of pension to Joseph G. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph G. Thomas, late of Company I, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIET S. PACKARD.

The next business on the Private Calendar was the bill (H. R. 2470) granting an increase of pension to Harriet S. Packard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet S. Packard, widow of Jasper Packard, late a captain of Company B, Forty-eighth Regiment of Indiana Volunteer Infantry, and subsequently colonel of the One hundred and twenty-eighth Regiment of Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows.

In line 6 strike out the word "a."
In line 7, before the word "Company," strike out the word "of."
In lines 7 and 8 strike out the words "of Indiana Volunteer Infantry."
In line 8 strike out the word "subsequently."
In same line strike out the words "of the."
In line 9 strike out the word "of."
In line 10 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EBENEZER WING.

The next business on the Private Calendar was the bill (S. 2496) granting an increase of pension to Ebenezer Wing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer Wing, late of Company D, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID M. KANOUSE.

The next business on the Private Calendar was the bill (S. 2689) granting an increase of pension to David M. Kanouse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David M. Kanouse, late of Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREEMAN YORK.

The next business on the Private Calendar was the bill (H. R. 910) granting an increase of pension to Freeman York.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Freeman York, late of Company I, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HIRAM PARKER.

The next business on the Private Calendar was the bill (H. R. 5598) granting a pension to Hiram Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Parker, late of Company —, —— Regiment Iowa Volunteer Infantry, three months' men, and pay him a pension at the rate of $12 per month.

Mr. SULLOWAY. Mr. Chairman, I move that the committee recommend that this bill be laid on the table.

The motion was agreed to.

EMILY CHAPMAN.

The next business on the Private Calendar was the bill (H. R. 5568) granting an increase of pension to Emily Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Chapman, widow of M. V. Chapman, late of Company G, Third West Virginia Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "M." and insert in lieu thereof the word "Martin."
In line 7, after the word "Third," insert the word "Regiment."
In same line, before the word "Cavalry," insert the word "Volunteer."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."
In line 9, after the word "receiving," insert the words:
"*Provided*, That in the event of the death of Mary M. Chapman, blind and dependent child of said Martin V. Chapman, the additional pension herein granted shall cease and determine."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH ADAMS.

The next business on the Private Calendar was the bill (H. R. 3370) granting an increase of pension to Joseph Addams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Addams, late of Company I, Seventh Regiment Pennsylvania Veteran Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Addams" and insert in lieu thereof the word "Adams."
In line 7 strike out the word "Veteran" and insert in lieu thereof the word "Volunteer."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to Joseph Adams."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE PENNINGTON.

The next business on the Private Calendar was the bill (S. 1428) granting an increase of pension to George Pennington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Pennington, late of Company M, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FINLEY T. JOHNSON.

The next business on the Private Calendar was the bill (S. 594) granting an increase of pension to Finley T. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Finley T. Johnson, late of Company D, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. HORN.

The next business on the Private Calendar was the bill (S. 593) granting an increase of pension to William H. Horn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Horn, late captain Company D, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL O'BRIEN.

The next business on the Private Calendar was the bill (H. R. 614) granting a pension to Michael O'Brian.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael O'Brian, late unassigned recruit, New Jersey Volunteers, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "O'Brian" and insert in lieu thereof the words "O'Brien, alias Michael Clifford."

In lines 6 and 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 7 strike out the word "twelve" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Michael O'Brien, alias Michael Clifford."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN CONNORS.

The next business on the Private Calendar was the bill (H. R. 9060) granting an increase of pension to John Connors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Connors, late of United States steamship Vincennes, United States Navy, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "United," insert the word "the."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY AUSTIN.

The next business on the Private Calendar was the bill (H. R. 9683) granting a pension to Henry Austin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Austin, late of Battery F, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

PATRICK J. CONWAY.

The next business on the Private Calendar was the bill (S. 2298) granting a pension to Patrick J. Conway.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick J. Conway, late captain Company G, Ninety-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

RICHARD A. KENDALL.

The next business on the Private Calendar was the bill (S. 2292) granting an increase of pension to Richard A. Kendall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard A. Kendall, late of Company B, Twenty-second Regiment Wisconsin Volunteer Infantry, and One hundred and fifty-second Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FREDERICK HALLING.

The next business on the Private Calendar was the bill (H. R. 9610) granting an increase of pension to Frederick Halling.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Halling, late private, Company A, One hundred and twenty-first New York Volunteer Infantry, and pay him a pension at the rate of $35 a month in lieu of that he is now receiving, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the word "of."

In line 7, before the words "New York," insert the word "Regiment."

In same line, after the word "Infantry," insert the words "and Third Company, Second Battalion Veteran Reserve Corps."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

In same line, after the word "dollars," strike out the word "a" and insert in lieu thereof the word "per."

In line 9 strike out the words "the same to be paid to him under" and all of lines 10 and 11.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM S. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 9426) granting an increase of pension to William S. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Campbell, late private, Company E, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the word "of."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LYDIA M. HILL.

The next business on the Private Calendar was the bill (H. R. 7239) granting a pension to Lydia M. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia M. Hill, widow of Charles A. Hill, late of Company C, First Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The bill was ordered to be laid aside with a favorable recommendation.

PETER MINKLER.

The next business on the Private Calendar was the bill (H. R. 7418) granting an increase of pension to Peter Minkler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Minkler, late of Company M, Second New York Regiment Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Second," insert the word "Regiment."

In line 7 strike out the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES LA FOREST.

The next business was the bill (H. R. 8079) granting an increase of pension to Charles H. La Forest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. La Forest, late of Company G, Seventy-first Regiment New York State Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H."
In line 7 strike out the word "State."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to Charles La Forest."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTIN RENTHLER.

The next business was the bill (H. R. 9376) granting an increase of pension to Martin Reuthler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Reuthler, late of Company G, Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Reuthler" and insert in lieu thereof the word "Renthler."
In line 8 strike the word "fifty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Martin Renthler."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4125. An act to authorize the Little Rock and Monroe Railway Company to construct, maintain, and use a bridge across Ouachita River, in the State of Louisiana, at a point between Ouachita City and the mouth of Bayou Loutre; and

S. R. 47. Joint resolution to authorize the Secretary of War to cause a survey or surveys to be made to determine the practicability and cost of a tide-water ship canal across the State of Florida.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes, disagreed to by the House of Representatives, had disagreed to the amendment of the House to the amendment of the Senate numbered 10, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

ERWIN R. COLE.

The committee resumed its session.

The next business was the bill (S. 891) granting an increase of pension to Erwin R. Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Erwin R. Cole, late of Company A, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEWIS D. FROGGE.

The next business was the bill (S. 897) granting an increase of pension to Lewis D. Frogge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis D. Fogge, late captain Company D, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALBERT W. JONES.

The next business was the bill (H. R. 6999) granting an increase of pension to Albert W. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert W. Jones, late lieutenant of Company B, Seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "lieutenant," insert the word "second."
In same line, after the word "lieutenant," strike out the word "of."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES M. HEMPHILL.

The next business was the bill (H. R. 8203) granting a pension to James M. Hemphill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Hemphill, late of Company F, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to James M. Hemphill."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ZACHARIAH T. BRYANT.

The next business was the bill (H. R. 6881) to pension Zachariah T. Bryant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zachariah T. Bryant, late of Company L, Third Regiment Indiana Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."
In line 8 strike out the word "five" and insert in lieu thereof the word "four."
Amend the title so as to read: "A bill granting an increase of pension to Zachariah T. Bryant."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM C. DAVIS.

The next business was the bill (H. R. 8992) granting an increase of pension to William C. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Davis, late of Company H, Twenty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PATRICK JUDGE.

The next business was the bill (S. 1947) granting an increase of pension to Patrick Judge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Judge, late of Companies C and G, Fifth Regiment United States Infantry, and Troop F, Third Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH J. BELLAMY.

The next business was the bill (S. 2612) granting a pension to Sarah J. Bellamy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Bellamy, dependent mother of Charles T. Bellamy, late second lieutenant Company K, Twenty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JACOB LAIRD.

The next business on the Private Calendar was the bill (H. R. 9024) granting an increase of pension to Jacob Laird.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Laird, late of Company D, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM R. M'CULLOUGH.

The next business on the Private Calendar was the bill (H. R. 7236) granting an increase of pension to W. R. McCullough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. R. McCullough, late of Company I, One hundred and seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."

In the same line strike out the letter "I" and insert in lieu thereof the letter "F."

In line 8, after the word "pension," insert the words "at the rate."

Amend the title so as to read: "A bill granting an increase of pension to William R. McCullough."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LORENZO D. ELMER.

The next business on the Private Calendar was the bill (H. R. 6869) granting an increase of pension to Lorenzo D. Elmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo D. Elmer, late of Company F, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELLEN A. HARMON.

The next business on the Private Calendar was the bill (H. R. 7382) granting a pension to Ellen A. Harmon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen A. Harmon, widow of George W. Harmon, late of Company M, Second Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $17 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventeen" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN FENNO.

The next business on the Private Calendar was the bill (S. 1953) granting a pension to Susan Fenno.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Fenno, widow of Amos B. Fenno, late of Company D, Twentieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $8 per month, such pension to cease upon proof that the soldier is living.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM C. M'CORMICK.

The next business on the Private Calendar was the bill (H. R. 5603) granting an increase of pension to William C. McCormick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. McCormick, late of Company A, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "and," insert the words "and Company C, Thirteenth Regiment Pennsylvania Volunteer Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWIN TIDD.

The next business on the Private Calendar was the bill (H. R. 9064) granting an increase of pension to Edwin Tidd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Tidd, late of Company C, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WASHINGTON J. DUTCHER.

The next business on the Private Calendar was the bill (H. R. 7444) granting a pension to Washington Dutcher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Washington Dutcher, late of Company A, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Dutcher," insert the letter "J."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Washington J. Dutcher."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN GANGWISCH.

The next business on the Private Calendar was the bill (H. R. 8231) granting an increase of pension to John Gangwisch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Gangwisch, late of Company C, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HOWARD M'GUIRE.

The next business on the Private Calendar was the bill (H. R. 7737) granting an increase of pension to Haward McGuire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Haward McGuire, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Haward" and insert in lieu thereof the word "Howard."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Howard McGuire."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT T. SEVERANCE.

The next business on the Private Calendar was the bill (S. 2544) granting an increase of pension to Albert T. Severance.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert T. Severance, late of Company H, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ISIDORE F. CHAMBERLAIN.

The next business on the Private Calendar was the bill (H. R. 7992) granting a pension to Isadore F. Chamberlain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isadore F. Chamberlain, late of Company E, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Isadore" and insert in lieu thereof the word "Isidore."

In same line, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM N. HALL.

The next business on the Private Calendar was the bill (H. R. 7805) granting an increase of pension to William N. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William N. Hall, late captain Company H, Seventy-eighth New York Volunteer Infantry, and pay him a pension at the rate of $35 a month in lieu of that he is now receiving, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment.

The amendments recommended by the committee were read, as follows:

In line 7, before the words "New York," insert the word "Regiment."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

In same line strike out the word "a" and insert in lieu thereof the word "per."

In line 9 strike out the words "the same to be paid to him under the rules of," and all of line 10.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT P. JACKSON.

The next business on the Private Calendar was the bill (H. R. 7083) granting an increase of pension to Albert P. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert P. Jackson, late of Company G, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH HATFIELD.

The next business on the Private Calendar was the bill (H. R. 8124) granting a pension to Elizabeth Hatfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Hatfield, widow of Capt. George W. Hatfield, late of Company A, Eleventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. M'GRAW.

The next business on the Private Calendar was the bill (H. R. 8733) granting an increase of pension to Benjamin F. McGraw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the conditions and limitations of the pension laws, the name of Benjamin F. McGraw, captain Company A, First Regiment District of Columbia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 5 strike out the word "conditions" and insert in lieu thereof the word "provisions."

In line 6, before the word "captain," insert the word "late."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLEN F. LYNCH.

The next business on the Private Calendar was the bill (H. R. 7063) granting a pension to Ellen F. Lynch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen F. Lynch, widow of John Lynch, late of Company I, One hundred and sixty-fourth Regiment New York Volunteer Infantry, and United States Navy, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8, before the word "United," insert the words "of the United States ships Tonawanda and Marion.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA C. KUHN.

The next business on the Private Calendar was the bill (H. R. 4179) granting an increase of pension to Martha C. Kuhn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha C. Kuhn, widow of H. H. Kuhn, late sergeant of Company A, Tenth Regiment Pennsylvania Reserve Corps; first lieutenant, Twenty-third Regiment United States Colored Troops, and second lieutenant, Forty-second Regiment United States Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the first letter "H." and insert in lieu thereof the word "Henry."

In same line strike out the words "late sergeant of," and all of lines 7, 8, and 9, and the words "States Infantry," in line 10, and insert in lieu thereof the words "late second lieutenant Company H, Eighth Regiment United States Veteran Reserve Corps."

In line 10 strike out the word "thirty" and insert in lieu thereof the word "twenty."

In line 11 strike out the word "five."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. ERWIN.

The next business on the Private Calendar was the bill (H. R. 5149) granting an increase of pension to John W. Erwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Erwin, late of Company B, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM MERCER.

The next business on the Private Calendar was the bill (H. R. 4119) granting an increase of pension to William Mercer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Mercer, late of Company E, One hundred and twenty-fourth Regiment Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Pennsylvania."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM R. BURTON.

The next business on the Private Calendar was the bill (H. R. 4466) granting a pension to William R. Burton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the conditions and limitations of the pension laws, the name of William R. Burton, late a

member of Company D, Sixtieth Regiment Illinois Volunteer Infantry, and Company H, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension of $30 per month in lieu of the one he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 5 strike out the word "conditions" and insert in lieu thereof the word "provisions."
In line 6 strike out the words "a member."
In lines 6 and 7 strike out the words "and Company H, Thirteenth Regiment Illinois Volunteer Cavalry."
In line 8, after the word "pension," insert the words "at the rate."
In same line strike out the words "the one" and insert in lieu thereof the word "that."
Amend the title so as to read: "A bill granting an increase of pension to William R. Burton."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN GEORGE.

The next business on the Private Calendar was the bill (H. R. 6038) granting an increase of pension to Benjamin George.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin George, late of Company F, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. BARRETT.

The next business on the Private Calendar was the bill (H. R. 3670) granting an increase of pension to Benjamin F. Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Barrett, late of Company I, Third Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. ANDERSON.

The next business on the Private Calendar was the bill (H. R. 5479) granting an increase of pension to William H. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Anderson, late of Company H, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NICHOLAS SCHWEMLER.

The next business on the Private Calendar was the bill (H. R. 4391) granting an increase of pension to Nicholas Schwemler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Nicholas Schwemler, late of Company H, Second Michigan Volunteer Infantry, and to pay him a pension of $50 per month in lieu of the pension said Schwemler is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas Schwemler, late of Company H, Second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM SIMMONS.

The next business on the Private Calendar was the bill (H. R. 5868) granting an increase of pension to William Simmons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Simmons, late of Company A, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $70 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. VICKERS.

The next business on the Private Calendar was the bill (H. R. 3027) granting an increase of pension to William H. Vickers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Vickers, late of Company I, Nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM L. WHEELER.

The next business on the Private Calendar was the bill (H. R. 4642) granting an increase of pension to William L. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William L. Wheeler, late of Company D, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN T. COLLINS.

The next business on the Private Calendar was the bill (H. R. 4702) granting an increase of pension to John T. Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Collins, late of Company B, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

J. F. SLADE.

The next business on the Private Calendar was the bill (H. R. 4314) granting a pension to J. F. Slade.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. F. Slade, late of Company D, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "John."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH ULSHAFER.

The next business on the Private Calendar was the bill (H. R. 5006) granting a pension to Sarah Ulshafer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Ulshafer, late widow of Jacob Ulshafer, alias Jacob Bankes, late of Company A, Fourth Pennsylvania Cavalry, and pay her a pension of $8 a month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "late."
In line 7 strike out the word "Bankes" and insert in lieu thereof the word "Banks."
In same line, before the word "Pennsylvania," insert the word "Regiment."
In same line, before the word "Cavalry," insert the word "Volunteer."
In line 8, after the word "pension," insert the words "at the rate."
In same line strike out the word "a" and insert in lieu thereof the word "per."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELI LACHMAN.

The next business on the Private Calendar was the bill (H. R. 789) granting an increase of pension to Eli Lachman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Lachman, late of Company A, One hundred and seventy-ninth Regiment Pennsylvania Volunteer Infantry, and Third Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "F."
In same line strike out the words "One hundred and," and all of line 7.
In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CYRUS B. DOPP.

The next business on the Private Calendar was the bill (H. R. 1287) granting an increase of pension to Cyrus B. Dopp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus B. Dopp, late of Company G, Nineteenth Michigan Volunteer Infantry, and pay him a pension at the rate of $50 a month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "forty."
In line 8 strike out the word "a" and insert in lieu thereof the word "per."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LORISTON W. ADKINS.

The next business on the Private Calendar was the bill (H. R. 9778) granting a pension to Lauriston W. Adkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lauriston W. Adkins, late of Company B, One hundred and twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lauriston" and insert in lieu thereof the word "Loriston."
In line 7 strike out the word "Kentucky" and insert in lieu thereof the words "New York."
Amend the title so as to read: "A bill granting an increase of pension to Loriston W. Adkins."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MAGGIE E. FITZPATRICK.

The next business on the Private Calendar was the bill (H. R. 9835) to pension Maggie E. Fitzpatrick.

The bill was read, as follows:

Be it enacted, etc., That a pension of $12 per month be granted to Maggie Fitzpatrick, widow of John Fitzpatrick, deceased, who was a private in Company E, Eleventh Regiment Kentucky Cavalry; the same being rejected by the Department on technical grounds.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maggie Fitzpatrick, widow of John Fitzpatrick, late of Company E, Eleventh Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $8 per month."
Amend the title so as to read: "A bill granting a pension to Maggie Fitzpatrick."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALFRED J. WEST.

The next business on the Private Calendar was the bill (H. R. 10706) granting an increase of pension to Alfred J. West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred J. West, late a member of Company B, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a member."
In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NICHOLAS REINHART.

The next business on the Private Calendar was the bill (H. R. 783) granting an increase of pension to Nicholas Reinhart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas Reinhart, late of Company K, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. STEFFEY.

The next business on the Private Calendar was the bill (H. R. 2572) granting an increase of pension to George W. Steffey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Steffey, late of Company F, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS P. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 9421) granting an increase of pension to Thomas P. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas P. Marshall, of Chattanooga, Tenn., late major Thirteenth Regiment Iowa Veteran Volunteer Infantry, war of 1861 to 1865, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Chattanooga, Tenn., late major" and insert in lieu thereof the words "late captain Company H."
In line 7 strike out the word "Veteran."
In same line strike out the word "war."
Strike out all of line 8.
In line 9 strike out the word "sixty-five."
In same line strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANK M. SPEARS.

The next business on the Private Calendar was the bill (H. R. 9695) granting an increase of pension to Frank M. Spears.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank M. Spears, late of Company C, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA MULLINS.

The next business on the Private Calendar was the bill (H. R. 10192) granting a pension to Martha Mullins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Mullins, widow of Joab Mullins, late of Company F, Eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

HIRAM FLINT.

The next business on the Private Calendar was the bill (H. R. 8022) granting an increase of pension to Hiram Flint.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Flint, late of Companies D and H, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY JOANNA ADAMS.

The next business on the Private Calendar was the bill (S. 2416) granting an increase of pension to Mary Joanna Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Joanna Adams, widow of John D. Adams, late of Company D, Fiftieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mattie Kate Adams, helpless and dependent child of said John D. Adams, the additional pension herein granted shall cease and determine.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES DISBROW.

The next business on the Private Calendar was the bill (S. 695) granting an increase of pension to Charles Disbrow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Disbrow, late of Company A, Twenty-first Regiment Illinois Volunteer Infantry, and Company A, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GREEN B. YAWN.

The next business on the Private Calendar was the bill (S. 486) granting a pension to Green B. Yawn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Green B. Yawn, of Graceville, Fla., dependent father of George Yawn, late a private in Company G, Second Regiment Alabama Volunteer Infantry, and pay him a pension at the rate of $12 per month.

Mr. LOUDENSLAGER. Mr. Chairman, I move the following committee amendments, which I send to the desk and ask to have read.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "of Graceville, Fla."

In line 7, after the word "Infantry," insert the words "war with Spain."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES GRAHAM.

The next business on the Private Calendar was the bill (S. 2559) granting a pension to James Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Graham, late captain Company C, First Regiment Idaho Volunteer Infantry, war with Spain, and pay him a pension at the rate of $72 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JESSE J. FINLEY.

The next business on the Private Calendar was the bill (S. 2809) granting an increase of pension to Jesse J. Finley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse J. Finley, late captain, Second Regiment Tennessee Volunteers, Seminole Indian war, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIT JOHNSON.

The next business on the Private Calendar was the bill (S. 2418) granting a pension to Marit Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marit Johnson, dependent mother of John E. Johnson, late of Company G, Thirteenth Regiment Minnesota Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM EDGAR.

The next business on the Private Calendar was the bill (H. R. 9999) granting an increase of pension to William Edgar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Edgar, late of Company F, Fifteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HERMAN LEMMERMAN.

The next business was the bill (H. R. 8185) granting a pension to Herman Lemmerman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herman Lemmerman, coal passer, late of U. S. S. Dixie, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Lemmerman," insert "late;" and in the same line strike out "late of."

In lines 7 and 8 strike out "steamer Dixie, and pay him a pension at the rate of $24 per month" and insert in lieu thereof the word "Navy."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SHADRACH D. BARDIN.

The next business was the bill (H. R. 8648) granting a pension to Shadrach D. Bardin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Shadrach D. Bardin, late of Captain Roberts's company, Texas Mounted Volunteers, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ANNA WATERS.

The next business was the bill (H. R. 8173) granting an increase of pension to Anna Waters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Waters, widow of George Waters, late of Captain Williams's company of Tennessee Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES G. CORR.

The next business was the bill (H. R. 6951) granting an increase of pension to Charles G. Corr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles G. Corr, late of Company G, Fourth Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "fifty" and insert "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DE WITT C. FOLSOM.

The next business was the bill (H. R. 7680) granting an increase of pension to De Witt C. Folsom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of De Witt C. Folsom, late of Company D, Fourth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he now receiving.

The amendment recommended by the committee was read, as follows:

Strike out "thirty" in line 8 and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. MOUNT.

The next business was the bill (H. R. 5030) granting a pension to William H. Mount.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Mount, late of Company F, Two hundred and second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out "and pay him a pension at the rate of $30 per month" and insert in lieu thereof "war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENNETT PUTNAM.

The next business was the bill (H. R. 5879) granting an increase of pension to Bennett Putnam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bennett Putnam, late of Company F, Third Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out "thirty" in line 8 and insert in lieu thereof "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL NAGLE, JR.

The next business was the bill (H. R. 3402) granting an increase of pension to Daniel Nagle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Nagle, late of Company B, First Regiment Pennsylvania Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the claimant's name in the title and the body of the bill so as to read "Daniel Nagle, jr."

In line 8 strike out "fifty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM J. JACKSON.

The next business was the bill (H. R. 4750) to place W. I. Jackson on the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension roll of the United States Army the name of W. I. Jackson, who enlisted as a private in the Mexican war on the 21st day of May, 1848, Seventeenth United States Regulars, Baits's regiment, and was honorably discharged at Newport Barracks, State of Kentucky, on the 16th day of July, 1848, subject to the rules and regulations of the pension laws.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "authorized," insert "and directed."

Strike out all in the bill after words "pension roll," in line 4, and substitute therefor the following: "subject to the provisions and limitations of the pension laws, the name of William J. Jackson, late an unassigned recruit, United States Army, war with Mexico, and pay him a pension at the rate of $12 per month."

Change the title so as to read: "A bill granting a pension to William J. Jackson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARAB E. POWELL.

The next business was the bill (H. R. 1005) granting a pension to Marat E. Powell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marat E. Powell, widow of Col. W. H. Powell, Ninth Regiment United States Infantry, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

Change the spelling of claimant's Christian name where it appears in the title and the body of the bill to "Marab."

In line 6, after the words "widow of," strike out "Colonel W." and insert "William."

In the same line, after "William H. Powell," insert "late colonel."

In line 8 strike out "fifty" and insert "forty," and add to the end of the bill the words "in lieu of that she is now receiving."

Change the title so as to read "Granting an increase of pension to Marab E. Powell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CAROLINE S. WINN.

The next business on the Private Calendar was the bill (H. R. 880) granting a pension to Caroline S. Winn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline S. Winn, widow of David H. Winn, late of Captain Lucas's company, Second Georgia Volunteers (Creek war), and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Second," and in lines 7 and 8 strike out "(Creek war)" and insert in lieu thereof "Creek Indian war."

In line 8 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANN M. DRIGGARS.

The next business on the Private Calendar was the bill (H. R. 877) granting a pension to Ann M. Driggars.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann M. Driggars, widow of Daniel T. Driggars, late of Captain Evans's company Georgia Volunteers, in the Mexican war, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "in the Mexican" and insert "Creek Indian."

In line 8 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. MARY TATE.

The next business on the Private Calendar was the bill (H. R. 10741) for the relief of Mrs. Mary Tate, of De Soto County, Miss.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and he is hereby, directed to place on the pension roll the name of Mrs. Mary Tate, of De Soto County, Miss., and pay her a pension of $12 per month as the widow of Payton Tate, deceased, late of De Soto County, Miss., who, at the time of his death, on the —— day of ——, 1900, was receiving a pension as a private in Company I, Third Regiment United States Colored Volunteer Heavy Artillery, she having been denied a pension on account of alleged irregularities in her marriage to said Payton Tate.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Tate, widow of Payton Tate, late of Company I, Third Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $8 per month."

Amend the title so as to read: "A bill granting a pension to Mary Tate."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARION ARNOLD.

The next business on the Private Calendar was the bill (H. R. 10682) granting an increase of pension to Marion Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marion Arnold, late of Battery H, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Battery" and insert in lieu thereof the word "Company."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH LONGBERRY.

The next business on the Private Calendar was the bill (H. R. 10580) granting an increase of pension to Joseph Longberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Longberry, late of Company C, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES G. SAIMS.

The next business on the Private Calendar was the bill (H. R. 10068) granting a pension to James G. Soims.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Soims, late of Company —, Tenth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Soims" and insert in lieu thereof the word "Saims."

In same line strike out the words "of Company —" and insert in lieu thereof the words "assistant surgeon."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words " in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James G. Saims."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM ELLIS.

The next business on the Private Calendar was the bill (H. R. 9988) granting an increase of pension to William Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Ellis, late of Company K, Twenty-ninth and Thirty-second Regiments Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "and."

In line 7 strike out the words "Thirty-second Regiments" and insert in lieu thereof the word "Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

VIRGINIA BOYD.

The next business on the Private Calendar was the bill (H. R. 9921) granting a pension to Virginia Boyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Virginia Boyd, of Aqueduct avenue, Fordham Heights, in the Borough of the Bronx, city of New York, widow of John Boyd, a member of Company A, Fourth Battalion District of Columbia Militia Volunteer Infantry, from and after the passage of this act.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Virginia Boyd, widow of John Boyd, late of Company A, Fourth Battalion District of Columbia Volunteer Infantry, and pay her a pension at the rate of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADA L. CARPENTER.

The next business on the Private Calendar was the bill (H. R. 9790) granting a pension to Ada L. Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada L. Carpenter, widow of John H. Carpenter, late captain of Company L, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "captain," strike out the word "of."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCIS ROY.

The next business on the Private Calendar was the bill (S. 191) granting an increase of pension to Francis Roy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Roy, late of Company K, Eleventh Regiment Vermont Volunteers (First Heavy Artillery), and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY FRAZIER.

The next business on the Private Calendar was the bill (H. R. 9710) granting an increase of pension to Henry Frazier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Frazier, late of Company H, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JULIUS KRAG.

The next business on the Private Calendar was the bill (H. R. 4631) granting an increase of pension to Julius Kraig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius Kraig, late of Company G, Fifteenth Regiment New York Heavy Artillery, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Kraig" and insert in lieu thereof the word "Krag."

In line 7, before the word "Heavy," insert the word "Volunteer."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES B. COMBS.

The next business on the Private Calendar was the bill (H. R. 5749) granting a pension to James B. Combs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Combs, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

PHILLIP DUTTENHAVER.

The next business on the Private Calendar was the bill (H. R. 3011) granting an increase of pension to Philip Duttenhaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Duttenhaver, late of Company L, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "of," strike out "Philip" and insert the word "Phillip;" in lines 6 and 7 insert the words "Fifteenth Regiment, and Company L;" in lines 8 and 9 strike out "fifty" and insert "twenty-four."

Mr. CRUMPACKER. Mr. Chairman, as the question is on the amendments, I desire to move to strike out the word "twenty-four," in line 9, and insert in lieu thereof the word "thirty."

The Clerk read as follows:

In line 9 strike out "twenty-four" and insert "thirty."

Mr. CRUMPACKER. I am sorry that the chairman of the committee is not in his seat.

Mr. GIBSON. Mr. Chairman——

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana to the committee amendment.

Mr. CRUMPACKER. Mr. Chairman, I desire to submit a few observations upon this amendment. I regret very much to attempt to change the rate that the Committee on Invalid Pensions has recommended. I appreciate as much as any Member of this House the care and patience that this committee has employed and does employ in going through the great mass of special legislation referred to it, and I am thoroughly in sympathy with the general policy of the committee that the rates established by special legislation shall not be exorbitant. But in this case I think, Mr. Chairman, the circumstances are such that the rate ought to be fixed at $30 a month at least. The bill originally provided for a special pension of $50 a month. The committee have reported an amendment reducing the rate from $50 to $24.

Phillip Duttenhaver is totally disabled. The evidence in the case shows that during his military service he had intermittent and malarial fever. His system became completely saturated with malaria. It poisoned his system so that he was in a hospital a number of times during his service. After he was discharged from the service, on the 18th of September, 1865, within two months after that time, the evidence shows that a sore appeared on his right knee, and that sore continued to increase gradually, and to grow worse and worse, until it finally disabled him absolutely. He was a farmer, and after his discharge from the service, with his system poisoned with malaria in the manner that I have described, he made no complaint, but went upon the farm and hoped that in the course of time he would overcome the disabilities he incurred in the military service. He employed no physician; he applied for no pension. In 1884 his condition became so bad that he did apply for a pension under the old law. That application was rejected because he was unable to prove continuous disability from malarial poisoning from September, 1865, until the year 1880. The excuse he offered for not furnishing the required evidence was his own sworn statement that after his discharge he thought he would get well, and he had made no complaint, but went on in the even tenor of his way, taking care of himself and his family as best he could until his condition became so bad that he had to apply to a physician for medical assistance.

His claim for original pension was rejected. After the law of 1890 was enacted he made application and was given a pension under that law, but his leg gradually grew worse, and in the year 1903 he was compelled to have it amputated above the knee. He is a poor man. He owns, the evidence shows, a little cottage in the town of Kentland, worth not exceeding $1,200, which is mortgaged for $900, and his wife is living. He is 60 years of age. The committee in its report said that there is no doubt that while the evidence in the case does not justify the Commissioner of Pensions in granting him a pension under the original law, under the rules in force in the Pension Office, there is no doubt his military service is responsible for the disability which he has to-day, and if that be true he ought to have $65 a month, but I only asked originally $50, and this motion asks simply that this committee give him the rate of $30 a month.

Now, I desire to say to the chairman of the Committee on Invalid Pensions I believe that the rate of $50 a month is a very small rate for this disability, and the report of his committee shows that the condition of Duttenhaver is the result of his military service. He needs the pension. I know Mr. Duttenhaver personally, and I have known him for a number of years, and I know him to be an upright, respectable citizen, but absolutely helpless, with a wife to support and his home mortgaged for substantially all it is worth, and the rate of $24 a month is not sufficient to take care of him and his wife during the balance of his days. I ask the committee now to adopt the amendment that I propose fixing the rate at $30, which I think is a very small rate for such a disability.

Mr. HOLLIDAY. Mr. Chairman, I have no disposition to antagonize the increase asked for by the gentleman, but I think it is due to the committee that our position in this matter should be explained. It has been the uniform custom of the committee, Mr. Chairman, not to increase the pension of a soldier who has been pensioned under the act of 1890 more than double the pension he is now receiving unless he is totally blind or so greatly incapacitated as to require the constant aid and attendance of another. We have undertaken to treat this soldier exactly as we have treated all other cases coming before the committee. This man is evidently in a very bad fix. The committee sympathizes with him, but if the gentleman will take occasion to read the report you will observe that his first application for a pension was made in 1884, twenty years after the war, and in it there was no reference to an injury to his leg, for which he is now claiming a pension.

Twenty years after the war that injury had not sufficiently developed as to make it worth his while to claim a pension on account of it, but his claim for pension was entirely upon other grounds. Afterward, his leg was amputated, and he was paid a pension of $12 a month. One of the Senate rules is that they will not increase the pension of a soldier pensioned under the act of 1890 more than double the rate that he is now receiving, except where the cause of his injuries can be traced to army service. Now, it seems to me, Mr. Chairman, that it would be drawing very liberally upon our imagination to connect this disability with his army service in consideration of the fact that twenty years after the war, when he first made application, he made no reference to the injury to his leg, but later on, I will admit, there is some evidence connecting the disability with the army service. The report says:

> In December, 1903, the soldier alleged that for several years prior to May 20, 1903, when his right leg was amputated, the sore on the leg steadily increased and undermined his general health to such an extent that in the spring of 1903 it was decided to amputate the leg; and the last medical examination of the soldier, made August 19, 1903, shows amputation of the right leg at the upper third of the limb, and also found him to be suffering from stomach trouble and enlarged spleen.

As I stated at the beginning, I am perfectly willing the committee should raise this pension, and the only objection I have to it is that it may establish a dangerous precedent. The committee is constantly being importuned by Members to go beyond the limits they have fixed for the increase of these pensions, and if we establish a precedent there is no telling what will result from it.

Mr. CRUMPACKER. Just a word in reply, Mr. Chairman. I do not want to ask anything that is not within reason or that is not in keeping with the policy of the Committee on Invalid Pensions in fixing these rates, but I think, according to the facts set forth in this report, he will admit on reflection that this is an exception to the rule. He refers to the fact that in the application of 1880 there was no mention made of the disability to the leg. At that time it had not developed, and it was of such a slight character that it did not give him any trouble. It took twenty-four years for it to develop, so that it was necessary to amputate the leg, and to practically undermine his health. Now, the policy of the committee, as I understand it, is to double the pension of the law of 1890, unless, as the gentleman says, the disabilities are the result of army service. Let me read from the report:

> In view of the soldier's serious physical condition and the fact that the malarial poisoning shown since 1880 was undoubtedly a result of the malarial poisoning of service origin for which he was treated in July, August, and September, 1864, an increase of his pension from $12 to $24 per month seems proper.

So, according to the gentleman's own statement of the facts, it does not come within the ordinary rule. The committee finds that these disabilities, Mr. Chairman, are the result of his military service, for we find it so stated in the report. The committee reports the disabilities as the result of malarial poison incurred in July and August, 1864, and if the Commissioner of Pensions had found that fact, this soldier would be drawing to-day $65 a month. Now, we ask less than one-half of what the general law would give Mr. Duttenhaver.

Mr. MIERS of Indiana. Mr. Chairman, I am not sure but that the gentleman from Indiana may be right, and in order that we may determine eventually whether he is right or not, I move to recommit this bill to the Committee on Invalid Pensions, so that it may have an opportunity to determine the facts in the case.

Mr. CRUMPACKER. I do not like to have the bill recommitted. This citizen, this ex-soldier, is a poor man, getting only $12 a month, and even an increase of $12 would be a great boon to him.

Mr. MIERS of Indiana. Well, the gentleman has now the opportunity to get an increase of $12, but if he is not satisfied with that increase of $12 he ought to go to the committee. He did not go to the committee with any further proof, and I submit that he ought to go to the committee for further consideration or the committee ought to be sustained.

Mr. CRUMPACKER. Well, I would rather have the case go back to the committee. I believe when the committee comes to investigate this case again it will fix the rate at $30 a month.

Mr. MIERS of Indiana. All right.

Mr. CRUMPACKER. I would rather have it recommitted to the committee than to have it go through at $24 a month.

Mr. SULLOWAY. I want to suggest to the gentleman that he may find some difficulty in getting it through the Senate for over $24. Under the Senate rule that is the amount and the amount at which we have fixed it.

Mr. CRUMPACKER. I will take the risk of getting it through the Senate.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana to recommit the bill to the Committee on Invalid Pensions.

The question was taken; and the motion was agreed to.

WILLIAM F. BENEFIEL.

The next business on the Private Calendar was the bill (H. R. 807) granting an increase of pension to William F. Benefiel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Benefiel, late of unassigned company, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "unassigned," strike out the word "of."
In same line strike out the word "company."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD O'MALLEY.

The next business on the Private Calendar was the bill (H. R. 8863) granting an increase of pension to Edward O'Malley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward O'Malley, late of Company E, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. GRAVES.

The next business on the Private Calendar was the bill (H. R. 7221) granting an increase of pension to Mary A. Graves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, the name of Mary A. Graves, widow of Dennis Graves, late of Company H, Second Maryland Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Graves, widow of Dennis Graves, late of Company H, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PRUDENTIA L. D. NUGENT.

The next business on the Private Calendar was the bill (H. R. 4910) granting a pension to Prudentia L. D. Nugent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Prudentia L. D. Nugent, widow of Bvt. Brig. Gen. Robert Nugent, late colonel of the Sixty-ninth Regiment New York State Volunteer Infantry and retired major of the Twenty-fourth United States Infantry, and pay her a pension at the rate of $100 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "of Prudentia L. D. Nugent, widow of Robert Nugent, late colonel Sixty-ninth Regiment New York Volunteer Infantry, and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Prudentia L. D. Nugent."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RACHEL LARGE.

The next business on the Private Calendar was the bill (H. R. 7311) granting a pension to Thomas Large.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Large, helpless and dependent son of William Large, late of Company H, Eighth Regiment Tennessee Cavalry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Rachel Large, widow of William Large, late of Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Thomas Large, helpless and dependent son of said William Large, the additional pension herein granted shall cease and determine."

Amend the title so as to read: "A bill granting an increase of pension to Rachel Large."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ENOS D. HOGE.

The next business on the Private Calendar was the bill (H. R. 7410) granting an increase of pension to Enos D. Hoge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enos D. Hoge, first lieutenant late of Company H, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Hoge," insert the word "late."
In the same line, before the word "Company," strike out the words "late of."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMANDA SKINNER.

The next business on the Private Calendar was the bill (H. R. 4540) granting a pension to Amanda Skinner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda Skinner, widow of John Skinner, late a private in Company C, First Florida Volunteers, civil war, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private."
In line 7 strike out the word "in" and insert in lieu thereof the word "of."
In same line, after the word "First," insert the word "Regiment."
In same line strike out the words "Volunteers, civil war," and insert in lieu thereof the words "Volunteer Cavalry."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID B. WOOD.

The next business on the Private Calendar was the bill (H. R. 4318) granting a pension to David B. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David B. Wood, late of Captain Thomas Gaskin's company, Indiana Legion, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

CLINTON M. CASEY.

The next business on the Private Calendar was the bill (H. R. 3769) granting an increase of pension to Clinton M. Casey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clinton M. Casey, late of Company G, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABRAHAM W. COCHRAN.

The next business on the Private Calendar was the bill (H. R. 6455) granting an increase of pension to Abraham W. Cochran.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham W. Cochran, late of Company B, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS MORGAN.

The next business on the Private Calendar was the bill (H. R. 4943) granting an increase of pension to Thomas Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place on the pension roll, subject to the provisions and limitations of the pen-

sion laws, the name of Thomas Morgan, late captain of Company K, Seventy-fourth Regiment Indiana Volunteer Infantry, war of the rebellion, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Morgan, late lieutenant-colonel Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. WALLS.

The next business on the Private Calendar was the bill (H. R. 11227) granting an increase of pension to George W. Walls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Walls, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FLORENCE R. RUSSELL.

The next business on the Private Calendar was the bill (H. R. 10267) granting a pension to Florence R. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, the name of Florence R. Russell, widow of Daniel A. Russell, late captain of Company E, Fourth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence R. Russell, widow of Daniel A. Russell, late major One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Mr. SNOOK. Mr. Chairman, by authority of the committee, I move to amend the committee amendment by striking out "twelve," in line 14, and inserting "twenty."

The amendment to the amendment was agreed to.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABRAM CLAYPOOL.

The next business was the bill (H. R. 9791) granting a pension to Abram Claypool.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abram Claypool, late captain Company D, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HORACE E. WOOD.

The next business was the bill (H. R. 10640) granting an increase of pension to Horace E. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace E. Wood, late of Company H, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MOSES HURLBUT.

The next business was the bill (H. R. 10794) granting an increase of pension to Moses Hurlbut.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses Hurlbut, late of Company G, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARGARET E. KELLER.

The next business was the bill (H. R. 10268) granting a pension to Margret E. Keller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Margret E. Keller, widow of Augustus R. Keller, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $— per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Keller, widow of Augustus R. Keller, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Margaret E. Keller."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDSON H. CRAWFORD.

The next business was the bill (H. R. 10904) granting a pension to Edson H. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edson H. Crawford, late of Company C, Sixty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company L, Seventeenth Regiment Illinois Volunteer Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Edson H. Crawford."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW BARR.

The next business was the bill (H. R. 859) granting an increase of pension to Andrew Barr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Andrew Barr, late private Company E, Eleventh Pennsylvania Cavalry, and pay him a pension of $30 a month from and after the passage of this act. He is now on pension roll at $24 per month, under certificate No. 235983, general order, for injury to left leg, resulting in varicose veins and ulcers.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Barr, late of Company E, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES ALLEN.

The next business was the bill (H. R. 1801) granting a pension to James Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of James Allen, of Elizabethtown, Ky., late a private in Capt. Irvin Miller's company of Kentucky Volunteer Infantry, at the rate of $30 per month.

The amendment recommended by the committee was read, as follows.

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Allen, late of Captain Miller's company, Kentucky State Militia, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JASPER RICHEY.

The next business was the bill (H. R. 1179) granting an increase of pension to Jasper Richey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jasper Richey, late of Company K, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL M'CLURE.

The next business was the bill (H. R. 1352) for the relief of Samuel McClure.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Samuel McClure, of Mount Vernon, Ky., late a private in Company B, Twelfth Regiment Kentucky Volunteer Infantry, in the war for the suppression of the rebellion, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In lines 5 and 6 strike out the words "of Mount Vernon, Ky., late a private in" and insert in lieu thereof the words "late of."

In line 7 strike out the words "in the war for the suppression of the rebellion."

In line 8 strike out the word "sixteen" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Samuel McClure."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS E. M'INTIRE.

The next business was the bill (H. R. 1317) granting a pension to Thomas E. McIntire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. McIntire, late of Company E, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Thomas E. McIntire."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN PITMAN.

The next business on the Private Calendar was the bill (H. R. 8836) granting a pension to Benjamin Pitman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Pitman, late of Company C, Eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company C, Eighth Regiment," and insert in lieu thereof the words "second lieutenant Twenty-seventh Unattached Company."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Benjamin Pitman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

IRA B. WAMBAUGH.

The next business on the Private Calendar was the bill (H. R. 8379) granting an increase of pension to J. B. Wambaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of I. B. Wambaugh, late of Company B, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "I." and insert in lieu thereof the word "Ira."

In same line strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Ira B. Wambaugh."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNIE P. ERVING.

The next business on the Private Calendar was the bill (H. R. 8343) granting a pension to Annie P. Erving.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie P. Erving, army nurse, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "army nurse" and insert in lieu thereof the words "formerly Cilla Zerbe, late nurse, Medical Department, United States Volunteers."

In line 7 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting a pension to Annie P. Erving, formerly Cilla Zerbe."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID W. WILLIAMSON.

The next business on the Private Calendar was the bill (H. R. 7999) granting an increase of pension to David W. Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David W. Williamson, late of Company A, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES G. ANDREWS.

The next business on the Private Calendar was the bill (H. R. 7814) granting an increase of pension to James G. Andrews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Andrews, late of Company C, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMMA CROSIER.

The next business on the Private Calendar was the bill (H. R. 7712) granting a pension to Emma Crosier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Crosier, widow of William H. H. Crosier, late of Company G, One hundred and forty-ninth Regiment New York Volunteer Infantry, civil war, and pay her a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "civil war."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CAROLINE HURLEY.

The next business on the Private Calendar was the bill (H. R. 7559) granting a pension to Caroline Hurley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Caroline Hurley, widow of Milton Hurley, late private in Company F, Thirteenth Regiment Kentucky Heavy Artillery, during war of rebellion, and to pay to her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline Hurley, widow of Milton Hurley, late of Company F, Thirteenth Regiment United States Colored Heavy Artillery, and pay her a pension at the rate of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES H. WESTON.

The next business on the Private Calendar was the bill (H. R. 6911) granting a pension to James H. Weston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of James H. Weston, late of Company F, Third Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James H. Weston."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROSA GLASS.

The next business on the Private Calendar was the bill (H. R. 6817) granting a pension to Rosa Glass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosa Glass, daughter of Peter Glass, late of Company I, First New York Regiment Light Artillery, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "daughter," insert the words "helpless and dependent."

In line 7, after the word "First," insert the word "Regiment."

In same line strike out the word "Regiment" and insert in lieu thereof the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES E. LARKIN.

The next business on the Private Calendar was the bill (S. 2542) granting an increase of pension to James E. Larkin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Larkin, late lieutenant-colonel Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELEANOR H. HORD.

The next business on the Private Calendar was the bill (S. 1451) granting an increase of pension to Eleanor H. Hord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanor H. Hord, widow of William T. Hord, late medical director, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FLORA STANTON KALK.

The next business on the Private Calendar was the bill (S. 3400) to amend the act entitled "An act granting a pension to Flora Stanton Kalk," approved February 25, 1899.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act granting a pension to Flora Stanton Kalk," approved February 25, 1899, be, and the same is hereby, amended so as to read as follows: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Flora Stanton Kalk, widow of First Lieut. Frank Green Kalk, late of the Fifth United States Infantry, and pay her a pension at the rate of $17 per month, and $2 per month additional on account of each of the minor children of said Frank Green Kalk until they reach the age of 16 years."

The bill was ordered to be laid aside with a favorable recommendation.

HENRY C. RIGGS.

The next business on the Private Calendar was the bill (S. 2217) granting an increase of pension to Henry C. Riggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Riggs, late of Company A, First Regiment Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN HERZINGER.

The next business on the Private Calendar was the bill (S. 2965) granting an increase of pension to John Herzinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Herzinger, late of Company I, Third Regiment Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN G. BROWN.

The next business on the Private Calendar was the bill (S. 70) granting an increase of pension to John G. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Brown, late of Company G, First Regiment Virginia Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANCES S. HOPKINS.

The next business on the Private Calendar was the bill (S. 2596) granting a pension to Frances S. Hopkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances S. Hopkins, widow of Charles F. Hopkins, late midshipman United States ship Saratoga, United States Navy, war with Mexico, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twelve" and insert the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROSA D. MAYHEW.

The next business on the Private Calendar was the bill (S. 1597) granting a pension to Rosa D. Mayhew.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosa D. Mayhew, widow of William B. Mayhew, late machinist, first class, United States Navy, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM E. ARMSTRONG.

The next business on the Private Calendar was the bill (H. R. 2769) granting an increase of pension to William E. Armstrong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Armstrong, late of Company M, Second Regiment Mississippi Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert "war with Spain."

In line 8 strike out "seventy-two" and insert "fifty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCIUS E. POLK.

The next business on the Private Calendar was the bill (H. R. 8227) granting a pension to Lucius E. Polk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucius E. Polk, late captain Company D, Forty-third Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert "war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEVI VASSAR.

The next business on the Private Calendar was the bill (H. R. 5532) granting an increase of pension to Levi Vassar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Vassar, late of Company H, Third Regiment Missouri Mounted Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALBERT S. ELMORE.

The next business on the Private Calendar was the bill (H. R. 5045) granting an increase of pension to Albert S. Elmore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert S. Elmore, late of Capt. Rush Elmore's company, Fifth Louisiana Volunteers, Col. Bayley Payton, war with Mexico, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Fifth," insert "Regiment," and in the same line strike out "Col. Bayley Payton."

In line 8 strike out "fifty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN LINDSEY.

The next business on the Private Calendar was the bill (H. R. 9398) granting a pension to John Lindsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lindsey, late of Fourth Company, United States Coast Artillery.

The bill was ordered to be laid aside with a favorable recommendation.

MARCELINE P. HAMILTON.

The next business on the Private Calendar was the bill (H. R. 10968) granting a pension to Marceline P. Hamilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marceline P. Hamilton, widow of William H. Hamilton, late captain Company F, Third Regiment Connecticut Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MARY EATON LIVINGSTON.

The next business on the Private Calendar was the bill (H. R. 11052) granting an increase of pension to Mary Eaton Livingston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Eaton Livingston, widow of Colonel La Rhett L. Livingston, late of Third Regiment United States Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Colonel."

In line 7 strike out "of" and insert "lieutenant-colonel."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LIZZIE M. WORSTER.

The next business on the Private Calendar was the bill (H. R. 9739) granting a pension to Lizzie M. Worster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie M. Worster, widow of Isaac H. Worster, late of Company H, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN I. RUNDBERG.

The next business on the Private Calendar was the bill (H. R. 8984) granting an increase of pension to John I. Rundeberg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Irish Rundeberg, late of Company —, —— Regiment —— Volunteer Infantry, Mexican war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the spelling of claimant's surname, where it appears in the title and body of the bill, to "Rundberg."

Fill in the blank space in line 6 with "G, Second" and the blank space in line 7 with "Mississippi."

In line 7 change "Mexican war" to "war with Mexico."

In line 6 change the Christian name "Irish" to the initial "I."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGIA A. WHITEHEAD.

The next business on the Private Calendar was the bill (H. R. 8924) granting a pension to Georgia A. Whitehead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgia A. Whitehead, widow of Calvin Whitehead, late a soldier in the Mexican war, and pay her a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "a soldier in the Mexican war" and insert "of Steele's detachment, Second Regiment Mississippi Volunteers, war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH J. SHELL.

The next business on the Private Calendar was the bill (H. R. 10378) for the relief of Sarah J. Shell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Shell, widow of Henry B. Shell, late of Capt. James F. Preston's company, First Virginia Volunteers, in the war with Mexico, and pay her a pension at the rate of $16 per month in lieu of $8 per month which she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "First," insert "Regiment."

In lines 7 and 8 strike out "in the."

In line 9 strike out "sixteen" and insert "twelve."

In lines 9 and 10 strike out "eight dollars per month which" and insert "that."

Amend the title so as to read: "A bill granting an increase of pension to Sarah J. Shell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY H. BARRETT.

The next business on the Private Calendar was the bill (H. R. 4589) granting a pension to H. H. Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, the name of H. H. Barrett, Company E, Ninth Oregon Mounted Volunteer Cavalry, Indian wars, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after the words "pension roll," insert "subject to the provisions and limitations of the pension laws."

In line 5, after the word "Barrett," insert "late of Capt. R. L. Williams's;" in the same line strike out "E," and after the word "Ninth" insert "Regiment."

In lines 5 and 6 strike out "Volunteer Cavalry, Indian wars," and insert "Militia Volunteers, Oregon Indian war."

In line 7 strike out "twelve" and insert "eight."

Change claimant's name in the title and the body of the bill so as to read "Henry H. Barrett."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIJAH FARR.

The next business on the Private Calendar was the bill (S. 2517) granting an increase of pension to Elijah Farr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah Farr, late of Company D, First Regiment, and Company H, Twelfth Regiment, Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

J. HUDSON KIBBE.

The next business on the Private Calendar was the bill (S. 167) granting an increase of pension to J. Hudson Kibbe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. Hudson Kibbe, late of Company C, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELLA B. GREEN.

The next business on the Private Calendar was the bill (S. 2543) granting an increase of pension to Ella B. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Ella B. Green, widow of Charles L. Green, late of Company B, Fourteenth Regiment, and Company A, Eighteenth Regiment, New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOSEPH ROBERTS.

The next business on the Private Calendar was the bill (S. 2527) granting an increase of pension to Joseph Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Roberts, late of Company C, Seventh Regiment Vermont Volunteer Infantry, and Company C, Fourth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEVI B. LEWIS.

The next business on the Private Calendar was the bill (S. 3166) granting an increase of pension to Levi B. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi B. Lewis, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALBERT MARSHALL.

The next business on the Private Calendar was the bill (S. 2577) granting an increase of pension to Albert Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Marshall, late of Company G, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HARRIET BILLINGS.

The next business on the Private Calendar was the bill (S. 2712) granting an increase of pension to Harriet Billings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Billings, widow of Henry Billings, late of Company E, Forty-sixth Regiment Indiana Volunteer Infantry, and first lieutenant and regimental quartermaster Eighty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY D. DUVAL.

The next business on the Private Calendar was the bill (S. 782) granting a pension to Mary D. Duval.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary D. Duval, widow of Isaac H. Duval, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

EDWARD A. COTTING.

The next business on the Private Calendar was the bill (S. 2797) granting an increase of pension to Edward A. Cotting.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward A. Cotting, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE OLSEN.

The next business on the Private Calendar was the bill (S. 2440) granting an increase of pension to George Olsen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Olsen, late of Company E, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES E. DECKER.

The next business on the Private Calendar was the bill (S. 1799) granting an increase of pension to Charles E. Decker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Decker, late first-class fireman, United States steamship North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN ADAMSON.

The next business on the Private Calendar was the bill (S. 1239) granting an increase of pension to John Adamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Adamson, late of Company C, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CATHERINE A. BROWN.

The next business on the Private Calendar was the bill (S. 889) granting an increase of pension to Catherine A. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine A. Brown, widow of Thomas Brown, late of Company A, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now reciving.

The bill was ordered to be laid aside with a favorable recommendation.

MIRIAM R. ADAMS.

The next business on the Private Calendar was the bill (S. 38) granting an increase of pension to Miriam R. Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Miriam R. Adams, widow of Jason M. Adams, late captain Company I, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY W. NICHOLS.

The next business on the Private Calendar was the bill (S. 142) granting an increase of pension to Henry W. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Nichols, late of Company K, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDWIN H. WHEELER.

The next business on the Private Calendar was the bill (S. 189) granting an increase of pension to Edwin H. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin H. Wheeler, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY H. ALLEN.

The next business on the Private Calender was the bill (S. 797) granting a pension to Mary H. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Allen, former widow of George A. Wiggins, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. BARLOW.

The next business on the Private Calendar was the bill (S. 2061) granting an increase of pension to William H. Barlow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Barlow, late of Company G, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JULIA A. ROBERTS.

The next business on the Private Calendar was the bill (S. 2068) granting an increase of pension to Julia A. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Roberts, widow of Eugene F. Roberts, late captain Company A, Eighty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOSEPH W. BOOKER.

The next business on the Private Calendar was the bill (S. 1912) granting an increase of pension to Joseph W. Booker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Booker, late of Company H, Twenty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES REED.

The next business on the Private Calendar was the bill (S. 2236) granting an increase of pension to James Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Reed, late of Company G, One hundred and forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DANIEL FRITZ.

The next business on the Private Calendar was the bill (S. 2245) granting an increase of pension to Daniel Fritz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Fritz, late of Company K, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MATILDA C. LOTHROP.

The next business was the bill (S. 2230) granting an increase of pension to Matilda C. Lothrop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda C. Lothrop, widow of John P. Lothrop, late of Company E, Fortieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES CUMMINGS.

The next business was the bill (S. 2373) granting an increase of pension to Charles Cummings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Cummings, late of Company G, Third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HAMLET F. ROBERTS.

The next business was the bill (S. 1241) granting an increase of pension to Hamlet F. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hamlet F. Roberts, late second lieutenant Company G, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS DAVIS.

The next business was the bill (S. 1242) granting an increase of pension to Thomas Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Davis, late of Company C, Twenty-ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALONZO MOSES.

The next business was the bill (S. 2374) granting an increase of pension to Alonzo Moses.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Moses, late of Company H, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNA PRITCHARD.

The next business was the bill (S. 2250) granting an increase of pension to Anna Pritchard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Pritchard, widow of Levi Pritchard, late major Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BENTON D. BITNER.

The next business was the bill (S. 1954) granting an increase of pension to Benton D. Bitner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benton D. Bitner, late of Company E, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SETH H. CRAIG.

The next business was the bill (S. 1956) granting an increase of pension to Seth H. Craig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seth H. Craig, late second lieutenant Company C, Powell's battalion, Missouri Mounted Volunteers, war with Mexico, and Company F, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

VICTORIA M. STEELE.

The next business was the bill (S. 2093) granting an increase of pension to Victoria M. Steele.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Victoria M. Steele, widow of Samuel Steele, late chaplain Seventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALLEN W. HALL.

The next business was the bill (S. 880) granting an increase of pension to Allen W. (alias Albert) Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen W. (alias Albert) Hall, late of Company D, Fortieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ROBERT KELLY.

The next business was the bill (S. 1356) granting a pension to Robert Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Kelly, late of Company B, Fifth Regiment Delaware Volunteer Infantry, and Company A, Seventh Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ISAAC M. COUCH.

The next business on the Private Calendar was the bill (S. 1802) granting an increase of pension to Isaac M. Couch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Isaac M. Couch, late of Company E, Forty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY T. STRICKLAND.

The next business on the Private Calendar was the bill (S. 136) granting an increase of pension to Mary T. Strickland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary T. Strickland, widow of Silas A. Strickland, late colonel Fiftieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES W. JELLISON.

The next business on the Private Calendar was the bill (S. 2549) granting an increase of pension to Charles W. Jellison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Jellison, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES REDSHAW.

The next business on the Private Calender was the bill (S. 2576) granting an increase of pension to James Redshaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Redshaw, late of Company C, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALPHEUS FAWCETT.

The next business on the Private Calendar was the bill (S. 2668) granting an increase of pension to Alpheus Fawcett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alpheus Fawcett, late of Company G, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS BRATTON.

The next business on the Private Calendar was the bill (S. 2947) granting an increase of pension to Thomas Bratton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Bratton, late of Company H, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEONARD G. FREEMAN.

The next business on the Private Calendar was the bill (S. 2642) granting an increase of pension to Leonard G. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonard G. Freeman, late of Company D, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM W. LACKEY.

The next business on the Private Calendar was the bill (S. 1358) granting an increase of pension to William W. Lackey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Lackey, late of Nield's Independent Battery, Delaware Volunteer Light Artillery, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANCES C. M'FARLAND.

The next business on the Private Calendar was the bill (H. R. 10991) granting an increase of pension to Frances C. McFarland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances C. McFarland, widow of William McFarland, late of Company B, Eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving, as long as the helpless son, James McFarland, shall live; then, at his death, said Frances C. McFarland shall be placed on the roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month; and if the said Frances C. McFarland shall die and leave surviving her said helpless son, James McFarland, then the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of said James McFarland and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the words "as long as" and all of lines 10, 11, 12, 13, 14, and 15, and all of lines 1, 2, 3, and 4 on page 2, and insert in lieu thereof the following:

"*Provided*, That in the event of the death of James McFarland, helpless and dependent child of said William McFarland, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Frances C. McFarland the name of said James McFarland shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 from and after the date of death of said Frances C. McFarland."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. REED.

The next business on the Private Calendar was the bill (H. R. 1623) granting an increase of pension to John H. Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Reed, late of Company G, First Alabama Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In same line, before the word "Alabama," insert the word "Regiment."

In same line, before the word "Cavalry," insert the word "Volunteer."

In line 7 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. SWISHER.

The next business on the Private Calendar was the bill (H. R. 11310) granting a pension to John W. Swisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Swisher, late private of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELVIRA MILLER.

The next business on the Private Calendar was the bill (H. R. 11076) granting an increase of pension to Elvira Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvira Miller, widow of George V. Miller, late of Company F, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALDERSON T. KEEN.

The next business on the Private Calendar was the bill (H. R. 10694) granting an increase of pension to Alderson T. Keen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alderson T. Keen, late major of the First Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "major of the" and insert in lieu thereof the words "first lieutenant and captain Company I."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. HARLAN.

The next business on the Private Calendar was the bill (H. R. 9903) granting an increase of pension to George W. Harlan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Harlan, late of Independent Battery E, Pennsylvania Volunteer Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Artillery," insert the word "Light."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD M. TAPPEN.

The next business on the Private Calendar was the bill (H. R. 11556) granting an increase of pension to Edward M. Tappen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward M. Tappen, late of Company C, Fifth Regiment New York Volunteer Infantry, Duryea Zouaves, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the words "Duryea Zouaves."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS J. CAMPTON.

The next business on the Private Calendar was the bill (H. R. 10046) granting an increase of pension to Thomas Jefferson Campton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Jefferson Campton, late of Company H, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Jefferson" and insert in lieu thereof the letter "J."

In the same line strike out the letter "H" and insert in lieu thereof the letter "K."

Amend the title so as to read: "A bill granting an increase of pension to Thomas J. Campton."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SILAS SOULES.

The next business on the Private Calendar was the bill (H. R. 1113) granting an increase of pension to Silas G. Soules.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas G. Soules, late of Company A, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "G."

Amend the title so as to read: "A bill granting an increase of pension to Silas Soules."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY C. ARNOLD.

The next business on the Private Calendar was the bill (H. R. 11319) granting an increase of pension to Mary C. Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Arnold, widow of the late Maj. William E. Arnold, of the Fortieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "the late Major."

In line 7 strike out the words "of the" and insert in lieu thereof the words "late first lieutenant Company F."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH J. LOOMIS.

The next business on the Private Calendar was the bill (H. R. 9753) granting an increase of pension to Sarah J. Loomis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Loomis, widow of Charles G. Loomis, late of Company C, Twenty-first Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "twenty."

In line 9, after the word "receiving," insert the words "*Provided*, That in the event of the death of Austin J. Loomis, helpless and dependent child of said Charles G. Loomis, the additional pension herein granted shall cease and determine."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATTHEW S. PRIEST.

The next business on the Private Calendar was the bill (H. R. 11343) granting an increase of pension to Matthew S. Priest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthew S. Priest, late of Company G, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM E. M'DOWELL.

The next business on the Private Calendar was the bill (H. R. 10180) granting an increase of pension to William E. McDowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. McDowell, late of Company G, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEVI REMICK.

The next business on the Private Calendar was the bill (H. R. 6703) granting an increase of pension to Levi Remick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Remick, late of Company I, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE B. FAIRHEAD.

The next business on the Private Calendar was the bill (H. R. 8410) granting an increase of pension to George B. Fairhead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Fairhead, late of Company D, One hundred and seventeeth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AGNES SHEARER.

The next business on the Private Calendar was the bill (H. R. 10648) granting an increase of pension to Agnes Shearer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes Shearer, widow of

John Shearer, late of Company I, Seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT H. COOKE.

The next business on the Private Calendar was the bill (H. R. 7248) granting a pension to R. H. Cooke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. H. Cooke, late acting assistant surgeon, Quartermaster's Department, United States Army, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8, and insert in lieu thereof the following: "of Robert H. Cooke, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $20 per month."

Amend the title so as to read: "A bill granting a pension to Robert H. Cooke."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STEPHEN ELLIOTT.

The next business on the Private Calendar was the bill (H. R. 8272) granting an increase of pension to Stephen Elliott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Elliott, late of Company G, Second Battalion, Eighteenth United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Eighteenth," insert the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ENOCH STAHLER.

The next business on the Private Calendar was the bill (H. R. 9256) granting an increase of pension to Enoch Stahler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch Stahler, late first lieutenant of Company C, Third Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of."

In same line strike out the letter "C" and insert in lieu thereof the letter "A."

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "fifty-five."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JASPER F. MORTON.

The next business on the Private Calendar was the bill (H. R. 11413) granting an increase of pension to Jasper F. Morton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jasper F. Morton, late of Company F, Twenty-first Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH BRANEN.

The next business on the Private Calendar was the bill (H. R. 9035) granting an increase of pension to Joseph Branen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Joseph Branen, late of Company A, Sixth Regiment Indiana Volunteers, now of Jerome Junction, Ariz., and that he receive a pension of $25 per month in lieu of that which he now receives.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Branen, late of Company A, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN WEAVER.

The next business on the Private Calendar was the bill (H. R. 8925) granting an increase of pension to John Weaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Weaver, late of Company H, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES H. JACKSON.

The next business on the Private Calendar was the bill (H. R. 8835) granting an increase of pension to Charles H. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, subject to the rules and regulations of the pension laws, to place the name of Charles H. Jackson, late of Company E, Fifth Battery New Jersey Volunteer Light Artillery, on the pension roll and pay him a pension of $— a month, the same to be in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Jackson, late of Battery E, New Jersey Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD W. MILLER.

The next business on the Private Calendar was the bill (H. R. 6814) granting an increase of pension to Edward W. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward W. Miller, late of Company —, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "K."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALICE W. CLARKE.

The next business on the Private Calendar was the bill (H. R. 9037) granting a pension to Alice W. Clarke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice W. Clarke, widow of Wright E. Clarke, alias Seymour T. Montgomery, late private of Company I, Twentieth Regiment Indiana Volunteer Infantry, at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Wright E. Clarke, alias."

In line 7 after the word "Montgomery," insert the words "subsequently known as Wright E. Clarke."

In same line strike out the words "private of Company I" and insert in lieu thereof the words "hospital steward."

In lines 8 and 9 strike out the words "at the rate of $12 per month" and insert in lieu thereof the words "and pay her a pension at the rate of $8 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY L. BEACH.

The next business on the Private Calendar was the bill (H. R. 8998) granting an increase of pension to Henry L. Beach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry L. Beach, late of Company M, First Regiment Heavy Artillery Wisconsin Volunteers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Heavy Artillery Wisconsin Volunteers" and insert in lieu thereof the words "Wisconsin Volunteer Heavy Artillery."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FREDERICK RATZEL.

The next business on the Private Calendar was the bill (H. R. 6816) granting an increase of pension to Frederick Ratzel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Ratzel, late of Company C, First Missouri Regiment Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "First," insert the word "Regiment."
In lines 6 and 7 strike out the word "Regiment."
In line 7, before the word "Light," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MOSES SCHUMAN.

The next business on the Private Calendar was the bill (H. R. 9127) granting a pension to Moses Schuman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses Schuman, late of Company H, Sixth Regiment National Guard, State of New York Volunteer Infantry, and pay him a pension at the rate of $100 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "National Guard, State of."
In same line, after the words "New York," insert the words "National Guard."
In line 8 strike out the words "one hundred" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

C. E. MINK.

The next business on the Private Calendar was the bill (H. R. 4964) granting an increase of pension to C. E. Mink.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of C. E. Mink, late captain, First New York Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following:
"of Charles E. Mink, late captain Company H, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Charles E. Mink."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANN JENNETT WHITNEY.

The next business on the Private Calendar was the bill (H. R. 5999) granting an increase of pension to Ann J. Whitney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann J. Whitney, widow of Leonard Whitney, late chaplain of the Eleventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "Jennett."
In line 7 strike out the words "of the."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Ann Jennett Whitney."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWIN LAKE.

The next business on the Private Calendar was the bill (H. R. 4198) granting an increase of pension to Edwin Lake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Lake, late of Company D, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN J. TOMPKINS.

The next business on the Private Calendar was the bill (H. R. 5155) granting an increase of pension to John J. Tompkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Tompkins, late of Company E, Sixth United States Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Troop."
In same line, after the word "Sixth," insert the word "Regiment."
In line 7 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THADDEUS S. COLLINS.

The next business on the Private Calendar was the bill (H. R. 4630) granting an increase of pension to T. S. Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of T. S. Collins, late of Company D, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "T." and insert in lieu thereof the word "Thaddeus."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."
Amend the title so as to read: "A bill granting an increase of pension to Thaddeus S. Collins."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT W. BRADBURY.

The next business on the Private Calendar was the bill (H. R. 4872) granting an increase of pension to Albert W. Bradbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert W. Bradbury, late of First Battery, Maine Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM BROWN.

The next business on the Private Calendar was the bill (H. R. 4449) granting an increase of pension to William Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Brown, late of Company F, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NORA J. GLAHN.

The next business on the Private Calendar was the bill (H. R. 2001) granting a pension to Nora J. Glahn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Nora J. Glahn, widow of Henry Glahn, first lieutenant Company A, One hundred and twelfth Regiment Pennsylvania Volunteer Infantry, Second Pennsylvania Heavy Artillery, on the pension roll of the United States of America at the rate of $17 per month, subject to the rules and limitations of the pension laws.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and

directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nora J. Glahn, widow of Henry Glahn, late first lieutenant Company A, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Nora J. Glahn."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADDISON B. STONE.

The next business on the Private Calendar was the bill (H. R. 2204) granting an increase of pension to Addison B. Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Addison B. Stone, late of Company E, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH P. SCOTT.

The next business on the Private Calendar was the bill (H. R. 1339) granting an increase of pension to Joseph Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Scott, late adjutant Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Scott," insert the letter "P."

In same line, after the word "late," insert the words "first lieutenant and battalion."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Joseph P. Scott."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANK L. GRAY.

The next business on the Private Calendar was the bill (H. R. 720) granting an increase of pension to Frank L. Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank L. Gray, late of Company E, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELWOOD FINLEY.

The next business on the Private Calendar was the bill (H. R. 2692) granting an increase of pension to Elwood Finley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elwood Finley, late of Company E, Second Regiment Iowa Infantry Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM O. SMITH.

The next business on the Private Calendar was the bill (H. R. 2192) granting an increase of pension to William O. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William O. Smith, a private, late of Company D, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private."

In line 8 strike out the word "twenty" and insert the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ENOCH J. EVANS.

The next business on the Private Calendar was the bill (H. R. 2976) granting a pension to Enoch J. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Enoch J. Evans, late a member of Company H of the First West Virginia Infantry Volunteers and Company F of the Second West Virginia Infantry Volunteers, on the pension roll at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch J. Evans, late of Company H, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Enoch J. Evans."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM F. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 2947) granting an increase of pension to William F. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Thompson, late of Company K, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY KORTH.

The next business was the bill (H. R. 2995) granting a pension to Mary Korth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Korth, widow of Frederick Korth, late teamster in the Government employ during the Indian war in Minnesota in the year 1862, and pay her a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 7, 8, and 9 and insert in lieu thereof the following: "United States service, who was permanently disabled by gunshot wounds received at the hands of hostile Sioux Indians at the Lower Sioux Agency during the Sioux outbreak of 1862 in Minnesota, and pay her a pension at the rate of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM MILLIAN.

The next business was the bill (H. R. 936) granting an increase of pension to William Millian.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Millian, late of Company E, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK A. SLOCUM.

The next business was the bill (H. R. 4192) granting an increase of pension to Frederick A. Slocum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick A. Slocum, late of Company B, Seventh Regiment Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8, before the word "Volunteer," insert the word "Massachusetts."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH F. CARTER.

The next business was the bill (H. R. 4719) granting an increase of pension to Joseph F. Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Capt. Joseph F. Carter, late of Company D, Third Battalion Maryland Veteran Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Captain."
In the same line, after the word "late," insert the word "captain."
In the same line, before the word "company," strike out the word "of."
In lines 6 and 7 strike out the word "Battalion" and insert in lieu thereof the word "Regiment."
In line 7 strike out the word "Veteran."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES A. BARNES.

The next business was the bill (H. R. 6335) granting an increase of pension to James A. Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Barnes, late of Company F, Forty-eighth Regiment New York Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC FRAZIER.

The next business was the bill (H. R. 3936) granting an increase of pension to Isaac Frazier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Frazier, late of Company B, Tenth Regiment Iowa Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer."
In same line strike out the word "fifty" and insert in lieu thereof the word "forty."
In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM HERLINGER.

The next business was the bill (H. R. 4605) granting an increase of pension to William Herlinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Herlinger, late of Company L, Ninth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Missouri," insert the words "State Militia."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM CASSIDY.

The next business was the bill (H. R. 5750) granting a pension to William Cassidy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Cassidy, late of Company H, Eighth Regiment United States Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H" and insert in lieu thereof the letter "I."
In same line strike out the word "Eighth" and insert in lieu thereof the word "Sixth."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to William Cassidy."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CELIA C. OWEN.

The next business was the bill (H. R. 5580) granting a pension to Celia C. Owen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Celia C. Owen, widow of William W. Owen, late a private in the Third Missouri Volunteer Cavalry, and pay her a pension at the rate of $12 a month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Celia C. Owen, widow of William W. Owen, late of Company M, Third Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KATE RIDGWAY.

The next business was the bill (H. R. 10748) granting an increase of pension to Kate Ridgeway.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Ridgeway, widow of J. W. Ridgeway, late lieutenant Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Kate," strike out the word "Ridgeway" and insert in lieu thereof the word "Ridgway."
In same line strike out the words "J. W. Ridgeway" and insert in lieu thereof the words "John W. Ridgway."
In same line, before the word "lieutenant," insert the word "first."
In line 7, before the word "Fifty-fourth," insert the words "Company E."
In line 8, after the word "pension," insert the words "at the rate."
In same line strike out the word "twenty-five" and insert in lieu thereof the word "fifteen."
Amend the title so as to read: "A bill granting an increase of pension to Kate Ridgway."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JANE E. SUTFIN.

The next business on the Private Calendar was the bill (H. R. 5342) granting a pension to Jane E. Sutfin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane E. Sutfin, widow of Richard Sutfin, late of Company D, One hundred and ninety-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANK S. NICKERSON.

The next business on the Private Calendar was the bill (H. R. 11194) granting an increase of pension to Frank S. Nickerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank S. Nickerson, late brigadier-general, United States Army, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Army" and insert in lieu thereof the word "Volunteers."
In lines 7 and 8 strike out the words "one hundred" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILFRED C. M'CARDELL.

The next business on the Private Calendar was the bill (H. R. 4326) granting an increase of pension to Wilfred C. McCardell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilfred C. McCardell, late of Company I, First Maryland Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "First," insert the word "Regiment."
In line 7, before the word "Cavalry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWIN A. HARADON.

The next business on the Private Calendar was the bill (H. R. 9980) granting an increase of pension to Edwin A. Haradon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin A. Haradon, late of Company C, Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "fourteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. FOLAND.

The next business on the Private Calendar was the bill (H. R. 4151) granting a pension to John W. Foland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Foland, late of Company E, Thirty-fourth Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Thirty-fourth," insert the word "Regiment."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to John W. Foland."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADALINE L. POWER.

The next business on the Private Calendar was the bill (H. R. 10850) granting an increase of pension to Adaline L. Powers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adaline L. Powers, widow of John M. Powers, late of Companies F and I, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," strike out the word "Powers" and insert in lieu thereof the word "Power."
In same line, before the word "late," strike out the word "Powers" and insert in lieu thereof the word "Power."
Amend the title so as to read: "A bill granting an increase of pension to Adaline L. Power."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES B. HART.

The next business on the Private Calendar was the bill (H. R. 8970) granting an increase of pension to Charles B. Hart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Hart, late of Company G, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARION LONG.

The next business on the Private Calendar was the bill (H. R. 10194) granting an increase of pension to Marion Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marion Long, late of Company B, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES SMITH.

The next business on the Private Calendar was the bill (H. R. 7436) granting an increase of pension to James Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Smith, late of Company F, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "F" and insert in lieu thereof the letter "E."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLA D. MADDEN.

The next business on the Private Calendar was the bill (H. R. 10700) granting a pension to Ella D. Madden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella D. Madden, helpless and dependent daughter of Hosea B. Madden, late captain Company B, Tenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Madden," strike out the letter "B" and insert in lieu thereof the letter "F."
In same line strike out the word "captain" and insert in lieu thereof the words "first lieutenant."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM S. KING.

The next business on the Private Calendar was the bill (H. R. 9125) granting an increase of pension to William S. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. King, late of Company I, unassigned recruits; captain Company B, One hundred and seventeenth Indiana Volunteer Infantry; captain Company H, One hundred and thirty-second Indiana Volunteer Infantry; captain Company A, One hundred and fifty-sixth Indiana Volunteer Infantry, and acting major One hundred and fifty-sixth Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, 10, 11, 12, and 13 and insert in lieu thereof the following: "of William S. King, late captain Company A, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

B. F. HACKETT.

The next business on the Private Calendar was the bill (H. R. 6602) granting an increase of pension to B. F. Hackett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of B. F. Hackett, late of Company F, Twelfth Regiment of Vermont Volunteer Infantry, and pay him a pension of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Hackett, late of Company F, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMMA M. ELLIOTT.

The next business on the Private Calendar was the bill (H. R. 7659) granting a pension to Emma M. Elliott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma M. Elliott, widow of David B. Elliott, late captain in Company D, Seventy-ninth Regiment Illinois Infantry Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "in."
In same line, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "Volunteers."
In same line strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM E. MATTISON.

The next business on the Private Calendar was the bill (H. R. 8931) granting an increase of pension to William E. Mattison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Mattison, late a surgeon in the Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "a surgeon in the" and insert in lieu thereof the words "assistant surgeon."
In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES M. FINK.

The next business on the Private Calendar was the bill (H. R. 8966) granting an increase of pension to James M. Fink.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Fink, late of Company H, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word 'twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NETTIE A. BUELL.

The next business on the Private Calendar was the bill (H. R. 9061) granting a pension to Henrietta A. Buell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta A. Buell, widow of Bennett N. Buell, late of Company I, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9, and insert in lieu thereof the following: "of Nettie A. Buell, helpless and dependent daughter of Bennett H. Buell, late of Company I, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month."
Amend the title so as to read: "A bill granting a pension to Nettie A. Buell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES DOUGHERTY.

The next business on the Private Calendar was the bill (H. R. 8811) granting an increase of pension to James Dougherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Dougherty, late of Company B, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Regiment," insert the words "and Company D, Forty-eighth Regiment."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL G. WOODS.

The next business on the Private Calendar was the bill (H. R. 9284) granting an increase of pension to Samuel G. Woods.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel G. Woods, late of Company I, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH B. CONSTANT.

The next business on the Private Calendar was the bill (H. R. 7066) granting a pension to Elizabeth B. Constant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Constant, widow of Francis M. Constant, late captain Company G, Fifty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In lines 8 and 9 strike out the word "twenty-four" and insert the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EVA A. BURGESS.

The next business on the Private Calendar was the bill (H. R. 7096) granting an increase of pension to Eva A. Burgess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eva A. Burgess, widow of William H. Burgess, late of Company F, Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY C. COFFIN.

The next business on the Private Calendar was the bill (H. R. 6618) granting an increase of pension to Henry C. Coffin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Coffin, late of Company H, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAFAYETTE M. GREENE.

The next business on the Private Calendar was the bill (H. R. 2930) granting an increase of pension to L. M. Greene.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of L. M. Greene, late of Company K, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 a month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "L." and insert in lieu thereof the word "Lafayette."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."
In same line strike out the word "a" and insert in lieu thereof the word "per."
Amend the title so as to read: "A bill granting an increase of pension to Lafayette M. Greene."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM G. CRONKITE.

The next business on the Private Calendar was the bill (H. R. 2573) granting an increase of pension to William G. Cronkite.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Cronkite, late of Company C, First Regiment Berdan's United States Sharpshooters, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Berdan's."
In same line, before the word "Sharpshooters," insert the word "Volunteer."
In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RICHARD C. IVORY.

The next business on the Private Calendar was the bill (H. R. 2116) granting an increase of pension to Richard C. Ivory.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Richard C. Ivory, late first lieutenant Company G, Twenty-second Regiment New Jersey Volunteers, and Company E, Two hundred and seventh Regiment Pennsylvania Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "New Jersey Volunteers."
In line 8 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read "A bill granting an increase of pension to Richard C. Ivory."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLIS T. PEIRCE.

The next business on the Private Calendar was the bill (H. R. 1566) granting an increase of pension to Ellis T. Peirce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Ellis T. Peirce, late a private in Company I, Independent Battery Pennsylvania Light Artillery, and a corporal in Company C, Thirty-ninth Regiment Missouri Infantry Volunteers, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellis T. Peirce, late of Company C, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANKLIN FERGUSON.

The next business on the Private Calendar was the bill (H. R. 1485) granting an increase of pension to Franklin Ferguson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Ferguson, late of Company C, Seventh Regiment Indian Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Indian" and insert in lieu thereof the word "Indiana."
In same line, before the word "Cavalry," insert the word "Volunteer."
In same line strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ORY WARRINER.

The next business on the Private Calendar was the bill (H. R. 1563) granting a pension to Ory Warriner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ory Warriner, late of Company G, Eighty-seventh Indiana Volunteers, and pay him a pension of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company G, Eighty-seventh," and all of lines 7 and 8, and insert in lieu thereof the following: "the United States ships Clara Dolsen, Chickasaw, and Red Rover, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Ory Warriner."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM D. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 941) granting an increase of pension to William D. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Taylor, late captain of Company E, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "captain of Company E" and insert in lieu thereof the words "second lieutenant Company F."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DENISON L. BROWN.

The next business on the Private Calendar was the bill (H. R. 1314) granting a pension to Denison L. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Denison L. Brown, late of Company H, Twenty-first Regiment Connecticut Volunteer Infantry, and him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHARINE W. COLLINS.

The next business on the Private Calendar was the bill (S. 846) granting an increase of pension to Catharine W. Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine W. Collins, widow of William O. Collins, late lieutenant-colonel Sixth and Eleventh Regiments Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SALLIE H. HOFFECKER.

The next business on the Private Calendar was the bill (S. 2215) granting a pension to Sallie H. Hoffecker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie H. Hoffecker, widow of Joseph V. Hoffecker, late captain Company A, Sixth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

FRANK LEE.

The next business on the Private Calendar was the bill (S. 2441) granting an increase of pension to Frank Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Lee, late of Company G, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SALLIE H. KINCAID.

The next business on the Private Calendar was the bill (S. 2558) granting an increase of pension to Sallie H. Kincaid.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie H. Kincaid, widow of Henry H. Kincaid, late first lieutenant Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Henry H. Kincaid until he reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

JOHNIKEN L. MYNATT.

The next business on the Private Calendar was the bill (S. 2557) granting a pension to Johniken L. Mynatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Johniken L. Mynatt, late of Capt. Gideon S. White's company, National Guards of East Tennessee, and pay him a pension at the rate of $20 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN BEAIRD.

The next business on the Private Calendar was the bill (S. 2889) granting an increase of pension to John Beaird.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Beaird, late of Company E, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JENNET THOITS.

The next business on the Private Calendar was the bill (S. 962) granting an increase of pension to Jennet Thoits.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennet Thoits, widow of Oren Thoits, late of Company I, Thirtieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JERRY S. FISH.

The next business on the Private Calendar was the bill (S. 1330) granting a pension to Jerry S. Fish.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Jerry S. Fish, of Cameron, Marshall County, W. Va., son of Nathan S. Fish, deceased, late first lieutenant of Company B, Twelfth Regiment West Virginia Infantry, subject to the provisions and limitations of the pension laws, and allow him a pension of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerry S. Fish, helpless and dependent son of Nathan S. Fish, late first lieutenant Company B, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATHIAS S. FRIEND.

The next business on the Private Calendar was the bill (S. 2561) granting an increase of pension to Mathias S. Friend.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathias S. Friend, late of Company K, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELECTA ALLEN.

The next business on the Private Calendar was the bill (S. 1532) granting an increase of pension to Electa Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Electa Allen, widow of David R. Allen, late of Company C, Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JANE PATTERSON.

The next business on the Private Calendar was the bill (S. 2841) granting a pension to Jane Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Patterson, widow of Samuel R. Patterson, late first lieutenant Company E, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and captain Company E, Fifty-sixth Regiment Pennsylvania Volunteer Emergency Militia Infantry, and pay her a pension at the rate of $17 per month.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL E. CORMANY.

The next business on the Private Calendar was the bill (S. 2924) granting an increase of pension to Samuel E. Cormany.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel E. Cormany, late first lieutenant and adjutant, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN L. M'VEY.

The next business on the Private Calendar was the bill (S. 2103) granting an increase of pension to John L. McVey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. McVey, late first lieutenant Company A, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL RICHARDS.

The next business on the Private Calendar was the bill (S. 1937) granting an increase of pension to Samuel Richards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Richards, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN H. WILLEY.

The next business on the Private Calendar was the bill (H. R. 719) granting an increase of pension to John H. Willey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Willey, late of Company B, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "sixty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH H. HUIE.

The next business on the Private Calendar was the bill (H. R. 11345) granting a pension to Joseph H. Huie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Huie, late of Company H, Fifth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $25 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH WEEMS.

The next business on the Private Calendar was the bill (H. R. 11021) granting an increase of pension to Joseph Weems.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Weems, late private, Company A, First Regiment Tennessee Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES S. LAUDERDALE.

The next business on the Private Calendar was the bill (H. R. 8849) granting a pension to James S. Lauderdale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, the name of James S. Lauderdale, late an ensign in the company of Capt. Hiram Carver, of the Mississippi Volunteers, called into the service of the United States under the requisition of Major Gains, on the 28th of June, 1836, and to pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

Strike out all in the bill after the word "Lauderdale," in line 5, and insert in lieu thereof the following: "late ensign Captain Carver's company, Mississippi Mounted Volunteers, Sabine Indian disturbances, and pay him a pension at the rate of $8 per month."

Amend the title so as to read: "A bill granting a pension to James S. Lauderdale."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WALTER F. HORNER.

The next business on the Private Calendar was the bill (H. R. 8771) granting a pension to Walter F. Horner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Walter F. Horner, late of Company F, Fourteenth United States Volunteers, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Fourteenth," insert "Regiment."
In line 7 strike out "Volunteers" and insert "Infantry."
Strike out of lines 7 and 8 the words "and pay him a pension at the rate of $40 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BARTLETT S. HAGGARD.

The next business on the Private Calendar was the bill (H. R. 9587) granting an increase of pension to Bartlett S. Haggard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Bartlett S. Haggard, late private in John S. Williams's independent company, Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "late private in John S." and substitute therefor "late of Captain."
In line 8 strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA E. NOLEN.

The next business on the Private Calendar was the bill (H. R. 8922) granting a pension to Martha E. Nolen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Nolen, widow of Dennis Nolen, late a soldier in the Creek Indian war of 1836, and pay her a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out "a soldier in the Creek Indian war of 1836" and insert in lieu thereof "of Captain Gibbons's company, Alabama Volunteers, Creek Indian war."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNIE G. NORWOOD.

The next business on the Private Calendar was the bill (H. R. 7368) granting a pension to Annie G. Norwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie G. Norwood, widow of the late Capt. and Bvt. Maj. Randolph Norwood, late of Second United States Cavalry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "the late Captain and Brevet Major."
In line 7 strike out "of" and insert in lieu thereof "Captain."
In the same line, after "Second," insert "Regiment."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, I move that the committee rise and report to the House its action on the sundry bills which have been under consideration.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEDGE, Chairman of the Committee of the Whole House, reported that the Committee of the Whole, having had under consideration sundry bills on the Private Calendar, had directed him to report House bill No. 3011 and House bill No. 5598 with the recommendation that they be recommitted to the Committee on Invalid Pensions, and that he had further been directed to report back sundry bills, some with amendment and some without, and to recommend that these various bills be passed in the House with or without amendment, as respectively reported from the Committee of the Whole House.

COMMISSION ON SHIPPING LEGISLATION.

Mr. GROSVENOR. I ask unanimous consent as stated on the paper which I send to the Clerk.

The Clerk read as follows:

I ask unanimous consent that on Saturday, February 20, 1904, immediately after the reading and approval of the Journal, the House shall resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering House bill No. 7056, a bill to create a "commission to consider and recommend legislation for the development of the American merchant marine, and for other purposes," and that said order shall continue until twelve hours of debate upon the said bill shall be had, the supporters of the bill to consume six hours and the opponents six hours, and when such debate shall close the bill shall be reported back to the House with any amendments that may be proposed by the Committee of the Whole House, and thereupon the previous question shall be considered as ordered to the final passage. This order not to displace special orders or appropriation bills.

The SPEAKER. Is there objection?

Mr. SHACKLEFORD. For the present I object.

Mr. GROSVENOR. One moment. I hope the gentleman——

Mr. SHACKLEFORD. The gentlemen who made objection yesterday to this proposition are not now present. I have no knowledge of the matter myself and do not care particularly about it; but under the circumstances I want it to be held open.

Mr. SPIGHT. Mr. Speaker——

Mr. SHACKLEFORD. The gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Missouri [Mr. DE ARMOND], both of whom objected, are now absent.

Mr. SPIGHT. I am authorized to say for the gentleman from Mississippi and also for the gentleman from Missouri that the objection made yesterday has been withdrawn.

Mr. SHACKLEFORD. Then, in view of that statement, I withdraw my objection.

Mr. HARDWICK. My colleague from Georgia [Mr. BARTLETT] also objected. I renew the objection because he is absent.

The SPEAKER. The gentleman from Georgia objects.

Mr. GROSVENOR. I withdraw the request. A resolution to this effect is before the Committee on Rules.

ORDER OF BUSINESS.

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask unanimous consent that Senate bill No. 4125 be taken from the table for present consideration.

The SPEAKER. The Chair suggests to the gentleman that it will require unanimous consent.

Mr. RANSDELL of Louisiana. I ask unanimous consent.

The SPEAKER. It seems to the Chair that, before submitting this request for unanimous consent, it would be best to dispose of the pending business reported from the Committee of the Whole House. The Chair will recognize the gentleman later.

Mr. RANSDELL of Louisiana. All right.

PHILLIP DUTTENHAVER.

The SPEAKER laid before the House the bill (H. R. 3011) granting an increase of pension to Phillip Duttenhaver, this bill having been reported from the Committee of the Whole House with the recommendation that it be recommitted to the Committee on Invalid Pensions.

Mr. MIERS of Indiana. Mr. Speaker, there has been a consultation between the gentleman who introduced this bill and the committee, and it is desired both by the gentleman and by the committee that the recommendation to recommit be voted down.

The SPEAKER. The question is, Shall this bill be recommitted in accordance with the recommendation of the Committee of the Whole House?

The question was decided in the negative.

Mr. MIERS of Indiana. I move that the amendment of the committee to this bill be amended by striking out "twenty-four" and inserting "thirty."

The motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HIRAM PARKER.

The SPEAKER also laid before the House the bill (H. R. 5598) granting a pension to Hiram Parker, this bill having been reported from the Committee of the Whole House with the recommendation that it be recommitted to the Committee on Invalid Pensions.

The SPEAKER. Shall the recommendations of the Committee of the Whole House to recommit this bill be agreed to?

The question was decided in the affirmative; and the bill was accordingly recommitted.

The SPEAKER. The Chair desires the attention of the House for a moment. A large number of bills have been reported from the Committee of the Whole House with the recommendation that they do pass. Gentlemen are aware that the Committee of the Whole House has had these bills under consideration for some hours. Is there a desire upon the part of any Member that any one of these bills should be considered separately? The Chair propounds that inquiry with a view to submitting to the House a request for unanimous consent to let these respective bills be considered as engrossed, ordered to a third reading, read a third time, and passed upon the reading of the numbers by the Clerk. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the numbers of the bills.

The SPEAKER. Without objection, the bills, the numbers of which have been read, reported from the committee, recommend-

ing amendments to the respective bills, will be considered, the amendments to the bills will be considered as agreed to, the bills as amended will be considered as ordered to be engrossed and read a third time, read the third time, and passed. The Chair will ask if there is any objection, or if there is any designation of any bill that it is desired to have considered separately? [After a pause.] The Chair hears no objection, and it is so ordered.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were considered, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 4674. A bill granting an increase of pension to John Thompson;

H. R. 3909. A bill granting an increase of pension to George Hayden;

H. R. 9273. A bill granting an increase of pension to James H. Sackett;

H. R. 7719. A bill granting an increase of pension to Hiram B. Cozine;

H. R. 5610. A bill granting a pension to Annie Dorfner;

H. R. 9633. A bill granting a pension to Margaret Hutchison Booth (title amended);

H. R. 4392. A bill granting a pension to Abbie E. Webster;

H. R. 3910. A bill granting an increase of pension to Charles W. Hoffman;

H. R. 1851. A bill granting an increase of pension to David T. Towles;

H. R. 8718. A bill granting a pension to Caswell P. Ford (title amended);

H. R. 4624. A bill granting a pension to Isabella Phelps;

H. R. 4679. A bill granting an increase of pension to Martha M. Pierce;

H. R. 4180. A bill granting an increase of pension to Joseph G. Thomas;

H. R. 2470. A bill granting an increase of pension to Harriet S. Packard;

H. R. 5568. A bill granting an increase of pension to Emily Chapman;

H. R. 3370. A bill granting an increase of pension to Joseph Addams (title amended);

H. R. 614. A bill granting a pension to Michael O'Brian (title amended);

H. R. 9060. A bill granting an increase of pension to John Connors;

H. R. 9610. A bill granting an increase of pension to Frederick Halling;

H. R. 9426. A bill granting an increase of pension to William S. Campbell;

H. R. 7418. A bill granting an increase of pension to Peter Minkler;

H. R. 8079. A bill granting an increase of pension to Charles H. La Forest (title amended);

H. R. 9376. A bill granting an increase of pension to Martin Reuthler (title amended);

H. R. 6999. A bill granting an increase of pension to Albert W. Jones;

H. R. 8203. A bill granting a pension to James M. Hemphill (title amended);

H. R. 6881. A bill granting a pension to Zachariah T. Bryant (title amended);

H. R. 8992. A bill granting an increase of pension to William C. Davis;

H. R. 9024. A bill granting an increase of pension to Jacob Laird;

H. R. 7236. A bill granting an increase of pension to W. R. McCullough (title amended);

H. R. 7382. A bill granting a pension to Ellen A. Harman;

H. R. 5603. A bill granting an increase of pension to William C. McCormick;

H. R. 9064. A bill granting an increase of pension to Edwin Tidd;

H. R. 7444. A bill granting a pension to Washington Dutcher (title amended);

H. R. 7737. A bill granting an increase of pension to Howard McGuire (title amended);

H. R. 7992. A bill granting a pension to Isadore F. Chamberlain (title amended);

H. R. 7805. A bill granting an increase of pension to William N. Hall;

H. R. 7083. A bill granting an increase of pension to Albert P. Jackson;

H. R. 8124. A bill granting a pension to Elizabeth Hatfield (title amended);

H. R. 8733. A bill granting an increase of pension to Benjamin F. McGraw;

H. R. 7063. A bill granting a pension to Ellen F. Lynch;

H. R. 4179. A bill granting an increase of pension to Martha C. Kuhn;

H. R. 4119. A bill granting an increase of pension to William Mercer;

H. R. 4466. A bill granting a pension to William R. Burton (title amended);

H. R. 3670. A bill granting an increase of pension to Benjamin F. Barrett;

H. R. 5479. A bill granting an increase of pension to William H. Anderson;

H. R. 4391. A bill granting an increase of pension to Nicholas Schwemler;

H. R. 5868. A bill granting an increase of pension to William Simmons;

H. R. 4702. A bill granting an increase of pension to John T. Collins;

H. R. 4314. A bill granting an increase of pension to J. F. Slade (title amended);

H. R. 5006. A bill granting a pension to Sarah Ulshafer;

H. R. 789. A bill granting an increase of pension to Eli Lachman;

H. R. 1287. A bill granting an increase of pension to Cyrus B. Dopp;

H. R. 9778. A bill granting a pension to Lauriston W. Adkins (title amended);

H. R. 9835. A bill granting a pension to Maggie E. Fitzpatrick (title amended);

H. R. 10706. A bill granting an increase of pension to Alfred J. West;

H. R. 783. A bill granting an increase of pension to Nicholas Reinhart;

H. R. 2572. A bill granting an increase of pension to George W. Stiffey;

H. R. 9421. A bill granting an increase of pension to Thomas P. Marshall;

H. R. 9695. A bill granting an increase of pension to Frank M. Spears;

H. R. 8022. A bill granting an increase of pension to Hiram Flint;

H. R. 8185. A bill granting a pension to Herman Timmerman;

H. R. 6951. A bill granting an increase of pension to Charles G. Corr;

H. R. 7680. A bill granting an increase of pension to De Witt C. Folsom;

H. R. 5030. A bill granting a pension to William H. Mount;

H. R. 5879. A bill granting an increase of pension to Bennett Putnam;

H. R. 3402. A bill granting an increase of pension to Daniel Nagle (title amended);

H. R. 4750. A bill to place W. I. Jackson on the pension roll (title amended);

H. R. 1005. A bill granting a pension to Marat E. Powell (title amended);

H. R. 880. A bill granting a pension to Caroline S. Winn;

H. R. 877. A bill granting a pension to Ann M. Driggars;

H. R. 10741. A bill for the relief of Mrs. Mary Tate, of De Soto County, Miss. (title amended);

H. R. 10682. A bill granting an increase of pension to Marion Arnold;

H. R. 10580. A bill granting an increase of pension to Joseph Longberry;

H. R. 10068. A bill granting a pension to James G. Soims (title amended);

H. R. 9988. A bill granting an increase of pension to William Ellis;

H. R. 9921. A bill granting a pension to Virginia Boyd;

H. R. 9790. A bill granting a pension to Ada L. Carpenter;

H. R. 9710. A bill granting an increase of pension to Henry Frazier;

H. R. 4631. A bill granting an increase of pension to Julius Kraig (title amended);

H. R. 807. A bill granting an increase of pension to William F. Benefiel;

H. R. 8863. A bill granting an increase of pension to Edward O'Malley;

H. R. 7221. A bill granting an increase of pension to John Ryan;

H. R. 6977. A bill granting an increase of pension to Mary A. Graves;

H. R. 4910. A bill granting a pension to Prudentia L. D. Nugent (title amended);

H. R. 7311. A bill granting a pension to Thomas Large (title amended);

H. R. 7410. A bill granting an increase of pension to Enos D. Hoge;

H. R. 4540. A bill granting a pension to Amanda Skinner;

H. R. 3769. A bill granting an increase of pension to Clinton M. Casey;

H. R. 4943. A bill granting an increase of pension to Thomas Morgan;
H. R. 10267. A bill granting a pension to Florence R. Russell;
H. R. 9791. A bill granting a pension to Abram Claypool;
H. R. 10268. A bill granting a pension to Margret E. Keller (title amended);
H. R. 10904. A bill granting a pension to Edson H. Crawford (title amended);
H. R. 859. A bill granting an increase of pension to Andrew Barr;
H. R. 1801. A bill granting a pension to James Allen;
H. R. 1352. A bill for the relief of Samuel McClure (title amended);
H. R. 1317. A bill granting a pension to Thomas E. McIntire (title amended);
H. R. 8836. A bill granting a pension to Benjamin Pitman (title amended);
H. R. 8379. A bill granting an increase of pension to I. B. Wambaugh (titled amended);
H. R. 8343. A bill granting a pension to Annie P. Erving (title amended);
H. R. 7712. A bill granting a pension to Emma Crosier;
H. R. 7559. A bill granting a pension to Caroline Hurley;
H. R. 6911. A bill granting a pension to James H. Weston (title amended);
H. R. 6817. A bill granting a pension to Rosa Glass;
H. R. 2769. A bill granting an increase of pension to William E. Armstrong;
H. R. 8227. A bill granting a pension to Lucius E. Polk;
H. R. 5045. A bill granting an increase of pension to Albert S. Elmore;
H. R. 11052. A bill granting an increase of pension to Mary Eaton Livingston;
H. R. 9739. A bill granting a pension to Lizzie M. Worster;
H. R. 8984. A bill granting an increase of pension to John I. Rundeberg (title amended);
H. R. 8924. A bill granting a pension to Georgia A. Whitehead;
H. R. 10378. A bill for the relief of Sarah J. Shell (title amended);
H. R. 4589. A bill granting a pension to H. H. Barrett (title amended);
H. R. 10991. A bill granting an increase of pension to Frances C. McFarlan;
H. R. 1623. A bill granting an increase of pension to John H. Reed;
H. R. 11310. A bill granting a pension to John W. Swisher (title amended);
H. R. 11076. A bill granting an increase of pension to Elvira Miller;
H. R. 10694. A bill granting an increase of pension to Alderson T. Keen;
H. R. 9903. A bill granting an increase of pension to George W. Harlan;
H. R. 11556. A bill granting an increase of pension to Edward M. Tappen;
H. R. 10046. A bill granting an increase of pension to Thomas J. Campton (title amended);
H. R. 11113. A bill granting an increase of pension to Silas G. Soules (title amended);
H. R. 11319. A bill granting an increase of pension to Mary C. Arnold;
H. R. 9753. A bill granting an increase of pension to Sarah J. Loomis;
H. R. 11343. A bill granting an increase of pension to Matthew S. Priest;
H. R. 6703. A bill granting an increase of pension to Levi Remick;
H. R. 8410. A bill granting an increase of pension to George B. Fairhead;
H. R. 10648. A bill granting an increase of pension to Agnes Shearer;
H. R. 7248. A bill granting a pension to R. H. Cooke (title amended);
H. R. 8272. A bill granting an increase of pension to Stephen Elliott;
H. R. 9256. A bill granting an increase of pension to Enoch Stahler;
H. R. 11413. A bill granting an increase of pension to Jasper F. Morton;
H. R. 9035. A bill granting an increase of pension to Joseph Branen;
H. R. 8835. A bill granting an increase of pension to Charles H. Jackson;
H. R. 6814. A bill granting an increase of pension to Edward W. Miller;
H. R. 9037. A bill granting a pension to Alice W. Clarke;
H. R. 8998. A bill granting an increase of pension to Henry L. Beach;
H. R. 6816. A bill granting an increase of pension to Frederick Ratzel;
H. R. 9127. A bill granting a pension to Moses Schuman;
H. R. 4964. A bill granting an increase of pension to C. E. Mink (title amended);
H. R. 5999. A bill granting an increase of pension to Ann J. Whitney (title amended);
H. R. 5155. A bill granting an increase of pension to John J. Tompkins;
H. R. 4630. A bill granting an increase of pension to T. S. Collins (title amended);
H. R. 4449. A bill granting an increase of pension to William Brown;
H. R. 2001. A bill granting a pension to Nora J. Glahn (title amended);
H. R. 2204. A bill granting an increase of pension to Addison B. Stone;
H. R. 1339. A bill granting an increase of pension to Joseph Scott (title amended);
H. R. 2692. A bill granting an increase of pension to Elwood Finley;
H. R. 2192. A bill granting an increase of pension to William O. Smith;
H. R. 2976. A bill granting a pension to Enoch J. Evans (title amended);
H. R. 2947. A bill granting an increase of pension to William F. Thompson;
H. R. 2995. A bill granting a pension to Mary Korth;
H. R. 4192. A bill granting an increase of pension to Frederick A. Slocum;
H. R. 4719. A bill granting an increase of pension to Joseph F. Carter;
H. R. 6335. A bill granting an increase of pension to James A. Barnes;
H. R. 3936. A bill granting an increase of pension to Isaac Frazier;
H. R. 4605. A bill granting an increase of pension to William Herlinger;
H. R. 5750. A bill granting a pension to William Cassidy (title amended);
H. R. 5580. A bill granting a pension to Celia C. Owen;
H. R. 10748. A bill granting an increase of pension to Kate Ridgeway;
H. R. 5342. A bill granting a pension to Jane E. Sutfin;
H. R. 11194. A bill granting an increase of pension to Frank S. Nickerson;
H. R. 4326. A bill granting an increase of pension to Wilfred C. McCardell;
H. R. 9980. A bill granting an increase of pension to Edwin A. Haradon;
H. R. 4151. A bill granting a pension to John W. Foland (title amended);
H. R. 10850. A bill granting an increase of pension to Adaline L. Powers (title amended);
H. R. 7436. A bill granting an increase of pension to James Smith;
H. R. 10700. A bill granting a pension to Ella D. Madden;
H. R. 9125. A bill granting an increase of pension to William S. King;
H. R. 6602. A bill granting an increase of pension to B. F. Hackett (title amended);
H. R. 7659. A bill granting a pension to Emma M. Elliott (title amended);
H. R. 8991. A bill granting an increase of pension to William E. Mattison;
H. R. 8966. A bill granting an increase of pension to James M. Fink;
H. R. 9061. A bill granting a pension to Henrietta A. Buell (title amended);
H. R. 8811. A bill granting an increase of pension to James Dougherty;
H. R. 7066. A bill granting a pension to Elizabeth B. Constant;
H. R. 6618. A bill granting an increase of pension to Henry C. Coffin;
H. R. 2930. A bill granting an increase of pension to L. M. Greene (title amended);
H. R. 2573. A bill granting an increase of pension to William G. Cronkite;
H. R. 2116. A bill granting an increase of pension to Richard C. Ivory (title amended);
H. R. 1566. A bill granting an increase of pension to Ellis T. Peirce;
H. R. 1485. A bill granting an increase of pension to Franklin Ferguson;

H. R. 1563. A bill granting a pension to Ory Warriner (title amended;
H. R. 941. A bill granting an increase of pension to William D. Taylor;
H. R. 1314. A bill granting a pension to Denison L. Brown;
H. R. 719. A bill granting an increase of pension to John H. Willey;
H. R. 11345. A bill granting a pension to Joseph H. Huie;
H. R. 8849. A bill granting a pension to James S. Lauderdale (title amended);
H. R. 5849. A bill granting an increase of pension to Catharine R. Brown;
H. R. 8771. A bill granting a pension to Walter F. Horner;
H. R. 9587. A bill granting an increase of pension to Bartlett S. Haggart;
H. R. 8922. A bill granting a pension to Martha E. Nolen; and
H. R. 7368. A bill granting a pension to Annie G. Norwood.

The SPEAKER. The Clerk will now report the House bills without amendment by number.

The Clerk read the numbers of the bills.

The SPEAKER. Without objection, the several bills without amendment reported from the Committee of the Whole House, and their passage recommended, will be considered as ordered to be engrossed, read a third time, and passed. [After a pause.] The Chair hears no objection.

House bills of the following titles, favorably reported from the Committee of the Whole House without amendment, were considered, ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 910. A bill granting an increase of pension to Freeman York;
H. R. 9683. A bill granting a pension to Henry Austin;
H. R. 7239. A bill granting a pension to Lydia M. Hill;
H. R. 6869. A bill granting an increase of pension to Lorenzo D. Elmer;
H. R. 8231. A bill granting an increase of pension to John Gangwisch;
H. R. 5140. A bill granting an increase of pension to John W. Erwin;
H. R. 6038. A bill granting an increase of pension to Benjamin George;
H. R. 4642. A bill granting an increase of pension to William L. Wheeler;
H. R. 3027. A bill granting an increase of pension to William H. Vickers;
H. R. 10192. A bill granting a pension to Martha Mullins;
H. R. 9999. A bill granting an increase of pension to William Edgar;
H. R. 8648. A bill granting a pension to Shadrach D. Bardin;
H. R. 8173. A bill granting an increase of pension to Anna Waters;
H. R. 5749. A bill granting a pension to James B. Combs;
H. R. 4318. A bill granting a pension to David B. Wood;
H. R. 6455. A bill granting an increase of pension to Abraham W. Cochran;
H. R. 11227. A bill granting an increase of pension to George W. Walls;
H. R. 10640. A bill granting an increase of pension to Horace E. Wood;
H. R. 10794. A bill granting an increase of pension to Moses Hurlbut;
H. R. 1179. A bill granting an increase of pension to Jasper Richey;
H. R. 7999. A bill granting an increase of pension to David W. Williamson;
H. R. 7814. A bill granting an increase of pension to James G. Andrews;
H. R. 5539. A bill granting an increase of pension to Levi Vasar;
H. R. 9398. A bill granting a pension to John Lindsy;
H. R. 10968. A bill granting a pension to Marceline P. Hamilton;
H. R. 10180. A bill granting an increase of pension to William E. McDowell;
H. R. 8925. A bill granting an increase of pension to John Weaver;
H. R. 4198. A bill granting an increase of pension to Edwin Lake;
H. R. 720. A bill granting an increase of pension to Frank L. Gray;
H. R. 4872. A bill granting an increase of pension to Albert W. Bradbury;
H. R. 986. A bill granting an increase of pension to William Millian;
H. R. 8970. A bill granting an increase of pension to Charles B. Hart;
H. R. 10194. A bill granting an increase of pension to Marion Long;
H. R. 8284. A bill granting an increase of pension to Samuel G. Woods;
H. R. 7096. A bill granting an increase of pension to Eva A. Burgess; and
H. R. 11021. A bill granting an increase of pension to Joseph Weemes.

The SPEAKER. The Clerk will report the Senate bills with amendments.

The Clerk read the numbers of the bills.

The SPEAKER. These bills, respectively, have been reported from the Committee of the Whole House with the recommendation that the same be amended. Without objection, the amendments will be agreed to as to each bill, and the bills considered as read a third time and passed.

Mr. FINLEY. Mr. Speaker, reserving the right to object, I make this statement, that I do not think this course of procedure is proper in a legislative body, and for that reason I insist that the bills take the regular course.

The SPEAKER. The objection is perfectly proper, and this method of procedure can only be had by unanimous consent. The Chair has been very careful to inform the House fully of the proposition as to these bills, respectively and collectively, and it is quite in the power of any Member to object or to demand consideration of any one or more bills. Objection is made, and the Clerk will report the first bill.

GREEN B. YAWN.

The next business was the bill (S. 486) granting a pension to Green B. Yawn, reported from the Committee of the Whole with an amendment.

The SPEAKER. The question is on the amendment. Does the gentleman desire the amendment read?

Mr. FINLEY. No; I do not.

The SPEAKER. The Chair does not know what the amendment is.

Mr. BENTON. Let the Chair have it read for his own satisfaction.

Mr. FINLEY. It ought to be read.

The SPEAKER. The gentleman demands the reading of the amendment.

The amendment was read, considered, and agreed to.

The bill as amended was ordered to a third reading, read a third time, and passed.

JESSE J. FINLEY.

The next business was the bill (S. 2809) granting an increase of pension to Jesse J. Finley, reported from the Committee of the Whole with an amendment.

The amendment was read, considered, and agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

FRANCES S. HOPKINS.

The next business was the bill (S. 2596) granting a pension to Frances S. Hopkins, reported from the Committee of the Whole with an amendment.

The SPEAKER. In the absence of a demand for the reading of the amendment, the question will be upon agreeing thereto.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

JERRY S. FISH.

The next business was the bill (S. 1330) granting a pension to Jerry S. Fish, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

SENATE BILLS PASSED.

Mr. ROBINSON of Indiana. Mr. Speaker, I make the same request for unanimous consent that was made before and objected to by the gentleman from South Carolina. I make this request as to the Senate bills reported by the Committee of the Whole to the House without amendment.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the various Senate bills reported from the Committee of the Whole House without amendment be considered as severally acted upon, and the recommendation that they be ordered to a third reading, read a third time, and passed.

Mr. ROBINSON of Indiana. Pending that, I want to inquire if those include any bills that have just come over and have not been considered in the usual way in the House?

The SPEAKER. Oh, no. Is there objection? [After a pause.] The Chair hears no objection, and it is so ordered.

Senate bills of the following titles, favorably reported from the Committee of the Whole without amendment, were severally considered, ordered to a third reading, read the third time, and passed:

S. 2643. An act granting an increase of pension to Melinda H. Chapman;

S. 2858. An act granting an increase of pension to Delia B. Stuart;

S. 1689. An act granting an increase of pension to Henry H. Houghton;

S. 1688. An act granting an increase of pension to Frederick Bellman;

S. 2392. An act granting an increase of pension to William W. Misner;

S. 265. An act granting an increase of pension to Frances Gray;

S. 2509. An act granting an increase of pension to Abner B. Edson;

S. 2126. An act granting an increase of pension to Thomas Williams, alias Thomas W. Lennox;

S. 2128. An act granting an increase of pension to George A. Seebold;

S. 1911. An act granting an increase of pension to Ambrose W. Severance;

S. 2548. An act granting an increase of pension to Emma McFarland;

S. 980. An act granting an increase of pension to Mary Von Kusserow;

S. 2496. An act granting an increase of pension to Ebenezer Wing;

S. 2689. An act granting an increase of pension to David M. Kanouse;

S. 1428. An act granting an increase of pension to George Pennington;

S. 594. An act granting an increase of pension to Finley T. Johnson;

S. 593. An act granting an increase of pension to William H. Horn;

S. 2298. An act granting a pension to Patrick J. Conway;

S. 2223. An act granting an increase of pension to Richard A. Kendall;

S. 891. An act granting an increase of pension to Erwin R. Cole;

S. 897. An act granting an increase of pension to Lewis D. Frogge;

S. 1947. An act granting an increase of pension to Patrick Judge;

S. 2612. An act granting a pension to Sarah J. Bellamy;

S. 1953. An act granting a pension to Susan Fenno;

S. 2544. An act granting an increase of pension to Albert T. Severance;

S. 2416. An act granting an increase of pension to Mary Joanna Adams;

S. 895. An act granting an increase of pension to Charles Disbrow;

S. 2559. An act granting a pension to James Graham;

S. 2418. An act granting a pension to Marit Johnson;

S. 191. An act granting an increase of pension to Francis Roy;

S. 2542. An act granting an increase of pension to James E. Larkin;

S. 1451. An act granting an increase of pension to Eleanor H. Hord;

S. 3400. An act to amend the act entitled "An act granting a pension to Flora Stanton Kalk," approved February 25, 1899;

S. 2217. An act granting an increase of pension to Henry C. Riggs;

S. 2965. An act granting an increase of pension to John Herzinger;

S. 70. An act granting an increase of pension to John G. Brown;

S. 1597. An act granting a pension to Rosa D. Mayhew;

S. 2517. An act granting an increase of pension to Elijah Farr;

S. 167. An act granting an increase of pension to J. Hudson Kibbe;

S. 2543. An act granting an increase of pension to Ella B. Green;

S. 2527. An act granting an increase of pension to Joseph Roberts;

S. 3166. An act granting an increase of pension to Levi B. Lewis;

S. 2577. An act granting an increase of pension to Albert Marshall;

S. 2712. An act granting an increase of pension to Harriet Billings;

S. 782. An act granting a pension to Mary D. Duval;

S. 2797. An act granting an increase of pension to Edward A. Cotting;

S. 2440. An act granting an increase of pension to George Olsen;

S. 1790. An act granting an increase of pension to Charles E. Decker;

S. 1239. An act granting an increase of pension to John Adamson;

S. 889. An act granting an increase of pension to Catherine A. Brown;

S. 38. An act granting an increase of pension to Miriam R. Adams;

S. 142. An act granting an increase of pension to Henry W. Nichols;

S. 189. An act granting an increase of pension to Edwin H. Wheeler;

S. 797. An act granting a pension to Mary H. Allen;

S. 2061. An act granting an increase of pension to William H. Barlow;

S. 2068. An act granting an increase of pension to Julia A. Roberts;

S. 1912. An act granting an increase of pension to Joseph W. Booker;

S. 2236. An act granting an increase of pension to James Reed;

S. 2245. An act granting an increase of pension to Daniel Fritz;

S. 2250. An act granting an increase of pension to Anna Pritchard;

S. 2373. An act granting an increase of pension to Charles Cummings;

S. 1241. An act granting an increase of pension to Hamlet F. Roberts;

S. 1242. An act granting an increase of pension to Thomas Davis;

S. 2374. An act granting an increase of pension to Alonzo Moses;

S. 2230. An act granting an increase of pension to Matilda C. Lothrop;

S. 1954. An act granting an increase of pension to Benton D. Bitner;

S. 1956. An act granting an increase of pension to Seth H. Craig;

S. 2093. An act granting an increase of pension to Victoria M. Steele;

S. 880. An act granting an increase of pension to Allen W. (alias Albert) Hall;

S. 1356. An act granting a pension to Robert Kelly;

S. 1802. An act granting an increase of pension to Isaac M. Couch;

S. 136. An act granting an increase of pension to Mary T. Strickland;

S. 2549. An act granting an increase of pension to Charles W. Jellison;

S. 2576. An act granting an increase of pension to James Redshaw;

S. 2668. An act granting an increase of pension to Alpheus Fawcett;

S. 2947. An act granting an increase of pension to Thomas Britton;

S. 2642. An act granting an increase of pension to Leonard G. Freeman;

S. 1358. An act granting an increase of pension to William W. Lackey;

S. 846. An act granting an increase of pension to Catharine W. Collins;

S. 2215. An act granting a pension to Sallie H. Hoffecker;

S. 2441. An act granting an increase of pension to Frank Lee;

S. 2558. An act granting an increase of pension to Sallie H. Kincaid;

S. 2557. An act granting a pension to Johniken L. Mynatt;

S. 2889. An act granting an increase of pension to John Beaird;

S. 962. An act granting an increase of pension to Jennet Thoits;

S. 2561. An act granting an increase of pension to Mathias S. Friend;

S. 2841. An act granting a pension to Jane Patterson;

S. 1532. An act granting an increase of pension to Electa Allen;

S. 2924. An act granting an increase of pension to Samuel E. Cormany;

S. 2103. An act granting an increase of pension to John L. McVey; and

S. 1937. An act granting an increase of pension to Samuel Richards.

On motion of Mr. GIBSON, a motion to reconsider the votes by which the several bills were passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3415. An act granting an increase of pension to Manluff W. Reynolds—to the Committee on Invalid Pensions.

S. 2322. An act granting a pension to Adolphus N. Pacetty—to the Committee on Pensions.

S. 2359. An act to correct the military record of James W. Houser—to the Committee on Military Affairs.

S. 1272. An act granting an increase of pension to Samuel Rollins—to the Committee on Invalid Pensions.

S. 2940. An act granting a pension to Naomi Green—to the Committee on Invalid Pensions.

S. 2278. An act granting an increase of pension to Harriet H. Howlett—to the Committee on Invalid Pensions.

S. 1392. An act granting an increase of pension to Mary A. Hughes—to the Committee on Invalid Pensions.

S. 1280. An act granting an increase of pension to Henry Wilfong—to the Committee on Invalid Pensions.

S. 3527. An act granting an increase of pension to Jerningham Boone—to the Committee on Invalid Pensions.

S. 3267. An act granting an increase of pension to Mary V. Carson—to the Committee on Invalid Pensions.

S. 2043. An act granting an increase of pension to Andrew J. Williams—to the Committee on Invalid Pensions.

S. 3569. An act granting an increase of pension to John A. Chamberlain—to the Committee on Invalid Pensions.

S. 2838. An act granting a pension to Louisa Lyon—to the Committee on Invalid Pensions.

S. 3839. An act granting an increase of pension to George B. Abbott—to the Committee on Invalid Pensions.

S. 1530. An act granting an increase of pension to Theron T. Lamphere—to the Committee on Invalid Pensions.

S. 3656. An act granting an increase of pension to William Turner—to the Committee on Pensions.

S. 2966. An act granting a pension to William Conover—to the Committee on Invalid Pensions.

S. 2221. An act granting a pension to Carlotta E. Hooper—to the Committee on Interstate and Foreign Commerce.

S. 2969. An act granting a pension to Henry Dority—to the Committee on Invalid Pensions.

S. 3470. An act granting an increase of pension to Richard Wilkes—to the Committee on Pensions.

S. 3405. An act granting an increase of pension to Mary F. Pentzer—to the Committee on Invalid Pensions.

S. 3413. An act granting a pension to Henry P. Howard—to the Committee on Pensions.

S. 2863. An act granting an increase of pension to David C. Coleman—to the Committee on Invalid Pensions.

S. 2200. An act granting an increase of pension to Charles R. Collins—to the Committee on Invalid Pensions.

S. 1257. An act to remove the charge of desertion from the military record of George F. Harter—to the Committee on Invalid Pensions.

S. 2817. An act to remove the charge of desertion against George W. Posey—to the Committee on Invalid Pensions.

S. 3945. An act granting an increase of pension to Lewis Lewis—to the Committee on Invalid Pensions.

S. 819. An act granting an increase of pension to John B. Glover—to the Committee on Invalid Pensions.

S. 2563. An act granting an increase of pension to Elizabeth M. Banta—to the Committee on Invalid Pensions.

S. 3397. An act granting an increase of pension to George B. Christy—to the Committee on Invalid Pensions.

S. 4141. An act granting an increase of pension to Samuel A. Dickey—to the Committee on Invalid Pensions.

S. 1554. An act granting an increase of pension to John D. Pickard—to the Committee on Invalid Pensions.

S. 3481. An act granting an increase of pension to J. E. Harrison—to the Committee on Pensions.

S. 2649. An act granting an increase of pension to William S. Burch—to the Committee on Invalid Pensions.

S. 4091. An act granting an increase of pension to Nathan M. Gove—to the Committee on Invalid Pensions.

S. 4090. An act granting an increase of pension to Charlotte J. Folsom—to the Committee on Invalid Pensions.

S. 4052. An act granting a pension to Alice K. Seligson—to the Committee on Invalid Pensions.

S. 562. An act granting an increase of pension to Emeline F. Emmons—to the Committee on Invalid Pensions.

S. 354. An act granting an increase of pension to Clara B. Griswold—to the Committee on Invalid Pensions.

S. 3950. An act granting an increase of pension to Edward Blaisdell—to the Committee on Invalid Pensions.

S. 3353. An act granting an increase of pension to John L. Rogers—to the Committee on Invalid Pensions.

S. 3085. An act granting an increase of pension to Alexander Lane—to the Committee on Invalid Pensions.

S. 3488. An act granting an increase of pension to Charles E. McIntire—to the Committee on Invalid Pensions.

S. 3534. An act granting an increase of pension to John S. Parker—to the Committee on Invalid Pensions.

S. 1591. An act granting an increase of pension to James Hahn—to the Committee on Invalid Pensions.

S. 2179. An act granting an increase of pension to Thomas Harkison—to the Committee on Invalid Pensions.

S. 268. An act granting an increase of pension to Annie B. Johnson—to the Committee on Invalid Pensions.

S. 1616. An act granting an increase of pension to Michael Donovan—to the Committee on Invalid Pensions.

S. 1944. An act granting an increase of pension to John S. Stanger—to the Committee on Invalid Pensions.

S. 3887. An act granting an increase of pension to Charles J. Clark—to the Committee on Invalid Pensions.

S. 3902. An act granting a pension to George F. Smith—to the Committee on Invalid Pensions.

S. 2662. An act granting an increase of pension to John H. Carrow—to the Committee on Invalid Pensions.

S. 3812. An act granting an increase of pension to Charles Wheatland—to the Committee on Invalid Pensions.

S. 1834. An act granting an increase of pension to John W. Paul—to the Committee on Invalid Pensions.

S. 2122. An act granting a pension to Ashley C. Riggs—to the Committee on Pensions.

S. 727. An act granting a pension to George W. Wetherell—to the Committee on Invalid Pensions.

S. 3362. An act granting an increase of pension to Daniel H. Wallace—to the Committee on Pensions.

S. 935. An act granting a pension to Mary S. Clark—to the Committee on Invalid Pensions.

S. 1796. An act granting an increase of pension to Matthew Woodworth—to the Committee on Invalid Pensions.

S. 1803. An act granting an increase of pension to John M. Morgan—to the Committee on Invalid Pensions.

S. 3480. An act granting an increase of pension to Swepston B. W. Stephens—to the Committee on Pensions.

S. R. 47. Joint resolution to authorize the Secretary of War to cause a survey or surveys to be made to determine the practicability and cost of tide-water ship canal across the State of Florida—to the Committee on Rivers and Harbors.

Senate concurrent resolution No. 42:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the Wilmington Harbor, Delaware (including the Christiana and Brandywine rivers), with the view to their improvement and to insure the permanency of the channel in the Christiana River to the depth of at least 21 feet—

to the Committee on Rivers and Harbors.

Senate concurrent resolution No. 40:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of the report and appendixes of the Isthmian Canal Commission, with illustrations, of which 1,000 shall be for the use of the Senate, 2,000 for the House of Representatives, and 500 for the Isthmian Canal Commission—

to the Committee on Printing.

Senate concurrent resolntion No. 43:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the outer bar of Brunswick, Ga., and of the inner harbor of Brunswick, Ga., and to furnish therefrom estimates showing the cost of obtaining a channel of ample width to accommodate the commerce of said port, and extending from the wharves in said inner harbor, through said outer bar to the ocean, and of the following depths at mean high tide, to wit, 27 feet, 28 feet, 29 feet, and 30 feet; that is to say, the Secretary of War is directed to furnish a separate estimate of the cost of obtaining a channel at each of said depths; and the Secretary of War is hereby further directed to report whether or not in his opinion it is advisable, if these increased depths or any one or more of them shall be obtained, that the present channel across said outer bar should be straightened—

to the Committee on Rivers and Harbors.

BRIDGE ACROSS OUACHITA RIVER, BETWEEN OUACHITA CITY AND BAYOU LOUTRE, LOUISIANA.

The SPEAKER. The Chair lays before the House the following Senate bill on the Speaker's table.

The Clerk read as follows:

A bill (S. 4125) to authorize the Little Rock and Monroe Railway Company to construct, maintain, and use a bridge across Ouachita River, in the State of Louisiana, at a point between Ouachita City and the mouth of Bayou Loutre.

The bill was read at length.

The SPEAKER. The Chair will ask the gentleman from Louisiana, is there a similar bill to this on the Calendar reported by the House committee?

Mr. RANSDELL of Louisiana. Yes, sir; the House committee reported that bill favorably to-day. I was going to move that the House bill lie on the table and ask unanimous consent for the immediate consideration of the Senate bill.

The SPEAKER. The Chair thinks that this bill would come up as a matter of right.

Mr. PAYNE. I could not understand whether the gentleman said that a House bill identical with this had been reported by the House committee.

Mr. RANSDELL of Louisiana. Yes, sir; it was reported to-day—identical in terms with this bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the similar House bill will lie on the table.

There was no objection.

On motion of Mr. RANSDELL of Louisiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

FORT HALL INDIAN RESERVATION.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be

discharged from the further consideration of the bill (S. 2323), and that the bill be considered by the House at this time.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of the following bill, and that the same be considered by the House at this time.

The Clerk read as follows:

A bill (S. 2323) relating to ceded lands on the Fort Hall Indian Reservation

Be it enacted, etc., That all lands of the former Fort Hall Indian Reservation, in the State of Idaho, within 5 miles of the boundary line of the town of Pocatello, offered for sale at public auction on and after July 17, 1902, in accordance with the provisions of the act of Congress of June 6, 1900 (31 Stat., p. 672), and the proclamation of the President of May 7, 1902, thereunder, and which remain unsold after such offering, shall be subject to entry under and in accordance with the provisions of section 5 of said act and at the prices therein fixed, at a time and in accordance with regulations to be prescribed by the Secretary of the Interior: *Provided*, That the improvements made by certain Indians upon the following-described lands, namely: Lot 4 section 1, and the southeast quarter of the northeast quarter, section 18, and the southeast quarter of the northwest quarter and the northwest quarter of the southwest quarter of section 8, in township 7 south, range 35 east, and the east half of the southeast quarter of section 21, township 6 south, range 34 east, and which have heretofore been appraised, shall be paid for at the said appraised value, at the time of and by the person making entry of the respective tracts upon which such improvements are situated.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF WING DAM BY KEOKUK AND HAMILTON WATER POWER COMPANY, IN HANCOCK COUNTY, ILL.

Mr. HEDGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 9640.

The Clerk read as follows:

A bill (H. R. 9640) to amend an act granting to the Keokuk and Hamilton Water Power Company right to construct and maintain a dam, and so forth, approved February 8, 1901.

Be it enacted, etc., That the act granting to the Keokuk and Hamilton Water Power Company right to construct and maintain wing dam, canal, and power station in the Mississippi River, in Hancock County, Ill., approved February 8, 1901, be, and it is hereby, amended as follows: In section 2 of said act strike out the word "three" and insert the word "four" in lieu thereof; also strike out the word "six" and insert the word "seven" in lieu thereof.

The SPEAKER. Is there objection?

Mr. PAYNE. I would like to ask the gentleman what effect the amendment has upon the bill?

Mr. HEDGE. It extends the time for one year. It has the approval of the Secretary of War.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HEDGE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 3 o'clock and 9 minutes p. m.) the House adjourned until Monday next.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Otter Tail Lake and River and Red Lake and Red Lake River, Minnesota, and Big Stone Lake and Lake Traverse, Minnesota and South Dakota—to the Committee on Rivers and Harbors, and ordered to be printed, with illustration.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Nancy*, Henry Brightman, master—to the Committee on Claims, and ordered to be printed.

A letter from the treasurer of the Washington, Alexandria and Mount Vernon Railway, submitting a statement of the receipts and disbursements for the year ended December 31, 1903, and a list of the stockholders—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of L. D. Moneymaker, administrator of estate of Charles Drennan, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *John*, David Lufkin, master—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11050) to authorize the Little Rock and Monroe Railway Company to construct, maintain, and use a bridge across Ouachita River, in the State of Louisiana, at a point between Ouachita City and the mouth of Bayou Loutre, reported the same with amendment, accompanied by a report (No. 913); which said bill and report were referred to the House Calendar.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9053) to amend an act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, reported the same with amendment, accompanied by a report (No. 914); which said bill and report were referred to the House Calendar.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10764) to authorize the St. Joseph and Grand Island Railway Company in the reconstruction of the bridge near St. Joseph, Mo., to lower said bridge and to shorten the draw spans thereof, reported the same without amendment, accompanied by a report (No. 915); which said bill and report were referred to the House Calendar.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9777) granting to the city of Port Angeles, State of Washington, for park purposes, certain portions of the Government reserve in said city, reported the same with amendment, accompanied by a report (No. 916); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2818) permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn., reported the same without amendment, accompanied by a report (No. 917); which said bill and report were referred to the House Calendar.

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8690) to amend the law relating to taxation in the District of Columbia, reported the same with amendment, accompanied by a report (No. 919); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 7806) for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. DANIELS: A bill (H. R. 12302) to provide for acquiring title to certain patented lands in the Sequoia and General Grant national parks, in the State of California—to the Committee on the Public Lands.

By Mr. GOULDEN: A bill (H. R. 12303) to amend the Code of Law for the District of Columbia regarding corporations—to the Committee on the District of Columbia.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 12304) to appropriate money to revet the bank of the Mississippi River at Longwood, Miss—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. McGUIRE: A bill (H. R. 12305) referring to the Court of Claims certain claims of the Absentee Shawnee Indians against the United States, and for other purposes—to the Committee on Indian Affairs.

By Mr. THOMAS of Iowa: A bill (H. R. 12306) to establish a supreme court for the Indian Territory and to provide for additional United States judges therein—to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: A bill (H. R. 12307) to further provide for the redemption of mutilated United States paper currency and to maintain the cleanliness of the circulation—to the Committee on Banking and Currency.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 12308) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, as to import duties on hides, harness, leather, boots, and shoes—to the Committee on Ways and Means.

By Mr. BELL of California: A bill (H. R. 12309) amending section 1 of an act to provide aid to State and Territorial Homes, and so forth, approved August 27, 1888—to the Committee on Military Affairs.

By Mr. BROOKS: A bill (H. R. 12310) to establish a new land district and new land office in the State of Colorado—to the Committee on the Public Lands.

By Mr. HUNTER: A bill (H. R. 12311) authorizing the construction of a road from the Mill Springs National Cemetery, in Pulaski County, Ky., to the town of Somerset, in said county—to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 12312) providing for the holding of Federal court at Grand Island, Nebr.—to the Committee on the Judiciary.

By Mr. BASSETT: A bill (H. R. 12313) for a survey of the waters of New York Harbor opposite Bay Ridge—to the Committee on Rivers and Harbors.

By Mr. STEPHENS of Texas: A bill (H. R. 12314) to remove restrictions on the sale of certain lands in the Creek Nation, and for other purposes—to the Committee on Indian Affairs.

By Mr. ACHESON: A bill (H. R. 12315) to amend section 3893 of the Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. BRANTLEY: A bill (H. R. 12316) for survey and estimate of cost of improving the Three-mile Cut on inside water route between Darien and Brunswick, Ga.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12317) authorizing the erection of a courthouse and post-office building at Valdosta, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 12318) for a public building for the United States Geological Survey at Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. LIND: A bill (H. R. 12319) to provide for the purchase of a site and the erection of a public building thereon at Minneapolis, in the State of Minnesota—to the Committee on Public Buildings and Grounds.

By Mr. WILEY of Alabama: A joint resolution (H. J. Res. 107) as to the provisions of "An act for the relief of certain settlers on the public lands, and to provide for the payment of certain fees, purchase money, and commission paid on void entries of public lands," approved June 16, 1880—to the Committee on the Judiciary.

By Mr. BELL of California: A joint resolution (H. J. Res. 108) directing the Secretary of War to make survey and estimate for straightening Napa River, in the State of California—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 109) directing the Secretary of War to cause a preliminary examination to be made of San Rafael Inlet, in the State of California—to the Committee on Rivers and Harbors.

By Mr. SLAYDEN: A concurrent resolution (H. C. Res. 43) to print 10,500 copies of an article entitled "A few general directions with regard to destroying mosquitoes, particularly the yellow-fever mosquito," by W. C. Gorgas, colonel, Medical Corps, United States Army—to the Committee on Printing.

By Mr. FOSS: A resolution (H. Res. 213), that it shall be in order to consider, in the bill No. 12220, making appropriations for the naval service for the fiscal year ending June 30, 1905, and for other purposes, legislation providing for the consolidation, in the discretion of the Secretary of the Navy, of the light, heat, and power plants in any or all of the navy-yards and stations, and for the establishment of a naval training station on the Great Lakes. And it shall be in order to have a separate vote in the House, if the same be demanded, upon each of the foregoing subjects.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 12320) granting an increase of pension to Carrie M. Hickman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12321) to correct the military record of John Bolling—to the Committee on Military Affairs.

By Mr. BOWIE (by request): A bill (H. R. 12322) for the relief of John A. Harbour—to the Committee on Pensions.

By Mr. BUCKMAN: A bill (H. R. 12323) granting an increase of pension to Josiah Wood—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 12324) granting an increase of pension to Sarah J. Dickens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12325) granting an increase of pension to Thomas Snell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12326) granting an increase of pension to Matthew Curran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12327) granting an increase of pension to George B. Albro—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 12328) for the relief of St. John's Episcopal Church, at Winnsboro, S. C.—to the Committee on War Claims.

By Mr. FITZPATRICK: A bill (H. R. 12329) for the relief of the legal representatives of John Anthony, deceased—to the Committee on War Claims.

By Mr. FOWLER: A bill (H. R. 12330) granting an increase of pension to Laura M. Gillmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12331) granting a pension to George Hull—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 12332) granting an increase of pension to William A. Eagleson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12333) granting an increase of pension to Cutler D. Sanborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12334) granting an increase of pension to Melissa S. Lee—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 12335) granting a pension to Lydia E. Nichol—to the Committee on Invalid Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 12336) for the relief of the estate of Solomon Smith, deceased, late of Franklin County, Ala.—to the Committee on War Claims.

By Mr. HOLLIDAY: A bill (H. R. 12337) for the relief of John T. H. Gibbons—to the Committee on War Claims.

By Mr. HOPKINS: A bill (H. R. 12338) granting a pension to James S. Walters—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 12339) granting pension to certain battalions of Kentucky State Militia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12340) granting a pension to George J. Hurt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12341) for the relief of John Stilts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12342) for the relief of Lawrence H. Rousseau—to the Committee on Invalid Pensions.

By Mr. JACKSON of Ohio: A bill (H. R. 12343) granting a pension to Adolph Reuthner—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 12344) to correct the military record of Aron P. Oliver—to the Committee on Military Affairs.

By Mr. KLUTTZ: A bill (H. R. 12345) for the relief of Spencer Byrd—to the Committee on Claims.

By Mr. LAMB: A bill (H. R. 12346) to correct the military record of William J. Barcroft—to the Committee on Military Affairs.

By Mr. LAWRENCE: A bill (H. R. 12347) granting an increase of pension to Marshall Johnson—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 12348) granting an increase of pension to John Pickering—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12349) granting an increase of pension to Thomas D. Horner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12350) granting a pension to Abbie A. Calvert—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 12351) granting a pension to Frank B. Hazleton—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 12352) granting an increase of pension to William H. Cooper—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 12353) granting a pension to Lewis Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12354) granting an increase of pension to William Pryor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12355) for the relief of Frances T. Mee, of Bradley County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 12356) for the relief of Wilson Condra—to the Committee on War Claims.

Also, a bill (H. R. 12357) for the relief of Lou Hicks, administratrix of the estate of Thomas Hicks, deceased—to the Committee on War Claims.

By Mr. McCARTHY: A bill (H. R. 12358) granting an increase of pension to Andrew Jackson—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 12359) granting an increase of pension to Samuel Emerick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12360) granting an increase of pension to Henry V. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12361) granting an increase of pension to John W. Torrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12362) to enable Jennie Arnold, a Caddo Indian, to sell certain land for an addition to the town site of Fort Cobb, Okla.—to the Committee on Indian Affairs.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 12363) granting an increase of pension to Charles H. Barnard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12364) granting an increase of pension to Hugh M. Stevenson—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 12365) for the relief of Marshall B. Gallion—to the Committee on Military Affairs.

By Mr. TATE: A bill (H. R. 12366) for the relief of Jeptha B. Harrington—to the Committee on Pensions.

Also, a bill (H. R. 12367) granting a pension to Talitha C. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12368) for the relief of John T. Fitzgerald—to the Committee on Military Affairs.

Also, a bill (H. R. 12369) granting a pension to John T. Fitzgerald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12370) granting an increase of pension to Lucius C. Fletcher—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: A bill (H. R. 12371) granting an increase of pension to Tempest Meyer—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 12372) granting an increase of pension to Lucinda Hill—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12373) granting an increase of pension to John Sayers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12374) granting a pension to Adam Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12375) granting a pension to George W. Piland, alias George W. Willis—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and read as follows:

By Mr. ALEXANDER: Petition of Buffalo Launch Club, against Grosvenor bill, amending navigation laws—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Cataract Lodge, No. 639, Brotherhood of Railroad Trainmen, of Niagara Falls, N. Y., favoring passage of bills H. R. 89 and 7041—to the Committee on the Judiciary.

Also, petitions of R. J. White and 32 others, of Buffalo, N. Y.; and William P. Hillings and 25 others, of Erie County, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BAKER: Petition of the Gas Engine and Power Company and Charles L. Seabury & Co., opposing bill H. R. 7033—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Kerosene Oil Engine Company, opposing bill H. R. 7033—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Rural Letter Carriers' Association of the State of New York, favoring additional compensation for rural carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Outdoor Art League of California, favoring Gillett bill for purchase of big trees of Calaveras, Cal.—to the Committee on the Public Lands.

Also, petition of T. B. Pratt, of Brooklyn, N. Y., favoring Government purchase of the big trees of Calaveras, Cal.—to the Committee on the Public Lands.

Also, resolution of the board of trustees of the Sanitary District of Chicago, favoring construction of waterway to connect the Great Lakes with the Mississippi River—to the Committee on Rivers and Harbors.

Also, resolution of Upper Mississippi River Improvement and Levee Drainage Association, favoring construction of a waterway to connect the Great Lakes with the Mississippi River—to the Committee on Rivers and Harbors.

Also, resolutions of Cushing Post, No. 231; Abel Smith-First Long Island Post, No. 435; G. K. Warren Post, No. 286, and the executive committee, Grand Army of the Republic, of Brooklyn, N. Y., favoring increase of pensions to civil war veterans—to the Committee on Invalid Pensions.

Also, resolution of the United Commercial Travelers of America, favoring Badger amendment to section 64 of the bankruptcy act—to the Committee on the Judiciary.

Also, petition of John Kissel & Son, of Brooklyn, N. Y., favoring reduction of internal-revenue tax—to the Committee on Ways and Means.

Also, petition of Thomas Fitch, of Los Angeles, Cal., favoring rebate of duty on sulphate of ammonia—to the Committee on Ways and Means.

Also, petition of New York State Pharmaceutical Association, favoring reduction of tax on alcohol—to the Committee on Ways and Means.

Also, petition of wholesalers of New York City, opposing parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Prof. D. Cady, of Yale University, favoring passage of a bill to regulate corporations—to the Committee on Interstate and Foreign Commerce.

Also, petition of William C. Wachkaltz, of New York, favoring bill H. R. 87, relative to civil-service employees—to the Committee on Reform in the Civil Service.

Also petition of the American Trading Company, of New York City, favoring passage of Lodge bill, relative to consular service—to the Committee on Foreign Affairs.

Also, petition of National Fraternal Congress, opposing bill S. 1261, regulating fire insurance companies—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the New York legislature, favoring passage of bill to promote efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of New York State Grange, Patrons of Husbandry, and New York State legislature, favoring Brownlow good-roads bill—to the Committee on Agriculture.

Also, petition of Albert A. Pope, of New York City, favoring Brownlow good-roads bill—to the Committee on Agriculture.

Also, resolution of the Rochester Chamber of Commerce, favoring deep ship canal in New York State—to the Committee on Rivers and Harbors.

Also, resolutions of the Manufacturers' Association of New York, favoring New York Harbor improvements—to the Committee on Rivers and Harbors.

Also, resolutions of the New York Board of Trade and Transportation and the Chamber of Commerce of New York, favoring breakwater at Point Judith—to the Committee on Rivers and Harbors.

Also, petition of the New York Board of Trade and Transportation, as to need of legislation to benefit American shipping in the foreign trade—to the Committee on the Merchant Marine and Fisheries.

Also, petitition of Pendleton Brothers, of New York City, in the matter of aid to American shipping—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Commercial Club of Topeka, as to the need of legislation to benefit American shipping engaged in foreign trade—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the China and Japan Trading Company, favoring bill H. R. 9050 to encourage export trade—to the Committee on Ways and Means.

Also, petition of the Denver Chamber of Commerce, as to need of legislation to benefit American shipping engaged in the foreign trade—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the National Board of Trade, favoring extending the national navigation laws to the Philippine Islands—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Philadelphia Board of Trade, favoring confining carrying trade between the United States and the Philippine Islands to vessels of American registry—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Employing Plasterers' Association, opposing bills H. R. 89 and 8136—to the Committee on the Judiciary.

Also, petition of Richey, Brown & Donald, of New York City, against bills H. R. 89, 1234, 4063, and 8136—to the Committee on the Judiciary.

Also, petition of King, McLean & James, of New York City, against bills H. R. 89, 1234, 4063, and 8136—to the Committee on the Judiciary.

Also, resolution of the National German-American Alliance, in favor of the appointment of a commission on immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the Grain Dealers' National Association, relative to inspection of grain at terminal markets—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Grain Dealers' National Association, relative to increasing the power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New York Board of Trade and Transportation, relative to the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Paint Grinders' Association of the United States, relative to increasing power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Merchants' Association of New York,

relative to irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolution of the National Board of Trade, relative to irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolution of the Philadelphia Maritime Exchange, relative to arbitration treaties between United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 3573—to the Committee on the Judiciary.

Also, resolution of the Manufacturers' Association of New York, relative to repeal of national bankruptcy act—to the Committee on the Judiciary.

Also, resolution of the New York Produce Exchange, relative to the inspection of grain at terminal markets—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New York Produce Exchange, favoring the deepening of the Harlem (Bronx) Kills—to the Committee on Rivers and Harbors.

Also, petition of the Sunday School Editors and Publishers' Association, against increase of postal rates on Sunday school periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. BASSETT: Resolution of the New York State assembly, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. BOWERSOCK: Petition of the Methodist Episcopal Church and 20 others, of Lawrence, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Southern Lumber Manufacturers' Association, against adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. BOWIE (by request): Paper to accompany claim of John A. Harbour—to the Committee on Claims.

Also, resolution of Alabama State Horticultural Society, relative to increasing the appropriation for experiment stations—to the Committee on Agriculture.

By Mr. BRADLEY: Petition of J. F. De Lacey and 49 others, of Eastman, Ga., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CALDWELL: Resolution of A. J. Weber Post, No. 421, Grand Army of the Republic, of Pawnee, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Petition of William Aoch and 42 other merchants and voters of the Third Congressional district of Kansas, opposing the passage of parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. W. Schenck and members of Christian Church at Moline, Kans., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CAPRON: Papers to accompany bill granting an increase of pension to Mathew Curran—to the Committee on Invalid Pensions.

Also, petition of the New England Grain Dealers' Association, against passage of bill S. 199—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill granting an increase of pension to Sarah J. Dickens—to the Committee on Invalid Pensions.

By Mr. DARRAGH: Petition of James J. McLaughlin and 29 other citizens of Elk Rapids, Mich., in favor of bill H. R. 4072—to the Committee on the Judiciary.

By Mr. DE ARMOND: Petition of residents of Missouri, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GARDNER of New Jersey: Resolutions of A. L. Robeson Post, No. 42, of Bridgeton; General A. E. Shiras Post, No. 26, of Mount Holly, and D. A. Russell Post, No. 68, of Hammonton, N. J., Grand Army of the Republic, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Resolution of J. H. Andrus Post, No. 288, Grand Army of the Republic, of Lacota, Mich., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Marcellus, Mich., against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HASKINS: Petition of Woman's Christian Temperance Union of Enosburg Falls, Vt., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of A. E. Burnside Post, No. 6, Grand Army of the Republic, Department of Vermont, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of citizens of Decorah, Iowa, favoring a service-pension bill—to the Committee on Invalid Pensions.

Also, petitions of Victor L. Duryee and 30 others, Charles Brebner and 30 others, D. I. Coon and 34 others, W. S. Ralph and 14 others, Rev. J. P. Martin and 13 others, and Christian Mission and 184 others, all of Osage, Mitchell County, Iowa, favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of citizens of Kendallville, Iowa, protesting against the passage of the parcel-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of S. E. Robinson and 84 others, of Clearfield, Iowa, and James P. Young and 92 others, of Coin, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HERMANN: Petition of citizens of Cleone, Oreg., favoring increased compensation for rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL of Mississippi: Papers to accompany House bill for the relief of the estate of Solomon Smith, deceased—to the Committee on War Claims.

By Mr. HUFF: Resolution of the National Board of Trade, urging repeal of timber and stone act—to the Committee on Agriculture.

Also, resolution of Captain S. S. Marchand Post, No. 190, Grand Army of the Republic, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. KLUTTZ: Paper to accompany claim of Spencer Byrd—to the Committee on Claims.

By Mr. LACEY: Petition of J. P. Gilhousen and others, of Whatcheer, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Dunlap & Co. Hat Manufacturing Company, of Brooklyn, N. Y., in favor of bill H. R. 9303, relative to amending the internal-revenue laws, etc.—to the Committee on Ways and Means.

Also, resolution of the New York State assembly, in favor of the passage of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, petition of the Malt Diastase Company, of Brooklyn, N. Y., in favor of the passage of bill H. R. 9303, amending the internal-revenue laws—to the Committee on Ways and Means.

By Mr. McLAIN: Petition of Theodore D. Bratton, of Battle Hill; C. C. Pierce, of Jackson; Charles L. Hoffman, of Natchez, and J. R. Countiss and 4 others, of Holly Springs, Miss., favoring passage of bill relative to the efficiency of army chaplains—to the Committee on Military Affairs.

Also, petition of John Paul and 86 other voters of Gloster, Miss., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MACON: Papers to accompany House bill granting increase of pension to William H. Cooper—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: Petition of William Ferd and others, of Washington, Ind., in favor of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MOON of Tennessee: Papers to accompany House bill for the relief of Francis T. Mee—to the Committee on War Claims.

Also, papers to accompany claim of Miss Lou Hicks, administratrix—to the Committee on War Claims.

Also, papers to accompany claim of Wilson Condra—to the Committee on War Claims.

Also, papers to accompany House bill granting an increase of pension to William Pryor—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Lewis Barber—to the Committee on Invalid Pensions.

By Mr. MAYNARD: Petition of the Norfolk Creosoting Company and other manufacturing companies, in favor of deepening the channel of the Southern Branch of Elizabeth River, Norfolk County, Va.—to the Committee on Rivers and Harbors.

By Mr. PAYNE: Resolution of a convention of patrons of rural delivery of Jerusalem Township, county of Yates, N. Y., relative to salary of rural-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RIDER: Resolution of the New York State assembly, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. ROBINSON of Indiana: Petition of J. W. Evans and 7 other citizens of Lagrange, Ind., in opposition to the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolution of the New York State assembly, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. SCUDDER: Petition of citizens of Suffolk County, State of New York, asking for Sunday closing of Lewis and Clark Exposition—to the Select Committee on Industrial Arts and Expositions.

Also, petition of citizens of Queens County, N. Y., favoring pas-

sage of law prohibiting the exportation of prehistoric objects and for their preservation—to the Committee on the Public Lands.

By Mr. SIBLEY: Resolutions of Ralph Clapp Post, No. 569; Eliza Thompson Post, No. 417; Clarksville Post, No. 557, and Baker Post, No. 615, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. STEENERSON: Resolution of Live Stock, Swine, and Sheep Breeders' Association, relative to investigating infectious diseases among domestic animals—to the Committee on Agriculture.

By Mr. STEPHENS of Texas: Papers to accompany bill H. R. 696, granting a pension to C. A. Brighton—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolution of the Minneapolis cigar makers, in favor of bill H. R. 6—to the Committee on Ways and Means.

Also, petition of the Merriam Park Presbyterian Church, of St. Paul, Minn., relative to the nullification of State liquor laws—to the Committee on the Judiciary.

Also, petition of Cook Street Methodist Episcopal Church, of St. Paul, Minn., relative to the nullification of State liquor laws—to the Committee on the Judiciary.

Also, petition of S. C. Leigh and others, of St. Paul, Minn., relative to the nullification of State liquor laws—to the Committee on the Judiciary.

By Mr. SULLIVAN of New York: Petition of Mrs. Sarah Clay Bennett, relative to the extension of franchise to women—to the Committee on the Judiciary.

By Mr. SULZER: Resolution of the New York State assembly, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. TATE: Papers to accompany bill granting a pension to Talitha C. Parker—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Jephtha B. Harrington—to the Committee on Claims.

By Mr. THOMAS of Iowa: Resolution of the Builders' Exchange of St. Paul, Minn., against anti-injunction bill—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Petition praying reference of claim of Franklin Foy and other claims to Court of Claims—to the Committee on War Claims.

By Mr. TIRRELL: Paper to accompany bill H. R. 11575, granting a pension to Abel N. Button—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Resolution of Macedonia Post, No. 469, Grand Army of the Republic, of Macedonia, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to John Sayers—to the Committee on Invalid Pensions.

Also, papers to accompany claim of James E. Johnston—to the Committee on War Claims.

SENATE.

MONDAY, *February 15, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. Are we to have no routine morning business transacted?

Mr. LODGE. Yes; afterwards.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills:

A bill (S. 38) granting an increase of pension to Miriam R. Adams;

A bill (S. 70) granting an increase of pension to John G. Brown;

A bill (S. 136) granting an increase of pension to Mary T. Strickland;

A bill (S. 142) granting an increase of pension to Henry W. Nichols;

A bill (S. 167) granting an increase of pension to J. Hudson Kibbe;

A bill (S. 189) granting an increase of pension to Edwin H. Wheeler;

A bill (S. 191) granting an increase of pension to Francis Roy;

A bill (S. 265) granting an increase of pension to Frances Gray;

A bill (S. 593) granting an increase of pension to William H. Horn;

A bill (S. 594) granting an increase of pension to Finley T. Johnson;

A bill (S. 782) granting a pension to Mary D. Duval;

A bill (S. 797) granting a pension to Mary H. Allen;

A bill (S. 846) granting an increase of pension to Catharine W. Collins;

A bill (S. 880) granting an increase of pension to Allen W. (alias Albert) Hall;

A bill (S. 889) granting an increase of pension to Catherine A. Brown;

A bill (S. 891) granting an increase of pension to Erwin R. Cole;

A bill (S. 895) granting an increase of pension to Charles Disbrow;

A bill (S. 897) granting an increase of pension to Lewis D. Frogge;

A bill (S. 962) granting an increase of pension to Jennet Thoits;

A bill (S. 980) granting an increase of pension to Mary Von Kusserow;

A bill (S. 1239) granting an increase of pension to John Adamson;

A bill (S. 1241) granting an increase of pension to Hamlet F. Roberts;

A bill (S. 1242) granting an increase of pension to Thomas Davis;

A bill (S. 1356) granting a pension to Robert Kelly;

A bill (S. 1358) granting an increase of pension to William W. Lackey;

A bill (S. 1428) granting an increase of pension to George Pennington;

A bill (S. 1451) granting an increase of pension to Eleanor H. Hord;

A bill (S. 1532) granting an increase of pension to Electa Allen;

A bill (S. 1597) granting a pension to Rosa D. Mayhew;

A bill (S. 1688) granting an increase of pension to Frederick Bellman;

A bill (S. 1689) granting an increase of pension to Henry H. Houghton;

A bill (S. 1799) granting an increase of pension to Charles E. Decker;

A bill (S. 1802) granting an increase of pension to Isaac M. Couch;

A bill (S. 1911) granting an increase of pension to Ambrose W. Severance;

A bill (S. 1912) granting an increase of pension to Joseph W. Booker;

A bill (S. 1937) granting an increase of pension to Samuel Richards;

A bill (S. 1947) granting an increase of pension to Patrick Judge;

A bill (S. 1953) granting a pension to Susan Fenno;

A bill (S. 1954) granting an increase of pension to Benton D. Bitner;

A bill (S. 1956) granting an increase of pension to Seth H. Craig;

A bill (S. 2061) granting an increase of pension to William H. Barlow;

A bill (S. 2068) granting an increase of pension to Julia A. Roberts;

A bill (S. 2093) granting an increase of pension to Victoria M. Steele;

A bill (S. 2103) granting an increase of pension to John L. McVey;

A bill (S. 2126) granting an increase of pension to Thomas Williams, alias Thomas W. Lennox;

A bill (S. 2128) granting an increase of pension to George A. Seebold;

A bill (S. 2215) granting a pension to Sallie H. Hoffecker;

A bill (S. 2217) granting an increase of pension to Henry C. Riggs;

A bill (S. 2222) granting an increase of pension to Richard A. Kendall;

A bill (S. 2230) granting an increase of pension to Matilda C. Lothrop;

A bill (S. 2236) granting an increase of pension to James Reed;

A bill (S. 2245) granting an increase of pension to Daniel Fritz;

A bill (S. 2250) granting an increase of pension to Anna Pritchard;

A bill (S. 2298) granting a pension to Patrick J. Conway;
A bill (S. 2323) relating to ceded lands on the Fort Hall Indian Reservation;
A bill (S. 2373) granting an increase of pension to Charles Cummings;
A bill (S. 2374) granting an increase of pension to Alonzo Moses;
A bill (S. 2392) granting an increase of pension to William W. Misner;
A bill (S. 2416) granting an increase of pension to Mary Joanna Adams;
A bill (S. 2418) granting a pension to Marit Johnson;
A bill (S. 2440) granting an increase of pension to George Olsen;
A bill (S. 2441) granting an increase of pension to Frank Lee;
A bill (S. 2496) granting an increase of pension to Ebenezer Wing;
A bill (S. 2509) granting an increase of pension to Abner B. Edson;
A bill (S. 2517) granting an increase of pension to Elijah Farr;
A bill (S. 2527) granting an increase of pension to Joseph Roberts;
A bill (S. 2542) granting an increase of pension to James E. Larkin;
A bill (S. 2543) granting an increase of pension to Ella B. Green;
A bill (S. 2544) granting an increase of pension to Albert T. Severance;
A bill (S. 2548) granting an increase of pension to Emma McFarland;
A bill (S. 2549) granting an increase of pension to Charles W. Jellison;
A bill (S. 2557) granting a pension to Johniken L. Mynatt;
A bill (S. 2558) granting an increase of pension to Sallie H. Kincaid;
A bill (S. 2559) granting a pension to James Graham;
A bill (S. 2561) granting an increase of pension to Mathias S. Friend;
A bill (S. 2576) granting an increase of pension to James Redshaw;
A bill (S. 2577) granting an increase of pension to Albert Marshall;
A bill (S. 2612) granting a pension to Sarah J. Bellamy;
A bill (S. 2642) granting an increase of pension to Leonard G. Freeman;
A bill (S. 2643) granting an increase of pension to Melinda H. Chapman;
A bill (S. 2668) granting an increase of pension to Alpheus Fawcett;
A bill (S. 2689) granting an increase of pension to David M. Kanouse;
A bill (S. 2712) granting an increase of pension to Harriet Billings;
A bill (S. 2797) granting an increase of pension to Edward A. Cotting;
A bill (S. 2841) granting a pension to Jane Patterson;
A bill (S. 2858) granting an increase of pension to Delia B. Stuart;
A bill (S. 2889) granting an increase of pension to John Beaird;
A bill (S. 2924) granting an increase of pension to Samuel E. Cormany;
A bill (S. 2947) granting an increase of pension to Thomas Bratton;
A bill (S. 2965) granting an increase of pension to John Herzinger;
A bill (S. 3166) granting an increase of pension to Levi B. Lewis;
A bill (S. 3400) to amend the act entitled "An act granting a pension to Flora Stanton Kalk," approved February 25, 1899; and
A bill (S. 4125) to authorize the Little Rock and Monroe Railway Company to construct, maintain, and use a bridge across Ouachita River, in the State of Louisiana, at a point between Ouachita City and the mouth of Bayou Loutre.

The message also announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 486) granting a pension to Green B. Yawn;
A bill (S. 1330) granting a pension to Jerry S. Fish;
A bill (S. 2596) granting a pension to Frances S. Hopkins; and
A bill (S. 2809) granting an increase of pension to Jesse J. Finley.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 614) granting a pension to Michael O'Brien, alias Michael Clifford;
A bill (H. R. 719) granting an increase of pension to John H. Willey;
A bill (H. R. 720) granting an increase of pension to Frank L. Gray;
A bill (H. R. 783) granting an increase of pension to Nicholas Reinhart;
A bill (H. R. 789) granting an increase of pension to Eli Lachman;
A bill (H. R. 807) granting an increase of pension to William F. Benefiel;
A bill (H. R. 859) granting an increase of pension to Andrew Barr;
A bill (H. R. 877) granting a pension to Ann M. Driggars;
A bill (H. R. 880) granting a pension to Caroline S. Winn;
A bill (H. R. 910) granting an increase of pension to Freeman York;
A bill (H. R. 936) granting an increase of pension to William Millian;
A bill (H. R. 941) granting an increase of pension to William D. Taylor;
A bill (H. R. 1005) granting an increase of pension to Marat E. Powell;
A bill (H. R. 1179) granting an increase of pension to Jasper Richey;
A bill (H. R. 1287) granting an increase of pension to Cyrus B. Dopp;
A bill (H. R. 1314) granting a pension to Denison L. Brown;
A bill (H. R. 1317) granting an increase of pension to Thomas E. McIntire;
A bill (H. R. 1339) granting an increase of pension to Joseph P. Scott;
A bill (H. R. 1352) granting an increase of pension to Samuel McClure;
A bill (H. R. 1485) granting an increase of pension to Franklin Ferguson;
A bill (H. R. 1563) granting an increase of pension to Ory Warriner;
A bill (H. R. 1566) granting an increase of pension to Ellis T. Peirce;
A bill (H. R. 1623) granting an increase of pension to John H. Reed;
A bill (H. R. 1801) granting a pension to James Allen;
A bill (H. R. 1851) granting an increase of pension to David T. Towles;
A bill (H. R. 2001) granting an increase of pension to Nora J. Glahn;
A bill (H. R. 2116) granting an increase of pension to Richard C. Ivory;
A bill (H. R. 2192) granting an increase of pension to William O. Smith;
A bill (H. R. 2204) granting an increase of pension to Addison B. Stone;
A bill (H. R. 2470) granting an increase of pension to Harriet S. Packard;
A bill (H. R. 2572) granting an increase of pension to George W. Steffey;
A bill (H. R. 2573) granting an increase of pension to William G. Cronkite;
A bill (H. R. 2692) granting an increase of pension to Elwood Finley;
A bill (H. R. 2769) granting an increase of pension to William E. Armstrong;
A bill (H. R. 2930) granting an increase of pension to Lafayette M. Greene;
A bill (H. R. 2947) granting an increase of pension to William F. Thompson;
A bill (H. R. 2976) granting an increase of pension to Enoch J. Evans;
A bill (H. R. 2995) granting a pension to Mary Korth;
A bill (H. R. 3011) granting an increase of pension to Phillip Duttenhaver;
A bill (H. R. 3097) granting an increase of pension to William H. Vickers;
A bill (H. R. 3370) granting an increase of pension to Joseph Adams;
A bill (H. R. 3402) granting an increase of pension to Daniel Nagle, jr.;
A bill (H. R. 3670) granting an increase of pension to Benjamin F. Barrett;
A bill (H. R. 3769) granting an increase of pension to Clinton M. Casey;
A bill (H. R. 3909) granting an increase of pension to George Hayden;
A bill (H. R. 3910) granting an increase of pension to Charles W. Hoffman;
A bill (H. R. 3936) granting an increase of pension to Isaac Frazier;
A bill (H. R. 4119) granting an increase of pension to William Mercer;
A bill (H. R. 4151) granting an increase of pension to John W. Foland;

A bill (H. R. 4179) granting an increase of pension to Martha C. Kuhn;
A bill (H. R. 4180) granting an increase of pension to Joseph G. Thomas;
A bill (H. R. 4192) granting an increase of pension to Frederick A. Slocum;
A bill (H. R. 4198) granting an increase of pension to Edwin Lake;
A bill (H. R. 4314) granting an increase of pension to John F. Slade;
A bill (H. R. 4318) granting a pension to David B. Wood;
A bill (H. R. 4326) granting an increase of pension to Wilfred C. McCardell;
A bill (H. R. 4391) granting an increase of pension to Nicholas Schwemler;
A bill (H. R. 4392) granting a pension to Abbie E. Webster;
A bill (H. R. 4449) granting an increase of pension to William Brown;
A bill (H. R. 4466) granting an increase of pension to William R. Burton;
A bill (H. R. 4540) granting a pension to Amanda Skinner;
A bill (H. R. 4589) granting a pension to Henry H. Barrett;
A bill (H. R. 4605) granting an increase of pension to William Herlinger;
A bill (H. R. 4624) granting a pension to Isabella Phelps;
A bill (H. R. 4630) granting an increase of pension to Thaddeus S. Collins;
A bill (H. R. 4631) granting an increase of pension to Julius Krag;
A bill (H. R. 4642) granting an increase of pension to William L. Wheeler;
A bill (H. R. 4674) granting an increase of pension to John Thompson;
A bill (H. R. 4679) granting an increase of pension to Martha M. Pierce;
A bill (H. R. 4702) granting an increase of pension to John T. Collins;
A bill (H. R. 4719) granting an increase of pension to Joseph F. Carter;
A bill (H. R. 4750) granting a pension to W. I. Jackson;
A bill (H. R. 4872) granting an increase of pension to Albert W. Bradbury;
A bill (H. R. 4910) granting an increase of pension to Prudentia L. D. Nugent;
A bill (H. R. 4943) granting an increase of pension to Thomas Morgan;
A bill (H. R. 4964) granting an increase of pension to Charles E. Mink;
A bill (H. R. 5006) granting a pension to Sarah Ulshafer;
A bill (H. R. 5030) granting a pension to William H. Mount;
A bill (H. R. 5045) granting an increase of pension to Albert S. Elmore;
A bill (H. R. 5149) granting an increase of pension to John W. Erwin;
A bill (H. R. 5155) granting an increase of pension to John J. Tompkins;
A bill (H. R. 5342) granting a pension to Jane E. Sutfin;
A bill (H. R. 5479) granting an increase of pension to William H. Anderson;
A bill (H. R. 5532) granting an increase of pension to Levi Vassar;
A bill (H. R. 5568) granting an increase of pension to Emily Chapman;
A bill (H. R. 5580) granting a pension to Celia C. Owen;
A bill (H. R. 5603) granting an increase of pension to William C. McCormick;
A bill (H. R. 5610) granting a pension to Annie Dorfner;
A bill (H. R. 5749) granting a pension to James B. Combs;
A bill (H. R. 5750) granting an increase of pension to William Cassidy;
A bill (H. R. 5849) granting an increase of pension to Catharine R. Brown;
A bill (H. R. 5868) granting an increase of pension to William Simmons;
A bill (H. R. 5879) granting an increase of pension to Bennett Putnam;
A bill (H. R. 5999) granting an increase of pension to Ann Jennette Whitney;
A bill (H. R. 6038) granting an increase of pension to Benjamin George;
A bill (H. R. 6335) granting an increase of pension to James A. Barnes;
A bill (H. R. 6455) granting an increase of pension to Abraham W. Cochran;
A bill (H. R. 6602) granting an increase of pension to Benjamin F. Hackett;
A bill (H. R. 6618) granting an increase of pension to Henry C. Coffin;
A bill (H. R. 6703) granting an increase of pension to Levi Remick;
A bill (H. R. 6814) granting an increase of pension to Edward W. Miller;
A bill (H. R. 6816) granting an increase of pension to Frederick Ratzel;
A bill (H. R. 6817) granting a pension to Rosa Glass;
A bill (H. R. 6869) granting an increase of pension to Lorenzo D. Elmer;
A bill (H. R. 6881) granting an increase of pension to Zachariah T. Bryant;
A bill (H. R. 6911) granting an increase of pension to James H. Weston;
A bill (H. R. 6951) granting an increase of pension to Charles G. Corr;
A bill (H. R. 6977) granting an increase of pension to Mary A. Graves;
A bill (H. R. 6999) granting an increase of pension to Albert W. Jones;
A bill (H. R. 7063) granting a pension to Ellen F. Lynch;
A bill (H. R. 7066) granting a pension to Elizabeth B. Constant;
A bill (H. R. 7083) granting an increase of pension to Albert P. Jackson;
A bill (H. R. 7096) granting an increase of pension to Eva A. Burgess;
A bill (H. R. 7221) granting an increase of pension to John Ryan;
A bill (H. R. 7236) granting an increase of pension to William R. McCullough;
A bill (H. R. 7239) granting a pension to Lydia M. Hill;
A bill (H. R. 7248) granting a pension to Robert H. Cooke;
A bill (H. R. 7311) granting an increase of pension to Rachel Large;
A bill (H. R. 7368) granting a pension to Annie G. Norwood;
A bill (H. R. 7382) granting a pension to Ellen A. Harmon;
A bill (H. R. 7410) granting an increase of pension to Enos D. Hoge;
A bill (H. R. 7418) granting an increase of pension to Peter Minkler;
A bill (H. R. 7436) granting an increase of pension to James Smith;
A bill (H. R. 7444) granting an increase of pension to Washington J. Dutcher;
A bill (H. R. 7559) granting a pension to Caroline Hurley;
A bill (H. R. 7659) granting an increase of pension to Emma M. Elliott;
A bill (H. R. 7680) granting an increase of pension to De Witt C. Folsom;
A bill (H. R. 7712) granting a pension to Emma Crosier;
A bill (H. R. 7719) granting an increase of pension to Hiram B. Cozine;
A bill (H. R. 7737) granting an increase of pension to Howard McGuire;
A bill (H. R. 7805) granting an increase of pension to William N. Hall;
A bill (H. R. 7814) granting an increase of pension to James G. Andrews;
A bill (H. R. 7992) granting an increase of pension to Isadore F. Chamberlain;
A bill (H. R. 7999) granting an increase of pension to David W. Williamson;
A bill (H. R. 8022) granting an increase of pension to Hiram Flint;
A bill (H. R. 8079) granting an increase of pension to Charles La Forest;
A bill (H. R. 8124) granting an increase of pension to Elizabeth Hatfield;
A bill (H. R. 8173) granting an increase of pension to Anna Waters;
A bill (H. R. 8185) granting a pension to Herman Lemmerman;
A bill (H. R. 8203) granting an increase of pension to James M. Hemphill;
A bill (H. R. 8227) granting a pension to Lucius E. Polk;
A bill (H. R. 8231) granting an increase of pension to John Gangwisch;
A bill (H. R. 8272) granting an increase of pension to Stephen Elliott;
A bill (H. R. 8284) granting an increase of pension to Samuel G. Woods;
A bill (H. R. 8343) granting a pension to Annie P. Erving, formerly Cilla Zerbe;
A bill (H. R. 8379) granting an increase of pension to Ira B. Wambaugh;
A bill (H. R. 8410) granting an increase of pension to George B. Fairhead;
A bill (H. R. 8648) granting a pension to Shadrach D. Bardin;
A bill (H. R. 8718) granting an increase of pension to Caswell P. Ford;

A bill (H. R. 8733) granting an increase of pension to Benjamin F. McGraw;
A bill (H. R. 8771) granting a pension to Walter F. Horner;
A bill (H. R. 8811) granting an increase of pension to James Dougherty;
A bill (H. R. 8835) granting an increase of pension to Charles H. Jackson;
A bill (H. R. 8836) granting an increase of pension to Benjamin Pitman;
A bill (H. R. 8849) granting a pension to James S. Lauderdale;
A bill (H. R. 8863) granting an increase of pension to Edward O'Malley;
A bill (H. R. 8922) granting a pension to Martha E. Nolen;
A bill (H. R. 8924) granting a pension to Georgia A. Whitehead;
A bill (H. R. 8925) granting an increase of pension to John Weaver;
A bill (H. R. 8966) granting an increase of pension to James M. Fink;
A bill (H. R. 8970) granting an increase of pension to Charles B. Hart;
A bill (H. R. 8984) granting an increase of pension to John I. Rundberg;
A bill (H. R. 8991) granting an increase of pension to William E. Mattison;
A bill (H. R. 8992) granting an increase of pension to William C. Davis;
A bill (H. R. 8998) granting an increase of pension to Henry L. Beach;
A bill (H. R. 9024) granting an increase of pension to Jacob Laird;
A bill (H. R. 9035) granting an increase of pension to Joseph Branen;
A bill (H. R. 9037) granting a pension to Alice W. Clarke;
A bill (H. R. 9060) granting an increase of pension to John Connors;
A bill (H. R. 9061) granting a pension to Nettie A. Buell;
A bill (H. R. 9064) granting an increase of pension to Edwin Tidd;
A bill (H. R. 9125) granting an increase of pension to William S. King;
A bill (H. R. 9127) granting a pension to Moses Schuman;
A bill (H. R. 9256) granting an increase of pension to Enoch Stahler;
A bill (H. R. 9273) granting an increase of pension to James H. Sackett;
A bill (H. R. 9376) granting an increase of pension to Martin Renthler;
A bill (H. R. 9398) granting a pension to John Lindsey;
A bill (H. R. 9421) granting an increase of pension to Thomas P. Marshall;
A bill (H. R. 9426) granting an increase of pension to William S. Campbell;
A bill (H. R. 9587) granting an increase of pension to Bartlett S. Haggart;
A bill (H. R. 9610) granting an increase of pension to Frederick Halling;
A bill (H. R. 9633) granting a pension to Margaret H. Booth;
A bill (H. R. 9640) to amend an act granting to the Keokuk and Hamilton Water Power Company right to construct and maintain a dam, etc., approved February 8, 1901;
A bill (H. R. 9683) granting a pension to Henry Austin;
A bill (H. R. 9695) granting an increase of pension to Frank M. Spears;
A bill (H. R. 9710) granting an increase of pension to Henry Frazier;
A bill (H. R. 9739) granting a pension to Lizzie M. Worster;
A bill (H. R. 9753) granting an increase of pension to Sarah J. Loomis;
A bill (H. R. 9778) granting an increase of pension to Lauriston W. Adkins;
A bill (H. R. 9790) granting a pension to Ada L. Carpenter;
A bill (H. R. 9791) granting a pension to Abram Claypool;
A bill (H. R. 9835) granting a pension to Maggie Fitzpatrick;
A bill (H. R. 9903) granting an increase of pension to George W. Harlan;
A bill (H. R. 9921) granting a pension to Virginia Boyd;
A bill (H. R. 9980) granting an increase of pension to Edwin A. Haradon;
A bill (H. R. 9988) granting an increase of pension to William Ellis;
A bill (H. R. 9999) granting an increase of pension to William Edgar;
A bill (H. R. 10046) granting an increase of pension to Thomas J. Campton;
A bill (H. R. 10068) granting a pension to James G. Saims;
A bill (H. R. 10136) authorizing bail in criminal cases upon appeal in the courts of Indian Territory;
A bill (H. R. 10180) granting an increase of pension to William E. McDowell;
A bill (H. R. 10192) granting a pension to Martha Mullins;
A bill (H. R. 10194) granting an increase of pension to Marion Long;
A bill (H. R. 10267) granting a pension to Florence R. Russell;
A bill (H. R. 10268) granting an increase of pension to Margret E. Keller;
A bill (H. R. 10378) granting an increase of pension to Sarah J. Shell;
A bill (H. R. 10580) granting an increase of pension to Joseph Longberry;
A bill (H. R. 10640) granting an increase of pension to Horace E. Wood;
A bill (H. R. 10648) granting an increase of pension to Agnes Shearer;
A bill (H. R. 10682) granting an increase of pension to Marion Arnold;
A bill (H. R. 10694) granting an increase of pension to Alderson T. Keen;
A bill (H. R. 10700) granting a pension to Ella D. Madden;
A bill (H. R. 10706) granting an increase of pension to Alfred J. West;
A bill (H. R. 10741) granting a pension to Mary Tate;
A bill (H. R. 10748) granting an increase of pension to Kate Ridgeway;
A bill (H. R. 10794) granting an increase of pension to Moses Hurlbut;
A bill (H. R. 10850) granting an increase of pension to Adaline L. Power;
A bill (H. R. 10904) granting an increase of pension to Edson H. Crawford;
A bill (H. R. 10968) granting a pension to Marceline P. Hamilton;
A bill (H. R. 10991) granting an increase of pension to Frances C. McFarland;
A bill (H. R. 11021) granting an increase of pension to Joseph Weemes;
A bill (H. R. 11052) granting an increase of pension to Mary Eaton Livingston;
A bill (H. R. 11076) granting an increase of pension to Elvira Miller;
A bill (H. R. 11113) granting an increase of pension to Silas Soules;
A bill (H. R. 11194) granting an increase of pension to Frank S. Nickerson;
A bill (H. R. 11227) granting an increase of pension to George W. Walls;
A bill (H. R. 11310) granting an increase of pension to John W. Swisher;
A bill (H. R. 11319) granting an increase of pension to Mary C. Arnold;
A bill (H. R. 11343) granting an increase of pension to Matthew S. Priest;
A bill (H. R. 11345) granting a pension to Joseph H. Huie;
A bill (H. R. 11413) granting an increase of pension to Jasper F. Morton;
A bill (H. R. 11556) granting an increase of pension to Edward M. Tappen; and
A joint resolution (H. J. Res. 106) amending public resolution No. 8, Fifty-sixth Congress, second session, approved February 3, 1901, "providing for the printing annually of the Report on Field Operations of the Division of Soils, Department of Agriculture."

The foregoing pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.

REPORT ON KANSAS CITY (MO.) IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 8th instant, the reports of the board for river improvement and harbor limits at Kansas City, Mo.; which, on motion of Mr. COCKRELL, was ordered to lie on the table, and to be printed, together with the maps and illustrations.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Polly*, John Perkins, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of

fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Redress*, John Crozier, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Nathaniel*, David Young, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Nancy*, Thomas Haddaway, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Leonard*, Samuel C. Hills, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Venus*, Benjamin Hutchings, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Eliza*, Daniel Seymour, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel sloop *Cato*, William Wyman, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

REPORTS OF LIBRARIAN OF CONGRESS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 37) providing for the editions to be printed of the annual and special reports of the Librarian of Congress, which was, in line 6, to strike out all after the word "cloth" down to and including the word "and" in line 9.

Mr. PLATT of New York. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. COCKRELL presented a petition of McCullough Post, No. 44, Department of Missouri, Grand Army of the Republic, of Milan, Mo., to accompany the bill (S. 3458) granting pensions to certain soldiers and sailors who served in the war of the rebellion and their widows; which was referred to the Committee on Pensions.

He also presented a petition of Colonel Jacob Smith Post, No. 72, Department of Missouri, Grand Army of the Republic, of Trenton, Mo., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of St. Charles County, Mo., remonstrating against the enactment of legislation imposing a tax on pure and compound wines; which was referred to the Committee on Finance.

He also presented the petition of A. J. McFarland, of Kansas City, Mo., and the petition of S. R. Crockett, of South McAlester, Ind. T., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. MITCHELL presented sundry papers to accompany the bill (S. 4374) granting a pension to Mary Lansing Catlin; which were referred to the Committee on Pensions.

Mr. PROCTOR presented a petition of the Woman's Christian Temperance Union of Enosburg Falls, Vt., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented memorials of sundry citizens of Chicago, Peoria, and Evanston, all in the State of Illinois, remonstrating against the passage of the so-called anti-injunction bill; which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Peoria and Evanston, in the State of Illinois, remonstrating against the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Congregational Church of Chicago, Ill., and a petition of the congregation of the Christian Church of Chicago, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Presbyterian Church of East St. Louis, Ill., praying for the investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of L. H. Drury Post, No. 467, of Chicago; of Wilcox Post, No. 668, of Chicago; of Highland Post, No. 439, of Highland; of F. L. Rhoads Post, No. 586, of New Haven; of Marion Post, No. 319, of Marion, and of Samuel Walker Post, No. 205, of Mount Pulaski, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Joliet, Ill., remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Progressive Lodge, No. 440, of Rockford; of Lodge No. 121, of East St. Louis, and of Lodge No. 213, of Batavia, all of the International Association of Machinists, in the State of Illinois, praying that an appropriation be made to increase the capacity of the Naval Gun Factory at the Washington Navy-Yard, Washington, D. C.; which were referred to the Committee on Naval Affairs.

He also presented a petition of the Chicago Historical Society, of Chicago, Ill., praying for the enactment of legislation providing for the preservation and use of the U. S. frigate *Constitution;* which was referred to the Committee on Naval Affairs.

Mr. LODGE presented a petition of 109 citizens of Springfield, Mass., praying that an appropriation be made for the support of the Columbia Polytechnic Institution for the Blind of the District of Columbia; which was referred to the Committee on Appropriations.

Mr. BURROWS presented a petition of Local Union No. 24, Cigar Makers' International Union, of Muskegon, Mich., and a petition of Local Union No. 330, Cigar Makers' International Union, of Alpena, Mich., praying for the enactment of legislation to amend section 3394 of the Revised Statutes, relating to tobacco; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Elk Rapids, Mich., and a petition of sundry citizens of Grand Rapids, Mich., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Ladies of the Maccabees, of Port Huron, Mich., praying for the passage of the so-called postcheck bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Marshall, Mich., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of South Haven, Mich., and a petition of the Business Men's Club, of Plymouth, Mich., praying for the passage of the so-called Brownlow good-roads bill; which were referred to the Committee on Agriculture and Forestry.

Mr. PLATT of New York presented petitions of sundry citizens of New York City, Brooklyn, and Poughkeepsie, all in the State of New York, and of sundry citizens of Providence, R. I., praying for the enactment of legislation granting lands in severalty to Indians who are not now in possession of lands in Northern California; which were referred to the Committee on Indian Affairs.

He also presented petitions of the congregation of the Grace Methodist Episcopal Church, of Hounsfield; of the congregation of the Presbyterian Church of Sacketts Harbor; of the congregation of the First Baptist Church of Oswego, and of F. E. Wood and 39 other citizens of West Winfield, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of J. F. Tapley Company, of New

York; of Cotrell & Leonard, of Albany; of the Harder Manufacturing Company, of Cobleskill; of the Business Men's Association of Newburg; of the Bausch Picture Frame and Molding Company, of Farmingdale; of the Babcock & Shannon Company, of Albany; of the Paragon Plaster Company, of Syracuse, and of the Penfield Milling Company, of Delhi, all in the State of New York, remonstrating against the enactment of legislation to amend the antitrust laws; which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented the petition of J. H. Bridgman and 18 other citizens of Chamberlain, S. Dak., veterans of the civil war, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented the memorial of G. W. Frostenson and 7 other citizens of Volin, S. Dak., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of Lodge No. 104, International Association of Machinists, of Huntington, W. Va., praying that an appropriation of $2,000,000 be made to increase the capacity of the naval gun factory at the Washington Navy-Yard, Washington, D. C.; which was referred to the Committee on Naval Affairs.

He also presented sundry papers to accompany the bill (S. 765) for the relief of Christine M. Core, Ella Core Tabler, and Jane F. Martin, sole heirs of Andrew S. Core, deceased; which were referred to the Committee on Claims.

Mr. FOSTER of Washington presented sundry papers to accompany the bill (S. 3675) for the relief of Robert Frost; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 2521) to detach certain counties from the United States judicial district of Washington and to create a new judicial district, to be called the southern district of Washington; which were referred to the Committee on the Judiciary.

Mr. MILLARD presented a petition of the Commercial Club, of Fremont, Nebr., praying for a reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented a memorial of 29 citizens of Omaha, Nebr., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of St. Paul, Nebr., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was ordered to lie on the table.

He also presented petitions of A. H. Thompson and 17 other citizens of University Place, of Rev. L. C. Lemon and 35 other citizens of University Place, of J. Forbes and 28 other citizens of University Place, and of C. E. Newell and 25 other citizens of University Place, all in the State of Nebraska, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of Post No. 269, of Clay City; of Abraham Lincoln Post, No. 91, of Chicago; of Miller Post, No. 453, of Hampshire; of Marion Post, No. 319, of Marion; of A. W. Weber Post, No. 421, of Pawnee; of T. S. Terry Post, No. 463, of Shabbona; of Culver Post, No. 512, of Whitehall; of Wilcox Post, No. 668, of Chicago, and of L. H. Drury Post, No. 467, of Chicago, all in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Addison, River Forest, Chicago, Rockford, Shelbyville, Rochelle, Port Byron, Moline, and Polo, all in the State of Illinois, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Paris, Belvidere, De Kalb, Toledo, New Athens, Kankakee, Marshall, Danville, Chrisman, Watseka, Bement, Kansas, and Casey, all in the State of Illinois, praying for the passage of the so-called Brownlow good-roads bill; which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Streator and Peoria, in the State of Illinois, remonstrating against the passage of the so-called pure-food bill; which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Joliet and Centralia, in the State of Illinois, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HANSBROUGH presented a petition of sundry citizens of Starkweather, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of Rev. W. H. Getchell, of Lakeport, N. H., and the petition of B. Frank Leeds, of Groton, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Laconia, N. H., praying for the enactment of legislation to prohibit the use of internal-revenue tax-receipt stamps by liquor dealers unless the applicant presents a license from his State, etc.; which was referred to the Committee on Finance.

He also presented a petition of the Columbia Heights Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing a permanent and businesslike settlement of the current District finances; which was referred to the Committee on the District of Columbia.

Mr. HOAR presented a petition of the Drysalters Club of New England, praying for the ratification of a treaty of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented petitions of George C. Strong Post, No. 166, of East Hampton; of Timothy Ingraham Post, No. 121, of Hyde Park; of Huntington Frothingham Wolcott Post, No. 102, of Milton; of A. St. John Chambre Post, No. 72, of Stoughton; of Major George L. Stearns Post, No. 149, of Charlestown; of Theo. Parkman Post, No. 204, of Centerville; of Union Post, No. 50, of Peabody; of Franklin Post, No. 60, of Franklin, and of Friederich Hecker Post, No. 21, of Boston, all of the Department of Massachusetts, Grand Army of the Republic, in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of Fox River District, No. 23, Independent Order of Good Templars, of Black Creek; of Bee Hive Lodge, No. 271, Independent Order of Good Templars, of Black Creek; of the Methodist Episcopal Sunday School of Black Creek; of Evening Star Lodge, No. 294, Independent Order of Good Templars, of Pardeeville; of Lodge No. 509, of Coloma; of the Cascade Lodge, of River Falls, and of Marshfield Lodge, No. 257, of Wood County, all of the Independent Order of Good Templars, in the State of Wisconsin; of the Christian Endeavor Union of Chicago, Ill., and of the Dorchester Highlands Methodist Episcopal Church, of Boston, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of Custer Post, No. 1, Department of Wyoming, Grand Army of the Republic, of Laramie, Wyo., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 4310) for the relief of the estate of Hugh Davis, deceased, of Fayette County, Tenn.; the bill (S. 3746) for the relief of the Salem Baptist Church, of Clarke County, Va.; the bill (S. 3961) for the relief of D. Froneberger for himself and as surviving partner of the firm of D. & C. Froneberger, of Knox County, Tenn.; the bill (S. 3818) for the relief of the estate of Lucy J. Boyle, deceased, of West Feliciana Parish, La.; the bill (S. 3926) for the relief of James Goodwin, of East Baton Rouge Parish, La.; the bill (S. 3821) for the relief of Joseph Moncla, of Avoyelles Parish, La.; the bill (S. 3814) for the relief of the estate of Raphael Segura, deceased, of Iberia Parish, La., and the bill (S. 3808) for the relief of the heirs of George O. Ragland, deceased, of Madison County, Ala.; which were referred to the Committee on Claims.

Mr. MONEY presented a petition of the Pastors' Association of Tupelo, Miss., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was ordered to lie on the table.

Mr. FRYE presented a petition of Charles Keizer Post, No. 135, Department of Maine, Grand Army of the Republic, of Waldoboro, Me., and a petition of the Department of the Potomac, Grand Army of the Republic, of Washington, D. C., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented resolutions adopted by the legislature of Massachusetts, in favor of legislation providing for retired list and pensions in the Life-Saving Service; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Commonwealth of Massachusetts, in the year 1904. Resolutions in support of a bill pending in the Congress of the United States providing for a retired list and pensions in the Life-Saving Service.

Whereas there is pending in Congress a bill "to promote the efficiency of the Life-Saving Service," which provides for a retired list and pensions for officers and enlisted men of the Life-Saving Service, and for pensions to their widows and minor children; and

Whereas this bill has been recommended by the Secretary of the Treasury, and has for its object the just, well-earned reward of faithful and meritorious service: Therefore, be it

Resolved, That the general court favors the above-mentioned bill, and requests the Senators and Representatives in Congress from Massachusetts to vote for the measure.

Resolved, That a copy of these resolutions be sent to each Member of Congress from the Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, *February 8, 1904.*

Adopted. Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

SENATE, *February 8, 1904.*

Adopted in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy.
Attest:

JAMES W. KIMBALL,
Clerk of the House of Representatives.

AMERICAN ANTI-SALOON LEAGUE.

Mr. GALLINGER. I present the report of the legislative department of the American Anti-Saloon League for the year 1903. I move that the report be printed as a document.

The motion was agreed to.

ROSEBUD INDIAN RESERVATION, S. DAK.

Mr. COCKRELL. I present a communication from S. M. Brosius, agent of the Indian Rights Association, in regard to House bill 10148, relative to the proposed sale of 416,000 acres of lands of the Rosebud Indians of South Dakota, which is now pending before the Committee on Indian Affairs. I move that the communication be printed as a document, and I call the attention of the members of the Committee on Indian Affairs to it.

The motion was agreed to.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10054) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 12, 14, 16, 17, 19, 24, 25, 28, 29, 50, 55, 56, 57, 58, 60, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 8, 9, 11, 13, 15, 18, 20, 21, 22, 23, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 48, 49, 51, 52, 53, 54, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, and 73, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 9 of said amendment strike out the word "July" and insert in lieu thereof the word "November;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the word "for" where it occurs the second time and insert in lieu thereof the word "or;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000;" and the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

J. A. HEMENWAY,
H. C. VAN VOORHIS,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

REPORTS OF COMMITTEES.

Mr. PROCTOR. I am directed by the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 11825) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1905, to report it with amendments, and I submit a report thereon. I give notice that I shall ask the Senate to take up the bill for consideration immediately after the routine business to-morrow morning.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 4066) for the relief of Leonard I. Brownson, reported it without amendment, and submitted a report thereon.

Mr. ANKENY, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 342) for the improvement of the Mount Rainier National Park, in the State of Washington, reported it with an amendment, and submitted a report thereon.

Mr. BARD, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 11128) to modify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, to accept and ratify the same as amended, and making appropriation and provision to carry the same into effect, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 387) to ratify an agreement with the Indians of the Devils Lake Reservation, in North Dakota, and making appropriation to carry the same into effect, reported adversely thereon, and the bill was indefinitely postponed.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the joint resolution (S. R. 12) for the erection of a monument to the memory of Dorothea Lynde Dix, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3244) to incorporate the American Academy in Rome, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Mines and Mining, to whom was referred the bill (S. 271) to establish mining experiment stations, to aid in the development of the mineral resources of the United States, and for other purposes, reported it with amendments, and submitted a report thereon.

COURT OF CLAIMS DIGEST.

Mr. PLATT of New York. On behalf of the Committee on Printing I call up the joint resolution (S. R. 41) to provide for the printing of a digest of the decisions of the Court of Claims, together with the rules of practice of and the statutes relating to that court.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. PLATT of New York. The Senator from Wyoming [Mr. WARREN] will offer amendments.

Mr. WARREN. I move the amendments to the joint resolution which I send to the desk.

The PRESIDENT pro tempore. The amendments will be stated in their order.

The SECRETARY. On page 1, line 3, after the word "printed" insert the words "as a public document."

The amendment was agreed to.

The SECRETARY. On page 2, line 2, strike out all after the word "Maupin" and insert:

who shall edit and prepare the same for the printer, and read the proofs, and who shall receive in full compensation for said work and services the sum of $2,500, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated, and shall be payable when said work shall have been printed: *Provided*, That the said work shall not be printed until the Court of Claims shall certify that the work as edited and prepared is satisfactory to that court: *And provided further*, That upon said payment the manuscript and work shall become the property of the United States.

Mr. HALE. That is a good amendment.

The amendment was agreed to.

Mr. COCKRELL. Now let the joint resolution be read as amended.

The PRESIDENT pro tempore. The joint resolution as amended will be read.

The Secretary read as follows:

Resolved, etc., That there be printed as a public document a digest of the decisions of the Court of Claims, including the statutes relating to and the rules of practice of that court, prepared by Chapman W. Maupin: that there be printed 500 copies for the use of the Treasury Department, 2,000 copies for the use of the Attorney-General, 250 copies for the use of the War Department, 250 copies for the use of the Navy Department, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for public sale, the whole edition to be bound in sheep; said digest to be printed under the editorial supervision of Chapman W. Maupin, who shall edit and prepare the same for the printer, and read the proofs, and who shall receive in full compensation for said work and services the sum of $2,500, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated, and shall be payable when said work shall have been printed: *Provided*, That the said work shall not be printed until the Court of Claims shall certify that the work as edited and prepared is satisfactory to that court: *And provided further*, That upon said payment the manuscript and work shall become the property of the United States.

The PRESIDENT pro tempore. If there be no further amendment as in Committee of the Whole, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CENSUS OF MANUFACTURES.

Mr. QUARLES. I am directed by the Committee on the Census, to whom was referred the bill (H. R. 11823) to authorize the Director of the Census to cooperate with the secretary of state of the State of Michigan and with officials of other States in taking the census of manufactures, to report it favorably without amendment, and I ask unanimous consent for its present consideration. I will state that it is substantially the same bill which was passed the other day by the Senate for a cooperation with the State of Michigan in its census, and the House having passed its own bill we think the better way, probably, is to pass that bill. I ask for the present consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. QUARLES. I move that the bill (S. 4122) to direct the Director of the Census to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures, and

for other purposes, be recalled from the House of Representatives, so that it may be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 4353) granting an increase of pension to Edward M. McCook; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 4354) for the relief of the estate of Evan Cook, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4355) for the relief of the Methodist Church of Kossuth, Miss.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 4356) for the relief of Lieut. James M. Pickrell, United States Navy, retired; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4357) for the relief of the heirs of William Samuel Custis;

A bill (S. 4358) for the relief of Jacob Falwell;

A bill (S. 4359) for the relief of the heirs at law of Capt. John Lewis; and

A bill (S. 4360) for the relief of Robert M. Wilkinson, administrator of the estate of Samuel Marsh.

Mr. STEWART introduced a bill (S. 4361) to authorize the platting and sale of certain lands in the Fort Peck Indian Reservation, in Montana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. GALLINGER introduced a bill (S. 4362) granting an increase of pension to Sarah A. McMurtrie; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 4363) granting an increase of pension to Eli Veazie; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 4364) granting an increase of pension to Joshua McCormick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 4365) granting a pension to Louise A. King; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 4366) granting a pension to Tenora Merrill Flake; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 4367) to establish a fish-hatching and fish station in the State of Utah; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. HEYBURN introduced a bill (S. 4368) providing for the survey and subdivision of a portion of the Coeur d'Alene Indian Reservation in Idaho; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4369) granting a pension to Hannah M. Lamberson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4370) granting an increase of pension to George A. Francis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 4371) granting a pension to Alison Clifton; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Alison Clifton, together with the affidavits of Dr. C. H. Fulbright, Joseph McMahan, Col. John F. McMahan, Thomas Hunt, and Joyner Gentry, and also certificate of discharge. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. McENERY introduced a bill (S. 4372) for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4373) for the relief of the estate of William R. Wimbish; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 4374) granting a pension to Mary Lansing Catlin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4375) to amend section 24 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM (by request) introduced a bill (S. 4376) raising the rank of Lieut. Col. Joel T. Kirkman, on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SIMMONS (for Mr. OVERMAN) introduced a bill (S. 4377) granting an increase of pension to Jane L. Fagg; which was read twice by its title, and referred to the Committee on Pensions.

SHIPPING REGULATIONS WITH PHILIPPINE ARCHIPELAGO.

Mr. CARMACK. I submit sundry amendments to Senate bill 2259, and I call the attention of the Senator from Massachusetts [Mr. LODGE] to the proposed amendments. I ask that they may be read.

The amendments were read, as follows:

Amendments intended to be proposed by Mr. CARMACK to the bill (S. 2259) to regulate shipping in trade between ports in the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes.

In section 1, line 3, strike out the word "four" and insert the word "nine."

In section 2, line 8, strike out the word "four" and insert the word "nine."

In section 3, line 15, after the word "archipelago," strike out everything to and including the word "archipelago" in line 17, so that the second sentence in said section shall begin with the beginning of line 18.

Strike out sections 4 and 5.

In section 6, line 15, strike out the word "four" and insert the word "nine."

That sections 6, 7, and 8 shall be renumbered, respectively, as sections 4, 5, and 6.

That the following section be added at the end of the bill:

"SEC. 7. That hereafter, any duty or tax levied and collected upon the exportation of any article, the product of the Philippine Archipelago, shall be levied and collected whether such article be exported to the United States or to any other country, it being the policy of the United States to maintain 'the open door' in the said Philippine Archipelago. That all laws and parts of laws inconsistent with the provisions of this section are hereby repealed."

The PRESIDENT pro tempore. What reference does the Senator from Tennessee desire to have made?

Mr. CARMACK. Let the amendments lie on the table. The bill has already been reported.

The PRESIDENT pro tempore. The amendments will lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOAR submitted an amendment providing for competitive examinations, under the direction of the Secretary of the Navy, to select candidates for the Naval Academy whenever any Senator or Representative entitled to designate a cadet for the Academy may make known his desire to have such an examination held, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to increase the salary of the captain of the watch, Weather Bureau, from $1,000 to $1,200, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. ADAMS of Pennsylvania, and Mr. DINSMORE managers at the conference on the part of the House.

MISSISSIPPI RIVER DAM.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 9308) permitting the building of a dam across the Mississippi River between the counties of Wright and Sherburne, in the State of Minnesota.

Mr. GALLINGER. I will not object to this bill, but after it has been disposed of I shall ask that the Calendar be proceeded with.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. CULLOM, and Mr. TELLER were appointed.

PAYMENT TO EX-QUEEN LILIUOKALANI.

The PRESIDENT pro tempore. The Chair lays before the Senate the Calendar of General Orders under Rule VIII. The Secretary will state the first case on the Calendar.

The bill (S. 1553) for payment to Liliuokalani, formerly Queen of the Kingdom of Hawaii, was announced as first in order.

Mr. PLATT of Connecticut. Let the bill go over.

The PRESIDENT pro tempore. Objection being made, it goes over.

EUCLID PLACE AND ERIE STREET.

The bill (S. 2134) to connect Euclid place with Erie street was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADULTERATION OF FOODS, ETC.

The bill (S. 198) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for other purposes, was announced as next in order.

Mr. KEAN. What bill is that?

Mr. GALLINGER. The pure-food bill.

Mr. KEAN. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. HEYBURN. I should like to have the bill read at length, and then let it go over without losing its place.

The PRESIDENT pro tempore. Objection having been made, the bill has gone over, retaining its place.

Mr. HEYBURN. Very well.

DISTRICT OF COLUMBIA HIGHWAY SYSTEM.

The joint resolution (S. R. 5) to enlarge the scope of an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, was considered as in Committee of the Whole. It provides that all the powers given to the Commissioners and others under the act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, shall apply to and be capable of being exercised upon and through Beatty and Hawkins's addition to Georgetown, where it may be necessary to connect streets in parts of the District lying outside of cities, or to connect any street in the city with streets in the District of Columbia.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT WATER MAINS AND SERVICE SEWERS.

The bill (S. 2878) authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments, on page 3, in section 3, line 20, before the word "provided," to strike out "hereinbefore" and insert "herein;" on page 4, line 8, after the word "age," to insert "either a member of his family or in his employ;" in line 12, after the word "writing," to insert "under oath;" in line 17, after the word "age," to insert "as aforesaid;" and in line 19, before the word "successive," to strike out "two" and insert "three;" so as to make the section read:

SEC. 3. That the assessor of the District of Columbia shall give notices as herein provided of the levying of assessments for water mains and service sewers. Assessments shall be levied within sixty days after the completion of the main or service sewer, and the owner or owners affected by such assessments shall be notified that the same have been levied by a notice which shall be served upon the owner of the lot or parcel of land if he or she be a resident of the District of Columbia, and his or her residence be known. If the owner be a nonresident or his or her residence be unknown, the notice shall be served on his or her agent or tenant. The service of such notice, where the owner or his or her agent or tenant resides in the District of Columbia, shall be personal or by leaving the same with some person of suitable age, either a member of his family or in his employ, at the residence or place of business of such owner, agent, or tenant; and return of such service, stating the manner thereof, shall be made in writing under oath and filed in the office of the assessor of the District of Columbia. If there be no agent or tenant known to said assessor, and the owner or owners be not residents of the District of Columbia, or if the owner be a resident of the District of Columbia and can not be found therein, and no person of suitable age as aforesaid can be found at his or her residence or place of business, notice shall be given by advertisement once a week for three successive weeks in some daily newspaper published in said District, and in said publication of said notice each several piece of property shall be described in a separate paragraph, and the cost of such advertisement shall be added to the amount of said assessment and collected in the same manner that said assessment is collected.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VERMONT AVENUE EXTENSION.

The bill (S. 2324) for the extension of Vermont avenue from Florida avenue to Howard University was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to inquire about what is to be the cost of this proposed extension of Vermont avenue and whether there are many buildings that will have to be removed?

Mr. GALLINGER. The Senator from Idaho [Mr. DUBOIS] who reported the bill is perhaps more familiar with this matter than other Senators. I call his attention to the fact that the Senator from Missouri [Mr. COCKRELL] has asked if there are many buildings to be removed in consequence of this extension.

Mr. DUBOIS. I will say to the Senator from Missouri that there are a number of old negro shanties or shacks, but there are no buildings of any account at all to be removed in the event of the passage of this bill. It will be a very great improvement to have the buildings on the line of the proposed extension taken out of the way. The Senator from Florida [Mr. MALLORY] and I made a personal investigation of the matter, went over the whole ground; and I will say that, in our judgment, this is a very desirable improvement to be made.

Mr. GALLINGER. I will say to the Senator from Missouri that one-half the cost of this extension—and I personally made an inspection, and the improvement is a very necessary one—is to be borne by the abutting property owners, and that the aggregate cost to the District of Columbia and to the Government will be about $68,000.

Mr. COCKRELL. I understand the Committee on the District of Columbia adheres to the rule about taking into consideration the benefits to be derived in making compensation for property taken.

Mr. GALLINGER. We do absolutely in all cases.

The PRESIDENT pro tempore. The amendments reported by the Committee on the District of Columbia will be stated.

The first amendment was, on page 2, line 8, after the word "provided," to strike out "such" and insert "an;" and in line 9, after the word "amount," to insert "not less than one-half;" so as to read:

That within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute, in the supreme court of the District of Columbia, sitting as a district court, by petition particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the direct extension of Vermont avenue from Florida avenue, with a uniform width of 130 feet, to Brightwood avenue; thence, with the same width, in an easterly direction to Howard University or Sixth street, the north line of said extension between Sixth and Seventh streets being coincident with the north line of Howard avenue, in Howard University subdivision, the name of said Howard avenue being hereby changed to Vermont avenue; and of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Vermont avenue to Howard University, as herein provided, an amount not less than one-half thereof shall be assessed by the jury hereinafter provided as benefits, and to the extent of such benefits, on any or all pieces or parcels of land which will be benefited by the extension of said Vermont avenue as said jury may find said pieces or parcels of land will be benefited; and in determining the amount to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of Vermont avenue as aforesaid.

The amendment was agreed to.

The next amendment was, in line 24, page 2, after the word "grounds," to insert:

Provided, That notwithstanding anything contained in the aforesaid section 8 of said act the assessment by the jury for benefits for said opening shall be payable in five equal annual installments, with interest at the rate of 4 per cent per annum, from and after sixty days after the confirmation of the verdict and award, and in all cases of payments the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE F. SCHILD.

The bill (S. 905) for the relief of George F. Schild was announced as next in order.

Mr. LODGE. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

READJUSTMENT OF ARMY OFFICERS' ACCOUNTS.

The bill (S. 1274) to authorize the readjustment of accounts of army officers in certain cases, and for other purposes, was announced as next in order.

Mr. LODGE. Mr. President, I think that bill had better go over.

Mr. PLATT of Connecticut. If Senators will consent, before that bill goes over, I wish to suggest that there ought to be some

information with regard to the amount which the bill calls for. I hope that, if it comes over, when it again comes up some information will be furnished to the Senate of the amount which would be called for under the bill.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

G. W. RATLEFF.

The bill (S. 3127) for the relief of G. W. Ratleff was announced as next in order.

Mr. ALDRICH. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

HENRY O. BASSETT.

The bill (S. 623) for the relief of Henry O. Bassett, heir of Opeman Bassett, deceased, was announced as next in order.

Mr. COCKRELL. Is there a report in that case, Mr. President?

The PRESIDENT pro tempore. There is.

Mr. ALLISON. I ask that the bill may go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

A. M. SHORT.

The bill (S. 3199) for the relief of A. M. Short was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to A. M. Short, of Stillwater, Minn., $100.

Mr. COCKRELL. Let the report be read in that case, Mr. President.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. CLAPP January 20, 1904, as follows:

The Committee on Claims, having considered the bill (S. 3199) for the relief of A. M. Short, makes favorable report thereon and recommends its passage without amendment.

MEMORANDUM.

The above claim arose out of the fact that Capt. A. M. Short, master and owner of a steamer on the upper Mississippi, was fined for overrunning the period covered by inspection.

Copies of the letters of John D. Sloane, inspector, and John M. Lenihan, surveyor, are hereto appended.

Four hundred dollars of the fine was remitted before the fine was covered into the Treasury, but $100 having been covered into the Treasury could not be refunded by remission, but only by appropriation, for which purpose this bill is introduced.

STEAMBOAT-INSPECTION SERVICE,
OFFICE OF SUPERVISING INSPECTOR, FIFTH DISTRICT,
Dubuque, Iowa, December 11, 1903.

DEAR SIR: I am in receipt of your favor of December 7, 1903, asking me to use my efforts in obtaining a remission of the penalty imposed on Capt. A. M. Short for violation of the law in navigating the steamer *Waunetta* after the expiration of her inspection certificate.

In reply I wish to assure you that I would be pleased to serve you in aiding Captain Short, but I have no authority, officially, in the matter, it having gone out of my hands when I referred it to the surveyor of customs at this port, Mr. John M. Lenihan, at which time I recommended leniency in Captain Short's case, and the inclosed copy of Mr. Lenihan's report to the Department will show that he, in turn, recommended that the fine be remitted.

However, when I am in Washington, D. C., next January, I shall be pleased to do what I can in Captain Short's behalf.

It would seem to me that if you would take the matter up with one of the United States Senators, and have him intercede with the Secretary, that he could be influenced to remit the penalty. And in that case I would be glad to call, with one of the Senators, upon the Secretary and state the circumstances to him.

Trusting that this will be satisfactory to you and that I may have an opportunity of assisting you in this way, I have the honor to remain,

Very sincerely, yours,

JOHN D. SLOANE.

Hon. E. W. DURANT, *Stillwater, Minn.*

OFFICE OF THE SURVEYOR OF CUSTOMS,
Port of Dubuque, Iowa, October 20, 1903.

SIR: I have the honor to report penalty of $500 imposed on Capt. A. M. Short for violation of the law, by the steamer *Waunetta*, in navigating from September 30, 1903, until October 8, 1903, after the expiration of her certificate of inspection. The said fine or penalty has been paid and deposited with assistant treasurer of the United States, Chicago, Ill.

I herewith inclose report of same made by Mr. John D. Sloane, supervising inspector, fifth district, and also sworn statements of Capt. A. M. Short and four other persons who were on board of the vessels during the period of the storm and high wind prevailing between September 30 and October 8, 1903.

Considering the difficulties under which Capt. A. M. Short was placed in trying to save the raft of lumber said vessels were towing, during the storm and prevailing high winds on the Mississippi River at the time stated, in my opinion he was unavoidably detained through bad weather from arriving at this port in time for inspection.

The said Capt. A. M. Short has been navigating the Mississippi River on vessels as master and pilot thirty years, and has never been known to violate the navigation laws during all that period.

I therefore recommend that the penalty, viz, $500, be remitted.

Respectfully submitted.

JOHN M. LENIHAN, *Surveyor.*

The SECRETARY OF THE TREASURY,
Washington, D. C.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DARWIN S. HALL.

The bill (S. 721) for the relief of Darwin S. Hall was considered as in Committee of the Whole. It proposes to relieve Darwin S. Hall from the obligation to refund the sum of $111, being the difference claimed to be due from him in his account as commissioner, Chippewa Commission in Minnesota, and special disbursing agent from October 10, 1897, to July 31, 1900.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JEAN LOUIS LEGARE.

The bill (S. 735) for the relief of Jean Louis Legare, of the Dominion of Canada, was considered as in Committee of the Whole.

Mr. ALLISON and Mr. ALDRICH. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. CLAPP on the 20th ultimo.

Mr. HOAR. I suggest that the rest of the report be printed in the RECORD, without being read.

The PRESIDING OFFICER (Mr. PERKINS in the chair). It is suggested that the further reading of the report be dispensed with. Is there objection?

Mr. HOAR. Let the whole report be printed in the RECORD.

The PRESIDING OFFICER. That the further reading be dispensed with and that all of the report be printed in the RECORD. Is there objection? The Chair hears none.

The report is as follows:

The Committee on Claims, having considered the accompanying bill (S. 735), recommends that it be amended by striking out the words "thirteen thousand four hundred and twelve," where they occur in the third line of said bill, and by inserting in lieu thereof the words "eight thousand;" and as amended your committee reports the said bill favorably and recommends its passage.

The foregoing bill as to its present amount, subject to the above proposed amendment, passed the Senate in the Fifty-seventh Congress, and was included in miscellaneous cases in the omnibus bill, which was favorably reported at the same session.

The committee submits the following as the report accompanying the bill in the Fifty-seventh Congress:

[Senate Report No. 634, Fifty-seventh Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 1475) for the relief of Jean Louis Legare, of the Dominion of Canada, beg leave to submit the following report:

That the bill be amended by inserting "$8,000" in lieu of "$13,412," and, as so amended, report the bill favorably and recommend its passage.

The claim is for money expended and for services rendered by Legare in procuring the surrender of Sitting Bull and his band of Indians. After the battle of the Little Big Horn, in the year 1876, in which General Custer was killed, Sitting Bull and his band, being pursued by the army, escaped from the United States into the territory of Canada, stopping in the Wood Mountain region in the Northwest Territory of Canada. The Indians were a constant disturbance to the government of Canada, and were a menace to our own Government through their raids across the line between the two countries, and it was necessary for the United States to maintain a large number of troops on the frontier to protect its citizens from plunder and murder. During the years 1877 to and including 1881 frequent attempts were made to secure their surrender to the authorities of the United States. A commission was sent for that purpose in 1878, but the attempt was not successful; the Indians refused to come back.

In 1879 one Ellison was sent as the agent of Major Brotherton, United States Army, with provisions and presents, and he endeavored to induce the Indians to come back, but was unable to do so. In 1881 Major Crozier, of the mounted police of Canada, held a council, gave them presents, and tried to induce them to come back. His efforts extended over a period of three months, and a letter was sent to Major Crozier by Major Brotherton, United States Army, to be read to Sitting Bull. After receiving this letter Major Crozier gave a feast to the Indians and read the letter to them, but Sitting Bull and his band did not have faith in the mounted police and were afraid to come back to the United States.

In this condition of affairs Walter B. Jordan, then a merchant at Miles City, Mont., and now president of the First National Bank there, advised Maj. D. H. Brotherton, who was then in command at Fort Buford, to secure the services of Jean Louis Legare in connection with the return of Sitting Bull and his band. Mr. Jordan had known Legare for a number of years and he introduced Legare to Major Brotherton, assuring the latter that Legare was a man of influence with the Indians and thoroughly reliable. Being convinced that Legare was what Jordan represented him to be, Major Brotherton made an arrangement with him by which he was to exert his efforts to secure the return of the Indians, and he assured Legare that the United States would compensate him well for his services and expenses in that connection.

Legare was then, and for some time previously had been, a trader and freighter, living in a remote region of northwest Canada, and necessarily unfamiliar with the laws of the United States. He had no knowledge or intimation that Major Brotherton, of the Army, was without power to bind his Government by a contract, and the services that he rendered and the money he expended thereafter were in the belief that he had a contract with the United States which would assure reimbursement and compensation. The services and expenditures of Legare are as follows:

(1) 1881, April 20. Provisions, tobacco, and pipes furnished Sitting Bull and followers	$350.00
(2) Transportation and board for Indians, from Wood Mountain, Canada, to Fort Buford, Dak., 150 miles, at $32 per Indian:	
1881, April 26, 16 Indians	512.00
1881, May 22, 32 Indians	1,024.00
1881, July 11, 200 Indians	6,400.00
(3) Transportation and board of Indians from Fort Buford, Dak., to Wood Mountain, Canada, 150 miles, at $32 per Indian:	
1881, May 4, 4 Indians	128.00
1881, June 1, 3 Indians	96.00
1881, July 19, 1 Indian	32.00
(4) Provisions furnished 12 lodges of Indians, about 50 or 60 persons, from April 26 to July 2, 1881	930.00
(5) 1881, July 2. Provisions and tobacco furnished Sitting Bull and followers, 300 Indians	225.00
(6) 1881, July 3. Twelve sacks of flour furnished Sitting Bull and three headmen, at $12	144.00
(7) 1881, July 11. One revolver to Sitting Bull	15.00
(8) 1881, July 11. One looking-glass for Sitting Bull	25.00

(9) 1881, July 11. To one lodge	$12.00
(10) 1882, April 12. Board and clothing for one Indian, nine months, at $40	360.00
(11) 1882, April 20. One year's services	3,000.00
(12) 1882, April 22. One pony, turned over to scout	45.00
(13) Use of pony from August 25, 1881, to April 22, 1882	54.00
Total amount claimed	13,412.00

Legare, at great bodily peril, entreated the Indians to return to the United States, and as a means of reaching their judgment he made presents to many of them and feasts for all of them. These things he did because he knew the Indian character and knew that by these methods only could he secure favorable action on their part. He fed 50 or 60 of them from April 26 to July 2, 1881; furnished provisions and tobacco for the band at various times, and transported and furnished them with food from Wood Mountain, Canada, to Fort Buford, Dak. T., a distance of 150 miles through a wild and barren country. He not only transported the Indians in person, but he also carried their tepees, poles, and blankets. He was obliged to carry all the provisions, so as to provide them with everything they required on the way; also to carry wood and, for a part of the way, water.

In transporting these Indians Legare made several journeys, taking a portion of the band each time, and after arriving at Fort Buford and remaining there for a short time returning to Wood Mountain, taking with him a small number of the Indians to verify his statement that those who surrendered themselves and came over the border were well treated by the United States Government. That the services and expenditures of Legare were appreciated by the officers of the Army is shown by the following correspondence:

[Copy telegram.]

FORT BUFORD, DAK. T., *May 29, 1881.*

I have considered it best to retain Mathey's troop, as sending it away would reduce the garrison to 186 present for duty. I expect more Indians in very soon—perhaps the greater portion of those at Woody Mountain, and it may be some from Sitting Bull at Lake Qu'Appelle. There [are?] at the two places about sixty lodges, in most cases, I am informed, two families to a lodge, and in all about 300 men, women, and children.

Mr. Legare, a trader at Woody Mountain, who has brought in his last two trips forty-eight Indians, came [brought?] in on the 26th instant thirty-two. These were sent with the others to Yates. I sent back with him two of those he brought in, after they had seen and talked with their friends here. Mr. Legare tells me that the fact of their friends have[ing] gone below peaceably, and were so well treated while here, will, he thinks, produce a movement at once of the Indians at Woody Mountain in this direction to surrender, as they are starving where they are, and also that there is now a strong probability that Sitting Bull himself, finding so many of his adherents leaving him, even his own daughter, will have to come in.

I have known Mr. Legare since last summer; he is well known, reliable, and I have every reason, from the way things look now, to believe his impression will be realized. He has been here quite a number of times, but usually very reticent on the subject of Indians company [coming?] in, but is now outspoken, and seems thoroughly convinced that all will come in. With this in view, I thought best to retain Mathey's troop, as I presume all that come in will be shipped to Yates.

The Indians shipped the other day embarked cheerfully and willingly, to all appearance. I sent with them Allison and Running Antelope. Mr. Legare left here yesterday with his train for Woody Mountain; said he would return in about two weeks with all the Indians who desired to come in. He brings these Indians in, hauling their plunder on his carts, and has so far fed them on the way. Can not he be reimbursed in some way?

D. H. BROTHERTON,
Major, Seventh Infantry, Commanding.

Gen. A. H. TERRY,
Commanding Department of Dakota, St. Paul, Minn.

[Telegram.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., June 6, 1881.

COMMANDING OFFICER, *Fort Buford:*

Department commander regrets he has no funds applicable or available for paying Mr. Legare for bringing Indians into Fort Buford to surrender and feeding them en route.

BRECK, *Assistant Adjutant-General.*

Mr. Legare was not a man of large means, and he spent everything he had except a few dry goods in getting these Indians from Wood Mountain to Fort Buford. He has made repeated efforts through the War Department, the Court of Claims, and Congress to be compensated for his services and expenses, but he has never received a dollar from this Government in any way.

After failing to get anything through the War Department, he filed a petition in the Court of Claims. The testimony was taken, and the claim was so thoroughly established that no controversy was made as to the facts of his performing the services or to their value, but he was unsuccessful in his litigation for the reason that the court found that Major Brotherton had no authority to contract on behalf of the United States to pay Legare for services rendered or supplies furnished the Indians during their journey to Fort Buford, and the court held that the claim was not a legal demand against the United States cognizable in the Court of Claims for that reason, and it also held that most of the claim was barred by the statute of limitation at the time the suit was commenced, and therefore the petition was dismissed.

This case is No. 15713 in the Court of Claims, and the opinion of the court is reported in 24 Court of Claims, 513.

Since the dismissal of his claim by the Court of Claims Legare has been constantly endeavoring to obtain relief through Congressional action, and in the Fifty-first Congress the Committee on Indian Affairs of the House of Representatives reported favorably upon his claim, to the extent of $9,000, but for some reason no bill has ever passed either House for his relief.

Realizing the great importance to both countries of the services rendered by Mr. Legare in thus insuring peace upon the border, the Canadian government, without any request from Legare, and without his knowledge, by act of Parliament voted him the sum of $3,000 as a gratuity. The evidence shows that in expenditures and in services rendered there should be paid Legare $13,412. Of course this is exclusive of interest for the more than twenty years which have elapsed since these things were done. In addition to the expense of transporting the supplies furnished the Indians from Wood Mountain to Fort Buford—a distance of 150 miles—Legare had to pay duties thereon, ranging from 5 to 40 per cent of their value, to the Canadian government.

The testimony of all the witnesses shows that Legare is a man of the highest integrity. Alexander R. MacDonell, in command of the northwest mounted police, stationed at Wood Mountain Post, testified in the case, in the Court of Claims, that he had known Legare for many years; knew of the services which he had rendered the United States in returning Sitting Bull and his band, and when asked what he knew as to Legare's character, he said:

"Without exception, he is the most honest man I ever met. I do not think he is capable of doing a dishonest act."

In the judgment of your committee, payment of the amount claimed by Legare should be made without further delay, and it will be far from an adequate return for the saving of property and lives and the expenditures for military forces, which would have been made necessary if these Indians had remained in Canada, making forays across the border from time to time. We therefore recommend that the bill do pass for the sum of $8,000.

The bill had been reported from the Committee on Claims with an amendment, in line 5, after the word "Treasury," to strike out the words "not otherwise appropriated;" so as to make the bill read:

Be it enacted, etc., That the sum of $13,412 be, and the same is hereby, appropriated, out of any money in the Treasury, for full compensation to Jean Louis Legare, of the Dominion of Canada, for services and money expended in bringing into the United States and procuring the surrender of Sitting Bull and his followers, under the direction of the War Department; and that the Secretary of the Treasury is hereby authorized and directed to make payment of the same.

The amendment was agreed to.

Mr. COCKRELL. The amendment recommended by the committee in the report does not appear in the bill, and I move to strike out "$13,412" and insert "$8,000," the amount they recommend.

The PRESIDING OFFICER. The Senator from Missouri offers an amendment, which will be stated.

The SECRETARY. In line 3, before the word "dollars," strike out "thirteen thousand four hundred and twelve" and insert "eight thousand."

The amendment was agreed to.

Mr. SPOONER. Who reported the bill?

Mr. GALLINGER. The Senator from Minnesota [Mr. CLAPP].

Mr. WARREN. The Senator from Minnesota [Mr. CLAPP]. He is not here.

The PRESIDING OFFICER. The junior Senator from Minnesota reported the bill.

Mr. PLATT of Connecticut. Mr. President, this bill has been before the Committee on Indian Affairs two or three times. I had some prejudice against it when it first came before the committee, but I have investigated it and I am satisfied that this man actually furnished these supplies at the request of an army officer for the purpose of getting Sitting Bull back into the United States. I gave up my opposition to it some time ago. I think it is better than a good many of the claims that we are passing.

Mr. COCKRELL. The case was also in the Court of Claims, where it was held, as a matter of course, that this army officer had no legal, technical right to make a contract that would bind the Government. But all the facts were set forth in the Court of Claims, and I am just like the Senator from Connecticut. I had very decided prejudices against it until I examined it, when I came to the conclusion that it is an equitable claim; that it ought to be paid; and I think it is a great mistake that it was not paid at the time.

Mr. SPOONER. When the Senator from Connecticut and the Senator from Missouri unite in saying that, I make no objection to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SPOONER. I should like to inquire of the Senator from Connecticut why, if this is a correct bill, he is content that the amount shall be cut in two?

Mr. PLATT of Connecticut. I do not know that it ought to be.

Mr. COCKRELL. I did not understand the query of the Senator from Wisconsin.

Mr. SPOONER. If the Senators are satisfied that this amount—$13,412—was expended in good faith, why should it be cut down?

Mr. COCKRELL. That was the rough estimate, and both committees which have passed upon it since, examining the case and having all of the evidence that was before the Court of Claims, have held that $8,000 was a reasonable amount, and it has been so reported all the time. A similar bill passed the Senate heretofore.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. WILLBUR.

The bill (S. 1327) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States and to pay said Willbur such sum of money as he may be justly and equitably entitled to, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to make settlement with James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminating tiling, frames, and supports thereof, placed by Willbur in, on, or around the New York City post-office and court-house building beyond what he was required to furnish by his contract with the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN RAILWAY LIGHTER NO. 10.

The bill (S. 964) to grant jurisdiction and authority to the Court of Claims in the case of Southern Railway Lighter No. 10, her cargoes, etc., was considered as in Committee of the Whole. It proposes that the claims of the owners of the lighter known as "Southern Railway Lighter No. 10," and cargoes, freight, and personal effects thereon, alleged to have been sunk, lost, or greatly damaged by collision with the United States army transport *Sumner*, in the harbor of Norfolk, Va., on or about the 17th day of March, 1900, be referred to the Court of Claims, with jurisdiction and authority to hear and determine the same to judgment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF BRIG. GEN. WAGER SWAYNE.

The bill (S. 2579) for the relief of the estate of Brig. Gen. Wager Swayne, in charge of the Bureau of Refugees, Freedmen, and Abandoned Lands, was considered as in Committee of the Whole.

Mr. COCKRELL. Let the report in the case be read.

The Secretary read the report submitted by Mr. WARREN on the 20th ultimo, as follows:

The Committee on Claims, to whom was referred the bill (S. 2579) for the relief of the estate of Brig. Gen. Wager Swayne, in charge of the Bureau of Refugees, Freedmen, and Abandoned Lands, having carefully considered the same, hereby report it back to the Senate and recommend its passage without amendment.

This bill does not involve the payment of any money to General Swayne's estate, but merely provides that his account be credited with the amount, $4,000, now standing as a charge against him on the books of the Treasury Department.

The Treasury Department recommends the passage of this bill, as will be seen from the following letter signed by F. E. Rittman, Auditor for the War Department:

TREASURY DEPARTMENT,
Washington, December 22, 1903.

SIR: I have the honor to transmit herewith letter of Senator FRANCIS E. WARREN, chairman of the Committee on Claims, United States Senate, requesting copies of certain papers and expression of opinion in the matter of Senate bill No. 2579, for the relief of the estate of Brig. Gen. Wager Swayne, and have to report as follows:

Late in July, 1865, General Swayne was ordered to Montgomery, Ala., to organize a branch of the Bureau of Refugees, Freedmen, and Abandoned Lands at that place. He had no funds on hand for that purpose, and arrangements were made for the transfer to him of $4,000 from Capt. W. B. Armstrong at New Orleans, La. Captain Armstrong sent by express the $4,000, together with a blank receipt prepared for signature of General Swayne. The package reached General Swayne August 9, 1865. He had as his disbursing officer one B. W. Norris, who signed as "Paymaster, U. S. A., disbursing officer," but he had, in fact, been mustered out of the military service July 31, 1865. The records of this office indicate that Norris received the package of money and on counting it found it $5 short. On the same day Norris wrote to Captain Armstrong asking him to send $5 in a letter, and the next day when he took the money to a bank for deposit the bank officers threw out four $5 bills as counterfeit. These counterfeit bills Norris returned to Armstrong by express. There is no further record, except that on August 28 Norris sent Armstrong Swayne's receipt for the full $4,000. This receipt is dated August 5, 1865, which is no doubt the day it was originally prepared in New Orleans.

The records of this office do not show that Norris or General Swayne ever rendered accounts showing the disposition of this money. While General Swayne signed the receipt given to Armstrong for $4,000, the evidence indicates that he never actually received the money, but that Norris was intrusted with the accounting for it, which he never did. Effort to locate the bank in which Norris deposited the money has failed. It may be proper to add that in October, 1882, General Swayne was allowed over $4,000 for arrears of pay due and no stoppage made of the $4,000 charged on the books of the Department and which is the subject of the pending bill. The effect of the bill, if enacted, will be to credit General Swayne with the $4,000 and thus remove the charge standing against him on the books of the Treasury Department. It will not involve the payment of this amount from the Treasury.

After consideration of the facts in this case, as disclosed by the records of this office, I am of the opinion that the proposed bill for the relief of General Swayne should be passed.

Copies of such papers as appear to be material in this matter are inclosed herewith.

Respectfully, F. E. RITTMAN,
Auditor.

The SECRETARY OF THE TREASURY.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRISCILLA R. BURNS.

The bill (S. 2888) for the relief of Priscilla R. Burns was announced as the next business on the Calendar.

Mr. PLATT of Connecticut. Let the bill go over, Mr. President.

The PRESIDING OFFICER. Objection being made, the bill will go over.

JOHN W. GUMMO.

The bill (S. 1407) for the relief of John W. Gummo was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John W. Gummo, late of Company F, Twelfth Regiment Pennsylvania Volunteer Cavalry, the sum of $190, being the balance of bounty due him for services rendered the Government during the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HYLAND C. KIRK AND OTHERS.

The bill (S. 2233) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, was announced as the next business in order on the Calendar.

Mr. ALLISON. Let the bill go over.

The PRESIDING OFFICER. Objection being made to the consideration of the bill under Rule VIII, it will go over without prejudice.

NYE & SCHNEIDER COMPANY.

The bill (S. 2516) for the relief of the Nye & Schneider Company was considered as in Committee of the Whole. It proposes to appropriate $61.13 for the purpose of paying to Nye & Schneider Company, of Fremont, Nebr., an unpaid balance on bill rendered for fuel furnished for the purpose of heating the post-office building at Hastings, Nebr.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOSSES INCURRED BY ARMY OFFICERS AND ENLISTED MEN.

The bill (S. 114) to extend the provisions of the act of March 3, 1885, relative to officers and enlisted men of the United States Army was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the words "and the hurricane in Porto Rico;" so as to make the bill read:

Be it enacted, etc., That the provisions of the act March 3, 1885, relating to losses incurred by the officers and enlisted men of the United States Army, are hereby extended so as to include the officers, acting assistant surgeon, and enlisted men of the United States Army who were stationed at Galveston, Tex., during the cyclone of September 8, 1900, and the hurricane in Porto Rico.

The amendment was agreed to.

Mr. PLATT of Connecticut. I should like to ask the Senator from Missouri whether the statute referred to, that of 1885, is not now broad enough to include these officers and men?

Mr. COCKRELL. No; that is what the accounting officers say.

Mr. PLATT of Connecticut. I supposed it was.

Mr. COCKRELL. I should suppose it was, but they say not.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF STRUCTURES FROM INDIAN LANDS.

The bill (S. 3424) to authorize the removal of structures from Indian allotments in Minnesota was considered as in Committee of the Whole.

Mr. COCKRELL. Let the report be read. It is very short.

Mr. PLATT of Connecticut. There is no necessity for the second section.

The PRESIDENT pro tempore. The report will be read. What does the Senator from Connecticut request?

Mr. PLATT of Connecticut. The bill might as well be amended by striking out the second section. That is the law anyway. It takes effect on its passage.

Mr. COCKRELL. Oh, yes; that is surplusage. But let the report be read. It is very short.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. CLAPP from the Committee on Indian Affairs on the 21st ultimo, as follows:

The Committee on Indian Affairs, to which Senate bill 3424 was referred, having considered the same, makes report and recommends its passage without amendment.

The foregoing bill is for the purpose of defining the status of the owners of structures built on Indian lands in Minnesota which have heretofore or may hereafter be allotted to Indians. And to place the question beyond doubt provides that the owners of such structures may move the same, but shall not be required to move them between the 1st day of October and the 1st day of the following May. To guard against interfering with any contract rights, the bill provides that it shall not apply to any structure placed upon the land by virtue of any contract authorized by law.

The PRESIDENT pro tempore. The Senator from Connecticut moves to amend the bill by striking out the second section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF ELI AYERS.

The bill (S. 3170) to quiet the titles of certain lands in the State of Mississippi, and for the relief of the estate of Eli Ayers, was announced as next in order.

Mr. ALLISON. Let the bill go over.

The PRESIDENT pro tempore. The bill goes over.

RESUBDIVISION IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 3584) to authorize the resubdivision of lots or blocks in the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC-LAND SALES.

The bill (S. 580) to extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands, was considered as in Committee of the Whole. It provides that where any of the public lands of the United States are now open, or shall hereafter be open to actual settlers only, under the provisions of the homestead law and under the law relating to town sites, and for that reason section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to the sale of isolated or disconnected tracts or parcels, is not applicable from and after the passage and approval of this act, a sale under the last-named section as so amended of any isolated or disconnected tracts or parcels may be ordered by the Commissioner of the General Land Office. But the minimum price for which such tracts or parcels shall be sold shall be the price required by the act under which the land so sold is subject to entry. Where no price is provided in the act opening the lands then the price for which the lands shall be sold shall be not less than $1.25 per acre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH LOWER BRULÉ INDIANS.

The bill (S. 582) to ratify an agreement with the Lower Brulé band of the Sioux tribe of Indians in South Dakota and making appropriation to carry the same into effect was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MISSOURI RIVER BRIDGE.

Mr. COCKRELL. There is not time enough to pass the next bill, and I ask unanimous consent for the consideration of the bill (S. 3720) to authorize the St. Joseph and Grand Island Railway Company, in the reconstruction of the bridge across the Missouri River at or near St. Joseph, Mo., to lower said bridge and to shorten the draw spans thereof. It is a very short bill, covering only about a page, and it can be passed by the time 2 o'clock arrives.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. Further proceedings under this order would be under Rule IX instead of Rule VIII, unless the Senate should otherwise direct.

Mr. PLATT of Connecticut. If there are to be further proceedings under this order, I ask that they be under Rule VIII.

Mr. BLACKBURN. What is the request of the Senator?

Mr. PLATT of Connecticut. That if we are to go on with the Calendar we shall go on with it under Rule VIII.

Mr. BLACKBURN. No; I would rather that we should not, Mr. President. On the last day's session, when we were on the Calendar we reached a bill on which the yeas and nays were called, and the vote was not definitive because the call developed the fact that there was no quorum present. At 2 o'clock I take it for granted that bill comes up again to be disposed of.

The PRESIDENT pro tempore. On the Calendar of General Orders under Rule IX, it would be the first to come up.

Mr. BLACKBURN. Yes, sir.

The PRESIDENT pro tempore. The Chair lays before the Senate bills from the House of Representatives.

HOUSE BILLS REFERRED.

The bill (H. R. 9641) to amend "An act granting to the Keokuk and Hamilton Water Power Company right to construct and maintain a dam, and so forth," approved February 8, 1901, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10136) authorizing bail in criminal cases upon appeal in the courts of Indian Territory was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. J. Res. 106) amending public resolution No. 8, Fifty-sixth Congress, second session, approved February 3, 1901, providing for the printing annually of the Report on Field Operations of the Division of Soils, Department of Agriculture, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

RELATIONS WITH COLOMBIA.

Mr. PLATT of Connecticut. What is the unfinished business, Mr. President?

The PRESIDENT pro tempore. The unfinished business is the Bacon resolution.

Mr. PLATT of Connecticut. I suppose it will be laid before the Senate.

Mr. HOAR. I understand that it is the unfinished business to proceed with the call of yeas and nays, which was interrupted by the want of a quorum. I remember that question having come up once before on a very important matter.

Mr. PLATT of Connecticut. That is not the unfinished business. According to the Calendar the Bacon resolution is the unfinished business.

The PRESIDENT pro tempore. The unfinished business was laid aside informally on Friday, and the Calendar was then in order.

Mr. PLATT of Connecticut. Then the question, I suppose, is whether to-day we shall resume the consideration of the unfinished business, which is the Bacon resolution, or whether, the Senate having adjourned on a roll call for the want of a quorum, that is displaced and the bill proposing to pay the ex-Queen of the Hawaiian Islands comes up as the unfinished business.

Mr. HOAR. How did that matter come up at the last day's session?

The PRESIDENT pro tempore. The unfinished business was informally laid aside, there being no one ready to address the Senate upon it.

Mr. HOAR. Oh, well; then the Senator from Connecticut is right.

Mr. BLACKBURN. The Senate determined to go to the Calendar, as I understand it, and this bill was reached in its order.

Mr. GALLINGER. That is right.

Mr. BLACKBURN. And a vote by yeas and nays was ordered, and the call of the yeas and nays developed no quorum, whereupon a motion to adjourn was made and agreed to.

Mr. KEAN. The yeas and nays were ordered on a motion to recommit the bill.

Mr. BLACKBURN. The yeas and nays were ordered on a motion to recommit the bill to the Committee on Pacific Islands and Porto Rico. The call of the roll showed no quorum, whereupon a motion to adjourn was made and carried. That, I take it, is the situation.

The PRESIDENT pro tempore. But if the unfinished business was only informally laid aside for the day, it would resume its place as unfinished business to-day.

Mr. BLACKBURN. During a call of the yeas and nays?

The PRESIDENT pro tempore. The Chair thinks so.

Mr. GALLINGER. I suggest that the unfinished business be laid before the Senate, and if no one is ready to proceed with its consideration then we can go to the Calendar.

Mr. CULLOM. And then we can lay aside the unfinished business again.

Mr. BLACKBURN. Then I ask that the unfinished business be laid aside, and that the Senate proceed to the consideration of the bill which was before the Senate on Friday.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate shall proceed to the consideration of the Calendar of General Orders. Is there objection? The Chair hears none. The Chair will lay before the Senate the first case on the Calendar.

PAYMENT TO EX-QUEEN LILIUOKALANI.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1553) for payment to Liliuokalani, formerly Queen of the Kingdom of Hawaii.

The PRESIDENT pro tempore. The motion pending at the time of the adjournment of the Senate was to recommit the bill to the Committee on Pacific Islands and Porto Rico. That motion is now pending. The yeas and nays were ordered upon it, and that order remains unsatisfied by reason of no quorum having appeared at the time. The Secretary will call the roll on the motion to recommit.

The Secretary proceeded to call the roll.

Mr. TILLMAN. Is an inquiry in order?

The PRESIDENT pro tempore. Hardly, after the roll call has commenced.

Mr. TILLMAN. I simply wanted to know just what the roll is being called on. I understand that it is a bill on the Calendar.

The PRESIDENT pro tempore. It is on the motion to recommit Senate bill 1553 to the Committee on Pacific Islands and Porto Rico.

The Secretary resumed the call of the roll.

Mr. MCCREARY (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HANNA]. If he were present, I should vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. BERRY]. Therefore I withhold my vote.

Mr. QUARLES (when his name was called). I have a general

pair with the senior Senator from Texas [Mr. CULBERSON]. I do not know how he would vote. If he were here, I should vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP], which I transfer to the Senator from South Carolina [Mr. LATIMER]. I vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I do not see him present. So I will have to withhold my vote.

The roll call was concluded.

Mr. GIBSON. I am paired with the Senator from Utah [Mr. KEARNS].

Mr. BAILEY. I am paired with the Senator from West Virginia [Mr. ELKINS]. As he is not present, I withhold my vote.

Mr. PERKINS (after having voted in the negative). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I understand that if he were present he would vote "nay." Therefore I will permit my vote to stand.

Mr. GAMBLE. I have a general pair with the junior Senator from Nevada [Mr. NEWLANDS]. The junior Senator from Kentucky [Mr. MCCREARY] has a general pair with the junior Senator from Ohio [Mr. HANNA]. The pairs have been transferred so that the junior Senator from Ohio [Mr. HANNA] will stand paired with the junior Senator from Nevada [Mr. NEWLANDS], permitting the junior Senator from Kentucky and myself to vote. I therefore vote "yea."

Mr. MCCREARY. I vote "nay."

Mr. MILLARD (after having voted in the affirmative). I have a general pair with the Senator from Arkansas [Mr. CLARKE], and therefore I withdraw my vote.

Mr. CLARK of Wyoming. I ask if the junior Senator from Missouri [Mr. STONE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CLARK of Wyoming. I have a general pair with that Senator, and withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. BACON (after having voted in the negative). By request of the senior Senator from Rhode Island [Mr. ALDRICH] I will consent to pair with the junior Senator from Rhode Island [Mr. WETMORE], and I withdraw my vote.

Mr. CLARK of Wyoming. I am informed that if the junior Senator from Missouri [Mr. STONE] were present he would vote "nay." I therefore take the liberty of voting. I vote "nay."

Mr. DANIEL (after having voted in the negative). I wish to state that I have a pair with the Senator from North Dakota [Mr. HANSBROUGH]. I voted, thinking that he would come in, but I have no information as to how he would vote. I do not know whether there is any question of politics about the motion.

Mr. ALDRICH. I do not know how the Senator from North Dakota would vote.

Mr. HOAR. There is no politics in it.

Mr. DANIEL. I will let my vote stand.

Mr. MILLARD. I will transfer my pair with the junior Senator from Arkansas [Mr. CLARKE] to the Senator from Delaware [Mr. ALLEE], and vote "yea."

Mr. SIMMONS. I will transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from South Carolina [Mr. LATIMER], so that the junior Senator from Minnesota will stand paired with the junior Senator from South Carolina. I vote "nay."

The result was announced—yeas 23, nays 27, as follows:

YEAS—23.

Aldrich,	Dillingham,	Heyburn,	Platt, Conn.
Ball,	Dolliver,	Hopkins,	Proctor,
Bard,	Dryden,	Kean,	Smoot,
Burnham,	Frye,	Lodge,	Spooner,
Burrows,	Gallinger,	Long,	Warren.
Cullom,	Gamble,	Millard,	

NAYS—27.

Alger,	Daniel,	McComas,	Perkins,
Ankeny,	Dubois,	McCreary,	Pettus,
Bate,	Foraker,	Mallory,	Platt, N. Y.
Blackburn,	Foster, Wash.	Martin,	Simmons,
Carmack,	Fulton,	Mitchell,	Stewart,
Clark, Wyo.	Gorman,	Money,	Teller.
Clay,	Hoar,	Patterson,	

NOT VOTING—40.

Allee,	Cockrell,	Hansbrough,	Newlands,
Allison,	Culberson,	Hawley,	Overman,
Bacon,	Depew,	Kearns,	Penrose,
Bailey,	Dietrich,	Kittredge,	Quarles,
Berry,	Elkins,	Latimer,	Quay,
Beveridge,	Fairbanks,	McCumber,	Scott,
Burton,	Foster, La.	McEnery,	Stone,
Clapp,	Gibson,	McLaurin,	Taliaferro,
Clark, Mont.	Hale,	Morgan,	Tillman,
Clarke, Ark.	Hanna,	Nelson,	Wetmore.

So the Senate refused to recommit the bill.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Florida [Mr. MALLORY], which will be stated.

The SECRETARY. In line 6, before the word "thousand," it is proposed to strike out "hundred" and insert "one hundred and fifty;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Liliuokalani, formerly Queen of the Kingdom of Hawaii, $150,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. SPOONER. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GIBSON (when his name was called). I have a general pair with the senior Senator from Utah [Mr. KEARNS], and therefore withhold my vote.

Mr. MCENERY (when his name was called). I have a general pair with the Senator from New York [Mr. DEPEW], and therefore withhold my vote.

Mr. NELSON (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. BERRY], and withhold my vote on that account.

Mr. SIMMONS (when his name was called). I have a general pair with the Senator from Minnesota [Mr. CLAPP], but I transfer that pair to the Senator from South Carolina [Mr. LATIMER], and vote. I vote "yea."

The roll call was concluded.

Mr. ALLISON. I have a general pair with the Senator from Missouri [Mr. COCKRELL], and therefore refrain from voting. If he were present, I should vote "nay."

Mr. BACON. I again announce my pair with the junior Senator from Rhode Island [Mr. WETMORE].

The result was announced—yeas 26, nays 26, as follows:

YEAS—26.

Alger,	Dubois,	McCreary,	Pettus,
Bate,	Foraker,	Mallory,	Platt, N. Y.
Blackburn,	Foster, Wash.	Martin,	Simmons,
Carmack,	Fulton,	Mitchell,	Stewart,
Clark, Wyo.	Gorman,	Money,	Teller.
Clay,	Hale,	Patterson,	
Daniel,	Hoar,	Perkins,	

NAYS—26.

Alrich,	Dillingham,	Heyburn,	Proctor,
Ankey,	Dolliver,	Hopkins,	Smoot,
Ball,	Dryden,	Kean,	Spooner,
Bard,	Frye,	Lodge,	Tillman,
Burnham,	Gallinger,	Long,	Warren.
Burrows,	Gamble,	Millard,	
Cullom,	Hansbrough,	Platt, Conn.	

NOT VOTING—38.

Allee,	Cockrell,	Kearns,	Overman,
Allison,	Culberson,	Kittredge,	Penrose,
Bacon,	Depew,	Latimer,	Quarles,
Bailey,	Dietrich,	McComas,	Quay,
Berry,	Elkins,	McCumber,	Scott,
Beveridge,	Fairbanks,	McEnery,	Stone,
Burton,	Foster, La.	McLaurin,	Taliaferro,
Clapp,	Gibson,	Morgan,	Wetmore.
Clark, Mont.	Hanna,	Nelson,	
Clarke, Ark.	Hawley,	Newlands,	

The PRESIDENT pro tempore. The bill fails to pass.

CONSIDERATION OF CALENDAR UNDER RULE VIII.

Mr. ALDRICH. Let the next bill on the Calendar be stated, Mr. President.

The PRESIDENT pro tempore. The next bill on the Calendar will be stated.

Mr. PLATT of Connecticut. Mr. President, when we went to the Calendar, I asked unanimous consent that we might proceed under Rule VIII. Objection was made because of the bill which has just been disposed of. I will venture to again ask that we proceed with the Calendar under Rule VIII for this afternoon.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the consideration of bills on the Calendar be under Rule VIII. Is there objection?

Mr. MALLORY. What is the request, Mr. President?

The PRESIDENT pro tempore. The Senator from Connecticut asks that the further consideration of bills on the Calendar be proceeded with under Rule VIII.

Mr. MALLORY. What is that rule, Mr. President?

The PRESIDENT pro tempore. Bills considered under Rule VIII are open to objection, and the rule also limits debate on bills to five minutes on the part of each Senator. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and that order will be made.

GOVERNMENT PRINTING OFFICE EMPLOYEES.

The bill (S. 2665) to provide for the allowance and payment to the employees of the Government Printing Office of the same leave of absence as is allowed to the clerks and employees of the Executive Departments of the Government was considered as in Committee of the Whole.

The bill was reported from the Committee on Printing with an amendment, to strike out all after the enacting clause and insert:

That from and after the date of the passage of this act the thirty days' annual leave of absence with pay in any one year to employees of the Government Printing Office, authorized by the existing law, shall be exclusive of Sundays and legal holidays: *Provided*, That the existing laws relating to the granting of annual leave with pay to clerks and employees in the Executive Departments shall apply to clerks and employees of the Government Printing Office who are paid annual or monthly salaries or compensation.

Mr. BAILEY. I should like to inquire if that amendment does not change the wording of the bill without making the slightest change in the effect of the bill?

Mr. ALLISON. Let the bill be again read.

Mr. BAILEY. I should like to have the bill explained by whomsoever is in charge of it.

Mr. PLATT of New York. I will say that the amendment which has been reported by the Committee on Printing was suggested by the Public Printer.

Mr. BAILEY. I desire to say that I can see no objection to allowing these Government employees the same privileges that are allowed to other Government employees, but, as I heard the amendment read, it simply changes the wording of the original bill without changing the effect of it. I should like to know, if there is any change in the effect of the bill, what it is.

Mr. GALLINGER. The Public Printer, I will say to the Senator from Texas, according to the report made by the committee, says:

It would facilitate the keeping of individual accounts in the office if a proviso should be added as follows.

Then is given the proviso which appears in the bill. I confess that I do not myself understand it.

Mr. SPOONER. What is the proviso?

Mr. GALLINGER. It is as follows:

Provided, That the existing laws relating to the granting of annual leave with pay to clerks and employees in the Executive Departments shall apply to clerks and employees of the Government Printing Office who are paid annual or monthly salaries or compensation.

The point the Public Printer makes is that it will facilitate the keeping of individual accounts in the office to have that proviso in the bill.

Mr. BAILEY. I suppose the Public Printer understands that, but inasmuch as we are to pass upon it I should like to understand it, too.

Mr. ALLISON. I should like to have the bill again read, so that we may understand it.

The PRESIDENT pro tempore. The original bill or the substitute?

Mr. ALLISON. I should like to have both read.

The Secretary read the original bill and the amendment reported by the Committee on Printing.

Mr. ALLISON. Mr. President, I have an impression that in the Executive Departments, unless the law has been changed, Sundays and legal holidays are excluded. Both the amendment and the original bill provide that persons employed in the Public Printing Office shall be allowed thirty days' leave of absence, excluding Sundays and legal holidays in the computation of leave. In the Executive Departments thirty days' leave is allowed, and then an additional thirty days on account of sickness, with full pay. I suppose the object of the bill now under consideration is to place employees of the Government Printing Office in substantially the same position as those in the Executive Departments.

Mr. CULLOM. It seems to me that this bill is not thoroughly understood. I think it ought to go over so that we may examine it and ascertain exactly what its effect will be, as nobody now seems to know.

The PRESIDENT pro tempore. The Senator from Illinois objects to the further consideration of the bill.

Mr. CULLOM. I hope the bill will go over without prejudice.

The PRESIDENT pro tempore. The bill will go over without prejudice.

MISBRANDING OF SALMON FISH.

The bill (S. 220) prohibiting the introduction into any State or Territory or the District of Columbia, from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, any misbranded salmon fish prepared or intended for use as an article of food was announced as next in order.

Mr. BAILEY. I do not see the Senator who introduced this bill in his seat, and it looks to me as if the bill involves rather an important question—too important to be disposed of under our present procedure.

Mr. FULTON. If the Senator will permit me, I propose, as soon as the opportunity offers, to present an amendment inserting the word "knowingly."

Mr. BAILEY. Mr. President, it looks to me as if this bill might properly wait until we have before us on our Calendar the pure-food bill.

I dislike to object to the consideration of any bill, and I do not know that I am going to object to this one, but it occurs to me that it is not the kind of a bill that ought to be considered in this brief, less than deliberative way under this rule. This bill goes to the very power of the Government over and protection of the people of the various States against commercial frauds, and I hope the Senator will at least let it go over until some of us can look into it. It may turn out on examination to be free from the objections which now occur to me.

Mr. FULTON. I should like to call the Senator's attention to the fact that this bill came up once before and was discussed at some considerable length. The Senator from Connecticut [Mr. PLATT] pointed out some objections which he thought were proper to urge against the bill, namely, that the word "knowingly" should be inserted at several places in the bill, so that one could not be punished for disposing of or shipping misbranded salmon unless he did so knowingly.

Mr. BAILEY. That, of course, was a sound criticism, if the Federal Government is going to undertake this policy, but every State in the Union is entirely competent to protect its people against deception in articles of food and drink and against deleterious articles of food and drink. It occurs to me that this bill raises something of the question we had here under the oleomargarine bill, and the next State that wants to protect any of its industries might want a bill passed to label its products in the right way or in the wrong way if Congress should choose to do so.

Mr. FULTON. I will call the Senator's attention to the fact that this bill does not require the fish to be labeled at all. It simply provides that if they shall be labeled, they shall be honestly labeled; that there shall be no false statement on the label. It only applies to fish that are intended for interstate commerce. I want to say, if the Senator will permit me, that while of course he has the right to object, I hope he will not do so, for I am very anxious to get this bill before the Senate and have it passed on one way or the other.

Mr. BAILEY. I am trying my best to avoid the necessity of objecting by inducing the proponent of the bill to let it go over. I think it entirely proper that everybody should be honest, tradespeople as well as everybody else, and I think if they brand their merchandise, they ought to brand it honestly; but, according to my ancient and obsolete view of these matters, I think the States ought to control them. If the Federal Government is to enter upon the policy of seeing that everybody marks and brands his products correctly, I am unable to see where it will end; and, ungracious as it may seem, I am going to ask that this bill go over. I am not willing to see a bill of this character disposed of in this way.

The PRESIDENT pro tempore. The Senator from Texas objects, and the bill will go over.

PIPE LINES IN INDIAN TERRITORY.

The bill (S. 2302) to amend section 3 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes," was announced as next in order.

Mr. STEWART. That bill had better go over. I think we passed one on the same subject the other morning.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

WATERWORKS AND BOND ELECTION OF GEARY, OKLA.

The bill (S. 3658) ratifying an act of the legislative assembly of the Territory of Oklahoma legalizing the waterworks and bond election held by the city of Geary, in said Territory, was announced as next in order.

Mr. BAILEY. Let that bill go over.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

FINES AND PARDONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 2299) to authorize the Commissioners of the District of Columbia to remit fines and grant pardons was announced as next in order.

The Secretary read the bill.

Mr. HALE. I wish the Senator who reported the bill or the chairman of the committee would state to the Senate what precedents there are for a bill of this kind that proposes to vest in the Commissioners of the District of Columbia the pardoning power, the power to remit penalties, to release from imprisonment, which I have never known to be exercised by anybody in the District, which is in Federal jurisdiction, not a State. I would be very

glad to have the chairman of the committee or somebody else explain to us on what basis the pardoning power is to be lodged with the Commissioners.

Mr. GALLINGER. Mr. President, the Senator from Florida [Mr. MALLORY] had this bill in charge and reported it. I observe that he has reported a substitute which was prepared by Attorney-General Knox. I will say frankly that when this bill first came to my attention, as a layman I thought it was rather an extraordinary bill, and for that reason I referred it to a member of the committee whom I knew to be a good lawyer, and I know that the Senator from Florida did give it very careful consideration. He is not in his seat at the present time, and I think the bill had better go over until he is present.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

MONONGAHELA RIVER BRIDGE AT RIVESVILLE, W. VA.

The bill (S. 3430) to authorize the Buckhannon and Northern Railroad Company, a corporation under the laws of the State of West Virginia, to build a bridge across the Monongahela River near the town of Rivesville, in the State of West Virginia, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, page 2, line 17, after the word "purposes," to insert "and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies."

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 8, after the word "said," to strike out "bridges" and insert "bridge."

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 23, after the word "subject," to strike out "Such map shall be accompanied by another, drawn on the scale of 1 inch to 200 feet, giving for a space of one-half mile above the proposed site and a quarter of a mile below, an accurate representation of the bottom of the river by contour lines 2 feet apart, determined by accurate soundings;" on page 4, line 4, before the word "said," to insert "the construction of;" in line 5, before the word "until," to strike out "constructed" and insert "commenced;" so as to make the section read:

SEC. 3. That the bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, designs and drawings of the said bridge and a map of the location of the same, giving the topography of the banks of the river, the shore line at high and low water, and the direction and strength of the current at different stages, the location of any other bridge or bridges within one mile thereof, and such further information as may be required for a satisfactory understanding of the subject; and the construction of said bridge shall not be commenced until the plan and location is approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, to insert at the end of section 4 the following:

Furthermore, if the construction of the said bridge is not commenced within one year and completed within three years from the date of approval of this act, the rights and privileges hereby granted shall cease and be determined.

The amendment was agreed to.

The bill was reported the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROCEEDS OF PUBLIC-LAND SALES IN CALIFORNIA.

The bill (S. 904) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State was announced as the next business in order on the Calendar.

Mr. CLAY. Mr. President——

Mr. TILLMAN. Let the bill go over.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. PERKINS. We are considering the Calendar under Rule IX, are we not?

The PRESIDENT pro tempore. Under Rule VIII.

Mr. HALE. Under Rule VIII—unobjected cases.

The PRESIDENT pro tempore. Under Rule VIII, by unanimous consent.

COLVILLE RESERVATION, STATE OF WASHINGTON.

The bill (S. 345) to provide for the opening of the remaining portion of the Colville Reservation, in the State of Washington, and for other purposes, was announced as the next business in order on the Calendar.

Mr. ALDRICH. Let the bill go over, Mr. President.

Mr. FOSTER of Washington. I hope the Senator from Rhode Island will withdraw his objection.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

AGREEMENT WITH KLAMATH INDIANS.

The bill (S. 2226) to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect, was announced as the next business in order on the Calendar.

Mr. ALDRICH. I suggest that the bill had better go over.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

TURTLE MOUNTAIN AND CHIPPEWA INDIANS.

The bill (S. 196) to ratify and confirm an agreement with the Turtle Mountain and Chippewa Indians in the State of North Dakota, and to make appropriations for carrying the same into effect, was announced as the next business in order on the Calendar.

Mr. HANSBROUGH. My colleague [Mr. MCCUMBER], who reported the bill, is absent, and I think it had better go over until he is present.

The PRESIDENT pro tempore. The bill will go over without prejudice.

QUARANTINE STATION, SAN DIEGO, CAL.

The bill (S. 3607) making appropriations for the removal of the quarantine station at San Diego, Cal., and to acquire a new site, and for other purposes, was considered as in Committee of the Whole. It proposes to appropriate $200,000 for the purpose of removing the quarantine station at San Diego, Cal., to a new site, and the erection thereon of buildings, wharves, and other improvements.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF A. G. BOONE.

The bill (S. 677) for the relief of the legal representatives of A. G. Boone was announced as the next business in order on the Calendar.

Mr. PLATT of Connecticut. I do not think we can dispose of the bill at this time.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

CAROLINE MURTAGH.

The bill (S. 1779) for the relief of Caroline Murtagh, widow of the late William J. Murtagh, formerly proprietor of the National Republican, of Washington, D. C., was announced as the next business in order on the Calendar.

Mr. GALLINGER. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

JEWETT W. ADAMS.

The bill (S. 176) for the relief of Jewett W. Adams was considered as in Committee of the Whole. It proposes to pay to Jewett W. Adams, superintendent of the United States mint at Carson City, Nev., the sum of $301 for money paid out by him during the months of July and August, 1894, to T. R. Hofer and L. L. Elrod for necessary services rendered by them in the mint at Carson City, Nev.

Mr. STEWART. Mr. Adams paid for clerical services out of the laborers' fund, but the Comptroller said it could not be legally paid out of that fund. There was not enough in the other fund, so he paid it out of his own pocket. There is no doubt about its having been paid for services.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. R. AUSTIN & CO.

The bill (S. 1941) for the relief of W. R. Austin & Co. was announced as the next business in order on the Calendar.

Mr. GALLINGER. I do not find any report in this case. I should at least like an explanation of it.

Several SENATORS. Let the bill go over.

Mr. GALLINGER. Yes; let it go over.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

GROVES OF SEQUOIA GIGANTEA.

The bill (S. 2223) providing a means of acquiring title to two groves of Sequoia gigantea in the State of California, with a view to making national parks thereof, was announced as the next business in order on the Calendar.

Mr. BARD. Mr. President, having been notified that the Senator from Minnesota desires to participate in the discussion of this bill, I ask that it may go over without prejudice.

Mr. KEAN. Let us consider it.

Mr. BARD. I withdraw the suggestion.

Mr. BAILEY. In order to save it for the Senator from Minnesota, I will ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

USE OF RESERVOIR SITES.

The bill (S. 579) to regulate the use by the public of reservoir sites located upon the public lands of the United States was considered as in Committee of the Whole.

Mr. GALLINGER. If this is the bill I think it is—if it increases the length of time that cattle are to be kept in cars while being transported——

Mr. GAMBLE. That is not the bill. This simply regulates the use by the public of reservoir sites located upon the public lands of the United States.

Mr. GALLINGER. My attention was diverted for the moment.

Mr. ALDRICH. Let the report be read.

Mr. HALE. Is it a long report?

Mr. GAMBLE. No; it is a short report.

Mr. GALLINGER. I have no objection to the bill if it is not the one I thought it was.

Mr. ALDRICH. Let the report be read.

The Secretary read the report submitted by Mr. GAMBLE on the 27th ultimo, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 579) to regulate the use by the public of reservoir sites located upon the lands of the United States, having had the same under consideration, submit the following report and recommend the passage of the bill.

On January 13, 1897, an act was passed by Congress providing for the location of reservoir sites upon the public lands of the United States, containing, among other provisions, the following:

"That any person, live-stock company, or transportation corporation engaged in breeding, grazing, driving, or transporting live stock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such live stock, and shall have control of such reservoir, under the regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding 160 acres, so long as such reservoir is maintained and water kept therein for such purposes: *Provided*, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind."

Pursuant to this legislation numerous reservoir sites have been located and reservoirs constructed in different parts of the arid and semiarid West for the purpose of creating watering places for live stock upon the public ranges of the West, and especially in order to have suitable watering places at regular intervals for beef cattle that may be driven from the ranges to the shipping stations during the dry season of the summer and fall. In the main the experiments which have been made under the provisions of this act have been successful and have demonstrated that it is entirely practicable to store large quantities of surface water that come from the melting snows and early rains of the springtime for use during the drought season of the year. Several transportation companies have constructed such reservoirs at regular intervals throughout the range country, chiefly for the convenience of herds of stock that may be driven to and from the shipping stations. Under the law, however, these reservoir sites can not be fenced, and they are used freely for the watering of local as well as transitory stock.

It has been found, however, that the usefulness of these watering places for live stock that is being driven to the shipping stations is very much impaired by the fact that local range stock will habitually graze upon the grass in the immediate vicinity of these watering places, thereby destroying all forage in the immediate vicinity thereof, leaving nothing for the use of herds that are being driven to market. The purpose of the present bill is to reserve an area represented by a radius of 2 miles immediately around such watering places from the continual grazing by local herds, so that the grass may not be entirely destroyed. It permits the grass growing within this radius, however, to be used freely by local herds as well as transitory herds while they may be driven to and from these watering places.

The bill is properly restricted so as to confine it to reservoirs constructed and maintained as watering places in connection with the driving and transporting of live stock and providing that the act shall in no way interfere with the entry of any portion of the public lands under the general laws of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIG OLIVE FRANCES.

The bill (S. 483) for the relief of the owners and officers of the brig *Olive Frances* and others on board said brig was considered as in Committee of the Whole. It proposes that the claims of the owners and officers of the brig *Olive Frances*, of Machiasport, Me., and others on board the brig, for damages and losses sustained by reason of collision of the U. S. gunboat *Winooski* with the brig, on July 30, 1866, shall be referred for examination and adjudication to the district court of the United States for the district of Maine.

Mr. ALLISON. There is no provision for an appeal.

Mr. PLATT of Connecticut. Oh, yes, there is.

Mr. HALE. There is a general provision of law. There is no question about that.

Mr. ALLISON. If that is the case I shall not object.

Mr. PLATT of Connecticut. The Senator will find it in section 3, line 13.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 16, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 15, 1904.

PROMOTIONS IN THE ARMY.

Signal Corps.

First Lieut. Henry S. Hathaway, Signal Corps, to be captain, December 30, 1903, vice Ives, deceased.

Infantry Arm.

Capt. Charles W. Penrose, Twenty-eighth Infantry, to be major, October 15, 1903, vice Eltonhead, Fourteenth Infantry, resigned.

Capt. Daniel L. Howell, Seventh Infantry, to be major, November 24, 1903, vice Newton, Sixteenth Infantry, deceased.

Capt. John Stafford, Eighth Infantry, to be major, November 28, 1903, vice Wood, Twentieth Infantry, detailed as inspector-general.

First Lieut. Joseph L. Gilbreth, Fourteenth Infantry, to be captain, October 15, 1903, vice Penrose, Twenty-eighth Infantry, promoted.

First Lieut. Charles F. Humphrey, jr., Third Infantry, to be captain, November 21, 1903, vice Sigworth, Ninth Infantry, detailed as paymaster.

First Lieut. Willey Howell, Fourth Infantry, to be captain, November 24, 1903, vice Howell, Seventh Infantry, promoted.

First Lieut. Benjamin J. Tillman, Seventh Infantry, to be captain, November 28, 1903, vice Stafford, Eighth Infantry, promoted.

Second Lieut. Arthur H. Freshwater, Twenty-eighth Infantry, to be first lieutenant, September 28, 1903, vice Hannay, Twenty-second Infantry, promoted.

Second Lieut. Joseph C. Wilson, Sixth Infantry, to be first lieutenant, October 9, 1903, vice Wygant, Third Infantry, promoted.

Second Lieut. Morris M. Keck, Twelfth Infantry, to be first lieutenant, October 10, 1903, vice Graham, Nineteenth Infantry, promoted.

Second Lieut. Auswell E. Deitsch, Fifth Infantry, to be first lieutenant, October 15, 1903, vice Gilbreth, Fourteenth Infantry, promoted.

Second Lieut. William Korst, Seventh Infantry, to be first lieutenant, October 23, 1903, vice Bright, Second Infantry, resigned.

Second Lieut. Joseph C. Kay, Eleventh Infantry, to be first lieutenant, November 16, 1903, vice Robbins, Fifteenth Infantry, retired from active service.

Second Lieut. Walter C. Jones, Eleventh Infantry, to be first lieutenant, November 21, 1903, vice Humphrey, Third Infantry, promoted.

Second Lieut. Charles Abel, Eighteenth Infantry, to be first lieutenant, November 24, 1903, vice Howell, Fourth Infantry, promoted.

POSTMASTERS.

CALIFORNIA.

George Brown to be postmaster at Corona, in the county of Riverside and State of California, in place of Herbert C. Foster, resigned.

CONNECTICUT.

Alfred E. Goddard to be postmaster at Essex, in the county of Middlesex and State of Connecticut, in place of Alfred E. Goddard. Incumbent's commission expires February 19, 1904.

ILLINOIS.

M. S. Brown to be postmaster at Brighton, in the county of Macoupin and State of Illinois. Office became Presidential July 1, 1903.

LOUISIANA.

R. Blanchard to be postmaster at Whitecastle, in the parish of Iberville and State of Louisiana, in place of William F. Himel, jr. Incumbent's commission expired January 8, 1904.

MICHIGAN.

Fabius A. Fisk to be postmaster at Colon, in the county of St. Joseph and State of Michigan, in place of Henry C. Whitmer. Incumbent's commission expired January 23, 1904.

Charles E. Ramsey to be postmaster at Central Lake, in the county of Antrim and State of Michigan, in place of Milton W. Newkirk, removed.

MINNESOTA.

Fred N. Corey to be postmaster at Elk River, in the county of Sherburne and State of Minnesota, in place of Fred N. Corey. Incumbent's commission expired January 17, 1904.

NEBRASKA.

David S. Beynon to be postmaster at Burwell, in the county of Garfield and State of Nebraska. Office became Presidential January 1, 1904.

NEW YORK.

Seth Allen to be postmaster at Dannemora, in the county of Clinton and State of New York. Office became Presidential October 1, 1903.

OHIO.

William M. Evans to be postmaster at Hubbard, in the county of Trumbull and State of Ohio. Office became Presidential January 1, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 15, 1904.

POSTMASTERS.

COLORADO.

Robert E. Hanna to be postmaster at New Windsor, in the county of Weld and State of Colorado.

ILLINOIS.

Isaac W. Parkinson to be postmaster at Stockton, in the county of Jo Daviess and State of Illinois.

MARYLAND.

Samuel Hambleton to be postmaster at Rising Sun, in the county of Cecil and State of Maryland.

MONTANA.

Walter Alderson to be postmaster at Red Lodge, in the county of Carbon and State of Montana.

NORTH CAROLINA.

William H. Holt to be postmaster at Graham, in the county of Alamance and State of North Carolina.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 15, 1904.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

O Thou who art supremely wise and good, life-giving, life-sustaining Potentate, in whom all our longings, hopes, and aspirations are centered, be graciously near, we beseech Thee, to the statesman and patriot whose life now trembles in the balance. Spare him, we beseech Thee, to his family, his friends, and his countrymen, that yet a little longer his genial presence, his wise counsel, and efficient service may be theirs and ours. Hear us, O Lord, and answer us in accordance with Thy wisdom and good pleasure, in the name of Jesus Christ, our Lord. Amen.

The Journal of Friday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed a bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1501. An act for the relief of James F. McIndoe; and

S. R. 49. Joint resolution to provide for the expenditure of funds heretofore appropriated for the improvement of the Sacramento River.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1490) to authorize the sale of a part of what is known as the Red Lake Indian Reservation in the State of Minnesota.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1501. An act for the relief of James F. McIndoe—to the Committee on Claims.

S. R. 49. Joint resolution to provide for the expenditure of funds heretofore appropriated for the improvement of Sacramento River—to the Committee on Rivers and Harbors.

CONTESTED-ELECTION CASE—BONYNGE V. SHAFROTH.

Mr. SHAFROTH. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. SHAFROTH. It relates to the right of a Member to a seat in this House.

The SPEAKER. The gentleman will proceed.

Mr. SHAFROTH. Mr. Speaker, in the contested-election case of Robert W. Bonynge against John F. Shafroth it was stipulated and agreed by contestant and contestee that the ballots cast at that election in the twenty-nine contested precincts should be brought before the Committee on Elections of this House and opened for the first time in the presence of its members. The ballots were those cast at the general election in 1902 for State officers and Representative in Congress. The object was that the original arrangement, form, and condition of the ballots should first be seen by the committee. The ballots were shipped to the Clerk of the House of Representatives at the joint expense of contestant and contestee.

At the first meeting of the committee for the hearing of this case the ballots were presented for inspection. A subcommittee was appointed to ascertain how many illegal ballots were contained therein. It was agreed that in order to facilitate their work their sessions should be secret. The subcommittee opened the ballots from three precincts, and finding that it took one week to examine them, asked the House for authority to employ an expert, which was granted. Since that time the expert has been examining the ballots, and on Thursday last made his report to the committee. The committee then ordered that each of the parties should have one week's time in which to examine the ballots, and if then either of us desired to send for the expert for the purpose of examining him that we should have that privilege. After that the case was to be set for argument before the committee.

On Thursday afternoon I commenced examining the ballots, and continued doing so during Thursday, Friday, and Saturday. I do not believe that 2,792 illegal votes were cast (that being my majority as returned), yet my examination disclosed the fact that the assurances which I had received as to the regularity of the votes in many of the precincts were not true, and that there were illegal votes therein which tainted the polls, and the polls so tainted gave me a greater plurality than my returned majority in the district.

The fact was a bitter disappointment to me, but nevertheless true.

The law is that when a poll is tainted by fraud and it is impossible to purge the poll of the fraudulent votes, the vote of the entire precinct, legal and illegal, must be thrown out.

The committee has given me every opportunity to ascertain the illegal vote so as to save the valid vote in those precincts. Until I saw the ballots last Thursday, I thought the illegal vote could be detected and separated from the legal vote, but I must confess that my inspection has convinced me that it is impossible to do so in this case.

The law being as I have stated and the number of precincts tainted containing majorities for me greater than my returned majority, I must say that if I were a judge upon the bench considering this case I would be compelled to find against myself, and as the vote in the contested precincts aggregates less than one-tenth of the vote in the Congressional district, I would be compelled to find that according to law Mr. Bonynge is entitled to the seat. [General applause.]

I did my best to have an honest election. My law partner, with my approval, organized a citizens' committee composed of both Republicans and Democrats who desired a fair election. The headquarters of that committee, as shown by the evidence in this case, were in the law offices of Rogers, Shafroth & Gregg, Denver, Colo.

I have always been in favor of pure politics, and when the test is applied to an election at which I was voted for as one of the candidates upon the ticket I should not shirk my duty or change my convictions concerning honest elections.

I therefore will say to the Committee on Elections No. 2 and to the Members of this House that they can seat Mr. Bonynge at their earliest convenience.

As this is the last time I will have the opportunity of addressing the House, I want to thank the Committee on Elections No. 2, and particularly the chairman, Mr. OLMSTED, and the subcommittee, Mr. MILLER, Mr. CURRIER, and Mr. SULLIVAN, for the fair and impartial manner in which they proceeded to investigate this case. Every suggestion which I made as to the investigation was readily concurred in.

I wish also to say that I appreciate the repeated declarations of Mr. Bonynge in the record that I was not a party to or in any manner connected with any of the frauds or irregularities charged. I also desire to thank the Members of this House for the uniform courtesy and evidences of respect which I have received during the eight years of my service in Congress. I have formed friendships here upon both sides of the Chamber which I shall cherish through life. I fully appreciate the high character of the men who compose this body, but it is only when I am about to leave that I fully realize the distinguished honor it is to serve as a Member in the greatest legislative body on the face of the globe. Wishing you all a happy and prosperous future, I will say good-bye. [Loud general applause.]

Mr. Speaker, I will ask the chairman of the committee, if he is ready, to present the usual resolutions in a case of this kind.

Mr. OLMSTED. Mr. Speaker, I had risen for a different purpose. As chairman of the committee which has had this case in charge, it seems to me proper and becoming to say a few words.

The SPEAKER. The gentleman proceeds by unanimous consent. Is there objection? [After a pause.] The Chair hears none.

Mr. OLMSTED. When this case came before our committee it was at once apparent that it would depend largely upon the result of the examination of several thousand sealed ballots concerning which the contestant made certain allegations of irregularity. The contestee, Mr. SHAFROTH, at once stated that he did not believe that the ballots would disclose such a state of affairs, but that if they did he should decline the seat and at once acknowledge the fact. Thereupon the investigation of the ballots proceeded, as he has stated, by a subcommittee and by the handwriting expert employed under authority conferred by the House.

The reports of the subcommittee and of the expert were received by the full committee and, by resolution, submitted for one week to Mr. SHAFROTH for examination and comparison by himself and his counsel. He had not consumed the time allotted for his examination of them, and no member of the committee, I think, was aware that he was about to make the statement he has just made until just before the House assembled this morning, when he mentioned his intention to me. I think it is due to him to say that there was not in the notice of contest nor in the entire record any charge whatever in any way reflecting upon his honor or his propriety of conduct throughout the campaign. Indeed, the contestant expressly admitted before the committee that he had no allegation whatever to make against Mr. SHAFROTH, but that he believed his conduct to have been entirely proper and fair. I can only add, therefore, that there is nothing in the record in this case reflecting in the slightest degree upon the personal character or conduct of Mr. SHAFROTH. [Applause.]

On the other hand, it appears that the irregularity, while it carried his vote along with it, was not made for his special benefit; that the irregular action was not made with any special reference to him, but his vote was simply an incident, because his name was upon the ballots. I desire, Mr. Speaker, to say that his retirement from this body, like his entire course during his membership, is in entire accord with the gentleman's high sense of honor, with which all present who know him or have come in contact with him, officially or otherwise, know him to entertain at all times and to be governed by. [Applause.] The Elections Committee has had no official knowledge of the action of Mr. SHAFROTH this morning, and I do not feel at liberty to introduce any resolution without the action of the committee in that behalf. I will ask unanimous consent that Mr. Bonynge be now sworn in as a Member of this House.

Mr. PAYNE. Mr. Speaker, I do not think that that would be proper without a resolution from the committee.

Mr. SHAFROTH. Mr. Speaker, I think the gentleman can ask unanimous consent to pass the resolution. It is perfectly proper to do that.

Mr. TALBOTT. Mr. Speaker, I ask unanimous consent to make a statement in connection with this case.

The SPEAKER. The gentleman from Maryland asks unanimous consent to make a statement. Is there objection?

There was no objection.

Mr. TALBOTT. Mr. Speaker, I wish to add to the statement the chairman of the Committee on Elections No. 2 has made this fact, speaking as the leading member of the minority on that committee, that Mr. SHAFROTH took no other position with us than the manly one that unless he was fairly elected he would not occupy the seat. [Applause.]

Mr. HOGG. Mr. Speaker, I ask unanimous consent to make a statement in connection with this case.

The SPEAKER. The gentleman from Colorado asks unanimous consent to make a statement. Is there objection?

There was no objection.

Mr. HOGG. Mr. Speaker, as a member of the delegation from Colorado I wish simply to say this, that the act performed to-day by Mr. SHAFROTH is not a surprise to us who have known him for years. The high character he has attained here he has always borne in the State of Colorado, and, as representing the opposite party from him from that State, I want to say that there is no one in the State of Colorado who knows Mr. SHAFROTH but knows that he is absolutely honest. [Applause.]

GRANDE RONDE INDIAN RESERVATION, OREG.

Mr. HERMANN. Mr. Speaker, I call up the bill (H. R. 11966) to ratify and amend an agreement with the Indians located upon the Grande Ronde Reservation, in the State of Oregon, and to make an appropriation to carry the same into effect, for its consideration under the special order.

The SPEAKER. The gentleman from Oregon calls up the special order on the bill H. R. 11966, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11966) to ratify and amend an agreement with the Indians located upon the Grande Ronde Reservation, in the State of Oregon, and to make an appropriation to carry the same into effect.

Whereas James McLaughlin, United States Indian inspector, acting in behalf of the United States, did, on the 27th day of June, 1901, conclude an agreement with the Indians residing on the Grande Ronde Reservation, in the State of Oregon, which said agreement is as follows:

This agreement made and entered into on the 27th day of June, 1901, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Willamette tribes and other Indians belonging on the Grande Ronde Reservation in the State of Oregon, witnesseth:

ARTICLE I. The said Indians belonging on the Grande Ronde Reservation, Oreg., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Grande Ronde Reservation remaining unallotted on the date of this agreement, excepting the 440 acres of land reserved for Government uses at the time their allotments in severalty were made, the land hereby ceded and relinquished approximating 25,791 acres.

ART. II. In consideration of the lands ceded, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to pay to the said Indians the sum of $28,500 in cash pro rata, share and share alike, to each man, woman, and child belonging on the said Grande Ronde Reservation, as follows, to wit: To adults of 18 years of age or more, within one hundred and twenty days from and after the date of the ratification of this agreement, and to each minor as they arrive at the age of 18 years; and that the pro rata shares thus retained until the beneficiaries attain the age aforesaid shall be deposited in lump sum in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 5 per cent per annum, which interest shall be paid to the parents or guardians of said minors annually per capita in cash, until said minors arrive at the age of 18 years, and as each of such beneficiaries arrive at the age of 18 years they shall be paid their share in full.

ART. III. It is understood and agreed that the 440 acres of land reserved for Government purposes, referred to in Article I of this agreement, shall, when no longer required by the United States for educational or other purposes in the interests of said Indians, be allotted to minor beneficiaries who have not received any allotments of land, or be sold for the benefit of the Indians, parties hereto, in the discretion of the Secretary of the Interior.

ART. IV. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Grande Ronde Reservation of any benefits to which they may be entitled under existing treaties, not inconsistent with the provisions of this agreement.

ART. V. This agreement shall take effect and be in force when signed by James McLaughlin, United States Indian inspector, and by a majority of the male adult Indians, parties thereto, and when approved by the Secretary of the Interior and accepted and ratified by the Congress of the United States.

In witness whereof the said James McLaughlin, United States Indian inspector, on the part of the United States, and the male adults of the Willamette tribes and other Indians, belonging on the Grande Ronde Reservation, Oreg., have hereunto set their hands and seals at Grande Ronde Agency, Oreg., this 27th day of June, A. D. 1901.

JAMES MCLAUGHLIN,
United States Indian Inspector.
(John Warren and 59 others.)

I, the undersigned, do hereby certify that the foregoing agreement between the United States and the Indians of the Grande Ronde Reservation, Oreg., dated June 27, 1901, was thoroughly explained by me to said Indians, and that it was fully understood by them before signing.

JOHN WARREN, *Interpreter.*

GRANDE RONDE AGENCY, OREG., *June 27, 1901.*

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, United States Indian inspector, and of the 60 male adult Indians of the Grande Ronde Reservation, Oreg., to the foregoing agreement.

MAURICE E. PEAIRS, *Industrial Teacher.*
LUTHER PARKER, *Teacher.*

GRANDE RONDE AGENCY, OREG., *June 27, 1901.*

I certify that the total number of male adult Indians over 18 years of age belonging on the Grande Ronde Reservation, Oreg., is 107, of whom 60 have signed the foregoing agreement.

ANDREW KERSHAW,
Superintendent and Special Disbursing Agent.

DEPARTMENT OF THE INTERIOR,
December 20, 1901.

Approved.

E. A. HITCHCOCK, *Secretary.*

Therefore,

Be it enacted, etc., That the said agreement be, and the same is hereby, accepted, ratified, and confirmed, as herein amended and modified, as follows:

ARTICLE I. The said Indians belonging on the Grande Ronde Reservation, Oreg., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Grande Ronde Reservation remaining unallotted on the date of this agreement, excepting the 440 acres of land reserved for Government uses at the time their allotments in severalty were made, the land hereby ceded and relinquished approximating 25,791 acres.

ART. II. In consideration of the lands ceded, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to dispose of the same on sealed bids, and to pay to said Indians the proceeds derived from the sale of said lands in cash pro rata, share and share alike, to each man, woman, and child belonging on the said Grande Ronde Reservation, as follows, to wit: To adults of 18 years of age or more, as soon as practicable from and after the date of the ratification of this agreement, and to each minor as they arrive at the age of 18 years; and that the pro rata shares thus retained until the beneficiaries attain the age aforesaid shall be deposited in lump sum in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 5 per cent per annum, which interest shall be paid to the parents or guardians of said minors annually per capita, in cash, until said minors arrive at the age of 18 years, and as each of such beneficiaries arrive at the age of 18 years they shall be paid their share in full.

ART. III. It is understood and agreed that the 440 acres of land reserved for Government purposes, referred to in Article I of this agreement, shall, when no longer required by the United States for educational or other purposes in the interests of said Indians, be allotted to minor beneficiaries who have not received any allotments of land, or be sold for the benefit of the Indians parties hereto, in the discretion of the Secretary of the Interior, and under such regulations as he may prescribe.

ART. IV. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Grande Ronde Reservation of any benefits

to which they may be entitled under existing treaties not inconsistent with the provisions of this agreement.

ART. V. This agreement shall take effect and be in force when accepted and ratified by the Congress of the United States.

SEC. 2. That for the purpose of carrying the provisions of this act into effect, the Secretary of the Interior shall be, and he is hereby, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places as he may designate, and shall, within thirty days after the ratification of this treaty, advertise all that part of the Grande Ronde Reservation remaining unallotted on the date of the said agreement, excepting the 440 acres of land reserved for Government uses at the time their allotments in severalty were made, said unallotted lands approximating 25,791 acres: *Provided*, That said lands shall be advertised for sale in Government sections or parts of sections, and shall be sold only by separate sealed bids, and the Secretary of the Interior shall reserve the right to reject any or all of said bids: *Provided*, That the Secretary of the Interior may also receive bids in bulk for the whole tract of land thus offered for sale or separate bids for that part of said tract lying on the north side of the reservation and consisting, approximately, of 13,000 acres, and for that part of said tract lying on the south side of the reservation and also consisting of, approximately, 13,000 acres: *And provided further*, That no bids shall be accepted until the sum of all bids received shall equal or exceed $28,500, all of which said amount, when received, shall be paid to the said Indians in cash pro rata, share and share alike, in accordance with the terms of said agreement.

SEC. 3. That the proceeds received from the sale of said lands in conformity with this act shall be paid into the Treasury of the United States, and paid to the Grande Ronde Indians or expended on their account only as provided in Article II of said agreement as herein amended.

SEC. 4. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided.

The SPEAKER. The question is first on agreeing to the preamble.

The question was taken; and the preamble was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CONTESTED-ELECTION CASE OF BONYNGE V. SHAFROTH.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

Whereas John F. Shafroth, a Member of this House returned as elected from the first district of Colorado, and whose seat is contested by Robert W. Bonynge, has this day in a frank and honorable manner, very creditable to himself, informed the House that after a consideration and examination of the ballots he is convinced that Robert W. Bonynge is entitled to the seat: Therefore

Resolved, That John F. Shafroth was not duly elected and is not entitled to a seat in this House.

Resolved, That Robert W. Bonynge was duly elected and is entitled to a seat in this House.

The SPEAKER. In the opinion of the Chair, the resolution is privileged. The question is on the resolution.

The question was taken, and the resolution was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905, that I may move to nonconcur in the Senate amendments thereto and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the diplomatic and consular appropriation bill. Is there objection?

There was no objection.

Mr. HITT. Mr. Speaker, I move to nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The question is on the motion of the gentleman from Illinois to nonconcur in the Senate amendments and ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER appointed the following conferees on the part of the House: Mr. HITT of Illinois, Mr. ADAMS of Pennsylvania, and Mr. DINSMORE of Arkansas.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 40 minutes p. m.) the House adjourned until to-morrow at 12 o'clock.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Delaware Bay Harbor of Refuge, Delaware—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Cato*, William Wyman, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Eliza*, Daniel Seymour, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Venus*, Benjamin Hutchings, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Leonard*, Samuel C. Hills, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Nancy*, Thomas Hadaway, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Redress*, John Grozier, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Nathaniel*, David Young, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Polly*, John Perkins, master—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TRIMBLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 2591) for the relief of W. S. Feland, late deputy collector second Kentucky district, reported the same without amendment, accompanied by a report (No. 920); which said bill and report were referred to the Private Calendar.

Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 6921) for the relief of the estate of Mary P. Gilmore, reported the same with amendment, accompanied by a report (No. 921); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 10925) directing the issue of a check in lieu of a lost check drawn in favor of the Pittsburg Shear, Knife and Machine Company, now the Heppenstall Forge and Knife Company, of Pittsburg, Pa., reported the same without amendment, accompanied by a report (No. 922); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 7190) for the relief of the Bank of North Wilkesboro, reported the same with amendment, accompanied by a report (No. 923); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 3393) for the relief of the Columbia Brewing Company, of Shenandoah, Pa., reported the same with amendment, accompanied by a report (No. 924); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 11928) for the relief of James T. Kilbreth, George R. Bidwell, and Nevada N. Stranahan, as collectors of customs for the district and port of New York, reported the same without amendment, accompanied by a report (No. 925); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 2193) for the relief David Tweed, reported the same with amendment, accompanied by a report (No. 926); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which

was referred the bill of the House (H. R. 9457) for the relief of Alexander S. Rosenthal, reported the same without amendment, accompanied by a report (No. 927); which said bill and report were referred to the Private Calendar.

Mr. LIND, from the Committee on Claims, to which was referred the bill of the House (H. R. 9981) for the relief of Darwin S. Hall, reported the same without amendment, accompanied by a report (No. 928); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 4637) authorizing and directing the Secretary of the Treasury to pay James L. Anderson the sum of $798.28, reported the same without amendment, accompanied by a report (No. 929); which said bill and report were referred to the Private Calendar.

Mr. LIND, from the Committee on Claims, to which was referred the bill of the Senate (S. 2696) authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.60, and so forth, reported the same without amendment, accompanied by a report (No. 930); which said bill and report were referred to the Private Calendar.

Mr. GOOCH, from the Committee on Claims, to which was referred the bill of the Senate (S. 334) for the relief of N. F. Palmer, Jr., & Co., reported the same without amendment, accompanied by a report (No. 931); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 199) for the relief of John H. McLaughlin, reported the same with amendment, accompanied by a report (No. 932); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9834) granting an increase of pension to Elizabeth McL. Haughey, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MAYNARD: A bill (H. R. 12376) to provide for celebrating the first permanent settlement of English-speaking people by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mines, forests, and the sea, in the vicinity of Jamestown, and on and near the waters of Hampton Roads, in the State of Virginia, and to authorize an appropriation in aid thereof—to the Select Committee on Industrial Arts and Expositions.

By Mr. MIERS of Indiana: A bill (H. R. 12377) in amendment of sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 12378) to make certain the mileage to be charged to and collected from parties other than the United States—to the Committee on the Judiciary.

By Mr. BISHOP: A bill (H. R. 12379) to provide a temporary home for ex-volunteer Union soldiers and sailors in the District of Columbia—to the Committee on Military Affairs.

By Mr. JACKSON of Ohio: A bill (H. R. 12380) to construct and complete jetties and piers, and to dredge channel and harbor to a depth of 21 feet, at Huron Harbor, Ohio—to the Committee on Rivers and Harbors.

By Mr. SLEMP: A bill (H. R. 12381) for the establishment, control, operation, and maintenance of a sanitarium for disabled volunteer soldiers at New River, White Sulphur Springs, in the State of Virginia—to the Committee on Military Affairs.

By Mr. CURTIS (by request): A bill (H. R. 12382) authorizing the payment of the Choctaw and Chickasaw town-site fund, and for other purposes—to the Committee on Indian Affairs.

Mr. STEPHENS of Texas: A bill (H. R. 12383) establishing a United States court and recording district at Duncan, Ind. T., and conforming other districts therewith—to the Committee on the Judiciary.

Also, a bill (H. R. 12384) granting a right of way to the Texas, Mountain Park and Northwestern Railroad, and for other purposes—to the Committee on Indian Affairs.

By Mr. WEBB: A bill (H. R. 12385) appropriating $50,000 for a textile and agricultural exhibit by the Government of the United States at Cape Town, South Africa, during the months of December, 1904, and January, 1905—to the Select Committee on Industrial Arts and Expositions.

By Mr. BOWERS: A bill (H. R. 12386) to authorize W. Denny & Co. to bridge Dog River, in the State of Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS: Memorial of the legislature of Massachusetts, favoring a bill to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 12387) granting an increase of pension to Henry Wimer—to the Committee on Invalid Pensions.

By Mr. BISHOP: A bill (H. R. 12388) granting an increase of pension to Adam Shiria—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12389) granting an increase of pension to Napoleon Paulus—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 12390) for the relief of Reuben R. Sea—to the Committee on Military Affairs.

By Mr. CRUMPACKER: A bill (H. R. 12391) granting an increase of pension to Hattie A. Towle—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 12392) granting a pension to John Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12393) for the relief of John W. Magann—to the Committee on Claims.

Also, a bill (H. R. 12394) for the relief of Stephen Murphy—to the Committee on Military Affairs.

Also, a bill (H. R. 12395) for the relief of H. J. Tisdale—to the Committee on Military Affairs.

Also, a bill (H. R. 12396) granting an increase of pension to James Mecham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12397) granting an increase of pension to Alfred Chill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12398) granting an increase of pension to Samuel N. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12399) granting an increase of pension to James Slater—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 12400) granting a pension to Ellen Cain—to the Committee on Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 12401) granting a pension to Henry J. Hefner—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: A bill (H. R. 12402) granting a pension to Orson Burlingame—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 12403) granting a pension to John Aldrich—to the Committee on Pensions.

Also, a bill (H. R. 12404) granting an honorable discharge to William H. H. Thompson, late acting master's mate, United States Navy—to the Committee on Naval Affairs.

By Mr. GRIFFITH: A bill (H. R. 12405) granting an increase of pension to Hiram N. Humphrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12406) granting an increase of pension to William H. Buchanan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12407) granting a pension to Josephine Dumont—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12408) to correct the military record of Lewis Gannon—to the Committee on Military Affairs.

By Mr. HAMILTON: A bill (H. R. 12409) granting a pension to Celina M. Bass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12410) granting an increase of pension to Anson R. Hodgkins—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 12411) granting an increase of pension to Joseph D. Walser—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 12412) granting an increase of pension to Josiah D. Fye—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 12413) granting an increase of pension to Timothy Haley—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 12414) granting an increase of pension to John S. Crosser—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 12415) granting an increase of pension to Reuben W. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12416) granting an increase of pension to Charles C. Duncan—to the Committee on Invalid Pensions.

By Mr. LUCKING: A bill (H. R. 12417) granting a pension to Hiram Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12418) to reimburse $337.52 to the administratrix of estate of Col. Philip Kirschner—to the Committee on Claims.

By Mr. MIERS of Indiana: A bill (H. R. 12419) granting an increase of pension to Luke Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12420) granting an increase of pension to Harvey Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12421) granting a pension to Hugh Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12422) granting a pension to Abigal Tharp—to the Committee on Pensions.

Also, a bill (H. R. 12423) granting a pension to Y. E. Alexander—to the Committee on Pensions.

By Mr. SHERMAN: A bill (H. R. 12424) for the relief of William Gardner—to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 12425) for the relief of the legal representatives of Jennings H. Courts, deceased—to the Committee on War Claims.

By Mr. SPALDING: A bill (H. R. 12426) to permit the appointment of Frank L. Anders as second lieutenant in the United States Army—to the Committee on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 12427) for the relief of Homer H. Flanagan, late a private in Company K, First Mississippi Volunteer Infantry, Spanish-American war—to the Committee on War Claims.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 12428) granting an increase of pension to Andrew L. Hook—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 12429) granting an increase of pension to Westley McCleary—to the Committee on Pensions.

Also, a bill (H. R. 12430) for the relief of Kate Kearney Henry, widow and administratrix of James L. Henry, deceased—to the Committee on Claims.

Also, a bill (H. R. 12431) for the relief of Catherine C. McGowan, widow and administratrix of Michael A. McGowan, deceased—to the Committee on Claims.

By Mr. WADSWORTH: A bill (H. R. 12432) granting an increase of pension to George Thayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12433) granting an increase of pension to Wallace E. Hughson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12434) granting an increase of pension to Rebecca McKinney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12435) granting an increase of pension to Charles A. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12436) granting a pension to Ida E. Nerber—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 12437) granting an increase of pension to William H. Crites—to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 12438) granting an increase of pension to William Fetzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12439) granting a pension to Lydia Gavitt—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 12440) granting an increase of pension to Edward M. Shepard—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Department of the Potomac, Grand Army of the Republic, favoring the passage of service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of the Massachusetts legislature, favoring legislation to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS of Pennsylvania: Resolution of board of directors of the Philadelphia Bourse, favoring the conclusion of treaties with other nations referring international questions to the court of arbitration at The Hague—to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Resolution of Licensed Tugmen's Protective Association of Buffalo, N Y., opposing building of dredges by the Government—to the Committee on Naval Affairs.

Also, petition of the Gilbert S. Graves Bible Class, of Buffalo, N. Y., opposing passage of so-called original-package bill—to the Committee on the Judiciary.

By Mr. BABCOCK: Papers to accompany bill H. R. 2005, granting increase of pension to Alexander J. Hood—to the Committee on Invalid Pensions.

Also, resolution of members of Methodist Episcopal Church of Union Mills, Wis., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURKETT: Petition of Young People's Society of Christian Endeavor of the Second Presbyterian Church of Lincoln, Nebr., favoring the passage of a bill to prevent nullification of State liquor laws and no-license ordinances—to the Committee on the Judiciary.

Also, petition of Young People's Society of Christian Endeavor of the Second Presbyterian Church of Lincoln, Nebr., asking for the abolishing of the canteen in Soldiers' Homes—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Young People's Society of Christian Endeavor of Lincoln, Nebr., favoring passage of McCumber bill prohibiting the sale of liquor on Government premises—to the Committee on Alcoholic Liquor Traffic.

Also, petition of F. W. Rodenbrock and 51 other voters of Nebraska City, Nebr., favoring passage of Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. CURTIS: Resolution of the Building Trades Employers' Association of Topeka, Kans., against bill H. R. 11060—to the Committee on the Judiciary.

Also, petitions of citizens of Topeka and Ozawkie, Kans., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of Victor Post, No. 293, of Fort Dodge; Johnson Post, No. 336, of Atchison; Jesse Nelson Post, No. 62, of Tecumseh, and Blue Post, No. 250, of Topeka, Kans., Grand Army of the Republic, and Union soldiers and sailors who served in war of 1861–1865, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Mrs. M. D. Ellis and 46 other voters of Pardee, Kans., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DALZELL: Papers to accompany bill H. R. 6558, for increase of pension for Robert H. Long—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolution of Maritime Association of the Port of New York, favoring the completion of breakwater at Point Judith, R. I.—to the Committee on Rivers and Harbors.

By Mr. ESCH: Petition of E. R. Johnson and 15 other voters of the Seventh district of Wisconsin, opposing the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Independent Order of Good Templars of Withee, Wis., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, memorial of the National Association of Rural Carriers, F. H. Cunningham, of South Omaha, Nebr., president, in the interest of rural letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of West Virginia: Petition of trustees of the Methodist Episcopal Church of Webster, W. Va., asking that claim of $720, under act of July 4, 1864, be referred to the Court of Claims for a finding of facts, as provided by act of Congress approved March 3, 1883, known as the Bowman Act—to the Committee on War Claims.

Also, petition of W. H. Raidin and 38 other voters of Mount Hope; H. E. Williams, of Duo, and L. S. Lee and 74 other voters of Jefferson district, all in West Virginia, favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GRIFFITH: Papers to accompany House bill for increase of pension for H. Buchanan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for increase of pension of Hiram N. Humphrey—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for increase of pension to Eli Duvall—to the Committee on Invalid Pensions.

By Mr. HAMLIN: Petition of F. A. Mossin and 100 other voters, of Howard County, Mo., favoring passage of bill H. R. 4508, the Brownlow bill—to the Committee on Agriculture.

Also, affidavits to accompany claim of Atheil A. McAlister and J. T. Butler—to the Committee on War Claims.

By Mr. HAMILTON: Petition of Harlon Briggs Post, No. 80, Grand Army of the Republic, of Hopkins Station, Mich., favoring the service-pension bill—to the Committee on Invalid Pensions.

By Mr. HASKINS: Resolution of Johnson Post, No. 23, Grand Army of the Republic, Department of Vermont, favoring the service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Chamberlain Post, No. 1, Grand Army of the Republic, Department of Vermont, favoring the service-pension bill—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of citizens of Russell, Iowa, favoring passage of bill H. R. 4072, the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HINSHAW: Resolution of H. C. Haskins, H. L. Wehenkel, and H. Frendenburg, patrons of rural free-delivery route No. 1, of Madison, Nebr., favoring increased pay for rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Petition of George T. Jackson and 10 others, of Montezuma, Iowa, opposing passage of parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Resolution of Dry Goods Reporter, of Chicago, Ill., opposing the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the National German-American Alliance, of Philadelphia, Pa., opposing the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Maritime Association of the Port of New York, favoring completion of harbor of refuge at Point Judith, R. I.—to the Committee on Rivers and Harbors.

By Mr. LITTLEFIELD: Petition of W. S. Coleman and 55 other voters of Lisbon, Me., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Petition of S. N. Slinkaid, teacher, and pupils of public schools of Linton, Ind., to have monument erected at Lundys Lane, Ind., for American soldiers buried there—to the Committee on the Library.

Also, papers to accompany House bill to grant pension to Hugh Alexander—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for increase of pension of Eli B. Holmes—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for increase of pension of Harvey Miller—to the Committee on Invalid Pensions.

Also, petition of C. S. Sherwood and 26 other voters of Linton, Ind., opposing parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON of Pennsylvania: Papers to accompany House bill granting increase of pension to Hugh M. Stevenson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for increase of pension to Charles H. Barnard—to the Committee on Invalid Pensions.

By Mr. PAYNE: Papers to accompany bill H. R. 12098, for increase of pension to Edwin M. Slayton—to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of John C. Morse and 52 other merchants of Illinois, opposing parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RIDER: Resolution of the Maritime Exchange of the Port of New York, favoring completion of work on breakwater at Point Judith, R. I.—to the Committee on Rivers and Harbors.

By Mr. ROBERTS: Resolution of General E. W. Hinks Post, No. 95, Grand Army of the Republic, of Sawyer, Mass., favoring passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of R. C. Ocker and 10 citizens of Lagrange, Ind., opposing parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolution of the Maritime Association of the Port of New York, favoring completion of breakwater at Point Judith, R. I.—to the Committee on Rivers and Harbors.

By Mr. SIBLEY: Resolution of Robert Kinnear Post, No. 632, Grand Army of the Republic, of Youngsville, Pa., favoring passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Papers to accompany bill H. R. 1767, granting a pension to Elizabeth Morris—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 1750, granting pension to Columbus B. Allen—to the Committee on Invalid Pensions.

By Mr. SPALDING: Protest of citizens of Morton County, N. Dak., opposing the division of the Bismarck land district—to the Committee on the Public Lands.

By Mr. SPIGHT: Paper to accompany claim of Homer H. Flanagan—to the Committee on War Claims.

By Mr. STEPHENS of Texas: Petition of J. M. Hatcher & Co. and 20 other merchants of Lewisville, Tex., opposing parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, memorial from citizens of Gainesville, Tex., favoring passage of good-roads bill—to the Committee on Agriculture.

By Mr. SULLOWAY: Papers to accompany bill H. R. 9834, for increase of pension of Elizabeth M. L. Haughey—to the Committee on Pensions.

By Mr. TALBOTT (by request): Petition of Rev. J. E. Nicholson and 19 other voters of Finksburg, Md., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. THAYER: Petition of Oliver R. Cook and 30 voters of Worcester, Mass., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

SENATE.

TUESDAY, *February 16, 1904.*

THE PRAYER.

The Chaplain, Rev. EDWARD EVERETT HALE, offered the following prayer:

"For we know that if our earthly house of this tabernacle were dissolved, we have a building of God, an house not made with hands, eternal in the heavens."

"Behold, I shew you a mystery," he writes. I make plain to you that that has been a mystery.

"We shall not all sleep, but we shall all be changed, in a moment, in the twinkling of an eye, * * * for this corruptible must put on incorruption, and this mortal must put on immortality."

Father, these who have known him best, these who have loved him, they come to Thee to ask Thy strength for weakness, for light in darkness, and that Thou wilt interpret unto them the lessons of life and death. All of us, Father, who knew him to love him and to honor him, we are altogether, with those nearest to him in his home, in the sorrows of this hour.

Come near to us as only our Father can come near to us. Show us what it is to be the immortal children of an eternal God. Train us to new service and larger service when we go from world to world or from life to life, to be with Thee in this infinite heaven of Thine.

Father, we pray for this nation, that she may always have counselors from the midst of her, men who know her people and who know the world and are willing to join with one heart and with one voice that this may be the kingdom of Thy love. Be with us in our sorrows as Thou hast been in our joys. We ask it in Christ Jesus.

Our Father who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom and the power and the glory, forever. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ALDRICH, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

DEATH OF SENATOR HANNA.

Mr. FORAKER. Mr. President, I have a painful duty to perform. It is that of making formal announcement of the death of my late colleague, Hon. MARCUS A. HANNA. He departed this life in this city, at the Arlington Hotel, where he has been residing during this session of the Senate, at the hour of 6.40 p. m. yesterday, surrounded by his family and immediate friends.

The event was not unexpected at the time when it occurred. For months past it has been evident to all who were associated with him that he was in failing health.

He was urgently and repeatedly advised to desist from his labors and make a special effort to resist his maladies, but his strong will power, hopeful nature, and fidelity to duty were such that he disregarded all such suggestions and continued at his post until about three weeks ago, when he was prostrated by typhoid fever.

His friends then became justly alarmed. That alarm spread throughout the country, and in response to unusual manifestations of public sympathy his physicians bulletined his condition daily and finally almost hourly.

As the days passed hope failed, until all recognized that the "inevitable hour" was approaching.

Thus it was that the end did not come as a surprise, but the regret it has occasioned appears to be more profound and universal on that account.

His bereaved family have been the recipients of messages and telegrams of grief and condolence from all sections and from all classes.

He is mourned by all his countrymen—by his political associates not alone because he was their great organizing leader who repeatedly led them to victory, but also and more especially because he had gained their affections and reigned in their hearts as a favorite; by his political opponents because they are chivalrous and generous enough to experience sorrow when a brave man falls, though he be of the opposition, and because they recognized in him a bold and fearless foeman, who commanded their respect and excited their admiration.

Here in the Senate, where he was so long a distinguished member, he was best known and most appreciated.

It is unnecessary to speak in this presence of the great loss his

death has occasioned to his party, his State, and the nation. All know it better than any language can express it.

Mr. President, this is not the time for extended eulogy. Later, I shall ask the Senate to set apart a day when all his colleagues can join with me in paying fitting tribute to his life, character, and public services.

For the present I content myself with offering the resolutions I send to the desk, for which I ask present consideration.

The PRESIDENT pro tempore. The Senator from Ohio submits resolutions, which the Secretary will read to the Senate.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. MARCUS A. HANNA, late a Senator from the State of Ohio.

Resolved, That a committee of twenty-five Senators, of whom the President pro tempore shall be one, be appointed by the presiding officer to take order for superintending the funeral of Mr. HANNA, which shall take place in the Senate Chamber at 12 o'clock m. on Wednesday, February 17, instant, and that the Senate will attend the same.

Resolved, That as a further mark of respect his remains be removed from Washington to Cleveland, Ohio, for burial, in charge of the Sergeant-at-Arms, attended by the committee, who shall have full power to carry these resolutions into effect; and that the necessary expenses in connection therewith be paid out of the contingent fund of the Senate.

Resolved, That the Secretary communicate these proceedings to the House of Representatives and invite the House of Representatives to attend the funeral in the Senate Chamber and to appoint a committee to act with the committee of the Senate.

Resolved, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and associate justices of the Supreme Court of the United States, the diplomatic corps (through the Secretary of State), the Admiral of the Navy, and the Lieutenant-General of the Army to attend the funeral in the Senate Chamber.

The PRESIDENT pro tempore. The question is on agreeing to the resolutions submitted by the Senator from Ohio.

The resolutions were unanimously agreed to.

The PRESIDENT pro tempore appointed as the committee under the second resolution Mr. FORAKER, Mr. ALLISON, Mr. ALDRICH, Mr. HALE, Mr. PLATT of Connecticut, Mr. SPOONER, Mr. PERKINS, Mr. WETMORE, Mr. HANSBROUGH, Mr. WARREN, Mr. FAIRBANKS, Mr. DEPEW, Mr. KEAN, Mr. SCOTT, Mr. BEVERIDGE, Mr. ALGER, Mr. KITTREDGE, Mr. GORMAN, Mr. COCKRELL, Mr. TELLER, Mr. BACON, Mr. MARTIN, Mr. BLACKBURN, and Mr. MCENERY.

Mr. FORAKER. Mr. President, I move, as a further mark of respect to the deceased, that the Senate adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 17, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 16, 1904.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father who art in heaven, we come to Thee bowed in sorrow and in grief because a great and useful man, a faithful servant of the people, has been taken from us. Yet we come with perfect faith and confidence in Thee as a wise, just, and merciful Ruler, who doeth all things for the good of Thy children.

Help us, we beseech Thee, to learn the lesson Thou wouldst teach in the life and death of this man, that we may be faithful to our calling and gain the confidence and esteem of our fellow-men.

Be very near to the bereaved wife, the mourning family, and to those who were near and dear to him by the ties of friendship. Comfort them by the blessed hope of the life to come in Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 3584. An act to authorize the resubdivision of lots or blocks in the District of Columbia;

H. R. 11823. An act to authorize the Director of the Census to cooperate with the secretary of state of the State of Michigan and with officials of other States in taking the census of manufactures; and

H. R. 9308. An act permitting the building of a dam across the Mississippi River between the counties of Wright and Sherburne, in the State of Minnesota.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11287) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives, and had appointed Mr. HALE, Mr. CULLOM, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. R. 37) providing for the editions to be printed for the annual and special reports of the Librarian of Congress.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4122) to direct the Director of the Census to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 660. An act granting an increase of pension to John S. Sines;

H. R. 5720. An act granting an increase of pension to William T. Filler;

H. R. 703. An act granting an increase of pension to Robert P. Baker;

H. R. 7732. An act granting an increase of pension to Mary Chenowith;

H. R. 1483. An act granting an increase of pension to James W. Black;

H. R. 7439. An act granting an increase of pension to Helen M. Bates;

H. R. 198. An act granting an increase of pension to Emmett Cole;

H. R. 6947. An act granting an increase of pension to Joseph H. Cooper;

H. R. 7798. An act granting an increase of pension to Andrew Black;

H. R. 6028. An act granting an increase of pension to Anson Heffron;

H. R. 4325. An act granting an increase of pension to John A. Sills;

H. R. 812. An act granting an increase of pension to Charles F. Emery;

H. R. 6032. An act granting an increase of pension to Charles S. Bellows;

H. R. 937. An act granting an increase of pension to Mark A. Shelton;

H. R. 7682. An act granting an increase of pension to William H. Howard;

H. R. 1156. An act granting an increase of pension to John Pangratz;

H. R. 6036. An act granting an increase of pension to John Shafer;

H. R. 5609. An act granting an increase of pension to Benjamin F. Grigsby;

H. R. 734. An act granting an increase of pension to Henry S. McAlister;

H. R. 8729. An act granting an increase of pension to Gustus S. Remick;

H. R. 727. An act granting an increase of pension to James K. Blye;

H. R. 4937. An act granting an increase of pension to Emily Conklin;

H. R. 5372. An act granting a pension to Mariah Kuechler;

H. R. 1497. An act granting an increase of pension to Dana Cook;

H. R. 4578. An act granting a pension to Catharine M. McClanahan;

H. R. 138. An act granting an increase of pension to Henry Hale;

H. R. 7355. An act granting an increase of pension to Henry Barrett;

H. R. 1855. An act granting a pension to Harriett B. Riley;

H. R. 1294. An act granting an increase of pension to William McBrien;

H. R. 6562. An act granting an increase of pension to Frances A. Thompson;

H. R. 165. An act granting an increase of pension to Thomas Adelsperger;

H. R. 1487. An act granting an increase of pension to Dexter T. Drake;

H. R. 5534. An act granting an increase of pension to Adaline Shaw Lovejoy;

H. R. 6994. An act granting an increase of pension to Theresa Nebrich;

H. R. 8187. An act granting an increase of pension to George Jeffrey;
H. R. 8123. An act granting a pension to Eliza S. Smith;
H. R. 219. An act granting a pension to Minerva J. Burton;
H. R. 7095. An act granting an increase of pension to Harrison H. Hakes;
H. R. 8717. An act granting an increase of pension to Henry Edwards;
H. R. 8342. An act granting an increase of pension to Horace E. Davis;
H. R. 8207. An act granting an increase of pension to Charles Johnson;
H. R. 5299. An act granting an increase of pension to Sarah E. Wheeler;
H. R. 2553. An act granting an increase of pension to George Wintz;
H. R. 4887. An act granting an increase of pension to George N. Thorpe;
H. R. 4629. An act granting an increase of pension to Thomas C. Pond;
H. R. 4276. An act granting an increase of pension to Hamilton E. Burritt;
H. R. 2822. An act granting an increase of pension to Louiza Phillips;
H. R. 3521. An act granting an increase of pension to John Hawker;
H. R. 7374. An act granting an increase of pension to Jabez Perkins;
H. R. 134. An act granting a pension to Wilhelmina Miller;
H. R. 6020. An act granting an increase of pension to William P. Conner;
H. R. 3272. An act granting an increase of pension to Elizabeth Hardy;
H. R. 6547. An act granting a pension to John Holzer;
H. R. 3172. An act granting an increase of pension to Robert E. Pogue;
H. R. 195. An act granting a pension to Michael Landy;
H. R. 2040. An act granting a pension to James Anderson;
H. R. 7447. An act granting an increase of pension to William Bailey;
H. R. 754. An act granting a pension to John M. Lawton;
H. R. 5634. An act granting an increase of pension to Robert L. Miles;
H. R. 4946. An act granting a pension to James F. Wheeler;
H. R. 7756. An act granting an increase of pension to Charles Schroder;
H. R. 7072. An act granting a pension to Mary McCall;
H. R. 6701. An act granting an increase of pension to John A. Reeds;
H. R. 9029. An act granting a pension to Georgie S. Barbour;
H. R. 8920. An act granting a pension to Harriet A. Tucker;
H. R. 5199. An act granting an increase of pension to Emma M. Johnson;
H. R. 5617. An act granting an increase of pension to William P. Hereford;
H. R. 7594. An act granting an increase of pension to Charles H. Miller;
H. R. 5818. An act granting an increase of pension to Philip Snow;
H. R. 4759. An act granting an increase of pension to David P. McDonald;
H. R. 5972. An act granting an increase of pension to Edward A. Wilbur;
H. R. 3337. An act granting an increase of pension to Mary A. Craigue;
H. R. 5528. An act granting a pension to Maria Lindhorst;
H. R. 4031. An act granting an increase of pension to Samuel R. Wasson;
H. R. 4915. An act granting an increase of pension to James W. Hibbert;
H. R. 6061. An act granting an increase of pension to Alpheus D. Brown;
H. R. 6588. An act granting an increase of pension to James H. Cummings;
H. R. 7757. An act granting an increase of pension to Cyrus Davidheiser;
H. R. 5699. An act granting an increase of pension to James P. Johnson;
H. R. 6091. An act granting an increase of pension to John W. Brown;
H. R. 6023. An act granting an increase of pension to Charles Wigert;
H. R. 6342. An act granting an increase of pension to Thomas Springer;
H. R. 7799. An act granting an increase of pension to John O. Rice;
H. R. 2932. An act granting a pension to Dudley R. W. Williams;
H. R. 3298. An act granting a pension to Mary E. Pennock;
H. R. 689. An act granting an increase of pension to Edgar Chapman;
H. R. 3665. An act granting an increase of pension to Henry C. Jones;
H. R. 2912. An act granting an increase of pension to Elizabeth A. Jones;
H. R. 2111. An act granting an increase of pension to Henry D. Towsley;
H. R. 3411. An act granting an increase of pension to William J. Hart;
H. R. 1859. An act granting an increase of pension to Patrick Cannon;
H. R. 3345. An act granting an increase of pension to Charles P. Clarke;
H. R. 561. An act granting an increase of pension to Eri Summy;
H. R. 2916. An act granting an increase of pension to Francis S. Howard;
H. R. 1906. An act granting an increase of pension to George W. Blanchard;
H. R. 610. An act granting an increase of pension to Samuel Alexander;
H. R. 5531. An act granting an increase of pension to Marvin Nash;
H. R. 2427. An act granting a pension to Cynthia Thomas;
H. R. 4625. An act granting a pension to Theresa B. Nash;
H. R. 249. An act granting an increase of pension to Mollie J. Mitchell;
H. R. 7515. An act granting a pension to Rebecca A. Mathias;
H. R. 2201. An act granting an increase of pension to George McDonald;
H. R. 8728. An act granting a pension to Matilda Lafferty;
H. R. 4323. An act granting an increase of pension to Mary Wurtz;
H. R. 2016. An act granting an increase of pension to George Gardner;
H. R. 4365. An act granting a pension to Barney L. Brookins;
H. R. 8748. An act for the relief of Serenus Kilbourne;
H. R. 681. An act granting an increase of pension to Ella P. Kersteter;
H. R. 6005. An act granting an increase of pension to George B. Davis;
H. R. 3815. An act granting an increase of pension to Hester E. Mooney;
H. R. 4457. An act granting an increase of pension to Mary E. Meldrum;
H. R. 3617. An act granting an increase of pension to Charles M. Everett;
H. R. 5471. An act granting an increase of pension to A. Marion Gamble;
H. R. 3407. An act granting an increase of pension to Frank Lewis;
H. R. 6071. An act granting an increase of pension to Abraham C. Null;
H. R. 529. An act granting a pension to Emma H. Higley;
H. R. 6442. An act granting an increase of pension to James P. Wallace;
H. R. 3435. An act granting an increase of pension to John M. Pratt;
H. R. 3299. An act granting a pension to Medie M. Flanders;
H. R. 3367. An act granting an increase of pension to George W. Kerby; and
H. R. 3616. An act granting an increase of pension to James W. Davis.

FORTIFICATIONS APPROPRIATION BILL.

Mr. LITTAUER, from the Committee on Appropriations, reported the bill (H. R. 12446) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. All points of order will be reserved.

SWEARING IN OF A MEMBER.

Mr. HOGG. Mr. Speaker, Mr. Bonynge, of the First district of Colorado, is present and desires to take the oath of office.

Mr. Bonynge appeared at the bar of the House, and was duly qualified by taking the oath of office required by law.

CONFERENCE REPORT ON URGENT DEFICIENCY BILL.

Mr. HEMENWAY. Mr. Speaker, I desire to present the conference report on the urgent deficiency bill.

The SPEAKER. The gentleman from Indiana presents a conference report on the urgent deficiency bill, which the Clerk will read.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent to dispense with the reading of the report, and that the statement of the House conferees be read in place of the report.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the reading of the conference report may be dispensed with, and that the statement be read. Is there objection? [After a pause.] The Chair hears none.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16954) making appropriations to supply urgent deficiencies submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendment numbered 1: Extends the time within which the Commission on International Exchanges shall complete their work to November first instead of July first, 1904.

On amendment numbered 2: Appropriates two thousand dollars as proposed by the House instead of three thousand five hundred dollars as proposed by the Senate for contingent expenses for the Department of State.

On amendment numbered 3: Appropriates five hundred dollars as proposed by the Senate for the purchase of two horses for the Department of State.

On amendments numbered 4, 5, 6, and 7, relating to foreign intercourse: Appropriates fifteen thousand dollars, as proposed by the House, instead of twenty-five thousand dollars, as proposed by the Senate, for contingent expenses, foreign missions; eight thousand dollars, as proposed by the Senate, for expenses of inspection of consulates; and for a consul at Dalny, Manchuria, at the rate of three thousand five hundred dollars per annum, as proposed by the Senate.

On amendment numbered 8: Appropriates four hundred and eighty-one dollars and twenty-five cents for foreign postage for the Treasury Department.

On amendment numbered 9: Appropriates six thousand and twenty-five dollars, as proposed by the Senate, for certain additional employees in the office of the Treasurer of the United States for the balance of the fiscal year, the same being provided for in the legislative bill for the next fiscal year.

On the amendment of the House to the amendment of the Senate numbered 10, relating to the Louisiana Purchase Exposition: Inserts in the bill the substitute provision proposed by the House.

On amendment numbered 11: Continues available until September 30, 1906, the unexpended balance of the appropriation for the United States Commission to the Paris Exposition of 1900, as proposed by the Senate.

On amendment numbered 12: Strikes out the appropriation of seven hundred and twenty dollars, proposed by the Senate, for reimbursement to the Independent Line Steamers, of Tampa, Fla.

On amendment numbered 13: Appropriates twelve thousand dollars, as proposed by the Senate, instead of eight thousand dollars, as proposed by the House, for enlarging the drafting room of the Office of the Supervising Architect.

On amendment numbered 14: Strikes out the provision proposed by the Senate authorizing purchase and condemnation of additional ground for the Baltimore (Md.) custom-house.

On amendment numbered 15: Appropriates two thousand five hundred dollars, as proposed by the Senate, for rental of temporary quarters at Greensboro, N. C.

On amendment numbered 16: Strikes out the appropriation of nineteen thousand seven hundred dollars, as proposed by the Senate, for purchase of site for the Los Angeles (Cal.) post-office and court-house.

On amendment numbered 17: Appropriates twenty-five thousand dollars, as proposed by the House, instead of one hundred and twenty-five thousand dollars, as proposed by the Senate, for heating, hoisting, and ventilating apparatus.

On amendment numbered 18: Appropriates fifteen thousand dollars, as proposed by the Senate, for vaults, safes, and locks for public buildings.

On amendment numbered 19: Strikes out appropriation of seven hundred and twenty dollars proposed by the Senate for legislative expenses, Territory of New Mexico.

On amendments numbered 20, 21, 22, 23, 24, 25, and 26, relating to the District of Columbia: Makes appropriations as follows: Eight hundred dollars for temporary services in the office of the assessor, two thousand eight hundred dollars for night schools, twenty thousand dollars for fuel for public schools, two thousand five hundred dollars for material for manual training, and two hundred thousand dollars for the elimination of grade crossings as required by the acts of 1901 and 1903; strikes out the appropriations proposed by the Senate of five hundred dollars for the construction of an underground drain for Congress Heights engine house, and five hundred dollars for deepening well for said engine house.

On amendment numbered 27: Authorizes settlement of accounts of George W. Baird, major and paymaster in the Army, not exceeding six hundred and seventy-nine dollars and three cents.

On amendment numbered 28: Authorizes the payment of three hundred dollars, as proposed by the House, instead of six hundred dollars, as proposed by the Senate, for preparing an illustrated description of the Sherman statue.

On amendment numbered 29: Strikes out the appropriation of seven thousand dollars, as proposed by the Senate, for submarine cable lines to Alaska.

On amendment numbered 30: Appropriates two thousand seven hundred dollars, as proposed by the Senate, for road from Springfield, Mo., to the national cemetery.

On amendments numbered 31, 32, and 33, relating to the Military Academy: Appropriates, as proposed by the Senate, one hundred and forty dollars for expenses of the Board of Visitors, five thousand dollars for repairs and improvements, and three thousand dollars for grading target range.

On amendment numbered 34: Appropriates two thousand eight hundred dollars, as proposed by the Senate, for the naval station at Cavite, Philippine Islands.

On amendment numbered 35: Appropriates three thousand dollars, as proposed by the Senate, for repairs of the Interior Department and Pension buildings.

On amendment numbered 36: Appropriates seven hundred and fifty dollars, as proposed by the Senate, for repairs and improvements to steam fire engine house and Senate and House stables.

On amendments numbered 37, 38, and 39, relating to the Government Hospital for the Insane: Appropriates two thousand five hundred dollars, as proposed by the Senate, instead of four thousand dollars, as proposed by the House, for the Hospital extension; also appropriates, as proposed by the Senate, seven thousand nine hundred and sixty dollars for a locomotive and two thousand four hundred and fifty dollars for rubber treads for iron stairs.

On amendment numbered 40: Appropriates one thousand five hundred dollars, as proposed by the Senate, for the Columbia Institution for the Deaf and Dumb.

On amendment numbered 41: Appropriates two thousand dollars, as proposed by the Senate, for Howard University.

On amendment numbered 42: Appropriates six hundred and forty dollars and forty cents, as proposed by the Senate, for surveying boundaries of Yellowstone Park.

On amendment numbered 43: Appropriates one hundred and fifty-two dollars and thirteen cents, as proposed by the Senate, for salary due a register of the land office in Alaska.

On amendment numbered 44: Appropriates five thousand dollars, as proposed by the Senate, for expenses of hearings in land cases.

On amendment numbered 45: Appropriates eighty thousand dollars, instead of sixty thousand dollars, as proposed by the House, and one hundred thousand dollars, as proposed by the Senate, for investigating the mineral resources of Alaska.

On amendment numbered 46: Appropriates ten thousand dollars, as proposed by the Senate, for completing the report of mineral resources.

On amendments numbered 48 and 49: Appropriates, as proposed by the Senate, nine hundred and seventy-two dollars and sixty-one cents for the Fish Commission, and seven hundred dollars for repairs and improvements at the Green Lake fish station, in Maine.

On amendments numbered 50 and 51: Appropriates one thousand dollars, as proposed by the House, instead of two thousand dollars, as proposed by the Senate, for contingent expenses, and five hundred dollars, as proposed by the Senate, instead of three hundred and fifty dollars, as proposed by the House, for stationery for the Department of Justice.

On amendment numbered 52: Strikes out, as proposed by the Senate, the provision relating to per diem compensation of clerks of United States courts.

On amendments numbered 53, 54, 55, and 56, relating to the postal service: Appropriates ten thousand dollars, as proposed by the Senate, instead of five thousand dollars, as proposed by the House, for wrapping paper, and thirty thousand dollars, as proposed by the Senate, for wrapping twine, and strikes out the appropriations proposed by the Senate of one thousand six hundred and sixty dollars for payment to the West Virginia Pulp and Paper Company, and fifty thousand dollars for rent, light, and fuel for first, second, and third class post-offices.

On amendments numbered 57 and 58: Strikes out the appropriations proposed by the Senate for the Bureau of Chemistry under the Department of Agriculture.

On amendment numbered 59: Appropriates three thousand dollars, as proposed by the Senate, to pay John G. Ames for compiling a Comprehensive Index to Government Publications.

On amendment numbered 60: Appropriates forty-two thousand dollars, as proposed by the House, instead of fifty-nine thousand dollars, as proposed by the Senate for printing and binding for the Interior Department.

On amendments numbered 61, 62, 63, 64, 65, 66, 67, and 68: Appropriates, as proposed by the Senate, for various expenditures of that body.

On amendment numbered 69: Appropriates three thousand dollars, as proposed by the Senate, for folding materials for the House of Representatives.

On amendment numbered 70: Appropriates five thousand dollars, as proposed by the Senate, for the Spanish Treaty Claims Commission.

On amendments numbered 71, 72, and 73: Appropriates for the additional judgments in Indian depredation claims certified to Congress since the passage of the bill by the House.

On amendment numbered 74: Strikes out the appropriation of forty-six dollars and eighty-five cents, as proposed by the Senate, to pay an audited claim not embraced in the regular certification to Congress.

The bill as finally agreed upon appropriates $16,130,111.30, being an increase of $5,103,916.22 over the amount as it passed the House.

The Senate by its amendments added $5,364,263.07 to the bill, of which sum the House accepted by its concurrence $4,630,000, leaving in difference between the two Houses, and for adjustment by the conference committee, amendments involving $734,263.07, of which sum it is recommended that the Senate recede from $260,346.85 and that the House agree to $473,916.22.

J. A. HEMENWAY,
H. C. VAN VOORHIS,
Managers on the part of the House.

Mr. HEMENWAY. Mr. Speaker, under the rules of the House all conference reports should be printed and lie over one day before consideration. In view of the fact that the amendments of the Senate were considered in the Committee of the Whole House on the state of the Union before the bill went to conference, in view of the fact that the House will probably transact no further business until the day after to-morrow, Thursday, and in view of the further fact that items upon this bill are very necessary for the proper conduct of the public service, I ask unanimous consent that this report be considered now.

Mr. WILLIAMS of Mississippi. Mr. Speaker, in view of the circumstances surrounding the bill itself and past discussion of the differences between the two Houses, in view, also, of the peculiar circumstances surrounding the day itself, I shall not object to the request for unanimous consent; but I give notice now, beforehand, that hereafter, in connection with all appropriation bills, objection will be made to any request for unanimous consent of this character, and the demand made that the rule be complied with.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

JEREMIAH O'BRIEN.

Mr. WILEY of Alabama. Mr. Speaker, at an earlier day in the session I submitted some remarks upon the life and character of Jeremiah O'Brien, an Irish-American patriot and hero of the Revolutionary war, in advocacy of a bill to erect a monument to his memory in the nation's capital. I find that the address as

published in the RECORD contained some historical inaccuracies. I have revised and corrected the same; and I now ask unanimous consent to print them in the RECORD in lieu of the original speech.

The SPEAKER. The gentleman from Alabama asks unanimous consent to print revised remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The remarks are as follows:

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. WILEY of Alabama. Mr. Chairman, at an early day of the present session I had the honor to introduce into this House a bill (H. R. 10429) for the erection of a monument, in the city of Washington, to the memory of Jeremiah O'Brien, upon which shall be inscribed the words:

Erected to the memory of
The heroic Irish-American,
Jeremiah O'Brien.
Who attacked and captured
In the first sea fight of
The Revolutionary war
The British schooner *Margaretta*.

Commodore John Barry has justly been characterized as the father of the American Navy. I am pleased to be advised that a similar bill has already been introduced in this House, authorizing the erection of a monument, at our beautiful national capital, to keep fresh in our remembrances the illustrious services he rendered his country, both in peace and in war, and to make luminous and glorious the growth and development of the American Navy, in the rapid march of the most marvelous century that ever chronicled the brilliant achievements of the human race.

But while we are rendering a just tribute to the man whose genius and brains created our Navy, let us not forget to do honor to another patriot, Jeremiah O'Brien, who fought the first naval battle in our struggle for independence from the British Crown, nor fail to perpetuate the virtues and the valor of the brave, free, and independent men who, under his leadership, did a deed so grand and enduring as to win the admiration of the civilized world. History does not record the name of a hero who has excelled in dauntless courage and in unconquerable patriotism the immortal Irish-American sailor of whom I speak.

These intrepid men from sawmill and shipyard have glorified our nation's flag and ornamented the brightest page of the annals in which are inscribed the brilliant events that have transpired during the past one hundred years in this "Union of our fathers and sires." The white angel of peace has descended upon the village of Machias, in the State of Maine, and now abides within her gates. But not so in the memorable month of June, 1775. Then the tocsin of war was heard on her streets and excitement ran high in every household. A wondrous change has come over the spirits of her inhabitants and hangs above the face of the mighty waters. The sweet flowers of hope and faith are climbing and blooming over the ruined and deserted cannon which once belched forth the fires of carnage and death during the war in which the colonies engaged with the mother country.

Popular conceptions are inaccurate and misleading. The story of the men of Machias is necessarily traditional. One hundred and twenty-nine years ago the first sea battle of the Revolutionary war was fought. Away in the distant regions of antiquity, so remote that the event is scarce remembered in the chronicles of men, it is not to be marveled at that different and conflicting versions of this remarkable encounter should appear from time to time. One of the most interesting and romantic accounts has been rendered by Lieut. Edward Wilson Very, late of the United States Navy.

The story, as told by him, runs substantially like this:

The news of the battle of Lexington reached Machias early one Sunday morning. It was the 10th of June, 1775, and just then there was an armed Government schooner in front of the town waiting to convoy a couple of lumber-loaded sloops to Halifax.

The young men of the village, fired by the story of the deeds of their kinsmen, gathered and plotted to lend their mite to the cause; but what could be done? The guns of the schooner covered the town; there were other guns in the little old blockhouse, and there were a few muskets; but the authorities were Tories, and all the gunpowder was locked fast in the magazine beyond their reach. There was powder in Jonesboro, 10 miles away; but no man dared go to get it for fear of being missed.

And so it happened that Mary Chandler, a young girl of 17, slipped quietly from the meetinghouse during the sermon, walked over the rough trail to Jonesboro, and that night carried on her shoulders 25 pounds of powder back through the woods to Machias.

This blockading craft was His Majesty's schooner *Margaretta*, manned with a crew recruited from the hardy seafarers of Nova Scotia, and full of the brawn and muscle and grit which had contributed so essentially to make true the boast "Britannia rules the waves."

When the shadows of evening came down upon both land and sea the commander of the *Margaretta*, as a precautionary measure, and in order to guard against a possible covert attack at night, moved the schooner down the river to the bay a few miles away, where he thought he would be in a safe position to hold the rebellious village in his relentless grip; but no sooner was he out of sight than Jeremiah O'Brien, himself a lumberman, a gentleman of judgment and discretion, of cool nerve and indomitable will, "born to command," organized at once for offensive warfare.

His force consisted of thirty-five picked men, selected from among the shipbuilders and sailors of Machias. Full of mettle and ardor, young in years, keen of eye, strong of limb, and compact of body; brave and generous, every soul of them, with the health of salt air in their cheeks and the love of country in their hearts; "disdaining fortune," buoyant in hope, and proud in their own self-esteem; each a veritable Hotspur, putting on the "dauntless spirit of resolution," impatient of wrong and weary of oppression; daring to do all that mortal man could do to redress their grievances, this Spartan band, under the skillful generalship of the gallant O'Brien, rushed, as it were, from the very summit of the mount of defiance and quickly seized and unloaded one of the lumber-laden sloops and equipped her for battle, arming her with the old guns from the blockhouse, and stowing away in her hull the powder which Mary Chandler had brought to them through the mazes of a thick forest.

Sailing into the bay as the rays of the early morning light gilded the eastern sky, "dire was the clang" as the two crafts ranged alongside one another and exchanged dreadful shots. Soon the schooner's foresail rattled to the deck and all was over with her, for, closing in upon her and holding her fast, Jeremiah O'Brien, at the head of his thirty-five "Down Easters," boarded and captured her.

Another traditional but doubtless the more nearly correct version of this naval engagement is substantially as follows: After the news of the battle of Lexington reached Machias the townspeople erected a liberty pole, and the fact having been communicated to the British authorities, the sloop *Margaretta*, under the command of Lieutenant Moore, of the English navy, was directed to proceed from Boston to Machias to investigate the matter.

On the arrival of the *Margaretta* her commanding officer notified the town officials that the pole must come down or he would open fire on the settlement.

A hurried caucus of the leading citizens was held, without apparently reaching any satisfactory conclusion.

The fact, however, as developed later, was that the meeting had determined to keep the pole intact. This led to the expedition which resulted in the capture of the *Margaretta*. It was contemplated to use two vessels, one of which was the lumber sloop *Unity*, belonging to a Tory merchant named Jones; and with this object in view it was seized by the Americans at the wharf at Machias, was manned by about forty young republican sympathizers from the village, commanded by Jeremiah O'Brien, and alone participated in the battle. The other vessel which it was proposed to utilize was the *Falmouth Packet*, commanded by Benjamin Foster, but this craft on the way down the bay went aground. Both the *Unity* and the *Falmouth Packet* were sloops proper—that is to say, vessels with one mast each, and were, respectively, of about 80 tons burden. The crew of the *Unity* consisted of 35 men, and she had on board "20 fowling pieces, with 3 rounds of powder and ball; 13 hay forks, a number of axes, a small bag of bread, a few pieces of pork, and a barrel of water; the last thing being mounted was a wall piece on the bitts of the windlass." The *Margaretta* was known as a "sloop of war," but was in reality a schooner, with four 6-pounders, twenty 1-pound swivels fired from the rail, 2 wall pieces, 40 muskets, boarding pikes and axes, 2 boxes of hand grenades, with an ample supply of powder and ball. She was manned by two commissioned officers, with 38 petty officers and men, and was of about 100 tons burden.

The father, Dennis O'Brien, insisted upon going with the expedition, but was persuaded not to do so on account of his age. Joseph, the younger brother, was forbidden to go because he was too young, and Jeremiah locked him up in a corn house or wood shed to keep him safe until the sloop had gotten off and was underway. Joseph, however, in some manner secured his release and became a stowaway on the *Unity* until she was well down the bay, and when he appeared on deck it was too late to put him ashore; so that all the six brothers, Jeremiah, Gideon, John, William, Dennis, and Joseph, were on the *Unity* during the engagement. The *Unity* made a direct course for the *Margaretta*, and, after a fierce fight lasting some twenty minutes, captured her, and Jeremiah pulled down the flag. Lieutenant Moore, of the *Margaretta*, was killed on deck during the action. With him were five killed or mortally wounded and ten disabled, while of the Americans two were killed and four wounded. The report

of this affair was made to the Congress of Massachusetts Bay on June 14, 1775, by the committee of Machias, and on June 26, 1775, Congress passed resolutions of thanks to Jeremiah O'Brien and Benjamin Foster for their action, and declared that—

> Said sloops, their appurtenances and cargoes, remain in the tender hands of said Captains O'Brien and Foster and the men under their command for them to use and improve as they shall think most for their account and the public advantage until further order of this or some future Congress or House of Representatives.

The sword of Lieutenant Moore is held to this day by an O'Brien descendant as a precious family heirloom.

The *Margaretta* was subsequently, in 1776, refitted and renamed *The Hare*. Capt. Jeremiah O'Brien commanded and used her as a privateer until she was chased by a British man-of-war and run on the flats near Jonesport, on the Maine coast, where she was set on fire and burned to the water's edge. The *Unity* was fitted out as a cruiser and the armament of the *Margaretta* being transferred to her, it was decided to change her name to *Machias Liberty*. Jeremiah O'Brien was placed in command of her by the Machias committee of safety. In July, 1775, Jeremiah, in the *Machias Liberty*, and Captain Foster, in a schooner from East Machias, captured the *Diligent*, a 10-gun sloop, with 50 men, and Foster seized the *Tapnaquish*, a sloop accompanying the *Diligent*. Jeremiah afterwards took captive several British vessels at St. Johns, New Brunswick. O'Brien and Benjamin Foster were ordered to make a formal report of the capture of these ships to General Washington at Cambridge, which they accordingly did; and from there they went to Watertown, where the Provincial Congress was in session, which body in their presence passed a resolution of thanks to them for these valuable prizes. At this time Jeremiah was appointed "captain of the marine of Massachusetts Colony" and given command of both the *Machias Liberty* and schooner *Diligent*. The *Machias Liberty*, with a crew of 40 men, became the flagship of the flying squadron. William O'Brien, a younger brother, was his first lieutenant. The armament of the *Machias Liberty* was 5 guns and 10 swivels. John Lambert was appointed to the personal command of the *Diligent*, and John O'Brien, another brother of Jeremiah, was made first lieutenant of that vessel.

This squadron of 2 vessels cruised along the coast from about August, 1775, until September, 1776. The pay of a captain in these days was £4 per month, but was subsequently increased to £8. Both ships were put out of commission in October, 1776, and their officers and crews were discharged. In August, 1777, Jeremiah O'Brien was commissioned by the State of Massachusetts as commander of the privateer *Resolution*, and soon afterwards captured the *Scarborough*, of 4 guns and 2 swivels. He subsequently commanded the privateers *Cyrus* and *Little Vincent*, each having 10 guns and 16 men, as well as the *Tiger*, a schooner with 6 guns and 15 men. In the early part of 1778 he returned to Machias, where he was appointed captain of the Ranging Company, a formation organized for the purpose of protecting the inhabitants against Indian raids. In 1780 John and Joseph O'Brien built at Newburyport a privateer named the *Hannibal*, of 250 tons, carrying 24 guns and 130 men. Her first cruise was made under command of John O'Brien, and when he returned to Newburyport it was upon his petition that the council of state of Massachusetts appointed his brother Jeremiah, on September 8, 1780, to the command of the *Hannibal* as her captain.

Jeremiah having been captured in the *Hannibal* by two British frigates off New York Harbor was taken to New York City, then in the occupation of the British, and placed upon the British prison ship *Jersey* in Wallabout Bay, where the Brooklyn Navy-Yard is now located. After being kept there for six months he was transferred to England and imprisoned at Plymouth in the Mill prison for longer than a year. Escaping, he crossed the English Channel in a small boat and reached the shores of France in safety, whence he came back to Machias, where he continued to live until the day of his death. In 1811 he was appointed collector of customs for the district of Machias, retaining the office until 1815. In 1814, during the war of 1812, then 70 years of age, he endeavored to raise a troop with which to oppose the advance of the British, but met with little success. His house was searched by the British soldiers, but beyond that he was not molested. He died September 15, 1818, 74 years old, and was laid to rest in the O'Brien burial ground at Machias.

Full of years and with honors "crowding thick upon him," at the end of a useful career, with a rainbow of glory spanning the rich flush of autumn's gold, the dread summons came to him. He died with the approval of a good conscience. The nation has embalmed the memory of his many excellencies with a holy sorrow and a sweet tenderness.

The history of the O'Brien family, as nearly as I can ascertain from the records and from the recollections of the eldest male descendant now living, is about as follows:

Morris O'Brien came from Ireland (presumably Dublin) in 1740, and settled in Kittery, Me. There he married the widow of an English officer whose surname I can not ascertain, though her Christian name was Mary. Six sons were born in America, of whom Jeremiah was the eldest, being born in 1744. I have already given the names of the other sons—Gideon, John, William, Dennis, and Joseph. I am advised that as early as 1765 the entire family was located in Machias, Me., where the father and older brothers were the proprietors of two sawmills, being engaged generally in the lumber business. Jeremiah remained a bachelor his whole life long. While he was not the creator he was the organizer of the American Navy and the precursor of that great race of sea kings, admirals of renown and other officers of high rank, who have held proud dominion upon the mighty waterways of the world.

Whether the episode of Mary Chandler leaving the church on Sunday morning during divine service and walking through the woods to Jonesboro in search of powder be truth or fiction, her name will be forever associated with the expedition, if for no other reason and in no other way, through her marriage with Nathaniel Wilson, who was one of the participants in the clash of arms between the *Unity* and *Margaretta*. He was a liberty-loving, law-abiding man, one of the trusted lieutenants of Captain O'Brien. He rendered hard and faithful service to the new Republic during the colonial war in patrolling the Massachusetts coast.

When hostilities ceased, when peace was declared and the Union was established, guaranteeing to every citizen the protection of life, liberty, and property, and the pursuit of happiness, he returned to the village of Machias to find Mary Chandler awaiting his coming. She was then 25 years old, a strong, industrious, economical, intelligent, and winsome woman. She filled the full measure of Solomon's description of a prudent wife: "She openeth her mouth with wisdom, and in her tongue is the law of kindness. She looketh well to the ways of her household, and eateth not the bread of idleness." She had buckled on the bright armor of her knight when he had gone forth to battle eight years before, and because she had braced it firmly his honor and manhood had not failed him in danger and strife. To him her voice was strange, low, mystic music stealing his soul away. It was peculiarly meet, therefore, that he should have wooed and won her, "the pensive maid beneath the silvan shade."

Their marriage was a happy consummation of a long courtship replete with loyalty, devotion, love, faith, and hope.

As John Halifax, Gentleman, said of Ursula, he did not want a saint, but a helpmeet; not an angel, but, better still, a woman, to walk with him in his daily life, to comfort him, to strengthen him, and to make him "pure and good."

Their first child was named Margaretta; and I am told that an old stone in the village graveyard bears an inscription, "Sacred to the memory of Margaretta Wilson, infant daughter of Nathaniel and Mary Chandler Wilson."

Here, again, we seem to have another verification of the old saying, "Truth is stranger than fiction." It is from the sun the shadow falls; and the moment we see the shade we are certain of the light.

Making proper allowances for excusable anachronisms, as well as inaccuracies as to dates and details, the undeniable fact nevertheless remains that in the year of our Lord 1775 Jeremiah O'Brien, in the first naval engagement of the Revolution, captured the *Margaretta*. Thus we perceive that this insignificant little sloop was the babe which has grown into the full proportions of the white fleet of our superb Navy. The splendid courage which O'Brien and his men, true and tried, exhibited on this memorable occasion gave our Navy, strange to relate, its first start. It is now the magnificent arm of the greatest Government the world ever saw—a navy power, invincible upon all the navigable waters of the globe, engaged everywhere and at all times in the laudable endeavor to protect our citizens at home and abroad, to conserve the public peace, to defend popular rights and preserve constitutional liberty.

There is something that irresistibly touches our noblest sensibilities in the heroism of duty fearlessly performed—a heroism which is willing to sacrifice self in a righteous cause, even though the atonement can not make it victorious. In this instance success crowned the efforts of our hero, Jeremiah O'Brien. He counted it a crime "no tear could ere efface, to purchase safety with compliance base." He was

> In his honor impregnable,
> In his simplicity sublime.

In him was truth and nobleness—man's fidelity with woman's tenderness. He was tried in the furnace and proved true. He was "weighed in the balances" and not found wanting. He has been pronounced "sterling by the general consent of mankind."

He had dignity of mind and rectitude of principle, assisted by unpretending good sense under all conditions and environments of life.

If there be one country upon the map of nations which can challenge our sympathy more than all the rest that country is Ireland, the home of Emmet and Curran, of Phillips and Connell, of Burke and Grattan, of Dillon and Parnell—patriots all—who with heart and hand, and tongue and pen, "struggled for kindred and the right." The cypress wreath encircled their country's brow, and the funeral dirge was to them a familiar sound. The national lyre was tuneless. Its chords were broken. "A land without ruins is a land without memories."

The Israelites, exiled to foreign shores, driven under the galling yoke and banished into cheerless captivity, hung their musical instruments upon the willow trees and refused to sing, saying: "How can we sing the Lord's songs in a strange land?" So, too, the sons and daughters of Erin, clad in habiliments of woe, sat down in sorrow and sadness beside their desolated hearthstones and wept in agony and despair, while gaunt-eyed famine stalked abroad in that picturesque and fertile land and "grinned horribly a ghastly smile" at the dismal ruin wrought. This distressing condition inspired the poet to pen those burning words which will go ringing adown the ages:

The harp that once through Tara's halls
The soul of music shed
Now hangs as mute on Tara's walls
As if that soul was fled.

This fair "Emerald Isle," rising from the bosom of her own beautiful waters, staggering under a governmental policy which brought poverty and gloom to her people, was for many long and dreary years neither cheered by the songs of her native bards nor enthused by the eloquence of her impassioned orators. The blighting hand of English tyranny had laid her low, stripped her of her verdure, and she stood forth like a lone waste in a flowery land. An unprofitable toiler, a veritable "hewer of wood and drawer of water" on his own soil, the Irishman, under every sun and in every clime, outside his own country, whenever and wherever the door of hope and opportunity has not been closed against him, has demonstrated a genius for work and a patience in the conquest of details, a loyalty to principle, a devotion to truth and love of country which have forged him to the very forefront in every profession and vocation in life.

In the eloquent words of another, "As the light from countless but unseen stars illumines the heavens and forms the beautiful Milky Way, so the deeds of the children of the Irish race have made resplendent the pages of the history of every country in the world save their own;" but, thank God, the daybreak of the sun of freedom from oppression—the roseate dawn of liberty of thought, of speech, and of religious and political action for downtrodden Irishmen—is beginning to appear in the east and to flood with light of gold the earth and sea and skies.

Jeremiah O'Brien, although American born, was a full-blooded, typical Irishman.

The Irish-American citizen, what shall we say of him? Loyal to the "old flag" and faithful to country, true to his friends, generous in nature, magnanimous in disposition, liberal in his views, and public spirited always, he is not only preeminently qualified for self-governing citizenship, but frequently sets us an example of industry, economy, and morality, the influence of which is felt as a potential factor in the intelligence, thrift, and law-abiding qualities which characterize the communities in which he lives.

With loving impulse we gladly spend large sums of money from year to year out of a national fund raised by common taxation to protect and beautify the graves of those who died in defense of the Union. We make liberal appropriations in order to mark by some enduring structure the particular spots where Federal soldiers and sailors fought and fell for their country's sake.

We are wont to erect monuments to those whose careers have illustrated courage, fortitude, patriotism, self-sacrifice, and fidelity to principle; to those who have become renowned in the public service; to those who have been benefactors to the human race; to those whose endeavors in the arts and sciences, letters and learning have exalted them among the nations of the earth. We have built magnificent cemeteries at Vicksburg, Chattanooga, Gettysburg, Nashville, Murfreesboro, Culpeper Court House, Manassas, Arlington, Winchester, and on a score of other fields. These silent cities of the dead are surrounded by costly stone fences, adorned with trees and parks, and everywhere ornamented with headstones of marble or shafts of granite to mark the green graves of those who "died on the perilous edge of battle."

Washington is a city of monuments; and it is meet that these memorials should arrest our gaze in every park and common, on every street, along every highway, and in every public ground of the nation's capital. Father Ryan expressed words as sweet as celestial fruits or the breath of flowers from Paradise when he penned these radiant lines:

Yes, give me the land of the wreck and the tomb;
There's grandeur in graves, there's glory in gloom;
For out of the gloom future brightness is born,
As after the night looms the sunrise of morn.

But it may be asked why a Representative from "way down South in Dixie" should feel such an interest in a New England patriot as to be prompted to introduce a measure in this Chamber looking to the erection of a monument to his memory. The answer is easy.

Descended from ancestors who were with Washington at Valley Forge, I am fascinated by any literature which tends to illustrate the arduous struggles and glorious exploits of our forefathers in their contest for freedom. "Stand by the old landmarks" is a biblical injunction. Some "quaint and curious volume of forgotten lore," as Edgar Allan Poe expresses it, possesses for me the peculiar charm of a faded face looking down from an old picture on the wall of an ancient art gallery. Although the dimming mists of time have gathered about the achievements of the valorous men who participated in that colonial warfare, my heart thrills with patriotic emotions at the recital of deeds worthy of the poet's pen, the minstrel's lay, the painter's brush, or the sculptor's chisel. Jeremiah O'Brien was essentially a product of New England and lived in a section far remote from Alabama. It, perhaps, would have been more appropriate for a Representative from an eastern district to have introduced the bill; but, in my opinion, patriotism obliterates all sectional lines, and the intrepidity our hero never failed to manifest, and which shrank not from the most appalling dangers, has become the general heritage of the American Republic. By the introduction of this bill I but proclaim the common loyalty and devotion of the southern people to the old flag and to "a Union that none can sever." The "war of the roses," the white and red, is ended forever.

In no country has race or sectional enmity ever been more distinctly marked than in England, and in no country has that enmity been more completely effaced. The Saxons and Normans, for more than one and a half centuries openly hostile, at length mingled into a perfect political and national harmony. The two peoples, so long at war, ultimately discovered that they had similar interests and common enemies. They drew near in friendship and gave as a pledge of their lasting reconciliation the great charter, won by their united efforts and framed for their mutual benefit.

The interests of the North and South are identical. National legislation enacted by Congress affects both sections alike. We have one Constitution and obey the same laws. Yielding each to the other reciprocal dues, it has resulted under the infallible guidance and ordinances of God that we are now everywhere blessed with peace and plenty, happiness and prosperity. The only real liberator is Truth, and she makes none free save those who strive to break their own fetters.

Heroism derives its splendor from the motive which prompts men to display courage and fortitude. "Know ye the truth; for the truth shall make ye free." The Bible tells us it shall come out of the earth and extend even unto the clouds. It is "mighty and must prevail." It is "the pillar of cloud by day and of fire by night." It speaks out like the clear whistle of the stout boatswain above the howlings of the storm and the tempest. It is the basis of all good government, and without it human society can never perform its rightful mission.

The fratricidal war between the two sections is over. Our swords have been broken into plowshares and our spears into pruning hooks. The North and the South alike will hold their dead in tender memory forever.

The South is proud of the men who wore the gray, charging up the frowning heights of Gettysburg, on Lookout Mountain, on the banks of the Potomac, in the gloom of the Wilderness, on the fiery trail from Dalton to Atlanta, on the rolling Rappahannock, on the red hills of Georgia, and in the valleys of Virginia and Tennessee. The North very justly feels a like pride in the valor of the men who wore the blue. On every battle plain, from the mountains to the sea, monuments more enduring than brass have been erected to preserve the fame and to tell posterity the glorious deeds of her patriotic dead. Lee and Grant, Jackson and Thomas, Stuart and Hancock, on both sides generals of unblemished character, belong to no section, but to the whole country. They "are immortal names that were not born to die," and their fame is the common heritage of us all.

The surviving veterans of the South returned to their homes to begin anew the battle of life. They understood the situation, and accepted it in good faith; and majestic as they were in war, they were grander and more glorious still in the busy pursuits of peace. We are loyal citizens of the nation. From the past we have derived wisdom and drawn inspiration. By the Constitution, as it now is, we intend to stand. Let that book of the organic law be read by the people never too often, as the volume of the laws of Moses was brought forth and explained to the children of Israel in Jerusalem near the shrines of their ancient altars.

The adversities of the South have stirred her manhood, stimulated her energies, and prepared her to work out for herself and posterity a far greater and more fruitful career than she ever at-

tained when the tide of her fortune ran at its flood. Her stricken fields have ripened once more and her gardens are sending out the fragrance of their flowers. "The violets still bloom in the depths of her valleys," while the stars sit, each upon his ruby throne, and watch with sleepless eye a golden land of beauty and sunshine, from which even in the disruption of southern institutions the old romance has never departed.

We are banded together, as never before, in the common bonds of union, loyalty, fraternal love, and civil liberty. Divisional lines have been obliterated. After a third of a century of peace and prosperity we are all kneeling side by side at the altar of a reunited faith. We have but one flag in the skies. The melodious tunes of Dixie and Yankee Doodle have blended together into one harmonious and inspiring national air.

The dagger of Spain was unsheathed. Innocence, helpless age, and infirmity were falling beneath its perfidious blows. In the midst of the fires of the *Maine* the heavens cried aloud for vengeance. The men and the sons of the men who had faced each other under two flags in battle's stern array now felt the elbow touch, fighting as brothers under "the Stars and Stripes" to free Cuba, the "gem of the Antilles," from the barbarity of a merciless despotism. Wearing the same uniform, whether on land or sea, Lawton and Wheeler, Dewey and Schley, Bagley and Capron, now living and dead, under the folds of "Old Glory" fought for God and humanity. They have emblazoned their names upon the loftiest entablatures in the temple of fame. They will live forever in song and story, and add luster to the glory of the nation which gave them birth.

Sic itur ad astra—this is the path to the stars—is an ancient motto attached to the armorial bearings of the Canongate.

Let us build the monument this bill provides for as an eloquent tribute to a chivalric life. "A land without memories is a land without history." Let its towering shaft "pierce the stormy cloud and rear its lofty head to heaven," to tell coming generations of the dauntless character of this hero of Machias; to save from unmerited oblivion a knightly soldier's name and fame, and to keep the corroding touch of time from dimming the brightness of his stainless sword. "Let the shamrock be entwined with the laurels of the Revolution; and truth and justice, guiding the pen of history, inscribe on the tablets of America's remembrance eternal gratitude to Irishmen." I repeat, let us build the monument. It will commemorate the glory achieved by American valor and do honor to one whose illustrious deeds will "to ears and tongues be theme and hearing ever."

REMOVAL OF QUARANTINE STATION AT SAN DIEGO, CAL.

By unanimous consent, change was made in the reference of the bill (H. R. 10432) making appropriations for the removal of the quarantine station at San Diego, Cal., and to acquire a new site, and for other purposes, from the Committee on Naval Affairs to the Committee on Interstate and Foreign Commerce.

RECESS.

Mr. GROSVENOR. Mr. Speaker, I move that the House take a recess for twenty minutes.

The motion was agreed to; and accordingly (at 12 o'clock and 20 minutes p. m.) the House was declared in recess.

The recess having expired, the House was called to order at 12.40 p. m. by the Speaker.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MORRELL, for three days, on account of important business.

To Mr. BONYNGE, for four days, on account of important business.

To Mr. SMALL, indefinitely, on account of sickness in his family.

To Mr. TAYLOR, indefinitely, on account of sickness in his family.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. MARCUS A. HANNA, late a Senator from the State of Ohio.

Resolved, That a committee of twenty-five Senators, of whom the President pro tempore shall be one, be appointed by the presiding officer to take order for superintending the funeral of Mr. HANNA, which shall take place in the Senate Chamber at 12 o'clock m., on Wednesday, February 17th, instant, and that the Senate will attend the same.

Resolved, That as a further mark of respect his remains be removed from Washington to Cleveland, Ohio, for burial in charge of the Sergeant-at-Arms, attended by the committee, who shall have full power to carry these resolutions into effect; and that the necessary expenses in connection therewith be paid out of the contingent fund of the Senate.

Resolved, That the Secretary communicate these proceedings to the House of Representatives and invite the House of Representatives to attend the funeral in the Senate Chamber, and to appoint a committee to act with the committee of the Senate.

Resolved, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and associate justices of the Supreme Court of the United States, the diplomatic corps (through the Secretary of State), the Admiral of the Navy, and the Lieutenant-General of the Army to attend the funeral in the Senate Chamber.

And that in compliance with the foregoing the presiding officer had appointed as said committee Mr. FRYE, Mr. FORAKER, Mr. ALLISON, Mr. ALDRICH, Mr. HALE, Mr. PLATT of Connecticut, Mr. SPOONER, Mr. PERKINS, Mr. WETMORE, Mr. HANSBROUGH, Mr. WARREN, Mr. FAIRBANKS, Mr. DEPEW, Mr. KEAN, Mr. SCOTT, Mr. BEVERIDGE, Mr. ALGER, Mr. KITTREDGE, Mr. GORMAN, Mr. COCKRELL, Mr. TELLER, Mr. BACON, Mr. MARTIN, Mr. BLACKBURN, and Mr. MCENERY.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 11.45 a. m. to-morrow.

The SPEAKER. The gentleman from Ohio asks unanimous consent that when the House adjourn to-day it adjourn to meet at 11.45 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

DEATH OF HON. MARCUS A. HANNA.

Mr. GROSVENOR. Mr. Speaker, I offer the following resolutions, and ask their immediate consideration.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved, That the House of Representatives has heard with profound sorrow of the death of the Hon. MARCUS A. HANNA, a Senator of the United States from the State of Ohio.

Resolved, That the House of Representatives accepts the invitation of the Senate to attend the funeral services of the late Hon. MARCUS A. HANNA, to be held in the Senate Chamber to-morrow, at 12 o'clock noon, and that the Speaker of the House appoint a committee of thirty Members to act in conjunction with a committee of the Senate to make the necessary arrangements and accompany the remains to the place of burial.

Resolved, That as a further mark of respect the House do now adjourn.

The resolutions were unanimously agreed to.

The SPEAKER announced the following committee: Mr. GROSVENOR, Mr. VAN VOORHIS, Mr. BURTON, Mr. SOUTHARD, Mr. DICK, Mr. MORGAN, Mr. BEIDLER, Mr. CASSINGHAM, Mr. HILDEBRANT, Mr. KYLE, Mr. NEVIN, Mr. SNOOK, Mr. WARNOCK, Mr. BADGER, Mr. GARBER, Mr. GOEBEL, Mr. JACKSON of Ohio, Mr. KENNEDY, Mr. LONGWORTH, Mr. WEEMS, Mr. HEMENWAY, Mr. BARTLETT, Mr. LUCKING, Mr. WILEY of Alabama, Mr. DALZELL, Mr. WATSON, Mr. BURKE, Mr. CURRIER, Mr. SHERMAN, Mr. RODENBERG, Mr. MCCLEARY of Minnesota, and Mr. CALDERHEAD.

Accordingly, in compliance with the order previously made, the House (at 12 o'clock and 54 minutes p. m.) adjourned until to-morrow at 11 o'clock and 45 minutes a. m.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10179) granting an increase of pension to William H. Bell, reported the same without amendment, accompanied by a report (No. 933); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9789) granting an increase of pension to Charles M. Morrison, reported the same with amendment, accompanied by a report (No. 934); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10171) granting an increase of pension to Josiah H. Tyack, reported the same with amendment, accompanied by a report (No. 935; which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11649) granting an increase of pension to Malinda A. Myers, reported the same with amendment, accompanied by a report (No. 936); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11074) granting a pension to Merritt R. Simpson, reported the same with amendment, accompanied by a report (No. 937); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10399) granting an increase of pension to Francis Marshal, reported the same with amendment, accompanied by a report (No. 938); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11175) granting an increase of pension to Isaac S. Drummond, reported the

same with amendment, accompanied by a report (No. 939); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9990) granting a pension to John Bartmann, reported the same with amendment, accompanied by a report (No. 940); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7754) granting an increase of pension to Jeremiah Myers, reported the same with amendment, accompanied by a report (No. 941); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7778) granting a pension to Frank H. Clark, reported the same with amendment, accompanied by a report (No. 942); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7308) granting an increase of pension to Lucius E. Mills, reported the same with amendment, accompanied by a report (No. 943); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9117) granting a pension to George T. Young, reported the same with amendment, accompanied by a report (No. 944); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6823) granting an increase of pension to S. R. Pollard, reported the same with amendment, accompanied by a report (No. 945); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7500) granting a pension to Mary E. Springer, reported the same with amendment, accompanied by a report (No. 946); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8789) granting an increase of pension to George K. Knowlton, reported the same with amendment, accompanied by a report (No. 947); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11655) granting an increase of pension to James Lynch, reported the same with amendment, accompanied by a report (No. 948); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6563) granting an increase of pension to John Barriger, reported the same with amendment, accompanied by a report (No. 949); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1176) granting an increase of pension to Capt. George W. Kimble, reported the same with amendment, accompanied by a report (No. 950); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 153) granting a pension to Harriet Snyder, reported the same with amendment, accompanied by a report (No. 951); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 133) granting an increase of pension to Capt. James W. Smith, reported the same with amendment, accompanied by a report (No. 952); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2767) granting an increase of pension to John E. Neary, reported the same with amendment, accompanied by a report (No. 953); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1575) granting an increase of pension to Henry F. Davis, reported the same with amendment, accompanied by a report (No. 954); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 691) granting an increase of pension to Rebecca C. Shurlock, reported the same with amendment, accompanied by a report (No. 955); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7501) granting an increase of pension to Emily Catlin, reported the same with amendment, accompanied by a report (No. 956); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8078) granting an increase of pension to Henry J. Mosier, reported the same with amendment, accompanied by a report (No. 957); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5693) granting an increase of pension to Joel M. Street, reported the same with amendment, accompanied by a report (No. 958); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6024) granting an increase of pension to Calistro Castro, reported the same with amendment, accompanied by a report (No. 959); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4874) granting a pension to Charles V. Billig, reported the same with amendment, accompanied by a report (No. 960); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5873) granting a pension to William E. Palmer, reported the same with amendment, accompanied by a report (No. 961); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6258) granting an increase of pension to Theodore C. Putnam, reported the same with amendment, accompanied by a report (No. 962); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11558) granting an increase of pension to James B. Luckey, reported the same with amendment, accompanied by a report (No. 963); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9807) granting an increase of pension to Hugh S. Smith, reported the same with amendment, accompanied by a report (No. 964); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 11939) granting an increase of pension to C. C. Fisher—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. ——) for the relief of Hannah J. Jones, executrix of Emanuel Jones, deceased, a British subject—Committee on Foreign Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 10432) making appropriations for the removal of the quarantine station of San Diego, Cal., and to acquire a new site, and for other purposes—Committee on Naval Affairs discharged, and referred to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 12441) to pay clerks and deputy clerks in the Indian Territory the deficit in their salaries—to the Committee on Indian Affairs.

By Mr. HOGG: A bill (H. R. 12442) to amend "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, as amended April 1, 1896, and March 2, 1903—to the Committee on Interstate and Foreign Commerce.

By Mr. BANKHEAD: A bill (H. R. 12443) to amend section 6 of an act entitled "An act to amend an act to establish a uniform system of bankruptcy throughout the United States," approved February 5, 1903—to the Committee on the Judiciary.

By Mr. JAMES: A bill (H. R. 12444) to authorize the Chicago, St. Louis and New Orleans Railroad Company to construct a bridge across the Tennessee River near Gilbertsville, Ky.—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON: A bill (H. R. 12445) to amend section 13 of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States"—to the Committee on Naval Affairs.

By Mr. LITTAUER, from the Committee on Appropriations: A bill (H. R. 12446) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purpsoes—to the Union Calendar.

By Mr. HITT: A bill (H. R. 12447) for the preservation of aboriginal monuments, ruins, and other antiquities, and for other purposes—to the Committee on the Public Lands.

By Mr. LORIMER: A joint resolution (H. J. Res. 110) relative to improvements in the Chicago River—to the Committee on Rivers and Harbors.

By Mr. BABCOCK: A joint resolution (H. J. Res. 111) to establish spaces in the city of Washington for farmers and others selling produce of their own raising—to the Committee on the District of Columbia.

By Mr. HOUSTON: A concurrent resolution (H. C. Res. 44) directing the Secretary of War to cause to be made a survey of Wilmington Harbor, Delaware—to the Committee on Rivers and Harbors.

By Mr. LOUD: A resolution (H. Res. 215) to permit Herman Lunden to make a homestead entry—to the Committee on the Public Lands.

By Mr. ALLEN: A resolution (H. Res. 216) to print 2,000 copies, for use of House document room, of "Laws relating to corporations in the District of Columbia," extract from the Code of Law and other laws for the District of Columbia, with an index of the same—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 12448) granting an increase of pension to Washington G. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12449) granting an increase of pension to George Berkshire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12450) granting a pension to H. T. Perry—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 12451) granting a pension to Joseph A. Cox—to the Committee on Pensions.

By Mr. CROWLEY: A bill (H. R. 12452) granting an increase of pension to John A. McNerney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12453) granting an increase of pension to Philip Weger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12454) granting a pension to William S. Foulke—to the Committee on Invalid Pensions.

By Mr. DENNY: A bill (H. R. 12455) for the relief of the Chesapeake Bank, of Baltimore, Md.—to the Committee on Claims.

By Mr. DRESSER: A bill (H. R. 12456) granting an increase of pension to Marshall Cox—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 12457) granting an increase of pension to Nannie J. McGurkin—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 12458) granting a pension to Delia A. B. Fay—to the Committee on Pensions.

By Mr. GRAFF: A bill (H. R. 12459) granting a pension to Moses Eggleston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12460) granting a pension to Annie M. Powell—to the Committee on Pensions.

By Mr. HEDGE: A bill (H. R. 12461) granting an increase of pension to Milton Graham—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 12462) granting an increase of pension to Marion Gunter—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 12463) granting an increase of pension to William P. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12464) granting an increase of pension to John M. Bromagem—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12465) granting an increase of pension to James H. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12466) granting an increase of pension to Henry C. Stuart—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 12467) for the relief of the heirs of Jenkins & Havens—to the Committee on Claims.

Also, a bill (H. R. 12468) for the relief of Lydia T. Hadlock, administratrix of E. C. Hadlock, deceased, of Vermont—to the Committee on War Claims.

By Mr. HILL of Mississippi: A bill (H. R. 12469) for the relief of W. F. Lockhart—to the Committee on War Claims.

Also, a bill (H. R. 12470) for the relief of W. F. Lockhart—to the Committee on War Claims.

Also, a bill (H. R. 12471) granting a pension to Adolph Le Maitre—to the Committee on Pensions.

By Mr. HITT: A bill (H. R. 12472) granting permission to Capt. B. H. McCalla and other officers to accept decorations or presents from foreign governments—to the Committee on Foreign Affairs.

By Mr. JAMES: A bill (H. R. 12473) for the benefit of the Christian Church of Cadiz, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 12474) granting a pension to George Preston Reeves—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 12475) granting a pension to Christian Lederer—to the Committee on Pensions.

Also, a bill (H. R. 12476) granting a pension to John N. Peters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12477) granting a pension to M. B. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12478) granting a pension to Elza Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12479) granting an increase of pension to Lucretia Cartmell—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 12480) granting an increase of pension to Henry J. Arnold—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 12481) granting an increase of pension to David Galbraith—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 12482) to reimburse Lieut. Benjamin F. Wickham for sums withheld from him upon discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 12483) granting a pension to Harry E. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12484) granting a pension to Cornelia Haage—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12485) granting an increase of pension to Martin Talbot—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12486) granting an increase of pension to Andrew Deming—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 12487) granting a pension to Caroline Rhodes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12488) granting an increase of pension to George H. Coddington—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 12489) to authorize the United States Commissioner of Fish and Fisheries to convey certain land to Joseph S. Fay, jr., Sarah B. Fay, and Henry H. Fay—to the Committee on the Merchant Marine and Fisheries.

By Mr. MAHON: A bill (H. R. 12490) granting an increase of pension to John A. Speck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12491) granting a pension to Peter Scott—to the Committee on Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 12492) for the relief of the estate of J. M. C. Knight—to the Committee on War Claims.

Also, a bill (H. R. 12493) for the relief of Louis J. Souer, collector of internal revenue for the collection district of Louisiana—to the Committee on Claims.

By Mr. SHULL: A bill (H. R. 12494) granting an increase of pension to Joseph Nell—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 12495) to correct the military record of William Vickory—to the Committee on Military Affairs.

Also, a bill (H. R. 12496) granting an increase of pension to Thomas Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12497) granting a pension to Ellen Murphy—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 12498) granting an increase of pension to Sarah N. Maddox—to the Committee on Pensions.

By Mr. STANLEY: A bill (H. R. 12499) for the relief of Mrs. Mary E. Bronaugh, of Hopkinsville, Christian County, Ky.—to the Committee on Pensions.

By Mr. TAWNEY: A bill (H. R. 12500) for the relief of Edward J. Krueger—to the Committee on Pensions.

Also, a bill (H. R. 12501) for the relief of Harry S. Gillrup—to the Committee on Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12502) granting a pension to Burton Walters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12503) granting a pension to Joseph Thacker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12504) granting an increase of pension to Juliett Field—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BANKHEAD: Papers to accompany bill H. R. 7879, for the relief of Mrs. Ann E. Sanders—to the Committee on Invalid Pensions.

By Mr. BURKE: Petitions of Ed Van Ruschen and 22 other voters of Beadle County, S. Dak., and Daniel Shinike and 6 other voters of Parkston, S. Dak., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of D. Shearer and 62 other voters of Parkston, S. Dak., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURKETT: Petition of Lumbard Post, No. 57, Grand Army of the Republic, of North Loup, Nebr., favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, memorial and resolution of patrons of rural free-delivery route No. 1, of Madison, Nebr., favoring increased pay for rural carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMPBELL: Papers to accompany House bill granting a pension to J. A. Cox—to the Committee on Pensions.

By Mr. COOPER of Wisconsin: Petition of Simon E. Bopp, of New Munster, Wis., favoring passage of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. CROWLEY: Papers to accompany House bill for an increase of pension to Philip Weger—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for an increase of pension to Lewis Monjar—to the Committee on Invalid Pensions.

By Mr. CURRIER: Resolution of Pike Station Grange, New Hampshire, favoring increased salaries for rural carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DANIELS: Petition of citizens of San Luis Obispo County, Cal., favoring Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Santa Ana Chamber of Commerce, favoring the passage of Brownlow good-roads bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of George W. Stewart, in support of bill to acquire patented lands in Sequoia National Park, California—to the Committee on the Public Lands.

Also, petition of residents of Inyo, Cal., asking aid to construct trail to Mount Whitney—to the Committee on Military Affairs.

Also, papers to accompany House bill to correct the military record of David Campbell—to the Committee on Military Affairs.

By Mr. DENNY: Petition of John Nicholson and 32 other voters of California, favoring the granting of land in severalty to the Indians of northern California—to the Committee on Indian Affairs.

By Mr. DRESSER: Paper to accompany House bill to pension Marshall Cox—to the Committee on Invalid Pensions.

By Mr. FIELD (by request): Petitions of C. L. Henry and 26 other voters, T. S. Minter and 41 other voters, and J. D. West and 43 other voters of Bryan, Tex., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FINLEY: Papers to accompany bill H. R. 12328, for the relief of St. Joseph's Episcopal Church—to the Committee on War Claims.

By Mr. HARDWICK: Papers in support of bill H. R. 6598—to the Committee on Claims.

By Mr. HERMANN: Resolution of the city council of Astoria, Oreg., asking Government aid for post-office building and custom-house—to the Committee on Appropriations.

By Mr. HILDEBRANT: Joint resolution of the legislature of Ohio, asking Congress to locate naval training station at Put in Bay, Ohio—to the Committee on Naval Affairs.

Also, papers to be filed with bill H. R. 11411, granting a pension to Mary Johnson—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: Resolution of the Chamber of Commerce of New Haven, Conn., concerning the construction of a breakwater at Hortons Point, Long Island Sound—to the Committee on Rivers and Harbors.

Also, resolution of the Chamber of Commerce of New Haven, Conn., concerning international arbitration—to the Committee on Foreign Affairs.

By Mr. HILL of Mississippi: Petition of W. F. Lockhart, asking for one month's extra pay—to the Committee on War Claims.

By Mr. HINSHAW: Petition of Lumbard Post, No. 57, Grand Army of the Republic, North Loup, Nebr., favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of Charles A. Davis and others, of Sterling, Ill., favoring improvement of upper Snake River above Lewiston, Idaho—to the Committee on Rivers and Harbors.

Also, petition of citizens of Galena, Ill., favoring improvement of upper Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of Alvin Countryman and H. D. Hebert, of Rochelle, Ill., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of John S. Martin and 20 residents of Rochelle, Ill., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of C. L. Dewey, of Rockford, Ill., favoring passage of annual appropriation bill—to the Committee on Naval Affairs.

Also, resolutions of Rev. F. W. Nogarene, pastor of the Methodist Episcopal Church; Leonard L. Mann, pastor of the Baptist Church, and John S. Martin, pastor of the Presbyterian Church, Rochelle, Ill., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Mrs. Ella F. Lazier and 26 other ladies of Rochelle, Ill., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Resolution of the senate and general assembly of New Jersey, favoring harbor of safety at Cape May, N. J.—to the Committee on Rivers and Harbors.

By Mr. HUMPHREY of Washington: Petition of J. B. Sutton and 56 other voters of Tacoma, Wash., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WILLIAM W. KITCHIN: Petition of J. R. Coble and 36 other voters of Snow Camp, N. C., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KNAPP: Resolution of Pulaski Grange, No. 730, of Pulaski, N. Y., favoring passage of Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. LITTLEFIELD: Petition of Charles Keizer Post, No. 135, Grand Army of the Republic, of Waldoboro, Me., favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Rev. James A. Morlen and 11 others, of Dresden, Me., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LLOYD: Petition of the merchants of Palmyra, Mo., opposing the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Powersville, Mo., favoring increase of pension to George H. Coddington—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petitions of Charles H. Davis and 30 other voters of Woodstown, N. J.; Frank D. Evans and 7 other voters of Fittsgrove, N. J.; W. H. Sithers and 58 other voters and Thomas Selfredge and 18 other voters of Woodbury, N. J.; Stephen E. Carhart and 36 other voters of Port Monmouth, N. J., and Rev. B. C. Lippencott and 94 other voters of Blackwood N. J., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McCALL: Petition of Appalachian Club of Massachusetts., favoring legislation to preserve the big trees of California—to the Committee on the Public Lands.

Also, resolution of Commonwealth of Massachusetts, favoring the passage of bill H. R. 827, to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHON: Papers to accompany House bill for the relief of John A. Speck—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Peter Scott—to the Committee on Pensions.

Also, resolution of King Post, No. 365, Grand Army of the Republic, at McConnellsburg, Pa., favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: Papers to accompany claim of L. J. Souer, collector of internal revenue, district of Louisiana—to the Committee on Claims.

By Mr. PORTER: Petition of S. W. Gamble, of the State Woman's Christian Temperance Union of Oregon and Washington, favoring Sunday closing of Lewis and Clark Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. REEDER: Petition of Methodist Episcopal Church and Sunday School and United Brethren of Ionia, Kans.—to the Committee on the Judiciary.

By Mr. ROBERTS: Resolution of the Massachusetts legislature, favoring bill H. R. 827, to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Indiana: Petition of Frank R. Gay and others, of Angola, Ind., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SHERLEY: Papers to accompany bill H. R. 11102 for the relief of Christina Vetter—to the Committee on Invalid Pensions.

By Mr. SHULL: Papers to accompany House bill for the relief of Marshall Howell—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: Petition of L. B. Shook and others, of Abilene, Tex., favoring passage of Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. STEENERSON: Memorial and resolution of patrons of rural delivery of Bygland, Minn., favoring increase of salaries for rural carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLOWAY: Petition of J. E. Everingham and 9 other voters of Dover, N. H.—to the Committee on the Judiciary.

By Mr. TAWNEY: Papers to accompany claim of Edward J. Kinegar, of Waseca, Minn.—to the Committee on Invalid Pensions.

Also, papers to accompany claim of Harry S. Gillrup—to the Committee on War Claims.

By Mr. VREELAND: Petition of Rev. Charles H. Harrington and 200 members of the First Baptist Church of Andover, N. Y., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of W. J. Ford and 39 other voters of Jamestown, N. Y., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WALLACE: Petition of citizens of Okolona, Ark., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WEISSE: Resolutions adopted by the Merchants and Manufacturers' Association of Milwaukee, Wis., favoring the reorganizing of the consular service—to the Committee on Foreign Affairs.

Also, resolutions of the board of regents of the University of Wisconsin and of agricultural mass convention at Madison, Wis., favoring increased appropriations for agricultural experiment stations—to the Committee on Agriculture.

Also, resolutions of John Hanff Post, No. 230, of Horicon; E. A. Brown Post, No. 130, of Fond du Lac; George M. West Post, No. 165, of Hartford, and Abner O. Heald Post, No. 192, of Cascade, Grand Army of the Republic, of Wisconsin, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the Chamber of Commerce of the city of Milwaukee, Wis., favoring the granting of certain powers to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Merchants and Manufacturers' Association of Milwaukee, Wis., favoring the proposed system of post-check currency now before Congress—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Wisconsin Industrial and Mercantile Association, favoring the establishment of a naval training station on the shores of Lake Michigan, in the State of Wisconsin—to the Committee on Naval Affairs.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill for the relief of Joseph Thacker—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Burton Walters—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Lulu J. Qualls—to the Committee on Invalid Pensions.

Also, petition of citizens of McLeansboro, Ill., opposing parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany claim of Juliette Field—to the Committee on Pensions.

Also, resolutions of F. L. Rhoads Post, No. 586; Marion Post, No. 319, and Clay City Post, No. 209, Grand Army of the Republic, Department of Illinois, favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Petition of Harvey S. Rice Post, No. 620, Grand Army of the Republic, of Harford, Pa., favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *February 17, 1904.*

FUNERAL OF SENATOR HANNA.

The casket containing the body of the dead Senator was brought into the Senate Chamber, accompanied by the committees of arrangements of the two Houses.

The PRESIDENT pro tempore called the Senate to order at 12 o'clock m.

The Members of the House of Representatives, preceded by the Sergeant-at-Arms and the Clerk and by the Speaker, entered the Senate Chamber. The Speaker was escorted to a seat on the left of the President pro tempore, the Sergeant-at-Arms and Clerk were assigned to seats at the Secretary's desk, and the Members of the House were given the seats on the floor provided for them. They were soon followed by the ambassadors of and ministers from foreign countries, the Chief Justice and associate justices of the Supreme Court, and the Admiral of the Navy and the Lieutenant-General of the Army, who occupied the seats assigned them. The President of the United States and his Cabinet ministers and the family of the deceased Senator entered the Chamber and were shown to the seats reserved for them.

The PRESIDENT pro tempore said: Senators, you have solemnly and lovingly dedicated this day to an observance of appropriate funeral ceremonies over MARCUS A. HANNA, late a distinguished member of this body, and all business will be suspended to that end. We will unite in prayer with the Chaplain of the National House of Representatives.

Rev. HENRY N. COUDEN, D. D., Chaplain of the House of Representatives, offered the following prayer:

With bowed heads and sorrowing hearts, O God, our Heavenly Father, we meet here in the solemn presence of the dead to pay our tribute of respect to a strong, brave, honest, manly man, tender and affectionate in his faimly; warm in his friendships, broad in his conceptions, strong in his convictions, a patriot, a statesman, a leader among the leaders of our nation. He lived well, wrought well, and died mourned by a nation, than which no greater tribute could be offered. These floral offerings so abundant, from the high, the lowly, the rich, the poor, speak more eloquently than words of his worth and unselfish devotion to duty.

We thank Thee for his life and deeds. May his example be an inspiration to the young men of our nation, and his deeds be a cherished memory to us all.

Illumine our minds with the light of immortality and comfort all our hearts with the blessed thought that he still lives and that we shall join him in realms of eternal peace. Comfort, as Thou alone canst comfort, the bereaved wife and family, and bring us all in Thine own good time to Thee, through Jesus Christ our Lord. Amen.

The Chaplain of the Senate, Rev. EDWARD EVERETT HALE, said:

Those who knew him best loved him most, and those who knew him least loved him much.

It has been impossible to us who are almost strangers to him in person to live through these anxious days through which we have been passing without feeling that here was a token of affection as well as of admiration and regret. Whether the child that cried when he told you that Mr. HANNA was not so strong, or the statesmen, who are used to the greatest questions in the management of this world, everybody spoke with this feeling of affection, as if this were a near friend to whom he was paying tribute.

And this nation to-day is paying its tribute to his affection, to his love, to that energy which springs from affection and love, as it could not if these were mere tricks of mental ability, if this were any selfishness of a man thinking of himself first and last. It is a tribute to one who forgot himself in his care for others, eager to lift up those who had fallen down, and determined that the right thing should be done. If he were the man to do it, he would do it, with no thought of himself, but with thoughts of his countrymen and of the world.

I met some years ago a distinguished missionary from the other side of the world, from one of those nations whose religions were coming into fashion here over half a century ago. He said to me of the people among whom he had lived that "they loved the Lord their God with all their mind and with all their heart perhaps, but they did not love Him with all their strength."

I have had that contrast running in my mind all this week. For here is a man who did his duty with all his heart and with all his strength, never thinking of himself, not eager to see what it was to be to him or what it would be to this or that man, but bearing his brother's burden; eager to see this go forward, determined it shall go forward—acting with that energy which comes from love alone, which comes from the heart, which comes with every man's thought of God and of his fellow-men, and comes from nothing and nobody besides.

It is not the energy of a Napoleon trying to do what will put him forward, which is like any other calamity in human life. It is the energy of Love, of one who has found out what faith and hope and love are, and who dedicates himself to the Eternities.

I can not but hope that this highest range of human life may open to those young men who are growing up now, that they may follow in his footsteps, in his resolve to live, not with that poor, selfish energy, bred from selfish reason, bred from imagination, bred from memory, where if a man dies he dies out as Napoleon or any other calamity dies out. If he lives by the eternities, no, no.

Among the promises of the Israelites one of the noblest prophets says of the glorious future which is to come to the world, "Their nobles shall be of themselves, and their governor shall proceed from the midst of them." Enthusiasm, indeed, that might arouse among those oppressed Israelites who heard your governors are not to be altar-bred Levites, coming down from the centuries be-

fore them. No more incompetent striplings on the throne born from an incompetent father who came from an incompetent grandfather in some line of centuries through all the miserable stages, "bad by degrees, but miserably worse." Your ruler shall come from the midst of them. Your rulers shall proceed from yourselves.

It is no wonder that our Revolutionary leaders caught up that verse. Cooper preached a sermon from that text in 1780, which Franklin translated into French and into German and scattered broadcast through Europe, the first "campaign document" of the newborn Republic, the lesson of republicanism, the lesson of democracy. It announced to man that theory of government, "the government of the people, for the people, and by the people."

You see it is radical; it goes to the complete distinction between the old system and the new. The old theory was of the Cæsars taking care of the Cæsars, or an army taking care of an army and legislating for an army, or, as they say they do on the other side of the world, the grammarians taking care of the grammarians. But when "we, the people," are at the helm, why, "we, the people," take care of "us, the people," of the whole and not of a class or an order. Here is a government "for the people and by the people," and in Mr. HANNA you have a man of the people who really believes in such democracy or the purpose of any republic. If you want Benjamin Franklin, take Benjamin Franklin, though it be from a tallow chandler's shop. If you want Abraham Lincoln, you shall have Abraham Lincoln. In that comes the system for which he had consecrated himself, to which he was allied, and in which he was looking forward, working heartily through all his career.

I remember in the canvass eight years ago a distinguished leader of enterprise met with one of the campaign speakers of the summer and said to him, "Tell me, who is this Cleveland man—this man who seems to have the reins in his hands?" And the accomplished gentleman whom he addressed said: "This Cleveland man is a man who is going to elevate politics to the level of those men of business who are men of honor." I wonder if either of them remembers the conversation now. That described Mr. HANNA then. That is the duty of the statesman of to-day—of the manager, if you please to call him so, of to-day—that he shall elevate the duty of the day to the standard of the men of honor who are engaged in business.

It is for a people that you are caring, not for a class. Government means that the post-office shall be well administered, that the sanitary conditions of the people shall be well administered, that what they drink shall be pure, that what they eat shall not be poison for them. It is the people who have sent you to this work, and it is as you love the people or as you love yourself alone that you are going to succeed or that you are going to fail.

This man was one of the people. He loved the people. What he did he did for his love of the people, and he knew—because he was one of them, because he had succeeded in business—he knew what are the eternities. He knew that a round bolt would not fit a square hole in the side of a steamship. Truth. He knew that iron was to be drawn by this law or by that law and that it must be welded by law and well done.

The man of business honor knows that his word must be as good as his bond, and unless I do the duty God has given me with an eager love of those around me, "Ah, woe is me!"

When men tell us, as those men do who know, that this man could mediate between the men who provide the tools and the workmen who handle them; this man had at once, as no other man had, the confidence of capital and labor, you understand what worked that miracle. You can work it yourself.

Honor! Truth! Love! And as the man of business, if he be a man of honor, has found that high law which centuries have found is the only law—as he applies that in the business of the nation he wins for the eternities faith, hope, and love. These three abide.

"Let us praise famous men. Let us look back now to the fathers." These are the words written nearly two thousand years ago.

The Chaplain of the Senate read appropriate passages from the Old and the New Testament, at the conclusion of which he said:

Let us pray. Father of Life, he is with Thee. He sees as he is seen. He knows as he is known. But we wait a little longer. We need not pray for him. He prays for us in the glad certainties of the larger life, and we go and come, remembering him and looking forward to our meeting with him in Thy time.

Father, may every memory of him quicken us to a larger life, and every thought of the future show us how we are to meet all these dear ones who have gone before, how we are to see as we are seen and to know as we are known.

We ask Thy blessing upon those so near to him in the home, where they will not hear his whisper nor see his face. And we are all brothers and sisters in the house of death. We ask it each for all and all for each, that we may bear each other's burdens, even as we have not done until now; that we may be strong in each other's strength; that we may walk, Father, with Thee; that every day we may hear Thy whisper and go and come in Thy perfect love.

Grant us more of faith in Thee, that we may see Thee who art invisible; that we may hear Thee in the whispers of Thy love, speaking to us in our own lives; that Thou wilt inspirit us with Thine own Holy Spirit; that we may enter into that service which is perfect freedom; that we may do the duty every day which Thou doth command, and that never more we may feel alone, but always may know our Father is with us.

Give us more of hope, that we may look forward as immortals do look forward; that we may live as immortals live; that we may enter into Thy work indeed, because Thou hast given it to us to do; that we may partake of Thy nature and live in heaven to-day, to-morrow, and in the days that are to come; that we may speak with Thy word; that we may think with Thy thought; that we may love with Thy love, and be glad with Thy joy. Give us more of hope.

And for this, Father, that we may bear one another's burdens; that we may remember the lessons of such a life as his; that we may forget ourselves while we live for others; that we may go about doing good as He, Thy well-beloved Son, in the homes of the sick and the poor and the weak as in the homes of the rich and the powerful and the strong. Knit together in love, may we bear each other's burdens, and so fulfill the whole law of Christ.

Reverently, humbly, and with the tears of the nation we bear his body and lay it in the ground, earth to earth, dust to dust, ashes to ashes. But he is with God ever. He is changed in a moment, in the twinkling of an eye. He is in the larger life.

Father, we pray that we may learn the lessons of that life as we go and come here; that we may go about the work that Thou hast given us to do to-day and to-morrow, and that we may be ready at any moment to hear the whisper coming to us that we may enter into the joy of our Lord.

This is our prayer. Hear us, answer us, and bless us as Thine own children, in Christ Jesus. Amen.

The hymn "Nearer, My God, to Thee" was sung by the quartette of the Gridiron Club, composed of Mr. Herndon Morsell, Mr. J. Henry Kaiser, Mr. Alexander Mosher, and Mr. John H. Nolan.

The PRESIDENT pro tempore said: We commit the body of our beloved Senator now to the two committees of the Houses of Congress and to the officers of the Senate, to be conveyed to his late home in Ohio and to his final resting place. May God sanctify his life and death to us, who loved him well.

The benediction was pronounced by the Chaplain of the Senate.

The invited guests having retired from the Senate Chamber,

Mr. LODGE. Mr. President, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 1 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, February 18, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 17, 1904.*

The House met at 11.45 a. m., and was called to order by the Speaker.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We thank Thee, our Heavenly Father who art in heaven, for those finer and more delicate qualities of the soul which lift us above the sordid in life in times of calamity or great sorrow and make the whole world akin. Sanctify the solemn services of this day to our good, and help us to remember that we must work while it is yet day, for the night cometh when no man can labor.

Hear us and so watch over us and guide us that our work may be acceptable unto Thee, through Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

RETURN OF A BILL.

The SPEAKER laid before the House the following request from the Senate; which by unanimous consent was agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4122) to direct the Director of the Census to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures, and for other purposes.

OBSEQUIES OF THE LATE SENATOR HANNA.

In accordance with the invitation of the Senate and the order adopted by the House on yesterday, the Members and officers of the House proceeded in a body to the Senate Chamber to attend the funeral services of the late Hon. MARCUS A. HANNA.

At the conclusion of the services the Members returned to the Hall of Representatives.

Mr. PAYNE. Mr. Speaker, as a further mark of respect to the deceased Senator, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 3 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Navy, submitting a detailed statement of expenditures under the appropriations for the Navy Department—to the Committee on Expenditures in the Navy Department, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. S. Gallaway, administrator of estate of Margaret E. Rawlings, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for publication of report on Philippine insurrection—to the Committee on Appropriations, and ordered to be printed.

A letter from the secretary of the American National Red Cross, transmitting the report for the year ended December 31, 1903—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12050) granting an increase of pension to David R. Luttrell, reported the same without amendment, accompanied by a report (No. 966); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12053) granting an increase of pension to James Large, reported the same with amendment, accompanied by a report (No. 967); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11894) granting an increase of pension to Jeremiah Sheldon, reported the same with amendment, accompanied by a report (No. 968); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11575) granting a pension to Abel N. Button, reported the same with amendment, accompanied by a report (No. 969); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10792) granting an increase of pension to Frederic Lockley, reported the same with amendment, accompanied by a report (No. 970); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9801) granting a pension to Jane McNeil, reported the same without amendment, accompanied by a report (No. 971); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9979) granting an increase of pension to Ezra Nichols, reported the same with amendment, accompanied by a report (No. 972); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8742) granting an increase of pension to Jason Robinson, reported the same with amendment, accompanied by a report (No. 973); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8050) granting an increase of pension to John I. Lose, reported the same with amendment, accompanied by a report (No. 974); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7698) granting an increase of pension to Benjamin Mockabee, reported the same with amendment, accompanied by a report (No. 975); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7664) granting an increase of pension to George P. Malloch, reported the same with amendment, accompanied by a report (No. 976); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7394) granting an increase of pension to Amelia Hutchins, reported the same with amendment, accompanied by a report (No. 977); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6880) granting an increase of pension to Charles T. Preston, reported the same with amendment, accompanied by a report (No. 978); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6589) granting a pension to Jacob Mock, reported the same with amendment, accompanied by a report (No. 979); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6416) for the relief of Anna S. Dunn, reported the same with amendment, accompanied by a report (No. 980); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5395) granting a pension to Mattie Aten, reported the same with amendment, accompanied by a report (No. 981); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6249) granting an increase of pension to Frederick J. Fairbrass, reported the same with amendment, accompanied by a report (No. 982); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5700) granting a pension to Christopher C. Richards, reported the same with amendment, accompanied by a report (No. 983); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5296) granting an increase of pension to H. M. Price, reported the same with amendment, accompanied by a report (No. 984); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6271) granting a pension to Catharine Wonderly, reported the same with amendment, accompanied by a report (No. 985); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5373) granting an increase of pension to Motem M. Pitts, reported the same with amendment, accompanied by a report (No. 986); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3288) granting an increase of pension to N. L. Meands, reported the same with amendment, accompanied by a report (No. 987); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2928) granting an increase of pension to Daniel Bushman, reported the same without amendment, accompanied by a report (No. 988); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2589) granting a pension to Susanna Cosgrove, reported the same with amendment, accompanied by a report (No. 989); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2557) granting an increase of pension to James Carr, reported the same with amendment, accompanied by a report (No. 990); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2189) granting an increase of pension to Henry Spindler, reported the same with amendment, accompanied by a report (No. 991); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1882) granting an increase of pension to James Durkee, reported the same without amendment, accompanied by a report (No. 992); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1515) granting a pension to Lucy Warren, reported the same with amendment,

accompanied by a report (No. 993); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1285) granting an increase of pension to Adam Gosage, reported the same with amendment, accompanied by a report (No. 994); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 967) granting an increase of pension to Nicholas Gruber, reported the same without amendment, accompanied by a report (No. 995); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 194) granting a pension to Mary J. Bradley, reported the same with amendment, accompanied by a report (No. 996); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SLEMP: A bill (H. R. 12505) to provide for the improvement of Clinch River, in Virginia—to the Committee on Rivers and Harbors.

By Mr. SOUTHARD: A bill (H. R. 12506) to amend section 45 of an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890—to the Committee on Ways and Means.

Also, a bill (H. R. 12507) to amend section 14 of an act entitled "An act to increase the limit of cost of certain public buildings," and so forth, passed March 3, 1903—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12508) to establish a branch home for the wives, widows, and mothers of dependent and deceased soldiers, sailors, and marines—to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 12509) to provide for the improvement of Powell River, in Virginia—to the Committee on Rivers and Harbors.

By Mr. McLACHLAN: A bill (H. R. 12510) providing for rights of way in and through public lands, reservations, and certain national parks, and for other purposes—to the Committee on the Public Lands.

By Mr. LACEY: A bill (H. R. 12511) to increase rate of pension paid for gunshot wounds, and for other purposes—to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CONNER: A bill (H. R. 12512) granting a pension to Asa Wren—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 12513) granting an increase of pension to William L. Alley—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 12514) granting a pension to William A. Olmsted—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 12515) granting a pension to Antoinette A. Acken—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 12516) granting an increase of pension to Robert H. Collier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12517) for the relief of William A. Downey—to the Committee on Military Affairs.

By Mr. LINDSAY: A bill (H. R. 12518) for the relief of Frank S. Taft—to the Committee on Military Affairs.

By Mr. McLACHLAN: A bill (H. R. 12519) granting an increase of pension to Charles Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12520) granting an increase of pension to Franklin Blades—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12521) granting an increase of pension to Frances E. Kent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12522) granting an honorable discharge to Thomas Ross—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 12523) for the relief of the trustees of Liberty Church, Dranesville, Va.—to the Committee on War Claims.

By Mr. SOUTHARD: A bill (H. R. 12524) granting an increase of pension to John Harley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12525) for the relief of Mary Higgins, widow of Michael J. Higgins—to the Committee on Claims.

By Mr. WACHTER: A bill (H. R. 12526) granting an increase of pension to Henry Ford—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 12527) granting an increase of pension to Jane Allen—to the Committee on Pensions.

Also, a bill (H. R. 12528) granting an increase of pension to Stephen M. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12529) granting a pension to Sarah Greene—to the Committee on Pensions.

Also, a bill (H. R. 12530) for the relief of Joseph H. Huffman—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petitions of J. E. Doan and 81 other voters of Fennimore, Wis.; J. W. Alcock and 31 other voters of Clifton, Wis.; George Ketnor and 14 other voters of Bloomington, Wis., and H. G. Brown and 23 other voters of Millville, Wis., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Petition of Jewell Post, No. 3, Grand Army of the Republic, of Pleasanton, Kans., favoring passage of service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Building Trades Employers' Association of Topeka, Kans., opposing passage of the anti-injunction bill—to the Committee on the Judiciary.

By Mr. CALDERHEAD: Petition of Mrs. A. Rust, president of the Woman's Christian Temperance Union of Frankfort, Kans., and Rev. C. E. Holcomb, pastor of the Methodist Episcopal Church of Frankfort, Kans., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of citizens of Dunbarton, Wis., opposing passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of citizens of the Fifth Congressional district of Iowa, opposing passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of citizens of Lisbon, Iowa, and of Lars Peterson and 74 other voters of Legrand, Iowa, favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. EMERICH: Memorial of Pasteur Vaccine Company, Limited, of Chicago, protesting against governmental distribution of blackleg vaccine—to the Committee on Agriculture.

Also, memorial of Chicago Historical Society, favoring preservation of the U. S. frigate *Constitution*—to the Committee on Naval Affairs.

Also, memorial of Illinois Society, Sons of the Revolution, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, memorial of F. J. Gurney, of Chicago, favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, memorials of the Builders' Club of Chicago and of the Sullivan Machinery Company, of Chicago, protesting against the anti-injunction and anticonspiracy bills—to the Committee on the Judiciary.

Also, memorial of the Chicago Yacht Club, protesting against bill for licensing engineers of small craft—to the Committee on the Merchant Marine and Fisheries.

Also, letter of Tri-City Reciprocity League, of Moline, Ill., Rock Island, Ill., and Davenport, Iowa, favoring reciprocity—to the Committee on Ways and Means.

Also, memorials of the Grocers and Butchers' Association of Chicago, and of Hibbard, Spencer, Bartlett & Co., of Chicago, and protest of various Chicago wholesale houses, against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Abraham Lincoln Post, No. 91, Grand Army of the Republic, of Chicago, Ill., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

Also, letter of Albert A. Pope, of New York, favoring Brownlow good-roads bill—to the Committee on Agriculture.

Also, resolution of the United Commercial Travelers of America, favoring amendment to bankruptcy act—to the Committee on the Judiciary.

By Mr. HASKINS: Resolution of G. W. Quinby Post, No. 76, Grand Army of the Republic, Department of Vermont, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. HEDGE: Petitions of Ellwood Haworth and 18 other voters of Varck, Kans., and Arthur Jones and 24 other voters of Pheasant Plains, Kans., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Petitions of pastors of churches in Hartford, Conn., and voters of Meriden and Waterbury, Conn.,

favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of pastors of churches of Manchester, Conn., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HAUGEN: Resolution of citizens of Carpenter, Iowa, opposing passage of parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of R. E. Dunlap and 5 other voters of Seattle, Wash., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KEHOE: Petition of W. C. Holcomb and 23 other voters of Grayson, Ky., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LACEY: Petition of Shelledy Post, No. 84, Grand Army of the Republic, of Monroe, Iowa, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Resolution of Church & Dwight Company, of New York City, favoring passage of Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. PAYNE: Petition of Rev. Harvey King and 12 other voters of Manchester, N. Y., favoring passage of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RIXEY: Papers to accompany claim of John H. Hurst, for church property at Dranesville, Va.—to the Committee on War Claims.

By Mr. STEPHENS of Texas: Papers to accompany bill H. R. 693, granting a pension to S. C. Roe—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petitions of George E. Hall and 4 other voters, Rev. D. E. Cunningham and 24 other voters, and members of Woman's Christian Temperance Union of Dover; Granville F. Grant and 21 other voters of Rochester; Congregational Church organization and D. C. Knowles and 14 other voters of Tilton; Sullivan C. Kimball and 10 other voters of Rockingham, and J. H. Bliss and 18 other voters of Webster, all in New Hampshire, favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SOUTHARD: Resolutions of A. J. Sykes Post, No. 355, of Chicago, Ohio, and R. H. Caldwell Post, No. 439, of Elmore, Ohio, Grand Army of the Republic, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. THAYER: Petition of the Master Printers' Association of Worcester, Mass., opposing the passage of the eight-hour bill—to the Committee on Labor.

By Mr. VREELAND: Resolutions of William O. Stevens Post, No. 393, of Dunkirk; Sawyer Post, No. 333, of Whitesville; Howell Post, No. 390, of Delevan; B. Frank Maxson Post, No. 428, of Alfred; Union Post, No. 407, of Findley Lake; W. T. Wickham Post, No. 655, of Otto; Seaman Post, No. 481, of Andover; Henry Van Erman Post, No. 232, of Ellicottville, and S. T. Bartle Post, No. 183, of Cuba, Grand Army of the Republic, all in New York, favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WOODYARD: Petition of B. McKinney and 22 other voters of Burnsville, W. Va., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

SENATE.

THURSDAY, *February 18, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The PRESIDENT pro tempore. If there be no objection, the Journal of the proceedings of Tuesday last will be approved. The Chair hears no objection, and it is approved.

The Secretary proceeded to read the Journal of the proceedings of yesterday, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

EXTENSION OF TIME FOR MOTIONS TO RECONSIDER.

Mr. HOAR. Mr. President, I rise to ask unanimous consent.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. HOAR. I ask unanimous consent that any motion to reconsider which would have been in order last Tuesday shall be considered in order if it be made on or before next Monday. The rule requires that such motions shall be made within two days of actual session. I suppose no Senator will care to raise a question of the strict meaning of that rule, and therefore I have asked for that unanimous-consent agreement.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the right to enter a motion to reconsider may be extended to Monday next.

Mr. HOAR. Yes; from last Tuesday.

The PRESIDENT pro tempore. From last Tuesday to Monday next. Is there objection? The Chair hears none, and that order is made.

AMERICAN NATIONAL RED CROSS SOCIETY.

The PRESIDENT pro tempore laid before the Senate the annual report of the American National Red Cross Society for the year ended December 31, 1903; which was referred to the Committee on Foreign Relations, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of William B. Mann *v.* The United States; which was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of N. H. Farquhar *v.* The United States; which was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate in compliance with its request the bill (S. 4122) to direct the Director of the Census to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

The message further announced that the House had passed a bill (H. R. 11966) to ratify and amend an agreement with the Indians located upon the Grande Ronde Reservation, in the State of Oregon, and to make an appropriation to carry the same into effect; in which it requested the concurrence of the Senate.

The message also transmitted to the Senate the resolutions of the House of Representatives on the death of Hon. MARCUS A. HANNA, late a Senator from the State of Ohio.

The message further announced that the Speaker had appointed Mr. GROSVENOR, Mr. VAN VOORHIS, Mr. BURTON, Mr. SOUTHARD, Mr. DICK, Mr. MORGAN, Mr. BEIDLER, Mr. CASSINGHAM, Mr. HILDEBRANT, Mr. KYLE, Mr. NEVIN, Mr. SNOOK, Mr. WARNOCK, Mr. BADGER, Mr. GARBER, Mr. GOEBEL, Mr. JACKSON of Ohio, Mr. KENNEDY, Mr. LONGWORTH, Mr. WEEMS, Mr. HEMENWAY, Mr. BARTLETT, Mr. LUCKING, Mr. WILEY of Alabama, Mr. DALZELL, Mr. WATSON, Mr. BURKE, Mr. CURRIER, Mr. SHERMAN, Mr. RODENBERG, Mr. MCCLEARY of Minnesota, and Mr. CALDERHEAD as the committee on the part of the House to take charge of the funeral arrangements.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 134) granting a pension to Wilhelmina Miller;

A bill (H. R. 138) granting an increase of pension to Henry Hale;

A bill (H. R. 165) granting an increase of pension to Thomas Adelsperger;

A bill (H. R. 195) granting a pension to Michael Landy;

A bill (H. R. 198) granting an increase of pension to Emmett Cole;

A bill (H. R. 219) granting a pension to Minerva J. Burton;

A bill (H. R. 249) granting an increase of pension to Mollie J. Mitchell;

A bill (H. R. 529) granting a pension to Emma H. Higley;

A bill (H. R. 561) granting an increase of pension to Eri Summy;

A bill (H. R. 610) granting an increase of pension to Samuel Alexander;

A bill (H. R. 660) granting an increase of pension to John S. Sines;

A bill (H. R. 681) granting an increase of pension to Ella P. Kersteter;

A bill (H. R. 689) granting an increase of pension to Edgar Chapman;

A bill (H. R. 703) granting an increase of pension to Robert P. Baker;

A bill (H. R. 727) granting an increase of pension to James K. Blye;

A bill (H. R. 734) granting an increase of pension to Henry S. McAlister;

A bill (H. R. 754) granting a pension to John M. Lawton;

A bill (H. R. 812) granting an increase of pension to Charles F. Emery;
A bill (H. R. 937) granting an increase of pension to Mark A. Shelton;
A bill (H. R. 1156) granting an increase of pension to John Pangratz;
A bill (H. R. 1294) granting an increase of pension to William McBrien;
A bill (H. R. 1483) granting an increase of pension to James W. Black;
A bill (H. R. 1487) granting an increase of pension to Dexter T. Drake;
A bill (H. R. 1497) granting an increase of pension to Dana Cook;
A bill (H. R. 1855) granting a pension to Harriett B. Riley;
A bill (H. R. 1859) granting an increase of pension to Patrick Cannon;
A bill (H. R. 1906) granting an increase of pension to George W. Blanchard;
A bill (H. R. 2016) granting an increase of pension to George Gardner;
A bill (H. R. 2040) granting a pension to James Anderson;
A bill (H. R. 2111) granting an increase of pension to Henry D. Towsley;
A bill (H. R. 2201) granting an increase of pension to George McDonald;
A bill (H. R. 2427) granting a pension to Cynthia Thomas;
A bill (H. R. 2553) granting an increase of pension to George Wintz;
A bill (H. R. 2822) granting an increase of pension to Louiza Phillips;
A bill (H. R. 2912) granting an increase of pension to Elizabeth A. Jones;
A bill (H. R. 2916) granting an increase of pension to Francis S. Howard;
A bill (H. R. 2932) granting a pension to Dudley R. W. Williams;
A bill (H. R. 3172) granting an increase of pension to Robert E. Pogue;
A bill (H. R. 3272) granting an increase of pension to Elizabeth Hardy;
A bill (H. R. 3298) granting a pension to Mary E. Pennock;
A bill (H. R. 3299) granting a pension to Medie M. Flanders;
A bill (H. R. 3337) granting an increase of pension to Mary A. Craigue;
A bill (H. R. 3345) granting an increase of pension to Charles P. Clarke;
A bill (H. R. 3367) granting an increase of pension to George W. Kerby;
A bill (H. R. 3407) granting an increase of pension to Frank Lewis;
A bill (H. R. 3411) granting an increase of pension to William J. Hart;
A bill (H. R. 3435) granting an increase of pension to John M. Pratt;
A bill (H. R. 3521) granting an increase of pension to John Hawker;
A bill (H. R. 3616) granting an increase of pension to James W. Davis;
A bill (H. R. 3617) granting an increase of pension to Charles M. Everett;
A bill (H. R. 3665) granting an increase of pension to Henry C. Jones;
A bill (H. R. 3815) granting an increase of pension to Hester E. Mooney;
A bill (H. R. 4031) granting an increase of pension to Samuel R. Wasson;
A bill (H. R. 4276) granting an increase of pension to Hamilton E. Burritt;
A bill (H. R. 4323) granting an increase of pension to Mary Wurtz;
A bill (H. R. 4325) granting an increase of pension to John A. Sills;
A bill (H. R. 4365) granting a pension to Barney L. Brookins;
A bill (H. R. 4457) granting an increase of pension to Mary E. Meldrum;
A bill (H. R. 4578) granting a pension to Catharine M. McClanahan;
A bill (H. R. 4625) granting a pension to Theresa B. Nash;
A bill (H. R. 4629) granting an increase of pension to Thomas C. Pond;
A bill (H. R. 4759) granting an increase of pension David P. McDonald;
A bill (H. R. 4887) granting an increase of pension to George N. Thorpe;
A bill (H. R. 4915) granting an increase of pension to James W. Hibbert;
A bill (H. R. 4937) granting an increase of pension to Emily Conklin;
A bill (H. R. 4946) granting a pension to James F. Wheeler;
A bill (H. R. 5199) granting an increase of pension to Emma M. Johnson;
A bill (H. R. 5299) granting an increase of pension to Sarah E. Wheeler;
A bill (H. R. 5372) granting a pension to Mariah Kuechler;
A bill (H. R. 5471) granting an increase of pension to A. Marion Gamble;
A bill (H. R. 5528) granting a pension to Maria Lindhorst;
A bill (H. R. 5531) granting an increase of pension to Marvin Nash;
A bill (H. R. 5534) granting an increase of pension to Adaline Shaw Lovejoy;
A bill (H. R. 5538) granting a pension to Jane Elizabeth Bullock;
A bill (H. R. 5609) granting an increase of pension to Benjamin F. Grigsby;
A bill (H. R. 5617) granting an increase of pension to William P. Hereford;
A bill (H. R. 5634) granting an increase of pension to Robert L. Miles;
A bill (H. R. 5699) granting an increase of pension to James P. Johnson;
A bill (H. R. 5718) granting an increase of pension to Adolph Heiser;
A bill (H. R. 5720) granting an increase of pension to William T. Filler;
A bill (H. R. 5818) granting an increase of pension to Philip Snow;
A bill (H. R. 5883) granting an increase of pension to David Warentz;
A bill (H. R. 5972) granting an increase of pension to Edward A. Wilbur;
A bill (H. R. 6005) granting an increase of pension to George B. Davis;
A bill (H. R. 6020) granting an increase of pension to William P. Conner;
A bill (H. R. 6023) granting an increase of pension to Charles Wigert;
A bill (H. R. 6028) granting an increase of pension to Anson Heffron;
A bill (H. R. 6032) granting an increase of pension to Charles S. Bellows;
A bill (H. R. 6036) granting an increase of pension to John Shafer;
A bill (H. R. 6061) granting an increase of pension to Alpheus D. Brown;
A bill (H. R. 6071) granting an increase of pension to Abraham C. Null;
A bill (H. R. 6085) granting a pension to Anna M. Maier;
A bill (H. R. 6091) granting an increase of pension to John W. Brown;
A bill (H. R. 6342) granting an increase of pension to Thomas Springer;
A bill (H. R. 6442) granting an increase of pension to James P. Wallace;
A bill (H. R. 6547) granting a pension to John Holzer;
A bill (H. R. 6562) granting an increase of pension to Frances A. Thompson;
A bill (H. R. 6583) granting an increase of pension to James H. Cummings;
A bill (H. R. 6701) granting an increase of pension to John A. Reeds;
A bill (H. R. 6947) granting an increase of pension to Joseph H. Cooper;
A bill (H. R. 6994) granting an increase of pension to Theresa Nebrich;
A bill (H. R. 7072) granting a pension to Mary McCall;
A bill (H. R. 7095) granting an increase of pension to Harrison H. Hakes;
A bill (H. R. 7355) granting an increase of pension to Henry Barrett;
A bill (H. R. 7374) granting an increase of pension to Jabez Perkins;
A bill (H. R. 7439) granting an increase of pension to Helen M. Bates;
A bill (H. R. 7447) granting an increase of pension to William Bailey;
A bill (H. R. 7515) granting a pension to Rebecca A. Mathias;
A bill (H. R. 7594) granting an increase of pension to Charles H. Miller;
A bill (H. R. 7682) granting an increase of pension to William H. Howard;
A bill (H. R. 7732) granting an increase of pension to Mary Chenowith;

A bill (H. R. 7756) granting an increase of pension to Charles Schroder;

A bill (H. R. 7757) granting an increase of pension to Cyrus Davidheiser;

A bill (H. R. 7798) granting an increase of pension to Andrew Black;

A bill (H. R. 7799) granting an increase of pension to John O. Rice;

A bill (H. R. 8123) granting a pension to Eliza S. Smith;

A bill (H. R. 8187) granting an increase of pension to George Jeffrey;

A bill (H. R. 8207) granting an increase of pension to Charles Johnson;

A bill (H. R. 8342) granting an increase of pension to Horace E. Davis;

A bill (H. R. 8717) granting an increase of pension to Henry Edwards;

A bill (H. R. 8728) granting a pension to Matilda Lafferty;

A bill (H. R. 8729) granting an increase of pension to Gustus S. Remick;

A bill (H. R. 8748) for the relief of Serenus Kilbourne;

A bill (H. R. 8920) granting a pension to Harriet A. Tucker;

A bill (H. R. 9029) granting a pension to Georgie S. Barbour; and

A bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of sundry citizens of Philadelphia, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah, and also praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of East Franklin, Vt., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented memorials of the Singing Society of Meriden, Conn.; of the Verein Bayern, Columbia Section, No. 1, of Washington, and of the Amalgamated Meat Cutters and Butcher Workmen, of Washington, in the District of Columbia; of Schiller Council, No. 23, of Chicago; of Court Eintracht, No. 930, of Chicago; of the Concordia Singing Society, of Peoria; of the Deutscher Militar Verein, of Elgin, and of Holstein Council, of Chicago, all in the State of Illinois; of Lessing Lodge, of Davenport, Iowa; of the Liederkranz of Lansing, and of the German Workingmen's Society, of Kalamazoo, all in the State of Michigan; of the German-American Association, of Kansas City, and of the Schweizer Maennerchor, of St. Louis, in the State of Missouri; of Lodge No. 629, of Omaha, Nebr.; of Humboldt Lodge, No. 137, of Newark; of the Swiss Sick Benefit Society, of Elizabeth; of the Tewellers Benevolent Society, of Newark, all in the State of New Jersey; of the German Hospital Association, of Albany; of the Norddeutscher Verein of New York; of the Sykes Turn Verein, of New York City; of the Plattdeutscher Verein of New York City; of the Magener Club, of New York City; of the Cuxhavener Club, of New York City; of the Friedmann Employees' Benefit Society, of Brooklyn, and of the Menslazer Verein, of New York City, all in the State of New York; of the Gesang Section der Freundgemeinde of Milwaukee; of the Fritz Reuter Gilde, of Milwaukee; of the Gesellschaft of Milwaukee; of the Zither Verein of Milwaukee; of the Male Chorus of the Sons of Hermann, of Milwaukee; of Barbarosse Lodge, No. 27, of Milwaukee; of George Washington Lodge, No. 40, of Milwaukee; of Allmania Lodge, No. 43, of Milwaukee; of Freie Gemeinde of Milwaukee; of Jacob J. Vollrath Aid Society, of Sheboygan, and of Humboldt Lodge, No. 16, of Milwaukee, all in the State of Wisconsin; of the Deutscher Bund, of Cleveland; of the Norddeutscher Schuetzen Gesellschaft, of Cincinnati; of the Turn Verein of Cincinnati, and of the German-Austrian Benevolent Society, of Columbus, all in the State of Ohio; of the German-Austrian Social and Beneficial Association, of Pittsburg; of the German Association of Pittsburg, and of the German Military Society, of Allegheny, all in the State of Pennsylvania; of the Turn Verein of Seattle; of the Plattdeutscher Verein of Tacoma, and of the Deutsche Eiche Lodge, No. 4, of Seattle, all in the State of Washington; of Hermann Lodge, No. 15, of Providence, R. I., and of Kaiser Friedrich Lodge, No. 48, of Freyburg, Tex., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PLATT of New York presented memorials of Richey, Browne & Donald, of Brooklyn; of C. A. Van Deusen, of Hudson; of the Hall Cereal Company, of Dansville, and of the Hermon L. Kent Paper Company, of Westfield, all in the State of New York, remonstrating against the enactment of legislation to amend the present antitrust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Henwelton, Madison County, Plattekill, Newburg, Watertown, Saratoga County, Wheatland, Stanfordville, Ogden, Frankfort, Wellsville, Ogdensburg, Elmira, Orwell, and Port Jefferson; of the congregation of the First Baptist Church of Holland; of the congregation of the Presbyterian Church of Valatie; of the Woman's Christian Temperance Union of Plymouth; of the congregation of the Methodist Episcopal Church of Manchester; of the Woman's Christian Temperance Union of Phelps; of the congregation of the Congregational Church of Ogden; of the congregation of the Baptist Church of Livingston County, and of the Woman's Christian Temperance Union of Plattekill, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of the Morris Run Coal Mining Company, of Corning; of the Beech Creek Coal and Coke Company, of Corning; of Calvin V. Adams, of New York City; of the Hills Brothers' Company, of New York City; of G. T. Stockham, of New York City, and of Church & Dwight Company, of New York City, all in the State of New York, and of J. N. Sulzberger, of New Haven, Conn., praying for the passage of the so-called Brownlow good-roads bill; which were referred to the Committee on Agriculture and Forestry.

Mr. KEAN presented a petition of sundry citizens of Washington, N. J., praying for the enactment of legislation to regulate the immigration of aliens into the United States; which was referred to the Committee on Immigration.

He also presented a petition of Cigar Makers' Local Union, No. 230, American Federation of Labor, of Millville, N. J., praying for the passage of the so-called anticoupon present bill; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Newark, N. J., remonstrating against the enactment of legislation to change the existing system of weights and measures or the compulsory adoption of the metric system in the United States; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented a petition of the Board of Trade of Jersey City, N. J., praying for the enactment of legislation providing for the destruction of derelicts, and also for the ratification of a treaty of arbitration between the United States and Great Britain; which was ordered to lie on the table.

He also presented a petition of the Board of Agriculture of Bergen County, N. J., and a petition of sundry citizens of Cranbury, N. J., praying for the passage of the so-called Brownlow good-roads bill; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Jane Moore Faircloth, of Jersey City, N. J., praying that she be granted a pension; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Rutherford, Lambertville, and Plainfield, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Colonel R. C. Johnson Post, No. 69, Department of New Jersey, Grand Army of the Republic, of New Jersey, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the New Jersey State Convention of the St. Patrick's Alliance of America, of Elizabeth, N. J., praying for the enactment of legislation providing for the erection of a monument to the memory of Commodore John Barry, United States Navy; which was referred to the Committee on the Library.

He also presented a memorial of sundry citizens of Orange, East Orange, and Elizabeth, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Hypothetæ of Trenton, N. J., and a memorial of sundry citizens of Orange, East Orange, and Elizabeth, all in the State of New Jersey, remonstrating against the passage of the so-called anti-injunction bill; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Trinity Methodist Episcopal Church, of Trenton; of the congregation of the Baptist Church of Flemington; of the Grand View Grange, Patrons of Husbandry, of Flemington, and of sundry citizens of Camden, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LONG presented the petition of J. C. Lacroix, of Hiawatha, Kans., and a petition of Muddy Creek Grange, No. 1437, Patrons of Husbandry, of Meriden, Kans., praying that an appropriation be made for the construction and maintenance of highways throughout the country; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregations of the Baptist and Methodist Episcopal churches and of the Woman's Christian Temperance Union of Walnut, and of sundry citizens of Sterling, Abilene, Herington, Rock Creek, Moran, Elk Falls, Burlingame, Tescott, Newton, and Varck, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BARD presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the erection of a monument to the late Commodore John D. Sloat, United States Navy; which was referred to the Committee on the Library.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made providing for the improvement of the Presidio Military Reservation; which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the construction of a road from Rampart to Glen Gulch, Alaska; which was referred to the Committee on Territories.

He also presented a petition of Phelps Squadron, No. 12, United States Veteran Navy, of San Francisco, Cal., praying for the enactment of legislation to equalize the rank and pay of certain officers of the United States Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to amend the law relating to the salmon fisheries of Alaska; which was referred to the Committee on Fisheries.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the restoration of the 4 per cent allowance on naval construction work on the Pacific coast for the National Government; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the creation of a commission to investigate the expediency of establishing public rifle ranges throughout the United States; which was referred to the Committee on Military Affairs.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Spokane, Wash., praying for a reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Chamber of Commerce of Spokane, Wash., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying that an appropriation be made for the construction of a wagon road from Rampart to Glen Gulch, Alaska; which was referred to the Committee on Territories.

He also presented a memorial of the Chamber of Commerce and Board of Trade of Tacoma, Wash., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Nipsic Lodge, No. 282, International Association of Machinists, of Bremerton, Wash., praying that an appropriation of $2,000,000 be made to increase the capacity of the naval gun factory at the Washington Navy-Yard, Washington, D. C.; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying that an appropriation be made for the removal of obstructions to navigation from the Pend Oreille River between Albani Falls, Idaho, and the Metaline mining district, Washington; which was referred to the Committee on Commerce.

Mr. NELSON presented a memorial of District Council, United Brotherhood of Carpenters and Joiners, of Minneapolis, Minn., remonstrating against the employment of soldiers to do the work of civilian mechanics in the construction and repair of buildings on Government reservations; which was referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Free Methodist Church of St. Paul, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Norwegian-Danish Methodist Episcopal Church, of St. Paul; of the congregation of the Norwegian-Danish Baptist Church, of St. Paul; of the congregation of the King street Methodist Episcopal Church, of St. Paul; of the congregation of the Swedish Baptist Church, of St. Paul; of the congregation of the Pacific Congregational Church, of St. Paul; of the congregation of the Grace Methodist Episcopal Church, of St. Paul; of the Union Young People's and Temperance societies, of St. Paul, and of the congregation of the Arlington Hills Presbyterian Church, of St. Paul, all in the State of Minnesota, praying for the enactment of legislation to prevent the nullification of State liquor laws; which were referred to the Committee on the Judiciary.

Mr. ANKENY presented a petition of the congregation of the Christian Church of Bellingham, Wash., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of J. M. Corse Post, No. 98, Department of Washington and Alaska, Grand Army of the Republic, in the State of Washington, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. GALLINGER presented a petition of Grange No. 291, Patrons of Husbandry, of Pike Station, N. H., and a petition of Grange No. 239, Patrons of Husbandry, of Plymouth, N. H., praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Grange No. 135, Patrons of Husbandry, of Jaffrey, N. H., praying for the passage of the so-called Brownlow good-roads bill; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregation of the Congregational Church of Epping County; of the Woman's Christian Temperance Union of Sullivan County; of the congregation of the Methodist Episcopal Church of Rindge; of Lodge No. 36, Independent Order of Good Templars, of Rochester; of the congregation of the Methodist Episcopal Church of Dover; of the congregation of the People's Christian Church of Laconia, and of sundry citizens of Ossipee, all in the State of New Hampshire, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of the Brightwood Park Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation to relieve the late auditor of the District of Columbia and the cosureties on his official bond of their liability to the people of the District; which was referred to the Committee on the District of Columbia.

Mr. ALGER presented a petition of sundry citizens of Saline, Mich., praying for the enactment of legislation to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Memorial Presbyterian Church, of Detroit, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. HOPKINS presented a petition of the Commercial Club of Chicago, Ill., praying for the ratification of a treaty of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Rock Island, Galesburg, Lasalle, and Chicago, all in the State of Illinois, praying for the passage of the so-called anti-injunction bill; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Rock Island, Galesburg, Lasalle, Freeport, Peoria, Duquoin, and Chicago, all in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented petitions of the Woman's Literary Club of Ohio, and of sundry citizens of Cutler, in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BEVERIDGE presented the memorial of J. S. Ford, Johnson & Co., of Michigan City, Ind., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented the petition of Daniel Stewart & Co., of Indianapolis, Ind., praying for the adoption of certain amendments to the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented a memorial of the Manufacturers' Association of Evansville, Ind., remonstrating against the passage of the

so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Retail Merchants' Association of Linton, Ind., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Magic City Lodge, No. 35, International Association of Machinists, of Muncie, Ind., praying that an appropriation be made to increase the capacity of the Naval Gun Factory at Washington, D. C.; which was referred to the Committee on Naval Affairs.

He also presented a petition of the A. Kiefer Drug Company, of Indianapolis, Ind., praying for the enactment of legislation providing for the protection of trade-marks used for commerce between the several States; which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of the Chamber of Commerce, San Francisco, Cal., praying for the establishment of a station on the coast of California for the investigation of problems connected with the marine-fishery interests of that State; which was referred to the Committee on Fisheries.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to amend the law relating to salmon fisheries in Alaska; which was referred to the Committee on Fisheries.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal.; which was referred to the Committee on the Library.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the erection of buildings for an immigrant station at the port of San Francisco, Cal.; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the improvement of the Presidio Military Reservation, at San Francisco, Cal.; which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the construction of a road from Rampart to Glen Gulch, Alaska; which was referred to the Committee on Territories.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the restoration of the 4 per cent allowance on naval construction work on the Pacific Coast for the National Government; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the appointment of a commission to investigate the expediency of establishing rifle ranges throughout the United States; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., remonstrating against the removal of the naval training station from San Francisco Bay; which was referred to the Committee on Naval Affairs.

Mr. HOAR presented a petition of the Woman's Club of Amherst, Mass., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Club of Amherst, Mass., praying for the enactment of legislation granting lands in severalty to the Indians of northern California who are not now in possession of land; which was referred to the Committee on Indian Affairs.

He also presented the petition of Le Roy Foote, formerly of Company I, Second Regiment, United States Infantry (regulars), praying for the enactment of legislation granting relief to the survivors of the Mexican war and the widows of those deceased; which was referred to the Committee on Pensions.

He also presented a memorial of the Worcester Typothetæ, of Worcester, Mass., and a memorial of sundry citizens of Worcester, Mass., remonstrating against the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented petitions of Veteran Post, No. 194, of Reading; of General Sedgwick Post, No. 17, of Orange; of Thomas G. Stevenson Post, No. 26, of Roxbury; of James A. Perkins Post, No. 150, of Massachusetts; of George H. Maintein Post, No. 133, of Plainville; of Hartruff Post, No. 74, of Rockland; of James C. Freeman Post, No. 55, of Provincetown; of Francis Gould Post, No. 36, of Arlington; of E. B. Nye Post, No. 203, of Bourne; of H. V. Smith Post, No. 140, of Athol, and of George K. Bird Post, No. 169, of Norwood, all of the Department of Massachusetts, Grand Army of the Republic, in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a memorial of the Worcester Typothetæ, of Worcester, Mass., and a memorial of sundry citizens of Worcester, Mass., remonstrating against the passage of the so-called anti-injunction bill; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Mount Hope Baptist Church, of Edmund, Wis.; of the congregation of the Congregational Church of Taunton, Mass., and of the Western Quarterly Meeting of Friends of Alamance County, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of Baptist churches representing 2,000,000 members, of African Methodist Episcopal churches representing 750,000 members, and of African Methodist Episcopal Zion churches representing 550,000 members, all in the United States, praying that an appropriation be made for the construction and maintenance of a memorial national home in the District of Columbia for aged and infirm colored people; which was referred to the Committee on Military Affairs.

Mr. HOAR. I present resolutions adopted by the legislature of Massachusetts, in favor of legislation providing for a retired list and pensions in the Life-Saving Service, which I ask may be read, and referred to the Committee on Commerce.

There being no objection, the resolutions were read, and referred to the Committee on Commerce, as follows:

Commonwealth of Massachusetts, in the year 1904. Resolutions in support of a bill pending in the Congress of the United States providing for a retired list and pensions in the Life-Saving Service.

Whereas there is pending in Congress a bill "to promote the efficiency of the Life-Saving Service," which provides for a retired list and pensions for officers and enlisted men of the Life-Saving Service, and for pensions to their widows and minor children; and

Whereas this bill has been recommended by the Secretary of the Treasury, and has for its object the just, well-earned reward of faithful and meritorious service: Therefore, be it

Resolved, That the general court favors the above-mentioned bill, and requests the Senators and Representatives in Congress from Massachusetts to vote for the measure.

Resolved, That a copy of these resolutions be sent to each Member of Congress from the Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, *February 8, 1904.*

Adopted. Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

SENATE, *February 8, 1904.*

Adopted in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy.
Attest:

JAMES W. KIMBALL,
Clerk of the House of Representatives.

Mr. MCENERY presented petitions of Joseph A. Mower Post, No. 1; of Cyrus Hamlin Post, No. 3; of Abraham Lincoln Post, No. 4; of John H. Crowder Post, No. 12; of Ellsworth Post, No. 15; of R. B. Elliott Post, No. 17; of R. G. Shaw Post, No. 18; of M. R. Delaney Post, No. 20; of Parson Brownlow Post, No. 23; of John A. Logan Post, No. 24; of Daniel Ullman Post, No. 28; of Lake Providence Post, No. 34; of Jefferson Post, No. 36; of R. B. Beck Post, No. 43; of Ebenezer Post, No. 44; of General Allen Post, No. 46; of G. H. Thomas Post, No. 49; of Henry Wilson Post, No. 48; of B. F. Butler Post, No. 51; of U. B. Marshall Post, No. 52; of A. J. Smith Post, No. 55; of Albert D. Shaw Post, No. 56; of Rodney Post, No. 57; of General Garfield Post, No. 58; of Colonel Drew Post, No. 59, and of Livingston Post, No. 60, all of the Department of Louisiana and Mississippi, Grand Army of the Republic, in the State of Louisiana, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. CULLOM presented petitions of E. M. Pike and 90 other citizens of Chenoa, of C. C. Ewing and 39 other citizens of Equality, of Rev. H. M. Ahlemeyer and 34 other citizens of Laclede, and of M. P. Berry and 46 other citizens of Carthage, all in the State of Illinois, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Laclede; of the congregation of the Presbyterian Church of Appanoose; of the Woman's Missionary Society of Appanoose, and of the congregation of the First Presbyterian Church of Aledo, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. CLAPP presented a petition of sundry citizens of Bygland, Minn., praying for the enactment of legislation providing for an increase in the salaries of rural letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN presented a petition of the West End Woman's Christian Temperance Union, of Louisville, Ky., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. BURNHAM presented petitions of Fred. E. George and 36 other citizens, of Hinsdale, N. H.; of Rev. James Thompson and 7 other citizens, of Ashland, N. H., and of the Woman's Christian Temperance Union, of Epping, N. H., praying for the enactment of legislation to regulate the interstate transportion of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of Pike Station Grange, No. 291, Patrons of Husbandry, of Pike Station, N. H., and a petition of Plymouth Grange, No. 239, Patrons of Husbandry, of Plymouth, N. H., praying for the enactment of legislation providing for the payment of higher salaries to rural letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Grange No. 135, Patrons of Husbandry, of Jaffrey, N. H., praying for the enactment of legislation providing for the construction and maintenance of good roads throughout the country; which was referred to the Committee on Agriculture and Forestry.

Mr. SIMMONS presented a petition of the congregation of the First Baptist Church of Elizabeth City, N. C., and the petition of P. S. Shipp and 59 other citizens of Elizabeth City, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a memorial of Local Division No. 2, Ancient Order of Hibernians, of Portland, Me., remonstrating against the ratification of a treaty of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 3952) for the relief of James E. Simpson, jr., Alfred H. Simpson, and Willie E. Simpson, surviving copartners of the firm of J. E. Simpson & Co., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 33) for the relief of James E. Simpson, jr., Alfred H. Simpson, and Willie E. Simpson, surviving copartners of the firm of J. E. Simpson & Co., reported adversely thereon, and the bill was postponed indefinitely.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 3623) for the relief of the legal representatives of Alvin M. Ryerson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2823) for the relief of Emily M. Hooe, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 4096) for the relief of Louis J. Souer, collector of internal revenue for the collection district of Louisiana, reported it with an amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Commerce, to whom was referred the bill (S. 4161) providing for the expenditure of money hitherto appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom the subject was referred, submitted a report, accompanied by a bill (S. 4378) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions; which was read twice by its title.

Mr. CLAY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 942) to reimburse S. R. Green, postmaster at Oregon City, Oreg., for moneys lost by burglary, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 398) for the relief of James A. Carroll, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3380) to amend section 3893 of the Revised Statutes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 559) for the relief of the legal representatives of George W. Soule, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1513) for the relief of the estate of George W. Saulpaw, reported it with an amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 2749) for the relief of Henry Bash, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Commerce, to whom was referred the bill (S. 3725) to establish a lighthouse and fog-signal station at the entrance to Bellingham Bay, State of Washington, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on Military Affairs, to whom was referred the bill (S. 3246) to remove the charge of desertion from the name of Frederick W. Joslin, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 4375) to amend section 24 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," reported it without amendment, and submitted a report thereon.

HEARINGS BEFORE COMMITTEE ON MANUFACTURES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HEYBURN on the 3d instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Manufactures be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

WALES ISLAND PACKING COMPANY.

Mr. KEAN. I am directed by the Committee on Claims, to whom was referred the joint resolution (S. R. 45) directing inquiry into the claim of the Wales Island Packing Company, to report it favorably without amendment, and I submit a report thereon. I ask for its present consideration. I call the attention of the Senator from Massachusetts [Mr. LODGE] to it.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Department of Commerce and Labor to inquire into the effect the decision of the Alaskan boundary tribunal has had on the Wales Island Packing Company, and if it be found that the company under such decision is unable, as claimed, to continue its business as formerly conducted, or has otherwise suffered damage thereby, to report to Congress the amount of damages, if any, suffered by that company.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. KEAN. I ask that the report which accompanies the joint resolution be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Committee on Claims, to whom was referred the joint resolution (S. R. 45) directing inquiry into the Wales Island Packing Company, having made a careful examination of the matter, recommend that the resolution be passed.

For the information of the Senate, your committee attach hereto and make part of this report the memorial of the Wales Island Packing Company, transmitted to the Senate by the Acting Secretary of State, a letter from the Secretary of State, and a letter from the Secretary of Commerce and Labor.

MEMORIAL OF THE WALES ISLAND PACKING COMPANY.

DEPARTMENT OF STATE,
Washington, February 3, 1904.

SIR: I have the honor to transmit herewith a memorial of the Wales Island Packing Company, a corporation organized under the laws of the State of New York and engaged in the business of fishing and canning salmon and other fish, whose establishments and interests on Wales Island have, by decision of the Alaska boundary tribunal, been placed on the Canadian side of the boundary, a fact which, it is stated by the company, will prevent a continuance of their business and will render their property valueless.

Earnestly inviting the attention of Congress to the grounds upon which relief is sought by the company, I submit the memorial for such action as in the judgment of Congress the equities of the case may warrant.

A similar letter has been addressed to the Speaker of the House of Representatives.

I have the honor to be, sir, your obedient servant,

FRANCIS B. LOOMIS,
Acting Secretary.

Hon. WM. P. FRYE,
President pro tempore United States Senate.

Memorial.

The SECRETARY OF STATE,
Washington, D. C.

SIR: The memorial of the Wales Island Packing Company respectfully calls attention to the effect of the decision of the Alaskan boundary tribunal

upon the affairs of this company, and requests that such steps may be taken for its relief as are appropriate under the circumstances.

The Wales Island Packing Company is a corporation organized under the laws of the State of New York, and its entire capital stock is owned by American citizens. The business of the company, as its name indicates, is fishing and canning salmon and other fish, which has been carried on at its factory and plant established for that purpose on Wales Island, in Portland Canal, on the southeastern coast of Alaska, a general description of which establishment is found in the Report on the Salmon Fisheries of Alaska, dated December 20, 1902, by the special agent of the Treasury Department, and printed as Senate Document No. 113, Fifty-seventh Congress, second session. This description is as follows:

"*Wales Island.*—Visited the new plant of the Wales Island Packing Company on June 28 at 8 a. m. This cannery is on Pierce Inlet, opposite Port Simpson, at the mouth of Portland Canal. The establishment is of the most approved type and complete in every detail for the prosecution of a successful business. The main building is 320 by 60 feet; warehouse, 36 by 56 feet; Chinese quarters, 25 by 60 feet; mess house, 24 by 40 feet; native quarters, 24 by 40 feet; store, 24 by 40 feet, and superintendent's residence, 14 by 24 feet. There are other buildings, occupied by natives. The machinery is all of the latest patterns and the general equipment calculated for a large pack. The headquarters of the new company are at Seattle, Wash., and the officers are H. L. Cammann, president; S. J. Churchill, vice-president; Pierre Mali, secretary and treasurer; Howard Pratt, superintendent. The situation of the cannery is such as to warrant the belief that the accessible waters will afford plenty of fish for a permanent and successful operation of the plant, as no other is within 50 or more miles of it, and the streams thereabout have not been fished to any great extent. The plant was outfitted for the first season to pack 30,000 cases, and though nothing had been done at the time of my visit, the run being unusually late, the manager was confident that a fair pack would be made. The statistics given elsewhere show that upward of 16,000 cases were put up, which, all things considered, was quite as good a showing as the company had reason to expect. A hatchery site has been selected, and it is the intention of the Wales Island Packing Company to push the enterprise vigorously and leave undone nothing that will make for the complete success of the enterprise."

The following reference is also made to this cannery in the log of the season's cruise, printed in the same report:

"*June 28.*—After making stops at convenient ports for the night, the *Perry* arrived at Wales Island, Alaska, at 10 a. m. this day. Here has been established a new cannery by the Wales Island Packing Company. Wales Island is situated in Portland Canal, immediately across the line from British Columbia. The new plant is the most southeasterly of all the Alaska packing houses."

As stated in that report, this plant is the most southeasterly of all the Alaska packing factories, and no other plant is within 50 or more miles of it on the United States side of the boundary. Prior to its establishment there no cannery had been built in southeastern Alaska south of Cape Fox, which marked the limit of the fishing grounds available for canneries established above that point.

This cape formed a natural and effective barrier against the extension beyond that point of the operation of the fisheries carried on above it, inasmuch as the passage around it is difficult and dangerous, owing to the character of the tide currents there and to the conformation of the coast, which leaves this cape very much exposed to the winds and waves sweeping in from the ocean. There are, however, many valuable fishing grounds in the waters of Alaska to the southward and eastward of this cape, and in order to take advantage of them it was necessary, for the reasons above stated, to establish a cannery in their immediate neighborhood. To find a suitable locality for that purpose a careful search was made covering the whole region, which search continued upward of two years and finally resulted in finding the site acquired by this company on Wales Island. This site proved to be not only the only site suitable for such purposes in the entire neighborhood on the American side of the boundary as then established, but also most conveniently located with reference to the best fishing grounds and most peculiarly well fitted by its natural advantages for the purposes of a cannery.

The fishing grounds, which, as above stated, were readily accessible from this site, proved to be practically inexhaustible. The "Sockeye" salmon, which command the highest market prices, were found to abound in that neighborhood, and by the establishment of hatcheries for the propagation of this particular quality of fish, which has already been undertaken, the company was insured a permanent supply of this most valuable breed of salmon sufficient for the entire output of its factory. It is obvious, therefore, that the natural conditions surrounding this site on Wales Island gave it a peculiar value. It has at hand a convenient and inexhaustible supply of fish. It was free from any chance of rivalry or interference on the part of other factories, because, as above stated, there was no other available site for a factory in that neighborhood, and the factories on the other side of Point Fox were unable to extend their operations beyond that point. This site, therefore, had practically the exclusive right to enjoy the entire fishing resources of the neighborhood on the United States side of the boundary line as then established.

Apart from these exclusive advantages, this site offered the further advantage of being within easy reach of the regularly traveled steamer routes along the coast, giving ready access to it at all times and reducing its transportation charges to the lowest rates. Furthermore, as stated in the report above quoted, it was the most southeasterly of all the Alaskan packing houses and therefore nearest to its market, both for its supplies and its output.

The special advantages of this location for its purposes need not be further dwelt upon here, but reference is made to the expert opinion of those skilled in such matters for confirmation of the above statements. This site, so preeminently suitable for the purposes of the company, having been found, such steps were taken as were necessary under the laws of the United States regulating the acquisition of factory sites in Alaska to perfect the title of the company thereto, and the factory and equipment of the company for the purposes of this business were there established.

The plant of the company was constructed on this island in the year 1902, and was outfitted, as stated in the report above quoted, for the first season to pack 30,000 cases, but owing to the delay in completing the plant and to the lateness of the season only 16,000 cases were put upon the market that year. During the second season, in the following year, the capacity of the plant was increased and its output for that season was 35,000 cases. Its present capacity is for 50,000 cases, and in view of its equipment and the abundance of its fisheries a regular annual output up to its full capacity was assured.

Proof of the character and validity of the title acquired by the company and of the extent and value of its vested interest will be submitted whenever an appropriate opportunity for that purpose can be granted to the company.

Such, then, was the situation of this company when the decision of the Alaskan boundary tribunal was rendered, carrying the boundary line through the channel to the westward of Wales Island and placing this island within the Dominion of Canada, and with it the establishments and interests of the Wales Island Packing Company.

The justification of this company in locating on territory which by the decision of the Alaskan boundary tribunal has been held to belong to Canada, will be found, if any is needed, in the repeated and familiar assertions of title and exercise of sovereignty over this island both by the executive and legislative branches of the United States Government, from the time of the purchase of Alaska from Russia down to the date of the decision of the Alaskan boundary tribunal. The grounds upon which such claim was made are fully set forth in the presentation of the case of the United States before that tribunal, and need not be repeated here further than to cite one instance which is particularly pertinent to this case.

In September, 1896, the War Department, under the authority of Congress, caused a storehouse to be built upon Wales Island, and in one of the wall stones in a conspicuous part of this house was carved the words "U. S. property. Do not injure." This property stands within a few miles of this company's establishment, and its existence was known to the company at the time it located its establishment on that island.

It is a well-recognized rule of law, under the decisions of the United States Supreme Court, that the determination of the question of national title and sovereignty over territory by the executive and legislative departments of this Government is conclusive, both with respect to the citizens and the courts of the United States. When, therefore, the authorized branches of the Government asserted title to this island every citizen of the United States was justified in relying upon such assertion as a conclusive determination, so far as he was concerned, of whatever question might elsewhere be raised as to the title to such island.

Furthermore, it must be remembered that the assertion of title on the part of the United States to Wales Island was made in a most vigorous and uncompromising manner, and that such assertion was supported by an act of sovereignty so decisive as the construction on that island of a Government storehouse, which was in existence and is shown to have been known to this company at the time it located there. It follows, therefore, that this company was justified in relying upon the assurance thus given by the Government that its sovereignty extended over this island, and all vested interests acquired by the company in such island in reliance upon such assurance are entitled to the protection and support of the Government.

The practical effect of the decision of the Alaskan boundary tribunal upon this company, under the existing conditions, is to prevent the continuance of its business and to render its property valueless. Its former fishing grounds, with respect to which this site was selected, are all left on the United States side of the boundary, as laid down by this decision, and consequently are no longer available to this company. On the Canadian side of the line there are no fishing grounds in the immediate neighborhood of the establishment of this company. Such fishing grounds as are to be found on the Canadian coast are so inconveniently placed that it is practically out of the question for this company to attempt to do its fishing there. Furthermore, such Canadian fisheries as there are have all been appropriated by Canadian companies located within convenient reach, and the fishing industry on the Canadian side in this neighborhood is already overcrowded.

This company, therefore, operating at a disadvantage on account of the distance and inconvenience of the fisheries and in competition with companies more favorably located and on fishing grounds already overcrowded could not hope to continue its business profitably on the Canadian side of the line. For the same reasons this company can not hope to dispose of its establishment and business profitably as a going concern to any Canadian interest.

Moreover, there is a serious question as to whether the Canadian government will confirm the title of this company to its location and permit a fishery to be carried on there. It has been announced on behalf of that government that the entire territory in the region of Port Simpson is reserved by the Crown and is not open for private occupation. It is evident, however, that even if the Canadian government should confirm the company's title to its present location the difficulties in which the company finds itself would not be removed. It still would be unable to continue its business or dispose of its business profitably there.

Neither would it be possible for the company to reestablish itself on a new site and continue its business on the United States side of the line, because, as above stated, there is no available site within reach of the fisheries in that neighborhood upon which an establishment could be constructed. A location for a packing factory requires certain peculiar natural conditions, which are not readily found on that coast. A stream furnishing a plentiful supply of fresh water is one of the essential features; another is that there must be a good harbor for large boats, and there must also be an anchorage for such boats; and the shore must be sufficiently level to permit the erection of the necessary buildings and plant, each of which requirements is extremely difficult to find on this portion of the Alaskan coast, and it is a most unusual thing to find them all in conjunction. It is well known that good harbors and anchorages for vessels are rarely found anywhere in Alaska, and throughout this entire region the shores are generally formed by precipitous cliffs or mountain slopes rising abruptly from the water's edge, leaving no space available for the location of a factory plant.

Moreover, the character of this packing factory and plant is such that it would be impossible to move it to advantage. One of its chief features is a pier of heavy timbers resting on piles, upon which is constructed the factory building. The cost of moving work of such a character would be more than the cost of replacing it by an entirely new structure. Furthermore, a large item in the expense of establishing this plant has been the improvements and alterations in the natural surroundings, such as clearing the woods, grading, etc., and constructing a flume for the fresh-water supply upward of a mile and a quarter into the island. Such improvements as these pertain to the soil and on any new site similar work would have to be done anew, so that they represent no value which could be transferred to a new plant.

Under all the circumstances, therefore, it is evident that as the matter now stands the company is debarred from continuing its business or even profitably disposing of its property without some action by the United States Government, to which the company must look for relief from the difficulties forced upon it through no fault of its own.

This company therefore prays that if this Department finds itself unable to grant relief adequate to the necessities of the case the question be brought to the attention of Congress in some appropriate way for such relief as may be proper under the circumstances.

And your memorialist will ever pray, etc.

THE WALES ISLAND PACKING COMPANY,
By H. L. CAMMANN, *President.*

JANUARY 27, 1904.

DEPARTMENT OF STATE,
Washington, February 18, 1904.

The Hon. FRANCIS E. WARREN,
Chairman Committee on Claims, United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, forwarding a copy of a joint resolution pending before the Senate Committee on Claims, to inquire into the claim of the Wales Island Packing Company (S. R. 45), and to inform you that the memorial of the company, which is printed as House Document No. 510, Fifty-eighth Congress, second

session, appears to the Department to possess elements of equity entitling the case to a careful investigation and report, which is all that the resolution contemplates.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 11, 1904.

DEAR SIR: I beg to acknowledge the receipt of your communication of the 10th instant, inclosing a copy of a joint resolution (S. R. 45) for the relief of the Wales Island Packing Company and requesting that all papers, or copies of same, on file in this Department relating to this claim be forwarded for the use of your committee, with the Department's opinion as to the merits of the claim.

It does not appear that any papers in reference to the claim covered by the resolution have been filed in this Department; and as the Department possesses no information whatever regarding it except that conveyed in the memorial of the company published as House Document No. 510, a copy of which accompanies your letter, it is hardly in a position to express an opinion as to the merits of the claim without making further inquiry regarding the facts. If your committee desires, the Department will be pleased to make such inquiry.

Very truly, yours, GEO. B. CORTELYOU, *Secretary.*

Hon. FRANCIS E. WARREN,
Chairman Committee on Claims, United States Senate.

KEOKUK AND HAMILTON WATER POWER COMPANY.

Mr. ELKINS. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 9640) to amend an act granting to the Keokuk and Hamilton Water Power Company the right to construct and maintain a dam, etc., approved February 8, 1901, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF COMMISSIONER OF PATENTS.

Mr. KITTREDGE. On behalf of the Committee on Patents I ask that that committee be discharged from the further consideration of the report of the Commissioner of Patents for the calendar year 1903, as the existing law covers the case.

The PRESIDENT pro tempore. The Chair hears no objection, and the committee will be discharged. What disposition does the Senate desire shall be made of it?

Mr. KITTREDGE. Let it lie on the table.

The PRESIDENT pro tempore. It will lie on the table. An order to print the report has already been made.

G. W. RATLEFF.

On motion of Mr. WARREN, it was

Ordered, That the bill (S. 3127) for the relief of G. W. Ratleff, being Order of Business 380 on the Calendar, be recommitted to the Committee on Claims.

BILLS INTRODUCED.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4379) granting an increase of pension to Mattie J. Phillips;

A bill (S. 4380) granting a pension to Mary J. Wolfe (with accompanying papers);

A bill (S. 4381) granting a pension to Mary P. Wilson (with accompanying papers);

A bill (S. 4382) granting an increase of pension to John B. Harvey (with an accompanying paper);

A bill (S. 4383) granting a pension to Mary E. Penn; and

A bill (S. 4384) granting a pension to Mary Frances Smith.

Mr. CULLOM (by request) introduced a bill (S. 4385) to incorporate the Mississippi Valley Interstate Commerce Association, and for other purposes; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 4386) granting an extension of patent No. 422666 to Robert Morrow Tull and Thomas Ephriam Tull for the period of seven years from the 4th day of March, 1907; which was read twice by its title, and referred to the Committee on Patents.

Mr. BLACKBURN introduced a bill (S. 4387) to authorize the Chicago, St. Louis and New Orleans Railroad Company to construct a bridge across the Tennessee River near Gilbertsville, Ky.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 4388) granting an increase of pension to John C. Cahill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4389) for the relief of the county of Marion, in the State of Missouri; which was read twice by its title.

Mr. COCKRELL. To accompany the bill, I present the affidavits of Rufus E. Anderson and Samuel J. Feaster. I move that the bill and accompanying affidavits be referred to the Committee on Claims.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 4390) for the relief of the estate of Edward N. Peyton, deceased; which was read twice by its title.

Mr. COCKRELL. To accompany the bill, I present the petition of Mrs. Julia B. Benge, O. W. Peyton, H. E. Peyton, and Mary E. Williams, and the affidavits of William F. Pulliam and E. L. Tuggle. I move that the bill and accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 4391) for the relief of the estate of John M. Armstrong, deceased; which was read twice by its title.

Mr. COCKRELL. To accompany the bill, I present the petition of Mary M. Buckner and the affidavits of William F. Pulliam and Jesse Chilton. I move that the bill and accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

Mr. TILLMAN introduced a bill (S. 4392) granting an increase of pension to Samuel Hyatt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 4393) granting an increase of pension to Cora A. Baker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 4394) to permit the construction of a smelter on the Colville Indian Reservation, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BURNHAM introduced a bill (S. 4395) granting an increase of pension to Thomas H. Walker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 4396) granting an increase of pension to Charles Herrick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 4397) to provide for free lectures to the people in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4398) granting an increase of pension to Agnes Shearer (with an accompanying paper);

A bill (S. 4399) granting an increase of pension to Charles La Forest (with an accompanying paper); and

A bill (S. 4400) granting an increase of pension to Edward M. Tappen (with an accompanying paper).

Mr. NELSON introduced a bill (S. 4401) to grant to the State of Minnesota certain lands for forestry purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4402) permitting the building of a railway bridge across the Red Lake River at the city of Thief River Falls, in the county of Red Lake and State of Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 4403) to amend "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, as amended April 1, 1896, and March 2, 1903; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 4404) granting an increase of pension to James Wilkins, alias James Earlie; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 4405) granting an increase of pension to Emma Thurston; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4406) granting a pension to Susan Davidson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 4407) granting an increase of pension to Joshua Clayton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 4408) granting an increase of pension to Robert N. Button; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4409) to extend the jurisdiction of

the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 4410) to carry into effect the findings of the Court of Claims in the matter of the claim of David H. Hilderbrand; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 4411) for the relief of the trustees of the Presbyterian Church of Smyrna, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4412) granting a pension to Marat E. Powell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 4413) to authorize the location of coal lands upon unsurveyed public lands in the district of Alaska, and for the survey, entry, and patenting of the same; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. CLAPP introduced a bill (S. 4414) granting a pension to Frances E. Truesdell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 4415) to correct the military record of Shadrack F. Brown; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 4416) for the establishment of aids to navigation for lighting Ambrose channel, New York Harbor, New York; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 4417) granting an increase of pension to Chadbourne H. Warren; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER (by request) introduced a bill (S. 4418) to regulate the hours of service and compensation of attendants and nurses at the Government Hospital for the Insane, in the District of Columbia; which was read twice by its title, and referred to the Committee on Appropriations.

He also introduced a bill (S. 4419) in relation to contracts with the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4420) authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GORMAN submitted an amendment proposing to appropriate $10,000 for continuing the grading of Pennsylvania avenue east from Branch avenue to the District line, as estimated for and recommended by the Commissioners of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. NELSON submitted an amendment proposing to appropriate $250,000 for the construction, under the direction of the Secretary of War, of a military wagon road from Valdez by the most practical route to Fort Egbert, or Eagle, on the Yukon River, in the District of Alaska, intended to be proposed by him to the army appropriation bill; which was referred to the Committee on Territories, and ordered to be printed.

PAYMENT TO EX-QUEEN LILIUOKALANI.

Mr. TILLMAN. I wish to give notice that at some time I shall move to reconsider the vote by which the bill (S. 1553) for payment to Liliuokalani, formerly Queen of the Kingdom of Hawaii, was defeated. I voted "nay," but the friends of the bill have rather importuned me on the ground that snap judgment was taken, and I feel disposed to let the Senate pass on the measure again.

Mr. GALLINGER. What does the Senator mean by "snap judgment?"

Mr. TILLMAN. What I mean is that the friends of the bill think they had votes enough in the Senate to pass the measure if all had been here, but some of them were absent. I shall vote as I did before, but I want to give the Senate an opportunity to vote again, and I shall make a motion to reconsider.

Mr. STEWART. Enter it now.

Mr. TILLMAN. I will enter the motion now.

The PRESIDENT pro tempore. The Senator from South Carolina enters a motion to reconsider the vote by which Senate bill 1553 failed of passage. The motion is in order under the unanimous consent given to-day.

REPUBLIC OF PANAMA.

Mr. MORGAN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the President is requested, if not incompatible with the public interests, to send to the Senate such information as is in possession of the Government of the United States as to the present state of organization of the Government of the Republic of Panama.

And a copy of the constitution of said Republic, or such information as to the provisions thereof as may have been received by him.

And that he will inform the Senate as to any ordinance, or other proceeding of the constitutional convention recently in session at Panama, relating to the Hay-Varilla treaty now pending in the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. CULLOM. I heard only the last words of the resolution, so that I am unable to know just what it is.

The PRESIDENT pro tempore. It will be again read.

The Secretary again read the resolution.

Mr. CULLOM. I do not see any objection to the information, Mr. President.

The PRESIDENT pro tempore. The Chair did not hear the Senator.

Mr. CULLOM. I have no objection to the resolution.

The resolution was considered by unanimous consent, and agreed to.

CENSUS OF MANUFACTURES.

The PRESIDENT pro tempore laid before the Senate the bill (S. 4122) to direct the Director of the Census to cooperate with the secretary of state of the State of Michigan in taking the census of manufactures, and for other purposes, returned from the House of Representatives in compliance with the request of the Senate; when, on motion of Mr. QUARLES, the bill was indefinitely postponed.

HOUSE BILL REFERRED.

The bill (H. R. 11966) to ratify and amend an agreement with the Indians located upon the Grande Ronde Reservation, in the State of Oregon, and to make an appropriation to carry the same into effect, was read twice by its title, and referred to the Committee on Indian Affairs.

SANITARY DAIRY PRODUCTS.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the Calendar under Rule VIII.

Mr. CULLOM. I think the Senator from Wisconsin [Mr. SPOONER] desires to address the Senate this morning. He has stepped out of the Chamber for a moment. I do not think it is worth while to take up the Calendar until we see certainly whether he desires to speak.

Mr. STEWART. I think we might pass one bill before he gets back.

Mr. CULLOM. We might try it.

Mr. STEWART. I ask unanimous consent to call up the bill (S. 2402) to secure sanitary dairy products for the District of Columbia. I do not think it will take any time.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent for the present consideration of a bill which will be read to the Senate for information.

Mr. STEWART. Let the substitute be read. The Committee on the District of Columbia report to strike out all after the enacting clause.

The PRESIDENT pro tempore. The proposed substitute will be read.

The Secretary proceeded to read the amendment of the Committee on the District of Columbia, which was to strike out all after the enacting clause and insert a substitute.

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Let it be read first.

Mr. CULLOM. It is very patent that there will be objection to this bill, and it will take a long time to consider it. I hope it will go over.

Mr. STEWART. I hope the Senator will not insist that the bill shall go over.

Mr. CULLOM. I think it ought to go over.

Mr. STEWART. Every day you are killing children when you do. There is no inspection of milk whatever here. Why not let the bill be passed? Nobody will object to it.

Mr. CULLOM. They do object to it.

Mr. STEWART. They will?

Mr. CULLOM. I think they will, as far as I am able to learn. I think the bill ought to be very carefully considered by the Senate.

Mr. STEWART. It ought to be carefully considered, and it ought to be considered at once.

Mr. CULLOM. No more important measure can come before the Senate of a local character than a bill on this subject. I think it will take more time than we can give it to-day, and I hope the Senator from Nevada will let the bill go over.

Mr. STEWART. I shall have to move, then, that the Senate proceed to the consideration of the bill.

Mr. CULLOM. I wish to state, as I said in the first place, that the Senator from Wisconsin [Mr. SPOONER], who goes away this evening, is prepared to speak to-day, and unless he does speak to-day the probability is that he will not have another opportunity.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

Mr. GALLINGER. I appeal to the Senator from Illinois, inasmuch as the bill has been mostly read through, that the reading be completed.

Mr. CULLOM. I have no objection to the reading being completed.

Mr. BAILEY. I suggest that we leave it exactly as it is, and after the Senator from Wisconsin has finished his speech, if the Senate desires, it can pass upon it this legislative day.

Mr. STEWART. There is no objection to that.

Mr. BAILEY. I just make that suggestion.

Mr. STEWART. There is no objection to that.

Mr. GALLINGER. All right.

Mr. COCKRELL. I do not think that all of the bill has been read, and I shall therefore expect that it shall be read when it comes up again. I do not think it was all read.

Mr. CULLOM. It was not all read.

The PRESIDENT pro tempore. Only about one-half of the substitute was read.

Mr. COCKRELL. That is what I thought.

RELATIONS WITH COLOMBIA—PANAMA CANAL.

Mr. CULLOM. I ask that the resolution which has heretofore been before the Senate pertaining to our relations with Colombia be laid before the Senate.

There being no objection, the Senate resumed the consideration of the resolution submitted by Mr. BACON on the 12th ultimo, as modified by him on the 8th instant, as follows:

Resolved, That the President be respectfully informed that the Senate favor and advise the negotiation, with a view to its ratification, of a treaty with the Republic of Colombia, to the end that there may be peacefully and satisfactorily determined and adjusted all differences between the United States and the Republic of Colombia, with the intent of removing any cause of irritation or conflict, and of restoring the cordial relations heretofore existing between the United States and Colombia, and also of securing the hearty cooperation of the Colombian people in the construction of the canal at Panama.

Mr. SPOONER. Mr. President, I take the floor under great embarrassment for more reasons than one. The shadow of death still rests upon this Chamber, and no Senator can banish the consciousness that a very powerful and kindly personality has passed forever from our midst. Every Senator, whether he will or not, will find himself looking for a face which he can not see and listening for a voice which he can not hear. I know that I have no heart for speech, and I know that my colleagues here have no heart for listening.

Moreover, Mr. President, I know that nothing which can be said upon this great subject will change any Senator's conviction as to his duty. Nevertheless I feel constrained to place in the RECORD some observations upon the general subject.

I am gratified, as I think the people of the whole country are, that we are not divided upon party lines either in the discussion or the decision of this matter, so monumental in its importance to the country for all time. The debate has been a very thorough one. It has been not without bitterness. It could not have been expected probably that that phase of it should be eliminated.

Some very bitter imputations have been cast upon the President. He has been charged with violating the plain provisions of a law of Congress. He has been charged with usurping the power which is vested by the Constitution in Congress alone to declare war, and he has been charged with violating the established principles of international law. These would be serious charges if they were grounded in truth, which in my opinion they are not.

Bitterness in debate, Mr. President, toward a President counts for little. There has been no President since the formation of the Government who was exempt from it. It was more virulent in the early days of the Republic than it is in modern times. President Lincoln, now reverenced by all mankind as one of the kindliest characters and noblest men who ever ruled, I can remember, was attacked as a tyrant, as a systematic violator of the Constitution, and as a murderer. President McKinley, considerate of every human being, and of whom I think it may be justly said that he never thought an unkind thought or did an unkind act, was not exempt from it. He has passed away, and all criticism of him has passed away. We find no Senator to-day in this Chamber, where we listened to attacks upon him, aye, even to imputations upon his honor, who would give ear for a moment to those suggestions, or who would even criticise him in his policy, except in the kindliest way.

These things are evanescent, Mr. President. History takes no note of them, except to give occasion for wonder that they ever were said. I believe that, taken all in all, the people of the United States feel that the President, in what has been done and for which he has been so bitterly criticised, interpreted their will, safeguarded their interests; and all, of course, in an honorable way.

RECENT HISTORY OF CANAL LEGISLATION.

Now, Mr. President, I wish to put in the RECORD very briefly a reference to the legislative history upon this subject, not ancient, but modern. There is in certain observations which have been made on the other side some occasion for it.

In 1898 the distinguished Senator from Alabama [Mr. MORGAN] introduced a bill, which accepted the proposition made by the Maritime Canal Company to cancel all of its outstanding obligations, and to conform to certain requirements indicated in the bill. The bill was intended to provide for the construction of the Nicaragua Canal. The capital stock of that corporation was to be increased to $100,000,000, as I remember it.

Mr. MORGAN. Limited to that.

Mr. SPOONER. Limited to $100,000,000, $70,000,000 of which was to become the property of the United States, which was to control the board of directors of the company. The company was authorized to issue $100,000,000 of bonds, which were to be guaranteed by the United States, and with the proceeds the work of constructing the canal was to proceed.

That bill passed the Senate on the 21st of January, 1899. I was opposed to the bill as introduced for several reasons; one, because, Mr. President, it seemed to me very clearly to violate the Clayton-Bulwer treaty and also the canal concession by placing the control of the concession in a foreign government. I thought that the obstruction which the Clayton-Bulwer treaty constituted to the construction of the canal ought, in the interest of international harmony and upon every possible theory, to be removed by negotiation, as it ultimately was, and not by the harsh method of legislative abrogation.

Another thing, Mr. President. Under that bill the Government was not providing for further concessions from Nicaragua and Costa Rica. It was simply stepping into the shoes, if I may use that phrase, of the Maritime Canal Company and investing its money under the concession held by that company, which had not long to run, and which had, so far as the Government of Nicaragua could do it, been already forfeited, the forfeiture to take effect upon the expiration of a few years, by a grant of a similar concession to another company then to take effect.

Another thing, Mr. President, if these objections had been eliminated, which led me to oppose that bill was that under the Nicaragua concession after a period of ninety-nine years, to be followed by another period of ninety-nine years, the canal property—all of it—would become the sole property of those Governments.

Mr. MORGAN. Has the Senator the bill before him?

Mr. SPOONER. No, sir.

Mr. MORGAN. I think the Senator is mistaken.

Mr. SPOONER. I am not. The bill did not refer to that; but the Senator will not dispute that there was a time limitation in the concession granted by Nicaragua and Costa Rica to the Maritime Canal Company, first, a period of ninety-nine years, and then a leasehold period, at a certain rate, of ninety-nine years, and I was not willing——

Mr. MORGAN rose.

Mr. SPOONER. Does the Senator dispute that?

Mr. MORGAN. I do not remember quite distinctly about that; but the bill contained no such provision.

Mr. SPOONER. Oh, no.

Mr. MORGAN. Is the bill to which the Senator refers the one which passed the Senate by a vote of 48 to 6?

Mr. SPOONER. It passed by a large vote.

Mr. MORGAN. If the Senator will permit me, while I am up I will remark that that was predicated upon the principle of the Frelinghuysen-Zavala treaty.

Mr. SPOONER. The bill was largely debated, Mr. President, and whatever the Government might have been able to obtain later nobody could know, but under the provisions of that bill, had it become a law, without amendment, in the respects I have suggested, the Government would have invested $100,000,000 in the construction of a canal which in a hundred and ninety-eight years would have belonged to Nicaragua and Costa Rica. I was not willing, for one, to vote for that proposition.

Mr. MORGAN. Did the Senator vote against the bill?

Mr. SPOONER. I voted for the bill after the adoption of an amendment to which I will call attention.

Mr. MORGAN. There was a minority of but six against it.

Mr. SPOONER. Yes; I think the minority was six—a very small minority. I would not have voted for the bill without the elimination by amendment of the objections to which I have adverted, as I looked upon it as a proposition to invest a hundred million dollars of Government money upon a foundation as flimsy

as a fog bank. I also felt that the plainest principles of prudence required that the Government should not be tied down to negotiation for a concession to the Governments of Nicaragua and Costa Rica, thereby subjecting the Government to the alternative of unjust exactions or of another failure to construct the canal. In order to remove the objections, which I sincerely urged, and which I thought then and think now were substantial, I offered an amendment, to stand as section 12, as follows:

That if the President is unable to secure from the Governments of Nicaragua and Costa Rica such concessions as will enable the United States to build and perpetually own and control said canal, he is authorized to negotiate for the control of the right to construct, maintain, and perpetually control some other canal connecting the Atlantic and Pacific oceans, and the President is requested to negotiate for the abrogation or modification of all treaty obligations, if any such exist, in anywise interfering with the construction, ownership, and perpetual control of any such canal.

This amendment was accepted by the distinguished Senator from Alabama as of substance and wisdom. Thus amended, and also amended in some other particulars on the motion of other Senators, I voted for the bill, which passed the Senate. That bill was reported back from the House Committee on Interstate and Foreign Commerce on February 13, 1899, by substitute which was substantially what has become known as the Hepburn bill.

During the third session of the Fifty-fifth Congress Mr. HEPBURN introduced a bill to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans. It was never reported from the committee.

On the 2d of May, 1900, the House of Representatives passed the Hepburn bill, to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans by the Nicaraguan route. That bill was reported back by the Senate Committee on Interoceanic Canals May 14, 1900, and died. It provided practically for fortifying the canal, as I think should be provided and as now can be provided by whichever route the canal may be constructed. It died then, Mr. President, because we were in the midst of negotiations with Great Britain to remove the Clayton-Bulwer treaty.

At that time we had amended the Hay-Pauncefote treaty and Great Britain was considering the question whether to agree or not with the amendments. It was pretty generally thought in the Senate, and I thought then and still think wisely considered, that it would be an act of international indecency while those negotiations, initiated at our request, were pending, to pass an act the effect of which would be to abrogate the Clayton-Bulwer treaty.

In 1899, Mr. President, there was incorporated in the river and harbor bill—I think introduced by the Senator from Alabama and referred to the Committee on Commerce—a provision which was substantially the Hepburn bill for the construction of the Nicaragua Canal, and *it passed the Senate.* The House of Representatives nonconcurred in it and the bill went into conference—that provision with the other provisions which had been disagreed to. The distinguished Senator from Maine who presides over the deliberations of this body [Mr. FRYE], was the chairman of the conference committee on the part of the Senate, and Mr. BURTON, I think, was chairman of the conference committee on the part of the House. Out of that conference came, Mr. President, the Canal Commission act, the pertinent portion of which is as follows:

CANAL COMMISSION ACT.

SEC. 3. That the President of the United States of America be, and he is hereby, authorized and empowered to make full and complete investigation of the Isthmus of Panama with a view to the construction of a canal by the United States across the same to connect the Atlantic and Pacific oceans; that the President is authorized to make investigation of any and all practicable routes for a canal across said Isthmus of Panama, and particularly to investigate the two routes known respectively as the Nicaraguan route and the Panama route, with a view to determining the most practicable and feasible route for such canal, together with the proximate and probable cost of constructing a canal at each of two or more of said routes; and the President is further authorized to investigate and ascertain what rights, privileges, and franchises, if any, may be held and owned by any corporations, associations, or individuals, and what work, if any, has been done by such corporations, associations, or individuals in the construction of a canal at either or any of said routes, and particularly at the so-called Nicaraguan and Panama routes, respectively and likewise to ascertain the cost of purchasing all of the rights, privileges, and franchises held and owned by any such corporations, associations, and individuals in any and all of such routes, particularly the said Nicaraguan route and the said Panama route; and likewise to ascertain the probable or proximate cost of constructing a suitable harbor at each of the termini of said canal, with the probable annual cost of maintenance of said harbors, respectively; and generally the President is authorized to make such full and complete investigation as to determine the most feasible and practicable route across said Isthmus for a canal, together with the cost of constructing the same and placing the same under the control, management, and ownership of the United States.

SEC. 4. To enable the President to make the investigations and ascertainments herein provided for, he is hereby authorized to employ in said service any of the engineers of the United States Army, at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary to make such investigation, and to fix the compensation of any and all of such engineers and other persons.

To make full and complete investigation of the Isthmus of Panama with a view to the construction of a canal by the United States across the same to connect the Atlantic and Pacific oceans; that the President is authorized to make investigation of any and all practicable routes for a canal across said Isthmus of Panama, and particularly to investigate the two routes known respectively as the Nicaraguan route and the Panama route, with a view to determining the most practicable and feasible route for such canal.

That was the duty laid, Mr. President, by Congress upon the President, and $1,000,000 were appropriated to defray the expense of the investigation, the result of which the President was to report to Congress.

Under this act President McKinley appointed a Commission of nine, the personnel being as follows: Admiral Walker, chairman; Samuel Pasco, ex-Senator; Mr. George S. Morison, civil engineer; Lieutenant-Colonel Ernst, Corps of Engineers, United States Army; Louis M. Haupt, civil engineer; Alfred Noble, civil engineer; Col. Peter C. Hains, Corps of Engineers, United States Army; William H. Burr, civil engineer, and Prof. Emory R. Johnson. This commission was chosen with great care, and its members were once referred to here by the distinguished Senator from Alabama as "the pick of the country." I have never heard that Commission impeached as to ability or as to integrity. Some of the most eminent engineers of the United States were charged with the duty of investigating the *different routes* and of reporting to Congress as to which the public interest required to be adopted.

REPORTS OF CANAL COMMISSION.

The Commission spent over two years in the work and made "a preliminary report" and what is called a "final report," bearing date November 16, 1901. Both reports were unanimous. They pointed out certain advantages in the Nicaragua route; certain advantages in the Panama route; pointed out the fact, which everyone knew, that the Government of the United States was not at liberty to negotiate with Colombia directly and freely for the requisite concession to secure the construction of the Panama Canal, because there was held outstanding by a French company a concession, under which hundreds of millions of dollars had been expended, a vast amount of work had been performed, and the life of which had some years to run, disabling the Republic of Colombia from entering into any negotiations with reference to the Panama route unless the concessions and property of the New Panama Canal Company should be first acquired with Colombia's consent. That Commission reported that the New Panama Canal Company demanded, as I remember it, $109,000,000 for its property and concessions, which the Commission estimated to be worth $40,000,000, and not more. They were not willing that the Government of the United States should be "held up" in this way by the French company, and therefore they reported, *in view of this extortionate demand and all things considered, in favor of the Nicaragua Canal* as the more *feasible* of the two routes.

It was while this unanimous report, qualified as it was, both preliminary and final, was standing that on January 9, 1902, the House of Representatives passed, with, I think, only two negative votes, the Hepburn bill, which came to the Senate.

Mr. President, while that bill was pending in the Senate and on the 9th of January, 1902, the French company reduced its offer from $109,000,000 to $40,000,000, the estimate of actual value, made by the Canal Commission. Then the Canal Commission, being brought together by order of the President to consider the changed situation with reference to whether a changed report should be made, made a supplementary report, which was unanimous, and was transmitted by the President to Congress January 20, 1902, in which it *recommended the adoption of the Panama route.*

Mr. MORGAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Yes.

Mr. MORGAN. I think I shall have to ask the Senator to reflect a moment about that last statement as to the Commission being unanimous. Mr. Haupt put in the record of the proceedings of that Commission a dissent to which I have called the attention of the Senate and of the Senator from Wisconsin heretofore. I think he ought to state that.

Mr. SPOONER. Mr. President, I regret somewhat that the Senator from Alabama has again called my attention to a fact which I had not at all forgotten. The Senator's suggestion does not call upon me to change in the slightest degree the statement which I made, which is that that report when sent to the Senate by the President bore the signature of every member of that Commission, including that of Mr. Haupt.

Mr. MORGAN. But it did not contain Mr. Haupt's dissent.

Mr. SPOONER. Mr. Haupt did not put his dissent upon it. He signed the report.

Mr. MORGAN. Mr. President——

Mr. SPOONER. I will get to that, if the Senator will permit me.

Mr. MORGAN. Allow me to say just this: Mr. Haupt swore that he did before the Committee on Interoceanic Canals. His testimony is in the report, where every Senator can see it.